

5.00 credits

30.0 h

Q2








This learning unit is not being organized during this academic year.

Language :	French
Place of the course	Bruxelles Saint-Louis
Prerequisites	<i>The prerequisite(s) for this Teaching Unit (Unité d'enseignement – UE) for the programmes/courses that offer this Teaching Unit are specified at the end of this sheet.</i>
Main themes	<p>This teaching unit is an optional course designed to deepen and illustrate the general theory presented in the State courses offered, particularly in the first part of the <i>Constitutional Law I</i> course for the Bachelor of Laws program and the <i>Public Law course</i> for the Bachelor's program in Political Science. The course is aimed at law and political science students who wish to <i>go further</i> in understanding the theoretical foundations and practical issues of the modern state, particularly in the context of European integration.</p> <p>The course examines contemporary transformations in the exercise of public power from a critical and interdisciplinary perspective, in light of the fundamental principles underpinning the organization and functioning of democratic states, such as sovereignty, federation, the constitution, the rule of law, and the separation of powers. These traditional principles and concepts are now being profoundly challenged, while in some respects also experiencing a revival, making their critical examination more essential than ever.</p> <p>Often described as an "unidentified political object," the European Union is one of the phenomena that most strongly invites us to rethink these principles in depth. The value of studying the general theory of the State alongside the European Union lies in examining, through a rigorously structured conceptual comparison, what States have become as a result of their membership in the Union, on the one hand, and how the Union itself has never ceased, since its foundation, to seek its own path between state mimicry and <i>sui generis</i> construction, on the other. In this respect, the question of the place of the Belgian federal state within this supranational organisation deserves particular attention.</p>
Learning outcomes	<p>At the end of this learning unit, the student is able to :</p> <p>This course corresponds to the program's framework of learning outcomes, insofar as it contributes to:</p> <p>I. "to acquire a general culture and interdisciplinary knowledge", through the "development of a solid culture in the non-legal humanities and social sciences, capable of deciphering, from a resolutely interdisciplinary perspective, legal phenomena". More specifically, the student should be able to identify and evaluate, in dialogue with the authors studied, the various theories addressed in the course concerning the following disciplines, notions, and issues: the relationship between science and ideology, legal positivism, the general theory of the state, interdisciplinarity, paralegality, the state, the nation-state, the federal state, the plurinational state, the confederation of states, the plurinational federation, sovereignty, the institutionalization of power, nation, sub-state nations, constitution, constitutional pact, cosmopolitan law, treaties, territoriality, constitutionalism, democracy, consociativism, political representation, the majority principle, protection of minorities, direct, representative and deliberative democracies, leadership, technocracy, civil society, the rule of law, the separation of powers, political regimes, human rights, the political role of the supreme courts, global constitutionalism, federalism, confederalism, supranationality.</p> <p>II. "acquire specifically legal knowledge", through the "mastery of the secondary rules that articulate the different formal sources of law, and the ability to apprehend the law as a system". The student should therefore be able to confront the theories studied in the course with the specific context of the Belgian legal order and the European Union. In this respect, they will need to grasp everything that differentiates the European Union from a state.</p> <p>III. "Acquire the methods and tools of the scientific approach", by becoming aware of the epistemological premises of the course.</p> <p>IV. "acquire analytical, reflective and argumentative skills based on concrete situations", by encouraging students to analyse the different theories independently and from a critical perspective.</p> <p>V. "Master written and oral communication in French", by inviting students to present orally theories or legal reasoning relating to the organization of the State.</p>

