

Democratic and Constitutional Regression under Populist Government

An Empirical Analysis

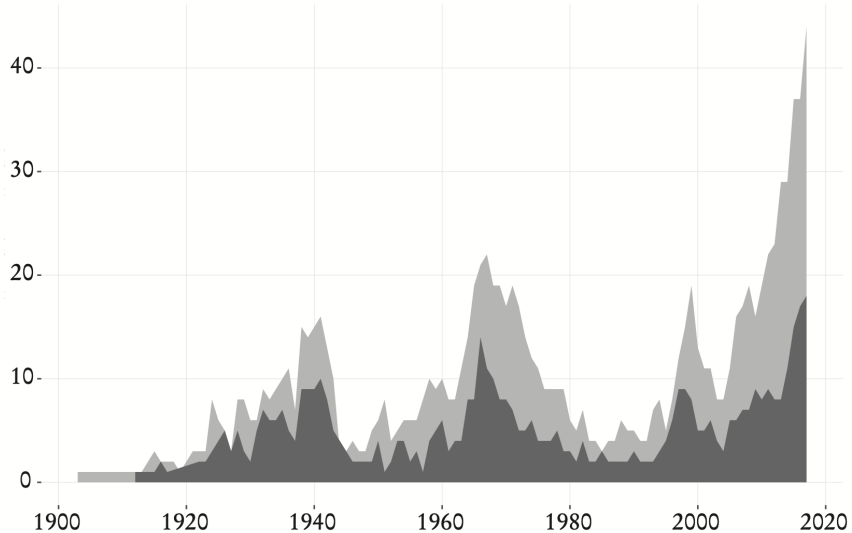
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November 1, 2022

Noto Sans Condensed Light Democratic regression

Democratic regression describes the decline of the quality of democracy.

Waves of democratic regression (Schäfer und Zürn, 2021)





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Measuring democratic regression is challenging

Objective measures

- formal democratic institutions, such as presence of elections, a formal separation of powers, etc.
- minimal definition of democracy
- but: formal institutions vs democratic practice

Subjective measures

- surveys (e.g. V-Dem): How well are the principles of liberal democracy implemented in your country?
- broader definition of democracy
- but: quality of democracy essentially determined by a survey among political science professors
- anchoring, differential item functioning etc.

Noto Sans Condensed Light Constitutional regression

Constitutional amendments that lead to a decline of the quality of democracy

- What is the relationship between democratic regression and constitutional amendments?
- Do constitutional amendments by populist governments lead to a decline in the quality of democracy?
- Goal: Give subjective measures of democratic quality (V-Dem) a foundation of observable, objective events (constitutional amendments)

Populism and constitutional regression

- Populism as a *thin* ideology
 - ▶ the will of the people (majority)
 - ▶ people are homogenous
 - ▶ the elites prevent the will of the people to prevail
- clashes with key tenets of liberal democracy
 - ▶ countermajoritarian institutions
 - ▶ protection of minority rights
- populism often described as a threat to liberal democracy
- but: some authors stress positive effects of populism, such as increasing participation of underprivileged social groups

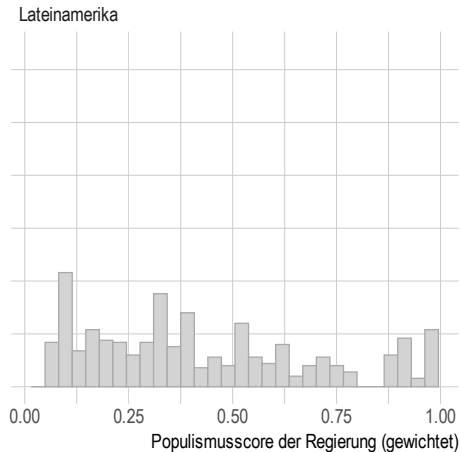
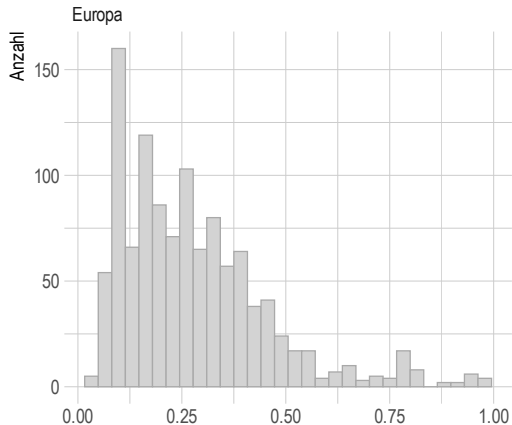
Data

