

8.00 credits



90.0 h

Q1 and Q2

Teacher(s)	Ruelle Annette ;
Language :	French
Place of the course	Bruxelles Saint-Louis
Main themes	<p>Roman law lies at the foundation of civil tradition, both in Antiquity and throughout its successive lives, in the former European <i>ius commune</i> and in the era of modern codifications. It is, moreover, at the origin of the distinction between the Romano-canonical family of laws or the world of Civil Law, mainly on the European continent, and the Common Law of the Anglo-Saxon countries. In this respect, it makes it possible to highlight the civil tradition's founding figures, starting with that singularly original figure in the universal history of law: the jurist. It also makes it possible to identify archetypes of private law technique, such as property and its transfer, obligation and its payment, the contract, the (so-called) Aquilian liability, legal personality, lawsuits, etc.</p> <p>By a particular position: a system of positive law in the past, the foundation of a tradition that has continued to be shaped through such considerable historical, cultural, and technical upheavals – Roman law, thanks to the perspective and freedom of judgment it provides, contributes par excellence to the formation of critical thinking. Moreover, by its technicality, it fosters this particular way of thinking referred to as the legal mindset.</p>
Learning outcomes	<p><b>At the end of this learning unit, the student is able to :</b></p> <p>The general objective of the teaching unit (UE) " Roman Foundations of Private Law and Elements of the History of Private Law " is common to all first-year law courses in the Bachelor of Law program: it aims to gradually familiarize students with legal terminology in Latin (the language in which law was "invented" and traces of which remain in the languages of modern law), as in French (and especially in French), and with the ways of reasoning that employ legal terminology. The course also seeks to introduce students to the Civil Code (and, to a lesser extent, the Judicial Code).</p> <p>The UE also pursues specific objectives of its own. Roman law provides an ideal introduction to comparative private law, understood as internal comparison within the systems of positive law across space or time (positive law being the law in force in a given society) (1). Equally important is the external comparison of law, for which Roman law opens a privileged window (2).</p> <p>1. An internal comparative perspective on law: first, in terms of time, this involves assessing Roman law's contribution to our civil law while becoming aware of the differences that can separate the one from the other. In this respect, the course is presented as an archaeology of the Civil Code. However, the Belgian Civil Code of 1804 (known as the Napoleonic Code) is currently undergoing reform. A new property law, a new law of obligations, a new law of civil liability, and a new law of evidence are already in force, and the reform process continues (notably on special contracts and prescription).</p> <p>Roman law offers several advantages in this regard. The course evolves around three normative systems: Roman law, the Napoleonic Code, and the Civil Code. It thus makes it possible to evaluate reforms both in terms of their positive content and in relation to the general developments in society. It also provides a thorough introduction to the Napoleonic Code, which remains in force under transitional law (for a period which, particularly in property law, may be long, so that today's students will encounter it during their professional lives).</p> <p>In terms of space, the comparison consists of placing in parallel the national legal traditions historically derived from Roman law, where the law was codified (Civil Law). In this respect, Roman law has renewed relevance in the context of the creation of a unified European contract law: a veritable "lingua franca" of our legal traditions, it indeed makes it possible to understand how, and above all, why national codes can include very different legal solutions despite sharing the same origin.</p> <p>2) An external comparative perspective on law: here, the goal is to identify law as a singular object in the field of human and social sciences, a specific practice that "isolates" the legal rule within the vast field of normative practices (and distinguishes it from the rules of etiquette, religious observance, etc.). It aims to understand the massive historical evolution of a system of positive law. For example, what does the contrast of Roman law, which states at the beginning of its law of persons that "All men are either free or slaves" (Gaius, Institutes I, 9) teach us about our modern traditions based on freedom?</p> <p>Positive law does not evolve in a vacuum, but is influenced by developments in religion, philosophy, science and technology, trade, mentalities, and customs. This touches upon areas of interdisciplinarity, which is the spearhead of the Faculty of Law of the Saint-Louis – Brussels site of the Catholic University of Louvain (see the "Manifesto of the Faculty of Law": <i>RIEJ</i> 74 (2016), p. 169-175:  <a href="https://dial.uclouvain.be/pr/boreal/en/object/boreal%3A178251/datastream/PDF_01/view">https://dial.uclouvain.be/pr/boreal/en/object/boreal%3A178251/datastream/PDF_01/view</a> ).</p> <p>At the end of the course, students must master the main concepts of private law to produce with rigor and clarity their qualification and analysis. Students will also have learned to navigate the Civil Code, finding their way through</p>

