

The Content of Authoritarian Constitutions

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October 18, 2012

“What is the difference,” went an old joke in the Soviet Union, “between the Soviet and American Constitutions? The Soviet Constitution guarantees freedom of speech; the American Constitution guarantees freedom *after* speech.” The joke captures common intuitions about constitutions in authoritarian regimes as not being worth the paper on which they are printed. Many other examples abound: citizens of North Korea might be surprised to learn that they are guaranteed rights to free speech, assembly, and association,² while the Constitution of Niger guarantees each citizen the right to health and education, notwithstanding the fact that the country ranks 182nd out of 182 countries rated by the Human Development Index.³

¹ James Melton, University College London; Zach Elkins, University of Texas, Austin; Tom Ginsburg, University of Chicago Law School.

² Art. 67 “Citizens shall have freedom of speech, press, assembly, demonstration, and association.”

³ Art. 11. Human Development Index 2009.

If we are to generalize from these phenomena, we might expect that constitutions would not differ systematically across dictatorships and democracies. Yet, despite much anecdotal speculation to the contrary, we do not in fact know whether or how formal constitutions in authoritarian regimes differ from democratic ones. This inquiry is relevant not only to our understanding of the regime practices of authoritarianism, but also to our understanding of the conditions under which formal constitutions correspond with reality. The Soviet joke highlights the common assumption that documents that do not match reality do not “matter” at all, an assumption we intend to problematize. After all, even façade constitutions can give some clues as to actual political practice. The Soviet Constitutions left little doubt that the communist party was the “leading and guiding force of Soviet society” (1977 constitution; Brown 2002: 6). The preamble of North Korea’s constitution declares Kim Il-Sung’s genius, a reflection of the personality cult of politics in that country. Coup-makers routinely adopt interim constitutions that explicitly suspend the regular operations of government institutions and instead agglomerate power to a junta or revolutionary council. In short, it is readily apparent that some parts of authoritarian constitutions match reality while others are meaningless. Indeed, from the perspective of some authoritarians, the gap between reality and the paper promises may be precisely the point. One can imagine a perverse dictator who uses the gap to demoralize opponents: the false promise is a costly signal of ones intent to crush opponents.⁴

In this paper we examine the formal characteristics of constitutions, using the Comparative Constitutions Project (CCP) database, to provide some basic descriptive data on authoritarian and democratic constitutions. The null hypothesis is that there is no difference between the

⁴ Peter Rosendorff and James Hollyer on the Convention Against Torture (CAT) uses a similar logic.

two. Alternatively, we might find that there are systematic differences across regime type, controlling for other factors that are determinative of the contents of constitutional text, such as region, era and colonial heritage, (Melkinsburg 2009). Arguably, if we find differences in written texts between authoritarian and democratic regimes, we will gain some insight into their different constitutional practices. t

Our paper is organized as follows. We first develop the concept of the authoritarian constitution. We then provide our basic theory, which is that authoritarian constitutions will more closely match reality with regard to institutional structures than to rights provisions. We next examine the empirical evidence, finding that there are indeed statistically significant differences between authoritarian and democratic constitutions in certain areas, particularly with regard to the level of constitutional specificity about leader selection and about certain civil and political rights. However, the magnitude of these differences is small: an authoritarian constitution will have only marginally fewer rights, or details about leader selection, than a democratic constitution. Moreover, we find evidence that authoritarian constitutions tend to converge towards democratic constitutions over time. We speculate that this indicates a continual process of lagged adaptation by authoritarians, who seek to model their texts on those of their democratic counterparts. Democrats innovate in the formal constitution, while dictators tend to imitate formal democratic institutions, saving their innovations for the informal realm.

I. What is an “Authoritarian” Constitution?

The concept of an authoritarian constitution is not self-defining. We mean the term to refer to constitutions drafted by dictators, but a number conceptual challenges lurk beyond that seemingly straightforward idea. One important issue concerns time, since a snapshot of

drafters immediately prior to a constitutional moment may not be representative of their intentions or longer history. So, must the dictators have consolidated their dictatorship, or simply be behaving temporarily as such (i.e., an authoritarian “situation” (O’Donnell et al. 1986)). In that sense, a look further back in a ruler’s track record might provide a better sense of regime type, but so too would looking forward at their future behavior, which we have the luxury to do. If a dictatorship eventually transforms itself into a democracy (e.g., Mexico), was it truly a dictatorship (say, such as Libya’s Gadhaffi) or would it make more sense to characterize the group as dictators with democratic ambitions – a distinction that might have dramatic differences for what the leaders might have written into their formal constitution. These shifts further implicate the question of the constitution’s fate in the context of a transition to democracy: can the category of authoritarian constitutions include documents drafted by dictators and used by democrats?

To take one example to illustrate the definitional difficulties, consider the 1980 Constitution of Chile, drafted by Pinochet. The Constitution was drafted by an indisputably authoritarian regime fully consolidated as such, but most accounts suggest that the document was designed *not* to perpetuate that rule but to provide for an orderly transition to democracy by entrenching a downstream veto point for the military. In fact, the Constitution oversaw the return to democracy, and continues to govern Chile, albeit with significant amendments.

Putting aside within-case change over time, we also recognize that the category of dictatorships obscures considerable variation across cases (Levitsky and Way 2002). This variation might be manifest in the level of competitiveness as well as in the architecture of formal structures, for example whether or not the center is dominated by a political party, a monarch, or a junta. Nevertheless, we follow Przeworski, Boix, and others in treating democracy

and dictatorship as a binary concept, at least in a first cut of the analysis. This binary approach is helpful in order to clearly demarcate periods of authoritarian rule and regime transitions. Thus, we start with a simple categorization: the regime associated with the constitution is defined as the country's regime-type in the year of the constitution's promulgation. We operationalize regime-type using the dichotomous measure created by Przeworski et al. (2000).⁵ Each constitution is examined in the year it was adopted, ignoring subsequent amendments. This ensures that we match the era with the particular content associated with that era. Also, by adopting the constitutional system as a unit of analysis rather than, say, the country-year, we avoid overweighting constitutions that have endured longer.

Defining a constitution in this way, we find that a vast majority of constitutions in history could be considered authoritarian (a whopping 645 of 799 constitutions in the full sample), but the percentage of such has been in steady decline since the 1960s (see Figure 1).⁶ See also Table A1, which lists the sample and universe of constitutional systems under analysis, and singles out *democratic* constitutions in bold. As of 2008, 44% (78) of the world's constitutions in force are categorized as democratic and the remaining 56% (101) categorized as authoritarian.⁷ Even in an indisputably democratic moment, then, almost three-fifths of constitutions in force are "authoritarian." The authoritarian constitution appears – surprisingly – to be a garden variety and the democratic one an exotic species.

⁵ These data were updated through 2008 by Cheibub et al. (2009) and back in time by Boix and Rosato (2010).

⁶ A list of these 799 constitutions and their classification as authoritarian or democratic can be found in the appendix.

⁷ 15 constitutions are uncategorized due to missing data on regime-type.

On their face, there is something profoundly alarming about these numbers. In part, this skewed distribution may stem from a preponderance of authoritarian regimes in the sample (that is, in statistical terms, an issue of increased exposure). Today, less than half of the world's countries are considered authoritarian, but for most of the modern constitutional era, authoritarian regimes were the norm. Before the third-wave of democracy, roughly 70% of countries were considered authoritarian, and throughout much of the nineteenth century, when the first modern constitutions were written, about 90% of independent countries were considered authoritarian.

However, the prevalence of authoritarian regimes over the last 225 years is only part of the story. The large number of authoritarian constitutions also reflects differences in fertility across regime types. Authoritarians tend to exhibit a stronger appetite for constitutional replacement than democrats. Indeed, authoritarians are not only more likely to re-write a *democratic* constitution but they are also more likely to rewrite their own – that is one drafted by themselves or another authoritarian leader. A democratic constitution has a 0.14 probability of being replaced by an authoritarian leader in any given country-year, compared to a 0.05 probability that a democratic leader will replace an authoritarian constitution. Looking within regimes, authoritarian leaders replace authoritarian constitutions with a probability of 0.05, while the probability that a democratic leader will replace a democratically written constitution is only 0.01.

The probabilities in the previous paragraph corroborate earlier work on the repudiation or retention of constitutions drafted by the *other* regime (Elkins, Ginsburg, Melton 2009). Elkins et al. (2009) note that approximately a quarter to a third of regime changes are marked by a constitutional replacement. It is important to revisit this sub-topic here, if only because it serves

as another criterion by which to narrow the broad field of authoritarians to hardline authoritarians. One would expect, perhaps, that a truly authoritarian product is one that would *not* be retained and re-used by a subsequent democratic group, though of course there are good reasons why democrats – through negotiation or duress – have tolerated authoritarian products (again the Pinochet constitution). Figure 2 provides some sense of the distribution of constitutions based on these criteria over time. The large dark gray area in the middle represents what we might think of as the hardline authoritarian documents – that is those that were born authoritarian and did not survive the transition to democracy (i.e., they were repudiated by the new democrats). This group makes up anywhere from 25 to 50% of constitutions in force, depending upon the year – a much narrower category of authoritarian documents, to be sure.

