

# Constitutional Compliance in Authoritarian Regimes in the Post-Cold War Era

By  
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## **Abstract**

This project examines whether or not authoritarian regimes are following the rules outlined in their constitution. Specifically, it studies the constitutional compliance of these constitutions—that is how closely and effectively these regimes follow the rules laid out in their constitution. I theorize that most authoritarian regimes are complying with their constitutional rules, regardless of regime type. Complying with their constitution increases institutionalization and leads to authoritarian resilience. To test my theory, I conduct case studies and create a dataset that measures whether the constitution is being followed within each respective country from 1990 to 2010. This dataset includes indexes measuring the constitutional compliance of executive authority, executive tenure, legislative authority, legislative autonomy, and legislative tenure. These measurements are from twenty-five countries across the world in multiple regions including Asia, the Middle East, and Africa. I find that constitutional compliance does not vary by regime type but instead varies within regime type. This study has important implications for authoritarian governance and resilience.

## Acknowledgments

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## **Dedication**

I want to dedicate this dissertation to my great grandmother, Inez Hunter—a one-room schoolhouse teacher in Iowa. While she died before I was born, her love of education and learning continues to influence me every single day. Her sacrifice to give up her career for children afforded me this opportunity today. I am my ancestors' wildest dream.

**Table of Contents**

Abstract .....	iii
Acknowledgments.....	iv
Dedication .....	vii
List of Figures .....	ix
List of Tables .....	x
Chapter 1: Introduction .....	1
Chapter 2: Theory and Measures .....	25
Chapter 3: Comparative Constitutional Compliance .....	57
Chapter 4: Case Studies—Albania, Malaysia, Zimbabwe, Angola, China, and Mozambique...	110
Chapter 5: Conclusion.....	179
Bibliography .....	189



## List of Figures

Figure 1: Institutionalization and Constitutional Floor and Ceiling .....	35
Figure 2: Constitutional Compliance Head of Government (HOG) Index, All Cases .....	60
Figure 3: Constitutional Compliance HOG Index, Competitive Authoritarian Regimes .....	62
Figure 4: Constitutional Compliance HOG Index, Monarchy .....	65
Figure 5: Constitutional Compliance HOG Index, Personalist.....	67
Figure 6: Constitutional Compliance HOG Index, Single Party.....	70
Figure 7: Constitutional Compliance HOG Index, Military .....	73
Figure 8: Constitutional Compliance Legislative (LEG) Index, All Cases .....	76
Figure 9: Constitutional Compliance LEG Index, Competitive Authoritarian.....	77
Figure 10: Constitutional Compliance LEG Index, Monarchy.....	80
Figure 11: Constitutional Compliance LEG Index, Personalist.....	82
Figure 12: Constitutional Compliance LEG Index, Single Party .....	85
Figure 13: Constitutional Compliance LEG Index, Military .....	87
Figure 14: Succession Rule, All Constitutions .....	90
Figure 15: Succession Rule, Competitive Authoritarian Regimes .....	91
Figure 16: Succession Rule, Military.....	93
Figure 17: Succession Rule, Monarchy .....	95
Figure 18: Succession Rule, Single Party .....	97
Figure 19: Succession Rule, Personalist .....	99
Figure 20: Constitutions in Effect, Average Time.....	100

### List of Tables

Table 1: HOG Index Competitive Authoritarian Regimes .....	63
Table 2: HOG Index Monarchy .....	65
Table 3: HOG Index Personalist .....	68
Table 4: HOG Index Single Party .....	71
Table 5: HOG Index, Military .....	73
Table 6: LEG Index, Competitive Authoritarian .....	78
Table 7: LEG Index, Monarchy .....	81
Table 8: LEG Index, Personalist .....	83
Table 9: LEG Index, Single Party .....	85
Table 10: LEG Index, Military .....	88
Table 11: Succession Rule (CAR) .....	91
Table 12: Succession Rule (Military) .....	93
Table 13: Succession Rule (Monarchy) .....	95
Table 14: Succession Rule (Single Party) .....	97
Table 15: Succession Rule (Personalist) .....	99
Table 16: General Trust in Government .....	103
Table 17: Trust in President/Prime Minister .....	104
Table 18: Trust in Parliament/National Assembly .....	106
Table 19: Trust in Local Government .....	107

## Chapter 1: Introduction

*“The constitution ‘is a living tool, it must correspond to the level of development in society. Everything, in principle, can be changed in one way or another’”*

*-Vladimir Putin*

Adoption of formal documents in an authoritarian regime—like a constitution—are common, particularly in the post-Cold War era. These formal documents are not often studied by scholars in part because the argument commonly proposed is that these “formal rules usually exist, but they often do not guide behaviors in practice” (Frantz, 2018, p. 22). This description places formal documents like constitutions in authoritarian regimes as nothing more than a black box—lacking understanding of the internal processes these formal documents produce.

Constitutions are also described in the literature as being merely window dressings or rubber stamps for those autocrats in power (Ginsburg and Simpser 2014; Law and Versteeg 2014). Additionally, these points lend limited credibility to these documents, reiterating that these constitutions are worth little more than the paper they are printed on. Such conclusions—as well as modernization linear assuming autocracies are in a trajectory towards democracy—make understanding formal documents increasingly difficult.

However, constitutions “are costly to adopt, consuming significant political energy and time” (Ginsburg & Simpser, 2014a, p. 1). Even so, adoption of documents like constitutions are increasingly common. In fact, “not only do most authoritarian regimes incorporate political institutions that appear similar to those of democracies, but they are also increasingly likely to do so since the Cold War’s end” (Frantz, 2018, p. 66). Literature is bringing to the forefront that

these institutions and documents are becoming more important to understand (Davenport, 1996; Elkins et al., 2014; Jennifer Gandhi & Przeworski, 2007; Hale, 2014). This recent literature has changed the discussion towards regime type and function of these constitutions. Rather than comparing authoritarian constitutions to their democratic counter parts, it is possible to evaluate them at face value and assess how these function across different authoritarian regime types.

By delving into constitutions in authoritarian regimes, new literature is beginning to unpack the “black box” these documents were once thought to be. Continuing with this research agenda, this project begins to investigate these constitutions in authoritarian regimes by unpacking the black box. This academic work examines the constitutional compliance of authoritarian constitutions. Constitutional compliance is how closely constitutional rules—such as term length, selection procedures, et cetera—are being followed. More specifically, this project attempts to understand not only whether the rules set out by autocrats are being followed but if these formal rules are guiding behavior. Through extensive data collection and in-depth case studies, I answer the following question: does constitutional compliance within authoritarian regimes vary by regime type?

The importance of this project cannot be understated. First and foremost, constitutions are analyzed in a new and innovative way. I extend beyond what is contained in an authoritarian constitution to whether or not these constitutions and the rules set out in them are being followed. The level of constitutional compliance proves to be increasingly important to understand the longevity and resilience of authoritarian regimes. By analyzing constitutions in this way, I am studying authoritarian regimes as they are—studying their institutions directly like Geddes (1999). By doing so, I am able to better understand whether or not the rules set out by those in power—often times incumbents—are actually being followed or complied with.

