

**Princeton University
Department of Politics**

**POL 316 – Civil Liberties
Spring 2013**

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MW, 1:30-2:20 pm
001 Robertson Hall
office hours: by appointment via online scheduler

Preceptor: Sean Beienburg (sbeienbu@princeton.edu)

This course will examine how the United States has grappled with limits on government power. The course will survey the rights of individuals and the justifications for the use of force from the founding period to today. We will examine how the U.S. Supreme Court has interpreted the Constitution over time to define and enforce rights, but we will also be interested in how other courts and political actors have argued about, imagined, and tried to effectuate limits on government power.

The class is particularly concerned with thinking about American constitutionalism from a political perspective. Rather than abstracting constitutional law into ahistorical doctrines, we will situate constitutional debates within the political, social and intellectual environments within which they occur. We will be interested not only in the major decisions of the U.S. Supreme Court but also the debates and decisions that occur within the Court, Congress, the executive branch, the states, and the larger public sphere. In keeping with that goal, the material is arranged chronologically, rather than thematically. Hopefully as a result, we will see familiar issues in a new light, encounter unfamiliar issues that have been pushed into the background, and attend to the processes by which constitutional claims are asserted, contested, and settled.

Materials:

All readings are in Howard Gillman, Mark Graber, and Keith Whittington, *American Constitutionalism, vol. 2, Rights and Liberties*, which is available for purchase at Labyrinth.

Some additional readings will be available on the Blackboard course website.

Precepts:

There are three available precept times. Precepts are a required component of the class, and you must sign up for and regularly attend a precept. Regularly attending a precept is a necessary but not a sufficient condition for a passing grade in the participation component of the class. Participation in the precept constitutes a fifth of your grade in the class.

You will be expected to have at least skimmed that week's reading by the time of the first class meeting of the week. You should be prepared to engage in active discussion of the materials during class lecture period. You will be expected to have thoroughly, carefully and thoughtfully read that week's materials by the time of your precept. You should arrive at the precept not only with your own questions about that week's lectures and materials, but also without your own thoughts and about both the substantive issues involved in those materials and the more general issue of how they shed light on the

workings of American constitutionalism. The preceptor may identify particular readings of special interest for the next precept.

Unless otherwise noted, the first meeting of the precepts will be in

week 2. Requirements:

The requirements of the course include both written and oral components. To obtain a passing grade for the course, a student must fulfill **all** the course requirements. Thorough preparation for, and faithful attendance at, lectures and precepts is among those requirements. In particular, you will be expected to arrive at precepts fully familiar with the assigned material and prepared to discuss the issues and concepts raised that week. Participation in precept will constitute a fifth of your grade.

You will be required to complete three written assignments, consisting of one simulation paper, one midterm take-home exam, and one final exam. The take-home midterm will be made available on the course website at 5:00 pm on Monday, March 11 and will be due in Blackboard at 5:00 pm on **Thursday, March 14**. The final exam will be at the time and place designated by the Registrar's Office. The quality of your writing will be a factor in determining your grade on the written assignments. The take-home exam will be penalized one full letter grade if it is handed in after 5:00 pm but before 9:00 pm on the due date. Exams will not be accepted after 9:00 pm on the due date.

The simulation will take place in precepts during week 5. The simulation exercise will be posted on the course website during week 4. A short paper (3-5 page paper) derived from the simulation exercise will be due in class on **Monday, March 11**.

The lectures are designed to supplement and complement, but not to simply repeat, the readings and the discussion in precept. Likewise, the precepts will complement, and not simply repeat, the subjects covered in lecture. Everything covered in the readings, the lectures, and the precept discussions is eligible for inclusion on the exams.

Your grade for the course will be calculated using the following

formula: Simulation Paper 5%
Midterm 35%
Final Exam
40%
Participation
20%

You may appeal any written grade within two weeks of receiving it. In order to appeal a grade, submit a copy of the exam and a short (500 words) written statement as to what error you think was made in your initial grade. A different preceptor will then grade your paper from scratch. The new grade may be **either higher or lower** than the original, and will be final.

The grading is standardized across precepts. Your final grade will not be affected by which precept you attend, though your preceptor has first responsibility for grading your work.

Schedule:

Introduction

Week 1: Constitutionalism and the Tradition of Liberty

Chapter 1
Chapter 3, pp. 81-102

Early Republic

Week 2: Forming the Republic (Speech and Religion)

Chapter 3, pp. 113-118
Chapter 4, pp. 145-148, 164-170, 172-178
Blackboard Week 2 readings

Jacksonian Era

Week 3: Rethinking Democracy (Race and Religion)

Chapter 5, pp. 211-216, 229-234, 239-245, 248-261
Blackboard Week 3 readings

Week 4: Property and Personal Liberty

Chapter 4, pp. 148-151, 154-157, 158-164
Chapter 5, pp. 220-222, 226-229, 234-237
Blackboard Week 4 readings

War and Reconstruction

Week 5: War and Martial Law

Chapter 6, pp. 281-285, 303-307, 312-316, 344-352
Blackboard Week 5 readings

Week 6: New Foundations (Race and Gender)

Chapter 6, pp. 285-300, 324-341
Blackboard Week 6 readings

Spring Break

Constructing the Modern State

Week 7: Liberty and Property

Chapter 7, pp. 357-363, 372-376, 386-406
Blackboard Week 7 readings

Week 8: Democratic Struggles (Speech, Religion, Race and Gender)

Chapter 7, pp. 379-383, 407-413, 419-427, 447-450, 455-458
Blackboard Week 8 readings

The Rights Revolution

Week 9: Reorienting the Court (Property, Speech, and Liberty)

Chapter 8, pp. 479-488, 490-500, 511-521, 531-538, 549-558

Chapter 9, pp. 657-662

Blackboard Week 9 readings

Week 10: New Constituencies (Race, Gender, Religion)

Chapter 8, pp. 521-528, 577-600

Chapter 9, pp. 648-653, 689-702, 704-712

The Modern Era

Week 11: Religion, Liberty and War

Chapter 10, pp. 760-778, 782-794

Chapter 11, pp. 919-922, 934-942, 1047-1052

Blackboard Week 11 readings

Week 12: Speech, Race, and Gender

Chapter 10, pp. 744-747, 795-803

Chapter 11, pp. 958-967, 995-1008, 1010-1016

Blackboard Week 12 readings