



*Howard Chandler Christy's Scene at the Signing of
the Constitution of the United States, 1940*

Constitutional Principles: Core Texts
The University of Texas at Austin
GOV 312P/CIV 312P
Fall 2024

Dr. Abigail Thomas
Email: abigail.staysa@austin.utexas.edu

Tuesday/Thursday 2-3:30pm
Classroom: PAR 10

Office: Littlefield Carriage Home
Office Hours: Thursdays 3:30-5
or by appointment

Course Description

This course will examine the theoretical ideas that informed the creation and development of America's political system and some of the major contemporary challenges to the maintenance of American democracy. Topics of discussion include the political thought of the American Founders, the role of slavery and race in constitutional development, the political philosophical influence of John Locke on the American founding, and the political reflections of Alexis de Tocqueville on the nature and challenges of American democracy. Emphasis will be placed on the discussion of important texts and primary documents.

Texts

All texts required for this course are available at the University Coop and on Amazon. The rest of the readings will be made available in the course packet or, in one or two instances, as individual PDFs on Canvas. Please always bring the text we are discussing to class in print form (not an electronic copy).

1. John Locke, [*Two Treatises of Government and A Letter Concerning Toleration*](#). Edited by Ian Shapiro. Yale University Press. ISBN 0300100183.
2. Alexander Hamilton, James Madison, and John Jay, [*The Federalist Papers*](#). Edited by Clinton Rossiter. Signet Classics. ISBN 0451528816.
3. Alexis de Tocqueville. [*Democracy in America*](#). Trans. Harvey Mansfield. The University of Chicago Press. ISBN 0226805360.
4. Frederick Douglass. [*Narrative of the Life of Frederick Douglass*](#). Signet Classics. ISBN 0451529947.
5. Booker T. Washington. [*Up From Slavery*](#). Dover Classics. ISBN 0486287386.
6. W.E.B. DuBois. [*The Souls of Black Folk*](#). Dover Classics. ISBN 0486280411.

Learning Outcomes

The most important learning goal is to develop skills in interpreting texts of political philosophy through close readings and focused discussion. Other goals include fostering an engaging discussion environment and cultivating your ability to communicate clearly and well, both orally and in your written work. Your progress will be assessed by your performance on three in-person exams throughout the semester and by the quality and quantity of your contributions to class discussions.

Assignments

- 20% First Exam (take home)
- 20% Second Exam take (take home)
- 30% Final Exam (in person)
- 15% Participation & Attendance
- 15% Constitutional Convention

Exams: There will be two take-home exams and one in-person final exam designed to enhance and test your understanding of the material for this course. All three will consist of true and false, short answer, and two or three essay responses. The first and second exams will focus on the material from the first/second units and third/fourth units, respectively. The final exam will be cumulative with greatest emphasis on unit five. **Failure to complete any assignment will result in an F in the course.**

Participation & Attendance: Class participation is determined by your attendance and contributions to class discussions. You are expected to come to class prepared to discuss the readings in detail. The syllabus provides questions to guide your preparation of the readings. I encourage you to keep a separate journal for reading notes. In addition to answering the reading questions on the syllabus, you should note any questions, thoughts, perplexities, and interpretations of the text that arise for you while reading, and you should be prepared to raise them during class. Attending office hours also contributes to your participation grade. I am looking for evidence of active and serious intellectual engagement with the course material.

Attendance is mandatory and roll will be taken at the beginning of each class. You are allowed two unexcused absences. After two unexcused absences, *three points* will be subtracted from your final participation grade for *each* class missed. This means that three or more unexcused absences will affect your overall grade negatively.

Policy on Technology and Artificial Intelligence

Please turn off your phones, tablets, laptops, and recording devices and do not take them out at any time before or during class. If you have a special need for one of these items, you should explain that need to me. If you use a cell phone, laptop, tablet, or recording device in the classroom without prior approval from the professor, you will receive zero points for the “Participation & Attendance” portion of your grade that day.

