



Philadelphia reconsidered: participant curation, the Gerry Committee, and US constitutional design

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Abstract

Legislative design was a critical question at the 1787 Constitutional Convention. The peculiar compromise that was struck—featuring proportional and republican elements—defies the logic of the Convention’s majority rule. We investigate how in establishing the new national legislature, small state delegates were able to prevail over the large state majority and secure the Connecticut Compromise. We argue that the small state coalition’s victory owes to their strategy at a critical juncture: the Gerry Committee. The Gerry Committee amplified the contours of the debate over legislative design and the careful curation of its participants precipitated a shift of structural and creative freedom allowing for the consideration of alternative solutions. The Committee produced an environment favorable to a compromise on legislative structure and power by manipulating the policy dimensions connecting representation, taxation, and slavery. Participant curation was essential in allowing political opponents—the small states—to overcome unfavorable conditions, maximize utility, and craft a proposal capable of approval by delegates and eventual constitutional ratification.

Keywords US Constitutional Convention · Committees · Legislative rules · American founding · Political institutions · Political strategy

JEL Classification D71 · D72 · H11

1 Introduction

The root of political power is the ability to manipulate decision-making spaces. Key delegates—such as Virginia’s James Madison and Connecticut’s Roger Sherman—altered the course of the 1787 Constitutional Convention and American political development by shaping decision-making spaces so they were more likely to win. We intend not to simply rehash the story of the Convention but instead to understand how political opponents defeated in early stages of the debates ultimately prevailed. By examining heresthetic

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strategies—tactics aimed at structuring decision-making environments so an actor can prevail¹—on debates concerning legislative design, we explain how key tenets of political strategy facilitated the creation of the US Congress: a bicameral body cast in perpetual tension by its proportional and republican elements.

We are not the first to acknowledge the role of strategy at the Convention (see, e.g., Holcombe, 1929). Riker (1986, pp. 49, 51) singled-out Gouverneur Morris of Pennsylvania as an actor strategically pursuing a desired outcome, experimenting with ways of “making alliances of exceedingly strange bedfellows”, “searching for statements that lead to incoherence and thus delay”, and “attaching new meanings to old ideas.” Yet Riker did not focus on the “most vexing issue” of the Convention: legislative design (Wirks, 2003, p. 157). Despite a growing body of literature studying the Convention using similar analytical tools, to our knowledge, no scholars have applied Riker’s concept to debates over representation (see, e.g., Anderson, 1993; Coby, 2018; Jillson, 2002; Robertson, 2005).

The events of the Convention and the delegates’ motives have been subject to analysis from many perspectives. Scholars have investigated the theoretical and democratic underpinnings of the design of American political institutions extensively (Coby, 2016; Diamond, 1959; Smith, 1912). Others focus on the political and ideological factors surrounding it (Coby, 2018; Rakove, 1987). Some investigate the dimensionality of debate as a method for uncovering meaning (Dougherty & Heckelman, 2006; Jillson, 2002; Roche, 1961; Rossiter, 1987). Many accounts emphasize delegates’ backgrounds, religious and ideological views, and rhetoric (Beard, 1913; Coby, 2017, 2018; Dougherty & Heckelman, 2008; Hall, 2012; McDonald, 1958).

The literature on the Convention often provokes contradictory findings, shrouding the events in Philadelphia further behind a cloud of intrigue. For example, Coby (2018) argues that Madison and his allies lost on representation in the upper house because they held on too tightly to a flaw in their plan’s logic and ultimately were unwilling to dissolve states as political entities. Contrarily, other scholars claim that Madison was defeated because of the tactics adopted by his political opponents (see, e.g., Pope & Treier, 2011; Robertson, 2005). We believe heresthetic strategies to be important analytical tools for understanding the Convention. Notably, “delegates understood the importance of heresthetic” to policymaking (Robertson, 2006, p. 307). As a framework of analysis, heresthetic allows us to focus on how—as other scholars have identified—the “small states manipulated the agenda” by introducing provisions related to representation at pivotal movements (Pope & Treier, 2011, p. 300).

We argue that the ability of small state delegates—members preferring a stronger national government preserving states’ rights and autonomy—to orchestrate the creation and curate the membership of the Gerry Committee on representation was the turning point of the Convention. Congruent with previous research identifying instances of agenda manipulation on representation, our findings identify the Gerry Committee as the critical juncture of the Convention (see, for example, Pope & Treier, 2011; Robertson, 2006). We illustrate in greater detail than previous studies how the Committee’s action specifically produced a decision-making environment more favorable to compromise by manipulating the dimensions connecting representation, taxation, and slavery (see Farrand, 1904; Nelson, 1987).

¹ For further discussion of heresthetic and political strategy, see Riker (1984, 1986).

We conceptualize the process of reaching the Connecticut Compromise as a discrete sequence of proposals interwoven with heresthetic maneuvers. We seek to “identify the rhetorical and heresthetic devices that led” to the “surprising” adoption of the Compromise (McLean, 2002, p. 557). Utilizing process tracing and formal theory to study primary and secondary sources, we focus on delegates’ *strategies* and *actions* at two critical junctures—(1) debate over the formation of the Gerry Committee and (2) deliberations over the Committee’s report—that reordered the agenda on the debate over representation.²

Based on the present study of debates at the Convention, we see why the Committee was pivotal in producing a compromise and new status quo. Process tracing is an important methodological tool for grappling with such complex, historically significant sequences and uncovering the causal links thereof (Riker, 1986; Van Evera, 1997). Given continuing conflict over constitutional interpretation, we must grasp the decisions and strategies producing the Constitution. Equal representation in the Senate remains a topic of active discussion. The supposed deleterious effects of its institutional structure on democracy, policy, and the Electoral College are surveyed regularly (e.g., Dahl, 2003; Lee & Oppenheimer, 1999). When debating the meanings and motivations of delegates, the Constitution, and contemporary political debate, we should appreciate how the *actions* of delegates—and political opponents—manipulated debate and set the stage for compromise.

