

6.00 credits

60.0 h

Q2

Teacher(s)	van der Mensbrugge François ;
Language :	English
Place of the course	Bruxelles Saint-Louis
Learning outcomes	<p><b>At the end of this learning unit, the student is able to :</b></p> <p>The Common Law course is intended to introduce students to fundamental questions that make up the back-drop to Anglo-American Law. Not only will they be taken through a specific legal tradition but they will also delve into specific legal terminology and cultural issues. By the end of the course, students should have a proper command of the legal systems of the UK and the United States, the sources and methods of the Common Law family (most notably the rule of precedent), as well as a good command of fundamental concepts that stand out in certain branches of the Common Law (Contract Law, Law of Torts). Students should be able to understand and analyze a basic English or American judgment.</p>
Evaluation methods	<p>The final assessment is a written examination (2.5 hours) based on several short questions, the analysis of a text studied in class, and the analysis a text that was not studied in class (but that refers to a studied subject). The assessment takes into account the understanding of the subjects studied in class, the structure of the reasoning, the argumentation, the capacity to analyse and synthesise as well as the ability to make links between different parts of the course. The quality of writing, clarity of presentation and correctness of style and spelling are taken into account. The examination will also take account of students' level of English as well as the clarity of the presentation. The same type of assessment applies from session to session. The exam usually lasts 2.5 hours. No documents whatsoever are allowed at the exam.</p> <p>Only a colloquial language dictionary (English-French/French-English) is allowed during the exam. Legal dictionaries and all electronic devices are strictly prohibited.</p>
Teaching methods	<p>As mentioned above, the course is given through a series of face-to-face lectures interspersed with discussions on numerous texts (which students are invited to read and analyze in advance). Discussions will sustain the theoretical developments. They will also develop the capacity of students to have a discussion in English and acquire language fluency. A PowerPoint presentation completes the lectures. Needless to say, course material (in-house or student-made) and PowerPoint presentations are not all-encompassing for the exam. Academic success largely depends on sound concentration during the lectures accompanied by a follow-up of study, insight and focus at home.</p> <p>Please do not under-estimate the difficulty of this course, both in terms of language (English!!!) and substance.</p> <p>The lectures are given at the Saint-Louis Brussels site, during the second semester, twice a week (Mondays and Thursdays), lasting two hours, with one short break. Please consult the bulletin boards for the venue and exact hours.</p>
Content	<p>This introductory course covers the main features of Common Law. In geographical terms, reference is primarily given to English law, certain characteristics of Scots law, as well as the law of the United States. In terms of substance, emphasis is first placed on English Law. This entails, among others, a thorough investigation of the meaning of judicial precedent and common law reasoning. The current meaning and relevance behind the dichotomy of Common Law and Equity is developed with a historical overview and an analysis of different common law and equitable remedies. With a view to understanding recent constitutional developments in the United Kingdom, the first part of the course also highlights watershed cases that have been delivered since the enactment of the Human Rights Act 1998, which incorporated the European Convention on Human Rights. The course further discusses the existence of "constitutional statutes", the issue of "devolution" (Wales, Scotland and Northern Ireland), as well as reform of the House of Lords and attempts to reform the status of the Monarchy. The awkward relationship between English law and EU law is also dealt with.</p> <p>The second part of the course is more particularly focused on American law. Recent constitutional developments are analyzed, highlighting the role of the United States Supreme Court, the quest for a balance of power between the Federal government and the States, as well as recent cases delivered by the United States Supreme Court.</p>
Inline resources	A detailed Powerpoint presentation is posted weekly on the course website ( <i>Moodle</i> ) before each class.

<p><b>Bibliography</b></p>	<p>Les ouvrages suivants sont indiqués à titre de bibliographie sélective.</p> <ol style="list-style-type: none"> <li>1. Allen, Michael and Thompson, Brian, Cases &amp; Materials on Constitutional and Administrative Law, 6th ed. (London: Blackstone Press Ltd., 2000).</li> <li>2. Atiyah, P.S. and Summers, R.S., Form and Substance in Anglo-American Law (Oxford: Clarendon Press, 1987).</li> <li>3. Beale, H., et al., Contract Law (Common Law of Europe Casebooks) (Oxford: Hart Publishing, 2002).</li> <li>4. Beatson et al. (eds.), Constitutional Reform in the United Kingdom : Practice and Principles (Oxford: Hart Publishing, 1998).</li> <li>5. Cardozo, B., The Nature of the Judicial Process (New Haven and London: Yale University Press, 1921).</li> <li>6. Chitty, Chitty on Contracts, 2 vol. 26th ed. (London: Sweet &amp; Maxwell, 1989).</li> <li>7. Craig, P.P., Administrative Law, 3rd ed. (London: Sweet &amp; Maxwell, 1994).</li> <li>8. Cross, R., and Harris, J.W., Precedent in English Law (Oxford: Clarendon Press, 1991).</li> <li>9. David, René, English Law and French Law (London: Stevens &amp; Sons, 1980).</li> <li>10. Denning, Lord, The Discipline of Law (London: Butterworths, 1979).</li> <li>11. Devlin, Lord, The Judge (Oxford: Oxford University Press, 1981).</li> <li>12. Keenan, Denis, English Law, 13th ed., (London: Longman 2001).</li> <li>13. Llewellyn, K., The Bramble Bush (New York: Oceana, 1975).</li> <li>14. Reed, Charles P. (editor), English Legal System, 18th ed. (London: HLT Publications, 1996).</li> <li>15. Reed, Charles P. (editor), English Legal System: Student Casebook, 7th ed. (London: HLT Publications, 1996).</li> <li>16. Slapper, Gary and Kelly, David, The English Legal System, 5th ed. (London: Cavendish Press Ltd., 2001).</li> <li>17. Smith, J.C., A Casebook on Contract, 9th ed. (London: Sweet &amp; Maxwell, 1992).</li> <li>18. Van Gerven, W. et al., Tort Law (Common Law of Europe Casebooks) (Oxford: Hart Publishing, 2000).</li> <li>19. Wade, Administrative Law (Oxford: Clarendon Press, 1971).</li> </ol> <p>Information complémentaire</p> <p>Les étudiants disposent d'un recueil de textes et d'une présentation Powerpoint reprenant la structure et certains points essentiels du cours magistral. Des textes, mis à la disposition des étudiants sur le site Internet du cours, peuvent également être mis à la disposition des étudiants pour lecture avant le cours. De façon générale, la lecture de textes est vivement encouragée afin de faciliter la compréhension des questions abordées au cours et la mise en commun des réflexions. Naturellement, les étudiants peuvent se munir d'un dictionnaire juridique de leur choix pour les assister durant le semestre (non consultable durant l'examen).</p>
<p><b>Other infos</b></p>	<p>Students may consult the professor at his office during office hours (posted on the door). The professor also answers students' questions by appointment or electronically at the following address: francois.vandermensbrugge@uclouvain.be</p>
<p><b>Faculty or entity in charge</b></p>	<p>DRTB</p>

<b>Programmes containing this learning unit (UE)</b>				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Bachelor in Law (French-English)	DRAB1BA	6		