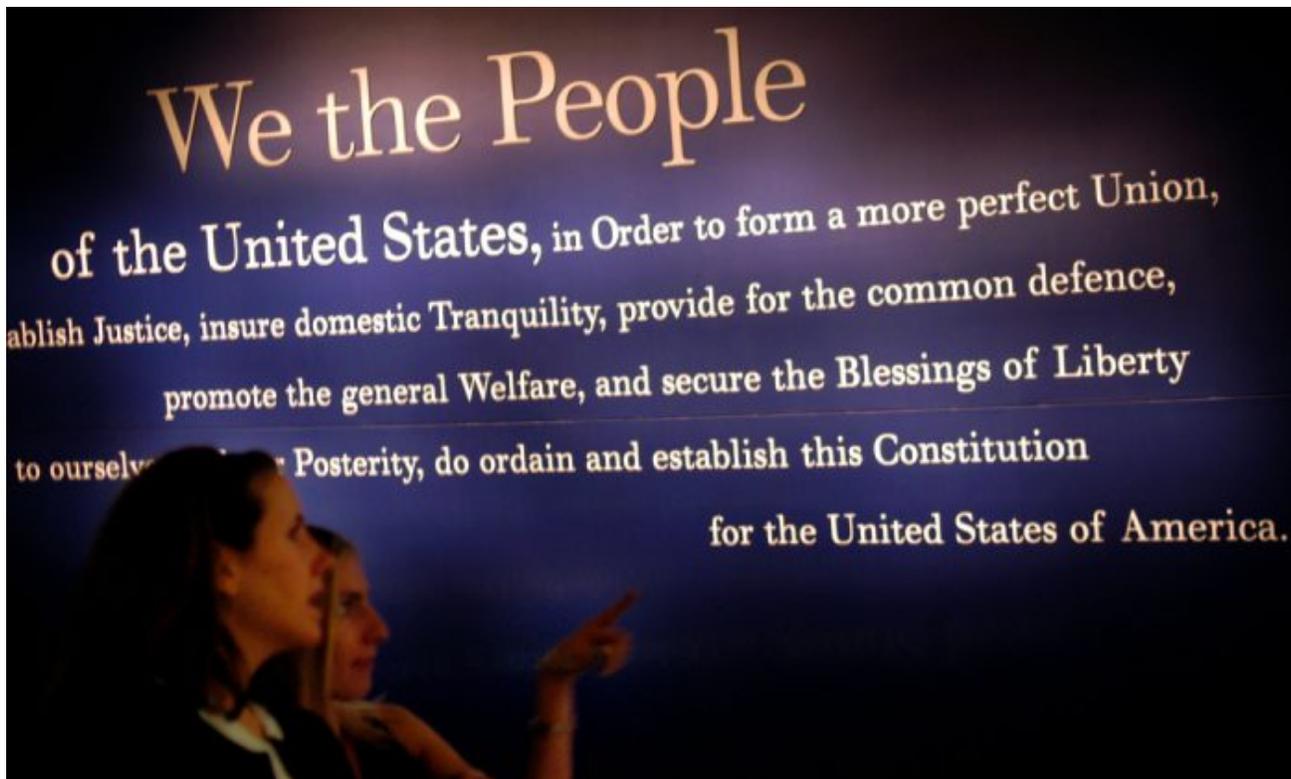


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Two women walk past a painting of the beginning of the U.S. Constitution during a preview of the National Constitution Center in Philadelphia, Penn., on July 1, 2003. (William Thomas Cain/Getty Images)

VIEWPOINTS

Understanding the Constitution: The Style of the Preamble



Rob Natelson

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Commentary

The Constitution begins with an introduction called the “preamble,” a word from the Latin *praeambulus*, meaning “walking before.” The preamble to a legal instrument identifies the parties, states crucial facts, and/or explains the purpose of the document. The “Whereas” clauses appearing in some documents are preambles.

As is true of the Constitution in general, there’s far more to its preamble than first meets the eye.

Gouverneur Morris was the principal author of the Constitution’s final draft. Morris lived in New York State, but he was visiting Philadelphia when the Constitutional Convention was about to meet. Pennsylvanians were so impressed that they chose him as one of their convention delegates. Pennsylvanians were like that: A few years previously they had tapped John Dickinson to be president of their state at the very time when Dickinson was serving as president of Delaware.

The Constitution is a grand and important document, so Morris labored to give it grandeur and gravity. His preamble comprised but a single sentence:

“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.”

This essay examines the preamble’s style; a future essay will focus on its substance.

