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HIST E-1650 Creation of the Constitution
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Maier, Pauline. *Ratification: The People Debate the Constitution, 1787-1788* (New York: Simon & Schuster, 2010)

As a classicist who has been immersed in ancient history and philosophy for the last twenty-five years, I've been looking forward to learning of the debates that led to the ratification of the U.S. Constitution, and chose to study Pauline Maier's book, *Ratification: The People Debate the Constitution, 1787-1788*. Considering that these debates occurred over the course of just one year's time, I was surprised to find over 500 pages of narrative history. Thankfully, I was able to obtain an audio version of the text, listen to the entire book very nicely read, and make plenty of recorded notes—all while enjoying my daily exercise. I'm appreciative of the benefits modern academic resources offer us, but I'm also aware, as Maier warns, that they can lead us to misunderstand the past.

The influence of rapidly developing academic resources on our understanding of history appears to be a central theme guiding three objectives in Maier's work (which she identifies in the opening pages of the book). First, improved access to primary sources has created opportunities to understand events that have been difficult to study in the past. Second, this access to primary sources has revealed inaccurate assumptions that have been made in past studies, many of which are taken for granted today. Third, improved

access to primary sources can help historians compose more engaging narratives, and make historical knowledge accessible to a broader audience. It's worth noting, I think, that these appear to be concerns that apply not only to the study of the ratification process, but to *all* historical studies. Therefore, this can be seen not only as a study of one event in history, but also as a case study of what's possible for modern historical research and writing in all periods. As a classicist, I can think of numerous applications in ancient and medieval history.

With respect to the first objective, Maier discusses the importance of the compilation and publication of the *Documentary History of the Ratification of the Constitution*¹ (DHRC). The DHRC is an edited, transcribed—and digitized²—collection of primary source documents relating to the ratification of the Constitution. She explains in her prologue that while “there are shelves of books” on the federal convention and on the Constitution in general, relatively little has been written on the ratification process. She argues that this was not due to any fault of historians, but to the reality that “the documentary record is massive and widely dispersed in both the central and local archives throughout the

¹ Edited by John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber, Margaret A. Hogan. *The Documentary History of the Ratification of the Constitution: Digital Edition*. (Charlottesville, Va.:University of Virginia Press, 2009).

² The DHRC is accessible online at: <https://bit.ly/dhrc>.

thirteen original states”³, not allowing for comprehensive study. This can be seen in earlier works that are available on the subject, which are often limited to debates in certain states or discussions of ratification in general. The DHRC, which the author cites over 1,000 times in this book, has made the study of the ratification process *throughout* the colonies not only possible but convenient, allowing for “the whole story”, as a national event, to be told.

With respect to the second objective mentioned above (see above, p. 1, last paragraph), Maier acknowledges that her study of the ratification process, with the assistance of the DHRC, led to a number of discoveries. First, our knowledge of primary sources, like the Federalist papers or essays published in newspapers during the time of the ratification debates, appears to lead many to assume that they were known to the people participating in the debates, but this does not appear to be true. Maier shows that though the Federalist was “the most comprehensive defense and analysis of the Constitution”, it was not circulated outside of New York, where it was originally published.⁴ She argues that the famous collection of essays was not actually made available elsewhere until the Spring of 1788 and, consequently, had no influence on the Massachusetts convention and little on that of Virginia.⁵ This warns against making fallacious *post hoc* assumptions when

³ Maier, Pauline. *Ratification: The People Debate the Constitution, 1787-1788* (New York: Simon & Schuster, 2010), Prologue, x.

⁴ *ibid.*, 84.

⁵ *ibid.*, 257.

interpreting historical events in light of primary sources before demonstrating their actual use and influence among the people being studied.

