Law, Capitalism, & Democracy in U.S. History
University of Montana, Department of History
Fall 2020 / Fridays, 2-4:50pm

PROFESSOR KYLE G. VOLK
Email: kyle.volk@umontana.edu
Office Hours (via Zoom): Tuesdays, 12-2pm; Thursdays, 1-2:30pm; and by appointment
Office Hours Zoom Link: https://umontana.zoom.us/j/99335272704?pwd=SFEzTW1wZWxqNG0sR3FFSnBEcBSQT09

- Moodle Page: https://moodle.umt.edu/course/view.php?id=32074#section-7
- Class Permanent ZOOM Link: https://umontana.zoom.us/j/99353912824

WHAT WE’RE DOING:
This graduate colloquium introduces students to the scholarly literatures of three broad and overlapping fields: U.S. legal history and the history of the American state; the history of American capitalism; and the history of American democracy. Students taking this course will interrogate classic scholarship and gain a strong understanding of the current state of scholarly conversations in these fields. In addition to wrestling with some of the most essential themes in U.S. history, our conversations will also interrogate historical methodology and explore new avenues for research.

Doctoral students wishing to take a comprehensive field examination in Law, Capitalism, and Democracy in U.S. History (or another related field) with Professor Volk must take this course. Doctoral or masters students wishing to have Professor Volk on their dissertation or thesis committee also must take this course.

WHAT I HOPE YOU GAIN:
Students completing this course will be able to:
- Describe the types of historical questions and methodologies that animate three overlapping sub-fields of U.S. history: legal history and the history of the American state, the history of American capitalism, and the history of American democracy
- Speak and write intelligently about the past, present, and potential future of those subfields
- Critically appraise secondary scholarship by interrogating such issues as framing and argumentation, historical significance, historiographical and theoretical contribution, research approach and methodology
- Craft penetrating interpretive questions designed to unpack secondary scholarship and probe its historical, historiographical, and humanistic significance
• Lead graduate-level discussions of classic and new scholarship with confidence and verve
• Construct synthetic interpretive essays worthy of publication
• Raise new research questions that might be pursued in the future

WHAT I NEED YOU TO DO:
Completion of assigned readings, faithful attendance, and consistent, constructive, and courteous participation are essential to the success of our course. Failure to meet these most basic requirements will be detrimental to the quality of our discussions and to your grade in this course. More formally, students are required to do the following:

1. Create and Contemplate Weekly Discussion Questions. Each week students are required to post five questions worthy of our discussion in class. Whenever possible, these questions should raise debatable issues—analytical, interpretive, historiographical, methodological, pedagogical, etc.—that force us to wrestle with each week’s readings. Questions should help us deepen our comprehension and assessment of the readings. To those ends, questions should do more than ask us to repeat or summarize the content or approach of a particular text. Ideally, at least three of your questions should tackle what in your assessment matters most in each set of readings (the big questions; the largest stakes; the macro-level significance of the text in question). Some of your questions might ask us to bring works within and between weeks into conversation with each other. At least two questions each week should somehow engage with the articles/essays.

In preparation for our discussions, students are expected to consider their classmates’ questions thoroughly. Because of the size of our class, I’ve created two groups to limit the number of discussion questions you’ll be required to review before class. Please post your questions to your assigned group and then consider the questions posted by classmates in your group.

Discussion questions should be posted to the course’s MOODLE site each Wednesday by 12noon. Please post in a WORD document and use the “Discussion Question Template” (available on Moodle) to ensure consistent formatting.

Further Thoughts on Crafting Good Discussion Questions:
• Time spent thinking is as important as time spent reading. So pause along the way to think about what you’re reading—and in the process—identify question-worthy themes/issues. If you wait until you’ve completed your reading to construct draft questions, the task will become that much more difficult.
• Craft rough discussion questions while you read. Craft more than 5. Make selections (pick the best 5, and when possible, diversify your themes) and revise your questions for punch and precision. Edit your questions for clarity, comprehension, and verbal presentation.
• Limit your words. Trust me when I say that I’ve witnessed a tendency to turn discussion questions into paragraphs. Let’s avoid this. Consider that the basic point of this exercise is for discussion leaders to be able to use your questions to inspire discussion. Consider also that discussion questions are heard and not read. So make them as comprehensible and digestible as possible and fight the tendency to overwrite. If you need more than a sentence or two of preface to your question, rethink your approach.
• Assume that we’re going to cover—in some way or another—the fundamentals (ie. items represented in the first several sections of the reading digestion guide). So refrain from asking
such basic questions as: “What is the argument of the book?” Find other ways to get at the fundamentals and to push the discussion beyond them.

