

## SYLLABUS OF THE COURSE

### «A HISTORY OF THE POLITICAL THOUGHT AND LEGAL DOCTRINES»

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**Department responsible for the course or equivalent:** Southern Federal University, Institute of Management in Economic, Economic, Ecological and Social Systems; Department of Sociology, History and Political Sciences

**Semester when the course unit is delivered:** 1 - 2<sup>nd</sup>

**Level of course unit:** Master level

**ECTS credits:** 6

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#### ADMISSION REQUIREMENTS

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Applicants are expected to have completed the following courses:

- Theory of Law;
- History of Law;
- Philosophy of Law;
- Contemporary Legal Studies;
- Methodology of Law (optional);
- History (optional);
- Philosophy (optional);
- Sociology (optional).

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#### COURSE OBJECTIVES (AIMS)

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The aim of this course is to footnote students to the core principles and concepts of the History of the Political Thought and Legal Doctrines (HPTLD) which students must master to gain a fundamental understanding of the subject matter. As well as developing a knowledge and understanding of different aspects of the HPTLD, in this interdisciplinary course students should to:

- learn to present coherent arguments supported with a different kind of evidences to answer questions both in oral and written form on the problem of the HPTLD as a dynamic system which is determined by a vast variety of factors and procedures;

- analyze the process of development of the HPTLD and describe and evaluate main facts and factors which influences on this development;
- provide comprehensive coverage of the most crucial issues in a course;
- understand and analyze both modern methods of analyzing the HPTLD and approaches to contemporary processes of changes in the subject;
- develop a critical awareness of ways in which the modern state of the HPTLD development can be perceived and presented;
- to demonstrate how to identify knowledge processes in practice and manage them via using IT.

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## COURSE CONTENTS

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### **MODULE 1**

#### **Session 1. Basic Foundations of the HPTLD**

- Basic characteristics, concepts and issues;
- The Significance of the HPTLD in contemporary legal studies;
- Methodology and critical Assessments in HPTLD.

#### **Session 2. HPTLD of Ancient East (AE)**

- Peculiarities of the political thought and legal doctrines (PTLD) of AE;
- PTLD of Ancient Egypt;
- PTLD of Ancient Mesopotamia;
- PTLD of Ancient India;
- PTLD of Ancient China.

### **MODULE 2**

#### **Session 3. HPTLD of the Ancient Greece and Rome (AGR)**

- Peculiarities of the PTLD of AGR;
- PTLD of Sophists;
- PTLD of Plato;
- PTLD of Aristotle;
- PTLD of Cicero.

#### **Session 4. Medieval HPTLD**

- Peculiarities of the medieval PTLD;
- PTLD of St. Augustine;
- PTLD of Thomasius of Aquino;

## **MODULE 3**

### **Session 5. HPTLD at the Period of Renaissance and Reformation (PRR)**

- Peculiarities of the PTLD of PRR;
- PTLD of N. Machiavelli;
- PTLD of J. Bodin;

### **Session 6. HPTLD of the XVII Century**

- Peculiarities of the PTLD of the XVII century;
- PTLD of H. de Groote;
- PTLD of T. Hobbes;
- PTLD of J. Locke.

### **Session 7. HPTLD at the Period of Enlightenment (PE)**

- Peculiarities of the PTLD of PE;
- PTLD of Ch-L. de Montesquieu;
- PTLD of I. Kant.

## **MODULE 4**

### **Session 8. Contemporary HPTLD (critical overview)**

- Peculiarities of the contemporary PTLD;
- PTLD of G. W. F. Hegel;
- PTLD of «History School» in legal studies;
- PTLD of the second part of the XIX century: conservatism;
- PTLD of the second part of the XIX century: liberalism;
- PTLD of the second part of the XIX century: socialism;
- Types of contemporary legal understanding: positivism;
- Types of contemporary legal understanding: natural law and its types;
- Types of contemporary legal understanding: inter-subjectivism;
- Types of contemporary legal understanding: conventionalism;
- Communication and narrative in contemporary legal studies.

### **Session 9. Contemporary HPTLD (personalities)**

- PTLD of J. Austin;
- PTLD of O. Conte;
- PTLD of K. Marx;
- PTLD of R. von Ihering;

- PTLD of G. Ellinek;
- PTLD of E. Erlich;
- PTLD of L. Dugy;
- PTLD of E. Durkheim;
- PTLD of R. Schtamler;
- PTLD of M. Weber;
- PTLD of L. Petragitsky;
- PTLD of K. Popper;
- PTLD of H. Kelsen;
- PTLD of K. Llewellyn;
- PTLD of R. Pound;
- PTLD of J. Derrida;
- PLTD of M. van Hoek

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#### LEARNING OUTCOMES

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#### **Techniques and Skills:**

While attending lectures and taking discussions on the core topics of the course, students should to develop the ability to discriminate between the main points of the exposition and the less important details. When reading books and articles, students should aim to obtain information from a variety of sources and to draw conclusions from conflicting and perhaps biased source materials. Both these exercises should develop student's ability to distinguish rapidly and decisively between main themes and minor points.

