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WHEN CONSTITUTIONS TOOK OVER THE WORLD

Starting in the eighteenth century, citizens were promised their rights in print. Was this new age spurred by the ideals of the Enlightenment or by the imperatives of global warfare?

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Early constitutions could be instruments of tyranny or platforms for populism. Illustration by Mike McQuade; Source Images from Getty



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In 1947, Kurt Gödel, Albert Einstein, and Oskar Morgenstern drove from Princeton to Trenton in Morgenstern's car. The three men, who'd fled Nazi Europe and become close friends at the Institute for Advanced Study, were on their way to a courthouse where Gödel, an Austrian exile, was scheduled to take the U.S.-citizenship exam, something his two friends had done already. Morgenstern had founded game theory, Einstein had founded the theory of relativity, and Gödel, the greatest logician since Aristotle, had revolutionized mathematics and philosophy with his incompleteness theorems. Morgenstern drove. Gödel sat in the back. Einstein, up front with Morgenstern, turned around and said, teasing, "Now, Gödel, are you really well prepared for this examination?" Gödel looked stricken.

To prepare for his citizenship test, knowing that he'd be asked questions about the U.S. Constitution, Gödel had dedicated himself to the study of American history and constitutional law. Time and again, he'd phoned Morgenstern with rising panic about the exam. (Gödel, a paranoid recluse who later died of starvation, used the telephone to speak with people even when they were in the same room.) Morgenstern reassured him that "at most they might ask what sort of government we have." But Gödel only grew more upset. Eventually, as Morgenstern later recalled, "he rather excitedly told me that in looking at the Constitution, to his distress, he had found some inner contradictions and that he could show how in a perfectly legal manner it would be possible for somebody to become a dictator and set up a Fascist regime, never intended by those who drew up the Constitution." He'd found a logical flaw.

Morgenstern told Einstein about Gödel's theory; both of them told Gödel not to bring it up during the exam. When they got to the courtroom, the three men sat before a judge, who asked Gödel about the Austrian government.

"It was a republic, but the constitution was such that it finally was changed into a dictatorship," Gödel said.

"That is very bad," the judge replied. "This could not happen in this country."

Morgenstern and Einstein must have exchanged anxious glances. Gödel could not be stopped.

"Oh, yes," he said. "I can prove it."

"Oh, God, let's not go into this," the judge said, and ended the examination.

Neither Gödel nor his friends ever explained what the theory, which has since come to be called Gödel's Loophole, was. For some people, conjecturing about Gödel's Loophole is as alluring as conjecturing about Fermat's Last Theorem.

In 1949, the year after Kurt Gödel became a U.S. citizen, Linda Colley was born in the United Kingdom, a country without a written constitution. Colley, one of the world's most acclaimed historians, is a British citizen and a C.B.E., a Commander of the Order of the British Empire. (If there were a Nobel Prize in History, Colley would be my nominee.) She lives in the United States. For the past twenty years or so, she's been teaching at Princeton, walking the same grounds and haunting the same library stacks that Gödel once did, by turns puzzled and fascinated, as he was, by the nature of constitutions. "I came to this subject very much as an outsider," she writes in an incandescent, paradigm-shifting new book, "The Gun, the Ship, and the Pen: Warfare, Constitutions, and the Making of the Modern World" (Liveright). "Moving in the late twentieth century to live and work in the United States, a country which makes a cult out of its own written constitution, was therefore for me an arresting experience." Colley has upended much of what historians believe about the origins of written constitutions. Gödel's Loophole is all over the Internet; you can find it on everything from Reddit to GitHub. The graver the American constitutional crisis, the greater the interest in the idea that there's a bug in the constitutional code. But, for genuine illumination about the promise and the limits of constitutionalism, consider, instead, Colley's Rule: Follow the violence.

"For the preservation of peace and good order, and for the security of the lives and properties of the inhabitants of this colony, we conceive ourselves reduced to the necessity of

establishing A FORM OF GOVERNMENT," New Hampshire's congress pronounced in January, 1776, months before the colonies declared their independence from Britain, in one of the first written constitutions in the history of the modern world. After New Hampshire, every other former colony devised its own constitution, and each new constitution, along with the Articles of Confederation, offered another lesson in what worked and what didn't. Eleven years later, James Madison, having dedicated himself to the study of history ever since his years as an undergraduate at Princeton, prepared for a national constitutional convention by writing an essay titled "Vices of the Political System of the United States," and then drafting a constitution. Madison's constitution, much tinkered with during the convention, was signed in September, 1787, and ratified in June, 1788.

