

DESCRIPTION OF COURSE UNIT

1.

Course unit title	Code
Evolution of Continental Law Tradition	100262

2.

Name of lecturer(s) (provoid information as to how, when and where they can be in contact)	Department(s)
Coordinator: Prof. Dr. D. Beinoravičius a. o.: Assoc. Prof. Dr. J. Valčiukas, Assoc. Prof. Dr. E. Spruogis	MRU LS Institute of Public Law vti@mruni.eu

3.

Cycle of course unit	Level of course unit	Type of course unit
Third cycle	Not applicable	Elective

4.

Mode of delivery	Year of study and semester when the course unit is delivered	Language of instruction
Distance learning	I-III study year	Lithuanian, English

5.

Study requirements	
Prerequisites: Master's or equivalent degree	Co-requisites: Not applicable

6.

Recommended optional programme components
Not applicable

7.

Number of ECTS credits allocated	Student's workload	Contact work hours	Independent work hours
6	162	2	160

8.

Purpose of the course unit: programme competences to be developed			
The aim of the course is to develop doctoral students' legal - scientific thinking and the ability to independently acquire and expand knowledge of legal history by conducting scientific research, analysing legal sources, historiography, understanding the interaction of social processes. The aim is to strengthen the analytical skills of the doctoral student, to form and further develop the comparative method of law by analysing and explaining the essence, purpose, functions and formation of law in the context of the Continental law tradition.			
Learning outcomes of the programme	Learning outcomes of the course unit	Teaching and learning methods	Assessment methods
	To perceive the peculiarities of the development of Continental European law, to be able to state the development of individual legal institutes, taking into account the development tendencies, the relation of legal regulation with other social elements.	Self-study of literature and analysis of legal sources.	A scientific essay. Examination.
	To be able to explain the content of legal institutes and principles of law taking into account their genesis, to understand the influence of	Self-study of literature and analysis of legal sources.	A scientific essay. Examination.

	social phenomena on the development of law.		
	To be able to analyse and evaluate individual periods of the Continental Law tradition, its formation, to distinguish peculiarities and to be able to foresee the tendencies of legal development.	Self-study of literature and analysis of legal sources.	A scientific essay. Examination.

9.

Topics	Course contents								Independent work hours and tasks	
	Contact work hours and planned learning activities							Independent work hours		Tasks
	Lectures	Consultations	Seminars	Training exercises	Laboratory work	Internship	Assessment			
1. Concepts of continental law tradition, historical origins, problems of legal chronology and periodisation. Relation to the concept of Western legal tradition.									10	Analysis of scientific research (historiography) and sources of law
2. Interaction and significance of ancient law and antique law traditions to the tradition of Continental Law. Greek antiquity and democracy. Evolution of Roman legislative institutions, sources of law. The Renaissance of Roman Law in the Middle Ages.									10	Analysis of scientific research (historiography) and sources of law
3. Features of Western Medieval Law. Particularism and interaction of medieval law, formation of legal systems. Creation society and corporate law: the feudal lords, peasants, townspeople and their law. The law of kings in the Western legal tradition. The State as a manifestation of the king's exercise of power or as a corporation of feudal lords and its right? Peculiarities of French, German and GDL law development. Successful attempts at codification of law: Statutes of Lithuania and their law									15	Analysis of scientific research (historiography) and sources of law

4. The peculiarities of the development of modern law: New Age Revolutions and Transformations in Society in the Continental Europe. Establishment of national legal systems. Codification of law in modern times.									20	Analysis of scientific research (historiography) and sources of law
5. Formation, development and comparative analysis of Continental (Romance-Germanic) law family. Relationship with the Common (Anglo-Saxon) law family.									15	Analysis of scientific research (historiography) and sources of law
6. The doctrine of the rule of law, and the social state as the basis of the Western legal tradition of the new times. Peculiarities of the evolution of constitutionalism in continental Europe. Evolution of constitutional institutes in France and Germany.									10	Analysis of scientific research (historiography) and sources of law
7. Constitutionalisation and the problematic aspects of the Lithuanian statehood. Development of Lithuanian Constitutionalism. The Rule of Law and its Implementation in Law in Lithuania from the age of the Statute of Lithuania to the end of the 20th century.									20	Analysis of scientific research (historiography) and sources of law
8. Peculiarities of the development of the Lithuanian legal system in 1918-1940.									15	Analysis of scientific research (historiography) and sources of law
9. Evolution of law in Soviet occupied Lithuania in 1940-1941, and in 1944-1990.									15	Analysis of scientific research (historiography) and sources of law
10. Essay writing									28	Analysis of scientific research (historiography) and sources of law, and preparation of conclusions.
Overall		2						2	158	

10.