Second, I examine authoritarian regimes as they are and not in comparison to democracies. Authoritarian regimes are distinct from democracies. Increasingly, autocratization is occurring—what is being called the third wave of autocratization (Frantz, 2018; Hanley & Vachudova, 2018; Lührmann et al., 2018; Lührmann & Lindberg, 2019). The Democracy Report for 2021 from the V-Dem Institute expresses that “the ‘third wave of autocratization’ accelerates, now engulfing 25 countries and 34% of the world population (2.6 billion).” These autocracies—while appearing to mimic democracies with democratic institutions—are distinctly different from their democratic counterparts (Frantz, 2018; Frantz & Kendall-Taylor, 2017; Kendall-Taylor & Frantz, 2014). Constitutions in autocracies are not new additions. Josef Stalin is known for urging Mao and China to adopt a constitution because “a constitution would help legitimize the Party’s reign over the country. Without a constitution, enemies would claim that China had no law and the Party’s power came only from its military triumph, unsupported by the free will of the People” (Liu, 2016, p. 204). Stalin extends this argument to much of the Eastern Bloc who use the 1936 Soviet constitution as a blueprint (H. Li, 2001). Thus, the adoption of constitutions by autocrats is increasingly common and should no longer be thought of as a strictly democratic institution (Myerson, 2008). These developments provide growing support to assess authoritarian regimes as they are. By understanding authoritarian regimes on their own, I am able to understand how constitutions behave without focusing on comparison to democratic institutions. If one wants to truly understand how constitutions function within authoritarian regimes, focusing strictly on authoritarian regimes is the most effective strategy to use. Through this, there is no assumption that a constitution would behave in the same way as their democratic peers. Moreover, the idea constitutions act as institutions in authoritarian regimes like they do in

democracies is abandoned. These constitutions are instead viewed through the lenses of autocrats.

Lastly, the critical divergence in studying authoritarian constitutions from differing regime types is waiting to see if these autocrats follow the rules set out for themselves. Through authoring the constitutions themselves, the incumbents often will both include and/or leave absent rules which confine and guide their behavior. These rules could refine their role in the government as well as the of others. Such rules could also ensure the autocrats survival for many years to come—possibly building trust amongst the citizenry. Following your constitution should produce stability and certainty, reinforcing trust in those institutions within autocracies. Failure to do so should lessen the amount of trust and similar sentiment found within the population. Nevertheless, it is whether these autocrats follow these rules that provides the clearest picture of autocratic resilience and survival. Failing to follow the constitution and the rules set out produce a bleak picture of a document with words which possess little substance. How closely these incumbents comply with the rules set out by the constitution is critical to understanding the role and functions constitutions provide in authoritarian regimes.

Taken together, the findings in this work suggest that constitutions often are highly complied with—that is these constitutions are followed closely with respect to executive and legislative rules. In fact, regime type does not seem to be the key to understanding constitutional compliance. Thus, the overarching answer to the research question is that constitutional compliance does not vary by regime type. Regime type does matter for some processes in autocracies—though this does not seem to be the case with respect to authoritarian constitutions. There are examples within each regime type of high compliance (like China and Albania) and lower levels of compliance (like Angola), highlighting variation within single party regimes.

Even if the rules are written by the autocrat in power, they do still confine the behavior of incumbents and improve the longevity of the regime when followed. The succession rule—that is where the head of government has changed twice since the initial leader—is necessary for high constitutional compliance. Succession of the head of government adds to this compliance and strengthening legitimacy and stability in the system, thereby increasing institutionalization over time. The level of institutionalization is “the process by which organizations and procedures acquire value and stability” (Huntington, 1965, p. 12). Hence, succession from one leader to the next builds stability into the system and helps prevent authoritarian breakdown. It is with this process that authoritarian durability emerges. When succession does not occur, it seems that breakdown ensues which culminates in a new constitution or overall increased levels of uncertainty. Constitutional compliance is a useful tool to understand the role institutions and the rules set out by autocrats provide in each case.

### *Constitutional Compliance*

To truly understand the role and functions constitutions play in authoritarian regimes, defining what this is means is paramount. The main focus is on how closely these rules are being followed also known as constitutional compliance. Constitutional compliance is defined as the fulfillment of the rules and laws which are in place within constitutions. These rules and laws, if followed, guide autocrats’ behavior. Head of government turnover—or the succession rule—is another critical way to analyze whether or not the constitution itself is functioning. If there is leadership succession that results in an entirely new constitution, this constitution is not functioning or being complied with. However, succession occurring without the creation of a

new constitution suggests that the constitution and the rules set forth in the constitution are functioning as the rules have outlined.

If a constitutional process and the specific rules outlined by the constitution are followed, then there is constitutional compliance. To illustrate when incumbents within a country are following a constitution or not, examples are critical. These examples provide insight into how constitutional compliance is being both understood and expressed throughout this project. Levels of constitutional compliance are categorized as high, medium, and low. High compliance are those constitutions which follow the rules most closely as they are written and rarely deviate from the rules as specified in the constitution. Further, high compliance requires the succession rule is met. Medium compliance follows the constitution most of the time, but do not seem to always follow all the rules. There are instances where the incumbents will break or ignore the constitution as they see fit, but the constitutions are complied with a majority of the time. Finally, low to no compliance are those constitutions where the autocrats disregard the rules a majority of the time. In fact, these constitutions are rarely followed and appear to behave as sham constitutions. The succession rule is not met in medium and low/no constitutional compliance levels. In this project and the case studies that follow, there are examples of each of these types of constitutions.

High Constitutional Compliance. High constitutional compliance is found in Albania in the midst of post-communist rule and volatility in the nation. Generally, Albania follows their constitution fully. There is rapid change in the electoral systems throughout this time, yet constitutional compliance is high. Albania has a strong relationship between the head of government and legislature with the constitution mandating the Prime Minister be a member of the People's



Assembly. By working together, the head of government and legislature continue to expand power over the time period while also meeting the succession rule.

China is another example of high constitutional compliance and high levels of institutionalization. Overall, China follows their constitution fully. Constitutionally, the Premier (head of government) is stronger than the President (head of state). The legislature is best described as “rubber stamp” because it is not meant to be a deliberative body. Instead, the Chinese Communist Party holds the real authority in China where the institutions cannot be understood independently of the party. This is especially apparent in the use of an entirely different party constitution which guides the behavior of the Chinese Communist party through state institutions. China meets the succession rule.

Medium Constitutional Compliance. Zimbabwe offers an excellent case which displays how the a strong Presidential system can often surpass constitutional boundaries and institutions to remain in power beyond what is constitutionally allowed. The head of government (President) has high levels of power per the constitution but continually attempts to expand this power. Through the addition of the Senate and electoral fraud—particularly in 2008—Mugabe expands his power constantly. Though, the constitution provides limits for the president—even Mugabe. The legislature does have some authority, but is somewhat weak. Further, the succession rule is not met in Zimbabwe.

Malaysia shows how colonial legacy likely impacts the level of general compliance—medium overall for the legislature and high for the head of government. Without both institutions having high compliance, the case is best understood as medium constitutional compliance. The Prime Minister is the leader of the majority party in the legislature who is generally appointed to

the position—granting the PM somewhat higher power. The strength of the legislature is fairly weak due to institutional gaps in authority. The head of government appears to be stronger than the legislature due to the interdependent relationship between the two. While the succession rule is met, the medium constitutional compliance for the legislature causes Malaysia to fall into the medium compliance category.

