

QUEST 1: AMERICAN CONSTITUTIONALISM

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Fall 2020
Location: TBD
Class Meetings: TBD
Office Hours: TBD

DESCRIPTION

The U.S. remains distinct in the veneration we show to our Constitution, alongside the American Revolution and the founding generation. The U.S. Constitution remains foundational as an authority and arbiter for assessing and adjudicating who we were, who we are, and who can be as a nation. In this course, you will explore the Quest 1 themes of “Justice and Power” and “Identities” by examining long-running debates over the historical formation of the Constitution and our contemporary relationships to this formation. How do constitutions generally help initiate, channel, and mediate power and provide the groundwork for just societies? What role did power—and concerns over questions of class, race, and gender—play in the framing and ratification of the U.S. Constitution? What might the historical development of the U.S. Constitution tell us about how just societies are created and maintained? And how does our ongoing relationship to the U.S. Constitution and its historical creation shape the prospects of working toward an even more just society? We will explore these questions while also introducing you to and allowing you to practice critical skills you will need in your time at UF and beyond, including reading high-level scholarly texts, as you will be expected to do in upper-level undergraduate seminars; cold-calling, as exemplified in law-schools; and the case study method, as exemplified in business schools.

GOALS AND OUTCOMES

The following are the student learning outcomes (SLOs) for this class as a Quest 1 course that meets the Gen Ed Requirements of Humanities. Note that a minimum grade of C is required for general education credit.

- **Quest 1 Description:** Quest 1 courses are multidisciplinary explorations of truly challenging questions about the human condition that are not easy to answer, but also not easy to ignore: What makes life worth living? What makes a society a fair one? How do we manage conflicts? Who are we in relation to other people or to the natural world? To grapple with the kinds of open-ended and complex intellectual challenges they will face as critical, creative, and self-reflective adults navigating a complex and interconnected world, Quest 1 students use the humanities approaches present in the course to mine texts for evidence, create arguments, and articulate ideas.
- **Quest 1 SLOs:**
 - **Content:** Identify, describe, and explain the history, theories, and methodologies used to examine essential questions about the human condition within and across the arts and humanities disciplines incorporated into the course.

- **Critical Thinking:** Analyze and evaluate essential questions about the human condition using established practices appropriate for the arts and humanities disciplines incorporated into the course.
 - **Communication:** Develop and present clear and effective responses to essential questions in oral and written forms as appropriate to the relevant humanities disciplines incorporated into the course.
 - **Connection:** Connect course content with critical reflection on their intellectual, personal, and professional development at UF and beyond.
- **Humanities Description:** Humanities courses provide instruction in the history, key themes, principles, terminology, and theory or methodologies used within a humanities discipline or the humanities in general. You will learn to identify and to analyze the key elements, biases and influences that shape thought. These courses emphasize clear and effective analysis and approach issues and problems from multiple perspectives.
 - **Humanities SLOs:**
 - **Content:** Identify, describe, and explain the history, underlying theory and methodologies used in the course.
 - **Critical Thinking:** Identify and analyze key elements, biases and influences that shape thought within the subject area. Approach issues and problems within the discipline from multiple perspectives
 - **Communication:** Communicate knowledge, thoughts and reasoning clearly and effectively.

Within these general outcomes, by the end of this course, you will be able to:

1. *Identify, describe, and explain what constitutions are, how they are distinct from or related to law generally, how they are distinct from or related to politics, and how constitutions help initiate, channel, and mediate power in societies. We will explore this in class lectures introducing you to the histories, theories, and methodologies used to study constitutions; class discussions over contemporary events that consider the U.S Constitution as its primary topic; and in case studies that explore various features of constitutions. You will be assessed on how well you are doing on this goal through your exams and your prepared group memos ahead of each case study class meeting. (Quest SLOs of Content and Critical Thinking and Humanities SLOs of Content and Critical Thinking.)*
2. *Analyze, evaluate, and critically reflect on how constitutions can serve as both means and barriers for ensuring and maintaining just societies. We will explore this both in class lectures introducing you to the historical, philosophical, and legal methods for assessing how constitutions can both reproduce inequalities in society and allow for their contestation; class discussions over contemporary events that consider the U.S Constitution as its primary reference; and in case studies that explore various features of constitutions. You will be assessed on how well you are doing on this goal through your exams and your prepared group memos ahead of each case study class meeting. (Quest SLOs of Content and Critical Thinking and Humanities SLOs of Content and Critical Thinking.)*

