

GOV 312P: AMERICAN CONSTITUTIONAL PRINCIPLES: CORE TEXTS SPRING 2018

The University of Texas at Austin
(Unique # 38145)
Meeting Times: MWF 10:00-11:00
Meeting Place: WAG 308

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Office Hours: M: 1100-
12:30; W: 1:30-3:00
& by appointment

The United States, perhaps uniquely among nations, is premised upon ideas rather than soil and blood. Indeed, the Declaration of Independence opened with the proposition that “all men are created equal,” and much of American history, as we will see, has been an attempt to fully realize and extend this promise — albeit imperfectly, and, at times, only through great struggle. The purpose of this course is to understand the foundational commitments of the American constitutional order, focusing particularly on four interrelated themes: Constitutionalism, Democracy, Liberty, and Equality. This examination will be conducted through a close-reading of primary texts.

We will begin our course with a unit on constitutionalism. The ratification debates between the Federalists and the Anti-Federalists will serve as the focal point of this exploration because their debate about the merits of the proposed Constitution displays the fundamental logic of our constitutional enterprise. In our study of the ratification debates we will examine the type of society envisioned by the Constitution, the extent of national power and federalism, and the nature of our political institutions in a separation of powers system. In our second unit, we will probe more deeply into the nature of American democracy by reading passages from the French writer Alexis de Tocqueville’s *Democracy in America*. Tocqueville’s insights about the strengths and weaknesses of American democracy have proved particularly prescient and enduring. In our third unit we will consider liberty, especially as it relates to religious liberty and freedom of speech. We will read writers such as John Locke, John Stuart Mill, and James Madison to give us a theoretical framework for considering these issues before examining how these questions have been settled and unsettled over time, especially by the Supreme Court. Finally, we will conclude our course with a unit on equality, paying particular attention to the perspectives of those — such as Frederick Douglass, Abraham Lincoln, Elizabeth Cady Stanton, and Martin Luther King, Jr., among others — who struggled to see the promise of the Declaration fulfilled.

A fundamental premise of this course is that thought constitutes politics. Most Americans are no doubt familiar with many of the ideas we will encounter in these texts, even if they have never actually read them. Our goal, therefore, is to understand these ideas as originally theorized, to see how American politics has been structured and shaped by them, and to consider how Americans have struggled, and at times failed, to put these ideas into practice. Such a task will help us better appreciate and enter into our role as citizens in a nation committed to certain ideals.

COURSE REQUIREMENTS AND GRADE CALCULATION

This course is a discussion-based class. It is imperative, therefore, that you show up to every class having done all the reading and that you are ready to engage in discussion. This course is reading intensive, but I promise that the workload is worth it, as there are important insights in each of the books and essays we will read.

The grading breakdown for the class is as follows:

- Paper 1:	25%
- Paper 2:	25%
- Final Exam	30%
-Quiz average:	10%
-Attendance/Participation:	10%

Papers: You will write two 5-page (1500-1800 word) essays. For the first essay, you will respond to a prompt. For the second essay, you will be able to choose from a menu of topics (to be announced later). Papers will be due at the beginning of class on Friday, February 23 and Friday, April 20. You will be graded on the content as well as the quality of your writing. You will be given the opportunity to re-write the first paper. If you submit a revised paper that has fully responded to my comments, you can bring your grade up by as much as one full letter grade (with the exception that the grade A+ will seldom be given and certainly not given to a re-write).

Final Exam: There will be a cumulative final given on Wednesday, May 9th from 2:00-5:00 PM. It will include quote identifications and two long comprehensive essays. You will have a choice as to which prompts you respond to on these essays. I will distribute study questions in advance.

Quizzes: There will be short quizzes on the reading at the beginning of many of our classes. You are allowed to use your reading notes on the quizzes. The quizzes will not be very difficult if you have done your assigned reading. However, they will be very difficult if you do not read. I will drop three quizzes at the end of the semester. There are no make-ups for missed quizzes.

Attendance and Participation: Attendance is required at every class meeting. You get three free unexcused absences. After that, for each class you miss, your attendance grade will drop by 10%, meaning your course grade will drop by 1%. Having more than 10 unexcused absences will result in automatic failure of the course. Should you provide a valid excuse for your absence (e.g., an illness, a job interview, or a school related-trip), you will not be penalized—I am willing to work with you on this, but it is your responsibility to communicate with me about it.

Late Work: Given that papers due dates are listed in the syllabus, late work is unacceptable. A late paper that is submitted within 24 hours of the due date will receive a full-letter grade reduction. A paper submitted two days after the due date will receive a two-letter grade reduction. Papers will not be accepted after 48 hours after the due date. This policy does not apply in cases of extreme hardship — hospitalization, family emergency, etc. — but exceptions are made at my discretion, and these matters must be discussed with me in person, preferably before assignments are due.