Herestheticians prevail because they “set up the situation in such a way that other people will want to join them—or will feel forced by circumstances to join them—even without any persuasion” (Riker, 1986, p. ix). While heresthetic strategies encompass a broad array of deliberative actions, they are not sufficient in explaining the outcome in Philadelphia. Building on the call by researchers for “scholars to invent better ways to study... [the] processes” organizing political decision-making, we identify a novel heresthetic technique employed at the Convention to manipulate the policy agenda (Robertson, 2006, p. 308). We argue that *participant curation* alters the structural boundaries of decision-making by changing the identities of the participants in the decision-making process. Changes to the set of participants usually are coupled with adjustments to venues, decision-making structures (i.e., rules), or both. The following sections illustrate the ways in which participant curation and other heresthetic tactics produce differences in how problems are approached and by whom. We outline how those strategies were employed throughout the Convention and produced the United States Constitution.

2 Debate preceding the Gerry Committee

The first days of the Convention were devoted to discussing procedural rules. At full strength, the Convention operated as a legislative assembly—frequently as a Committee of the Whole—composed of 55 delegates from 12 states since Rhode Island did not appoint delegates (Vile, 2006). Each state delegation was granted one vote determined by a simple majority of its members (Carlsen & Heckelman, 2016; Garver, 1944). Some states—e.g.,

² Research on the Convention relying heavily on secondary sources as primary documents is limited to the private records of several delegates. We recognize that Madison revised his journal shortly following the Convention as well as decades later (Bilder, 2015; Farrand, 1911, vol. 1, pp. xvi-xix). For accuracy, we compare the notes of Madison and other delegates, including Robert Yates, Rufus King, and Alexander Hamilton.

Massachusetts—required multiple delegates to be present to cast votes, while others—e.g., Connecticut—vested single delegates with voting power (Holcombe, 1929).

Proposals comprising multiple resolutions were debated in sequential order of the resolutions (Farrand, 1911, vol. 1, p. 9). The outcome of each vote was determined by majority rule (Carlsen & Heckelman, 2016). Delegates could make motions to amend, commit, or postpone a question at any time and the same rules applied to committees (Vile, 2006). Deliberations were secret although delegates corresponded and took notes. Secrecy was critical since “the minds of the members were changing, and much was to be gained by a yielding and accommodating spirit” (Farrand, 1911, vol. 3, p. 479). The open-mindedness of delegates was important given the numerous positions on which substantive disagreement arose (Garver, 1944; Hutson, 1987; Rakove, 1996).

2.1 Madison’s Virginia Plan

When deliberations began, Madison submitted through fellow Virginian Edmund Randolph an overarching proposal called the Virginia Plan. Madison proposed a strong national government to replace the Articles of Confederation (AOC), with broad authority over taxation, commerce, defense, and power to veto state laws (Wirls, 2003). The Virginia Plan proposed a bicameral legislature with representatives in both chambers proportional to each state’s population or wealth (Farrand, 1911, vol. 1, p. 21). In a letter to George Washington, Madison offered a rationale for his legislative design: large states would agree to a stronger national government only if they wielded greater influence therein as “it would be the incentive ... to give up their power” (Bailey, 2019, p. 13).

In framing early issues, Madison set the agenda by “guid[ing] other delegates to support the plan for government reform he favored” (Robertson, 2013, p. 58). He therefore influenced the order of deliberations and voting to affect the outcome (Pierson, 2000; Pope & Treier, 2011). By appealing to the “straightforward calculations of political advantage” of some states, he built a coalition supporting his plan (Wirls, 2003, p. 161). A coalition of *large state* delegates, those from the biggest, fastest growing states—Georgia, Massachusetts, North Carolina, Pennsylvania, South Carolina, and Virginia—favored expanding national powers while protecting economic interests (Coby, 2018; Holcombe, 1929).

Madison surmised that his coalition could block proposals put forth by the other states—Connecticut, Delaware, Maryland, New Hampshire, New Jersey, and New York—presuming that Rhode Island refused to send a delegation. That *small state* coalition preferred a stronger national government that “preserve[d] a respectable position in the new Union for the separate states” (Holcombe, 1929, p. 378; Jillson, 2002). To secure their support, a new government needed to safeguard state interests.

Madison soon recognized that his large state coalition was tenuous. It was held together on the premise of a bicameral legislature with proportional representation in both chambers because it would protect their national influence and their local economies—i.e., slavery (Robertson, 2013). Madison believed that once his legislative design was approved, his coalition would quickly adopt the rest of the Plan (Wirls, 2003).

2.2 Small states’ response

Since the key to Madison’s strategy was securing his legislative design, which would mitigate concerns and allow his coalition to block alternative proposals, his opponents had a clear path to derail his plans. Recognizing that failure to secure proportional representation

in both chambers would destabilize the large state coalition, small state delegates such as Sherman challenged Madison's strategy. By demonstrating significant opposition, the small states prevented Madison from assembling his coalition quickly.

Four days after the Plan's introduction, several delegates argued that a compromise on representation was necessary to gain their support for a new constitution (Rakove, 1987). On June 11, delegates agreed to apportion seats in the lower house based on population. Sherman then moved to approve states' equal representation in the upper house, and limit representation in the lower house to the number of "free inhabitants" in each state (Farrand, 1911, vol. 1, p. 196). Large state delegates believed that "proportional representation ... respected the essential equality of each person, whereas equal representation of unequal states conferred more power on some persons than on others" (Coby, 2018, p. 221). Sherman argued that "the small States would never agree to the [Virginia] Plan on any other principle than an equality of suffrage in [the upper house]" (Hall, 2012, p. 96).

The tone of the Convention changed immediately. Benjamin Franklin of Pennsylvania (through his colleague James Wilson) noted: "till this point ... our debates were carried on with great coolness & temper" (Farrand, 1911, vol. 1, p. 197). Sherman's proposal was defeated 5–6, as New Hampshire's delegation had not arrived (Farrand, 1911, vol. 1, pp. 201–202). A subsequent motion to apportion seats in the upper house proportionately passed 6–5, with the same coalitions as the previous vote (Farrand, 1911, vol. 1, p. 202).

Small state delegates—including Sherman, David Brearley of Maryland, John Lansing of New York, Luther Martin of Maryland, and William Paterson of New Jersey—then "rall[ied]" to counter Madison's Plan by introducing an alternative: the New Jersey Plan (Wirls, 2003, p. 174; Rossiter, 1987; Warren, 1928). Their plan proposed a unicameral legislature with equal representation and authority to tax and regulate interstate commerce. Proponents argued that states needed to retain an equal voice in the national government—an important factor for states with small populations and limited opportunities for growth. Still, the proposed expansion of national power remained weaker than many delegates believed necessary (Rakove, 1987, 1996).