Many of the founders later had grave doubts about the government they'd erected, as Dennis Rasmussen argues in "Fears of a Setting Sun: The Disillusionment of America's Founders" (Princeton). Washington regretted partisanship, Hamilton thought the federal government too weak, Adams damned the vices of the people, and Jefferson expected the divide over slavery to doom the Union, writing, a few years before his death, "I regret that I am now to die in the belief that the useless sacrifice of themselves, by the generation of '76, to acquire self government and happiness by their country, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be that I live not to weep over it." Still, as the usual story has it, American constitutionalism served as a model for what can be called the age of constitution-making, an era also characterized by the spread of democracy; by 1914, governments on every continent had adopted written constitutions, driven by the force of the idea that the nature of rule, the structure of government, and the guarantee of rights are the sorts of things that have got to be written down, printed, and made public.

Colley doesn't see it this way. First, she finds the origins of constitution-writing elsewhere—all over the place, really, and often very far from Philadelphia. Second, she thinks it's important to separate the spread of constitutionalism from the rise of democracy, not least because many nations that adopted written constitutions rejected democracy, and still do. Third, she isn't convinced that the writing of constitutions was simply driven by the force of an idea; instead, she thinks that the writing of constitutions was driven, in large part, by the exigencies of war. States make war and wars make states, the sociologist Charles Tilly once argued. Colley offers this corollary: Wars make states make constitutions.

Laws govern people; constitutions govern governments. Written (or carved) constitutions, like Hammurabi's Code, date to antiquity, but hardly anyone read them (hardly anyone *could* read), and, generally, they were locked away and eventually lost. Even the Magna Carta all but disappeared after King John affixed his seal to it, in 1215. For a written constitution to restrain a government, people living under that government must be able to get a copy of the constitution, easily and cheaply, and they must be able to read it. That wasn't possible before the invention of the printing press and rising rates of literacy. The U.S. Constitution was printed in Philadelphia two days after it was signed, in the *Pennsylvania Packet and Daily Advertiser*, a newspaper that cost four pence.

Kurt Gödel pored over the four thousand-odd words of the U.S. Constitution and spotted a logical flaw; Linda Colley has made a meticulous study of constitutions written the world over and discovered patterns in the circumstances in which each was written, distributed, and read. Crucial to the emergence of constitutionalism, she maintains, was the growing lethality, frequency, and scale of war. This began in the mid-eighteenth century, when rulers from China to Persia to Spain found themselves committed to long-distance wars that involved vast armies and navies and cost staggering sums. Early on, Spain paid for these wars with the gold and silver it had plundered from the Americas, on lands stolen from indigenous peoples. The slave trade itself was a feature of the increasing violence and widening scope of early-modern warfare. The Yoruba Oyo Empire conscripted more than fifty thousand soldiers. During a period when the Kingdom of Dahomey was invaded seven times, soldiers from Dahomey seized, in a single year, 1724, more than eight thousand captives. The Dutch, the Portuguese, and the English offset the cost of arms and men by buying and selling and exploiting the labor of—stealing the lives of—African men, women, and children. Most of the rest of the world paid for its sprawling, devastating wars by raising taxes.

Those taxes changed the course of history. The magnitude of the sacrifice that rulers demanded of ordinary people—the raiding of their scant savings; the lives, limbs, and livelihoods of sons, fathers, and husbands—gave the people a newly keen and anguished appreciation for the immense powers of those rulers, and for their ruthlessness, too. Increasingly, rulers convinced their people to consent to the terrible costs of years-long, worldwide wars by promising them rights (sometimes even the right to elect their rulers) and agreeing to limits on their own powers. Constitutionalism didn't burst from the head of James Madison, like Athena from Zeus, simply on account of all the books he'd read.

Sure, constitutionalism flew from the pages of those books, but it was also shot out of the barrel of a gun.

