

REACTING TO THE PAST:
TOPIC: FOUNDING OF AMERICA
HIST 411
SPRING 2017
MW, 2:00-3:50

Professor: Jeff Ostler

Office: 385 McK

Office Hours:

Mon., Wed., noon-1:00

Friday, 2:30-3:30

and by appointment

Phone: 6-1265

Email: jostler@uoregon.edu

Course Description:

This course focuses on the making of the U.S. Constitution. To do so, we will employ the “Reacting to the Past” pedagogy developed at Barnard College.

In most classes students learn by receiving ideas and information from instructors and texts, or they discuss such materials in seminars. “Reacting to the Past” courses employ a different pedagogy. Students learn by taking on roles, informed by classic texts, in elaborate games set in the past; they learn skills—speaking, writing, critical thinking, problem solving, leadership, and teamwork—in order to prevail in difficult and complicated situations. That is because Reacting roles, unlike those in a play, do not have a fixed script and outcome. While students will be asked to adhere to the philosophical and intellectual beliefs of the historical figures they have been assigned to play, they must devise their own means of expressing those ideas persuasively, in papers, speeches or other public presentations; and students must also pursue a course of action they think will help them win the game.

There are several reacting games; in this course, we will play one, “America’s Founding: the Constitutional Convention.” The first three weeks will be devoted to preparation for the game, and the game itself will be played from weeks four through eight. The last two weeks of the course will be devoted to an in-depth discussion of the Constitution, arguments for and against adopting it, the process of ratification, and the question of slavery in the Constitution.

Note: For more information about reacting, see <http://reacting.barnard.edu>.

Course Requirements:

1. It is vital that you participate in all class sessions. In order to play the Constitutional Convention game well, it is important that you are well prepared. This will involve reading documents and other materials and discussing them in sessions devoted to preparation. During the game itself, you will become immersed in the game and will undoubtedly participate with enthusiasm. Having played the game, you will want to learn more about the making of the Constitution and the time period. Your participation will be evaluated in three ways: (1)

participation in non-game sessions; (2) your participation in the games themselves; (3) attendance. Participation will be worth 25% of your grade.

2. Written assignments within the games. During the Constitutional Convention game, each member of the class, as part of his or her role, will give an average of three speeches. Written versions of these speeches will be submitted and graded. Each student will be required to write **nine** total pages. These assignments will be worth 50% of your grade. The quality of the presentation will be part the evaluation of the written assignment (as opposed to considering the presentation quality as a part of participation). Note: failure to meet the nine-page minimum will result in a penalty of one full grade for this component of the course.

3. A final paper of eight pages in length. In this paper, you will choose a topic from a list to be provided and consult at least three books to inform your discussion (I will provide a bibliography to get you started, though you will need to do some bibliographic research of your own). Possible topics include (1) slavery and the Constitution; (2) the extent to which the Constitution was a conservative reaction to democratic social movements; (3) the nature and range of racial thinking among the Founders; (4) the Constitution and American Indians; (5) the legal status and social condition of women at the time of the Constitution; (6) the Bill of Rights and ratification; (7) was the Constitution republican or democratic?; (8) Can we discern original intent?; (9) Federalist and Anti-Federalist economic visions. This assignment will be worth 25% of your grade and will be due during exam week on Thursday, June 15 at 5 p.m. Note: failure to complete the final paper will result in failing the course.

4. Finally, a note on victory: Roles in Reacting games have victory objectives and players can either win or lose the game depending on a variety of factors including success in executing particular tasks, ability to persuade others to join with them, and chance. Some instructors teaching Reacting games factor victory and defeat into students' grade for the course. I have chosen not to do this. Victory is its own reward (and defeat its own misery).

Readings:

1. A "gamebook," titled *America's Founding: The Constitutional Convention, 1787* will soon be published by W.W. Norton, but is not yet in print. The gamebook is on Canvas; in addition, each student will be furnished with a hard copy. The gamebook consists of four sections: (1) an overview of the historical background to the Constitutional Convention, including an account of relevant events (e.g., the creation of the Articles of Confederation, Shays' Rebellion) and an overview of the two contending political theories, "country republicanism" and "court republicanism" informing debates during the Constitutional Convention; (2) an overview of the game itself, including issues to be discussed and decided upon (e.g., the executive, representation, slavery, taxation, separation of powers), the structure of the game, and the rules of the game (e.g., voting procedures, secrecy rules, decorum); (3) a collection of primary sources, including excerpts from Aristotle's *Politics*, Locke's *Second Treatise of Government*; David Hume's *Essays Moral, Legal, and Political*, Thomas Paine's *Common Sense*, Thomas Jefferson's *Notes on the State of Virginia*, John Adams, *A Defense of the Constitution of Government*, James Madison's *Federal Papers* (#'s 10 and 51), "Brutus"'s

Essay, and Tocqueville's *Democracy in America*; (4) a historiographical essay on the "Founding of America."

2. Secondary readings. Some of these are important for historical background to the Constitutional Convention game. Some are important for analyzing the actual history of the Constitutional Convention after the game. Secondary readings include Robert Middlekauff, *The Glorious Cause: The American Revolution, 1763-1789* (2005), pp. 603-641; David Waldstreicher, *Slavery's Constitution: From Revolution to Ratification* (2009), pp. 21-71; short essays on the place of slavery in the Constitution; and Carol Berkin, *A Brilliant Solution: Inventing the American Constitution* (2002). Berkin's book is available for purchase in the Duck Store; the other readings are available as pdf files on Canvas.

