

Past Final Examinations

A French *Cour de cassation* decision differs from a U.S. Supreme Court judgment in significant respects. Discuss, offering personal and critical insight with appropriate reference to class materials.

Offering a personal and critical opinion, and making appropriate reference to class materials, discuss the statement that follows, which is drawn from a keynote address to the *American Society of International Law* delivered in April 2004: "It is my view that modern foreign legal materials can *never* be relevant to an interpretation of—to the *meaning* of—the U.S. Constitution." —Justice Antonin Scalia [the italics are Justice Scalia's own].

In his leading textbook, Hein Kötz states that "[t]he comparatist must sometimes look outside the law" (*Introduction to Comparative Law*, 3d ed., p. 39). Critically assess this claim.

The French model of constitutional review carries normative value in the United States. Discuss, offering personal and critical insight with appropriate reference to class materials.

From the point of view of a U.S. lawyer, an investigation of French legal culture is ultimately irrelevant since the French approach lies beyond any understanding that a foreigner can ever hope to achieve.

The French refuse to accept that their judges hold any power. Indeed, the 1958 French Constitution carefully avoids any reference to "judicial power" and chooses to speak of "judicial authority". Can a French jurist learn anything of relevance to her/his understanding of French adjudication from the U.S. experience?

From the standpoint of a U.S. lawyer, is there any merit to the French judicial practice of issuing only single and unattributed judgments?