Fall 2021
GOV 335R -- Writing Flag

Catalogue title:
THE INTELLECTUAL WORLD OF THE AMERICAN FOUNDERS

My name for it:
WHAT THE FOUNDERS WERE READING

Professor Budziszewski
Depts. of Government and Philosophy

SYLLABUS

Class meets:	1:00-2:30pm, Mezes 1.212
Prof's office hours:	MW 2:30-4:00pm, Mezes 3.106
Prof's email address:	For official university correspondence, for example asking about your grades, use Canvas, or email me at jbudziszewski@austin.utexas.edu. For personal correspondence, for example telling me how you're doing after you graduate, email me at jbud@undergroundthomist.org.
Prof's office phone:	Use email instead.
TA:	Beckett Rueda. He will tell you his email address on the first day of class.
Course website:	Canvas
Course policies:	Visit the Teaching page of my own website, https://undergroundthomist.org. Scroll down to the bottom section, "Other Things My Students May Need." Read the FAQ. This FAQ is required reading. The other pages of the website – for example the Writing page and the Faith page -- reflect personal material, such as my publications and my personal journey from nihilism to faith. These pages are not part of the course, and you are not required to read them (although, of course, you are welcome to do so).

PREREQUISITES, FLAGS, AND FIELD

This course carries a writing flag and fulfills part of the basic education requirement in writing. Its Government field is Political Theory.

Enrollment requires six semester hours of lower-division Government courses. The course number may be repeated, but only with a different course topic.

DESCRIPTION

> *This was the object of the Declaration of Independence. Not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject, in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion. All its authority rests then on the harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, &c. The historical documents which you mention in your possession, ought all to be found, and I am persuaded you will find, to be corroborative of the facts and principles advanced in that Declaration.*
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> -- Thomas Jefferson, Letter to Henry Lee, 8 May 1825, *Collected Works,* Ford edition, Volume 10, p. 343.

> *These are what are called revolution principles. They are the principles of Aristotle and Plato, of Livy and Cicero, and Sidney, Harrington, and Locke; the principles of nature and eternal reason; the principles on which the whole government over us now stands. It is therefore astonishing, if any thing can be so, that writers, who call themselves friends of government, should in this age and country be so inconsistent with themselves, so indiscreet, so immodest, as to insinuate a doubt concerning them.*
>
> -- John Adams, *Novanglus,* No. 1.

We often read what the Founders of the country wrote. But what were they reading themselves? What were the intellectual influences on thinkers like Thomas Jefferson, George Washington, James Madison, James Wilson, Robert Yates, and Alexander Hamilton? The answers shed an unusual light on what they were trying to do when they initiated the American experiment in self-government.

The fifteen brief readings for this course are selected mostly from James Madison's famous reading suggestions to the Continental Congress (the "Report on Books.") I have also drawn from the favorites of John Witherspoon, "the schoolmaster of the republic," who was a university mentor to several of the Founders, as well as from political sermons which the Founders were known to admire. These controversial readings about politics, history, ethics, religion, and law provide an intriguing way to enter into the minds of the men who began the new nation.

For background, if you have never read the Founders, I recommend *The Federalist,* essays 1, 2, 6. 9, 10, 14, 15, 16, 23, 37, 39, 47, 48, 49, 51, 62, 63, 70, 78, 84, and 85. Perhaps the best of the Anti-Federalist writers is Brutus (probably Robert Yates), whose letters are contained in Herbert Storing, ed., *The Anti-Federalist.*

REQUIREMENTS

Unit 1: Required analytical outline, 10-20 pages.
Unit 2: Required take-home essay. Extra credit for analytical outline (see below).
End of semester: Required whole-semester reflection journal. Extra credit for analytical outline.
Thirteen short quizzes (see below).

You will *write and turn in* one reflection on the assigned readings each class day. Each should be up to a half a page. These should also be included in your whole-course reflection journal, *along with any other* reflections you may add, not about the assigned readings, but about the lectures, the recommended readings, the applicability of the readings to current events, or anything else you may think of. A good target is to add three or four reflections to your journal each week (the two daily reflections plus one or two more).

