

French Legal System And Legal Language

Written primarily for lawyers and law students in the Common law world, this book assumes no prior knowledge of French law. Beginning with an introductory account of the characteristics of French law and the French legal system, it looks at the principles of the French law of contract from the standpoint of a Common lawyer familiar with the problems with which the law of contract has to deal in a modern Western society. Its arrangement follows that of the French law, but the French concepts and rules are set out in relation to their counterparts in the Common law. Consideration is given to recent developments in matters such as the obligation to disclose information, third party rights in 'groups of contracts', unfair contract terms, and the seller's liability for latent defects.

Aims to provide comprehensive coverage of the French legal system. The text is comparative in its approach to institutions and principles in English and French law and concentrates on the "law in action". The author uses analysis to highlight the differences between the two legal systems.

European law, including both civil law and common law, has gone through several major phases of expansion in the world. European legal history thus also is a history of legal transplants and cultural borrowings, which national legal

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histories as products of nineteenth-century historicism have until recently largely left unconsidered. The Handbook of European Legal History supplies its readers with an overview of the different phases of European legal history in the light of today's state-of-the-art research, by offering cutting-edge views on research questions currently emerging in international discussions. The Handbook takes a broad approach to its subject matter both nationally and systemically. Unlike traditional European legal histories, which tend to concentrate on "heartlands" of Europe (notably Italy and Germany), the Europe of the Handbook is more versatile and nuanced, taking into consideration the legal developments in Europe's geographical "fringes" such as Scandinavia and Eastern Europe. The Handbook covers all major time periods, from the ancient Greek law to the twenty-first century. Contributors include acknowledged leaders in the field as well as rising talents, representing a wide range of legal systems, methodologies, areas of expertise and research agendas.

This book explores the development of law in Europe from its medieval origins to the present day, charting the transformation from law rooted in the Church and local community towards a recognition of the centralised, secular authority of the state. Shows how these changes reflect the wider political, economic, and cultural developments within European history Demonstrates the diversity of

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traditions between European states and the possibilities and limitations in the search for common European values and goals

Basing much of its analysis upon the first systematic empirical study of the French pre-trial process, this monograph breaks new ground in the field of comparative criminal justice. Moving away from idealised accounts of judicially supervised investigations, it provides a better understanding of the ways in which an inquisitorially rooted criminal process operates in practice and the factors that influence and constrain its development and functioning. The structure and operation of French criminal justice is set within a broad range of contexts of political, occupational and legal cultures from the French Republican tradition of state-centred models of authority, across the growing influence of the ECHR, to the local conditions which determine the ways in which individual discretion is exercised. The French model of investigative supervision and accountability is contrasted with more adversarial procedures and in particular, the different ways in which the reliability of evidence is guaranteed and the interests of the accused protected. Systematic observation of the daily working practices of police, gendarmes, prosecutors and juges d'instruction across a number of sites and time periods, provides a unique and detailed account of the ways in which the French criminal process operates in practice. The understandings and insights

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generated from this data are then set within a wider legal and political analysis, which considers issues such as the influence and interference of the State within matters of justice; a comparative analysis of the judicial and defence functions; and the extent to which ECHR fair trial guarantees are able to produce legal and ideological change within a process which depends upon a central and judicially supervised investigating authority. An informed knowledge of other European criminal procedures is increasingly essential for those working within UK (as well as comparative) criminal justice, if there is to be a proper engagement with, and evaluation of, measures such as the EUs proposed Council Framework Decision on Certain Procedural Rights in Criminal Proceedings throughout the European Union, as well as recent legislative reform in England and Wales that seeks to adjust the pre-trial roles of police and prosecutor in significant ways. This book will be essential reading for teachers, researchers, students and policy-makers working in the areas of criminal justice in the UK and across Europe, in comparative criminal justice/criminology, as well as in French and European studies.

