

## General Studies Request Form

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Consult the [General Studies Request Overview and FAQ](#) for more information and quick answers.

New permanent numbered courses must be submitted to the workflow in [Kuali CM](#) before a General Studies request is submitted here. The General Studies Council will not review requests ahead of a new course proposal being reviewed by the Senate.

### Proposal Contact Information

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Submitter Name	Submitter Email	Submitter Phone Number
Sean Beienburg	sbeienbu@asu.edu	480 727 2921

College/School	Department/School
The College of Liberal Arts and Sciences (CLA)	School of Civic & Economic Thought and Leadership (CCETL)

### Submission Information

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Type of submission:

New Request (Course or topic does not hold this designation)

Requested Effective Date

Fall 2024

### ASU Request

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Is this request for a permanent course or a topic?

Topic

Subject Code	Course Number	Units/Credit Hours
CEL	494	3

#### Topic Information

If your request is approved:

1. Topics on **omnibus courses** only carry designations for three consecutive semesters (excluding summer), *whether or not they are scheduled*. Once expired, a new request must be submitted.
2. Topics on **permanent courses** require mandatory review every five years.

Topic Title

The American Constitution I

Topic Description

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This course is designed as the first of a two-part sequence on the Constitution, with an emphasis on the powers and structures of government: specifically federalism, the separation of powers, and rule by the law of the Constitution itself, both in terms of constitutional design and subsequent development. (The spring course will focus on civil rights and civil liberties, though these will be touched on in this course). As a course focused on legal development, we will proceed topically and broadly chronologically, beginning with a discussion of the American Founding, then moving to the consolidation of judicial review as we, like earlier Americans, grapple with questions about what the Constitution is and who is authorized to interpret it. The bulk of the course will consider the allocation of powers among the various institutions of government: first with the states and then the federal government, before concluding with a discussion of the division of powers among the different branches of the federal government, both at home and abroad.

Unlike many courses which focus exclusively or nearly exclusively on judicial decisions and case law, we will situate such discussions within broader constitutional deliberations among legislators, presidents, and the American people.

If this topic exists on any other courses and the sections will be combined in the schedule, please list those courses here.

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## General Studies

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### Requested Designation

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#### H - Historical Awareness

H: Historical Awareness

#### **Rationale and Objectives**

Recent trends in higher education have called for the creation and development of historical consciousness in undergraduates now and in the future. History studies the growth and development of human society from a number of perspectives such as--political, social, economic and/or cultural. From one perspective, historical awareness is a valuable aid in the analysis of present-day problems because historical forces and traditions have created modern life and lie just beneath its surface. From a second perspective, the historical past is an indispensable source of identity and of values, which facilitate social harmony and cooperative effort. Along with this observation, it should be noted that historical study can produce intercultural understanding by tracing cultural differences to their origins in the past. A third perspective on the need for historical awareness is that knowledge of history helps us to learn from the past to make better, more well-informed decisions in the present and the future.

The requirement of a course that is historical in method and content presumes that "history" designates a sequence of past events or a narrative whose intent or effect is to represent both the relationship between events and change over time. The requirement also presumes that these are human events and that history includes all that has been felt, thought, imagined, said, and done by human beings. The opportunities for nurturing historical consciousness are nearly unlimited. History is present in the languages, art, music, literatures, philosophy, religion, and the natural sciences, as well as in the social science traditionally called History.

The justifications for how the course fits each of the criteria need to be clear both in the application tables and the course materials. The Historical Awareness designation requires consistent analysis of the broader historical context of past events and persons, of cause and effect, and of change over time. Providing intermittent, anecdotal historical context of people and events usually will not suffice to meet the Historical Awareness criteria. A Historical Awareness course will instead embed systematic historical analysis in the core of the syllabus, including readings and assignments. For courses focusing on the history of a field of study, the applicant needs to show both how the field of study is affected by political, social, economic, and/or cultural conditions **and** how political, social, economic, and/or cultural conditions are affected by the field of study.

[Revised October 2015]

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Note: The following are **not** acceptable submissions for the "H" designation:

1. Courses that are merely organized chronologically.
2. Courses which are exclusively the history of a field of study or of a field of artistic or professional endeavor.
3. Courses whose subject areas merely occurred in the past.

#### "H" Criteria 1

History is a major focus of the course.

Identify the submitted documentation that provides evidence.

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#### Syllabus

How does this course meet the spirit of this criteria?

