History of European and Belgian Private Law (B001376)

Course Specifications
Valid in the academic year 2018-2019

Course size
Credits 7.0
Study time 210 h
Contact hrs 75.0 h

Course offerings and teaching methods in academic year 2018-2019
A (semester 1) Dutch lecture 70.0 h

Lecturers in academic year 2018-2019
Heirbaut, Dirk RE21 lecturer-in-charge

Offered in the following programmes in 2018-2019 credits offering
Bachelor of Laws in Laws 7 A

Teaching languages
Dutch

Keywords
Private law, legal history, Roman law.

Position of the course
To introduce the participants to the basic elements of the history of private law, including Roman law, so that they can use this knowledge to see contemporary private law as just one, passing, stage in a long and complex process of evolution.

Contents
The headlines of the evolution of legal science in Europe, and most of all, the evolution of the main principles of the law of persons, property law, the law of obligations, inheritance law and matrimonial property law.

Initial competences
It is recommended that students are familiar with the main elements of Belgian law in general and private law in particular. It is strongly recommended that students have some prior knowledge of the history of public law, as taught in the first year of the law curriculum.

Final competences
1. Knowledge of the main lines of the development of legal science in Europe.
2. Knowledge of the context and evolution of the main branches of private law.
3. Knowledge of some specific legal terms and expressions in Latin which are still in use in Belgian law and/or in foreign legal systems.
4. Understanding of the impact of international influences on the development of national law.
5. Understanding of the diversity of the sources of current law.
6. Understanding of the ever changing relationship between law and society in the past and a critical reflection on law and its historical context.
7. Relativizing current legal rules by their historical origins.
8. Consciousness of the determining influence of time and space on legal rules.

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
Access to this course unit via an exam contract is unrestricted

(Approved)
Teaching methods
Lecture

Extra information on the teaching methods
Teaching for this class is mostly ex cathedra. However, by asking students questions the teacher will test the students’ insight and challenge them to further develop it. Role playing examples will be used to distance students from the current situation and to enliven the past. This will contribute to a greater awareness of the context of legal rules and also to a growing awareness of the fact that legal rules were and are never meant to be abstract entities, but have to solve daily life problems of real people.

Learning materials and price
In Dutch: D. Heirbaut, Privaatrechtsgeschiedenis van de Romeinen tot heden, Gent, Academia Press. (12 euro)

References
In Dutch or French:
Waelkens, L., Civium causa, Acco.
Godding, P., Le droit privé dans les Pays-Bas méridionaux.

In English:
R.C. Van Caenegem, An historical introduction to private law.
M. Kaser, Roman law

Course content-related study coaching
By the lecturer through Minerva. There is a possibility for individual students to ask questions at certain hours.

Evaluation methods
end-of-term evaluation

Examination methods in case of periodic evaluation during the first examination period
Written examination with open questions

Examination methods in case of periodic evaluation during the second examination period
Written examination with open questions

Examination methods in case of permanent evaluation

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

Extra information on the examination methods
See the documentation on Minerva, as well past exams and the extensive feedback thereof.

Calculation of the examination mark

Addendum
Edited on 22/12/2010:
The content of the item 'Conditions for exam contract' has been altered:
'This course unit cannot be taken via an exam contract' has been replaced by 'Access to this course unit via an exam contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'.
This modification rectifies a material mistake as to the decision of the Faculty Board of April 4th 2008, stating the following:
"All courses the teaching methods of which do not comprise continuous assessment or practicals, can be taken via an exam contract".
In view of the fact that this course unit is not taught by means of continuous assessment or practicals, it can be taken via an exam contract.

(Approved)