

## Épreuve d'admission du concours droit-économie 2024

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### Épreuve orale d'anglais

#### Sujet n° 1

*Vous ferez une analyse de ce texte et la présenterez au jury*

## **US state abortion ban exemptions aren't vague by accident. Uncertainty is the point**

*The Guardian*, Judith Levine, Fri 7 Jun 2024

Anyone who has lived under the control of an abusive partner or parent knows that the problem is not just what's prohibited. It's what you're unsure is prohibited. The prospect of punishment instills fear. Vagueness about what will be punished promotes caution. Just in case, [...] the doctor decides not to perform an abortion when the patient's health or life is at risk, but, maybe, not imminently so.

This is what is happening across the 21 states that have banned abortion in all but the direst of circumstances. It's what happened to Amanda Zurawski, an Austin, Texas, resident who learned at 18 weeks' gestation that her cervix was prematurely dilated, spelling certain death for her fetus, already named Willow, and posing a grave threat to her own health.

But because there was still fetal cardiac activity, the doctors sent Zurawski home to get sick enough to qualify for an abortion under Texas's ban. The law permits the procedure only when a patient would otherwise lose "major bodily function" or die. It doesn't say when that might be. And it makes no allowance for a fatal fetal anomaly. Zurawski went into sepsis – full-body infection – and spent three days in the ICU. She survived, but it's unlikely that her fertility did.

In *Zurawski v Texas* (2023), the Center for Reproductive Rights (CRR) argued on behalf of two doctors and 20 patients that Texas's statute was so vaguely written that providers could not know whether they were breaking the law – risking penalties as severe as imprisonment – if they did the medically correct thing. The CRR called this failure a violation of the women's constitutional right to life.

[...] *Zurawski v Texas* was the first lawsuit to challenge a ban on behalf of women with complicated pregnancies since the supreme court overturned *Roe v Wade* in June 2022. There are certain to be more. [...] Yet the CRR's attempt to push the state to amend a bad law to make it a little less bad is the same tactic that the pro-choice legal establishment pursued throughout the *Roe* years – and look where that got us.

The tactic is not just counterproductive. It's delusional. The laws' vagueness is not an oversight, not the result of sloppy or ignorant drafting. Vagueness is the intention. Along with police, prosecutors and civilian vigilantes enforcing the laws, the states are counting on self-policing. They may even hope that providers do less than they are legally permitted.

And if bad things happen – "painful" as that might be, admitted [Justice Jane] Bland – the state can duck the blame.

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#### Sujet n° 2

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## Hundreds of millions head to polls on final day of European elections

*The Guardian, Jennifer Rankin, Sun 9 Jun 2024*

Hundreds of millions of voters are going to the polls in European parliament elections that are expected to tilt the assembly further to the radical and far right, shaping the continent's future course. Voters in most EU member states, including France, Germany, Italy, Spain and Poland, are called to the polls on Sunday, the final day of a four-day election cycle that began in the Netherlands on Thursday.

In the first European election since Britain left the EU, voters are being asked to elect 720 lawmakers to the world's only directly elected transnational parliament. Opinion polls suggest the mainstream, pro-European groups will retain their majority, but see their clout and influence challenged like never before, with nationalist and far-right parties on course to gain a record number of seats.

Once derided as a talking-shop, the European parliament has gained significant powers over the last two decades. MEPs are joint legislators with national government ministers on a swathe of EU policies, such as climate action, artificial intelligence, workers' rights and farm subsidies. The parliament, which sits in Brussels and Strasbourg, will also have the final say on whether the German centre-right politician, Ursula von der Leyen, gets a coveted second-term as European Commission president, one of the most powerful positions in European politics.

The largest bloc is likely to remain von der Leyen's centre-right European People's party, which is expected to roughly maintain its 176 seats in a parliament that is slightly larger than the outgoing assembly. The centre-left Socialists and Democrats group should retain their second place with about 139 seats. But the centrist Renew group and Greens are forecast to lose seats, dragged down by the weakness of national parties in the two biggest member states, France and Germany.

