

American *Founding* Debates

Steven Bilakovics Course: PLSC 254

Office: RKZ 223 Fall 2010

Office hours: Thurs 11:00-1:00 Thurs 1:30-3:20

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I. Course Description

Do we need a new and improved constitution? Given the vastly different times in which we live, perhaps our different values and interests, and the often heard claim that the American political system is “broken,” should we reconsider and potentially rewrite our founding document? This course is organized around the idea that Americans in 2010 will have the opportunity to vote on the following proposal: “Shall Congress call a constitutional convention empowered to consider the adequacy of the Constitution and, if thought necessary, to draft a new constitution that, upon completion, will be submitted to the electorate for its approval or disapproval by majority vote? Unless and until a new constitution gains popular approval, the current Constitution will continue in place.” (quoted from Sanford Levinson, *Our Undemocratic Constitution*)

To think through the merits of and problems with this proposal, we will return to and carefully consider the debates that surrounded the drafting and ratification of the Constitution. While we will on occasion broaden our perspective by considering relevant works of political theory, constitutional theory, and constitutional law, the course is designed primarily as a back-and-forth between the Federalist / Anti-Federalist debates of 1787-1789 and more recent writings that address these same issues. Among the topics we will cover are: the proper extent of executive power; the proper role of political parties in our political system; the separation of church and state; the virtues and vices of a separation of powers system and federalism; the form of political representation proper to a democracy; and the place and function of a constitutional document in a democracy.

The guiding question of the course is, given the challenges that face America and the world today, and with an eye toward what constitutes a just and good society, what sort of regime would we now seek to design?

II. Course Goals

This course is intended to acquaint students with the ideas and debates that surrounded the founding of the current American regime, and to critically engage students in these debates. We will pursue four goals in this course. 1) We will carefully read, try to understand, and critique (in that order) each authors writings. As best as we can, we will attempt to leave our prejudices and preconceived notions behind and approach the readings on their own terms, thereby allowing them to unsettle our own often unnoticed assumptions. 2) After analyzing the work of each author, we will attempt to synthesize – compare and contrast – the readings from week to week, across the course. 3) While necessary, understanding and evaluating the readings is not sufficient to meet the goals of the course. The ultimate purpose is to bring the insights gleaned from the readings to bear on the world in which we live. At its best, such a project illuminates and helps us critically reflect upon our own experiences, beliefs, and values. 4) Everything in this course is

geared toward persuasive argumentation; we want to leave this course able to recognize, develop, and communicate (both orally and in our writing) persuasive arguments.

III. Assignments and Grading

All written assignments should be e-mailed to me (steven.bilakovics@yale.edu) on the due date as Microsoft Word attachments (NOT as pdf attachments). Your last name should be in the file name of the attached document. All assignments are to be typed, 12pt standard font, double-spaced, 1 inch margins.

1) Take-home midterm essay, 7 pages (about 2,200 words)

DUE DATE: MONDAY, OCTOBER 11

– One week prior to the due date I will distribute prompts for this essay, which will ask you to interpret, explain, and evaluate one of the central debates between the Federalists and the Anti-Federalists.

2) Take-home final essay, 10 pages (about 3,200 words)

DUE DATE: FRIDAY, DECEMBER 10

– For this paper you will draft a Federalist Paper style essay on a topic of your choosing, arguing for or against a feature of the Constitution discussed over the course of the semester.

3) Five 2 page reaction papers (about 650 words)

Due on the days of your choosing (restrictions: you can submit only one paper per week, and you cannot submit one the week the midterm is due or for the final week of class).

– Please e-mail these papers to me no later than the Wednesday afternoon prior to the class meeting.

– These papers should address one or more of readings for the week, identifying and/or evaluating some key idea or issue you find particularly interesting and believe worthy of class discussion.

4) Class participation. You are expected to come to class having reflected upon and ready to discuss the readings for the week. The class will proceed as a seminar, not a lecture.

– The final week of class will be dedicated to debating and ratifying / rejecting the proposals you have decided to write about for your final essay.

– You can also contribute by passing along to me and the class relevant newspaper / current events pieces that you think might enhance discussion.

1) Midterm Paper (30%)

2) Final Paper (40%)

3) 5 Reaction Papers (25%)

4) Class Participation (5%)

IV. Texts

1) The Federalist Papers, any edition

2) The Anti-Federalist: An Abridgment of The Complete Anti-Federalist, Herbert Storing, ed.

3) What the Anti-Federalists Were For: The Political Thought of the Opponents of the Constitution, Herbert Storing

4) Our Undemocratic Constitution: Where the Constitution Goes Wrong (And How We the People Can Correct It), Sanford Levinson

5) A More Perfect Constitution: Ideas to Inspire a New Generation, Larry Sabato

V. Course Policies

The strength of the university depends on academic and personal integrity. In this course, you must be honest and truthful. Plagiarism is the use of someone else's work, words, or ideas as if they were your own. You can find a fuller discussion of using sources and avoiding plagiarism on the Writing Center Website. (<http://www.yale.edu/writing/>)

Papers will be marked down one third letter grade for each day late (one day late reduces a B to a B-). The only exception is for documented medical emergencies. You are expected to contact me by phone in advance of paper due-dates to discuss any other possible exceptions.

