

CONSTITUTIONAL PRINCIPLES: CORE TEXTS

GOV 312P
University of Texas at Austin
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Fall 2023
9-10am MWF
Classroom: GAR 0.128
Office hours: 10-11am MW or by appointment

Let us tenderly and kindly cherish, therefore, the means of knowledge. Let us dare to read, think, speak, and write. Let every order and degree among the people...become attentive to the grounds and principles of government.

- John Adams, "A Dissertation on Canon and Feudal Law"

Though we do not wholly believe it yet, the interior life is a real life, and the intangible dreams of people have a tangible effect on the world.

- James Baldwin, "The Discovery of What It Means to Be an American"

What shall I do with power? What shall I do with prosperity, with success, or even with competence?

- Abraham Joshua Heschel, *The Insecurity of Freedom*

WK 1

INTRODUCTION

What are the constitutional principles we intend to examine? Why do we care? When we ask about these principles, what is it we desire to know? What resources are available to us in our inquiry? What methods suit our purposes? What do we hope to accomplish in this course?

Mon, 8/21:

- Welcome and introduction to the course

Wed, 8/23:

- Declaration of Independence
- Slavery paragraph from Jefferson's Draft

Fri, 8/25:

- U.S. Constitution, Preamble and Slavery Clauses (I.2, I.9, IV.2)
- Thomas Jefferson, *Notes on the State of Virginia* (1781), Queries 14 & 18 excerpts

WK 2

ON THE FOUNDING

What are the essential questions or concerns that animate these documents? What is Taney's argument in Dred Scott? What are Stephen Douglas and Lincoln's respective arguments about the American founding? What significant change in thought does Frederick Douglass make, and how does he think

about that change? In "The Fourth of July," what is Douglass' diagnosis of America, and what remedy does he propose? How does Douglass interpret the U.S. Constitution in "The American Constitution and the Slave"?

Mon, 8/28:

- *Dred Scott v. Sandford* (1857) excerpt
- Stephen A. Douglas, "Speech at Springfield, Illinois" (1858)
- Abraham Lincoln, "Speech on the *Dred Scott Decision*" (1857)

Wed, 8/30:

- Frederick Douglass, "The Constitution and Slavery" (1849)
- Frederick Douglass, "Change of Opinion Announced" (1851)

Fri, 9/1:

- Frederick Douglass, "What to the Slave is the Fourth of July?" (1852)
- Frederick Douglass, "The American Constitution and the Slave" (1860) excerpt

WK 3

THINKING

ESSAY 1 DUE 9/6

What does Arendt mean by thinking? Why is she intensely concerned with thinking? What is thoughtlessness? What are its consequences? What remedies, if any, does she propose? Does Arendt agree with Socrates that thinking is dangerous? What response, if any, does she propose?

Mon, 9/4:

- NO CLASS: Labor Day Holiday

Wed, 9/6:

- Hannah Arendt, "Thinking and Moral Considerations," pp. 159-168 (1971)

Fri, 9/8:

- Hannah Arendt, "Thinking and Moral Considerations," pp. 168-189 (1971)

PART I: HAPPINESS

WK 4

HUMAN FLOURISHING

What does Aristotle mean by happiness? In Aristotle's account, what are the conditions for human happiness? What's the relationship between practice, habit, and happiness? What does it mean to be responsible for your actions?

Mon, 9/11:

- Aristotle, *Nicomachean Ethics*, Book I

Wed, 9/13:

- Aristotle, *Nicomachean Ethics*, Book II

Fri, 9/15:

- Aristotle, *Nicomachean Ethics*, Book III

WK 5

THE PURSUIT OF HAPPINESS

What does Locke mean by happiness? In Locke's account, what are the conditions for human happiness?

Mon, 9/18:

- On writing

Wed, 9/20:

- Locke, *Second Treatise* (1689), chaps. I-X

Fri, 9/22:

- John Locke, *An Essay Concerning Human Understanding* (1690), Book II, Ch. XXI
“Of Power” selection

WK 6

AGENCY, RESTLESSNESS, AND JUSTICE

Why, for Tocqueville, is it important that people have a sense of their own agency? What does Tocqueville observe about Americans' pursuit of material well-being? What does he make of their restlessness?

