

A Framework of Seven Zones:

DRAWING THE LARGER PICTURE OF CONSTITUTIONALISM IN COLOR

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The mind commensurable to the world.
The world commensurate with the mind.

An ancient precept, with its modern partner. Back and forth, now two ways. Comprehensible knowledge and comprehensive creativity depend on this tandem — to keep them *in order* with each other. *Constitution* (the noun and the gerund) occupies the space between these two propositions. Early on, for Aristotle and other classical theorists, to know anything with integrity is to comprehend it holistically — its parts, their connections, and the proportionality of their composition, which sustains the animating spirit to make its reality possible. Later, with James Madison and other founding thinkers, to create anything with coherence is to establish it fundamentally — its foundations, its equilibrium, and the mutuality of its interactions, which maintains the stability to make its life secure.

We can durably know only what we have made — either because we may have actually set it up according to our designs or, for what is already there independently of our willing it, we can understand it by *figuring* out how it is made up. We begin by *looking at* it, either with our eyes or in our minds, turning it over in our thoughts, then making a model of it — a picture that is more than, and different from, simply noting its apparent features. We register an image, composed and animated. When we come to know it, or when we think we do, what we know best is a picture of how it is made up and how it works — with a model in our heads that patterns its character and regularizes its functions. We apprehend, or we establish, its constitution. Anything else is revelation or impression — too strong or too weak for accommodatingly human negotiation.

Human devices for both knowing and making, then, are constitutional. And “constitutional” is about pictures and models. The fact that we in the United States, and others in different countries, have used compositions of words routinely and often successfully to map out the dimensions and operations of political power and right — calling these texts “constitutions” — has meant that we may have forgotten the fundamental connection between mind and world through elaborated mental images. By doing so, we may also have lost sight of the quality of ideas that make organized human community possible, the fundamental terms by which its lively wholeness is ordered, to start it up and keep it going.

This Website is devoted to encouraging and assisting us to *see* constitutionally. If we may have mislaid our understanding of the “constitutional,” we have also distorted our view of the “theoretical” (which comes from the Greek word, “to see” holistically), letting it become little more than the label for a hunch or a distant abstraction. But, if constitution is very much about making pictures from our models, theory is about making models from our pictures. “Constitutional” and “theoretical” go together cognately as a definitive pair of conceptual synonyms, the firm matching of order and wholeness.

The “**Constitutio**” Project. The larger project for apprehending and communicating constitutional ideas consists of the overlaying of two strategies of presentation:

<p>(a) “The <i>constitution</i> CODE,” which is comprised of a layered set alternating among three primary and three secondary COLORS, plus one tertiary COLOR, marking versions of “POLITICAL WHOLENESS”:</p>	<p>(b) “Frame <i>Word</i>,” which is a nested series of seven rectangles, each Form having a distinctive, sequential proportion — ranging from the Golden Ratio to the Square — designating “constitutional <i>orders</i>,” and corresponding with the COLORS:</p>
<i>NATURE</i>	<i>Science</i> <i>or Law of Nature</i>
<i>HUMANITY</i>	<i>Morality or Religion</i>
<i>CIVILIZATION</i>	<i>Constitutionalism</i> <i>or Rule of Law</i>
<i>PEOPLE</i>	<i>Covenant</i> <i>or Social Compact</i>
<i>POLITY</i>	<i>Constitution</i> <i>or Fundamental Law</i>
<i>GOVERNMENT</i>	<i>Contract or Charter</i>
<i>along with CITIZEN</i>	<i>as well as Intelligence</i> <i>or Education</i>

It is worth emphasizing that the overlaid categories of “*CITIZEN*” and “*Intelligence or Education*” culminate both series. This sequential overlay of COLORS and **Forms**, capturing substance (WHOLENESS) and shape (order), then, serves to provide the compositional grammar for understanding and inventing civic worlds. It offers a schematic model for THINKING-IN-COLOR and imagining-in-space.