	<p>it to find useful information with the help of the relevant links. They will be able to produce a critical and historical exegesis of its provisions.</p> <p>Finally, students will have become aware that our legal traditions, like an immense collective work, are the legacy of a multi-millennial past in which several civilizations have succeeded one another and contributed cumulatively. They will have internalized the idea of legal comparativism. Moreover, seized by their irreducible historical and anthropological singularity, they will be better equipped to meet the extraordinary challenges posed to contemporary men and women by a system of positive law with a universal vocation, which proclaims freedom and equality before the law, without distinction based on race, sex, religion, or affiliation.</p>
<p>Evaluation methods</p>	<p><u>Type of assessment</u> (and possible arrangements)</p> <p>The exam is written. It lasts 2h30. It usually has different parts, such as multiple-choice questions designed to check the student's basic knowledge; True/False: a proposal that the student is invited to judge true or false with a short justification in a limited space; a casus; or even open questions: questions of reflection that can take the form of a critical commentary on a legal provision of the Civil Code or even of the Napoleonic Code, requiring writing and argumentative skills.</p> <p><u>Language of the assessment</u></p> <p>French</p> <p><u>Evaluation criteria</u></p> <p>Great importance is attached to the rigorous qualification of legal concepts and to the quality of writing. This presupposes not only mastery of the French language, but also the ability to answer the question actually asked, to discern the essential from the incidental, and the ability to argue. The relevant and critical use of the Civil Code is also valued.</p> <p><u>Other details</u></p> <p>The student can have their Code available for the duration of the exam, in compliance with the general instructions set out in the Code BAC made available by the Faculty.</p> <p>As the course is annual, the mark obtained in January is dispensatory for the first part of the course and is worth half of the total, in June and September, if it is equal to or greater than 10/20. Students who have passed the January exam therefore only present the subject of the second term, in June (or September): their January grade is kept to calculate their average; as for students who obtained less than 10/20 in January, their grade is "forgotten" and they retain two chances to pass: Their June (and/or September) exam covers the subject of the whole year.</p>
<p>Teaching methods</p>	<p>The course is given ex cathedra in a large amphitheatre.</p> <p>The course materials, including PowerPoint presentations, will be distributed via Moodle.</p> <p>They serve as support to facilitate learning by highlighting key concepts and legal provisions. It is recommended to situate oneself within the general outline of the subject, to follow the PowerPoint while simultaneously referring to the table of contents of the syllabus (see below for course materials).</p> <p>Note-taking is encouraged. Students are invited to regularly organize and review their notes with the help of the syllabus or slides.</p> <p>Each class begins with a summary of the content covered in the previous one. The knowledge acquired is regularly tested with a question, most often a multiple-choice question, on which students vote orally.</p> <p>Tutoring is organized every week, providing students the opportunity to receive additional explanations on the topics seen in class, based on concise and effective syntheses, to ask questions individually, and to practice the methodology for solving a casus, including careful reading of the scenario, systematic analysis of difficulties, and relevant use of the Civil Code.</p> <p>A question-and-answer session is organized at the end of the term.</p>
<p>Content</p>	<p>Roman law lies at the foundation of our civil law, particularly in its traditional branches: the law of persons and the family, the law of property, the law of obligations, the law of succession, and private judicial law (or civil procedure). The history of Roman law extends over more than a millennium in antiquity, ending with the reign of Emperor Justinian in the VI century. Justinian is remembered by jurists, legal historians, and philosophers for commissioning a vast compilation of the sources of Roman law from its origins, later known during the Renaissance as the <i>Corpus iuris civilis</i>, "the Collection of Civil Law." After falling into oblivion during the High Middle Ages, it was rediscovered in Italy at the end of the XI century, a colossal event that enabled the formation of a legal tradition in the West, in the dual form of civil law and canon law, which became the basis of common European law (<i>ius commune europaeum</i>).</p> <p>Our focus will be on classical Roman law, in the first two centuries of the Roman Empire, when the system of private law and the science of law as we still know and practice them today were first conceived.</p> <p>Its study continues beyond the end of Antiquity to grasp the major qualitative changes that the civilizations emerging from the Middle Ages and the French Revolution imposed on the fundamental concepts of private law inherited from Roman law: the person, property, and real rights, obligation and contract (notably the advent of consensualism), and civil liability.</p> <p>For the entire part of the course relating to the history of the common European law (Middle Ages and Ancien Régime), close links will be maintained with the History of Institutions and Law I course.</p> <p>The first part of the course will be devoted to the main guiding principles of the legal institution of the ancient city. It is essentially a question of tracing the historical and conceptual framework of the material. Emphasis will be placed on the notions of sources of law, the rule of law, and the legal order. We will also address the contrasts between so-called positive law and natural law, raising the question of slavery. Finally, particular attention will be given to the fundamental framework for the invention of private law in trial practice and to its most characteristic figure, one that Roman society produced within the legal order and that remains highly original in the general framework of the universal history of law, the jurist.</p>

