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A New Look at the Constitutional Convention and State Ratifying Conventions: How Reason and Interest Played a Role

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Multiple scholars have invested a substantial amount of time analyzing the origins of our government. The records of the Constitutional Convention along with the history of the State Ratifying Conventions remain popular topics among historians and political scientists because of the role that the outcomes of these events play in the United States today. Although there have been amendments added over time, we continue to follow the foundation laid out in the Constitution over 200 years ago. Understanding what drove the final decisions made within the Constitutional Convention and why the founders compromised on certain aspects of the Constitution, gives us a better understanding of why we continue to follow the rules today, and whether or not we still should. However, there currently remains disagreement among scholars over the motivation behind decisions made during both the Constitutional Convention and the State Ratifying Conventions. Some scholars argue that the Constitution was the final result of thoughtful deliberation in which reason and principle prevailed. They believe that the founders held a common understanding of the ideal republican society and therefore every decision they made was a result of persuasion over which solutions would best protect this common ideal. Other scholars suggest that reason had little to do with the Convention and both individual and state interests drove the decisions that were made. Some scholars have entered the conversation in an attempt to bridge this gap between interests and reason, and to some extent this essay will endorse those views. However, this essay also provides new insight into the discourse on this subject.

What truly motivated the decisions that led to the Constitution today? Based on the current scholarly discourse as well as the records of the Constitutional Convention and the State Ratifying Conventions, the answer is somewhat complex. Both interests and reason played a critical role during the Conventions, but, as this essay will argue, interests were rooted in reason

and principle, not separate from them, and this was and is a necessary relationship. Hopefully, by understanding the connection and relationship between interests and reason, the role that interests played might be viewed in a new and less negative light, and might help us better understand the implications this has on the political decisions we make today.

Again, multiple historians, including Gordon Wood, Isaak Kramnick, and Frank Harmon Garver, to some extent endorse the idea that the Constitution was the final result of thoughtful deliberation in which reason and principle prevailed.¹ Gordon Wood provides an argument that both endorses this interpretation as well as grounds us in what we mean by reason and principle in the context of this time period. For example, Wood argues that the founders all wanted to achieve an ideal republican society, which, according to the founders, centers around “[t]he sacrifice of individual interests to the greater good of the whole.”² In fact, Wood points out, Thomas Paine said, “[t]he word *republic* means the *public good*, or the good of the whole, in contradistinction to the despotic form, which makes the good of the sovereign, or of one man, the only object of government.”³ Further, Wood argues, Thomas Paine also distinguished a republic from a despotic form of government, which reflects the fact that the founders had just fought against the King of Great Britain and an aristocratic class that disregarded the needs of the colonists.⁴ The attention paid toward a common good “expresse[s] the colonists’ deepest hatreds of the old order and their most visionary hopes for the new.”⁵ Thus, as a reaction against a small ruling class acting in their own interests, the founders agreed that their new republic should protect the interests of the entire society or the common good.

However, Wood also argues that it was not just their experience with Great Britain that sparked the idea of protecting the common good, but also their study of ancient Greek and

Roman Republics. Understanding what made these republics great as well as what led to their demise was vital to the founders because, as Jonathan Austin argued in 1778,

Similar causes will forever operate like effects in the political, moral, and physical world: those vices which ruined illustrious republics of Greece, and the mighty commonwealth of Rome, and which are now ruining Great Britain...must eventually overturn every state, where their deleterious influence is suffered to prevail.⁶

In other words, the same forces that acted on ancient republics would act on the new republic they were trying to form and therefore it was vital to understand both what made the republics great and what led to their demise in order to protect against the negative forces. Through their studies the founders argued that luxury, selfishness, and the desire to improve one's individual life without regard to others is what corrupted and ruined ancient republican societies.⁷ As a result, the new republic would need to protect against these vices. In creating such a republic, the founders desired the attributes of the ancient republics that made them strong. For example, they desired "the kind of society, like that of Ancient Rome, where the people 'instructed from early infancy to deem themselves the property of the State...were ever ready to sacrifice their concerns to her interests.'"⁸ While the selfishness of individuals ultimately prevailed and led to the downfall of these ancient republics, the sacrifice of individual interests to that of the entire society is what had made them strong for so many years. Since the founders wanted to create a republic that captured this quality, they agreed that the new republic needed to center around protecting the common good. Thus, when discussing whether or not the founders used reason during the Constitutional Convention, we mean they argued the details of the government that would best uphold republican principles, such as protecting the common good.

Similar to Gordon Wood, Isaak Kramnick discusses the Convention in terms of the principles and ideologies that remained at the center of debate. Kramnick suggests that the

Convention was a “paradigm battle” in which multiple ideologies were endorsed by different delegates and the debates consisted of these delegates trying to reason with each other on why their ideology was best.⁹ While Kramnick, and even Wood, argue that between the time of the Revolutionary War and the Constitutional Convention, private interest was a competing theory, they both come to the final conclusion that protecting the public good remained the core value of the founders.¹⁰ For example, Kramnick argues that while private interest was a rising theory, the goals behind private interest still focused on serving the common good.¹¹ There was simply a change in emphasis on

the nature of public behavior. The moral and virtuous man was no longer defined by his economic activity. One’s duty was still to contribute to the public good, but this was best done through economic activity, which actually aimed at private gain.¹²

In other words, while there was debate among the founders over the means, the ultimate goal was still to protect the common good. The new interest in private accomplishment really benefited the whole community because, the argument goes, if you are successful economically, you will therefore boost the entire economy, whereas vice versa, if you are not individually successful, then you will become a drag on the economy. Kramnick does go on to discuss other ideologies that made their way into the Convention debates in some way or another. However, he argues that there was no true “victor” in what he defines as the paradigm battle.¹³ In fact, he believes the languages of republicanism, liberalism, the Protestant ethic, and ideals of sovereignty and power were all present in the debate over our new Constitution.¹⁴ However, even more important to our discussion is that no matter which theory or ideal they endorsed at any particular time, they all seemed to have the common good in mind in one way or another. Further, they were all, in fact, using their reason to argue what form of government would best protect that common good and create the most ideal government in their minds. Thus, based on his argument, Kramnick

endorses the view that the founders used reason and principle to make decisions during the Constitutional Convention.

Other scholars go even further to suggest that not only were certain ideologies and principles at the core of debate, but that the delegates desired to understand each other and use reason to compromise. For example, Frank Harmon Garver argued that “[t]he give and take of debate, modified by a willingness to be convinced, a disposition to compromise, and a determination to succeed produced a situation favorable to careful deliberation,”¹⁵ and “[w]hen such men as these acknowledged changes in their opinions, it shows that better arguments were winning over those not so good...”¹⁶ Thus, Garver argues that the Convention was a deliberative assembly of highly esteemed individuals who entered with the intention of understanding one another and using reason and judgment to make compromises. He further suggests that the very idea of debate, in which those on each side had ample chance to explain their points of view, persuaded certain delegates to change their minds, and this ‘meeting of the minds’ is what led to the result of certain compromises during the Convention. At the end of the day, the more persuasive and reasonable arguments are the ones that won because they better persuaded the delegates.¹⁷

However, other scholars, including both historians, such as Peter B. Knupfer, George William Van Cleve, Gordon Lloyd and Christopher Burkett, and political scientists, such as Jeremy C. Pope and Shawn Treier, have entered the conversation suggesting reason had little to do with decisions made during the Convention.¹⁸ As Knupfer argues, compromises that were made throughout the Convention were not a result of a “meeting of the minds” but instead “...arose from necessity and could be accepted only after the Federalists slyly told each group that its interests would be served under the proposed government.”¹⁹ He further argues,

Republicanism...prescribe[d] ideal remedies and identif[ied] conspiratorial foes, but it was not cohesive enough a doctrine to withstand alone the more demanding loyalties of state, section, pocketbook, and fashion a realistic framework of government from the apparently incompatible materials at hand.²⁰

In other words, he argues that there were too many competing interests whether it was small versus large state interests, the Northern versus the Southern divide, or money and economic interests. As a result, when it came to deciding the specifics of the government, competing interests are what forced compromise in which promises were made that appealed to both sides, but did not necessarily provide the best solution for the ideological principles of republicanism. Only with ultimatums did any delegates concede to their convictions, not through persuasive deliberation or a “meeting of the minds”.

