SEMINAR

EARLY MODERN EUROPEAN LEGAL AND POLITICAL THOUGHT

This is a two-quarter seminar designed to introduce beginning and advanced graduate students to research into the historical background behind the principles of political order that governed the European and American worlds from the eighteenth to the twentieth century. Such principles consist of the distinction between public and private spheres of action, sovereignty, subjectivity, constitutional government, individual rights, toleration, and the trinity of natural, international, and positive law.

Our approach to this subject matter will be both thematic and historical. We shall seek to establish a broad perspective on what is typical and what is unique about political order in the modern West; what is genuinely modern and what is owed to traditions of long standing; what may be expected to be easy to change and what will most likely prove enduring. Though we shall naturally have to focus on particular writings and specific issues, we shall do so in a conscious attempt to reflect upon the subject as a whole, respecting neither geographical boundaries (between England and the Continent) nor chronological divisions (between medieval and modern history) nor even the distinction between legal and political thought itself.

The first quarter of the seminar will serve two different, but concurrent and equally important purposes. First, it will give you a systematic introduction to the fundamental issues and the basic tools of research in this field of inquiry. We shall begin by reading works with a broad perspective and/or a clear thesis on the nature of modern states and their law, such as Ernest Gellner's Nations and Nationalism, Otto Brunner's Land and Lordship, Harold Berman's, Law and Revolution, and Norbert Elias' Civilizing Process. Thereafter we shall consider some of the more specialized scholarship and read some of the paradigmatic writings from the period in question, from Gratian and Bartolus of Sassoferrato via Machiavelli, Luther, and Calvin, to Jean Bodin and John Locke.

Second, the first quarter of this seminar will also furnish you with both the opportunity and the challenge to develop a research topic of your own design. For this purpose you will have to start thinking about a topic early on in the seminar, identify possible leads in the sources and the secondary literature, pursue those leads in the library, and report regularly to the seminar (orally as well as in writing) on your on-going research. In order for me to be able to assist and supervise you at every stage of this process, you will be expected to keep in close contact with me and to meet certain deadlines (to be established during the seminar) for the submission of outlines and research proposals. That will be the most effective way for you to develop a topic that will be not only of interest to you, but also clearly delimited, meaningfully related to the current state of the scholarship, and above all else manageable for you in the time allowed and with the resources available.
The second quarter of the seminar will allow you to turn the research you started in the first quarter into a successful seminar essay. We will continue to meet on an ad-hoc basis in order to discuss the progress of your research and writing.

The following books have been placed on reserve in Regenstein Library and ordered at the Seminary Co-op (5757 University Ave.):


**Schedule of readings**

First week:
- Introductory

Second week:

Third week:

Fourth week:

Fifth week: **hand in draft of paper proposals**

Sixth week:


Seventh week:


Eighth week:


Ninth week: **hand in revised draft of paper proposals**


Tenth week:


**Requirements**

Students taking this course as a **two-quarter seminar** will be expected to:

- complete the assigned readings
- submit a brief (1-2 pages) statement on the readings for a given week by Monday evening of that week for dissemination to the rest of the class
- participate in class discussion on Wednesday morning
- report in class on their progress in researching and writing a seminar paper
- submit a draft and a revised draft of a research paper proposal for discussion in class
- meet regularly in the winter quarter to report orally and in writing on the progress of their research
- submit a draft and revised draft of their seminar paper for discussion by the class during the winter quarter

Students who do not need to fulfill a two-quarter seminar requirement may register for the first quarter of the course without taking the second quarter. Students who wish to take
only the **first quarter for letter credit** will be expected to do the same work as students taking the full seminar, except that they will write a paper of about 15-20 pages length instead of a full-length seminar paper (or Master's Thesis). Students who wish to take only the **first quarter for R credit** will be expected to do the same work as students taking the full seminar, except that they will write no paper.

**Deadlines**

Written draft of paper proposals is due fifth week  
Revised draft of paper proposals is due ninth week  
Paper of students taking the first quarter only (for letter credit) is due tenth week

**The following items have also been placed on reserve:**

(London: Methuen, 1928).


