

Montesquieu's *Spirit of the Laws*
Autumn 2018

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Monday/Wednesday, 1:30-2:50
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Draft Syllabus

Description

From its publication in 1748, *The Spirit of the Laws* has been interpreted, among other things, as a foundational work of method in historical jurisprudence; a pæan to the English constitution and an inspiration for that of the future United States; a precocious call for penal reform and the abolition of slavery; a monument to the Enlightenment's capacity for cultural relativism that laid the groundwork for the discipline of sociology; an historical treatise on the rise of globalized commerce and its political effects in Europe; and a manifesto for a reactionary feudal aristocracy. We will read *The Spirit of the Laws* with an attention to these and other possible interpretations. This course is mainly an exercise in close reading, but we will also think about the contexts for the writing and reception of this landmark work of Enlightenment social and political thought.

Requirements and Conventions

Attendance and participation (33%). Informed participation is a central requirement of this course. Students are expected to do all of the assigned readings and to give evidence of this in class. Satisfactory participation also entails an attention to reasoned arguments about the texts under discussion and collegiality toward fellow students. Your overall grade will be reduced for more than two unexcused absences.

Short Written Assignments (33%). Students are required to write two short essays over the course of the quarter. For each set of readings, I will designate a primary source (or sources) that can be fruitfully put into dialogue with the part of the *Spirit of the Laws* (EL) that we are reading for a given session. (These will either be placed on course reserves or pdf copies will be put up on our canvas site). Choose one of these texts and write a 1500-word essay that sets it in relation to the EL. You may discuss how they take a common approach to a given problem; or the implicit or explicit polemic between them. Your approach to these essays should be closely textual, citing evidence along the way and arguing a specific thesis; for the purposes of grading, a premium will be placed on clear and concise analytical writing. You shouldn't consult the secondary literature in writing these papers. You may choose to write

on whatever designated primary sources you want, but you must turn your paper in during the session for which that source is listed, the idea being that this will equip a certain number students to enrich the discussion by their ancillary readings. No late papers will be accepted.

Long Written Assignment (33%). Students will be asked to write a longer (though not terribly long: 2,500-word) paper based on a topic of interest to you. You must clear this topic with either me or the teaching assistant in advance. You may, for instance: engage in a close reading on a specific aspect of the *EL*; elaborate the context of Montesquieu in the Enlightenment by reading the *EL* against other contemporary works (as in the short assignments); discuss intellectual influences on or of Montesquieu; use other parts of Montesquieu's oeuvre to shed light on the *EL*; or use the *EL* as a springboard for discussions of a topic of present-day relevance, particularly in the domain of law or political theory. It is expected that for these papers you will consult the secondary literature on whatever topic you pursue. Please carefully observe the stated deadline; for each day the paper is late, a **full** letter grade will be deducted. I will occasionally grant extensions, but never fewer than 48 hours before the paper is due.

Plagiarism. Academic dishonesty will be treated with utmost seriousness. If you are at all unsure about what plagiarism means and how to avoid it, please consult Charles Lipson, *Doing Honest Work in College* (Chicago: University of Chicago Press, second ed: 2008). There are multiple copies on reserve.

Electronics in classroom. As a courtesy to your fellow students and to keep yourself focused on the discussion, please turn laptops, PDAs, phones et cetera off and keep them out of sight.

Office hours. I encourage all of you to come to speak to me at some point during the quarter, even if you do not have specific questions or difficulties that you would like to discuss.

Text

Montesquieu, *The Spirit of the Laws*, translated and edited by Cohler et al (Cambridge, 1989). Available at the Seminary Coop bookstore.

Schedule

N.B. Changes *will* be made to the readings. Please check your email regularly

M	Oct 1	Introduction I, Montesquieu and the Enlightenment, preface (pp. xliii-xlv) This part of the text will be made available on Canvas and copies will also be distributed in class
W	Oct 3	Introduction II: Montesquieu, passions and politics: selected letters from the <i>Persian Letters</i> (available on Canvas)
M	Oct 8	Laws in general: book 1
W	Oct 10	Laws and regime type I, general principles: books 2 and 3
M	Oct 15	Laws and regime type II, applications: books 4-8
W	Oct 17	War and Peace, solidarity and violence, books 9-10
M	Oct 22	Political liberty I: the English Constitution and the distribution of powers, book 11 and 19.27
W	Oct 24	Liberty and license: books 12 and 13
M	Oct 29	Climate and servitude I: books 14-17

W	Oct 31	Climate and servitude II: books 15-17; environment and second nature: book 18
M	Nov 5	The General spirit, book 19 (including 19.27, which you will already have read); review books 1-3
W	Nov 7	Session left empty to accommodate changes
M	Nov 12	Montesquieu's 'science of commerce' I, political sociology: book 20
W	Nov 14	Montesquieu's 'science of commerce' II, the history of commerce: books 21-22
M	Nov 19	Demography: book 19 and selected letter from the <i>Persian Letters</i> (distributed on Canvas)
W	Nov 21	Religion: books 24-26
M	Nov 26	Civil v. Political laws—concepts as history: books 27-28
W	Nov 28	Feudal law: history, contingency and freedom: books 29-31
M	Dec 3	Conclusion: What is the Spirit of the Laws?: books 29-31 (and more generally the book as a whole)
F	Dec 14	Final paper due by 5 p.m. (To be turned in through the course Canvas portal)