Political theory begins with the analysis of texts, and American political theory has a series of peculiar problems because of the texts upon which it is based. First, constitutionalism defines American political theory at its core, and American constitutional documents are therefore among its central texts. These documents cannot be analyzed in the same way as philosophical texts, however.

Philosophical writing usually aims at pushing thinking and understanding to higher levels or into unexplored regions, and new words or concepts are frequently developed to describe or explain ideas for which our old vocabulary is inadequate; the reasoning is often subtle, complex, and somewhat at odds with currently accepted modes of thought. When we read the philosophical texts from the past that are considered to be outstanding works or "great books," their greatness may affect us to the extent that their contents become part of our present thinking, but there is still a singularity, an originality to the texts that leads us to associate certain ideas or perspectives with specific thinkers. Yet we continue to read these outstanding philosophical works not only to familiarize new generations with the important, distinctive ideas they contain but also because the authors are such good exemplars of how to apply theoretical analysis; their thinking is so profound that we hope to learn even more than we did on our last reading. These thinkers are distinguished by such deep patterns of thought that we can find in their works meaning that seems almost bottomless, and sometimes we rightly conclude that the deeper meanings, which we uncover in a text only after an arduous analysis on our part, were intended by the author to be found only by careful read-
ers. That is, philosophical texts have deeper structures of meaning that are not accessible to casual readers, and elaborate theories of textual analysis have been developed to aid us in finding these deeper meanings.¹

Viewed as texts, political documents differ from philosophical ones in almost every respect. Political documents in a constitutional tradition by definition are aimed at a broad public, a readership composed of the general citizenry, rather than at a relative few people who are skilled at careful reading. Furthermore, these documentary texts are not primarily supposed to create and present new ideas, although sometimes this is part of their purpose, but to summarize, encapsulate, codify, interpret, reinterpret, modify, extend, or merely celebrate ideas and concepts that are already generally understood and accepted by most citizens. The great texts of American constitutionalism, for example, the Declaration of Independence, the Constitution, and the national Bill of Rights, are great, not because of their originality but because they successfully summarize important ideas and concepts that were the widely accepted core of American political thinking at the time they were drawn up.² Therefore the language used in these documents is not usually new or original in meaning but unexceptional and part of the ordinary language of the time. Constitutional documents must be tied to ordinary language because by definition they rest upon the consent of the citizens. If such documents cannot be understood by the citizens, if they contain secret or hidden meaning, then the citizens cannot be said to have given their consent to the texts, and thus the documents are not constitutional. That is, their status as texts rests upon popular acceptance, and anything that seriously interferes with this consent renders the texts politically meaningless.

Furthermore, citizens can approve a political text without seeing all of its possible consequences—consequences that may have been intended as well as unforeseen. For example, not all Americans at the time of ratification anticipated the doctrine of "implied powers" that would be derived from Article 1, Section 8, paragraph 18 of the U.S. Constitution. Despite Antifederalist warnings, many did not understand the "spirit of consolidation" in the Constitution's design. Still, whatever was intended, the words "necessary and proper" could be interpreted in several different ways, and
whichever interpretation won was a function of political struggle and not of some hidden meaning. That is, the victory of one reading over another did not rest upon a meaning that an average person could not see as possible, given an ordinary understanding of the language.

In sum, in a constitutional tradition such as ours, political texts that form the core around which our theoretical thinking is built must be read for their commonly understood surface meaning, tend to contain currently accepted modes of thought rather than ideas original for the time, may be singular in the power or efficiency of their expression but cannot be idiosyncratic, are aimed at a general public rather than at a select few, frequently are important to us not because of their depth or excellent expression but because they have been ratified by popular consent, and inevitably have been composed by groups or committees rather than by single authors.

A given document subjected to textual analysis usually expresses only a portion of a coherent theory rather than a theoretical position that is worked out comprehensively. American political theory moreover generally lacks the great philosophical tracts associated with European political theory; instead, we have several assembled and partial texts such as *The Federalist* that not only require a somewhat different form of textual analysis but also require that we face the question of what constitutes a complete text. Finally, texts in American political theory frequently borrow from European texts, but Americans, working from their particularistic circumstances, have tended to use European texts selectively and in piecemeal fashion.

