

Transubstantiation: The Dialectic of Constitutional Authority

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In all nations, among all people, there are structures of dominion and subjection. There are those who occupy the centers of power, and those, far removed from power, whose presence at the periphery defines the limits of the people. There are those who rule, those who acquiesce, those who resist. There are those who know themselves to rule and those who know themselves to be subjected. There are those who have the title to rule and those who rule without title. All are bound.

They are bound within sets of institutional structures that direct the exercise of power, and in consequence, resistance to it.¹ They are bound by histories that designate the temporal boundaries of the nation, the moment and the meaning of its founding, models of right governance, tyranny, and rebellion. They are bound within systems of meaning that designate the attributes and accouterments of power.

Within our culture it signifies power to occupy the White House—whether or not one is President—to be met with a band playing “Hail to the Chief,” to be saluted, to wear certain oddly shaped hats, to sign certain documents, and to be mentioned in others. In other cultures, it signifies power to be mentioned in the Friday prayers, to wear a hat shaped like a nightcap with earflaps, to have one’s ring kissed, and to wash the feet of the poor.²

Each of these significations, claimed or granted, is a title to the possession of power. But power belongs not, in the first instance, to these titled individuals, but to those who found nations, establish institutions, write histories, poems, and scripts, to those who tell and retell the myths of the American nation, to those who designate the signifiers of power and subordination. These individ-

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¹ For this phenomenon see, James Scott, *Weapons of the Weak* (1985).

² For Muslims, the citizens of the Republic of Venice, and the Catholic Church.

uals are the authors of our nationality.

In these constitutional constraints—the structures of the state, the genealogies of laws and morals, the signification of status and virtue in popular culture—one sees the confluence of power and meaning, the coincidence of politics and semeiotics. This confluence and coincidence shows itself most clearly and succinctly in the single word “authority.”

That linguistic convention obliges us—with or without our knowledge, with or without our consent—to conflate politics and semeiotics, the exercise of power and the inscription of meaning. That convention, annunciated in the word, is most fully realized—and most nakedly revealed—in written constitutions.

Here the constitution is at once text and nation. It is a document, an inscription, and as such, both the conception of the nation and the material form in which it is manifest. It is the act that founds the nation and the sign that marks it. It is the expression and annunciation of collective identity; at once the people’s advent and their epiphany. It is an effort to represent what the people are—and hence to record what they have been. It reconstructs, as all such representations do, the present and the past that it records. It reveals, as all such representations do, that those who represent remake themselves.

The act of writing a nation’s constitution—or, perhaps more accurately, of constituting a nation in writing—is not only an act replete (as the ambivalent litany above suggests) with contradictions, but also an act of reflection ending in a singular clarity of vision. In the act of constituting themselves in writing, the people recognize their authority. They become conscious of their power. They recognize, that is, they rethink and reconsider, the meaning, character, and origin of their authority. They know themselves as author.

The American Constitution begins with the assumption by the people of their own authority.³ The recognition is marked twice in this text, once in the content and once in the form of the words. The annunciation of authority is made in words written before the rest, in a larger, bolder, hand. The shape of the letters, the form of the text as well as its content, invests the assumption of authority with particular importance.

The use of a particular form of writing to mark these words,

³ Whether the people assume their authority in the sense of taking it upon themselves or of taking it for granted is a much debated question. I believe we take it for granted, but as it is a question worth the asking, I use language that invites the question.

this sign, out from the rest inscribes upon the text as signifier a recognition of the importance of writing itself. In this use of the material, rather than the ideal, qualities of writing the people inscribe upon the text, and hence in their own nationality, an acknowledgement of the importance of writing to their constitution. They do more, in writing their constitution, than inscribing their nationality. They include in the inscription a sign that they do so mindfully, in full recognition of the power of inscription to transform identity.

The act of constitution, written or not, is an act of transubstantiation. In it we see not the word made flesh, but the flesh made word. Many bodies find themselves in a name: "America," or "la Republique." They exchange their material constitution for an ideal constitution of their own devising.