Derived from the renowned multi-volume International Encyclopaedia of Laws, this very useful analysis of constitutional law in France provides essential information on the country's sources of constitutional law, its form of

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government, and its administrative structure. Lawyers who handle transnational matters will appreciate the clarifications of particular terminology and its application. Throughout the book, the treatment emphasizes the specific points at which constitutional law affects the interpretation of legal rules and procedure. Thorough coverage by a local expert fully describes the political system, the historical background, the role of treaties, legislation, jurisprudence, and administrative regulations. The discussion of the form and structure of government outlines its legal status, the jurisdiction and workings of the central state organs, the subdivisions of the state, its decentralized authorities, and concepts of citizenship. Special issues include the legal position of aliens, foreign relations, taxing and spending powers, emergency laws, the power of the military, and the constitutional relationship between church and state. Details are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for both practising and academic jurists. Lawyers representing parties with interests in France will welcome this guide, and academics and researchers will appreciate its value in the study of comparative constitutional law.

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French Business Law in Translation sets forth a unique collection of translations of those French laws relevant in an international business context. It presents a bilingual version of the French laws and regulations that the authors have condensed from tens of thousands of pages down to the “essence” of the law in each of the fifteen subject areas. They refer to rules and regulations in French law of recurrent importance to business professionals and legal practitioners involved in international business. By adding the relevant French text in a column directly across from the translation into English, this 2nd edition has a whole new dimension which makes it an invaluable resource in legal linguistics for international practitioners and academics. The selection of texts has been made by members of the Paris office of Paul, Hastings, Janofsky & Walker (Europe) LLP, under the direction of Pierre Kirch. A team of advanced French and American law students at Columbia University Law School, supervised by Professor Bermann, has prepared the basic translations. The definitive translations and chapter introductions were prepared by the authors. Through a sound translation of the legislation which recurringly applies to ordinary and usual business situations, it is possible to discern the philosophy underlying the French system, reflective of how France conceives and regulates business phenomena that are in themselves essentially universal. Significant excerpts of fast-evolving

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areas of the law have been translated because in a French setting, transactional work involves not only fundamental contractual concepts set out in the Civil Code, but also securities law, intellectual property, competition, tax and labor law considerations. Each chapter opens with a brief introduction to the subject and an outline of its contents. The purpose is to allow the reader to place the translated legislation and rules in their overall context. The selection of translated material is done in such a way as to enable the reader to appreciate in their full scope the fundamentals of each area of the law, as conceived by the legislator, the French Government and, in certain cases, independent regulatory authorities. A glossary added to each chapter is intended to give a preliminary idea of the conceptual linguistic tools used in each of the subject-area chapters. Legal translation is not an exact science, but based on the authors' combined experience of more than 50 years in dealing with the fascinating differences between French law and U.S. law, they are keenly aware of the fact that the translation of legal language is not made by the translation of words, but rather by an attempt to use words to achieve an (often rough) equivalence of concepts. By putting the French original across from the translation, and by investing themselves in the qualitative value of seeking not words but conceptual equivalents or explanations for the rules of French law, they hope to have fostered a deeper understanding of the laws and

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regulations governing business in France. This should not only better inform those lawyers involved internationally but also be instructive to French lawyers interested in the recurrent linguistic characteristics of French legal texts. This can only be shown when the French original is compared with the appropriate conceptual link to American legal English.

As the bicentenary of the Conseil d'Etat approaches, this new edition of the leading English-language text provides a detailed profile of the Conseil and offers an up-to-date overview of le droit administratif, which is regarded, alongside the Code Napoleon, as the most notable achievement of French legal science. The Conseil d'Etat is taken as a model for many administrative systems in Europe and beyond, and it continues to exercise a strong influence upon the emerging democracies of Eastern Europe and the Third World. The eleven expanded appendices, including statistics, model pleadings and other illustrations, provide an invaluable and accessible source of information on the French administrative courts, their procedure and case-load. Throughout the approach is comparative, with frequent references to developments in United Kingdom administrative law and in the EC institutions. The book will be an invaluable guide to all students of French law and comparative public law.