Similarly, George William Van Cleve endorses the interest side of things. He argues,

[t]he Convention debate about representation was not an abstract debate about how to implement republican principles, but was instead, as political scientist Mark Graber argues, a debate about political “security arrangements” between different sections of the country, whose delegates saw the terms of representation as the basis for protecting their conflicting sectional interests.²¹

He argues that some of the widely debated issues during the Convention, such as taxation and representation were really over sectional issues, or slave versus non-slave states, and that appealing in some way to those interests is how compromises were made.²²

Further, both Jurgen Heideking and Pauline Maier endorse the interest side of the debate by arguing that interests were the driving force that led to ratification within the states. They argue that the most widely debated issues during the State Ratifying Conventions were focused on the implications that the Constitution would have on the particular interests of each state. For example, Heideking argues that in Connecticut criticisms were “mainly directed at representation and taxation provisions allegedly favoring the South.”²³ He suggests that the

people in Connecticut cared most about how the Constitution would affect them economically, especially when it came to taxes, and how much power they would hold compared to Southern states, so as to ensure they would hold enough power to protect their interests.²⁴ To, Maier holds the view that the individual concerns of the states were focused on interests such as their economies and share of representation within the federal government as compared to other states.²⁵ In order to persuade the skeptics who held these types of concerns, Heideking argues that the federalists carefully shaped their arguments to demonstrate how "... the new order would politically and economically benefit" whichever state they were appealing to at the time. Further, the opponents who still remained hard pressed to ratify, only agreed to change their minds with the promise that a Bill of Rights would be added.²⁶ This Bill of Rights would address the concerns of the states as well as protect the sovereignty of the states so that they could better protect their individual interests.²⁷ Furthermore, both Heideking and Maier suggest that states voted to ratify only after ensuring that the Constitution appealed to their interests in some way and that their interests would have a means of protection via the Bill of Rights. Thus, Maier and Heideking endorse the view that interests were the driving force behind the adoption of the Constitution rather than reasoning over the protection of republican principles.²⁸

In response to these two competing ideas, other scholars have provided new interpretations of the Convention that suggest both reason and interests played a role. For example, Jack N. Rakove enters the conversation by analyzing the arguments surrounding the first few weeks of debate, primarily over the form of representation that would take place in the Senate, either proportional to state populations or equal state representation.²⁹ Through his analysis, he claims that Madison's 'extended republic' was the central idea debated during the opening weeks.³⁰ However, while those in favor of proportional representation endorsed this idea

and tried to reason for weeks why this would achieve the goals of the republic, both reason and interests played a role to counteract Madison's arguments.³¹ On the reason side, Rakove argues that there were fundamental flaws in Madison's theory that certain delegates continued to point out and reason against.³² In theory, certain ideas made sense, but putting them into practice was more complicated. While delegates might have endorsed different solutions, they were still trying to achieve a common goal and reason with each other why their solution would best achieve that goal. However, Rakove then adds the role that interests played. In fact, he suggests that while reason had its place, there were certain interests that small state delegates were unwilling to give up. For example, Rakove argues that for some delegates such as Roger Sherman and William Paterson, "all the reasoning in the world" could not have altered their positions.³³ These delegates recognized that small states had different interests from large states and they cared more about protecting the interests of their states than trying to devise a plan that would benefit the common good or interests of all states.³⁴ Thus, Rakove concludes that the debates were not so cut and dry. Sometimes reason was used, but other times interests prevailed. There was a complex interplay between interests and reason and both had their fair share of influence.

Peter Onuf and Cathy Matson take a somewhat similar interpretation as Rakove. They argue that the founders were realistic in their goals, and therefore had to balance their deep-rooted republican principles with the interests of both individuals and states.³⁵ They argue that federalists held deep convictions about an ideal republican society, but they also recognized the increasing sectional divide and how self-interest was destroying the Confederation.³⁶ However, because of this self-interest, the founders had to be thoughtful in creating a Constitution that would balance those interests in such a way that the states would agree to a stronger National

government.³⁷ Thus, they ultimately argue that interests were not an evil that dominated the Convention, but that part of creating a National government that protects the common good (principle), the founders had to also create a government that in some way protected the interests of the states, and therefore finding common ground or common interests was part of and not separate from designing a Constitution grounded in republican principles and reason.

For the most part, the current conversation has continued to move beyond a black and white debate over reason and interest and endorsed an interpretation more closely resembling that of Rakove or Matson and Onuf. This essay will somewhat resemble Matson and Onuf's interpretation. In part one, this essay will analyze the debates over The Great Compromise of 1787, to show how both reason and interests played a role in the rhetoric at the Constitutional Convention. In part two, this essay will analyze the main issues present during the ratification debates. Through this analysis, it should become clear that interests were ultimately rooted in reason and principle, not separate from them, and that this was a necessary relationship.

However, my essay will answer this question under different circumstances. To be clear, there is a distinction between the rhetoric during the Constitutional Convention and the rhetoric during the Ratifying Conventions that has not been fully realized. In an attempt to understand what truly motivated the decisions that led to our Constitution, my essay will look at the difference between the ways the delegates looked at and questioned the document and the ways the public looked at and questioned the document. This will provide a deeper understanding of how and why our Constitution became what it is today.

Without question, appealing to reason to defend certain republican principles dominated the first six weeks of debate within the Constitutional Convention. These first six weeks of debate predominately concerned the issue of representation in the legislative branch. Some

delegates, specifically those from the smaller states, argued that the representatives in the first branch of the legislature should be apportioned based on the population size of each state, while in the second branch each state should be given equal representatives. Other delegates, those from the larger states, felt that both the first and second branches of the legislature should be apportioned based on population size. In the end, this debate culminated in what came to be known as the Great Compromise of 1787, in which equal representation in the second branch prevailed. The arguments made by both sides suggest that republican principles remained at the center of debate, and the delegates attempted to use reason to persuade their fellow delegates.

As Gordon Wood argued, one of the leading republican principles that the founders wanted to protect was the common good. Based on their arguments over the best form of representation in the Senate, their desire to protect this republican principle becomes evident. For example, one of the fears of those in favor of equal representation in the second branch was that the large states would create a majority faction if the number of representatives were based on the population size in both branches of the legislature and therefore no longer act in the interests of the collective good. A faction, as Madison defines it, is “a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.”³⁸ Again, the founders wanted a republic that protects the good of the whole, so if a majority faction exists, then that faction will pursue interests that are adverse to the interests of the entire community, and therefore the republic will no longer protect the good of the whole. Thus, the delegates from smaller states argued that proportional representation in both branches would lead to this majority faction with no means of protecting against it.