[...] Turnout will be a keenly watched metric in the election: the 2019 vote, which took place against a backdrop of the UK's chaotic departure from the EU and tensions with Donald Trump's White House, saw turnout reach 50.6%, the highest for 25 years. This election also sees an expansion in youth voting with Belgium and Germany joining Austria and Malta in giving 16-year-olds the vote. The European parliament has attempted to motivate young voters with a powerful campaign video featuring older people recalling the Nazi occupation, the Holocaust and the Soviet invasion of Czechoslovakia. [...]

An estimated 361 million people are voting during the four-day election cycle that ends at 11pm CET on Sunday when Italian polls close. European parliament officials expect to have a fairly definitive picture of the next parliament by about 1am on Monday, with predicted results appearing earlier in the evening.

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### Épreuve orale d'anglais

#### Sujet n° 3

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## Trump's lead over Biden narrows after conviction, analysis shows

*The Guardian, Joan E Greve, Fri 7 Jun 2024*

After a Manhattan jury found Donald Trump guilty on 34 felony counts last week, Republicans rallied around the former president, insisting the verdict would only damage Joe Biden's standing in the presidential election. But some new polling data casts doubt upon that argument, as a small but crucial number of Americans in key voting blocs appear to be moving toward Biden in the aftermath of the verdict.

According to a post-verdict analysis of nearly 2,000 interviews with voters who previously participated in New York Times/Siena College surveys, Trump's advantage over the president has narrowed from three points to one point. That shift may seem insignificant, but it could prove decisive in a close presidential election, as is expected in this year's contest. In 2020, just 44,000 votes across three battleground states prevented a tie in the electoral college.

Perhaps more worrisome for Trump is the specific areas where he appears to be bleeding support. According to the Times analysis, disengaged Democratic-leaning voters and those who dislike both Trump and Biden were more likely to say that the verdict made them reconsider their options in the election.

Both of those voting groups have played a significant role in boosting Trump's polling performance in recent months. Among those who voted for Biden in 2020 and previously indicated that they would back Trump this year, roughly one-fourth said they would now support the incumbent president. Voters who dislike both candidates, the so-called "double haters", are viewed as particularly influential this year, and the Times analysis showed Trump losing more than one-fifth of his pre-verdict support among those voters. [...]

But other warning signs remain for Biden, particularly in the battleground states that he will need to win to secure re-election. A Quinnipiac University poll of voters in Georgia, which Biden won by 0.2 points in 2020, showed Trump with a five-point lead in a head-to-head match-up against the incumbent, although that result was within the survey's margin of error. When other candidates, including independent Robert F Kennedy, were added to the list of options, Trump's lead grew to six points, which was outside the margin of error.

Even as the survey showed Biden trailing in Georgia, the poll also found that 50% of voters in the battleground state agreed with the verdict in the Manhattan case, underscoring the mixed feelings triggered by Trump's conviction. A Times Opinion focus group of 11 undecided voters, conducted hours after the verdict was announced last week, reflected an array of opinions on the outcome of the case, with some participants say they were increasingly leaning toward supporting Kennedy.

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### Épreuve orale d'anglais

#### Sujet n° 4

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## **The law on single-sex spaces is a mess. It needs fixing, not political point-scoring**

*The Guardian*, Sonia Sodha, Sun 9 Jun 2024

A friend of mine runs a residential writing retreat attended by women with experience of trauma and abuse. It is vital to those who take part that it is female only: past attenders have told her it enables them to talk about their experiences in a way they couldn't if men were present. But she has begun to worry whether excluding all men – regardless of how they identify – might put her at risk of legal action. I put her in touch with an expert to explain the law in this area. The upshot: it isn't clear exactly when it is lawful to operate female-only services, and that ambiguity means she is right to consider the risk of being sued. [...]