Finally, Mozambique increases compliance over time resulting in the most recent constitution having high constitutional compliance overall. While there is high compliance in the 2004 constitution, the succession rule is not met—making this case medium constitutional compliance. This is still a beneficial case that highlights how conflict can conclude with a successful peace agreement can lead to increases in constitutional compliance. The President and Prime Minister share the head of government position constitution. Although, the PM often behaves as a de facto Vice President. The President is also rather strong which counters the fairly weak legislature. While compliance does increase over time, not meeting the succession rule results in medium compliance for Mozambique during this time period.

Low/No Constitutional Compliance. With a strongman President and an overall strong Presidential system, Angola shows how institutions struggle to exist in the presence of internal conflict. There is low constitutional compliance with a constitution that generally lacks institutionalization with a President who focuses on consolidating power. The President further expands control through the 2010 constitution which directly grants dos Santos wide-ranging authority. The legislature is given limited authority. It seems the constitution is more of a proposal than actual codified document in Angola. Elections rarely occur and conflict continues

through around 2002 where succession does not happen—resulting in the succession rule not being met.

## **Literature Review**

### *Trajectory and Democratization*

Understanding authoritarian regimes can be roughly divided into the way that these have been assessed in the literature, often in two camps: trajectory and as-is. The first of these camps is concentrated on the trajectory of authoritarian regimes, often focusing on the movement of these authoritarian regimes. Not assuming stationarity, this camp assumes there is movement towards democracy with democracy often being the optimal goal for these countries (i.e. Donno 2013; Hadenius and Teorell 2007; Huntington 1991; Kurzman 1998). In order to understand the second camp which assumes stationarity, the first camp which assumes trajectory towards democratization should also be understood.

Modernization theory has often informed the idea of countries moving towards democracy in the trajectory approach. The basis for the modernization argument is that as countries develop economically, political development often follows—leading to democracy. In fact, this democratization is often viewed as a causal relationship (Acemoglu, 2006; Boix & Stokes, 2003; Huntington, 1965; Lipset, 1959). That causal relationship is one where as countries develop, they are more likely to transition to or support democratic rule. This movement is necessary for the trajectory literature.

With the end of the Cold-War, a major focus of the trajectory literature is on the differing Waves of Democracy. Huntington's (1991) seminal work *The Third Wave, Democratization in the Late Twentieth Century* forms a burgeoning literature on understanding these

democratization waves. Kurzman (1998) conceptualizes these waves in multiple ways to help scholars more accurately capture stronger theoretical arguments. This conceptualization is something that has been the emphasis of others, particularly the mechanisms that impact whether or not countries democratize (Haggard & Kaufman, 2016; Teorell, 2010). However, other literature is beginning to focus on the movement between autocracies and democracies—not merely focusing on the movement towards democracy or assuming the trajectory is in that direction (Wright & Escribà-Folch, 2012).

Literature extending the understanding of the Third Wave of democratization has begun to center on transitions to democracy—trying to understand the differing approaches to these transitions. Levitsky and Way (2006) attempt to understand how international linkages and leverage impact the transitions to democracy and the overall outcome of the regime. Other research like Brownlee (2009) focuses on how the regime type—specifically hybrid regimes—impacts the transition to democracy while Hadenius and Teorell (2007) examine the institutions within autocracies. More recently, literature has started to take a qualitative approach by focusing on case studies to better understand democratization (Bogaards, 2019).

Transition literature can often further be divided at the institutional level by focusing on particular institutions or institutional processes which help foster democratization. A focal point is often elections in authoritarian regimes. Howard and Roessler (2006) analyze elections in hybrid regimes to understand which led to democratic outcomes. Some of the literature has continued to examine hybrid or competitive authoritarian regimes and how elections lead to democratic outcomes (Bunce & Wolchik, 2010; M. K. Miller, 2013). Other scholars concentrate on elections resulting in democratic outcomes in general (Donno, 2013; Wahman, 2013). Beyond elections, recent work studies the role elites play in the democratization process (Albertus &

Gay, 2017; Albertus & Menaldo, 2014). Further, other literature assesses the impact that protests have on democratization (Celestino & Gleditsch, 2013). Additional work provides the common modernization argument that economic development leads to democratization (Boix & Stokes, 2003).

Democratization literature expands beyond the domestic sphere to explain how the international sphere could also impact the trajectory of some nations towards democracy. Some of this work looks more directly on the role of the international community. For instance, Gleditsch and Ward (2006) explore how democracy can be diffused from connections to other countries that have democratized and improve support for democratic reform. These connections to other countries are also something that are impacted by foreign aid—where it can in certain circumstances foster democratization (Wright, 2009).

Further divisions in the literature on democratization occur at the regional level. Research on democratization in the Middle East commonly studies the role elections provide in this process (Blaydes & Linzer, 2012; Lust, 2009). Literature on Asia show how elections impact the general propensity to democratize (Case, 2005, 2010; Morgenbesser, 2017; Morgenbesser & Pepinsky, 2018). Research on the African region does sometimes center on elections (Morse, 2015), but also underscores other institutions as explanations for democratization (Matti, 2010). Finally, literature on post-communist Eurasian regimes discuss how elections impact authoritarian stability or democratization in the post-Cold War period (Kaya & Bernhard, 2013).

Following recent developments around the world, literature is beginning to highlight trajectory away from democracy and towards autocracies. Lührmann and Lindberg (2019) discuss what they are referring to as the “Third Wave of Autocratization” where democracies are transitioning to authoritarian regimes. More specifically, literature takes a case-specific focus on

this trajectory towards autocracy. Bogaards (2018) discusses de-democratization in Hungary while Hanley and Vachudova (2018) investigate democratic backsliding in the Czech Republic. In a more broad approach which encompasses East-Central Europe, Ágh (2016) explores the decline in democratic rule in the region.

### *Stationary Regimes*

The idea that authoritarian regimes are moving towards democracy is not the only area in the literature on authoritarian regimes. In fact, Carothers (2002) posits that the transition paradigm itself is no longer as useful as it used to be—instead suggesting scholars seek a new lens through which to analyze countries. While outlining the general way that previous literature on democratization has analyzed and assumed movement, the call by Carothers and certainly others like Geddes (1999) and Linz (2000) has been to focus on regimes as they are. The emphasis in this vein of literature is no longer on the movement of a regime, but instead centers on analyzing these regimes as stationary.

A central question to this point concentrates on the durability and resilience of these regimes—attempting to understand how these regimes remain in place for long periods of time. Frantz and Kendall-Taylor (2017) express that by “learning from their mistakes—and successes—of their predecessors and peers, many autocrats have altered their tactics in ways that increase the resilience of their regimes” (58). This durability is critical in understanding why countries remain static. Kendall-Taylor and Frantz (2014) express similar sentiment articulating that the use of semi-democratic institutions are often necessary for the resilience and durability of autocracies. Durability is thus a combination of institutions—some semi-democratic—and

offers some learning by the incumbents in autocracies (Gerschewski, 2013; S. G. F. Hall & Ambrosio, 2017).