In Unit 1, Students are *required* to bring first drafts of analytical outlines to office hours for preliminary feedback before submitting their final drafts. In Units 2 and 3, they are *urged* but not required to do so for extra credit. For essays and reflection journals, feedback is provided both in writing and in office hours by the instructor. In addition, anonymous passages from student work are discussed in teamwork fashion during class.

Each quiz is composed of a small number of short-answer questions. The quizzes are designed to check how well you are keeping up with the reading and retaining it. This is explained further on the first day of class. Rach student's TWO lowest quiz grades are dropped, and remaining quiz grades averaged. Second, this average is "curved" – it's actually a linear transform, because I divide by two and add fifty.

In Unit 2, students may earn a maximum of 5 points, added to the Unit 2 grade, for turning in an analytical outline of *each* of the Unit 2 readings. The same is true for Unit 3.

Class participation and attendance modify grades. Scholastic dishonesty results in a failing grade for the course.

I do not use plusses and minuses in reporting semester grades.

A guide to analytical outlining is available at http://undergroundthomist.org/how-to-read-and-outline-analytically, and I discuss analytical outlining in class.

The uncurved exam grades and the curved quiz average are weighted, as follows:

Unit 1 analytical outlines	25%

Unit 2 take-home exam (uncurved, *counting* extra credit points)	25%
Whole-course reflection journal (uncurved, *counting* extra credit points)	25%
Curved quiz average	25%

See the "Other things my students may need" section at the bottom of the Teaching page at my personal website: http://www.UndergroundThomist.org/teaching , especially the course policies in the FAQ, which I expect you to know.

TEXTS

One of the readings is an electronic handout available in the FILES section of our Canvas website. The other readings are available at various places on the internet, and their URLs are in the course calendar, below. If any link is broken, let me know. In the meantime, you can also try googling for the reading.

Even if you prefer to use the reserves room or read online, I urge you to bring copies of the readings to class, even if only photocopies or printouts. No electronics are permitted in the classroom.

ADDITIONAL MATERIAL THE UNIVERSITY ASKS FACULTY TO INCLUDE

No course materials used in this class may be shared online, or with anyone outside the class, unless you have my explicit, written permission. This is the University's rule, but I agree with it fully. "Course materials" means *all* course materials – handouts, videos, quizzes, essay prompts, and so forth. Faculty are well aware of the websites used for sharing course materials, but the use of them is an act of academic dishonesty and a violation of the Student Honor Code. I am required to report violations to the Dean of Students, who takes all violations of academic honesty very seriously. Of course, violations also include plagiarism. You can find the University Honor Code here.

By University policy, you must notify me of any pending absence due to your observance of a holy day of your religion at least fourteen days prior to the day. Since the only exams are take-home exams, University policies about exams and assignments missed because of holy days do not apply to us.

Students with disabilities may request appropriate academic accommodations from the Division of Diversity and Community Engagement, Services for Students with Disabilities. Call 471-6259, or find the office at www.utexas.edu/diversity/ddce/ssd .

Occupants of buildings on The University of Texas at Austin campus are required to evacuate buildings when a fire alarm is activated. Alarm activation or announcement requires exiting and assembling outside. You should follow my instructions, and familiarize yourself with all exit doors of the seminar room and the building in which is it located, bearing in mind that that the nearest exit door may not be the one you normally use. If you require assistance in evacuation, the University requires you to inform me in writing during the first week of class. In the event of evacuation, do not re-enter the building unless given instructions by the Austin Fire Department, the University Police Department, or the Fire Prevention Services office. The Behavior

Concerns Advice Line is 512-232-5050. More information about emergency procedures and evacuation routes can be found at www.utexas.edu/emergency

COURSE CALENDAR

UNIT 1: CLASSICAL INFLUENCES

Session 1, Wednesday 25 August: Introduction to the course.

