

George Mason University School of Law
Law & Economics Center

INSTITUTE ON THE CREATION OF THE
AMERICAN REPUBLIC
FOR JUDGES

November 12 – 18, 2005

AGENDA

SUNDAY, AM, November 13

8:30 a.m. – 12:00 noon **CLASS I: Professor J.C.D. Clark**

Department of History
Kansas University

Topic: The Ancient Regime: Sovereignty and Federalism

Assignment: Part I:

Kenyon, *The Stuart Constitution 1603-1688* (2nd ed. Cambridge University Press, 1986):

“The Nineteen Propositions”, pp. 222-226;

“The King’s Answer to the Nineteen Propositions”, pp. 18-20.

Hunton, *A Treatise of Monarchy* (1643), Gardner, ed., (Thoemmes Press, 2000), pp. 37-44.

Filmer, *Patriarcha and Other Writings* (1648), Sommerville, ed. (Cambridge University Press, 1991):

“The Anarchy of a Limited or Mixed Monarchy”, pp. 132-33, 135-37, 139-43, 148-51.

Part II:

Locke, *Two Treatises of Government* (1689), Laslett, ed. (2nd ed., Cambridge University Press, 1967):

“Second Treatise”, §§ 22-23, 89, 96-97, 132, 149, 151, 242.

Blackstone, *Commentaries on the Laws of England* (1765-69), (4 vols., Clarendon Press, 1765-69), vol. 1, pp. 39, 43, 47-52, 104-05, 122-23, 149-51, 156-57, 237-38, 243-44, 411-12.

Johnson, *Political Writings* (1775), Greene, ed., (Yale University Press, 1977):

“Taxation No Tyranny”, pp. 422-27, 436-37.

Part III:
Kurland & Lerner, eds., *The Founder's Constitution*, (4 vols.,
Chicago University Press, 1987):
Vol. I, ch. 7, nos. 6,8,10,20,28;
Vol. I, ch. 8, nos. 3-4, 8, 12-13, 16-17, 21, 27, 32, 36-38, 41.

MONDAY, AM & PM, November 14

8:30 a.m. - 12:00 noon **CLASS 2: Professor Thomas L. Pangle**
Department of Government
University of Texas

Topic: Montesquieu and Locke

Assignment: Locke, *Of Civil Government*, Ch. II-XI, XVIII;

Montesquieu, *The Spirit of the Laws*:
Book 2, ch. 1-2,4;
Book 3, ch. 1-3, 7-9;
Book 5, ch. 1-4, 6;
Book 9, ch. 1-3;
Book 11, ch. 1-6, 20;
Book 12, ch. 1-4, 27.

1:00 p.m. – 4:30 p.m. **CLASS 3: Professor Jack P. Greene**
Department of History
Johns Hopkins University

Topic: The Experience of Self-Government

Assignment: Introductory Readings (4 pages);

An American, *An Essay upon the Government of the English Plantations on the Continent of America*, (London, 1701);

Drummer, *A Defence of the New-England Charters* (London, 1721);

Dulaney, *The Right of the Inhabitants of Maryland to the Benefit of English Laws* (Annapolis, 1728);

Smith, *Opinion Humbly Offered to the General Assembly of the Colony of New-York* (New York, 1734).

TUESDAY, AM, November 15

8:30 a.m. - 12:00 noon CLASS 4: Professor Michael Novak
American Enterprise Institute

Topic: The Forgotten Founders and the Role of Religion

Assignment: Muñoz, Vincent Phillip. *Religion and the Common Good: George Washington on Church and State. The Founders on God and Government.* Rowman & Littlefield: Lanham, MD, 2004. pp. 1-22;

Novak, Michael. *Washington's Public Prayers. George Washington's God.* Basic Books: New York, 2006;

Morrison, Jeffrey H. *John Witherspoon's Revolutionary Religion. The Founders on God and Government.* Rowman & Littlefield: Lanham, MD, 2004. pp. 117-146;

Novak, Michael. *Jewish Metaphysics at the Founding. On Two Wings: Humble Faith and Common Sense at the American Founding.* Encounter Books: San Francisco, 2003. pp. 3-24;

Novak, Michael. *How Did the Virginians Ground Religious Rights? On Two Wings: Humble Faith and Common Sense at the American Founding.* Encounter Books: San Francisco, 2003. pp. 125-142;

Witte, John Jr. *One Public Religion, Many Private Religions: John Adams and the 1780 Massachusetts Constitution. The Founders on God and Government.* Rowman & Littlefield: Lanham, MD, 2004. pp. 23-52.

WEDNESDAY, AM, November 16

8:30 a.m. - 12:00 noon CLASS 5: Professor James R. Stoner
Department of Political Science
Louisiana State University

Topic: Blackstone and Liberty

Assignment: Blackstone, *Commentaries on the Laws of England (1765-69):*
Introduction, §§ 1-3;
Book I, ch. 1-2, 7, 14;
Book II, ch. 1;
Book III, ch. 17;
Book IV, ch. 1, 29, 33.

THURSDAY, AM & PM, November 17

8:30 a.m. - 12:00 noon **CLASS 6: Professor John Alvis**
Department of English
University of Dallas

Topic: Republican Virtue: Plutarch

Assignment: Plutarch, *Marcus Brutus*, 33 pages;
Plutarch, *Marcus Cato*, 29 pages;
Polybius, *Rome at the End of the Punic Wars*, 8 pages.

3:00 p.m. – 6:30 p.m. **CLASS 7: Professor Gordon Wood**
Department of History
Brown University

Topic: A Summing Up

Assignment: Wood, "Interests and Disinterestedness in the Making of the
Constitution", from Beeman, Botein & Carter, eds., *Beyond
Confederation: Origins of the Constitution and American National
Identity*, (University of North Carolina Press), pp. 69-109.

Background Reading: Wood, *The Radicalism of the American
Revolution*, (Vintage, 1991).

FRIDAY, AM, November 18

7:45 a.m. End of Program and Departure