Assessment strategy	Weighting percentage	Period or date of assessment	Assessment criteria
A scientific essay	40	By agreement with the student.	<p>A scientific essay is prepared on a topic specified by the exam commission that is related to the dissertation research. The student must disclose the genesis and development features of the topic. Evaluating the essay focuses on the topic, the level of knowledge of legal history, the knowledge of legal historiography and sources, the ability to conduct analysis, to reason one's opinion, to raise legal history issues and to make critical comments.</p> <p>The essay is graded on a ten-point scale. 10 points: excellent, and comprehensive knowledge. Excellent understanding and use of concepts, ability to analyse them in the wider context of the subject. Original, creative and independent thinking. Excellent analytical and evaluation skills, and insight. 9 points: solid, comprehensive knowledge. Excellent understanding of the study material, proper use of concepts. Original and independent thinking. Very good analytical, skills of evaluation and synthesis. 8 points: better than average knowledge. Has become familiar with mandatory material, understands concepts and principles, and applies them properly. Good reasoning and factual grounding of the arguments. 7 points: average knowledge, there are minor mistakes. Familiar with the main material. Understands and uses concepts and principles. Sufficient reasoning. 6 points: below average knowledge, there are mistakes. Familiar with the main material. Satisfactory understanding of concepts, ability to describe the information received in their own words. The analysis focuses on several aspects but fails to relate them. 5 points: the knowledge meets the minimum requirements. Simple enumeration of mastered concepts, and text retelling. The answer focuses on one aspect. 1-4 points: knowledge and skills do not meet the minimum requirements.</p>

Discussion	60	By agreement with the student. The discussion takes place after a scientific essay has been evaluated.	<p>During the discussion the student defends the essay presented. The commission members ask questions to which the student must provide analytical answers. When evaluating the answers, attention is paid to the level of knowledge of legal history, knowledge of legal historiography and sources, ability to analyse the topic, to reason one's opinion, to raise legal history problems and to provide critical comments.</p> <p>Answers are rated on a ten-point scale. 10 points: excellent, and comprehensive knowledge. Excellent understanding and use of concepts, ability to analyse them in the wider context of the subject. Original, creative and independent thinking. Excellent analytical and evaluation skills, and insight. 9 points: solid, comprehensive knowledge. Excellent understanding of the study material, proper use of concepts. Original and independent thinking. Very good analytical, skills of evaluation and synthesis. 8 points: better than average knowledge. Has become familiar with mandatory material, understands concepts and principles, and applies them properly. Good reasoning and factual grounding of the arguments. 7 points: average knowledge, there are minor mistakes. Familiar with the main material. Understands and uses concepts and principles. Sufficient reasoning. 6 points: below average knowledge, there are mistakes. Familiar with the main material. Satisfactory understanding of concepts, ability to describe the information received in their own words. The analysis focuses on several aspects but fails to relate them. 5 points: the knowledge meets the minimum requirements. Simple enumeration of mastered concepts, and text retelling. The answer focuses on one aspect. 1-4 points: knowledge and skills do not meet the minimum requirements.</p>
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Required reading

1. Maksimaitis M. History of Foreign Law. Handbook .V .: Justitia, 2002 or 1998.
2. Andriulis et al., History of Lithuanian Law. Textbook. Vilnius: Justitia, 2002.
3. Machovenko J.The Story of the Law-V.:Justitia.,2013.
4. Berman H.J. Law and Revolution. V.: Beginning, 1999.
5. Maximaitis M. History of Lithuanian Constitutions-V.: Justitia., 2005.
6. Hattenhauer H. History of European Law.-V. Legal Literature. Volumes I and II. 2009, 2015.
7. Chrestomath of the Lithuanian Legal History. Compiled by R.Gelumbauskienė G.Šapoka - V., 2012.

