

## America, the beautiful exception

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A woman reads a newspaper showing the results of the previous day's referendum in favor of rewriting the nation's constitution in Santiago, Chile, on Oct. 26. Amid a year of contagion and turmoil, Chileans turned out Sunday to vote overwhelmingly in favor of having a constitutional convention draft a new charter to replace guiding principles imposed four decades ago under the military dictatorship of Gen. Augusto Pinochet.

Chileans have just voted for a new constitution.

Whoa, wait! Come back! I'm going somewhere with this! Don't stop reading just yet.

I know there is a lot going on at the moment. I appreciate that, even in normal times, Chilean referendums are of limited interest outside of Chile. (A famous competition among subeditors on the *London Times* in the 1960s to run the dullest headline was eventually won by "Small earthquake in Chile — not many dead.") But what has just happened in that long, dry, industrious nation tells us something about democracy and about what the current shenanigans might cost the United States.

The Chilean Left had long agitated for a new constitution, arguing that the old one, which explicitly respected the right to private property, dated back to the dictatorship of Augusto Pinochet. But even if it did, so what? Should Chile also tear up roads or tear down buildings that date from the Pinochet dictatorship?

In any case, it wasn't really true: Chile's Constitution had been amended and reratified under a socialist president, Ricardo Lagos.

If you are a U.S. national, you might greet news of another Latin American constitution with a cynical shrug. New regimes are no big deal in most of the Americas. Leaders get into power and immediately set about rigging the rules to make sure that they and their heirs hang onto it. In less time than the U.S. has existed under its foundational settlement, my native Peru has had no fewer than 12 constitutions.

If that sounds like a lot, look at some neighboring nations. Ecuador has had 21 constitutions, Venezuela 26, the Dominican Republic 32. My compatriot Ian Vasquez, now at the Cato Institute, calls them "constituciones desechables" (disposable constitutions) and points out that they are as likely to come from rightist autocrats as from leftist revolutionaries.

Those numbers are a pretty good shorthand explanation for why the movement of population in the Americas is overwhelmingly one-way northward and why no Mexican politician has ever had to suggest building a wall to keep the yanquis out. If rulers get to make up the rules as they go along, property rights become insecure, and the only way to succeed is to kiss up to the people in charge. If, on the other hand, the rulers are subject to the rules, people have every

incentive to innovate and invest. Enterprising folks naturally want to move from countries in the first category to countries in the second.

It is true that few are openly suggesting that the U.S. Constitution be junked. But plenty of people want America's rulers to be able to change the rules on a dime. Consider some of the things that the Democrats were musing about doing and that they might very well have tried had they taken the clear Senate majority that many pollsters expected. There was the proposal to pack the Supreme Court, breaking the nine-member limit enshrined in law since 1869. There was the idea of granting statehood to Puerto Rico and to the District of Columbia, presumably (or so they hoped) adding four Democrats to the Senate. There were mutterings about getting around the voting bans that some states apply to convicted criminals. There was the long-standing campaign against the Electoral College system.

No doubt a case can be made for each of these ideas. But how many people are pushing them out of a disinterested belief that they would improve American democracy? In almost every case, the change is being suggested for nakedly partisan reasons.

If you are a conservative and found yourself agreeing with that last paragraph, then I hope you will recognize, by the same token, what was so outrageous about President Trump's reaction to the election. Any candidate is allowed to demand that the rules be strictly followed, but that is very different from claiming that, unless a particular result is reached, something must have gone wrong. Al Gore insisted on counting every Floridian vote; it never occurred to him to deny the validity of the election system.

This matters, and not just because the U.S. should be setting an example for less developed democracies in a general city-on-the-hill way. It matters because of what America itself might become. The U.S. and Canada are outliers in their hemisphere. The cycle of winner-takes-all revolutions is far more common and for the most obvious of reasons, namely that most people care more about outcome than about process.

We speak so often of American "exceptionalism" that we rarely stop to think about what that word means. Exceptions are fragile things, ordered spaces in an entropic universe. In the end, neither Congress nor the Supreme Court nor even the Constitution itself are strong enough to prevent a reversion to the mean. That duty lies with the American people themselves.