

LAW DEGREE PROGRAM  
COURSE SYLLABUS

Course Details						
Code			Academic Year			Semester
HUK360			3			6
Title			LE	TU	LA	ECTS
Theory of State			2	-	-	3
Language	Turkish					
Level	Bachelor	X	Master		Ph.D.	
Program	Law					
Forms of Teaching and Learning	Formal Education					
Course Type	Compulsory	X	Elective			
Objectives	To examine the originality and function of the state, which is the modern form of political power, in a theoretical framework.					
Content	<p>Historical and theoretical analysis of the emergence and evolution of political power, which is the main problem of the theory of the state. In this context, we will first analyze the characteristics of stateless societies and the process of developing political power structures in these societies. In other words, the starting point of this course is the process of formation of the governing and governor in societies where political power is not institutionalized.</p> <p>Afterwards, the historical examples of the institutionalization of political power are examined. In this context, pre-modern Western societies use examples in which historical data and theoretical studies can be achieved simultaneously. These are the ancient Greek and Roman civilizations and the feudal social order of the Middle Ages. At this stage of the course, the works of the political thinkers of the time are examined, including the ancient and medieval institutions that have contributed to today's political institutions, as well as Plato, Aristotle, Cicero and Thomas Aquino, who form the beginning points of the history of the political thinking.</p> <p>The formation of the modern state is the point of this course. In the sixteenth century, the works of the thinkers who sought to conceive the state will be thoroughly examined and interpreted the theoretical direction proclaimed by sovereignty, grasping Weber's so-called monopoly of force. In this context, the works of Machiavelli, Bodin, Hobbes, Locke and Rousseau, which are classical in Turkish teaching, as well as thinkers who are the pioneers of German state theory, are analyzed. Kant, who establishes the state of the law, and Hegel's works, which seek to conceptualize the autonomous state apparatus over the bureaucracy by developing the distinction between state and civil society, will be priorities in this regard.</p> <p>This talk will also consider the transformation of 20th century state theory. Thus, it is shown that the analyzes developed under the theory of the state are not just abstract considerations, but they provide important conceptual frameworks to understand today's political and legal developments. In this direction, studies in the time of Weimar, a political laboratory, will form the starting point. Schmitt, Kelsen, Heller, Neumann and Kirchheimer are comparatively analyzed with the works of the theoreticians, who want to make sense together with political science in politics. Finally, the effects of the globalization phenomenon, which represents the 21st century on the theory of the state, are discussed. From this point of view, the emergency and security that have become central concepts of state theory will be the main axis of the lecture.</p>					
Requirements						

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<b>Coordinator</b>	Doç. Dr. Berke ÖZENÇ
<b>Lecturer(s)</b>	Doç Dr. Berke ÖZENÇ; Dr. Esra YILMAZ EREN
<b>Assistant(s)</b>	Res. Assist. Nurdan Özçelik, Res. Assist. Burak Orhan
<b>Internship status of the course</b>	

**Recommended or Required Reading**

<b>Books / Scripts</b>	
<b>Other Sources</b>	<p>Akal, Cemal Bali, İktidarın Üç Yüzü, Dost Kitabevi, 2003.</p> <p>Uygun, Oktay, Devlet Kuramı, On İki Levha, 2014.</p> <p>Poggi, Gianfranco, Modern Devletin Doğuşu, 4. bs, Çev. Şule Kut-Binnaz Toprak, İstanbul Bilgi Üniversitesi Yayınları, 2007.</p> <p>Clastres, Pierre, Devlete Karşı Toplum, Çev. Mehmet Sert, Nedim Demirtaş, Ayrıntı Yayınları, 1991.</p> <p>Harris, Marvin, Yayımlar ve Krallar, Kültürün Kökenleri, Çev. Fatih Gümüş, İmge Kitabevi, 1994.</p> <p>Schwaabe, Christian, Politische Theorie I, von Platon bis Locke, UTB, 2007.</p> <p>Schwaabe, Christian, Politische Theorie II, von Rousseau bis Rawls, UTB, 2013.</p> <p>Hobsbawm, Eric, Devrim Çağı, 1789-1848, 4. bs., Çev. Bahadır Sina Şener, Dost Kitabevi, 2005.</p> <p>Hobsbawm, Eric, İmparatorluk Çağı, 1875-1914, 3. bs., Çev. Vedat Aslan, Dost Kitabevi, 2005.</p> <p>Hobsbawm, Eric, Kısa 20. Yüzyıl, 1914-1991, Aşırılikler Çağı, 3.bs, Çev. Yavuz Alogan, Everest, 2007.</p> <p>Şenel, Alâeddin, Siyasal Düşünceler Tarihi, Tarihöncesinde, İlkçağda, Ortaçağda ve Yeniçağda Toplum ve Siyasal Düşünüş, 11. Kısaltılmış bs., Bilim ve Sanat Yayınları, 2004.</p> <p>Wolin, Sheldon S., Politics and Vision, Continuity and Innovation in Western Political Thought, Expanded Edition, Princeton University Press, 2004.</p>

