

0IDROX02 – Introduction to French Law

Professor: Borys SOLOVIOV
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Department: International affairs
Semester: 1

Course level: L3 undergraduate
Domain: Law
Teaching language: English
Number of in-class hours: 18
Number of course sessions: 6 + Exam
ECTS: 3

Course description and objectives

Geared towards students with prior legal training outside of France, this course will constitute an introduction to the structure, specificities, and most salient features of the French legal system. The course will start by exploring the main historical events that have impacted France's legal system and culture to this day and the various epochs of French constitutional history. It will then give an overview of France's contemporary political and judicial institutions, before engaging with the actual content of French law by delving into the substance of the "public" and "private" branches; it will give a (non-comprehensive) overview of administrative law, criminal law, tort law, and contract law. Throughout the semester, students will be encouraged to approach the course from a comparative perspective, comparing the French system to other systems they might be familiar with, therefore developing their critical thinking and cultural awareness. Ultimately, in addition to earning a basic understanding of French institutions and law, students should gain a new perspective of their own legal systems.

Prerequisites

None

Learning outcomes

By the end of the course, students will have acquired a basic understanding of the substance and functioning of the French legal system as well as a knowledge of some of the most essential legal terms, concepts, and methodological tools necessary to the study and practice of law in France.

Assignments and grading

- 20% Individual class participation
- 80% Final oral exam

More information regarding the assessment modalities will be provided in class. The numerical grade distribution will dictate the final grade. The passing grade for a course is 10/20.

Class participation: Active class participation – this is what makes classes lively and instructive. Come on time and prepared. Class participation is based on quality of comments, not quantity.

Exam policy: In the exam, students will not be allowed to bring any document (except if allowed by the lecturer). Unexcused absences from exams or failure to submit cases will result in zero grades in the calculation of numerical averages. Exams are collected at the end of examination periods.

Course structure

Session	Topic
1	Historical Underpinnings of the French Legal System
2	The Constitution and Institutions of the 5 th Republic
3	The Court System
4	Introduction to French Public Law
5	Introduction to French Private Law
6	Legal Education and Methodology
	Final Exam (Oral)

Bibliography

Students should feel free to consult the books listed below, although they are not required for the course. Optional readings are included in this syllabus, and other compulsory readings will be made available on Moodle.

- John Bell, Sophie Boyron and Simon Whittaker, *Principles of French Law*, 2nd edition, Oxford University Press, 2008
- Raymond Young, *English, French and German comparative law*, 3rd edition, Routledge, 2014

Lecturer's biography

A French and Ukrainian lawyer by training, Borys Soloviov is an adjunct lecturer at Paris-Dauphine University—PSL and a Ph.D. researcher who conducts research in the area of comparative company law and contractual obligations. He is also Undergraduate Programmes Director at Paris-Dauphine University—PSL, London campus, where he teaches undergraduate courses in comparative and international business law. Mr. Soloviov graduated from Kyiv National Taras Shevchenko University (Ukraine) and Paris-Dauphine University—PSL (France). He was also a legal practitioner in private international law, commercial and corporate law in Ukraine, as well as the lecturer in private law at Kyiv National Taras Shevchenko University (Ukraine).

Moodle

This course is on Moodle: **UPD_22_0IDROX02**

Academic integrity

Be aware of the rules in Université Paris Dauphine about plagiarism and cheating during exams. All work turned in for this course must be your own work, or that of your own group. Working as part of a group implies that you are an active participant and fully contributed to the output produced by that group.

Optional Reading Assignments

Session 1: Historical Underpinnings of the French Legal System

Antonio Padoa-Schioppa, “**The Age of the Classical *Ius Commune* (Twelfth–Fifteenth Centuries)**” in *A History of Law in Europe, op. cit.*, in particular sections 7 and 8, 13, 14, 15.

Antonio Padoa-Schioppa, “**The Early Modern Period (Sixteenth–Eighteenth Centuries)**” in *A History of Law in Europe, op. cit.*, in particular section 17.

Antonio Padoa-Schioppa, “**The French Revolution and the Law**” in *A History of Law in Europe, op. cit.*

Antonio Padoa-Schioppa, “**The Napoleonic Era**” in *A History of Law in Europe, op. cit.*

Smithsonian Magazine and Lorraine Boissoneault, ‘**Why Is France in Its Fifth Republic?**’ (*Smithsonian Magazine*) <<https://www.smithsonianmag.com/history/why-france-its-fifth-republic-180962983/>>.

Stephen E Hanson, ‘**The Founding of the French Third Republic**’ (2010) 43 *Comparative Political Studies* 1023.

Antonio Padoa-Schioppa, “**The Age of Nations (1815–1914)**” in *A History of Law in Europe: From the Early Middle Ages to the Twentieth Century* (Cambridge University Press 2017), in particular **Section 32.6 “France: Legislation, Doctrine, Case Law”**.

Jon Cowans, ‘**French Public Opinion and the Founding of the Fourth Republic**’ (1991) 17 *French Historical Studies* 62.

Session 2: The Constitution and Institutions of the 5th Republic

John Bell, Sophie Boyron and Simon Whittaker, *Principles of French Law* (Second Edition, Oxford University Press 2008), “**The ambiguous 1958 Constitution and its two competing readings**”, pp. 145-156.

Dorothy Pickles, ‘**The Constitution of the Fifth French Republic**’ (1959) 22 *The Modern Law Review* 1.

“**Law-making in France**”, *Thomson Reuters, Practical Law*, 19 February 2021.

Dorothy Pickles, ‘**The Constitution of the Fifth French Republic**’ (1959) 22 *The Modern Law Review* 1.

Session 3: The Court System

John Bell, Sophie Boyron and Simon Whittaker, “*Principles of French Law*”, 2nd edition, Oxford University Press, 2008, **see “Court Institutions”, pp. 37-54.**

Session 4: Introduction to French Public Law

John Bell, Sophie Boyron and Simon Whittaker, "Principles of French Law", 2nd edition, Oxford University Press, 2008, **see "Administrative Law", pp. 168-200.**

John Bell, Sophie Boyron and Simon Whittaker, "Principles of French Law", 2nd edition, Oxford University Press, 2008, **see "Sources of Law", pp. 13-36, in particular "Treaties and European Union Law", pp. 17-20.**

Robert Ladrech, "**Europeanization of Domestic Politics and Institutions; The Case of France**", *32 Journal of Common Market Studies* 1, March 1994.

Session 5: Introduction to French Private Law

John Bell, Sophie Boyron and Simon Whittaker, "Principles of French Law", 2nd edition, Oxford University Press, 2008, **see "The Law of Contract", pp. 296-360, & "The Law of Delict" pp. 360-417, & "Property Law", pp. 269-293.**

John Bell, Sophie Boyron and Simon Whittaker, "Principles of French Law", 2nd edition, Oxford University Press, 2008, **see "Criminal Law", pp. 201-240.**

Session 6: Legal Education and Methodology

John Bell, Sophie Boyron and Simon Whittaker, "Principles of French Law", 2nd edition, Oxford University Press, 2008, **see "Judicial Personnel", pp. 55-81.**