Session 2, Monday 30 August: Quiz #1. Be ready to discuss Aristotle, *Politics*, Book 4, Chapters 1-4, 11-12. Circa 334-322 B.C. The readings are in the FILES section of our canvas webpage. You should also be ready to discuss Budziszewski, *How to Read and Outline Analytically*, at my personal website.

> For study: What are the good forms of regime? What are the bad or perverted forms of regime? How are they related? Is there a mixed form of regime? What are the criteria for classification? Pay close attention to the way that considerations of moral virtue enter into his understanding of politics.
>
> *Study suggestions like those above are provided for each day. These are not meant to be exhaustive; they are just to get you started. Some study questions are about the readings, some about the lectures. Of course you should be using the study questions about the readings* before *you come to class. It is always a good idea to read the assignment several times, doing each reading on a different day. You will find that helpful in all courses, not just this one.*

Session 3, Wednesday 1 September: Quiz #2. Be ready to discuss Aristotle, *Politics*, Book 5, Chapters 1-5, 8. The readings are in the FILES section of our canvas webpage. REQUIRED: Bring to class *printouts* of what you have in your reflection journals (not your analytical outlines) so far. I will comment on them during class, then return them to you.

> For study: What causes revolutions and changes in the form of the regime? What are the different senses of equality? When people quarrel about justice, do they disagree about *everything*, or just some things?

No class on Monday 6 September -- Labor Day

Session 4, Wednesday 8 September: Quiz #3. Be ready to discuss the two readings from the Roman republican historian Sallust, who wrote in the 40s B.C (excerpts from *The War with Cataline* and *The War with Jugurtha*). The readings are in the FILES section of our Canvas webpage. REQUIRED: Bring to class *printouts* of your analytical outlines (not your reflection journals) of what you have read so far. I will comment on them during class, then return them to you.

For study: These readings are much too short for a continuous historical narrative; instead, I want you to notice themes and motifs. Pay particular attention to what Sallust says about the motives of glory and renown, of ambition as a vice "not so far removed from virtue," of avarice as a much more detestable vice, of the importance of both virtue and "fortune" (luck) in politics, of the disadvantages of leisure and prosperity, and of the degeneration of the moral character of the commonwealth. Notice too Sallust's view of the calling of the historian.

Session 5, Monday 13 September: Quiz #4. Be ready to discuss the two readings from the Roman republican historian Tacitus, who wrote early in the second century A.D. (excerpts from the *Histories* and the *Annals*). Like the readings from Sallust, these are too short for a continuous narrative; instead, read for themes and motifs. The readings are in the FILES section of our Canvas webpage.

For study: As with Sallust, so with Tacitus, I want you to focus on themes and motifs, not the details of who did what to whom. What circumstances contribute to the writing of truthful history and what circumstances undermine it? What does Tacitus take political "freedom" to be? (Hint: He *doesn't* take it to be getting to do as you please.) Do people always desire liberty? Does the attitude of public men toward virtue change from age to age, or is it always more or less the same? Can there be civic peace without good moral character?

Session 6, Wednesday 15 September: Quiz #5. Be ready to discuss Marcus Tullius Cicero, excerpts from *On the Republic* and *On the Laws* (everything from these two works at the indicated website). 54-51 B.C. URL: http://www.nlnrac.org/classical/cicero/primary-source-documents .

For study: In *On the Republic*: Why do you think Cicero sets this fictional dialogue in his country's past, rather than in his own times? What sort of attitude toward external possessions does the famous Roman statesman in the dialogue, Scipio Africanus, view as the mark of the truly wise and fortunate man, and for what reason does he think this attitude is so fortunate? What is meant by natural law and natural justice? In what sense are they natural (and in what sense not)? What objections does Philus raise *against* believing in their existence? How does Laelius *defend* the belief in their existence? In *On the Laws*: What arguments do the partners in this conversation offer about what nature has granted to man, about the best things the human mind encompasses, about the service we have been born to perform, about the relation between men and gods, about the natural fellowship among men, and about the source of laws and right (rightness)? What is the significance of the argument that whatever the definition of man is, just one applies to all people? Can anyone attain virtue? Can anyone do so by himself, without assistance? Does knowledge of what it is to be good make people better? Can nature by corrupted by bad habit and bad custom? Can it be wholly destroyed by them? Can natural justice change? Are laws just because they are enacted by governments? Should justice and virtue be pursued for their own sake,

or because they are useful or pleasant? Do modesty, temperance, self-control, shame, decency, and chastity exist *by* nature or are they *contrary* to nature?