The New Jersey Plan's failure was never in doubt. While playing a pivotal role in drafting the Plan, Sherman and Connecticut's Oliver Ellsworth helped defeat it (Robertson, 2006). Connecticut's delegates clearly had ulterior motives either in designing the plan or voting against it. Even large state delegates "wondered whether Paterson meant [the] plan to be taken seriously" (Rakove, 1996, p. 63). On June 19, the Convention formally rejected the Plan 7–3–1; Delaware, New Jersey, and New York voted in favor, Maryland divided.

The New Jersey Plan should be conceived as a strategic proposal that illuminated the need for compromise because it amplified hidden contours of the debate over legislative design. Rakove (1996, pp. 442–443; emphasis in original) contends that

[the] basic purpose [of the New Jersey Plan] was not to move the convention to pursue a more prudent agenda of reform. It was rather to convince the large states that the scope of change envisioned in the Virginia Plan could never be adopted unless the small states were accorded an equal vote in one house. Should the large states persist in *their* ultimatum, the small states would respond in kind and accept nothing that went much beyond the modest amendments discussed in the mid-1780s. The real debate over the thrust of the New Jersey Plan thus began only *after* its rejection.

Pope and Treier (2011, p. 292) argue similarly that the New Jersey Plan may have been aimed at "finding a cross-cutting dimension" or "revising the proposals on the proportional representation dimension" with the goal of dividing large state delegates. We adopt that assessment—the New Jersey Plan fixed the dimensions of debate on a specific topic:

Table 1 Legislative representation resolutions of the Virginia Plan

Resolution	Proposal
Two	Representation in the legislature be apportioned according to the “Quotas of contribution or, to the number of free inhabitants”
Three	Bicameral legislature
Four	Members of the lower house be elected by the people
Five	Members of the upper house be elected by members of the lower house

Source: Farrand, 1911, vol. 1, pp. 20–22

preserving state power in the form of representation in the upper house (Riker, 1987; Wirls, 2003).

Therefore, while the Plan’s failure showed that large states would not agree to the perpetuation, in effect, of the Confederation Congress, small states made their central objective clear: they simply would not rubberstamp the Virginia Plan. Charles Cotesworth Pinckney of South Carolina made the position clear, observing that “if New Jersey was indulged with one vote out of 13, she would have no objection to a national government” (Elliot, 1836, p. 461). Debate on Paterson’s Plan also revealed a fulcrum small state delegates could use to gain leverage, as the Plan exposed that taxation, national powers, and states’ rights had become intertwined with representation. Yet a more viable alternative was needed.

Debate on the Virginia Plan resumed after the New Jersey Plan’s defeat. Table 1 summarizes the Plan’s four (of 15) original resolutions pertaining to legislative representation. Before debate began on those resolutions, Sherman seized the failure of the New Jersey Plan as a springboard, arguing that equal representation in the upper house “was necessary to secure the rights of the lesser States” (Farrand, 1911, vol. 1, p. 343). Sherman believed that the Virginia Plan threatened state sovereignty and republican values. While large state delegates’ primary goal was increasing national power to create an effective central government—more so than proportional representation—they were not immune to parochial considerations (Heckelman & Dougherty, 2007; Klarman, 2016). Sherman’s words demonstrated that a compromise acceptable to both coalitions was necessary.

On June 21, the third resolution passed 7–3–1 and the fourth 9–1–1; Maryland divided in each vote. Four days later the fifth resolution was approved 9–2; delegates voted that the members of the upper house be chosen by state legislatures (Farrand, 1911, vol. 1, p. 408). John Rutledge of South Carolina later observed that aspects of the sixth resolution on legislative power hinged on questions of representation. He moved to postpone the sixth resolution and consider population-based apportionment of seats in the lower house, which passed. Debate lasted three days. During that time, Connecticut’s William Johnson attempted to revive Sherman’s earlier compromise, but large state delegates pushed back. Madison and Alexander Hamilton of New York expressed skepticism about the relevance of states as entities in the new system (Farrand, 1911, vol. 1, p. 477).

Although the precise formula would be determined later, a vote agreeing that apportionment in the lower house would be proportional passed 6–4–1 with Connecticut, New York, New Jersey, and Delaware dissenting; Maryland was split (Farrand, 1911, vol. 1, p. 477). Ellsworth then suggested postponing consideration of further debate on apportionment of the lower house to consider the same in the upper house. The motion passed 9–2. Small state delegates supported the motion on the basis that should debate on apportionment of the lower house continue, large state delegates may have gained enough momentum

to solidify a majority that could prevent equal representation in either chamber (Brown, 1905).

With delegates now forced to debate representation in the upper house, Ellsworth took advantage of the opportunity to revive Sherman's compromise:

I now move ... that in the [upper house] each state have an equal vote. I confess that the effect of this motion is, to make the general government partly federal and partly national. This will secure tranquility and still make it efficient; and it will meet the objections of the larger states. (Elliot, 1836, p. 464)

Ellsworth described a different concept than the large state coalition did, in which states were a necessary element. On July 2, delegates reached an impasse debating a motion for equal representation in the upper house (Farrand, 1911, vol. 1, p. 516). Connecticut, Delaware, Maryland, New Jersey, and New York voted in favor. Georgia's Abraham Baldwin, born and educated in Connecticut, voted with the small state coalition, producing a tie within Georgia's delegation because two of the state's delegates (William Few and William Pierce) had left the Convention. As a result of Baldwin's vote, the motion failed 5–5–1. However, the tied vote revealed that Madison's coalition was cracking (Rakove, 1987).

3 The Gerry Committee and overcoming stalemate

With equal representation in the upper house thrice defeated (see June 11 and 19), the Convention was in perilous position. Charles Pinckney of South Carolina feared that the Convention was "in danger of dissolving without doing any thing" (Farrand, 1911, vol. 3, p. 441). Yet he also opposed the small states' proposals (see Farrand, 1911, vol. 1, p. 510). Proceedings were at a stalemate.

