

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

**POL400H1S & GRAD: POL2029H1S**

**Winter Term 2015**

***Sovereignty***

Course Time: Monday, 12:00-14:00

Course Location: LA 200 (Centre for Ethics Seminar Room), Trinity College

**SYLLABUS**

Professor: Daniel Lee

Department of Political Science

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Office: Sidney Smith Hall 3058

Hours: By appointment (I will usually, but not always, be available in my office after class)

***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 and an international political order as supposed evidence of a transformation in the theory and practice of the modern sovereign state to a potentially 'post-sovereign' world. Some see sovereignty as 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. In other words, what is the 'problem' to which sovereignty was thought to be the 'answer'?

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 shall 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 (even today) to be the first systematic theorist of sovereignty understood to represent the highest or supreme 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. We conclude by tracing the various ways in which sovereignty has been conceptualized in modern political theory and consider some criticisms of the concept in theorists such as Rousseau, Kant, and Hegel.

### ***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 a research paper. The paper must focus on the concept of sovereignty in the history of political thought and/or in contemporary political theory. Further details and parameters 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.

**All students** are required to prepare a short written research proposal.

**Deadline:** For all students, the deadline for submission of the paper is **April 6, 2015**.

**Submission procedure:** All students are asked to submit two identical copies of the paper: (1) **a digital copy** via [www.turnitin.com](http://www.turnitin.com) and (2) **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. **PARTICIPATION (30% of course grade)**

In addition to regular attendance and active participation in seminar discussions, all students (both undergraduates and graduates) formally enrolled in the course for academic credit are required to write **at least TWO** short written responses based on assigned weekly readings. These may be sent by email to the professor.

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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 unannounced absences** during term. Students who accumulate more than two 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 available for purchase (available in the U of T Bookstore, 214 College St.): I will also arrange to make these texts available either online through Blackboard or at the reserve desk in Robarts Library.

- (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)
- (6) Immanuel Kant, *Political Writings*, ed. H.S. Reiss (Cambridge, 1970 and 1991)

### ***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 allow 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**

Topics: Overview of course and practical matters.

#### **Weeks 2**

#### **What is sovereignty?**

Topics: Different concepts of sovereignty in contemporary political science, jurisprudence, international relations, theology. Is there a uniform concept of sovereignty, or multiple conceptions of sovereignty? Does the emergence of international legal norms, global institutions, and cosmopolitan values mean that we are entering a 'post-sovereign' world?

**R:** Hinsley, *Sovereignty*, 2<sup>nd</sup> ed. Ch. 1 'Sovereignty, Society and the State' (pp. 1-26)

**BB:** Krasner, *Sovereignty: Organized Hypocrisy*, Ch. 1 'Sovereignty and Its Discontents' (pp. 3-42)

**BB:** Loughlin, *Idea of Public Law*, Ch. 5 'Sovereignty' (pp. 72-98)

#### **Week 3**

#### **The Medieval Origins of Sovereignty I: The Prince and the Law in the Middle Ages: The Background of Roman Law in the Theory of Sovereignty**

Topics: Concepts of sovereignty in medieval legal thought. Classical Roman theories of authority, the recovery of Roman legal theory in the High Middle Ages. Is the Roman Emperor above the law? Is the Roman Emperor really 'Lord of all the World'? Whether such authority is exclusive to the Emperor? Roman law as an archetype for the law of all nations.

**BB:** Gilmore, *Argument from Roman Law in Political Thought*, Ch. 1 'The Glossators and Post-Glossators' (pp. 15-44)

**BB:** Pennington, *Prince and the Law*, Ch. 1 'The Emperor Is Lord of the World: Bolognese Lawyers and Imperial Ideology' (pp. 8-37) & Ch. 3 'The Power of the Prince in the Thirteenth and Fourteenth Centuries' (pp. 77-118)

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

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

## Week 4

### The Medieval Origins of Sovereignty II: Theories of Authority in the Medieval Church

**Topics:** God as the source of sovereignty. The Papacy as representative of God's divine sovereignty. The dual nature of Papal authority, as an extra-legal 'absolute power' and a legally defined 'ordained' power. The Canonistic treatment of Papal authority and their influence on early modern theories of sovereignty.

**BB:** Loughlin, *Foundations of Public Law*, Ch. 1 'Medieval Origins' (pp. 17-49)

**R:** Elshtain, *Sovereignty: God, State, and Self*, Ch. 2 'Sovereign God: Bound or Unbound' (pp. 29-55)

**BB:** Pennington, *Prince and the Law*, Ch. 2 'The Prince's Power and Authority 1150-1270: The Contribution of the Canonists' (pp. 38-75)

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

## Week 5

### Bodin I

**Topics:** The background of medieval constitutionalism and feudalism: What were the problems to which 'sovereignty' was thought to be the answer? Why was it necessary to 'invent' sovereignty in the first place? Bodin's background in Roman law and humanism. His early concerns with comparative methodology in the historical study of ancient republics.