THE COMPLEMENTARY BACKGROUND POLARITIES

As I have *said*, **The constitution CODE** — with its parallel, the **FrameWord System** — sets out seven **phases of WHOLENESS** correlated with seven **zones of order**. The picture of this scheme remains to be *shown* — although the qualities of its depiction seem already to be present in the language I have used to describe it.

Life and **light** are intertwined in the **agenda** and **design** of Creation — and in the *creativity* that arises in the image of Creation, to **elaborate** and to **confirm** it. Of all the works of human creativity, the establishment of **well-ordered communities** is geared the highest, testing and replicating — as it does at smaller and more directly visible scale — the very **making or madeness** of the **universe**. It is not merely that the **ongoing establishment** of Creation is furthered by such human endeavors but also (as Cicero observed) that its **constitutive nature** is manifested in the **founding** of **communities** of justice. To **organize** such embracing **associations** is not simply to *apply* the basic **science** of the **universe** to the design of practical undertakings but to *investigate* these underlying **forms of Nature**, so that it can be revealed.

When Aristotle famously claims that the **political constitution** is the highest form of **ordered WHOLENESS**, because it “**embraces all the rest, aims at good in a greater degree** than any other, and at the highest good” (*The Politics*, bk. I, trans., Benjamin Jowett), the implication may be broader than usually noted. The most basic constitutional enterprise of an “embracing goodness” sets the pattern for all knowledge arising from inquiry and reflection, for nothing arising from such knowing can be grasped without apprehending its “constitution” (the way it is made — how parts are composed into a whole, animated by a spirit of unity — and the way it works, based on how it is made).

The duality of the *Constitutio* project derives from an abstract correspondence of **WHOLENESS** and **order**, which I believe is the organizing preoccupation of rigorous political thought, the summary preoccupation of consequential human creativity. It reflects the strategic overlay of **polis** and **logos**, a legacy from the beginning of the theoretical endeavor to comprehend the **logic** of **polity** — and, ultimately therefore, to understand its most **powerful** and **authentic** “constitution.” In the classical thought of Aristotle, **WHOLENESS** and **order** track the coincidence of “polity” and “constitutional government,” as different terms for the same preferred *political constitution*, which (in his account) take their specific names from the general category. In the modern period, the joining of these abstract qualities culminates in the match between **democracy** and **constitutionalism**. As attributes of the person, **WHOLENESS** and **order** are manifest in the dual properties of **heart** and **head**, which we typically associate with the **emotional** (considered in its broadest sense, as much more than “sentimental”) and the **intellectual** (understood in its highest sense, as much more than “analytical”).

In the foundational story of origin, “Creation” is introduced as the apt response to a primal condition that is **“without form”** and **“void.”** Likewise, *within* the universe that comes into being, “creativity,” which follows inexorably in the image of the fundamental making, is the necessary **compensation for emptiness** and **displacement of disorder** by **substance** and **structure, material** and **shape, or content** and **design** — ultimately, **spirit** and **body**. Here, from this two-fold blankness (or absence), is the source of dual background polarities: the one oriented to **WHOLENESS and its negative**, the other to **order and its negative**. The two primal

color polarities of ancient cultural status — **DEEP RED / WHITE** (apparently the oldest) and **PURE BLACK / WHITE** (somewhat later) — can signify this generative background. The one gives rise to the **PHASES of WHOLENESS**; the other to the **zones of order: COLORS and forms. THEORY and model. Elaboration and articulation.** And, finally, **nature and character.** In each case, these pairs are different aspects of the same thing, though indeed still separately necessary for the bonded enterprise that combines **strength and presence to maintain or establish any instantiation of ordered WHOLENESS** — whether a country or a person, or some other **coherent composition.**

Joining the work of the **political theorist and the constitution maker in a space now organized as a domain for existence** is the **comprehensive project** named *Constitutio* — whose inherent unfinishedness is the mark of its on-going ambition and embracing scale. This project links **thinking and seeing, in an overlay of words and pictures.** It is epitomized, collectively, by the **well-ordered community; individually, by the well-made life.** Each of these has its **vitality and endurance as an organism composed and secured by a constitution: A living model of imagination adjusting, and adjusted to, factuality.**

