

*The Institute for Constitutional History Seminar*

*New-York Historical Society*

**Thomas Jefferson's Democratic Constitutionalism**

Seminar Leaders: Annette Gordon-Reed and Peter Onuf

Schedule and Readings

*Most of the Jefferson documents listed below may be found in Merrill D. Peterson, ed., Thomas Jefferson Writings (New York: Library of America, 1984).*

*\* readings available on password-protected website*

**September 30: Law**

*(special guest: David T. Konig, Washington University)*

I. Enlightened Reformer

2. Slavery

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\* David T. Konig, *Nature's Advocate: Thomas Jefferson and the Republic of Law* (forthcoming), Introduction, Chapters 1, 2, and 6.

\* Annette Gordon-Reed and Peter Onuf, *'Most Blessed of the Patriarchs': Thomas Jefferson and the Empire of the Imagination* (New York: Liveright, 2016), Chapters 2 (Plantation) and 3 (Virginia)

\* Maurizio Valsania, *Nature's Man: Thomas Jefferson's Philosophical Anthropology* (Charlottesville: University of Virginia Press, 2013), 82-112, 172-78.

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Petition of George Mason for Warrants for Lands in Fincastle County [June 1774] <http://founders.archives.gov/?q=%22Petition%20of%20George%20Mason%20for%20Warrants%20for%20Lands%20in%20Fincastle%20County%22&s=1111311111&sa=&r=1&sr=>

TJ, Third Draft of Virginia Constitution [before June 23, 1776] <http://founders.archives.gov/?q=Third%20Draft%20by%20Jefferson&s=1111311111&sa=&r=3&sr=>

TJ, *Notes on the State of Virginia* (any edition), Queries XIII (Constitution); XIV (Laws); XVII (Manners)

Bill to Enable Tenants in Fee Tail to Convey Their Lands in Fee Simple, Oct. 14, 1776 <http://founders.archives.gov/?q=Bill%20to%20Enable%20Tenants%20in%20Fee%20Tail%20to%20Convey%20Their%20Lands%20&s=1111311111&r=1>

Bill for Dividing the County of Fincastle into Three Distinct Counties, Oct. 26, 1776 <http://founders.archives.gov/?q=%22County%20of%20Fincastle%22&s=1111311111&sa=&r=4&sr=>

*Revisal of the Laws*, reported June 18, 1779:

20. A Bill Directing the Course of Descents <http://founders.archives.gov/?q=Bill%20Directing%20the%20Course%20of%20Descents&s=1111311111&sa=&r=1&sr=>

54. A Bill Declaring What Persons Shall Be Deemed Mulattoes <http://founders.archives.gov/?q=Bill%20Declaring%20What%20Persons%20Shall%20Be%20Deemed%20Mulattoes&s=1111311111&sa=&r=1&sr=>

64. A Bill for Proportioning Crimes and Punishments in Cases Heretofore Capital <http://founders.archives.gov/?q=Bill%20for%20Proportioning%20Crimes%20and%20Punishments%20&s=1111311111&sa=&r=4&sr=>

## October 14: Nation and Race

### I. Nation-Making

### II. Race-Making

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Danielle Allen, *Our Declaration: A Reading of the Declaration of Independence in Defense of Equality* (New York: Liveright, 2014).

\* Robert G. Parkinson, *The Common Cause: Creating Race and Nation in the American Revolution* (Chapel Hill: University of North Carolina Press, 2016), chapter 3 (Merciless Savages, Domestic Insurrectionists, and Foreign Mercenaries)

\* Peter S. Onuf, "To Declare Them a Free and Independant People": Race, Slavery, and National Identity in Jefferson's Thought, *Journal of the Early Republic*, 18 (1998), 1-46

\* \* \*

TJ, *Summary View of the Rights of British America* [July 1774] [http://avalon.law.yale.edu/18th\\_century/jeffsumm.asp](http://avalon.law.yale.edu/18th_century/jeffsumm.asp)

TJ, Declaration of Independence, July 4, 1776 <https://www.monticello.org/site/jefferson/transcript-declaration-independence-rough-draft>

TJ to Edward Coles, August 25, 1814 <http://teachingamericanhistory.org/library/document/letter-to-edward-coles/>

