

HILLSDALE COLLEGE
DEPARTMENT OF HISTORY AND POLITICAL SCIENCE

Political Science 101F
The United States Constitution

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Course Summary

In focusing on the study of the United States Constitution, this course seeks to answer three major questions:

- I. What was revolutionary about the American Revolution, and what was new about the constitutional order established in the *Novus Ordo Seclorum*?
- II. How did Abraham Lincoln's statecraft build upon American founding principles?
- III. What new foundations for American government and politics did the Progressives establish?

"Every species of government has its specific principles," Thomas Jefferson wrote. "Ours perhaps are more peculiar than those of any other in the universe. It is a composition of the freest principles of the English constitution, with others derived from natural right and natural reason."

The foundations of American government are found in the ideas and institutions of ordered liberty bequeathed to us by Britain, and in the unique and revolutionary idea of rights stated in the Declaration of Independence and secured in the Constitution.

Even though early America was indebted to Britain for its "freest principles," the American Revolution marked an important departure from British ideas of rights. In fact, a *Novus Ordo Seclorum*, or New Order of the Ages, was established in the American Founding.

What does it mean to possess—by nature of being a human being—the right to life, liberty, and property, or as Jefferson puts it in the Declaration, "the pursuit of happiness"? What was revolutionary about the American Revolution? What was new about the *Novus Ordo Seclorum*?

According to Lincoln, the promise of equality to all, and "liberty to all," was uniquely revolutionary. These were promises worth fighting for, even if a Civil War was necessary. How did Lincoln's statecraft build upon American founding principles? Why was the Declaration of Independence the "sheet anchor" of his political philosophy? How did he prudently balance his commitment to the Constitution and the Union with his desire to end slavery?

According to the leading Progressives at the turn of the 20th century, America was ill founded. The Declaration was tethered to outdated ideas like natural rights, and the Constitution was inflexibly anti-democratic. "Some citizens of this country have never got beyond the Declaration of Independence," Woodrow Wilson said. Of the Constitution he declared: "The Constitution was not made to fit us like a straightjacket. In its elasticity lies its chief greatness."

The "Living Constitution" given to modern America by the Progressives must be compared, then, to the Founders' Constitution. What new foundations for American government and politics did the Progressives forge? What are the foundations of our current government and politics?

Course Outline

I. “Novus Ordo Seclorum”: The Creation of a “New Order of the Ages”

- A. The Declaration of Independence and Natural Rights
 - 1. Life and Liberty
 - a. Religious liberty
 - b. Slavery and the American Founding
 - 2. Pursuit of Happiness
 - a. Liberty vs. licentiousness
 - b. Republicanism requires virtue

- B. The Constitution of the United States of America
 - 1. Republican Government
 - 2. Limited Government
 - 3. Federalism
 - 4. Separation of Powers
 - a. The Legislature
 - b. The Executive
 - c. The Judiciary

II. Natural Rights, Civil Rights, and the Post-Civil War Amendments to the Constitution

- A. The Declaration of Independence and Natural Rights
 - 1. Universalism of the Declaration
 - 2. Relationship of Natural Rights and Civil Rights

- B. The Constitution of the United States of America
 - 1. Relationship of the Declaration and Constitution
 - 2. Principles and Prudence
 - a. Perpetuating the Union
 - b. Putting slavery “in course of ultimate extinction”

III. “The Living Constitution”: The Progressive Movement, the U.S. Constitution, and the Growth of the Administrative State

- A. The Declaration of Independence and the “Darwinian” Idea of Rights
 - 1. New Economic Rights and Social Justice
 - 2. Pursuit of Happiness
 - a. Individual values vs. immutable principles
 - b. Democracy demands a new equality

- B. The (“Living”) Constitution of the United States of America
 - 1. Republican vs. Democratic Government
 - 2. Limited Government vs. the Welfare State
 - 3. Federalism vs. Centralized Bureaucracy
 - 4. Separation of Powers vs. the Administrative State
 - a. The Legislature
 - b. The Executive
 - c. The Judiciary

Course Readings

The Declaration of Independence and the Constitution are the core documents of the course. *The Federalist* was lauded by Thomas Jefferson as “the best commentary on the principles of government which ever was written.” It will be our essential guide to the Constitution.

Readings from the *Federalist* will be examined alongside selected readings from the Anti-Federalists. In addition, the course will consider selections from James Madison’s notes on the debates of the Constitutional Convention.

Lincoln’s arguments about the relationship of the Declaration and the Constitution and the proper understanding of natural and civil rights are integral to understanding America’s foundational principles. His statecraft cannot be understood without inquiring into his relationship to the Founders, and his efforts to complete what he saw as their cause: putting slavery “in course of ultimate extinction.”

The Progressives both invoked and rebuked the Founders and Abraham Lincoln. We will consider the Progressive critique of the Founding by reading selections from Oliver Wendell Holmes, Jr., Woodrow Wilson, Franklin D. Roosevelt, and others.

