

INTRODUCTION : MÉTHODE DU DISCOURS

*« Car ce n'est pas assez d'avoir l'esprit bon,
mais le principal est de l'appliquer bien »*

R. DESCARTES, *Discours de la méthode*

Cet ouvrage recense les actes du colloque qui s'est tenu le 27 novembre 1997 à l'Université Libre de Bruxelles. Cette manifestation, organisée par le Centre de philosophie du droit de l'U.L.B., dans le cadre des travaux du Groupe belge de l'Association internationale de méthodologie juridique (A.I.M.J.), a réuni plus de trois cent cinquante personnes : magistrats, enseignants, professionnels du barreau chevronnés, mais surtout de jeunes avocats, stagiaires pour la plupart, ainsi que des étudiants qui les rejoindront d'ici peu.

La participation importante des jeunes praticiens à cette journée de réflexion manifeste deux attitudes. L'intérêt d'abord, sinon la passion, pour une activité qui continue de symboliser au plus haut point la profession d'avocat, même si elle ne jouit plus du prestige d'autrefois. Mais aussi une *demande*, l'expression d'un manque et pour certains d'une véritable angoisse, nourris par un sentiment d'impréparation totale à un exercice perçu, à juste titre, comme important, délicat et technique.

C'est un fait, le jeune avocat qui découvre le palais et porte pour la première fois la toge, n'a reçu aucune *formation* à la plaidoirie. Il n'a le plus souvent pu s'en forger qu'une idée approximative, à partir de l'image stylisée qu'en propose le cinéma. La rhétorique, si elle a laissé son nom à la dernière année d'enseignement secondaire, a complètement disparu de la formation scolaire. A l'université, pour des raisons qui s'expliquent historiquement (1), la plaidoirie est ignorée, presque

(1) Voir sur ce point *infra* l'article de B. Frydman, « Grandeur, déclin et renouveau de la plaidoirie dans l'histoire de la méthodologie juridique ».

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