- 40 European and 19 Latin American countries between 1991 and 2021, excluding autocracies
- **Dependent variables**
 - ▶ index of liberal democracy (V-Dem, continuous, 0-1)
 - ▶ index of civil society participation (V-Dem, continuous, 0-1)
- **Independent variables**
 - ▶ constitutional event (Comparative Constitutions Project, binary)
 - ▶ weighted populism score of government (V-Party, constructed by us, continuous, 0-1)
 - ▶ geographical indicator (Latin America), year fixed effects

Descriptive Statistics I

- 1740 country-year observations
- Constitutional changes are *relatively* rare: 595 observations with changes, 1088 without
- Constitutional changes by populist governments are even more rare: 75 observations of constitutional changes by governments with a populism score of > 0.5

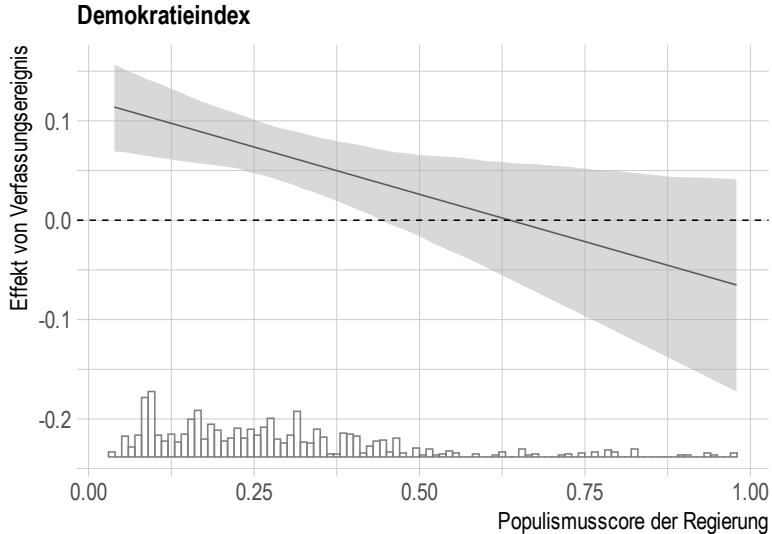
Descriptive Statistics II



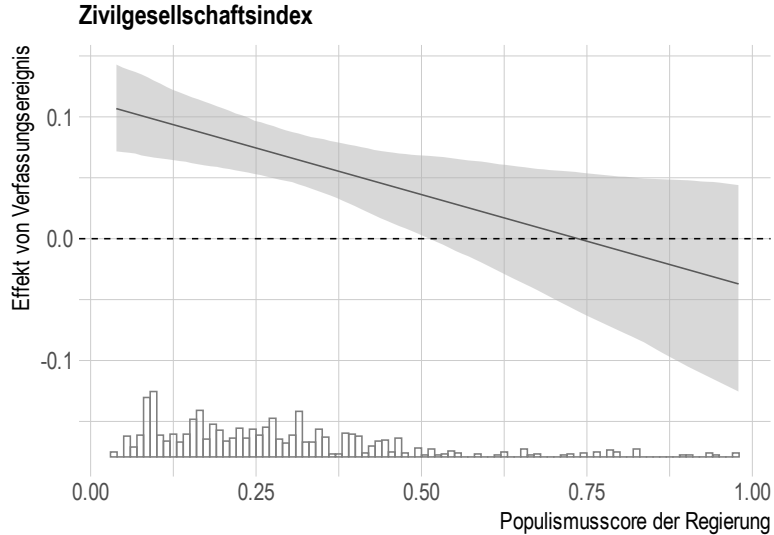
Estimation

- OLS regression with year fixed effects
- Model 1 (Europe only): interaction effect between constitutional amendment and populism score
- Model 2: tripel interaction between constitutional amendment, populism score and Latin America dummy

