

Lawyers, Judges and European Legal Culture (in the area of Private Law)

Educational subject description sheet

Basic information

Study programme European Legal Studies Speciality - Organizational unit Faculty of Law and Administration Study level First-cycle programme Study form Full-time Education profile General academic		Didactic cycle 2023/24 Subject code 10ELSS.12N.11631.23 Lecture languages English Course type Obligatory Block Subjects not assigned
Subject coordinator	Katarzyna Woźniak-Boińska, Jan Andrzejewski	
Lecturer	Jan Andrzejewski	
Period Semester 2	Activities and hours • Lecture: 30, Graded credit	Number of ECTS points 4

Goals

Code	Goal
C1	Providing the students with knowledge necessary to understand the origin, development and characteristics of European legal culture on area of private law, especially with particular emphasis on the concept of private law system and position of judge (arbitrator). Providing students with basic knowledge necessary to understand changing conceptual frames of private law, especially systematic development of the idea of private law in Europe throughout history (from the Ancient times to the Present), basing foremost on presentation of the output and impact of distinguished jurists and clarifying the position of a judge (arbitrator) into the given era.

Subject learning outcomes

Code	Outcomes in terms of	Learning outcomes	Examination methods
Knowledge - Student:			
W1	has in-depth knowledge about the history of private law as well as about the evolution of concepts (conceptual frames) of private law, including leading legal methods available (distinguished) throughout history.	ELS_K1_W01	Oral colloquium, Essay
W2	knows the profiles as well as output and impact of selected great jurist, who represented particular methods in reflection on private law throughout history	ELS_K1_W01	Oral colloquium, Essay
W3	can determine the methods of jurists and situation of judges in European legal culture as well as can link the achievements of selected jurists with the characteristics of the era in which they operated	ELS_K1_W01	Oral colloquium, Essay
W4	has an extended knowledge of the output and impact of prominent jurists of particular eras; can compare their methods and refer them to legal methodology concerning application of law (including UE law)	ELS_K1_W01	Oral colloquium, Essay
W5	has in-depth knowledge of the theoretical essence of private law as well as can determine the leading directions of reflections (visions) of private law in Europe throughout history (including EU law).	ELS_K1_W01, ELS_K1_W10	Oral colloquium, Essay
Skills - Student:			
U1	has in-depth knowledge about the history of private law as well as about the evolution of concepts (conceptual frames) of private law, including leading legal methods available (distinguished) throughout history.	ELS_K1_U01, ELS_K1_U03, ELS_K1_U04	Oral colloquium, Essay
U2	knows the profiles as well as output and impact of selected great jurist, who represented particular methods in reflection on private law throughout history	ELS_K1_U01, ELS_K1_U03, ELS_K1_U04	Oral colloquium, Essay
U3	can determine the methods of jurists and situation of judges in European legal culture as well as can link the achievements of selected jurists with the characteristics of the era in which they operated	ELS_K1_U01, ELS_K1_U03, ELS_K1_U04	Oral colloquium, Essay
U4	has an extended knowledge of the output and impact of prominent jurists of particular eras; can compare their methods and refer them to legal methodology concerning application of law (including UE law)	ELS_K1_U01, ELS_K1_U03, ELS_K1_U04, ELS_K1_U07	Oral colloquium, Essay
U5	has in-depth knowledge of the theoretical essence of private law as well as can determine the leading directions of reflections (visions) of private law in Europe throughout history (including EU law).	ELS_K1_U03, ELS_K1_U04, ELS_K1_U07	Oral colloquium, Essay
Social competences - Student:			
K1	has in-depth knowledge about the history of private law as well as about the evolution of concepts (conceptual frames) of private law, including leading legal methods available (distinguished) throughout history.	ELS_K1_K01	Oral colloquium, Essay

Code	Outcomes in terms of	Learning outcomes	Examination methods
K2	knows the profiles as well as output and impact of selected great jurist, who represented particular methods in reflection on private law throughout history	ELS_K1_K01	Oral colloquium, Essay
K3	can determine the methods of jurists and situation of judges in European legal culture as well as can link the achievements of selected jurists with the characteristics of the era in which they operated	ELS_K1_K01	Oral colloquium, Essay
K4	has an extended knowledge of the output and impact of prominent jurists of particular eras; can compare their methods and refer them to legal methodology concerning application of law (including UE law)	ELS_K1_K01	Oral colloquium, Essay
K5	has in-depth knowledge of the theoretical essence of private law as well as can determine the leading directions of reflections (visions) of private law in Europe throughout history (including EU law).	ELS_K1_K01	Oral colloquium, Essay

