

I. Contract Theory

A. The contract theory essentially is that people live in accord w/ ea. other because they have to in order to survive. Different groups of people develop different "contracts," but the concept remains unchanged. Institutions are a nat. result of desiring to construct a scheme by which everyone can live together in peaceful co-existence.

B. The Hebrews^(and Christians) were early developers of this concept w/ the "Old (& New) Testaments." These were contracts between God + his people. This was the beginning of normative theological bases to institutional ~~and~~ social contracts.

C. The Greeks developed around about the same time as the Hebrews, but they formed small, insulated city-states. While there was an explosion of learning in all fields (eg math, music, science, art, etc.) in Greece at the time, the great conflict between Athens + Sparta raged. Athens exalted in the individual while Sparta the state. Sparta ended up winning +, in Pericles' Funeral Oration, he spoke of the wonders of Athenian gov't. Also in Greece were Socrates (who didn't HAVE to drink the hemlock but did so almost in protest to the gov't.) who was followed by Plato who preceded Aristotle who taught Alexander the Great who ended up conquering everything from Egypt to India! Plato believed in the gov't. by the elite + "philosopher kings" he

discussed in his "The Republic"; Aristotle disagreed & focused on the "first principles" such as the preeminence of ~~the~~ individuality & the soul & the unmoved mover & even the pursuit of happiness. Arit. would become, through Aquinas, the cornerstone of Western philosophy. In The Romans were really only self-inventive right at the beginning of the Roman Republic & the Pax Romana. (After that, they just borrowed.) The Republic developed the 12 Tablets which est. the Rule of Law. This drastically altered the way the inst. operated (but made it easier to integrate Judaeo-Christianity later on). Cicero wrote of a gov't. of the people, for the people. (It should be noted here that the real lives of many of these great people were marred (sp?) w/ hypocrisy - like Jefferson owning slaves & Cicero being an aristocrat, but what we should focus on is their aspirations, not their political reality.) When imperial Rome fell, it did so in accord w/ the (much later) Lord Acton's maxim & Marx's belief on all such things.

E. Medieval Europe continued the development in the law. It's not ~~not~~ like Europe just disappeared during the dark ages. The Roman law, for ex., continued to develop in places like Bologna, & then there was St. Thomas Aquinas.

J. Aquinas wrote, inter alia, *The Summa Theologica* (or "highest study of God") which merged ~~Jewish~~ Christian ideas & beliefs w/ Greco-Roman ones that had all but died. Many think the ~~new~~ revived info. from Arist. & Cicero, etc., came to Europe through the Moors of southern Iberia, but others are less sure. The point: Aquinas pushed Europe toward the Renaissance (& thus toward the Enlightenment).

F. The Reformation was a result of all of this as well. Martin Luther attacked the way he thought the R. Catholic Church was breaking the contract ~~that~~ between God & the people while it was supposed to be the guardian or custodian thereof. The Protestant Reformation ^{was} essentially ~~the~~ legitimized by the Treaty of Westphalia in western Germany in or about 1648. This treaty set up the concept of the nation state & that institutional advancement persists today (eg see the difficulty there is in ~~the~~ integrating a legit. "European Community").

G. The most important nation state to the development of our own nation is that of England (ie Great Brit., the U.K.). a brief chronology of the important events in British hist. (w/ short explanations) follows on the next pages.

- Before 800 - indigenous ~~and~~ Roman rule
- After the Romans left ~~the~~ Britain, the old, orig. population reasserted itself while battling ~~the~~ Anglo-Saxon invaders.
- One very notable figure was King Alfred the Great (r. - 899) + He was known for his clear development of a stable British state w/ institutions such as came up w/ the Domesday Book.
- 1066 - Wm. the Conqueror came over from Normandy + defeated all opposition. He is the founder of the current monarchy.
- 1180 : John of Salisbury, a monastic, wrote the first texts on European politics + asserted that there was some power superior to the rulers ~~that~~ to which they were subj.
- Mid 1100s : Henry II + Thomas Becket went at it over the nature of the power of the crown.
- 1215 King John signed the Magna Carta at Runnymede near the Thames R. thus limiting the power of the crown + establishing due process.
- 1265 Edward II est. the Corts for the judges - a few years later, added to them the rule to not obey any law which is contrary to right reason.
- mid 1500s, Lord Coke (in Bonham's case) est. the idea of judicial review. He also → ↓

- X wrote the Petition of Right. He paved the way for ...
- 1649-60 Cromwell. He est. the dominance of Parl. as the gov. body of Great Britain. He also participated in the Putney Debates w/ the Levellers. They wanted to est. a written const. for Eng. instead of a Parl. this is subj. to nothing.
 - 1660 The Glorious Rev. w/ Wm. + Mary. Thereafter, no sovereign really had power unless Parl. allowed.
 - 1776 The Am. Rev.

X ~~The~~ H. The Enlightenment was 2 faced - the French version was atheistic while the Eng. version was highly moral. The greats from the Eng. enlight. include Grotius, who is the founder of Int. Law. He secularized Nat. Law + said that first there was God. Then Man who was a social creature ~~then~~ Because of that there are Natural laws. People form agreements, they mutually consent to rules, the idea of rts. are born, laws are formed, constitutions develop + international law is recognized. C. S. Lewis was of this sch. of thought. As w/ all enlight. thinkers, he felt that Nat. Law

was ~~it~~ (or could be) reached solely via reason.

I. The USA was est. by great men like Wash., Jefferson, Madison, Hamilton, and Adams, who were all well versed in the classics - Aris., Cicero, Aquinas, etc. Adams birthed the concept of jud. review in the U.S. when listening to Otis argue a case in Ct. Ham. + Mad. wrote the Fed. papers. Jefferson wrote the Dec. of Ind. which is the most important political doc. ever written. Nat. Law abounds + was a normal presumption for the people of that day.

The idea of jud. rev. was born here because we're the first society to get it to work. The principles are agreed upon, but the application thereof is where the tension comes in. However, only in America could one have people like Emerson + Thoreau! Paul Johnson is correct - America is amazing.

* SEE ^{OK} OUTLINES - U
I know much more than this. Just AIO twice. P.A.A.