

MASTER 1

International and European Law

UE1 Introduction to civil law system
(Cours de M. MARRANI)

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9h-11h

Aucun document n'est autorisé.

For Legrand, ‘the two legal traditions represented in Western Europe – known to Anglophones as “civil law” and “common law” – find themselves interacting with one another within a general legal framework, that of the Treaty of Rome’.[1]

The terminology used by Legrand is of traditions rather than systems. Because these two legal traditions remain ‘discursive formations of sufficient homogeneity’, making them ‘autonomous discursivities’, they permit the definition of ‘two modes of understanding reality (reflecting the two foundational mythologies)’ [2].

Furthermore, as recently expressed by Legrand and Samuel, we cannot consider common law as a ‘system’ in the way civil lawyers understand it, although we can apply the term ‘system’ to what is found in the germano-roman context [3].

Please comment using the UK in the EU as illustration.

[1] P. Legrand, ‘How to Compare Now’, *Legal Studies* 16 (1996), pp. 232–242, esp. p. 232.

[2] *Ibid.*, p.240.

[3] P. Legrand. & G. Samuel, *Introduction au Common Law* (Paris: La decouverte 2008), esp. p. 8.