It's the women who would lose out that I thought of when trying to make sense of the unhinged reaction to Kemi Badenoch last week saying the Conservatives would clarify the law. Lefty men with apparently zero understanding of the implications of this legal ambiguity jumped on the bandwagon to variously label as "ghastly" and a "transphobic crusade" the moderate proposal to clarify that the protected characteristic of sex in the Equality Act refers to someone's biological sex.

The clarification is sorely needed because of the way the Equality Act 2010 interacts with the Gender Recognition Act 2004.

The Equality Act protects people against discrimination based on nine "protected characteristics" that include sex and gender reassignment.

The Gender Recognition Act allows someone with a medical diagnosis of gender dysphoria to apply for a gender recognition certificate (GRC) that entitles them to be treated as though they were of the opposite sex for some but not all legal purposes. It is unclear whether a GRC means someone male must be considered to be female for the purposes of the Equality Act; there are valid legal arguments on both sides.

[...] The Equality Act includes important exceptions that allow the provision of single-sex spaces, services and sports. If having a GRC means that someone male must legally be considered female, it makes the test for lawfully excluding someone male who identifies as female from female-only services significantly more complex. It means that it could be unlawful to exclude a male with a GRC from female-only membership associations, such as a lesbian support group [...].

Spelling out that sex in the Equality Act means biological sex would make the law on single-sex spaces, services and sports much clearer, and so help organisations fulfil their rights and responsibilities to women. It would in no way undermine the act's important but separate protections against discrimination for trans people under gender reassignment.

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### Épreuve orale d'anglais

#### Sujet n° 5

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## #MeToo Founder Calls For Unity, Perseverance After Weinstein Conviction Overturned

*The Huffington Post*, [Nina Golgowski](#), 26/04/2024

The #MeToo movement's founder called for unity and perseverance following the [surprise overturning](#) of Harvey Weinstein's 2020 rape conviction by New York's highest court on Thursday, even as the former movie mogul's attorney celebrated the ruling as "a great day for America."

"We are devastated to the survivors who are connected to this case, and the survivors who had found some solace and catharsis in the original verdict around Harvey Weinstein," Tarana Burke, whose global campaign against sexual abuse took off amid the first allegations against Weinstein, said at a press conference following the New York Court of Appeals' decision. "The legal system has never served survivors in this country," she said — even if, in the immediate wake of Weinstein's conviction, survivors of rape and sexual assault hoped that "there was going to be a change." [...] But Burke insisted that the #MeToo movement lives on, despite the ruling. "Ten years ago we could not get a man like Harvey Weinstein into a courtroom," she said. Since his arrest, millions of victims of sexual violence have found the strength and courage to speak out and share their stories as well, she said. [...]

The appeals court ruled 4-3 that the judge overseeing Weinstein's trial allowed for improper behaviour, including the inclusion of "untested allegations" against Weinstein by women who were not complainants in the case.

Attorney Douglas Wigdor, who represented eight of Weinstein's accusers, expressed disagreement with the court's decision, calling it "tragic" and "a major step back in holding those accountable for acts of sexual violence." "Courts routinely admit evidence of other uncharged acts where they assist juries in understanding issues concerning the intent, modus operandi or scheme of the defendant," he said [in a statement](#). "The jury was instructed on the relevance of this testimony and overturning the verdict is tragic in that it will require the victims to endure yet another trial."

Weinstein's defence attorney, Arthur Aidala, argued that including those allegations unfairly put Weinstein on trial for crimes he hadn't been charged with. [...] "We knew that Harvey Weinstein did not get a fair trial," Aidala said at a separate press conference. [...]

[...] Today's legal ruling is a great day for America because it instills in us the faith that there is a justice system," Aidala said. He praised Judge Jenny Rivera, who wrote the court's majority opinion, calling her "a real hero for women on this planet."

Weinstein will remain behind bars regardless of the court's decision, as he was convicted in Los Angeles in 2022 of another rape and sentenced to 16 years in prison. That verdict is also facing an appeal by Weinstein's legal team. [...]