3. *Analyze, evaluate, and critically reflect on the U.S. Constitution and competing arguments for explaining its historical formation.* We will explore this both in class lectures introducing you to different arguments emphasizing popular democracy, natural rights, or identity, inequality, and exclusion, respectively, for explaining the emergence and development of the U.S. Constitution, and in case studies that explore various explanations for the American Revolution, U.S. founding, and U.S. Constitution. You will be assessed on how well you are doing on this goal through your exams, Case Study Memo 2 and 3, in potential Reflection Essays for these weeks, and in your final paper. (Quest SLOs of Content and Critical Thinking and Humanities SLOs of Content and Critical Thinking).
4. *Analyze, evaluate, and critically reflect on our contemporary relationship to the U.S. Constitution, and what this means about American identity.* We will explore this in class discussions over contemporary events that consider the U.S. Constitution as its primary topic and in reflective essays that ask you to consider this relationship individually. You will be assessed on how well you are doing on this goal through your reflective essays. (Quest SLOs of Communication and Connection and Humanities SLO of Communication.)
5. *Develop and present clear and effective analyses in both oral and written forms appropriate to the relevant humanities disciplines incorporated into the course.* We will develop these skills through your individual reflection essays, group memos, your analytical essays in the exams, and . You will be assessed on how well you are doing on this goal through your participation grade for class discussions and case study discussions, group memos, reflective essays, exams, and in your final paper. (Quest SLOs of Communication and Connection and Humanities SLO of Communication.)
6. *Be better equipped to critically consider the prospects of working toward an even more just society relative to the U.S. Constitution and how we continue to understand and relate to its historical formation.* All the assignments of this class are aimed at this overarching goal. The final section of the class—Weeks 10 to 15—are specifically dedicated to exploring how potential histories of exclusion and subjugation across race and gender in the histories of the American Revolution and U.S. Constitution might affect how we relate to the revolution and Constitution as sources for working toward a more just society today. You will be assessed on how well you are doing on this goal through your participation grade for class discussions and case study discussions, group memos, reflective essays, and exams. (Quest SLO of Connection and Humanities SLO of Communication.)

COURSE REQUIREMENTS

- **Reading:** This is a reading-intensive course. There is deliberately no textbook; the course seeks to provide you an initial introduction to reading scholarly writing from different disciplines at their highest levels, alongside primary source material and current events articles. Learning how to read difficult material and handle extensive reading assignments—what will characterize many of your future classes here at UF—is a central aim of the course. The readings are weighted heavily toward Tuesdays to give you the long weekend to prepare for the week; make sure to plan your week accordingly. You should do the reading assigned for each class session prior to coming

to class on that day; lectures will be helpful if you have wrestled with and already reflected upon the readings.

- **Class Participation and Cold-Calling:** You are required to attend class meetings and be prepared for a discussion of the assigned course material. Learning how to effectively participate in class discussions—what will also be expected of you in many of your future classes here at UF—is another central aim of the course. Note that physical attendance does not equal paying attention, active listening, and thoughtful participation. Each Thursday meeting of the class, in particular, will have a designated discussion component. The class also seeks to introduce you to a feature of some graduate-level training, especially in law schools: cold-calling. I will announce a list of students who I can cold call at the beginning of each Thursday class during the discussion component.
- **Guest Speaker:** The class will have a guest speaker working on constitutional law, scheduled for early November. This guest speaker will speak outside of class hours and attendance at this event will be mandatory. A video recording of the talk will be made available to those who cannot attend in person. You will also be required to submit a 200-word reflection paper on the speaker's talk, exploring how you think the talk connects with the material from Weeks 9-11 of this class. This reflection essay will count for your reflection paper grade for this class.
- **Reflection Papers:** There are five 200-word reflection essays for this class. They will ask you to reflect on the course material and to connect it to a class discussion component of the classes held on Thursdays throughout this course. You can pick any five class discussions you would like starting on Week 6. You have to submit the essay by 6pm of the Wednesday before the Thursday you have chosen.
- **Case Studies and Case Study Memos:** There are three case study sessions for this class. This is another pedagogical approach that characterizes some graduate-level training, in particular business schools. These case studies seek to put you in the position of making a decision over a major historical event. They will also introduce questions, topics, and themes that we will explore further in the following class sessions. You will be assigned to a smaller group of six at the beginning of this course; you will prepare for these case studies with this group for the rest of the semester. Your group will also be responsible for preparing and submitting a 600-word group memo on what you would decide regarding a case by 6pm the day before we do the case study in class.
- **Exams:** There are two in-class exams. Exams will focus on both basic comprehension and critical engagement with the readings, lectures, and discussions of the material most recently covered. They will be a mix of textual and conceptual identification and one essay question.