To summarize, then, we begin by exploring the constitutions of a large group of authoritarian drafters. However, we suspect that there may be analytic virtue in winnowing the field of authoritarian drafters to just hardliners. We identify two metrics for identifying this group, and employ these measures in the analysis below. The first approach is to adopt a graded measure and limit our analysis to the tail of the authoritarian distribution. The second is to identify constitutions that were born authoritarian and subsequently replaced by democrats who assume control after a regime transition: such repudiated constitutions are, arguably, more obviously the work of authoritarians, if the behavior of democrats is any guide.

II. Theory: Why (and how) might authoritarian constitutions be different?

Scholars and practitioners alike have come to associate constitutions with democracy. For these individuals, the idea of an authoritarian constitution may sound farcical. However, as we describe shortly, *some* of the basic objectives of constitution-making do not vary appreciably

across regime type. Most writing on constitutions ascribes a relatively small number of functions to them. A central one is precommitment: “becoming committed, bound or obligated to some course of action or inaction or to some constraint on future action . . . to influence someone else’s choices.” (Schelling 2006: 1). While authoritarians, at least those with long time horizons, may have less need for formal precommitment devices than would democrats who are certain to be replaced (at least by other democrats) at some point, they still need to make credible promises, and constitutions might be one mechanism for doing so.

Written constitutions are also symbolically costly, and so can serve as signals of the actual intentions of the rulers. Beyond their role in establishing institutions, constitutions can emit communicative signals of government policy (Yu 2010). They play this function because they are politically encumbering: specifically, constitutions are typically, though not always, more entrenched than ordinary law and so are costly to change. Even if not truly entrenched (due to capricious decision-making by authoritarians), constitutions are adorned with political and ceremonial weight. Drafting a constitution consumes significant political energy on the part of the governing elite, and provides a repository of regime rhetoric. The costly nature of constitution-making supports the idea that a constitution can be a credible signal of political intentions, even for autocrats.

Another purpose of constitutions in authoritarian regimes is to serve as a simple coordination device among the elites within the regime (Barro 2002). In any political system, the relevant subjects of the constitution need to coordinate among themselves about the prerogatives and limits of power. The subjects may have strong shared intuitions about these matters but they may not have precise inter-subjective agreement on the precise definitions of what counts as an abuse, or on procedures for identifying violations. A written constitution can

provide a focal point to generate this inter-subjective understanding (Carey 2000; Hardin 1989; Ordeshook 1992; Przeworski 1991; Weingast 1997). Inter-subjective understanding is a necessary, though not sufficient, condition for the enforcement of constitutional terms.

These functions of precommitment, signaling, and coordination suggest where we might observe differences in formal constitutions across regime type. Consider first the distinction between, on the one hand, constitutional rules that describe and empower institutions, and on the other, rights provisions and limitations on government. Some autocracies might adopt rights as “cheap talk” but on balance, we should expect that autocracies will be less willing to adopt formal limitations on government power. However, even autocracies need established rules to coordinate the ruling elite. We thus might expect that there will be a greater congruence between text and practice in the authoritarian setting with regard to governmental institutions. The contrast between the Soviet constitutional provisions on the Communist Party, which were perfectly accurate, and those more fictitious provisions governing freedom of speech is illustrative.

The intuition is consistent with the idea that constitutions matter in terms of setting up institutions that will then be able to act in their own defense, but constitutions cannot serve to protect rights any more than the “people themselves” demand. A related argument is that the text matters by initiating basic institutions and reducing decision costs for choices that do not matter very much (Strauss 2003). One might call this the *structural priority* thesis. Every regime needs to have institutions, and even the worst dictator may want to establish formal structures that match conventional categories: a legislature, courts, a set of elections. Rights provisions, on the other hand, may be more a matter of fashion and whim, in which cheap talk might be a dominant motivation for dictators. If so, all constitutions might have similar sets of rights

provisions (which matter less in some countries), but would have different configurations of structural provisions (which matter more everywhere).

Surely the expectation that constitutions matter more for institutional design than rights accords with some intuitions, setting aside the Madisonian point that institutional structures are themselves important instruments for the protection of liberty. Autocrats and oligarchies need to coordinate their own expectations internally about the mechanisms of rule and constitutions can play an important role in aligning such expectations.

Importantly, this difference in compliance across domains of the constitution suggests an important conditional hypothesis for our analysis: any hypothesized difference between democratic and authoritarian constitutions may be conditional on the drafters' degree of expected compliance. That is, we might observe stronger differences between democratic and authoritarian products in areas (such as institutions) in which authoritarians expect to comply and fewer differences in areas that are more likely to be symbolic gestures (rights).

But how and in what direction, exactly, should the content of authoritarian constitutions differ from democratic ones? Certainly, the definitional attributes of democracy offer some clues. For example, we might think that legislative power, which tends to be power-dispersing relative to a unitary autocrat, would be greater in democracies than in dictatorships. Indeed, the idea of constraints on executive power (typically in the form of a strong legislature) is an explicit component of the Polity measure of democracy. Also, Fish (2006) has demonstrated that a strong legislature is highly correlated with a more rights-based measure of democracy (i.e., Freedom House). Of course, the Polity and Fish measures are de facto measures of legislative authority, but one may find that *formal* authoritarian constitutions are just as likely to empower the legislature, since as we describe above we expect this area (i.e., institutions

generally) to be one of higher constitutional compliance. However, if authoritarian constitutions overpromise legislative power that they do not ultimately deliver, then democratic and authoritarian constitutions may not differ in this regard. We should also recall that many socialist constitutions were deeply imbued with concepts of parliamentary sovereignty. Party-based autocracies fetishize formal legislative power, whereas military and monarchical ones have tended to restrict it. Heterogeneity in our sample, and the crude way in which we lump all these types of regimes into a single category, tends to limit our ability to draw firm conclusions with regard to legislative power. Nevertheless, as a gross prediction, we expect less legislative power in dictatorships.

Another difference, also stemming from definitional properties, has to do with the provision of rights. For many, civil and political rights constitute a central dimension of the concept of democracy. Certainly, some scholars adopt a narrower, procedural definition that excludes rights, but even these scholars will likely admit to a strong elective affinity between rights and democracy, if not a definitional one. We therefore expect authoritarian constitutions – almost by definition – to include fewer rights, although we are mindful of the conditional hypothesis that it is precisely this area of the constitution (rights) in which authoritarians are likely to misrepresent themselves.

Consider another variable: constitutional specificity (Melkinsburg 2009). We use this concept to capture the breadth and depth of constitutional language; we refer to these as scope and detail, respectively. We assume that specifying details in the constitution is costly, and so is only undertaken in response to real needs. One of the major determinants of constitutional specificity is audience heterogeneity (Ginsburg 2010). If all subjects of the constitution share a set of baseline and unwritten understandings about politics, there is less need to articulate

details in the formal text. On the other hand, when audiences are heterogeneous, we should expect that there will be a greater need for formal mechanisms of coordination. *Ceteris paribus*, democratic constitutions have more heterogeneous audiences than do autocratic constitutions: the electorate is larger, and less bound by shared ideological or normative commitments. One would thus expect that there would be higher levels of constitutional specificity in democratic constitutions.

To summarize, we expect authoritarian constitutions to be less specific, protect fewer rights (especially non-economic rights), give the executive more power and the legislature less power, and enhance the ability of the executive to maintain his or her office. Since we expect that the fit between text and practice will be tighter in the institutional arena as opposed to the rights arena, we expect that any differences between regimes in the latter category will be more muted.

III. Data and Measurement

We operationalize many of these variables using our prior work and data from the Comparative Constitutions Project (CCP). For instance, in Elkins et al. (2009), we developed measures of scope, detail, and legislative power. Scope refers to the number of topics (as measured by an inventory of 70 potential topics from our survey) included in the constitutional text. Detail refers to the level of precision used to cover each topic; we measure it using the number of words per topic. The legislative power index draws on the survey by Fish and Kroenig (2009), and consists of a set of 32 binary variables drawn from our CCP survey that match the *de facto* items in their additive index. For executive power, we use a measure developed in Elkins

et al. (2011).⁸ We also use a measure of maximum executive tenure discussed in Ginsburg et al. (2011) as one indicator of the executive's ability to maintain power. This variable captures the maximum number of years an executive could legally remain in office without a constitutional amendment.

In addition, we created several new measures for this paper. One captures the executive's ability to manipulate his or her selection. We refer to this measure as executive selection specificity, as it is simply a measure of the level of detail provided for the selection and removal of the head of state.⁹ We assume that selection and removal procedures are more easily manipulated if they are not specified in the constitution. Hence, authoritarian leaders should have lower scores on this measure. We also created several indices of rights protection. The first is an overall rights index, which is simply the percentage of rights included in the constitution, out of a total of 81 variables in the CCP survey. We also created sub-indices for civil and political rights, criminal procedures, and economic rights. Each of these indices indicates the percentage of that type of right in the constitution, out of 19, 25, and 19 rights, respectively.

⁸ The measure of executive power described in Elkins et al. (2011) aggregates the sub-components of the measure using weights derived inductively from a regression model. Here, we adopt an unweighted version of that measure, because the sample in this paper is drastically different from that elaborated in Elkins et al. (2011).

⁹ Most of the components of this measure are not included in our overall measure of constitutional scope.

These indices, ten in total, constitute the set of dependent variables for the analyses conducted below. Each is rescaled to range from zero to one, with higher values indicating more of the titular dimension. The summary statistics for each are provided in table 1.

