UCL Université catholique de Louvain

LDROI1004

2015-2016

Legal History

6.0 credits	60.0 h + 12.0 h	2q

Teacher(s) :	Wijffels Alain ;
Language :	Français
Place of the course	Louvain-la-Neuve
Main themes :	External history: a comparative approach to the history of the formal 'sources' of the law (custom, statutes, case-law, doctrine, general principles) in different Western European countries, from the Middle Ages to the present day. The interpretative key to these developments will be political history. Internal history: the theme may vary from one year to the next, and may relate to either private law or public law or both. The emphasis is again on the long-term metamorphoses of legal systems and institutions. The themes illustrate the main developments described in the section on external history.
Aims :	As this is a first year course, it inevitably remains an elementary introduction to legal history. Its aim is to give the student a basic understanding of the law by way of its long-term development. It is hoped that, at the end of the course, the future lawyer will be aware that the law and its institutions are historically determined, contingent phenomena, which are not the result of arbitrary circumstances, but of several non-legal (political, economic, social, religious, etc.) factors. Comparisons in space and time should encourage a critical approach to understanding the law's specific features, as well as its limits. It should also contribute to a better understanding of the current legal developments and contemporary institutions, not only in Belgium, but also in other European countries, by outlining the major stages of each system's historical development. In the context of other meta-juristic approaches, the task of legal history is to emphasise the major metamorphoses of the law, and thereby to convince lawyers that none of their concepts or methods are immutable. Skills to be acquired: Ideally, the course should help, from the first year of the curriculum onwards, to develop the law students' 'immune system' against any excessively positivistic, fundamentalist or dogmatic approach to legal studies. More modestly, the course should make the students familiar with the foundations of the major European legal traditions. In comparison to the course on the history of institutions, the course on legal history focuses on specifically legal developments, including the main intellectual and socio-economic long-term evolution in Europe from Western law's medieval roots to the present day. *The contribution of this Teaching Unit to the development and command of the skills and learning outcomes of the programme(s) can be accessed at the end of this sheet, in the section entitled "Programmes/courses offering this Teaching Unit".*
Content :	Contents:(see also 'main themes', above): 1. External history; 2. The internal history of one or more particular legal institutions or an area of law; 3. Practicals: reading and analysing primary legal sources (statute law, case law, doctrine etc.) Teaching methods: Parts 1 and 2 are taught systematically, i.e. following a general structure and detailed plan for each part. The teaching is meant to explain and interpret the material made available (textbook and outlines), so as to minimise the need to take notes during the lectures. For the practicals, set questions relating to the texts to be prepared will be discussed.
Other infos :	Prerequisites: none. Students may wish to widen their notions of European political history, for example by regularly using a scholarly historical atlas cum chronology. Assessment and examination methods: these are detailed at the beginning and the end of the course. The questions relating to Parts 1 and 2 include (a) questions on historical 'facts', and (b) questions on interpretation (requiring the student to balance the pros and cons of a particular historical assessment or statement, e.g. "The French Civil Code of 1804 was a break with the past"). Each examination also includes questions on the texts discussed during the practicals. Course materials: Part 1: R.C. van Caenegem, Introduction historique au droit privé; Part 2: outlines published on the electronic notice board; Practicals: reader available from the students' retail service
Faculty or entity in charge:	BUDR

Programmes / formations proposant cette unité d'enseignement (UE)				
Intitulé du programme	Sigle	Credits	Prerequis	Acquis d'apprentissage
Bachelor in Law	DROI1BA	6	-	
	LADRT100I	6	-	
	LODRT100I	6	-	