


Teacher(s)	Ruelle Annette ;
Language :	French
Place of the course	Bruxelles Saint-Louis
Learning outcomes	<p>At the end of this learning unit, the student is able to :</p> <p>The general objective of the Roman Foundations and Elements of the History of Private Law course is common to all the Law courses of the 1st Bac Droit: it is to gradually familiarise the student with legal terminology in Latin (the language in which law was 'invented' and of which many traces remain in the languages of modern law), as well as in French (and moreover, above all, in French), as well as with the modes of reasoning that implement the terminology of law.</p> <p>It also aims to introduce the student to the Civil Code (and, to a lesser extent, the Judicial Code).</p> <p>But the course also has its own specific aims.</p> <p>Roman law is an ideal introduction to comparative private law (or legal relativism), which is an internal comparison of positive law systems in space or time (positive law being the law in force in a given society) (1.). No less important is the comparison external to the law, to which Roman law opens a privileged window (2.).</p> <p>1. A comparative perspective within the law: first of all, in time, it is a question of measuring the contribution of Roman law to our civil law while becoming aware of the differences that may separate the two. In this respect, the course is presented as an archaeology of the Civil Code.</p> <p>The Belgian Civil Code is currently being reformed. The new property law has just come into force and the reform of the law of obligations is underway. From this point of view, Roman law provides us with a solid basis for evaluating the reforms at the dual level of their positive content and in relation to general developments in society.</p> <p>In space, the comparison consists of comparing national legal traditions which historically originated from Roman law (Romano-Hellenic law), where the law was codified (Civil Law). In this respect, Roman law has a new relevance in the context of the creation of a unified European contract law: as the lingua franca of our legal traditions on the European continent, it allows us to understand how and above all why national codes can contain very different legal solutions even though they all have the same origin.</p> <p>2. A comparative perspective external to law: this time it is a question of identifying law as a singular object in the field of the human and social sciences, a specific practice of the norm which 'isolates' the rule of law in the vast field of normative practices (and distinguishes it from rules of politeness, religious observance, etc.).</p> <p>It is also a matter of trying to understand the massive historical evolutions of a system of positive law. For example, what can we learn about our legal traditions and modern societies based on human dignity and rights from the radical contrast of Roman law, which posits, in contrast, at the opening of its law of persons: 'All men are either free or slaves' (Gaius, Institutes I, 9)?</p> <p>To do this, we must broaden our field of vision and go beyond the technical study of positive law to the depth of socialisation, to what conditions the way each person looks at the world, at others and at himself. Positive law obviously does not evolve in a vacuum, but is affected by advances in the fields of religion, philosophy, science and technology, trade and commerce, morals and mentalities. We are therefore touching on the areas of interdisciplinarity, which is the spearhead of the Faculty of Law of the Université Saint-Louis - Brussels.</p> <p>In order to understand the sources of inspiration for law (the so-called material sources of law), it is necessary to think about the relationship between law and society, for which Roman law offers an ideal point of view thanks to the hindsight and freedom of judgement that it provides.</p> <p>At the end of the course, the student will have acquired a mastery of the main concepts of private law in order to produce a rigorous and clear qualification and analysis of them. They will also have learned to handle the Civil Code, to find their way around it to find relevant information themselves, and to critically and historically exegete its provisions.</p> <p>Finally, they will have become aware that our legal traditions are the legacy of a multi-millennial past in which several civilisations have succeeded and enriched each other in a cumulative manner, being in short like an immense collective work. He will have internalized the idea of legal comparatism. Finally, seized by its irreducible historical and anthropological singularity, it will be better equipped to take up the extraordinary challenges presented to contemporary Man by a system of positive law with a universal vocation, which proclaims freedom and equality before the law, without distinction of race, sex, religion, or affiliation, for all men and women.</p>
Bibliography	Une bibliographie de base est renseignée dans le syllabus 1er.
Faculty or entity in charge	DRTB

Programmes containing this learning unit (UE)				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Bachelor in Law (shift schedule)	DRDB1BA	7		
Bachelor in Law [Dual Bachelor's degree for the holder of a Bachelor in Political Sciences]	DROB1BA	7		