

Faculty of Law



DROI2306 General theory of State

[30h] 4.5 credits

This course is taught in the 1st semester

Teacher(s): Yves Lejeune
Language: French
Level: Second cycle

Aims

This course aims to develop, from the legal point of view, theoretical and critical thinking about the State and associated phenomena, taking into account the contribution of political science, philosophy and sociology.

To this end, the course endeavours to define the State and to systematically study each of its "component parts", as well as to specify the position of law within and outside the State. The foundation of many legal concepts is reviewed with regard to the State's power, State institutions and their workings. From a more general point of view, the concepts of people, nation, civil society, democracy, the rule of law (Rechtsstaat), lawfulness and legitimacy, separation of powers, federalism and supranationality are critically examined. Lastly, the evolution of the State, of European integration and of the international community is explored.

Main themes

Content :

The State is not analysed from the point of view of political science, philosophy or sociology, but in terms of legal parlance. Taking into account the contribution of these disciplines to understanding the State as a phenomenon, the course aims to develop a legal theory of the State supported by knowledge of its structures and the workings of its institutions.

To this end, the course endeavours to define the State and to systematically study each of its "component parts", as well as to specify the position of law within and outside the State. The foundation of many legal concepts is reviewed with regard to the State's power, State structures and their workings. From a general point of view, the concepts of people, civil society and the rule of law (Rechtsstaat) are critically examined. Lastly, the evolution of the State, of European integration and of the international community is explored.

Method :

Interactive method. Theoretical synthesis and analysis of text extracts. Belgian and foreign, European or international case-law examination. Students are also requested to prepare short oral statements on topics to be agreed with the professor.