

Faculty of Law



DPRI2101 Family Law - principles

[30h+16h exercises] 4 credits

This course is taught in the 1st semester

Teacher(s): Jean-Louis Renchon
Language: French
Level: Second cycle

Aims

The reform of the programme for the law degree at UCL, which came into effect in the academic year 2000-2001, led to the setting up, in the first year of the degree course, of five courses in the principles of the legal disciplines representative of the various parts of the law. The objective of these courses is to enable the student to acquire a synthetic and critical vision of the problems which are posed in these disciplines and the legal solutions which can be applied, rather than to force him or her to learn all the substantive elements of Belgian law (which would probably be seen as too detailed and too theoretical, and which would be erased from the student's memory almost immediately after the examination). The first-year 'Principles of Family Law' course does not, therefore, cover (as it did in the old programme) all the elements of Belgian substantive law which govern personal and patrimonial relations within the family. The course initiates students into the essential questions of family law, while enabling them to become aware of the relativity of legal answers, by trying to make them think in a personal way about the cultural and social implications of these questions and of the answers which law and justice provide, without losing sight of the fact that the political construction of Europe leads us today to put this reflection into a context which extends beyond our national borders.

Main themes

These important questions will be approached from four standpoints :

- a) The legal status of the human being :
 - the existence of the individual;
 - the rights of the person;
 - the status of the individual.
- b) The law of married and non-married couples :
 - the institutional or contractual nature of the bond between couples and the respective place of imperative rules and the autonomy of the will;
 - the effects, both personal and patrimonial (marriage settlements and the devolution of property on death), of the bond of the couple;
 - the legal organisation of the rupture of the bond between couples.
- c) The law of affiliation :
 - the general comparison between the different modes of legal establishment of affiliation (affiliation by blood, adoption, assisted reproduction etc.);
 - the effects, both personal (the relationship between father, mother, and child) and patrimonial (devolution of property on death by will or on intestacy), of the legal bond of affiliation;
- d) The law of the extended family circle (siblings, grandparents, in-laws etc.) :
 - financial provision, the relationship with the grandparents, the sibling relationship, recomposed families, devolution of property on death in the extended family, etc.

Method

Intended to be given to large audiences, teaching is largely through lectures . Taking into account the objectives of the course, teaching must at the same time introduce students to the way various problems are handled by Belgian substantive law and help them to develop their personal critical faculties. This calls for a multidisciplinary approach drawing on various social sciences and considering the divergent answers revealed by comparative law. Students will have a book of law (syllabus) which they will have to supplement with recommended readings.

Content and teaching methods

Content

After an introductory section establishing an approach to the notion and evolution of the family and family law, the other sections of the course will be divided according to the four central principles of family law in the broad sense:

- the legal status of the human being;
- the legal statute of the couple;
- the legal organisation of the bond of affiliation;
- legal bonds within the extended family.

Method

The method of teaching proceeds logically from the objective. Since it is a question of initiating students into 'principles', so as to develop personal and critical reflection on ways of understanding problems, the course cannot be limited to lectures ex cathedra which would consist of transmitting book knowledge for the students to reproduce at the time of the examination. The course must rather be conceived as a method that the students as much as the teacher will build progressively, as a way of learning and acquiring knowledge which tries to be active and dynamic.

A lawyer is not only somebody who 'knows' the law and who applies it. He or she must also - and perhaps especially - be ready to understand and to deal with problematic and sometimes antagonistic or conflicting situations, and to try to formulate proposals for solutions producing, as far as possible, peace or, at the very least, balance (i.e. to restore order and justice).

Consequently, differing but convergent ways are employed to try to make use of this conception of learning:

- a syllabus which can be used as a guide delimiting the matter to be studied and as a memorandum of the contents of the great problems;
- a set of extracts from books, articles and documents (for example law proposals) placed at the disposal of the students as an appendix to the syllabus in order to stimulate their individual work of comprehension and deepening understanding of the topics; these will be read by students as they progress through the subject.
- the oral course (30 hours) which includes a series of introductions to problems by the teacher and sometimes includes an analysis of the readings carried out by the students, in the form of questions are posed to and/or debated with the audience.

Other information (prerequisite, evaluation (assessment methods), course materials recommended readings, ...)

The syllabus is provided at the beginning of the six-month period of teaching.

Other credits in programs

DROI21	Première licence en droit	(4 credits)	Mandatory
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