- **Final Paper:** The class has a final analytical thesis-driven paper of 1,200 words due on Dec. 15. You will have to submit these essays in the Canvas site of this course. You will have an option of choosing between three prompts that will be announced on Dec. 1st. The essay will be graded and marked for its writing, organization, argument and support from the course readings.

GRADING

- **Grade Distribution:** Your course grade will be calculated as follows:
 - Participation: 20%
 - Reflection Papers: 10%
 - Case Study Group Memo 1: 5%
 - Case Study Group Memo 2: 5%
 - Case Study Group Memo 3: 5%
 - Midterm: 20%
 - Final: 25%
 - Final Paper: 10%
- **Letter Grades:** Letter grades will be assigned as follows:
 - $\geq 93 = A$
 - 90–92 = A-
 - 87–89 = B+
 - 83–86 = B
 - 80–82 = B-
 - 77–79 = C+
 - 73–76 = C
 - 70–72 = C-
 - 67–69 = D+
 - 63–66 = D
 - 60–62 = D-
 - $< 60 = F$

POLICIES

- **Class Environment:** You are expected to arrive to class on time and behave in a manner that is respectful to the instructor and to fellow students. We will be covering topics that can be controversial and difficult. I expect us all to maintain a thoughtful and open-minded environment for everyone to express their views. If you have concerns about any of this or feel uncomfortable with the classroom environment, please do come talk to me.
- **Accommodations:** Should you want or need to request accommodations, you should first register with the Disability Resource Center, which you can learn more about at <https://disability.ufl.edu>, by providing appropriate documentation. Once registered, you will receive an accommodation letter that must be presented to me when requesting accommodation. You should follow this procedure as early as possible in the semester.
- **Electronics:** You are expected to silence your cell phone and put it away during class, unless we do a class activity in which you are asked to use your phone. Laptops and tablets are permitted for note-taking and class-related activities. You may be asked to sit in certain parts of the classroom should you elect to use a laptop or tablet.
- **Academic Honesty:** All students are required to abide by the University of Florida's Academic Honesty Guidelines. You should review these guidelines here:

<http://www.dso.ufl.edu/judicial/procedures/honestybrochure.php>. Most obviously, this means cheating on exams and plagiarism on the final assignment is completely unacceptable.

- **Exams and Make-up Exams:** For in-class exams, you will be asked to remove hats, caps, and sunglasses, and stow cell phones, computers, tablets, and smart-watches. Engaging in any communication using an electronic device during an exam will result in failure of the exam. Absences from exams will be excused—and a make-up exam scheduled—only with verifiable documentation.
- **Communication:** Per university policy, you are expected to follow rules of common courtesy in all messages and other electronic communications. Note that under Florida law, GatorLink emails are public records. Per university and federal policies, grades may not be discussed via e-mail or over the phone. Please allow about 24-48 hours for a response from me.
- **Course Evaluation:** You are expected to provide feedback on the quality of instruction in this course by completing online evaluations at: <https://evaluations.ufl.edu>. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results>. I will also be circulating a mid-term feedback form. Please complete both these evaluations and take them seriously; they are important for improving the course.
- **Subject to Change:** This syllabus is subject to change at my discretion to accommodate instructional and/or student needs. I will provide proper notification to you of any changes.
- **Counseling and Wellness Center:** The Counseling and Wellness Center is there as a resource for you. Their contact information is as follows: <http://www.counseling.ufl.edu/cwc/Default.aspx>, 392-1575; and the University Police Department: 392-1111 or 9-1-1 for emergencies.
- **Writing Studio:** The writing studio is committed to helping University of Florida students meet their academic and professional goals by becoming better writers. Visit the writing studio online at <http://writing.ufl.edu/writing-studio/> or in 302 Tigert Hall for one-on-one consultations and workshops.

REQUIRED TEXTS:

- You will need to get these texts. They should also be accessible through the course reserves at the library. All other assigned texts are available through the course packet.
 - David Moss. *Democracy: A Case Study*.
 - Larry Kramer. *The People Themselves*.
 - Andrew M. Schocket, *Fighting over the Founders*.
 - Gordon Wood. *The American Revolution*.

