

# Principles of French Constitutional Law

Marie-Luce Fauriol



# French Constitutional Law

**Lionel Neville Brown, John Bell, Jean-  
Michel Galabert**



## **French Constitutional Law:**

**Principles of French Constitutional Law** Marie-Luce Paris, 2024-12-11 *Principles of French Constitutional Law* offers a concise and accessible account of the key principles and rules of constitutional law in the French legal system presenting a much needed up to date overview of this rapidly changing subject The textbook explores the five essential pillars that underpin the teaching of constitutional law namely the institutions legal history case law comparative law and current affairs and developments It is split into two core sections Part I examines the basis of French constitutional law the theoretical developments about key notions of constitutional law such as the state and the constitution as well as the historical background to French constitutional law Part II provides students with an understanding of the current Fifth Republic and how constitutional rules are adopted and applied and how they affect other areas of law and politics It offers a critical account of the 1958 Constitution's past present and future by placing it in its political and socio historical contexts and critically assessing contemporary developments and constitutional reforms Given the growing expansion of this branch of law in the French legal system this book will be essential reading for anyone studying French Law Law with French Comparative Constitutional Law and European Legal Studies

*Constitutional Law in France* Marie-Luce Paris, 2024-01-18 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 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

*French Constitutional Law* John Bell, 1992 Both a textbook and a source of key materials translated into English French Constitutional Law is a systematic English language study of judicial review in France

**Introduction to French Law** George A. Bermann, Etienne Picard, 2008-01-01 French law displays many characteristics that set it apart in a world class of its own It can be 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 facts

**The Constitution of France** Sophie Boyron,2012-12-21 The centrepiece of this work is the French Constitution of 1958 portrayed by the author as an innovative hybrid construct whose arrival brought the constitutional stability that had eluded France for centuries But the creation of the 1958 Constitution was not an isolated act it represents part of an evolutionary process which continues to this day Even though it is codified the constitution of the Fifth Republic has evolved so markedly that some commentators have dubbed the present institutional balance the Sixth Republic It is this dynamic of the constitution which this book seeks to explain At the same time the book shows how the French constitution has not developed in isolation but reflects to some extent the global movement of ideas ideas which sometimes challenge the very foundations of the 1958 Constitution

**Constitution of the Fifth French Republic** Michel Debré,Charles de Gaulle,2021-04-11 The Constitution of the Fifth French Republic stands as a seminal collection of thought provoking works that encapsulate the sweeping changes in French governance post World War II This anthology presents an intricate tapestry of themes surrounding democracy sovereignty and statecraft meticulously documented through a rich array of legal historical and philosophical styles With pieces ranging from incisive political analyses to reflective commentaries on the evolving notion of republicanism the collection situates readers at the confluence of historical continuity and institutional innovation Its significance is further highlighted by in depth examinations of pivotal moments that reshaped the French political landscape The collective insights of Michel Debré and Charles de Gaulle both towering figures in 20th century French politics serve as the guiding force behind this anthology Their contributions draw from their pivotal roles in shaping the Fifth Republic capturing the zeitgeist of a nation in transition Debré's legal acumen paired with de Gaulle's visionary leadership lends the anthology an authoritative voice that resonates with the ideological and cultural shifts endemic to this era The works align with modern movements of nationalism and the resurgence of strong state apparatuses effectively bridging France's storied past with the ambitions of its contemporary governing frameworks This anthology offers a substantive exploration for readers eager to navigate the complexities of constitutional law and political reform By engaging with the multifaceted perspectives contained within readers will not only gain a deeper understanding of France's constitutional heritage but also participate in a broader dialogue about governance and authority It is an indispensable resource for scholars students and anyone vested in comparative political studies illustrating the enduring impact of constitutional discourse on global democratic practices