IV. Regression Models

We assess the validity of the hypotheses above by regressing the ten *de jure* indices listed in table 1 on the regime-type of the constitution. Each model thus includes an indicator of the constitution's regime-type, as well as the year it was written, the square of the year it was written, and country fixed-effects. The inclusion of year controls for any differences in the content of constitutions across eras, and the inclusion of country fixed-effects ensures that omitted country-level differences are not driving our results. In essence, our analysis takes each country's average constitution as the baseline and assesses whether or not changes in regime-type at the time of constitutional promulgation changes affects that baseline. The effect of regime-type for each model is illustrated in Figure 3.¹⁰ In the figure, the marginal effect of regime-type on each constitutional attribute is denoted by a circle, and the 95% confidence interval around that marginal effect is denoted by a solid line. Positive marginal effects indicate that more of a constitutional attribute is present in constitutions promulgated by dictators, and negative marginal effects indicate that less of a constitutional attribute is present in such constitutions. A marginal effect is deemed statistically significant when the solid line does not overlap the dotted reference line.

¹⁰ The full results from all of the models discussed in this section are available in the online appendix.

The regime-type associated with the constitution has a significant effect on several features of constitutions. As expected, authoritarian constitutions address significantly fewer topics and contain significantly fewer rights, especially with regard to criminal procedure. They cover fewer topics, but are not less detailed, on average. They provide less power to the legislature, but contrary to our expectations, authoritarian constitutions do not provide more executive power. They do, however, provide fewer details about executive selection, suggesting that authoritarian leaders mean to preserve some flexibility.

Despite these statistically significant findings, an overall view of the results suggests that the substantive differences between authoritarian and democratic constitutions are minimal. For instance, the effect of scope is only 0.03, which implies that authoritarian constitutions on average address two fewer topics (out of seventy) than do democratic ones. Similarly, authoritarian constitutions are expected, on average, to include only four more rights than do democratic constitutions. There is some variance in the magnitude of these findings, but even in the two models in which authoritarian constitutions have the strongest effect – executive selection specificity and criminal procedures –, the magnitude of the effect does not amount to a full standard deviation change in the dependent variable.¹¹

Of course, we might observe such a high degree of similarity between constitutions written by democrats and dictators because the differences between such leaders are a matter of degree. In other words, heterogeneity within these two broad categories might be obscuring real differences associated with regime type. Heterogeneity is particularly likely within the group of constitutions categorized as authoritarian, given the sheer number of constitutions in

¹¹ To be specific, authoritarian constitutions are expected to have less than one extra provision regarding the selection of the executive and two extra provisions detailing criminal procedures.

that class. To assess this possibility, we estimated several models using the alternative conceptual approaches we describe above.

The first alternative substitutes the graded Polity scores for the dichotomous ones. In the models that use this measure of regime-type, we include both the Polity score and its square. The results from these models are illustrated in figure 4, where the solid line indicates the effect of a one unit increase in a country's Polity score a constitutional attribute and the dashed line indicates the 95% confidence interval around that effect. We find that our measures of scope and executive selection detail are significantly affected by the level of democracy. At low levels of democracy, increases in the level of democracy increase both the scope and executive selection detail of constitutions. These effects diminish as the level of democracy increases until becoming statistically insignificant when a country's Polity score is greater than 0. Thus, the general effect of these variables seems to be driven by the most dictatorial regimes, and for even the most dictatorial regimes, the substantive effect of level of democracy is not large.

The second alternative is to differentiate authoritarian regimes into types of dictatorship. To do so, we rely on data from Cheibub et al. (2009) that divides authoritarian regimes into civilian dictatorships and military dictatorships.¹² The results from the models that use these data to operationalize regime-type are illustrated in figure 5. The effect of civilian dictatorship along with its 95% confidence interval is denoted by the dot and solid line, and the effect of military dictatorships along with its 95% confidence interval is denoted by the triangle and dashed line. The marginal effects are interpreted the same as those in figure 3, with democratic regimes being the reference category. For the most part, constitutions written by civilian and military dictators look about the same. Both have significantly lower scope, specify less detail

¹² Cheibub et al. (2009) also include a category for monarchical dictatorships, but there are too few observations in this category to include it in the statistical analysis.

about executive selection, and specify fewer rights than democratic constitutions. The main difference is that constitutions written by military dictators allocate significantly less power to the executive than constitutions written by democrats, while there is no significant difference between the power allocated to the executive when comparing constitutions written by civilian dictators and democrats. Another difference is that civilian dictatorships specify longer terms for the executive than either military dictators or democrats, but this effect is not statistically significant. Despite the statistically significant differences illustrated in figure 5 between certain dictatorial constitutions and democratic constitutions, though, the substantive differences between these sets of constitutions continue to be relatively small.

Yet another way to break down regime-type is by ideology. Here, we use data from the Database of Political Institutions (Beck et al. 2001) to assign each constitution an ideology. The results are illustrated in figure 6 and are interpreted in a similar manner to figures 3 and 5, except that “missing”, or non-ideological, is the reference category.¹³ The small number of observations in each category severely limits the inferences we are able to draw from these models, but there are a few notable patterns that emerge. Perhaps the most interesting are the results related to executive tenure. Leftist regimes allot their executives significantly more time to rule and centrist regimes significantly less than non-ideological regimes. The remaining significant results relate to rights, where centrist regimes provide for more civil and political rights, on average, than non-ideological regimes.

Lastly, one might expect that constitutions that survive a regime change, say from dictatorship to democracy, are substantively different from those that do not. Those constitutions that survive a regime change might be thought to exhibit some characteristics of

¹³ We treat missing as a distinct category due to the large amount of missing ideology data. Treating it as the reference category in the model allows us directly to compare the three categories provided with this variables: left, center, and right.

constitutions written by the other regime-type. For instance, democratic constitutions that survive a transition to authoritarianism might have already contained some authoritarian elements, which made rewriting unnecessary. Alternatively, leaders might use a new constitution symbolically to represent a break with the previous regime and will be more likely to do so when the previous regime was of an extreme type. For instance, after a democratic transition, the new regime elites are probably more likely to rewrite a constitution written by a totalitarian dictator than one written by the leader of a competitive authoritarian regime. In either case, the constitution that endures a regime change will be systematically different than the one that does not.

We assess this possibility by estimating a series of models in which we include the binary measure of the regime-type of the constitution, a binary variable indicating constitutions that survive a regime transition, and the interaction of these variables. The results from these models are illustrated in figure 7, which can be interpreted in the same manner as figure 3. There are some important differences between authoritarian constitutions that have been repudiated by democrats and those that have not. Authoritarian constitutions that that never experience a regime change have lower scope, allot less power to the executive, provide less detail about executive selection, and contain fewer rights than their democratic counterparts. Authoritarian constitutions that experience a regime change have less legislative power than their democratic counterparts. We can use these marginal effects to compare authoritarian constitutions that have not been repudiated by those that have not. The latter group of constitutions has, at the time of their promulgation, less scope, less detail on executive selection, marginally more legislative power and more rights. They are, in other words, closer to democratic constitutions in content than are those authoritarian documents that are retained. It is unclear whether this is a result of a selection effect, in that authoritarians a la Pinochet are

writing more “democratic” documents in preparation for regime transition. Regardless, it does appear that the content of the authoritarian document is related to the new democrats’ decision to keep or scrap it.

Another potential source of heterogeneity is time. It is well known that the contents of constitutions have changed over time. Since the United States’ constitution was written in 1787, constitutions have become significantly longer and more detailed (Melkinsburg 2009). In addition, more recent constitutions have a variety of new provisions: for example, many more rights are part of the drafters’ menu in 2010 than were contemplated in 1910 or even 1810. Given this variation over time, we might expect authoritarian and democratic constitutions to have adapted to modern norms differently. Furthermore, there is a dramatic difference in samples across eras. Latin America and Europe constitute the bulk of the 19th century sample, which is also a time when democratic rule was rare. Authoritarian constitutions written today come from all over the world and are written at a time when democratic principles are strongly promoted by the international community, becoming a kind of universal vocabulary of governance. Consequently, we might expect significant variation over time in the differences between authoritarian and democratic constitutions.

To assess this possibility, we created binary variables representing six historical periods and interacted these variables with the binary variable for authoritarian constitutions.¹⁴ The results from these models are illustrated in figure 8. The largest differences between authoritarian and

¹⁴ The data are too sparse in many years to get good estimates from interacting the binary variable for authoritarian constitutions with year. The use of period dummies has the additional advantage of allowing for time to have a non-linear effect.

democratic constitutions appear to be during the third wave of democracy. From 1974-1991, constitutions written in authoritarian regimes had narrower scope, allocated less power to the executive, had less detail about executive selection, and contained fewer rights. The 1922-45 period is an interesting one in which democracies had significantly more detail about executive selection and shorter terms.

If one were to predict these constitutional attributes based on regime-type and time period (not shown), a general pattern observable with regard to scope, legislative power, and rights protection is that authoritarian constitutions “democratize” their documents over time, but slightly lag behind democratic constitutions in any given period. In the last period of analysis, authoritarian constitutions exhibit slightly more scope and legislative power, and the same level of detail on executive selection. If one were to conduct our inquiry by simply examining constitutions written in the last twenty years, one would see few observable differences across regime type. But this pattern is clearly the result of a long term process of gradual convergence, at least among some dimensions.