This self-engendered transubstantiation enables the people, as citizens, as sovereign, and most importantly, as author, to transcend the limits of their existence in the flesh. As the members of an ideal body, a corpus mysticum, they survive the deaths of their various corporeal bodies. As the author of the national constitution, they can speak, they can dictate, even when their bodies are silent in death. The transubstantiation thus invests them with more than the capacity for survival beyond the physical limits of the species. In this transubstantiation they acquire the capacity for temporal imperialism. Their naming, like that of the God of Genesis, is an act of creation. It calls into being a new world order. Their posterity will be born into this order, governed by the structures and mindful of the ends that it establishes. Theirs is the dead hand of the past that may weigh so heavily (or give so much assistance) to the living. They become the conquerors of history.

Temporal imperialism is, however, an undertaking as ambiguous as its territorial counterpart. The conquerors will be remade by their conquest, constituted not only now as founders, but as authors of regimes and peoples they will never know. Those whose constitutions they authored take their name. As this phrase implies, this act of acquiescence and subjection is also an act of appropriation and authority. The character and actions—the constitution—of the conquered will determine the meaning and significance of the founding. As the nation endures, the founders will find themselves in different histories, with different aspects of their lives and project differently understood. As figures of history and public myth they will become the creations of their posterity. The founders become not only the conquerors, but the conquered, of history. This is, indeed, the surest sign of their success.

The transubstantiation that makes of these assembled bodies one people, one ideal nation, gives them one name. In this name they transcend their differences and multiplicity. They make one out of many. In authoring this new, ideal being, they overcome the isolation and incompleteness of corporeal individuality.

To my mind, the most profound articulations of the consequences of this entrance into an identity in language are to be found in Rousseau and Lacan. Rousseau described the transformation effected by the social contract as a transformation not simply of condition but of kind. It invests men with faculties they did not possess in nature, among them, intelligence, morality, sexuality, property.⁴ Lacan, likewise convinced of the alteration effected in one's constitution by the entry into collective life, saw in this (as Plato, Hegel and Freud had before him) a splitting of one from another, of one from oneself.⁵ The acquisition of authority, of the capacity to inscribe oneself onto the external world, comes at the price of one's singularity, and makes one subject to the words themselves.⁶

Lacan's elegant and profound account of the grandeur and tragedy of man's transubstantiation obliges us to recognize that the act of constituting a political identity is not simply the victory of mind over matter, the triumph of the will in the world. It is an exchange of the limits of corporeality for the limits of a written constitution. The citizens of an inscribed nation, the authors of written constitutions, take upon themselves a written identity. The transubstantiation of word to flesh does not displace the flesh whose satisfactions men continue to enjoy (indeed, in an enhanced form) and whose travails they continue to suffer (again, in an enhanced form). Nevertheless, those who are constituted in politics and language give their ideal and political constitution primacy over their natural constitution. In the same way, those who write their constitutions come to regard "written" as "real" identities.

This privileging of the written over all other forms shows itself

⁴ See, Jean-Jacques Rousseau, *On the Social Contract* (1762); Jean-Jacques Rousseau, *Emile, or On Education* (1762).

⁵ See, Jacques Lacan, *Ecrits* (1966) and Jacques Lacan, *The Four Fundamental Concepts of Psychoanalysis* (1973). See also Plato, *The Symposium*.

⁶ The recognition of the authority of language shows itself throughout modern philosophy in the works of Nietzsche, Heidegger, Wittgenstein, Strauss, Gadamer, Derrida, Foucault, Austen, Fish, and innumerable others. It animates debates over texts, textuality, and the status and the standards of interpretation. The preeminence of these questions among such diverse thinkers recalls Nietzsche's statement, in *On the Genealogy of Morals* (1887), that we are all philologists now.

quite markedly in American political culture, indeed, in all the written, constitutionalist, cultures of the West. In such nations, without writing there is no identity. Without a birth certificate, an identification card, a driver's license, passport, social security number, voter's registration card, without a name, one does not exist for the various agencies of government; nor, indeed, do citizens, as citizens, exist for one another. These formal elements of the constitution of a written identity are enhanced and supplemented by the informal constitution of a written identity. In, and out of, letters, diaries, yearbooks, books, films, records, television, we construct written identities for ourselves. Citizens increasingly rely on writing to represent themselves to the state and to one another. They constitute themselves as voters, petitioners, as members of already established, already written categories ("veteran," "black," "Democrat," "conservative").

