

QUILL PROJECT

A fresh approach to understanding and modelling formal negotiations to enhance research and education

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UVU Center for
CONSTITUTIONAL
STUDIES
UTAH VALLEY UNIVERSITY



Constitutional Government

Constitutional law underpins the modern idea of a free and democratic state, holding its politicians to account and guaranteeing the rights and freedoms of its citizens. The resolutions of most significant political controversies hinge in some way on its interpretation. After the American Revolution, the new American states put into effect three important innovations:

- The fundamental constitutional law of a state should be codified in a single document that defines both the process of decision-making and the rights of citizens.
- These foundational texts should be written through a collaborative, formal process, most properly at specially convened constitutional conventions, rather than being the work of one man.
- The final documents should be ratified by a popular vote, to invest them with legitimacy.

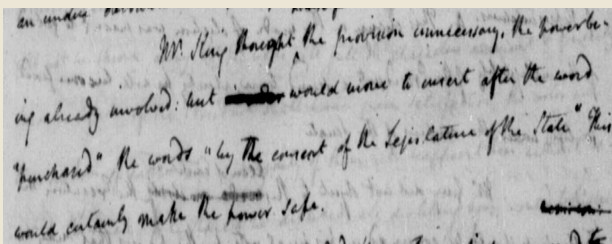
Each of America's 50 states, as well as its Federal Government, has its own constitution. While these share common features, they also reflect distinctive local attitudes to questions of government and fundamental rights. While at federal level constitutional law has been relatively stable, at state level constitutions have not only been frequently amended but frequently re-written. Between them, America's 50 states have been governed at various times by more than 230 different constitutional texts.

For historians, lawyers, and educators alike, a faithful interpretation of the final text of these documents must be rooted in a clear sense of the process of negotiation and the context in which decisions about wording were taken. Unfortunately, the detailed nature of the drafting process makes the official journals, and thus the intent of the actors, hard to follow.

The Quill Project exists to facilitate uniquely accurate understanding of the complicated processes of negotiation that have underpinned modern constitutional government. The most important contribution of the project is its ability to reconstruct and visualize the shifting context of the negotiation process from all available source materials, showing both the temporal sequence and procedural relationship between events, the changing implications of any specific proposal, and a reconstruction of the documentation available to participants at any point in time. High-level visualizations and commentaries facilitate a much more intuitive understanding of the context in which decisions were made.

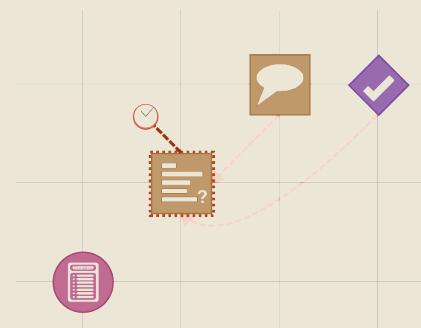
Quill's flagship project concerns the 1787 Constitutional Convention in Philadelphia. At the time of meeting, fundamental differences existed between the 55 delegates and it was unclear whether a union of states that respected local autonomy and the diversity of cultures across America and yet provided for a trusted, effective, and unifying central government would be possible. Drawing on their long experience of colonial government, the convention was conducted according to a formal, parliamentary style, with precise rules of debate and 12 subcommittees. Through this process of 'reflection and choice', compromise was achieved and the innovative understanding of Federalism that emerged continues to be the basis of modern American government.

The significance of the 1787 Convention stretches well beyond the U.S. Its framers led the way in modern constitution-writing, adopting a process which would subsequently be followed by most other new democracies as well as, more locally, by U.S. states. As a result the methodology which Quill has brought to the study of the 1787 Constitution has proved to be widely applicable to the study of a range of similar texts.



COLLATION OF RECORDS

Quill's publications combine information from both official and unofficial sources, and expose clearly any gaps in our knowledge about the workings of constitutional conventions. The digital models we produce become guides to reading the original manuscripts, which are presented alongside our more modern tools.



THE MODELLING PROCESS

Quill uses bespoke software to model the formal process of negotiation, capturing from the official journals and other documents the structure of debate. Once this model is in place, it serves as a spine around which supplementary information (for example, events and information that are not part of the formal negotiation) can be presented.

