

Political Science 3002.01
WUSTL D.C. Elective
Fall 2011

The Constitution:
History and Ideas in the Thought of James Madison
Wednesdays, 6:30-9:30

Professor Steven Kelts
Office Hours: After class Weds, by appt.

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Summary: What is the Constitution? Is it synonymous with the Bill of Rights? Or is the true value of the Constitution in the enduring institutional framework which it established? What historical ideas went into framing those institutions, and also our guarantees of rights?

In this course, we will focus on James Madison's role in framing the Constitution, in order to examine the ideas that formed the common heritage of all of the Framers. We will see that two separate traditions of liberty (Liberal and Republican) were fused together in the Constitution. Then we will contemplate the changes in American society that occurred in the decades after the Constitution -- changes that placed one of those traditions at the center of America's self-understanding.

Learning Objectives:

As a result of completing this course, students will be able to:

- 1) perform close textual analysis of foundational American documents;
- 2) explain contrasting historical views on liberty and identify specific differences;
- 3) explain the role of these views in the arguments of America's Founders.

Schedule: We will meet on Wednesdays. This course will be an extended "conversation" about the Constitution – meaning that the professor will not lecture. A successful class will require students to have done the readings and to come to class with ideas they are ready to share.

Texts: A list of course texts will be made available to students, including ISBN information. They are by Locke, Madison, and Rakove. There are also a number of readings that will be excerpted, and available in electronic form on a CD distributed to students (marked CD below).

Grading: Students will write one 25-30 page research paper for 50% of the final grade – due Saturday, 12/10/11. Class participation will comprise the remaining 50% of the grade. This paper *may* include outside research, done in consultation with the professor. But it is entirely possible to compose an excellent research paper using only the sources listed on this syllabus.

Class Policies: 1) Attendance is required; 2) Late work will be docked 1 letter grade, with an additional 1/3 of a letter grade (from a B to a B- for instance) for each day late thereafter; 3) *Any* instance of academic dishonesty will result in failure of the course.

W: August 31 **Introduction: What is the Constitution?**

Liberalism and Republicanism: The Origins of the Debate over the Constitution

The Liberalism of John Locke

W: September 7 **Property: Locke's Fundamental Value**
The Second Treatise, Chapters 1-5.

W: September 14 **Freedom, Equality and Legislative Power**
The Second Treatise, Chapters 6-9, 10-14; §§ 211-231.

The Republicanism of Montesquieu and the American Revolutionaries

W: September 21 **Montesquieu, Virtue and the Small Republic**
Selections of *The Spirit of the Laws* on CD.

W: September 28 **The Roots of the Revolution, and the Crisis of Virtue**
Selections of Bailyn's *The Ideological Origins of the American Revolution* on CD.
Selections of Wood's *The Creation of the American Republic: 1776-1787* on CD.

Framing and Debating the Constitution

Madison's Role in Creating the Constitution

W: October 5 **Madison Before, During and After *The Federal Convention***
Vices of the Political Systems of the U.S. (online).
Selections of Madison's *Notes* on CD.
Federalists 10, 14, 20, 37, 39, 41, 43, 51.

W: October 12 **Reconsidering Madison's "Extensive Republic"**
Federalists 44, 46-48, 50-53, 55, 57, 63.
Jack Rakove, *Original Meanings*, Chapters 1-4.

W: October 19 **The Struggle for Ratification and the Bill of Rights**
Jack Rakove, *Original Meanings*, Chapters 5, 6 and 10.

What Did the Constitution Really Mean, and What Did it Really Do?

The Liberal and Pluralist Interpretations of the Constitution

- W: October 26 **Was America Founded by Liberals or Not?**
Selections of Hartz's *The Liberal Tradition* on CD.
Selections of Dahl's *Democratic Theory* on CD.

The Economic Interpretation of the Constitution

- W: November 2 **The Reign of Property Holders in Early America?**
Selections of Beard's *An Economic Interpretation of the Constitution* on CD.
Selections of Banning's *Sacred Fire of Liberty* on CD.
- W: November 9 **Property Rights and Capitalism After the Constitution**
Selections of McDonald's *Novus Ordo Seclorum* on CD.
Wood's "Inventing American Capitalism" on CD.

The Constitution and Legal Change in America

- W: November 16 **How America Became a Commercial Nation**
Selections of Nelson's *Americanization of the Common Law* on CD.
- W: November 23 **No Class (Thanksgiving Break)**
- W: November 30 **The People vs. The Powerful in Early America**
Selections of Stimson's *The American Revolution in the Law* on CD.

And What Have We Learned this Semester?

- W: December 7 **New Interpretations of Madison**
Kelts, "Cultivating the National Sentiment" on CD.
Presentations of Student Research.

(Final paper Due 12/10)