Grade Calculation: Papers and the final exam essays will be given letter grades. In order to calculate your final grade, these will be translated into number grades as follows: A+: 98; A: 95; A-: 92; B+: 88; B: 85; B-: 82; C+: 78; C: 75; C-: 72; D: 65; F: 50

A – Demonstrates superior understanding of the topic; presents factors of central significance and explains them with substantial factual detail; clearly shows how these factors operate and interrelate; follows all instructions and guidelines; if written, done so in a clear and professional style, with correct grammar and spelling.

B – Demonstrates an accurate grasp of the topic; presents important factors and explains them with appropriate specifics; shows less detailed knowledge and less synthesis than A-quality work, but meets basic requirements of assignment; if written, done so in a style that is clear, correct, and professional.

C – Demonstrates an acceptable but commonplace or shallow understanding of the topic; presents important factors, but explains them with only the most obvious specifics; may omit some important factors or make factual errors; if written, done so in a style that may cause the reader minor distractions.

D – Demonstrates limited understanding, or partial misunderstanding, of the topic; may omit important aspects of a topic and make numerous factual errors; may omit some requirements of assignment; if written, done so in an unprofessional style that impedes the reader’s understanding.

F – Demonstrates little or no grasp of the topic; if written, done so in an unprofessional style that causes the reader significant difficulty.

Please keep in mind that I take these standards seriously. I believe most of you are capable of doing “good” work. I expect all of you to strive for a professional quality in your work. I reserve the “A” for exemplary work — work that is of truly superior quality, surpassing expectations and exceeding basic standards. Simple regurgitation does not qualify as “exemplary.” Work that is barely adequate, that demonstrates lack of preparation and care, and that fails to meet what I consider to be acceptable university-level standards will be evaluated accordingly. Finally, be aware that simply logging in a certain number of hours of study does not constitute meritorious performance.

Final grades are calculated numerically, then translated into a letter grade using the following scale. Note: without exception, we will round up scores of 0.5 or higher and round down scores of less than 0.5. Therefore, an 89.5 will round up to a 90, but an 89.49 will round down to an 89.

A	“superior”	93-100	4.000
A-		90-93	3.67
B+		87-90	3.33
B	“good”	83-87	3.00
B-		80-83	2.67
C+		77-80	2.33

C	“average”	73-77	2.00
C-		70-73	1.67
D+	“poor”	65-70	1.33
D		60-65	1.000
F	“failure”	below 60	0.000

REQUIRED TEXTS

You are required to buy all of the books for this class. This class will have a lot of discussion, and we will be making references to the texts frequently during class. It is imperative, therefore, that we all work from the same texts. These books are available at the University Co-op, and are also easily purchased online. Readings not listed here will be available on canvas and will be marked with an asterisk (*) on the course calendar. Please print any online readings and bring them with you to class on the appropriate day.

1. John Locke, *Letter Concerning Toleration*. Hackett Publishing Company. ISBN 9780915145607.
2. Hamilton, Madison, Jay. *The Federalist Papers*. Introduction by Charles Kesler, edited by Clinton Rossiter. Signet Classics. ISBN 9780451528810
3. *The Anti-Federalist: An Abridgement*. Edited by Herbert Storing, selected by Murray Dry. The University of Chicago Press. ISBN 9789226775654
4. Alexis de Tocqueville. *Democracy in America*. Trans. Arthur Goldhammer. The Library of America. ISBN 9781931082549.
5. John Stuart Mill, *On Liberty*. Dover Thrift Edition. ISBN 9780486421308
6. Frederick Douglass. *Narrative of the Life of Frederick Douglass*. Signet Classics. ISBN 9780451529947
7. Booker T. Washington. *Up from Slavery*. Dover Thrift Editions. 9780486287386
8. W.E.B. DuBois. *The Souls of Black Folk*. Dover Thrift Editions. 9780486280417

FLAGS

Cultural Diversity in the United States: This course carries the flag for Cultural Diversity in the United States. Cultural Diversity courses are designed to increase your familiarity with the variety and richness of the American cultural experience. You should therefore expect a substantial portion of your grade to come from assignments covering the history and political thought of black Americans – a group that has experienced persistent marginalization and oppression over the course of our history.

Ethics and Leadership: This course carries the Ethics and Leadership flag. Ethics and Leadership courses are designed to equip you with skills that are necessary for making ethical decisions in your adult and professional life. You should therefore expect a substantial portion of your grade to come from assignments involving ethical issues and the process of applying ethical reasoning to real-life situations.

OTHER POLICIES

Classroom Policies: The use of laptops or other electronic devices are strictly prohibited as these more often than not serve as distractions. Cell phones should be silenced and put away prior to class and not used again until the class has concluded. Continued violation of the policy will result in you being asked to leave the classroom.

Communication: I encourage students to come by my office. Students should *not* use e-mail as a way of having a conversation with me about substantive issues; that is what office hours and class discussion are for. E-mail may be used for administrative reasons, but when possible, I prefer that you speak to me rather than e-mail me. I like getting to know you.

