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Can new constitutions tighten the reins?

The effect of constitutional change on constitutional compliance

Jerg Gutmann¹

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Abstract

Constitutional compliance varies significantly across countries and over time. One might, therefore, expect that constitutional change is systematically used to bring constitutional rules in line with constitutional practice. We investigate whether constitutional change indeed induces better compliance by the government with the constitution. Using an event study design to analyze constitutional changes in 171 countries between 1951 and 2020, we find that new constitutions lead to durable improvements in constitutional compliance in democracies. The effect of constitutional change in nondemocracies, however, is small and short-lived.

Keywords: constitution making; constitutional change; constitutional compliance; *de jure-de facto* gap; event study.

JEL: D02; H11; K10; K38; K42; P14; P26; P48.

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1 Introduction

Scholars in constitutional economics and related fields have spent recent decades inquiring into the determinants and effects of constitutional rules. Building upon this groundwork, recent years have seen legal scholars, political scientists, and economists shift their attention to the narrower questions of the causes and consequences of constitutional compliance. Constitutional compliance refers to the extent to which *de jure* constitutional rules are implemented *de facto*. In this paper, we investigate whether passing a new constitution or amending an existing one leads to higher levels of constitutional compliance by national governments.

From a theoretical perspective, the relationship between constitutional change and compliance is ambiguous, with plausible arguments supporting both positive and negative effects. On the one hand, powerful executives may seek to change constitutions in order to align constitutional rules with their political ambitions. If violating constitutional rules is costly (see, e.g., Gutmann et al. 2021; Myerson 2006; Weingast 1997) and if politicians can change the constitution at a lower cost than that of violating it, constitutional change may reduce constraints to those that the government is more willing to comply with. It can also be argued that the process of changing the constitution itself raises the costs of violating constitutional rules in subsequent years. On the other hand, constitutions may also be changed in response to temporary pressure from citizens or foreign actors. In such cases, some promises may be made merely for expediency, without genuine intention of compliance.

Empirical studies indicate that the average lifespan of a constitution is less than 20 years (Elkins et al. 2009), which means that new constitutions are written all the time. Constitutional amendments are even more ubiquitous. To study the effect of these constitutional changes on compliance, we employ the newly released Comparative Constitutional Compliance Database (Gutmann et al. 2024b) and utilize an event study design for causal identification. Moreover, we examine heterogeneity in the effects of constitutional change by considering both the type of change and relevant contextual factors. We find that constitutional change increases constitutional compliance across various categories of constitutional rules. However, we find that only new constitutions

adopted in democracies have sustained effects on compliance, whereas any improvements in nondemocratic regimes are modest and transitory.

Our study contributes to a rapidly growing empirical literature on constitutional compliance. Building on the pioneering introduction of quantitative indicators for cross-national comparison by Law and Versteeg (2013), Gutmann et al. (2024b) have recently developed a comprehensive database measuring constitutional compliance across 175 countries since 1900. Given the new abundance of data, researchers have started to identify one-by-one the determinants of governments' constitutional compliance. For example, they investigate whether it matters that the head of state can be dismissed for violating the constitution (Gutmann et al. 2024b), as well as the roles of political leaders' characteristics (Gutmann et al. 2024a), national culture (Gutmann et al. 2022), historical state development (Bologna Pavlik and Young 2023; Grajzl et al. 2025), political polarization (Lewkowicz et al. 2025), and the robustness of civil society (Lewkowicz and Lewczuk 2023). While this body of literature has generated valuable insights concerning the conditions under which constitutions are more likely to be complied with, it offers only limited guidance regarding how imperfect constitutional compliance could be repaired.¹ Constitutional change represents the most direct instrument for addressing deficits in compliance, yet its overall effectiveness has not been empirically evaluated to date. This study provides the first empirical assessment of the general impact of constitutional change on compliance.

The paper is structured as follows. Section 2 surveys the relevant literature on constitutional compliance and its determinants. Drawing on these sources, Section 3 develops a theoretical framework and formulates testable hypotheses regarding the effects of constitutional change on compliance. Section 4 describes the data and estimation strategy. Section 5 discusses the empirical results, and Section 6 concludes.

¹ One reason why the determinants of constitutional compliance are of interest is that higher compliance levels promote economic growth (Lewczuk and Metelska-Szaniawska 2025).

2 Literature review

In recent decades, constitutional economics has flourished as a field of research (see Voigt 2020 for a survey). Empirical research confirms that various constitutional rules are able to shape both policy decisions and economic outcomes (see, e.g., Persson and Tabellini 2003; Voigt and Gutmann 2019). However, less attention has been paid to constitutional change and the longevity of constitutions. This gap has been identified as a significant next step, once it is established that constitutions matter (Voigt 1999, 2011). Finally, a recent body of literature focuses on the economics of constitutional compliance. This literature is interested in whether and when constitutional text is aligned with political behavior and whether such a congruence can help explain the correlation between constitutional rules and aggregate outcomes (Voigt 2021). This paper connects the literature on constitutional change and that on constitutional compliance.

Elkins et al. (2009) propose to distinguish between design factors (related to the content and drafting process of the constitution) and environmental factors affecting the survival of national constitutions. Constitutional endurance, or survival, refers to the absence of constitutional change carried out outside the constitutionally prescribed amendment procedures. The authors identify three key features of constitutions that appear to increase their longevity: inclusion, flexibility, and specificity. Constitutions generated in an inclusive manner are more familiar to the public and should, therefore, be more likely to provide focal points for social coordination, even in diverse societies. Flexible constitutions allow for easier adjustment to new circumstances, making it more likely that constitutions can survive in a changing environment. Finally, constitutions with a higher degree of specificity are better at establishing a consensus on whether a political decision violates the constitution (see, e.g., Gutmann et al. 2021; Gutmann et al. 2025). Other studies on constitutional change focus on the choice of specific constitutional rules (e.g., Aghion et al. 2004; Hayo and Voigt 2010, 2013, 2016; Ticchi and Vindigni 2010; Riboni 2013; Robinson and Torvik 2016). Negretto (2013) shows that the main determinants of constitutional choice are the past performance of constitutions in terms of facilitating the effectiveness and legitimacy of governments and the strategic interests of key actors. Consistent with that view, Schnelle (2025)

shows that constitutions that have not been complied with are more likely to be replaced. Compared to their determinants, less is known about the effects of constitutional endurance or constitutional change. Elkins et al. (2009:35) argue that enduring constitutions can support a stronger sense of civic unity. Pérez-Liñán and Castagnola (2016) find that constitutional change in Latin America causes judicial instability and court manipulation. We contribute to this scant literature by investigating the link between constitutional change and constitutional compliance.

