

The Literary Force of the Preamble

by Craig M. Lawson*

WE THE PEOPLE OF THE UNITED STATES, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.¹

The Preamble to the Constitution is a single sentence of great density and no small rhetorical force. Like more traditional texts of high literature, much of the Preamble's power springs from the way it evokes in our imagination a world in which the reader can participate. By attending closely to the style and structure of the Preamble, I will explore in this essay those literary springs of its rhetorical power. In this way I hope to show how the Preamble imaginatively describes the framing of the Constitution, defines the ethos of the framers, and invites the reader into an ideal and timeless political community with them, for it is in doing these things that the Preamble acquires its full meaning.

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1. U.S. CONST. preamble. For its effect on the eye, and to catch something of its flavor, here and elsewhere in this Article, I have followed the capitalization of the original text of the Preamble, as I have seen it reproduced in facsimile.

I.

The Preamble's underlying structure of subject, verb, and object is quite straightforward: "We . . . do ordain and establish this Constitution . . ." All its other elements depend on this relatively simple description of an action, the establishment and ordination of the Constitution. Somehow, on a first reading, the grammatical action of the sentence, this description of the act of Constitution-making, remains in the background. One comes away with the sense that the Preamble walks before the Constitution primarily to introduce its purposes, as today many statutes begin with statements of purpose. Of course the bulk of the sentence does describe the purposes for which the Constitution is made: "In Order to form a more perfect Union, establish Justice, insure domestic tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity." I call this series of short purpose clauses, when taken collectively, the Preamble's "purposive element." The purposive element comprises thirty-three of the sentence's fifty-two words and its active element comprises only nineteen: "We the People of the United States, . . . do ordain and establish this Constitution for the United States of America." The bulk of the purposive element gives it weight, drawing our attention from the active element, leaving it in the background of our reading.

Coloration reinforces this effect. Most of the noun phrases of high color and strong value are contained in the purposive element of the Preamble: "more perfect Union, . . . domestic Tranquility, . . . the common defence, . . . the general Welfare, . . . the Blessings of Liberty." This appealing list of ideals almost might be a dictionary of terms of Western political value, terms that are almost uncontestedly good, so fundamental are they to our political heritage. In our continuing constitutional debate, many oppose the particular government for which the Constitution stands. Yet few oppose these values which animate it—a more perfect union, domestic tranquility, the common defence, the general welfare, and the blessings of liberty. These remain among the basic terms in our political language of values. In contrast to the highly colored purposive element, the active element of the sentence is almost monochromatic: "We the People of the United States, . . . do ordain and establish this Constitution for the United States of America." No appeal is made to abstract ideals, and only "People" and "Constitution" seem to stand out as high points of reference.

The structure of the purposive element, a series of short phrases, each containing a transitive verb and direct object, further enhances the force of the purposive element in the sentence. The Preamble's basic purposes could have been listed seriatim after a single general verb, but much of the vitality would have been lost: "in Order to secure a more perfect

Union, Justice, domestic Tranquility, the common defence, the general Welfare, and the Blessings of Liberty." Instead the framers set off each of their political ideals in a short phrase as the object of its own verb: "to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity . . ." Each new active verb renews the vitality of the sentence and acts to push it in the direction of each new constitutional ideal. We, who are in some sense the subject of the sentence, thereby are portrayed as a People which actively pursues these constitutional ideals. Thus the repeated transitive verbs not only animate the purposive element, they also draw our attention to this appealing portrayal of ourselves as an active People, a People which acts politically to secure its ideals.

The placement of the purposive element is a final source of its rhetorical force: it is inserted between subject and verb, interrupting the ordinary syntactical progression from subject to verb to object. Compare this sentence approximating the structure of the Preamble, but simplified to highlight my point:

We, in Order to form a more perfect Union, do ordain and establish this Constitution.

to this reformulation in which the adverbial purpose clause is shifted to the beginning of the sentence:

In Order to form a more perfect Union, We do ordain and establish this Constitution.

