ldroi1003l
2023

Foundations of Law

6.00 credits	60.0 h	Q2

Teacher(s)	Decock Wim ;
Language :	French
Place of the course	Louvain-la-Neuve
Prerequisites	Prerequisites. There are no prerequisites. Knowledge of Latin is not required. The student must have a good command of French in order to succeed in the examination.
Main themes	The aim of the course is to familiarise students with the institutions, vocabulary and developmental of private law in the civilian tradition. Long regarded as the quintessence of legal reasoning, the Roman legal tradition is the foundation of most legal orders in Europe. It provides them with general theory and principles, reasoning and definitions, method and terminology. The course also aims to highlight the relativity of legal institutions and their place in time. After an introduction devoted to the politico-historical framework of Roman law and its recycling through the centuries (from the medieval ius commune to attempts to harmonise private law within the EU), the course first studies the law of persons (status of persons, the patriarchal structure of Roman society and its long-term consequences, slavery in Rome, freedom and emancipation) and family law (the father of the family, the different types of marriage, the differences between our current and ancient concepts of the family). We then look at the way in which the Romans laid the foundations of our law of succession (legal and testamentary succession, bequests, trusts [fideïcommis], protection of heirs, Christian reinterpretation of the will with a view to the salvation of the soul), the law of property (classification of things and rights, possession, ownership, methods of acquiring property, real rights over the things of others, use of the theory of occupation in modern controversies). Finally, it covers the law of obligations (general theory, classification of obligations), including the law of contract (basic terminology, development of general principles within canon law and moral theology, special contracts, techniques for circumventing the prohibition on interest-bearing loans in the medieval tradition) and the law of civil liability (casuistry around acquilian liability, gradual differentiation from criminal law, impact of the canonists' theory of restitution). The teaching, which is essentially lecture-based, is accompanied by tutorials, which enable students to see the subject from a different angle and to apply the material covered in the course to practical situations. Taught by an assistant to small groups, the tutorials are an integral part of the course. They also provide an opportunity to check students' understanding of the material and answer any questions they may have.
Learning outcomes	
Evaluation methods	Assessment is by written examination. The exam consists of two open questions (type 'essay question') and thirty multiple-choice (type 'true/false' questions). The maximum duration of the exam is 120 minutes. The assessment criteria are as follows: accuracy of definitions, logical structure of answers (reasoning, justifications and internal coherence), ability to make links between different sections of the course, formal quality of essay writing (vocabulary, spelling and syntax).The questions may test students' ability to synthesise and critically evaluate passages from the textbook "Fondements romains du droit" (Larcier, 2024) - a textbook which must be brought to the examination.
Teaching methods	Ex cathedra lectures, reading of selected texts.
Content	The aim of the course is to familiarise students with the institutions, vocabulary and developmental of private law in the civilian tradition. Long regarded as the quintessence of legal reasoning, the Roman legal tradition is the foundation of most legal orders in Europe. It provides them with general theory and principles, reasoning and definitions, method and terminology. The course also aims to highlight the relativity of legal institutions and their place in time. After an introduction devoted to the politico-historical framework of Roman law and its recycling through the centuries (from the medieval ius commune to attempts to harmonise private law within the EU), the course first studies the law of persons (status of persons, the patriarchal structure of Roman society and its long-term consequences, slavery in Rome, freedom and emancipation) and family law (the father of the family, the different types of marriage, the differences between our current and ancient concepts of the family). We then look at the way in which the Romans laid the foundations of our law of succession (legal and testamentary succession, bequests, trusts [fideïcommis], protection of heirs, Christian reinterpretation of the will with a view to the salvation of the soul), the law of property (classification of things and rights, possession, ownership, methods of acquiring property, real rights over the things of others, use of the theory of occupation in modern controversies). Finally, it covers the law of obligations (general theory, classification of obligations), including the law of contract (basic terminology, development of general principles within canon law and moral theology, special contracts, techniques for circumventing the prohibition on interest-bearing loans in the medieval tradition) and the law of civil liability (casuistry around acquilian liability, gradual differentiation from criminal law, impact of the canonists' theory of

	restitution). The teaching, which is essentially lecture-based, is accompanied by tutorials, which enable students to see the subject from a different angle and to apply the material covered in the course to practical situations. Taught by an assistant to small groups, the tutorials are an integral part of the course. They also provide an opportunity to check students' understanding of the material and answer any questions they may have.
Inline resources	See Moodle.
Bibliography	Wim DECOCK, Jan HALLEBEEK et Tammo WALLINGA, Fondements romains du droit (Larcier, 2024), à paraître Paul F. GIRARD, Manuel élémentaire de droit romain, 8e éd. (Dalloz 2003 [= 1895]) Pascal PICHONNAZ, Les fondements romains du droit privé (Schulthess, 2020) Laurent WAELKENS, Amne Adverso. Roman Legal Heritage in European Culture (Leuven UP, 2015) Reinhard ZIMMERMANN, The Law of Obligations. Roman Foundations of the Civilian Tradition (Oxford UP, 1996) Handbuch des Römischen Privatrechts (dir. Ulrike BABUSIAUX, Christian BALDUS, Wolfgang ERNST, Franz-Stefan MEISSEL, Johannes PLATSCHEK, Thomas RÜFNER) (Mohr 2023)
Faculty or entity in charge	DRT