Our study contributes to the emerging empirical literature on the determinants of constitutional compliance by investigating the effects of constitutional change. Voigt (2021) proposes a framework for how to analyze these determinants. It focuses on the incentives of government actors to comply with the formal constraints spelled out in the constitution. These can be grouped into (1) design factors, which are reflected in the content or structure of the constitution, and (2) environmental factors under which a constitution operates, such as a country's constitutional history, societal values and norms, or the level of trust among citizens. Regarding the former, some studies have focused on the comprehensiveness of the constitution (Metelska-Szaniawska 2021; Lewkowicz et al. 2024). Constraints on constitutional transgressions may also result from the existence of veto players in a constitutional system who prevent each other from overstepping their respective competences. Concerning environmental factors, Bologna Pavlik et al. (2023) show that present-day constitutional compliance is affected by the population's historical experience with representative assemblies; Grajzl et al. (2025) emphasize the timing of nation statehood; Gutmann et al. (2022) identify individualism as a key cultural trait that affects constitutional compliance; Metelska-Szaniawska (2021) argues that political conflict may play a role; and Choutagunta et al. (2024) study how different extreme events can exert an adverse shock on constitutional compliance.

The benefits of not complying with the constitution depend on three factors. First, personal characteristics of government actors may play a role. In a study on how personal traits of political leaders affect compliance, Gutmann et al. (2024a) find that their education, mode of entry into office, political experience, military background, and whether they are members of extreme left-

wing parties play a significant role. Second, the more the constitution constrains political actors, the more they can benefit from evading it. Third, the alignment of government preferences with the text of the constitution may play an important role. The more they diverge, the greater the benefits from noncompliance for government actors.²

Among the possible costs of noncompliance, constitutions often stipulate sanctions for government actors who violate constitutional rules (e.g., impeachment procedures). Gutmann et al. (2024b) confirm that constitutions that allow for the dismissal of the head of state or government for violating constitutional rules are complied with more. Civil society may also affect the incentives of governments to comply with the constitution. This may come in the form of voting such politicians out of office (see Chilton and Versteeg 2020; Kantorowicz and Metelska-Szaniawska 2025) or as actions of nongovernmental organizations (Lewkowicz and Lewczuk 2023).

Here, we are interested specifically in the connection between constitutional change and constitutional compliance. Indirectly, this nexus has been touched upon in previous work that focuses on the relationship between the age of a constitution (i.e. the time for which a given document has remained unchanged) and the degree to which constitutional practice diverges from the content of the document. While older constitutions may be more ingrained among a population, leading to a smaller gap between their text and constitutional practice, with constant social change, older constitutional rules may also gradually become obsolete (e.g., Strauss 1996; Elkins et al. 2009; Elkins et al. 2016; Metelska-Szaniawska 2021). This literature, however, mainly examines whether rules that have been part of the constitution for long periods of time are enforced more effectively or less effectively than those introduced more recently. However, it remains unclear whether adopting a new constitution today would enhance constitutional compliance in subsequent years—the question this study seeks to answer.

Elkins (2021) deals explicitly with the relationship between constitutional change and the degree to which constitutions are complied with by studying the special case of term limit evasion by political

² Lewkowicz et al. (2025) show that the benefits from noncompliance are also higher during periods of increased conflict in the political arena, particularly when driven by political polarization.

leaders. He observes that one way in which term limits are evaded is through formal revision or abrogation of a constitution and argues that such incidents may give rise to a vicious cycle in which constitutional noncompliance begets constitutional instability, which in turn begets noncompliance (see also Brinks et al. 2019). Using historical data for Latin America since 1860 on both executive term limit evasion and constitutional change, Elkins (2021) finds that overstaying leaders are much more likely to draft a new constitution than those who comply with term limits. At the same time, a significant share of the studied overstay were facilitated by the replacement of or an amendment to the country's constitution, which extended the term limits and legitimized the overstay. Overstay, therefore, is found to be both a product and a source of constitutional change. One of the two studies most closely related to ours compares 15 revolutionary constitutions adopted between 1976 and 2010 with regular constitutions. Bologna Pavlik et al. (2025) find that the adoption of revolutionary constitutions is associated with significantly increased levels of constitutional compliance. Bologna Pavlik and Young (2025) study the role of public participation in constitution making and find that it matters primarily for compliance with constitutional rules regarding property rights and the rule of law.

3 Theory

This section lays the theoretical groundwork for evaluating whether—and under what conditions—constitutional change leads to higher constitutional compliance. At the end of this section, we formulate a general hypothesis for empirical testing and outline several conditional hypotheses for future research.

Constitutions enable and constrain politicians. If constitutions bar politicians from making their preferred policy choices, they limit the utility derived from governing. In this situation, politicians can, in principle, respond either by disregarding constitutional constraints or by seeking to relax them through constitutional change. However, the latter option is often merely theoretical, as rewriting a constitution typically entails significant costs.

If adopting a new constitution becomes feasible, politicians may tailor constitutional rules to their preferences, often resulting in fewer constraining provisions. When politicians succeed in this effort, constitutional compliance may increase—even without any substantive change in governmental behavior (see CH1).³

However, this explanation for increased constitutional compliance following constitutional change may be difficult to reconcile with the broader trend of constitutions increasingly enumerating basic rights—such as children’s rights, animal rights, and environmental rights (Elkins et al. 2009). Nevertheless, evidence indicates that, at least in some cases, constitutional change is used to remove constraints on politicians. As discussed in the previous section, Elkins (2021) finds that political leaders use constitutional change to legalize and legitimize their overstaying in office. Bjørnskov and Voigt (2018, 113f.) provide a further example. Examining the conditions under which states of emergency may be declared, they show that, in recent decades, newly adopted constitutions have made legal declarations of a state of emergency considerably easier. Once a state of emergency is declared, the government may infringe on various rights without technically violating constitutional constraints. Bjørnskov and Voigt also show that the number of competences explicitly granted by the constitution to the government during a state of emergency has increased.

One implication of this finding is that simply counting the number of constitutionally enumerated rights may not capture how constraining or costly they are for politicians. Instead, it is crucial to consider the “terms and conditions” under which a constitution permits the government to forgo implementing specific rights (see, e.g., Bjørnskov and Voigt 2021). The greater the number of such conditions, the higher the probability that the government will formally comply with the constitution (CH2). It should be noted that our empirical analysis cannot account for the possibility that some apparent violations of the constitution are formally legalized by invoking state of emergency provisions.

