

# POLITICAL AND CONSTITUTIONAL THEORY FOR CITIZENS

2017 NEH SUMMER INSTITUTE FOR TEACHERS



NATIONAL ENDOWMENT FOR THE  
**Humanities**



## We the People

National Academy for Civics & Government

**July 8–29, 2017**

**Occidental College**

**Los Angeles, California**

An intensive, three-week professional development program on the U.S. Constitution and Bill of Rights for public and private high school, middle school, and upper elementary educators throughout the United States

Funded by the National Endowment for the Humanities and the Center for Civic Education

The Center for Civic Education is pleased to announce a three-week NEH Summer Institute/National Academy for Civics and Government for educators from public and private high schools, middle schools, and upper elementary schools to be held in Los Angeles. The Institute, through a grant provided by the National Endowment for the Humanities, will provide 25 Americans the opportunity to engage in serious study and seminar-style discussion of basic ideas of political theory, the principles of the founding of the Constitution of the United States, and the values of American constitutional democracy. As many as five international educators (funded from other sources) may be included.

Participants will study major works of classical political theory, including Aristotle's *Politics*, Cicero's *Republic*, Hobbes's *Leviathan*, Locke's *Second Treatise*, as well as *The Federalist*, Antifederalist writings, and U.S. Supreme Court opinions. Educators will discuss the challenges of teaching this material and of meeting the goals of the Center for Civic Education's We the People programs, the *National Standards for Civics and Government*, and *RES PUBLICA: An International Framework for Education in Democracy*. The academic director of the Institute/Academy is Professor Will Harris of the University of Pennsylvania, who was the founding director and former principal scholar of the Center for the Constitution at James Madison's Montpelier. Professor Harris writes and teaches in the field of constitutional studies and democratic theory.

Professor Harris will serve as the lead faculty member of the NEH Summer Institute. Two or three additional faculty will also participate to provide a sense of scholarly interrogation into the National Academy themes from different perspectives, including Retired Justice Sue Leeson of the Oregon Supreme Court and Kevin Ryan of the Vermont Bar Association, who have a long reputation for working with teachers in the Center's professional development programs. Three preceptors (master teachers) will assist Professor Harris and will participate in seminar discussions.

**Applications are due March 1, 2017 with notification of acceptance on March 31, 2017.**



Readings, discussions, and lectures for this NEH Summer Institute will be organized around four connected themes:

- POLITICAL THEORY**—The Nature of Political Order.  
*The exploration of basic concepts that are essential for thinking seriously about community, politics, and government and their proper roles in our lives. What is civic life and what is its relationship to liberty and private life? What is politics, and what are its relationships with public authority and the purposes of government? What are the distinctive characteristics of a system of constitutionalism? Overall, what is the connection between human intellect and political order? Readings include selections from Aristotle, Cicero, Thomas Hobbes, and John Locke.*
- CONSTITUTIONAL THEORY**—The Design of a Good Polity.  
*An examination of the foundations of the American political system and the translation of constitutional principles into the design of this nation's political institutions. The major works studied will be the *Federalist* and Antifederalist writings, understood as two competing paradigms of constitution-making and good government.*
- DEMOCRATIC THEORY**—The Character of Popular Self-Government.  
*An understanding of some major themes associated with a rigorous conception of democracy, along with an examination of specific characteristics of the American version of democracy as it has developed since the constitutional Founding. Discussions will be organized around the consensus documents of the National Standards for Civics and Government and RES PUBLICA: An International Framework for Education in Democracy, as well as cases from the United States Supreme Court on political participation, freedom of expression, and equal protection.*
- INTERPRETIVE THEORY**—The Inquiry into Constitutional Meaning.  
*A focus on constitutional interpretation broadly conceived as a core duty of citizenship, but including judicial and other official interpretations of the Constitution. Theories of how the Constitution should be interpreted and the larger meaning of "constitutional citizenship" in the American political system will be considered. Readings include Edward S. Corwin's *The Higher-Law Background of American Constitutional Law*, as well as selections from contemporary constitutional theorists and from the casebook by Walter F. Murphy et al., *American Constitutional Interpretation*.*

For an outline of themes and readings, see "Course Outline" for the 2015 NEH Summer Institute/National Academy. The 2017 Course Outline will be similar.

