

[Draft]

## MLS 586 -- The American Constitutional Experience

Summer 2023

Professor Evan Oxman

Meetings: Friday 8:30-1:00 PM, Lake Forest College

Email: oxman@lakeforest.edu

**Course Description/Overview:** While many Americans note with some satisfaction that our Constitution is the oldest written governing national charter still in operation, there are a rising number of scholars and citizens of diverse political persuasions who argue and worry that our constitutional order is dangerously close to rupture. In this course, we seek to examine the American constitutional experience from as broad a lens as possible (including via film and literature) in order to assess its legitimacy. By examining previous historical moments of crisis and rupture, we will seek to glean lessons and/or gain context from the past. We will also try to assess the efficacy of our current constitutional arrangements by considering what reforms, if any, are necessary to solve our most pressing problems. Given that high-quality civics education is often put forward as one such solution, we will consider what our role as educators should be in transmitting and communicating our constitutional traditions and cultures to future generations.

Besides having rich substantive discussions, we will also take time to consider the best and most effective pedagogical techniques you might use in your own classroom when teaching these materials.

The course will meet in person every other Friday beginning June 16. During weeks where we do not physically meet, we will be discussing the material online via forums set up on Moodle.

**Required Texts/Films:** All of the course readings/films will be posted electronically on Moodle. Given the importance we will attach to closely examining the cases in question, you are required to bring them with you to class. (While I admit to having a preference for hard copies, having them accessible via laptop or tablet is sufficient.)

### **Grading Metric:**

Class Participation (Physical): 25%

Class Participation (Virtual): 25%

Curriculum Project/Research Paper/Presentation: 50%

*Participation (Physical):* It is important you come to class having done the reading and ready to critically discuss the material with your classmates. While being vocal is important, so is being respectful and attentive to others. Responding to others' points by name is the best way to build a genuine conversation. Because we are discussing politics, it is possible that the conversation may get heated at times. I think it is healthy to engage with the arguments of others, especially those whom we disagree with, but being respectful and charitable are equally important.

*Participation (Virtual):* During the weeks we are not meeting, you will be required to post a minimum of 3 comments on the forums set up on Moodle. While I will not be counting words, each comment should roughly be a short paragraph in length. In addition to responding to the question(s) I pose, you are strongly encouraged to directly respond to the comments and/or questions posted by your classmates. My hope is that we will be able to continue the conversations we have in the classroom in an online setting. Forums dedicated to both substantive discussion of the material as well as pedagogical tactics will be created.

*Curriculum Project/Research Paper/Presentation:* There are two options for your major assignment for the course: (1) a project where you and other members of a small group develop some kind of curriculum for your own high school course(s). Options include creating a new course and/or designing new lesson plans for an already existent course. (2) a 25 -30 page paper on a topic of your choosing subject to instructor approval. Regardless of whether you choose option (1) or (2), you will be required to present your work to the class at the end of the semester.

### **Course Schedule:**

(Dates that are bolded represent our in-person meetings at Lake Forest College).

### ***History and Historiography of the Founding***

- 6/16:** (1) Excerpts from Federalist Papers and Anti-Federalist writings;  
(2) Tulis and Mellow, *Legacies of Losing in American Politics* (excerpts)  
(3) Bernal, *Beyond Origins: Rethinking Founding in a Time of Constitutional Democracy* (excerpts)

**6/23:** The 1619 Project and its Replies

### ***Sovereignty***

- 6/30:** (1) Fritz, *American Sovereigns: The People and America's Constitutional Tradition Before the Civil War* (excerpts)  
(2) Excerpts from the writings of John C. Calhoun and Daniel Webster  
(3) Excerpts from *Dred Scott*  
(4) Beer, "Liberty and Union: Walt Whitman's Idea of the Nation"

- 7/7:** (1) Zakaras, *The Roots of American Individualism* (excerpts)  
(2) Washburn, *Red Man's Land White Man's Law: Past and Present Status of the American Indian* (excerpts)

### ***Representation***

- 7/14:** (1) Norton, *Republic of Signs: Liberal Theory and American Popular Culture*  
(2) *The Man Who Shot Liberty Valance* [film]  
(3) *Nixon* [film]

7/21: TBD

### **Constitutional Change/Reform**

**7/28:** (1) Balkin, “How Social Movements Change (Or Fail to Change) the Constitution  
(2) Strauss, “The Irrelevance of Constitutional Amendments”  
(3) Stevens, *Six Amendments: How and Why We Should Change the Constitution*

**8/4:** Presentations