³ This possibility reminds us that constitutional compliance is a measure that takes the respective constitution as its measuring rod. Normatively speaking, it may well be the case that only modest compliance with a constitution that seriously constrains politicians is “better” than full compliance with a constitution that does not constrain them at all.

Having focused thus far on the constraints constitutions impose on politicians, we now turn to the potential consequences of the process by which the prior constitution was drafted. The first argument still focuses on lifting the constraints under which politicians operate. For example, if a foreign power actively participated in drafting the prior constitution and its preferences diverged from those of domestic politicians, compliance with this constitution is likely to reduce politicians' utility from governing. Rewriting the constitution to remove constraints imposed by foreign influence could increase compliance (CH3).

We expect politicians to choose noncompliance only when its expected utility exceeds that of compliance. There are several mechanisms by which a new constitution could alter these expected utilities of compliance for politicians. If the new constitution is more precise than its predecessor, it is easier for citizens to reach consensus about whether the government has complied with constitutional constraints (Weingast 1997; Gutmann et al. 2021; Gutmann et al. 2025).⁴ As a result, noncompliance is more readily detected, which lowers its expected utility for politicians and thus makes it a less attractive option. In the case of constitutions that are several decades or centuries old, simply updating archaic language can enhance their precision. Weingast (1997) emphasizes that constitutional precision is a prerequisite for a generalized consensus in evaluating government conduct (CH4).

A related argument shifts the focus from rule precision to public knowledge of constitutional rules. Public knowledge of the constitution is a necessary prerequisite for protesting governmental noncompliance. Media coverage of a new constitution and opportunities for public participation in the constitution-making process, such as consultations or referenda, can increase citizens' awareness of constitutional provisions. This, in turn, raises the likelihood of protest in the event of governmental noncompliance, thereby reducing the expected utility of noncompliance (CH5). Another closely related argument concerns the salience of constitutional rules. Whereas the

⁴ Lewkowicz et al. (2024) examine how constitutions' wording affects the degree to which they are complied with and find that concise texts that place greater emphasis on punishing violations, *ceteris paribus*, enjoy higher levels of compliance. This study also indicates that constitutions with greater readability experience higher compliance.

previous argument is based on (boundedly) rational choice, this perspective introduces ideas from behavioral economics: Media reports can enhance not only citizens' knowledge of constitutional content but also the level of public attention devoted to it. Citizens may thus pay more attention to their constitution—and to its possible violation by politicians. To a lesser extent, foreign audiences may also take note of increased constitutional salience and exert pressure on the government through foreign aid, sanctions, or other diplomatic measures. As constitutional constraints become more salient, the costs of noncompliance increase, thereby making violations less likely (CH6).

The perceived legitimacy of the constitution among the general population can also shape politicians' behavior: when a constitution enjoys broad legitimacy, politicians face a greater risk of opposition if they fail to comply with its provisions. A new constitution may command higher legitimacy than its predecessor if, for example, citizens were actively involved in its drafting, or if foreign actors were unable to impose their preferences, resulting in greater alignment between constitutional rules and citizens' preferences. Provided that legitimacy increases opposition to noncompliance, compliance should be more likely when the new constitution enjoys greater perceived legitimacy than the old one. Such increases in legitimacy may occur, for instance, if prior constitutions were enacted under foreign pressure, by autocratic leaders, or through opaque procedures (CH7). It is important to note that, whereas the earlier argument linked foreign influence with increased constitutional restrictiveness, this argument emphasizes that foreign involvement can also undermine the perceived legitimacy of a constitution, regardless of its content.

There are also arguments for a negative effect of constitutional change on compliance. Governments may, for example, face pressure from citizens or foreign actors, such as donor countries or investors, to change their policies to protect human rights, constrain executive power, or strengthen the rule of law (see, e.g., Lerner et al. 2025; Martin 2025; Sripathi 2020; Tushnet 2023). In this case, cosmetic constitutional reforms can be a relatively cheaper response than changing actual government policies. Such constitutional change may entail adding articles to the constitution as window dressing—provisions with which the government has no intention of complying (Ginsburg 2020a). In these circumstances, declining constitutional compliance may then be preferable to relinquishing

actual political power. Ginsburg and Simpser (2014) propose another explanation for declining constitutional compliance under a new constitution, referring to the possible use of constitutions as blueprints for future state organization and government constraints. Mexico's 1917 constitution, for example, promised numerous economic and social rights that, at that point in time, were largely aspirational. It took decades for some of these constitutional rules to be implemented. Metelska-Szaniawska (2021) suggests that constitutions enacted shortly after the initiation of the transition process in some post-socialist countries also acted, at least to some extent, as blueprints.

While the arguments for a positive effect of constitutional change on compliance are both more numerous and more persuasive, the relationship remains theoretically ambiguous and requires empirical evaluation. We summarize our theoretical arguments in one general hypothesis, to be tested in our empirical analysis, and in several conditional hypotheses presented at the end of this section, which may guide future research.

H1: Constitutional change increases government compliance with the constitution.

Constitutional change is heterogeneous; thus, it would be overly simplistic to treat all instances identically. In our empirical analysis, we distinguish between two common forms: amendments and new constitutions (or replacements). While the theoretical distinction between these categories is contested, we detail their empirical operationalization in the next section. Moreover, we differentiate between constitutional change in democracies and nondemocracies, as the actors and processes involved differ substantially.

Constitutional amendments and new constitutions differ markedly in scope, intent, and procedure. These differences result in varying levels of public involvement, transparency, and salience. Amendments typically aim for incremental change (Ginsburg 2020b); they do not require a constitutional assembly (Negretto 2018) and are often enacted without participatory measures, such as public consultations (Cruz et al. 2023) or referenda (Alemán et al. 2024). Consequently, the mechanisms connecting constitutional change to increased constitutional compliance are likely to be more effective in the case of newly written constitutions than for amendments.

Systematic differences also exist between constitutional change as it typically occurs in democracies and nondemocracies (e.g., Albertus and Menaldo 2012; Ginsburg 2020a; Ginsburg and Simpser 2014). Democracies employ more participatory and transparent procedures and require broader public consent to constitutional change. Nondemocracies, in contrast, often rely on centralized, executive-dominated processes that channel only the interests of a narrower selectorate. As a result, constitutional change in democracies tends to produce constitutions that are better understood by the public, more salient in public discourse, and more broadly legitimate, as well as less likely to remove existing constraints on executive power. Thus, constitutional change in democracies is expected to be more conducive to compliance.