Session 7, Monday 20 September: Quiz #6. Be ready to discuss Marcus Tullius Cicero, excerpts from *On Duties* (everything from this work at the indicated website. 44 B.C. URL: http://www.nlnrac.org/classical/cicero/primary-source-documents . REQUIRED: Bring reflection journals to class for another check.

For study: Cicero's discussion roams all over, so one of your greatest tasks will be simply following the thread without getting lost. Here are some questions to consider: Are any truths self-evident? What are the four principal virtues? How do we differ from the beasts? Did private property arise by nature? Did it arise *contrary* to nature? Do we live for ourselves alone? What are the two kinds of injustice, and what are the motives for which people commit them? What kinds of duties do we have? Have we any duties to those who wrong us? Can it ever be right not to keep a promise? Is there any right and wrong in war? What kinds of bonds are there among human beings, and which have priority? What is the difference between justice and consideration? What does Cicero mean when he says that each of us is endowed with two characters? Can it ever be expedient to do wrong? What are "mean duties" and how is practicing it different from perfect goodness?

Session 8, Wednesday 22 September: Unit 1 discussion day. REQUIRED: Come in with two copies of a brief TYPED discussion question, one to use during discussion, one to turn in.

For study: What do you *really* want to ask or argue about?

UNIT 2: EARLY MODERN SECULAR INFLUENCES

Session 9, Monday 27 September: Quiz #7. Be ready to discuss Niccolo Machiavelli, *Discourses on the Ten Books of Titus Livius*, Book I (Chapters II, XI, XXV-XXVII, XXXIV); Book III (Chapters I, VIII). 1532. URL: http://constitution.org/2-Authors/mac/disclivy_.htm .

For study: How does Machiavelli's classification of republics resemble Aristotle's, and how does it differ from it? Are the variations in the forms of government due to consideration and planning, or due to chance? How then do changes in the form of government come about? If a nation is founded on an imperfect constitution, how might it become better? Can this happen without danger? What does Machiavelli mean in speaking of the "circle" in which republics are governed and will be governed? What does Machiavelli mean by religion? Can a civilization be established without religion? Which needs to come first, religion or military strength?

Session 10, Wednesday 29 September: Deadline to turn in analytical outlines of the Unit 1 readings. Continuing Machiavelli.

For study: Why must reformers consider the condition of the community, and what does Machiavelli mean by its "condition"? Is it easier to found a republic among uncivilized men or among men who live in cities? What does Machiavelli mean when he speaks of reformers retaining at least a "shadow" of the ancient forms of government, and that to survive sects or republics must "return often" to their principles? Does this contradict his discussion of how a conqueror must change everything? What does he mean when he complains that men rarely know how to be either entirely good or entirely bad? What does he mean by the "dictatorial" authority, and why does he think it is necessary? (Hint: He doesn't mean exactly what we mean by "dictators"; the term is Roman.) Finally, in what way does Machiavelli agree with or disagree with the views you found expressed in Sallust, Tacitus, and Cicero?

Session 11, Monday 4 October: Quiz #8. Be ready to discuss Richard Hooker, *The Laws of Ecclesiastical Polity*, Book I (Chapter 10). 1593. The chapter comprises pp. 239-253, spanning two URLs. URL for pp. 239-247: http://anglicanhistory.org/hooker/1/238-247.pdf . URL for pp. 248-257: http://anglicanhistory.org/hooker/1/248-257.pdf . The chapter begins on p. 239, marked with the Roman numeral X (for 10). It ends on p. 253, where the new chapter begins, marked with the Roman numeral XI (for 11). SEE ALSO, in the FILES section of Canvas, a required electronic handout on the Hooker reading.

