

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 (S01)	Law	Public Law
Study methods	Number of credits	Study methods	Number of credits
lectures	-	consultations	2
individual work	4	seminars	-
Subject annotation			
<p>The study of the subject of the history of legal thought is designed to develop the doctoral student's ability to independently analyze and evaluate the evolution of legal theories. genesis. Since the state cannot exist without law, it would be wrong to assess the evolution of legal thought in isolation from the development of views on the state, so it is inevitable to know the regularities of the formation and development of views on the state. Reflecting on the problems of the history of legal theories will not only serve to develop the doctoral student's legal intellect and legal culture but will also become the methodological basis of his 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 project of the second 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. Types of laws. 2. St. Thomas Aquinas: The Reception of Aristotle's Teaching. Theory of justice. Types of laws. <p>III. The Doctrine of Natural Law in the 17th-18th Centuries</p> <ol style="list-style-type: none"> 1. T. Hobs: The natural state and the need to overcome it. The significance of natural laws for the conclusion of a public contract. 2. J. Lock: Theory of Natural Rights and Its Influence on the Formation of the Doctrine of Liberalism. 3. Ž. Ž. Russo: The concept of the natural state. 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. Ž. Boden: The Concept and Signs of Sovereignty. 2. The doctrine of absolute political power in the theories of N. Machiavel and T. Hobs. 3. J. Lokas and Š. L. Montesque: 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 century. - XX a. in the first half.</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 J. In the doctrine of bentham. 4. The advantages and possible negative consequences of democracy; guarantees of the protection of civil rights in A. de Tokvil 's theory. 5. Jering's interests jurisprudence. <p>VII. Legal ideas in Lithuania XVII-XVIII aa.</p> <ol style="list-style-type: none"> 1. A. Volan: Divine and Natural Law. Right is the unifying force of people in society. 2. A. A. Olizarovijus. The problem of freedom and slavery. Law and equality. 3. J. Stroinovskis: Theory of Natural Law. The concept of freedom. The Constitution as a 			

universal treaty of the people.		
Main literature		
<ol style="list-style-type: none"> 1. BAUBLYS, Linas <i>et all.</i> Teisės teorijos įvadas. 2 pataisytas ir papildytas leidimas. Vilnius: MES, 2012. 2. FINNIS, John. Prigimtinis įstatymas ir prigimtinės teisės. Vilnius: Aidai, 2014. 3. LEONAS, Petras. Teisės filosofijos istorija. Vilnius: Mintis, 1995. 4. NEKRAŠAS, Evaldas. Pozityvus protas. Jo raida ir įtaka modernybei ir postmodernybei. Vilnius: VU leidykla, 2010. 5. SABINE, George H., THORSON, Thomas Landon. Politinių teorijų istorija. Vilnius: Pradai, 1995 arba Vilnius: Margi raštai, 2008. 6. STRAUSS, Leo. Prigimtinė teisė ir istorija. Vilnius: Tyto alba, 2017. 7. TUNAITIS, Steponas. Apšvietos epochos socialinės ir politinės filosofijos metmenys. Vilnius: Kultūros, filosofijos ir meno institutas, 2004. 8. WOLFF, Jonathan. Politikos filosofijos įvadas. Vilnius: Mintis: 2010. 		
Names, surnames of advising lecturers	Science degree	Major works in the area (direction) of science published over the last 5 years
Haroldas Šinkūnas	Dr.	<ul style="list-style-type: none"> ▪ Respublikos Prezidento įgaliojimai įstatymų leidybos procese (bendraautorė dr. R. Svetikaitė) // Teisė, 2017, Nr. 105. ▪ Materialinė ministrų atsakomybė konstitucinėje ir administracinėje jurisprudencijoje (bendraautorius G. Bartkus) // Teisės viršenybės link. Vilnius, 2019. ▪ Establishment of a judicial system and ensuring independence of judges in Lithuania, 1918-1920 (bendraautorius dr. J. Machovenko) // Prawo, 327, 2019. ▪ Teisėjų tarybos sudėtis: reglamentavimo pokyčiai Lietuvoje 1994-2019 metais (bendraautorius dr. A. Driukas) // Acta Universitatis Lodzianis. Folia Iuridica / Pod. Redakcją Krzysztofa Skotnickiego. Lodz, 2020. ▪ Constitutional Principles As a Criterion for Declaring Legal Regulation to Be Incompatible with the Constitution of the Republic of Lithuania // Legal Development During 30 Yeras of Lithuanian Independence / Švedas, Gintaras, Murauskas, Donatas (Eds.). Springer, 2021.
Approved by the Doctoral Committee of the Vilnius University Law Studies on December 2, 2021, Protocol No. (7.17 E) 15600-KT-12		
Chairman of the Doctoral Committee		Prof. Dr. T. Davulis