The only true “politicalness” is a reflection of WHOLENESS (the people as “everyone” transformed into a People as a covenantal “all,” to use the language of Thomas Hobbes; the comprehensive and inclusive “social compact,” in the formulation of John Locke; and even the choice of the term “federal” or “fœderal” by the American Federalists, evoking its original meaning of “pact” from the Latin *fœdus*, a comprising whole made up of the combination of smaller wholes which do not give up their integrity). This most basic concept at the level of the political echoes the larger sense of WHOLENESS seen in terms like “universe” (turning on a single center), world, or “globe” (where the image of the sphere captures the idea of encompassed unity). WHOLENESS, in this theoretical sense, is the overarching standard, the animating spirit of life itself — “nature,” in its largest meaning. In contrast, factionalism (where the part pretends to be the whole) is the worst and most destructive political fraud. “Politics,” as partiality, is not “political” at all but its negation, though it may falsely pose as its essence. The highest level of the political is the stabilizing power of Justice itself.

And the only authentic “constitution” (the form that an organism takes to achieve survival and purpose for its full character) is one that embodies *order* functioning so as to give and preserve life. In its more complex form, a constitution establishes a “system” (echoing the model of the solar system or the biological system). Thus the early American Constitution was referred to metaphorically as a “new constellation.” Consistently, in regard to what would become the Virginia Plan, which he orchestrated at the Constitutional Convention, James Madison writes that the country needs a new “system” of government (not a new “document”). His parallel studies of the “Ancient and Modern Confederacies,” and of the “Vices of the Political System of the United States,” analyze how those “systems” are “vitiating” — that is, what are their systematic vices? These “vices” disrupt their *order* and prevent them from achieving the (holistic) purposes for which they were established. And so their “character” is undermined or perverted, in the most elemental sense. The highest level of *constitution* is the ordering creativity of Reason itself.

Joining **WHOLENESS and order,** each with its singularly more practical instantiation, **WORLD and word,** exhibits a very normal sense of expression, considering that it yields such obvious and smoothly fitted “epithets” (in the classical Homeric sense of bonded pairs of terms that essentially belong together). And so we naturally say, **“WHOLE WORLD” and “word order”**

as paragons of these dual, orienting concepts.

It is important to realize that these two sets of Background Polarities — as **fundamental standards** of conceptual *orientation* — lie behind the **COLORS** and **forms** that organize meaning and creativity and in the **theoretical system** that follows.

PHASES OF WHOLENESS, ZONES OF ORDER — COLOR CODE AND WORD FORMS

WHOLENESS and **order** are the core attributes of the world's humanity, and of a country's community, as well.

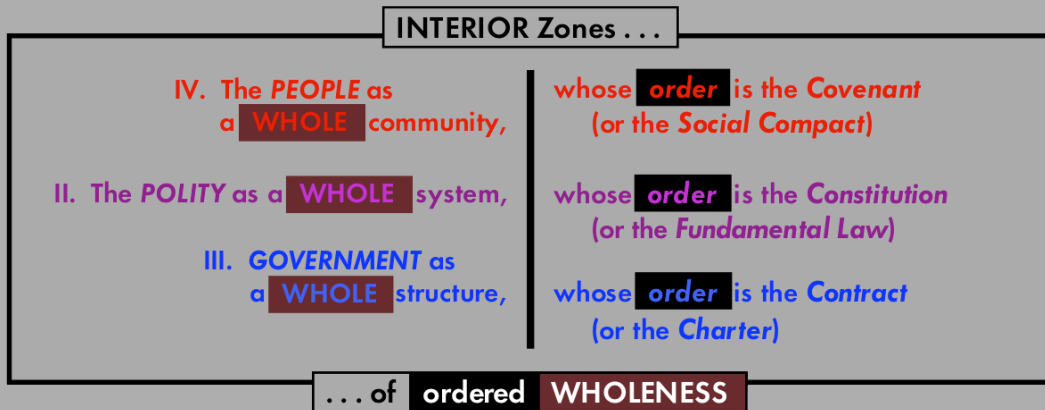
The theory of **The constitution CODE** (or the **FrameWord** system), accordingly, includes two sets of sequenced **PHASES** (or **zones**): Exterior (the humanity of the world) and Interior (the community of a country). The one is the regime of **"Human Rights."** The other is the regime of **"Constitutional Democracy."** Both of these in turn have three Phases (or Zones), with each successive one built upon or nested within the one before it, which serves fittingly enough as the next Phase's **foundation** and **standard**. The Colors of these Phases, associated with the numbered Zones, are designated **I—GREEN**, **II—YELLOW**, and **III—ORANGE** for the Exterior series; along with **IV—RED**, **V—PURPLE**, and **VI—BLUE**, for the Interior set.