Institutions are of growing importance in understanding the stationary nature of authoritarian regimes. In fact, the literature is beginning to unpack not only institutional design but also the state capacity aspect of regimes. Some scholars argue that the infrastructure mechanisms lead to durability within the regime, including institutions that mimic their democratic counterparts like legislatures and parties (Ezrow & Frantz, 2011; Slater & Fenner, 2011). Roberts (2015) examines the executive electoral process to show support for the idea that institutional designs impact the resilience of the regime. Other authors explore the claim that semi-autocracies are less durable, finding that the institutional structure of semi-autocracies are no less robust than their fully autocratic counterparts (Knutsen & Nygård, 2015). Nonetheless, there are still challenges to understanding if state capacity is vital for authoritarian resilience (Hanson, 2017).

Still, the stationarity of authoritarian regimes could be accounted for through power-sharing channels—some of which include political parties and elections (Magaloni, 2008) as well as legislatures (Svolik, 2009). The key to these power-sharing dynamics are the credibility of these commitments made by the autocrats who are sharing power (Boix & Svolik, 2013). Without these commitments being credible, the power-sharing is a mere window dressing where authority is not shared and opposition could be shut out of the political process altogether.

Other approaches look more directly at specific institutions or processes that provide resilience. For instance, Koesel and Bunce (2013) offer support of the idea of autocrats diffusion-proofing their regimes in the face of social movements. These reactions prove critical for the resilience of autocracies. Elections can also be used as a vehicle for the responsiveness of

incumbents to policy concessions (M. K. Miller, 2015). Additionally, the types of constitutions are offered as critical components in understanding the type of regime that evolves within the authoritarian typological sphere (Yan, 2019). The types of institutions are of growing importance in understanding authoritarian regimes.

Stationarity can also be understood within regional dynamics. In the Middle East, some regimes are learning from one another to remain resilient and prevent democratization (Heydemann & Leenders, 2011). Further, this resilience of autocracies in the Middle East relates to the institutions that are found within these states (Hinnebusch, 2006). More recently, there appears to be a pattern of autocratization in the Middle East which has lessened the probability of countries democratizing (Lührmann et al., 2018). These dynamics are occurring in other regions, as well. For instance, resilience of autocracies in Asia—particularly China—are the centered on the CCP and state authority being of critical importance (Cai, 2008; Tsai & Kou, 2015). In Europe, it is the foreign media which helps produce resilience in authoritarian regimes (Kern & Hainmueller, 2009). Autocracies continue to be robust in numerous regions throughout the world.

### *General Functions of Constitutions*

The literature often defines constitutions as sets of rules (Buchanan & Tullock, 1962; Desmith & Brazier, 1989; Elster et al., 1993). Beyond simply setting rules, Alexander (2011) posits that constitutions are also ways in which society can be organized and entrenched against change that can occur within society. Moreover, constitutional law is argued to function as a way to “settle the most basic matters regarding how we ought to organize society and government” (Alexander, 2011, p. 3). Thus, “constitutions can be used by numerous political systems and



cater to a multitude of political needs” (Maarseveen & Tang, 1978, p. 273). At its most foundational level, “each and every written constitution employs the principle of division of powers meaning that it separates formally between the three distinct forms of State powers: (i) executive function, (ii) legislative function and (iii) judicial function” (Lane, 1996, p. 94).

Given the role that constitutions play in societies, they are often thought to have multiple functions. Maarseveen and Tang (1978) propose that constitutions have four general functions: transformation, information, regulation, and canalization. Each of these four functions provides a central avenue by which constitutions can function within a nation. Transformation is the idea that state institutions are set up in accordance with the political views of the moment in time when the constitution is ratified (Maarseveen & Tang, 1978). Information goes beyond just connecting between the political subsystem and legal subsystem to give the outside international environment information on the state itself (Maarseveen & Tang, 1978). Regulation and canalization relate to how problems in the system should be solved, as well as the structure of which these problems to take place (Maarseveen & Tang, 1978). Shane (2006) argues that the four basic functions of constitutions are “implementing the political bargains that make nation-building possible, structuring the exercise of government power, limiting the exercise of government power, and creating affirmative obligations of government to the citizenry” (194). Colomer (2006) reiterates that constitutional rule is derived through a division of powers and electoral rules.

### *Constitutions, Functions and Effectiveness*

Moving beyond the central functions of constitutions, most literature investigating the constitutional effectiveness tend to focus on political and civil liberties. This concentration has

been on the liberal content within constitutions and how this content influences government behavior. For examples, the attention tends to be on religious rights (Fox, 2011; Fox & Flores, 2009), repression and human rights (Davenport, 1996; Melton, 2013; Taylor, 2010), gender inequality (Austen & Mavisakalyan, 2016; Adele Cassola et al., 2014; Adèle Cassola et al., 2016), and rights in general (Chilton & Versteeg, 2016). Centering on these particular areas—while essential—misses the central overall compliance of these constitutions—particularly in authoritarian regimes. While the content some of these rights can be found in both democracies and autocracies, most studies on constitutions focus on their functions within democracies or using democratic constitutions as a base line comparison. Little to no research has concentrated on constitutional compliance and effectiveness, such as executive or legislative branches, in autocracies.

### *Variety of Authoritarian Regimes*

Brownlee (2007) suggests, “Institutional differences separate unstable regimes from durable dictatorships” (2). If we take authoritarian institutions seriously, we can have a better understanding of their durability (Art, 2012). Therefore, institutional arrangements and differences in authoritarian regimes are critical to understand.

Typologies of different authoritarian regimes have evolved over time. The variety types of authoritarian regimes are centered on institutional differences. Much of the discussion began with Linz (2000) and Arendt (1973) and their dialogue around totalitarianism and dictatorship. These categories on differing types of authoritarian regimes moved this research agenda forward. Geddes (1999) extended beyond the general categorizations to more refined and precise definitions such as “personalist, military, single-party, or amalgams of the pure types” (121).

Extensions of these initial typologies are outlined by Geddes et al. (2014). Gandhi (2008) conceptualized a new category: civilian dictatorships. Other categorizations include competitive authoritarianism (Levitsky & Way, 2002) and electoral authoritarianism (Schedler, 2002). These emergent categories were centered on the more electoral aspects and the hybrid nature of autocracies during the post-Cold War era. Extensions of these sort—particular the electoral aspect—were then found within more recent typologies (Cheibub et al., 2010; Hadenius & Teorell, 2007; Wahman et al., 2013). Each new classification corresponds with the dominate actor within each type of authoritarian regime. These typologies will be further discussed in the following section.

In general, the literature suggests that constitutions can function as rules of government within authoritarian regimes, but it is unclear when and how these constitutions function best. Moreover, few studies have systematically examined the role of constitutions among the different types of authoritarian regimes. Thus, this project aims to bridge the literature on constitutions and regime types. However, I diverge from the literature in arguing that the differences relating to regime type do not impact overall constitutional compliance. In fact, I argue that the real differences relating to constitutions that will be observed are *not between* regime type, but *within*. One regime type is not more likely to disregard or scrap a constitution than another. For example, one might assume that personalist regimes are more likely to disregard constitutions because there is little need for national rules of legislative conduct beyond their own edicts. However, this may not be the case. Some personalist regime could be more institutionalized than others. A change in the constitution—be it an amendment or new constitution—could be a quick way to remain in power but is not exclusive to one regime type. Instead, these regimes could rely more on constitutions to guide legislative behavior as well as

for political legitimacy. It may be in their interest to highly comply with their constitutions—regardless of regime type. This does not mean one particular regime type are always highly complying with their constitutions. Constitutions may be repeatedly amended and changed to fit needs of the regime. Thus, the overall constitutional compliance of regimes will vary within regime type, not between regime types.