For example, Judge Ellsworth argued that if the first branch of legislature was apportioned based on population,

[t]he large States...[would] have an influence that would maintain their superiority... ...[there would be] danger of combinations among the large States [and] [t]hey [would] like individuals find out and avail themselves of the advantage to be gained by it. Holland, as had been admitted (by Mr. {Madison}) had, notwithstanding a like equality in the Dutch Confederacy, a prevailing influence in the public measures.³⁹

Ellsworth argued that the larger states, by the mere fact that they are large, will naturally have similar interests and will therefore group together to ensure their interests are met. Just as people recognize the advantage of grouping up with other people who have similar interests, states also recognize that advantage. In doing so, the interests of the large states will always prevail in the first branch because the large states maintain a majority of the representatives. As a result, the interests of the small states would never have any weight, and the large states would always maintain that ‘superiority’. He demonstrates the danger of this superiority by pointing out that Holland, which had maintained ‘prevailing influence’ because of its power as a majority, contributed to the failure of the Dutch Confederacy. Therefore, since the large states would group together based on a common interest that is adverse to the rights or interests of the small states, the first branch of the legislature would no longer protect the good of the whole and would endanger the success of the republic.

In order to protect against the dangers of a majority faction that would inevitably form in the first branch of the legislature, the second branch must, Ellsworth argued, give equal representation to the states. Equal representation would give “[t]he power of self-defence...to the small States.”⁴⁰ For example, Ellsworth went on to explain,

[i]f the larger states seek security, they will have it fully in the first branch of the general government. But can we turn the tables and say that the lesser states are equally secure? ...I ask no surrender of any of the rights of the great states...small

states must possess the power of self-defence or be ruined. Will anyone say there is no diversity of interests in the states? And if there is, should not those interests be guarded and secured?⁴¹

Again, since the large states will likely form a majority faction in the first branch, their interests are secure. However, the interests of the small states, which are different from those of the large states, have no means to secure their interests. Thus, it is necessary for the second branch of the legislature to give equal representation to the states in order to give the small states a mechanism for defense against the larger ones. In turn, the balance between the first and second branches of legislature would protect the common good, by protecting the interests of both large and small states and therefore protecting the good of the whole.

In response to these arguments, Madison explained that a republic extended over a large area would make forming factions almost impossible and would therefore prevent a majority faction from forming in the legislature, protecting both minority interests and the common good. For example, Madison emphasized this idea when Mr. Sherman, although in favor of equal representation, conceded that “states may indeed be too small as Rhode Island, & thereby be too subject to faction.” Going off this concession and in defense for proportional representation, Madison argued,

[i]n a Republican Govt. the Majority if united have always an opportunity. The only remedy is to enlarge the sphere, & thereby divide the community into so great a number of interests & parties, that in the 1st. place a majority will not be likely at the same moment to have a common interest separate from that of the whole or of the minority; and in the 2nd. Place, that in case they shd. Have such an interest, they may not be apt to unite in the pursuit of it.⁴²

Madison and Mr. Sherman both agreed that in a republican government, the majority will always maintain power but only if they are united in a faction. Since the republic they are forming, unlike the Dutch Republic that Ellsworth used as an example, is in fact extended over a large sphere, the majority will never unite. Extending the geographical sphere over which the

government legislates creates so numerous a number of diverse interests that there is unlikely to even be a majority interest. If there somehow is a majority interest, it is unlikely that those with the same interest will have the means to unite since they are so geographically distant from each other. Even further, because the sphere is extended and there are so many diverse interests, the legislature, if based on population, will better reflect the good of the whole, by reflecting the numerous diverse interests of the people rather than any majority or minority interest. Thus, Madison made the case that equal representation is not needed to protect against a majority faction and representation based on population better reflects the interests of the whole. While the delegates went back and forth on this issue for weeks, some endorsing Ellsworth's view and some endorsing Madison's view, the rhetoric over this particular issue suggests that the founders cared about and focused their energy on defending the republican principle of protecting the common good. They attempted to reason with each other and agree on which form would best protect the republic.

Further, as the weeks went on, other arguments over the Senate continued to reflect the founders' desires to protect the common good. However, determining what constituted the common good muddied the waters. For example, Mr. L Martin argued, "I am willing to give up private interest for the public good..." Here, he agrees that protecting the common good was important to the new republic. Then he went on to say, "...but I must be satisfied first, that it is the public interest-and who can decide this point? A majority only of the union."⁴³ While he agreed that the common good, or public good, mattered, he disagreed over what constituted this public good. Delegates from the large states argued that protecting the common good meant that the majority of individuals made decisions, as in proportional representation. What Martin, and other small state delegates argued, was that the common good should represent the good of the

union, meaning decisions should be made by the majority of states. He argued that “the Genral Govt. was meant merely to preserve the State Governts: not to govern individuals... that individuals as such have little to do but with their own States...”⁴⁴ In other words, he endorsed the idea that states are sovereign and a national government is meant to preserve that sovereignty, not to infringe on state power to govern the individuals within those states. Thus, protecting the common good meant protecting the good of all states not all individuals.

In order to defend his argument and derive the right to state sovereignty and the equality of states, Mr. Martin went on to explain,

[t]he first principle of government is founded on the natural rights of individuals and in perfect equality....This principle of equality, when applied to individuals, is lost in some degree, when he becomes a member of society, to which it is transferred; and this society, by name of state or kingdom, is, with respect to others, again on a perfect footing of equality-a right to govern themselves as they please. Nor can any other state, of right, deprive them of this equality. If such a state confederates, it is intended for the good of the whole [and] those rights must be well guarded. Nor can any state demand a surrender of any of those rights; if it can, equality is already destroyed.⁴⁵

Here Martin claims that in a state of nature, individuals have perfect equality, but when they enter into a society, they transfer some power to that society and therefore relinquish some of those rights. This society, is then in a new ‘state of nature’ in comparison to other states and should be in perfect equality to those other states. Thus, each state has a natural claim to sovereignty. If a state chooses to confederate, they do so for the good of the whole, but, unlike the people entering into a society, the states are still on equal footing with each other and should not lose their equality. Further, he argues, “laws made by one man or a set of men, and not by common consent, is slavery-and it is so when applied to states, if you give them unequal representation.”⁴⁶ Thus, Martin is arguing that in order to preserve the equality and sovereignty of states, which is a right they each hold when entering into a confederation, equal representation

is necessary. Then, once that is successfully established, the common good of all states is protected because decisions will be made by a majority of states on equal footing with each other.

