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Thesis defended by M. Valentin GAZAGNE-JAMMES "The acts detrimental to life in society" under the joint supervision of Ms Mastor Wanda IRDEIC et M. Boudon Julien

ON THE NOVEMBER 21, 2018

09 h Thesis room

Thesis defended : The acts detrimental to life in society



A b s t r a c t

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The goal of this thesis is to depict the act is detrimental to life in society. This work is therefore based on the following assumption: in the silence of law, society is a self-regulated space, where both minimal and reciprocal demand of civility -wich regulate interpersonal relations- may be found and developped. These demands, wich are the doing of society, allow for individuals who are part of the social body to live together in public spaces. On the contrary, the act detrimental to life in society prevents good cohabitation by repeatedly breaking demands of civility. Therefore, the consensus that had arisen paves the wayfor dissensus, in turn creating a dysfunction in society, without disrupting either the material or the exterior public order. As a result, the State finds itself in an ambivalent situation: it either intervenes in order to regulate social disturbances, at the risk of losing social cohesion. This pattern can be transposed into contemporary French positive law. Faced with an increase in uncivil acts, the French State had to penalize some behaviors that were originally infralegal matters. Prohibiting concealment of the face in public space is one example of this tendency. But this observation is not without consequences: between protecting good cohabitation and penalizing uncivil behaviors, the liberty of the social individual recedes, rendering the frontier between political and social space porous. Through the depiction of the act that is detrimental to social life, the partition in judicial space -between compliance with objectives rules and protections of subjective rights- will also be called into question.