

**LEGAL HISTORY, HUMAN RIGHTS, AND THE GLOBAL LEGAL ORDER:**

**UNIVERSALISMS OLD AND NEW**

**Tyler Lange, UC Berkeley**

**Nov. 8: The Uses of Medieval Legal History**

Required readings:

--Douglas Osler, "Fantasy Men," *Rechtsgeschichte* 10 (2007), 169-192:

[http://data.rg.mpg.de/rechtsgeschichte/rg10\\_recherche\\_Osler.pdf](http://data.rg.mpg.de/rechtsgeschichte/rg10_recherche_Osler.pdf).

--Sjoerd Griffioen, "Modernity and the Problem of Its Christian Past: The Geistesgeschichten of Blumenberg, Berger, and Gauchet," *History and Theory* 55 (2016), 185-209:

<http://onlinelibrary.wiley.com/doi/10.1111/hith.10796/abstract>.

Optional readings:

--Glen Newey, "The Spirit of Charlemagne," *London Review of Books Blog*, 5 Sept. 2016:

<http://www.lrb.co.uk/blog/2016/09/05/glen-newey/the-spirit-of-charlemagne/>.

--Helmut Coing, "English Equity and the Denunciatio Evangelica of the Canon Law," *Law Quarterly Review* 71:2 (1955), 223-241

**Nov. 9: Religious and Scientific Truth in Legal History: Two American Historians**

Required readings:

--R. H. Helmholz, *Natural Law in Court: A History of Legal Theory in Practice* (2015), i-x, 142-178

--Daniel Lord Smail, "Psychotropy and the Patterns of Power in Human History," (2012), 43-48

--idem, *Legal Plunder* (2015), ix-xi, 240-272

Optional readings:

--Charles Donahue, "Roman Canon Law in the Medieval English Church: Stubbs vs. Maitland

Examined after 75 Years," *Michigan Law Review* (1974), 647-716:

<http://www.jstor.org/stable/1287758>.

--J. H. Baker, "The Origins of the 'Doctrine' of Consideration," in *Collected Papers in English*

*Legal History*, vol. III: 1176-1201: <https://www.cambridge.org/core/books/collected-papers-on-english-legal-history/BE6B5041D5A355233BFDC7D87D079C00>.

### **Nov. 10: Pax and pacts: Rights and Obligations from Canon Law to International Law**

Required readings:

--Peter Landau, "Pacta sunt servanda. Zu den kanonistischen Grundlagen der Privatautonomie," in *Festschrift Nörr* (2003), 457-474

--Samuel Moyn, "The End of Human Rights in History," *Past & Present* (2016), 1-16:

<http://past.oxfordjournals.org/content/early/2016/08/31/pastj.gtw038.full>. [or idem, *Christian*

*Human Rights* (2015), 1-24, 169-181]

Optional readings:

--Tyler Lange, *Excommunication for Debt* (2016), 49-66. 227-245

--Wim Decock, "Jesuit Freedom of Contract," *Tijdschrift voor Rechtsgeschiedenis* 77 (2009), 423-478:

[https://lirias.kuleuven.be/bitstream/123456789/259478/2/Jesuit\\_freedom\\_of\\_contract.pdf](https://lirias.kuleuven.be/bitstream/123456789/259478/2/Jesuit_freedom_of_contract.pdf).

--Annabel Brett, "Human Rights and the Thomist Tradition," in *Revisiting the Origins of Human Rights* (2015), 81-101