In direct response to this, federalist David Ramsay points out the flaws in Martin's argument,

[w]hen several parishes, counties, or districts, form a state, the separate interests of each must yield to the collective interest of the whole. When several states combine in one government, the same principles must be observed. These relinquishments of natural rights, are not real sacrifices: each person, county, or state, gains more than it loses, for it only gives up a right of injuring others, and obtains in return aid and strength to secure itself in the peaceable enjoyment of all remaining rights.⁴⁷

Ramsay is arguing that just like individuals give up natural rights when they enter a society, as Martin argued, counties and districts give up rights when they become a collective part of a state, and so too should states give up rights when they enter into a national federation. Further, giving up these rights would better protect the good of the whole because otherwise each individual state would act selfishly and disregard the rights and interests of the other states. For example, Peter Onuf details Noah Webster's argument that the Articles of Confederation failed because

...the states had...betrayed republican principles by refusing to acknowledge one another's rights and by selfishly promoting their interests at one another's expense...Under these conditions, [Noah Webster] concluded, 'our boasted state sovereignties are so far from securing our liberty and property, that they, every moment, expose us to the loss of both.'⁴⁸

Thus, he argues that when states retain their sovereignty, they act in their own interests to such a degree that they disregarded the interests of the other states and therefore infringe upon the interests and rights of the whole of society, or the common good. Therefore, proportional representation better protects the common good by representing the people rather than the individual states who would act selfishly and disregard the good of the whole. Once again, the

arguments made by both sides demonstrate the delegates' focus on reasoning with each other over which form of representation would best protect the common good.

Without getting too bogged down in the details and trying to determine the most compelling arguments, we are most concerned with what these arguments tell us about the rhetoric within the Convention. Both sides tried to persuade their fellow delegates by using reason to suggest that their way would best protect the common good. They spent weeks discussing how to prevent factions from forming so that neither majority nor minority rule would dominate the legislature and the interests of the whole would be represented. They also used historical example to try and reason with each other over the role of states within a national government and why that mattered to protecting the common good. Based on these arguments and the length of debates over these issues, appealing to reason and principle clearly had its place in the debates at the Constitutional Convention, and dominated the floor within the first six weeks.

However, while republican principles remained important to the delegates, these six weeks of reasoning with each other failed to accomplish any kind of compromise. As a result, the founders began appealing to interests as a way to end the standstill and move deliberations forward. In order to understand the role that interests played, we must analyze the final vote that became the Great Compromise. The initial vote for equal representation actually failed on June 11th and only narrowly passed on July 16th by a vote of 5-4-1 suggesting the founders barely came to a compromise.⁴⁹ In fact, the bill only passed because North Carolina switched sides and Massachusetts became divided; all other states voted the same way both times.⁵⁰ Thus, determining why North Carolina switched sides will help determine why equal representation prevailed, and what role interests played in that decision.

As Jeremy Pope and Shawn Treier argue, there are “[l]ogically [only] two possible causes for any shift in a state’s position: moderation of a state delegation’s position on the issue, or the structure of the agenda.”⁵¹ In other words, the delegates were either persuaded by the arguments made and therefore changed their positions, or there was a change in the agenda when they voted the final time that offered them a benefit in return for a change in their positions. Pope and Treier argue the latter, specifically suggesting that the role of slavery or the Three-Fifths Compromise was crucial to North Carolina’s change in position.⁵²

First they argue, “the votes on June 11 and July 16 were not really the same, because the intervening agenda structure had altered the content of the convention proposals and agreements.”⁵³ To better understand how this might be the case, it is important to note that,

[t]he Great Compromise was not simply a clean vote on representation. When GC [was] proposed, it include[d] a number of items, including slavery and the Three-Fifths Compromise, the manner of the census, and the ability of the national legislature to regulate the rule of representation in the future.⁵⁴

Thus, in order to analyze the effect of this agenda on the final outcome, Pope and Treier looked at each extra item on the agenda to determine the effect it had on North Carolina. Ultimately, they determined that the Three-Fifths Compromise is what swayed the delegates’ vote.⁵⁵ Other scholars, such as Rakove also agree that the issue over slavery was vital during the Constitutional Convention.⁵⁶ However, Rakove argued that the question over slavery that led to the Three-Fifths Compromise was separate from the Great Compromise.⁵⁷ Unlike Rakove and others, Pope and Treier suggest that the role of slavery was actually the deciding factor.

In order to break down the agenda and prove their argument, Pope and Treier first analyze the votes on the census and taxation clause.⁵⁸ They found that Mr. Gerry proposed an amendment that had an implicit effect on slavery.⁵⁹ Based on the “language of the proposal,

taxation would be a matter that included the state-level representatives as well as the national representatives and would begin based on the rule of representation then being established—a rule that included the three-fifths clause.”⁶⁰ The amendment may have been about taxation, but it also guaranteed the Three-Fifths Compromise. Prior to this amendment, North Carolina voted nay, but following this new piece to the agenda, North Carolina switched its position. Since North Carolina was a large slave state, the guarantee of the Three-Fifths Compromise would bolster their influence in the first branch of the legislature such that they would have more representation even compared to other large states. Thus, this suggests that the guarantee of the Three-Fifths Compromise is ultimately what changed North Carolina’s position.

Looking at the records of the Constitutional Convention, the evidence suggests Pope and Treier are correct. The founders openly admitted that slavery played a role in swaying North Carolina’s vote. For example, during the Constitutional Convention,

Mr. Davie, said it was high time now to speak out. He saw that it was meant by some gentlemen to deprive the Southern States of any share of Representation for their blacks. He was sure that N. Carolina would never confederate on any terms that did not rate them at least as 3/5. If the Eastern States meant to exclude them altogether the business was at an end.”⁶¹

Mr. Davie admitted that if North Carolina was not ensured representation for its’ slaves, the vote would never pass. Thus, he concluded that some form of representation for the slaves, such as was manifested in the Three-Fifths Compromise, would have to be guaranteed for North Carolina to change sides and vote for equal representation.

While the founders tried to persuade each other using reason that appealed to republican principles, they spent six weeks with neither side budging. As a result, the change in the agenda, which added the Three-Fifths clause that bolstered the representative power of slave states in the House, provided a solution that would lead to a compromise. By appealing to the interests of

slave states, North Carolina switched sides, suggesting that interests were used as a necessary mechanism to find a solution and move deliberations forward to other important issues.

However, bringing the argument full circle, interests were not actually separate from reason and principle. Yes, interests ultimately led to the final decision in this case, but these interests were rooted in principles. Without the Three-Fifths clause, the Southern slave states argued that the Northern wealth would be accounted for and the Southern wealth would not, therefore creating unfair representation, and giving disproportionate advantage to the Northern free states. In turn, this form of representation would not protect the good of the whole community, and instead give advantage to the good of only part of the community.

As Van Cleve argues, “many Northern [and Southern] delegates accepted the principle that wealth should be represented in a republican government.”⁶² The founders, again using republican principle as the foundation for their arguments, believed wealth should be represented because wealth directly related to how much a state contributed to the good of the whole. In fact, Mr. Rutledge made this exact argument during the Convention. He argued that a state must be able to produce for the country in proportion to its representation. Alternatively, since the national government would lay direct taxes on the states,⁶³ essentially valuing each state’s contribution, and since the wealth of the Southern slave states, the slaves, would be accounted for in this tax, so too should the wealth from the slaves be accounted for in representation.

Further,

Northern delegates also generally agreed that, as Rufus King said, the Southern states were comparatively wealthier, and that the three-fifths clause appropriately reflected the disproportionate wealth of the slave states.⁶⁴

Gaining Northern support mattered because while the delegates agreed that wealth should be accounted for, the Southern delegates still had to convince the Northern delegates that the slaves significantly impacted the wealth of the Southern states. In order to do so, Mr. Mason argued,

[i]t was certain that the slaves were valuable, as they raised the value of land, increased the exports & imports, and of course the revenue, would supply the means of feeding & supporting an army, and might in cases of emergency become themselves soldiers. As in these important respects they were useful to the community at large, they ought not to be excluded from the estimate of Representation.⁶⁵

In the end, the delegates ultimately agreed with Mr. Mason and agreed that slaves did make up a significant part of Southern wealth that needed to be represented in some way.

