
Dennis C. Rasmussen: *The Constitution's Penman: Gouverneur Morris and the Creation of America's Basic Charter*. (Lawrence: University Press of Kansas, 2023. Pp. x, 253.)

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There is an unfortunate tendency in both popular and scholarly histories of the American founding to focus on the contributions of a handful of famous founders, while ignoring the significant contributions of lesser-known figures. The result can be a distorted accounting of the nation's founding. Few of these now forgotten founders are more colorful or consequential than Gouverneur Morris, signer of the US Constitution, who is better remembered today for his peg leg and libertine lifestyle (the two are related, according to legend) than for the outsized role he played at the Constitutional Convention that met in Philadelphia in the summer of 1787. Perhaps no founder cut a more unforgettable profile, and, yet, paradoxically, he is today a largely forgotten figure. Drawing primarily on Morris's spoken and written words and political maneuvering at the Convention, *The Constitution's Penman: Gouverneur Morris and the Creation of America's Basic Charter*, by Dennis C. Rasmussen, examines Morris's constitutional thought and contributions and, in so doing, makes a welcome correction of those accounts of the Convention that emphasize the parts played by more celebrated founders.

Morris's résumé is noteworthy, even without reference to his Convention exploits. Before the Philadelphia Convention, he had served in New York's Provincial Congress, where he was a leading architect of the New York Constitution of 1777, and in the Continental Congress, where he signed and promoted the Articles of Confederation. After the Convention, he was appointed the American minister to France (where he observed close up the darkest days of the Revolution) and a Federalist US Senator representing the state of New York.

The focus of this book, however, is on the Constitutional Convention, which Morris attended as a delegate representing Pennsylvania (where he was living at the time), not his native New York. He was among the most voluble and engaged delegates. According to James Madison's notes, Morris spoke more frequently and proposed more motions (most of which were adopted) than any other delegate, even though he was absent from the Convention for the entire month of June. His most significant legacy is that he, more than any other delegate, was responsible for organizing and drafting the constitutional *text* that emerged from the Philadelphia Convention.

Why is Morris credited as the "penman" (or, even, author) of the Constitution of 1787? He was appointed to a five-person committee of style and arrangement charged in the Convention's waning days with preparing a final draft. The committee, apparently, handed over primary writing

responsibility to Morris. Over the course of a few days in early September, he took a jumbled, untidy collection of twenty-three articles, along with multiple additions, deletions, and amendments approved by the delegates, and consolidated and organized them into seven logically structured and succinctly written articles. Perhaps most significantly, he reorganized nine articles devoted to the legislature, executive, and judiciary into three articles—one assigned to each of the three branches—emphasizing three independent, coequal branches of the national government, each with distinct responsibilities and powers to check the other branches. This is arguably the Constitution's most distinctive design feature. "He changed or chose a great deal of the wording on his own initiative," Rasmussen writes, "oftentimes in consequential ways" (2). There is hardly a line or a clause in the final draft left untouched by his "editing" (52). The question that looms over Morris's handling of this task, and of keen interest to Rasmussen, is "whether he made any subtle but substantive changes to the resolutions that the delegates had approved during the Convention in an attempt to further his own constitutional vision" (53). He almost certainly "quietly smuggl[ed] changes—or at least ambiguities—into the Constitution's text," but the scope and effect of these changes are the subject of much debate (54). Morris also famously composed "nearly from scratch" the Constitution's Preamble, arguably "the most memorable and inspiring part of the Constitution," eloquently expressing the spirit of the charter and announcing the fundamental ends of and grand designs for the new Constitution and the government it established (164).

The focus of Rasmussen's book, unlike most previous works, is on Morris's *constitutional* vision as revealed in the Philadelphia Convention. In twelve chapters, including an introduction and epilogue, Rasmussen analyzes Morris's positions and roles in the Convention's great debates. He includes chapters on the legislative (separate chapters on the House of Representatives and the Senate), executive, and judicial branches; federalism and the role of the states; presidential selection (and the electoral college); and slavery. Two chapters early in the volume provide a brief biographical sketch and an overview of Morris's involvement in the Convention, respectively. The penultimate chapter is a study of Morris's most celebrated writing, the Preamble to the United States Constitution. The epilogue reflects on Morris's ambivalence toward, even disillusionment with, the document he had played such a critical role in crafting and his flirtation late in life with secession. The volume also includes a useful appendix containing Morris's most important Convention speeches as recorded in Madison's notes.

Morris was a forceful advocate for a strong national government; a vigorous, popularly elected chief executive; an independent, multi-tiered federal judiciary armed with the power of judicial review; an aristocratic Senate with members appointed by the president and serving for life without compensation; and expansive property rights. He was also "the Convention's fiercest and most persistent critic of slavery" (2).

Viewing the Philadelphia Convention through Morris's eyes and experiences yields fascinating insights. What were the issues and provisions for which he fought most zealously, and what do they reveal about his core principles? When and with whom did he form alliances? When did he compromise or walk away, and what does this reveal about his core principles? The fluidity of the Convention debates is also striking. Ideas were proposed, debated, refined, and rejected only to be raised later in the proceedings and again debated, refined, and sometimes accepted, indicating that the delegates—including Morris—were open to reasoned arguments, willing to change previously held positions, and, most important, open to compromise.

The Constitution's Penman merits the careful attention of students of Gouverneur Morris, the Constitutional Convention, and American constitutionalism more generally. Readers will be reminded that now forgotten founders, too, made vital contributions to the nation's founding. The book will prompt even seasoned scholars to rethink their understandings of the Philadelphia Convention and the American constitutional tradition.

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Martin Heidegger and Karl Löwith: *Correspondence: 1919–1973*. Translated by J. Goesser Assaiante and S. Montgomery Ewegen. (Lanham, MD: Rowman & Littlefield, 2021. Pp. xx, 314.)

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If Martin Heidegger is the most important thinker of the twentieth century, this is partly because of his remarkable effect on several major political thinkers who made responding to his life and thought critical to their work. Theodor Adorno, Herbert Marcuse, Hannah Arendt, Hans Jonas, and even Jürgen Habermas found replying to Heidegger necessary for the development of their own philosophic projects.

In a recent volume of the excellent series New Heidegger Research we have the correspondence between Heidegger and the first of his independently and intellectually significant students. Karl Löwith is the author of *From Hegel to Nietzsche*, *Nietzsche's Philosophy of the Eternal Recurrence of the Same*, *Meaning in History*, and other important works of political philosophy, including penetrating interpretations of Heidegger. He was close friends with others of Heidegger's students, Hans-Georg Gadamer and Gerhard Kruger, and with their mutual friend Leo Strauss. After studying with Heidegger and Husserl at Freiburg in the early 1920s, Löwith went on to habilitate under