They carry this privileging of written over natural and material constitution into other aspects of their collective existence. In the economic realm, money is invested with a value superior to the goods it originally signified. Corporations are ascribed a distinct identity both formally and informally in our polity. They are accepted legally as fictive persons, and personified in advertising and ordinary conversation. They are not alone in this. The creations of high and popular culture—Don Quixote, Ahab, Scrooge, Tom Sawyer, George Jetson, Ralph Kramden, and J.R. Ewing—have as much (or more) reality for us as our neighbors. We know their occupations, histories, and attributes. We discuss their business ventures and family scandals. We tell anecdotes about them. We cite their opinions in our political discourse.

There are those who would argue—indeed, have argued—that this phenomenon is evidence (if not proof positive) of a startling declension in the intellectual capacities of the "average American."⁷ They would have us believe that the police in Miami's Internal Affairs division would not be surprised to be asked to investigate Crockett and Tubbs, or that the secretaries who gossip about the doings of the Ewings would blithely register their progeny for kindergarten classes, or process J.R.'s income tax returns. This is errant nonsense.

I submit that the "average American" who opened his door to Fred Flintstone would be very surprised indeed. What we are see-

⁷ See Umberto Eco, *Travels in Hyperreality* 7 (1986). Eco argues that Americans confuse the fictive creations of popular culture for realities. A less subtle and discerning account of American decline is given in Allan Bloom, *The Closing of the American Mind* (1987).

ing is not a decline into ignorance, but heightened sophistication. The inclusion of fictive persons in popular—as in legal—discourse evinces a recognition of the socially constructed character of personality. It acknowledges that those who participate in the political, economic, and social life of our culture do so, for the most part, not directly, but in character, in roles defined without their knowledge or consent, with personalities that they develop and express through representation. It recognizes that men figure in the public realm—whether formal and institutional, or informal—not in their natural but in their literary constitutions. In acknowledging the literary creations of popular culture as their erstwhile compatriots, the people know themselves to be men constituted in language, whose homeland is the text.⁸

As this discussion suggests, the transformation of a corporeal to a written constitution, from flesh to word, is not the only instance of transubstantiation. This word will become flesh in its turn. The Constitution, each constitution and reconstitution, makes citizens in its own image. The constitution of political meaning extends far beyond the structure of the state, beyond parties, beyond quotidian discussions of political controversies. The citizens' conceptions of their identities, individual as well as collective, are irrefragably altered by the process of constituting themselves as a nation. The constitution extends to the ephemera of their daily lives, altering the manner in which they read and write and speak. The Constitution enters into their bones, as we say, or, as Scripture has it, "I will write my law upon their inward parts." The flesh becomes word, that word becomes flesh.

Nor does the process (I am wary of calling it a progress) end here. The act of writing a constitution initiates a dialectic in which individuals, citizens, announce their identity, and comprehend it in its now external and objective form. They are altered by this knowledge of themselves, by the assimilation of (or, if you prefer, their assimilation to) this Constitution. This amended identity will seek utterance and expression in its turn. The people become increasingly self-conscious, increasingly reflective, increasingly willful. This initiation of an unending dialectic of becoming and overcoming is the greatest virtue of constitutionalism.

As this dialectic indicates, the relation between a people and

⁸ I have used the male pronoun in this paragraph to raise the question of feminine inclusion in the text, in writing. The last phrase is taken from George Steiner, *Our Homeland*, the Text 66 Salmugundi 4 (Wint./Spr. 1985). In using it I imply an affinity between Americans and Jews, in each case, children of the covenant.

its constitution is inevitably ambivalent. The people construct the text, the text constructs the people. The text enables the people to speak when they are silent, to be present when they are absent, to be when they are not. There are two ambivalent relations here.

The dialectic of mutual construction that marks politics in constitutional regimes provides a text, or rather, two texts, of its own. It comprises two linked commentaries: the commentary on the text which may be read in the people that the text constructs, and the commentary on the people that may be read (though, I would argue, no more easily) in the text that they construct.

The realization of the text in the lives of the people—the establishment of the institutions it describes, accordance (and evasion) of the procedures it sets forth, the assimilation of its vision of the nation's ends as well as its design by the people and their posterity—reveals much that was hidden in the text. The unanticipated consequences that follow the text's realization prompt realizations of another sort. They endow the people with a greater capacity to comprehend the significance of their constitution. The establishment, the realization in the material world, of each institution and set of procedures that the Constitution describes, gives each a certain independence. They can be observed apart from the text in which they remain embedded. The text's construction of the people, the nation, the government, is thus its own deconstruction.