While these distinctions are essential, they capture only some of the empirical nuances of constitutional change. Guided by the arguments discussed in this section, we also propose several additional conditional hypotheses for future research. Although most of these cannot be empirically tested at present due to data limitations, we maintain that theoretical development should not be constrained by short-term empirical feasibility. Accordingly, our conditional hypotheses are intended both to guide future research and to encourage the collection of new data that will facilitate subsequent empirical testing.

CH1: If a new constitution reduces the number of constraints on politicians, the constitutional change increases government compliance with the constitution.

CH2: If a new constitution adds clauses enabling politicians to suspend constraints on them, the constitutional change increases government compliance with the constitution.

CH3: If a new constitution replaces one imposed by foreign actors, the constitutional change increases government compliance with the constitution.

CH4: If a new constitution is more precise than the one it replaces, the constitutional change increases government compliance with the constitution.

CH5: If the population has more knowledge of the contents of a new constitution, in comparison to the previous one, the constitutional change increases government compliance with the constitution.

CH6: If a new constitution and its content are more salient than the previous one, the constitutional change increases government compliance with the constitution.

CH7: If the legitimacy of a new constitution, as perceived by the citizens, is higher than that of the previous one, the constitutional change increases government compliance with the constitution.

4 Data and estimation strategy

To estimate the effect of constitutional change on constitutional compliance, we utilize data on constitutional change from the Comparative Constitutions Project (Elkins et al. 2009) and constitutional compliance data from the Comparative Constitutional Compliance Database (Gutmann et al. 2024b). Our research design relies on event study methodology to facilitate causal inference. Thus, we estimate how the treatment effect of a constitutional change evolves over the ten years after its adoption. We also analyze the five years preceding each constitutional change to ensure that any observed treatment effect is not driven by pre-existing trends. Following the best practices outlined in Miller (2023), we normalize the final pre-treatment year to zero, so that all estimated coefficients are interpreted relative to the level of constitutional compliance immediately prior to the constitutional change. The estimated event studies are described by the following equation:

$$\begin{aligned} Compliance_{i,t} = & \sum_{l=2}^5 \beta_{pre,-l} Am_{i,t-l} + \beta_0 Am_{i,t} + \sum_{l=1}^{10} \beta_{post,l} Am_{i,t+l} + \sum_{l=2}^5 \gamma_{pre,-l} Nc_{pre,i,t-l} + \\ & \gamma_0 Nc_{i,t} + \sum_{l=1}^{10} \gamma_{post,l} Nc_{pre,i,t+l} + \sum_{l=1}^{10} \delta_{-l} Democrat_{i,t-l} + \theta X_{i,t-1} + \mu_i + \vartheta_t + \varepsilon_{i,t} \quad (1) \end{aligned}$$

Am ($/Nc$) describes 16 binary indicators identifying the year of an amendment ($/a$ new constitution), the five years before, and the ten years after. For simplicity, the notation omits that we distinguish constitutional amendments and new constitutions, and whether constitutional change was initiated in a democratic or a nondemocratic setting. Thus, we include a total of 64 binary indicators to model pre-trends and the evolution of the treatment effects of constitutional change across regime types. To rule out that the effect of constitutional change, especially the passing of new constitutions, is conflated with the effect of democratization, which sometimes coincides, we include

ten binary variables (*Democrat*) identifying the ten years after a democratization event. The vector of control variables X includes a binary democracy indicator by Bjørnskov and Rode (2020) on which also the democratization coding is based. Moreover, we control for whether there was at least one successful coup in a country-year, as these have been shown to reduce constitutional compliance significantly (Bjørnskov and Gutmann 2024; Choutagunta et al. 2024) and are at the same time systematically associated with constitutional change (Bjørnskov and Voigt 2025). Finally, we control for the passing of interim constitutions and the reinstatement of suspended constitutions using binary indicators. To mitigate potential endogeneity concerns, all control variables are lagged by one year. The event study models include country and year fixed effects and are estimated using OLS. Standard errors are clustered at the country level, allowing for correlation of treatment assignment within countries.

Our dependent variable is an indicator of constitutional compliance. It is introduced in Gutmann et al. (2024b) and publicly available as part of version 2.0 of the Comparative Constitutional Compliance Database. Their main indicators are constructed based on information from two data sources. De jure constitutional rules come from the Comparative Constitutions Project by Elkins et al. (2009). These rules are matched with de facto data on compliance with legal standards from version 12 of the Varieties of Democracy project (V-Dem). Gutmann et al. measure de jure-de facto gaps, i.e., the noncompliance with rules laid out in the constitution, regarding 14 rules commonly found in constitutions: (1) protection of private property rights, (2) judicial independence, (3) equality before the law, (4) rule of law, (5) freedom of association, (6) freedom of assembly, (7) the right to form parties, (8) media freedom, (9) freedom of speech, (10) freedom of movement, (11) religious freedom, (12) the right to life, (13) freedom from slavery, and (14) protection from torture. Under their coding rule, compliance with a constitutional rule is coded 1 if that rule is protected both de jure and de facto. The compliance indicator is coded 0 if the right is protected de jure, but not de facto. If a constitutional right is not protected de jure, a value of 0.5 is assigned, regardless of the de facto measure. Thus, the absence of a constitutional promise receives a higher score than the violation of that promise, but a lower score than a constitutional promise that is kept. The de jure

data is coded simply based on whether a rule is part of the constitution, where sometimes it is sufficient that one of two alternative rules exists (e.g., freedom of speech or freedom of opinion). The de facto data is coded based on whether V-Dem country experts see the protection of a right in one of the top two response categories. If there is more than one relevant V-Dem indicator available, all of them must be coded in the top two categories for the right to be considered de facto protected. The resulting 14 indicators are aggregated first within four legal areas (property rights and the rule of law, political rights, civil rights, basic human rights), and then they are aggregated into one indicator of overall constitutional compliance (*cc_total*). This indicator is used in our main model, but we also show results based on compliance in the four legal areas.

Our dataset comprises 8,743 country-year observations from 171 countries, spanning the period from 1951 to 2020. Table 1 reports descriptive statistics for the main variables used in the empirical analysis. The indicators of constitutional compliance are standardized estimates of latent variables and therefore have roughly a mean of zero and a standard deviation of one. The dataset covers nearly 2,000 constitutional amendments and over 300 new constitutions. New constitutions are substantially more common in nondemocracies, whereas constitutional amendments occur more frequently in democracies. This pattern is consistent with the distinction made by Elkins et al. (2009), who differentiate constitutional amendments from new constitutions based on whether the change follows the formal amendment procedure. Since autocratic leaders are generally less likely to adhere to constitutional rules, it is reasonable to expect they are also less inclined to follow formal amendment procedures when enacting constitutional changes.

