Legal History of Central Europe

Reader

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Comenius University in Bratislava
Faculty of Law
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**Course Title:** LEGAL HISTORY OF CENTRAL EUROPE  
**Semester/Academic year:** Summer semester / 1-3 Bc., 1 Mgr.  
**Academic tutor / Course tutor:** JUDr. Alexandra Letková, PhD.

**Course Description:**  
The aim of the course is to provide an introduction to theoretical aspects of the emergence and development of the legal system of countries of Central Europe with emphasis on the Hungarian, Czechoslovak and Slovak law. The subject will illuminate the roots and origin of the current Central European legal institutes of constitutional, administrative, civil, commercial, labour and criminal law, including the development of procedural law.  
The relationship between history and law, is becoming increasingly important in the view of the globalization and on the other hand localisation trends in legal development. The course provides students with knowledge on the relationship of history and historical developments in Europe and especially in the Central Europe towards the evolution of legal systems of central European countries.  
The course is designed to be introductory and its scope is limited to providing an overview of basic concepts of history of central European law and state organisation. General and European legal history will be dealt with to the extent necessary to give the students background knowledge of the framework in which the respective legal evolution in Central Europe took place.  
The course will address theoretical aspects of legal history. It will start with identifying the basic issues of legal evolution in Central Europe, in order to subsequently dwell on various aspects into greater detail.

**Course objectives:**  
Understand the basic structural and operational principles of the evolution of law in the Central Europe.  
Explore how the system of modern structure of European continental legal system evolved.  
Learn basics of central European legal evolution factors, forms and institutions.

**Course Schedule:**

1. Introduction

2. General and Methodological Issues

3. From Tribes to States: A Common Past

4. Slavic Peoples of Central and Eastern Europe and their Law

5. Foreign Legal Influences in Central Europe

6. Medieval and Early Modern Perception of Law

7. Learned Law: The First Wave of Codification Efforts

8. Enlightened Modernization of Law

9. Bourgeois Revolutions and the Birth of Modern Law

10. Shift to „Communist Law“
11. Post-1989 Transition and Globalization

12. The Use of History in Law

13. Repetitorium, final exam

**Bibliography:**

**Evaluation:**
Students will be asked to engage in critical discussions based on assigned reading materials throughout the course. Additionally, students will be expected to complete a short written essay in which they will analyze a specific legal question pertinent to the topics covered in the course. This will account for 50 % of the final grade. Final written exam will account for the remaining 50 % of the final grade.

**ECTS: 4**
Table of Contents

1. General and Methodological Issues

Duve, Thomas: European Legal History – Global Perspectives. Working paper for the Colloquium ‘European Normativity – Global Historical Perspectives’ (Max-Planck-Institute, September, 2nd – 4th, 2013)


2. From Tribes to States: A Common Past


3. Slavic Peoples of Central and Eastern Europe and their Law


Lysý, Miroslav: Transition of Tribal Society to the State in the Central Europe and its Reflection to the Contemporary Studies. In: The Fundamental Values of Law. Bratislava: Comenius University, 2011, p. 401-408.


4. Foreign Legal Influences in Central Europe


5. Popular Medieval Law


6. Learned Law: The First Wave of Codification Efforts


7. Enlightened Modernization of Law


8. Bourgeois Revolutions and the Birth of Modern Law


9. Shift to „Communist Law“


11. The Use of History in Law