The people too, deconstruct themselves in the construction of the text. The text that they construct in the act of writing their constitution establishes not only distinct institutions and branches of government, but also categories of power, categories distinguishing means from ends, and other more subtle categories. This literary construction of the identity and aspirations of the people not only separates them from themselves, it separates certain aspects of their previously inarticulate identity from one another, announces these distinctions, and brings them to life. Once realized, they reveal tendencies and characteristics in the constitution of the people that once went hidden or unrealized.

These two deconstructions are, of course, inseparably linked. It may seem, indeed, more sensible to regard both as realizations of the character of the people, and rather precious to insist upon the text as worthy of separate consideration. This is not so. Every people, with or without a constitution (written or unwritten) deconstructs itself historically, and in the material artifacts they construct in the course of their common life. Those who constitute themselves in writing constitute themselves deliberately, setting

their constitutions apart from themselves, reflecting upon them, entering into a dialogue with the text that becomes a dialectic of construction and deconstruction, alienation and self-knowledge. They have bound themselves to be men of their word.

Those who regard constitutions simply as realizations of the characters of the people concerned, dismissing the significance of their textual transubstantiation, must also dismiss the significance of the Constitution as promise. The liberal tradition has identified constitutions with contracts. Others, mindful of the constitutive character of Scripture, regard constitutions as covenants. Whether one regards them as contracts or covenants, whether they bind the king to the people, the people to the king, or the people, as sovereign, to themselves, each constitutes a promise.⁹

In promising one wills one's own constancy. The people, in constituting themselves as a nation, manifest their will to be true to themselves. In constituting themselves in writing they will themselves to be true to their word. In order to be at once true to themselves and men of their word they must become writing—and written—men, the authors of their own identity. Yet they will not surrender their bodies, they will not completely separate themselves from the changes inherent in corporeality. Nor can they make themselves entirely likeminded. The constancy they seek is undermined by the means that promises best to ensure it.

The act of writing a constitution is an act of signification. In it men create a representation of their collective character. The representation, in the case of written constitutions, the text, of their nationality, is not subject to the vicissitudes that beset them in the flesh. It seems to secure constancy for their collective identity. Yet as we have seen, they are changed by the act itself. They will be changed again, as the Constitution makes a new sort of citizenry, and again, as these newly constituted citizens become the authors of the Constitution they inherit.

Representation—in politics and semeiotics—depends upon acceptance of the principle that a thing can be what it is not. Those who accept representative government permit themselves to be represented, to be cast in another form. They surrender their identity to another. In this act, which began as a search for constancy, they acknowledge the inconstancy of their constitutions. They assert that they can remain themselves only by becoming another.

⁹ See Friedrich Nietzsche, *On the Genealogy of Morals* II §§ 1-5 at 57-65 (Walter Kaufman ed. 1967). Promises require transubstantiation. The capacity to promise, and perhaps the promises themselves, must be written on one's body.

It is fitting, therefore, that they represent themselves in language. Language, whether written or spoken, depends upon the taking of one thing for another. The title to my car is not a car, it does not take gas or move forward, yet if I sign the title to my car over to you will own the car more surely than if you drove it to Milwaukee.

Consider a more telling (though not a more political) example. Luigi Barzini has written that, in the wake of World War II, the French were faced with an infinitely more difficult task than confronted the Italians. The Italians, as Sforza told him, had only to "forget a defeat. The French [had to] invent a victory."¹⁰ For a people with a written constitution such a task is not overwhelmingly difficult. The French have succeeded in persuading themselves that France from 1940 to 1945 comprised not the millions of collaborators and quietists who inhabited the area between the Channel and the Pyrenees, but a community of expatriates and criminals: the forces in England under De Gaulle, and those in France who became the maquis. The rest were not French, they were Vichy.