This finding is consistent with a notion of substantive convergence of formal institutions. Constitutions written by authoritarians seem to follow the form of those written by democracies. We speculate that this is a process of lagged adaptation, in which democracies innovate and experiment with formal institutions that then become norms or scripts followed by dictators. Convergence occurs when the rate of authoritarian rewriting and updating exceeds that of democratic innovation. While we do not have direct evidence on this mechanism in this paper, the results are broadly consistent.

Conclusion

We have demonstrated that there are systematic differences across the formal constitutions of democracies and dictatorships. By and large, authoritarian constitutions tend to be less specific, protect fewer rights (especially in the area of criminal procedure), and provide for some enhanced ability of the executive to maintain his or her office by specifying fewer details about the selection process. They also have reduced levels of legislative power. We do not, however, see higher levels of executive power in authoritarian texts.

This aggregate result calls into question the simple version of what we labeled the structural priority thesis: that authoritarian constitutions would be more congruent with authoritarian practice as to executive and legislative power, and less congruent with regard to rights provisions. Of course, without directly utilizing measures of *de facto* protection, we cannot reject the structural priority thesis: it may be that even though they are promising less in terms of, for example, rights protection, dictators are delivering so little that the congruence of structural provisions with practice is still greater. In this regard, it is important to remember that the magnitudes of our substantive results are quite small.

From a broad vantage point, the most important finding may be the overall levels of similarity of formal texts across regime types. Even when we disaggregated the authoritarian constitution into sub-types, there are few observable differences between authoritarian and democratic constitutions. We do find some evidence that staunchly authoritarian constitutions (i.e. those that do not survive a regime change) are slightly different from both democratic constitutions and authoritarian constitutions that survive regime changes. Similarly, we observe some differences in authoritarian and democratic constitutions written between 1974 and 1991. However, the end of the Cold War and wave of constitution-making that ensued appears to

have eradicated even these minor differences. Constitutions have converged in form, if not in function.

V. Figures

Figure 1 – Percent of Constitutions that are born Authoritarian or Democratic
Universe: 720 of 739 constitutions promulgated in all independent states from 1850-2008.

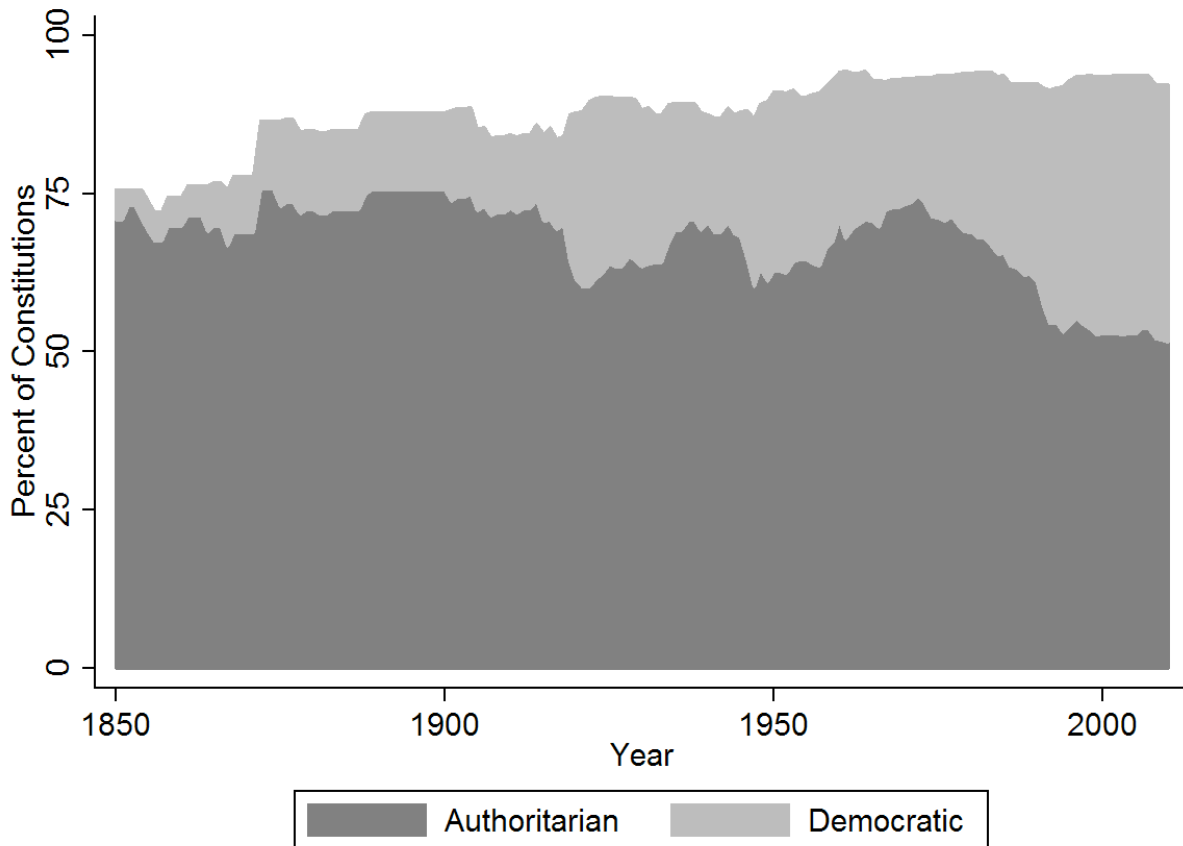


Figure 2 – Percent of Constitutions that are born Authoritarian or Democratic by Regime Change Universe: 720 of 739 constitutions promulgated in all independent states from 1850-2008.

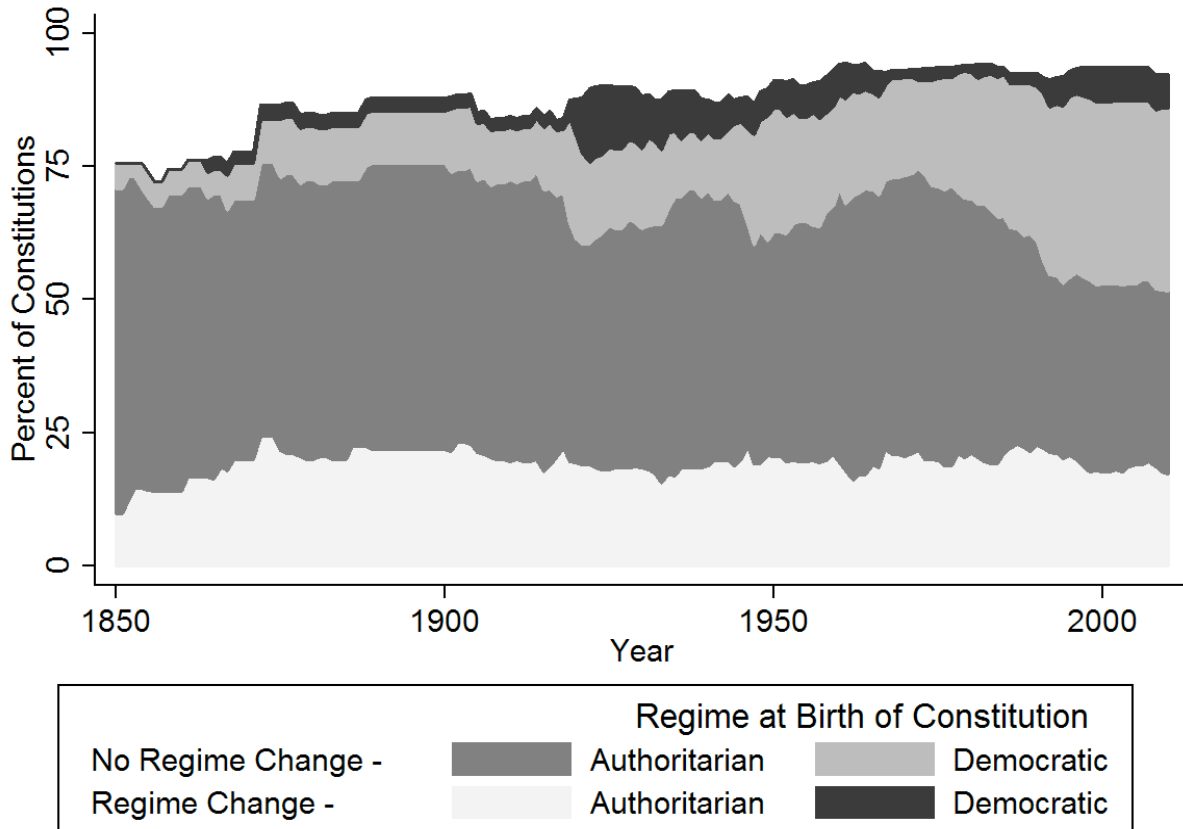
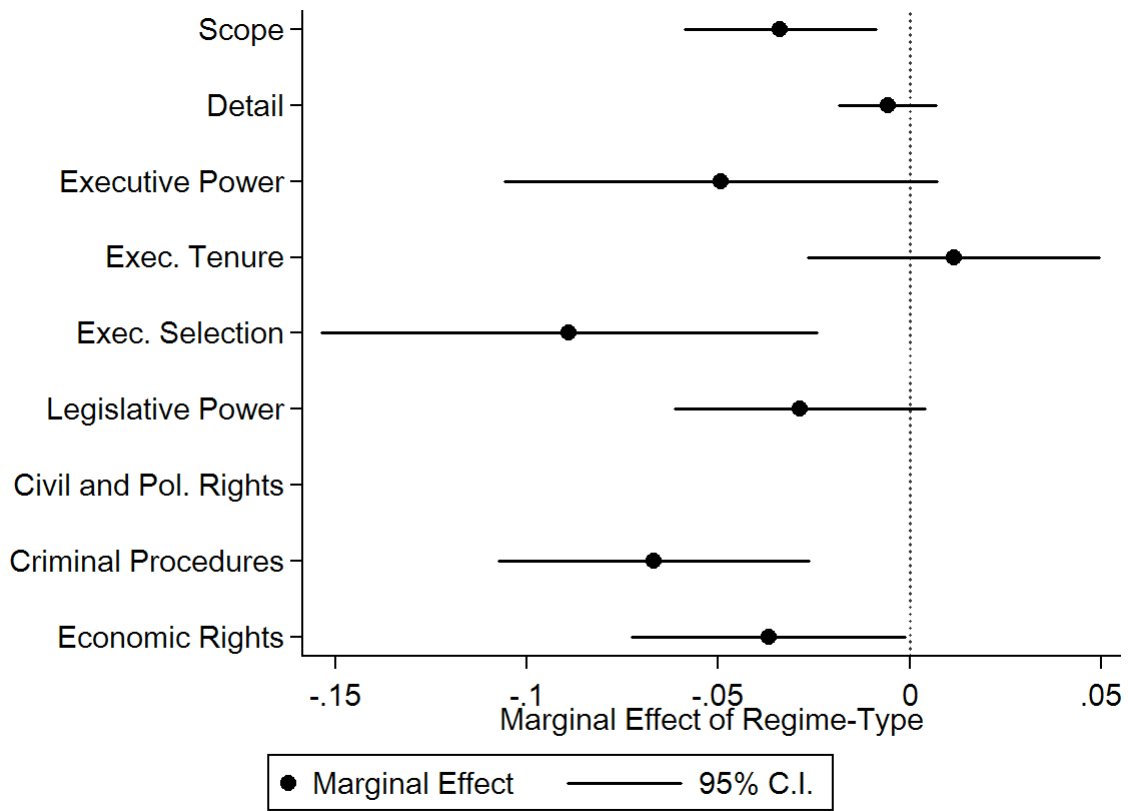