Study content

No.	Course content	Subject learning outcomes	Activities
1.	Presentation of profile, method, output and impact of selected prominent - Roman jurists from the classical period (Ulpian, Gaius), - Emperor Justinian as codifier; - Glossators (Irnerius, Accursius), - Consiliators (Bartolus); - Renaissance legal humanists (Cuiacius, Donellus) - representatives of the ration (including Thomasius) and philosophers of the Enlightenment (including Leibnitz - with particular emphasis on the historical context, working methods of selected lawyers and their impact on the shape and perception of private law, as well as situation of a judge in the particular model	W1, W2, W3, W4, W5, U1, U2, U3, U4, U5, K1, K2, K3, K4, K5	Lecture
2.	Presentation of profile, method, output and impact of selected prominent jurists from the period of great codifications: - France (Portalis and Pothier), - German states (historical school: Savigny; Windscheid; jurisprudence of interests: Ihering), - Switzerland (Huber) - with particular emphasis on the historical context, working methods of selected lawyers and their impact on the shape and perception of private law as well as position of a judge in the particular model	W1, W2, W3, W4, W5, U1, U2, U3, U4, U5, K1, K2, K3, K4, K5	Lecture
3.	Presentation of profile, method and output of selected prominent jurists from the contemporaries the 20th century in Central Europe (using Poland as example) - with particular emphasis on the context, methods of selected lawyers and their impact on the shape and perception of private law as well as situation of a judge in the particular model	W1, W2, W3, W4, W5, U1, U2, U3, U4, U5, K1, K2, K3, K4, K5	Lecture
4.	Presentation of relation (translation) of former models into contemporary system, including the EU law and the discussion about harmonisation of private law in Europe	W4, W5, U4, U5, K4, K5	Lecture

Additional information

Activities	Teaching and learning methods and activities
Lecture	Lecture with a multimedia presentation of selected issues, Problem-based lecture, Discussion, Work with text, Case study

Activities	Credit conditions
Lecture	<p>excellent (A ; 5,0):</p> <p>a) excellent knowledge of the concept of private law of the given (chosen) epoch</p> <p>b) very good background for comparing the concept of private law of the given (chosen) epoch with contemporary model</p> <p>very good (B+; 4,5):</p> <p>c) very good knowledge of the concept of private law of the given (chosen) epoch</p> <p>d) very good background for comparing the concept of private law of the given (chosen) epoch with contemporary model</p> <p>good (B ; 4,0):</p> <p>a) good knowledge of the concept of private law of the given (chosen) epoch</p> <p>b) good background for comparing the concept of private law of the given (chosen) epoch with contemporary model</p> <p>average (C+,3,5)</p> <p>a) average knowledge of the concept of private law of the given (chosen) epoch</p> <p>b) average background for comparing the concept of private law of the given (chosen) epoch with contemporary model</p> <p>satisfactory (C; 3,0):</p> <p>a) satisfactory knowledge of the concept of private law of the given (chosen) epoch</p> <p>b) satisfactory background for comparing the concept of private law of the given (chosen) epoch with contemporary model</p> <p>unsatisfactory (D ; 2,0):</p> <p>a) unsatisfactory knowledge of the concept of private law of the given (chosen) epoch</p> <p>c) unsatisfactory background for comparing the concept of private law of the given (chosen) epoch with contemporary model</p>

Literature

Obligatory

- J. Gordley, The Jurists. A Critical History, Oxford University Press 2013, • P. Stein, Roman Law in European History, Cambridge 1999; • J. Macdonell, E. Manson (red.), Great jurists of the world, Boston 1914 (recommended chapters); • G. Mousouraki, Roman law and the origins of the civil law tradition, London 2014 (recommended chapters);
- R. Lesaffer, European legal history : a cultural and political perspective, Cambridge 2009 (recommended chapters); G. Mousouraki, Comparative law and legal traditions : historical and contemporary perspectives, London 2019 (recommended chapters); H. P. Glenn, Legal Traditions of the World, Oxford 2014 (recommended chapters);

Calculation of ECTS points

Activities	Activity hours*
Lecture	30
Preparation for classes	20
Preparation for the exam	30
Reading the indicated literature	20

Preparation for the assessment	20
Student workload	Hours 120
Number of ECTS points	ECTS 4

* academic hour = 45 minutes

Efekty uczenia się dla kierunku

Kod	Treść
ELS_K1_K01	The graduate is ready to critically appraise his or her knowledge, particularly in the context of the changing aquis on the regulation and critical assessment of the acquired knowledge, especially in view of the changing aquis on the regulation and application of law
ELS_K1_U01	The graduate can interpret social phenomena (cultural, political, legal, economic) within legal science
ELS_K1_U03	The graduate can analyse the causes and course of individual processes and social phenomena (cultural, political, legal and economic) within legal science
ELS_K1_U04	The graduate can predict basic social processes and social phenomena (cultural, political, legal, economic) using standard research methods and tools within legal science
ELS_K1_U07	The graduate can identify and analyse selected solution of specific individual problems and propose relevant resolutions
ELS_K1_W01	The graduate knows and understands the foundations of the science of law and its relation to other sciences, including the processes of internalisation and regionalisation
ELS_K1_W10	The graduate knows and understands EU private law regulations, both substantive and procedural, in selected sectors