You are not permitted to use, consult, or employ Chat GPT or any other AI program on any assignment for this class. I will use AI detection software when reading your exams. If you are caught using Chat GPT or any other AI software, you will fail this class. The same consequence applies if you are caught plagiarizing.

You are required to have a physical copy of every book and reading assignment. E-readers are not allowed in class. If a reading is posted on Canvas, you must print it out in advance and bring it to class.

Grading Policy

Plus/minus grades will be used on all assignments and final grades in this course. All work will also be given a numerical grade on the following scale:

A	93-100	C	73-76
A-	90-92	C-	70-72
B+	87-89	D+	67-69
B	83-86	D	63-66
B-	80-82	D-	60-62
C+	77-79	F	59 and below

Grade Descriptions:

A Truly Exceptional: All work meets or exceeds the highest expectations for the course

A- Outstanding: Superior work in all areas of the course

B+ Very Good: Superior work in most areas of the course

B Good: Solid work across the board

B- More than Acceptable: More than acceptable, but falls short of solid work

C+ Acceptable: Meets all the basic requirements and standards for the course

C Acceptable: Meets most of the basic requirements and standards in several areas

D Minimally Passing Work: just over the threshold of acceptability

F Failing: Unacceptable performance

Late work: Work that is submitted after the assignment deadline will receive a letter grade reduction. Additional letter grade reductions are made for each subsequent day the assignment is late. This includes the day it is turned in and weekend days. For example, if an assignment is due Wednesday and you turn it in on Thursday, your grade will be reduced by 2 letter grades or 20 points, or if a paper is due Thursday and you turn it in on Monday, your grade will be reduced by 5 letter grades or 50 points. You must turn work in on Canvas or to me directly, unless we agree to some other arrangement.

Make back-up copies of your work. Do not wait until the last minute to print your readings or assignments since students often find that in waiting to the last minute to print their paper, they meet with problems and delays. Such last-minute problems are not acceptable excuses for handing work in late. If you miss handing in an assignment, you must have a very good and a documented excuse: for example, a doctor's or infirmity's note, or evidence validating a family emergency. Such evidence will also be required if you miss the final exam.

Course Flags

Ethics: 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 US: This course also carries the Cultural Diversity in the US flag. In our unit on race, we will explore African American political thought by reading the writings of Frederick Douglass, Booker T. Washington, W.E.B. Du Bois, and Martin Luther King JR. We will see how they wrestled with the question of what

American principles mean to people who have suffered under institutionalized slavery and segregation.

Students with Disabilities

If you are a student with a disability, or think you may have a disability, and need accommodations please contact Disability and Access (D&A). You may refer to D&A's website for contact and more information: <http://disability.utexas.edu/>. If you are already registered with D&A, please deliver your Accommodation Letter to me as early as possible in the semester so we can discuss your approved accommodations.

Other University Resources

The University Resources for Students Canvas Website is available here: <https://utexas.instructure.com/enroll/TP964H>. You can there find information about UT's Counseling and Mental Health Center (CMHC), University Health Services (UHS), The Sanger Learning Center, etc.

Academic Integrity

Honor Code: *"As a student of The University of Texas at Austin, I shall abide by the core values of the university and uphold academic integrity."*

Academic honesty is expected and honorable. We are all bound by the university's policies regarding academic integrity. To learn more about academic integrity standards, advice for avoiding a potential academic misconduct violation, and the overall conduct process, please visit the Student Conduct and Academic Integrity website at <http://deanofstudents.utexas.edu/conduct>. If you have any doubts or questions regarding your work as you complete assignments, please check with me.

Again, consulting Chat GPT or other forms of artificial intelligence on your assignments is a form of academic dishonesty and will be penalized accordingly. I use AI-detection software to check the integrity of all submitted assignments. If any individual is caught using Chat GPT on any assignment for our class, they will fail the class.

Email & Office Hours

You are encouraged to correspond with me via email if an issue arises outside of normal class hours. Please give me 24 hours to respond to your email. To the extent possible, all substantive questions should be brought to class or to office hours rather than emailed.

Office Hours: Until renovations of Littlefield Home are completed, all office hours will need to be by appointment at a location on campus to be determined. Please coordinate with me regarding office hours by email.