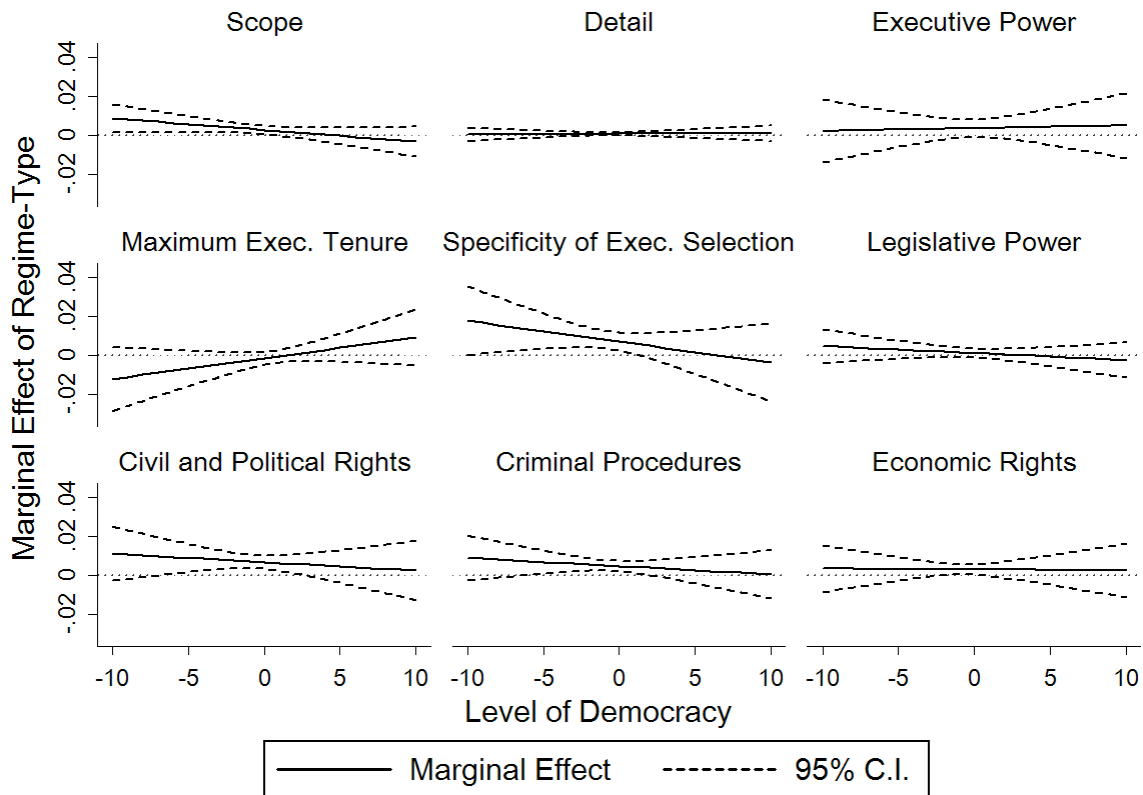
Figure 3 – Marginal Effect of Regime-Type

Universe: 664 of 853 constitutions drafted in all independent states from 1789-2008.



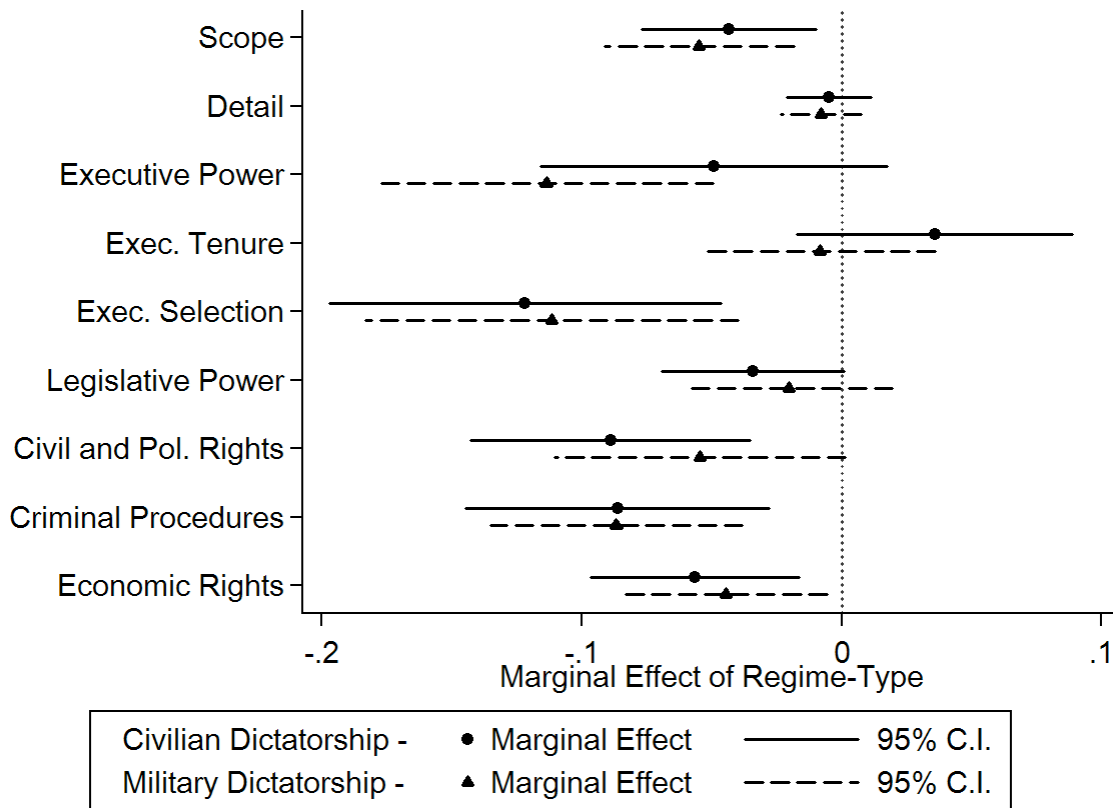
Notes – The points in each panel illustrate the average difference in a given dependent variable between a constitution written in an authoritarian regime versus one written in a democratic regime. The solid line indicates the 95% confidence interval around that prediction. The universe is only 292 for executive tenure because a number of constitutions specify either to not specify the tenure of the head of state or specify that tenure is the life of the office holder. Estimates from the full model are available in the online appendix.

Figure 4 – Marginal Effect of the Level of Democracy in the Year of a Constitution’s Birth
 Universe: 620 of 853 constitutions drafted in all independent states from 1789-2008.