Sessions will be conducted in the mornings and afternoons with some evening activities. A mixture of formal lectures and discussions in the morning will be followed by afternoon seminars in which the NEH Summer Scholars will discuss the assigned readings. Some of the afternoon sessions will focus on developing graphic designs for communicating political concepts and constitutional principles. While the emphasis of the Institute is academic rather than pedagogical, several afternoon seminar group meetings will focus on teaching this body of material, with some emphasis on the Center for Civic Education's programs in the United States and abroad. Responsibility for leading some of the afternoon seminars will rotate among participants and Institute teaching staff. NEH Summer Scholars are expected to take part in a rigorous seminar-style academic environment through analysis of readings, discussion of ideas, and writing their own interpretations.

Following the Institute, each participant will be expected to organize and/or participate in 10 hours of activity related to the Institute's substance. Such in-service activities may involve the organization and presentation of an in-service program related to the Institute's contents. Examples may include classroom instruction of the We the People curriculum, participation in a simulated congressional hearing, or facilitation of student preparation of a Project Citizen portfolio. For a sample of the NEH Summer Institute schedule from 2015, see "[National Academy Agenda](#)."



#### FURTHER INFORMATION

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Calabasas, CA 91320  
800.350.4223  
[www.civiced.org](http://www.civiced.org)

[johncce@aol.com](mailto:johncce@aol.com)

The NEH Summer Institute will be held at Occidental College in Los Angeles, located between the city's historic Eagle Rock and Highland Park neighborhoods.

The National Endowment for Humanities offers each participant a stipend of \$2,700 for expenses associated with the Institute. The Occidental College package of lodging and selected meals will cost \$2,300. The remainder will be provided to the participant for travel and incidental costs. Participants will be responsible for the arrangement and costs of their own travel. Costs for the Occidental College accommodations package will be deducted from the NEH stipend.

Weekdays during the NEH Summer Institute/National Academy program will be fully scheduled, with required activities taking place from morning through evening. A crucial aspect of the program is the cultivation of an intellectual community; therefore NEH Summer Scholars are strongly urged to live on campus. This option is especially appropriate considering the costs of accommodations and the challenges of transportation in Los Angeles.

Each participant will also be given a small library of books (worth more than \$250) used in the Institute. Participants will be designated "NEH Summer Institute Scholars" of the Center for Civic Education. Three hours of graduate credit in political science or history will be available through an accredited university for those who choose to pay tuition and submit written work for review.



Center for  
Civic Education



NATIONAL ENDOWMENT FOR THE  
Humanities

November 22, 2016

**Dear Colleague,**

The Summer Institute on “Political and Constitutional Theory for Citizens” has a well-established history going back to 1997. The NEH-funded program for the summer of 2017 will be the 16th time I have offered it over that period, so it has about as much longevity as any of its kind. Not surprisingly, the program has developed some traditions and a distinctive style, even though it evolves with the experience of each year. I am thinking you might want some background on it.

The Center for Civic Education had, for many years before, offered a very successful similar program taught by its perceptive and ironical associate director, Duane Smith, one of the Center’s founders, who taught political theory at UCLA. When he died in late 1996, I inherited the responsibility of directing the Institute and sustaining the burden of his reputation as a serious teacher of teachers. After conducting the program according to his plan in 1997, I reframed and renamed the Institute, and (in California style) I staked the claim that it would be a “National Academy for Civics and Government,” with the intent that the program might provide teachers with background knowledge for the *National Standards* in this field, which had been published by the Center for Civic Education in 1994.