The French legal system has become a subject of increasing interest to lawyers

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from Britain and other countries of the Common Law tradition - particularly since greater integration within the European Union will inevitably make it even more important for British lawyers to have an understanding of French law.

Judicial Cosmopolitanism: The Use of Foreign Law in Contemporary Constitutional Systems offers a detailed account of the use of foreign law by supreme and constitutional Courts of Europe, America and East Asia.

This book argues that the introduction of popular sovereignty as the basis for government in France facilitated a dramatic transformation in international law in the eighteenth century.

This book describes and explains how the so-called system of legal proofs, which consisted of a strict set of evidentiary rules, was replaced with the free evaluation of the evidence in France, Germany and the Netherlands between 1750 and 1870.

Judicial Deliberations compares how and why the European Court of Justice, the French Cour de cassation and the US Supreme Court offer different approaches for generating judicial accountability and control, judicial debate and deliberation, and ultimately judicial legitimacy. Examining the judicial argumentation of the United States Supreme Court and of the French Cour de cassation, the book first reorders the traditional comparative understanding of the difference between

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French civil law and American common law judicial decision-making. It then uses this analysis to offer the first detailed comparative examination of the interpretive practice of the European Court of Justice. Lasser demonstrates that the French judicial system rests on a particularly unified institutional and ideological framework founded on explicitly republican notions of meritocracy and managerial expertise. Law-making per se may be limited to the legislature; but significant judicial normative administration is entrusted to State selected, trained, and sanctioned elites who are policed internally through hierarchical institutional structures. The American judicial system, by contrast, deploys a more participatory and democratic approach that reflects a more populist vision. Shunning the unifying, controlling, and hierarchical French structures, the American judicial system instead generates its legitimacy primarily by argumentative means. American judges engage in extensive debates that subject them to public scrutiny and control. The ECJ hovers delicately between the institutional/argumentative and republican/democratic extremes. On the one hand, the ECJ reproduces the hierarchical French discursive structure on which it was originally patterned. On the other, it transposes this structure into a transnational context of fractured political and legal assumptions. This drives the ECJ towards generating legitimacy by adopting a somewhat more transparent

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argumentative approach.

Divided into concise units which contain introductory text relating to different aspects of the French legal system, this book features translations and key legal vocabulary and a range of exercises and activities.

The second edition of *French Law: A Comparative Approach* provides an authoritative, comprehensive, and up to date account of the French legal system and its internal workings. It sets out the institutional frameworks, substantive law, and methodologies that underpin the system, and provides expert insight into the civil law way of thinking and an explanation of how law is made and enforced in France. It offers detailed case studies of how French law is shaped in practice in key areas, including commentary on landmark cases that have shaped modern French law. Illuminating and insightful comparisons to other legal jurisdictions are made throughout, helping readers appreciate the distinguishing features and unique nature of the French legal landscape.

Explains the sources of French law, the structure of the courts and professions, and the characteristics of the legal process. This book: covers the areas taught at the beginning of courses on French law; includes chapters on academic and professional law studies in France; and features illustrations on how to structure essays and exercises.

The 2005 *Avant-projet de réforme du droit des obligations et de la prescription*, also dubbed the *Avant-projet Catala*, suggests the most far-reaching reform of the French Civil code since it came into force in 1804. It reviews central aspects of contract law, the law of delict and the law of unjustified enrichment. There is currently a very lively debate in France as to the merits or

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the demerits of both the particular draft provisions and the general idea of recodification as such. This volume is the first publication to introduce the reform proposals to an English speaking audience. It contains the official English translation of the text, and distinguished private lawyers from both England and France analyse and assess particularly interesting aspects of the substantive draft provisions in a comparative perspective. Topics covered include negotiation and renegotiation of contracts, la cause, the enforcement of contractual obligations, termination of contract and its consequences, the effects of contracts on third parties, the definition of la faute, the quantification of damages, and the law of prescription. The volume also contains an overall assessment of the draft provisions by one of the most senior French judges who chaired the Working Party on the Avant-projet, established by the French Supreme Court, the Cour de cassation. The book is indispensable for comparative private lawyers and lawyers with a particular interest in French law. It is also of use to all private lawyers (both academics and practitioners) looking for information on recent international and European trends in contract and tort.

