The Constitutionalism of American States

Silvana R. Siddali
Saint Louis University

ISSN 0003-4827
Copyright © 2009 State Historical Society of Iowa. This article is posted here for personal use, not for redistribution.

Recommended Citation
Available at: https://doi.org/10.17077/0003-4827.1355

Hosted by Iowa Research Online
and is likely to lose another after the 2010 census. But because of the equal treatment of all states in the Senate, politicians from less populous states, which tend to have strong agricultural interests, have been able to garner lavish taxpayer subsidies for that sector. Finally, I doubt if Barack Obama or Hillary Clinton would regard Iowa as politically irrelevant. Sometimes, it is better to be smart (or lucky) than populous.


Reviewer Silvana R. Siddali is associate professor of history at Saint Louis University. She is the author of a book on Civil War-era constitutional issues and is working on a book on antebellum state and territorial constitutions in the Old Northwest. Her article on debates over the location of Iowa’s state capital appeared in this journal in 2005.

Most festschrift anthologies are collections of scholarly essays linked thematically because they address the honoree’s area of scholarly research. Ideally, such compilations also represent the best and newest scholarship on that topic. _The Constitutionalism of American States_ fulfills both missions splendidly. In compiling the chapters honoring distinguished constitutional historian Donald Lutz, George Connor and Christopher Hammons have edited a comprehensive collection of essays that address some of the most exciting topics in the area of political, governmental, and constitutional history: American constitutionalism (especially of the states), self-government, democracy, the limits and patterns of power in American states, and the development of political culture. The purpose of the book is twofold: first, to function as a collection of individual state constitutional histories; and, second, to enable scholars of American state constitutions to compare those histories within a common theoretical framework.

To accomplish this, the editors drew on a premise established by Donald Lutz. In his _Origins of American Constitutionalism_ (1988) he prescribed eight criteria for analyzing and understanding state constitutions. Those criteria revolve around defining the “moral values and major principles” of the polity and their political institutions, and, by extension, the constitutions that support and define those principles. Lutz’s eight criteria form a normative basis by which the success or failure of the resulting constitutions can be assessed. For example, a good constitution ought to establish the basis of authority, find a way to “structure conflict so that it can be managed,” and distribute (Lutz explicitly uses the verb _limit_) power (xxi).
This collection of 50 essays is the first to explore the constitutional history of every American state. In confronting this substantial undertaking the editors decided to arrange the essays by region, beginning more or less chronologically with New England, proceeding through the Mid-Atlantic, border, and southern states, and ending with the plains and western states. Each essayist addressed the structure, history, theory, and historical context surrounding her or his state’s founding document. One of the greatest strengths of this anthology derives from the diverse backgrounds of the authors; they come from a wide range of disciplines, including political, constitutional, and public history; state and local government; and the legal profession. As a result, they address their subject in diverse ways: some opt for a chronological narrative, others focus on thematic arrangements such as rights, the limits of power, or the influence of popular reform movements on state government.

American state constitutional history is now a burgeoning field, largely because of a growing recognition that these documents comprise the fundamental history of American citizenship, government, and the distribution of political power. Connor and Hammons explain that, traditionally, scholarship on state constitutions has been divided into two branches: empirical (studying the documents themselves, the power relationships, and resulting institutions) and theoretical (focusing on political and legal philosophy). In celebration of Donald Lutz’s work, the essays in this collection examine both constitutional theory and practice. They do so by focusing on three overarching issues: the origins of constitutions in English or constitutional documents, older state constitutions, and political philosophy (republicanism, emphasis on virtue, and citizens’ rights); constitutional development along chronological lines (that is, constitutional response to the historical context); and constitutional reform, both through the amendment process, and as a response to popular demand for change.

The authors examine such widely divergent topics as changing ideas about citizenship and rights (especially in southern state constitutions after Reconstruction); majority rule (for example, in Penny M. Miller and Amanda L. Cooper’s chapter on Kentucky); the notion that the U.S. constitution is incomplete (Dennis C. Colson on Idaho); the nature of democracy (Anne Permaloff and Carl Grafton on Alabama); and the importance of support for education (David Houghton on Michigan). The essays allow readers to compare legislatures, executive power, courts, referenda, and changes over time within and across states. The state constitutions show what worked and what did not work, how state constitutions shaped citizens, and how they reflected
the people and cultures of the states. The essays are hardly celebratory, however; several authors — including Gordon Lloyd on California, Melissa Scheier on New Jersey, Franklin C. Nyles on Arkansas, and Amy Cossett on Louisiana — subject their constitutions to sharp stric
tures. Such essays show that state constitutions provide an excellent “laboratory” or workshop in which to study good government.

The midwestern and Great Plains state constitutions are of particular use to scholars of the central Mississippi River valley because the authors of essays in that section focus (probably more than in any other) on the historical context of constitution writing and political philosophy, as well as on the historic roots of their modern political climate (for example, Francis H. Heller and Paul D. Schumaker on Kansas). Similarly, Jordon B. Barkalow’s chapter on Indiana explains a theory of “responsible citizenship” (430–31). Because Donald Racheter addresses modern interest groups and draws specific comparisons with other midwestern state constitutions, his essay on Iowa is one of the strongest in the collection.

As a study of American constitutionalism and democratic participation, *Constitutionalism of American States* is highly recommended to constitutional and legal scholars. This collection will also become a standard work for scholars interested in state constitutional history (indeed, for all interested in a particular state’s political history). It should also be read widely by anyone interested in the interplay between democracy and power, between rights and authority, between populism and traditional constitutionalism.


Reviewer Pamela Riney-Kehrberg is professor of history and director of the agricultural history and rural studies program at Iowa State University. Her most recent book is *Childhood on the Farm: Work, Play, and Coming of Age in the Midwest* (2005).

Reviewing an encyclopedia is a difficult task. *The Encyclopedia of Rural America* attempts to provide a comprehensive view of rural America, from “Addiction” to “Workers’ Compensation.” More than a thousand pages of material fall between those two topics, followed by a section titled “Primary Documents.” Some of the materials are historic or have a historic component; others are decidedly not. I have chosen to tackle this review by seeking out those parts of the encyclopedia that should