

translating private opinion into public assent that justifies identification of the new polity's enabler as "the people."

Writing constitutions is easy; some countries have gone through dozens.

Generating one that possesses stability and normative authority is more difficult. In this regard, the United States Constitution is a standout. With remarkably few modifications, it has served as the national charter from the first term of President Washington until the present. Americans do not always agree concerning what the Constitution forbids or requires, but with near-unanimity they accept constitutionality as the final authority for political warrant. It is held in a quasi-scriptural veneration. That calls for explanation.

An experience of recent escape from tyranny concentrates the mind. People who have taken drastic measures to shed oppressive structures will be especially keen to establish for themselves fair and effective alternatives. These are conditions in which politics will be taken seriously. Even more so will that be the case in the aftermath of an initial attempt that proves misbegotten. Compared with Israel's unfortunate flirtation with the Golden Calf, America's meandering under the provisions of the Articles of Confederation was benign. Nonetheless, the malaise of that period sufficed to underscore the costs of inadequate associational engineering. Young America was strongly motivated to construct and swear allegiance to a structure that enabled cooperation without oppression. Whether the proposals that emerged from Philadelphia in 1787 were likely to provide such a structure was an open question to contemporaries, but there was a strong presumption in favor of giving it a chance.

It must be conceded that this people was almost entirely white, male, and propertied. Is that a blot on the popular authority claimed for the document? Undoubtedly. But rather than arbitrary exclusion undermining the normative status of the Constitution, over time the constitutional logic undermined policies of exclusion.

Whether that numeration is strictly accurate depends on criteria for individuation of constitutions: When is it the old constitution substantially modified, and when is it, instead, a genuinely new framework? However one comes down on constitutional metaphysics, the variability of constitutions is undeniable.

First impressions are important. Sometimes they are enduring. The functionaries of the new republic were a glittering lot, comparable in distinction to the framers. *Primus inter pares* was Washington himself. The nation's deliverer in time of war, he had earned the trust of an admiring citizenry. Indeed, there was less controversy in the new republic concerning whether he or someone else should be at the nation's helm than there was in the wilderness over Moses' leadership. The cabinet Washington assembled was exemplary, crossing geographical and ideological lines. (Congress was less uniformly distinguished, but that became the norm for Congress.) Natural opponents such as Jefferson and Hamilton would disagree ferociously, but in doing so they established the precedent of fighting it out within the parameters of constitutional governance rather than extramurally. That precedent was strengthened by changes of administrations, with the losers accepting, however grudgingly, the verdicts of electorates acting under decision procedures established by the Constitution. Over time, the prestige of the initial generation grew. We now call them the "Founders," but the (politically incorrect) term "Founding Fathers" serves better to express the filial