

7.00 credits


67.5 h

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 oral. It consists of two main questions that students are invited to prepare. To this end, they may use their Code in accordance with the general instructions set out in the Code BAC made available by the Faculty. They then present their oral presentation. If necessary, a third question will be asked to refine the evaluation.</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 the quality of oral communication. 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. The ability to argue, to make the necessary links between the different parts of the subject, is also valued, as well as the relevant and critical use of the Civil Code.</p>
<p>Teaching methods</p>	<p>The course is given <i>ex cathedra</i>, in a large amphitheatre, at Q2.</p> <p>The course materials (PowerPoint) will be distributed via <i>Moodle</i>. They are a support to facilitate learning by highlighting key concepts and legal provisions. It is recommended to situate oneself within the general plan of the subject to follow the PowerPoint by referring simultaneously to the table of contents of the syllabus (see below).</p> <p>Note-taking is encouraged, notes that students are invited to clean up regularly with the help of the syllabus or slides.</p> <p>Each course begins with a summary of the subject seen in the previous course. The knowledge acquired is regularly tested by a question, most often a multiple-choice question, on which students shall vote orally.</p> <p>Tutoring is organized every week, where students have the opportunity to receive additional explanations on the subject covered in the course, based on dense and effective summaries, to ask their questions individually, but also to practice the methodology of solving the casus: careful reading of history, systematic analysis of difficulties, relevant use of the Civil Code, etc.</p> <p>A "question and answer" session is organised at the end of the term.</p>
<p>Content</p>	<p>Roman law is the foundation of our civil law, particularly in its traditional branches: the law of persons and family law, property law, the law of obligations, succession law, and private judicial law (or civil procedure). The history of Roman law spans more than a millennium in antiquity, culminating in the reign of Emperor Justinian in the VI century. Justinian remained famous among jurists, legal historians, and philosophers for having ordered a large compilation of the sources of Roman law from the beginning, which in the Renaissance would be called 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 made possible the formation of a legal tradition in the West, in the dual form of civil law and canon law, the basis of common European law ("ius commune europeum").</p> <p>We will mainly study classical Roman law, in the first two centuries of the Roman Empire, where the system of private law and the science of law that we still know and practice today were conceived.</p> <p>Its study will be continued after the end of Antiquity to grasp the major qualitative changes that the civilizations resulting from the Middle Ages, on the one hand, and the French Revolution, on the other, have imprinted on the fundamental concepts of private law inherited from Roman law: the person, property and real rights, obligation and contract (the advent of consensualism in particular), civil liability.</p> <p>For the entire part of the course relating to the history of European common law (Middle Ages and Ancien Régime), close links will be forged 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 evoke the contrasts between so-called positive rights and natural law, raising the question of slavery. Finally, we will pay particular attention to the fundamental framework for the invention of the private law of the trial, and to this figure, the most characteristic that Roman society has produced in the legal order, and the most original in the general framework of the universal history of law: the jurist.</p> <p>Property law will introduce rights in rem into the system, which differ from rights of claim or obligations. The fundamental institutions of private patrimonial law will thus be studied to highlight their conceptual logic, but also their dependence on societies, ancient, modern, or contemporary, which they are intended to give legal form.</p>
<p>Inline resources</p>	<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, Vinator, comporte un QCM (une manière ludique de s'exercer) : <a href="http://local.droit.ulg.ac.be/sa/vinator/">http://local.droit.ulg.ac.be/sa/vinator/</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	<p>Students cannot be strongly 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.</p>
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)	DRDB1BA	7		
Bachelor in Law [Dual Bachelor's degree for the holder of a Bachelor in Political Sciences]	DROB1BA	7		