Recommended reading

1. The Development of Lithuanian Law in 1918-2018: A Centenary Experience. „Mokslo studija”, Vilnius, 2017
2. Lithuanian Constitutionalism. Origins, Evolution and the Present. V., 2018.
3. Poldnikov Dmitry. The Functional Method As The Staple Of Comparative Studies Of European Legal History In The Early 21st Century? Journal of European History of Law. Vol. 8/2017 No. 2.
4. Machovenko, J. Implementing the Idea of Constitutionalism: from Uruiningina Justice Restoration Orders to the Constitutions of the First Wave. From: The Idea of Constitutionalism, Common European Law and the Constitutional Tradition of Lithuania: a Collection of Peer-Reviewed Scientific Articles. Compiled by: Machovenko, J.; Isokaitė, I. Vilnius: „Vilniaus universiteto leidykla”, 2016, p. 39-68.
5. History of Lithuanian Constitutionalism (Historical Constitution of Lithuania) .Vilnius, 2016.
6. Andriulis V. The Family Law of the Statutes of Lithuania (1529, 1566, 1588). Vilnius, 2003.
7. Andriulis V. Peculiarities of the Establishment of the Legal System of the First Republic of Lithuania (16-18-19-1940). Vilnius, 1998.
8. Avižonis K. Selected Writings. Rome, 1978. T.1 .; Vilnius 1994. T. IV
9. Glendon, M.A.; Gordon, M.W.; and Osakwe, C. Western Traditions of Law. V., 1993.
10. Gordley James. The Lawyer: a Critical History. Oxford. 2013.
11. From the Lithuanian Law and History of the State. Vilnius, 2001.
12. Jablonskis K. History of Lithuanian State and Law from the end of the 14th Century to the Middle of the 16th Century. Vilnius, 1971.
13. Janulaitis A. Lithuanian nobility and their families in the 19th century (1795-1863). Kaunas, 1936.
14. Janulaitis A. Napoleon's Acquis. Kaunas, 1929.
15. Janulaitis A. The Supreme Tribunal of Lithuania in the 16th - 18th century. Kaunas, 1927.
16. Kryževičius V. Privileged Cities of Lithuania. Vilnius, 1981.
17. Lappo J. The Statute of Lithuania of 1588. Research. T.1, Parts 1 and Part 2. Kaunas, 1938.
18. Lappo J. Lithuania and Poland after the Lublin Union of 1569. Kaunas, 1932.
19. Principles of the Lithuanian Law Development. Vilnius, 1995.
20. Raila E. About the Constitution of May 3, 1791. - Vilnius, 2007.
21. Machovenko J. Sources of the Law of the Grand Duchy of Lithuania. Vilnius, 2000.
22. Machovenko J. Legal Status of Non-Lithuanian Lands in the Grand Duchy of Lithuania (The 14th-18th centuries): a Monograph. V., 1999.
23. Machovenko, J. Enforcement of Justice in the Grand Duchy of Lithuania. Discussion questions: An educational tool. V., 2007.
24. Maksimaitis M. Sources of Lithuanian Law in 1918-1940. Vilnius, 2001.
25. Maksimaitis M. State Council in Lithuanian Legal System (1928-1940). V., 2006.
26. Maksimaitis M., Miliauskaitė K., Šapoka G. Problems of State and Law in Lithuanian Emigration Publications (1944-1990). - V., 2011.
27. Modzelewski Karol. The Barbarian Europe., V., 2007.
28. The First Statute and Age of Lithuania / compiled by Irena Valikonytė and Lirija Steponavičienė. - V., 2005.
29. Račkauskas K. On the Issues of the Lithuanian Constitutional Law. New York, 1967.
30. Robinzonas J. A Commentary on the Convention of Klaipėda Land. Kaunas, 1934. T.1.2.
31. Römeris M. Lectures on the Lithuanian Constitutional Law. Vilnius, 1990.
32. Römeris M. Sovietisation of Lithuania 1940-1941. Vilnius, 1989.
33. Römeris M. Representation and Mandate. Kaunas, 1926.
34. Römeris M. Constitutional and Judicial Law at the Frontiers. Vilnius, 1994.
35. Stankevičius V. Criminal Law. Lectures. Kaunas, 1925.
36. Šalkauskis K. Lithuanian Civil Procedure. Klaipėda, 1937.
37. Features of Law in Lithuania. 15th -19th century. Vilnius, 1980.
38. The Evolution of Law: a Retrospective and a Perspective. Liber Amicorum to Mindaugas Maksimaitis. - V., 2013
39. Evolution of Legal Institutes in Lithuania. 15th-19th centuries Vilnius, 1981.
40. Vansevičius S. State Legal Institutes of the Grand Duchy of Lithuania according to Statutes of Lithuania of 1529, 1566 and 1588. Vilnius, 1981.
41. Zweigert, K .; and Kotz, H. Introduction to Comparative Law. V., 2001

42. Žalimas D. Restoration of the Republic of Lithuania. Key Issues Pursuant to International Law. Vilnius, 1997.

Approved by Mykolas Romeris University and Vytautas Magnus University Doctoral Committee in Law on 18 April 2024, Decision No. 10-174 (4.4 E-32002).