It would seem that the French are telling us—and themselves—a lie. In a sense they are. It was that sense that led the French to fear the trial of Klaus Barbie. Yet if the French emerged from that trial, as I believe they have, largely unscathed, it was not because of the restraint of the defense. It is because of that quality of language—of representation—that enables a people to be what they are not. The French, in their account of the war, show themselves to be men of their word. Having constituted themselves in writing they prefer that constitution to their imperfect realization of it. They divorce themselves from those who would not be governed by their word, sentencing them to a literary and historic exile. Though the partisans of Vichy remained within the territorial boundaries of the nation, inhabiting the institutions and offices of the government, loyal to the regime that ruled France, they are regarded as traitors and aliens. They are foreign to the idea, and to the words, of France.

In this instance of the ascendancy of the rule of law over the rule of men, one sees the virtue of inconstancy. The constitution the people construct for themselves may be, indeed must be, not a promise of loyalty to a form of life already realized in the material world, but rather a promise of fidelity to an ideal nation.¹¹ In writ-

¹⁰ Luigi Barzini, *The Europeans* 136 (1983).

¹¹ Sotirios Barber captures the "aspirational" character of the Constitution, and elabo-

ing a constitution each people knows itself to be in a state not of being but of becoming and overcoming.

Those who constitute themselves in writing too often remain willfully unconscious of the unending dialectic of constitution. They prefer to see the writing of the Constitution as the perfect expression of an ideal identity. Those who hold this view of the constitutional enterprise mark the founding of the nation (in the ratification of the Constitution) as the achievement of an ideal state.¹² They attempt to bind themselves and their posterity to the preservation—or, as is generally the case, the resurrection—of this perfectly constituted nation.

Acknowledging the impossibility of accomplishing so reactionary a mission, they implicitly exile themselves from the nation they constitute. Repudiating their present in favor of a past material constitution, they mark the nation as already dead to the world. In their reverence for the Founding they refuse to recognize themselves as founders. Convinced of the efficacy of the Constitution, they refuse to acknowledge its effects on their own constitution. Their fervid acclamations of the Constitution's authority only reveal how partial is their understanding of that term.

It is ironic that those who see the Founding as a lost golden age, the Founders as a generation of demigods, find nothing greater to ascribe to them than an unsuccessful attempt at collective mummification.¹³ The irony is somewhat enhanced by the realization that the error made by these worshippers of the Founding is shared by a party they find particularly noxious. Those who have engaged in the enterprise (more popular formerly than at present) of revealing failings of sense and virtue on the part of the Founders, concur in regarding the Constitution as the creation of these men, the product of their time.¹⁴

rates the consequences of this view with clarity and force in his *On What the Constitution Means* espec. 34-37 (1984).

¹² The placement of the founding, whether at the moment (difficult to ascertain) of the Constitution's writing, or that of its ratification, and the consequent identification of the founders, is an issue of great moment for the partisans of this view, and one which, were they to examine it, presents them with a set of revealing questions. Their failure to confront these questions is equally revealing.

¹³ The construction of the Founding as a lost golden age, with its Egyptian accompaniments, is by no means restricted to scholars. Its manifestation in scholarly writings is less interesting than the ways it shows itself in the education of children and in commonplace conversations.

¹⁴ Early examples of this can be found in the writings of prominent anti-slavery activists (notably William Garrison) and feminists. It is interesting to observe that the strategy of diminishing the founders (rather than elevating the authority of the people) resurfaced in the 1960s among some civil rights and feminist activists, and that it has provoked the same

Both the myth of declension and the crude debunking that is its inevitable consequence, deny the text the capacity to transcend the material circumstances of the time of its composition. No distinction need be claimed for the Constitution here. This property belongs to all texts that can be read and carry meaning to someone other than their author. The error is made the more striking, however, by the Constitution's own protest against it. The text is remarkable for its materiality, as well as intellectually, conspicuous construction of the reader as author.

Acknowledgement of the Constitution's authority, coupled with recognition of the Constitution's author, must persuade one of the dialectical relation between the people and the text. Consideration of this relation reveals that the dialectic must continue while the text retains its constitutional character. There is no end to it. The process of transubstantiation that the writing of the Constitution inaugurates is not simply one from flesh to word and word to flesh. It reiterates a series of earlier transformations from a collective to an individual condition, from an unconscious to a conscious state. This greater dialectic marks a fundamental difference in human constitution. Rather than a state of being, of uniformity and constancy in the constitution of the species and its individual members, humanity is characterized by a condition of inconstancy, a state not of being but of becoming.