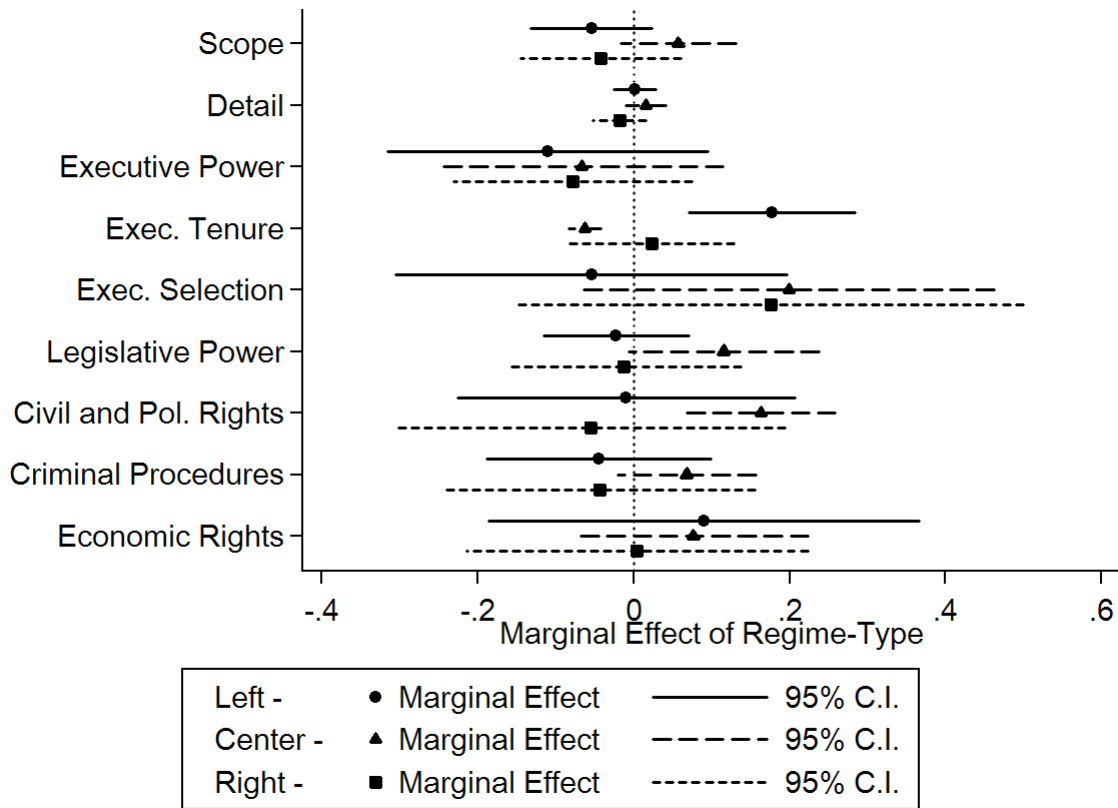
Notes – The solid line in each panel illustrates the marginal effect of a given characteristic according to the level of democracy, as measured by Polity, in the year of constitution’s birth. The dashed lines indicate the 95% confidence interval around that effect. The universe is only 285 for executive tenure because a number of constitutions specify either to not specify the tenure of the head of state or specify that tenure is the life of the office holder. Estimates from the full model are available in the online appendix.

Figure 5 – Marginal Effect of Regime-Type by Type of Dictatorship
 Universe: 448 of 853 constitutions drafted in all independent states from 1789-2008.



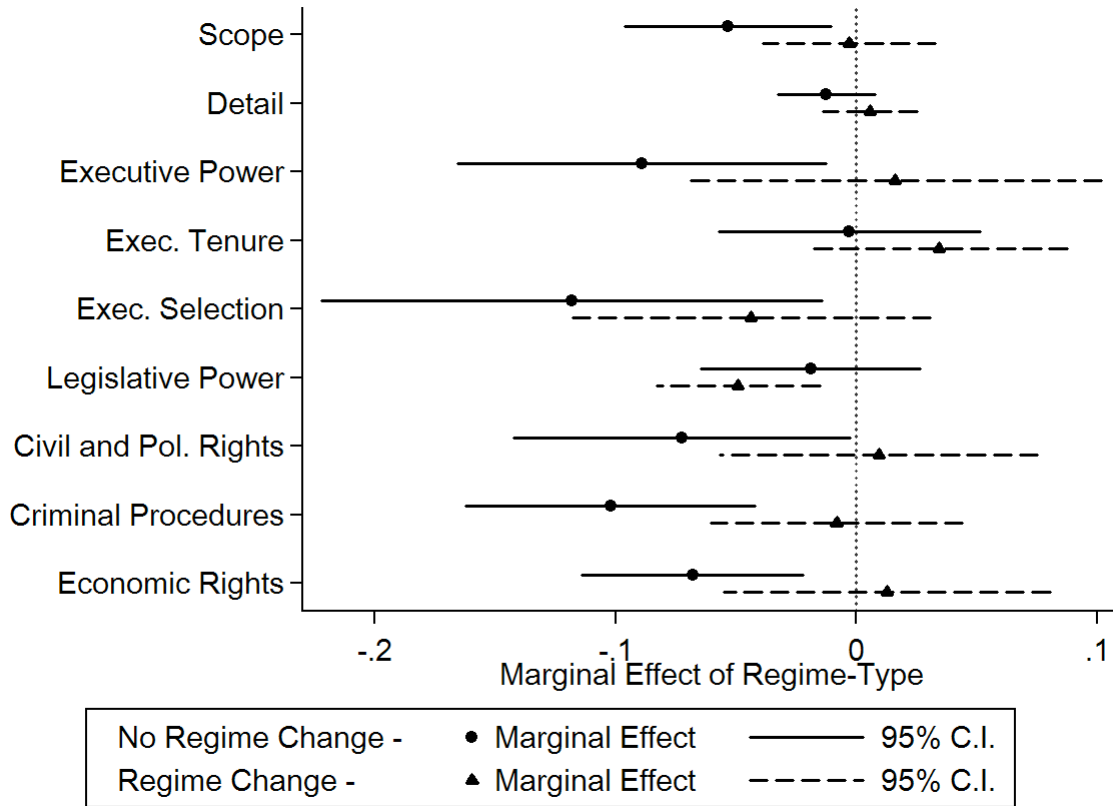
Notes – The points in each panel illustrate the marginal effect of the regime-subtype of the constitution, where democracy is the reference category. The lines indicates the 95% confidence interval around that effect. The universe is only 186 for executive tenure because a number of constitutions specify either to not specify the tenure of the head of state or specify that tenure is the life of the office holder. Estimates from the full model are available in the online appendix.

Figure 6 – Marginal Effect of Regime-Type by Ideology of the Regime
 Universe: 150 of 853 constitutions drafted in all independent states from 1789-2008.



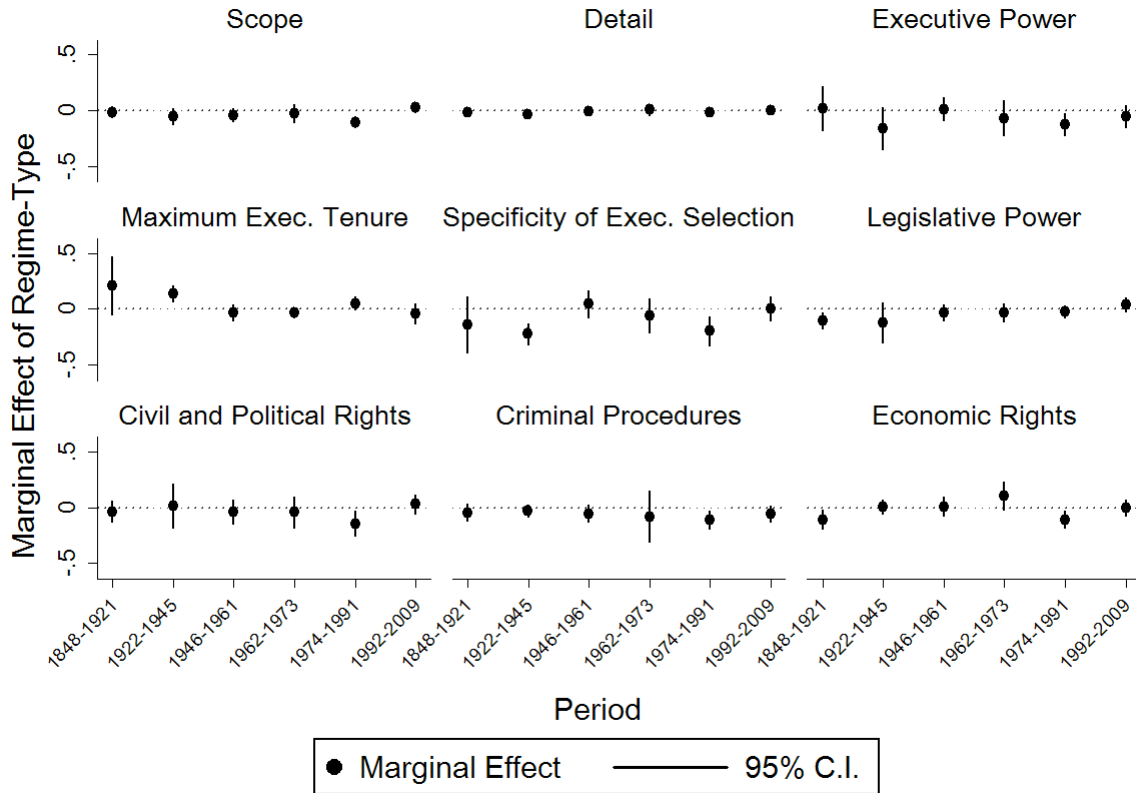
Notes – The points in each panel illustrate the marginal effect of the regime ideology of the constitution, where “missing” or non-ideological is the reference category. The solid line indicates the 95% confidence interval around that effect. The universe is only 67 for executive tenure because a number of constitutions specify either to not specify the tenure of the head of state or specify that tenure is the life of the office holder. Estimates from the full model are available in the online appendix.