In attempting to understand whether authoritarian regimes comply with their constitutions and their functions, two critical mechanisms are important to point out. These mechanisms impact the likelihood that authoritarian regimes comply with their constitutions and speak to the institutional differences outlined by numerous scholars (i.e. Geddes, 1999; Geddes et al., 2014; Linz, 2000). These differences include the level of institutionalization as well as time. The level of institutionalization indicates how closely the rules and institutions themselves are being used and accepted as the way to do things. Time refers to how long a constitution has been being followed without an entirely new constitution replacing it. Each of these mechanisms are necessary to understand when attempting to grasp the differences that regime type provides with respect to constitutions.

### *Institutions in Authoritarian Regimes*

One critical component underlying all authoritarian literature is the importance of institutions and their role in organizing behavior. Often, what are critical institutions in a democracy—like elections, leadership succession, and legislatures—are increasingly being adopted by autocrats to remain in power. The literature continues to draw attention to these specific institutions to better understand the power dynamics within autocracies. In fact, institutions themselves are becoming a focal point of many within the study of autocrats (Carey,

2000; Pepinsky, 2014). To understand the survival of incumbents in autocracies, one must understand how support and cooperation lead to longer tenure of autocrats (Jennifer Gandhi & Przeworski, 2007). Moreover, it is adopting of these institutions and the understanding of the types of institutions that continues to be a focal point in the literature (Brancati, 2014).

One of these institutions adopted by autocrats are legislatures. Understanding how these legislatures have evolved over time and the dynamics within them (Schuler & Malesky, 2014). In general, legislatures help ensure some regime survival and overall stability of the regime (Mishler & Hildreth, 1984; Wright, 2008b). Sometimes the focus of literature is attempting to understand how rules within these legislatures impact the regime overall (Smyth et al., 2019). The study of how well the legislature allows for policy outcomes or performs in general continues (Bonvecchi & Simison, 2017b; Jensen et al., 2014; Williamson & Magaloni, 2020). Further, the economic impact of legislatures in autocracies is explored, whether it be for the individual legislative member or for the country's growth overall (Truex, 2014; Wright, 2008a). The transparency of these legislative processes in Vietnam are also considered (Malesky et al., 2012). Other legislative cases include Mexico (Portes, 1977) as well as Spain and Argentina (Bonvecchi & Simison, 2017a).

Beyond legislatures, institutions that have become central points for investigation are elections and the executives in power. Elections are significant developments in autocracies. These elections allow for incumbents to understand the preferences of citizens (Malesky & Schuler, 2011). While elections can be used for this, it can also be a double-edged sword—providing stability in some instances, but vulnerability in others (Bernhard et al., 2019). Executives are also becoming a focal point in the literature. Leadership succession is found to be related to the size of the polity as a strong indicators of whether the succession occurs (Gerring

& Knutsen, 2019). Further yet, Köker (2020) assesses incidences of autocrats utilizing their veto power over legislative policy.

This previous literature has clearly focused on specific institutions themselves—like legislatures, the executive, and elections. What is often missed in this literature is that these institutions are often laid out in each country’s constitution. The constitution provides the rules for the game—highlighting how many houses are within a legislature and how often the legislature meets. Constitutions also clearly draw out the succession plan for executives, term limits, and the selection procedure for the new executive. It is in the constitution that these institutions and the rules of the game are expressly written. How these institutions are drawn out and the type of regime in place are all outlined in the constitution for each authoritarian regime. Constitutions are thus the critical connection between the rules of the game and the type of regime in play. To truly understand the dynamics of the regime, understanding how constitutions behave within authoritarian regimes is essential.

### *Authoritarian Regimes and Constitutions*

Within autocracies, the literature on their constitutions is limited but emerging. Often, literature on authoritarian constitutions studies these constitutions for individual cases (Barros, 2002; Stilt, 2014). Some research centers on particular areas or types of regimes when analyzing constitutions (Negretto, 2012, 2014, 2018). Other times, the literature focuses on comparing the constitutions found in autocracies and democracies to capture their similarities and differences (Elkins et al., 2014). These sorts of approaches have found that “constitutions have converged in form, but not in function” (Elkins et al., 2014, p. 162). While the rules set out by constitutions may not always be followed, the constitution itself is still important (Hale, 2014).

Beyond the approaches discussed above, research expands on the function that constitutions play. Ginsburg and Simpser (2014b) provide that the role constitutions play are “as operating manuals, billboards, blueprints, and window dressings” (15). Further discussion of the typology of constitutions is proposed by Law and Versteeg (2014) as sham, weak, strong, or modest. Tushnet (2014) also provides typologies for authoritarian constitutions. Typologies of this sort are useful to understand how these constitutions may or may not have the same sorts of functional effectiveness given the type of constitution in place. In addition, they may facilitate information flows (Fearon, 2011). The critical reason why autocrats often adopt constitutions is to “help dictators consolidate power, increase investment, and boost economic development—all while generating a steady flow of rents for themselves and their cronies without empowering challengers that might undermine their authority” (Albertus & Menaldo, 2014, p. 53). Beyond an internal mechanism, these constitutions also act as informative mechanism towards the international environment—particularly in authoritarian regimes (Brown, 2002; A. E. Howard, 2009; Lane, 1996; Law, 2012; Law & Versteeg, 2013; Marcos, 2003; Zhang, 2010). Furthermore, constitutions will influence the behavior of actors and the types of outcomes in these regimes (Jennifer Gandhi, 2014).

Literature thus far has provided support for the idea that constitutions within authoritarian regimes have a role within society. Getty (1991) argues that constitutions are costly to create. Thus, it is increasingly important to understand the functional effectiveness of constitutions. Discussions of this sort stress the importance of understanding the function and compliance of authoritarian constitutions given their deviation from democratic constitutions. The rules put in place by autocrats and whether or not they follow these rules is of growing importance. Autocrats actively amend and alter constitutions. This sort of behavior seems to suggest that

constitutions play a larger role in authoritarian societies than previously thought. Further, the implications of these constitutions may result in higher levels of trust in institutions.

### *Gap*

This project attempts to bridge the gap in the literature. On one side of this gap are studies on authoritarian regimes. Research on authoritarian regimes rarely focus on constitutions. In fact, it is very common for works on authoritarian regimes to bypass any discussion of constitutions. This is likely due to the perception that constitutions in autocracies lack the sort of institutional power that are found in their democratic counterparts. The other side of the gap is concentrated on constitutions, but often rarely focus on authoritarian regimes. Often, the literature on constitutions will focus specifically on democracies. When constitutions in authoritarian regimes are discussed, they are often compared to democracies and democratic institutions. While an important comparison to make, strictly comparing for what is contained within each misses some of the important nuances that are found within authoritarian constitutions. By bridging this gap, the project addresses the shortcomings of each sets of literature.

