

Faculty of Law



DROI1308 Theory of law and contemporary juridical thought

[30h] 3 credits

This course is taught in the 2nd semester

Teacher(s): Olivier De Schutter
Language: French
Level: First cycle

Aims

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.

Main themes

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.

Other credits in programs

DROI13BA	Troisième année de bachelier en droit	(3 credits)	Mandatory
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