



Colleen A. Sheehan, Gary L. McDowell, eds. *Friends of the Constitution: Writings of the "Other" Federalists, 1787-1788*. Indianapolis: Liberty Fund, 1998. 1 + 523 pp. \$13.50 (paper), ISBN 978-0-86597-155-4; \$25.00 (cloth), ISBN 978-0-86597-154-7.

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Published on H-Law (August, 1998)

### Revising Ratification's *Dramatis Personae*

For generations, the "usable-past" version of the adoption of the Constitution gave pride of place to *The Federalist*. The heroes of the story were Alexander Hamilton and James Madison, assisted by John Jay (whom illness sidelined in the midst of the ratification controversy). These two short, slight politicians—an energetic New York City lawyer and a scholarly Virginia political philosopher—masterminded the intellectual as well as the political battle for the Constitution and prevailed. In the process, the series of essays they wrote to persuade New Yorkers to adopt the Constitution became the pre-eminent treatise interpreting the Constitution. More than one hundred editions of *The Federalist* have appeared since 1788, and the essays have been translated into dozens of languages, particularly in the twentieth century.[1]

To be sure, despite the mutterings of a few iconoclastic scholars (such as William Winslow Crosskey) [2], *The Federalist* deserves its primacy in the literature of American constitutional theory. However, historians have increasingly recognized, whatever legal scholars might think, that *The Federalist* changed few minds in 1787-1788 and had comparatively slight effect on what Robert A. Rutland has termed "the ordeal of the Constitution."

Until the Constitution's centennial in 1887-1889, the other published writings for and against the Constitution from the ratification controversy languished in obscurity. Only the debates of the state ratifying conventions (supplemented by some newspaper commentaries), edited in a slapdash and biased fashion by Jonathan Elliot, and Henry Gilpin's edition of James Madison's *Notes of Debates in the Federal Convention of 1787* were generally available for study.

For the Constitution's centennial, for reasons mingling historical curiosity, antiquarian reverence, and publishing entrepreneurialism, the historian and pioneering documentary editor Paul Leicester Ford carefully

transcribed and reprinted about two dozen pamphlets and series of newspaper essays. He issued them first as separate pamphlets and then as two books: *Pamphlets on the Constitution of the United States* (1888) and *Essays on the Constitution of the United States* (1892).

Ford's volumes are not perfect. The major defect of his work is his tendency to assume (absent concrete evidence of authorship) that a major pamphlet in a given state or region must have been written by a major politician in that state or region. Thus, for example, he claimed that the *Letters from the Federal Farmer to the Republican* were the handiwork of Richard Henry Lee of Virginia, and that the *Observations on the Constitution...by A Columbian Patriot* had to have been written by Elbridge Gerry of Massachusetts. (In the 1920s, Charles Warren demonstrated that the "Columbian Patriot" was actually his ancestor, Mercy Otis Warren; after Gordon S. Wood disproved Lee's authorship in the late 1960s, the identity of the "Federal Farmer" remains uncertain, though Gerry and Melancton Smith of New York are leading candidates). Nor did Ford always know the first printing of some of his chosen essays and pamphlets, or exactly when or where they appeared in print. Finally, his volumes lacked a coherent organization, whether by subject, by political affiliation, or by chronology. Ford presented rigorously accurate texts, however. Thus, generations of later scholars have profited from his labors and his two compilations have been regularly reprinted.

Not until the decades following the Second World War did historians return to the challenges of documenting the argument over the Constitution in 1787-1788. The leading project in this effort is the *Documentary History of the Ratification of the Constitution and the Bill of Rights* (DHRC).[3] After a first attempt to start the project in the late 1950s by Robert E. Cushman of Cornell University, the late Merrill Jensen of the University of Wisconsin-Madison launched the project in its present form in 1970.

