



3.00 credits

30.0 h

Q1

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| 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><i>EVALUATION CONTINUE ET EXAMEN</i></p> <p>Ce cours fait l'objet d'une évaluation continue. Au terme de chaque séance d'enseignement à partir du deuxième cours, chaque séance se terminera par la distribution d'un formulaire proposant une question de réflexion portant sur la matière enseignée. L'évaluation finale se fondera sur deux des réponses fournies, tirées au sort parmi les réponses que l'étudiant.e aura proposées au cours du quadrimestre. (Un maximum de deux absences sont cependant tolérées.)</p> <p>En cas d'échec dans le cadre de l'évaluation continue, un examen sera organisé en seconde session. Cet examen prend la forme de deux questions de réflexion qui sont envoyées à l'étudiant.e par email (selon la formule « take home »). Il/elle disposera de deux heures pour envoyer ses réponses par le même canal.</p>  |
| Teaching methods    | <p>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. Some lessons will be held in the format of "inverted classes", that is to say they will be based on videos that the students will watch BEFORE the course, in such a way that the classroom discussion will start from the questions that the videos arouse. These lessons in "inverted" mode therefore require prior preparation for the course from the students.</p>   |
| Content             | <p>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).</p>   |

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| 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       |              |  |