In the first sentence the purposive element interrupts the active structure of the sentence. The second sentence reads more simply and smoothly, reflecting, at least in part, a more syntactically stable balance of action and purpose. The words are unchanged, and both sentences retain the same meaning, but they create quite different effects. In the Preamble itself the purposive element makes a much greater interruption because of its relative length, color, and vitality. The purposive element has a compact intensity, dividing the subject and verb, softening the emphasis of the active structure of the sentence, and enhancing the sense that purpose dominates action in the Preamble.

The placement of the purposive element sets the action and the purpose of the Preamble in dynamic tension. Suppose we were to move the purposive element to the end of the sentence, eliminating the interruption thus:

WE THE PEOPLE OF THE UNITED STATES, do ordain and establish this Constitution for the United States of America, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, pro-

vide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.

Why should the simple repositioning of these clauses drain the Preamble of so much of its interest? The reason, it seems to me, is that the actual placement of the purposive element, interrupting the active element of the sentence, creates a structure of suspense. The instant we begin reading the Preamble, we learn its subject, "We the People of the United States," but before we can learn how this subject acts (or is acted upon) we are told the purposes for which the action (whether the subject performs it or receives it) takes place. This structure creates a mental problem in reading of a kind that our training in English has equipped us to solve. While reading the framers' list of constitutional purposes, we must hold the subject, "We the People of the United States," in suspension until the end of the purposive element to discover the verb and learn what the subject is doing for these purposes. Until we learn the verb and object (the ordaining and establishing of a Constitution) we have neither a completed thought nor a completed sentence, and the exact relation between the subject (We the People) and its purposes (to form a more perfect Union, insure domestic Tranquility, and so on) is unclear. We mentally hold the subject and its purposes in an uncertain tension until the verb appears and, as the relation between subject and purposes is made clear, the tension is resolved. Of course we do this automatically and in a moment. But read the Preamble again and see if you do not sense a brief tension and rising of expectation, finding a release and stable resolution on the final clause, "do ordain and establish"

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The drama of the Preamble comes from this coupling of forces in tension, holding action and purpose in a dynamic structure of tension and resolution.

It is worth remembering that effective writing draws its greatest power from a close sympathy of style and substance, for the substance of the Preamble is closely, if perhaps unconsciously, echoed in its style. As we have seen, the insertion of purpose clauses into the active element of the sentence creates a stylistic tension that is resolved in the concluding phrase, describing the action of ordaining and establishing a Constitution. This structure syntactically and psychologically is performative of, and creates a grammatical image of, the very political act and context that it depicts: namely, an agitated confederation facing the tensions of disunity,

and resolving those tensions in ordaining and establishing a Constitution. In this way the process of assimilating the sentence structure from tension to resolution quietly underlines the process of constitution-making that it describes. The evocation is subtle, but seems to me to be rhetorically important.

II.

The dramatic movement of the Preamble from tension to resolution involves the reader imaginatively in the act of making the Constitution. In fact it is not only the sentence structure, it is the entire rhetoric of the Preamble that invites the reader's direct imaginative participation in making the Constitution.

Nothing could make us a part of the action of the sentence as clearly as the identity of its subject, "We the People of the United States." If the only desired effects of the Preamble had been to identify the People as the source of our Constitutional authority, and to enumerate the ends that our constitutional government seeks to achieve,² it might as well have begun, "The People of the United States, in order to . . ." To begin the sentence this way, however, would effectively divorce both the framers and the readers from the action of the sentence, the making of a constitution. The framers would have been speaking in the third person, about *that* people, *those* persons who do ordain and establish a constitution. We, the readers, still would have enjoyed a certain vicarious participation in the action of the sentence, because we can identify ourselves as part of the American People. But this would be a remote participation, for in common English usage the third person suggests that both the writer and the person addressed are divorced from the action depicted. When I wish to indicate that you are, and I am not, a part of the action of my sentence, I use the second person, "you": "You the People of the United States . . . do ordain and establish this Constitution." Though it is grammatically correct, this sentence has an awkward ring, perhaps because our Constitution is so intimate to our political identity that we cannot easily imagine its authors addressing us in such a distant voice as "You the People of the United States." If the second person were used in the Preamble, it would detach the framers from the action. The third person would also detach the audience to which the Preamble is addressed, making the Preamble almost entirely impersonal: "The People of the United States do ordain and establish this Constitution." The first person, "We the People of the United States,"³ by contrast, invites us as

