

COURSE OUTLINE

1. Course Number and Title: Govt4201, Origins of the Constitution

Prerequisites: Hist4101, U.S. History to 1800

Credits: 3 Hours

2. Course Description: Origins of the Constitution, Government 4201, addresses the origins of the United States Constitution and American constitutionalism. The course delineates both the ideals as well as the practical considerations that shaped this unique document. Beyond these ideals and practicalities, however, committed interests fueled the discussions at the Philadelphia Convention, a thorough analysis of which is central to the course's discussions. The outcome of the convention was a spare but deft management of all these pressures. The U.S. Constitution became not only the backbone for this nation's but arguably Western civilization's concept of rule of law under a genuinely republican regime.

The course is based on the primary text, *Liberty, Order, and Justice* by James McClellan, as well as four other secondary sources. The McClellan text provides contextual information about this formative period during the American Founding. Students will also participate in online discussions covering these texts and debates during the Philadelphia Convention.

3. Course Goals: Students will analyze and evaluate how ideals about liberty, order, and justice were grounded in a political formula for organizing a functional and just government, which operated according to an evolving body of law. They will be able to trace contemporary arguments about what constitutes the "rule of law" back to their original concepts and how they were debated during the Convention. Finally, they will identify the qualities of character among the Framers that inform American models of public leadership and civic virtue.

4. Course Outcomes: Students will accomplish the following:

1. Identify and evaluate the political concepts drawn from the Greek, Roman and English philosophies that lead to a philosophical defense of the U.S. Constitution, particularly as it evolved from the Articles of Confederation.
2. Compare and contrast the American and French Revolutions.
3. Describe and explain the origin and development of representative government and constitutionalism in the American colonies as a result of the colonies' own peculiar experience.
4. Differentiate between the kinds of liberty versus equality that were available to States and citizens under the Articles of Confederation. Differentiate between the kinds of liberty versus equality that were available through the Constitution with the Bill of Rights.

5. Analyze the various political positions of nationalists and States rightists as seen in their arguments for and against a strong central government as a replacement for the “federalism” of the Articles of Confederation; and the compromises they made to accommodate each other’s interests.
6. Justify how the American version of federalism evolved.
7. Enumerate the specific constitutional restrictions that provide for the “checks and balances” between the “separated” powers of government and the limited power afforded government in protecting individual and States’ rights.
8. Evaluate the accuracy of the observation that the American Constitution was a “revolutionary document” by reference to the Federalist Papers and the Anti-Federalist Papers.
9. Describe and analyze the importance and the means of constitutional interpretation occurs in a tripartite government that is based on a democratic republic.

5. Course Concepts:

1. The Greek, Roman, and English philosophical and political influence
2. Edmund Burke, Edward Coke, Francis Bacon, William Blackstone, John Locke, Algernon Sidney, Montesquieu
3. The Stamp Act, the “Ship Money Case”
4. Declaration and Resolves of the First Continental Congress (1774), Declaration of Independence, Preamble to the Declaration of Independence, The Articles of Confederation,
5. Federal Convention in Philadelphia, the Framers, the Virginia Plan, the New Jersey Plan, Connecticut Compromise, Three-Fifths Compromise, the Constitution, the Bill of Rights
6. Confederation, Federalism, Federalists, States’ Rights, Anti-Federalists, The Federalists Papers, The Anti-Federalist Papers
7. Democratic republic, separation of powers, checks and balances, independent judiciary, supremacy clause
8. Constitutional interpretation and amendment

6. Required Texts:

McClellan, James. *Liberty, Order, and Justice*, 3rd edition. Indianapolis: Liberty Fund, 2000. ISBN: Paperback 0-86597-256-7. \$12.00; also, see, <http://tinyurl.com/yjdtsej> By agreement with the author, *Liberty, Order, and Justice* is provided in IZIO at no cost to students enrolled in Govt4201. However the paperback version published by Liberty Fund is a good addition to your professional library.

Jonathan Elliot's "Debates in the Federal Convention of 1787 as Reported by James Madison," edited by James McClellan and M. E. Bradford. Richmond: James River Press, 1989. ISBN: 0-940973-04-9. \$45.00 by request to registrar@yorktownuniversity.edu

7. Recommended Reading (Located in Resources in IZIO)

Additional Web Content: <http://teachingamericanhistory.org/convention/intro.html>

8. Resources (Located in Resources in IZIO)