The set of Interior Zones (which are more concrete, practical, and usable) is, in turn, based upon the set of Exterior Zones (which are more transcendent, pervasive, and fundamental). Overall, each of the six Zones depends upon the previous one, toward the outside, for legitimacy. And, in reverse, each of these six depends upon the successive one, toward the inside, for implementation. Thus this framework functions in both directions to provide a larger **meaning** and **context** for each of these Phases (or Zones) of **HOLISTIC order**.

Undergirded by all six, or connecting all of them, is a seventh (Zone VII—BROWN): that of **"CITIZENSHIP"** (whose **WHOLENESS** is reflected in full and equal membership and whose **order is embodied in education and intelligence**).

All seven of these Phases are domains of inquiry, elaboration, and instruction: Places of imagination and practice. A few or more might be regarded (possibly problematically) by some thinkers as more important than the others. Or an emphasis on some of them might vary at different times. But the structure of their relationships is at least as important to the central concept of **framing-words** and to the larger idea of **constitutional colors** as is the **form** and **content** within each zone. If *constitution* itself is crucially about the structure of relationships, any authentic **political "constitution"** would therefore live in **operation** and **thought** as an image of this larger scheme of ordered WHOLENESS.

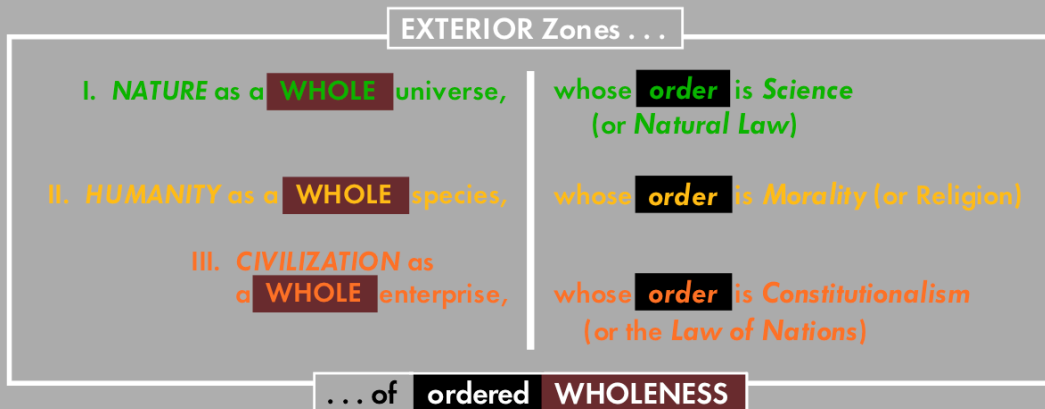
In conventional considerations of the character of the **well-ordered community**, there is a strong tendency to emphasize the Interior Zones of **political order**. This has been true in my own scholarly work on constitution making in the United States and on American constitutional interpretation. The perspective of the constitution making of 1787 and the Federalist yields a three-stage structure:



A part of my intellectual agenda has been to show that a **"Constitution"** (Zone V) is distinguishable in its level of **ordered WHOLENESS** from a **Social "Compact"** (Zone IV), as well as from a **Contract with "GOVERNMENT"** (Zone VI). This is a theoretical accomplishment I attribute to America's Federalist founders, although more in what they did than in what they said. (And I believe this achievement raises their work on the **idea of a "constitution"** to be the theoretical equal of **Thomas Hobbes's "covenant"** and **John Locke's "contract."**)

Earlier in my own work, my references to the Exterior Zones of ordered wholeness consolidated this theoretical space under the term, **"WORLD"** — the place of **all-encompassing but vague coherence, the transcendent order of the universe.** But, just as evolution is the process of differentiation out of compactness, so also, the more I thought about the Exterior as a fully articulated "regime," the more I began to see three where before I thought there was one.