The Quill Project

The Quill Project began at Pembroke College in 2014, born from a desire to take seriously the fact that American constitutions have not been written by individuals but by large groups of citizens negotiating within a formal setting. From the beginning the project aimed to present the full complexity of these negotiations and yet to make them more accessible than ever before.

This ambition has required the development of a bespoke software platform, designed around a study of the Parliamentary Manuals and Rules of order that have been published since the seventeenth century. The platform uses the surviving historical records to recreate the information available to participants at each moment of debate, so that the precise linguistic and procedural context of both successful and unsuccessful proposals can be understood. It allows for the role of particular individuals and groups to be studied, as well as for comparisons to be made between the different law-making processes. Visualizations and A.I.-backed research tools allow subject-matter experts and non-expert users to engage closely with the primary source material with unmatched speed and precision.

As of 2019, we have published models of the negotiations that produced the 1787 Federal Constitution, the 1789 Federal Bill of Rights, and the 1895 Utah State Convention. All of these projects have involved extensive historical research and technical innovation. We have active projects studying the creation of the Thirteenth, Fourteenth and Fifteenth Amendments to the U.S. Constitution, as well as projects examining the development of other state constitutions in America and comparative constitutional development internationally. Along with partner organizations, we are working to make our publications useful in the classroom as well as for legal and historical research.

Within months of the initial publication of the 1787 Constitutional Convention debates in October 2016, the Quill platform was being used for teaching the history of the Constitution in American Universities and High Schools. Since then, the project has been working with a number of not-for-profit organizations to further develop materials for high-school students, both to improve the content of traditional materials but also to empower students to engage directly and accurately with surviving primary sources.

One of our key successes as a project has been our partnership with Utah Valley University's Center for Constitutional Studies. UVU has proved that undergraduates at an open-enrolment university, often from disadvantaged backgrounds, are able to contribute meaningfully to and even take a leading role in rigorous, archival research projects. The opportunities Quill has created have opened doors into academic, legal and political careers, while the contribution of the students to the overall project has been so fundamental that it is now difficult to imagine working without them.

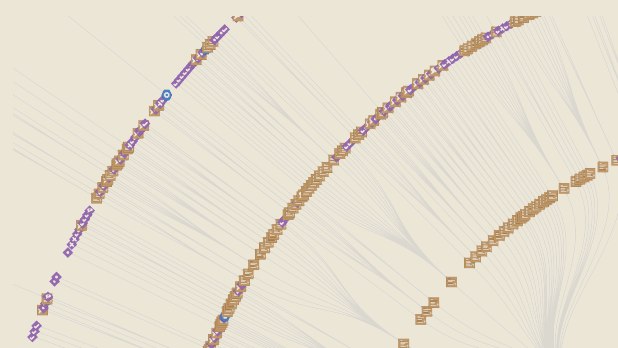
Away from the classroom, the models of both federal-level and state-level constitutional conventions produced by the project are of legal significance in U.S. courts. We have regularly fielded questions about the development of American constitutional law, and we have been working with law clerks at both state and federal level to develop the specific research tools that they require.

Most of all, perhaps, Quill is proud to have inspired a new generation for the study of America's remarkable system of government, and of the rigour and precision that the project's methodology has encouraged in the approach to this field.

"To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular States and the acceptance of the Legislature become the seat of the Government of the United States, and to exercise like authority over all Places purchased, by the consent of the Legislature of the State, for the erection of Forts, Magazines, Arsenals, Dock Yards and other needful buildings."

CAPTURING CONTEXT

At the heart of the approach taken by the Quill Project is a desire to show clearly the context within which particular changes in language were suggested or agreed – including the fact that many weeks might pass between a proposal being made and a decision being taken upon it. In the meantime, the rest of the document might have changed substantially.



GENERATING INSIGHT

Quill's visual representations facilitate both research and education. Models offer clarity and save time for researchers. Although intended originally for expert use, the platform has facilitated classroom-based research exercises (for example, into the structure of debate or the role of individuals) that would have been far too time-consuming in the past.

The 1787 Convention

"It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice."

Alexander Hamilton, Federalist I

REFLECTION AND CHOICE

The Constitution of the United States of America was written by a Constitutional Convention held in the summer of 1787. Between May and September, a group of delegates from most states met to negotiate in secret a text that was then presented to the states of the Union for ratification.