For nearly a decade, Jensen directed the DHRC—and, after his death in 1980, it has continued under the direction of his former students, John P. Kaminski and Gaspare J. Saladino, with Richard Leffler and Charles H. Schoenleber. The DHRC deals with the ratification of the Constitution on two major levels, and devotes two of its three major series to each. (The first volume is in essence a third series, presenting major constitutional documents such as the Articles of Confederation, the Constitution of the United States, and related documents.) First, it documents the formal political processes of ratification—including the calling of elections for state ratifying conventions and the debates of those conventions, supplemented by private letters and newspaper articles focusing on the politics of the ratification controversy. Second, it documents the “war of words” between the Constitution’s supporters and opponents—the context from which *The Federalist* emerged. The DHRC’s just-completed series of *Commentaries on the Constitution: Public and Private*, in six volumes (volumes 13-18 of the overall project), has supplanted the two edited by Paul Leicester Ford. Scrupulously exact in their texts and carefully but not excessively annotated, they comprise the most comprehensive and authoritative assembling of major national and regional pamphlets, newspaper essays, broadsides, and other constitutional commentaries (including private letters of nationally prominent individuals, which were circulated informally as a form of political campaigning) from the ratification controversy. An especially important feature of *Commentaries on the Constitution* is its presentation of the publication history of each commentary, allowing historians to trace the ebb and flow of the argument over the Constitution and the degree to which a given publication reached beyond the place where it originally appeared. (The DHRC’s high quality led Bernard Bailyn of Harvard University to use it as the basis for his valuable Library of America compilation, *The Debate on the Constitution*, which presents selected materials from the formal sessions of the ratifying conventions, the political correspondence of Federalists and Anti-Federalists, and the leading examples of arguments for and against the Constitution. [4])

While the DHRC was continuing its labors, the political scientist Herbert J. Storing of the University of Chicago was planning his own editions of commentaries on the Constitution from the ratification controversy. Storing, a student of the late political theorist Leo Strauss, shared his mentor’s belief that the great political issues and arguments had not changed over the millennia since Plato and Aristotle launched political philosophy in classical Greece. He was a wide-ranging student of political

theory and argument, but he focused on the history of American political thought.[5]

Storing planned two compilations of writings from the ratification controversy. One would recover the richness and variety of Anti-Federalist political thought; the other would perform the same service for the “other” Federalists, those overshadowed by Hamilton and Madison. Although he died suddenly in 1977 at the age of 49, his students carried on his labors. Thanks to the devoted efforts of Murray Dry of Middlebury College, in 1981 the University of Chicago Press published *The Complete Anti-Federalist*. This seven-volume set compiled what Storing deemed the best of the Anti-Federalist writings on the Constitution, carefully edited, annotated, and indexed (including an eminently useful index of political ideas and arguments). The set’s first volume contained Storing’s book-length essay, *What the Anti-Federalists Were FOR*, which in its separate paperback edition has taken its place as a standard text in political science as well as history courses. Storing has done more than any other single scholar to rehabilitate the arguments made by the Constitution’s opponents as serious contributions to political theory. Even with the completion of the DHRC’s *Commentaries on the Constitution: Public and Private*, Storing’s *Complete Anti-Federalist* remains valuable for historians, political scientists, and legal scholars.[6]

Until now, however, the other component of Storing’s project had not progressed beyond his 1976 essay, “The ‘Other’ Federalist Papers: A Preliminary Sketch.”[7] Indeed, the compilations of primary sources from the ratification controversy published for classroom use at the time of the Constitution’s bicentennial focused exclusively or primarily on Anti-Federalist writings.[8]

*Friends of the Constitution* has brought to fruition the project that Storing sketched in 1976. The volume’s editors are two of Storing’s former students, Colleen A. Sheehan of Villanova University and Gary L. McDowell of the University of London’s Institute of United States Studies. They have assembled a wide variety of pro-Constitution writings, building on Storing’s judicious choices as set forth in his 1976 essay; the volume’s selections represent the full spectrum of arguments and styles of argument on the Federalist side, from formal and sophisticated constitutional arguments to brief, plainspoken appeals for Union and Liberty. The “other” Federalists include such distinguished figures as James Wilson, John Jay, Benjamin Rush, and John Dickinson and obscure and anonymous writers. The editors have grouped their selections under three major headings—“The Necessity of Union,” “Energetic but Limited Government,”

and “Popular Government and Civic Virtue”—each prefaced by a brief introductory essay. Storing’s 1976 essay, reprinted as the volume’s introduction, ably elucidates the diversity of Federalist arguments, mapping their differences and disagreements about the nature of the Union and its relationship to the states, over methods of representation and other checks on the power of the general government, and concerning the nature of democratic governance. In addition, Sheehan and McDowell have provided useful annotations to the essays and an excellent, thorough index. The volume is handsomely produced, well up to the usual standards associated with the publishing program of the Liberty Fund. Like Bailyn, Sheehan and McDowell are indebted to the DHRC; they also provide cross-references to the DHRC for each of their selections.