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Nearly all readings are primary and largely canonical source texts from American political and legal history asking questions that have shaped and continued to shape current day legal controversies (first and third perspective noted above)

Please provide detailed evidence of how this course meets this criteria (i.e. where in the syllabus or other course materials).

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Only a handful sessions even include secondary sources; instead readings on every single day force students to engage with the ideas of the past as explained by the practitioners themselves in primary sources. The course begins with the American Founding (Day 2-3) and from there examines jurisprudential and constitutional questions by drawing on how various primary sources have answered the question throughout American history-- for example, Day 7-9 of the syllabus ask "who has the authority to interpret the Constitution?", which it considers from the perspective of the Federalist, the Marshall Court, a series of major presidents, and finally, the Supreme Court itself.

#### "H" Criteria 2

The course examines and explains human development as a sequence of events influenced by a variety of factors.

Identify the submitted documentation that provides evidence.

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Syllabus; Calhoun, Jackson, Altgeld, and FDR reading headnotes

How does this course meet the spirit of this criteria?

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As the course description explains, unlike a traditional course in constitutional law as taught in a law school or many political science departments, this course on constitutional development includes presidents, Congress, and even state actors like governors to show how the development of the American constitutional tradition is more than a monocausal story of judicial doctrine but instead an interaction among different institutions and actors grappling with ideas

Please provide detailed evidence of how this course meets this criteria (i.e. where in the syllabus or other course materials).

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Only two introductory/theoretical sessions (Day 5 and 6), are not primarily developmental. See, for example, in the second and third units, Days 4, 7,8, 9 10 of the syllabus in which students read competing intellectual perspectives on legal questions, often in response and conversation with and in response to one another and different institutions.

For a more detailed example, Day 14 shows how Madison and Hamilton applied Federalist 33 to the necessary and proper clause in appealing to George Washington in deciding the constitutionality of the Bank of the United States, how Chief Justice John Marshall then updated that in the McCulloch decision, was criticized for it by Virginia Judge Spencer Roane and later President Jackson, with the latter guiding President Tyler's veto of the subsequent bank. For another example, Day 19, discusses how various presidents understood the tax power both in conversation with the president and one another (for example, with Monroe initially viewing himself as a disciple of Madison and enemy of Hamilton, but gradually becoming convinced by Calhoun's Hamiltonian interpretation, which in turn helped convince Jackson that the Democratic-Republican had in the end been captured by Hamiltonians and thus required a new Democratic Party to vindicate the proper understanding of the taxing and spending power--which the Supreme Court rejected almost a century later in the Butler and Steward Machine cases--possibly as part of a reaction to Franklin Roosevelt's political pressure leveraged against the Supreme Court. Thus, to understand the development of one clause of the Constitution requires a myriad of actors, era, and ideas, all interacting with one other.

### "H" Criteria 3

There is a disciplined systematic examination of human institutions as they change over time.

Identify the submitted documentation that provides evidence.

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Syllabus, Moot Court midterm exercise

How does this course meet the spirit of this criteria?

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The course is largely adapted from the tradition of American political development (often called APD), which uses historical sequencing to understand how American political institutions evolve in response to interactions with one another and in response to circulating political ideas, and in turn shapes those ideas themselves (perspective two).

Please provide detailed evidence of how this course meets this criteria (i.e. where in the syllabus or other course materials).

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The course begins with the pre-constitutional origins of America (Day 2 and 3 of syllabus)—how ideas and beliefs and controversies of the Stamp Act in turn led to the Declaration and Resolves of the First

Continental Congress and Articles of Confederation leaning very strongly on behalf of decentralized power, with the Constitution itself a correction that strengthened national institutions while still trying to maintain much of those earlier views. Other than a few days that focus on legal reasoning and methodology (days 5-6), nearly all of the course is organized as a study of the development of various political institutions, as the course description on page 1 of the syllabus observes "both topically and chronologically": judicial review/the power of the judiciary, the powers of the states (day 11-13), the powers of Congress (particularly via the commerce clause), and the presidency, in both its domestic and foreign policy realms.