Results (Model 1)

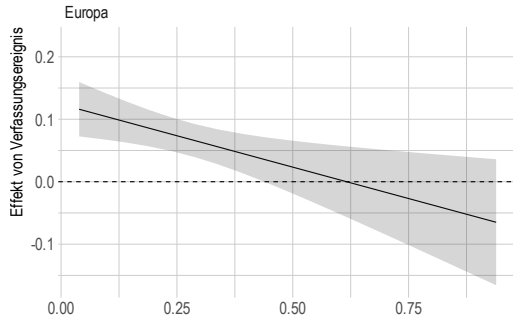


Results (Model 1)

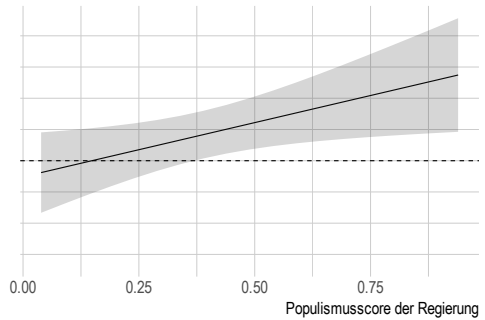


Results (Model 2)

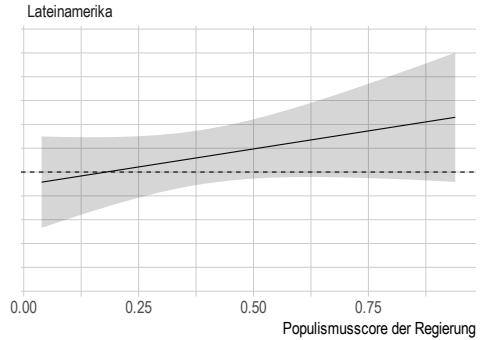
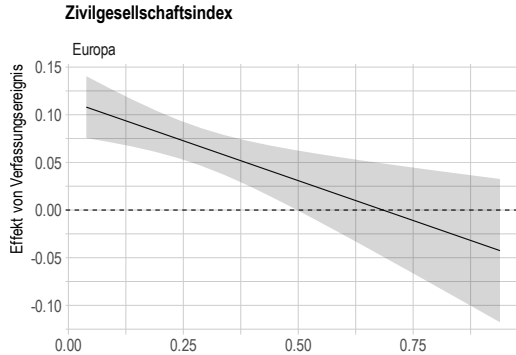
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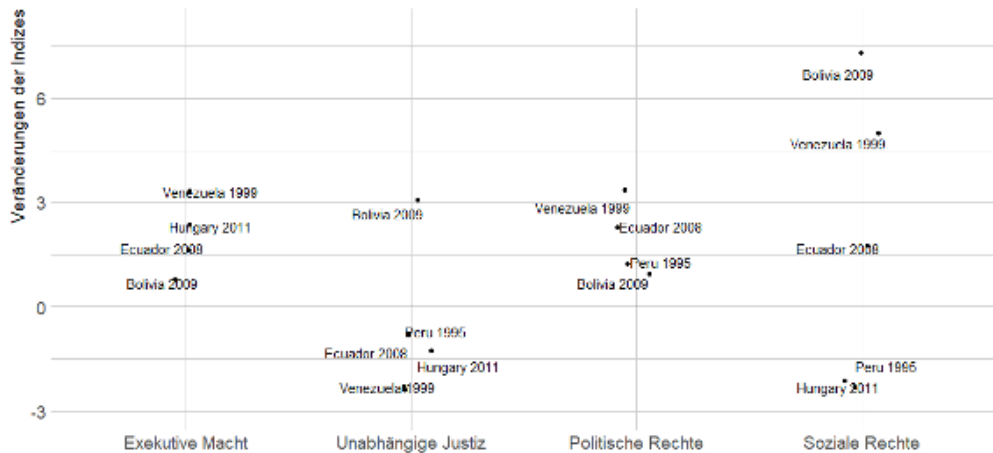
Lateinamerika