It was, in the words of the Federalist Papers, a government created through 'reflection and choice'. American states after the Revolution had pioneered the concept of a special constitutional convention to create a written constitutional text—a process that stands in stark contrast to the British tradition of an unwritten constitution, or the older classical tradition of allowing a single, wise law-giver to set up the system of government for a society.

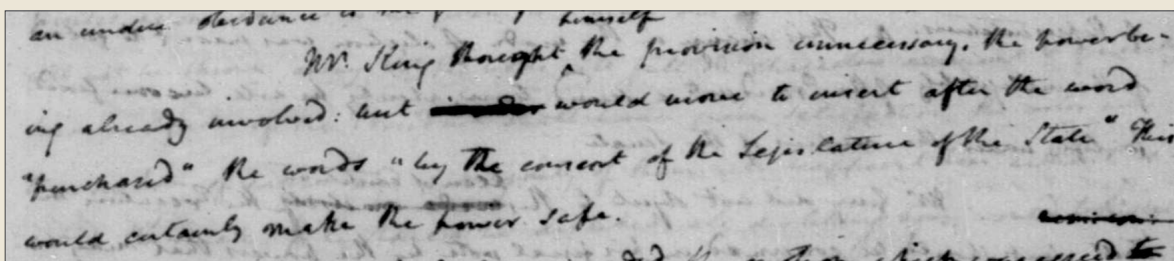
The task facing the Convention was complicated and difficult. How could the principles of republican government—themselves a daring and bold departure from the systems of monarchy that dominated the world in the eighteenth-century—be given a meaningful form across so wide a territory? Was a union of states that respected local autonomy and the diversity of cultures across America and yet provided for a trusted, effective, and unifying central government even possible? At the time the Convention met, the representatives from different states disagreed on

fundamental questions, and no-one could have predicted the form of government that their willingness to compromise on central questions would produce.

The work of the Convention is preserved in the official journal as well as in a number of privately kept diaries. Frustratingly, the work of the Committee of Detail (and that of the smaller subcommittees) was not recorded by Jackson, the Convention's secretary, nor by any extant private diary. The official journal of the Convention was published in 1819, and Madison's famous diary was published after his death.

A NEW STANDARD

The 1787 Constitutional Convention has subsequently set the standard for the process of modern constitution-writing, not only in America but for many modern nations. While the text written in 1787 did not avoid civil war in the nineteenth century, the innovative understanding of Federalism that emerged from these months of discussions continues to be the basis of modern American government.



"To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may by cession of particular States and the acceptance of the Legislature become the seat of the Government of the United States, and to exercise like authority over all Places purchased purchased, by the consent of the Legislature of the State, for the erection of Forts, Magazines, Arsenals, Dock Yards and other needful buildings."

Description Mr. King thought himself the provision unnecessary, the power being already involved: but would move to insert after the word "purchased" the words "by the consent of the Legislature of the State" This would certainly make the power safe.
Mr. Govr Morris 2ded. the motion

Original source material.

Extracts from Quill platform, tracking the changes made and the context within which they were finally agreed.

The Quill 1787 Editions

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ORIGINAL RECORDS

The formal and informal records of the Constitutional Convention can be hard to follow. Debate was spread across three months and took place across more than a dozen different committees and subcommittees. The debates were formal and specific—almost every speech made at the Convention concerned the introduction or revision of particular forms of language, and the rules of debate made sure that important issues were discussed at several different moments, as iterative drafts of the documents under discussion were considered and revised line by line and clause by clause.

ILLUMINATING CONTEXT

The Quill Project enables the precise context of each proposal, speech, and vote to be explored. The rules of debate made clear to the delegates what had, and had not, been agreed at any particular moment, and the Quill Project uses the formal and informal records of the Convention to reconstruct the evolving context within which decisions were made about the final form of wording to adopt.

