



# Comparative Legal History 1

2023/2024/1

## Course Description

Basic Course Information			
<b>General description</b>	This subject is the English equivalent of the compulsory subject “Egyetemes állam- és jogtörténet 1”. Knowledge of English language is required, which enables students to understand English lectures and presentations delivered by the lecturer, and texts to be processed and analysed in seminars.		
<b>Credit points</b>	4	<b>Lecturer</b>	László Komáromi PhD
<b>Classes per week</b>	<ul style="list-style-type: none"><li>– theoretical (lecture): 3 hours (Wednesdays 12.00-14.45)</li><li>– practical (seminar): 1 hour (Thursdays 16.00-16.45)</li></ul> <p>In order to complete the subject it is necessary to complete both the theoretical and the practical part of it (lecture and the seminar course “Comparative Legal History 1 seminar”). Only students will be admitted to the exam who acquired the signature in seminar. However, students are not obliged to complete both parts in English: they are allowed to choose and complete a Hungarian seminar (“Egyetemes állam- és jogtörténet 1 gyakorlat”) beside the attendance of the English lectures or vice versa, to sign up for the English seminar beside the attendance of the Hungarian lectures (“Egyetemes állam- és jogtörténet 1”).</p>		
Course Objectives			
<b>Generally</b>	The purpose of this subject is to provide knowledge on the evolution and the fundamental features of the most important European legal traditions and their interplay from antiquity to the 20 <sup>th</sup> century, and to introduce students to the use of comparative analysis in legal research.		
<b>Objectives</b>	Students who pass this subject will be able to <ul style="list-style-type: none"><li>– outline the historical evolution of the most important European legal traditions,</li><li>– identify universalities and differences in the development of legal systems,</li><li>– approach legal problems, rules and institutions from a historical and comparative perspective,</li><li>– analyse and understand legal texts and institutions with regard to their historical, social, political and ideological background.</li></ul>		

## Class Schedule

### Lectures

13 <sup>th</sup> Sept.	Introduction; Ancient Legal Systems
20 <sup>th</sup> Sept.	From Tribal Kingships to Feudal States
27 <sup>th</sup> Sept.	<i>Cancelled, replacement 6<sup>th</sup> Oct.</i>
...4 <sup>th</sup> Oct.	Medieval Legal Development I: Roman Law, Customary Law and Feudal Law
6 <sup>th</sup> Oct.	!!! 10:00-13:00 The State of Estates ( <i>replacement</i> ) !!!
11 <sup>th</sup> Oct.	<i>Cancelled, Pázmány Day (non-teaching working day)</i>
18 <sup>th</sup> Oct.	Medieval Legal Development II: The Formation of the Ius Commune
25 <sup>th</sup> Oct.	The Common Law of England
1 <sup>st</sup> Nov.	<i>Holiday (All Saint's Day)</i>
8 <sup>th</sup> Nov.	The Emergence of Modern States
15 <sup>th</sup> Nov.	The Development of the Parliamentary System
22 <sup>nd</sup> Nov.	Modern Legal Development I: Humanism, Reception and Natural Law
29 <sup>th</sup> Nov.	Modern Legal Development II: Enlightenment and Codification; New Trends
6 <sup>th</sup> Dec.	Some Institutions of Private Law I-II.

### Seminars

14 <sup>th</sup> Sept.	Ancient Legal Sources I: Aristotle: The Athenian Constitution
21 <sup>st</sup> Sept.	Ancient Legal Sources II: Deuteronomy
28 <sup>th</sup> Sept.	<i>Cancelled, replacement 6<sup>th</sup> Oct.</i>
5 <sup>th</sup> Oct.	Sources Related to Medieval State and Law I: Tacitus: Germania
6 <sup>th</sup> Oct.	!!! 15.00-15.45 Sources Related to Medieval State and Law II: Texts on Feudal Law ( <i>replacement</i> ) !!!
12 <sup>th</sup> Oct.	Sources Related to Medieval State and Law III: On the Governance of the Palace
19 <sup>th</sup> Oct.	Sources Related to Medieval State and Law IV: Magna Carta
26 <sup>th</sup> Oct.	Sources Related to Medieval State and Law V: Writs
2 <sup>nd</sup> Nov.	<i>Holiday (Day of the Dead)</i>
9 <sup>th</sup> Nov.	Parliamentarism and Modern Constitutionalism: Petition of Right, Hab. Corp. A.
16 <sup>th</sup> Nov.	Modern Private Law: Code Civil
23 <sup>rd</sup> Nov.	<b>Essay Exam</b> (based on texts analysed in previous seminars)
30 <sup>th</sup> Nov.	Modern Private Law: ABGB, BGB
7 <sup>th</sup> Dec.	Modern Private Law: Text Related to Natural Law (Consultation + Retake Exam)

## Mandatory Course Materials

<b>Seminar</b>	Different <i>texts</i> will be sent to students prior to each seminar. These texts, which will be analysed in class, are mandatory readings and form – in addition to the <i>explanations</i> given by the lecturer – the basis of the essay exam on 23 <sup>rd</sup> November.
<b>Lecture</b>	The <i>materials of lectures and presentations</i> delivered by the lecturer are mandatory sources of the subject “Comparative Legal History 1” and will form the basis of the test exam to be taken in the examination period. All other sources indicated below in the last section are not mandatory but recommended readings for those who would like to explore the relevant issues more in depth.

## Requirement and Assessment

<b>Seminar</b>	Regular <i>attendance</i> of seminars is <i>mandatory</i> . Students who have missed more than <i>two</i> seminars may only complete the course by performing a special task given by the lecturer (mostly the in-depth written elaboration of a topic). In addition to this, students shall take an <i>essay exam</i> based on texts analysed in seminars. The essay may be written either in English or in Hungarian. The completion of the seminar – the regular attendance and the passing of the essay exam – will be confirmed by signature. The signature shall be acquired until the end of the term time.
<b>Lectures</b>	Regular attendance of lectures is recommended. The subject may be completed by passing an <i>exam</i> in the examination period. The student’s performance will be evaluated in a five-grade system. Only students who acquired the signature in seminar will be admitted to the exam. The exam will either be oral (preferably) or written (if the latter, it may combine multiple choice, matching type and essay elements). However, students are free to sign up for a Hungarian exam (oral or written) announced for participants of the course “Egyetemes állam- és jogtörténet 1”, nevertheless, in this case they shall take into consideration that mandatory readings for that course may differ from mandatory materials of the course “Comparative Legal History 1”.

## Recommended Readings

	<ul style="list-style-type: none"> <li>– O. F. Robinson/T. D. Fergus/W. M. Gordon: An Introduction to European Legal History (Professional Books 1985) or later from the same authors: European Legal History. Sources and Institutions (Butterworths 2000)</li> <li>– M. Bellomo: the Common Legal Past of Europe 1000-1800 (The Catholic University of America Press 1995)</li> <li>– A. Watson: The Evolution of Western Private Law (The Johns Hopkins University Press 2001)</li> <li>– J. H. Baker: An Introduction to English Legal History (Oxford University Press 2007)</li> <li>– P. Stein: Roman Law in European History (Cambridge University Press 1999)</li> <li>– R. C. van Caenegem: An Historical Introduction to Private Law (Cambridge University Press 1996)</li> <li>– R. C. van Caenegem: An Historical Introduction to Western Constitutional Law (Cambridge University Press 1995)</li> </ul>
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