The Joy of Text and Numbers

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THE JOY OF TEXT AND NUMBERS
[2 OCL 183]
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ABSTRACT.
The text writers of the Philadelphia Constitution divided their product into seven Articles, subdividing five of these Articles into Sections. This presentation was challenged by James Madison in his proposal for a Bill of Rights. How does one obtain a deeper understanding of the difficulty/ies attendant on assigning numbers (of one dimension) to text (of two dimensions)?

KEY WORDS. linear dimension, spatial dimension, Early Constitution

A. INTRODUCTION. The traditional presentation of the Philadelphia Constitution (1787) was found, by James Madison, to be inadequate to the task of presenting proposed and ratified amendments. (1789) The problem may be seen by taking a page of unnumbered text. The table annexed to Machine Readable Text of the Early Constitution, 2 OCL 341 will supply the reader 5,225 words’ worth.

B. WORKING WITH DIMENSIONS. Imagine that it is your task to assign numbers to text, text divided into any fractions, your choice, provided (obviously) that your effort results in at least two divisions of text.

To do this, you may insert temporary symbols – an asterisk or ampersand will do nicely – into the text at the break points. If you’re feeling frisky you can omit the symbols at the beginning and end of the text.

Now imagine that you reach for one or two series of consecutive numbers. The Roman numerals will do just fine (I, II, III … ) and caps your choice. Another series (Arabic numerals) is available (1,2,3 … ); caps is not on offer.

Now imagine that begin with Roman numerals, caps. So take a selection of text, marked off by * or & (your choice), and insert in lieu of the first temporary symbol ‘I’ and in lieu of the second ‘II’ and so forth. You are mentally keeping track of the placement of the divisions by doing what we all do with Indo-European text, by crediting text closer to the beginning of the text with lower values, even if these values are not represented by numbers but by temporary symbols.

Two problems face the person who launches this effort, but it is unlikely that anyone has ever thought this through, other than, perhaps, James Madison.

First, you assume that because some text is closer to the beginning the follow-on typographic relationship should be reflected in the numbering that comes later. Thus, ‘V’ will appear before ‘VI’ and after ‘IV.’

Second, you assume that there will be no breaks in the numbers assigned. Thus, you will find, on assigning ‘III’ to a division of text, and removing the temporary symbol, that the next division of text will be assigned ‘IV’ and not ‘XIV.’

The latter assumption requires comment.

There are plenty of instances, beginning around mid-twentieth-century, where legal systems assign sequentially correct but non-consecutive numbers to allow for later insertions.

C. THE MUNI’S CODE MAKES A CAMEO APPEARANCE. One can dial up the average municipality’s code of ordinances and find titles or chapters marked ‘Reserved.’ The Municipality of Anchorage, Alaska has reserved Titles 13, 18, 20 and 22. Title 32 is the last to announce its content through its name.

Would it be a crime against taxonomy to assign the next topic in municipal legislation to Title 33? The first twenty-eight topics assigned title numbers (32 - 4 = 28) do not occupy a pre-ordained scheme, such as may be conjured alphabetically. If they did, one would expect twenty-six reservations. The first letter (of the keyword) of the new topic would be available to the eagerness of Assemblymembers, purity of product being the desideratum here, at least on the ground floor of the Z.J. Loussac Library.

Think of reservations as one of James Madison’s many legacies to the American legal system. An overly engaged response to the
taxonomic challenge of code-writing, surely. American code-writers assign numbers as if code were written, as it might be, surely, but it isn’t. Jimmy served as *il maestro* of ‘that which is not may yet pose a damned spot of trouble.’ Madison *did* identify the problem, as *Mr. Madison Renumbers the Constitution*, 2 OCL 385 demonstrates. That Madison’s solution would result in twenty different alcoves in the National Archives, presenting twenty different all-text-in-one-place constitutions is not generally recognized. (PC + BoR + [11th through 27th] = 18] = 20 being the relevant maths.)

Don’t bother searching the temple in the Madison building (10 First SE, Washington, D.C.) for any gratitudinous entablature. Marshall also explored this newe world. Do something really brainy and no one beats a pathe to your door. Marshall nods his *sic dixi*.

D. No Reservations Please. We’re Americans. Our first cut is complete: The 4,321 words are divided into I, II, III, IV, V, VI and VII. If you care to insert ‘Article’ before the Roman numeral, you may do so.

Second thoughts now appear, as to some but not all articles. Articles that are lengthy, apparently, inspire subdivision and here come the Arabic numerals. Same approach as before.

Insert temporary symbols; take the number of Arabic numerals equal to the number of temporary symbols marking each subdivision of text with the division; insert Arabic numerals in lieu of your symbols; add ‘Section’ before the Arabic number and after the Roman. Voilà.

The first text box is known as ‘Article II, Section 3’ by referring to the text-on-parchment in the National Archives, with the second text box assigned ‘Article II, Section 4.’

E. Yes, Virginia: Clauses Abound. To fast forward: when further subdivisions were desired, the solution was to insert – or desecrate, your choice – yet another level of subdivision in the Philadelphia Constitution. This time known as ‘clause,’ with attendant Arabic numbers.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The former text box is therefore labelled Article I, Section 3, Clause 4 while the latter is ditto, Clause 5. The results appear in *Constitutional Text Units Introduced*, 2 OCL 126.

F. Summary. The text writers (in the time of the Early Constitution) possessed a variety of tools with which to dress their instrument. These tools lend a certain cachet, no doubt, to the product they produce; readers of Justinian’s (and Tribonian’s) *Corpus Juris* in the original Law Latin will find the outline-in-hierarchy format striking a familiar pose.

However, the ease with which one-to-one correspondence can be achieved (recapped in the next sentence) affords a false sense of accomplishment or rather masks, too readily, the difficulties of deploying Article V and its instructions, which, in and of themselves, pose a variety of serious logical problems.

The difficulty can be recreated by the reader. Cast your eye over machine-readable text: text shorn of all markers, numbers, cues and so forth. As the text flows downwards in two dimensions, the mind of the Indo-European reader finds it perfectly natural to assign numbers – of one dimension – to the text that occupies two. So easy, that to assign two or three different series of numbers in two numbering systems, has been, up to now, not even worth remarking on. And then, along came Jimmy.
G. **TABLE.** There is no table annexed to this article.

H. **STATUS.** Complete.

I. **PREFERRED CITATION FORMAT.** 2 Our Constitutional Logic 183 or 2 OCL 183.

J. **SERVER LOCATION.** This file is maintained on the I/D server.

K. **LAST REVISED.** This file was last revised on June 8, 2012; it is version 008.

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