

Constitutional Principles: Core Texts

GOV 312P (#38370)

MWF 9:00-10:00am GAR 0.128

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COURSE DESCRIPTION AND GOALS

Liberal democracies are faltering. There are many fracture lines: rampant inequality and class conflict; polarization, extremism, and bitter partisanship; the curtailing of freedom, and free speech in the name of psychological security, and social justice. Are these contingent problems, or are they instead problems inherent to liberal democracy? Are the fracture lines in liberal democracies the outcome of contradictions in their theoretical underpinnings? Or are they the outcome of recent developments? Can we get past them? Should we?

In this class, we will seek to rediscover and articulate anew the liberal democratic principles of the American Constitution, the theoretical basis for those principles, and the ways of life they encourage and require. Why should we focus on the United States? First, because it is where we all live. But more importantly, because the American Regime is *the* liberal democratic regime.

The American Constitution is the oldest codified constitution still in use; throughout its history and even now it is a model for every aspiring liberal democrat. But it would be an error to infer from this that we know anything clearly about the principles of that government and its constitution. All or most of us have been deeply shaped in our moral opinions, our longings, and our aspirations, by the direct and indirect education that growing up in a liberal democracy affords. But this does not mean we know anything clearly about the grounds of those opinions and longings.

It is a precondition for becoming a fully responsible democratic citizen that one make the effort to learn about these things. We can't address the newly returned question of liberal democracy's spiritual viability, which is now raised even *within* liberal democracies, before recovering this thought that has shaped the modern world.

Making this effort is also a step toward becoming thoughtful human beings who understand themselves and how they ought to live if they are to live well.

We will not deal with these problems to anyone's satisfaction. This is only one course in the history of political thought. Our eyes will always be on the basic principles of American political life: democracy, equality, and liberty. By carefully examining core texts of the American political tradition, we'll try to see how these ideals took hold in the US, what arguments were made on their behalf, and what pitfalls there are for a society dedicated to those ideals. We will also look at the ethical questions that arise when leaders seek to put those ideas into practice.

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 that require you to consider how American political principles look to Black Americans.

This course also 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.

COURSE OUTLINE

We will turn first to John Locke, whose *Second Treatise of Government* is one of the deepest theoretical defenses of (and to a large extent the source of) liberal democracy, and whose *Letter Concerning Toleration* is the most famous early-modern defense of religious toleration. After our time with Locke, we'll move to *The Federalist Papers*, where we'll encounter powerful arguments for key features of the American Constitution and, at the same time, the first great attempt to apply Lockean principles in a political founding.

Having seen the theoretical basis for the spirit of the American Constitution and the rich political arguments for its ratification, we'll study Tocqueville's critical, but friendly, observations on American democracy and the spirit of its citizens before exploring the thought of a few of the great African American political thinkers. We will spend a quarter of the course studying Frederick Douglass, Booker T Washington, WEB Du Bois, Martin Luther King, and James Baldwin, focusing especially on their different evaluations of the meaning and import of American political principles to a people enslaved for a third of this country's history.

The course will end with a brief unit on Abraham Lincoln and Aleksandr Solzhenitsyn's political thought, which we will use also as an opportunity for comprehensive reflection on the thinkers we will have studied.

CLASSROOM POLICY

This course will meet in person unless we're required to go online. There will be no online option, and classes will not be recorded. If we must go online, we will meet synchronously via Zoom at the scheduled class time.

You must come to class on time and stay the whole time. Our time in class will involve lectures, class-wide discussions on important and difficult questions in the readings, and small-group discussions. For the discussions to be profitable, you must come to class 1) having carefully read the assigned readings, 2) ready and eager to state your interpretations of the readings, listen to your classmates, and *respectfully* argue with them, and 3) with a physical copy of the assigned reading. Since the lectures will consist of close textual analysis, your ability to follow and profitably engage with them will also depend on your having carefully read the assigned readings.

You will not profit from this course or succeed in it if you do not engage with the reading assignments.

The following are rules of classroom conduct:

- You should try to bring a physical copy of the book under discussion to each class. E-readers are not allowed in class.
- Do not use phones. If you are caught using one during class, it will count as two unexcused absences.
- Do not use laptops. Store your laptops before class begins.
- Do not eat in class. If your schedule is such that you feel you must eat, see me.
- Do not pack up before I have dismissed class. If this is a problem for you, see me.
- Do not be rude to your classmates or dismiss their contributions to class discussions.

I reserve the right to give you an unexcused absence for behavior that is distracting or disrespectful to your peers and myself. See below (**Attendance and Participation**) for the consequences of unexcused absences.

OFFICE HOURS

I will hold online and in-person office hours to accommodate everyone.

If the hours we decide on don't work for you, or if there's a conflict one week, feel free to email me or see me after class about setting up an alternate time.