Two minor complaints suggest themselves. First, the editors have organized their volume thematically rather than chronologically (unlike the DHRC’s *Commentaries* series). The reader without background in the evolution of the argument over the Constitution will face some difficulty in sorting out how the arguments developed over time. Indeed, some selections, such as Oliver Ellsworth’s “Landholder” series and the pseudonymous “State Soldier” essays, are broken up among the subject-headings. Furthermore, despite the editors’ annotations drawing attention in some cases to relevant Anti-Federalist writings, the interplay between arguments for and against the Constitution will not readily appear here. A chronological appendix detailing the evolution of the ratification controversy as a political process and thus indicating the relations of the writings to one another over time (as well as the writings of their adversaries) would have been a valuable addition. Second, it would have been useful to have a full guide to the abbreviations that the editors use, such as *FP* and *FE* (which I take to designate, respectively, Ford’s editions of *Pamphlets on the Constitution of the United States* and *Essays on the Constitution of the United States*).

These are mere quibbles, however, with a much-needed contribution to the literature of ratification, and a valuable and convenient resource for all students of the Constitution’s origins. *Friends of the Constitution* effectively supplements *The Federalist* and is a superb companion to Storing’s *The Complete Anti-Federalist*. Congratulations are due to Professors Sheehan and McDowell, and to the Liberty Fund; this volume should reach a wide and appreciative audience.

[I am deeply grateful to Dr. Gaspare J. Saladino, coeditor of the DHRC, for his extensive and helpful comments on an earlier draft of this review.]

Notes

[1]. See the appendix to Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers*, Roy P. Fairfield, ed. (Garden City, N.Y.: Doubleday, 1961; 2d ed., Baltimore: Johns Hopkins University Press, 1981).

[2]. William W. Crosskey, *Politics and the Constitution in the History of the United States*, 3 volumes (vol. 3 completed by William Jeffery) (Chicago: University of Chicago Press, 1953 and 1980).

[3]. Merrill Jensen, John P. Kaminski, Gaspare J. Saladino, Richard Leffler, and Charles H. Schoenleber, eds., *The Documentary Story of the Ratification of the Constitution and the Bill of Rights, 1787-1791*, 13 volumes of 20 projected (Madison, Wis.: State Historical Society of Wisconsin, 1976).

[4]. Bernard Bailyn, ed., *The Debate on the Constitution*, 2 volumes (New York: Library of America, 1993). Because of the Library of America’s policy against providing introductions to its editions, Bailyn published a long and brilliant essay on the ratification controversy separately in 1990 and incorporated it into an expanded edition of his classic 1967 monograph on the ideological origins of the American Revolution. Bernard Bailyn, *Faces of Revolution: Personalities and Themes in the Struggle for American Independence* (New York: Alfred A. Knopf, 1990), chap. 10, reprinted in Bernard Bailyn, *The Ideological Origins of the American Revolution*, expanded ed. (Cambridge, Mass.: Belknap Press of Harvard University Press, 1992), “Epilogue: Fulfillment—A Commentary on the Constitution.”

[5]. For the range of Storing’s scholarship, see generally Joseph M. Bessette, ed., *Toward a More Perfect Union: Writings of Herbert J. Storing* (Washington, D.C.: American Enterprise Institute Press, 1995).

[6]. Herbert J. Storing (with the assistance of Murray Dry), ed., *The Complete Anti-Federalist*, 7 vols. (Chicago: University of Chicago Press, 1981); Herbert J. Storing (with the assistance of Murray Dry), *What the Anti-Federalists Were FOR* (Chicago: University of Chicago Press, 1981).

[7]. Herbert J. Storing, “The ‘Other’ Federalist Papers: A Preliminary Sketch,” *Political Science Reviewer* 6 (fall 1976): 215-247.

[8]. For a discussion and assessment of these compilations, along with other editions of primary sources, see Richard B. Bernstein, “Review Essay: Charting the Bicentennial,” *Columbia Law Review* 87 (1987): 1565-1624.

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**Citation:** R. B. Bernstein. Review of Sheehan, Colleen A.; McDowell, Gary L., eds., *Friends of the Constitution: Writings of the "Other" Federalists, 1787-1788*. H-Law, H-Net Reviews. August, 1998.

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