This argument also explains the U.K.'s lack of a written constitution. Long after it lost thirteen of its American colonies, in 1781, and long after it abolished slavery, in 1833, Britain continued to support its foreign wars and its formidable military by taxing its remaining colonies, and by recruiting soldiers from those colonies. Nineteenth-century Britons celebrated their unwritten constitution. "Our constitution is the air we breathe, the restless blood that circulates in our veins, the food that we eat, the soil that nourishes us," one British journalist gushed in 1832. "Constitutions are not made of paper, nor are they to be destroyed by paper." That was a luxury only the British Empire could enjoy.

The precept that wars make states make constitutions held elsewhere. Colley starts her account in 1755, during the very beginnings of a transcontinental conflict that would come to be called the Seven Years' War, when Pasquale Paoli, the thirty-year-old *capo generale politico e economico* of Corsica, wrote a ten-page *costituzione*. Leading a rebellion against the island's rule by the Republic of Genoa, Paoli proposed to erect a state. "The General Diet of the People of Corsica, legitimate masters of themselves," he wrote, "having reconquered its liberty," wished "to give a durable and permanent form to its government by transforming it into a constitution suited to assure the well-being of the nation." Though Corsica's constitution didn't last, it nevertheless quite explicitly bears out Colley's Rule. "Every Corsican must have some political rights," Paoli wrote, because "if the franchise of which he is so jealous is, in the end, but a laughable fiction, what interest would he take in defending the country?"

The Seven Years' War, a so-called umbrella war, putatively between Britain and France, stretched from Prussia to Florida, from Newfoundland to India. It became entangled with a series of military campaigns waged by the Persian ruler Nadir Shah Afshar, and, after his death, by his generals, in Turkey, Afghanistan, Punjab, Kashmir, and Lahore, even as, in Asia, the Qianlong Emperor, the fifth member of the Qing dynasty, sent a hundred and fifty thousand troops to crush the Dzungar-Mongolian Empire. Wars generate misery. "We drain ourselves of men and money," Voltaire wrote in 1751, "to destroy one another in the farther parts of Asia and America." And wars generate all sorts of paperwork, not least maps, for making new territorial claims, and law books, for explaining the nature of rule over newly acquired territories. In the seventeen-fifties, the Qianlong Emperor tasked

more than a hundred scholars with preparing a compendium called “Comprehensive Treatises of Our August Dynasty,” laying out how the Qing would rule over its new Dzungar dominion.

During the brutal world wars of the eighteenth century, millions of men carried millions of weapons, sailed hundreds of thousands of ships, and marched with thousands of armies. If most of those men demanded political rights, and political equality, in exchange for their sacrifices, they didn’t always get them. Some constitutions written in the great age of constitution-writing were, like many constitutions written more recently, instruments of tyranny. But, when constitutions did grant rights, it was because people, in wartime, had their governments by the throat.

Constitutions and constitution-like compacts, Colley argues, are one kind of paperwork that wars generate. In 1765, ten years after Paoli drafted Corsica’s *costituzione*, and at the close of the Seven Years’ War, Catherine the Great, the Empress of Russia, began drafting the Nakaz, or Grand Instruction. Having seized the throne in a coup d’état in 1762, and therefore insecure in her rule even as she worked to expand her realm through repeated military campaigns, she sought to provide a framework for government. She relied, in particular, on Montesquieu’s 1748 “Spirit of the Laws,” which also greatly influenced James Madison. (Catherine called it “the prayerbook of all monarchs with any common sense.”) Montesquieu had denounced the militarization of modern life, surveying kingdoms and empires from Spain and France to China, Japan, and India. “Each monarch keeps as many armies on foot as if his people were in danger of being exterminated,” Montesquieu wrote. “The consequence of such a situation is a perpetual augmentation of taxes.” He and his intellectual kin had a solution, which Colley describes as an irresistible lure to sovereigns: “that in an age of rampant, expensive and disruptive military violence on land and sea, innovatory and informed legislators might intervene so as to bind up society’s wounds, re-establish order, remodel their respective states, *and in the process burnish their own reputations.*”

That, as Colley makes clear, was Catherine’s plan. Faced with unceasing challenges to her authority—as a foreigner who had seized the throne and as a woman—she nevertheless intended to pursue wide-scale warfare against the Ottoman Empire and its allies in an effort to extend Russia’s borders. To that end, she insisted on her sovereignty while guaranteeing her subjects liberty and equality. “The equality of citizens consists in their being all subject to the same laws,” she wrote in the Nakaz. She called taxes “the tribute which each citizen pays for the preservation of his own well-being.”