TJ to Jared Sparks, Feb. 2, 1824 <http://founders.archives.gov/documents/Jefferson/98-01-02-4020>

## October 21: Interpreting the Constitution

### I. Jefferson, Madison, and Hamilton

### II. Jefferson and Marshall

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\* Gordon-Reed and Peter Onuf, *Most Blessed of the Patriarchs*, chapter 6 (Politics)

Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W.W. Norton, 2005), chapters 1-5

Lance Banning, *Jefferson and Madison: Three Conversations from the Founding* (Madison: Madison House, 1995), chapters 1 (Parchment Barriers) and 3 (Public Spirit)

James F. Simon, *What Kind of Nation: Thomas Jefferson, John Marshall and the Epic Struggle to Create a United States* (New York: Simon & Shuster, 2002)

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Alexander Hamilton, Speech in the Constitutional Convention, June 18, 1787 (Madison's version). <http://founders.archives.gov/?q=Ancestor%3AARHN-01-04-02-0098&s=1511311111&r=3>

Publius (Hamilton), *Federalist* (any edition) No. 78 ("The Least Dangerous Branch")

TJ, Opinion on the Constitutionality of a National Bank, Feb, 15, 1791 <http://founders.archives.gov/?q=Opinion%20on%20the%20Constitutionality%20of%20a%20National%20Bank&s=1111311111&sa=&r=2&sr=>

Hamilton, Opinion on the Constitutionality of a National Bank, Feb. 23, 1791 <http://founders.archives.gov/?q=Opinion%20on%20the%20Constitutionality%20of%20a%20National%20Bank&s=1111311111&sa=&r=4&sr=>

TJ's Fair Copy of the Kentucky Resolutions [before Oct. 4, 1798] <http://founders.archives.gov/?q=%22Jefferson%27s%20Fair%20Copy%22&s=1111311111&sa=&r=2&sr=>

Compare with Resolutions adopted by the General Assembly, Nov. 10, 1798 <http://founders.archives.gov/?q=%22Resolutions%20Adopted%20by%20the%20Kentucky%20General%20Assembly%22&s=1111311111&sa=&r=1&sr=>

TJ to Spencer Roane, Sept. 6, 1819 [http://press-pubs.uchicago.edu/founders/documents/a1\\_8\\_18s16.html](http://press-pubs.uchicago.edu/founders/documents/a1_8_18s16.html)

TJ to William Branch Giles, Dec. 26, 1825 <http://founders.archives.gov/documents/Jefferson/98-01-02-5771>

## November 11: Democracy

### I. Presidential Power

### II. Radicalism

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Jeremy D. Bailey, *Thomas Jefferson and Executive Power* (New York: Cambridge University Press, 2007)

Banning, *Jefferson and Madison: Three Conversations from the Founding*, chapter 2 (“The Earth Belongs to the Living”)

Richard K. Matthews, *The Radical Politics of Thomas Jefferson: A Revisionist View* (Lawrence: University Press of Kansas, 1984)

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79. A Bill for the More General Diffusion of Knowledge <http://founders.archives.gov/?q=Bill%20for%20the%20More%20General%20Diffusion%20of%20Knowledge&s=1111311111&sa=&r=4&sr=>

82. A Bill for Establishing Religious Freedom <http://founders.archives.gov/?q=Bill%20for%20Establishing%20Religious%20Freedom&s=1111311111&sa=&r=4&sr=>

TJ to Maria Cosway, Oct. 12, 1786 <http://founders.archives.gov/documents/Jefferson/01-10-02-0309>

TJ, First Inaugural Address, March 4, 1801 <http://founders.archives.gov/?q=First%20Inaugural%20Address%20Author%3A%22Jefferson%2C%20Thomas%22&s=1111311111&sa=&r=1&sr=>

TJ, Second Inaugural Address, March 4, 1805 <http://www.bartleby.com/124/pres17.html>

TJ to Joseph C. Cabell, Feb. 2, 1816 <http://founders.archives.gov/documents/Jefferson/03-09-02-0286>

TJ to John Taylor, May 28, 1816 <http://founders.archives.gov/documents/Jefferson/03-10-02-0053>

TJ to Samuel Kercheval, July 12, 1816 <http://oll.libertyfund.org/titles/jefferson-the-works-vol-12-correspondence-and-papers-1816-1826>

