Course Specifications
Valid in the academic year 2018-2019

Historical Public Law (B000641)

Lecturers in academic year 2018-2019
Heirbaut, Dirk

Course offerings and teaching methods in academic year 2018-2019
A (semester 1) Dutch seminar 6.25 h
PDE tutorial 3.75 h
lecture 20.0 h

Offered in the following programmes in 2018-2019

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Teaching languages
Dutch

Keywords
Public law, legal history, judges, case law, constitutions

Position of the course
To look into the reality of public law by analysing some famous cases in recent history. There is, if possible, also a short addendum delving into the rich history of international law.

Contents
A first part is devoted to the role of judges in our society in general. Some court decisions about abortion, the death penalty and the rights of women are analysed by means of additional historical sources (briefs, historical research, interviews, etc.). This material shows that judges are more important in creating public law than constitutional texts. A second part of the course then analyses some specific cases more in detail, to show how they reflect the realities of constitutional law in their times.

The cases discussed are a.o.
- The execution of Louis XVI and Marie Antoinette (1792-1793)
- The Dreyfus affair (1894-1899)
- The Monkey trial (1925)
- The Stalin show trials (1936-1938)
- The Nelson Mandela trial (1963-1964)
- The Stammheim trials against the Baader-Meinhofgang (1975-1977)
- The Nurenberg trials

A third part on the history of international law looks at the conflict between principled stands and power politics in some specific cases.

Initial competences
Students should be acquainted with the general principles of public law, including international law, and with the great evolutions public law underwent throughout history.

Final competences
1 Students should be able to critically analyse current debates about issues of public law, more in particular they should be able to see the political and practical realities underneath the great declarations of rights and freedoms.
2 More in general: developing a critical attitude.
3 Understanding that judgements are the result of a process in which non-legal elements also play a role. Additionally: identifying these political and other influences

Course size (nominal values; actual values may depend on programme)
Credits 5.0 Study time 150 h Contact hrs 30.0 h

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which may have an impact on legal decisions.

4 Coming to an awareness of the limits of law in society, more in particular for offering clear guidance for important ethical and political issues. Additionally: developing an awareness that the jurist's own effort are essential for turning theoretical declarations on human rights etc. into practical realities.

5 Analyzing French and English legal texts and contextualizing the historical material.

6 Defending one's points of view in oral debates and using legal arguments in support of one's views.

Conditions for credit contract
Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract
This course unit cannot be taken via an exam contract

Teaching methods
Lecture, PDE tutorial, seminar

Extra information on the teaching methods
Ex cathedra: ca. 19 u.30 hours.
Seminar and discussions: ca. 7 u.30 hours.
PGO-tutorial: ca. 3 hours.

Learning materials and price
Reader and short syllabus. Can be downloaded from Minerva.

References
Historische Rechtszaken, Nijmegen, 2005.

Forthcoming 2018; PhD thesis Ramses Delafontaine.

Course content-related study coaching
By the lecturer.

Evaluation methods
end-of-term evaluation and continuous assessment

Examination methods in case of periodic evaluation during the first examination period
Written examination, open book examination

Examination methods in case of periodic evaluation during the second examination period
Written examination, open book examination

Examination methods in case of permanent evaluation
Participation

Possibilities of retake in case of permanent evaluation
examination during the second examination period is possible

Extra information on the examination methods
Participation and preparation seminar, discussions and PGO-tutorial: see above.
Written open book exam: following a role playing model, in which either the student is transplanted into the the historical situation or an element of the latter is transplanted to our time.

Calculation of the examination mark
4/20 participation during the semester (second chance: class assignment).
16/20 written exam at the end of the semester
Students who do not participate in all elements of the evaluation will not pass. Any result of 8 or higher will be reduced to 7/20.

Facilities for Working Students
See the lecturer.

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