Mon, 9/25:

- Alexis de Tocqueville, *Democracy in America*, Vol. 2 (1840), Part 1.20 “On Some Tendencies Particular to Historians in Democratic Centuries,” pp. 469-472
- Alexis de Tocqueville, *Democracy in America*, Vol. 2 (1840), Part 2.10-13 [On Material Well-Being and Restiveness], pp. 506-514

Wed, 9/27:

- Alexis de Tocqueville, *Democracy in America*, Vol. 2 (1840), Part 2.14-16 [On Material Well-Being and Restiveness], pp. 514-522

Fri, 9/29:

- Aristotle, *Nicomachean Ethics*, Book V

PART II: LIBERTY

WK 7

LIBERTY AND ITS CONSEQUENCES

What is J.S. Mill's argument for liberty of thought and discussion? What does Burger (or his teacher Elie Wiesel) mean by madness and rebellion?

Mon, 10/2:

- John Stuart Mill, *On Liberty* (1859), Ch. 2 “Of the Liberty of Thought and Discussion,” pp. 1-11

Wed, 10/4:

- John Stuart Mill, *On Liberty* (1859), Ch. 2 “Of the Liberty of Thought and Discussion,” 12-23

Fri, 10/6:

- Ariel Burger, *Witness* (2018), Ch. 4 “Madness and Rebellion”

WK 8

CONDITIONS OF LIBERTY: CREATING ORDER

What problems do Jay, Hamilton, and Madison propose to remedy? What are the key points on which Publius hopes to persuade readers in these Federalist selections? What risks or threats does Brutus warn against?

Mon, 10/9:

- Publius (Jay, Hamilton, Madison), *Federalist* (1787), Nos. 1, 2

Wed, 10/11:

- Publius (Jay, Hamilton, Madison), *Federalist* (1787), Nos. 10, 51

Fri, 10/13:

- Brutus, Essay I (1787)

WK 9

INTERNAL & EXTERNAL CHALLENGES TO LIBERTY *ESSAY 2 DUE 10/16*

Why does Tocqueville think democratic peoples are more attached to equality than to freedom? What does Tocqueville mean by “individualism”? What does he think of “self-interest well understood”? What does Tocqueville mean by “tyranny of the majority”? In Baldwin’s account, what does it take to be free?

Mon, 10/16:

- Alexis de Tocqueville, *Democracy in America*, Vol. 2 (1840), Part 2.1-9 [On Democratic Peoples' More Lasting Love for Equality than for Freedom, Individualism, Self-Interest Well Understood], pp. 479-503

Wed, 10/18:

- Alexis de Tocqueville, *Democracy in America*, Vol. 1 (1835), Part 2.7 [On tyranny of the majority, effects, power over thought], pp. 235-249

Fri, 10/20:

- James Baldwin, *The Fire Next Time* (1963) selection

WK 10

WITNESS: THE LONGING FOR LIBERTY

Why do Douglass and Jacobs tell their stories to the reader? What, for Douglass, is the relationship between education and freedom? How does Jacobs articulate human dignity in this text? What appeals does she make to her audiences concerning the meaning and effects of slavery? In her account, who does slavery harm? How does Jacobs understand the relationship between slavery and America?

Mon, 10/23:

- Frederick Douglass, *Narrative* (1845), Preface, Letters, chaps. I-VIII

Wed, 10/25:

- Harriet Jacobs, *Incidents in the Life of a Slave Girl* (1861), I-III

Fri, 10/27:

- Harriet Jacobs, *Incidents in the Life of a Slave Girl* (1861), IV-VII

Supplementary

What do you hear?

Selected Sorrow Songs

[Swing Low, Sweet Chariot \(Fisk Jubilee Quartet\)](#)

[Go Down Moses \(Tuskegee Institute Singers\)](#)

[Balm in Gilead \(Fisk Jubilee Quartet\)](#)

[Sometimes I Feel Like a Motherless Child](#)

[Harriet Jacobs and Dr. Jean Fagan Yellin \(2013\)](#)

WK 11**STORY OF LIBERTY: EXODUS AND THE PROMISED LAND**

What does Johnson emphasize in this telling of the Exodus story? What kind of education does DuBois value, and why? What, for DuBois, is America's greatest aspiration? What kind of education does Washington value, and why?

Mon, 10/30:

- James Weldon Johnson, "Let My People Go" in *God's Trombones* (1927)
- W.E.B. DuBois, *The Souls of Black Folk* (1903), "The Forethought"; Chapter 1, "Of Our Spiritual Strivings"

Wed, 11/1:

- Booker T. Washington, "The Fruits of Industrial Training" (1903)
- Booker T. Washington, "My View of Segregation Laws" (1915)

Fri, 11/3:

- W.E.B. DuBois, *The Souls of Black Folk* (1903), Chapter 3, "Of Mr. Booker T. Washington and Others"

PART III: EQUALITY**WK 12****PROXIMITY**

What are Tocqueville's observations on the effects (and likely effects) of slavery in America? How do his notes on slavery inform what he says about democracy in America? What is Garvey's proposal, and why does he make it? What, for Hughes, is America? What can America be? What is Hamer's judgment—what injustices does she name? How does she give voice to suffering? What is Hamer's hope?

