

DESCRIPTION OF THE DOCTORAL STUDY SUBJECT

Title of the subject	Field of science (branch) code	Faculty	Department
Problems in the History of Legal Thought	Law (S 001)	Law	Public Law
Study methods	Volume of credits	Study methods	Volume of credits
lectures	-	consultations	2
individual work	4	seminars	-
Subject annotation			
<p>The study subject <i>Problems of the history of legal thought</i> is intended to develop the doctoral students' abilities to independently analyze and evaluate the evolution of legal thought; based on the acquired knowledge, to reveal and substantiate such categories as law, justice, concepts of law, etc., as well as their genesis in an argumentative manner; to name the principles of law with an understanding of their formation history and being able to reveal their regulatory potential. The State cannot exist without law, and the law is created by the state power, so the evolution of legal thought is closely related to the development of the State, which means that studying this subject inevitably requires researching the patterns of formation and development of views about the State. Reflecting on the material of the <i>Problems of the history of legal thought</i> will serve not only to develop the legal intelligence and legal culture of the doctoral student, but will also be useful as a methodological basis for further scientific research.</p> <p>Topics analyzed:</p> <p>I. Ancient legal ideas.</p> <ol style="list-style-type: none"> 1. Plato: Theory of Justice. Peculiarities of the projects of the ideal State. 2. Aristotle: The concept of the State. The doctrine of justice. 3. Cicero: The concept of natural law. Natural law as a source of positive law. <p>II. Christian medieval legal doctrine.</p> <ol style="list-style-type: none"> 1. St. Augustine: The Theory of Two States. Law as a synonym for order. Theory of laws. 2. St. Thomas Aquinas: The Reception of Aristotle's Teaching. Theory of justice. Theory of laws. <p>III. The Doctrine of Natural Law during XVII-XVIII Centuries</p> <ol style="list-style-type: none"> 1. H. Grotius: Natural law and the social treaty as a source of the law of nations and the internal law of the state. 2. Th. Hobbes: The natural condition and the need to overcome it. The significance of natural laws for the conclusion of a social contract. 3. J. Locke: Theory of Natural Rights. Doctrine of social contract. 3. J. J. Rousseau: The concept of the natural condition. Civic status as the ideal of a just society. <p>IV. Absolute and limited ideas of state power.</p> <ol style="list-style-type: none"> 1. J. Boden: The Concept and Signs of Sovereignty. 2. The doctrine of absolute political power in the theories of N. Machiavelli and Th. Hobbes. 3. J. Locke and Ch. L. Montesquieu: Separation of powers as control of political power and guarantee of freedom. The influence of the idea on the formation of constitutionalism. <p>V. Legal Ideas of Representatives of Classical German Philosophy.</p> <ol style="list-style-type: none"> 1. I. Kant: A categorical imperative. Law as an Order of Reasonable Freedom. 2. G. Hegel: Dialectics. Abstract law, morality and morality. <p>VI. Basic legal doctrines of the 19th - first half of 20th century.</p> <ol style="list-style-type: none"> 1. School of Historical Law: The Origin of Law. Sources of law. Customary law and legislation. 2. Legal theory of Marxism. The relationship between law and state. Classical nature of law. 3. Synthesis of Liberal Thought and Legal Positivism in the doctrine of J. Bentham. 4. The advantages and possible negative consequences of democracy; guarantees of the protection of civil rights in A. de Tocqueville theory. 			

<p>5. R. Jering's jurisprudence of interests.</p> <p>VII. Legal ideas in Lithuania during XVII-XVIII centuries.</p> <p>1. A. Volan: Divine and Natural Law. Law as the unifying force of people in society.</p> <p>2. A. A. Olizarowski. The problem of freedom and slavery. Law and equality.</p> <p>3. H. Stroynowski: Theory of Natural Law. The concept of freedom. The Constitution as a universal treaty of the people.</p>		
Main literature		
<p>1. BAUBLYS, Linas <i>et all.</i> Teisės teorijos įvadas. 2 pataisytas ir papildytas leidimas. Vilnius: MES, 2012.</p> <p>2. FINNIS, John. Prigimtinis įstatymas ir prigimtinės teisės. Vilnius: Aidai, 2014.</p> <p>3. LEONAS, Petras. Teisės filosofijos istorija. Vilnius: Mintis, 1995.</p> <p>4. NEKRAŠAS, Evaldas. Pozityvus protas. Jo raida ir įtaka modernybei ir postmodernybei. Vilnius: VU leidykla, 2010.</p> <p>5. SABINE, George H., THORSON, Thomas Landon. Politinių teorijų istorija. Vilnius: Pradai, 1995 arba Vilnius: Margi raštai, 2008.</p> <p>6. STRAUSS, Leo. Prigimtinė teisė ir istorija. Vilnius: Tyto alba, 2017.</p> <p>7. TUNAITIS, Steponas. Apšvietos epochos socialinės ir politinės filosofijos metmenys. Vilnius: Kultūros, filosofijos ir meno institutas, 2004.</p> <p>8. WOLFF, Jonathan. Politikos filosofijos įvadas. Vilnius: Mintis: 2010.</p>		
Names, surnames of advising lecturers	Science degree	Major works in the area (direction) of science published over the last 5 years
Haroldas Šinkūnas	Dr.	<p>1. Isokaitė-Valužė, I.; Šinkūnas, H. Hugo Grocijaus teisinės ir politinės minties įtaka tarptautinės teisės raidai. In: <i>Kelyje su Konstitucija: recenzuotų mokslinių straipsnių rinkinys</i>. Vilnius: Vilniaus universiteto leidykla, 2022. p.72-90.</p> <p>2. Šinkūnas, H. (2021). Constitutional Principles As a Criterion for Declaring Legal Regulation to Be Incompatible with the Constitution of the Republic of Lithuania. In: Švedas, G. ir Murauskas D. (sud.) (2021). <i>Legal Development During 30 Yeras of Lithuanian Independence: overview of legal accomplishments and challenges in Lithuania</i>. Cham: Springer International Publishing, 245-260.</p> <p>3. Šinkūnas, H. (2020). Konstituciniai principai Lietuvos Respublikos Konstitucinio Teismo jurisprudencijoje. In: Šinkūnas, H. (sud.) (2020). Lietuvos ir Lenkijos konstitucinės teisės aktualijos. Straipsnių rinkinys. Vilnius: Vilniaus universiteto leidykla, 87-104.</p> <p>4. Šinkūnas, H. ir Driukas, A. (2020). Teisėjų tarybos sudėtis: reglamentavimo pokyčiai Lietuvoje 1994-2019 metais. <i>Acta Universitatis Lodzianensis. Folia Iuridica</i>, 93, 61-74.</p>
Approved by the Doctoral Committee of Law Science of Vilnius university on May 12, 2023, protocol No. (7.17 E) 15600-KT-209		
Chairman of the Doctoral Committee		prof. habil. dr. G.Švedas