

ENS RENNES

Concours Droit-économie

Ce sujet zéro a été élaboré dans le cadre de la réforme du concours d'entrée au département Droit-économie-management qui **entrera en vigueur à la session 2020**. Anciennement appelé *Concours D1*, il devient le *Concours Droit-économie* et il est régi par les arrêtés suivants, publiés le 17 mai 2018 :

- Conditions d'admission des élèves au concours Droit-Économie
arrêté du 18-4-2018 (NOR > [ESRS1800072A](#))

- Programme du concours Droit-Économie d'admission en première année
arrêté du 18-4-2018 (NOR > [ESRS1800073A](#))

Épreuve orale d'anglais

Sujet zéro n° 1

When a new group of interns recently arrived at Barclays in New York, they discovered a memo in their inboxes from their supervisor at the bank: "Welcome to the jungle. I recommend bringing a pillow to the office. It makes sleeping under your desk a lot more comfortable. The internship really is a nine-week commitment at the desk." An intern asked our staffer for a weekend off for a family reunion – he was asked to hand in his BlackBerry and pack up his desk."

Although the memo was meant as a joke, no one laughed when it was leaked to the media. Memories were still fresh of Moritz Erhardt, the 21-year-old London intern who died after working 72 hours in a row at Bank of America. It looked as if Barclays was also taking the "work ethic" to morbid extremes.

Following 30 years of neoliberal deregulation, the nine-to-five feels like a relic of a bygone era. Jobs are endlessly stressed and increasingly precarious. Overwork has become the norm in many companies – something expected and even admired. Everything we do outside the office – no matter how rewarding – is quietly denigrated. Relaxation, hobbies, raising children or reading a book are dismissed as laziness. That's how powerful the mythology of work is.

Technology was supposed to liberate us from much of the daily slog, but has often made things worse: in 2002, fewer than 10% of employees checked their work email outside of office hours. Today, with the help of tablets and smartphones, it is 50%, often before we get out of bed. Some observers have suggested that workers today are never "turned off". Like our mobile phones, we only go on standby at the end of the day, as we crawl into bed exhausted. This unrelenting joylessness is especially evident where holidays are concerned. In the US, one of the richest economies in the world, employees are lucky to get two weeks off a year.

The costs of overwork can no longer be ignored. Long-term stress, anxiety and prolonged inactivity have been exposed as potential killers. Labour unions are increasingly raising concerns about excessive work, too, especially its impact on relationships and physical and mental health.

Is there a healthy and acceptable level of work? Most modern employees are productive for about four hours a day: the rest is padding and huge amounts of worry. The workday could easily be scaled back without undermining standards of living or prosperity.

Almost all studies focus on the amount of time spent working each day. We need to go further and begin to look at the conditions of paid employment. If a job is overly stressful, it can be an existential nightmare. In order to make jobs more conducive to our mental and physiological welfare, much less work is definitely essential. So too are jobs of a better kind, where hierarchies are less authoritarian and tasks are more varied and meaningful.

Adapted from *The Guardian*

Sujet zéro n° 2

A year ago, my boss announced that our large New York ad agency would be moving to an open office. I was forced to trade in my private office for a seat at a long, shared table. Our new, modern office was beautifully airy, and yet remarkably oppressive. Nothing was private. On the first day, I took my seat at the table assigned to our creative department. All day, there was constant shuffling, yelling, and laughing, along with loud music. At day's end, I bid adieu to the 12 pairs of eyes I felt judging my 5:04 p.m. departure time.

Despite its obvious problems, the open-office model has continued to encroach on workers across the country. Now, about 70 percent of U.S. offices have no or low partitions. Silicon Valley has been the leader in bringing down the dividers. Michael Bloomberg was an early adopter of the open-space trend, saying it promoted transparency and fairness.

These new floor plans are ideal for maximizing a company's space while minimizing costs. Bosses love the ability to keep a closer eye on their employees, ensuring clandestine porn-watching, constant social media-browsing and unlimited personal cellphone use isn't occupying billing hours. But employers are getting a false sense of improved productivity. Many workers in open offices are frustrated by distractions that lead to poorer work performance. Nearly half of the surveyed workers in open offices said the lack of sound privacy was a significant problem for them and more than 30 percent complained about the lack of visual privacy.

The benefits in building camaraderie simply mask the negative effects on work performance. While employees feel like they're part of a laid-back, innovative enterprise, the environment ultimately damages workers' attention spans, productivity, creative thinking, and satisfaction. Furthermore, a sense of privacy boosts job performance, while the opposite can cause feelings of helplessness. In addition to the distractions, my colleagues and I have been more vulnerable to illness. Last flu season took down a succession of my co-workers like dominoes.

As the new space intended, I've formed interesting, unexpected bonds with my cohorts. But my personal performance at work has hit an all-time low. Those who have worked in private offices for decades haven't had to consider how their loud habits affect others, so they shout ideas at each other across the table and rehash jokes of yore. As a result, I can only work effectively during times when no one else is around, or if I isolate myself in one of the small, constantly sought-after, glass-windowed meeting rooms around the perimeter.