Figure 7 - Marginal Effect of Regime-Type by Regime Stability
 Universe: 664 of 853 constitutions drafted in all independent states from 1789-2008.



Notes – The points in each panel illustrate the marginal effect of the regime-type of the constitution by regime stability. The lines indicates the 95% confidence interval around that effect. The universe is only 292 for executive tenure because a number of constitutions specify either to not specify the tenure of the head of state or specify that tenure is the life of the office holder. Estimates from the full model are available in the online appendix.,

Figure 8 – Marginal Effect of Regime-Type by Period
 Universe: 635 of 853 constitutions drafted in all independent states from 1789-2008.



Notes – The points in each panel illustrate the marginal effect of the regime-type of the constitution by year. The solid line indicates the 95% confidence interval around that effect. The universe is only 283 for executive tenure because a number of constitutions specify either to not specify the tenure of the head of state or specify that tenure is the life of the office holder. Estimates from the full model are available in the online appendix.

Tables

Table 1 – Summary Statistics for Dependent Variables

| Dependent Variable | Mean | Standard Deviation | Range | N |
|---------------------------------|------|--------------------|---------------|-----|
| Scope | 0.50 | 0.11 | (0.09 - 0.80) | 691 |
| Detail | 0.10 | 0.09 | (0.01 - 0.65) | 681 |
| Executive Power | 0.54 | 0.24 | (0.00 - 1.00) | 691 |
| Maximum Executive Tenure | 0.36 | 0.16 | (0.05 - 0.70) | 299 |
| Executive Selection Specificity | 0.69 | 0.28 | (0.00 - 1.00) | 691 |
| Legislative Power | 0.30 | 0.12 | (0.00 - 0.62) | 691 |
| Overall Rights Protection | 0.29 | 0.16 | (0.00 - 0.78) | 691 |
| Civil and Political Rights | 0.47 | 0.21 | (0.00 - 0.95) | 691 |
| Criminal Procedures | 0.26 | 0.18 | (0.00 - 0.80) | 691 |
| Economic Rights | 0.23 | 0.20 | (0.00 - 0.84) | 691 |

VI. References

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Appendices

Table A1 – Universe and Sample of Constitutional Systems, by regime type

Notes:

~~strike-through~~ = missing data on regime type

bold = democratic constitution; non-bold = authoritarian constitution

I = interim constitution; R = reinstated constitution; * = constitution died through suspension, not replacement by another new, interim, or reinstated constitution

| Country | Constitutional Systems |
|-----------------------|--|
| Afghanistan | 1923; 1931; 1964; 1973(I); 1977; 1978(I); 1979(I); 1980(I); 1985; 1987; 1990; 2001(I); 2004 |
| Albania | 1914; 1920; 1925; 1928; 1939 ; 1943(R); 1946; 1976; 1991(I) ; 1998 |
| Algeria | 1963 |
| Andorra | 1993 |
| Angola | 1975 |
| Antigua And Barbuda | 1981 |
| Argentina | 1816(I) ; 1819 ; 1826; 1853; 1956(R) |
| Armenia | 1978; 1995 |
| Australia | 1901 |
| Austria | 1920 ; 1934; 1945(R) |
| Austria-Hungary | 1848 ; 1867 |
| Azerbaijan | 1991; 1995 |
| Baden | 1818 |
| Bahamas | 1973 |
| Bahrain | 1973; 2002 |
| Bangladesh | 1972*; 1986(R) |
| Barbados | 1966 |
| Bavaria | 1808; 1818 |
| Belarus (Byelorussia) | 1994 |
| Belgium | 1831 |
| Belize | 1981 |
| Benin | 1960*; 1964*; 1968; 1970*; 1979; 1990 |
| Bhutan | 1953; 2005(I) |
| Bolivia | 1826; 1831; 1834; 1836; 1839; 1843; 1851; 1861; 1868; 1871; 1878; 1880; 1938*; 1945; 1947; 1961; 1964(R); 1967 |
| Bosnia-Herzegovina | 1910; 1995 |

| Country | Constitutional Systems |
|---------------------------------------|--|
| Botswana | 1966 |
| Brazil | 1824; 1891; 1930(I); 1934; 1937; 1946 ; 1967; 1988 |
| Brunei | 1959 |
| Bulgaria | 1879*; 1883(R)*; 1938(R); 1947; 1971; 1991 |
| Burkina Faso (Upper Volta) | 1960*; 1970*; 1977*; 1983; 1988; 1991 |
| Burundi | 1962*; 1974*; 1981*; 1992; 1998(I); 2004 |
| Cambodia (Kampuchea) | 1947; 1972; 1976; 1981; 1989; 1993 |
| Cameroon | 1961; 1972 |
| Canada | 1867 |
| Cape Verde | 1980 |
| Central African Republic | 1959; 1964; 1976; 1979(I); 1981; 1986; 1994* ; 2004 |
| Chad | 1960; 1962*; 1978; 1982(I); 1989*; 1993(I); 1996 |
| Chile | 1818(I); 1822; 1823*; 1826(I); 1828; 1833; 1925; 1980 |
| China | 1912(I); 1914; 1916(R); 1923; 1928; 1947; 1949; 1954; 1975; 1978; 1982 |
| Colombia | 1830; 1832; 1843; 1853; 1858; 1861(I); 1863; 1886; 1991 |
| Comoros | 1975(I); 1978; 1992 ; 1996; 2001 |
| Congo | 1961 ; 1963; 1969; 1973*; 1979; 1991(I); 1992 ; 2001 |
| Congo, Democratic Republic Of (Zaire) | 1960; 1961(I); 1964; 1967; 1978; 1997; 2003; 2005 |
| Costa Rica | 1825; 1841 ; 1844 ; 1847 ; 1848 ; 1859 ; 1869 ; 1871 ; 1917 ; 1919 (R)*; 1949 |
| Cote D'Ivoire | 1960*; 2000 |
| Croatia | 1991 |
| Cuba | 1901; 1933(I); 1934; 1935; 1940 ; 1952; 1953(R); 1959; 1976 |
| Cyprus | 1960 |
| Czech Republic | 1993 |
| Czechoslovakia | 1918(I); 1920 ; 1948; 1960 |
| Denmark | 1849; 1866; 1915 ; 1953 |
| Djibouti | 1977; 1992 |
| Dominica | 1978 |
| Dominican Republic | 1844; 1854.1; 1854.2; 1858*; 1865; 1866; 1868; 1872; 1874; 1875; 1877; 1878; 1879; 1880; 1881; 1887; 1896; 1907; 1908; 1924; 1927; 1929.1; 1929.2; 1934; 1942; 1947; 1955; 1961; 1962; 1963; 1966 ; 1994 ; 2002 |
| East Timor | 2002 |

| Country | Constitutional Systems |
|----------------------------|---|
| Ecuador | 1830; 1835; 1843; 1845; 1851; 1852; 1861; 1869; 1878; 1884; 1897; 1906; 1929; 1935(R)*; 1939(R); 1945; 1946 ; 1967*; 1972(R)*; 1976(R); 1978; 1984; 1993; 1996; 1997; 1998* |
| Egypt | 1923; 1930*; 1935(R)*; 1953(I); 1956; 1958(I); 1962; 1964(I); 1971 |
| El Salvador | 1840; 1841; 1859; 1864; 1871; 1872; 1880; 1883; 1886; 1939; 1945(R); 1950*; 1962(R); 1983 |
| Equatorial Guinea | 1968; 1973; 1982; 1991 |
| Eritrea | 1997 |
| Estonia | 1919(I); 1920; 1933 ; 1937; 1978; 1992 |
| Ethiopia | 1931; 1955; 1974; 1976; 1987; 1991(I); 1994 |
| Fiji | 1970; 1990; 1997 |
| Finland | 1919; 1999 |
| France | 1791; 1793; 1795; 1799; 1802; 1804; 1814; 1815; 1830; 1848 ; 1852; 1875 ; 1940; 1946; 1958 |
| Gabon | 1960; 1961; 1975; 1991 |
| Gambia | 1962; 1970*; 1996 |
| Georgia | 1992(R); 1995 |
| German Democratic Republic | 1949 ; 1968 |
| German Federal Republic | 1949 |
| Germany (Prussia) | 1848; 1850; 1871; 1919 |
| Ghana | 1957; 1960*; 1969* ; 1979* ; 1982(I); 1992 |
| Great Colombia | 1821 |
| Greece | 1827*; 1844; 1864 ; 1925; 1926; 1927; 1935(R); 1944(R); 1952 ; 1968; 1974(R); 1975 |
| Grenada | 1974* ; 1991(R) |
| Guatemala | 1839(I); 1845; 1851; 1879; 1944(R); 1945 ; 1954(I); 1956*; 1965; 1982(I); 1985 |
| Guinea | 1958; 1982*; 1990 |
| Guinea-Bissau | 1973; 1984 |
| Guyana | 1966; 1970; 1980 |
| Haiti | 1801; 1805 ; 1806 ; 1807 ; 1811 ; 1816 ; 1843; 1844(R); 1846; 1849; 1859(R); 1867; 1874; 1876(R); 1879; 1888; 1889; 1902; 1932; 1935; 1946.1; 1946.2; 1950; 1957; 1964; 1983; 1987 |
| Hanover | 1819 ; 1833 ; 1837(R) ; 1840 ; 1848 ; 1855(R) |
| Hesse-Darmstadt (Ducal) | 1820 |