The inclination of Americans to appropriate pieces of European political thinking and to make them part of American political theory raises some interesting questions for textual analysis. When we approach the great European thinkers and try to relate them to American political thought, to what extent should we read the European writings in their own terms as freestanding texts, and to what extent should we read these works in the context of those who originally appropriated and blended them with our tradition?

Americans have written a large number of theoretical books, especially in this century, that derive from empirical or analytic ba-
ses or both and either analyze American politics or provide "middle-range theories" that are considered relevant to theoretical discourse about American politics. Textual analysis in these instances requires a grounding in techniques of formal analysis or in techniques of data-based research. Because these books are relevant to American political theory and have been written by Americans they are part of our list of texts to be analyzed, but they force us to enter yet another style of textual analysis.

We can tentatively identify several different kinds of texts relevant to American political theory, each with its own appropriate rules for analysis.

1. Public documents such as the U.S. Constitution that rest upon popular consent for their status as texts
2. Public documents such as Supreme Court decisions that do not rest upon consent for their status as texts but that are still dependent upon public understanding
3. Public writings such as the papers in The Federalist, Madison’s notes on the Federal Convention, reprinted sermons, and other political pamphlets that explain or critique aspects of American political theory but that are partial or incomplete and must be assembled or incorporated into larger texts for coherence
4. Historical documents such as newspaper editorials, the Jefferson/Adams correspondence, probate-court records in Massachusetts, or voting records that must be analyzed using one of several methodologies not relevant for analyzing books
5. Histories of American political thought such as Forrest McDonald’s Novus Ordo Seclorum, Gordon Wood’s The Creation of the American Republic, and Andrew C. McLaughlin’s Foundations of American Constitutionalism—or more general American histories such as James Truslow Adams’s The Epic of America, Charles M. Andrews’s The Colonial Period of American History, and Charles and Mary Beard’s The Rise of American Civilization—that use techniques of history to assemble meaning from many documents
6. Theoretical works such as John C. Calhoun’s Disquisition on Government, Herbert Croly’s The Promise of American Life, Jo-
Joseph Schumpeter's *Capitalism, Socialism, and Democracy* and Michael Walzer's *Spheres of Justice* that are offered as original and complete texts, including those in philosophy and theology

7. European texts such as John Locke's, *Second Treatise on Government* that have been appropriated to American political theory, at least in part, by earlier generations or whose relevance is such that we continue to relate them to American political theory today

8. Literary works and biographies that speak directly or by implication to American political life, such as *The Education of Henry Adams*, Eldridge Cleaver's *Soul on Ice*, Melville's *Moby Dick*, and Robert Penn Warren's *All the King's Men*


10. Analytical books by Americans such as James Buchanan and Gordon Tulloch's *The Calculus of Consent*, John Rawls's *A Theory of Justice*, and Hanna Pitkin's *The Concept of Representation* that discuss politics in general rather than American politics in particular but that also offer theoretical analyses, which are obviously of particular relevance to American politics.

Not only does the unusual nature of American political theory require its students to become familiar with a large number of texts with widely varying characteristics, it also requires that they think through their actions as they subject these various texts to analysis. Before these issues can be explored fruitfully, however, we must first understand a bit more systematically the process of textual analysis.

**What Is a Text?**

When we analyze texts, we are interested in understanding them, in extracting meaning. The meaning of a text is tied to a number of factors, including
In order to advance our discussion of textual analysis in American political theory, it is necessary to consider a bit more carefully the first, fourth, and fifth aspects of textual meaning.

Denotation refers to the direct, explicit meaning or reference of a word; connotation refers to the suggested ideas associated with a word or phrase in addition to this explicit meaning. For example, "mother" denotes a female parent, but it also connotes love, care, tenderness, security, and so on. Most words denote more than one kind of meaning, and Hanna Pitkin made this point most exquisitely when she wrote a substantial book that laid out the surprisingly numerous kinds of actions and institutions denoted by "representation." Connotation is even more problematic. Take, for example, the word "red"; it denotes a color with which we are all familiar, a color that can be defined simply by pointing at certain objects such as red delicious apples, fresh blood, and the like. But consider the sentence "She is very red." A literal textual analysis would require that the person signified have skin and hair the color of a ripe red delicious apple, an unlikely meaning. The sentence could connote the equivalent of "She is embarrassed," or "She is a communist." To unravel the denotation and connotation of words and sentences we must consider the broader context of the entire paragraph or even the entire piece of writing. It would also help to know when it was written and who the intended audience was.

