

Madam Director General of Globalisation, Development and Partnerships,

Your Excellencies,

First let me thank the Ministry of Foreign Affairs for asking the university to join the discussion it has happily instigated on *influence through the law*.

Before I turn to the part that French universities play – or could play – in this undertaking, it seems important to me to emphasise two points:

The first is that the international influence of French law is not simply an ambition for the future, but a reality to be maintained. We are perhaps not sufficiently well aware, outside the legal community, of the extent to which French law, originally driven by the codification system introduced under Napoleon, influenced and inspired foreign legislatures all over the world, not only in Europe but also in Latin America and Asia, in both the 19th and 20th centuries. Even today, lawyers in the civil-code family, as distinct from common-law systems, perceive a specifically French legal methodology and way of thinking about the law, which many beyond our borders appreciate for its clarity and rationalism. It was said many times at the 2004 events celebrating the bicentenary of the French Civil Code, both in France and abroad. Institutions such as the *Association Henri Capitant des Amis de la Culture juridique française*, created in 1935, and the *Fondation pour le droit continental*, formed in 2006, are actively involved in maintaining and developing this influence.

The second is that the influence of French law is closely linked to that of French culture. Law is, indeed, part of culture. Through it, we learn how a population coordinates and prioritises the different values of economic efficiency, social justice, moral demands and legal certainty, the relative importance it accords to things that are free of charge and economic interests, or the weight given to individual rights and freedoms compared with collective interests. And whilst globalisation inevitably prompts a happy and fertile dialogue about cultures, it cannot and must not result in uniformity, which would impoverish us greatly. The comparative law of the internet, of intellectual property, of bioethics or the family, shows us that in fact, we are nowhere near such a point.

That said, what do French universities contribute – or what could they contribute – to this strategy of influence through law?

I shall not comment on the numerous pieces of both individual and joint research that have been done on this, particularly in comparative law and the philosophy of law, and which are driving the debate on contemporary changes in our law. Such research, disseminated in symposia or publications, is helping to explain the impact that globalisation has on the law from two points of view: an economic one, as trade now operates on a global scale, and a political one, in the approach to human rights and individual freedoms. Insofar as they affect the relationship between on the one hand, the dissemination of a right and on the other, economic power and political influence, they are valuable in conceiving a strategy of influence through the law.

I shall limit what I have to say to the methods by which universities incorporate – or could incorporate – international influence into their twofold mission of teaching and research, and thus contribute to increasing French influence. Such methods are used – or could be used – both internally and externally, in France and abroad.

I. In France, universities welcome, and must welcome, foreign students. Such openness is essential. Once these students return to their respective countries, they will retain the robust links that are formed at an age when people are in the thick of discovering new things, both with France, where they have lived, and with the French, whom they have known. It is with France and with French people that they will maintain legal relationships or simply do business. If you need further evidence, you have only to read the numerous testimonials by foreigners who completed some or all of their studies in France and came to express their gratitude at the commemorations to mark the centenary (1904), 150 years and the bicentenary (2004) of the French Civil Code.

In this respect, French universities have diversified what they offer to foreign students. First, they offer courses that are specially designed for them; some, like the LLM, over a semester or year, others over a much shorter period, such as the Summer School set up by the *Fondation pour le droit continental*, which is proving increasingly successful. Secondly, they reserve places for them on courses that are especially popular with French students, in particular on certain Master's programmes, including those that study regional rights such as the fast-developing law of the OHADA (Organization for the

Harmonization of Business Law in Africa). These courses offer the twofold advantage of mixing with French students and obtaining a nationally accredited qualification. Finally, they offer the most promising of them supervision for their doctorate, sometimes on the basis of joint arrangements with their home university, giving them the opportunity to familiarise themselves with French methods. Let me add at this point that comparative law now forms a greater part of all programmes of study than it did previously.

Two obstacles need to be overcome.

The first, which does not fall within the universities' remit, is the question of *visa policy*, i.e. the difficulties people sometimes face in securing them. Let's move on...

The second is the *language of instruction*; we need to accept that French is no longer the *lingua franca* it once was. This requires a twofold response. On the one hand, we need not only maintain but also promote the learning of French outside France, by emphasising the importance of the French-speaking world. But we also need to offer courses, even in France, where some teaching is delivered in English. I am very aware of the link that exists between law and language, but we need to take the risk and talk about French law in English. Experiments carried out in Louisiana and French-speaking Canada have shown that it is possible, following certain translation principles, to talk about civil law in English without misconstruing the concepts.

I will not add to these two obstacles the relative lack of grants. These undoubtedly make it possible – or easier – for foreign students to come to our universities, assuming they are wisely allocated. Nonetheless, many students are prepared to borrow, sometimes from their families, to fund studies abroad, provided the right kind of courses are on offer.

II. Outside France, actions by universities and academics is focused on three main areas.

► First, *establishing courses and even creating separate campuses, outside France*. This is already happening in Asia, in Vietnam, Cambodia and Singapore, sometimes in cooperation with a local university. This saves foreign students the cost of travelling to France and living here. Moreover, providing these courses award French qualifications, French students who are keen to study elsewhere can enrol on them: in so doing they will build links with local students and some of them will stay, in law firms or businesses, thus ensuring France maintains an international presence. Finally, when advanced courses of this kind are offered from the start of a degree, i.e. straight after the baccalaureate, they act as an extension to the courses provided by French secondary schools. This continuity is important: in some countries, families are reluctant to enrol their children in a French secondary school because there is then no university course available locally.

Similarly, virtual campuses can be developed using new information and communications technologies. These are Massive Open Online Courses or “MOOCs”: interactivity is the rule and they can be free of charge.

► Secondly, *providing academic expertise* to states that decide to introduce new legislation and to international organisations (European institutions, the World Bank, commissions within the United Nations, etc.), where law is developed on the basis of negotiations between lawyers from different countries, whether this is in the form of international conventions or the “soft law” that we know is so important for regulating the economy. It is essential to allow French lawyers, both academics and practitioners, to be involved, and on a regular basis. Indeed French expertise is often appreciated, precisely because of the qualities of French legal reasoning I mentioned previously. The *Fondation pour le droit continental* has chosen precisely the right moment to act to increase its influence.

► Thirdly, the *presence of professors in foreign universities that wish to have them working there*. A few years ago, a number of the positions available through the *agrégation* competitive examination in law were overseas, in Africa, the Middle East or Asia. Young professors therefore stayed in a foreign university for a few years, where

they educated generations of students, created close links with the local elites and then remained as trusted advisers to their former students who became major players in business or political life. I do not know whether this form of cooperation represents an excessive burden for France's public finances (we have, after all, managed to create foreign liaison judges). What I do know is that other countries, such as Germany or the United States, offer certain universities a consistent presence in terms of teaching staff and that these universities regret that the French are merely fleeting visitors... Once again, I must mention the *Fondation pour le droit continental*, which has created permanent chairs in several foreign universities (in Argentina, Chile, Colombia, Korea, Japan and Morocco), which host a series of lectures by lawyers in civil law every year.

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The diplomatic services can offer the universities very valuable assistance in all these initiatives. On the one hand, they can let French universities know about opportunities to offer their courses or expertise. On the other, they can tell local universities and authorities about the courses and expertise available through French universities. Thank you, Your Excellencies, for your support now and in the future.