



5.00 credits

30.0 h

Q2

Teacher(s)	van der Mensbrugge François ;
Language :	French
Place of the course	Bruxelles Saint-Louis
Prerequisites	<i>The prerequisite(s) for this Teaching Unit (Unité d'enseignement – UE) for the programmes/courses that offer this Teaching Unit are specified at the end of this sheet.</i>
Learning outcomes	<p><b>At the end of this learning unit, the student is able to :</b></p> <ul style="list-style-type: none"> <li>• To understand the historical foundations of comparative law;</li> <li>• To describe methodological concepts of the discipline;</li> <li>• To name and identify the different forms of normativity;</li> <li>• To identify the comparative practices of legal actors and their contemporary issues;</li> <li>• To apply critical approaches to comparative law</li> </ul>
Evaluation methods	The assessment is based on an oral examination (± 20 minutes). Questions can cover the history of comparative law, its practice and critics, methodological concepts and specific legal concepts attached to legal traditions. The evaluation criteria of the examination focus on the knowledge and understanding of the key concepts and notions of the course, the structure of reasoning, argumentation as well as on the ability to make connections between the different parts of the course.
Teaching methods	<p>The course is given as a lecture and is completed by a PowerPoint presentation. Students receive thematic readings each week. The course will provide students with practical methodological tools to critically engage with the papers discussed.</p> <p>Students are kindly invited to contact the professor by e-mail: francois.vandermensbrugge@uclouvain.be</p>
Content	<p>Today, comparative law seems to be everywhere. It takes new forms with the ideas of global law or transnational law. It is practiced at all stages of the legal chain, from the European Parliament to the national judge or the lawyer confronted by aspects of a foreign legal system. Nevertheless, comparative law is subjected to fundamental challenges by comparative legal scholars. Conventionally, it is studied from the perspective of families/legal traditions distinguishing e.g. common law, civil law, Muslim law, Hindu law, ... The transnational legal movement that suggests the idea of global law, and critical legal approaches that challenge a conception of comparative law constructed from a Western standpoint, are shaking up the basics of the discipline. In this context, projects for a renewal of the discipline are sketched out, and methodological concepts are discussed. As a result, new types of classifications of national legal systems are being proposed, the comparative method becomes an object of reflection in itself and sociological approaches are mobilized.</p> <p>Adopting a critical approach, the course on Introduction to Comparative Law first aims to return to the origins and reasons for the emergence of the discipline, to present its various taxonomies, and to understand their development. Second, it questions the comparative methods practiced by the legal actors and examines the different alternatives proposed by legal scholars concerned with maintaining an openness to other legal systems and their cultural underpinnings.</p>
Bibliography	<p>La bibliographie principale du cours comprend les ouvrages suivants :</p> <ul style="list-style-type: none"> <li>• GLENN, P., Legal traditions of the World, Oxford, Oxford University Press, 2014;</li> <li>• GOLTZBERG, S., Droit compare, Paris, PUF (coll. Que-sais-je?), 2018;</li> <li>• HUSA, J., A New introduction to Comparative Law, London, Hart Publishing, 2015.</li> </ul>
Other infos	As indicated above, it is strongly recommended to read the texts in advance, so to facilitate the understanding and discussion of the topics treated during the lectures.
Faculty or entity in charge	DRTB

<b>Programmes containing this learning unit (UE)</b>				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Bachelor in Law (shift schedule)	<a href="#">DRDB1BA</a>	5	<a href="#">BHDDR1112</a> AND <a href="#">BHDDR1111</a>	
Bachelor in Law	<a href="#">DROB1BA</a>	5	<a href="#">BDROI1112</a>	
Bachelor in Law French-Dutch (and French-Dutch-English)	<a href="#">DRNB1BA</a>	5	<a href="#">BDRNL1130</a> AND <a href="#">EMHUB1110</a> AND <a href="#">BDROI1111</a>	