### **Intellectual Strategy of the Program**

With its four interlocking and nested parts—POLITICAL THEORY, CONSTITUTIONAL THEORY, DEMOCRATIC THEORY, and INTERPRETIVE THEORY, moving from the abstract to the practical—the National Academy aims to provide participants who are, or would like to be, teacher-scholars with much more than materials that they can teach. Teacher-scholars need to be sources and creators of knowledge, not just transmitters of information provided by others. I have always worked under the assumption that a top-rate education provides what Woodrow Wilson (as president of Princeton University) called “surplus of knowledge.” And so the style of this program is to cultivate more understanding and conceptual mastery than you ever thought you would need. Just think, by the way, how often one of your students may ask you a question—simple enough, you might think at first—that taxes the full domain of your knowledge. I have often critically characterized an alternative approach to professional development as “portion control,” in which instructors attempt to supply you with only what they think you need and in just the form in which you should teach it—and, *efficiently*, no more.

The goal of the National Academy’s curriculum is to cultivate what I have called “Maker’s Knowledge,” in contrast to “User’s Knowledge,” in what I believe is the most crucial human inquiry: *how to establish and maintain a well-ordered community*. This inquiry involves basic questions of Justice and Order, Authority and Community, Liberty and Knowledge. It is the preoccupation of the classical political theorists and of all conscientious constitution-makers. It seems clear to me that the Constitution of the United States—with its “Preamble” written in the perpetual present tense, where “We do...ordain and establish...”—is still in the process of being made by its People. What an authentic constitutional order adds to a conventional governmental regime is the power of its people to make and remake the fundamental system. Our Constitution has no authority if that power is not available.

But owning the power and having the capacity to use it are two different things. For the past 19 years, as I have extended my direct teaching beyond the university to a few thousand teachers and more than a thousand senior federal executives, my efforts have been geared toward developing the special sort of knowledge we identify with *makers* as contrasted with *users*. The idea behind this approach is that creativity is the essence of what it means to think and act—and, more particularly, even if we should not make and remake all the time, we will be a lot better at faithfully using and sustaining something if we know how it was made, especially when it comes to Constitutions. While I served as founding director of the Center for the Constitution at James Madison’s Montpelier, I would often say: The Constitution was made for an “intelligent people” (as John Jay wrote); and teachers in this field are, therefore, the chief constitutional officers of this ambitious American project.

The most significant course I have developed at the University of Pennsylvania is a freshman seminar called “Constitution-Making.” Ultimately, its many students over the years have realized that it was really a course on creativity. But fundamentally constructive thinking of this sort does not very effectively occur when someone pulls away and just cogitates really hard about some problem or simply articulates a vision. We need to study—really *study*—fine examples of creativity by others, and then possibly move deeper or move beyond. From my point of view, only the finest works of literature and art come close to revealing the transformative imagination that can be experienced in the greatest works of political theory. Like literature and art, its agenda is to produce worlds, not just things. And in this case, when given constitutional form, these are worlds that we can not only imagine but walk around in knowledgeably and live in happily.

At least as important: These ideas about making the world are the proper domain of regular people—not only experts and visionaries—because constituting them as real-worldly conditions has the practical effect of constructing the political space that actual human beings inhabit. Thus: Political and Constitutional Theory... *for Citizens*. That's us. And if *knowledge of theory is knowledge for citizens*, it has to be first-class knowledge—unless we have a watered-down conception of citizenship in this ambitious constitutional order we have named the United States.

I will be the lead faculty member throughout the program, but there will be additional presentations from a few other academic scholars with well-established reputations for their ability to convey sophisticated theoretical understandings in professional development programs for teachers. These presenters will offer counterpoint and supplemental views within the main themes of the course. Their sessions are not intended to be debates but to offer different perspectives on the materials and approaches—illustrating, I hope, the still lively and, at times somewhat disputatious, discourse of moderation so fittingly in service to the principles of constitutionalism.