Thus, as Van Cleve points out, with equal representation in the Senate, and without the Three-Fifths Compromise, “apportionment that relied solely on free inhabitant population would nominally have excluded a major part of the wealth of Southern slave states, while including all of Northern wealth.”⁶⁶ The Northern wealth would be accounted for because,

The North’s free population was a reasonably good surrogate for Northern wealth (as both sides had conceded during earlier taxation debates and northern delegates reaffirmed at the Convention), while the South’s free population was comparatively poorly correlated with total southern wealth because so much of southern wealth consisted of slaves (and related land values).⁶⁷

Since this was generally agreed upon after some debate, the Three-Fifths clause made its way into the vote on representation.

Based on these arguments, it becomes clearer as to the motive behind the Three-Fifths Compromise. Yes, this clause appealed to the interests of the Southern slave states and was the turning point in the vote on representation. However, the interest of slavery was rooted in republican principles. It is hard to discuss slavery without casting a negative light because our understanding of slavery today is much different than it was in 1787. If we can cast our view aside for a moment, in order to understand where the delegates are coming from, we can better

understand how their arguments are grounded in republican principles. The delegates spent considerable time debating the Three-Fifths clause and why it would make sense in order to best represent all states fairly. In doing so, they came to the conclusion that the Three-Fifths clause was necessary to account for the wealth of the Southern slave states, which would otherwise be inaccurately accounted for in comparison to the Northern free states. So, to best protect the interests and good of the whole (both Northern and Southern states), the Three-Fifths clause provided the best solution.

Therefore, while the founders agreed on the ideological understanding of a republic, the details of setting up the government in such a way that protected these republican ideals proved much more complicated. Reasoning over abstract principles was most definitely used during the Convention but with little success of compromise. As a result, the delegates had to turn away from these abstract arguments and instead turn toward interests to finally compromise and move deliberations forward. However, interests were not separate from the principles that the founders adhered to. In fact, these interests were backed by principles and balancing interests was a way to ensure the national government would protect the good of the whole, or the interests of all states.

Unlike the Constitutional Convention itself, however, once the delegates sent a draft out to the states, the rhetoric surrounding the ratification debates did seem to focus heavily on more selfish interests, making it a challenge to see any connection to republican principles. For example, as Pauline Maier argues, Delaware and New Jersey ratified the Constitution quickly and with little discussion or opposition because the Constitution appealed to their specific interests.⁶⁸ In fact, Delaware ratified the Constitution unanimously with only four days of discussion.⁶⁹ This was surprising not only because of the speed and unanimity more generally, but also because “Delaware [was] a state deeply divided between Whig and Tory factions...”⁷⁰

For such a deeply divided state, the Constitution must have offered Delaware enough to convince both parties to so readily agree without debate. Maier provides one explanation, which is backed by evidence. She argues that, “[o]nce the Constitution went into effect, Delaware would no longer have to pay the duties Pennsylvania levied on goods imported through Philadelphia and sold to people in Delaware,” among other provisions that would help Delaware economically by reducing its tax burden.⁷¹ Further, due to the Great Compromise, Delaware would gain power via the Senate that it lacked under the Articles of Confederation.⁷² Based on the evidence, Maier’s argument is, in fact, substantiated and there is proof that these interests were particularly important to Delaware and critical to its unanimous decision. Delaware had recently split from Pennsylvania and being both a small state and only recently independent, held little power.⁷³ As a result, delegates from Delaware had fought for equal representation in the Senate during the Constitutional Convention and even threatened to leave the Convention if proportional representation was adopted.⁷⁴ Thus demonstrating Delaware’s deep desire for more power and how well the final result played to its interests. Also, Delaware had already been levying for an increase in the power of Congress under the Articles of Confederation to better regulate trade and import taxes between states with the hope of ending its reliance on Pennsylvania.⁷⁵ Again, this demonstrates that the Constitution provided direct solutions to the issues that Delaware was most concerned with. Thus, it makes sense that Delaware would so quickly and unanimously ratify a Constitution that appealed to its greatest interests.

Similarly, New Jersey was a divided state politically, yet voted to ratify the Constitution unanimously and quickly.⁷⁶ New Jersey, like Delaware, was paying duties levied on goods imported through Philadelphia and New York, and desired more power and less reliance on those states.⁷⁷ Again, the Constitution provided the exact solutions that New Jersey both desired and

advocated for even before the Constitutional Convention.⁷⁸ Thus, it is no surprise that New Jersey also ratified a Constitution that appealed to its specific interests.

Based on the evidence, it is clear that the states that ratified quickly did so because the Constitution appealed to their interests. To, the states with considerable opposition and lengthy debates provide evidence that the rhetoric surrounding ratification centered on interests. For example, it is no surprise that Virginia was not one of the states to immediately ratify the Constitution. Since the Great Compromise ultimately played to the favor of the small states in the North, despite the concessions on slavery, Virginians paid particular attention to the ramifications that certain provisions would have on the power dynamic between the Northern and Southern divide. One key issue discussed during the Virginia Convention had to do with access to the Mississippi River. Free navigation of this river was vital to Virginia's economy.⁷⁹ However, access to this river had already been limited in the past and frequently fought over through treaties with Great Britain and Spain.⁸⁰ Further, one Virginian, William Grayson, argued that,

If the Mississippi was yielded to Spain, the migration to the Western country would be stopped, and the Northern States would, not only retain their inhabitants, but preserve their superiority and influence over that of the Southern. If matters go on in their present direction, there will be a number of new States to the Westward-Population may become greater in the Southern scale....This they [Northern States] must naturally wish to prevent.⁸¹

Further, he argued,

[t]here are but feeble restrictions at present to prevent" the Northern States from relinquishing that river because "the President with two thirds of the members present in the Senate, can make any treaty," and "[t]en members are two thirds of a quorum. Ten members are the Representatives of five States. The Northern States may then easily make a treaty relinquishing this river."⁸²

Clearly, the Virginians recognized that Northern and Southern states had different interests.

Further, the Constitution would not only give Northern states more power based on equal

representation in the Senate, but it would provide a means for Northern states to amass even greater power compared to the Southern states in the future and would specifically hinder the economic growth of Virginia.⁸³ Again, this further suggests that interests were at the center of debate during the Ratifying Conventions.

Further evidence that demonstrates the concern that Virginians, among other states, had with protecting their interests comes from the exhaustive discussions and insistence on a Bill of Rights. As Maier and Heideking both argue, a majority of the discussion during the Virginia Convention was centered on the addition of amendments to the Constitution that would protect the sovereignty of the states.⁸⁴ In fact, in their draft of amendments they wanted added, the first one read, “[t]hat each State in the Union shall respectively retain every power, jurisdiction and right, which is not by this Constitution delegated to the Congress of the United States, or to the department of the Federal Government.”⁸⁵ This is specifically designed to preserve the sovereignty of the states by explicitly delegating powers to the states. Further, they proposed multiple amendments intended to create a more transparent Congress, such as requiring immediate informing of the Executive power of each state if they decide to lay direct taxes or excises, requiring journals of the proceedings of the House and Senate to be published, and requiring receipts and expenditures of public money to be published.⁸⁶ The purpose of requiring this level of transparency was to keep the states so well informed that Congress would be less likely to act directly adverse to the interests of any particular state.⁸⁷ They even proposed multiple amendments that would place restrictions on signing treaties that cede, contract, restrain, or suspend territorial rights of the United States including rivers in an attempt to prevent their concerns over the Mississippi River.⁸⁸ Again, these proposed amendments served to counteract any worries they had over too much national control that would act against their

interests by preserving the sovereignty of their state. Further, these would allow them to maintain more control to make decisions that benefit their state and better prevent other states, and the Northern states in particular, from harnessing too much power over them. These concerns demonstrate Virginia's desire to protect its own interests. Plus, Virginia was not the only state to propose these types of amendments. A total of eight states sent out a list of proposed amendments and required that there be a promise of a Bill of Rights or else they would not ratify the Constitution.⁸⁹ Thus, the "nearly universal" insistence on a Bill of Rights that would address particular interests of the states, and the degree to which the proposed amendments dominated discussions, further demonstrates that the rhetoric during the Ratifying Conventions centered on state interests.

