

Contemporary Legacy: The Federalist Papers

Overview

The republic in which we live today is vastly different—politically, socially, economically and culturally—from the one for which the founders wrote the Constitution more than two centuries ago. Still, students of American political thought have long contended that the ideas on which the Constitution was based remain relevant—indeed, that the republic has survived precisely because it was built on ideas that transcend political or economic changes. This course will explore that contention by reading the single largest repository of American political ideas—*The Federalist Papers*—through the lens of current events.

Readings

Each week, we will read (a) a section of *The Federalist* that discusses a given set of institutions or themes, as well as other primary and secondary sources as indicated, and (b) news accounts of a contemporary issue involving these institutions or themes. In each case, we will discuss such questions as: What assumptions (about American political culture, the nature and purposes of American government, human nature, etc.) do the papers/primary sources in question reflect? Do those assumptions still hold in today's America? If so, what does *The Federalist* tell us about the contemporary issue we are discussing? If not, why not, what difference(s) does that change make for our understanding of American political institutions?

The course will consist largely of discussion, so preparation is essential. The schedule below allots two course meetings to most major themes. Please complete the primary source readings before the first meeting. (For example, we will discuss the issue of republicanism on February 3 and February 5, so you should complete the assigned readings on that topic before the class meets on February 3.) I will distribute news accounts on contemporary readings as we go so that we are able to consider current events as they unfold.

The following required texts are available in the bookstore:

George W. Carey and James McClellan, eds., *The Federalist: The Gideon Edition*
Herbert Storing and Murray Dry, eds., *The Anti-Federalist* (abridged edition)
Alan Gibson, *Interpreting the Founding: Guide to the Enduring Debates Over the Origins and Foundations of the American Republic*

I will provide paper or electronic copies of readings not found in these texts. Please purchase the Carey/McClellan edition of *The Federalist* even if you already have another. It is relatively inexpensive, editions do differ substantively, and having the same edition/pagination will facilitate class discussions.

Schedule

1/8: Introduction

1/13 and 1/15: Overview

Massachusetts Body of Liberties; Declaration of Independence; Articles of Confederation; James Madison, "Vices of the Political Systems of the United States" (<http://press-pubs.uchicago.edu/founders/documents/v1ch5s16.html>); Constitution of the United States; Federalist 1, 20 and 37.

1/20: Inauguration Day/university holiday

1/22: Overview cont'd

Carey and McClellan, "Editor's Introduction"; Charles Kesler, *Saving the Revolution: The Federalist Papers and the American Founding* (introduction)

1/27 and 1/29: Major Interpretations

Gibson, *Interpreting the Founding* (entire)

2/3-2/5: Republicanism and Majority Rule

Federalist 9, 10, 14, 28, 39; Anti-Federalist: Brutus I, Patrick Henry's speech of June 4, 1788; Wilson Carey McWilliams, "Democracy and the Citizen: Community, Dignity and the Crisis of Contemporary Politics"; Martin Diamond, "Democracy and the Federalist: A Reconsideration of the Framers' Intent" (JSTOR)

2/10: CLASS WILL NOT MEET

2/12: Republicanism and Majority Rule cont'd

Charles Beard, *An Economic Interpretation of the Constitution of the United States* (selections); Robert Dahl, *Preface to Democratic Theory* (Chapter 1, "Madisonian Democracy"); Willmoore Kendall and George Carey, "The Intensity Problem and Democratic Theory" (JSTOR)

2/17-2/19: Separation of Powers

Federalist 47-51; Anti-Federalist: "Address and Reasons of Dissent of the Minority of the Convention of Pennsylvania"; James MacGregor Burns, *Deadlock of Democracy*, Chapters 1 ("Madison and the Strategy of Checks") and 2 ("Jefferson and the Strategy of Parties"); Carey, "Separation of Powers and the Madisonian Model: A Reply to the Critics" (JSTOR)

2/24-2/26 (**FIRST DISCUSSION PAPER DUE 2/24**): Congress (General Issues)

Federalist 10 (review) 33, 35, 41, 42; Anti-Federalist: Centinel I, Brutus V, Federal Farmer VII

3/3: **MIDTERM EXAM**

3/5: Congress (General Issues, cont'd)

Theodore Lowi, "The Public Philosophy: Interest-Group Liberalism" (JSTOR);
Cass Sunstein, *The Second Bill of Rights* ("Introduction")

3/10-3/12: Spring Break

3/17-3/19: Congress: The House

John Adams, "Thoughts on Government"; Federalist 52-57; Anti-Federalist:
Brutus III & IV, Melancton Smith's speech of June 20, 1788

3/24-3/26: Congress: The Senate

Federalist 62-66; Anti-Federalist: Brutus V (review) & XVI, Melancton Smith's
speech of June 25, 1788 (beginning on the bottom of page 335); A. Maurice Low, "The
Usurped Powers of the Senate"

3/31-4/2 (**SECOND DISCUSSION PAPER DUE 4/2**): The Presidency

Federalist 67-75; Alexander Hamilton, Remarks to Constitutional Convention,
June 18, 1787 (http://avalon.law.yale.edu/18th_century/debates_618.asp); James
Madison, Helvidius I (http://press-pubs.uchicago.edu/founders/documents/a2_2_2-3s15.html)

4/7: Presidency (cont'd)

American Bar Association, Task Force on Presidential Signing Statements
(http://www.abanet.org/op/signingstatements/aba_final_signing_statements_recommendation-report_7-24-06.pdf)

4/9: Easter Break

4/14-4/16: The Judiciary and the Bill of Rights

Federalist 78-84; Anti-Federalist: Brutus II, XI-XV, Federal Farmer XVI

4/21-4/23: Federalism

Federalist 9 and 39 (review), 44-46; Anti-Federalist: Brutus I (review) and VI,
Pennsylvania Minority (review); Martin Diamond, "The Federalist's View of
Federalism"

4/26 (**THIRD DISCUSSION PAPER DUE**): Wrap-up and Reflections