



Jonathan Gienapp

Associate Professor of History and of Law

Bio

BIO

Jonathan Gienapp is Associate Professor of History and Associate Professor of Law. He specializes in the constitutional, political, legal, and intellectual history of the early United States. His primary focus to date has been the origins and development of the U.S. Constitution, in particular the ways in which Founding-era Americans understood and debated constitutionalism across the nation's early decades. His historical interests intersect with modern legal debates over constitutional interpretation and theory, especially those centered on the theory of constitutional originalism.

His first book, **The Second Creation: Fixing the American Constitution in the Founding Era** (Harvard University Press, Belknap, 2018), rethinks the conventional story of American constitutional creation by exploring how and why founding-era Americans' understanding of their Constitution transformed in the earliest years of the document's existence. It investigates how early political debates over the Constitution's meaning altered how Americans imagined the Constitution and its possibilities, showing how these changes created a distinct kind of constitutional culture, the consequences of which endure to this day. It won the 2017 Thomas J. Wilson Memorial Prize from Harvard University Press and the 2019 Best Book in American Political Thought Award from the American Political Science Association and was a finalist for the 2019 Frederick Jackson Turner Award from the Organization of American Historians. In addition, it was named a **Choice** Outstanding Academic Title for 2019 and a *8Spectator USA8 Book of the Year* for 2018.

His second book, *8Against Constitutional Originalism: A Historical Critique** (Yale University Press, 2024), mounts a comprehensive historical critique of originalism. It argues that recovering Founding-era constitutionalism on its own terms fundamentally challenges originalists' unspoken assumptions about the U.S. Constitution and its original meaning.

Gienapp's next book is on the forgotten history of the Preamble to the U.S. Constitution, currently entitled "We the People of the United States: The Struggle over Popular Sovereignty and Nationhood." It tells the story of the Preamble's early vitality and eventual descent into political and legal irrelevance as a way of exploring the broader struggle over popular sovereignty and national union in the early United States. It probes the often entwined debates over popular rule, sovereignty, federalism, and constitutionalism in the nation's earliest years to understand the full meanings of the Constitution's opening words: "We the People of the United States."

Gienapp has also published a range of articles, book chapters, and essays on early American constitutionalism, politics, and intellectual history, modern constitutional interpretation, and the study of the history of ideas.

He is a member of the Historians Council on the Constitution at the Brennan Center for Justice and has contributed to a number of historians' amicus briefs to the Supreme Court of the United States. He is also one of the founding editors of the Journal of American Constitutional History where he serves as a senior editorial advisor.

ACADEMIC APPOINTMENTS

- Associate Professor, History
- Associate Professor, Stanford Law School

PROGRAM AFFILIATIONS

- American Studies

Teaching

COURSES

2025-26

- America at 250: AMSTUD 25, HISTORY 25, HISTORY 250 (Spr)
- America at 250: LAW 7157 (Spr)
- American Constitutional History: AMSTUD 157A, AMSTUD 57A, HISTORY 157, HISTORY 57 (Aut)
- Core in American History, Part I: HISTORY 351A (Aut)
- Doing Legal History: HISTORY 200A (Win)
- Originalism and the American Constitution: History and Interpretation: AMSTUD 252, HISTORY 252, HISTORY 352 (Win)
- Originalism and the American Constitution: History and Interpretation: LAW 7089 (Win)

2024-25

- Colonial and Revolutionary America: AMSTUD 150A, HISTORY 150A (Aut)
- Colonial and Revolutionary America: HISTORY 50A (Aut)
- Originalism and the American Constitution: History and Interpretation: AMSTUD 252, HISTORY 252, HISTORY 352 (Aut)
- Originalism and the American Constitution: History and Interpretation: LAW 7089 (Aut)
- The Worlds of Thomas Jefferson: AMSTUD 61N, HISTORY 61N (Win)
- Thinking the American Revolution: AMSTUD 253F, HISTORY 253F, HISTORY 353F (Win)
- Thinking the American Revolution: LAW 3525 (Win)

