

*Peoples' Friendship University of Russia*

*Law Institute*

**COURSE SYLLABUS**

**THE HISTORY AND METHODOLOGY OF LEGAL SCIENCE**

*(name of discipline)*

**Рекомендуется для направления подготовки/специальности**

40.04.01 Jurisprudence

*(code and name of field of education)*

**Направленность программы (профиль)**

International Protection of Human Rights (Международная защита прав человека)/  
International Private Law (Международное частное право)

*(name of educational programme according to profile)*

**MASTER**

*qualification (degree) of alumnus*

**Moscow**

### 1. The purpose of the discipline

Educational course «History and Methodology of Legal Science» has an aim to increase postgraduates' theoretical knowledge of law to level of mastering of the methodology of legal science. It supposes: mastering the history of legal science; studying methodological approaches, their formation, development and current status; mastering methods of legal research; recognizing correlation between objective and subjective factors in cognition of law; forming conceptions about criteria of scientific cognition.

### 2. COURSE IN ACADEMIC PROGRAMME STRUCTURE

Obligatory course of the basic (general professional) part of the professional cycle; the course is included into the block of courses opening the master's studies.

#### Previous and Subsequent courses

№	Competences	Previous courses	Subsequent courses
Universal competences			
1.	UC-2, UC-3, UC-6		
General professional competences			
2.	GPC-1, GPC-7		

### 3. COMPETENCE REQUIREMENTS ON THE COURSE COMPLETION

On completion of the course the student will acquire the following Universal (UC) and General professional competences (GPC): UC-2, UC-3, UC-6, GPC-1, GPC-7.

#### As an outcome of the course the student:

##### knows:

- history of Law development;
- modern tendencies of Law;
- existing methodological approaches in Law;
- typology of understanding of law;
- general theoretical and special legal methods of research;
- algorithm of theoretical research in the sphere of law;

##### can:

- operate the basic categorical apparatus of jurisprudence;
- apply modern theoretical approaches and use methods of research;

##### masters:

- skills of theoretical research in accordance with the latest achievements of legal theory and methodology, applied approaches and methods.

### 4. THE COURSE WORKLOAD AND ACADEMIC ACTIVITIES

Total workload – 2 credits, 72 hours

Academic Activities	Total Workload				
		I	II		
<b>Sessions</b>	<b>36</b>		<b>36</b>		
Including:					
Lectures	<b>18</b>		<b>18</b>		
Seminars/Tutorials/Workshops	<b>18</b>		<b>18</b>		
<b>Independent Learning</b>	<b>36</b>		<b>36</b>		
Including: Course Papers, Essays, Article Reviews, and Presentations					
Final Assessment					
<b>Total Workload - Academic Hours:</b>	<b>72</b>		<b>72</b>		

## 5. COURSE CONTENT AND SEQUENCING

### 5.1 Course Units (Topics)

№	Topics	Course Units
1.	<b>Topic 1. Law and Legal Science</b>	<p>Subject and system, aim and tasks of the course “History and methodology of legal science”. Formation of knowledge and research skills in the scope of the course.</p> <p>Law as a normative and regulative system of the society. Typology of legal understanding, its significance in the lawyer’s professional activity. Interpretation of legal processes and phenomena from perspective of different types of legal understanding.</p> <p>Legal science as a knowledge system of law. Legal science as a social institute. Legal science as an activity aimed at formatting new knowledge.</p> <p>Methodology of legal science. Scientific approaches and research methods in legal studies. System of methods of legal science. Philosophic-worldview methods and approaches. Methods of formal logic. General scientific research methods. Private scientific research methods. Special-juridical research methods. Legal-technical methods. Methodology of comparative law.</p> <p>Functions of legal science: epistemological, ontological, axiological, heuristic, predictive. Criteria of scientific knowledge.</p>
2.	<b>Topic 2. Law as an object of research</b>	<p>Law and legal reality. Variety of existing forms of law. Concept of law, its evolution in the general context of the development of society and state. Nature of law. Variety of approaches to law.</p> <p>Doctrines of natural law. Legal positivism. Etatist approach.</p> <p>Sociological positivism. Integrative jurisprudence. Private, public, corporate-public interests. Role of interests in law-making and law enforcement. Law as a factor of harmonization of relations in the society.</p> <p>Doctrinal, dogmatic and practical jurisprudence as subject areas.</p> <p>Legal doctrine. Legal dogma. Legal practice as a type of social practice. Legal terms, concepts, categories. Legal principles. Legal constructions.</p>
3.	<b>Topic 3. History of Legal Science</b>	<p>Formation, development and contemporary status of legal science. Correlation between history of legal science and history of law and state, between history of legal and political doctrines. Formation and development of law and legal science in the general context of social evolution.</p> <p>Introduction of law in the Ancient East. Views on law in the Ancient World. Roman jurisprudence. Legal Science in Medieval Europe. Ascending of scientific knowledge from practical to dogmatic and from dogmatic to doctrinal. Legal science of the New history. Legal science of the contemporary history.</p> <p>Legal science in the general context of modern scientific knowledge. Philosophical conceptions of the development of science. K. Popper’s critical rationalism. T. Kuhn’s conception of the historical dynamics of science. Paradigms in science. Scientific hypotheses. Relativity of scientific knowledge. Positivist and neopositivist methodology.</p> <p>Problems of the development of Russian legal studies. Russian legal tradition. Achievements of pre-revolutionary domestic legal studies. Presentation of law in the Soviet socialist society. Legal science in post-Soviet society. Contemporary perspectives of the formation and development of scientific knowledge.</p>