REQUIRED TEXTS

You are required to own *paper copies* of all the books for this class. Electronic editions will not be allowed in class. With the exception of the course packet, which will be available only at the McCombs UT Document Solutions kiosk, you can buy these books from wherever you'd like. There should be copies at the Co-Op, but since the Co-Op is notorious for understocking course materials, I'd suggest being open to using Amazon, AbeBooks, or any other online book retailer.

1. Course Packet, available at the McCombs UT Document Solutions kiosk
2. John Locke. *Two Treatises of Government and A Letter Concerning Toleration*. Edited by Ian Shapiro. Yale University Press. ISBN 0300100183
3. Hamilton, Madison, Jay. *The Federalist Papers*. Introduction by Charles Kesler, edited

- by Clinton Rossiter. Signet Classics. ISBN 0451528816.
- 4. Alexis de Tocqueville. *Democracy in America*. Trans. Harvey Mansfield. The University of Chicago Press. ISBN 0226805360.
 - 5. Frederick Douglass. *Narrative of the Life of Frederick Douglass*. Signet Classics. ISBN 0451529947
 - 6. Booker T Washington. *Up From Slavery*. Dover Classics. ISBN 0486287386.
 - 7. WEB DuBois. *The Souls of Black Folk*. Dover Classics. ISBN 0486280411.

COURSE REQUIREMENTS AND GRADE CALCULATION

The most important requirement is that you show up ready to discuss the readings. There is a lot of reading for this course, but it is worth all the time and effort you can put into it. You can learn something important from everything we read.

10% Reading Quizzes at the beginning of each lecture: At the start of each class there will be a short quiz on the reading for that class. Each student's lowest quiz score will be dropped. This adjustment is intended to compensate for the inevitable conflicts that students face and mistakes that we all make.

50% Two Take-Home Papers (25% each): You will write two 1000-to-1200-word papers on topics to be assigned in class. Dates TBD. I will give additional instructions when I assign the papers. You will submit the papers to me on Canvas. If possible, please submit your paper as a Microsoft Word document.

Late papers will lose 10% per day after the deadline.

30% Final Exam

The Final in-class exam will require you to answer questions bearing on the entire class material, with a special focus on the last unit of the course. You will be asked to give a synoptic comparison of several of the thinkers studied in the course. It will count as 30% of your final grade and take place at the end of the semester (date TBD).

10% Attendance and Participation - Attendance is required at every class meeting. You get two unexcused absences with no penalty. **For every additional unexcused absence, your attendance and participation grade will drop by 10%.** Having more than 8 unexcused absences—including the first two—will result in automatic failure of the course.

That said, due to concerns about COVID-19, I ask that you stay home if you are feeling at all ill. Err on the side of caution. Please do not risk the health of your classmates. Your absence will be excused, even without a doctor's note. Just let me know by email (use the subject heading "Absence") that you are missing class for health reasons.

Packing up early is a distraction to other students. I will end each class by 9:50 AM. In return, I expect you to refrain from packing up early. While any breach of the class rules enumerated above might earn you an unexcused absence, **I will ruthlessly enforce the rule against early packing up. If you do this, I will treat it as an unexcused absence.**

I do not expect you to be able to speak in every class meeting. That being said, **active participation in class can modestly increase your final grade.**

Grade Calculation – Papers and exams will be given letter grades. In order to calculate your final grade, these will be translated into number grades as follows:

A: 97; A-: 91; B+: 88; B: 85; B-: 81; C+: 78; C: 75; C-: 71; D: 65; F: 30

I will often use grades like A/A- to indicate a numerical grade between the two letter grades. So, A/A- is a 93 and B-/C+ is a 79.5.

Final grades will be awarded on the following scale. Please note that grades will not be rounded up; a 91.9 is an A-.

A: 93-100; A-: 90-92; B+: 87-89; B: 83-86; B-: 80-82; C+: 77-79; C: 73-76; C-: 70-72; D: 64-69; F: 64 or below

GRADE COMPLAINTS

If you think you have been graded unfairly, I will regrade your assignment. The procedure will be as follows: you must send me an email, **within a week** of getting the graded assignment back, explaining what you think I overlooked in your assignment or in the topic and why your work deserves a higher grade. I will not consider a regrade if this is not done. Since this email is your chance to convince me that my regrade should result in a higher grade, it is in your interest to think very carefully and write it very clearly.

Please note that a regrade might result in a lower grade.

READING SCHEDULE

Readings from the course packet are marked by “(CP).”