**R:** Franklin, *Jean Bodin and the Rise of Absolutist Theory*: Ch. 1 'The Persistence of Medieval Constitutionalism' (pp. 1-22) & Ch. 2 'Bodin's Early Theory of Sovereignty' (pp. 23-40)

**BB:** Bodin, *Method for the Easy Comprehension of History* [*Methodus ad facilem historiarum cognitionem*], the Preamble (pp. 9-14) & Ch. 6 '*De Statu Rerumpublicarum*' (= 'On the Form of States', pp. 152 – 179)

**BB:** Skinner, *Foundations of Modern Political Thought*, Vol. 2, Ch. 8 'The Context of the Huguenot Revolution' (**only** pp. 254 – 275)

**BB:** Kelley, 'Civil Science in the Renaissance: Jurisprudence in the French Manner'

## Week 6

### Bodin II

**Topics:** Bodin's theory of sovereignty and the state in the *Six Books*. Two conditions for sovereignty: 'absolute' and 'perpetual.' The extra-legal quality of sovereignty. Bodin's concept of law. The distinction between 'law' [*lex*] and 'right' [*jus*]. The distinction between 'law' [*lex*] and 'contract.' The constitutive marks of sovereignty and the indivisibility thesis. Three forms of sovereignty. The distinction between sovereignty and government. Whether Bodin's theory of sovereignty is 'absolutist.'

Bodin, *On Sovereignty* (Franklin ed.)

Book I, Ch. 8, 'On Sovereignty' (pp. 1-45)

Book I, Ch. 10, 'On the True Marks of Sovereignty' (pp. 46-88)

Book II, Chapter 1, 'On the Kinds of State in General' (pp. 89-109)

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

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

## Week 7

### Bodin III

**Topics:** Continuation of last week. Bodin's theory of delegated powers. Whether sovereignty can be delegated. Delegation by office and by commission. Whether officers, commissioners, and magistrates can exercise sovereignty on behalf of the sovereign.

**BB:** 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:** Lee, 'Office Is a Thing Borrowed' *Political Theory*

**BB:** Loughlin, *Foundations of Public Law* (pp. 50 – 73)

## Week 8

### Bodin IV: The Critical Receptions of Bodin's Theory: Popular Resistance and Popular Sovereignty

**Topics:** Whether resistance is legally permissible in a sovereign state. Bodin's argument for the non-resistance doctrine. The 'Monarchomach' rejoinder in the *Vindiciae Contra Tyrannos*. The significance of legal doctrine and Scriptural authorities in crafting the theory of popular resistance. The reception of Bodin. Bodin as a theorist of popular sovereignty?

Bodin, *On Sovereignty*

Book II, Ch. 5 'Whether it is lawful to make an attempt upon the tyrant's life and to nullify and repeal his ordinances after he is dead' (Franklin ed., pp. 110-126)

**R:** Franklin, *Jean Bodin and the Rise of Absolutist Theory*: Ch. 6, 'The Question of Resistance' (pp. 93-101)

**BB:** [Brutus], *Vindiciae Contra Tyrannos*, Question III 'Whether, and to what extent, it may be lawful to resist a prince' (pp. 67-172)

**BB:** Lee, 'Private Law Models for Public Law Concepts' *Review of Politics*

**BB:** Salmon, 'The Legacy of Jean Bodin: Absolutism, Populism, or Constitutionalism?' *History of Political Thought*

**BB:** Van Gelderen, 'Aristotelians, Monarchomachs, and Republicans: Sovereignty and *Respublica Mixta* in Dutch and German Political Thought' *Republicanism: A Shared European Heritage*, Vol. 1., ed. Skinner and Val Gelderen

## Week 9

### Grotius

**Topics:** Sovereignty in the foundations of international law and politics. Sovereign states as bearers of rights. What is a sovereign right? Whether states have a right to engage in war. Grotius' criticism of Bodin. The distinction between 'common' and 'proper.' The distinction between 'the right itself' and 'the manner of enjoying a right.' The origins of private property as a model for the origins of sovereign states

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

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

## Week 10

### Hobbes I, *De Cive*

Topics: The early Hobbes. The ideological context of Hobbes' political thought. Constitutional crisis and the English Civil War. The formulation of sovereignty in *De Cive*. A 'democratic' Hobbes?

Hobbes, *On the Citizen* (Tuck ed.)

Chs. 1, 2, 3 (only ¶¶-7), 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'

## Week 11

### Hobbes II, *Leviathan*

Topics: Hobbes' theory of personality and authorization. The state as a kind of person. The contractual basis of obligation to the sovereign. The conceptual relationship between the sovereign and the state (or 'commonwealth'). Who can be sovereign? What is the relationship between 'sovereign' and 'sovereignty'?

Hobbes, *Leviathan*, Chs. 13 – 20, 22 – 24, 29 – 30

**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?'

## Week 12

### Modern Sovereignty

Topics: Later formulations of sovereignty in Rousseau, Kant, Hegel. Is there a 'right' and a 'wrong' way to conceptualize sovereignty? The doctrine of popular sovereignty. Is sovereignty compatible with the concept of right? Is sovereignty an obstacle to the realization of justice? Sovereignty as the constitutive concept of international state-centered politics: Is there an alternative?

**BB:** Rousseau, *Social Contract*, Book I (all), Book II (Chs. 1, 2, 3, 4, 6),

Kant, *Political Writings* (Reiss ed.)

*Perpetual Peace* (pp. 93-130)

*Metaphysics of Morals*, Doctrine of Right II, Public Right, §§43-62 (pp. 136-175)

**BB:** Hegel, *Philosophy of Right*, Part III (Ethical Life): §§275-286, §§321-340