

The Foundation for | Law, Justice and Society

**In affiliation with the Centre for Socio-Legal Studies
and the Rothermere American Institute**

Constitutions and the American Classics: Madison and Jefferson

Workshop Programme

9.30 to 12.45, Thursday 9th July 2009

James Madison **Mark GRABER** PROFESSOR OF LAW AND GOVERNMENT, UNIVERSITY OF MARYLAND LAW SCHOOL

Thomas Jefferson **Gerald LEONARD** PROFESSOR OF LAW, BOSTON UNIVERSITY LAW SCHOOL

Moderator DENIS GALLIGAN, PROFESSOR OF SOCIO-LEGAL STUDIES, OXFORD UNIVERSITY

Location: QUEENS COLLEGE, OXFORD

THE WORKSHOP IS SPONSORED BY THE *Foundation for Law Justice and Society* AND THE *Centre for Socio-Legal Studies*.

THIS WORKSHOP IS PART OF A SERIES AIMED AT EXAMINING THE VIEWS OF SELECTED WRITERS ON CONSTITUTIONS. AN EARLIER WORKSHOP CONSIDERED SEVERAL BRITISH WRITERS, INCLUDING FORTESCUE, HARRINGTON, THE LEVELLERS, HOBBS, LOCKE, HUME, AND BENTHAM. THE PRESENT SERIES WILL LOOK AT EARLY AMERICAN WRITERS, INCLUDING MADISON, JEFFERSON, HAMILTON, AND ADAMS. THE JULY WORKSHOP WILL CONCENTRATE ON MADISON AND JEFFERSON.

THE GENERAL IDEA IS TO EXTRACT THE VIEWS OF EACH WRITER ON CONSTITUTIONAL MATTERS, TO PLACE THEM IN THE SOCIAL AND POLITICAL CONTEXT IN WHICH THEY WROTE, AND TO OFFER A CRITICAL EYE FROM THE PERSPECTIVE OF THE 21ST CENTURY. WHILE THERE ARE SEVERAL THEMES

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AND IDEAS TO EXPLORE, OF PARTICULAR INTEREST IS THE PLACE OF THE PEOPLE IN THE CONSTITUTIONAL FRAMEWORK: THEIR ROLE, THEIR REPRESENTATION; THEIR CAPACITY TO BE INVOLVED.

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IN CONDUCTING YOUR RESEARCH INTO EACH AUTHOR, PLEASE TAKE ACCOUNT OF THE FOLLOWING GUIDELINES:

1. THE SOCIAL AND POLITICAL CONTEXT IN WHICH THE AUTHOR DISCUSSES CONSTITUTIONS
2. WHAT WERE THE MAIN ISSUES THAT PROMPTED THE AUTHOR TO WRITE ON CONSTITUTIONS AND INFLUENCED HIS VIEWS
3. HOW THE AUTHOR VIEWS THE POINT, PURPOSES, AND FUNCTIONS OF CONSTITUTIONS
4. THE MAIN ELEMENTS OF CONSTITUTIONS IN THE AUTHOR'S ACCOUNT
5. THE PLACE OF THE PEOPLE IN THE CONSTITUTION AND THEIR RELATIONSHIP WITH THE INSTITUTIONS OF GOVERNMENT
6. WHERE DOES SOVEREIGNTY LIE AND WHAT DOES IT MEAN
7. HOW THE PEOPLE ARE TO BE REPRESENTED, THE FORM OF REPRESENTATION, AND ANY ELEMENTS OF POPULAR DEMOCRACY
8. HOW IS REPRESENTATION JUSTIFIED AS THE BASIS OF THE CONSTITUTION
9. WHERE DOES SOVEREIGNTY LIE AND WHAT DOES IT MEAN
10. THE PROCESS OF ELECTION OF GOVERNMENT AND/OR APPOINTMENT OF LEGISLATURES, EXECUTIVES, AND OTHER GOVERNMENT OFFICIALS
11. THE NATURE AND FORMS OF ACCOUNTABILITY OF GOVERNMENT OFFICIALS
12. THE CHARACTER AND POWERS OF THE LEGISLATURE, THE EXECUTIVE, AND THE ADMINISTRATION
13. THE ROLE OF THE COURTS AND THEIR COMPOSITION
14. SEPARATION OF POWERS AND THE RELATIONSHIP AMONG THE INSTITUTIONS OF GOVERNMENT.

ANYONE WISHING TO TAKE PART IN THE WORKSHOP SHOULD CONTACT JUDY NINER AT:

J.NINER@DEVELOPMENT-PARTNERS.CO.UK

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