Our Aesthetic Constitution

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ABSTRACT.
If natural language is deficient, then descriptions-in-words of constitutions may suffer the same fate. What other choices are there, when an investigator – or more typically, a speaker in ordered discourse – or even more usually a speaker uttering demotic elaboration – sets out to describe constitutional text? Isn’t it obvious that artifacts featuring words lock users into using more words? OCL offers (the first of) several studies.

KEY WORDS: natural language, deficiencies.

A. INTRODUCTION. Can the aesthetics of a constitutional artifact written as words-im- parchment be viewed other than as we see it? Are we obliged to ‘see’ words? Is texture only describable in more words?

OCL suggests aesthetics be translated into quantities. That is, words to numbers, employing devices built for this purpose.

The reader is fairly warned that this is going to be a very long march; it will not be an unpleasant journey at all or even one that calls on all available synapses; but it’s going to take the reader on a road that’s never been traveled before. OCL author assures the reader that it’s always possible to turn around and go back or to pause.

B. WORD COUNTS. The Philadelphia Constitution clocks in at 4,321 words long and the Articles of Confederation at 3,453 words. From now on these two will be referred to as CONSTITUTION II and CONSTITUTION I, respectively, and where appropriate FEDERAL II and FEDERAL I will be referenced if governments strut their rôles.

OCL truncates the title of the document, and also everything that could be regarded as the signature block beginning in CONSTITUTION II with “In witness whereof.” CONSTITUTION I ends with “the union shall be perpetual,” after which the usual “In witness whereof” begins, omitted as the reader can see in each of these two counts.

The reader will notice that CONSTITUTION II is longer by 868 words. CONSTITUTION I was completed in October (or November), submitted for ratification on November 15, 1777. CONSTITUTION II began its journey to ratification on September 17, 1787, a difference of ten years with an intervening war. OCL submits that there’s nothing untoward about having to take an additional 868 words to fix whatever needed to be fixed. The right to throw one’s words about was earned at Yorktown.

We would be surprised if it was shorter the second time around. As for those famous 4,321 words, by the time the Early Constitution is completed (1804) the word count will balloon to 5,224.

C. A WORD ABOUT SIEVES. Bentham’s sieve comes into play. OCL references Jeremy Bentham Mocks the Declarations: ‘Every Law ... Is Void,’ 2 OCL 282 which parses Shouldness Benthamite into the tri-partite ‘must, ‘may’ and ‘must not.’

Bentham’s sieve invokes a much larger semantic landscape, but his three-way (and other four-way and two-way) sieves properly introduces the modern study of sieves. OCL’s employs a six-way sieve, as the reader will shortly see.

OCL refashions Bentham’s sieve into responsibilities and disabilities, which are commands and permissions (on the one hand) and prohibitions on the other. In the roughest possible manner this sieve approximates government powers on the one hand, against individual rights, on the other. Which is what Bentham had in mind, at least as far as ‘rights’ and ‘powers’ go.

OCL then segregates titles, offices and intersections, which category approximates the restraints between any two (and more) actors and bodies. Aspirational language is then carved out, and finally government to government text. If you’re writing a national constitution you can talk about your previous national government or the co-existing state government.
D. **TABLE ANNEXED.** The six categories named above supply the grid for the table annexed hereto. The Table at 6 OCL 202 supplies the results of the six-way sieve in action. It should be added that OCL has cumulated the tranches. In other words, if aspirations were located in two places we combined them. *Constitutions I and II* with headings indicating the tranches as sieved appear at *Our Aesthetic Constitutions: A New View*, 2 OCL 258.

E. **RESOURCES.** For on-line access to Peter Aschenbrenner’s articles, tables and charts see purdue.academia.edu/PeterAschenbrenner or works.bepress.com/peter_aschenbrenner/

F. **APPLES TO APPLES.** Now that we can compare instances of six categories from one constitution to the next, here goes.

89 percent of *Constitution I* is taken up with text addressing (a) responsibilities, (b) titles, offices and intersections and (c) government to government issues. These three tranches occupy 88 percent of *Constitution II*. In short, crafting these three tranches occupy exactly the same percentage of aesthetic expression.

Another way to see this: the Philadelphia convention (1787) sat down to redo the work of the constitutional assemblies employed at Philadelphia, Baltimore and Lancaster (1776-1777) with a second tour at Philadelphia sandwiched in between Baltimore and Philadelphia. When the 1787 Philadelphians looked at the 1,183 words of responsibilities and said, ‘Nope, we need more.’ That’s 1,407 words.

So when it came time to write titles, offices and intersections, cumulated in *Constitution I* at 1,084 words, they devoted 1,950 words to this subject. This should come as no surprise. If you write a constitution and you don’t have a supreme court and you slack off with plural executive – a camel by committee – you will be obliged to raid your word bank to beef up coverage of titles, offices and intersections. The reader might profitably read *Initial Federal Offices Created / Contemplated By The Philadelphia Constitution*, 2 OCL 168

On the other hand, *Constitution I* relied almost entirely on a government to government relationships, burning up 810 words, and that tranche shrank to 480 words in *Constitution II*.

The attention to these three tranches listed above is brought into focus by the remarkable match-up of text other than aspirational, .96 to .98 93 in *Constitution I* to *Constitution II* and .91 to .93 measuring all text other than aspirational and disabilities.

Apparati do not vary by that much, to round out our cumulation of these six categories, moving from .02 to .04 in *Constitution I* to *Constitution II*.

G. **STATUS.** Complete.

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J. **LAST REVISED.** This file was last revised on August 2, 2013; it is version 007.

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