- There is no simple formula for what makes a good discussion question, not least because our readings and their significance will differ. Some students find this frustrating, but embrace the challenge by doing your best, taking risks, learning from your classmates, and incorporating my feedback.
- Know that I'm glad to discuss discussion questions at any time, so don't hesitate to reach out.

2. Lead Discussion. This will be done in pairs. History PhD students will lead discussion twice. All other students will lead discussion once. Discussion leaders are required to read all of their classmates’ discussion questions and use them to structure our discussion. The goal of the discussion leader is not to act as the expert or authority in a given week but rather to facilitate a lively and wide-ranging discussion that touches on the manifold issues raised in the texts and by your classmates. Our discussion should be rigorous, stimulating, and above all, enjoyable. To prepare for leading discussion, discussion leaders are required to meet with the instructor (via Zoom) on the Thursday before class at 1pm. Please come to that meeting with a tentative plan for discussion.

3. Complete Written Assignments.
   - Week 1 – Reading Digestion Guide
   - Week 2 – Short Essay

4. Recommended Methodical Approach to Note-Taking/Portfolio
   - All students, but especially doctoral students wanting to take a comprehensive field examination with me, should approach the reading this semester in methodical fashion. To that end, I encourage all of you to create a secondary literature portfolio that includes one page of notes (single spaced) for each book we read and a half page of notes for each article, essay, or book section we read. The content of these notes should reflect questions raised in Week 1’s “Reading Digestion Guide” and when possible, bring different readings into conversation with each other. My hope is that you’ll produce a draft of these notes each week before class—consider this good preparation for discussion as well. And then I hope you will add to, edit, and otherwise revise your notes following our discussion. At the end of the semester, and perhaps after taking a breath, you should compile your notes from the semester and undertake one more overall revision. Doctoral students especially should take time then to think and write about the state of the field(s) we’ve explored in this class and whenever possible relate your conclusions to your own developing research agendas.

