

OPTIONAL COURSES – 1ST SEMESTER.**STUDENTS ARE OBLIGED TO PICK AND PASS ONE OF THE TWO COURSES LISTED BELOW**

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| Course Title | Connection Between Legal Practice and Legal Sciences From Ancient Times To Modern Times – Analysis of Historical Legal Cases |
| Neptun Code | JA-PHD-K-14 |
| Type | core / <u>optional</u> |
| Name and Position of Lecturer | Prof. Dr. Béla Szabó CSc, Professor of Law |
| Other Lecturers | Dr. habil. Judit Balogh PhD, Associate Professor of Law Dr. László Papp PhD, Senior Lecturer of Law |
| Which Semester | <u>fall semester</u> / spring semester |
| Number of Classes | 2 / week |
| Credits | 2 |

Course Objectives

The aim of the lectures is to introduce the diversity which is performed by the European legal development in legal authorities, legal sources, legal thinking and argument, in resolutions of material and legal procedures. Certain cases mainly focus on interaction between jurisprudence and legal practice by describing the specialities of certain periods or legal field. Individual cases are interpreted by nearly similar method: historical environment/background, interpretation of the features/criteria of legal life and jurisprudence; analysis of the translated sources, reconstructions of conclusion of fact, analyzing the legal problem, examination of the arguments of the parties and the legal academic, drafting possible conclusions. Cases give samples of questions of civil, criminal law, as well as public law. Some cases have canon law aspects, too.

Topics

1. *Causa Curiana* – Legal dispute of inheritance from the 1st century B. C.
2. Case of pigs stolen by the wolves – Classic example of Ulpianus from circle of acquisition of ownership
3. Gift or loan – Debate between Julianus and Ulpianus about *causa* of contract
4. Legal dispute between father and daughter – Insight into the legal life of Roman Egypt
5. King Lothar gets rid of his wife – Marriage law of Catholic Church
6. The early died wife – Lawsuit of Florence about delivering dowry, contemporary legal expertise
7. Oblivious intercessor – Obstacles of oral procedure in the late Middle Ages
8. Legal authority above the Indians – Variegation of legal sources in early Modern Times
9. And there are witches – Specialities of witchcraft trials
10. The case of Arnold, the Miller – Judicial independence in Prussia in the 18th century
11. The right to inheritance of child born out of wedlock – Equal opportunities in the 19th century
12. Charge for blood in Tiszaeszlár – The most famous Hungarian criminal case of the 19th century

Requirements for Completion

To visit the lectures on the subject is compulsory for full-time students and recommended for correspondent students.

The students of the course can choose from two types of examination:

- Students planning to examine also the historical relevancies of their research theme in their thesis have to complete a historical paper, too, agreed by the responsible lecturer as long as one author's sheet (40 000 n with spaces and footnotes), which will be inserted into their later PhD thesis partly or totally. Within the framework of the course the papers will be discussed and validated in merit. (It is especially recommended for correspondent students.)
- Those students who write their thesis without historical relevancies or those who plan to explicit them later can take oral exam on the compulsory material (discussed during the lessons) of the course.

Required Readings

- Stein, Peter: Roman Law in European History, Cambridge University Press, 1999.
- Zimmermann, Reinhard: Roman Law, Contemporary Law, European Law: The Civilian Tradition Today, Oxford University Press, 2001.

Recommended Readings

- Fälle aus der Rechtsgeschichte, hrsg. Ulrich Falk, Michele Luminati, Matthias Schmoeckel, Verlag C.H. Beck, München, 2008.
- Schröder, Jan: Recht als Wissenschaft: Geschichte der juristischen Methodenlehre in der Neuzeit (1500-1933), Verlag C.H. Beck, München, 2012².

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| Course Title | Actual Questions of Legal Theory |
| Neptun Code | JA-PHD-K-13 |
| Type | core / <u>optional</u> |
| Name and Position of Lecturer | Prof. Dr. Mátyás Bencze PhD, Professor of Law Prof. Dr. József Szabadfalvi DSc, Professor of Law |
| Other Lecturers | Dr. Krisztina Ficsor PhD, Senior Lecturer of Law Dr. Ágnes Kovács PhD, Senior Lecturer of Law |
| Which Semester | <u>fall semester</u> / spring semester |
| Number of Classes | 2 / week |
| Credits | 2 |
| Course Objectives Any kinds of practical and doctrinal legal issues have their root in the ground of legal theory. The aim of this course is to make the connection between these two fields of legal knowledge clear, because exploring the theoretical background of the examined legal problem is an essential part of any PhD theses. During the classes we present some contemporary examples of the use of legal theory in understanding and explaining various legal phenomena. | |
| Topics 1. Comparative constitutional reasoning: style and structure 2. The theory of political decision making 3. Contemporary conceptions of the Rule of Law 5. The theoretical background of judicial reasoning: normative perspective 6. The relevance of formalism as a normative theory of judicial reasoning in legal practice 7. Anti-formalist theories of legal reasoning 8. The theoretical basis of judicial reasoning in criminal law: the problem of the clarity of norms 9. Empirical analysis of the judicial practice (rational choice theories) 10. Empirical analysis of the judicial practice (behavioural perspective) 11. Feminism in legal theory 12. Feminism and criminal law | |
| Requirements for Completion: Full-time students are obliged to attend classes and participate actively, part-time students are also welcomed in classes. Students can choose an oral exam based on the required readings of the course, or can submit a paper on a selected topic approved by the lecturer, related to the course. Paper shall be based on individual research and shall be at least 40.000 characters with correct citations (including spaces and footnotes, excluding bibliography). | |

Required Readings:

- Cass R. Sunstein, “Feminism and Legal Theory”, *Harvard Law Review*, Vol. 101, No. 4 (Feb., 1988), pp. 826-848
- Guthrie, Chris – Rachlinski, Jeffrey J. – Wistrich, Andrew J., “Inside the Judicial Mind” (2001). *Cornell Law Faculty Publications*. Paper 814.
- Stephen J. Schulhofer, “The Feminist Challenge in Criminal Law” *University of Pennsylvania Law Review*, (143) 1995, 2151-2207.
- Weinshall-Margel, K., “Attitudinal and Neo-Institutional Models of Supreme Court Decision Making: An Empirical and Comparative Perspective from Israel” *Journal of Empirical Legal Studies*, (2011) 8, 556-586.
- Schauer, Frederick, “Formalism” *Yale Law Journal*, 1987-1988/4.

Recommended Readings:

- Catharine A. MacKinnon, *Feminism Unmodified: Discourses on Life and Law*, Harvard University Press, 1987.
- Eyal Zamir – Doron Teichman (eds.), *The Oxford Handbook of Behavioral Economics and the Law*, OUP, 2014.
- Sue Bessmer, *The laws of rape*. Praeger, New York [etc.], 1984.
- János Kis, *Constitutional Democracy*, Budapest-New York, Central European University Press, 2003.
- Jeremy Waldron, Principles of Legislation, in *The Least Examined Branch. The Role of Legislatures in the Constitutional State*, eds. Richard W. Bauman – Tsvi Kahana, Cambridge, Cambridge University Press, 2006, 15-32.
- Ronald Dworkin, *Justice for Hedgehogs*. Cambridge, London: The Belknap Press of Harvard University Press. 2011.
- William Lucy, *Understanding and Explaining Adjudication*. Oxford: Oxford University Press. 2004.