If employers want to make the open-office model work, they have to take measures to improve work efficiency, for example create more private areas — ones without fishbowl windows. Also, they should implement rules on when interaction should be limited, for instance, when a colleague has on headphones, it's a sign that you should come back another time or just send an e-mail.

Adapted from *The Washington Post*.

Sujet zéro n° 3

The news that a Chinese baby has been born four years after his parents died in a car crash has caused a media storm. The parents, Shen Jie and Liu Xi, had been trying to get pregnant, via in vitro fertilisation (IVF). Five days before their fertilised egg was meant to be implanted, they died in a car crash.

The couple left behind four frozen embryos. Their own parents, on both sides of the family, would go on to spend three years in China's courts arguing that they should have rights to the embryos. They eventually won that battle. Surrogacy is illegal in China, so they transported the embryo to Laos, and found a surrogate there instead.

The baby, called Tiantian, is now 100 days old. The grandparents have since had to take DNA and blood tests to ensure their grandson gained Chinese citizenship.

While most headlines have focused on the spooky notion that dead people have had children, this concept itself is not so weird. Dead people, after all, have children all the time. Women in the UK who donate eggs hand over control of the future conception of a child to someone else. Moreover, the UK's laws on IVF allow for the potential, if permission is explicitly obtained, for people to have babies after they have died. The unusual aspect of Tiantian's case is the fact the grandparents were able to claim rights to their embryos of their children.

The case of Mr and Mrs M. vs the HFEA (Human Fertilisation and Embryology Authority) concluded in 2017. In the case, Mr and Mrs M requested that the HFEA give them the rights to their daughter's frozen eggs. Their daughter had died five years earlier from bowel cancer, at the age of 28.

In the UK, when one freezes their eggs (unfertilised or fertilised), the HFEA requires that the woman or in the case of fertilised eggs, both partners, decide beforehand what should happen to the eggs in the case of mental capacity or death.

However, for some reason, the forms were not filled out properly. While the daughter said her eggs should continue to be stored postmortem, she did not specify what should happen to them. Her family claimed that the woman wanted her parents to raise any potential offspring. But there are no inheritance rights for embryos in the UK.

The difficulty in this topic is what happens when there isn't written consent. Though these cases are few and far between, the rapidly improving technology and a lack of clear guidelines in storing eggs (worldwide) will only lead to more complications in both preserving the wishes of parents and ensuring rights aren't trampled on.

Adapted from *New Statesman*.

Déroulement de l'épreuve et attentes du jury

L'épreuve devant le jury comprend trois phases bien distinctes :

- présentation du document
- commentaire personnel
- échange avec le jury

Les deux premières phases correspondent donc à une prise de parole en continu par les candidats, avant la troisième étape, qui fait intervenir le jury. Le temps imparti à l'épreuve, à savoir 15 minutes, doit être réparti le plus équitablement possible entre les trois phases. Les candidats seront par exemple sanctionnés s'ils ne laissent pas le temps au jury de leur poser des questions, et seront dans ce cas coupés si leur prise de parole en continu s'éternise.

Lors de cette prise de parole en continu, il est tout d'abord attendu des candidats qu'ils se livrent à une présentation du texte dans leurs propres mots, la répétition exacte et chronologique des phrases de l'article ne présentant aucun intérêt. Il s'agit donc de dégager la problématique de l'article et de faire état des différents arguments énoncés, de manière ordonnée et logique. Cette présentation du texte ne doit en aucun cas déborder sur le commentaire, qui a pour but de présenter des points de vue personnels.

Après cette présentation, le jury attend des candidats qu'ils proposent un commentaire problématisé à partir des thématiques évoquées dans le texte. Il s'agit donc de s'interroger sur les questionnements qu'il suscite, en apportant notamment des informations supplémentaires : éclaircissements sur le phénomène étudié (contexte, exemples supplémentaires...), critique de l'article (manques, idées à nuancer...), opinion personnelle, etc. Tout commentaire hors sujet ou vaguement en rapport avec le document sera par conséquent sanctionné.

Enfin, vient la phase d'échange avec le jury, qui commence généralement par des questions invitant les candidats à développer ou éclaircir des points évoqués lors de leur prise de parole en continu. Le jury pose ensuite des questions plus générales en rapport avec les thématiques évoquées. Les candidats doivent par exemple être capables d'imaginer ce qui peut « se cacher » derrière certaines phrases du texte, en explicitant et/ou donnant des exemples concrets. Le jury peut également être amené à demander la traduction d'un court passage de l'article pour en vérifier la bonne compréhension.

La durée de l'entretien étant très courte, l'une des difficultés majeures de cette épreuve va être d'optimiser le temps et d'aller droit au but en se concentrant sur ce qui est pertinent pour laisser de côté les lieux communs, idées superflues et autres banalités. L'esprit critique et la capacité à faire preuve d'analyse et réflexion personnelle ont également leur poids dans les critères de notation.

Le jury évalue les candidats selon leurs compétences linguistiques, pragmatiques et discursives, aussi est-il important de soigner la forme et le contenu des prestations.