It is important to note that these shortcomings are likely the result of access to information. To this point, the access to information has transformed. In the past, it was far more difficult to gather data on constitutions in authoritarian regimes given the lack of access to these documents and information related to it. As access to information has increased, so has the opportunity to study more within authoritarian regimes. Increased access to information has made studying constitutions in authoritarian regimes possible.



## Implications

There are a few critical implications that should be highlighted prior to moving forward. Implications from this research agenda provide critical points that should be thought of for the future and what the findings mean. First and foremost, any sort of reform on constitutions themselves in authoritarian regimes must be done within the limits of the constitution. These constitutions may not have autonomy or authority given to the legislature. Adding these powers in could require it be done constitutionally—following the processes outlined in the constitution directly. The same would apply to adding on more restrictions to members of the legislature or tenure requirements. Any and all changes or amendments must be completed in a constitutional way.

The second implication is related to following the constitution itself. If a constitution is being complied with in an authoritarian regime, the likelihood that this is being followed after a change to a more democratic constitution is also higher. Following a constitution is a behavior that continues to be reinforced through routinization and time—two critical components impacting whether a constitution continues to be followed. This sort of behavior that has been reinforced will likely continue to be if the constitution democratizes.

The final implication is on the role that rules perform in autocracies. It is paramount to acknowledge that rules in autocracies have tangible value. Within the study of autocracies, it is important to look at how the rules of the game are set up by those in power and if these rules are followed. If the rules are being followed and succession is occurring, overall durability likely increases as does predictability of leadership turnover. Ignoring constitutional rules could lead to instability and a decreased likelihood of succession from one leader to the next. These rules

provide impactful context on the level of governance in autocracies. Thus, these constitutions should be taken more seriously.

### **Dissertation Outline**

Chapter 2 discusses the theory on how constitutions provide an institutionalization role through compliance. Those states who comply with their constitutional rules more closely are more likely to have higher levels of stability—helping illuminate a possible explanation for why some authoritarian regimes are more durable and last longer than others. Further, Chapter 2 outlines the data collection process for the data collection process. Chapter 3 looks at the preliminary data on constitutional compliance through tables and charts. It also elaborates on why there might be the particular level of compliance seen. Public opinion of institutions like the executive, legislature, and local government are used to help explore if compliance might impact overall trust in institutions—though no direct relationship is tested. Chapter 4 explores two different regime types—Competitive Authoritarian Regimes and Single Party Regimes—to understand the differences found within each regime type. Both regime types underscore the diversity of cases in each regime type. Constitutional compliance is often driven by domestic factors such as conflict, parties, and other internal dynamics. Finally, Chapter 5 concludes with a discussion of the implications of the findings and the next steps to come.

## Chapter 2: Theory and Measures

*“When legislation and actuality part, a constitution is a fiction; when they meet, it is not.”*

*Vladimir Lenin (Russian ed.), Vol. XIV, pg. 18*

### Introduction

Constitutions in authoritarian countries are growing more vital to our understanding of dynamics within autocracies. Incumbents occasionally adjust and alter these constitutions to remain in power—often following the constitutional processes to make amendments. By following the rules set out by themselves, autocrats are keeping their adjustments legal—a possible indicator that these documents confine behavior more than previously thought. However, readily changing the constitution and amending it to remain constitutional is not always the norm. More often than not, there is constitutional compliance with variations occurring within regime type, not just between regime types. Autocrats use constitutional adjustments as a tool. Altogether, this contributes to authoritarian resilience.

Examples of constitutional adjustments through amendments are numerous. Guinean president—and head of government—Lansana Conte’s term length had previously been limited to a five-year term in the constitution. In 2001, a constitutional amendment is proposed to add an additional two years to term length, creating terms that last seven years which was subsequently approved of by a popular referendum with 98.36% support (Elections in Guinea). During this same referendum, the removal of term limits for the President occurs with a popular referendum (Elections in Guinea). These sorts of constitutional changes are not only limited to one regime type, country, or the executive branch. Other countries such as Morocco added a second house to

their legislature in 1996 via a referendum (IPU Parline) or in Armenia where legislative term lengths were extended through a referendum (OSCE/ODIHR 2005). These examples illustrate the critical reasons why studying constitutions in authoritarian regimes are increasingly important.

With this in mind, it is important to theorize why and how autocrats follow constitutions. How institutionalized these rules are—through succession of leadership—as well as how long these constitutions are in effect dramatically impact whether or not constitutions will be complied with. Succession from one leader to the next without a change in constitution provides support that the rules themselves are being complied with, not simply being altered to keep the current leader in power. Indeed, this additionally suggests regime resilience. Moreover, successions that follow constitutional rules provides insight into the importance of constitution itself. It is more than a mere document where rules are changed to keep a ruler in power. Instead, it is a document that is actually being followed—a particularly novel insight. If the constitution is unimportant to the autocrat, then why bother with amendments or adjustments? Moreover, the duration of a constitution may also affect whether or not leaders will follow the constitution over time. Better understanding of these two dynamics in authoritarian constitutions are critical to fully understanding how constitutions function and if the rules set out by autocrats are actually being complied with.

## **Theory**

Huntington (1968) posits that “the most important political distinction among countries concerns not their form of government, but their degree of government” (1). Institutions are the critical element that impacts the degree of government observed. Huntington (1968) discusses

the growth of institutions comes from changes in historic interactions that lead to “the eventual creation of political institutions” (11). With the formation of institutions, the subsequent compliance with these institutions is critical. Non-compliance with institutions could suggest they lack value or legitimacy. Further, not following institutional rules results in a failure to provide the same sort of stability that would normally emerge with high compliance.

Institutionalization is defined as “the process by which organizations and procedures acquire value and stability” (Huntington, 1968, p. 12). Stability and value of institutions is important for the understanding of constitutions in authoritarian and institutionalization.

The general purpose of a constitution is best emphasized in *Federalist 51* (2003) which famously expresses “you must first enable the government to control the governed; and in the next place oblige it to control itself” (319). Young (2008) conveys the three general functions of constitutions: creating institutions of government, bestowing rights to individuals which prevent government infringement, and entrenching those institutions and rights against easy change. Importantly, Barber (2018) emphasizes that, “constitutionalism calls for restrictions on the arbitrary power of the state” (2). Constitutions, their rules, and principles come to be seen “as binding and, to an extent, this belief is self-fulfilling—because the community believes these principles should be honored, those acting within the constitutional structures are pressured towards obedience” (Barber, 2018, pp. 16–17). The constitution therefore limits authority while controlling the governed—all while constraining those institutions and rights from being easily changed. To this point, democracies have been the focal point of constitutional research.

Constitutionalism as a concept has taken many forms—at the formal level being the idea that “constitutional laws are thus those norms that, as the highest laws within a society, stand above the government” (Masterman & Schütze, 2019, p. 41). Further, constitutions themselves

and their role are defined differently. A commonly held understanding of liberal constitutionalism is one which “believes that a constitution is only a ‘true’ constitution if it sets limits to the powers of government, and the two traditional constitutional limits here are the separation of powers and fundamental rights” (Masterman & Schütze, 2019, p. 41). Though, constitutions are more than the liberal definition. In fact, beyond the democratic and/or liberal understanding of constitutions, it is crucial to understand that “constitutions are never adopted but *socially* postulated” (Masterman & Schütze, 2019, p. 51). The legitimacy and belief that a constitution is the “highest law in the land” is built on a normative basis. Though this normative belief extends beyond democracies to apply to non-democracies.