Mon, 11/6:

- Alexis de Tocqueville, *Democracy in America*, Vol. 1 (1835), 2.10, "Some Considerations on the Present State and the Probable Future of the Three Races That Inhabit the Territory of the United States," pp. 303-348

Wed, 11/8:

- Marcus Garvey, "Aims and Objects of Movement for Solution of Negro Problem" (1924)
- Langston Hughes, "Let America be America Again" (1935)

Fri, 11/10:

- Listen: Fannie Lou Hamer, [DNC Testimony](#) (1964)—audio embedded here:
<https://americanradioworks.publicradio.org/features/sayitplain/fhamer.html>

- Fannie Lou Hamer, "America is a Sick Place and Man is on the Critical List" (1970)

WK 13

REVOLUTION AND RENEWAL

ESSAY 3 DUE 11/13

How does X understand the claims of Black Americans in relation to the cause of America's revolution-leading founders? What suffering does X name? How does he want to address this suffering?

What is King's line of reasoning on militant, non-violent resistance in his "Letter"? What does King say about America's constitutional principles in "Racism and the White Backlash"? What understandings of justice does King employ? What does Margaret Walker reveal in her poetry?

What, for Arendt, is the source of human freedom? What is natality? What is plurality?

Mon, 11/13:

- Malcolm X, "A Declaration of Independence" (1964)
- King, "Letter from Birmingham City Jail" (1963)

Wed, 11/15:

- Martin Luther King, Jr., *Where Do We Go from Here?* (1968), Ch. 3 "Racism and the White Backlash"
- Margaret Walker, *Prophets for a New Day* (1970) selections

Fri, 11/17:

- Hannah Arendt, *The Human Condition* (1958), "Action" [on natality and plurality], pp. 175-188

Supplementary:

What do you hear?

Freedom Songs

[We Shall Overcome](#) (Guy and Candie Carawan, *Sing for Freedom*)

[Ain't Gonna Let Nobody Turn You Round](#) (The Freedom Singers, *Sing for Freedom*)

[Go Down Moses](#) (Louis Armstrong)

[I Wish I Knew How It Would Feel to be Free](#) (Nina Simone, *Silk & Soul*)

[Mississippi Goddam](#) (Nina Simone, *Nina Simone at Carnegie Hall*)

WK 14**THANKSGIVING BREAK**

What does it mean to rest? What does it mean to recreate?

Mon, 11/20:

- NO CLASS: Thanksgiving Holiday

Wed, 11/22:

- NO CLASS: Thanksgiving Holiday

Fri, 11/24:

- NO CLASS: Thanksgiving Holiday

CONCLUSIONS**WK 15****ETHICAL IMAGINATION: TOWARD JUSTICE**

What does it mean to create justice between persons? How can we meet the new challenges of a changing world as well as the task of renewing our common world?

Mon, 11/27:

- Preamble to the U.S. Constitution
- Aristotle, *Politics*, Book 1.1-3 and Book 7.1-3

Wed, 11/29:

- Aristotle, *Nicomachean Ethics*, Books VIII-IX

Fri, 12/1:

- Hannah Arendt, *The Human Condition* (1958), “Action” [on promise and forgiveness], pp. 230-244

WK 16**CONCLUSIONS**

Mon, 12/4:

- Revisit texts from the course that especially puzzled, frustrated, or delighted you. What themes emerged in our discussions that weren't as obvious in the first take? What new questions have come to you? What are some takeaways as you reflect on constitutional principles? In preparation for your final essay exam, bring any questions you have about the texts, our conversations, etc.

FINAL EXAM – *The university will announce the final exam time and date, which I will relay to you.*

COURSE OVERVIEW AND OBJECTIVES

Attending to the constitutional principles that shape the American story is an important part of being a citizen in America. A sophisticated account of the American experience is especially important for those who wish to understand or act within the political realm. Our course draws on treatise, essay, and poetry to examine the relationship of constitutional principles to American practices and aspirations. The themes the founders set forth in the Declaration—equality, life, liberty, and the pursuit of happiness—frame this course.