SCHEDULE

WEEK 1-4: OVERVIEW

Week 1:

- **Sept. 1: The Living Founding**
 - **Read:** Andrew M. Schocket. *Fighting over the Founders*. Chapter 1.

- **Sept. 3: Should We Just Scrap the U.S. Constitution?**
 - **Read:** <https://www.nytimes.com/2012/12/31/opinion/lets-give-up-on-the-constitution.html>
 - **Listen:** <https://www.npr.org/2013/01/03/168549290/the-constitution-just-a-poetic-piece-of-parchment>

Week 2:

- **Sept. 8: A Radical, Popular, and “Democratic” Revolution**
 - **Read:** Gordon Wood. *The American Revolution*. Chapter 3.

- **Sept. 10: What Was the American Revolution Fought For?**
 - **Read:** “Declaration of Independence.”
 - **Read:** Thomas Jefferson. “A Summary View of the Rights of British America.”

Week 3:

- **Sept. 15: An Ambiguous Constitution**
 - **Read:** Gordon Wood. *The American Revolution*. Chapter 7.

- **Sept. 17: Was the Constitution Counter-Revolutionary?**
 - **Read:** Selections from “Anti-Federalist Critics.”

Week 4:

- **Sept. 22: Exam 1**

WEEKS 4-6: A POPULAR CONSTITUTION**Week 4:**

- **Sept. 24: Case Study: A Continuing Revolution?**
 - **Read:** David Moss. *Democracy*. Case Study 5: “Property, Suffrage, and the ‘Right to Revolution’ in Rhode Island.”
 - **Due:** Case Study Group Memo 1.

Week 5:

- **Sept. 29: “We The People”**
 - **Read:** Erwin Chemerinsky. “Rediscovering the Preamble.” Pages 1-6.
 - **Read:** Larry D. Kramer. *The People Themselves*. Chapter 2.
- **Oct. 1: Should “The People” Have A Constitutional Veto?**
 - **Read:** https://www.washingtonpost.com/opinions/the-peoples-veto-a-way-to-keep-the-courts-in-check/2011/12/23/gIQAwIWOPP_story.html
 - **Read:** Thomas Donnelly - Making Popular Constitutionalism Work (Excerpt).
 - **Read:** <https://www.theguardian.com/news/2019/mar/11/referendums-who-holds-them-why-and-are-they-always-a-dogs-brexit>
 - **Read:** <https://www.nytimes.com/2016/10/05/world/americas/colombia-brexit-referendum-farc-cameron-santos.html>
- **Optionally Due on Wednesday:** Reflection Paper (See “Course Requirements” above).

Week 6:

- **Oct. 6: Judicial Review and Judicial Supremacy**
 - **Read:** *Marbury v. Madison*. Excerpts.

- **Read:** Larry D. Kramer. *The People Themselves*. Chapter 3.
- **Oct. 8: The Future of Judicial Review and Judicial Supremacy?**
 - **Read:** Erwin Chemerinsky. "In Defense of Judicial Review."
 - **Read:** <https://www.nytimes.com/2018/08/22/magazine/trump-remaking-courts-judiciary.html>
 - **Read:** <http://bostonreview.net/law-justice/samuel-moyn-resisting-juristocracy>
 - **Read:** <https://harpers.org/archive/2019/10/constitution-in-crisis/>
- **Optionally Due on Wednesday:** Reflection Paper (See "Course Requirements" above).

WEEKS 7-8: A CONSTITUTION OF RIGHTS

Week 7:

- **Oct. 13: The Primacy of Natural Rights**
 - **Read:** Randy E. Barnett. *Restoring the Lost Constitution*. Introduction.
- **Oct. 15: Should there be a Commission on Unalienable Rights?**
 - **Read:** "Draft Charter for the Commission of Unalienable Rights."
 - **Read:** <https://www.politico.com/story/2019/05/30/human-rights-state-department-1348014>
 - **Read:** <https://newrepublic.com/article/154204/man-behind-state-departments-new-natural-law-focus>
 - **Read:** <https://www.cato.org/publications/commentary/un-human-rights-dissonance-religious-freedom-criminalizing-blasphemy>
- **Optionally Due on Wednesday:** Reflection Paper (See "Course Requirements" above).