Academic Integrity: All students are expected to adhere to the University of Texas Honor Code and Standards of Conduct. Violations of these guidelines will result in appropriate disciplinary penalties. The penalty for cheating on an exam or plagiarism on a paper will be swift and certain: automatic failure of that exam or paper and referral to the University for further penalties and sanctions.

Accommodations for Religious Holidays: By UT Austin policy, you must notify me of your pending absence at least fourteen days prior to the date of observance of a religious holy day. If you must miss a class, exam, or assignment in order to observe a religious holy day, you will be given an opportunity to complete the missed work within a reasonable time after the absence.

Students with Disabilities: Students for whom it is applicable may request appropriate academic accommodations from the Division of Diversity and Community Engagement, Services for Students with Disabilities (512-471-6259, <http://diversity.utexas.edu/disability/>). Students who receive accommodations must notify me and supply the relevant documentation in a timely manner, no less than one week before the first exam.

COURSE OUTLINE AND ASSIGNMENTS

Note that during this course I will assume a basic familiarity with Articles of Confederation and The Constitution of the United States (including its amendments). Each can be found at the back of your copy of the Federalist papers (pp. 533-541 and 543-568, respectively). I encourage you to review them before the start of the course and refer back to them throughout the semester, especially during the weeks when we look at the ratification debate.

January 17: Course Introduction; Declaration of Independence*

UNIT I: CONSTITUTIONALISM

January 19: Federalist 1, 9, 10

January 22: Federalist 15, 16, 22, 23-24

January 24: Federalist 31, 39-41

January 26: Federalist 47, 48, 51

January 29: Federalist 52-53, 55-58, 62-63

January 31: Federalist 70-72

February 2: Federalist 78

February 5: Federalist 84; Wilson Speech*; Madison Speech to Congress*

February 7: Centinel 1, Federal Farmer II-III

February 9: Essays of Brutus I-III

February 12: Essays of Brutus XI-XV

UNIT II: DEMOCRACY

February 14: Tocqueville, Introduction

February 16: Tocqueville, I.1.2-4, II.2.1

February 19: Tocqueville, I.2.1, I.2.7

February 21: Tocqueville, I.2.9

February 23: Tocqueville, II.1.1-2, 5 {**First Paper Due in Class**}

February 26: Tocqueville, II.2.2-8

February 28: Tocqueville, II.2.9-15

March 2: Tocqueville, II.2.20, II.4.4-6

March 5: Tocqueville, II.4.7-8

UNIT III: LIBERTY

March 7: Locke, *Letter Concerning Toleration*

March 9: Locke, continued; *Wisconsin v. Yoder* (1972)*; *Employment Division of Oregon v. Smith* (1990)*; Andrew Sullivan, “The Case for the Baker in the Gay-Wedding Culture War (*New York Magazine*): <http://nymag.com/daily/intelligencer/2017/12/andrew-sullivan-let-him-have-his-cake.html>”*

March 12-16: Spring Break

March 19: Madison, Memorial and Remonstrance,”* Jefferson and Washington, Excerpts*

March 21: *Lemon v. Kurtzman* (1971),* *Lee v. Weisman* (1992),* *Van Orden v. Perry* (2005)*

March 23: John Stuart Mill, *On Liberty*, Chapter 1

March 26: John Stuart Mill, *On Liberty*, Chapter 2

March 28: *Virginia v. Black* (2003),* *Snyder v. Phelps* (2011)*

March 30: Obscenity cases TBD

UNIT IV: EQUALITY

April 2: Abraham Lincoln, “Address Before the Young Men’s Lyceum”*

April 4: Frederick Douglass, *Narrative*

April 6: Frederick Douglass, “What to the Slave is the Fourth of July?”*

April 9: William Lloyd Garrison, “On the Constitution and the Union,”* “No Compromise with the the Evil of Slavery,”* Frederick Douglass, “The Constitution of the United States: Is It Pro-Slavery or Anti-Slavery?”*

April 11: Elizabeth Cady Stanton, “Declaration of Sentiments,”* and “Seneca Falls Keynote Address”*

April 13: Abraham Lincoln, “First Inaugural Address,”* and “Second Inaugural Address”*

April 16: Abraham Lincoln, “Peoria Speech,”* and Gettysburg Address”*; Frederick Douglass, “Oration in Memory of Abraham Lincoln”*

April 18: Booker T. Washington, *Up From Slavery*, “A Slave Among Slaves,” “The Reconstruction Period,” and “The Atlanta Exposition Address”

April 20: Second Paper Due in Class

April 23: W.E.B. Du Bois, *The Souls of Black Folk*, Forethought, chapters 1-3

April 25: W.E.B. Du Bois, *The Souls of Black Folk*, chapters 4-6

April 27: W.E.B. Du Bois, “The Conversation of Races”*

April 30: Martin Luther King, “Letter from Birmingham Jail”*

May 2: Martin Luther King, Jr., I Have a Dream” speech*; Malcolm X, “Interview with Louis Lomax,”* “The Ballot or the Bullet”*

May 4: Conclusion and Evaluations

Final Exam will occur on May 9 at 2:00-5:00 pm