For study: Do natural laws bind men because they are men, or because they have agreed to them? What are the two foundations of "public" (political) societies? What must we assume about the will of man in order to make good laws? When Hooker says all men desire to lead a happy life, but what kind of life is happy? According to Hooker, what were men's first and second concerns after they were created? How does our ability to learn the important things about life depend on our moral condition? Could we have lived without government if there had never been any sin? Could we live without government as we are? If there is no government, may we defend ourselves against wrong? Why is this an inadequate way for men to defend themselves against wrong? Do the forms of government arise from chance, as Machiavelli thought, or from consideration and consultation? Does natural law dictate one form of government, or does it allow choice, on grounds of experience? What is necessary for a particular form of government to become lawful and authoritative? What does Hooker mean when he says "in laws, that which is natural bindeth universally, that which is positive not so"? What does he mean by laws "merely human" and laws "mixedly human"? What is the difference between primary and secondary law, and what is the relation of each kind to human nature? Is natural law our *only* guidance for enacting human laws, or has God provided another kind of guidance too?

Session 12, Wednesday 6 October: Quiz #9. Be ready to discuss James Harrington, *Oceana*, excerpts. 1656. This reading will be in the FILES section of our Canvas webpage. REQUIRED: Bring reflection journals to class for another check.

For study: Do not get hung up in the detailed discussion of the governmental institutions of the Spartans, Hebrews, Romans, Greeks, et cetera. Instead, read for the conclusions he draws from his study of these institutions. What is the difference between the "empire" or government of laws, and the "empire" or government of men? Does Harrington classify Machiavelli as a proponent of the former or of the latter? Using as a foil the author he calls Leviathan (Thomas Hobbes, the author of the book of that title), how does he refute the argument that since even the law must be enforced by men, *all* laws are governments of men? On what grounds do some say that Aristotle's distinction between the three good and three perverted forms of government is imaginary? Does Harrington agree with these critics or disagree with them? What does he mean by the twofold distinction among the principles of government, internal and external? What does he mean by saying that the balance of property in land determines the nature of the government? Does he think the statement is still true if we consider forms of property other than in land, such as money? In what way does he criticize Machiavelli's theory of mixed government? What does he mean when he says that government is nothing other than the soul of a nation or a city? In what does the liberty of a man – and in what does the liberty of a commonwealth – consist? What is the difference between private reason, reason of state, and the common reason, or reason of mankind? What does he mean when he says, "The Senate then having divided, who shall choose? Ask the girls." (Hint: He is referring to a custom among children for enforcing fairness when sweet treats are to be divided.) On what does the perfection of a government depend? What is the proper role of the senate, the people, and the "magistracy" or executive? Why does Harrington see no inconsistency between respecting private religious conviction, and having a national religion? How does he refute the argument that having few laws leaves too much to arbitrary power?

Session 13, Monday 11 October: Continuing Hooker and Harrington.

For study: You don't have to print them out and turn them in this time, but compose discussion questions on Hooker and Harrington and be prepared to be called on.

Session 14, Wednesday 13 October: Quiz #10. Be ready to discuss John Locke, *Second Treatise of Government,* Chapters II, V, VIII, XIX. 1689. URL: http://constitution.org/2-Authors/jl/2ndtreat.htm.

For study: What does Locke mean by the state of nature? In what sense is it natural? In what sense are all men free in it? How do our natural rights depend upon God? (Hint: Read Section 6 very carefully.) Does the state of nature have a law of nature to govern it? If so, who enforces it? What are the limits of punishment? What is the solution to the problem that Hooker mentions, that men must not be judges in their own cases? What would men have to do in order to leave the state of nature? (And if it is *natural,* how can it be right to do so?) How can anyone come to have private property? What are the natural limits of

property? How does the invention of money get around these limits without actually violating them? What consequences do its invention have for equality and inequality of property? What power do people transfer by consenting to leave the state of nature and form a political community? What are they trying accomplish by doing so? Does consent have to be explicit, or can it be tacit? How does Locke refute the argument that men couldn't ever have been in a state of nature because we have no records of their doing so? How did kingships spring up? Can it ever be right to dissolve the government? Can it ever be right to return to the state of nature? What is the difference between governments being dissolved from without, and governments being dissolved from within? What is the difference between rebellion and revolution? What conditions must be satisfied for revolution to be just? How does Locke refute the argument that by presenting a possible justification for revolution, he is producing a ferment for frequent rebellion?