Table 1: Summary statistics

Variable	N	Mean	SD	Min	Max	Var=1
CC (total)	8,743	0.077	1.054	-1.862	1.972	
CC (property rights and rule of law)	8,711	0.041	1.055	-1.410	2.013	
CC (political rights)	8,525	0.093	1.043	-1.407	1.812	
CC (civil rights)	8,743	0.056	1.039	-1.671	1.399	
CC (basic human rights)	8,743	0.074	1.043	-1.989	1.588	
New constitution in democracy	8,743	0.009	0.096	0	1	81
New constitution in nondemocracy	8,743	0.027	0.162	0	1	237
Amendment in democracy	8,743	0.136	0.343	0	1	1,187
Amendment in nondemocracy	8,743	0.088	0.284	0	1	771
Democratization (t-1 only)	8,743	0.014	0.116	0	1	120
Democracy (t-1)	8,743	0.484	0.500	0	1	4,232
Coups (t-1)	8,743	0.015	0.122	0	1	133
Interim constitution (t-1)	8,743	0.003	0.055	0	1	27
Constitution reinstated (t-1)	8,743	0.001	0.037	0	1	12

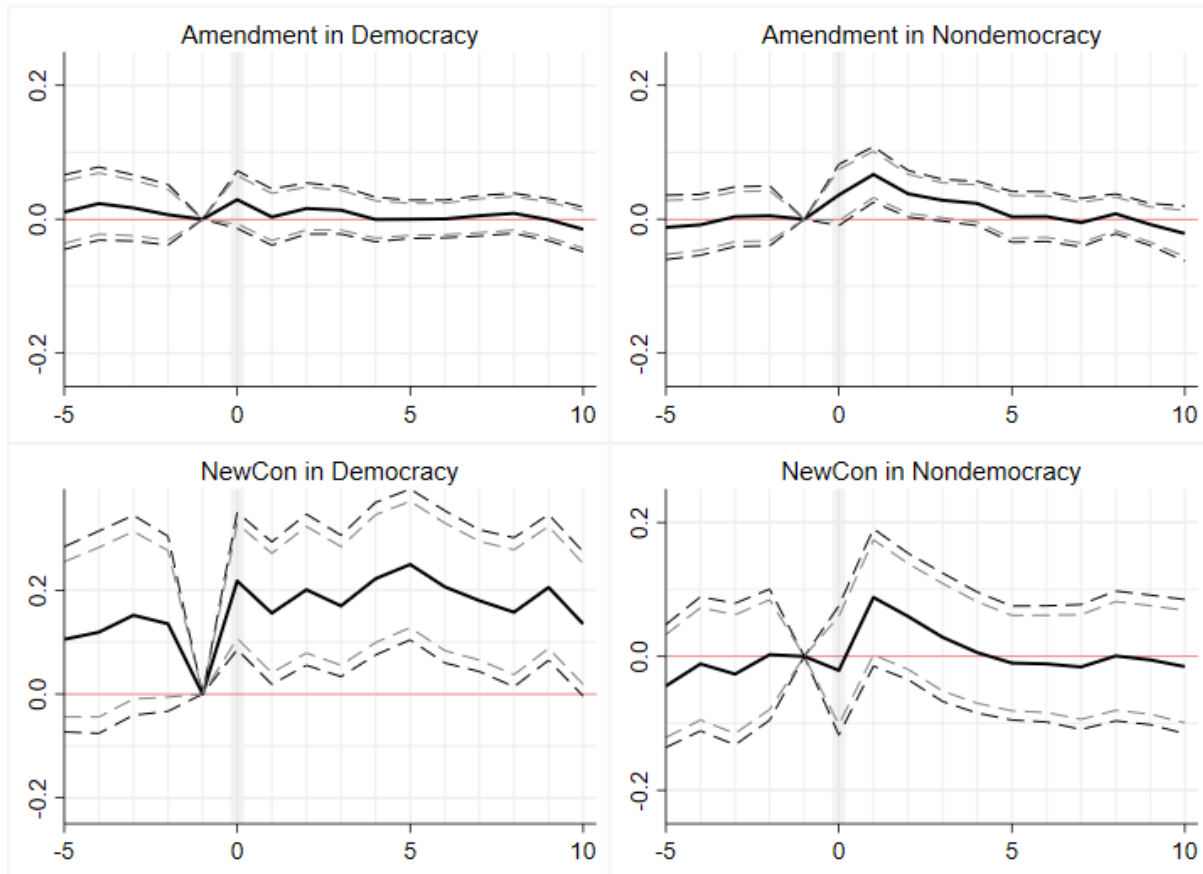
5 Empirical results

To facilitate their interpretation, we present all results as event study plots with 90% and 95% confidence bands. A causal interpretation of significant post-treatment coefficient estimates is only plausible if no significant pre-trend is observable in the event study plot. These plots allow us not only to evaluate whether constitutional compliance differs significantly after constitutional change compared to the last year before the change, but they also indicate for how long a significant difference persists.

Our main results, presented in Figure 1, reveal systematic associations between constitutional change and overall constitutional compliance. Constitutional amendments enacted in nondemocracies result in a significant, albeit short-lived, increase in compliance. The effect is statistically significant at the 5% level during the first two years following an amendment, and at the 10% level in the third year. The effect peaks at an increase in compliance of 6% of a standard deviation, a magnitude that is substantively small. This limited impact is not surprising, given that many constitutional amendments entail only minor changes to the constitution. In democracies, constitutional amendments appear not to have a significant effect. The observation that amendments boost compliance in nondemocracies, where they are infrequently used, but not in democracies, where they are common, raises the question of whether democratic and autocratic

leaders are motivated by different considerations when choosing between constitutional amendments and replacements. Future research may clarify whether the choice between amendment and replacement in each system is driven by different circumstances or divergent intentions.

Figure 1: Constitutional change and constitutional compliance



Note: Coefficient estimates indicated by a bold black line. Dashed lines in black (/grey) represent 95% (/90%) confidence bands. Constitutional compliance in $t-1$ is normalized to zero and serves as a reference point.

Regarding the introduction of new constitutions, i.e., constitutional changes that do not follow the formal constitutional amendment procedure, we find a significant and sizable effect in democracies that only becomes insignificant at the end of the ten-year window. The effect is rather stable, but it

peaks in the fifth year after the new constitution is passed at a level of constitutional compliance that is increased by 24% of a standard deviation. In nondemocracies, the effect of passing a new constitution reaches statistical significance only at the 10% level, which is one year after the constitutional change. The magnitude of this effect is at 8% of a standard deviation comparable to that of a constitutional amendment. It is also worth noting that, owing to their higher frequency, the effect of constitutional amendments is estimated with significantly greater precision than that of new constitutions. At the same time, it is not surprising that constitutional amendments have no sizable effect on average, as many of them involve only marginal changes to the constitution.