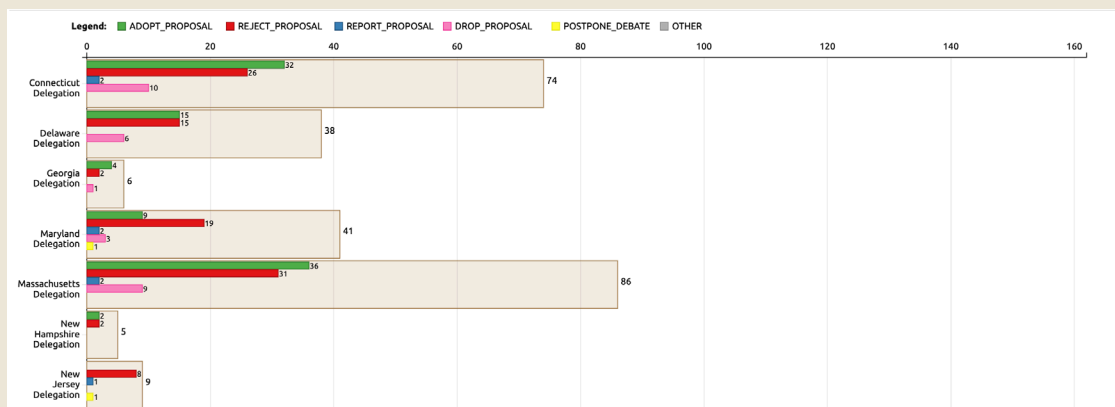
ANALYTICAL TOOLS

We provide tools to let users explore the role of particular individuals at the Convention, or to chart how particular language emerged from a process of debate and compromise across weeks and months. The role of the various subcommittees at the Convention is made clear by the fact that, even where no records

exist to capture the detail of their work, it is possible to compare the instructions that they were given with the reports that they produced. Throughout the platform we provide links to the manuscript images that survive, held by online archives such as the Library of Congress or ConSource, allowing users to see for themselves the materials that have allowed us to construct the digital model of the negotiations.

2019 EDITION

The 2019 Edition of these records is a complete revision of the 2016 proof-of-concept. Compared to the 2016 presentation, this new edition uses technical features of the Quill model that were not available at that time, and has integrated additional material that could not be included for the 2016 publication. The result is a more consistent and complete presentation of the surviving records, taking into account the latest scholarship on the records of the Convention. One important change is to include information about the less formal meetings of delegates that took place outside of the formal structure of the Convention's rules.



Explore voting records and alliances to better understand the influence of different delegations.

The 1789 Bill of Rights

“If all power is subject to abuse, [...] then it is possible the abuse of the powers of the General Government may be guarded against in a more secure manner than is now done.”

James Madison, 8th June 1789

CONTEXT

The Bill of Rights was written in the summer of 1789 by the newly elected Congress, two years after the Constitution itself had been written. By the summer of 1789, all states had ratified the Constitution, aside from Rhode Island and North Carolina, though several state ratifying conventions had included in their forms of ratification a list of concerns and proposed amendments. It was the hope of several members of Congress that writing a Bill of Rights would induce these final two states to ratify the Constitution and inspire among the states that had already ratified a greater sense of confidence in the 1787 document. On 28 September 1789, following the report of the Committee for Enrolled Bills, the amendments agreed by both houses of Congress were referred to the individual state legislatures. Of the twelve amendments referred, ten were ratified by the states and comprise the text known today as the Bill of Rights.

A NOVEL CONCEPT

In 1789 the idea of formal limits on what a Government might or might not legislate about was still a novel concept. Several of the States had adopted constitutions after the Revolution that included Bills of Rights, but exactly how these would be enforced remained a matter of debate and controversy. The Constitutional Convention had rejected a proposal to write a Federal Bill of Rights on 12th September 1787, pointing to the fact that Bills of Rights in individual states already protected the liberty of citizens. Yet the absence of a Bill of Rights from the text of the Constitution had greatly increased suspicion of that document and had threatened to prevent its adoption. The State ratifying conven-

tions in Massachusetts, Virginia and New York approved the Federal Constitution only while proposing amendments to limit the power of the Federal Government.

SIGNIFICANCE

Federalists in the First Congress recognized that recommending a Bill of Rights would greatly undermine the calls that were already being made for a second constitutional convention, which might have allowed all of the questions that the 1787 Convention had tried to settle to be revisited. James Madison, therefore, reversed his previous opposition to a Federal Bill of Rights, and introduced a series of proposed Amendments for discussion in the House of Representatives. The debate that followed in both the House and the Senate considered not only Amendments that would protect individual rights and liberties, but which might have set tighter limits on the role of the Federal Government.

we mean to compel them to bear arms.
Mr. VINING and Mr. JACKSON spake upon the question. The words *in person* were added after the word “arms,” and the amendment was adopted.
The 7th, 8th, 9th, 10th, 11th, 12th, 13th and 14th amendments without any material alterations were agreed to.