2023-24

- Core in American History, Part I: HISTORY 351A (Aut)
- Doing Legal History: HISTORY 200A (Win)
- Originalism and the American Constitution: History and Interpretation: HISTORY 252, HISTORY 352 (Aut)
- Originalism and the American Constitution: History and Interpretation: LAW 7089 (Aut)
- The Rise of American Democracy: HISTORY 254E, HISTORY 354E (Win)

2022-23

- Colonial and Revolutionary America: AMSTUD 150A, HISTORY 150A (Aut)
- Colonial and Revolutionary America: HISTORY 50A (Aut)
- Core in American History, Part II: HISTORY 351B (Aut)
- The History of 2022: HISTORY 1 (Aut)

- The Worlds of Thomas Jefferson: AMSTUD 61N, HISTORY 61N (Win)
- Thinking the American Revolution: AMSTUD 253F, HISTORY 253F, HISTORY 353F (Win)

STANFORD ADVISEES

Doctoral Dissertation Reader (AC)

Courtney MacPhee, Olavo Passos de Souza, Aaron Spikol

Orals Evaluator

Marina Cassio, Jennifer Depew, Aliyah Dunn-Salahuddin, Olavo Passos de Souza, Magdalene Zier

Doctoral (Program)

Jennifer Depew, Nathaniel Hay, Baird Johnson

Publications

PUBLICATIONS

- **Removal and the Changing Debate over Executive Power at the Founding** *AMERICAN JOURNAL OF LEGAL HISTORY*
Gienapp, J.
2024; 63 (3): 229-250
- **THE FEDERALIST CONSTITUTION FOREWORD** *FORDHAM LAW REVIEW*
Schwartz, D. S., Gienapp, J., Mikhail, J., Primus, R.
2021; 89 (5): 1669-1675
- **IN SEARCH OF NATIONHOOD AT THE FOUNDING** *FORDHAM LAW REVIEW*
Gienapp, J.
2021; 89 (5): 1783-1813
- **National Power and the Presidency Rival Forms of Federalist Constitutionalism at the Founding**
Gienapp, J.
edited by Lowe, B.
UNIV PRESS FLORIDA.2021: 127-164
- **Democratic Culture and Democratic Shocks: The Limits of Constitutional Cycles** *Missouri Law Review*
Gienapp, J.
2021; 86: 501-516
- **Written Constitutionalism, Past and Present** *Law and History Review*
Gienapp, J.
2021; 39 (2): 321-360
- **Beyond Republicanism, Back to Constitutionalism: The Creation of the American Republic at Fifty** *NEW ENGLAND QUARTERLY-A HISTORICAL REVIEW OF NEW ENGLAND LIFE AND LETTERS*
Gienapp, J.
2020; 93 (2): 275-308
- **The Myth of the Constitutional Given: Enumeration and National Power at the Founding** *American University Law Review Forum*
Gienapp, J.
2020; 69: 183-211
- **The Foreign Founding: Rights, Fixity, and the Original Constitution** *Texas Law Review Online*
Gienapp, J.
2019; 97: 115-137
- **The Second Creation: Fixing the American Constitution in the Founding Era**
Gienapp, J.

Harvard University Press.2018

- **How to Maintain a Constitution: The Virginia and Kentucky Resolutions and James Madison's Struggle with the Problem of Constitutional Maintenance** *Nullification and Secession in Modern Constitutional Thought*
Gienapp, J.
University Press of Kansas.2016: 53-90
- **HISTORICISM AND HOLISM: FAILURES OF ORIGINALIST TRANSLATION** *FORDHAM LAW REVIEW*
Gienapp, J.
2015; 84 (3): 935-956
- **Making Constitutional Meaning The Removal Debate and the Birth of Constitutional Essentialism** *JOURNAL OF THE EARLY REPUBLIC*
Gienapp, J.
2015; 35 (3): 375-418
- **Using Beard to Overcome Beardianism: Charles Beard's Forgotten Historicism and the Ideas-Interest Dichotomy** *Constitutional Commentary*
Gienapp, J.
2014; 29: 367-381