| Country | Constitutional Systems |
|--|--|
| Hesse-Kassel (Electoral) | 1831; 1852; 1860(R) |
| Honduras | 1839; 1848; 1865; 1873; 1874(R); 1880; 1894; 1904; 1908(R); 1921; 1924; 1936; 1957 ; 1965; 1982 |
| Hungary | 1919; 1920; 1946; 1949 |
| Iceland | 1944 |
| India | 1949 |
| Indonesia | 1945; 1949; 1950(I); 1955; 1959(R) |
| Iran (Persia) | 1906; 1979 |
| Iraq | 1925; 1958; 1964(I); 1970(I); 1990(I); 2004(I); 2005 |
| Ireland | 1919; 1922 ; 1937 |
| Israel | 1948 |
| Italy/Sardinia | 1848; 1861; 1943(I); 1947 |
| Jamaica | 1962 |
| Japan | 1889; 1946 |
| Jordan | 1946; 1952 |
| Kazakhstan | 1993(I); 1995 |
| Kenya | 1963 |
| Kiribati | 1979 |
| Korea, People's Republic Of | 1948; 1972 |
| Korea, Republic Of | 1948 |
| Kuwait | 1961(I); 1962; 1980(R)*; 1992(R) |
| Kyrgyz Republic | 1993 |
| Laos | 1947; 1991 |
| Latvia | 1919 ; 1920(I) ; 1922 ; 1940; 1991(R) |
| Lebanon | 1926 |
| Lesotho | 1966*; 1983*; 1993 |
| Liberia | 1847*; 1986 |
| Libya | 1951; 1969 |
| Liechtenstein | 1818; 1862; 1921 |
| Lithuania | 1918.1(I); 1918.2(I); 1919(I); 1920(I) ; 1922 ; 1928; 1938; 1990(I); 1992 |
| Luxembourg | 1856; 1868 |
| Macedonia (Former Yugoslav Republic Of) | 1991 |
| Madagascar (Malagasy) | 1959; 1972(I); 1975; 1992; 1998 |

| Country | Constitutional Systems |
|-----------------------|---|
| Malawi | 1964; 1966; 1994 |
| Malaysia | 1957 |
| Maldives | 1968; 1998 |
| Mali | 1960*; 1974; 1992 |
| Malta | 1964 |
| Marshall Islands | 1979 |
| Mauritania | 1959; 1961; 1978; 1980; 1985; 1991 |
| Mauritius | 1968 |
| Mecklenburg-Schwerin | 1849 |
| Mexico | 1814; 1822; 1824; 1836*; 1843; 1846(R); 1856(I); 1857; 1865(I); 1867(R); 1917 |
| Micronesia, Fed. Sts. | 1981 |
| Moldova | 1978; 1994 |
| Monaco | 1911* ; 1917(R)* ; 1962 |
| Mongolia | 1924; 1940; 1960; 1990(I) ; 1992 |
| Montenegro | 1905 |
| Morocco | 1962; 1970; 1972 |
| Mozambique | 1975; 1990; 2004 |
| Myanmar (Burma) | 1947; 1962; 1974*; |
| Namibia | 1990 |
| Nauru | 1968 |
| Nepal | 1948; 1951(I); 1959*; 1962; 1990 |
| Netherlands | 1795; 1798; 1801 ; 1805 ; 1806 ; 1815; 1848 |
| New Zealand | 1852 |
| Nicaragua | 1838; 1848; 1854; 1858; 1893; 1905; 1911; 1937; 1939; 1948; 1950; 1974*; 1987 |
| Niger | 1960*; 1989*; 1992; 1996; 1999 |
| Nigeria | 1960 ; 1963* ; 1975; 1978*; 1989; 1993(R); 1999 |
| Norway | 1814 |
| Oman | 1996 |
| Orange Free State | 1854 ; 1879 |
| Pakistan | 1956* ; 1962; 1969(I); 1973* ; 1985(R)*; 2002(R) |
| Palau | 1981 |
| Panama | 1904; 1940; 1946; 1972 |
| Papua New Guinea | 1975 |

| Country | Constitutional Systems |
|-----------------------------------|--|
| Paraguay | 1813; 1844; 1870; 1940; 1967; 1992 |
| Peru | 1826; 1827(R); 1828; 1834; 1839; 1855(I); 1856; 1860; 1867; 1868(R); 1920; 1933; 1979; 1993 |
| Philippines | 1945(R); 1973; 1986 |
| Poland | 1919; 1921 ; 1935; 1944(I); 1947; 1952; 1976; 1992; 1997 |
| Portugal | 1822*; 1826*; 1838(R); 1911* ; 1933*; 1976 |
| Qatar | 1970(I); 2003 |
| Romania | 1866; 1923; 1938*; 1944(R); 1948; 1952; 1965; 1991 |
| Russia (Soviet Union) | 1905; 1918; 1924; 1936; 1977; 1993 |
| Rwanda | 1962; 1978; 1995; 2003 |
| Samoa | 1962 |
| Sao Tome And Principe | 1975 |
| Saudi Arabia | 1926; 1992 |
| Saxony | 1820; 1831 |
| Senegal | 1959; 1963; 2001 |
| Serbia | 1869; 1888; 1894(R); 1901; 1903 |
| Seychelles | 1975(I); 1979; 1993 |
| Sierra Leone | 1961* ; 1968(R); 1978; 1991*; |
| Singapore | 1959 |
| Slovakia | 1992 |
| Slovenia | 1991 |
| Solomon Islands | 1978 |
| Somalia | 1960* ; 1979 |
| South Africa | 1909; 1961; 1983; 1993; 1996 |
| Spain | 1808; 1812*; 1820(R)*; 1834; 1836(R); 1837; 1845; 1861(R); 1869; 1876; 1931; 1936(I) ; 1967; 1978 |
| Sri Lanka (Ceylon) | 1946; 1972 ; 1978 |
| St. Kitts And Nevis | 1983 |
| St. Lucia | 1978 |
| St. Vincent And The Grenadines | 1979 |
| Sudan | 1955(I)*; 1964(R)*; 1971(I); 1973; 1985(I)*; 1998; 2005(I) |
| Surinam | 1975* ; 1981(I); 1982(I); 1987 |
| Swaziland | 1968; 2005 |
| Sweden | 1809; 1974 |

| Country | Constitutional Systems |
|-------------------------------------|--|
| Switzerland | 1798; 1802 ; 1803 ; 1815 ; 1848 ; 1874 ; 1999 |
| Syria | 1943(R)*; 1950*; 1953; 1954(R); 1958(I); 1961(I); 1964(I)*; 1969(I); 1973 |
| Taiwan | 1947 |
| Tajikistan | 1994 |
| Tanzania/Tanganyika | 1961; 1962; 1965(I); 1977; 1985 |
| Thailand | 1932; 1946; 1947; 1949; 1952(R)*; 1959(I); 1960(I); 1968*; 1972(I); 1974; 1976; 1977(I); 1978*; 1983(R) ; 1991(I); 1997 |
| Togo | 1960(I); 1961; 1963*; 1971; 1979; 1992 |
| Tonga | 1875 |
| Transvaal | 1856 ; 1906 |
| Trinidad And Tobago | 1962 ; 1976 |
| Tunisia | 1956(I); 1957(I); 1959 |
| Turkey/Ottoman Empire | 1876*; 1908(R); 1921; 1924; 1945; 1961 ; 1982 |
| Turkmenistan | 1992 |
| Tuvalu | 1978 ; 1986 |
| Uganda | 1962; 1966; 1967*; 1981(R) ; 1995 |
| Ukraine | 1978; 1996 |
| United Arab Emirates | 1971(I) |
| United Provinces Of Central America | 1824; 1835 |
| United States Of America | 1789 |
| Uruguay | 1830; 1918*; 1934; 1952 ; 1966 ; 1985(R) |
| Uzbekistan | 1992 |
| Vanuatu | 1980 |
| Venezuela | 1821; 1830; 1857; 1858; 1864; 1874; 1881; 1891; 1893; 1901; 1904; 1909; 1914.1; 1914.2; 1922; 1925; 1928; 1929; 1931; 1936; 1945; 1947 ; 1948(R); 1953; 1961 ; 1999 |
| Vietnam, Democratic Republic Of | 1960; 1980; 1992 |
| "Vietnam, Republic Of" | 1956*; 1964(I); 1965(I); 1967 |
| Wurttemberg | 1806 ; 1815 ; 1819 |
| Yemen (Arab Republic Of Yemen) | 1962(I); 1970; 1974(I); 1991 |
| Yemen, People'S Republic Of | 1970 |
| Yugoslavia (Serbia) | 1921 ; 1931; 1946; 1953; 1963; 1974; 1992; 2003 |

| Country | Constitutional Systems |
|---------------------|-------------------------------|
| Zambia | 1964; 1973; 1991 |
| Zimbabwe (Rhodesia) | 1965; 1969; 1979 |

KEY

~~strike-through~~ = missing data on regime type

bold = democratic constitution; non-bold = authoritarian constitution

I = interim constitution; R = reinstated constitution; * = constitution died through suspension, not replacement by another new, interim, or reinstated constitution