## Reading Primary Sources

It may be useful for you to know how we approach these classic works of political and constitutional theory. There is a lot of reading in the course, and it will be most meaningful and useful if it is read in the course of our three weeks. Let's face it: Some of these works may not seem all that exciting when you read them on your own, especially if you are not used to reading this sort of material in bigger doses. But, when you are working out meanings together with others who have the same purpose, that's another thing. On a number of occasions, we have been delighted to hear of puzzled looks garnered by our participants on an airplane to Los Angeles when they were found to be reading Aristotle's *Politics*. But that is nothing like the thrill of hearing about even stranger looks from even stranger persons when a few of our NEH Summer Scholars might be observed reading Thomas Hobbes's *Leviathan* during those few moments when they can get away to Venice Beach on a weekend.

Please keep in mind: This theory is *for Citizens*. It was and is *for* them in the first place. Consider the force of that preposition, "for." Our plan will not be to engage and assess standard academic commentary on these works, which often has the effect of imposing a filter to keep a reader from thinking about the work itself. We will not be setting up the scholarly experts to have their own mock debates over the meaning and importance of these texts. Our focus will not be on evaluating the works for what we approve or disapprove, or on deciding whether we like or dislike the authors, but on seeking out the conceptual legacy and theoretical capital that constitution-makers or constitutional interpreters like our founders or ourselves might profitably use in building and securing a better world. What are they *for*? Like Plato, James Madison believed that *bad ideas make bad worlds*—along with the reverse of this proposition. That means we will be looking for good ideas. Ideas that were, or can be, used to *make* something important. Our query will be: "What would the world look like if your ideas were true?" Then we can decide whether we want to live in it, just as *The Federalist Papers* propose their new world. Who knows (but I do hope), we may find something new—or see what was always there, in a new way.

We will be attempting to give substance to the American constitutional order's distinctive tandem for a new, composite character: *founder-leader-citizen*—where each of us is supposed to rotate among the roles. What sort of intelligence do we need to cultivate, in ourselves and in our students, in order to sustain that model? Consider, for a moment, just how differently your students engage in making something that engages their passions and their minds, just as our constitutional Founders did—instead of simply having to remember and apply something given to them in an information-transfer process, as if they were mere consumers of data or doctrines. Ultimately, one key function of a real *Constitution* is to mediate such a *founder-leader-citizen* enterprise, connecting and thereby reinforcing all of the roles.

## The Original Constitution of the 1780 and the New Constitution of the 1860s

On June 10, 2015, the U.S. Senate passed a resolution commemorating the "Second Founding" of the Constitution of the United States, focusing on the ratification of 150th Anniversaries of the Thirteenth, Fourteenth, and Fifteenth Amendments. There are enticing questions arising from whether the Civil War Amendments amount to a correction and/or revision of the Original Constitution of the 1780s (sometimes referred to as the Madisonian Constitution) or an entirely New Constitution from the 1860s (justifying the Senate's designation of a Second Constitutional Founding). It is also possible to think of the Declaration of Independence and the associated republican charters of the initial thirteen states as the First Founding of the United States—making the constitutional regeneration that was projected after the Civil War, in effect, the Third Founding. Using the ideas that we will have developed from the materials and themes of the Summer Institute, we will inquire into the profound questions of constitutional redemption, vindication, and transformation that are posed by the relationships among these foundings and constitutional orders.

## Thinking Spatially and Graphically

If political and constitutional theories make worlds, then our typical focus on two-dimensional texts is not enough to understand how they might be projected into three- or four-dimensional realization. Over the years, the National Academy has come to rely on increasingly elaborate graphic charts to display the logic and structure of political ideas. These are introduced as we work through the texts, and some of them may be developed on the spot.

You are most likely aware of the evolving emphasis on graphic and spatial thinking that is currently developing to supplement verbal strategies of learning and communicating. For the 2017 NEH Summer Institute, we will be devoting a good number of our afternoon sessions to assessing, interpreting, and constructing examples of thinking-in-color and imagining-in-space. The goal will be to link word and image: "Picture the Thought."