To summarize, our main results indicate that constitutional amendments cause a small increase in constitutional compliance in nondemocracies, which lasts for two to three years. In democracies, new constitutions cause a persistent increase in constitutional compliance. In nondemocracies, the effect of a new constitution, if present at all, is similar in magnitude to that of a constitutional amendment and is highly transient. Importantly, these are average effects, which may conceal substantial underlying heterogeneity. As we have discussed in Section 3, there are good reasons to expect a larger positive effect of constitutional change on compliance in democracies than in nondemocracies. However, future research may shed light on whether these differences between political systems are driven by the different actors or the processes involved in constitutional change or even by other factors.

Next, our analysis zooms in on compliance in specific legal areas. The additional event study plots are presented in the Appendix. Figure A.1 shows results equivalent to those in Figure 1, but the dependent variable now measures constitutional compliance only with rules concerning property rights and the rule of law. In this case, we find no effect of new constitutions, but a short-run effect of constitutional amendments in nondemocracies. Note that the confidence intervals are wider here, as constitutional compliance in its subdimensions is measured less precisely. The null effect for compliance with constitutional property rights and the rule of law suggests that constitutional change per se is not an effective instrument for boosting economic growth, as this is the legal dimension most closely related to growth effects (Lewczuk and Metelska-Szaniawska 2025). Figure

A.2 shows the effects of constitutional change on compliance with political constitutional rights. Here, new constitutions passed in democracies have a significant and sizable positive effect. The results for civil rights, presented in Figure A.3, resemble those for property rights in the sense that only amendments in nondemocracies have a statistically significant effect, which is positive, small, and short-lived. Finally, Figure A.4, presents results for compliance with basic human rights, such as the right to life and constitutional protection from torture. These results resemble the combined patterns observed in the other three legal areas, as well as those in our main results. Compliance with basic human rights in nondemocracies temporarily increases by a small amount after a constitutional amendment, while introducing a new constitution leads to a longer-term increase in compliance, but only in democracies. The analysis of subdimensions yields at least two takeaways. First, constitutional amendments and new constitutions systematically affect compliance in different legal areas. Whereas the former temporarily increase compliance with property rights, civil rights, and basic human rights, the latter primarily affect political rights and basic human rights. The fact that constitutional replacement strengthens compliance with organizational (especially political) rights rather than individual (especially property and civil) rights is interesting in light of Chilton and Versteeg's (2016, 2020) argument that the former tend to be complied with more, as they lead to the creation of organizations with a vested interest in protecting these rights. One interpretation of these contrasting findings is that new constitutions help organizations such as political parties or unions even more than individual citizens to coordinate their behavior around constitutional rules. This, in turn, favors specifically compliance with constitutional provisions that benefit these organizations. Second, the consistent and intuitive pattern of effects across the subdimensions of constitutional compliance that is in line with our main findings underscores the robustness of our empirical results to changes in measurement and the conceptualization of the dependent variable.

6 Conclusion

This study has provided event study evidence on the effects of constitutional change on constitutional compliance. By distinguishing new constitutions from constitutional amendments—based on whether the change follows formal amendment rules—and distinguishing constitutional change in democracy from that in nondemocracy, we show that both the type of constitutional event and its context matter for increases in constitutional compliance. Our results indicate that constitutional change is generally conducive to constitutional compliance across various categories of constitutional rules. However, the effects of amendments are concentrated in nondemocracies, are small in size, and last only two to three years. On average, new constitutions lead to lasting improvements in constitutional compliance, but only in democracies. In nondemocracies, we find at most weak evidence of a short-term improvement, comparable to that caused by a typical constitutional amendment. It is important to highlight that we have not only controlled for unobservable country and year fixed effects, but also for whether countries are (electoral) democracies and, using a battery of indicators, for whether a country experienced a recent transition to democracy (in any of the past ten years). This identification strategy allows us to separate the effect of constitutional change from those of the political system and political transitions, which often coincide with the drafting of new constitutions.

The fact that constitutional change tends to promote constitutional compliance may also be important for policy discussions, as prior empirical research has primarily stressed the potential economic costs of institutional instability (e.g., Hartmann and Spruk 2021). In our theory section, we discussed several conditional hypotheses, the testing of which is beyond the scope of this study. This underscores the significant opportunities for further research on the effects of constitutional change on constitutional compliance.⁵

⁵ Voigt (2025) surveys the state of knowledge regarding constitution-making and identifies several questions that remain to be answered by future research.