The human species is constituted in difference. Its members know themselves as body and mind. The mind is embodied. They know themselves to be embodied through the sensations and the needs of the body. They live materially, eating, sleeping, seeing, but also ideally, as the intellectual constructs of themselves and others. They know themselves as individuals and as collective. They therefore, regard the collective as at once theirs and as other to themselves. In reflecting on themselves in their singularity, each becomes alienated from the self that serves as the object of reflection. Like the text, man is a lie. He is what he is not.¹⁵

The dialectical relation between a people and the Constitution it gives itself has the same effects that Hegel attributed to a greater dialectic. The dialectic impels consciousness. In the process of authoring—as it was authored by—the people, the Constitution apprises people of their ambivalence in their ambivalent relation

response of mindless adulation among some conservatives. The peculiar symmetry of these strategies of mummification and muckraking, and the consequent ease of debate between the two parties, has perpetuated both far longer than their intellectual merits warrant.

¹⁵ For a more detailed account, see my *Reflections on Political Identity* (forthcoming).

to the text. The act of constitution makes them conscious of themselves. It is not simply that the act of constitution, by providing the people with an objective representation of themselves, makes them newly conscious of their identity, for the process does not end there. The experience of being continually constituted and constituting makes them conscious of themselves as at once ideal and material, moved by the requirements of their material condition to ideal innovations, and expressing these in material form. More than this, the experience of an ambivalent constitution makes them conscious, willful participants in the dialectic. It is in the act of interpretation that this education in ambivalence reaches its culmination.

The written text, which exists beyond the moment of its composition, speaks to the people and their posterity of their identity and aspirations. It claims to speak to them not as an artifact of the past, but as the present Law. No text, however transcendent, is unmarked by its time. No text, however abstract, speaks to all circumstances. For all of these reasons there will be disjunctions between what is said to be and what is, between a people and its Constitution.

These disjunctions have been marked as crises of legitimacy.¹⁶ They reveal the authority with which the dead hand of the past governs the living. For Marx, and others, they reveal efforts at constitutional legitimation as mere mystifications, efforts by an entrenched class to render its dominion more palatable by disguising its origin and operations. For others, reformers of all sorts, the moments which reveal a disjunction between what is said to be and what is call for a "rectification of names," for the replacement of words whose referents have altered.¹⁷ In each case, these moments of disjunction are marked as revelations of the text's imperfection, and these imperfections as the source of our troubles. This is not so. These imperfections are the source of our greatness.

The apprehension of difference in the text of the Constitution and the constitution of the people may make the people newly conscious of themselves, of the text, and of that dialectical and ambivalent relation between the ideal and the material that is the condi-

¹⁶ For example, by James Sundquist and his followers who term them "realignments." James L. Sundquist, *Dynamics of the Party System* 5-10 (1973). See also, Jurgen Habermas, *Legitimation Crisis* 3-4, 68-75 (Thomas McCarthy trans. 1975).

¹⁷ This phrase is a translation of the name given to their actions by reformers in Japan during the Tokugawa period. I am indebted to Tetsuo Najita and Harry Harootunian for making me aware of it.

tion of man. It will do so when they find themselves compelled to interpretation, confronting their constitution in this difference between the text and their condition. Difference draws them into dialogue with the text.

The text speaks to those it constitutes, announcing their identity and ends, instructing them in the means for ordering their common life, dictating the design of their governmental institutions. The text acts as author, creating a people, and a set of material circumstances, in its own image. This act of authority alienates, as all such acts do, the text from its author. The disjunction between the Constitution and the nation it constitutes creates practical (as well as theoretical) questions for those who wish to be men of their word. They have bound themselves to live according to the Constitutional text. They are confronted with circumstances the text does not explicitly anticipate, and with contradictions revealed, or introduced, as the text is realized. Obligated to live in the altered world their Constitution has (in part) created, they are required to abandon or interpret it. They must find within the text answers to problems it did not address, templates for governing unimagined situations.

This is easy enough. Among the litter of abandoned constitutions, one finds several texts that have served admirably in this fashion. The American Constitution, with its much praised two hundred years of service, pales before the age and range acquired by the texts belonging to the Peoples of the Book: the Bible, the Koran, the Talmud, and hadith. It is interpretation that has enabled these texts to endure.