The Archaic Style

One way to convey grandeur and gravity is to write in a somewhat archaic manner. For example, the 1611 King James Version of the Bible derives some of its majesty from the fact that it employs language that was archaic even in 1611.

Morris infused additional majesty into the Constitution by adopting an old custom of capitalizing all nouns. (He missed a few, including the preamble’s noun “defence”—probably due to haste.)

The Form of a Royal Charter

Another way Morris lent dignity to the preamble was by borrowing and adapting a pattern found in royal charters.

Although the Founders rejected kingship, they had grown up under monarchy, and royal forms and devices could still stir their emotions. One such device was the royal charter, a document by which a king or queen granted land, other property, and privileges to named grantees. Royal charters loomed large in Anglo-American history, and most of the American colonies had been authorized and governed by royal charters.

Royal charters typically began with the name of the king or queen, as grantor. Morris, like the other Founders, rejected kingship and thought of the Constitution as a grant from the sovereign people to government officers and agents. So he fitted republican theory into the charter form by replacing the name of the king with the phrase “We the People.”

This phrase was not new. It appeared in a then-popular translation of Baron Montesquieu’s “The Spirit of the Laws.” More importantly, Jean-Louis DeLolme used it in his popular [book](#) on the English Constitution to describe a hypothetical event in which the people write a new constitution. The phrase offered the additional advantage of avoiding the need to list individual states, some of which might choose not to ratify the Constitution.

Alliteration, Rhythm, and Rhyme

Another way of conveying gravity and grandeur—as well as beauty—is to adorn the text with alliteration, rhythm, and rhyme. Eighteenth century writers, educated in the Greek and Latin classics, were particularly fond of doing so.

Unfortunately, most modern readers have been deprived of traditional classical education, leaving them clueless about this aspect of 18th century writing. Several years ago, I attended an academic conference in which scholars discussed a chapter from Edward Gibbon's 18th century work "[The History of the Decline and Fall of the Roman Empire](#)." All the other attendees were perplexed by Gibbon's style. They had heard that his prose was beautiful, but they could not see why. They did not know that the composition is infused with meter borrowed from Greek and Latin poetry, so they could not read it properly.

Gouverneur Morris had been educated in Greek and Latin poetry, but in composing the preamble he wisely adopted meter appropriate to English. He heightened the effect with alliteration and near rhymes.

The Constitution's preamble is composed of (a) six distinct *couplets* of two lines each, (b) three distinct *thirds* of four lines each, and (c) two distinct *halves* of six lines each. I've reproduced each line below, and after each I've shown how it is scanned. An m-dash (—) indicates a long or accented syllable. A dot (.) indicates a short or unaccented syllable.

Here is the first couplet:

We the People of the United States,

— — — — — —

in order to form a more perfect Union,

. — . . — . . — — — .

Observe that both lines contain nearly the same number of syllables: 10 and 11. Both contain the metrical foot called a *molossus*, which consists of three heavy syllables (— — —). Poets use *molossi* to convey grandeur.

Alliteration further ties the couplet together. The “p” sound appears in “People” and “perfect,” and voiced and unvoiced “f’s” appear in “of,” “form,” and “perfect.” The second line also contains a near rhyme (ORder ... fORm), open sounds communicating grandeur.

Here is the second couplet:

establish Justice,

. — — — .

insure domestic Tranquility,

. — . — . . — . .

The meters of these two lines are less similar than the two in the initial couplet, but they are tied together in other ways. Both lines are relatively short compared with those around them. Together they contain four “s” and two “sh” sounds.

The third couplet is:

provide for the common defence,

. — . . — . . —

promote the general Welfare,

. — . — . . — .

These two lines begin with the same syllable (“pro”). Each has the same number of syllables (eight), and their metrical schemes are nearly identical.

Here is the fourth couplet:

and secure the Blessings of Liberty

. . — . — . . — . .

to ourselves and our Posterity,

.. — . — . — ..

These two lines share nearly the same number of syllables and a similar metric scheme. Each line features alliteration based on the letter “s.” They end with the near rhymes “Liberty” and “Posterity.”

Here is the fifth couplet, consisting of two lines of similar meter:

do ordain

.. —

and establish

.. — .

Finally, we reach the sixth couplet:

this Constitution

. — — — .

for the United States of America.

... — — — .. — ..

My scanning shows each of the two lines in the sixth couplet as containing a molossus. My youngest daughter, Sarah Romano, who has more classical literary training than I, prefers to read my molossi as cretics (— . —). Either way, the preamble has returned to its initial grandeur.