We begin with an Introduction on thinking about the American founding. In Part I, we examine what happiness is. Part II leads us to investigate the meaning of liberty as well as its conditions. Part III invites us to consider equality in America in light of our common humanity as well as our uniqueness as persons. To examine these themes, we'll think with authors such as Thomas Jefferson, Abraham Lincoln, Frederick Douglass, Aristotle, John Locke, Alexis de Tocqueville, John Stuart Mill, Alexander Hamilton, John Jay, James Madison, Harriet Jacobs, W.E.B. DuBois, Booker T. Washington, James Weldon Johnson, Langston Hughes, Malcolm X, Fannie Lou Hamer, Martin Luther King, Jr., Margaret Walker, Hannah Arendt, and James Baldwin.

The purpose of this course is to help students carefully engage texts that shed light on constitutional principles and their role in the American story. Ethical literacy is a significant dimension of the discovery of who we are as human beings. Accordingly, we will attend to ethical awareness and moral courage as essential to our work. The work of addressing ethical questions is valuable not least because it is practical: one builds reasoning skills by thinking and writing toward ethical resolution. This course depends for its success on its members' willingness to think and to feel. Our aim this semester is to create conversations that move us to thoughtful action that benefits our communities.

Ethics Flag

This course carries the Ethics flag. Ethics 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.

Cultural Diversity in the United States Flag

This course carries the flag for Cultural Diversity in the United States. The purpose of the Cultural Diversity in the United States flag is for students to explore in depth the shared practices and beliefs of one or more underrepresented cultural groups subject to persistent marginalization. In addition to learning about these diverse groups in relation to their specific

contexts, students should engage in an active process of critical reflection. You should therefore expect a substantial portion of your grade to come from assignments covering the practices, beliefs, and histories of at least one underrepresented cultural group in the U.S.

COURSE REQUIREMENTS

“Reading and writing are in themselves subversive acts. What they subvert is the notion that things have to be the way they are, that you are alone, that no one else has ever felt the way you have.”
-Mark Vonnegut, *Armageddon in Retrospect*

Read & reflect. In each meeting, we will give attention to a set of readings. You can expect that I will place emphasis on careful reading, imaginative analysis, and thoughtful interpretation of these texts. During the semester, students are responsible for **three essays**, an **in-class, written final exam**, about five **unannounced quizzes**, and meaningful **participation**. The essays and final challenge you to practice the elements of critical analysis. The quizzes challenge you to practice careful reading.

Essay. In each **essay**, your aim is to develop a thoughtful, professionally written response to a prompt that I will provide. You will submit this essay to me via Canvas *before the start of class* on the due date in the schedule above.

Quiz grades. Expect about five unannounced quizzes throughout the semester. Your quiz will take one of two formats. Sometimes you will complete a 5-question Scantron quiz on the day's readings. Sometimes you will develop a discussion question in response to the day's readings. The best way to prepare for unannounced quizzes is to read carefully.

Final exam. Your final is an in-class, written examination.

Your assignments will be factored into my evaluation of your class performance in this way:

Essay #1	10%
Essay #2	20%
Essay #3	25%
Final	25%
Attendance and Participation	10%
Quiz Grades	10%

Grading Scale

A = 93-100
A- = 90-92
B+ = 87-89
B = 83-86
B- = 80-82
C+ = 77-79
C = 73-76
C- = 70-72
F = <70

UT-Austin has a plus/minus grading scale for final course grades. Expect penalties for late material.

REQUIRED TEXTS/COURSE PACKET

All course texts are available in the Course Packet, which you must purchase from the Document Solutions copy shop in McCombs Business School (third floor).

CANVAS

Login to Canvas to access certain course materials as well as your grades:
<https://utexas.instructure.com/>

ATTENDANCE

You may take three unexcused absences in this course without penalty. Students who miss twenty-five percent of class periods (or more) on unexcused absences will fail the course. Plan well ahead for excused absences related to holy days, military service, planned medical care that is impossible to schedule outside of class time. Do not come to class sick; rest, stay home, seek medical care if/when necessary.

PRESENCE, INTEGRITY, READING, AI, SCREENS

Your success in this class depends upon your presence. The point of university is to think about what matters, who you want to be, and how to make a living. Those are difficult tasks, but tasks more than worth the effort. University life invites us to prepare, to think, and to be present. Presence is about more than simply showing up to class. It is about sharing in the task of understanding and analysis. That said, showing up to class is an important prerequisite for success.

Before each class period, you should read (and watch/listen to) the assigned materials and thoughtfully consider their significance for our study. Our task is to read sympathetically in order to read critically—that is, to understand what each author is asking and arguing, and then to thoughtfully evaluate the work. You should bring your copy of the text to class time.