However, while states were most concerned with their own interests, this selfishness should not be viewed in such a negative light. Again, interests are part of and not separate from republican principles and reason. For example, when Virginians recognized the potential for the Mississippi River to be cut off, they knew that this would dramatically impact their economy and future economic growth. By adding the amendment about treaties that would protect their interest in the Mississippi River, they were not just protecting a selfish interest, but were actually protecting the common good of their state. Similarly, as each state analyzed the Constitution, they were most concerned with how it would benefit or hurt the good of their state. Concerns over state interests are not separate from republican principles. By protecting state interests such as ensuring economic growth, representative power, and sovereignty, the states were attempting to do what was best for the citizens of their states, or in other words, protect the common good within their states.

Yet, the problem here is that while the states were looking after the common good within their own states, there was no one looking out for the common good of the Confederation as a whole. While the common good of the individual states and the national common good both demonstrate attention toward republican principles, they are not synonymous. As the founders argued during the Constitutional Convention, since the states focused only on their own interests, they were harming the Confederation by acting adverse to the interests of other states and therefore the Confederation as a whole.⁹⁰

Further, the founders saw a need to protect the national common good when it came to their relations with foreign polities. Again, since each state cared more about its own interests, and since the Congress held little power under the Articles of Confederation, the United States remained weak when it came to foreign relations and therefore was unable to protect the national common good in the international realm. As Leonard J. Sadosky argues,

[t]he inability of the Confederation to engage with polities external to it, either in North America or in Europe, in a meaningful, orderly, and sustained fashion was one of the most potent arguments in favor of first revising the Articles of Confederation and then abandoning them for the federal Constitution.⁹¹

His argument is sustained by multiple instances where American diplomats failed to achieve their goals when negotiating treaties with both European states as well as the Indian nations to the West. For example, John Adams was sent to negotiate a treaty of commerce with Great Britain in 1783. His goal was to conclude a “treaty based on the principal of reciprocity,” which meant that the Americans would not make the British pay any higher duties than Americans, with the expectation that the British would do the same.⁹² However, while the Articles of Confederation gave Congress the power to negotiate treaties, states were given the power to regulate duties and taxes.⁹³ Thus, as Adams soon

realized, to conclude this treaty would have required complicated agreements among all 13 states. Further, Great Britain, as well as many European states, recognized this weakness and realized the United States would be unable to demand reciprocity therefore allowing Great Britain to take advantage of the Americans and unfairly benefit from trade with them.⁹⁴ As a result, Adams as well as other members of Congress at the time, recognized the necessity for a revision to the Articles in the direction of a more federal union in order to gain equal footing in the international sphere.⁹⁵

Similarly, the weakness to negotiate treaties also proved challenging when it came to Indian relations. Congress tried to “impose a new set of norms on the political relationships between American settler polities and American Indian nations,” hoping to maintain friendly borders as well as obtain land from them quickly and easily, with little resistance or violence, viewing them as conquered peoples after the war.⁹⁶ However, Indian leaders pushed back against these assertions and were not about to relinquish their territorial claims.⁹⁷ Further, Congress did not have the finances to buy Indian land, nor to fund an army to conquer Indian nations. Therefore, the next step was to establish treaties. However, the states were already entering into conflicting treaties, which were causing both interstate rivalry and violence between Americans and Indians.⁹⁸ Once again, since the Articles of Confederation gave both state and the Congress similar and conflicting powers, the United States were unable to act with a united front, therefore creating chaos in international relations.

Again, the founders had a much more national and international outlook than that of the states, who seemed to care more about the common good within their states than any national common good. However, while most states were concerned with their own

interests most of the time, the national common good with respect to international relations did impact the State Ratifying Conventions. Many newspaper essayists, among other federalists even “invoked the American Confederation’s lack of power on the world stage,” in order to persuade ratification.⁹⁹ In fact, the role of a stronger national government in dealing with Indian relations was the driving force in Georgia’s quick ratification. Georgia ratified unanimously after only one day, but had previously shown resistance to any kind of federal system.¹⁰⁰ The most likely explanation is that Georgia was a weak state with considerable threat of attack by the Creek Indians and needed the type of federal protection of its borders, and adoption of more sound treaties that would come with the Constitution.¹⁰¹ In fact, a Georgian merchant named Joseph Clay wrote a letter in which he admitted that, “[t]he new plan of government for the Union I think will be adopted with us readily; the powers are great, but of two evils we must choose the least. Under such a government we should have avoided this great evil, an Indian War.”¹⁰² This suggests that despite Georgia’s resistance to a federal government with too much power, it needed the safety and protection that a federal government would provide. A federal system was the lesser of the two evils. Therefore, Georgia, to some extent, understood the need for a strong national government that could protect the national common good, such as protecting borders and handling international relations with a stronger front.

However, the individual interests of the states did not always align perfectly with concerns in the national or international sphere. While the states might have seen a need for some sort of stronger national government when it came to international relations, they remained more concerned about the individual interests within their states. Further, precisely because the founders knew the states were selfish and would therefore only ratify the Constitution if it

appealed to the interests of each state, they had to appeal to those interests rather than use reason to argue why a national government would best protect the good of the whole. This recognition by the founders, or more precisely the federalists, further explains why the rhetoric during the State Ratifying Conventions centered on interests. Rather than convincing the states why the Constitution would provide the best solution to protecting republican principles, they geared their arguments toward the interests of whichever state they were trying to persuade in order to prove that the Constitution balanced interests in such a way that would protect the good of that state.

For example, as mentioned, Connecticut had struggled to pay back the war debt under the Articles of Confederation and was struggling economically.¹⁰³ In order to highlight how the Constitution would address this particular interest, one federalist argued,

[t]he weight of our [Connecticut] taxes cannot be shifted from our polls and our farms to foreign luxuries and the unnecessary goods of the merchants without vesting in Congress the power of laying imposts, duties, and excises. And I am glad to find such a provision in the Constitution...they know that the farmers are the support of every community, and particularly in this country. Accordingly, they have recommended such a form of government as is peculiarly favorable to the agricultural part of the United States.¹⁰⁴

Basically, he argued that the economic burden Connecticut had been bearing would be lifted because of the provisions giving Congress the power to lay imposts, duties, and excises on the agricultural goods that Connecticut produced. He further emphasized that not only do these provisions benefit Connecticut, but they demonstrate that the framers of the Constitution recognize the value of the farmers in Connecticut.

