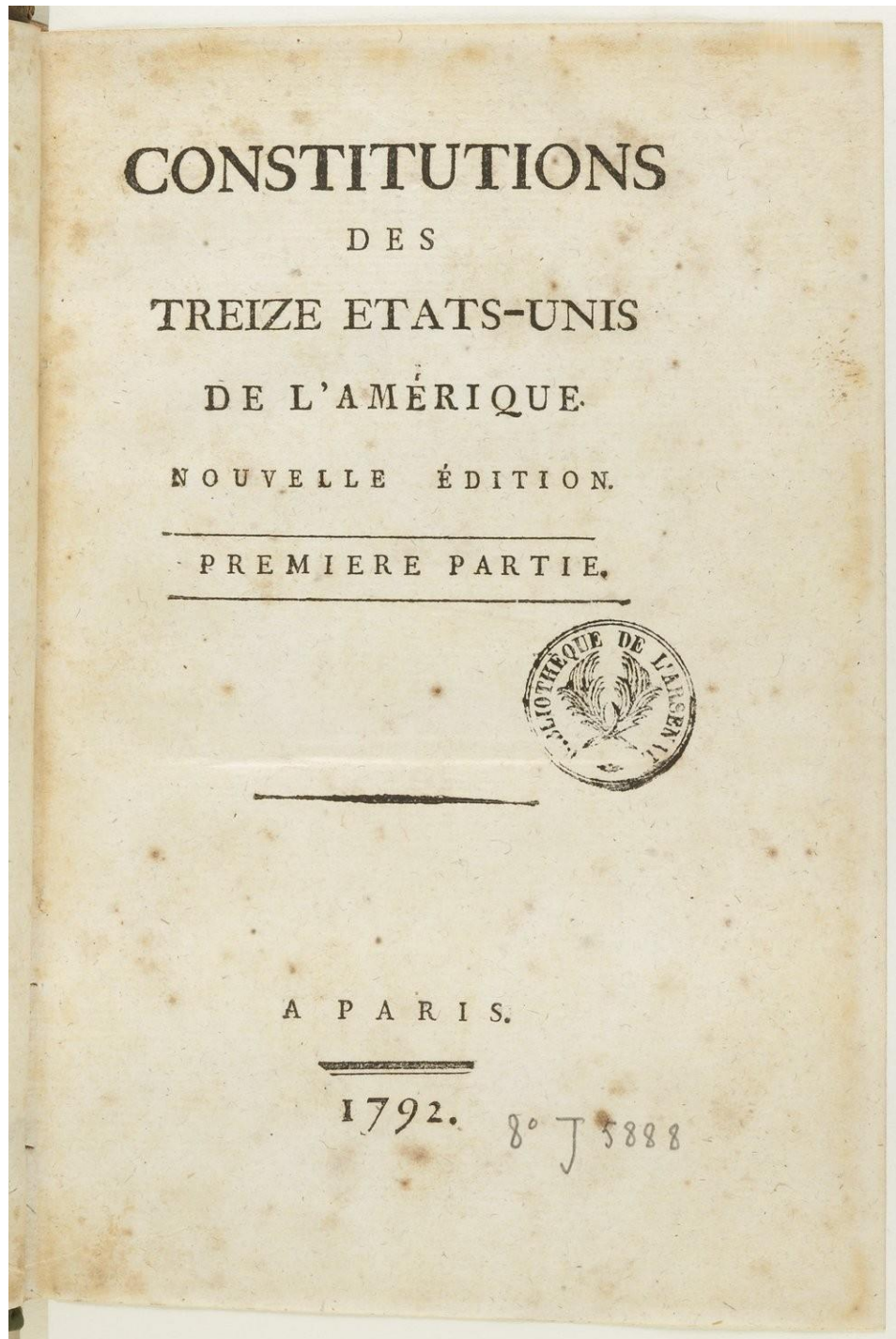


AMERICA 2026
NEW PERSPECTIVES ON CONSTITUTIONS IN THE
ERA OF REVOLUTIONS

INTERNATIONAL CONFERENCE
Château de Tocqueville, Normandy - France
May 16-17, 2024



AMERICA 2026
NEW PERSPECTIVES ON CONSTITUTIONS
IN THE ERA OF REVOLUTIONS

In the early 19th century, French lawyer and writer Alexis de Tocqueville travelled to the United States of America to study its prison system. He wrote his observations on the political culture and the social characteristics of this early American republic, and he published them in two volumes in his classic *Democracy in America* (1835,1840). On May 16-17, 2024, the conference “New Perspectives on Constitutions in the Era of Revolutions” will take place at the *Château de Tocqueville* in Normandy, and we are delighted to organize this conference in such a significant historical location.