Course Reading Schedule

Sources marked with an asterisk (*) are available in the course packet or as individual PDFs on Canvas, as noted. Please always bring the text we are discussing to class in print form (not an electronic copy).

Unit 1: Introduction to Ancient & Modern Constitutionalism

Aug 27: Ancient Constitutionalism

- a. Aristotle's *Politics* I. 1-2, III.1-2, 7-11*
- b. Read the course syllabus in its entirety

Reading Questions

- How and for what purpose does the political community (*polis*) come to be, according to Aristotle?
- What are the different types of political regimes (*politeia*) as outlined by Aristotle? What constitutional principle animates each one? Which is best? Which is most like ours?

Aug 29: Modern Constitutionalism

- a. Thomas Hobbes, *Leviathan* (1651), Chapter 13 "Of the Natural Condition of Mankind, as Concerning their Felicity, and Misery"* and Chapter 14 "Of The First and Second Natural Laws, and of Contract"*

Reading Questions

- What, according to Thomas Hobbes, is our natural condition?
- How does Hobbes's description of human nature compare and contrast with Aristotle's picture of human nature and natural sociality?
- How does the modern state contrast with the classical *polis*?

Unit 2: Philosophical Underpinnings of the American Republic

Sep 3: Natural Rights and the Social Contract

- a. John Locke, *Second Treatise on Government* (1689), Chapters 1-3

Reading Questions

- What does Locke mean by the state of nature and natural rights?
- How does Locke's doctrine of the social contract differ from Aristotle's account of the origins of the political community?
- How does Locke's description of human nature compare with Thomas Hobbes's account?

Sep 5: Property, Self-Ownership, Individual Rights, and Consent

- John Locke, *Second Treatise on Government* (1689), Chapters 4-5

Reading Questions

- What is Locke's argument regarding the origin of private property? What, according to Locke, is the connection between private property and individual rights?

Sep 10: **Paternal Power and Political Society**

- a. John Locke, *Second Treatise on Government* (1689), Chapter 6 (§52-58), 7, 8 (§95-100 and 119-122), 9, 10

Reading Questions

- How does paternal power differ from political power? (Chapter 6 & 7)
- What legitimates political power according to Locke? (Chapter 8)
- Why do men quit the state of nature for political society? In so doing, what do they give up? (Chapter 9)

Sep 12: **Legislative, Executive, and Federative Powers; Executive Prerogative**

- a. John Locke, *Second Treatise on Government*, Chapter 11-15

Reading Questions

- What are the three branches of government as outlined by Locke?
- What is executive prerogative? Can the executive be fully contained and controlled by the laws?

First Exam— Due September 15 at 11:59pm (Canvas)

Unit 3: The Principles and Constitutional Design of the American Republic

Sep 17: **Constitution Day**

- a. The Declaration of Independence (1776) (pp.528-532 in the *Federalist Papers* pp.528)
- b. Constitution of the United States, Preamble and Articles I-VII (pp.542-556 in the *Federalist Papers*)
- c. Bill of Rights (pp.558-561 in the *Federalist Papers*)
- d. Lincoln, [Fragment on the Declaration & the Constitution](#)* (1861)

Reading Questions

- In what ways is the Declaration of Independence influenced by Locke's political philosophy?
- What does the Constitution allow the national government to do? What does it not allow it to do?
- What is the relationship of the Declaration of Independence and the Constitution, according to Lincoln?

Sep 19: **What should the American Regime Be?**

- a. *Federalist Papers*, No. 1

- b. Brutus, [No. 1](#)*
- c. Centinel, [No. 1](#)*

Reading Questions

- What are the advantages and disadvantages of large and small republics, according to each camp?
- According to the anti-Federalists, what type of citizen does the new republic require?
- What were some of the main objections to the Constitution?

Sep 24:

Tyranny of the Majority

- a. *Federalist Papers*, No. 10, 14 (last paragraph only, pp. 98-100).

