

NATURAL-LAW STATE THEORY FROM A HISTORICAL ASPECT

Course description

2024/2025 semester II.

Course title: <i>Natural-Law State Theory from a Historical Aspect</i>	Neptune code of course: Institute offering the course: <i>Institute of Legal History and Jurisprudence</i>
	Course type: optional
Course coordinator: <i>Dr. Anna Petrasovszky PhD</i>	
Teaching staff involved: -	
Recommended semester: <i>spring</i>	Precondition: -
Number of lessons/week: <i>2 hours/week</i>	Acknowledgement of course completion: <i>colloquium</i>
Credit value: 5	Training format (part-time/full-time): <i>part-time/full time</i>
Aim and content of course: <p><i>The purpose of the optional subject is to give students a comprehensive view of the 19th century Natural Law tendencies with special regard to the state-theory. It also aims to deepen the legal history and constitutional studies. Through familiarizing themselves with the principles of the 'general state theory' of the era, students can gain insight into the historical and theoretical background of the development of modern administrative law. The course provides an opportunity to present the state concepts developed by Natural Law, to examine the nature and conceptual elements of statehood, as well as the scopes of public authority.</i></p>	
Competences to be developed: knowledge: T3, T4, T5 ability: K1, K2, K3, K4, K5, K6, K7, K8 attitude: A1, A2, A3, A4, A5, A6 autonomy and responsibility: F1, F2, F3, F4, F5, F6	
Thematic description of course content:	
<ol style="list-style-type: none"> 1. Natural Law as a Moral Theory of Jurisprudence; 2. Historical Periods of Natural-Law Doctrines – the Law of Reason School; 3. The System of Natural Law (<i>Ius extrasociale, Ius sociale</i>) 4. The General Rules of a Society and the Social Contract Theory of the 19th century; 5. The Characteristics of the State as Society and Elements of Statehood; 6. The Attributes of State Power (<i>imperium</i>); 7. The Sovereignties ie. Powers of State (<i>iura majestatica</i>); 8. The Legislative Power (<i>potestas legislatoria</i>) 	

9. The Executive Power (*potestas executiva*)
10. The Judicial Power (*suprema iurisdictio*) and its Principles;
11. The Police Power of the State (*ius polittiae*);
12. The State Assets Management (*ius circa bona civitatis*)
13. The Right to Delegate the State Powers (*potestas mandandi*)
14. Relationship between the State and the Churches (*ius circa sacra et ius in sacra*)

Method and evaluation of in-semester assessment:

(presentation, test, essay etc.)

The student has to write an essay on a selected topic.

Completion requirements and evaluation criteria for seminar grades and exams:

(Acknowledgement of in-semester contribution, scoring system, etc.):

There is a five-scale grading (1-5) where the thresholds are determined as follows: 0-60% fail, 61-70% pass, 71-80% satisfactory, 81-90% good, 91-100% excellent.

Compulsory literature:

1. *The lecture notes*
2. Anna Petrasovszky: *Exploring the Enforcement of the Right to Resist in the 19th Century Natural Law Theory, European Integration Studies 19/2. 2023.*
3. Anna Petrasovszky: *From the Idea of State-Church to the Idea of Separating the State and Church, European Integration Studies 15/1. 2019.*
4. Anna Petrasovszky: *Establishing the Protection of Natural Resources Environmental Law by the State in the 19th Century-Natural Law, Journal of Agricultural 23/2017*

Recommended literature:

5. *Natural Law and Moral Philosophy, Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul, Cambridge University Press, 2001.*
6. *Natural Law and Civil Sovereignty, Moral Right and State Authority in Early Modern Political Thought, Edited by Ian Hunter and David Saunders, Springer, 2002.*
7. Howard P. Kainz: *Natural Law: An Introduction and Re-examination, Open Court, Chicago and La Salle, Illinois, 2004.*
8. Yves René Marie Simon: *The Tradition of Natural Law: A Philosopher's Reflections, Fordham University Press, New York, 1992.*