

Speech by H.E. Sylvie Bermann
French Ambassador to the United Kingdom
at the reception following the conference
on the French reform of contract law
6 November 2015

Madame la Directrice,

Ladies and gentlemen,

Dear friends,

It's a great pleasure for me to welcome you to the French Residence today, following the conference on the French reform of contract law.

This afternoon you had the opportunity to hear four excellent speakers on the subject, Mme Champalaune, Mme Pédamon, M. Borghetti and M. Haravon – a very fine panel of judges and academics. I thank them for taking part in this event, organized under the aegis of the French Embassy, in close and constant liaison with the University of Westminster.

Your high turnout this evening is a result of the many links that have been established: first of all the Franco-British Lawyers Society, whose effectiveness and creativity have never ceased to amaze me since I met its members. Several of them are here; some have come from Paris specially, like the Vice-President, Mme Lisfranc. Thanks to the work of the French Chamber of Commerce in Great Britain, and its Director, Florence Gomez, representatives of the business world have also been able to join us to discuss what is at stake in this reform, an essential part of a vast project to modernize the judicial system in the twenty-first century. Finally, the involvement of the law firm Gide Loyrette Nouel has also been very useful.

I'm not going to provide a breakdown of the main aspects of the reform. Its goal is to make the law more transparent, not only for individuals and professionals but also for practitioners,

out of a concern for predictability and legal certainty, so that it better addresses the expectations and needs of economic and social players. It's about promoting contractual justice without damaging economic efficiency.

But it seems appropriate to emphasize that in many respects today – partly thanks to this meeting – the comparative approach I strongly encourage has been put into practice and is already bearing fruit, because it's helping foster fair competition between our legal systems. It contributes to the influence of continental law in a land of Common Law, and highlights the attractiveness of the law, an essential factor in the expansion of trade relations, the foundation of economic growth.

Let me also welcome the Justice Ministry's initiatives to involve in the public consultation many players who have helped build the edifice and awaken what Denis Mazeaud has called "that sleeping beauty", the Civil Code.

Indeed, the text of the reform drew on the Justice Ministry's public consultation from February to April twenty-fifteen with an extremely varied public of which you are, in a way, the representatives. As law professionals – judges, lawyers, law officers, researchers, faculty professors and law students – you've contributed to the collective discussion, and you all support a reform which you've come to believe will keep us in step with our changing, globalized world.

Finally, may I thank two eminent professors, Professor Whittaker – who has done us the honour of attending this evening – and his colleague Professor Cartwright; they have translated these texts and thus done a great deal to raise awareness of the reform under way. Their contributions, published on the Justice Ministry's website alongside the Spanish and Portuguese versions – translated by the *Fondation pour le Droit Continental* – will play a major role in publicizing the reform beyond France's borders.

When I arrived in London I commissioned a study entitled "*Londres ville monde*", to get a broad picture of this city's strengths. One chapter was devoted to "*Londres, capitale du droit*". The British legal tradition – rooted in the heart of London – is a source of national pride and unity. London has become one of the major capitals of arbitration, and the fact that it's the city of choice for signing international contracts says a lot about its attractiveness. So it's all the more symbolic that this conference is taking place in the very capital of the country regarded as the cradle of Common Law.

Common Law is often likened to a river. The eminent jurist Picard put it this way: “In all its history, Common Law changes and yet it does not change. Just like a running river, it is always the same and yet it is never the same.” As far as France is concerned, our contract law had barely evolved since eighteen-oh-four.

So it became essential to modernize our civil law by reforming contract law and the system of proof of obligations. By so doing, France can only climb the international ranking in the World Bank’s “Doing Business” report, showing the links existing between law and the economy.

But I’m already thinking about the next stage and about you, who will be responsible for implementing the new legislation.

So all of you here are going to help implement the reform when it comes into force. From the negotiation to the interpretation and performance of contracts, everyone in their own way will be an architect of how this reform is implemented. You will also help develop case law and academic studies, because the reform is rooted in everyday life and will be applied in an infinite number of concrete situations. As Pollock rightly asserted back in eighteen-seventy-seven, “laws exist not for the scientific satisfaction of the legal mind, but for the convenience of the lay people who sue and are sued.”

This far-reaching legal reform conducted by France, a Continental Law country, will no doubt also draw inspiration from the pragmatism characteristic of the Common Law countries, which often makes laws tremendously effective.

Going beyond the different systems, this ability to share professional practice, rich and varied in experiences, is also central to the judicial and legal cooperation between our two states.

“The courts put life into the dead words of the statute”, to quote Harvard law professor John Chipman Gray. So I very much hope that all of you can put life into this sphere of law, sometimes considered dull, but in fact so closely linked to economic reality.

Twenty-fifteen has been a busy year for our two countries on the legal front. In February we had the Global Law Summit, which was organized by Chris Grayling, the Secretary of State for Justice, and in which Christiane Taubira, the Minister of Justice, participated. The year has been punctuated with various events celebrating the eight hundredth anniversary of Magna Carta, and it’s concluding with a conference on the reform of contract law in France!

I'm confident that this dialogue between our legal communities will continue, and be enhanced by our meeting today. We'll no longer have simply a friendly curiosity in each other's legal systems, but be stimulated and enriched by them, thus putting into practice Winston Churchill's advice, which I'll end with: "we must preach what we practise and practise what we preach."