Reading Questions

- How does Federalist No. 10 propose to address the problem of majority faction? You may also consult Federalist No. 51.
- Why is the “extended republic” an innovation?

Sep 26:

Will the Federal Government Itself Be a Tyranny?

- a. *Federalist Papers*, No. 15, 23
- b. Brutus, [No. 3](#)*
- c. Articles of Confederation (pp.533-541 in the *Federalist Papers*)

Reading Questions

- What were Hamilton’s chief arguments against the Articles of Confederation?

Oct 1:

Federalism

- a. *Federalist Papers*, No. 37, 39, 46

Reading Questions

- What is federalism? Does the presumption of authority rest with the national government or state governments?
- What did the Founders hope to achieve by dividing power between national and state government?
- What are the advantages and disadvantages of a federal constitution?

Oct 3:

Checks and Balances

- a. *Federalist Papers*, No. 51, 57

Reading Questions

- What are the authors of the Federalist Papers arguments for checks and balances?

Oct 8:

The Legislature

- a. *Federalist Papers*, No. 52, 53, 55, 62, 63

Reading Questions

- How does representative democracy differ from direct democracy?
- What is the argument for and against unicameralism?
- In what ways was the Senate designed to have a different character than the House of Representatives?

Oct 10: **The Executive & The Judiciary**

- a. *Federalist Papers*, No. 70, 78
- b. Brutus, [No. 11](#)*

Reading Questions

- What is the relationship between the executive and the other branches?
- Do liberal democracies need an energetic executive power? Why or why not?
- Can the executive be fully contained by the laws?
- Should constitutional interpretation be the province solely of the judiciary, or do the executive and legislative branches also have a responsibility to engage in independent constitutional interpretation?
- When should a decision on matters of constitutional interpretation be considered final? Should it ever be considered final?

Unit 4: Slavery and Its Legacy

Oct 15 **Slavery and the American Founding**

- a. Benjamin Franklin, "[Address from the Pennsylvania Society for Promoting the Abolition of Slavery](#)" (1790)*
- b. Patrick Henry, "[Letter to Reeves](#)" (1773)*
- c. Thomas Jefferson, "[Letter to John Holmes](#)" (1820)*
- d. Herbert Storing, "Slavery and the Moral Foundations of the American Republic" (1986) (PDF available on Canvas)*
- e. *Federalist Papers*, No. 54
- f. Slavery provisions in the Constitution: Art. 1, Sec. 2, Clause 3; Art. 1, Sec. 9, Clause 1; Art. 4, Sec. 2, Clause 3

Reading Questions

- What status did slavery hold under the Constitution, and what reasons were advanced to account for its status?
- How did some of the Founders expect to see the problem of slavery resolved?

Oct 17 **Slavery, Abolition, and the U.S. Constitution**

- a. Frederick Douglass, selections from *Autobiography*
- b. William Lloyd Garrison, "[On the Constitution and the Union](#)" (1832)*
- c. Frederick Douglass, "[The Constitution of the US: Pro-Slavery or Anti-Slavery?](#)" (1860)*
- d. Tocqueville, *Democracy in America*, pp. 326-336

Reading Questions

- How did Frederick Douglass view the Declaration and the Constitution? How did he see these two documents in relationship to the struggle for emancipation?
- How did Douglass' view of the Constitution differ from that of some other abolitionists, who considered it "a pact with the devil?"
- Why did Tocqueville think that race would continue to be a problem even after emancipation?

Oct 22

Crisis of the House Divided

- a. John C. Calhoun, "[Speech on the Oregon Bill](#)" (1848)*
- b. Alexander Stephens, "[Cornerstone Speech](#)" (1861)*
- c. Dred Scott v. Sanford Excerpt (1856)*
- d. Stephen Douglas and Abraham Lincoln, Lincoln-Douglas debates (1858)*

Reading Questions

- What were the "new" views on slavery of the Southerners? How did Calhoun and Stephens (the vice-president of the Confederacy) deal with the claims of the Declaration of Independence?
- What was the logic of Douglas's defense of popular sovereignty?