## **Morning, Afternoon, and Evening Sessions**

Each morning will be taken up with a formal presentation, followed by a separate session with the whole group for discussion, questions, and counterpoints.

During the afternoons, the three “preceptors” (a title that Woodrow Wilson picked to mark a new sort of teaching for constitutional citizens and leaders) or master teachers will coordinate some of the work sessions for smaller groups on the graphics project, and I will coordinate some plenary meetings as well. For other afternoon meetings, the preceptors will focus on analyzing and developing material from the morning sessions. A third kind of afternoon meeting with the preceptors will engage participants in constructing approaches and applications for teaching their own students along lines of the themes and strategies of the National Academy.

The program is planned for the entire day each of the weekdays, and we hope that you will spend a good portion of the weekends doing the reading and reflecting, often in the company of your colleagues. Some of the evenings, as well, will be devoted to your own reading. But, for at least one evening each week, there will be a formally scheduled session on reading theoretical texts, with a specific text in focus.

## **Writing Project and Final Exercise**

During the second week, each NEH Summer Scholar will be required to produce a work that rewrites a particularly meaningful section of one of the classic texts (of his or her choosing) according to several different strategies. Options for strategies will be provided, and participants can create others. Later in the week, the different renditions of the original text will be exchanged in small consultation groups for interpretation and discussion, but not critique.

During the third week, the NEH Summer Scholars will be organized into four or five groups that choose one from a list of structured questions as the basis for preparing a presentation, using the materials of the course, for an academic hearing scheduled for the final day of the program.

## **Creating a Learning Community**

As you can see, the goals of the National Academy are ambitious and the life of the program is intense. The demands are substantial, not only for personal endeavor, but also for collegial engagement. It is the community itself that inquires into these important matters of self-constitution and democratic association, not just the individual. Again and again, however, this Institute has demonstrated that conscientious teachers are adept at mastering and contributing to these ideas. In the past, this objective has been sustained by the willingness of NEH Summer Scholars to live together on campus for the program. In many ways, this is a practical necessity for temporary residents in a place like Los Angeles. But it is even more important for achieving the ethos of a scholarly community that will accomplish the purposes of the NEH Summer Institute. In that regard, we attempt to approximate the classic understanding of an authentic “academy” in the sense that it was used by Aristotle to designate an enterprise of inquiry and thinking.

So it probably does not need to be said, but this program is definitely not one that can be done by attending just the formal sessions, extensive as they are, then going away and coming back the next morning. Inevitably, this expedient produces “outsiders” and, in any case, comes into conflict with the sustained obligations for mutual investigation that this NEH Summer Institute requires.

I am looking forward to working with those of you who will be participating in the newly revised 16th version of the National Academy. Please bring your curiosity and your enthusiasm for the possibility of people living together intelligently under a Constitution—whether we remake it or reaffirm its continued prospects.

Sincerely,

Will Harris

## COMMENTS FROM EVALUATIONS BY PREVIOUS PARTICIPANTS

I can't get the experience out of my head and my heart.

LARRY MUTTER

Will's lectures are fascinating, compelling, and systematic. His lectures create worlds and meaning. Will's lectures will resonate with me the rest of my life.

JON LAUDERBAUGH

I have learned so much...not just about education—the structure of the Constitution—but about myself: how I think, how I process information.

HOLLIE BARENZ

This has been by far the greatest professional endeavor of my career as a teacher. From now on I'll refer to my teaching as “before the academy” and “after the academy.”

ELMO SULLIVAN

## ELIGIBILITY

The Institute is principally designed for full-time high school, middle school, and elementary school teachers, including home-schooling parents, but other K–12 school personnel, such as librarians and administrators, are also eligible to apply. Applications from teachers in public, private, and religiously affiliated schools receive equal consideration. Substitute teachers or part-time personnel are not eligible. (See the NEH website for complete details: <http://www.neh.gov/divisions/education/summer-programs>.)

