



6.00 credits

60.0 h + 12.0 h

Q2

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| Teacher(s)          | Decock Wim ;  |
| Language :          | French  |
| 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.   |
| Learning outcomes   | <p><b>At the end of this learning unit, the student is able to :</b></p> <p>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.</p> |
| Evaluation methods  | <p>Normally, the assessment occurs through a written examination during the second and third exam sessions of the academic year. Samples of Q&amp;A examinations from previous years are posted on Moodle in order to provide specific examples of the types of questions and the quality of the answers expected. A document General Information is posted at the beginning of term on Moodle and is followed by more specific guidelines in the course of term.</p> <p>Depending on what is possible and required, the written examination takes place in situ (i.e. in a lecture hall) or on-line according to the guide-lines decided by the university authorities.</p> <p>The examination assesses the whole of the general lectures and practicals.</p> <p>It mostly included questions which tend to assess the student's capacity to formulate precisely an idea (e.g. by defining key-terms from legal culture), the student's knowledge and understanding of the law's historical developments. Typically, an examination will include questions on transversal (comparative) questions and on national traditions. When circumstances allow, the student's insight in legal history is also tested through questions pertaining to a text (viz. a primary historical legal document) which has not been discussed in class, but which gives the student an opportunity to establish links with the expected skills and the information acquired in the course of the learning process.</p> <p>Unless an announcement will have been made to the contrary, the examination is partly an open-book examination, i.e. the textbook used by the lecturer (which only covers part of the examination materials) may be used during the examination.</p> <p>If circumstances require so, the examination may be oral.</p>   |

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| Teaching methods            | <p>1. General lectures. These lecture aim at giving a general outlook of the course's subject-matter by combining and comparing historical developments of the "sources of the law" in different countries (esp. France, Germany, England, Belgium). For each period (viz. the early Middle Ages, the Second Middle Ages and early modern times, Modern Times), developments of external legal history are introduced through a brief introduction of political, institutional and constitutional history. In so far as possible, the lectures will also entail discussions of primary historical material, in particular documents which have been landmarks in the development of legal history.</p> <p>2. Practicals ("monitorats"). Five of six topics are discussed each year, based on legal texts (primary sources) which typically reflect the culture of their epoch. These documents are supplemented with one or more historical commentaries and critical discussions. These topics allow to give a more specific presentation, through particular examples, of the changing dynamics and interaction between the social actors who produce legal norms. The practicals, which are taught in smaller groups, facilitate a more inter-active form of teaching.</p> <p><i>The experience of the health-crisis during the academical year 2019-2020 has shown that it is possible for this course to convert entirely to an on-line mode of teaching and examination. Depending on the situation during the second term of the academical year 2020-2021, the lectures will normally be given in situ in the presence of all students. If possible and if need be, a hybrid form of teaching will be put in place. Only in the case of an emergency or necessity will a new move towards a fully on-line form of teaching be considered and implemented.</i></p> |
| Content                     | <p>The course looks at legal history from the Middle Ages until Modern Times in a comparative perspective. It considers external legal history mainly through the interpretations offered by political and institutional history. The "authorities" or "sources" of the law are foremost the work of social actors to whom since the Second Middle Ages, legal professionals acknowledge the faculty of contributing to the production of normative statements to which they give the status of legal norms. The comparative perspective includes developments in France, Germany, England and the Belgian territories, and also international developments. The initial vantage point consists in recognising in the origins of jurisprudence a science focusing on the art of good public governance.</p>   |
| Inline resources            | <p>The students will find on Moodle all necessary further information and references which will allow them to study more in-depth certain features of the course.</p> <p>In general, apart from the textbook and notes taken during the lectures, all the information required will have been posted on Moodle by the end of term (e.g. the lecturer's powerpoints, primary source material, podcasts etc.). Moodle is therefore the central platform from which the students can gain access to the whole course.</p>  |
| Bibliography                | <p>Celle-ci est contenue dans le manuel et elle complétée par les références affichées sur Moodle.<br/>Bibliographical references are provided in the textbook and in various documents posted on Moodle.</p>   |
| Other infos                 | <p>A document "General Information" posted on Moodle at the beginning of term provides more specific information on the course, the course materials, and the examination. The document is supplemented by other documents posted on Moodle throughout the term.</p>  |
| Faculty or entity in charge | <p>BUDR</p>   |

| <b>Programmes containing this learning unit (UE)</b> |                          |         |              |   |
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| Program title  | Acronym                  | Credits | Prerequisite | Learning outcomes   |
| Bachelor in Law                                      | <a href="#">DROI1BA</a>  | 6       |              |  |
| Minor in Law (openness)                              | <a href="#">MINODROI</a> | 6       |              |  |