There's more: As noted above, the preamble can be divided into thirds and halves as well as into couplets. The first third ends with "Tranquility." This word forms a metrical foot called a *secundus paeon* (. — . .). The second third ends with "Posterity"—another *secundus paeon*. The final third ends with "America," still another *secundus paeon*.

Each of the preamble's two halves consists of three couplets—the first through the third and the fourth through the sixth. In each case, the middle couplet (second and fifth) is very short. Just as the middle couplet of the first half begins with the word "establish," the middle couplet of the second half ends with the same word: "establish."

The overall effect is a piece of writing intricate and perfectly balanced, majestic and sonorous.

Modern law professors tell their students to draft documents that are direct and without adornment. We can be grateful the Constitution's framers did not follow this advice.

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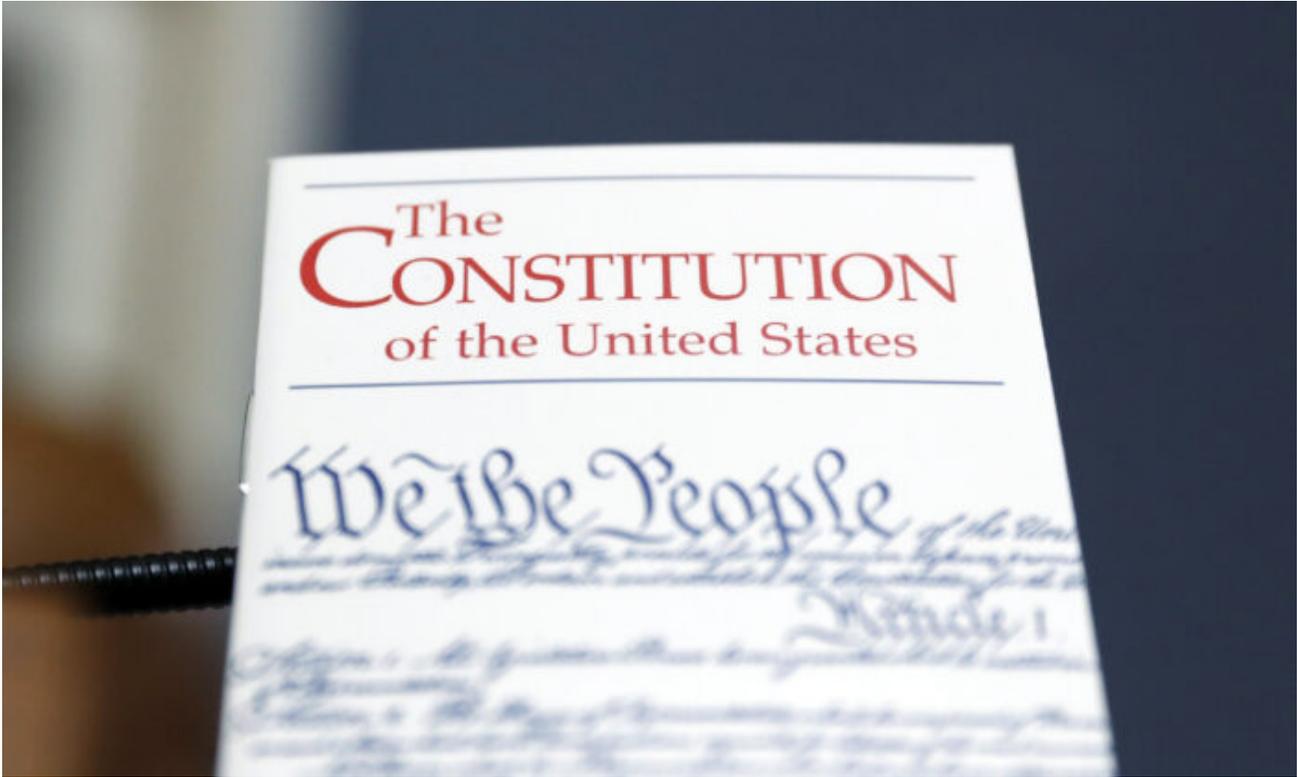
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A copy of the U.S. Constitution during a House hearing on Dec. 17, 2019. (Andrew Harnik/Pool/Getty Images)

VIEWPOINTS

Understanding the Constitution: The Force of the Preamble



Rob Natelson

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Commentary

My last essay discussed the *style* of the Constitution's preamble. Gouverneur Morris, its principal author, composed a passage that was grand, euphonious, and balanced. This essay addresses the preamble's *substance*.

