


3.00 credits

30.0 h

Q1

Teacher(s)	De Schutter Olivier ;
Language :	French
Place of the course	Louvain-la-Neuve
Main themes	<p>This course introduces the student to the principal debates focusing on the role of law in society and the transformations that this role has experienced. Rather than an abstract or purely doctrinal introduction to these debates, the course places these elements in their historical context - also situating the genealogy of the questions faced by law theory - and tries to position them with regard to the contribution of reflection on contemporary questions such as, for example, the relationship between democracy and constitutionalism, or the increasing process of law procedures. In order to attain the above-mentioned objectives, the course on law theory and contemporary juridical thought will provide readings on the way their relation with market rights has evolved and on the successive interpretations that have been put forward in these here. The course will thus place focus on the different functions that have been attributed to the State in the regulation of the market relations, since the conception of the liberal State to the rise of the social state and the questioning of its existence, or to the attempts to redefine it that we witness today. At the start of this reading key, the course offers a comparison of the evolutions that have taken place in the United States , on the one hand and in Europe, on the other. An important part of the course is reserved for the study of the role of the relationship between contractual liberty and fundamental rights to the regulation of the market by the State and also to the relation between juridical regulations and economic analysis. No prerequisite is imposed for this course. The teaching methods are classical : the course is based on lectures with intermittent discussions with the audience, in which the students are encouraged to participate. Course support materials consist of a file of documentation including doctrine articles and jurisprudence decisions, relevant to the presentation of the course content. The student will also be provided with a bibliography to help him complete the notes taken during the lectures or better prepare the course activities, if he so wishes. The exam is in written form, with a closed book. It consists of two questions for reflection, the objective of which is to evaluate the student's capacity to link the theoretical debates analysed during the course to doctrinal questions of a more concrete nature that he may encounter when practising his future profession.</p>
Learning outcomes	<p><b>At the end of this learning unit, the student is able to :</b></p> <p>1 This course aims to introduce the student to the theoretical debates focusing on the evolution of law in contemporary societies and on the different interpretations which are put forward. The student should thus be able to have access to the concepts and authors which will help him to adopt a critical and reflective stand with regard to the current situation on positive law.</p>
Evaluation methods	<p><b>CONTINUED EVALUATION AND FINAL EXAM</b></p> <p>This course relies on a continued form of evaluation. At the end of each session (starting with the class of October 6th), students (chosen at random) are requested to send me a question of reflection (by email at: olivier.deschutter@uclouvain.be). To prepare this question, 10 minutes shall be allocated at the end of each class. In total, each student shall have to send three questions of reflection across the whole semester, the total of the 3 questions being graded for 60% of the final evaluation (or 12 points out of a total of 20).</p> <p>These questions of reflection should not only demonstrate a good understanding of the course (in other terms, they should be correctly informed), but also a capacity for critical reflection on the topic, ideally by highlighting certain contradictions in the subject matter, or blindspots or ambiguities. The student who is absent on the day on which he or she is selected for a question of reflection shall be graded 0/4 for that part of the evaluation.</p> <p>A final exam shall also be organized during the exam session, for the remaining part of the final evaluation (8 points out of a total of 20, or 40% of the total). This is a two hours long take-home exam, prepared on the basis of a question of reflection sent to each student.</p>
Teaching methods	This course will be based on lectures, regularly interrupted by interactive exchanges, as well as on the intervention of guest lecturers and short video sequences.
Content	This course shall map the developments of governmental rationality since the birth of modern societies in the Western world, by emphasizing the role of the law in shaping the relationship between State and market. We will examine in turn the legacy of liberal revolutions, centered on the affirmation of individual and collective self-determination, and leading first to establish the liberal State, and then the Welfare State (part I); neoliberalisms, that seek to govern by the diffusion of market mechanisms (part II); the contribution, since the 2000 decade, of behavioral sciences (part III), which occurred in parallel to the emergence, also during this recent period, of mechanisms aiming at strengthening self-determination (the "commons", the organisation of "sociodiversity", with a pluralism of lifestyles, and participatory democracy) (part IV).

Inline resources	The course has a Moodle page on which the student shall find all necessary resources, including, as much as possible, in order to prepare the class in advance.
Faculty or entity in charge	BUDR

<b>Programmes containing this learning unit (UE)</b>				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Bachelor in Law	<a href="#">DROI1BA</a>	3		
Master [120] in Criminology	<a href="#">CRIM2M</a>	6		