**Additional Course Material**

<b>Documents</b>	
<b>Assignments</b>	
<b>Exams</b>	

**Course Composition**

<b>Mathematics und Basic Sciences</b>		%
<b>Engineering</b>		%
<b>Construction Design</b>		%
<b>Social Sciences</b>	25	%
<b>Educational Sciences</b>		%
<b>Natural Sciences</b>		%
<b>Health Sciences</b>		%
<b>Special Field</b>	75	%

**Assessment**

	<b>Count</b>	<b>Percentage (%)</b>
<b>Midterm Exam</b>	1	%40
<b>Quiz</b>		%
<b>Assignments</b>		%

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Attendance		%
Tutorial		%
Project		%
Final Exam	1	%60
Total		100

ECTS Points and Work Load

	Count	Duration	Work Load (Hours)
Lectures	13	2	26
Self-Study			
Assignments			
Presentation / Seminar Preparation	29	2	58
Midterm Exam	1	2	2
Tutorial			
Laboratory			
Project			
Final Exam	1	2	2
Total Work Load			88
ECTS Points (Total Work Load / 30)			3

Learning Outcomes

1	To understand that the institutionalization of political power and the prevailing division are historical facts.
2	To understand the difference in the forms of political power that is the predecessor of the modern state.
3	In order to use the theoretical possibilities of state theory to make political and legal practices of political power meaningful.
4	
5	

Weekly Content

1	Societies in which political power is not institutionalized
2	The institutionalization of political power and the concepts of rulers and rulers
3	Theoretical analysis of the political structure of ancient Athens: Plato and Aristoteles as forerunners of state theory
4	Systematization of the law in Rome and the political theory of Cicero
5	The Impact of the Fragmented Power Structure on the Theory of Medieval Politics and the Theory of Thomas Aquinas
6	The Emergence of the State as a Form of Modern Political Power: Political, Economic and Social Developments
7	Theoretical analysis of the emergence of the modern state: Machiavelli and Bodin

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<b>8</b>	The Social Contract as a Reason for the Legitimacy of the Modern State: Hobbes, Locke and Rousseau
<b>9</b>	Midterm Exam
<b>10</b>	The rule of law as a legitimate organization of modern political power: Kant and Hegel's Theory of Politics
<b>11</b>	The Crisis of the Modern State and the Weimar Period I: Carl Schmitt's Theory of Sovereignty Against the Crisis of Parliamentary Democracy
<b>12</b>	The Crisis of the Modern State and the Weimar Period II: Herman Heller's Social Law Against the Crisis of Parliamentary Democracy
<b>13</b>	Globalization Process I: Political, Economic and Social Developments
<b>14</b>	Globalization Process II: The State and International Institutions, Enterprises and Organizations
<b>15</b>	Globalization Process III: State and Security

**Contribution of Learning Outcomes to Program Objectives (1-5)**

	<b>P1</b>	<b>P2</b>	<b>P3</b>	<b>P4</b>	<b>P5</b>	<b>P6</b>	<b>P7</b>	<b>P8</b>	<b>P9</b>	<b>P10</b>
<b>1</b>	5	1	4	5	5	5	1	3	3	2
<b>2</b>	5	1	4	5	5	5	1	3	3	2
<b>3</b>	5	1	4	5	5	5	1	3	3	2
<b>4</b>	5	1	4	5	5	5	1	3	3	2
<b>5</b>	5	1	4	5	5	5	1	3	3	2

**Contribution Level** 1: Low 2: Low-intermediate 3: Intermediate 4: High 5: Very High

<https://obs.tau.edu.tr/oibs/bologna/index.aspx?lang=en&curOp=showPac&curUnit=02&curSunit=198#>

**Compiled by:** Res. Assist. Burak Orhan

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