

IMAGES OF THE CONSTITUTION

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The U.S. Constitution is both an instrument and a symbol (Corwin, 1936). As instrument, it is a "tool" consisting of written guidelines granting and limiting political power. As symbol, it also aids in the allocation of values, but is more a creation of the mass mind and an object of popular worship to which individuals attribute their own meaning. An understanding of the Constitution presupposes knowledge of both its instrumental and symbolic dimensions, its role in ordering public affairs and its meaning to the mass public.

The distinction between Constitutional instrument and symbol is useful in that it focuses attention on the meaning of the document to the people. But in a more inclusive sense, the Constitution is nothing more than a symbol, if by symbol we refer to the meaning it has to the people. The notion that the Constitution is a written document is a "legal fiction" (Beard & Beard, 1930: 39); it is what the people think it is. The Constitution consists of the images and pictures we have in our heads--it is the subjective experience which is produced when a certain external event is invoked (Lasswell, 1960: 240-257; Schattschneider, 1970: 9). From this perspec-

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tive, an examination of the meaning of the Constitution should begin with the individual and the subjective experience which is evoked when that person is presented with the idea of the Constitution. The task of the researcher is to ascertain these individual images and the patterns of shared meaning which exist.

Unfortunately there has been no recent and systematic investigation of the Constitution's symbolic meaning. With but few exceptions (e.g., Lerner, 1937; Corwin, 1936), all research on the meaning of the Constitution has focused on its instrumental dimension. The purpose of this paper will be to expand our understanding of the Constitution by examining the neglected area of what it means to the mass public. The emphasis will be on determining the pattern of meaning attributed to the Constitution and the nature of the images people have of it. The focus of attention will be on what the document as a whole means to the individual and not on the distribution of knowledge about the document or its specific parts, nor whether people agree or disagree with some of its fundamental principles. Ascertaining public images of the Constitution is the key to a further understanding of its meaning, and a necessary step towards comprehending its larger symbolic role in society.

To examine what images Americans have of their Constitution, 324 subjects were administered a 60-item Q sort (Stephenson, 1953). The subjects were selected so as to represent different class interests, ideological concerns, age groups, and levels of knowledge about the Constitution. The Q-sort statements were selected from interviews, professional literature, and Supreme Court opinions. The final Q sort was structured in terms of Lasswell's (1962) developmental theory of symbolic meaning.¹ The indi-

¹According to Lasswell (1962: 156-158), political symbols are elaborated by individuals into depriving or indulgent figures with respect to values of welfare and deference.

vidual Q sorts, once obtained, were correlated and factor analyzed resulting in three factors, indicating three distinct images of the Constitution.

Factor I

This perspective approximates what conventional wisdom has suggested to be the dominant set of beliefs among Americans (Lerner, 1937). A central theme of the factor I perspective is a high regard for the Constitution and the founding fathers. To these persons, the Constitution is considered to be a "masterpiece," "an incredible document," "almost perfect," and something "which should always be kept sacred." This is combined with the elevation of the founding fathers to an exalted position: They are "giants in the sky." The founders, as well as the Constitution, are seen as being not quite human and certainly above the "pestilential influences" of everyday political life.

Another basic theme which emerges from factor I's Q sort is that the Constitution is a great protector and provider. Stated in Lasswell's terms, it is an all-indulgent, non-depriving figure. According to these persons, the Constitution protects us from authority, other members of the community and ourselves. It is the cornerstone on which the nation is built; it leads and directs the people and even guides us through difficult and tumultuous days. The Constitution is the guardian of our rights, a haven for all of us and something to which we can turn when we have problems.

Given this perspective on the Constitution, it appears that its very existence provides these persons with some degree of psychological security. The elaboration of the Constitution in protective and benevolent terms apparently gives these persons assurances against an uncertain destiny and a belief that someone is in control and will take care of them. Additionally, as a benevolent figure of authority the Constitution has not and will not deprive them--or at

least it will attempt to prevent severe deprivations.