Week 8:

- **Oct. 20: The Priority of Property Rights**

- **Read:**
https://www.reddit.com/r/AskHistorians/comments/15f6pl/why_was_lockes_life_liberty_and_property_replaced/
- **Read:** James Ely. *Guardian of Every Other Right*. Chapter 1.

- **Oct. 22: Is the Constitution Libertarian?**
 - **Read:** Randy Barnett, "Is the Constitution Libertarian?"
 - **Read:** <https://www.theatlantic.com/business/archive/2011/06/the-pursuit-of-happiness-what-the-founders-meant-and-didnt/240708/>

- **Optionally Due on Wednesday:** Reflection Paper (See "Course Requirements" above).

Week 9:

- **Oct. 27: Guest Speaker**

WEEKS 9-14: A PROBLEMATIC CONSTITUTION

Week 9:

- **Oct. 29: Case Study: The Federal Negative**
 - **Read:** David Moss. *Democracy*. Case 1: "James Madison, the 'Federal Negative,' and the Making of the U.S. Constitution."
 - **Due:** Case Study Group Memo 2.

Week 10:

- **Nov. 3: An Elitist Backlash**
 - **Read:** *Federalist 10*.
 - **Read:** Michael J. Klarman. *The Framers' Coup*. Chapter 2.

- **Nov. 5: Is the Constitution Elitist by Design?**

- **Read:** <https://www.nytimes.com/2018/08/09/opinion/constitution-founders-democracy-trump.html>
 - **Read:** <https://www.forbes.com/sites/tomlindsay/2018/08/28/think-the-u-s-constitution-subverts-democracy-think-again/#29dc82ba3e54>
 - **Read:** <https://www.theguardian.com/commentisfree/2018/nov/13/us-midterm-election-american-democracy-lie-voter-suppression>
 - **Read:** <https://www.nationalreview.com/2019/05/america-best-defense-against-socialism-constitution-culture/>
- **Optionally Due on Wednesday:** Reflection Paper (See “Course Requirements” above).

Week 11:

- **Nov. 10: The Slaveholder’s Constitution**
 - **Read:** Michael J. Klarman. *The Framers’ Coup*. Selections from Chapter 4.
 - **Read:** Derrick Bell. *And We Are Not Saved*. Chapter 1.

 - **Nov. 12: Is the Electoral College Racist?**
 - **Read:** <https://www.nytimes.com/2015/09/16/opinion/constitutionally-slavery-is-no-national-institution.html>
 - **Read:** <https://www.nytimes.com/2019/04/04/opinion/the-electoral-college-slavery-myth.html>
 - **Read:** <https://time.com/4558510/electoral-college-history-slavery>
 - **Read:** <https://www.aaihs.org/4212-2/>
- **Optionally Due on Wednesday:** Reflection Paper (See “Course Requirements” above).

Week 12:

- **Nov. 17: A Male Constitution**
 - **Read:** Thomas Jefferson Letter Selections On Women.
 - **Read:** Linda Kerber. *No Constitutional Right to Be Ladies*. Chapter 1.

- **Nov. 19: Should There Be An Equal Rights Amendment?**
 - **Read:** <https://www.nytimes.com/2018/05/31/us/equal-rights-amendment-illinois.html>
 - **Read:** <https://ideas.ted.com/why-the-us-needs-to-pass-the-equal-rights-amendment-finally>
 - **Read:** <https://www.nytimes.com/2018/06/04/opinion/after-masterpiece-its-time-to-change-the-constitution.html>
 - **Read:** <https://www.kansascity.com/opinion/readers-opinion/guest-commentary/article229653684.html>

- **Optionally Due on Wednesday:** Reflection Paper (See “Course Requirements” above).

Week 13:

- **Nov. 24: Case Study: Native American Sovereignty**
 - **Read:** David Moss. *Democracy*. Case 3: “Democracy, Sovereignty, and the Struggle over Cherokee Removal.”
 - **Due:** Case Study Group Memo 3.

Week 14:

- **Dec. 1: A Settler Colonial Revolution**
 - **Read:** Aziz Rana. *Two Faces of American Freedom*. Chapter 1.

- **Dec. 3: A Continuing Settler Colonial Present?**
 - **Read:** *Johnson v. M’Intosh*. Excerpts.

- **Optionally Due on Wednesday:** Reflection Paper (See “Course Requirements” above).
- **Final Paper Prompts** will be announced on Dec. 1.

Week 15:

- **Dec. 8: Exam 3**

Week 16:

- **Dec. 15:** Final Paper submitted in Canvas site for course by 5pm.