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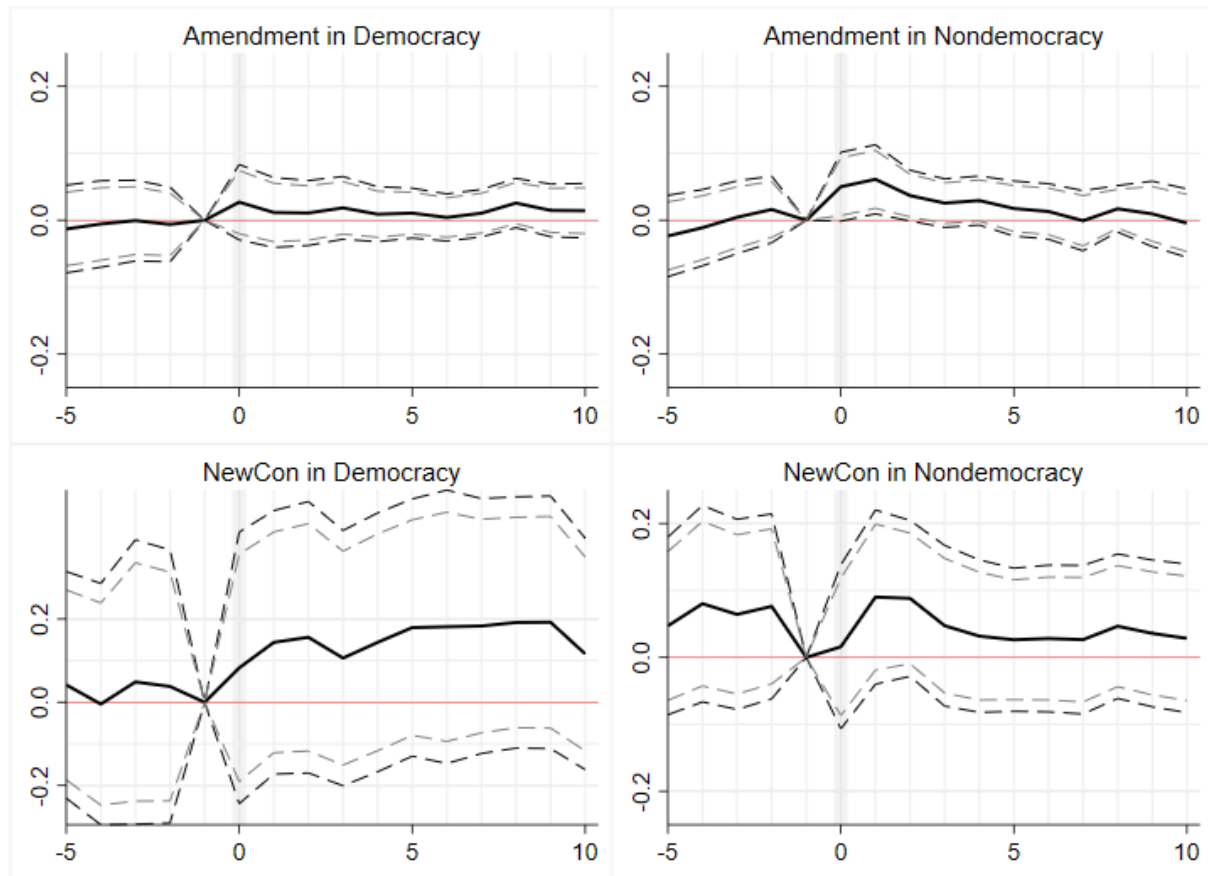
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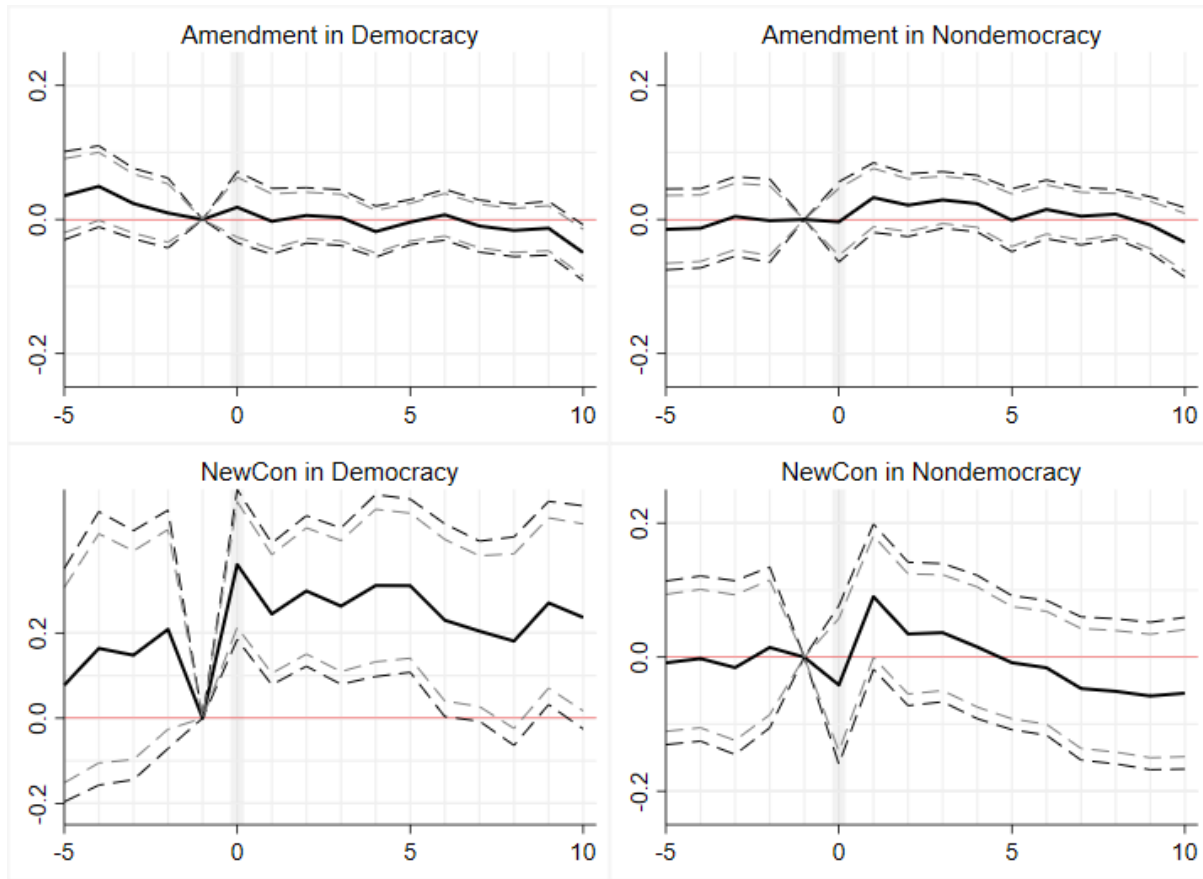
Appendix

Figure A.1: Constitutional change and compliance with property rights and the rule of law