2. E. CORWIN, *THE CONSTITUTION AND WHAT IT MEANS TODAY* 1 (rev. ed. 1973).

3. The first person plural pronoun is sometimes used to refer only to the speaker's group, excluding the person addressed.

readers to join the framers in the action of the sentence. This involves us in the making of the Constitution, and defines us as a single People, not a collection of states.

This inclusion of the reader in the subject of the sentence is the combined work of the pronoun "We" and the phrase in apposition to it, "the People of the United States." If the pronoun "We" leaves any doubt that the reader is to be included,⁴ that doubt is removed for the American reader in the succeeding appositional phrase. Much can be made of this phrase, "the People of the United States;" especially the term "the People," in the way it serves as a political marker of particular federalist views in the American revolutionary order,⁵ and in the way it seems to reflect a choice not to locate the ultimate moral authority of the Constitution in the states.⁶ For my purposes it is enough that the phrase, "the People," carries a sense of popular inclusiveness, a sense that those persons described are not members of a particular privileged class, but are persons of equal dignity constituting all persons of the United States. "The People" also implies something other than organized government, though government be "by the People." The subject, "We the People," proclaims that the act described is not the act of a formally constituted government. "We the People of the United States," then, draws framers and readers into a community of popular political action.

That political action is the present making of the Constitution. We are not being treated to an historical act; rather we are being involved in a current and continuing one, for the action of the sentence takes place in the indefinite present. The verbal construction, "do ordain and establish,"⁷ is set in the present tense, and nothing dates it. Nothing, save perhaps the freer capitalization of the day, shows the Preamble to be the lingering historical record of a statement made long ago about an action that was then contemporaneous, but is now long past. Its classically simple eloquence suggests timelessness. We might write similarly today on a

4. The Federalist, for example, was always addressed "To the People of the State of New York." See also the passage from The Federalist No. 22 quoted *infra* note 5.

5. It has not a little contributed to the infirmities of the existing federal system, that it never had a ratification by the PEOPLE. Resting on no better foundation than the consent of the several legislatures, it has been exposed to frequent and intricate questions concerning the validity of its powers The fabric of the American empire ought to rest on the solid basis of THE CONSENT OF THE PEOPLE.

Hamilton, *The Confederation: Lack of Powers and of Proper Ratification*, in THE FEDERALIST No. 22, 198-99 (B. Wright ed. 1974) (emphasis in original).

6. The phrase, "the People" is also outwardly exclusive, excluding other nationalities as well.

7. This use of 'establish' is also found in the Establishment Clause of the First Amendment. U.S. CONST. amend. I.

subject so moving and so large.