In university, all you have is your integrity. All forms of cheating, including plagiarism and turning in work not your own, diminish what we are here to do. AI-generated work (such as ChatGPT) is not your own. Expect that any work with content that is very likely AI-generated will receive a failing grade. Each of us needs integrity to accomplish the work at hand. If you fail to act with integrity, you will have to face yourself. You may also meet additional appropriate consequences. Consult the University of Texas at Austin Code of Student Conduct (<https://catalog.utexas.edu/general-information/appendices/appendix-c/student-conduct-and-academic-integrity/>).

Studies show improved learning outcomes associated with an environment free of screen-related interruptions. To preserve a place free of screen-related interruption, we will not use phones or laptops in class. If you need to be on-call for a family emergency or similar situation, notify me.

NOTE ON CLASSROOM & THEMES

The classroom is set apart so that we can pursue truth. With respect and sensitivity, we can engage in a robust, humane exchange of ideas as we explore the themes of our course.

As we address themes at the heart of our study, we will encounter terms and ideas that are offensive, degrading, or otherwise painful. One response is to notice the pain and let it direct us to better practices.

RESOURCES

If you can't write clearly, you probably don't think nearly as well as you think you do.

- Kurt Vonnegut, *Armageddon in Retrospect*

"What is the bravest thing you've ever said?" asked the boy.

"Help," said the horse.

- Charlie Mackesy, *The Boy, the Mole, the Fox and the Horse*

Your success in this course depends on your vigilance in preparing for yourself, as well as you can, an environment in which you can learn. That includes putting away your phone and choosing to do coursework in the time you dedicate to coursework. Choose specific times each week to attend to class material, reflection, and writing.

Office Hours. Come to discuss the course, your studies, and your university experience.

University Writing Center. For tutoring in writing, schedule an appointment at:

<https://uwc.utexas.edu/services/writing-appointments/>. The writing service can help writers of all levels.

Students with Disabilities. If you anticipate barriers related to the format or requirements of this course, if you have emergency medical information to share with me, or if you need to make arrangements in case the building must be evacuated, please let me know as soon as possible. If disability related accommodations are necessary (for example, a note taker, extended time on exams, captioning), please establish an accommodation plan with the Disability Center (<https://diversity.utexas.edu/disability/>). Next, notify me of your eligibility so that we can create a plan for reasonable accommodations.

Medical awareness. If you have a medical condition that could affect you during class time, please let me know so that I can be better prepared to respond if necessary.

A note on taking notes. Central to our work in this course is learning how to read and write. This work requires us to develop the skill of note-taking, which is key to understanding. Different people find different note-taking styles effective. Find tips on note-taking here (<https://www.cc-seas.columbia.edu/node/31875>) and here (<https://www.oxbridgeessays.com/blog/master-lecture-notes-tips-really-work/>).

HONOR CODE

The University of Texas at Austin strives to create a dynamic and engaging community of teaching and learning where students feel intellectually challenged; build knowledge and skills; and develop critical thinking, creativity, and intellectual curiosity. As a part of this community, it is important to engage in assignments, exams, and other work for

your classes with openness, integrity, and a willingness to make mistakes and learn from them. The UT Austin honor code champions these principles:

I pledge, as a member of the University of Texas community, to do my work honestly, respectfully, and through the intentional pursuit of learning and scholarship.

The honor code affirmation includes three additional principles that elaborate on the core theme:

- I pledge to be honest about what I create and to acknowledge what I use that belongs to others.
- I pledge to value the process of learning in addition to the outcome, while celebrating and learning from mistakes.
- This code encompasses all of the academic and scholarly endeavors of the university community.

The honor code is more than a set of rules, it reflects the values that are foundational to your academic community. By affirming and embracing the honor code, you are both upholding the integrity of your work and contributing to a campus culture of trust and respect.

TITLE IX

Title IX is a federal law that provides:

- Protection from prohibited conduct, including sexual assault, interpersonal violence, stalking, sexual harassment, sex discrimination, and gender-based harassment
- Protection for pregnant, nursing, and parenting students. The university is required to provide reasonable accommodations due to pregnancy and parenting needs, including excused absences, changes in the work environment, or alternative participation options
 - Lactation/quiet rooms are available on campus:
<https://hr.utexas.edu/current/services/lactation-quiet-room-locations>

For more information about reporting options and resources, please visit:

<https://titleix.utexas.edu>, contact the Title IX Office via email at:

titleix@austin.utexas.edu, or call 512-471-0419.