As well as in this class students should develop their abilities of theoretical and empirical analysis of different aspects of the European Union law and its historical precondition and its real political and institutional practices. This means that students should analyze some practical aspects of different law-making institutions and procedures. Once these are understood, students can seek to influence the development of the European Union law in ways reflect their investigational interests.

#### **Learning Outcomes:**

- to be skilled in carrying out comparative studies of the HPTLD;
- to operate modern methods to measure the indicators characterizing the subject matter;
- to know the methodology studies should be implemented in practice.

Each session lecturing accounts for about 60% of time, students' participation in discussion accounts for 40%. Specifically, the lecturer will invite students to speak during the lecture. At the end of each session, questions are presented for discussion.

During the seminars, students will have an opportunity to analyze some knowledge processes, to work with open source software for knowledge management and recognize how to deal with linguistic values (as knowledge) by using information technologies.

Comprehensive development of student discipline involves:

- students involvement in problem-based presentation;
- students self-guided reading of the further literature;
- students participation in case studies;
- written essay;
- interview and testing.

### **Module 1-2:**

**1. Essay.** Students will be required to write an essay towards the end of Module 1. Usually the essay grades help to increase student's chances of passing the class, so attention to writing good essay is an important part of the class work. Failure to submit the required essay will lead to exclusion from the final examination and failure in the class.

An essay is a prose analysis on one of the prescribed topics. For essay students should consult items from the booklist given with the essay title you choose. Students may use other items as well, but ensure that they are books or articles of relevance and equivalent scholarly standard to those on these lists. All recommended readings listed here are indicative rather than exhaustive. Students shouldn't be afraid to add to the list from own literature searches.

An essay will mark according follow criteria: range and quality of readings, evidence of investigative effort, relevance to essay question, contextualization of the issue to European studies, awareness of relevant historians' interpretations, selections and use of primary evidence, analytical ability, and quality of essay's overall arguments. Besides that it is important presentations skills such as essay length (approximately 2500 words), overall literary caliber, foot/end noting and bibliography.

**2. Test.** At the Module 1 students should take the test as well which includes the questions on subjects of the module.

**3. Seminars.** Participation in seminar work is an important part of students' academic activity both at first and second semesters. Attendance at seminars is compulsory. Unexcused absences from seminars may lead automatically to exclusion from the final class examination and therefore failure in the class. Students who miss a seminar should contact their teacher immediately to try to make some arrangement.

### **Module 3-4:**

**1. Critical Commentary.** A Critical Commentary is an essay focused on legal doctrines. The Commentary students write is an evaluation and interpretation of that document/materials. Students should take one of the documents which are devoted to the core problem of the course and describe its authorship, its content, its arguments and bias, and its usefulness as a source of information, opinion and explanation of the attitudes of the context in which it was written. (Significance, Context, Authorship, Content, Arguments, Bias, Usefulness).

Critical Commentary will be marked according follow criteria: clear organization, relevance of answer, authorship, content, arguments and bias, usefulness, context and significance. Length (approximately 2000 words), overall quality of the commentary and presentation are important as well.

**2. Basic Class Exam.** The final examination given at the end of the course is anticipated to require the students to answer few (usually two questions). The examination will be a reflection of the class as a whole including first and second semesters. The Basic Class Exam is open only to those who have attended seminars satisfactory and submitted the required written works. It is students' responsibility to attend all seminars and to submit the required written works necessary to gain admission to the Class Examination. Students who fail an examination two times re-entitles to have a new examiner (or commission) appointed for the re-examination. Exam is in English.

Criteria of exam mark are answering precise question; clear organization; understanding the material; relevance of material; quality of argument; clarity of expression; syntax, grammar, spelling; length of answer.