This international conference is part of a series of scientific events organized by the AMERICA 2026 consortium, and it has a double objective. The first one is to provide new perspectives on late 18th-century Western constitutions, most particularly the French and American Constitutions. Among other things, the conference will highlight points of convergence (for instance, the production of republican constitutions in the Age of Revolutions), as well as contrasts between the French constitutional model — the succession of several national constitutions since the French Revolution—, and the American one —both the national constitution and state constitutions are considered. The second main goal consists in studying recent debates on the limits of constitutionalism in the United States and France, such as the role and power of the French *Conseil Constitutionnel*. At a time when constitutional liberalism is questioned in the very geographic and cultural areas where it first developed, this conference will assess both the strengths and weaknesses of our constitutional systems in the face of unprecedented challenges.

Our panelists come from a diverse range of academic fields, and they have written extensively on the history and interpretation of constitutional thought in the 18th century and beyond. This breadth of expertise will allow us to reconsider the crucial importance of the constitution-writing enterprise that took place in the early American states. For too long, the centrality of the Federal Constitution in the American political life has obscured the fact that “between 1776 and 1798 the first fourteen states wrote and approved a total of twenty-five constitutions.”¹ By comparing the state constitutions and the federal constitution, we hope to offer a more nuanced approach of the debates that took place in the era of revolutions. During this exceptional period of intellectual activity, the fundamental concepts of modern republicanism — political representation, federalism, and the separation of powers — were defined.

¹ Donald S. Lutz, « The theory of Consent in the Early State Constitutions », *Publius*, Vol. 9, n° 2, 1979, p. 11.

PROGRAM

Thursday May 16, 2024

9:30-10:00 am - Welcome and introduction by Robert Morrissey (The University of Chicago)

Scientific committee: Linda Garbaye and Hugo Toudic, and Bertrand Van Ruymbeke
Presentation of the conference and sponsorship by Hugo Toudic and Linda Garbaye

10:00-11:00 am

Chair: Eric Slauter (The University of Chicago)

Keynote Speaker: Jack N. Rakove: *“The Whole Object of the Present Controversy’: The Invention of American Constitutionalism”*

Break

11:20 am-12:30 pm - New Perspectives on American Constitutions: A Historical Approach

Patrick Spero: *“A Revolution in Flux: Writing and Revising Constitutions in the Early Republic”*

Brendan McConville: *“A Political Galapagos: The Origins of American State Constitutions and the Paradox of Revolutionary Constitutionalism, 1776-1787”*

Break

2:00-3:00 pm - New perspectives on the American and the French Constitutions

Chair: Nathan Perl-Rosenthal (University of Southern California)

Eric Slauter: *“The Pocket Constitution: Bearing Rights in Revolutionary America and Beyond”*

Céline Spector: *“A divided sovereignty” (Tocqueville)? American and European federalism*

Break

4:20-5:20 pm - The Limits of Constitutionalism

Chair: Hugo Toudic (International Institute of Research, The University of Chicago)

Lauréline Fontaine: *“How to ensure the supremacy of the Constitution? A look at the failures of contemporary judicial review and constitutional justice”*

Margaux Bouaziz: *“The Debate over the Separation of Powers: The French Revolution at Odds with Montesquieu”*

5:20 pm - The Issue of Slavery in Constitutions

Chair: Agnès Trouillet (Paris Nanterre University)

Pierre-François Peirano: *“The interpretation of the 'Revolutionary Era' during the secession crisis and its consequences on the drafting of the Confederate Constitution”*

Friday May 17, 2022

10:15-11:45 am - New Perspectives on Constitutions: A Political Approach

Chair: Jennifer Pitts (The University of Chicago)

Jack Bevacqua: “*Alexis de Tocqueville and the Politics of Self-Forgetting*”

Luke Foster: “*Federalism in Mexico: Lucas Alamán and Tocqueville on the Particularity of the American Constitution*”

Emilie Mitran: “*Navigating Constitutional Landscapes: The French and American Constitutions and the Significance of Comparisons*”

Break

12:00-1:00 pm - Comparing the American and French Constitutions: A Transatlantic Perspective

Chair: Linda Garbaye (University of Caen-Normandy)

Gabriel Darriulat: “*The Viability of Democracy: The Reception of the Pennsylvania Constitution in Pre-Revolutionary France (1776-1789)*”

Sophia Rosenfeld: “*Early French and American Constitutions, Human Rights, and the Question of Choice*”

Break

2:30 pm - Other European Views on Constitutions

Chair: Hugo Toudic (International Institute of Research, The University of Chicago)

Florence Petroff: “*Plans of imperial union in the 1770s: The alternative to independence*”

End of the conference

Scientific committee and organization

Linda Garbaye (Caen-Normandy University)
Hugo Toudic (International Institute of Research, The University of Chicago in Paris)
Bertrand Van Ruymbeke (Paris 8 University, ANR AMERICA 2026)