A well regulated militia, composed of the body of the people, being the best security of a free state, the right of the people to keep and bear arms shall not be infringed, but no person religiously scrupulous shall be compelled to bear ~~arms~~arms in person.

Original source material and extract from Quill platform, tracking the changes made.

The Quill Bill of Rights Edition

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MODELING

The Quill Project model of the debates in the first Congress that produced the Bill of Rights is a way to explore the creation of the first 10 Amendments during the summer of 1789.

PRIMARY SOURCES

The text was debated in the House of Representatives, on the Floor of the Senate, and in several subcommittees. Where the records are the most detailed (such as the near-verbatim accounts of the business in the House of Representatives), the Quill Project model allows users to explore the exact context of each proposal, speech, or decision, with a clear presentation of what had and had not been agreed at any particular moment or how different proposals to adjust the text related to each other. In this presentation, we have included forms of wording that were suggested during debates but (for want of support) never formally voted upon, making this the most comprehensive presentation of the language considered by Congress that is possible.

The work of the Senate (from which members of the public and the press were at this time excluded) was captured only by an official journal that deliberately excluded much of the detail of the discussions, but which nevertheless captures important points of detail, and many rejected as well as adopted proposals, that inform understanding of the intent behind the language finally recommended to the States. In the case of smaller subcommittees, the nature of the records is such that it is often only possible to show the instructions they were given and the report they produced.

ANALYTICAL TOOLS

All of the usual Quill Project tools are available to show how language evolved as specific proposals were drafted and redrafted, and the context within which particular proposals were made and votes taken. In the House, for which the surviving records are more detailed, the role of particular individuals to shape the language of the Bill of Rights can be investigated in detail, and even the sparser records for the Senate provide important points of detail.

It is hard to imagine many modern political controversies that do not turn in some respect upon elements of the Bill of Rights, and this collection lays out in the most precise detail possible exactly how that language was created.



Keyword selected: **Arms**

Description: None

(Click on the words in the word cloud above to view a breakdown of the events associated with the keyword.)

28 event(s) tagged. 1 individuals; 12 documents; 8 decisions; 3 debates; 4 procedure.

List of associated event: (Click on any of the events below to go to its corresponding event visualize page.)

Advanced search technology allow users to trace the history of a particular phrase or to search for keywords across multiple projects.

Comparison tools make it possible to view documents side by side in a split screen for more detailed study.

Quill is a multidisciplinary research project which aims to enhance understanding of how key negotiated texts of the modern world have been created. Our bespoke platform harnesses the latest technology to recreate the context of negotiations and provide interactive visualizations, timelines, statistical analysis, and search tools.

We combine a technological approach with the expertise of legal and political historians. Besides software tools and a detailed presentation of primary sources, we offer a comprehensive collection of commentaries and resources.

The project is directed by Dr Nicholas Cole, a political historian specializing in post-Independence America. We are based at Pembroke College, University of Oxford, and enjoy a strategic partnership with the Center for Constitutional Studies at Utah Valley University.

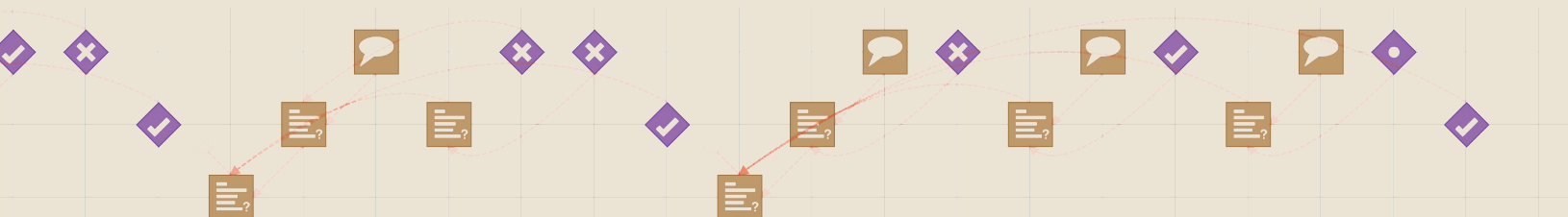
CONTACT US

For further information about Quill and to explore our current projects, please visit the project website at www.quill.pmb.ox.ac.uk, or contact one of our centres:

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