Results (Model 2)



Further results



Conclusions large-N analysis

Model I

- negative interaction between constitutional amendment and populism score
- but: no negative effect on liberal democracy index or civil society index

Model II

- heterogeneous effects across regions
- populist constitutional amendments can even have a positive effect on liberal democracy in Latin America

More results

- where populist amendments had a negative impact, it focused on enlarging executive powers, decreasing judicial independence

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Democratic regression with and without constitutional
regression: a case study



Hungary under Fidesz

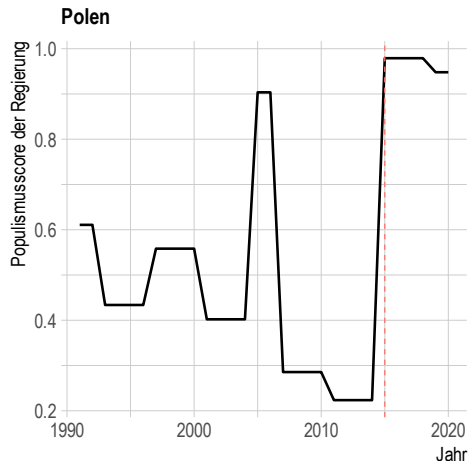
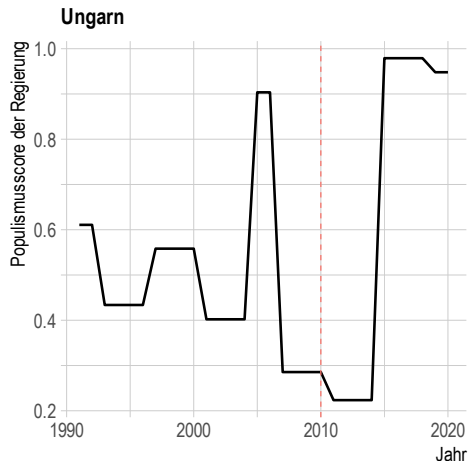
- Orban's Fidesz party gained an absolute majority of votes and a 2/3-majority of seats in 2010
- fundamental changes to the institutional structure of the country since then
- illiberal democracy

Poland under PiS

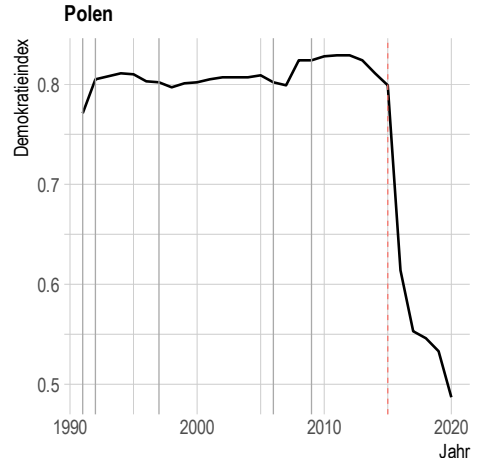
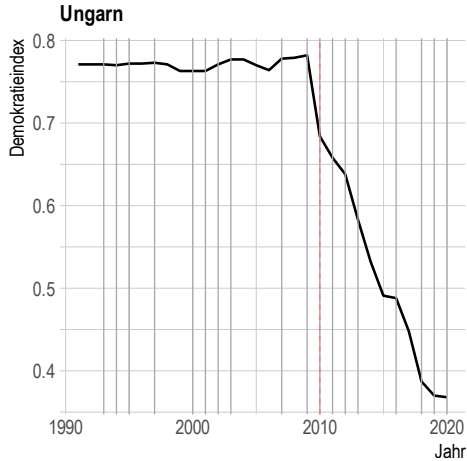
- PiS wins the elections in 2015
- party prefers the Hungary-model: Budapest in Warsaw
- restructuring of the country's institutional setup



Populism scores in Hungary and Poland



Liberal democracy and constitutional events in Hungary and Poland



Conclusions case study

- formal constitutional regression is not a necessary condition for democratic regression
- the lack of electoral majorities to change the constitution can be overcome by packing the court, disabling its function, then pass laws that would breach the constitution under normal circumstances
- a naive focus on constitutional events only is insufficient