This differentiation has produced:



If **NATURE** is a zone for the highest order of **"Reason"** (the order of Creation), and if **HUMANITY** is considered the distinctive domain of **"reasoning"** (the quality that makes beings "human"), **CIVILIZATION** is marked as the realm of the **"reasonable"** — that intelligent style of accommodating one's fellows which gears itself up to offer **"reasons"** in the hope of engaging the common understandings of mankind, according to agreeable standards beyond our personal willing and private wishes.

In conventional scholarship, just as there has been a rather unthinking inclination to identify a **Constitution (Zone V)** with either **the Social Compact (Zone IV)** or **the Charter of GOVERNMENT (Zone VI)**, there has similarly been an unexamined habit of associating **Constitutionalism (Zone III)** with either **Natural Law (Zone I)** or **Morality (Zone II)**. Each of these under-observed zones, however, needs to be the focus of its own distinctive inquiry and development: **Constitution**, as such, and **Constitutionalism**, for its own sake; **the well-composed POLITY** and **the well-evolved CIVILIZATION**. In fact, these two may be the key to the entire scheme of human creativity in the establishment of worlds of justice. Among the six primary and secondary colors, their hues — **PURPLE** and **ORANGE** — tend to be the last chosen for use in printing and design, for example.

As it has been said, “**Constitutional government is reasonable government**”— or “**governance**,” in today’s preferred usage (which distinguishes it from any particular “**GOVERNMENT**”). In its aspiration to a more fundamental Constitutionalism, a good Constitution implicates more than specific constitutional documents do or could contain. **CIVILIZATION** — or civilizations (since there might be more than one type of authentic organized cultivation of reasonableness according to higher standards) — is about more than the accomplishments of a particular **PEOPLE**. But it does embrace such accomplishments when they benefit those outside that community’s membership.

Civilization is the zone where good government or “good governance” can be spoken of rigorously, critically, and constructively in general terms, as **the birthright of all human beings who live in organized communities**. Good government was the primary goal of the American constitutional founders; they were committed to the idea of **a republic in 1776** and of **a federal republic in 1787** as the means toward that end.

Constitutionalism is the same zone, where the “rule of law” can be distinguished from **the rule of laws**. It is **where the natural liberty of every person (Zone I)**, **the moral rights of all human beings (Zone II)**, are transformed into constraints (prohibitions and duties) on all legitimate authority of any sort. In fact, **the preservation of natural liberty and the advancement of moral rights provide the legitimating ground for all political authority**.

Zone I is preoccupied with the survival of life, which is frequently precarious; **Zone II** with the dignity of human beings, who are usually antagonistic. **Zone III** is predicated on the accomplishments of individual persons, who are often failures, but who seek “happiness,” as that term was used by the American Founders. The **content** and **form** of each of the zones posit an affirmative as a negative to its sure tendencies in the absence of an **ordering WHOLENESS**.

These are just some of the attributes of the Exterior Zones, which arise by nature and history. To make their values more secure, the Interior Zones are constructed. They arise by reflection and choice, as a transition from the Exterior to the Interior. **Political wisdom** and **constitutional thinking** are vested in comprehending the theoretical distinctions that undergird this framework.

Much of the text of this explanation (somewhat revised and extended, with the color-text added) is taken from the English version of William F. Harris, “Politische Bildung und die Werte der Zivilisation: Jenseits der Eigentümlichkeitn politischer Herrschaftssysteme” [“Civic Education and the Values of Civilization: Beyond the Particularities of Specific Polities”], published in W. Sander & A. Scheunpflug (Hrsg.), *Politische Bildung in der Weltgesellschaft: Herausforderungen, Positionen, Kontroversen* (Bonn, Germany: Bundeszentrale für politische Bildung, 2011).