	Property law will introduce rights in rem, considered separately from rights of claim or obligations. The fundamental institutions of private patrimonial law will thus be studied in a way that highlights both their conceptual logic and their dependence on the societies, ancient, modern, or contemporary, within which they are intended to give legal form.
Inline resources	<p>Le Trésor informatisé de la Langue Française (TLFi) : <a href="http://atilf.atilf.fr/">http://atilf.atilf.fr/</a></p> <p>Roman Law Library (site qui rassemble tous les textes juridiques anciens, dont certains traduits en anglais ou en français, comportant en outre une bibliographie, des vidéos, et des liens vers d'autres sites) : <a href="https://droitromain.univ-grenoble-alpes.fr/">https://droitromain.univ-grenoble-alpes.fr/</a></p> <p>Le cours de droit romain de feu le prof. Vigneron, Vinitor, comporte un QCM (une manière ludique de s'exercer) : <a href="http://local.droit.ulg.ac.be/sa/vinitor/">http://local.droit.ulg.ac.be/sa/vinitor/</a></p> <p>Bibliotheca classica Selecta (UCLouvain), ce site d'orientation bibliographique en philologie et en histoire ancienne comporte une section « Droit, justice et châtement dans le monde grec et romain » : <a href="http://bcs.fltr.ucl.ac.be/Droit.html">http://bcs.fltr.ucl.ac.be/Droit.html</a></p> <p>Bibliographie d'Histoire du droit en langue française : <a href="https://bibliographienumeriquedhistoireddroit-ifg.univ-lorraine.fr/s/droit/page/welcome">https://bibliographienumeriquedhistoireddroit-ifg.univ-lorraine.fr/s/droit/page/welcome</a></p> <p>Blogs and discussion forum: iuscivile.com: <a href="http://iuscivile.com/information/blogs/">http://iuscivile.com/information/blogs/</a></p>
Bibliography	<p>Une bibliographie de Manuels et d'ouvrages de base en droit romain, en histoire du droit, d'introduction à la Common Law, et de recueils d'adages, essentiellement en langue française, est renseignée dans le syllabus.</p> <p>On pointera ici l'utilité de ce petit lexique : Pichonnaz P., Dunand J.-Ph. J., <i>Lexique de droit romain</i>, 2e édition revue et augmentée, Bruxelles, Zurich, 2010.</p>
Other infos	Students cannot be overly advised to have a good command of the French language, the basis of written and oral communication. The Computerized Treasury of the French Language (TLFi) is available free of charge online, so you should never hesitate to use it for an unknown word or a word whose nuances escape us.
Faculty or entity in charge	DRTB

<b>Programmes containing this learning unit (UE)</b>				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Bachelor in Law	<a href="#">DROB1BA</a>	8		
Bachelor in Law (French-English)	<a href="#">DRAB1BA</a>	8		
Bachelor in Law French-Dutch (and French-Dutch-English)	<a href="#">DRNB1BA</a>	8		