3.1 Participant curation of the Committee

Amid the deadlock of the July 2 vote, Charles Cotesworth Pinckney moved to create a committee consisting of one member from each state to resolve legislative design (Farrand, 1911, vol. 1, p. 511). The rationale behind creating the committee was to shift debate to a space wherein delegates could explore proposals with more freedom than the Committee of the Whole. Schattschneider (1960, p. 2; emphasis in original) notes the importance of changing decision-makers and decision-making spaces, arguing that "the outcome of all conflict is determined by the *scope* of its contagion. The number of people involved in any conflict determines what happens; every change in the number of participants ... affects the result." Thus, changing the group of participants alters the probability of reaching outcomes because "every change in the scope of conflict has a bias" given that the balance of members and opinions "will almost certainly not remain constant" (Schattschneider, 1960, pp. 3–4). When the location of conflict is changed, "the original participants are apt to lose control of the conflict altogether" (Schattschneider, 1960, p. 3).

Madison, recognizing that a committee could create a decision-making environment unfavorable for his plan, argued that:

committees only delay business; and if you appoint one from each state, we shall have in it the whole force of state prejudices. The great difficulty is to conquer former

opinions. The [July 2] motion of the gentleman from South Carolina can be as well decided here as in committee. (Farrand, 1911, vol. 1, p. 519)

Madison understood that a committee could be prejudiced against his preferred outcome. His plea for deciding the issue on the floor demonstrates an understanding that his best chance of securing his coalition—and thus proportional representation—lay in keeping the proposal where it was.

Madison's words were not persuasive because the Virginia delegation and those of other large states—Georgia, Massachusetts, Pennsylvania, North Carolina, and South Carolina—voted to establish the Committee. Randolph, a key ally of Madison, spoke in favor of the Committee since “the principle of self-preservation induces me to seek a government that will be stable and secure” (Farrand, 1911, vol. 1, p. 519). Hugh Williamson of North Carolina argued that “a compromise would be pursued with more coolness” by the Committee, an acknowledgement that some large state delegates recognized the necessity of compromise and that it was more likely to be reached in that setting (Farrand, 1911, vol. 1, p. 515). Gerry expressed his fear the Union would fail if a solution could not be reached (Farrand, 1911, vol. 1, p. 515). Charles Cotesworth Pinckney's motion carried 9–2.

The resulting committee—the Gerry Committee—allowed small states to advance their preferences by creating an environment more favorable to compromise. When the normal space for deliberation is unable to reach consensus, a different space more amenable to progress may be created. To bypass the institutional inefficiency of existing processes, savvy political actors may orchestrate *participant curation* and create a temporary venue with new actors—including at least some subset of the original actors—and rules delegated to them for specific purposes. Actors, therefore, “influence *who* the relevant set of agents is” (Shepsle, 2003, p. 309; emphasis in original). Participant curation provides decision-makers with structural and creative freedom to consider solutions otherwise intolerable in the original environment. Participant curation is seen in the creation of committees or commissions for ephemeral, stipulated purposes, such as groups organized to conduct investigations, study institutional reforms, or consider controversial matters.

Participant curation is a powerful tool that may help facilitate negotiations or overcome rules biased towards deadlock. Therefore, when the Convention faced a “conflict that seemed to be insoluble under normal decision procedures, delegates would deliberately select a compromise committee” of curated members to craft a proposed solution (Jillson, 1981, p. 603; Lansky, 2000). In other words, “well-chosen delegates” were placed in positions to craft “creative solutions” (Lansky, 2000, p. 328). Politicians can be creative in finding “new way[s] to accomplish what is blocked by existing ways of doing things” (Shepsle, 2003, p. 310). That conclusion is particularly true when a group consistently loses on an issue, because they have “an incentive to restructure issue space so that [they] can win” (McLean, 2002, p. 540). On representation, the small state coalition lost frequently, but succeeded later by altering the debate's venue and the group of decision-makers.

The Convention agreed 10–1 that the committee would consist of one member per state—the irony of equal representation perhaps lost on delegates. That motion was pivotal since the Committee's recommendation depended in large part on its participants, since who is in the room where negotiation happens influences decisions and outcomes (Coby, 2018). When appointing members to committees, delegates cast individual ballots so “the member chosen to represent each delegation would be appointed by the Convention rather than by his own state” (Rakove, 1996, p. 379; Vile, 2006). Assuming normal variations in Convention attendance—it typically ranged from 30 to 35 delegates—large state delegates easily outnumbered small state members (Rossiter, 1987).

In looking at the members selected to serve on the Committee, curation of the Gerry Committee's membership is clear. Whether intentional or by chance, the Convention appointed members from the large state coalition characterized by moderation and strong supporters of equal representation from the small state coalition (Vile, 2006; Wirls, 2003). The compositions of other 11-member committees in Philadelphia "were consistent with a random draw from the chamber", but the Gerry Committee was not (Carlsen, 2012, p. 29). It was a "preference outlier" (Carlsen, 2012, p. 11). At least five members explicitly had expressed the need for compromise, including the delegates representing Massachusetts (Elbridge Gerry), North Carolina (William Davie), and Pennsylvania (Franklin). Davie was perhaps the "most centrist delegate" of the Convention (Carlsen & Heckelman, 2016, p. 790). Franklin already had advocated equal suffrage in the upper house (Farrand, 1911, vol. 1, p. 520).

Looking at the Committee's membership (see Table 2), it is clear that small-state views on representation—typified as narrow and conditional nationalism (see Robertson, 2013)—were better represented than their proportion in the Committee of the Whole. Additionally, leaders of the small-state coalition were elected while the large-state bloc was represented by moderate delegates more willing to compromise on representation (Billias, 1976; Rakove, 1996). The small-state members included Sherman and Paterson, while delegates from the large-state coalition included Baldwin and George Mason—instead of Madison—from Virginia.³

By luck or by design, the delegates approved the Gerry Committee as a vehicle to produce a compromise and "stacked" it against the interests of Madison's coalition (Robertson, 2005, p. 102). The debate thus was rhetorically, strategically, and spatially shifted to a decision-making space receptive to a compromise advantaging small states. Robert Yates of New York confirms that logic, saying that "the idea of a conciliatory adjustment must have been in contemplation of the house in the appointment of th[e] committee" (Farrand, 1911, vol. 1, p. 522).

