



Comparative Legal History 2

2023/2024/2

Course Description

Basic Course Information			
General description	This subject is the English equivalent of the compulsory subject “Egyetemes állam- és jogtörténet 2”. 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.		
Credit points	4	Lecturer	László Komáromi PhD
Classes per week	<ul style="list-style-type: none">– theoretical (lecture): 3 hours (Tuesdays 14.00-17.00)– practical (seminar): 1 hour (Wednesdays 16.00-17.00) <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 2 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 2 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 2”).</p>		
Course Objectives			
Generally	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 th century, and to introduce students to the use of comparative analysis in legal research.		
Objectives	Students who pass this subject will be able to <ul style="list-style-type: none">– outline the historical evolution of the most important European legal traditions,– identify universalities and differences in the development of legal systems,– approach legal problems, rules and institutions from a historical and comparative perspective,– analyse and understand legal texts and institutions with regard to their historical, social, political and ideological background.		

Class Schedule

Lectures

5 March	The US Constitution I
12 March	The US Constitution II
19 March	French Constitutional Development I
26 March	French Constitutional Development II (+ Belgian Constitution of 1831)
2 April	German Constitutional Development I (1806-1919)
9 April	German Constitutional Development II (1919-1933)
16 April	<i>Dies Academicus (non-teaching working day)</i>
23 April	Austrian Constitutional Development (1848-1938)
30 April	Medieval Criminal Law
7 May	The Principles of Modern Criminal Law
14 May	Modern Criminal Law Codifications
21 May	Modern Criminal Procedure, closing of the semester

Seminars

6 March	Declaration of Independence
13 March	The US Constitution I (coming into existence, legislative power)
20 March	The US Constitution II (executive power, juridical power, amendments)
27 March	French Constitutional Development I (Declaration of 1789)
3 April	French Constitutional Development II (Const. of 1791, Const. of 1793)
10 April	German Constitutional Development I (1806-1919)
17 April	German Constitutional Development II (1919-1933)
24 April	Austrian Constitutional Development (1848-1918)
1 May	<i>National Holiday</i>
8 May	<i>Essay Test</i>
15 May	The Principles of Modern Criminal Law
22 May	Modern Criminal Law Codifications, closing of the semester

Mandatory Course Materials

Seminar	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 test on 8 May.
Lecture	The <i>materials of lectures and presentations</i> delivered by the lecturer are mandatory sources of the subject “Comparative Legal History 2” 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

Seminar	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
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	<p>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.</p>
Lectures	<p>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 be either an oral exam or an English written exam combining multiple choices, matching type and essay elements. Students are free to sign up for a Hungarian exam (oral or written) announced for participants of the course “Egyetemes állam- és jogtörténet 2”, however, 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 2”.</p>
Recommended Readings	
	<ul style="list-style-type: none"> – C. L. von Bar: A History of Continental Criminal Law. (Transl. by Thomas S. Bell.) Boston, Little, Brown, and Company, 1916. – J. Brissaud: A History of French Public Law. (Transl. by James W. Garner.) Boston, Little, Brown, and Company, 1915. – R. C. van Caenegem: An Historical Introduction to Western Constitutional Law (Cambridge University Press 1995) – N. Case: European Constitutional History. Cincinnati, Jennings & Pye; New York, Eaton & Mains, 1903.