These various themes are indicated by the scores given by factor I to the following statements:

(+5) The Constitution is a masterpiece. It applies today as well as 200 years ago. When I think of how complicated it seems I really admire the founders and wonder if our congressmen, senators, lawyers, etc., could create anything comparable to it if they were put 200 years back in time.... (+4) Because of its elasticity and its strength and its endurance, I think it is one thing in the U.S. that should always be kept sacred. It is not just words on a paper. To me it expresses all of the hopes and dreams that our forefathers, the beginners of the country, had in mind.... (+4) I believe that the Constitution is a living and essential piece of our lives as Americans and still operates to guide us through difficult and tumultuous days.

Whereas factor I follows the pattern suggested by Lerner and others, it also recognizes that there are some problems with the Constitution which flow from the fact that it has been ignored or too loosely interpreted. It should be emphasized, however, that the pessimism which begins to emerge relates primarily to recent events which have undermined faith in government. The recent event most frequently mentioned in interviews was Watergate, and the complaint was that the document was being used for private ends. The disillusionment indicated by these persons, therefore, is primarily directed against people and not the Constitution itself. There are some loopholes in the document--it is only almost perfect--and these loopholes have allowed people to take the document out of its original context and away from the basic truths contained in it. Although there is mild skepticism about the Constitution as a result of Watergate, it should be stressed that these people believe that the Constitution not only fared well during Watergate, but additionally that it was at least in

part responsible for getting us out of that political situation. For these persons the solution to the current problems with the Constitution and its improper application is to make the document more precise, or "tighten it up," as was frequently suggested in the interviews. These patterns can be seen from an examination of the following statements:

(+5) To me it is a very great document, although the recent events have undermined my faith and confidence in the government it created. It is still the single most important document.... (+5) I believe it is a good basic foundation for the U.S. government in many ways. However, I think it is increasingly ignored or too loosely interpreted today. In non-specific parts the courts and the presidents have both positively and negatively expanded powers.

Summarizing, for persons on factor I the Constitution is held in high regard and is sacred and divine. The founders are idealized for having created a document which provides for and protects us in many ways. The Constitution is viewed as, or is a product of, some higher law, something that should be obeyed and only tampered with at great risk. The Constitution, however, is not perfect. It does contain loopholes which have allowed the selfish to manipulate the document to serve their own ends. The solution to this problem is to make the document more precise.²

²It should be noted that there is a large group of people who load positively on factor I and negatively on factor II, indicating they accept the factor I perspective and reject the factor II viewpoint. Factor II, as we will see shortly, represents a negative image of the Constitution. When a separate Q sort is constructed for this group, it is interesting to note that they accept the factor I perspective but do not recognize the Constitution's shortcomings as do persons who load only on factor I. These persons also idealize the Constitution to a much greater

Factor II

The view of the Constitution held by factor II is simple and very negative: The Constitution may have had some value at one point in time, but now it is essentially weak, powerless, ineffective, deprivational, and in general has failed us. The Constitution in the eyes of these people should be completely revised to bring it into line with modern problems and conditions. A look at more specific aspects of factor II's Q sort reveals these negative patterns.

To those persons loading highly on factor II, the original creation of the Constitution was an important event. The Constitution was an inspired document written by well-intentioned men who put a great deal of thought into it and created a viable system. The system of checks and balances is particularly impressive. In contemporary context, however, the Constitution is viewed as weak, ineffective and of little value. To these people the Constitution is now full of loopholes which have allowed some to interpret it to satisfy their own wishes. It is not strong enough to handle current or future problems, and they question its reliability and validity. It is, therefore, something for which they have little admiration, especially when compared to factor I. It is not an incredible document, nor an almost perfect one, and they do not hold it in reverence or awe. The solution they offer to the current and almost worthless character of the Constitution is revision, which does not imply a few small amendments, but wholesale revamping. These patterns can be seen in the high positive scores given to the following statements:

(+5) With the recent development of Watergate and what this country has evolved to, I think it's time we begin to question its validity seriously and take steps to get this nation back on its

extent than do persons on factor I.

feet.... (+5) The Constitution is not the panacea for a specific nation for all time; alterations may be needed. I don't think this means amendments, but wholesale revamping. Many of the sections are outmoded or unclear.... (+4) The Constitution is well-written and served the purpose of the founding fathers. However, it is also weak and ineffective in some respects. There are many laws and amendments that have been passed simply because the Constitution was not strong enough to uphold truths that the founding fathers called "self-evident."

Factor II carries this negative theme one step further in seeing the Constitution as not only weak, ineffective, and full of loopholes, but also as having failed to protect and provide for the people. Factor I elaborated the document in relatively indulgent and benevolent terms. Factor II sees the document as failing to provide protection and security, viewing it in somewhat depriving terms. For these persons the Constitution does not provide a "haven," nor is it something to which we can turn for answers to our problems. It does not protect us from authority, chaos, or from other persons. Instead it is viewed as a deterrent to change and as something used to control the population. Additionally, it has allowed the government to become too powerful and has sanctioned the existence of a depriving class structure through which an oligarchic elite has been allowed to control. The extension of the negative theme of factor II is revealed as follows:

(+4) The Constitution is set up to provide a good system. However, there are too many loopholes through which the oligarchic elite of this country can forever maintain their power system....

(+4) The Constitution seems to be something of a great compromise. For as many people as have lived under it, it would almost have to be. But something is lacking in a system which operates permitting the tremendous "class" structure which exists. There is always room for the rich and

those seeking power while many others live in filth and waste.

Summarizing, factor II represents an image of the Constitution quite distinct from the general pattern of belief suggested to exist among Americans. It is highly negative, seeing the contemporary Constitution as having failed and as being of little value. Additionally, and what comes out of the interviews with these people, is that factor II sees the rest of government in similar terms. In other words, the Constitution is only one more institution which does not work and is used to deprive them. As one person noted:

Don't get me wrong. I'm not a wild-eyed radical. But I believe that government is supposed to provide for the general welfare. You know! Provide welfare and see that justice is done. Any person can see that it just hasn't done that. It has failed. It doesn't work. The presidency doesn't work and neither does Congress.

Thus for factor II the Constitution appears to be just another part of government which has failed. This is a viewpoint which is obviously not shared by those persons on factor I. Although there is a hint of growing cynicism and disillusionment about major institutions among those persons on factor I, primarily as a result of Watergate, it has not reached the level of hostility towards the Constitution displayed by factor II. Factor III, as will be seen, represents a more realist view of the Constitution without the hostility of factor II.

Factor III

At first glance factor III appears quite ambivalent about the Constitution. An examination of the rankings of statements by this factor and interviews with people composing it, however, reveals that it is not an ambivalent perspective, but rather this group combines some of the attributes of the other factors

into a unique, overall pattern. The perspective represented by this factor is best described as "realist," after the legal-realist school of thought.

Looking more closely at factor III, the specifics of its overall viewpoint can be seen. The first pattern is that the Constitution is dependent upon humans for interpretation, and as people and society change, so will the basic law. It is recognized, therefore, that the Constitution is and will be interpreted to suit the needs of the day, and that it is the will of the strongest for a specific period and has no fixity. Recognizing this they see that the document can and has been used in a depriving fashion. Particularly, it has permitted the existence of a repressive class structure, has been interpreted according to financial interests, and has allowed the rich to exploit the poor. In the same vein, and recognizing its symbolic quality, they see that it has also been used as a deterrent to change. These patterns are seen in the scores given to the following statements:

(+5) The Constitution is merely the will of the strongest for the time being, and therefore has no fixity, but shifts from generation to generation.... (+5) The Constitution gives the mass something to "cling to." It is often used as a symbol of our democracy. This can be bad since it is a deterrent to change.... (+4) The Constitution is just the legal format that may be interpreted according to one's finances.