3. Primary and secondary sources as specified in individual role sheets. Some of these readings in role sheets are specific to individual roles (e.g., biographies of convention delegates, secondary sources on particular individuals, political theories, or relevant background events). Others are common to all characters in the game. The latter include James Madison's *Notes of the Debates in the Federal Convention of 1787*; Max Farrand, ed., *Records of the Federal Convention of 1787* (4 vols.); and Philip B. Kurland and Ralph Lerner, eds., *The Founders' Constitution*, 5 vols. (U. Chicago-Liberty Fund, 1987). These are available on line (URLs are provided in role sheets).

Learning Objectives:

1. Understand the social and political processes that led to the U.S. Constitution.
2. Understand social and political divisions in the era of the Constitution.
3. Develop an awareness of the historical contingencies involved in momentous historical events like the creation of the Constitution.
4. Develop skills of interpreting and using primary historical texts by using these texts to prepare speeches and in oral debate.
5. Develop skills of placing secondary historical texts in historiographical context.
6. Develop skills of oral presentation and argumentation through speaking and debating.

Schedule:

Week 1

April 3: Introduction to Reacting to the Past and the Era of the Constitution

April 5: Historical background I

Reading: Gamebook, pp. 1-32; Berkin, *A Brilliant Solution*, pp. 11-29

Week 2

April 10: Primary texts I

Reading: Gamebook, pp. 76-108 (Aristotle, Locke, Montesquieu, Hume)

April 12: Primary texts II

Reading: Gamebook, pp. 109-144 (Paine, Jefferson, Adams, Madison, “Brutus”)

Week 3

April 17: Historical background II

Reading: Chapter 23 (“The Constitutional Movement”) and Chapter 24

(“The Children of the Twice-Born in the 1780s”) of Robert

Middlekauff, *The Glorious Cause: The American Revolution,*

1763-1789 (2005), pp. 603-641 [Canvas]; excerpt from David

Waldstreicher, *Slavery’s Constitution* (2009), pp. 22-71 [Canvas]

Note: role sheets will be distributed at the end of this session.

April 19: Preparation for Constitutional Convention Game

Reading: Gamebook, pp. 34-75 (sections titled “Convention Issues”;

“Terms in Use”; “Factions”; “Plans of Government”; and

“Rules of Procedure”); Berkin, *A Brilliant*

Solution, pp. 30-67.

Re-read: Hume, Madison, “Brutus” (Gamebook, pp. 132-144) according to individual roles

Quiz

Week 4

April 24: Begin Constitutional Convention Game

Issues: Introduction of Virginia Plan; mode of election and term of office

for Lower House; bicameralism; mode of election and term

of office for Upper House

April 26: Continue Constitutional Convention Game

Issues: bicameralism and mode of election and term of office for Upper

House (continued); mode of election and term of office for

Presidency

Week 5

- May 1: Continue Constitutional Convention Game
Issues: mode of election and term of office for Presidency (continued); reelection, impeachment, veto power of President
- May 3: Continue Constitutional Convention Game
Issues: Introduction of New Jersey Plan; theories of small republics vs. large republics; nature of representation (including direct vs. virtual representation)

Week 6

- May 8: Continue Constitutional Convention Game
Issues: small republics vs. large republics and nature of representation (continued); direct vs. proportional representation in one or both houses; modes of determining population for representation (including “counting” enslaved people)
- May 10: Continue Constitutional Convention Game
Issues: Direct vs. proportional representation; most for determining population for representation (continued)

Week 7

- May 15: Continue Constitutional Convention Game
Issues: slavery and the slave trade; commerce and taxation (“import” and “export” taxes, taxation of property, including enslaved people as property)
- May 17: Continue Constitutional Convention Game
Issues: commerce and taxation (continued); basis for admission of new western states
Selection of the Committee of Style and Arrangement (for drafting the Constitution)

Week 8

- May 22: Continue Constitutional Convention Game
Issues: procedures for amending and ratifying the Constitution
Interim report of Committee of Style and Arrangement
- May 24: Finish Constitutional Convention Game and begin debrief
Final report of the Committee of Style and Arrangement and presentation of chosen draft of the Constitution
Final vote on whether or not to accept the Constitution
Debrief: discussion of individual character objectives and experiences; revealing of hidden agendas

Week 9

May 29: No class

May 31: Debrief (continued) and Philadelphia, 1787

Reading: Berkin, *A Brilliant Solution*, pp. 68-168

Session 18: Philadelphia, 1787 (continued)

Week 10

June 5: Ratification and the first president

Reading: excerpt from Berkin, *A Brilliant Solution*, pp. 169-210

June 7: The Constitution and the legacy of slavery

Reading: Paul Finkelman, "Making a Covenant with Death: Slavery and the Constitutional Convention," in Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson* (1996), pp. 1-33 [Canvas]; Sean Wilentz, "Constitutionally, Slavery is No National Institution," *New York Times*, Sept. 16, 2015 [Canvas]; David Waldstreicher, "How the Constitution is Indeed Pro-Slavery," *The Atlantic*, Sept. 19, 2015 [Canvas]

Exam Week

June 15: Paper due, 5 p.m.