

UNIVERSITY OF TEXAS AT AUSTIN
Department of Government
Spring 2013
GOV 381 (39040) Seminar on the American Founding

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This graduate seminar on the American Founding introduces students to a broad array of topics that are generated by study of the period of American political history in which the Constitution was drafted and ratified. Among the largest themes that will introduce this course are the significance of “founding” for the most important or constitutive features of any political regime and the importance and contestability of the alleged founding “moment”. Properly studied, the founding reveals aspects of politics so fundamental that they are often taken for granted by citizens who live in a successfully constituted regime, aspects that are also often ignored by many important scholars in the discipline of political science. Of course, the founding has always played a civic and normative role in American politics and to some extent in political science as well. While we will give some attention to purported “intentions of the founders” and to the debates surrounding the concept of original intent – our main purpose is not to locate the concrete expectations of the founding generation or to venerate their work – but instead to recover the perspective of founding, the way of thinking of founders, and the rudiments of the design that was adopted, the promise or aspirations of the design, and the pathologies that may be traceable to it. The last point is especially important. I want students to entertain the possibility that some of the most important problems today are traceable to the basic design of our polity, while others are later developments that may subvert the basic design. Many political scientists adopt one or other of these attitudes without systematically evaluating either or both.

Among the specific topics we will cover are these: the character of the drafting process, and of the ratification debate; varieties of originalism, federalism, separation of powers, political culture, political economy, regime types (democracies and mixed regimes), the philosophic influences on, and suppositions of the Constitution, and the Constitution and American political development.

Course requirements:

Regular participation and preparation for seminar. Students will help take the lead on two sessions, for which they will prepare a brief provocation piece (500-750 words) that they will send me by noon the day of the seminar. In addition, all students will prepare a bibliography and a very short provocation piece on one philosopher or philosophic influence on the founding. “Participation” includes this variety of activities.

A seminar paper on any topic of interest to students connected to any of the many themes of the course, including topics relevant to the founding that we may not have covered in class. A rough guide to length is 25 pages, but there is no strict expectation on length. Think of the paper as a draft article and/or professional conference paper.

Grading: Participation 40%; Paper 60%.

Students with disabilities will be accommodated according to the usual university procedures and students with religious holidays or important extra-curricular commitments will also be accommodated with advance planning. Students with any of these sorts of issues or concerns should consult with me during the first two weeks of the course.

Except for medical or family emergencies, students should not expect an incomplete for late papers. The major paper is due at the last session of the course on April 30, where they will be the subjects of our discussion.

Schedule:

January 15 On the importance of founding

Federalist, Number 1
James Ceaser, "Alexis de Toqueville and the Two Founding Thesis"
Plutarch's Lives, Solon
Plutarch's Lives, Lycurgus

January 22 Background of the Federal Convention

Rakove, *Original Meanings*, chaps 1-3 (pp.3-56)

Declaration of Independence
Articles of Confederation
(Please locate and bring copies of these texts to seminar).

Wood, *Idea of America*, chaps. 1 (Rhetoric and Reality), 4 (Interests and Disinterestedness), and 6 (Making of American Democracy)

Recommended: (a true classic!) Andrew C. McLaughlin, *The Confederation and the Constitution*
also: Leonard Levy, ed. *Essays on the Making of the Constitution*
Merill Jensen, *The Articles of Confederation*
Carl Becker, *The Declaration of Independence*
Gordon Wood, *The Creation of the American Republic*
Bernard Bailyn, *The Ideological Origins of the American Revolution*

January 29 First of several weeks for close reading of Madison's notes

For three different overall approaches to reading the convention:

Rakove, Chapter 4.

John Roche "The Founding Fathers: A Reform Caucus in Action" APSR (December 1961) [This article has been reprinted in many books. Also available on line through JSTOR and other resources available in the UT library.]

Herbert J. Storing, "The Constitutional Convention: Toward a More Perfect Union." Available in Storing, *Toward a More Perfect Union* (AEI Press)

<http://books.google.com/books?id=TkyVaSf08s8C&pg=PA17&dq=Herbert+Storing+Toward+a+more+perfect+union&hl=en&sa=X&ei=vifvUO6-FcKU2QWPxIGICQ&ved=0CDAQ6AEwAA>

Because this is the only essay I am assigning for this seminar, I did not order this book. But the whole book is well worth purchasing – the most insightful and helpful book I know on constitutional and American political development.

Recommended: Max Farrand, *The Framing of the Constitution of the United States* (1913)

Madison's *Notes*, 1-201.

February 5 Madison's *Notes*, 201-425

February 12 Madison's *Notes*, 425-659.

February 19 Assessing the Convention

David Brian Robertson, *The Constitution and America's Destiny* (all)

February 26 Ratification Background

Pauline Maier, *Ratification* (all)

Rakove, Chapter 5

March 5 *The Federalist*

Rakove, chaps.6 & 7

Numbers 1-25 (especially, 1, 9, 10, 15, 18, 23, 25)

Recommended: David F. Epstein, *The Political Theory of the Federalist*
Friends of the Constitution: Writings of the Other Federalists, eds. Colleen Sheehan and Gary McDowell, eds. (Liberty Fund, 1998)

March 11-16 Spring Break

March 19 *The Federalist*

Rakove, chap. 8

Numbers 26-51 (especially, 31, 37, 39-41, 47-51)

March 26 *The Federalist*

Rakove, chap. 9 & 10.

Numbers 52-85

Storing, *What the Anti-Federalists Were For* (begin)

April 2 Selected Anti-Federalist Writings

Storing, *What the Anti-Federalists Were For* (complete)

The Anti-Federalist, Storing, ed.

Centinal Letter 1
Federal Farmer
Essays of Brutus
Letters of Agrippa

Recommended: Storing, ed. *The Complete Anti-Federalist*
Cecilia Kenyon, *The Antifederalists*
Saul Cornell, *The Other Founders*

April 9 Philosophic Background of the Founding I
Aristotle, Cicero, Machiavelli, Hobbes, Locke

Bibliographies and brief discussions by students

Some suggested sources: Eidelberg, Pangle, Morton White, Hannah
Arendt, Mansfield, Katnelson and Kalyvas

April 16 Philosophic Background of the Founding II
Montesquieu, Rousseau, Hume, Scottish Enlightenment

Some suggested sources, Douglas Adair, Paul Spurlin, Garry Wills, and
Forrest McDonald.

Bibliographies and brief discussions by students

April 23 The Founding and American Political Development

Max M. Edling, *A Revolution in Favor of Government* (all)

Jeffrey K. Tulis and Nicole Mellow, “The Anti-Federal Appropriation” (to be
distributed).

Suggested: David Siemers *Ratifying the Republic: Antifederalists and Federalists
in Constitutional Time* (2002).

April 30 Discussion of student papers