Presenters and chairs

Jack Bevacqua (Notre Dame University)
Margaux Bouaziz (Bourgogne University)
Gabriel Darriulat (Sorbonne University)
Lauréline Fontaine (Sorbonne Nouvelle University)
Luke Foster (Notre Dame University)
Linda Garbaye (University of Caen-Normandy)
Brendan McConville (Boston University and David Center for the American Revolution)
Emilie Mitran (Aix-Marseille University)
Pierre-François Peirano (Toulon University)
Nathan Perl-Rosenthal (University of Southern California)
Florence Petroff (La Rochelle University)
Jennifer Pitts (The University of Chicago)
Jack Rakove (Stanford University)
Sophia Rosenfeld (Pennsylvania University)
Eric Slauter (The University of Chicago, USA)
Céline Spector (Sorbonne University)
Patrick Spero (George Washington presidential library Executive Director, Mount Vernon, Virginia)
Hugo Toudic (International Institute of Research, The University of Chicago in Paris)
Agnès Trouillet (Paris Nanterre University)

References

Primary sources

Elliot Jonathan (Ed.), *The Debates in the Several State Conventions on the Adoption of the Federal Constitution, as Recommended by the General Convention at Philadelphia, in 1787*, Washington D.C., 1836-1845.

Hamilton Alexander, Jay John, Madison James, *The Federalist*, 1787-1788.

Montesquieu, Baron de, *De l'Esprit des lois*, Genève : Barillot & fils, 1740.

Thorpe Francis N., comp. and ed., *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America*, Washington D.C, 1909.

Secondary sources

Adams Willi P., *The First American Constitutions, Republican Ideology and the Making of State Constitutions in the Revolutionary Era*, Lanham (MD): Rowman & Littlefield Publishers, Inc., 2001.

Cheney Paul, "Political Economy", pp. 216-232, K. Callanan, S.R. Krause (Eds.), *The Cambridge Companion to Montesquieu*, New York: Cambridge UP, 2023.

Coursin Régis, "Brissot et la république en acte », *La Révolution Française, Cahiers de l'Institut d'histoire de la Révolution française*, online in January 2018

Fontaine Lauréline, *La Constitution maltraitée, Anatomie du Conseil Constitutionnel*, Paris : Amsterdam éditions, 2023.

Garbaye Linda, "Power and Constitutional Debates in the Early American Republic : Mercy Otis Warren's Observations on the New Constitution and on Federal and State Conventions", pp. 145-158, in E. Camp, J. Chandler, D. Grégorio, et A. Lanasri (Dir.), *Pouvoir(s): expressions et représentations*, 2016.

Greene Jack P., *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States, 1678-1788*, Athens: University of Georgia Press, 1986.

Kimmage Michael, Lachenicht Susanne, Lerg Charlotte A. (Eds.), *The TransAtlantic Reconsidered: The Atlantic World in Crisis*, Manchester : Manchester UP, 2018.

McConville Brendan, *The King's Three Faces: The Rise and Fall of Royal America, 1688-1776*, Chapel Hill : University of North Carolina Press, 2012.

Mitran Emilie, *Gouverneur Morris, traducteur de la Révolution française (1789-1793)*, Rennes : Les Perséides, 2022.

Petroff Florence, « The Case of Scotland in the Constitutional Debate on the American Colonies: Benjamin Franklin's and Adam Smith's Visions of Empire (1754-1776) », *RFEA*, N°173, 4e trimestre 2022, pp. 12-23.

Rakove Jack N., *The Annotated U.S. Constitution and Declaration of Independence*, Cambridge (MA): Harvard UP; Belknap Press, 2009.

Rakove Jack N., *Original Meanings: Politics and Ideas in the Making of the Constitution*, Knopf Doubleday Publishing Group, 2nd ed, 2010.

Rosenfeld Sophia, *Common Sense, a Political History*, Cambridge (MA): Harvard UP, 2011.

Rossignol Marie-Jeanne, *Noirs et blancs contre l'esclavage, une alliance antiesclavagiste ambiguë aux Etats-Unis, 1754-1830*, Paris : Karthala, 2022.

Serna Pierre, *Que demande le peuple ? Les cahiers de doléances de 1789*, Paris : Editions Textuel, 2019.

Spector Céline, *Montesquieu, liberté, droit et histoire*, Paris : Michalon éditions, 2010.

Spero Patrick, *Frontier Rebels, The Fight for Independence in the American West, 1765-1776*, NYC: W.W. Norton and Company Inc., 2018.

Toudic Hugo and Spector Céline, “Montesquieu and the Federalist Papers: a Contested Legacy”, *Early American Studies*, Vol. 22, n°1, Winter 2024.

Van Ruymbeke Bertrand, « Des treize colonies aux États-Unis. Ambitions et pouvoirs du législatif, 1680-1787 », in Éric Roulet (dir.), *Les Colons contre l'Empire: Les contestations dans l'Amérique franco-anglaise du XVIIe et du XVIIIe siècles*, Düren, Shaker Verlag, 2020.

Sponsors