Core Texts (available for purchase at the UM Bookstore or through on-line booksellers):
   - Kimberly K. Smith, The Dominion of Voice: Riot, Reason, and Romance in Antebellum Politics (Kansas, 1999) [9780700609574]
   - J. Willard Hurst, Law and the Conditions of Freedom in the Nineteenth-Century United States (Wisconsin, 1956) [9780299013639]
   - Walter Johnson, Soul by Soul: Life Inside the Antebellum Slave Market (Harvard, 1999) [9780674005396]
• Claudio Saunt, *Unworthy Republic: The Dispossession of Native Americans and the Road to Indian Territory* (Norton, 2020) [9780393609844]
• Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Harvard, 2003) [9780674017658]
• Noam Maggor, *Brahmin Capitalism: Frontiers of Wealth and Populism in America’s First Gilded Age* (Harvard, 2017) [9780674971462]
• Timothy Mitchell, *Carbon Democracy: Political Power in the Age of Oil* (Verso, 2013 edition) [9781781681169]
• Sarah Milov, *The Cigarette: A Political History* (Harvard, 2019) [9780674241213]
• Walter Johnson, *The Broken Heart of America: St. Louis and the Violent History of the United States* (Basic, 2020) [9780465064267]

~~~COURSE SCHEDULE~~~

(8/21) Week I: Foundations

Discussion Lead: Kyle

Kimberly K. Smith, *The Dominion of Voice: Riot, Reason, and Romance in Antebellum Politics* (Kansas, 1999)


Further Reading:


James T. Kloppenberg, “From Hartz to Tocqueville: Shifting the Focus from Liberalism to Democracy in America” in *The Democratic Experiment: New Directions in American Political History*, eds., Novak, et.al. (2003)


POST 5 Discussion Questions

WRITE: Complete Reading Digestion Guide – Upload to Moodle by Friday, 8/21, at 2pm

(8/28) Week II: Law & Capitalism in the 19th Century

Discussion Lead: Kyle

J. Willard Hurst, *Law and the Conditions of Freedom in the Nineteenth-Century United States* (Wisconsin, 1956), Ch. 1


Further Reading:


Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (UNC, 2009)


POST 5 Discussion Questions

WRITE: Craft a 3-4-page essay comparing Hurst’s, Novak’s, and Volk’s historical appraisal of the role of law in nineteenth-century America. To what extent do they agree? Be sure to be attentive to distinctions between private and public law.

(9/4) Week III: Slavery, Commodification, Capitalism

Lead: Michael & Jolie


Further Reading:
Seth Rockman, Scrapping By: Wage Labor, Slavery, and Survival in Early Baltimore (Hopkins, 2009)
Walter Johnson, River of Dark Dreams: Slavery and Empire in the Cotton Kingdom (Harvard, 2013)
Sven Beckert, Empire of Cotton: A Global History (Knopf, 2014)
Stephanie E. Jones-Rogers, They Were Her Property: White Women as Slave Owners in the American South (Yale, 2019)

POST 5 Discussion Questions

(9/11) Week IV: State & Empire in Nineteenth-Century America
Claudio Saunt, Unworthy Republic: The Dispossession of Native Americans and the Road to Indian Territory (Norton, 2020)


Further Reading:
Max M. Edling, A Hercules in the Cradle: War, Money and the American State, 1783-1867 (Chicago, 2014)
Gautham Rao, National Duties: Custom Houses and the Making of the American State (Chicago, 2016)
Bethel Saler, The Settlers’ Empire: Colonialism and State Formation in America’s Old Northwest (Penn, 2014)
Matthew Karp, The Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy (Harvard, 2016)
Ryan A. Quintana, Making a Slave State: Political Development in Early South Carolina (UNC, 2018)

POST 5 Discussion Questions

(9/18) Week V: NO CLASS
WRITE: Essay uploaded to MOODLE by 5pm on 9/18. Details forthcoming.

(9/25) Week VI: Practicing Democracy (or Not) & Citizenship  Lead: Maddie & Katie


Further Reading:


Mary P. Ryan, *Civil Wars: Democracy and Public Life in the American City during the Nineteenth Century* (California, 1997)

Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Harvard, 2010)


Lisa Tetrault, *The Myth of Seneca Falls: Memory and the Women’s Suffrage Movement, 1848-1898* (Chapel Hill, 2014)


POST 5 Discussion Questions

(10/2) Week VII: U.S. Industrial Capitalism & Its Discontents  Lead: Tyler & Eamon


**Further Reading:**
David Montgomery, *Citizen Worker: The Experience of Workers in the United States with Democracy and the Free Market during the Nineteenth Century* (Cambridge, 1993)

**POST 5 Discussion Questions**

(10/9) **Week VIII: Law & State in the Progressive Era**  
Lead: John & Ben


Further Reading:
Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco’s Chinatown* (California, 2001)

POST 5 Discussion Questions

(10/16) Week IX: Knowledge, Media, & Power

Lead: Jacob & Michael

Andrew Jewett, “Science and the Promise of Democracy in America,” *Daedalus* 132, No. 4 (Fall 2003), 64-70.


**Further Reading:**
Edward A. Purcell, Jr., *The Crisis of Democratic Theory: Scientific Naturalism & the Problem of Value* (Kentucky, 1973)
David Rabban, *Free Speech in its Forgotten Years, 1870-1920* (Cambridge, 1999)
Margaret O’Mara, *Cities of Knowledge: Cold War Science and the Search for the Next Silicon Valley* (Princeton, 2005)
Fred Turner, *The Democratic Surround: Multimedia and American Liberalism from World War II to the Psychedelic Sixties* (Chicago, 2013)
Laura Weinrib, *The Taming of Free Speech: America’s Civil Liberties Compromise* (Harvard, 2016)
Michael Stamm, *Dead Tree Media: Manufacturing the Newspaper in Twentieth-Century North America* (Hopkins, 2018)

**POST 5 Discussion Questions**

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(10/23) Week X: NO CLASS

**WRITE:** Essay uploaded to MOODLE by 5pm on 10/23. Details forthcoming.

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(10/30) Week XI: Governance and Its Politics in Modern America

Lead: John & Tyler


Jefferson Cowie and Nick Salvatore, “The Long Exception: Rethinking the Place of the New Deal in American History,” *International Labor and Working-Class History* 74 (Fall 2008), 3-32.

Brent Cebul and Mason B. Williams, “‘Really and Truly a Partnership’: The New Deal's Associational State and the Making of Postwar American Politics,” in *Shaped by the State*, eds., Brent Cebul, et.al. (Chicago, 2019)

**Further Reading:**


**POST 5 Discussion Questions**

**(11/6) Week XII: Energy, Capitalism, & Empire of Democracy**

Lead: Kristin & Katie


Further Reading:


Jennifer M. Miller, *Cold War Democracy: The United States and Japan* (Harvard, 2019)
POST 5 Discussion Questions

(11/13) Week XIII: Consumption & Its Politics


Further Reading:

- Jefferson Cowie, *Capital Moves: RCA’s Seventy-Year Quest for Cheap Labor* (Cornell, 1999)
- Wendy Brown, *Undoing the Dems: Neoliberalism’s Stealth Revolution* (Zone, 2015)

POST 5 Discussion Questions

(11/20) Week XIV: Racial Capitalism: The Longue Durée

Walter Johnson, *The Broken Heart of America: St. Louis and the Violent History of the United States* (Basic, 2020)


Further Reading:


**POST 5 Discussion Questions**

(11/25) Week XV/Finals Week

WRITE: Essay uploaded to MOODLE by 5pm on 11/25. Details forthcoming.

Doctoral Student Portfolio Due by 5pm on 12/4