Despite this somewhat negative theme, these people still believe that the Constitution is good, performs valuable functions and should be preserved. They do not believe that it protects everyone and guarantees that all wrongs will be corrected, but they do believe it enables most to get their just rewards, and does aid in making the decision-making process more objective and helping us through difficult periods. Likewise, without it, or a similar institution, the result would be chaos. These be-

liefs are seen in the following statements:

(+5) The Constitution does not mean that right and legal actions will be taken at any given time. It only enables most people to get their just rewards.... (+4) I feel the Constitution is a very important piece of work in that it lays down the basics for the legal process in the U.S. It is an important guideline for legal decision-making and because it does so I think that decision-making is made more objective--which is good.... (+3) The Constitution stands between order and chaos, between organized government and anarchy, between ruthless power and helplessness. Without it man defends his rights by strength alone; man protects his property by power alone; man saves his life "by the sword."

There is an additional reason why the Constitution is good and should not be altered. According to these people it contains a set of worthy goals and ideals which are not only worth striving for, but also provide a yardstick by which current actions can be evaluated. In this sense the Constitution is a kind of superego: It is, as they indicate, "the social conscience of the nation." For this reason the Constitution should be kept sacred, however not to the point of the reverence and awe of factor I. The Constitution should be held in high regard for other reasons as well: In the eyes of factor III, the Constitution is much more likely to perform its useful functions under conditions of respect and deference. Its useful functions include providing a minimal amount of order and protection, and as a repository of moral values, ideals, and goals. This orientation is revealed from both interviews and the scores given to the following statements:

(+5) The Constitution reflects the social conscience of the nation.... (+3) I think our Constitution represents the ideal aspirations of the great men in a new country. I know we haven't been able to live up to or by it all the time,

but that just leaves us something to strive for.

Factor III begins with what appears to be a rather ambivalent view of the Constitution, but ends with what is best described as a realist view of the document. The meaning of the Constitution is recognized as variable; it is interpreted by humans and therefore capable of being used to deter change or to rationalize deprivations by those in control. This view of the document, however, does not lead them to the same degree of hostility which permeates factor II, nor does it lead them to factor II's conclusion that it should be thrown out and a new one drawn up. Factor III sees that even in its current form the Constitution does perform some useful and valuable functions. It aids the system in the regulation of conflict and does provide for the allocation of some justice. Additionally, it is a document which contains the ideals on which the nation was founded and provides us a moral standard by which to evaluate current activities. For these reasons it is respected and this respect is essential if the document is to perform its necessary functions. Thus the instrumental as well as the symbolic importance of the document is recognized.

SUMMARY, DISCUSSION, AND CONCLUSION

This study suggests that there are at least three distinct images of the Constitution. The first factor represents a somewhat idealized image of the Constitution whereas factor II represents a negative image and factor III represents a more realist image. Given these three images, it is possible to speculate on the ability of the Constitution to perform certain basic symbolic functions such as aiding social integration, lending legitimacy and/or rationalizing policy and other actions, and providing individuals with a degree of security.

Although the sample of subjects here is large by the standards of Q methodology, in a statistical sense it is not large enough to generalize to the