If the sample sentence is found in a text written before Karl Marx was born, its connotation of communism could easily be eliminated. Thus, the context in which the text was written may provide much of the information that we will need to understand its meaning. Denotations and connotations will vary over time and from place to place. Take once again the sentence "She is very red." Unless we are sensitive to the use of words at a given time in
history, we would miss the connotation familiar to readers of Shakespeare, “Let us make incision for your love, / To prove whose blood is reddest, his or mine,” or to readers of Sir Walter Scott, “His blood was too red to be spared when that sort of paint was in request.” In these instances “red” implies superior quality or value.

It is especially important when analyzing a text from an earlier historical period, such as from the American founding era, to avoid committing an anachronism—to read back into a text a meaning that was not yet in use or information that could not have been known to the writer or his contemporary reader since the event had not yet occurred. The apparent continuity in American history, largely devoid of the sudden, radical transformations more commonly found during the equivalent span of European history, may sometimes lull us into ignoring the shifts in denotation and connotation that have occurred. To say that linguistic changes have occurred in American political expression is not to imply that earlier meanings cannot be recovered or that ideas expressed with different words might not be fundamentally the same. Yet when we are analyzing American political texts from an earlier era it is essential that we steep ourselves in the writing from that era and remain sensitive to the denotations and connotations of the time rather than cast our own meanings back.

Meaning is not limited to denotation and connotation but also depends upon a broader context with several levels, including how a text was read at the time it was written as well as the questions we might bring to it today. For example, in the United States Constitution we find the following statement in Article 1, Section 8: “The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debt and provide for the common Defense and general Welfare of the United States.” Presumably the words “shall have” imply that Congress has these powers but does not necessarily have to exercise them. Congress, however, has historically chosen to exercise all the powers listed to the extent that today we expect Congress to exercise them. Indeed, we now read the passage as requiring Congress to exercise these powers as part of their duties.

In this current context, we can then come to this part of Article 1, Section 8, with a variety of questions, including (1) What did the
framers mean by “general welfare”? (2) What does the phrase “general welfare” imply for current American public policy? and (3) Is there anything in the Constitution that can be used to justify the creation of a welfare system?

If one asks the third question under the current assumption that Congress has a duty to exercise these powers and if one applies the current usage of welfare, then it is possible to conclude that Congress has a simple duty to create a welfare system. Suppose, however, we answer question one first, and it turns out that “general welfare” was at the time of the founding a linguistic alternative for “common good.” Suppose also that the phrase common good was viewed as implying that public policy should seek to benefit the entire population rather than just a part of it, that all parts of the population should have their vital concerns protected, and that the effects on unborn generations should be considered.7 The answer to the first question would thus imply an answer to the second one insofar as the first answer entails the duty of Congress to frame legislation that attempts to meet these policy criteria. The answer to question one also implies an answer to question three that varies from the answer obtained through a “naive” textual analysis that superimposed today’s meanings for words.

The answer would now seem to be that Congress has a duty to exercise its power to protect the vital interests of all parts of the population, which implies the need for a welfare system for those whose vital needs cannot be met through their own efforts. But it also implies the need for a welfare system grounded in the needs of other parts of the population so that it does not threaten productivity by soaking up too much capital, so that it benefits the rest of the population by making welfare recipients more economically self-reliant in the long run and thus more productive to the general economy, so that it not be funded in such a way and to such an extent that it puts a disproportionate debt load upon some of the young and unborn or consigns some of the young and unborn to poverty, and so that it not demoralize the rest of the population either by seeming to benefit those who are not needy or by seeming to neglect those who are truly needy.

An important principle of textual analysis in reading a political document is that the document be taken as a whole rather than read in isolated pieces, but an examination of this piece of the Con-
stitution is still useful for illustrating the way in which the various components of textual meaning interact to produce a complete understanding of the text. The questions we ask, the original denotations and connotations of words, the context in which the text was written and first read, the current context in which the text is read after many intervening political events and decisions since its writing—these aspects interact to help produce understanding.

Textual analysis in American political theory operates essentially in the realm of common sense and experience. A fundamental premise of American political theory is that politics is accessible to the many and that an understanding of the texts defining American politics is attainable for the many. The kind of textual analysis called for here does not require specialists or pedants but individuals who are experienced enough in the reading of American political texts and in the operation of American politics that they recognize the common sense of the situation. Indeed, textual analysis in American political theory requires that we move beyond the written word alone and supply the common understandings that any active citizen should possess.