You may appeal your grade by submitting a written statement explaining why the grade is not justified. You have one week after the paper is returned to submit your statement to me.

VI. Course Reading & Assignment Schedule

Please bring the relevant book to class.

Week 1: Sept 2 (Introduction)

a. The Declaration of Independence

b. James Madison, Vices of the Political System of the United States, 1787

(<http://teachingamericanhistory.org/library/index.asp?document=802>)

Week 2: Sept 9 (Changing the Constitution)

a. Levinson, Our Undemocratic Constitution (Intro, 1, 6, 7, Afterword for the Paperback Edition)

b. Preamble, Amendments I-XXVII to the Constitution

c. Thomas Jefferson (readings to be distributed)

d. The Federalist Papers (# 1, 40, 49, 85)

e. Abraham Lincoln, Lyceum Address, Jan. 27, 1838

(<http://showcase.netins.net/web/creative/lincoln/speeches/lyceum.htm>)

f. Sabato, A More Perfect Constitution (Preamble, 7)

Week 3: Sept 16 (The Federalist/Anti-Federalist Debates)

a. Storing, What the Ant-Federalists Were For (3-76)

b. Gordon Wood, Interest and Disinterestedness in the Making of the Constitution (tbd)

c. Jefferson, Letter to Francis Hopkinson, March 13, 1789 (tbd)

Week 4: Sept 23 (Representation)

a. Edmund Burke, Excerpt from Speech to the Electors of Bristol, Nov 3, 1774

(<http://press-pubs.uchicago.edu/founders/documents/v1ch13s7.html>)

b. The Federalist Papers (# 35, 55, 57, 63)

c. Storing, The Anti-Federalist, Letter from The Federal Farmer No. VII (73-79)

d. Storing, The Anti-Federalist, Essay V of A (Maryland) Farmer (261-272)

Week 5: Sept 30 (Civic Education)

- a. Jefferson (readings tbd)
- b. The “Port Huron Statement” (tbd)
- c. Robert Putnam, Bowling Alone: America’s Declining Social Capital
(<http://xroads.virginia.edu/~hyper/DETOC/assoc/bowling.html>)
- d. James Fishkin on Deliberative Polling
(<http://bostonreview.net/BR31.2/fishkin.html>)
- e. Sabato, A More Perfect Constitution (Ch. 5)

Week 6: Oct 7 (Federalism)

- a. The Federalist Papers (# 9-10, 14, 23, 37, 39)
- b. Storing, The Anti-Federalist, Letter of Agrippa IV (234-236)
- c. Storing, The Anti-Federalist, The Federal Farmer, Letter II (39-43)
- d. Jefferson, Letter to James Madison, June 29, 1792 (tbd)

MIDTERM ESSAY DUE MONDAY, OCTOBER 11

Week 7: Oct 14 (Separation of Powers)

- a. The Federalist Papers (# 47-51)
- b. Storing, The Anti-Federalist, Pennsylvania Dissent (199-221)

Week 8: Oct 21 (Congress; Article I)

- a. Levinson, Our Undemocratic Constitution (Ch. 2)
- b. The Federalist Papers (# 52, 55-57, 62-63)
- c. Storing, The Anti-Federalist, Brutus, Essay III (43-54)
- d. Sabato, A More Perfect Constitution (Ch. 1)

Week 9: Nov 28 (The Executive; Article II)

- a. Levinson, Our Undemocratic Constitution (Ch. 3)
- b. The Federalist Papers (# 70-74)
- c. Jefferson, Letter to Wilson C. Nicholas, Sept. 7, 1803 (tbd)
- d. John Yoo, Energy in the Executive: Re-examining Presidential Power in the Midst of the War on Terror (<http://www.heritage.org/Research/PublicDiplomacy/fp4.cfm>)
- e. Sabato, A More Perfect Constitution (Ch. 2)

Week 10: Nov 4 (The Judiciary; Article III)

- a. Levinson, Our Undemocratic Constitution (Ch. 4)
- b. Jefferson, Letter to Judge Spencer Roane, Sept. 6, 1819 (tbd)
- c. The Federalist Papers (# 78-80)
- d. Storing, The Anti-Federalist, Essays of Brutus, nos. XI-XV (162-187)
- e. Sabato, A More Perfect Constitution (Ch. 3)

Week 11: Nov 11 (The Bill of Rights)

- a. Amendments I-X to the Constitution

- b. The Federalist Papers (# 84)
- c. Storing, The Anti-Federalist, Brutus Essay II (117-122)
- d. James Madison, Memorial and Remonstrance
(http://religiousfreedom.lib.virginia.edu/sacred/madison_m&r_1785.html)
- e. Jefferson (readings tbd)

Week 12: Nov 18 (The Bill of Rights cont.)
a. readings TBA

No Class: Nov 25

Week 13: Dec 2 (Convention Debate)
a. Sabato, A More Perfect Constitution (Ch. 6, Conclusion, Afterword)

FINAL ESSAY DUE FRIDAY, DECEMBER 10

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