entire American population; however, most major socio-economic-political groups are represented, and so this relatively small sample does allow some degree of speculation concerning this question. Overall, most of these persons interviewed hold the Constitution in high regard and are associated at least in part with the factor I perspective. (For example, 75.9% of the subjects load significantly on factor I, whereas 12.4% have significant loadings on II, and 23.5% on factor III; the percentages do not add up to 100 since many subjects loaded significantly on more than one factor.) Thus the Constitution's symbolic potential appears to be somewhat good. When the Constitution is thought of by most of these persons it brings forth some ambivalence, but primarily good feelings. At the same time, however, there is evidence to the contrary, suggesting that the Constitution's unifying, legitimating, and security-providing potential for the entire community is in jeopardy. The existence of three factors points to the conclusion that there is a great deal of diversity and lack of consensus surrounding the meaning of one of the nation's leading symbols. Additionally, a more systematic analysis of the statements on which there was consensus points to a similar conclusion. There were only two statements on which there was significant agreement: All agreed that because of human nature, people need to have policy stated strictly in law, and that the Constitution does not mean that all wrongs committed against the individual will be reversed by the judicial process. Thus from this perspective, the Constitution may be becoming more a symbol of diversity than of unity. When invoked it conjures up a multiplicity of diverse feelings and emotions, remembrances of past indulgences as well as deprivations.

Additionally, it should be noted that the degree to which the Constitution is capable of performing its symbolic functions varies with certain characteristics of the subjects. Factor II, the group of persons for whom the Constitution does not appear capable of performing its basic symbolic functions, is

dominated by younger, more alienated students; whereas factor I is dominated by older, more occupationally diverse non-students; and factor III is characterized by a more educated, professional background. Perhaps as factor II persons continue their education they will attain the factor III perspective as many of their educated colleagues have. At the same time, it is possible that they may adopt the factor I perspective. Casey (1974) has suggested that the transmission of myths accompanies the political socialization process and more education. Those persons who maintain the factor II perspective, however, present a problem for the Constitution's performance of its instrumental and symbolic functions.

In the final analysis, the Constitution does appear capable of performing basic integrating, legitimating, rationalizing, and security-providing functions for a large portion of the subjects, i.e., for subjects sharing the perspectives of factors I and III. However, it needs to be emphasized that focusing attention on the large quantity of favorable responses obscures the diversity of meaning attributed to the Constitution, the lack of consensus over its specific meaning, and the diverse nature of emotions possibly released when the Constitution is invoked. Additionally, there is one viewpoint, factor II, to which the Constitution symbolizes deprivation, and for these persons the Constitution's positive symbolic potential is at best minimal. At the same time, there is much to be said concerning the importance of disagreements and conflict over various aspects of the meaning of a symbol in promoting unity and community consensus, hence of the integrative function which symbols frequently perform (Lipset, 1959; Berelson, Lazarsfeld & McPhee, 1954). The danger comes when consensus breaks down completely and there is nothing upon which people can agree. Even factor II persons agree that we should have a Constitution; it is the nature of the Constitution about which there is disagreement. Thus for most of the subjects the Constitution's symbolic potential

seems to be intact, but it appears that the Constitution's symbolic role for the entire population is a far cry from being the "rock of ages" of which past commentators spoke (Lerner, 1937). Nevertheless, the evidence points to the conclusion that an idealized and benevolent image of the Constitution is still quite widespread in America today.

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REFERENCES

- Berelson, B., P. Lazarsfeld & W. McPhee. *Voting*. Chicago: University of Chicago Press, 1954.
- Beard, C. & M. Beard. *The American leviathan: The republic in the machine age*. New York: Macmillan, 1930.
- Casey, G. The Supreme Court and myth: An empirical investigation. *Law and Society Review*, 1974, 8, 386-419.
- Corwin, E. The Constitution as instrument and symbol. *American Political Science Review*, 1936, 30, 1071-1084.
- Lasswell, H.D. *Psychopathology and politics*. New York: Viking, 1960.
- Lasswell, H.D. *Power and personality*. New York: Viking, 1962.
- Lerner, M. Constitution and Court as symbols. *Yale Law Journal*, 1937, 46, 1290-1319.
- Lipset, S.M. *Political man*. Garden City, NY: Doubleday, 1959.
- Schattschneider, E.E. *Two hundred million Americans in search of a government*. New York: Holt, Rinehart and Winston, 1970.
- Stephenson, W. *The study of behavior: Q-technique and its methodology*. Chicago: University of Chicago Press, 1953.