Cognitive psychologists have long pointed out that much of human understanding proceeds in this common-sense manner. For example, consider the following text: "Mary heard the ice-cream truck coming down the street. She remembered her birthday money and ran into the house." Psychologists have found that most adults and children immediately understand that Mary is a little girl, that she wants ice cream upon hearing the truck, and that she is going into the house to get money so she can buy some. Interestingly none of this information is stated in the text; rather, we understand the text based upon our own experience. In the same way American political texts can be read by ordinary people using their experience as citizens. Frequently those individuals who wrote American political texts assumed, even relied upon, a common-sense reading by citizens. Certain words or phrases were common coin of the citizen's realm and were used to elicit a certain response in readers who were also experienced citizens. In applying close textual analysis to readings in American political theory, then, it is important to consider the responses that the authors assumed would be supplied by the reader. In order to develop a sense of the response a text's readers might be supplying, it is im-
important to immerse oneself in the total political writing of the period surrounding the text under analysis.

Underlying the discussion thus far is the intended meaning of the author or authors. Presumably the entire point of textual analysis is to elicit the author's meaning; otherwise, we could save time by writing our own texts and reading them instead. Generally, the meaning of a text appears to be a function of interplay between the author's intended meaning, the words as written, and the reader's appropriation. Each of these three entities plays a role in establishing the meaning of a text, both at the denotative and the connotative levels, and it is not misleading to say that a text is really a combination of the three. Unraveling the relationship between the author, the written words, and the reader is essential if we are to understand fully the makeup of a text and thus the constitution of a complete text.

Ideal, Complete, and Timeless Texts

The purpose we bring to a text carries with it certain implicit questions that the reader hopes to have answered by the written words. A reader may want to determine an author's intended meaning; or a reader may be seeking further insight into a concept, regardless of the author's position on the matter; or a reader may be seeking some understanding or insight into the context surrounding the writing and thus will read it along with many other writings from the period; or the reader may be seeking the genesis of some current concept, event, or policy as well as a justification for it.

The reader's role in defining a complete text, then, is considerable. The reader's purpose leads to the selection of one piece of writing for analysis rather than another because it seems appropriate and possibly adequate for meeting that purpose. For example, the reader may want to understand the theoretical structure of John C. Calhoun's *A Disquisition on Government*, and thus reading this piece of writing instead of his "Fort Hill Address" would seem to make sense. The reader's purpose thus leads to an initial, provisional closure on the concept of a complete text; if that person's purpose is met successfully by that piece of writing, then the text is complete for that reader's purpose. Suppose, however, that one is
seeking to understand the manner and extent to which Calhoun’s
_Disquisition_ contributed to southern secessionist ideology; Calhoun’s book then becomes only one of many pieces of writing
needed to define a complete text. Finally, some readers will be
more experienced at textual analysis or know more about the topic
under investigation than someone else and may therefore need to
read less writing than another in order to meet their purposes.
Thus the amount of writing that defines a complete text may be
less for one person than for another with the same purpose.

The author also defines a complete text by writing a work that
has a beginning and an end. Presumably a book, with its defining
covers, satisfies the author’s purpose and is thus a complete text
from the writer’s point of view. Of course, an author might indicate
in a given piece of writing that another piece of writing is assumed
or contains important parts of the argument and thus identify a
complete text that extends beyond one piece of writing. We can
speak, then, of an ideal text, one in which the author’s intended
meaning is always found in the words by any reader. There is per­
fected singularity and congruence both at the denotative and the con­
otative levels of meaning between the author and every reader.
The piece of writing is a faultless transmitter, and the author is the
dominant part of the author/writing/reader trio. The author not
only dominates meaning but also dominates or has foreseen the
contexts in which the text can be read, the purposes for which it
can be read, the questions that will be asked by the reader, and
thus the composition of the complete text.

Even though such an ideal text could never exist, some readers
may assume this model as they approach a text. The text is a given,
and uncovering the author’s intended meaning is the only reason
for studying the text. One indication that such a model is being
used in textual analysis is that the analyst, or reader, treats the au­
thor with obvious and continual reverence. Our point is not to re­
ject the ideal-text model; rather, it is

- to show that the ideal-text model is only one way to approach a
text,
- to lay bare the assumptions underlying the ideal-text ap­
  proach,
• to argue that even if the ideal-text approach is used, the ideal text can only be approximated, and
• to alert us to the dangers of assuming a model of textual analysis that may not always be useful, appropriate, or even possible when analyzing a document such as a constitution.