Another example in which the federalists appealed to state interests comes from Virginia. Edmond Randolph argued,

“Paper money may...be an additional source of disputes. Rhode-Island has been in one continued train of opposition to national duties and integrity: They have

defrauded their creditors by their paper money. Other States have also had emission of paper money, to the ruin of credit and commerce...The inhabitants of adjacent states would be affected by the depreciation of paper money...This danger is taken away by the present Constitution, as it provides, 'That no States shall emit bills of credit.'"¹⁰⁵

Here, Randolph is suggesting that the Constitution provides a means to control the economic pitfalls that had been and would continue to affect Virginia and therefore it was in the economic interest of Virginia to adopt such a Constitution. While this argument along with the example from Connecticut only provide two pieces of evidence where the unique interests of a state were directly addressed to persuade ratification, this strategy was used over and over in a majority of the states that held significant opposition to ratification.¹⁰⁶ In fact, the majority of arguments and the strongest arguments that the federalists made during the State Ratifying Conventions were demonstrating how the Constitution would benefit each state in particular, especially economically.¹⁰⁷

Again, the federalists knew that the states were selfish and did not, therefore, look out for the common good of all states. No one state would want to relinquish any sovereignty to a national government unless it was somehow in their interest, since they were not concerned with the interests or good of the other states or nation as a whole. So, as a means to an end, the federalists needed to use interests as a mechanism to get the Constitution ratified in order to create a national government to protect the common good of all states. Further, protecting the national common good also meant protecting the interests of the whole of the community and if the interests of some states were ignored or cut off then the interests of the whole were not really protected. Thus, balancing the interests of different states was necessary both to ratifying the Constitution and creating a national government that protected the national common good. Therefore, while it seems that the rhetoric during the State

Ratifying Conventions centered more on interests rather than reasoning over republican principles, interests again were rooted in principles and actually played a significant role in creating a national government that would protect the common good of all states.

Based on the evidence from both the Constitutional Convention and the State Ratifying Conventions, the connection between interests and reasoning over republican principles becomes clearer. The founders were thoughtful in crafting a Constitution that would best protect the ideal republic. The considerable time they spent reasoning over the best ways to protect the common good proves that republican ideals remained important to them. However, figuring out the details of the government that would protect these republican ideals proved much more challenging. Appealing to more concrete interests rather than abstract ideas became a necessary mechanism to both compromise and move forward in deliberations. Further, the founders recognized that protecting the common good meant protecting and balancing the interests of all states. As is evident in the State Ratifying Conventions, the states were selfish in that they cared only about the implications that the Constitution had for their states. However, selfishly protecting the interests of their individual states is again part of protecting the common good. The states wanted to ensure that the common good within their individual states would remain protected under the Constitution. Of course, because states were mostly concerned with the good of their state, their actions often negatively affected the good of other states. Thus, the challenge for the founders was to create a government that balanced the interests of all states such that the good of the individual states as well as the good of the entire United States was considered and protected.

Interpreting the role that interests played in the founding of our Constitution in this way matters to our current political discourse. The same challenges that the founders faced in balancing interests remains a challenge today. By analyzing how the founders went about dealing with these challenges, we gain insight on how we might go about dealing with them too. Further, this analysis hopefully shines a more positive light on interests. In doing so, we might look at the challenges we face today in a new way. Interests are not something that disappear or can be separated from politics, and balancing interests is necessary to maintaining our republic. Also, since we continue, for the most part, to follow the rules of the game that the founders set up, analyzing the discourse that led to these final decisions helps us interpret whether or not we should continue following these rules. Hopefully, this essay opens the door to further analysis that gives us even more insight into the motives behind the details laid out in the Constitution. Under the current political climate and with the most recent presidential election, there has been an increased concern with how our government functions. By looking at the arguments that the founders made, we can better understand the logic behind their decisions, whether it is equal representation in the Senate, the function of the legislature in general, or how we elect the President. In doing so, we can come to our own conclusions on the benefits or drawbacks of the various details of our government.

¹ Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (United States: The University of North Carolina Press, 1969).

Isaac Kramnick, "Great National Discussion: The Discourse of Politics in 1787," *The William and Mary Quarterly* 45, no. 1 (1988).

Frank Harmon Garver, "The Constitutional Convention as a Deliberative Assembly," *Pacific Historical Review* 13, no. 4 (1944).

² Wood, *Creation of the American Republic*, 53.

³ *Ibid*, 56.

⁴ *Ibid*, 55.

⁵ *Ibid*, 55.

⁶ *Ibid*, 52.

⁷ *Ibid*, 52.

⁸ *Ibid*, 53.

⁹ Kramnick, "Great National Discussion," 4.

¹⁰ Wood, *Creation of the American Republic*, 52-56, 68.

Kramnick, "Great National Discussion," 22.

¹¹ Kramnick, "Great National Discussion," 22.

¹² *Ibid*, 22.

¹³ *Ibid*, 31.

¹⁴ *Ibid*, 32.

¹⁵ Garver, "The Constitutional," 413.

¹⁶ *Ibid*, 419.

¹⁷ *Ibid*, 413-419.

¹⁸ Peter B. Knupfer, "The Rhetoric of Conciliation: American Civic Culture and the Federalist Defense of Compromise," *Journal of the Early Republic* 11, no. 3 (1991).

George William Van Cleve, *A Slaveholder's Union: Slavery Politics, and the Constitution in the Early American Republic* (Chicago and London: The University of Chicago Press, 2010).

Christopher Burkett and Gordon Lloyd, "James Madison and the Grand Convention: 'The Great Difficulty of Representation,'" in *Wiley Blackwell Companions to American History: Companion to James Madison and James Monroe*, ed. Stuart Leibiger (Somerset, U.S.: Wiley-Blackwell, 2012).

Jeremy C. Pope and Shawn Treier, "Reconsidering the Great Compromise at the Federal Convention of 1787: Deliberation and Agenda Effects on the Senate and Slavery," *American Journal of Political Sciences* 55, no. 2 (2011).

¹⁹ Knupfer, "The Rhetoric of Conciliation," 316.

²⁰ *Ibid*, 322.

²¹ Van Cleve, *A Slaveholder's Union*, 117.

²² *Ibid*, 116.

²³ Jurgen Heideking, *The Constitution Before the Judgment Seat: The Prehistory and Ratification of the American Constitution, 1787-1791*, trans. John P. Kaminski and Richard Leffler (Charlottesville and London: University of Virginia Press, 2012), 289.