Delegates had rationales sufficient to consider the strategic consequences of their votes since, as noted by Luther Martin, the Convention was "scarce held together by the strength of a hair" (Elliot, 1836, p. 399). Scholars have observed strategic voting in committee election processes at the Convention, for which delegates often were "chosen whose views on, and approaches toward, the particular task were acceptable to a large number of people" (Lansky, 2000, p. 326). Strategic voting focuses on how political actors cast votes to maximize their utilities, which usually involves calculated abandonment of one's short-term preference to secure greater long-term payoffs and avoid a lesser-preferred outcome (Riker, 1986). In the case at hand, small states were represented by delegates most inclined to support equal representation; large states were represented by members more open to compromise rather than hardliners. For many large state delegates, the Committee's membership may have been seen as a gamble with little cost since the Committee of the Whole would still make the final decision.

³ Although Ellsworth was elected to the Committee, he and Sherman ostensibly orchestrated a ruse so that the latter could replace him long enough to recommend compromise (see Robertson, 2005; Farrand, 1911, vol. 1, pp. 526, 532).

Table 2 Delegates by coalition, nationalist preferences, and Gerry Committee membership

Delegate	State	Large or small state coalition	Broad, narrow, or conditional nationalist	Gerry Committee member
Oliver Ellsworth	CT	Small	Narrow	
William Samuel Johnson	CT	Small	Narrow	
Roger Sherman	CT	Small	Narrow	X
Richard Bassett	DE	Small	Narrow	
Gunning Bedford Jr	DE	Small	Narrow	X
Jacob Broom	DE	Small	Narrow	
John Dickenson	DE	Small	Narrow	
George Read	DE	Small	Narrow	
Abraham Baldwin	GA	Large	Conditional	X
William Few	GA	Large	Conditional	
William Houston	GA	Large	Conditional	
William Pierce	GA	Large	Conditional	
Daniel Carroll	MD	Small	Narrow	
Luther Martin	MD	Small	Narrow	X
James McHenry	MD	Small	Narrow	
John Francis Mercer	MD	Small	Narrow	
Daniel of St. Thomas Jenifer	MD	Small	Narrow	
Elbridge Gerry	MA	Large	Conditional	X
Nathaniel Gorham	MA	Large	Conditional	
Rufus King	MA	Large	Broad	
Caleb Strong	MA	Large	Conditional	
Nicholas Gilman	NH	Small	Narrow	
John Langdon	NH	Small	Narrow	
David Brearley	NJ	Small	Narrow	
Jonathan Dayton	NJ	Small	Narrow	
William Houston	NJ	Small	Narrow	
William Livingston	NJ	Small	Narrow	
William Paterson	NJ	Small	Narrow	X
Alexander Hamilton	NY	Small	Broad	
John Lansing Jr	NY	Small	Narrow	
Robert Yates	NY	Small	Narrow	X
William Blount	NC	Large	Conditional	
William Richardson Davie	NC	Large	Conditional	X
Alexander Martin	NC	Large	Conditional	
Richard Dobbs Spaight	NC	Large	Conditional	
Hugh Williamson	NC	Large	Conditional	
George Clymer	PA	Large	Broad	
Thomas Fitzsimons	PA	Large	Broad	
Benjamin Franklin	PA	Large	Conditional	X
Jared Ingersoll	PA	Large	Broad	
Thomas Mifflin	PA	Large	Broad	
Gouverneur Morris	PA	Large	Broad	
Robert Morris	PA	Large	Broad	

Table 2 (continued)

Delegate	State	Large or small state coalition	Broad, narrow, or conditional nationalist	Gerry Committee member
James Wilson	PA	Large	Broad	
Pierce Butler	SC	Large	Conditional	
Charles Cotesworth Pinckney	SC	Large	Conditional	
Charles Pinckney	SC	Large	Conditional	
John Rutledge	SC	Large	Conditional	X
John Blair	VA	Large	Broad	
James Madison	VA	Large	Broad	
George Mason	VA	Large	Conditional	X
James McClurg	VA	Large	Broad	
Edmund Randolph	VA	Large	Conditional	
George Washington	VA	Large	Broad	
George Wythe	VA	Large	Broad	

Rhode Island did not appoint delegates to the Convention and New Hampshire's delegates did not arrive until July 23. *Sources:* Farrand (1911), McDonald (1985) and Robertson (2013)

3.2 The work of the Gerry Committee

In this environment, the Gerry Committee's membership provided an opportunity for bargaining and a distinct mechanical advantage for reaching a compromise through agenda manipulation. Such an advantage existed not only within Committee deliberations but also in the Committee of the Whole if the former could reach a recommendation to report to the latter. While the adoption of such a recommendation was not guaranteed, it would be given preferential treatment on the Convention's agenda. Thus, the Committee's recommendation would benefit from an advantage on the floor over other alternatives not endorsed by the Committee. If small state delegates on the Gerry Committee could take advantage of the new space more receptive to their goals, they would then likewise enjoy an advantage in the Committee of the Whole.

To capitalize on that opportunity, the small state coalition needed to first seek (1) moderation of delegate positions toward specific proposals, (2) temperance of proposals to appeal to delegate preferences, and (3) ensure that their earlier threats not to accept the Virginia Plan were taken seriously. Without all three pieces in place, the small states would not be able to apply enough pressure for delegates to reconsider their preferences and support proposals from the Committee that would shift the status quo on representation.

Debate over legislative structure at the Convention can be seen through the lens of three central alternatives:

- P.* A bicameral legislature with proportional representation based on wealth or population as proposed in the Virginia Plan—the status quo from the July 2 vote.
- E₁.* A bicameral legislature with a lower house having proportional representation based on population and an upper house enjoying equal state representation as proposed by Sherman and others.

E_2 . A unicameral legislature with states having equal representation as proposed by Paterson, Sherman, Brearley, Lansing, and Luther Martin—the status quo *ex ante* from the AOC.

To understand how the small-state coalition sought to secure E_1 , we must understand the preferences of delegations (and delegates), which were expressed publicly over the course of the Convention in the form of recorded votes.

By the time the Committee met on July 3, the preference order of each coalition can readily be identified on legislative representation:

Small states Connecticut, Delaware, Maryland, New Jersey, and New York prefer equal representation in the upper legislative chamber. The group's preference order is $E_1 > E_2 > P$. Agreement on a bicameral legislature was accepted widely by late June; E_1 thus precedes E_2 .⁴ Equality in a single chamber is preferred to proportionality in both; E_2 is therefore favored over P .