Within each institution, we look to how these institutions developed over time—how, for example, the commerce clause, (Day 14-18) was initially understood by the Founders, then in John Marshall's time, the New Deal, Great Society, and then in the wake of the New Federalism movement. Similarly, in the first session on the presidency, we look to how the power of the presidency was conceived by the Federalist, how that conception was challenged and modified during the Progressive and New Deal eras, and how it that evolution has received pushback (in the form of a renewed interest in the non-delegation doctrine) in the present day (Day 23-26). In each of these cases of institutional development, students look to how precedents are employed intellectually and rhetorically—are efforts to claim the intellectual force of precedents actually faithful, or are these in fact legal innovations? That is to say, students not only learn about the evolution of these institutions but how the rhetorical force of history itself is employed by the actors.

The midterm exercise (see page 3 of syllabus and attached Moot Court Exercise document) is a legal brief in which students are required to show how different precedents and legal developments interact and build off one another to create the current state of the law.

#### "H" Criteria 4

The course examines the relationship among events, ideas, and artifacts and the broad social, political and economic context.

Identify the submitted documentation that provides evidence.

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Syllabus; essay prompts; Calhoun, Jackson, Altgeld, and FDR reading headnotes

How does this course meet the spirit of this criteria?

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As the syllabus notes on page 2, instead of a textbook each of the primary sources was edited by me and includes an extensive historical headnote situating the document within its historical context, which I discuss as a preface, along with additional lecture material, before beginning discussion of the legal arguments from the documents

Please provide detailed evidence of how this course meets this criteria (i.e. where in the syllabus or other course materials).

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Who has the authority to interpret the Constitution" (Days 7-8) shows how a succession of presidents claimed the authority of their predecessors- Jefferson to Jackson to Lincoln to Roosevelt, with each claiming fidelity to and an application of the previous president's actions--- which the students are forced to assess as well as situate within the challenges of the particular historical contexts (Lincoln

responding to Dred Scott at the beginning of the Civil War, Roosevelt deliberating a direct challenge to the Supreme Court during the Great Depression and with the advent of radio).

Unit 4 closely traces the development of the states' powers over the course of the 19th and early 20th century, tracing them in parallel with economic and political developments (state level prohibition, populism, industrialization, the Great Depression, the labor movement, and the political activism of the civil rights movement); Unit 5 (day 14-18) then considers the growth of federal power through the same events

Four examples of the edited materials (Calhoun and Jackson during the leadup and manifestation of the nullification crisis, Altgeld and the state governors, and FDR during the Depression and his contest with the Supreme Court, are attached to show the typical historical context provided to students).

In addition to being posed by many of the questions in the discussions/lectures, many of the assignments explicitly challenge the students to analyze which hypothesis best explains the development of legal doctrine, as the essay prompts show in requiring students to assess competing claims of constitutional historians and practitioners

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Attach a sample syllabus for this course or topic, including the list of any required readings.

[Beienburg Constitution I Powers Syllabus GS Application 2023.docx](#)

Attach the table of contents from any required textbook(s).

No Response

Attach any other materials that would be relevant or helpful in the review of this request.

[Am Con I Gen Studies H Application- Supporting Materials.docx](#)

Admin Only

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Mandatory Review Implementation Needed

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## Form Submission - Proposer

Submitted for Approval | Proposer

Sean Beienburg - August 25, 2023 at 1:44 PM (America/Phoenix)

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## Department Approval

Approved

Emily Rap - August 25, 2023 at 2:01 PM (America/Phoenix)

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## Provost's Office Review

Approved

Kaitlyn Dorson - September 5, 2023 at 11:16 AM (America/Phoenix)

April Randall

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## Historical Awareness Committee Review

Acknowledgement Requested

Ruby Arjona

Greg Wise

Evan Berry - September 27, 2023 at 1:39 PM (America/Phoenix)

While dealing with primary texts and providing some historical context, and while looking at the relations between various political institutions and decisions, it is unclear what broader historical forces, theories, or methods are drawn on (or which students are asked to use in assignments). Examples of paper topics would be useful.

How are students to understand the difference between historical analysis and political philosophy? What tools are provided to students to help them think about historical context and the relationship between thinkers and texts across time? This seems like a class in political philosophy, with an emphasis on normatively, legal systems, and the analysis of political institutions.

The committee moves to request revision.

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## General Studies Council Meeting

Waiting for Approval

Kaitlyn Dorson

April Randall

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## Registrar Notification

Notification

Courses Implementation

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## Implementation

Approval

Rebecca Klein

Lauren Bates

Alisha Von Kampen

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## Proposer Notification

Notification

Sean Beienburg

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## Topic Notification

Notification

Leticia Mayer

Peggy Boivin

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