Constitutions are not a purely democratic phenomenon and our understanding of them does apply to autocracies. It is important to note that the constitution itself should be viewed in the authoritarian context on its own. Democracies often utilize their constitutions to protect the freedom of the press and reinforce independent legal systems. Unlike democracies, most autocracies have limited freedom of press and lack independent legal systems. Due to this, constitutions in autocracies must be examined within context. These constitutions do place limits on the government but fall short of the democratic norms and procedures found in most democratic constitutions. Nonetheless, the important role these constitutions provide in autocracies cannot be understated.

I argue that complying with these constitutions results in authoritarian resilience—that is the longevity of an authoritarian regime. This resilience is best understood through the stability that it provides and the duration of the constitution. Specifically, the institutionalization of these autocracies impacts overall resilience. Regimes that are not democratizing but instead remain authoritarian are critical to understand. I theorize the constitutions in these regimes provide a

useful way to understand this longevity and durability. The stability provided by institutions that are being complied with is essential to understand.

### *Stability*

Institutions produce stability in countries. As best put by North (1990), “institutions are the rules of the game in a society or, more formally, are the humanly devised constraints that shape human interaction” (3). Moreover, “institutions reduce uncertainty” (North, 1990, p. 3). By reducing uncertainty, institutions provide stability within countries, giving way to certainty and constraining behavior. The repeated—or iterated—nature of following these institutions and their rules is the key to reducing uncertainty and constraining interactions.

Constitutions outline and codify the rules of the game for all to view—whether or not the autocrats follow these rules. Przeworski (1991) reiterates that “constitutions that are observed and last for a long time are those that reduce the stakes of political battles. Pretenders to office can expect to reach it; losers can expect to come back” (36). The use of constitutions thus add a dose of certainty into the political system. When thinking about the many roles constitutions play in democracies, one such process the constitution outlines are that of free and fair elections. In these instances, elections institutionalize uncertain outcomes—elections are inherently uncertain if we do not know the outcome prior to the final results. Thus, constitutions offer a path towards certainty with processes that institutionalize uncertain outcomes. In the authoritarian context, constitutions still offer a similar process as in the democratic one—through the use of succession rules. While the elections themselves may not meet the necessary “free and fair” criteria, they still provide an arena in which succession in leadership can occur as well as a venue for narrowing uncertainty. Consequently, this succession affords some certainty with respect to

leadership change in autocracies, not only impacting certainty but also contributing to authoritarian resilience. It is this that delivers more stability and certainty in these autocratic regimes.

Huntington (1991) proposes a novel measure of institutionalization in democracies that measures the turnover in a democracy over time. According to Huntington (1991), “by this test, a democracy may be viewed as consolidated if the party or group that takes power in the initial election at the time of transition loses a subsequent election and turns over power to those election winners, and if those election winners then peacefully turn over power to the winners of a later election” (266-7). In short, the two turnover rule reduces uncertainty for political parties and society because it demonstrates the application of constitutional rules. While Huntington uses this to display the level of institutionalization in democracies, the peaceful turnover rule can also apply to authoritarian regimes. This rule can be a useful measure in authoritarian regimes given the institutions and elections-succession rules found in authoritarian regimes.

Succession rules can be institutionalized regardless of regime type—whether a country is democratic or not. With this in mind, the two-turnover rule is refined to the succession of leaders in authoritarian regimes. A succession rule would look quite similar to the two-turnover rule but would be focused on the turnover of leaders, not of changing the regime. Once the initial autocrat has changed twice from than initial leader, it is likely that the level of institutionalization is higher than those regimes without this sort of succession. A ruling party that outlasted its founding members suggests compliance with succession rules—a direct measure of institutionalization. Countries where succession irregular and not institutionalized is non-compliance. Brownlee (2007) reiterates that the “institutional differences separate unstable regimes from durable dictatorships” (2). Within authoritarian regimes where changing leaders



and succession are occurring, it should reflect both a more institutionalized and more stabilized regime. That is, the more institutionalized a regime, the greater regime stability.

Authoritarian resilience is a growing area where scholars are attempting to understand what accounts for this phenomenon. Art (2012) echoes numerous authors that “by taking the institutions of authoritarian regimes seriously, several scholars are able to gain real traction on the question of durability. Rather than point to exogenous shocks, they are able to locate the reasons for authoritarian stability or breakdown in longstanding patterns of behavior, both formal and informal” (352). Constitutions can partially account for this formal pattern of behavior. Following their own rules is critical for authoritarian resilience. Instead of governing on a whim as the leading party or personalist dictator might otherwise be expected to do, placing formal procedures in a constitution incentivize complying with the constitution in such a way that increases the durability of these autocracies. Visible rules create situations where elites must credibly commit to a process or risk losing their power through a regime change, coup d’état, or other direct seizure of power. The literature suggests resilience varies by regimes types.

For example, personalist regimes lack durability. These regimes “rarely survive long after the death of the leader, perhaps because, in their effort to defend themselves from potential rivals, leaders so assiduously eliminate followers who demonstrate high levels of ability and ambition” (Geddes, 1999, p. 132). While single party regimes tend to survive longer due to party and constitutional rules. However, constitutions offer a deeper understanding of authoritarian resilience than has been previously concentrated on in the literature.

Institutionalization through constitutions reflects authoritarian resilience. Where Huntington (1991) outlines institutionalization in the democratic context, he reiterates that “both elites and publics are operating within the democratic system; when things go wrong, you change

the rulers, not the regime” (267). This type of dynamic looks different in an authoritarian regime in that the public itself is not as important in the process as in a democracy. There is much less of an emphasis on the public as there is one elites.

Elites are the key to the institutionalization in authoritarian regimes given the power is often vested in differing sizes of elite groups. This group—regardless of size—control much of the political sphere within autocracies. These elites can influence overall regime dynamics and possible regime change. Further, the idea of changing the regime in an authoritarian regime is different than in a democracy. In the authoritarian setting, changing of the regime is often related to the creating a new constitution—altering the regime through the constitution itself instead of replacing the leader. Regime change in this illustration would be by definition a change in the constitution. In this scenario, the constitution is replaced, but not the leader. Moreover, the succession rule is not met resulting in lower levels of institutionalization. Thus, the succession rule accounts for whether or not succession is ensuing within an authoritarian regime and overall levels of institutionalization. In other cases, complying with the constitution as well as succession results in higher levels of institutionalization. These differing levels of institutionalization are critical for authoritarian resilience and durability.

A necessary point to consider with respect to constitutions in autocracies is the role that constitution could play in obtaining and keeping necessary support to remain in power. Mesquita et al. (2002) offers a model to account for this through institutional arrangements that are impacted by the size of the selectorate and the winning coalition. Specifically, it’s “the size of the selectorate—the set of people who have an institutional say in choosing leaders—and the size of the winning coalition that keeps the leader in office” (Mesquita et al., 2002, p. 560). To maintain and keep a large enough winning coalition to stay in office, the autocrat must reinforce

the loyalty norm strength of those in the winning coalition and reduce the fear of being replaced (or worse). If these autocrats are able to reduce uncertainty and maintain stability by credibly committing to succession processes in constitutions, then stability and certainty should result in continued support of the autocrat. Elites in the winning coalition are thus more likely to follow the constitution and continue the processes if they believe they will benefit—and these benefits are threatened with each new change in leadership. Duration is also a critical component to understand with respect to constitutions.

