

**UNIVERSITY OF TORONTO**  
Faculty of Arts and Science & School of Graduate Studies  
Department of Political Science

**POL400H1S & POL2029H1S (Winter Term 2014)**  
***Sovereignty***

Course Time: Monday, 12:00-15:00  
(**Note: This is a three-hour course**)  
Location: Alumni Hall 302, St. Michael's College

SYLLABUS

Professor: Daniel Lee  
Department of Political Science  
[daniellee.lee@utoronto.ca](mailto:daniellee.lee@utoronto.ca)  
Office: Sidney Smith Hall 3058  
Hours: By appointment

***Course overview***

This course concerns the intellectual origins of the theory of sovereignty and the various conceptual and normative problems associated with sovereignty, focusing especially on the thought of Jean Bodin, Hugo Grotius, and Thomas Hobbes.

Sovereignty is one of the central organizing concepts of modern political theory. For nearly a century, however, it has perennially come under ferocious criticism, most recently by theorists of international law and politics who see the emergence of global institutions as supposed evidence of a transformation in the theory and practice of the modern sovereign state to a potentially 'post-sovereign' world. Some see it is an antiquated artifact of European political theology and dynastic politics, while others view sovereignty as fundamentally incompatible with the rule of law. The consensus emerging from all these critical perspectives is that sovereignty is conceptually incoherent and normatively unattractive. Some commentators have even suggested that, because sovereignty has come to mean so many different things, the term should be eliminated altogether from the lexicon of political thought.

But how sensible are these criticisms of sovereignty actually? A major problem undergirding these modern criticisms of sovereignty is a basic lack of agreement on just what concept or phenomenon the term is supposed to signify. Historically, this was not always the case. The term, sovereignty, had a uniform meaning indicating the supreme authority of the state, actionable both respect to actors external to the state and actors internal within the state, and it framed a remarkably sophisticated discourse on the nature of state-centered politics that has remained largely intact for centuries.

If we are to understand the modern criticisms of sovereignty, it is essential to begin first by understanding what sovereignty actually is, and why it had to be invented historically in the first place. The aim of this course is to explore these foundational questions in historical context and recover the intellectual origins and sources of sovereignty in the thought of its three most important early modern theorists, Jean Bodin, Hugo Grotius, and Thomas Hobbes.

The course consists of three broad sections. We will begin first by investigating the medieval background to the concept of sovereignty and try to understand the problem to which sovereignty was thought to be the answer. In the second section, we will investigate the political thought of the French jurist, Jean Bodin, who is universally thought to be the first systematic theorist of sovereignty understood to represent the high authority of the state. We will then proceed investigate the function of sovereignty in the international thought of Hugo Grotius and in the theory of state in the civil philosophy of Thomas Hobbes.

### ***Course requirements and evaluation***

Evaluation for the course will be based on the following components:

1. **RESEARCH PAPER (70% of course grade)**

All students (both undergraduates or graduates) formally enrolled in the course for academic credit are required to write an academic paper based on original scholarship. Further details on the requirements for the paper will be provided in class.

**Undergraduate students** should write a research paper of approximately 10 -15 double-spaced pages.

**Graduate students** should write a research paper of approximately 15 – 20 double-spaced pages.

**Deadline:** For all students, the deadline for submission of the paper is **April 8, 2014.**

**Submission procedure:** All students are asked to submit **both a digital copy** via [www.turnitin.com](http://www.turnitin.com) **and a hard copy** at the front desk of the Department of Political Science (Sidney Smith Hall, 100 St. George St, 3<sup>rd</sup> Floor).<sup>1</sup>

2. **TWO SHORT RESPONSE PAPERS (30% of course grade, with each response paper valued at 15% each)**

All students (both undergraduates and graduates) formally enrolled in the course for academic credit are required to write a short paper (1-3 pages) in response to one of the weekly pre-circulated discussion questions.

**Please note the following conditions on the response papers:**

- The response papers may be submitted by email.
- The first response paper must be submitted **on or before February 10.**
- The second response paper must be submitted **on or before March 31.**
- Students may submit more than two response papers if they wish. The professor will read and assign a grade for each response paper submitted and will count the two highest-scoring papers in calculating the final grade.
- **Extra Credit:** Students may present their response paper in class for extra credit. Credit will be applied to the overall response paper grade.

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<sup>1</sup> Normally, students will be required to submit their course essays to Turnitin.com for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the Turnitin.com reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com web site. Students have the right to opt out of the use of Turnitin.com and may, if they wish, submit papers without the use of Turnitin.com. If a student wishes to opt out, the student must inform the professor in writing. In addition, the student is requested to submit, in addition to the paper, a sample of notes used in preparation of the paper.