Throughout the course these readings will be related to current political controversies, especially those involving conflicts related to understanding rights.

Required Texts

Required texts for the course include the following:

The United States Constitution reading packet

Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers*, ed. Clinton Rossiter, with an introduction and notes by Charles R. Kesler (New York: Mentor, 1999).

Ralph Ketcham, ed., *The Anti-Federalist Papers and the Constitutional Convention Debates* (New York: Mentor, 1986).

Paul M. Angle, ed., *The Lincoln-Douglas Debates* (Chicago: University of Chicago Press, 1991).

Matthew Spalding and David Forte, ed., *The Heritage Guide to the Constitution* (Washington, D.C.: Regnery, 2005).

Reserve Reading

Douglas W. Kmiec, Stephen B. Presser, John C. Eastman, and Raymond B. Marcin, eds. *The History, Philosophy, and Structure of the American Constitution* (Newark, New Jersey: LexisNexis, 2004).

Douglas W. Kmiec, Stephen B. Presser, John C. Eastman, and Raymond B. Marcin, eds. *Individual Rights and the American Constitution* (Newark, New Jersey: LexisNexis, 2004).

Philip Kurland and Ralph Lerner, eds. *The Founders’ Constitution*, Vols. 1-5 (Indianapolis: Liberty Fund, 1987).

Bryan-Paul Frost and Jeffrey Sikkenga, eds. *History of American Political Thought* (Lanham, Maryland: Lexington, 2003).

Joseph Story, *A Familiar Exposition of the Constitution of the United States* (Lake Bluff, Illinois: Regnery Gateway, 1986).

Herbert J. Storing, *What the Anti-Federalists Were For* (Chicago: University of Chicago Press, 1981).

Herbert J. Storing, ed. *The Complete Anti-Federalist*, Vols. 1-7 (Chicago: University of Chicago Press, 1981).

John Vile, *A Companion to the U.S. Constitution and Its Amendments* (Westport, Connecticut: Praeger, 1993).

Office Hours

If you would like to arrange a meeting time, please e-mail me at david.bobb@hillsdale.edu. I check e-mail often. If I am not in my office, you may check with Margie King, my secretary (ext. 2491).

Academic Integrity

As stated in the “Academic Honor Policy” of the *Hillsdale College Catalog*, all students are expected to maintain the highest standards of academic integrity. I encourage you to discuss the readings with your classmates and friends. However, all work submitted must be your own and must have been prepared exclusively for this course.

It is essential to academic and intellectual inquiry to learn from others. Thus, in writing papers, you will draw upon the work of others. Nevertheless, you must give credit where credit is due. Failure to give proper attribution to words, concepts, and evidence borrowed from others constitutes plagiarism, which is a serious academic offense. If you have questions about proper attribution, please consult the instructor prior to turning in academic work.

Course Assignments

Class Participation	5%
Declaration and Constitution Quizzes	10% (5% each quiz)
Current Events Quizzes	10% (5% each quiz)
Mid-term Examination	20%
Writing Assignments	30% (15% each paper)
Final Examination	25%

Class Participation (5%)

Students should arrive at class having read the assigned texts attentively. Students should be ready to engage the assigned readings, other students, and the instructor in course discussion. Attendance is essential. Absences will be excused only for verifiable illness, emergencies, and extenuating family circumstances (please send an e-mail to the instructor noting the reason for an absence). Quizzes and exams may be made up after the class session only for these reasons. If you must be absent from a class please contact the instructor as soon as you know you will be absent. Two unexcused absences may result in a failing grade. Please kindly remove your hats during class.

Declaration and Constitution Quizzes (10%: 5% each quiz)

In-class quizzes on the Declaration of Independence (January 31) and the U.S. Constitution (February 21) will be administered in the Wiegand computer lab. Quizzes will include multiple choice, fill-in-the-blank, and short answer questions, among other sections.

Current Events Quizzes (10%: 5% each quiz)

In-class quizzes about current events and articles linked from the course Blackboard site will be administered in the Wiegand lab on February 21 and April 6. Students should check the Blackboard site for articles. Other articles will be handed out in class. All articles assigned for each quiz will be listed on the Blackboard site.

Mid-term Examination (20%)

The mid-term exam, 75 minutes in length, will include short and long essay questions. The mid-term exam will be administered in the Wiegand lab during the March 2 class; students who wish to write the exam may do so in the Wiegand lab.

Writing Assignments (30%: 15% each paper)

Two short papers (each 3-4 pages) are required for the course. Assigned topics will be posted on Blackboard at least three weeks prior to the paper's due date. Papers should be double-spaced, paginated in the upper right corner, typed in 12-point Times or Times New Roman font, and stapled. Footnotes should not be used because you will not need to use sources beyond the assigned readings. Instead, use parenthetical citation as detailed in the paper assignment. Papers are due at the beginning of the assigned class. Papers turned in after that time will be considered late and will be penalized. If you do not attend class, are unexcused, and do not hand in your paper, the paper is considered late.