Catherine arranged for a multiethnic legislative body, composed of five hundred and sixty-four elected representatives, to meet in Moscow, in 1767, in order to consider the Nakaz. Women were able to vote for the representatives. Peasants were able to serve; serfs were not. Muslims were allotted fifty-four seats. Although its work consisted in the main of honoring rather than debating or ratifying the Nakaz, it was still an extraordinary gathering.

The Nakaz circulated well beyond Catherine's realm. By 1770, it had been translated into German, Latin, French, and English; editions in Greek, Italian, Latvian, Romanian, Swiss, and Dutch soon followed. The translator of the English edition called it a "constitution." Colley hints at its influence. In 1772, Gustaf III, the King of Sweden, and Catherine's cousin, had drawn up and printed a new constitution of "fixed and sacred fundamental law." If American scholars interested in the history of constitutionalism have taken very little notice of the Nakaz, it's not so much because the document failed to shore up Catherine's regime as because Americans are provincial—instead of looking to Moscow, all eyes turn, worshipfully, to Philadelphia—and because it was created by a woman.

Wars ravaged the Americas, ruining lives, razing settlements, and halting trade. In the Declaration of Independence, Thomas Jefferson blamed George III for having "plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people." Independence movements in the Americas—beginning with the revolution in thirteen of Britain's North American colonies and that first written constitution, from New Hampshire in 1776, and continuing through Venezuela's first constitution, in 1811—involved rejecting rulers' demands for war-supporting taxes and erecting new governments with checks on those powers, with mixed success. Haiti's 1805 constitution, drafted for Jean-Jacques Dessalines, a former slave, declared the political equality of Africans and their descendants, who, according to the constitution's preamble, had been "so unjustly and for so long a time considered as outcast children."

The King of France convened the Estates General in 1789—nearly two centuries after it had last been called—for the purpose of levying new taxes, because all those wars had left France bankrupt. The constitution that the revolutionary National Assembly adopted two years later guaranteed, among other things, the equal assessment of all taxes upon all citizens, the right to vote for every man who paid a minimum sum of taxes, "public instruction for all citizens," and "liberty to every man to speak, write, print, and publish his opinions."

Placed in this global context, the constitution drafted in Philadelphia in 1787 looks both less and more original. Colley points out that nine of the first ten Federalist Papers concern the dangers of war and two more concern insurrection. Thirty of the fifty-five delegates had fought in the war for independence. The Connecticut delegate Roger Sherman said that there were four reasons to adopt a new constitution: defense against foreign powers, defense against domestic insurrections, treaties with foreign nations, and the regulation of foreign commerce. One overlooked factor that distinguished the constitution debated in Philadelphia from the Nakaz, Colley suggests, is how quickly, easily, and successfully the American document was circulated. There were no newspapers in Russia, and no provincial presses. By contrast, anyone who wanted a copy of the U.S. Constitution could have one, within a matter of days after the convention had adjourned.

Wars make states make constitutions; states print constitutions; constitutions guarantee freedom of the press. In the nearly six hundred constitutions written between 1776 and about 1850, the right most frequently asserted—more often than freedom of religion, freedom of speech, or freedom of assembly—was freedom of the press. Colley argues, “Print was deemed indispensable if this new technology was to function effectively and do its work, both at home and abroad.”

As more states adopted constitutions, the number of published constitutions and collections of constitutions grew. Edmund Burke wrote, in 1796, that a chief architect of the 1791 French constitution had “whole nests of pigeon-holes full of constitutions readymade, ticketed, sorted, and numbered; suited to every season and every fancy.” A newspaper in Strasbourg even printed a template for anyone wishing to write a new constitution; all you had to do was fill in the blanks. Norway’s 1814 constitution, hastily written in Oslo under threat of an invasion by Sweden, borrowed passages, verbatim, from the printed constitutions of the United States (1787), France (1791, 1793, and 1795), Poland (1791), Batavia (1798), Sweden (1809), and Spain (1812). The new constitution was then printed and made available in post offices, and, as Colley reports, the government encouraged people to paste copies on the walls of their houses. In the eighteen-twenties, keen to stir up interest in constitution-making in India, Ram Mohan Roy and James Silk Buckingham, editors of the *Calcutta Journal*, published translations of proposed constitutions for Peru, Mexico, and Gran Colombia—each of which allowed for equal citizenship of people of different races—while ignoring the U.S. Constitution and all the new constitutions being drafted by American states entering the Union. In the United States, in those years, Americans read the autobiography of William Grimes, a

fugitive slave, who'd written, "If it were not for the stripes on my back which were made while I was a slave, I would in my will, leave my skin as a legacy to the government, desiring that it might be taken off and made into parchment and then bind the Constitution of glorious happy and free America."