The French Constitution France,1963 **French Constitutional Law** Martin A. Rogoff,2014 French Constitutional Law includes extracts from decisions of the Constitutional Council and Council of State

significant laws important reports and a variety of French legal writings many translated into English for the first time These materials are accompanied by commentary notes and readings from secondary sources including a generous sampling of extracts from historical and philosophical texts to permit an understanding of the French constitutional system in context The aim of the book is to present French constitutional law from a French perspective to understand how the French think about constitutional law and its practice Dynamics of constitutional evolution in France are stressed and special attention is devoted to the extensive and significant constitutional amendments of July 2008 The book deals in depth with the following matters separation of powers and the structure and functioning of government the evolution and practice of judicial review by the Constitutional Council the role of the Council of State in the French constitutional system sources of French constitutional law and their interpretation the Republican tradition liberty and human rights democracy and national sovereignty secularism equality social solidarity and the indivisibility of the Republic and the application of supranational law international law European Union law and European human rights law in the French constitutional system This book is well suited for use in law school as the materials are structured to provide the basis for class discussion of legal issues It is also well suited for use in undergraduate and graduate courses in French European or comparative politics or history An addendum has been added to this book in its revised printing to reflect important developments with respect to the new Question prioritaire de constitutionnalit QPC jurisdiction of the Constitutional Council This book is part of the Comparative Law Series edited by Michael L Corrado Arch T Allen Distinguished Professor of Law UNC School of Law

**Dynamics in the French Constitution** David Marrani, 2013-10-08 The promulgation of the Fifth French Republic Constitution in 1958 marked the end of a complex constitutional history that has since 1789 seen more than twenty constitutions and five Republics Lasting now for more than fifty years the Fifth Republic Constitution has proven to be the right settlement for the French people a consensual text However while offering the appearance of stability the Fifth French Republic Constitution has often been reconsidered and changed not least in the year of its fiftieth anniversary when the Constitution was modernised These dynamics of the Fifth Republic Constitution are neither a recent matter nor entirely the result of the successive constitutional amendments Instead the history of the Constitution has involved the resurgence of repressed archaic elements from the ancient regime while the social economic and environmental contexts have penetrated not only the text itself but more extensively its spirit and behind it the philosophy and our perception of the Republic In Dynamics in the French Constitution David Marrani questions the foundations of the French Fifth Republic In using specific themes current and traditional debates contemporary and archaic factors that have enlightened the road of long lasting Republic the book explores some of the changes of the last fifty years and the tensions that are present within the constitutional text In combining theoretical concepts of constitutional law with key contemporary and historical developments such as the European integration the response to environmental challenges the practice of human rights and the pillars supporting

French republicanism this book offers varied and creative tools for a better understanding of the Republic of today

French Administrative Law Lionel Neville Brown, John Bell, Jean-Michel Galabert, 1998 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 Napoléon 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

**International Investment Protection and Constitutional Law** Stephan W. Schill, Christian J. Tams, 2022-11-25 This book develops a conceptual framework that captures not only the tensions between constitutional values that are common to liberal democracies human rights democracy and the rule of law and the investment treaty regime but also the potential for co existence and complementarity

*The Cambridge Companion to Comparative Constitutional Law* Roger Masterman, Robert Schütze, 2019-10-03 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

**Bureau Sureleve** Dr Amrit Rattan K Baidwan-Macfarland, 2021-10-14 The promulgation of the French constitution and its key and fundamental concept of Universalism marked the end of Monarchical rule in France and the fifth republican constitution similarly marked the end of its fundamental and evolutionary history The French constitution influenced the American line American Australian European nations states governance philosophy and constitutions These were founded on its stability and the dynamics of governance became a settled matter as amendments rested in and through its final stages There was a resurgence of classical elements principles within the legal order of nations and social economic and environmental contexts were impacted This book focuses on the rights to high office by women through the lens of the foundations of the French universalism concept but also does a comparative analysis of the American affirmative principle differentialism European human rights and charters using notable examples from throughout the world the Atlantic Pacific and African Arabian spheres such as Indira Gandhi Angela Merkel Aung San Suu Kyi and the recently appointed Vice President of USA Kamala Harris

*Constitutional Law, Administrative Law, and Human Rights* Ian Loveland, 2015 Constitutional Law Administrative Law and Human Rights provides a unique cross disciplinary approach to the study of public law Engaging critical and stimulating it enables the reader to gain a thorough and fundamental appreciation of the law in its wider context