The verbal construction, "do ordain and establish," gives the action, the making of the Constitution, a high ceremonial character. Both "ordain" and "establish" have important religious meanings: a minister is ordained and a church is established, both with some ceremony. The effect is enhanced by the auxiliary verb "do," which is commonly used to heighten the emphasis upon the action of the main verb. Both the ceremonies of ordination and establishment mark beginnings for the minister and the church involved, yet also reaffirm the continuity of the community that celebrates them. Like all such ritualized symbolic actions, they thereby acquire a timeless character. The Preamble has a certain amount of this flavor of timeless piety, not only in the choice of verbs with religious overtones, but also in much of the language of purpose: "perfect Union, . . . Tranquility, . . . Blessing of Liberty . . . to our Posterity." One can imagine the Preamble being intoned at the opening of every session of Congress or at the inauguration of Presidents. Its simple, eloquent, high tone situates the ceremonial ordination and establishment of the Constitution in an indefinite present, a present that reaches back to the framers, out to the reader, and forward to our indeterminate American Posterity, binding them all in making a Constitution for high purposes, perhaps almost in consecrating it to those purposes. The subtlety with which it does so is matched only by its absolute moral self-assurance. As we read the Preamble we are invited in our imaginations to celebrate the beginning of our constitutional order, to reaffirm its continuing vitality, and to make it anew.

III.

The suggestive rhetoric of the Preamble draws us into its political drama, and we make a community with the framers by joining with them in creating, establishing, and ordaining a constitution. One message of the Preamble, then, is that in each creative and imaginatively sympathetic reading, we remake the Constitution for ourselves in this generation as we reaffirm the special vitality of purpose to which the framers, "We the People," have consecrated it.

We are the essential as well as the grammatical subject of the Preamble. So completely does it define us that the Preamble almost might be said to be about who we are. It defines us in apposition as members of a community, "the People of the United States." This essentially defines us by the political community to which we belong, an inclusive community of persons all equal, forged into one People. The purposive element of the sentence defines us as active and energetic in the pursuit of certain basic values. It also defines us by those political values we take to be fundamental and to secure which we propose a constitution. Through this Con-

stitution we seek "to form a more Perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity."⁸ The active element of the sentence defines us as actors, and defines us by the action we take to protect our political values. That action, of course, is to make a constitution. We are ordainers and establishers of a constitution.

In these ways the Preamble is ethical. It defines an ethos. It figures the ideal character of framers and readers, of the American people, as makers of their own Constitution. There is an interesting balance of rationality and passionate conviction in this Constitution-making ethos.

The relation of the Preamble to the body of the Constitution shows an implicit means-end rationality. In making a constitution, first we define the values which our Constitution embodies (more Perfect Union, and so on), and the establishment and maintenance of which are the ends of constitutional government. Then we determine the means by which government can best achieve these ends. The ends of government we set forth in a Preamble, as a statement of purpose. The means we set forth in the body of the Constitution itself. The ends themselves are matters of conviction. One might rationally debate them, but the Preamble begins where that debate leaves off. The Preamble takes the political ends of this community as settled. It begins with this conviction of purpose, then rationally moves to secure it in the making of a Constitution. So too the rhetoric of the sentence begins in tension and passionate eloquence, with a long interrupting series of vital and highly colored purpose clauses. It then moves to a stable resolution, also in the making of the Constitution, in the concluding clause, "do ordain and establish this Constitution for the United States of America." The ethos of the Preamble is reason in the service of political conviction.

In this manner the Preamble ethically figures for us the ideal reader of the Constitution, and unlocks some of the secrets of constitutional reading and interpretation. And it does this in the most personal way available to literature, by teaching us who to be, rather than what to do. It teaches us who we ought to be as we read, as we make the Constitution, as we constitute government. Its rhetorical force suggests that we are part of a continuing community that began with the framers and will continue so long as the American people have the character that the Preamble describes. In a sense the Preamble tells us that our nation is a community of persons bound together in a certain broad political ethos—a govern-

8. "In forming a constitution, it is first necessary to consider what are the ends for which government is necessary? Secondly, what are the best means, and the least expensive, for accomplishing those ends?" T. PAINE, *RIGHTS OF MAN* (1791-92) (Penguin ed. 1976), at 220.

ment of men, as much as a government of laws.

The Preamble makes this offer of community through a close fusion of sense and structure. This is its literary force. Learning to read the Preamble means discovering a definition of ourselves as a literate People. When we have learned to read it, we have discovered our political character, our Constitution, our constitutive text.