Criteria for evaluation:

### **Interview**

- 10 points to the students demonstrating a thorough understanding of the problem comprehensively, consistently, correctly and logically presenting the theoretical material; correctly formulating the definition of 3 questions; completion of a test assignment;
- 7 points to the students demonstrating considerable understanding of the problem, knowledge of the basic theoretical concepts; fairly consistently, correctly and logically presenting the material of 2 questions; completion of a test assignment;
- 5 points to the students demonstrating considerable understanding of the problem, knowledge of the basic theoretical concepts; fairly consistently, correctly and logically presenting the material of 2 questions; not completion of a test assignment;
- 3 point to the students demonstrating a partial understanding of the problem, a general knowledge of the material being studied by 1 question; not completion of a test assignment;
- 0 points to the students not demonstrating the possession of the conceptual apparatus of the discipline; not answering a single question; not completion of a test assignment.

### **Case studies**

- Evaluation of «passed» is given to the students if the decision is consistent formulated, if there is a deeper problem conceived, if he demonstrates an original approach (innovation, creativity); registered alternatives, if there is the possibility of the result use;
- Assessment of «not passed» is given to the students if the decision does not meet the ideas; is not sound and doesn't predict difficulties; is not applicable in practice.

### **Essay**

- Assessment of «excellent» (10 points) is given to the student if he introduces a clear thesis or a clear statement of the position consistently settled into a well-organized essay; presents a balanced argument supported with

information; raises important questions; analyzing and convincing conclusions; there are no conceptual errors.

- Assessment of «good» (8 points) is given to the students if he introduces basic requirements for the essay, but permit shortcomings. In particular, there are inaccuracies in the presentation of the material; there is no logical sequence in the judgment.
- Evaluation of «satisfactory» (6 points) is given to the students if the essay's topic is disclosed not enough; specific position are not given; information is inaccurate, mechanical errors seriously impedes understanding.
- Evaluation of «unsatisfactory/fail» (less than 6 points) is given to the students if the essay topic does not match, reveals a significant lack of understanding of the problem, arguments are scattered, inconsistent, many dubious or erroneous facts, the text is untidy and hard to read, a lot of grammatical and spelling errors.

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COURSE LITERATURE (RECOMMENDED OR REQUIRED)

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1. Chanyshv A. A History of Political Thought and Legal Doctrines. Classic Western Tradition. M., 2017 (2<sup>nd</sup> ed.) (<https://mitpress.mit.edu/books/>);
2. Nersesyants V. A History of Political Thought and Legal Doctrines. M., 2015 (5<sup>th</sup> ed.) (<https://www.amazon.com/dp/0262562235>);
3. Marchenko M. A History of Political Thought and Legal Doctrines. M., 2014 (<http://www.bookpump.com/upb/pdf-b/1129378b.pdf>);
4. Grafsky V. A History of Political Thought and Legal Doctrines. M., 2012 ([https://books.google.ru/books?id=jBDpBwAAQBAJ&pg=PA60&lpg=PA60&dq=knowledge+based+economy+textbook&source=bl&ots=ierrHvFVBY&sig=X0MNVhbpJUfXOmeiOIWn32OvhTI&hl=ru&sa=X&ved=0ahUKEwj7g-zW1l\\_QAhUEiywKHdLaCWoQ6AEISjAG#v=onepage&q=knowledge%20based%20economy%20textbook&f=false](https://books.google.ru/books?id=jBDpBwAAQBAJ&pg=PA60&lpg=PA60&dq=knowledge+based+economy+textbook&source=bl&ots=ierrHvFVBY&sig=X0MNVhbpJUfXOmeiOIWn32OvhTI&hl=ru&sa=X&ved=0ahUKEwj7g-zW1l_QAhUEiywKHdLaCWoQ6AEISjAG#v=onepage&q=knowledge%20based%20economy%20textbook&f=false));
5. A History of Political Thought and Legal Doctrines. Compendium of Information. Ed. by R. Mukhaev. M., 2010 (2<sup>nd</sup> ed.) ([https://books.google.ru/books?id=0-jUlsICogC&pg=PA611&lpg=PA611&dq=knowledge+based+economy+textbook&source=bl&ots=fXJvbxFFhy&sig=BZ7q7EsLo8HK6Vh9d2Fq8rU5hws&hl=ru&sa=X&ved=0ahUKEwj7g-zW1l\\_QAhUEiywKHdLaCWoQ6AEIXTAJ#v=onepage&q=knowledge%20based%20economy%20textbook&f=false](https://books.google.ru/books?id=0-jUlsICogC&pg=PA611&lpg=PA611&dq=knowledge+based+economy+textbook&source=bl&ots=fXJvbxFFhy&sig=BZ7q7EsLo8HK6Vh9d2Fq8rU5hws&hl=ru&sa=X&ved=0ahUKEwj7g-zW1l_QAhUEiywKHdLaCWoQ6AEIXTAJ#v=onepage&q=knowledge%20based%20economy%20textbook&f=false)).