### ***Attendance policy***

Students are required to attend class regularly in order to receive academic credit for the course. Attendance will be recorded at each class session. The professor will allow up to **two unexcused absences** during term. Students who accumulate more than two unexcused absences should expect a penalty to be applied on the final course grade. Students who anticipate absences must notify the professor in writing (email is acceptable). In compliance with University policy, students claiming absence for medical reasons must have a medical professional complete the University of Toronto 'Verification of Student Illness or Injury' form (available at <http://www.illnessverification.utoronto.ca>).

It is the policy of the University to arrange reasonable accommodation around the needs of students who observe religious holy days other than those already accommodated by ordinary scheduling and statutory holidays. The Office of the Vice-President and Provost publishes an annual schedule of Dates for Religious Observances.

### ***Prerequisites***

The official course prerequisite for undergraduates is POL320, or the equivalent. The course assumes a good working knowledge of Plato's *Republic*, Aristotle's *Politics*, Hobbes' *Leviathan*, Locke's *Two Treatises of Civil Government*, and Rousseau's *Social Contract*. Students who have not formally studied these texts in previous coursework are strongly discouraged from enrolling in this course.

### ***Course readings***

**Most readings for the course are available in electronic form** and can be accessed on the Blackboard/Portal page for this course on the University website. Readings accessible electronically on Blackboard are designated by '**BB**'. Other readings will be held in reserve at Robarts Library.

**Auditors** should contact the professor directly to gain access to the online readings. Reserve copies of texts are also available for study in Robarts Library.

Texts for purchase (available in the U of T Bookstore, 214 College St.)

(1) Jean Bodin, *On Sovereignty: Four Chapters from Six Books on the Commonwealth* [*Six Livres de la République*], ed. Julian Franklin (Cambridge, 1992)

(2) Hugo Grotius, *On the Law of War and Peace* [*De Jure Belli ac Pacis*]: *Student Edition*, ed. Stephen Neff (Cambridge, 2012)

(3) Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge, 1991)

(4) Thomas Hobbes, *On the Citizen* [*De Cive*] ed. Richard Tuck (Cambridge, 1998)

(5) Julian Franklin, *Jean Bodin and the Rise of Absolutist Theory* (Cambridge, 1973 and 2009)

### ***Rare books***

We are very fortunate to have access in the University of Toronto to one of the finest collections of rare books in North America. For several sessions, we will meet in the Thomas P. Fisher Library (located inside the Robarts Library complex) to examine some of our texts in their original printed form. I will provide more details on this later in the term.

### ***Seminar Schedule and Reading List***

The following is a proposed seminar schedule. Since I would like to keep some flexibility, the topics and readings for each week will be subject to modification as the term progresses. Please read my notes regularly distributed by email for any changes on reading assignments.