Constitutions grant rights; they can also take rights away. In 1794, Mary Wollstonecraft celebrated the promise of constitutionalism: "A constitution is a standard for the people to rally around. It is the pillar of a government, the bond of all social unity and order. The investigation of its principles make it a fountain of light; from which issue the rays of reason, that gradually bring forward the mental powers of the whole community." But constitutions, Colley says, have nearly always made things worse for women. Before constitutions were written, women had informal rights in all sorts of places; constitutions explicitly excluded them, not least because a constitution, in Colley's formulation, is a bargain struck between a state and its men, who made sacrifices to the state as taxpayers and soldiers, which were different from the sacrifices women made in wartime. Then, too, all that constitutional printing and copycatting spread Western notions of women's very limited sphere around the world. In 1846, a third of the members of Hawaii's House of Nobles were female chiefs; Hawaii's 1850 constitution restricted suffrage to men. Before the Meiji constitution of 1889—the first constitution implemented in East Asia, greatly influenced by Germany's 1871 constitution—prohibited Japanese women from voting, they had, to some degree, participated in politics. As Colley points out, "Once written into law and put into print, female disadvantages became harder to change."

The U.S. Constitution denied political rights to indigenous and enslaved people. And state constitutions adopted in the nineteenth century declared sovereignty over native lands and barred women, Black people, and Chinese immigrants from voting, making it all but impossible for any of these people to use the usual mechanisms of electoral politics to change their status. Colley says that these constitutions inspired constitutions in places like Australia and New Zealand, where invaders had seized the lands of peoples like the Maori. In 1849, California adopted a constitution that guaranteed the right to vote to "every white male citizen" and asserted sovereignty over boundaries that extended to include "all the islands, harbors, and bays, along adjacent to the Pacific Coast." The following year, a Scottish settler in Sydney said, "Look for example at what has recently been going on in California," and declared that the people there had "framed a constitution for themselves, that might serve as a model for any nation upon the face of the earth."

Yet this cut the other way as well. California's 1849 constitution, which prohibited slavery, participated in a global movement to end human bondage which also included the constitutions, in the eighteen-forties and eighteen-fifties, of Tunisia, Ecuador, Argentina, Peru, Venezuela, and Hawaii. Sometimes indigenous leaders—especially monarchs, like Chief Pomare of Tahiti and Hawaii's King Kamehameha II—could stave off colonization by adopting constitutions. And constitutions could challenge white supremacy. At Liberia's constitutional convention in 1847, one delegate declared, "The people of Liberia do not require the assistance of 'white people' to enable them to make a Constitution for the government of themselves." Wars make states make constitutions: the rule applies equally to the American Civil War. With the Fourteenth and Fifteenth Amendments, Americans rewrote their constitution, adopting revisions to the Constitution that altered its fundamental principles.

The Meiji constitution of 1889 brought constitution-writing to Asia, which was followed by an acceleration of constitution-writing throughout Latin America. In 1906, China began to study constitutions of the West and of Japan in preparation for writing its own. Constitution-making took a turn after the Great War, which claimed some forty million lives. That was a turn to the arrangement not only of government but of society. Postwar constitutions, many of which didn't last long, have some features in common: an absence of any reference to God; a concern with the social, especially in socialist constitutions. Their authors often consulted collections, like "Select Constitutions of the World," published by the Irish Free State (alongside its own new constitution) in 1922. After the Second World War, newly independent nations in Asia and Africa, and civil wars all over the world, added to the growing heap of often short-lived constitutions. Many constitutions promise much and deliver little. Colley asks, "Why, in the light of the limited longevity of so many constitutions over the centuries, and the limited effectiveness in many cases of these texts as guarantors of responsible rule and durable rights, have multiple societies and peoples kept on investing time, imagination, thought and hope so insistently in this kind of paper and parchment political and legal device?" Because, she argues, "in a deeply uncertain, shifting, unequal and violent world," imperfect constitutions "may be the best that we can hope for."