Offering students and lawyers an introduction to the French law and legal system, this text gives an explanation of the French institutions, concepts, and techniques, providing a clear sense of the questions which French lawyers see as important.

This book provides a readable and well-balanced overview of the French legal system for students, academics and practitioners alike. It covers the procedural side as well as the substantive aspects of French law. The contents include the new French Criminal Code; the recent changes made in the organisation of the courts and to the legal professions; a comprehensive overview of the various forms of French business organisation; and the nature

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of the French constitution against the background of widespread public pressure for the reform of some of its institutions. As well as explaining all the legal concepts and rules encountered in terms which can be understood by those who have studied English law. the book also includes a glossary of legal terms which will benefit the legal translator.

The Oxford Handbook of Caribbean Constitutions offers a detailed and analytical view of the constitutions of the Caribbean region, examining the constitutional development of its diverse countries. The Handbook explains the features of the region's constitutions and examines themes emerging from the Caribbean's experience with constitutional interpretation and reform.0Part I, 'Caribbean Constitutions in the World', highlights what is distinctive about the constitutions of the Caribbean. Part II covers the constitutions of the Caribbean in detail, offering a rich analysis of the constitutional history, design, controversies, and future challenges in each country or group of countries. Each chapter in this section addresses topics such as the impact of key historical and political events on the constitutional landscape for the jurisdiction, a systematic account of the interaction between the legislature and the executive, the civil service, the electoral system,0and the independence of the judiciary.0Part III addresses fundamental rights debates and developments in the region, including the death penalty and socio-economic rights. Finally, Part IV features critical reflections on the challenges and prospects for the region, including the work of the Caribbean Court of Justice and the future of constitutional reform.0This is the first book of its kind, bringing together in a single volume a comprehensive review of the constitutional development of the entire Caribbean region, from the Bahamas in the north to Guyana and Suriname in South America, and all the islands in between. While written in English, the book embraces the linguistic and

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cultural diversity of the region, and covers the Anglophone Caribbean as well as the Spanish-, French-, and Dutch-speaking Caribbean countries.

To what extent is the language of judicial opinions responsive to the political and social context in which constitutional courts operate? Courts are reason-giving institutions, with argumentation playing a central role in constitutional adjudication. However, a cursory look at just a handful of constitutional systems suggests important differences in the practices of constitutional judges, whether in matters of form, style, or language. Focusing on independently-verified leading cases globally, a combination of qualitative and quantitative analysis offers the most comprehensive and systematic account of constitutional reasoning to date. This analysis is supported by the examination of eighteen legal systems around the world including the European Court of Human Rights and the European Court of Justice. Universally common aspects of constitutional reasoning are identified in this book, and contributors also examine whether common law countries differ to civil law countries in this respect.

This text aims to assist the increasing numbers of students involved in Anglo-French law programmes in working out the techniques of legal analysis in France in the course of their legal studies. It brings together theory and practice of legal reasoning in France in a comparative perspective.

Comparing constitutions allows us to consider the similarities and differences in forms of government as well as the normative philosophies behind constitutional choices. The objective behind this Companion is to present the reader with a succinct yet wide-ranging companion to a modern comparative constitutional law course.

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French legal developments are traced through various periods.

