

REACTING TO THE PAST:
TOPIC: FOUNDING OF AMERICA
HIST 411
SPRING 2018
MW, 10:00-11:50

Professor: Jeff Ostler

Office: 385 McK

Office Hours:

Monday, 1:00-2:00

Tuesday, 11:00-12:00

Friday, 2:30-3:30

and by appointment

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, “The Constitutional Convention of 1787: Constructing the American Republic.” The first two and a half weeks will be devoted to preparation for the game. The game will begin at the end of the third week of class and continue into week eight. The last sessions 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. Participation (20 percent). 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.

2. Written assignments within the game (40 percent). 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. The quality of the presentation will be part of 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. If it looks like you are going to fall short of the nine-page minimum, be sure to contact me about ways to make up the deficit.

3. A three to four page summary of a book related to the course (20 percent). I'll provide a list of books. Due Thursday, June 14, at 5:00 p.m. Note: failure to complete the book summary will result in failing the course.

4. A final exam on Tuesday, June 12, 10:15-12:15 (20 percent). The exam will consist of two parts: 1) a series of questions, requiring short answers, designed to test your command of factual material from the course; 2) an essay designed to test your ability to analyze the issues of 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," *The Constitutional Convention of 1787: Constructing the American Republic* is available for purchase at the Duckstore. The main parts of the gamebook are (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*. Note: we will play the "expanded mid-size version" of the game.

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 Carol Berkin, *A Brilliant Solution: Inventing the American Constitution* (2002), available for purchase in the Duck Store, and other readings on Canvas.

3. Primary and secondary sources specified in individual role sheets. Some of the 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 interpreting and summarizing secondary historical texts.
6. Develop skills of oral presentation and argumentation through speaking and debating.

Schedule:

Week 1

April 2: Introduction to the course and historical background

April 4: More historical background

Reading: Gamebook, pp. 1-43; Berkin, *A Brilliant Solution*, pp. 11-29

Week 2

April 9: Primary texts

Reading: Gamebook, pp. 67-103 (Aristotle, Locke, Montesquieu, Hume)

April 11: More primary texts; rules of the game

Reading: Gamebook, pp. 103-145 (Paine, Jefferson, Adams, Madison, "Brutus"); Gamebook, pp. 151-172

Note: role sheets will be distributed either in class on 4/11 or later in the week by email.

Week 3

April 16: Game preparation

Reading: Berkin, *A Brilliant Solution*, pp. 30-67

Re-read: Hume, Madison, "Brutus" according to individual roles

Quiz (note: quiz does not count toward your grade, but can benefit you in the game).

April 18: Begin Constitutional Convention

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

Week 4

April 23: Continue Constitutional Convention

Issues: bicameralism and mode of election and term of office for Upper House (continued); mode of election and term of office for Presidency

April 25: Continue Constitutional Convention Game

Issues: mode of election and term of office for Presidency (continued); reelection, impeachment, veto power of President

Week 5

April 30: 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)

May 2: 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)

Week 6

May 7: Continue Constitutional Convention Game

Issues: Direct vs. proportional representation; most for determining population for representation (continued)

May 9: 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)

Week 7

May 14: 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)

May 16: Continue Constitutional Convention Game
Issues: procedures for amending and ratifying the Constitution
Interim report of Committee of Style and Arrangement

Week 8

May 21: Finish Constitutional Convention Game
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
May 23: Debrief

Week 9

May 28: No class
May 30: Debrief (continued) and Philadelphia, 1787
Reading: Berkin, *A Brilliant Solution*, pp. 68-168

Week 10

June 4: Ratification and the first president
Reading: excerpt from Berkin, *A Brilliant Solution*, pp. 169-210
June 6: 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

Tuesday, June 12: Final exam, 10:15-12:15
Thursday, June 14: Book summary due, 5:00