Large states Georgia, Massachusetts, North Carolina, Pennsylvania, South Carolina, and Virginia favor proportional representation in the upper chamber. The group's order is $P > E_1 > E_2$. Those states would benefit from proportional representation; therefore, P is the preferred option. Proportional representation in the lower chamber is preferred to other alternatives such as E_2 ; E_1 therefore dominates E_2 .

Other scholars similarly have sought to model voting patterns and compromises subject to the partial information available from Convention records (e.g., Dougherty & Heckelman, 2006; Jillson, 2002; Pope & Treier, 2011). What is important is how the two groups perceived competing prospects P versus E_1 , as well as whether the Convention's failure was seen as a realistic option.

Examining votes on representation illustrates why the participant curation of the Gerry Committee was consequential. The small state coalition was represented by ardent advocates threatening to leave Philadelphia if P were adopted (see Farrand, 1911, vol. 1, p. 469). In contrast, the Committee included large state members less insistent on P than other members of their respective delegations, and who believed that compromise was necessary to save the Convention (Farrand, 1911, vol. 1, pp. 488, 515). They may have been less zealous following Franklin's move in the Committee to moderate the proposal by requiring bills raising revenue to originate in the lower house, strategically linking representation with economic concerns.

Luther Martin, Gunning Bedford, Paterson, and Sherman all spoke forebodingly about the fate of the Convention without compromise (Farrand, 1911, vol. 1, pp. 438, 491–492, 511, 551). Bedford stated that, “the large states dare not dissolve the confederation” (Farrand, 1911, vol. 1, p. 492). The Committee's composition reveals that such admonitions were taken seriously. Ambivalence among large state delegates like Gerry, Hugh Williamson, George Mason, Caleb Strong, and John Rutledge indicate that the costs of compromise were perceived by some of Madison's coalition as less than the costs of a failed Convention (Farrand, 1911, vol. 1, pp. 515, 532–533; Farrand, 1911, vol. 2, pp. 7–8, 19). Moderation

⁴ The New Jersey Plan signaled the defeat of unicameralism. Ultimately, a bicameral legislature was agreed to without debate (Wirks, 2003).

of the Committee's recommendation lowered the cost of compromise for some large state members by explicitly linking taxation and representation and, hence, slavery. Thus, given participant curation, the Committee was biased towards compromise, although reaching a deal was not inevitable.

Our conceptualization of the Gerry Committee matches the Framers' conceptualizations of the Convention. Committee member Luther Martin noted that the compromise on representation was "*wholly to be adopted or wholly to be rejected*", suggesting that the space of possible outcomes was binary (Farrand, 1911, vol. 3, p. 190; emphasis in original). Martin acknowledged that the only way forward was some accommodation of the small states' demands since ignoring their concerns could result in the Convention failing to unite behind an alternative to the Articles of Confederation. Jonathan Dayton from New Jersey emphasized the point later, arguing that "there was no safety in association" for the small states unless they were "protected" in the upper house (Farrand, 1911, vol. 3, p. 401). The small states' insistence on compromise thus was a "warning" taken seriously by large state delegates (Farrand, 1911, vol. 3, p. 401). Towards the end of the Convention, Martin conceded that the large states ultimately accepted not their preferred system, but one they found tolerable (Farrand, 1911, vol. 3, pp. 187–190).

4 Debate on the report of the Gerry Committee

The Committee reported what became E_3 —based on E_1 —on July 5. The proposal advocated (1) a lower house with one representative per 40,000 inhabitants with at least one member per state, (2) all bills raising revenue originate in the lower house, and (3) each state be represented equally in the upper house (Farrand, 1911, vol. 1, pp. 524–526). The Convention now faced two alternatives regarding legislative design: the status quo as represented by the tied July 2 vote (P) or E_3 (i.e., the Committee's report). Which plan the Convention adopted depended on if any state delegations shifted from its earlier position.

Option E_3 was tested quickly. On July 6, delegates approved the provision regarding the origination of money bills (Origination Clause). The next day, delegates agreed to the provision on representation in the upper house. Afterwards, delegates debated the allotment of seats in the lower house. On July 11 and 12, delegates discussed issues directly linked to representation: taxation and slavery. While a proposal to count "the whole number of white and other free citizens ... and three-fifths of all other persons" was approved on June 11, the issue of how to count slaves for the purposes of representation and taxation was considered anew under E_3 (Farrand, 1911, vol. 1, p. 201). The Convention approved the three-fifths compromise 6–2–2 on July 12, agreeing to the June 11 formula for the purposes of determining a state's population for representation in the lower house *and* taxation, as well as that the relevant population should be determined by a decennial census.

The sequence of votes on these provisions between July 6 and 12 was pivotal in altering the forthcoming agenda. Option E_3 was important for maintaining the small states' support for the Convention. Yet the compromise still needed to be approved in full. For the Committee Report to be adopted, at least one state supporting P previously would need to support E_3 . The provisions requiring money bills to originate in the lower house, approving a specific formula for proportioning representation and taxation, *and* demanding a regular census to determine apportionment were significant in that regard. Together, those provisions moderated E_3 to appeal more directly to states seeking to promote their economic interests and political power long-term (Pope & Treier, 2011).

The breakthroughs on the provisions were possible only because the Committee changed the structure of the agenda, opening the door to compromises directly linking taxation and representation through slavery—a connection not explored adequately elsewhere. Tying those issues to equal representation in the upper house increased dimensionality and made acceptance of equal representation there acceptable—but not necessarily preferable—to delegates from the large state coalition by granting those states greater influence in the new government. Hence, manipulating the dimensions of debate can make gaining consensus easier. However, without each element of E_3 , economic concerns and representation may not have been linked tightly enough to earn support from uncertain members of the large state coalition.

Connecting those provisions with representation in the upper house allowed delegates to vote strategically. According to Gerry, the Origination Clause was added “in order that some ground of accommodation might be proposed”, securing the large states’ support (Farrand, 1911, vol. 1, p. 527). Additionally, Morris’s “pair[ing of] representation with taxation ... disrupted the regional battle-lines that were forming around the issue of slavery” (Coby, 2017, p. 23). In later debates, Williamson stated that inclusion of the Origination Clause was a stipulation for gaining and maintaining North Carolina’s acceptance of equal representation in the Senate (Farrand, 1911, vol. 2, pp. 233). Franklin echoed Williamson, contending that the origination of money bills in the lower house “was his inducement to concur in the report” (Farrand, 1911, vol. 1, p. 546).

