‘Which’ and Its Lexical and Semantic Relations in the Early Constitution

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‘WHICH’ AND ITS LEXICAL AND SEMANTIC RELATIONS
IN THE EARLY CONSTITUTION
[2 OCL 287]

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ABSTRACT.
The Early Constitution deploys, in dramatically different fashion, ‘which,’ ‘who,’ ‘whose,’ ‘what,’ ‘whatsoever,’ ‘whatever,’ ‘when’ and ‘whenever.’ Some but not all of these signal and connect/organize subordinate clauses. Results are surveyed and tabled.

KEY WORDS: subordinate clause, Early Constitution

A. INTRODUCTION. The English language supplies writers with words signalling that a subordinate clause lies ahead. ‘Which,’ for example, serves to organize the content (both grammatic and semantic) of such clauses and (more or less) lexical sisters and cousins which (no pun intended) supply connective or adjectival force.

Naming the Constitutions, 2 OCL 378, will shed light on the proposed divisions in the Early Constitution. Until competitors enter the taxonomic lists, OCL’s offerings will stand unchallenged.

B. RESULTS. ‘Which’ always introduces a subordinant clause. ’ It appears thirty-four times in the Philadelphia Constitution, once in the Bill of Rights and once in the Twelfth Amendment. ‘When’ and ‘whenever’ likewise perform this connective and organizing role, with twelve and two hits respectively, once in the Bill of Rights and once in the Twelfth Amendment.

‘Who,’ also serving connective purposes, appears nine times. ‘Whose,’ ‘whatsoever,’ and ‘whatever’ score one appearance each in the Philadelphia Constitution. ‘What’ makes two appearances in the Philadelphia Constitution.

C. TABLE. The table annexed hereto identifies the CTUs with highlighted text. See http://works.bepress.com/peter_aschenbrenner/

D. THE SIGNIFICANCE OF THE SUBORDINATE CLAUSE. OCL has already explored CTU 25, Supplemental Restraints Anyone? Restraining Officials and Entities in the Early Constitution, 2 OCL 283. OCL turns, for demonstration, to CTU 87, which is assigned to Article V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

The reader will see that the entire architecture of CTU 87 depends on ‘whenever two thirds of both Houses shall deem it necessary … ‘ which launches the first condition as subordinate clause, and leads up to ‘Amendments … which, in either Case, shall be valid to all Intents and Purposes … ’ Another subordinate clause.

E. SUPPLEMENTING BY DELETION; A PARADOX IN ACTION. The latter subordinate clause invokes, unfortunately, a form of the Liar’s Paradox, which, in turn, illustrates the logics anterior to the crafting of constitutional text.

A brief digression, which exposition promised, follows: three amendments are under discussion, X, Y and Z.
X will supplement the text of the Philadelphia Constitution with new text. Say CTU 93, prohibiting officials from quartering troops in private homes. This is not paradox-vulnerable.

Y supplements the text of the constitution by deleting text. The reader will be familiar with the clumsy signals 'superseded' which together brackets, parentheses, and other typographic baggage help the reader understand that what appears on parchment in the National Archives is not the constitution. Or, more precisely, is no longer constitutional text. Or more cheekily, is no longer 'valid to all Intents and Purposes, as Part of this Constitution, [because] ratified … .'

The best instance of a pure deletion by amendment is the Twenty-First Amendment through which, text added in the Eighteenth Amendment is no longer valid text.

Z supplements text of the Philadelphia Constitution by deleting and inserting new text. CTU 103 illustrates this point which the force of its text is compared with that of CTU 63.

So how do deletions of constitutional text – typically, but not always the Philadelphia Constitution requiring corrective amendment – become part of the constitution, 'to all Intents and Purposes.' How does one manage nothing, in case Y and Z, or, generally, how does one manage the null case?

Nothing is unreliable; the risks of handling nothing – including the risk of deleting something and then deploying the nothing left over from that operation – are paradox-vulnerable. What Is a State Constitutional Convention? ‘Constitutional Assembly’ as Proposed Definition, 2 OCL 103, was the first article in which OCL addressed this point.

Paul carries the four gospels with him to aid in proclaiming the good news. He then writes a letter to Titus, which he proclaims 'shall be valid to all Intents and Purpose, as Part of this Constitution.'

Titus, in turn, discovers to his horror – or rather Bertrand Russell discovered it and the theological seminaries supplied the horror – that text in the Epistle is paradox-vulnerable. The 'can it be deleted?' question is really just another way of asking if the replacement product – the ‘What Paul Really Meant to Say to Titus Epistle’ – is holy writ. It is if there was nothing before whose space is now available for occupancy; otherwise it is not.

Amendments of text by deletion and by deletion and supplementation suffer from the burden of attempting to be two things at the same time: an instance of such a sentence must nullify text to which it refers; but it refers to itself, as well as to its target text. If it nullifies itself, there is no point to the amendment.

It is therefore both nullifying and fulfilling at the same time.

F. KEEP THIS IN MIND. Lewis Carroll would have no sympathy with constitution writers who propose to write more instructions to deal with deletion (or deletion and supplementation) of constitutional text, because completeness and consistency cannot be achieved by laying on more and more instructions.

‘What Lewis Carroll noticed – ‘What the Tortoise Said to Achilles,’ 4 Mind 278 (1895) – is that sovereign lardings and lashings (of additional instructions) will not make existing fixed-in-one-place text less defective.’ When You’re ‘Not’ You’re Hot: Why the Writers of Our Corrective Constitution (1789-1804) Loved the Adverbial ‘Not’, 2 OCL 496. The alert reader will have noted that the author of Alice in Disneyland concerned himself with the listing paradox rendering lists incomplete and therefore vulnerable. It is suggested that a list which is inconsistent is, a fortiori, incomplete, because more instructions will not render the original instructions both compete and consistent.

G. CONCLUSION. So paradox-vulnerable text exists in the Philadelphia Constitution. So what?

An exercise in discrete logic, that is, anterior to the crafting of the Philadelphia Constitution, demonstrates the impossibility of authorizing Congress to make nothing – a deletion – a part of the Constitution. A kinetic fallacy or one of them, attends its appearance and chance at unwinding the applause meter.

Again, so what?

The point is that ‘which’ and its lexical/semantic cousins are essential tools in the writers’ tool-kit when the structure of government, that is, its service missions are deployable. Not so,
when officials – whose titles, offices and emoluments now exist – are prohibited from infringing, violating or trampling rights whose existence can be demonstrated, in any political philosophy which is not window-dressing for thugs, to be anterior to the operations of ‘men in hats.’

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