The preamble of a legal instrument recites understood facts and the intent and goals of the party or parties creating the instrument. Edward Coke, the 17th century legal scholar whose writings were at the core of the Founders' legal education, said a preamble is a "key to the minds of the makers."

As the U.S. Supreme Court noted in *Jacobson v. Massachusetts* (1905) ([pdf](#)), a preamble is not a source of binding rules. Rather, it sheds light on the rules found elsewhere in the document.

Suppose you arrive home to find that your spouse has left you a note. It says, "We need more food. Please go to the store and buy meat, bread, and vegetables." The preamble to the list—"We need more food"—explains the rest. It tells you why you're going and sheds light on the meaning of the three listed items. It informs you that you're not being asked to purchase firewood, even though firewood is technically vegetable matter.

The Constitution's preamble reads as follows:

"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."

We the People

The phrase "We the People" identifies those creating the new government and granting political power. The term "the people" was not, as sometimes claimed, limited to wealthy white males. In nearly all states, men of very modest means were enfranchised, and some states extended the vote to women, free African Americans, and/or Indians living under state (rather than tribal) jurisdiction.

Indeed, outside the electoral context, the Constitution, as amended by the Bill of Rights, repeatedly employs "the people" to mean all free adults. And as a historical matter, a huge portion of the American populous was active in the debates over the Constitution's adoption.

Ordain and Establish

In the 18th century, the definitions of “ordain” and “establish” overlapped. However, “ordain” often meant a one-time order or authorization, while “establish” referred to a more time-consuming process. By way of illustration, a statute might *ordain* creation of a postal system, but the postal system was *established* by the process of erecting buildings, selecting routes, entering into contracts, hiring employees, adopting laws and procedures, and so forth (pdf).

The preamble tells us that the rest of the document *ordains* the delegation of power to a new political system *established* under the Constitution.

The Preamble’s Goals

The preamble lists six goals, or reasons why, “We the People” are ordaining and establishing the new government. They are as follows:

- To render an existing union “more perfect.” Modern commentators often misinterpret this to mean a better union. But in the 18th century, “perfect” usually meant “complete.” This goal was to tighten—make more complete—the union created by the Articles of Confederation.
- To “establish Justice.” A core value in the Founders’ political philosophy was government impartiality. Yet some states had acted unjustly by playing favorites among citizens, and the Founders aimed to correct that. Note the word “establish,” which contemplates erecting a just order over time.
- To “insure domestic Tranquility.” Peace in America was threatened by contention among states and social classes. A stronger central authority could ensure domestic peace.
- To “provide for the common defence.” Not only were the Articles of Confederation insufficient for the needs of defense, but they permitted authorities to favor the defense of some states over others—as occasionally happened during the Revolutionary War. The Constitution was designed to provide for the *common* (universal) defense.
- To “promote the general Welfare.” This has nothing to do with the modern welfare state, which nearly all the Founders would have opposed. “General” is a synonym for “common” or universal. It refers to all Americans, as opposed to particular

individuals, regions, or interests. “Welfare” means human happiness and flourishing. The phrase “general Welfare” appears later in the Constitution, also. As I shall explain in a future essay, no constitutional phrase is so misunderstood and abused.

- To “secure the Blessings of Liberty.” This reflects another of the Founders’ core political values: freedom.

Observe that “democracy” does not appear in the preamble. One reason is that self-government is inherent in the phrase “We the People.” Another reason is that “democracy” might imply unchecked majoritarian control of day-to-day government decisions, something the Founders opposed.

The six goals in the preamble may come into conflict. Excessive liberty may impair domestic tranquility. A large military establishment for “the common defence” may threaten “the Blessings of Liberty.” Government efforts to ensure the “general Welfare” may also threaten liberty.

Commentators sometimes make the mistake of preferring some of the preamble’s goals over the rest. Today, the most common error is to raise the perceived “general Welfare” above “the Blessings of Liberty.” Nothing in the preamble suggests this is proper. All the goals are of equal importance.

When there are conflicts among the goals, the Constitution often provides guidance on how to resolve them. For example, the Constitution preserves the traditional Anglo-American writ of habeas corpus, because the writ of habeas corpus preserves liberty and furthers justice. But in certain cases of insurrection or invasion, Congress may suspend the writ to preserve “domestic Tranquility.” Similarly, the Constitution allows Congress to impose taxes for the common defense and general welfare, but in the interest of liberty and impartiality, the Constitution limits the ways Congress may do so.

Future essays will explore such issues in more detail.

Views expressed in this article are the opinions of the author and do not necessarily reflect the views of The Epoch Times.



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