Final Exam (25%)

The final exam is cumulative. Like the mid-term, the final exam will be administered in the Wiegand lab. Students wishing to write the exam will do so at the same time the rest of the class is in the computer lab.

Explanation of Grading

The following are the standards of judgment for work completed for this course:

“A”: Excellent

Work meriting an “A” grade is excellent. It demonstrates unusually thorough preparation, genuine comprehension and synthesis, insight, and even originality. Work is written with great clarity and attention to detail. The grade signifies not simply very good work but exceptionally fine work. An “A” grade is rare.

“B”: Good

Work meriting a “B” grade is good. It demonstrates thorough preparation, a grasp of the subject matter and a command of the materials of the course. It may not show any special insight or originality, but it demonstrates clear understanding of the material with comprehensive answers presented in a clear and logical manner.

“C”: Average or Acceptable

Work meriting a “C” grade is average or acceptable. The work demonstrates an adequate, though not comprehensive, grasp of the subject matter. Significant information may be overlooked, and the work may not display a full appreciation of the meaning or implication of a question. Answers may be too brief to allow sufficient development. An essay may appear to be derived wholly from lecture or discussion material, ignoring relevant readings or reference to readings.

“D”: Poor

Work meriting a “D” grade is poor. The student demonstrates some knowledge, but the work is shoddy and shows lack of careful preparation. Most information has been overlooked, and the meaning or implication of a question largely has been overlooked. An essay barely covers the assigned topic, and almost completely neglects to address the most significant issues involved.

“F”: Unacceptable

Work meriting an “F” grade is unacceptable for academic credit, and denotes failure. Many facts or references are missing or are misunderstood entirely. There is little or no analysis, and the style is poor, confused, or incomprehensible. A student may attend classes and submit assignments and yet earn an “F” if the product does not reflect some minimal command of the materials of the course.

Course Schedule

Week 1

Novus Ordo Seclorum

Introduction and Overview

Week 2

The Declaration of Independence

Constitution reader, #1-21
Federalist #1, 14, 47

Week 3

The Declaration of Independence, cont.

Declaration quiz

CCA lecture

Week 4

Life and Liberty; Religious Liberty

Constitution reader, #28-29, 39-54

Week 5

**The Pursuit of Happiness
Slavery and the American Founding**

Constitution reader, #35-38, 55-65
Notes of Debates, “Slavery and the Constitution” (pp. 160-165)
Federalist #54

Week 6

Slavery and the American Founding, cont.

Constitution quiz

Week 7

The Constitution of the United States

**Current events quiz #1
Paper #1 due**

Week 8

The Constitution, cont.

Constitution reader, #22-33
Notes of Debates, “Plan for National Government,” (pp. 70-79)

Federalist #2-6, 9, 10, 51, 55, 57, 63
Anti-Federalist, “Centinel,” #1 (pp. 227-237)

Week 9

**Republican Government
 Limited Government**

Mid-term exam

Notes of Debates, “The Virginia Plan” (pp. 35-39); “The New Jersey Plan” (pp. 62-65);
 “Debate on the New Jersey Plan” (pp. 65-70); “Opposition to the New Jersey Plan” (pp. 79-86);
 “Majority Rule Basic Republican Principle” (pp. 109-114)
Federalist #12, 17, 23, 33, 37-39, 46
Anti-Federalist, Patrick Henry, Speeches of 1788 (pp. 199-216)
Anti-Federalist, Federal Farmer I and II (pp. 256-269)
Anti-Federalist, Brutus VI (pp. 280-287)

Week 10

No class: spring break

Week 11

Federalism; Separation of Powers

Notes of Debates, “Debate on Federalism” (pp. 86-89); “The Judiciary, the Veto, and Separation of Powers” (pp. 120-124)
Federalist #39; #47-51
Anti-Federalist, Brutus I (pp. 270-280)

Week 12

Separation of Powers, cont.

Current events quiz #2, April 6 (report to Wiegand lab)

Week 13

The Legislature; The Executive

Notes of Debates, “Length of Term in Office for Senators” (pp. 89-92); “Debate on State Equality in the Senate” (pp. 92-109)
Federalist #55-57, 62-66
Anti-Federalist, Brutus IV, XVI (pp. 324-335)

Notes of Debates, “Election and Term of Office of the National Executive” (pp. 114-120);
 “Election of the Executive” (pp. 130-134); “Executive Veto Power” (pp. 159-160); “Election and Powers of the President” (pp. 165-171)
Federalist #70-73

Week 14

The Executive, cont.; The Judiciary

Paper #2 due

Notes of Debates, “Appointment of Judges” (pp. 125-127)
Federalist #78-83
Anti-Federalist, Brutus XI-XII, XV (pp. 293-309)

Week 15

Natural Rights and Civil Rights

Constitution reader, #34, 66-78

Lincoln-Douglas Debates, pp. 76-80, 87-93, 149, 159, 206-244, 304, 316-317, 329

Week 16

“The Living Constitution”

Constitution reader, #84-95