The logic above demonstrates that unbundling any of the provisions would threaten the overall proposal because each proviso—origination, representation, and slavery—was linked and viewed as a necessary component of the overall report. Franklin argued that the provisions of E_3 , origination and representation specifically, indeed were “mutual conditions of each other” (Farrand, 1911, vol. 1, p. 543). Franklin said further that “he could not vote for” E_3 if the provisions were “separately taken” (Farrand, 1911, vol. 1, p. 543). A larger test of that proposition—and the three provisions—occurred on July 14 when a motion for proportional representation in the upper house was defeated 4–6. Clearly, between July 2 and 14, “the substance of the votes changed in ways” allowing the small state bloc and E_3 to gain support from some large state delegates (Pope & Treier, 2011, p. 299).

4.1 Strategic voting and acceptance of the Committee’s Report

Agenda manipulation provided an opportunity for delegates to moderate their positions and for E_3 to be modified under a credible threat of failure. Table 3 displays key votes by state, demonstrating how delegations viewed the events. Five states consistently maintained their position on representation in June and July. Three large states—Georgia, Massachusetts, and North Carolina—took multiple positions on plans and provisions, indicating potential support for reaching a compromise.

Georgia is easiest to decipher. The state’s votes differed because two delegates left the Convention, owing to Baldwin’s proclivity to support less populous states and because,

Table 3 Key votes by delegation on representation

Date	Description	States													
		CT	DE	GA	MA	MD	NJ	NY	NC	PA	SC	VA			
June 11	Equality in upper house (Vote No. 40)	Yea	Yea	Nay	Nay	Yea	Yea	Yea	Nay	Nay	Nay	Nay	Nay	Nay	
June 11	Proportional representation in upper house (41)	Nay	Nay	Yea	Yea	Nay	Nay	Nay	Yea	Yea	Yea	Yea	Yea	Yea	
June 19	Adopting New Jersey Plan (67)	Nay	Yea	Nay	Nay	Dv	Yea	Yea	Nay	Nay	Nay	Nay	Nay	Nay	
July 2	Equality in upper house (110)	Yea	Yea	Dv	Nay	Yea	Yea	Yea	Nay	Nay	Nay	Nay	Nay	Nay	
July 6	Approval of committee report on origination (118)	Yea	Yea	Dv	Dv	Yea	Yea	Yea	Yea	Yea	Nay	Nay	Nay	Nay	
July 7	Approval of committee report on representation (120)	Yea	Yea	Dv	Dv	Yea	Yea	Yea	Yea	Nay	Nay	Nay	Nay	Nay	
July 12	Three-fifths compromise (147)	Yea	Nay	Yea	Dv	Yea	Nay	-	Yea	Yea	Dv	Yea	Yea	Yea	
July 14	Proportional representation in upper house (155)	Nay	Nay	Nay	Nay	Yea	Nay	-	Nay	Yea	Yea	Yea	Yea	Yea	
July 16	Approval of full Gerry Committee report (156)	Yea	Yea	Nay	Dv	Yea	Yea	-	Yea	Nay	Nay	Nay	Nay	Nay	

Rhode Island did not appoint delegates, New Hampshire's delegates did not arrive until July 23, and New York's delegates left by July 10. Delegations are marked divided (Dv) when split equally. *Source*: Farrand (1911)

despite Georgia's small population, it viewed its future as aligned with other southern states (Warren, 1928). Like North Carolina, Georgia anticipated rapid population growth and wanted to advance its long-term economic interests (Carlsen, 2012; Coby, 2018). Hence, Georgia's delegation was motivated "by the prospect of soon being a great [state]" (Farrand, 1911, vol. 1, p. 491).

Massachusetts and North Carolina considered representation and expected economic fortunes in determining their respective votes.⁵ The two conditions are linked since "representation did not affect things in a bubble" (Pope & Treier, 2012, p. 167). Any change to the structure of debate on legislative design would affect other issues. If the states' preferences on both were met, they would favor E_3 over P . If one or both conditions were not met, they would favor P , but new provisions protecting their respective economic interests could persuade them otherwise. In early debates, both had reason to believe that P would satisfy their economic and representational interests. The Gerry Committee demonstrated that that was not possible. It made clear that a failed Convention was a possibility if no concession to the small states was made.

When a floor vote was taken on the full compromise on July 16, the status quo was P from the tied July 2 vote. Changes to the agenda structure in the interim provided a stark contrast for delegates: E_3 , with all provisions agreed to between July 6 and 12, versus P . July 16 was a critical point because approval of the individual provisions in E_3 is distinct from assenting to the entire Committee Report consisting of the resolutions; the status quo thus remained unchanged.

Given the proceedings of the Committee and subsequent debates, delegates from Massachusetts and North Carolina prioritized an outcome maximizing their influence and prosperity. As a result, North Carolina switched its position to support E_3 and Massachusetts' delegation divided. North Carolina's delegates were concerned by "the political interest of their own state",

when the smaller states refused to federate if population alone was to be the basis of representation in Congress the North Carolina delegates readily sacrificed the interests of their own state to the interests of national union and joined the smaller states in voting for equality of representation in the Senate. (Connor, 1929, p. 415)

The state's economic considerations resulted in prioritizing preservation of the Union. Changes to the structure of the agenda connecting representation and taxation through slavery, while maintaining a strong national government to spur economic development, were pivotal in gaining North Carolina's support for the E_3 (Farrand, 1911, vol. 2, pp. 232–233; Pope & Treier, 2011). Williamson stated that North Carolina's delegation "conceded equality in the Senate on condition that money bills should originate in the lower house, thus compromising the interests of the large states and the small states" (Boyd, 1919, p. 27; see Farrand, 1911, vol. 2, pp. 233). Williamson and Davie also may gradually have come to oppose proportionality in the Senate owing to the large number of seats it would require (Wirfs, 2003).