Similarly, Maier warns that the apparent division of the controversy into two parties—Federalist vs. Anti-federalist—is an oversimplification exposed by a careful examination of the sources.⁶ In most states, supporters for the Constitution tried to force an “all-or-nothing” decision on ratification, knowing that the longer states debated the Constitution, the stronger opposition would become. To restrict these debates, supporters labeled any who would not ratify, regardless of their reasons, as “Anti-federalists”, and used this as a derogatory term to discourage opposition.⁷ The reality, however, was that there was no simple division of delegates into two parties, but objections proceeded from a number of different concerns: some rejected the Constitution entirely, others would accept it with amendments made *before* ratification, some knew the existing government was inadequate but desired a different alternative, others were willing to ratify if amendments were promised *after* ratification. Maier makes it clear, from the sources, that “critics of the Constitution were no one thing”⁸, proving the “Federalist vs. Anti-federalist” choice to be a false dilemma. The end result, in fact, was a compromising *via media*, evidenced by the inclusion of a “Bill of Rights”.

⁶ *ibid.*, 430.

⁷ *ibid.*, 92.

⁸ *ibid.*, 93.

With respect to the third objective (see above, p.1), Maier argues that it's possible for historians, with the help of increasingly accessible source materials, to do better than merely answer questions about historical events or set those events in chronological order. Although the outcome of the ratification process is widely known today, that process did not follow a short, straight path from point A to point B, and the story needs to be told with all the intrigue and suspense that made it one of the most important and fascinating events in modern history. At the end of the prologue, Maier states that she aims in this book to test a theory in historical writing that "a writer can build suspense in telling a story, even if the reader knows how the story turned out, so long as the writer never mentions the outcome until it happens at the proper place in the history."⁹. To do this, Maier narrates the story of the ratification process from beginning to end, leading the reader critically through every step, from the drafting of the Constitution to the first acts of the new government. She weaves the story together, focusing on the unique circumstances, characters and concerns of each state convention, on how the states influenced one another, and on how, contrary to modern assumptions, the outcome remained very uncertain until the very end.

For example, Maier highlights the great influence that Patrick Henry ("the greatest orator that ever lived" according to Jefferson¹⁰) had on the Virginia convention, almost single-handedly defeating the Constitution's strongest advocates in the largest and most

⁹ *ibid.*, Prologue, xvi.

¹⁰ *ibid.*, 230.

influential state.¹¹ She shows how Governor Clinton, a friend of Washington and supporter of the Revolution, resisted ratification in New York and published an influential circular letter urging other states to demand amendments¹². She shows how the short-sighted eagerness of federalists to “get the ball rolling”¹³ quickly in Pennsylvania led to great division in the state, which ultimately helped opponents in Virginia gain acceptance for desired amendments¹⁴, leaving federalists there unhappy in the end.¹⁵ She shows that New Hampshire, which was expected to ratify quickly and help influence the Virginia convention, adjourned without voting¹⁶, and wasn’t heard from until *after* Virginia had ratified, making the federalist cause much more difficult than was expected.¹⁷ With many other examples, Maier shows that the ratification process in America was far more complex, uncertain and interesting than is commonly assumed—and succeeds in proving the theory true that historical writing can be suspenseful even when the outcome is known to the reader beforehand.

¹¹ *ibid.*, 299-300.

¹² *ibid.*, 397.

¹³ *ibid.*, 68.

¹⁴ *ibid.*, 305.

¹⁵ *ibid.*, 309.

¹⁶ *ibid.*, 217.

¹⁷ *ibid.*, 313.

Maier's narration offers readers a fascinating journey through the ratification process by which the Constitution was established as the founding document of the new government. I am sure that experts in American history appreciate the work she's done in "telling the whole story", and that readers from other fields (like me) find her story-telling extremely helpful in gaining a memorable introduction to the event. After finishing the content of book, I was excited to read the Constitution provided in the Appendix, as if I was reading it for the first time, with so much more appreciation than I could have had before. If there is one critical objection I might raise, it would be that Maier could have furnished positive proof to support her argument that while primary sources like the Federalist and local newspaper essays were not widely distributed, the arguments they contained did not make their way to delegates and influence the debates. There is evidence of communication between the participants throughout the period, and it seems likely that the best defenses or objections would have been shared. If this was so, it would destroy her argument that these writings were not influential. Nevertheless, I'm not sure much more could have been asked from Maier in helping us to understand and appreciate the history of the ratification process of 1787-1788.

Bibliography

1. Edited by John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber, Margaret A. Hogan. *The Documentary History of the Ratification of the Constitution: Digital Edition*. (Charlottesville, Va.:University of Virginia Press, 2009)
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