Any given reader may have a single purpose, but over any set of possible readers the odds that they will share the same purpose approach zero. The piece of writing mediates between the author and the reader, carrying a singular meaning from the author's point of view but simultaneously having to stand the scrutiny of a potential set of readers with a set of purposes quite beyond the ability of the author to predict. Unable to predict the possible purposes to be brought to the text in the future, the author cannot create closure for the text by responding ahead of time to these potential questions.

A further problem is that we can know the author's intended meaning only with probability, a result of the inevitable equivocation inherent in language and of the uncertain context in which the author wrote. Anyone whose purpose is to determine an author's meaning must carefully examine the use of words as well as the linguistic-social-political-historical context. At the very least, a careful study of the words in a text must involve the meanings in use when the text was written. Still, we must assume that the author's logical presentation of the argument is sufficiently careful that it cannot be construed in too many ways. With care, the set of possible intended meanings can gradually and confidently be reduced by readers to a fairly narrow range of alternatives.

Do these apparently imposing strictures rule out the possibility that a timeless meaning can be extracted from a text? Certainly not. Many texts will, over time, continue to have a stable meaning, and some will turn out to contain timeless truths of deep importance so that generation after generation returns to them. Timelessness must be established empirically by many readers; only the continued return of readers to the same reading over a long period of time with approximately the same understanding and continued affirmation of its truth will confirm timelessness. In textual analysis neither truth nor timelessness can be established by one
reader any more than an author can cause a piece of writing to become timeless through an act of will.

Once again we are led to conclude that a text is a confluence of three elements: an author or authors, a piece of writing, and a reader or readers. The reader defines a text for his or her purpose and thus, by implication, the definition of a complete text; the author also attempts to define. The author's text and the reader's text will probably differ unless the questions they ask are the same and unless the reader's purpose is to uncover the author's probable intended meaning, guided by the author's purpose.

Assembled and Incomplete Political Texts

It is frequently assumed that the United States Constitution is an ideal, complete, and timeless text; but it is not, and was probably not expected to be, a faultless transmitter of the authors' intentions to future readers. For one thing, the Constitution required considerable explanation by Publius and other Federalists using supplemental texts. For another, the document was written by a committee and reflected a number of compromises needed to obtain committee consensus. Some of these compromises resulted in the deliberate use of ambiguous language; others resulted in contradictory textual messages. But most important, the Constitution is not an ideal text because it is an incomplete one.

Although federalism, the division of power among different legislatures, is never mentioned by name in the U.S. Constitution, it is a central organizing principle in the document. Federalism had an important effect on the text; the states are referred to explicitly or by direct implication fifty times in forty-two separate sections of the Constitution. Anyone attempting a close textual analysis of the document is driven time and again to the state constitutions to determine the meaning or implication of the national Constitution. We can therefore say that the national document is an incomplete text without the addition of at least the state documents.

The partial text of the U.S. Constitution requires the addition of other pieces of writing to assemble a complete, or a more complete, text. The components that constitute a complete text depend upon the question that is being brought to it. If we are attempting
to puzzle out the intention of the founders on some matter, then the Bill of Rights, the records of state ratifying conventions, the assembled text of eighty-five newspaper articles known as *The Federalist*, other articles and pamphlets written by Federalists and Anti-federalists, the notes by Madison and others on the Federal Convention, the Declaration of Independence, correspondence among key actors, and many other sources may be needed in some combination to answer the question brought to the text. At a minimum, the federalism that informs the Constitution makes it an incomplete text, which alerts us to the possibility that incomplete and assembled texts are an important part of American political theory.

The assembled text of *The Federalist* should have alerted us to this possibility long ago, and the texts recently assembled by Bernard Bailyn and Herbert Storing should have made the point obvious. And yet there is another sense, one both more profound and more interesting, in which the U.S. Constitution is an incomplete text. One of the most important passages involving the states describes an amendment procedure. The concept of formal amendment can arise only after the invention of a written constitution to be amended. The idea of an amendment procedure is not only an innovation of great historical importance, it also conveys to a reader of the Constitution the unmistakable message that the Constitution is not yet finished, is not yet complete.