Unit 1	The American Constitutional Order
08/22	Opening Lecture; Declaration of Independence (CP)
08/24-26	John Locke, <i>Second Treatise</i> , Chapters 1-4
08/29-09/02	<i>Second Treatise</i> , Chapter 5

	<i>Second Treatise</i> , Chapter 6: Sections 52-58; Chapter 7; Chapter 8: Sections 95-100 and 119-122
09/05	Labor day – no class
09/07-09/09	<i>Second Treatise</i> , Chapters 9-14; Chapter 19
09/12-09/16	Locke, <i>Letter Concerning Toleration</i>
	<i>Letter</i> continued
	Federalist 1-2, 39
09/19-09/23	Federalist 6, 8-9, 11
	Federalist 10; Washington's Farewell Address (CP)
	Federalist 37, 48, 49, 51
	First Essay Due Sunday 25th by 11:59pm.
09/26-09/30	Federalist 52, 53, 55
	Anti-Federalist Selection (CP)
	Federalist 84; Bill of Rights Readings (CP)
UNIT 2	Democracy in America
10/03-10/07	Tocqueville, <i>Democracy in America</i> , Introduction <i>DA</i> , I.1.3
	<i>DA</i> , I.2.1, I.2.7
	<i>DA</i> , I.2.9
10/17-10/21	<i>DA</i> , Volume II "Notice," II.2.1-3
	<i>DA</i> , II.2.4-7

	<i>DA</i> , II.2.8-9
10/24-10/28	<i>DA</i> , II.2.10-17
	<i>DA</i> , II.2.18-20
10/31-11/04	<i>DA</i> , II.4.6-8
10/31-11/02	<i>DA</i> , I.2.10 (pp. 302-307, 326-348); end of Unit 2. Second Essay Due Sunday 6th by 11:59pm
UNIT 3	Slavery and Civil Rights
11/04	Douglass, <i>Narrative</i> (19-128)
11/07-11/11	Early Selections from Douglass (CP)
	Douglass, Fourth of July Speech (CP)
	Booker T. Washington, <i>Up from Slavery</i> , 1-11, 57-64, 79-81, 105-115, 156-7; Selections in CP
11/14-11/18	Du Bois, <i>The Souls of Black Folk</i> , Forethought, 1, 3; “The Talented Tenth” (CP)
	Du Bois, “The Conservation of the Races” (CP); <i>The Souls of Black Folk</i> , 6
	<i>The Souls of Black Folk</i> , 14
11/21-11/26	Thanksgiving Break – no class
11/28-12/2	King, “Letter from a Birmingham Jail,” “I Have a Dream” (CP)
	Lincoln, Lyceum Address (CP)
	Lincoln, Selections; Douglass, “Oration” (CP)

12/05	Fukuyama “Liberalism and its discontents” (CP) Shulsky, “Liberalism’s Beleaguered Victory” (CP) Solzhenitsyn, “A world split apart” (CP) Last class day.
	FINAL EXAM (DATE TBD)

OTHER POLICIES

Sharing of Course Materials is Prohibited: No materials used in this class, including, but not limited to, lecture hand-outs, videos, assessments (quizzes, exams, papers, projects, homework assignments), in-class materials, review sheets, and additional problem sets, may be shared online or with anyone outside of the class unless you have my explicit, written permission. Unauthorized sharing of materials promotes cheating. It is a violation of the University’s Student Honor Code and an act of academic dishonesty. Any materials found online that are associated with you, or any suspected unauthorized sharing of materials, will be reported to Student Conduct and Academic Integrity in the Office of the Dean of Students. These reports can result in sanctions, including failure in the course.

Students with disabilities: Students with disabilities may request appropriate academic accommodations from the Division of Diversity and Community Engagement, Services for Students with Disabilities, 471-6259, <http://www.utexas.edu/diversity/ddce/ssd/>

Academic dishonesty: Plagiarism will result in a failing grade for the course. The university’s Honor Code, with information on the meaning of academic integrity, is found at the following website: <http://catalog.utexas.edu/general-information/the-university/>

Accommodations for religious holidays: If anyone needs to miss class for a religious observance, I will hold a make-up session for you and the absence will be excused. If anyone misses a religious observance for class, they can take it up with their god.

Title IX Reporting: UT Austin is committed to fostering a learning and working environment free from discrimination in all its forms. Faculty members and certain staff members (TAs) are considered “Responsible Employees” or “Mandatory Reporters,” which means that they are required to report violations of Title IX to the Title IX Coordinator. For more information about reporting options and resources, visit titleix.utexas.edu or contact the Title IX Office at titleix@austin.utexas.edu.

Student Emergency: Any student facing severe difficulties during the semester should take advantage of Student Emergency Services, which helps to coordinate between the student and

the student's professors. (SES: deanofstudents.utexas.edu/emergency; 512-471-5017; 24/7 Behavior Concerns Advice Line [BCAL]: 512-232-5050) Once a student meets with SES, SES will contact the student's professors on the student's behalf. Thus, students do not need to provide explanations or doctor's notes, etc. to individual professors. Professors rely on SES as an intermediary, because we are not trained to provide students with appropriate services nor evaluate what services would be most useful. There are many staff members at SES – and throughout UT Austin – whose training and focus are exactly in these areas. Thus, students getting in touch with us directly about severe difficulties will be referred to SES. That said, you are welcome to lean on us when seeking motivation in contacting SES (whether in office hours or via email). We are happy to talk, to the extent our positions allow us; and we can also connect students to available services. However, note that SES involvement puts the professor under no obligation to provide special accommodations for a student. Thus, we will provide special accommodations for students using SES on a case-by-case basis.