



Faculté de droit

DRT

DPRI2327 Thorough Patrimonial Family Law

[30h] 4.5 credits

Teacher(s): Jean-Louis Renchon
Language: french
Level: 2nd cycle course

Aims

In the context of an interactive pedagogy, the course helps the students to conceive, work out and write a private bill on the subject of patrimonial family law, including the judicial, social and/or tax law for the family.

This bill is based on reflection and debates which are led in groups, by taking into account the social, economic and cultural evolutions that affect the relationships within the family, and that appear to call for a certain number of reforms of patrimonial family law.

In order to make students' work as active as possible, the course is focussed on project work. Each student contributes, within a working group, to writing the bill which the group will have imagined and written down, while taking care to provide a preamble (giving the grounds for its adoption) and a commentary on the various articles.

In order to prevent the risk of an overly theoretical project, the students are expressly invited to put their private bill "to the test":

- in one or more spheres outside the Faculty, such as political sphere, associations, other Faculty of the University, a secondary or higher school, etc.
- to the other students and the lecturer, to whom the proposal will be expressly presented, in order to collect their observations, their criticisms, their suggestions etc.

Main themes

In- depth and comparative coverage of the liquidation of the communal estate of a husband and wife and of successions. This course completes the training in patrimonial law that is needed for the first degree and prepares the ground for the course on the same theme for notaries

Content and teaching methods

CONTENTS

The students can freely choose the type or the nature of their project. However some bills that could be retained, according to their link with current affairs include acts:

- to reform the right to prenuptial arrangement;
- on divorce and its effects on the obligation to support and on estates;
- on the legal statute of the unmarried couple;
- on bioethics;
- on the legal effects of family recombination;
- to reform succession law;
- to reform procedures in family law.

METHOD

a) The students are divided into 6 or 7 groups (maximum 8) according to the number of projects to be elaborated within the framework of the course.

Within each group, the students divide up the various specific tasks which they consider useful in preparing their project:

- readings (books or articles);
- study of the recent legislative modifications abroad;
- meetings with the experts (notaries, lawyers, magistrates etc.);
- meetings with the political or associative actors;
- meetings abroad.

The students in a group write a joint preliminary draft incorporating all these elements. This is given to the other students, and is also presented orally during one of the meetings. This preliminary draft contains references to the books and articles used and lists the people met during the preparation of the project.

Team work is a human and relational experiment which is not always easy to manage. Each group endeavours to allot everybody a place and each member of the group has to ensure that he/she takes a fair share of the work while respecting the contributions of others. In theory, possible difficulties or conflicts within the group are managed by the group itself; the groups however are able to call upon the mediation of the tutor.

b) The first two meetings of the course are devoted to the determination of the number of projects and their topics. The groups are also organized. It is therefore essential that every student is present right from the first meeting of the course.

Each group ensures, as far as possible, to explain the working method it intends to use.

During the 3 or 4 following meetings, the tutor lectures on the different topics which are the subject of the various projects and seeks to answer, in interaction with the audience, the questions about their projects which the students will have prepared in their groups.

A few days before the 6th or 7th meeting, each group submits a preliminary draft which is given to every student. From the 6th or 7th meeting, the various written preliminary drafts are presented orally by the students. They are then discussed with the audience. This discussion should normally help the students to improve their projects.

The final text of each project is given to the tutor and all the students during the last meeting at the latest. The tutor makes a concluding speech. The audience then carries out a critical evaluation of the course and of active pedagogy and the working method.

The final text of the project also contains a clarification of the share taken by each student in collective work, and possible minority opinions are also included.