Alexander Hamilton wrote on the first page of the first essay in *The Federalist* that the American political system is an experiment in government conducted by a free people using reflection and choice as opposed to accident and force. Thomas Jefferson said that each generation must add its page to the unfolding story and that the ability of each generation to do so is part of the story's historical significance. At the very least, it was expected that the formal institutions of decision making would require some future adjustment, for it is in the nature of an experiment that one learns from the mistakes that become apparent during its operation.

The United States Constitution would appear, as part of the intent of its authors, to be incomplete. Its lack of completeness is not merely textual, however, because the text will reflect the result of political activity by future American citizens. The incompleteness, in other words, stems not from any theory of textual analysis
or from any characteristic of texts in general but from the nature of American political texts grounded in continuing consent. That is, political documents in a constitutional system, since they rest upon the consent of the people, must in principle always reflect the openness and incompleteness of the political process itself. Unlike texts in literature and philosophy, constitutional texts and the political texts generated by the political system created by the constitution are tied to ongoing, unending, political activity. In America, constitutions are permanently incomplete, and unless we are attempting to define the founders' intentions, we are always forced in constitutional analysis to include court cases, legislation, and executive actions from a two-hundred-year political process. Constitutional texts therefore cannot be analyzed separately from the political process that they define and reflect. This more profound sense in which constitutional and constitutionally conditioned political texts are incomplete requires that we treat them differently from literary or philosophical texts.

Incomplete texts require that we assemble texts. Perhaps using the assembled text of *The Federalist* as our model, we think nothing of assembling Supreme Court decisions into case books; of combining documents, essays, speeches, and other writings from a wide variety of sources into anthologies, grouped by historical era, for use in American political-theory courses; or of bringing together essays and journal articles from every possible source into an edited book, as long as the writings deal with the same general topic. The assembled text is an American invention, one for which Americans have a peculiar propensity—a propensity we exercised first and most frequently in American political theory. The danger inherent in such assembling is all too apparent in collections where, for instance, bills of rights from any era and both sides of the Atlantic are printed together, ripped from the constitutions of which they are usually a part, and deprived of their meaningful context; or where only portions of essays and pamphlets are printed in collections, perhaps to contrast a Federalist position to an Antifederalist position, each represented by a text only a few paragraphs to a few pages long; or where passages of only a few pages from a book, essay, or tract written by people of every possible ideological shading and description are brought together as representative of American political thinking.
Any undertaking, no matter how basically sound in principle or noble in intention, can be handled badly. We are forced in American political theory to assemble texts, but we should discipline ourselves to use complete writings as parts of the assembled text and to err on the side of inclusion. For example, if we are going to read pamphlets from a certain era or on a specific topic, we should read most if not all of them. The need to assemble texts in our discipline perhaps excuses our doing so, but we have no excuse for not making them reasonably complete.

Constitutional Texts and Political Behavior

The inherent incompleteness of constitutional texts has a number of important, straightforward implications, but before discussing these it is necessary to examine some of the assumptions underlying constitutionalism. As an approach to politics, constitutionalism assumes that humans can, as Hamilton wrote, use reflection and choice in governing themselves instead of relying upon accident and force. Hamilton's position assumes that there is a quality that we usually call free will, that free people can engage in reasoned, reflective discourse as the basis for deciding on their actions in common, and that in the absence of reflection and choice politics will revert to a process dominated by accident or force or both. Constitutionalism also assumes that humans can design a political process, based upon their continuing, mutual consent, that can effectively structure human behavior in a way that a reasoned, reflective people can predict and approve. In other words, unless one believes that the provisions in a constitution can effectively structure human behavior to move it in approved and predicted patterns, one will never bother to write and approve constitutions.

What is meant by accident and force? Force refers to the use of violence and threatened violence to make humans act in a certain way. Force may arise from the disproportionate wealth, power, and greed of the elite, or it may arise from the numbers, combined strength, and envy of the many. Certainly any form of arbitrary power backed by violence constitutes the meaning that Hamilton had in mind. To define "accident" is a more subtle problem; it probably refers primarily to the accident of birth that gives the elite
an advantage in politics. It probably also refers to a political system that only reacts to events and problems, with the result that its policies have an accidental quality to them rather than being guided by the long-term interests of the people and their posterity. Accident may also refer to politics conducted by a people who remain unconscious of their common needs and goals and who, because they remain prepolitical in their lack of participation in politics, are conditioned by the accidents of their environment rather than by their own choices.