**BB** = accessible in digital form on Blackboard/Portal.

**R** = on course reserve

### **Introduction**

#### **Week 1**

**Introduction: The Problem of Sovereignty (Jan. 6)**

**BB:** Loughlin, *Foundations of Public Law*: pp. 183 – 86.

**BB:** Loughlin, *Idea of Public Law*: Ch. 5

#### **Weeks 2 - 4**

**The Medieval Theory of Sovereignty: The *Princeps* and the Law (Jan. 13, 20, & 27)**

**\*\*Note: Jan. 27 seminar meets in the Fisher Library\*\***

#### Sources

**BB:** Roman law texts in translation

#### General background and context:

**BB:** Loughlin, *Foundations of Public Law*: Ch. 1

#### Is the *princeps* the ‘lord [*dominus*] of all the world’?

**BB:** Pennington, *Prince and the Law*: Chs. 1

**BB:** Ullmann, ‘Development of the Medieval Idea of Sovereignty’

**BB:** Fasolt, *Limits of History* (excerpts)

**BB:** Canning, ‘Law, Sovereignty, and Corporation,’ in *CHMPT* (pp. 464-476)

#### Is the *princeps* bound by the law?

**BB:** Tierney, ‘The Prince Is Not Bound By the Laws,’ *CSSH*

**BB:** Canning, *Political Thought of Baldus de Ubaldis*: Ch. 2

**BB:** Pennington, *Prince and the Law*: Chs. 3 & 6

**BB:** Gilmore, *Argument from Roman Law in Political Thought*: Ch. 1

#### Who else, other than the Emperor, can be a *princeps*?

**BB:** Skinner, *Foundations of Modern Political Thought*, Vol. 1: Ch. 1 (pp. 3-12)

**BB:** Canning, ‘The Corporation in the Political Thought of the Italian Jurists’

**BB:** Canning, ‘Ideas of State’

**BB:** Kantoworicz, *King’s Two Bodies*: Chs. 1, 4, 5, 6, 7

#### **Week 5**

**From Medieval ‘Constitutionalism’ to Early Modern ‘Absolutism’ (Feb. 3)**

**\*\*Note: Feb. 3 seminar meets in the Fisher Library\*\***

**BB:** Seyssel, *The Grand Monarchy of France* (Part I): pp. 38 – 68

**BB:** Bodin, *Method for the Easy Comprehension of History*, Ch. 6: pp. 152 – 179

**BB:** Loughlin, *Foundations of Public Law*: pp. 50 – 69

**BB:** Kelley, ‘Civil Law in the Renaissance: Jurisprudence in the French Manner’

Franklin, *Jean Bodin and the Rise of Absolutist Theory*: Chs. 1 – 2

**BB:** Skinner, *Foundations of Modern Political Thought*, Vol. 2: 254 – 275

Week 6

**Jean Bodin: What Is Sovereignty? (Feb. 10)**

**\*\* Last day to submit a response paper for the first half of the course\*\***

**\*\*Note: Feb. 10 seminar meets in the Fisher Library\*\***

Bodin, *On Sovereignty*

Book I, Ch. 8

Book I, Ch. 10

Franklin, *Jean Bodin and the Rise of Absolutist Theory*: Chs. 3 – 5

**BB**: Loughlin, *Foundations of Public Law*: pp. 69 – 73

**BB**: Skinner, *Foundations of Modern Political Thought*, Vol. 2: pp. 284 – 301

**\*\*\* NO CLASS ON FEB. 17 (UNIVERSITY HOLIDAY) \*\*\***

Week 7

**Jean Bodin: Sovereignty and Government (Feb. 24)**

Bodin, *On Sovereignty*

Book II, Chapter 1 – or alternatively, you can read the text in the Knolles translation on **BB**

**BB**: Jean Bodin, *Six bookes of a commonweale*, trans. Knolles (1606)

Book II, Ch. 2 (pp. 199D [¶‘Now Monarchie is divided...’] – 200G [‘...and turbulent people’])

Book II, Ch. 6 (pp. 244 – 52)

Book III, Ch. 2 (pp. 278 – 93)

Book III, Ch. 3 (pp. 293 – 296K)

Book III, Ch. 5 (pp. 325 – 34)

**BB**: Gilmore, *Argument from Roman Law in Political Thought*: Ch. 3

**BB**: Lee, ‘Office Is a Thing Borrowed’

**BB**: Tuck [manuscript], *The Sleeping Sovereign*

Week 8

**Hugo Grotius: Sovereignty, War, and the Foundations of International Law (Mar. 3)**

Grotius, *On the Law of War and Peace*, ed. Neff

Introduction

Book I, Chs. 1, 3

Book II, Chs. 2, 3, 4, 9, 10, 11, 14, 15, 17, 22, 23, 25

**BB**: Tuck, *Natural Rights Theories*, Ch. 3, ‘Hugo Grotius’

**BB**: Tuck, *Rights of War and Peace*, Ch. 3, ‘Hugo Grotius’

**BB**: Lee, ‘Popular Liberty, Princely Government, and the Roman Law of Persons in Grotius’ *De Jure Belli*’

**BB**: Brett, ‘Natural Right and Civil Community: The Philosophy of Hugo Grotius’

Week 9

**Thomas Hobbes, *De Corpore Politico* and *De Cive*: Hobbes’ Early Theory of Sovereignty (Mar. 10)**

**\* Note: Mar. 10 seminar meets in the Fisher Library**

**BB**: Hobbes, *Elements of Law, De Corpore Politico* (EEBO)

excerpts TBD

Hobbes, *De Cive*

Chs. 5 – 10, 12 – 13

**BB:** *Rethinking the Foundations of Modern Political Thought*

Ch. 10: Tuck, 'Hobbes and Democracy'

Ch. 11: Hoekstra, 'A Lion in the House: Hobbes and Democracy'

**BB:** Tuck [manuscript], 'Hobbes and the Body Politic'

**BB:** Oakley, 'Jacobean Political Theology: The Absolute and Ordinary Powers of the King'

**BB:** Gauthier, *Logic of Leviathan*, Ch. 3

**Week 10**

**Thomas Hobbes, *Leviathan*: The Personality of the Sovereign State (Mar. 17)**

Hobbes, *Leviathan*: Chapters 16 – 20

**BB:** Hoekstra, 'Early Modern Absolutism and Constitutionalism'

**BB:** Skinner, 'Hobbes and the Purely Artificial Person of the State' in *Visions of Politics*, Vol. 3, Ch. 6

**BB:** Skinner, 'Hobbes on Representation'

**BB:** Runciman, 'What Kind of a Person is Hobbes' State?'

**R:** Jean Hampton, *Hobbes and the Social Contract Tradition*, Chs. 4 – 6

**Week 11**

**Thomas Hobbes, *Leviathan*: The Rights and Duties of Sovereignty (Mar. 24)**

Hobbes, *Leviathan* Chs. 22 – 24, 29 – 30, 42

**BB:** Gauthier, *Logic of Leviathan*, Chs. 4

**Week 12**

**Modern Sovereignty and Beyond (Mar. 31)**

**\*\*Last day to submit a response paper for second half of course\*\***

Reading TBD

**\*\*\*April 8, 2014: Deadline for submission of research paper\*\*\***