



Jonathan Gienapp

Associate Professor of History and of Law

Bio

BIO

Jonathan Gienapp is Associate Professor of History and Associate Professor of Law. He received his B.A. from Harvard University and his Ph.D. from Johns Hopkins University. Principally a scholar of Revolutionary and early republican America, he is particularly interested in the period's constitutionalism, political culture, and intellectual history. More generally, he is interested in the method and practice of the history of ideas.

His first book, **The Second Creation: Fixing the American Constitution in the Founding Era** (Harvard University Press, 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. More specifically, it investigates how early political debates over the Constitution's meaning, in transforming the practices through which one could justifiably interpret the document, helped in the process alter how Americans imagined the Constitution and its possibilities. In the process, it considers 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 Spectator USA Book of the Year for 2018. It has been reviewed in *The Nation*, was the subject of a symposium at Balkinization, and was chosen for the 2019 Publius Symposium co-hosted by the Stanford Constitutional Law Center and the Stanford Center for Law and History. He wrote about some of the book's central themes in an op-ed for the *Boston Globe*, and has discussed the book on "New Books in History" and "The Age of Jackson Podcast" as well as in interviews for *The Way of Improvement Leads Home* and the Harvard University Press Blog.

Gienapp has also written on a range of related topics pertaining to early American constitutionalism, politics, and intellectual history, originalism and modern constitutional theory, and the study of the history of ideas. He has published articles and book chapters in a host of venues, including the *Journal of the Early Republic*, *Law and History Review*, *The New England Quarterly*, and *Constitutional Commentary*.

He has written extensively on the relationship between history and constitutional originalism and is completing a book on that subject, entitled "Against Constitutional Originalism: A Historical Critique," which is under contract with Yale University Press and to be published in early 2024.

He is also at work on a large book 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.

He has lectured widely on the U.S. Constitution and the American Founding era. Among other appearances, he discussed the Constitution's history in an episode of the podcast, "Writ Large," participated in a National Constitution Center Town Hall, "The Founders' Library: Intellectual Sources of the Constitution," was interviewed about the history of election disputes in the United States for The New York Times, and discussed the history of minority rule in the United States on NPR's All Things Considered. He also helped compile the National Constitution Center's Founders' Library.

ACADEMIC APPOINTMENTS

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

PROGRAM AFFILIATIONS

- American Studies

Teaching

COURSES

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)

2021-22

- 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 History of 2021: HISTORY 21 (Aut)
- The Rise of American Democracy: HISTORY 254E, HISTORY 354E (Aut)
- The Worlds of Thomas Jefferson: HISTORY 61N (Win)

2020-21

- 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)
- Doing Legal History: HISTORY 200A (Win)
- Thinking the American Revolution: HISTORY 253F, HISTORY 353F (Win)

STANFORD ADVISEES

Doctoral Dissertation Reader (AC)

Emily Greenfield, Courtney MacPhee, Austin Steelman, Carolyn Zola

Orals Evaluator

Tanner Allread, Aliyah Dunn-Salahuddin, Olavo Passos de Souza, Magdalene Zier, Carolyn Zola

Doctoral Dissertation Co-Advisor (AC)

Tanner Allread, Jennifer Depew, Carolyn Zola

Doctoral (Program)

Ben Halom

Publications

PUBLICATIONS

- **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., 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