Let us for the moment define "action" as singular, conscious, primarily volitional human conduct and "behavior" as patterned, secondarily volitional human conduct. Action thus refers to conduct that has the full attention of the person or persons involved; behavior refers to conduct that lacks the full or conscious attention of the person or persons involved. Behavior can be viewed as patterned because it is in conformity with previous actions in similar situations, and individuals might engage in it anyway if they were paying full attention. In this sense behavior is secondarily volitional; it rests upon prior conscious decisions to act in a certain way. The first time I drove to work in a new city it was an action, since it had my full attention and rested upon direct, active decisions. After several years I drive almost mechanically and thus "behave" rather than "act."

In a constitutional context, it is assumed that most people engage in patterned, more or less predictable behavior because of conscious decisions and actions that they made earlier. The constitutional documents condition what citizens do, not in the sense of determining their actions but in the sense of making most people engage in behavior that falls within certain defined limits. Constitutions do not produce such behavior by fiat or by reshaping people; rather, constitutions create institutions and processes that use natural human tendencies to produce desired results that are predictable in a statistical sense. Moreover, the people know or are supposed to know these results since they consented to them.

With these assumptions it is possible to see how constitutional texts are fundamentally tied to human action and behavior. Constitutions contain institutions that are based upon hypotheses about human behavior. "If we act to structure the process in this way we will produce outcome X in terms of behavioral regularities;
whereas if we act to structure the process that way we will produce outcome Y.” Subjecting constitutions to textual analysis requires, in part, that we determine the patterns of political behavior that are expected to result (in a nonnormative sense) from the institutions contained in the document and that we determine the causal hypotheses contained in the institutional design. Preambles and bills of rights also encode preferred patterns of behavior (in a normative sense), not through institutional design but by enunciating goals, values, and hopes as standards by which to evaluate political actions and behavior.

Constitutions never spring de novo from the heads of their authors but are grounded upon and are extensions of political patterns from the past. One can thus view constitutions as summarizing, encapsulating, and codifying patterns of political behavior that are natural to a given people at a given time. Decoding a constitution through textual analysis thus involves developing the snapshot it provides of a people and their preferred political patterns. Finally, all texts, like all actions or statements, are themselves units of action or behavior. Constitutions are complex behavioral manifestations that can be read and analyzed in the same way a political scientist can study an election, a legislative roll-call vote, or a particular policy. A constitution is a behavioral unit, which, when studied in conjunction with other constitutions, can reveal, for example, certain regularities of behavior in constitution making, the links between politics and class structure, the relationship of culture to criteria of justice, or patterns in the diffusion of institutional innovation.

Yet, constitutions can never be studied simply as behavioral manifestations. Their entire purpose is to structure a political process, and therefore constitutions inevitably lead us to examine how successful they are at this task. If the offices defined by a constitution are elective, then the electoral process has a function or set of functions, and we can study the process to determine its effectiveness in fulfilling the function. If the constitution attempts to define a legislative-executive relationship, then we should study the actual operation of that relationship in conjunction with the constitution. A constitutional perspective is therefore inherently empirical, behavioral, and normative.

A constitutional perspective is also inevitably historical. A con-
stitution does not define a political system for purposes of preventing change; rather, a constitution defines a set of institutions and processes that are known and consented to by citizens, and the codified, public nature of a constitution requires any proposal for change to undergo a public, consent-based process for approval. Instead of freezing a political system, a constitution institutionalizes change in such a way as to maximize the probability that change will be accomplished through consent-generating public discourse rather than through force or fraud. Thus a constitutional perspective involves the study of constitutional development and change, and the story of constitutional change is the story of a people as they act in history. At any given moment a constitution worthy of the name embodies and is derived from a people’s past, roughly defines their current patterns of behavior, and structures future change.

We have reached the point where it is fair to ask what writings a relatively complete, assembled text for American political theory might include. Since the text is partly a function of the question being asked, there will never be one assemblage that is standard for American political theory, although it is difficult to think of a question that would not lead us to include the United States Constitution. Since questions concerning the initial American founding are frequently asked, however, a text that allows us to understand the terms of that founding would be generally useful. Thus it is time to begin the assembly of that text and to illustrate the process of assemblage, by looking first at the development of that important American invention—the Bill of Rights.