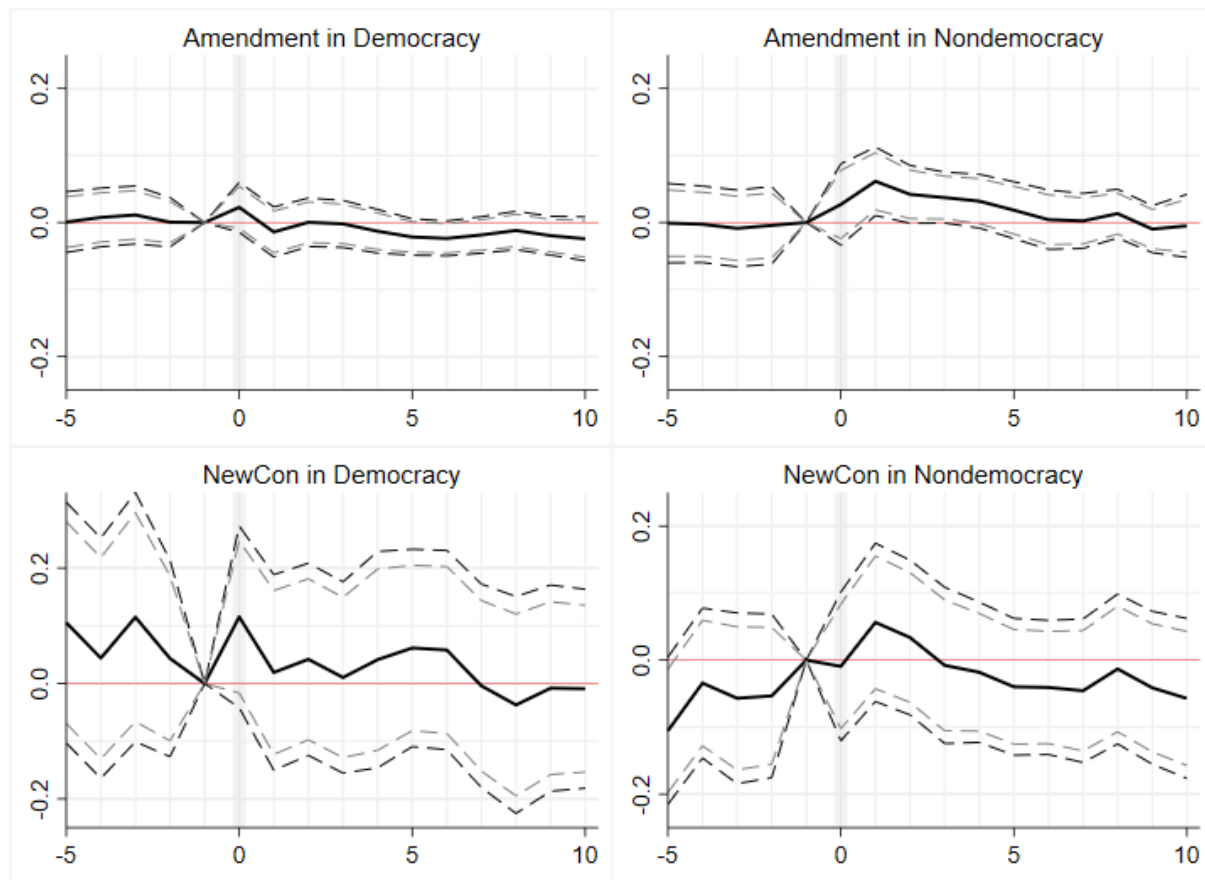
Note: Coefficient estimates indicated by a bold black line. Dashed lines in black (/grey) represent 95% (/90%) confidence bands. Constitutional compliance in $t-1$ is normalized to zero and serves as a reference point.

Figure A.2: Constitutional change and compliance with political rights



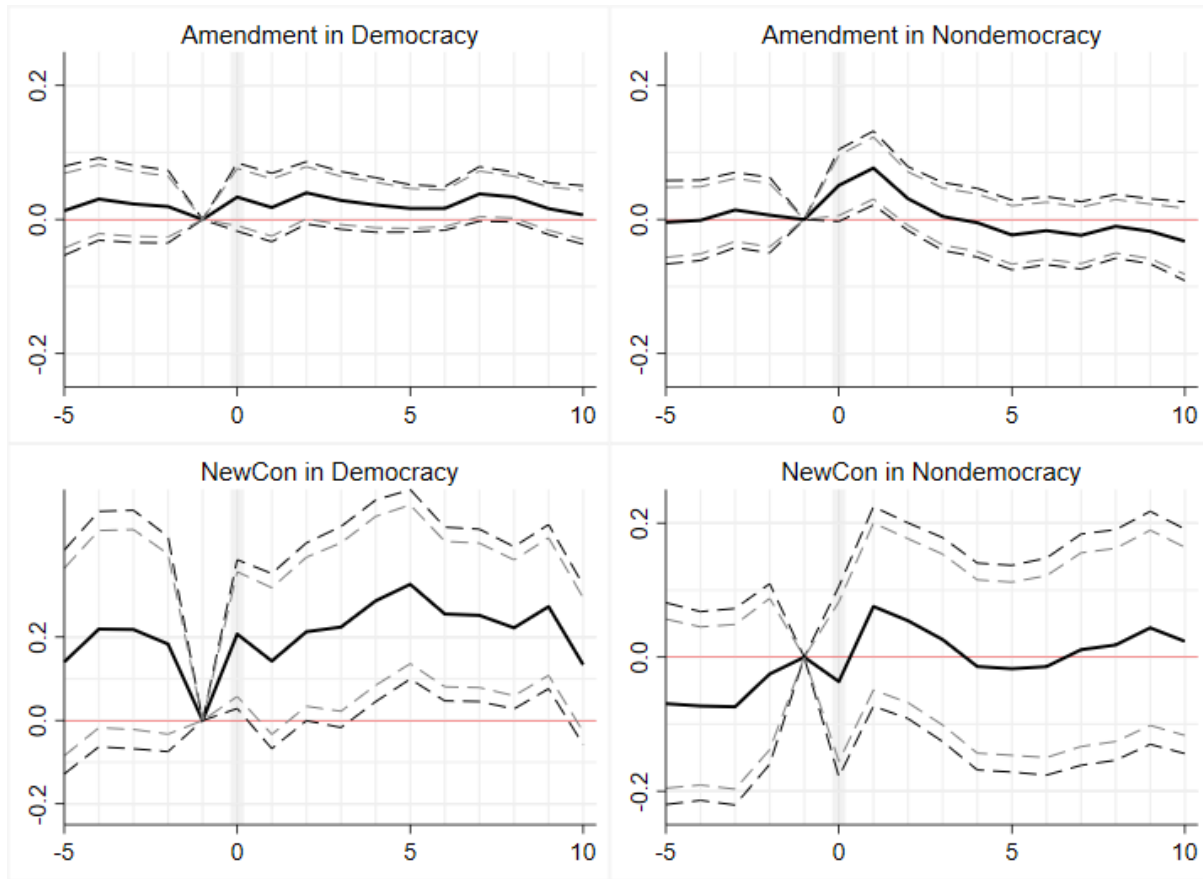
Note: Coefficient estimates indicated by a bold black line. Dashed lines in black (/grey) represent 95% (/90%) confidence bands. Constitutional compliance in $t-1$ is normalized to zero and serves as a reference point.

Figure A.3: Constitutional change and compliance with civil rights



Note: Coefficient estimates indicated by a bold black line. Dashed lines in black (/grey) represent 95% (/90%) confidence bands. Constitutional compliance in $t-1$ is normalized to zero and serves as a reference point.

Figure A.4: Constitutional change and compliance with basic human rights



Note: Coefficient estimates indicated by a bold black line. Dashed lines in black (/grey) represent 95% (/90%) confidence bands. Constitutional compliance in $t-1$ is normalized to zero and serves as a reference point.