Williamson and Davie evidently were persuaded both by the urgent need for compromise and the specific provisions of E_3 . Given their support, colleague Alexander Martin, a weak supporter of plans for a strong national government, likewise was likely to support E_3 . The compromise would then enjoy support from the delegation. By "forsaking the large states, [their] natural allies", North Carolina's delegates "probably saved the convention from adjournment without accomplishing its purpose" (Boyd, 1919, p. 28).

⁵ In specifying the three considerations, we do not discount the role national security preferences played in decision-making. If the Union separated, defense against foreign nations would be paramount. In that case, the security of states "may depend on their own size & strength" (Farrand, 1911, vol. 1, p. 449). The prospect of defending themselves was a topic with which states grappled and thus was a strategic consideration in whether to compromise on representation and preserve the Union.

Massachusetts' delegates also preferred a compromise rather than risk the Convention's failure (Coby, 2018). The state was concerned with regulation of commerce because fisheries were Massachusetts' primary economic staple (Barry, 1857; Farrand, 1911, vol. 1, p. 447). Yet the delegation split on E_3 . Gerry and Strong appear to have been persuaded by the specific language of E_3 . The former advocated E_3 "as the lesser of two evils", while the latter argued that "[i]f no accommodation takes place, the Union itself must soon be dissolved", thereby recognizing the need to appease the small states (Holcombe, 1929, p. 390). Strong stated his doubts on July 14 that the small states would agree to proportional representation in both chambers, noting that they "had made a considerable concession in the article of money bills, and that they might naturally expect some concessions on the other side" (Farrand, 1911, vol. 2, pp. 7–8). Massachusetts' other delegates were unconvinced. Rufus King "preferred doing nothing, to giving the small States an equal voice in the Senate", and Nathaniel Gorham contended that while a "rupture of the Union would be an event unhappy for all ... the large States would be least unable to take care of themselves" (Holcombe, 1929, p. 390). Yet with most of North Carolina's delegates in favor, a split of Massachusetts' delegates prevented another tied vote on representation.

The effectiveness of the provisions of the compromise, and shifts in delegate preferences allowed E_3 to become the alternative preferred by more delegations than P . In the final vote—with Massachusetts divided because of Gerry and Strong; North Carolina voting in favor with Williamson, Davie, and Martin; and absent the New York and New Hampshire delegations—the Convention approved E_3 5–4–1.⁶ For Massachusetts and North Carolina, E_3 triggered concession, although in the form of different responses. The two states' delegates demonstrated a willingness to subordinate sectional interests for the national welfare (Farrand, 1911, vol. 2, pp. 7–8, 233). If either state had maintained its opposition or the vote had tied, E_3 would have been defeated and P would have remained the status quo.

Following the acceptance of E_3 , delegates quickly addressed other issues—e.g., an executive veto on legislation, provisions for amending the Constitution, and the number of senators—that could be addressed only following the Connecticut Compromise, since

[a]s long as representation by population seemed likely, the small states resisted every effort to increase the general powers ... However, the moment the states were made equal in one branch of the legislature, the small states became by and large supporters of increased national authority. (Ketcham, 1971, p. 215)

Every substantive discussion, therefore, was entangled with legislative design, and E_3 was the key ingredient.

5 Conclusion

July 2 and July 16, 1787, were the key dates for the Constitutional Convention's most important dimension: legislative design. On the former, the Convention reached a standstill as disagreement continued. In a shrewd move, delegates appointed a committee to propose a compromise. Participant curation shifted discussion to a new venue with a group of

⁶ New York had no delegates present between July 10 and September 6, except for August 13. Additional compromises may have been brokered behind the scenes. Initially, North Carolina opposed E_1 but supported E_3 on July 16. On July 12, Sherman voted for the three-fifths compromise, despite personal objections to slavery. The existing literature discusses the possibility of backroom deals with varying levels of scrutiny (see Barry, 1942; Hall, 2012; Hutson, 1987; McDonald, 1985; Robertson, 2013).

moderate, conciliatory members. The Gerry Committee and its proposal altered the agenda and voting choices, highlighted contours of debate, and provided an opportunity for moderating views and proposals by connecting representation explicitly to taxation through the three-fifths compromise on slavery. When the final vote occurred on July 16, the small states triumphed.

Most modern narratives of the Convention focus on the motivations and rhetoric of the delegates. While those factors undoubtedly must be considered, they are but a beginning. Political strategy is a necessary consideration. Rhetoric alone cannot explain why small states defeated the large state coalition in Philadelphia. Our analysis illustrates that political strategies are a vital tool for researchers scrutinizing the actions of delegates to the Convention and other political actors (see, e.g., Carlsen & Heckelman, 2016; Pope & Treier, 2012). Future research should explore additional instances of participant curation. Through such further examination, we can develop a better understanding of novel heresthetic tactics. Participant curation also provides an opportunity to distill the evidence essential to connecting the strategies of political opponents with policy outcomes.

The interaction of coalitions, rules, and strategies is pivotal for explaining political success and failure. They not only offer insights into unique historical moments but also an “evidentiary basis for understanding American politics” (Robertson, 2006, p. 308). Given the heated debate that continues over constitutional interpretation, those factors indeed are necessary for political analyses, particularly because our findings provide further evidence that equal state representation in the US Senate likely was attainable only by means of a dark bargain on slavery.

While solving the Convention’s most vexing dispute, the Connecticut Compromise prolonged the most contentious issue in American history by perpetuating southern institutional power for decades. Although the Gerry Committee provided an environment and opportunity for compromise, subsequent votes made its proposal attractive to the median delegations, particularly North Carolina’s delegates (Holcombe, 1929). Convention records make clear that North Carolina “would never confederate on any terms” not protecting the state’s interest in slavery (Farrand, 1911, vol. 1, p. 593). The origins of the Senate thus cannot be disconnected from the continuation of slavery under the new national government.

Our findings challenge conventional narratives of coalition-building at the Convention, as well as expand our knowledge of how actors overcome adverse conditions to secure satisficing outcomes. The events in Philadelphia illustrate that the Constitution was won through such strategies, often by political opponents who had “a hard road to travel and many obstacles to overcome” (Shepsle, 2003, p. 310). Nevertheless, the small states persisted and prevailed. We hope that this paper provokes further debate on the rhetorical and heresthetic nature of political debates, sheds new light on how political compromises are achieved, and prompts renewed focus on narratives of political opponents and their importance in explaining political outcomes.

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