This paper focuses on concerns over wages, jobs, and future prospects are real and pressing for those who are not well equipped to thrive in this new world. History clearly tells us that closing borders or increasing protectionism is not the way to go. Many countries have tried this route, and just as many have failed. Instead, we need to pursue policies that extend the benefits of openness and integration while alleviating their side effects. Emerging and developing economies have been the prime beneficiaries of economic openness. According to the World Bank, trade has helped reduce by half the proportion of the global population living in extreme poverty. China, for instance, saw a phenomenal drop in its extreme poverty rate—from 36 percent at the end of the 1990s to 6 percent in 2011. Another example is Vietnam, which—in a single generation—moved from being one of the world's poorest nations to middle-income status—which has allowed for increased investments in health and education.

This book provides a fascinating and critical insight into familiar and less familiar mixed legal systems, taking the reader on a voyage of discovery from St Lucia and Guyana to the islands of the Seychelles and Mauritius. It considers those mixed systems which share boundaries with unmixed ones, such as Scotland and Quebec, and those located off-shore of major and dominant jurisdictions such as Jersey off the coasts of France's civil law and England's common law system, as well as Cyprus, situated between the influences of Europe and those of the Middle East.

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This work combines a theoretical approach to legal translation with a practical exposition of how relevant principles may be applied to the French legal system. In two introductory chapters, the author discusses what is meant by "legal language" and goes on to describe the techniques available for translating legal terms. The remaining chapters provide a detailed account of the French legal system.

This important new textbook compares civil and common law systems using the French legal system as its basis. Focusing on the four main branches of French Law: civil, criminal, administrative and constitutional law, the book examines the way that the judiciary, lawyers and academics operate within them.

Schwartz, Bernard, Editor. *The Code Napoleon and the Common-Law World: The Sesquicentennial Lectures Delivered at The Law Center of New York University December 13-15, 1954.* New York: New York University Press, 1956. x, 438 pp. Reprinted 1998 by The Lawbook Exchange, Ltd. LCCN 98-34100. ISBN 1-886363-59-5. Cloth. \$80. * Reprint of the first edition, the work consists of the papers delivered by participants in the conference sponsored by the New York University Institute of Comparative Law to honor the 150th anniversary of the French Civil Code, which was the largest public celebration of the event in the legal world. The papers deal with the influence of the Code upon common-law countries in their efforts to manage statute and case law and gives examples of modern attempts at restatement of the law and uniform state laws as examples of the effect of the Code's coherence and logic. At the time of these lectures Schwartz was Director of the Institute. French law displays many characteristics that set it apart in a world class of its own. It can be

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said to proceed from a number of independent streams that coexist despite apparent contradiction. More than half of the 2283 articles of the famous Code Civile of 1804 remain unaltered; yet French administrative judges jealously guard their prerogative to create their own public law. And yet again, since the 1974 law empowering the legislature to convene the Constitutional Council that judges the constitutionality of laws under the 1958 Constitution, the courts' distinction between 'rules' and 'fu.

Voices in the Legal Archives in the French Colonial World: "The King is Listening" offers, through the contribution of thirteen original chapters, a sustained analysis of judicial practices and litigation during the first era of French overseas expansion. The overall goal of this volume is to elaborate a more sophisticated "social history of colonialism" by focusing largely on the eighteenth century, extending roughly from 1700 until the conclusion of the Age of Revolutions in the 1830s. By critically examining legal practices and litigation in the French colonial world, in both its Atlantic and Oceanic extensions, this volume of essays has sought to interrogate the naturalized equation between law and empire, an idea premised on the idea of law as a set of doctrines and codified procedures originating in the metropolis and then transmitted to the colonies. This book advances new approaches and methods in writing a history of the French empire, one which views state authority as more unstable and contested. Voices in the Legal Archives proposes to remedy the under-theorized state of France's first colonial empire, as opposed to its post-1830 imperial expressions empire, which have garnered far more scholarly attention. This book will appeal to scholars of French history and the comparative history of European empires and colonialism.

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