Session 15, Monday 18 October: Mid-unit discussion day. REQUIRED: Come in with two copies of a brief TYPED discussion question on the Unit 2 authors so far, one to use during discussion, one to turn in.

For study: What do you *really* want to ask or argue about?

Session 16, Wednesday 20 October: Quiz #11. Be ready to discuss David Hume, *Essays Moral, Political, and Literary*, Part I (Essays III, V, VI, and VIII). 1742. URL: http://www.econlib.org/Library/LFBooks/Hume/hmMPL.html .

For study: What does Hume mean by reducing politics – especially the design of government -- to a science? On what grounds do his critics argue that it can't be? How does he refute their argument? Does he then think that the goodness of the rulers is irrelevant to the goodness of the government? In his opinion, to what degree does public spirit depend on public virtue? Why does he think moderation in politics is more important than enthusiasm, and that passion is a greater danger to it than apathy? How does his view of the origins of government differ from those of Hooker and of Locke? What does he think the roles of necessity, natural inclination, and habit are in the origin of government? By what other inclinations must the inclination to justice be aided? To what degree can a sound understanding of government be reached by pure reflection, and to what degree does it depend on experience? Concerning the political maxim that we should assume that every man is a knave (a scoundrel), he comments that "it appears somewhat strange, that a maxim should be true in politics, which is false in fact." If it is false in fact, what makes it true in politics? What are factions, and why are they bad? What is the difference between personal factions and real factions, and in what kinds of governments do each kind tend to arise? Among real factions, what is the difference among those based on interest, on principle, and on affection, and why does he consider the latter two more dangerous than the former?

Session 17, Monday 25 October: Quiz #12. Be ready to discuss J.J. Burlamaqui, *Principles of Natural and Politic Law.* In Volume I, Part II, read Chapters I and IV. 1747. URL: http://constitution.org/2-Authors/burla/burla_1.htm .

> For study: Conveniently for us, Burlamaqui begins with an outline of the questions he is going to investigate: Is man, by his nature, really subject to laws that are natural and yet truly laws? What are these laws? Who is the superior who imposes them on us? How can we find out what they are? Where does the duty to follow them come from? What bad consequence may result from *not* following them? Finally, what advantage may result from faithfully observing them? Make sure you understand not only his answers to these questions, but also the arguments he gives to justify them.

Session 18, Wednesday 27 October: Continuing Hume and Burlamaqui. REQUIRED: Bring reflection journals to class for another check.

> For study: You don't have to print them out and turn them in this time, but compose discussion questions on Hume and Burlamaqui and be prepared to be called on.

Session 19, Monday 1 November: Quiz #13. Be ready to discuss Charles de Secondat, Baron de Montesquieu, *The Spirit of the Laws,* Books III, IV, VIII, XI, XIV, and XV. 1748. URL: http://constitution.org/2-Authors/cm/sol-02.htm .

> For study: As in the case of your other readings, I don't want you to get lost in the minutiae of different historical governments, but to grasp the conclusions Montesquieu draws from examining them, and why he draws them. He distinguishes between the nature of each form of government, and its principle. What does he mean by this distinction? What is the principle of democracy? Of aristocracy? Of despotism? Why does he say that virtue is *not* the principle of monarchy, and of what form of government *is* it the principle? In a monarchy, then, what is it that takes the place and performs the function of virtue? How does the mode of education under each form of government correspond to the principle of that form of government? Why is education most crucial in a republic? What is meant by the virtue that republics inculcate? (Do you think our own education inculcates it? For that matter, would Montesquieu say that we ourselves have a republic, as we like to think we do?) How *do* republics inculcate virtue – is it book learning or something else? What peculiar (special) institutions does doing so require? What happens when the principle of each form of government is corrupted? What are the causes of such corruption? How can such corruption be resisted? What is political liberty? Which form of government is of its own nature free, and why aren't the others? How does liberty depend on separation among the legislative, executive, and judicial power? How can the executive power be prevented from oppressing? How does Montesquieu think the character of men – consequently, the character of their societies and their governments – varies according to climate? Why is slavery bad, what kinds of