4.	<b>Topic 4. Sources of law and sources of law cognition</b>	Identifying the correlation of terms “sources of law” and “sources of legal studies”. Development of scientific views of “sources of law” and «sources of legal studies». Legal source study as a scientific direction. “Sources of knowledge of law” beyond the scope of “sources of law”. Evolutionary development of sources of law in legal families and legal systems. Features of sources of law in legal families and legal systems. Sources of continental law. Sources of Anglo-American law. National legal and international legal systems.
5.	<b>Topic 5. Contemporary scientific approaches in legal science</b>	Correlation between scientific approaches and research methods in legal studies. Law and legal science as civilizational and cultural phenomena. Formational approach to the evolution of society and law. Civilizational approach to the evolution of society and law. From the formational approach to the civilizational approach. Contemporary views of civilizations. Sociocultural approach. Culture as a supra-biological program of the social development. Translation of legal experience in society. Legal tradition and innovation. Legal anthropology. Jurisprudence of interests. Synergistic approach. Hermeneutic approach. Utilizing achievements of other scientific fields in legal studies. Legal modeling. Sociological research methods.

## 5.2. Course Units and Academic Activities

№	Course Units (Topics)	Lectures	Seminars/ Workshops	Independent Learning	Total Workload
1	<b>Topic 1. Law and Legal Science</b>	4	4	14	72
2	<b>Topic 2. Law as an object of research</b>	4	4	16	
3	<b>Topic 3. History of Legal Science</b>	4	4	14	
4	<b>Topic 4. Sources of law and sources of law cognition</b>	4	4	14	
5	<b>Topic 5. Contemporary scientific approaches in legal science</b>	2	2	14	

## 7. Practical lessons (seminars) (if given)

№	Seminars Units (Topics) Number	Practical lessons (seminars)	Total Workload
1.	Topic 1	<b>Law and Legal Science</b>	4
2.	Topic 2	<b>Law as an object of research</b>	4
3.	Topic 3	<b>History of Legal Science</b>	4
4.	Topic 4	<b>Sources of law and sources of law cognition</b>	4
5.	Topic 5	<b>Contemporary scientific approaches in legal science</b>	2

## 8-9. TECHNICAL SUPPORT REQUIREMENTS

Inter-University Resource Center for Human Rights Master Studies (office 354), OHCHR database, Oxford Journals database, desktop computers, laptop PCs, a projector with a screen.

## 10. SOURCES FOR COURSE STUDIES

Main literature

1. История и методология юридической науки = History and Methodology of Legal Science: учебное пособие для магистрантов / на русск. и англ. яз. ; под общ. ред. М.В. Немьиной. Москва : РУДН, 2021

2. Nemytina M.V. History and Methodology of Law: Учебное пособие для магистрантов / М.В. Немытина, П.В. Лапо; Под общ. ред. М.В. Немытиной. М.: Изд-во РУДН, 2017. 113 с. <http://lib.rudn.ru/ProtectedView/Book/ViewBook/6640>

#### Additional literature

1. Методология сравнительно-правовых исследований. Жидковские чтения [Текст/электронный ресурс] : Материалы Всероссийской научной конференции: Москва, 30 марта 2012 г. / Под ред. Г.И.Муромцева, М.В.Немытиной. - Электронные текстовые данные. - М. : Изд-во РУДН, 2013. - 444 с. [http://lib.rudn.ru/MegaPro/UserEntry?Action=Rudn\\_FindDoc&id=418846&idb=0](http://lib.rudn.ru/MegaPro/UserEntry?Action=Rudn_FindDoc&id=418846&idb=0)

## 11. COURSE STUDIES RECOMMENDATIONS

**Lectures:** Oral systematic and coherent presentation of the material by section discipline. Lectures are held with the support of multimedia: audiovisual, and presentation.

**Seminars/Tutorials/Workshops:** Seminars give students the opportunity to examine the topic in more detail. During this form of training students with the assistance of their instructor discuss questions raised in lectures, reports, essays.

Tutorials and workshops combine theory with practical implications and help students to enhance their own practice in the field of philosophy of law through case studies and quizzes on every topic under study.

**Individual writing:** Students' writing (essays, reports) and presentations should independently identify an appropriate research topic, critically select and apply appropriate research methodology and data collection methods to their chosen research topic, and demonstrate a rigorous understanding of the theory and literature relevant to the issues under investigation.

## 12. Fund of assessment tools for intermediate certification of students in the discipline

Materials for assessing the level of mastering the educational material of the discipline, including questions on topics of the discipline, a list of essay topics, a list of reports topics, examples of test questions, are developed in full and are available for students on the discipline page in the Telecommunication information system (ТУИС) RUDN University.

Programme is composed in accordance with requirements of RUDN ES HE.

### Developer:

Head of the department  
of History of Law and State,  
D.J.S., professor



*M.V. Nemytina*

### Head of the department

of History of Law and State,  
D.J.S., professor



*M.V. Nemytina*