<p>Evaluation methods</p>	<p>In the first examination session, the assessment of the course unit is threefold:</p> <ul style="list-style-type: none"> • Continuous assessment (25%): based on the student's active participation in the various lessons (presentation and discussion of the reference texts). • Partial assessment (25%): consisting of an individual or group presentation (2–3 students) of a current issue in light of the teachings of the general theory of the State, delivered during one of the last two lessons of the course. The presentation, lasting 10 to 20 minutes, must combine a conceptual dimension with a reasoned position on a concrete politico-legal question. • Oral examination (50%): assessing the student's knowledge of the theoretical teachings covered in the course. Two questions are asked: to define one of the concepts of State theory studied in the course and to comment on a passage from one of the reference texts discussed in class. <p>In the second examination session, unless the inclusion of continuous and partial assessments is more favorable to the student, evaluation is based exclusively on an oral examination.</p>
<p>Teaching methods</p>	<p>Taught in person, the course is structured around thematic lessons, each divided into two complementary parts.</p> <p>The first part takes the form of an <i>ex cathedra</i> lecture, delivered by the course instructors, devoted to presenting the theoretical teachings related to the theme of the lesson.</p> <p>The second part is based on the presentation and discussion of one or two reference texts, following an active learning approach inspired by flipped classroom methods. Prior to each lesson, one or more students are invited to prepare summaries, questions, or personal reflections on the assigned texts, in order to stimulate discussion and encourage critical analysis of the material.</p> <p>The instructors take care to connect each theme to concrete politico-legal debates, ideally linked to current events.</p>
<p>Content</p>	<p>The course is designed to explore and deepen the work of authors who, from the 19th century to the present day, have contributed to the conceptualization of the modern State, such as Georg Jellinek, Raymond Carré de Malberg, Maurice Hauriou, Léon Duguit, Hans Kelsen, Georges Burdeau, Jean Dabin, Carl Schmitt, Norberto Bobbio, and more recently Michel Troper, Dieter Grimm, Jacques Chevallier, Thomas Fleiner, Olivier Beaud, and Hugues Dumont. The aim is to put the structuring principles of the general theory of the State to the test of the contemporary challenges faced by States, particularly in the context of European integration.</p> <p>The course is structured around thematic lectures, which, during the present academic year, will be guided by the overarching theme of sovereignty. The introductory lecture will present this notion, considering it at both the national and European levels.</p> <p>Each subsequent lecture will combine theoretical instruction on the given sub-topic with a discussion of one or more current politico-legal issues directly related to that instruction. The final two lectures are devoted to student presentations of relevant texts on the chosen theme.</p> <p>The thematic lectures may cover, among others, the following topics:</p> <p>National sovereignty and democratic representation</p> <ul style="list-style-type: none"> • Representation of the <i>demos</i> in multi-level governance: a comparison between the federal State and the European Union • Leadership and technocracy in the States and in the European Union • The right of secession of sub-state nations <p>Popular sovereignty and the rule of law</p> <ul style="list-style-type: none"> • The legitimacy of the authority of supreme courts in the States and in the European Union • Deliberation in the post-truth era: State and European regulation of the democratic public sphere <p>Sovereignty and the material separation of powers</p> <ul style="list-style-type: none"> • The influence of private actors in public action: what can the State and the European Union do in the face of major tech players? • The challenges of rearmament: the separation of civil and military powers, and European defense <p>Economic sovereignty and governance</p> <ul style="list-style-type: none"> • Industrial policy of the strategic State and the European Union in the face of long-term challenges • "Trade wars": when the trade balance becomes the measure of sovereignty <p>The content of the course may vary from year to year, given the breadth and diversity of themes likely to be of interest. The above is therefore only an example of possible content and structure. It may be adapted in light of the audience's level of understanding and engagement.</p> <p>From an epistemological perspective, the course deliberately and thoughtfully articulates public law and legal history analyses with approaches drawn at times from political science, and at other times from political philosophy.</p>
<p>Inline resources</p>	<p>The Moodle space for the course contains the references discussed during the lectures.</p>

Bibliography	
Faculty or entity in charge	DRTB

Programmes containing this learning unit (UE)				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Bachelor in Law	DROB1BA	5	BDROI1110 AND BDROI1112	
Bachelor in Law French-Dutch (and French-Dutch-English)	DRNB1BA	5	BDROI1110 AND EMHUB1110 AND BDRNL1130	
Bachelor in Political Sciences	SPOB1BA	5	BESPO1176	
Bachelor in Political Sciences (French-English)	SPAB1BA	5	BESPO1176	
Bachelor in Political Sciences (French-Dutch-English)	SPTB1BA	5		
Bachelor of Laws (French- Dutch-English / Droit-Rechten- Laws)	DREB1BA	5		