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- ²⁴ Ibid, 289-290.
- ²⁵ Pauline Maier, *Ratification: The People Debate the Constitution, 1787-1788* (New York: Simon & Schuster, 2010), 262.
- Heideking, *The Constitution Before the Judgment Seat*, 289.
- ²⁶ Maier, *Ratification*, 262-263.
- ²⁷ Ibid, 262-263.
- Heideking, *Constitution Before the Judgment Seat*, 296-297.
- ²⁸ Heideking, *Constitution Before the Judgment Seat*, 300.
- ²⁹ Jack N. Rakove, "The Great Compromise: Ideas, Interests, and the Politics of Constitution Making," *The William and Mary Quarterly* 44, no. 3 (1987): 424.
- ³⁰ Rakove, "Great Compromise," 427.
- ³¹ Ibid, 425-457.
- ³² Ibid, 435.
- ³³ Ibid, 457.
- ³⁴ Ibid, 444.
- ³⁵ Cathy D. Matson and Peter S. Onuf, *A Union of Interests: Political and Economic Thought in Revolutionary America* (Kansas: University Press of Kansas, 1990), 2-3.
- ³⁶ Matson and Onuf, *Union of Interests*, 83.
- ³⁷ Ibid, 83 and 123.
- ³⁸ Clinton Rossiter, ed., *The Federalist Papers* (New York: Signet Classics, 2003), 72.
- ³⁹ Max Farrand, ed., *The Records of the Federal Convention of 1787* (New Haven and London: Yale University Press, 1966), Vol. 1, 469.
- ⁴⁰ Ibid, 469.
- ⁴¹ Ibid, 496.
- ⁴² Farrand, *Records*, vol.1, 136.
- ⁴³ Ibid, 441.
- ⁴⁴ Ibid, 437.
- ⁴⁵ Ibid, 440.
- ⁴⁶ Ibid, 441.
- ⁴⁷ Peter S. Onuf, "State Sovereignty and the Making of the Constitution," in *Conceptual Change and the Constitution*, ed. Terence Ball and J.G. A. Pocock, (Kansas: University Press of Kansas, 1988), 86.
- ⁴⁸ Ibid, 84.
- ⁴⁹ Pope and Treier, "Reconsidering the Great Compromise," 290.
- ⁵⁰ Ibid, 290.
- ⁵¹ Ibid, 290.
- ⁵² Ibid, 290.
- ⁵³ Ibid, 292.
- ⁵⁴ Ibid, 300-301.
- ⁵⁵ Ibid, 303-304.
- ⁵⁶ Ibid, 293.
- Jack N. Rakove, *Original Meanings* (New York: Alfred A. Knopf, 1996), 92.
- ⁵⁷ Rakove, *Original Meanings*, 92.
- ⁵⁸ Pope and Treier, "Reconsidering the Great Compromise," 301-302.
- ⁵⁹ Ibid, 303.

⁶⁰ Ibid, 303.

⁶¹ Ibid, 301.

Farrand, *Records*, vol.1, 593.

⁶² Van Cleve, *A Slaveholder's Union*, 128.

⁶³ Farrand, *Records*, vol.1, 589.

⁶⁴ Van Cleve, "Slaveholder's Union," 128.

⁶⁵ Farrand, *Records*, vol.1, 581.

⁶⁶ Van Cleve, "Slaveholder's Union," 120.

⁶⁷ Ibid, 120.

⁶⁸ Maier, *Ratification*, 122-124.

⁶⁹ Ibid, 122.

John P. Kaminski and Gaspare J. Saladino, ed., *The Documentary History of the Ratification of the Constitution* (Madison: The State Historical Society of Wisconsin, 1988), Vols. 3, 9 and 10.

⁷⁰ Maier, *Ratification*, 122.

Kaminski and Saladino, *DHRC* 3, 39,93, 105.

⁷¹ Maier, *Ratification*, 122.

⁷² Ibid, 122.

⁷³ Kaminski and Saladino, *DHRC* 3, 10.

⁷⁴ Ibid, 41.

⁷⁵ Ibid, 41.

⁷⁶ Ibid, 119-123.

Maier, *Ratification*, 123.

⁷⁷ Kaminski and Saladino, *DHRC* 3, 119-125.

Maier, *Ratification*, 123.

⁷⁸ Kaminski and Saladino, *DHRC* 3, 119-125.

⁷⁹ Kaminski and Saladino, *DHRC* 10, 1179.

Heideking, *Constitution Before the Judgment Seat*, 314.

⁸⁰ Kaminski and Saladino, *DHRC* 10, 1179.

Heideking, *Constitution Before the Judgment Seat*, 314.

⁸¹ Kaminski and Saladino, *DHRC* 10, 1192.

⁸² Ibid, 1192.

⁸³ Heideking, *Constitution Before the Judgment Seat*, 314.

⁸⁴ Maier, *Ratification*, 263-309.

Heideking, *Constitution Before the Judgment Seat*, 314.

Kaminski and Saladino, *DHRC* 9, 632-941.

⁸⁵ Kaminski and Saladino, *DHRC* 10, 1553.

⁸⁶ Ibid, 1553-1554.

⁸⁷ Ibid, 1553-1554.

⁸⁸ Ibid, 1554.

⁸⁹ Maier, *Ratification*, 150-152.

Heideking, *Constitution Before the Judgment Seat*, 381, 293, 297.

⁹⁰ Farrand, *Records*, vol.1, 84.

I used this piece of evidence earlier in the essay but will restate it here. Noah Webster argued that the Articles of Confederation failed because "...the states had...betrayed republican principles by refusing to acknowledge one another's rights and by selfishly promoting their

interests at one another's expense...Under these conditions, [Noah Webster] concluded, 'our boasted state sovereignties are so far from securing our liberty and property, that they, every moment, expose us to the loss of both.'"

Farrand, *Records*, vol.1, 497-498.

Also during the Convention, Madison provided an example of a state acting out of its own interests under the Articles of Confederation, and the implications that had for the Confederation as a whole. He argued that Connecticut, struggling financially, failed to pay the Continental Treasury and instead chose to spend money in ways that would benefit its state. It was in Connecticut's interest to use that money to benefit its own state and boost its economy, and without a strong central government, there was little enforcement of this payment. However, without that money, and with other states making similar decisions, the Continental Treasury did not have the ability to pay off the war debt or protect the states from foreign threat. So, while the states cared about the common good within their states, their selfishness negatively impacted the Confederation as a whole.

⁹¹ Leonard J. Sadosky, *Revolutionary Negotiations: Indians, Empires, and Diplomats in the Founding of America* (Charlottesville: University of Virginia Press, 2009), 120.

David C. Hendrickson, *Peace Pact: The Lost World of the American Founding* (Lawrence: University Press of Kansas, 2003) 174-178.

⁹² Sadosky, *Revolutionary Negotiations*, 125.

⁹³ *Ibid*, 125.

⁹⁴ *Ibid*, 121.

Hendrickson, *Peace Pact*, 174.

⁹⁵ Sadosky, *Revolutionary Negotiations*, 125.

Hendrickson, *Peace Pact*, 27, 178.

⁹⁶ Sadosky, *Revolutionary Negotiations*, 121.

⁹⁷ *Ibid*, 121, 128.

⁹⁸ *Ibid*, 1290-130.

⁹⁹ *Ibid*, 120.

¹⁰⁰ *Ibid*, 203-207.

Maier, *Ratification*, 123.

¹⁰¹ Kaminski and Saladino, *DHRC* 3, 206-211, 225, 232.

Maier, *Ratification*, 123-124.

¹⁰² Kaminski and Saladino, *DHRC* 3, 232.

¹⁰³ *Ibid*, 392-393.

¹⁰⁴ *Ibid*, 392-393.

¹⁰⁵ Kaminski and Saladino, *DHRC* 9, 980.

¹⁰⁶ Maier, *Ratification*, 132, 179-180, 239-243.

Heideking, *Constitution Before the Judgment Seat*, 289, 315.

Kaminski and Saladino, *DHRC* 3, 542-551.

Kaminski and Saladino, *DHRC* 9, 1025-1046

¹⁰⁷ Maier, *Ratification*, 132, 179-180, 239-243.

Heideking, *Constitution Before the Judgment Seat*, 289, 315.

Kaminski and Saladino, *DHRC* 3, 542-551.

Kaminski and Saladino, *DHRC* 9, 1025-1046