slavery are there, how does it arise, and what is its relation to each form of government? Does Montesquieu think there is any sense at all in which any form of slavery whatsoever can be justified or tolerated?

Session 20, Wednesday 3 November. Quiz #14. Be ready to discuss William Blackstone, *Commentaries on the Laws of England,* Introduction (three sections). This reading will be in the FILES section of our Canvas webpage.

For study: According to Blackstone, what is wrong with the way English gentlemen are educated in the laws of their own country, and how should they be educated instead? What is the general meaning of the term "law"? Why is man necessarily subject to the laws of his Creator? Does Blackstone think that the Creator could have imposed any laws He pleased? How can the natural law be found out – does one have to be a philosopher, or is there another way? Why then don't we do this better – what has gone wrong? In what way is the law of revelation a corrective? What third kind of law is necessary because we live in society, but not in a single society but in different nations? What are the only true and natural foundations of society? Does Blackstone accept or reject Locke's idea of an original "state of nature"? How is something like a social contract implicit in the act of associating together? Did there have to be a formal social contract, as Locke thinks? What are the different forms of government? Does Blackstone accept or reject the view of Tacitus that they can never lastingly be blended? What is it that makes laws compulsory? What is the difference between *mala in se* and *mala prohibita*? Are there such things as unwritten laws? What are they? By whom is their validity to be determined? What is the doctrine of English law regarding precedents? What is the reason for it?

Session 21, Monday 9 November: Lecture on the lessons the Founders would have drawn from their reading so far.

For study: Before coming to class, try to work out for yourselves what lessons the Founders might have drawn from their readings.

Session 22, Wednesday 10 November: Unit 2 discussion day. Unit #2 essay assigned. REQUIRED: Compose an end-of-unit discussion question, ranging as you please over *any* of our Unit 2 authors (and there have been a lot of them). Print two printed-out copies – one copy with your name on it to turn in, the other to keep during discussion.

For study: What do you really want to ask or argue about?

UNIT 3: NEARLY CONTEMPORARY RELIGIOUS INFLUENCES

The readings for this unit are drawn from "election day sermons." "Election day" meant not the day on which citizens voted, but the day on which the newly elected legislatures were inaugurated. On such days, it was customary for the legislature to invite a distinguished minister to present a long address to the assembled legislators on their

political duties in the light of the Holy Scriptures. Some students become impatient with "all this dull and irrelevant religious stuff." Some teachers don't teach it. Some textbooks ignore it. The point to remember is that to politically concerned citizens of the founding generation, "this stuff" was neither dull nor irrelevant. If you want to understand their political thought and their approach to government, it is no less crucial to understand their political theology than to understand their political philosophy. Take each author seriously, just as you should any author, whether or not you are predisposed to his premises. By the way, these writers were highly educated – a minister of that time would probably have spoken English, Greek, Hebrew, and Latin – and were familiar not only with theological works, but with the sorts of writers we have been studying previously. For example, consider how Langdon weaves together biblical themes with Lockean philosophical themes and with legal arguments about the rights of Englishmen.

Session 23, Monday 15 November: Quiz #15. Be ready to discuss Samuel Langdon, "Government Corrupted by Vice, and Recovered by Righteousness." 1775. This reading will be in the FILES section of our Canvas webpage.