**European Yearbook of Constitutional Law**

**2021** Jurgen de Poorter, Gerhard van der Schyff, Maarten Stremmer, Maartje De Visser, 2022-06-06 The European Yearbook of Constitutional Law EYCL is an annual publication devoted to the study of constitutional law It aims to provide a forum for in depth analysis and discussion of new developments in the field both in Europe and beyond This third volume of the EYCL focuses on constitutional advice an underexplored topic of legal scholarship today and addresses this situation by looking beyond constitutional law's familiar focus on the classic separation of powers and the main legislative executive and judicial bodies implied by this construct The attention is shifted to mapping and analysing the advisory bodies and functions grouped around and in support of the legislators administrators and judges at the frontline of the constitutional edifice which is accomplished through national comparative and transnational perspectives on constitutional advice from Europe and beyond Addressing the topic of constitutional advice is necessary to broaden and deepen not only our understanding of advice as a field in its own right but also as a way of rendering a fuller account of contemporary constitutionalism Also the increasing political polarisation across many societies today underscores the need to study constitutional advice on topics of significance in an attempt to bridge divides and end gridlock This book will be of special interest to constitutional scholars and legal scholars more generally as well as to political scientists In addition government officials judges and policy makers wishing to better understand the legal mechanisms and avenues when it comes to rendering or receiving advice in the contemporary constitutional context will find much of relevance Jurgen de Poorter is professor at Tilburg Law School Department of Public Law and Governance Gerhard van der Schyff is associate professor at Tilburg Law School Department of Public Law and Governance Maarten Stremmer is assistant professor at Maastricht University Faculty of Law Department of Public Law Maartje De Visser is associate professor at Yong Pung How School of Law Singapore Management University Singapore

**The Internet and Constitutional Law** Oreste Pollicino, Graziella Romeo, 2016-01-13 This book analyses emerging constitutional principles addressing the regulation of the internet at both the national and the supranational level These principles have arisen from cases involving the protection of fundamental rights This is the reason why the book explores the topic thorough the lens of constitutional adjudication developing an analysis of Courts argumentation The volume examines the gradual consolidation of a constitutional core of internet law at the supranational level It addresses the European Court of Human Rights and the Court of Justice of the European Union case law before going on to explore Constitutional or Supreme Courts decisions in individual jurisdictions in Europe and the US The contributions to the volume discuss the possibility of the constitutionalization of internet law calling into question the thesis of the so called anarchic nature of the internet

**French Constitutional Law**, 1979 **Foreign Policy Objectives in European Constitutional Law** Joris Larik, 2016-03-24 Presenting the first comprehensive account of foreign policy objectives as a growing part of European constitutional law Joris Larik confronts the trend of enshrining international ambitions in the highest laws of states and the European Union Closely examining the provisions of foreign policy objectives Larik differentiates their legal force and

functions situating them into the overall legal order of the state the EU and the composite European constitutional space He argues that the codification of foreign policy objectives suggests a progression in the evolution of the role of the constitution from limiting public authority to guiding it towards certain goals both at home and in the wider world Advancing a comparative constitutional perspective for the study of EU external relations this volume contributes a constitutional dimension to the normative power debate in the study of EU foreign policy Drawing on established national doctrines on constitutional objectives from Germany France and India the book provides a common vocabulary for coming to terms with foreign policy objectives as legal norms across different jurisdictions In the pluralist context and closely intertwined legal orders of the EU and its Member States it shows how objectives help to channel the individual ambitions of the Member States through the Union framework towards a more coherent external action Furthermore the book connects its legal findings with the debate on the EU as an actor in international relations exploring the role of these norms in inter institutional struggles and processes of identity shaping legitimation and socialization

**Principles of French Law** John Bell, Sophie Boyron, Simon Whittaker, 2008 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

The Oxford Handbook of Comparative Constitutional Law Michel Rosenfeld, András Sajó, 2012-05-17 A comprehensive reference resource on comparative constitutional law this title examines the history and development of the discipline its core concepts institutions rights and emerging trends

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