

## DRT

### DROI1202 Philosophie morale et droit naturel

[60h] 6 credits

This course is taught in the 1st and 2nd semester

**Teacher(s):** Laurent de Briey, Jacques Lenoble  
**Language:** french  
**Level:** 1st cycle course

#### Aims

These lectures concern law students who must use , in their studies as well as in their practice, a considerable number of terms having moral signification or connotations. These lectures are intended to introduce students to the identification of moral concepts and to the analysis of the issues raised by them.

In the second part (Natural law), the aim of the course is to reconstruct the main steps of the evolution of modern political philosophy (i.e. of the theories of political liberalism and fundamental rights).

#### Main themes

Part One - Moral Philosophy (30h)1. Speculations on the structure of human action and the status of accountable freedom.2. Demonstration of the irreducibility of moral consciousness and of its specific reference points: goodness, value, the law, duty, etc#3. Typology of the main interpretations of the foundations of moral consciousness. 4. Examination of issues related to objective and subjective moral systems and to the relationships between them.5. Contextualisation of moral consciousness and its norms relative to global human existence: the reality of moral evil, the intimate experience and the quest for happiness. Second part: Natural law1. Definition of the question of natural law, especially in opposition to legal positivism.2. Analysis of some of the most important theories of natural law, especially since the beginning of modern political philosophy. The course mainly focuses on theories of "modern natural law", which have constituted the most important steps in the progressive elaboration of the political theory of liberalism and the theory of fundamental rights.

#### Content and teaching methods

In the second part (Natural law), the course, as already indicated, mainly focuses on theories of "modern natural law", which have constituted the most important steps in the progressive elaboration of the political theory of liberalism and the theory of fundamental rights. In this perspective, the main theories that are analysed are as follows: philosophy of Hobbes, philosophy of Locke, philosophy of Rousseau, Constant's and Tocqueville's theories of democracy, contemporary neo-Kantian re-interpretation of liberalism. The course also introduces students to the contemporary criticism of liberalism and fundamental rights. In this context, H. Arendt's criticism of modern political philosophy is analysed.

#### Other information (prerequisite, evaluation (assessment methods), course materials recommended readings, ...)

With regard to the second part (Natural law), assessment is by written examination (3 hours), consisting of two questions that aim to check the students' ability to reconstruct the coherence of one of the theories analysed during the course and to compare different theories. For this second part of the course, students are provided with course material, comprising either a complete presentation of the essential elements of theories studied during the course or representative articles by an author who has been analysed.