Teachers at schools in the United States or its territorial possessions or Americans teaching in foreign schools where at least 50 percent of the students are American nationals are eligible for this program. Applicants must be American citizens or residents of U.S. jurisdictions or its territories for at least the three years preceding the application deadline. Foreign nationals teaching abroad at non-U.S.-chartered institutions are not eligible to apply.

Applicants must complete the NEH coversheet and provide all of the information requested in the Institute application to be considered as a participant.



## HOW TO APPLY

- 1 Fill out an application coversheet, available online at <https://securegrants.neh.gov/education/participants>, as directed by the prompts. When you are finished, be sure to click the “Submit” button and print out a copy to add to your hard-copy application.
- 2 Complete the Institute application form included in this program brochure. (Please type, if possible, or print.)
- 3 Enclose contact information for two professional references from past or present colleagues who are informed about this particular NEH Summer Institute, know of your qualifications, and are willing to endorse you for this Institute.
- 4 Send (a) a printed copy of the completed NEH Application Coversheet from the NEH website, (b) the Institute Application Form, (c) your Written Statement, (d) a current resume or brief biography, and (e) the names, titles, and contact information for your two professional references to:

Professor Will Harris, Academic Director  
NEH Summer Institute/National Academy  
Center for Civic Education

### Suite J

5115 Douglas Fir Road  
Calabasas, CA 91302

Your completed application should be postmarked no later than March 1, 2017. Applicants accepted to the program will be notified on March 31, 2017.

NEH programs do not discriminate on the basis of race, color, national origin, sex, disability, or age. For further information, write to NEH Equal Opportunity Officer, National Endowment for the Humanities, 1100 Pennsylvania Ave., NW, Washington, D.C. 20506.

**NEH SUMMER INSTITUTE APPLICATION: POLITICAL AND CONSTITUTIONAL THEORY FOR CITIZENS/NATIONAL ACADEMY FOR CIVICS AND GOVERNMENT**

**DEADLINE FOR APPLICATION—March 1, 2017**

Participants will be notified of acceptance on March 31, 2017. (Please print or type.)

NAME/POSITION \_\_\_\_\_

CURRENT EDUCATION ASSIGNMENTS \_\_\_\_\_

SCHOOL NAME/DISTRICT \_\_\_\_\_

SCHOOL ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP + 4 \_\_\_\_\_

SCHOOL TELEPHONE \_\_\_\_\_ SCHOOL FAX \_\_\_\_\_

HOME TELEPHONE \_\_\_\_\_ EMAIL ADDRESS \_\_\_\_\_

HOME ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP + 4 \_\_\_\_\_

HIGHER EDUCATION	DEGREE/DATE	INSTITUTION	MAJOR FIELD
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**WRITTEN STATEMENT**

- 1 **Without giving an explanation or comment**, provide a quotation (with citation) that has guided your professional path.
- 2 **As a separate item, please briefly answer the question**—within the context of the Preamble, “...*this Constitution for the United States of America*”—**What are you for?** Succinctly state what animates you as a professional educator and/or what would capture your personal ethical foundation. It might consist of a few phrases or as much as a couple of sentences, but it should be more than a selection of labels. This should be in the form of *an entirely affirmative proposition*, implying a committed positive agenda. That is, it should not be a statement of what you are against, and it should not be formulated as a double negative (being opposed to, or working to eliminate, something bad). **What are you for?**
- 3 The most important part of the application is an **essay of no more than four double-spaced pages totaling 1,000 words at the very most**. This essay should include your reasons for applying to **this** NEH Institute/National Academy; your qualifications to do the work of **this** project and make a contribution to it; a statement of what you hope to accomplish; and an explanation of the relationship of **this** program to your teaching. Please do not repeat details of your resume. It is essential that your essay reflect a substantive awareness of **this particular Institute** and its specific connection to your intellectual and professional purposes. (Please type.)