Oct 24

Crisis of the House Divided

- a. Abraham Lincoln, "[Speech on the Repeal of the Missouri Compromise](#)" (1854)*
- b. Abraham Lincoln, "[Speech at Chicago](#)" (1858)*
- c. Abraham Lincoln, selections from Lincoln-Douglas debates (1858)*
- d. Abraham Lincoln, "[Gettysburg Address](#)" (1863)*
- e. Abraham Lincoln, "[Second Inaugural Address](#)" (1865)*

Reading Questions

- How does Lincoln develop his argument against popular sovereignty?
- Is the Second Inaugural what you would have expected, based on Lincoln's prior speeches? What "new" themes are found?

Oct 29

Race in Post-bellum America

- a. Booker T. Washington, selections from *Up from Slavery* (1900)
- b. W.E.B. DuBois, selections from *Souls of Black Folk* (1903)

Reading Questions

- What positions did Washington and DuBois adopt in the quest for achieving racial equality?

Oct 31

Civil Rights Movement

- a. Martin Luther King, Jr., "[Letter from a Birmingham Jail](#)" (1963)*
- b. Martin Luther King, Jr., "[I Have a Dream](#)" (1963)*

- c. Malcolm X, "[The Ballot or the Bullet](#)" (1964)*

Reading Questions

- How does MLK Jr.'s approach to civil equality differ from that of Malcolm X?
- For MLK Jr., how should an individual deal with a law that he or she recognizes is unjust?

Second Exam— Due November 3 at 11:59pm (Canvas)

Unit 5: Alexis de Tocqueville on Democratic Politics and Culture

Nov 5

Democratic Politics

- a. Tocqueville, pp.3-15, 45-65, 82-93 (Introduction, I.1.3-5)

Reading Questions

- What is the "providential fact" and "irresistible revolution" that Tocqueville describes in the introduction?
- How does Tocqueville define democracy? How is his definition different from Aristotle's?
- How does township government preserve the "spirit of liberty"?
- Tocqueville admits that decentralized administration is often inefficient. Why then does he prefer it to centralized administration?

Nov 7

Democratic Politics

- a. Tocqueville, pp.220-302 (I.2.6-9)

Reading Questions

- What are the advantages and disadvantages of democratic government and society as observed in America, according to Tocqueville?
- What is the tyranny of the majority and what moderates it?

Nov 12

The Democratic Mind

- a. Tocqueville, pp.399-415, 425-427, 433-443, 450-452 (Volume II, "Notice," II.1.1, 2, 3, 7, 8, 10, 11, 14, 15)

Reading Questions

- How does equality of conditions influence the way Americans think and what they think about?
- Is Tocqueville right that the democratic mind tends to be *both* independent and conformist? How can it be both?

Nov 14

Democratic Culture

- a. Tocqueville, pp.479-492, 500-521, 599-604 (II.2.1-5, II.2.8-15, II.3.19)

Reading Questions

- How do features of American democratic culture such as the love of equality and freedom, associations, restlessness, spiritualism, a taste for material well-being, and the pursuit of self-interest increase or decrease individualism? Which does Tocqueville want to encourage?
- Explain the doctrine of “self-interest rightly understood,” why it appeals to Americans. Is Tocqueville right that it encourages and preserves a form of public spiritedness in liberal society?

Nov 19

The End of Democracy

a. Tocqueville, pp. 530-532, 643-650, 661-676 (II.2.20, II.4.3-4, II.4.6-8)

Reading Questions

- How does Tocqueville predict that democracies will degenerate? Are all his predictions compatible with each other?
- Why is soft despotism a new kind of despotism, according to Tocqueville? Why is it possible only through a modern democracy?
- Do we live in a soft despotism?

Unit 6: Constitutional Convention Simulation

Nov 21 Constitutional Convention Simulation

Nov 26 Thanksgiving Break – No Class

Nov 28 Thanksgiving Break – No Class

Dec 3 Constitutional Convention Simulation

Dec 5 Constitutional Convention Simulation

Dec 10 Optional Review Session — Time and Location TBD

Final Exam — December 13, Time and Location TBD