Or maybe we can hope for more. "No part of a constitution is more important than the procedures we use to change it," Richard Albert writes in "Constitutional Amendments: Making, Breaking, and Changing Constitutions" (Oxford). Writing a constitution is its own kind of

expression. So is amending a constitution, a form of constitutional writing (and printing) that Colley does not consider, even though ninety-six out of every hundred of the world's codified constitutions contain an amendment provision. Constitutions set the rules; amendment provisions set the rules for changing the rules.

The U.S. was the first nation whose constitution provided for its own revision. Article V, the amendment clause, reads, "The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress." Without Article V, the Constitution would very likely have failed ratification. Everyone knew that the Constitution was imperfect; Article V left ajar a constitutional door for making it, and the Union, "more perfect." Federalists cited the amendment provision when arguing for ratification. As James Wilson, a delegate from Pennsylvania, contended, the fact that the people "may change their constitution and government whenever they please, is not a principle of discord, rancor, or war: it is a principle of melioration, contentment, and peace." Without an amendment provision, the only way to change the rules is to overthrow the government, by way of insurrection.

The problem, in the United States, is that it is extremely difficult to amend the Constitution. It's often thought to be structurally impossible these days, but much scholarship suggests that it is, instead, merely *culturally* impossible, because of the very reflexes of veneration of the Constitution that inspired Linda Colley to undertake the project that became "The Gun, the Ship, and the Pen." The system of government put in place by the Constitution is broken in all sorts of ways, subject to forms of corruption, political decay, and anti-democracy measures that include gerrymandering, the filibuster, campaign spending, and the cap on the size of the House of Representatives. The law professor Sanford Levinson has written, "To the extent that we continue thoughtlessly to venerate, and therefore not subject to truly critical examination, our Constitution, we are in the position of the battered wife who continues to profess the 'essential goodness' of her abusive husband." Or, as Burke noted, "A state without the means of some changes is without the means of its conservation."

The U.S. Constitution has been rewritten three times: in 1791, with the ratification of the Bill of Rights, the first ten amendments; after the Civil War, with the ratification of the Reconstruction Amendments; and during the Progressive Era, with the ratification of the Sixteenth, Seventeenth, Eighteenth, and Nineteenth Amendments. It is time for another reinvention.

Other countries regularly amend their constitutions. Americans don't venerate all constitutions; in fact, they're quite keen to amend state constitutions. Albert reports, "Historically, American state constitutions have been amended over 7,500 times, amounting on average to 150 amendments per state. This paints an unmistakable contrast with the U.S. Constitution, whose average annual amendment rate is an exceedingly low 0.07, while the average across all American state constitutions is 0.35, higher than the average of 0.21 for national constitutions around the world."

Rather than being amended, the Constitution has been betrayed, circumvented, violated, and abandoned, by force of practice. Can a U.S. President compel a foreign leader to interfere in an American election? Apparently. Can a U.S. President refuse to accept the results of a free and fair election and incite a mob to attack Congress in order to prevent the certification of the vote? Apparently. The U.S. Constitution, no less than the U.K.'s unwritten constitution, is more than the sum of its words; it's the accretion of practices and precedents.

Kurt Gödel might have been happy to hear that. Gödel's Loophole really isn't anything like Fermat's Last Theorem, because constitutional scholars are pretty sure of what Gödel had in mind. It's a constitutional version of the idea that, if a genie wafts out of an oil lamp and offers you three wishes, you should begin by wishing for more wishes. In what amounts to a genuine oversight, Article V, the amendment provision, does not prohibit amending Article V. It's very hard to ratify a constitutional amendment, but if a President could amass enough power and accrue enough blindly loyal followers he could get an amendment ratified that revised the mechanism of amendment itself. If a revised Article V made it possible for a President to amend the Constitution by fiat (e.g., "The President, whenever he shall deem it necessary, shall make amendments to this Constitution, which shall be valid to all intents and purposes, as part of this Constitution"), he could turn a democracy into a dictatorship without ever having done anything unconstitutional. What Gödel did not realize is that it's actually a lot easier than that. ♦

An earlier version of this article failed to identify the homeland of the Maori.

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