Interpretation transforms a written text from dictate to dialogue, blurring the Socratic distinction between speaking and writing. Constitutional texts inscribe nations. In the case of the American Constitution, as with the Koran, the text may be said to speak them into being.¹⁸ In their newly constituted characters, from their newly constituted circumstances, altered by the text but nevertheless determined to maintain it, people look to the text for answers to the questions raised by their experience. Through them, in them, the material world questions the constitutive text.

This questioning of the text is an act of no small significance. In it the seemingly silent and subservient text speaks up to its au-

¹⁸ The Koran begins with the command to engendering speech, "Recite." It is addressed to both the Prophet and the Faithful, and thus, like the present tense in which the Constitution is written, puts the reader in the place of the Founder. One should also note that, in Genesis, the world is spoken into being.

thor. In it, the questioning people, affirming the transcendence of the text, deny it unilateral authority. They deny that the extant, explicit text is adequate to their needs. They affirm that there is much that is latent and implicit in the text, and that they may be answered by these hidden meanings, counselled, if not ruled, by this covert Constitution. Their act suggests that there is not one, but a number of constitutions comprehended within the text.

Interpretation of the Constitution is thus an ambivalent communion, coupling the people and the text, the material and the ideal, aspiration and experience. In it the people recognize their ambivalent constitution, between word and flesh. In it the people recall their authority.

We continue our constitution in this dialogue with the text, as the construing, constructing, reader. The questions that the people put to the text are answered not by the text alone, but by the intercourse between text and people.

It is interpretation that is the constitutive activity for those who inherit a Constitution, and from interpretation that they derive their authority. This authority is, as all authority must be, both political and semeiotic. In interpretation one acquires power not only over the present and future in the rendering of judgments or the design and workings of bureaucratic institutions, but over these and the past in the determination of meaning. In extending the meaning of nationality those who interpret alter the significance of the past: what it was, what was done, what came of it. They become authors, of themselves, their past and their posterity. This gives new referents and new importance to the term "self-made-man," and obliges us to reconsider the significance of popular authority.

All men are within language. They are constituted in, and by the words they use. They acquire from these a common frame of mind, a common set of categories. Language itself, in its qualities of collectivity and utterance, precipitates men into a political world. It is here that the authority of language reveals its ambivalence. Those who are authored by language acquire in their subjection the capacity to become authors themselves. In language, they may become their own authors, and the authors of others, for language is the medium of rule.

What differentiates those with written constitutions in the usual sense (documentary expressions of a national identity) is not that they are constituted in writing, but that they know themselves as such, and mark it appropriately. Those who lack constitutions are not less named, they are less conscious of themselves as named.

They are not without authority, but they exercise that authority unconsciously and erratically. The possession of a constitution apprises a people, generation after generation, that they are constituted in language. It is not, however, sufficient to secure to them the authority that is their proper inheritance.

If they are to become their own authors, and in that act the authors of their past and their posterity, they are obliged to make the words their own. Those who inherit rather than compose the words that rule them attain this authority in their accession to the words of the Constitution. This accession, like the word that marks it, is ambivalent. They will realize themselves in acceding to the authority of their Constitution over them. They will endeavor to be men of their word, according their actions to the Constitution, and determining the limits of the nation by the reach of the words that they would have govern them. Yet this accession is also an accession to authority. If they are to make the words their own, they must apply them to altered conditions and to altered citizens. They must reflect on their Constitution in the flesh. They must recognize the authority exercised in the transubstantiation of word to flesh. They must elect to exercise that authority in acts of interpretation and critical reflection.

The advocacy of a collective automachia has particular force for Americans, whom the Constitution calls explicitly to interpretation and authority. Because it is written, in a culture where Scripture has long been regarded as authoritative, at a time when people are increasingly conscious of the determinative effects of the form as well as the content of language, it invites us to reflect upon writing as constitutive in the broadest sense. Because it invites its own amendment even as it enjoins allegiance, it invites us to reflect upon change as the guarantor of constancy, and upon the relation of change and constancy in the definition of identity. Because it acknowledges the people as author of a text we know to have authored us, it invites us to recognize the dialectical nature of constitution. Because we are written into the text, as much in the name of the thing as in its content, it invites us to confirm that writing in the act and the acknowledgement of interpretation as a constitutional activity. It obliges us to be critical if we would be obedient, to comprehend the text if we are to be comprehended within it. It entails on the people collectively the ancient command "Know thyself."