> For study: How does Langdon apply Isaiah 1:26, which concerns the oppressed Hebrew nation in Old Testament times, to the plight of the British colonies in America? Why does Langdon consider the original government of Israel to have been a perfect republic? What is his view of the original British constitution, and of its present state? How do his views of the relation between civil virtue and just government compare with those of other writers whom we have studied? What, in his view, is the true cause of the troubles that beset the colonies?

Session 24, Wednesday 17 November: Deadline for Unit #3 essays, and if you want extra credit, for Unit #3 analytical outlines too. Continuing Langdon.

> For study: What does Langdon think of the theory of the divine right of kings? Without saying that he is doing so, how does Langdon demonstrate that Locke's conditions for justifying a revolution have been satisfied? Are there natural rights? What is their relation to British law? What is his evidence for British vice, as well as for American vice? What would the restoration of American liberty require?

Session 25, Monday 22 November: Quiz #16. Be ready to discuss Witherspoon, "Dominion of Providence." 1776. URL: http://oll.libertyfund.org/pages/1776-witherspoon-dominion-of-providence-over-the-passions-of-men-sermon (This is at the Online Library of Liberty under Ellis Sandoz, ed.) The sermon begins at the Scriptural quotation, "Surely the Wrath of Man shall praise thee; the remainder of Wrath shalt thou restrain" (Psalm 76:10, KJV). REQUIRED: Bring reflection journals to class for another check.

> For study: Witherspoon quotes Psalm 76:10, which declares that in some sense, human wrath praises God. What are the three things Witherspoon thinks that this passage means? How does he apply it to the American situation – that is, what

lessons does he draw from the passage to the plight of the colonies with respect to England?

No class on Wednesday 24 November – Thanksgiving holiday

Session 26, Monday 29 November: Continuing Witherspoon. *Informal* course-instructor survey (if the time is short, this will be postponed until the next class).

For study: In view of his interpretation of Psalm 76:10, what hopes and expectations does Witherspoon think it reasonable for Americans to have? What recommendations does he have as to their conduct?

Session 27, Wednesday 1 December: Quiz #17. Be ready to discuss Jonathan Edwards, Jr., "Necessity of Belief." 1794. URL: http://oll.libertyfund.org/titles/sandoz-political-sermons-of-the-american-founding-era-vol-2-1789-1805 . The page may open to a list of various works instead of to the sermon. If so, scroll down and click on the title. Formal course-instructor survey.

For study: Edwards goes further than some of our previous writers, in that he thinks the complete well-being of the republic depends not just on virtue (although he thinks it important), not just on some kind of religion (for some religions are quite wicked), not just on a religion that proclaims divine reward and retribution for good and evil deeds (which he considers good, but insufficient), but, specifically, on belief in Christianity. What reasons does he give for thinking this true? How would he reply to someone who says "I don't need God to be good?" Unlike a number of our previous writers, who accept *both* natural law *and* divinely revealed law, Edwards considers the two antithetical, saying that "it is a maxim of infidelity to follow nature." Why does he think so? Is he refuting what those previous writers believe, or is he "talking past" them, using some of the same words, but in different senses, as when one person says "the door is open," meaning the front door, while another insists "no, the door is closed," meaning the back door? How does Edwards distinguish among different types of infidelity? Why was ancient paganism so incapable of producing true virtue? How does Edwards reply to those who say that Christianity has made people not better, but worse? How does he reply to those who say that the pagans didn't persecute, but that Christians do? What was the state of ancient civilization with regard to the principal moral virtues of temperance, chastity, truth, justice, and humanity? What religion does Edwards consider "the only rival of Christianity with any among us"? Edwards draws the conclusion that both citizens and officials should encourage Christian faith, yet he does *not* propose official enforcement of Christian faith. What means of encouraging it, and what means of avoiding injury to it, does he have in mind?

Session 28, Monday 6 December: Course conclusion. Unit #3 and whole-semester discussion day. Whole-semester journals due. REQUIRED: Compose one end-of-unit discussion question, AND ALSO compose one whole-course discussion question. Print

two printed-out copies – one copy with your name on it to turn in, the other to keep during discussion.

For study: Think ahead of time about what you want to ask about and discuss. This is your last chance!