### *Duration*

Constitutions are costly to create. Codifying the rules of a government comes at a cost—a sunk cost once created. Institutionalization requires time. Behavior that is routinized over time or in an iterated way offers another dimension to institutionalization. If the rules are followed more readily and this behavior is continuing over time, there becomes an expectation that these rules will continue to be complied with in the future. This repeated interaction reduced uncertainty (Axelrod & Hamilton, 1981).

Duration is a necessary component but may not necessarily mean higher compliance. There are instances where the constitution may be in place for decades with no compliance. For example, the constitution may outline term limits for the executive, but it is completely disregarded—like in Zimbabwe under Mugabe. While this rule has been in place for quite some time, the fact there is no compliance means that over time it becomes clear the succession rules do not matter. In the Mugabe case, elites and opposition groups have no reason to believe the constitution because it has been ignored for so long.

The longer a constitution is being complied with, the level of institutionalization should also be higher. If a constitution is in place over a longer period of time but isn't being followed, there should be a lower level of institutionalization. In this instance, it is likely that there will be constitutional change. Ultimately, by failing to comply with the constitution, these cases subsequently lack the level of institutionalization that a regime acquires when following the constitution.

### *Constitutions and Institutionalization*

Constitutional stability and duration reduces uncertainty for elites and society—reflecting the overall level of institutionalization. Institutionalization is “the process by which organizations and procedures acquire value and stability” (Huntington, 1968, p. 12). Additionally, “institutions reduce uncertainty by providing a structure for everyday life” (North, 1990, p. 3). Thus, institutionalization is a mechanism that helps reduce the uncertainty found within these autocracies. Whether or not the autocrats, elites, and society accept their constitution is the key to regime resilience. Regimes that fail to follow their constitution are less likely to have stable successions. There is also greater uncertainty for elites and society.

Within democracies, it is beneficial to think of constitutions as ceilings and floors. Protecting basic rights and benefits of citizens is the floor. These protections are minimum rights that are granted or guaranteed for the citizenry within a particular country. Governments cannot go beyond this floor that safeguards these rights. Often times, these sorts of rights include freedom of speech or assembly, particularly in the democratic context. It can be applied to the authoritarian context because there are minimum rights or needs that governments must provide for citizens. Basic rules outlined in the constitution are expected to be followed to maintain the

minimum for support by the citizenry. Without providing safety, services, or other things necessary for well-being, autocrats risk increases in overall discontent and possible regime change called for by the populace. Thus, the floor is a minimum that autocrats must meet. The ceiling reflects the limits to authority at different levels of government such as the executive and legislative. These different branches of government have particular functions. For example, the ceiling could place limits on the authority provided for issuing decrees, implementing legislation, or removing incumbents from office. Ceilings are as critical in an autocracy as in a democracy.

Much like in democracies, constitutions act as a ceiling and a floor in autocratic political systems. Instead of being hollow documents, these constitutions confine the behavior of autocrats to what is acceptable and what is not. What impacts this the most is the level of institutionalization. With higher levels of institutionalization, it is clearer what restrains the autocrats. The ceiling and the floor are clearer and more defined in this scenario. Following the rules and those rules being institutionalized both confines the autocrat and allows for behavior to be routinized—producing stability and certainty. Thus, the level of institutionalization will act as a ceiling and a floor confining incumbents. The more institutionalized the regime is, the more likely the behavior will be confined by the ceiling and floor—given the distinct boundaries. With

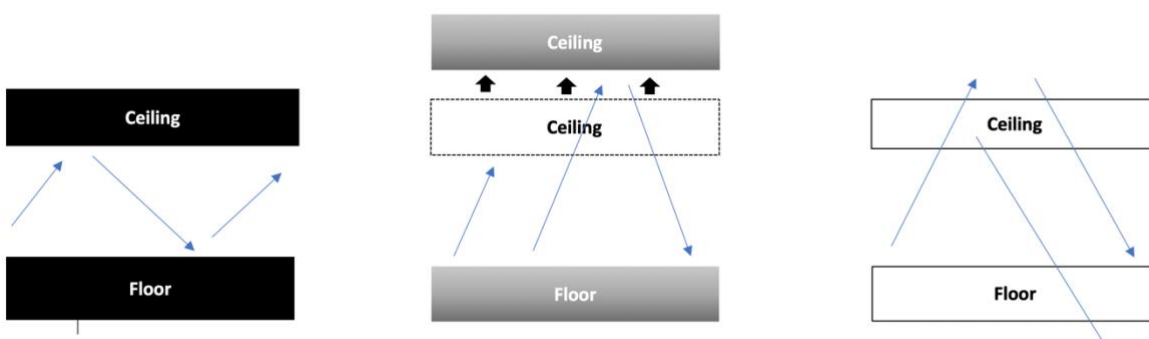


Figure 1: Institutionalization and Constitutional Floor and Ceiling

a lower level of institutionalization, the ceiling and floor are not as well-defined, leaving autocrats with less clear boundaries.

As can be seen in Figure 1, the confinement of behavior institutionalization offers does not exist in less institutionalized cases. The arrows represent the behavior of autocrats. In a highly institutionalized regime, the ceiling and floor confine the autocrat, causing the behavior to be much more stable and predictable. The constitution is not being frequently changed or ignored—instead having substantial meaning with the rules having high constitutional compliance. In the medium institutionalized regime, the autocrats are adjusting the constitution, but remaining within the set of rules (self-imposed or not). Through the amending of the constitution—like increasing term length or removing term limits—the incumbents are moving the ceiling that is confining their behavior. Movement of this sort show that these incumbents value the constitution enough to not violate it—while also using it to their advantage. Medium institutionalized regimes offer some stability and certainty, but not to the same extent as highly institutionalized regimes. It is still possible for the rules of the game may change in order to satisfy those in power and are thus have medium constitutional compliance. However, in the low institutionalized regime, there is no real predictability or stability. Without the same sort of predictability, autocrats will behave in ways they decide to. This is why the arrows go outside of the ceiling and floor—not really restricting the autocrat. In this scenario, the constitution does not substantially limit the incumbent and there is low or no constitutional compliance. Ultimately, the constitution aids in the level of institutionalization.

## **Key Variables and Relationships**

Authoritarian regimes can vary by personalist leader, party, or military. The literature suggest some regime types are more institutionalized than others. However, I argue the level of institutionalization will vary within regime type, not just across regime types—with respect to constitutions. This level of institutionalization is critical in understanding the role the constitutions play in authoritarian regimes. I define authoritarian regimes as those regimes lacking democratic aspects of government. Conceptually, the different types of regimes are related to the institutional structures. Given the diversity of regime types, I use the conceptual definitions outlined by Geddes et al (2013).

Monarchies are conceptually defined as those regimes which “rely on family and kin networks along with consultive councils” (Jennifer Gandhi, 2008, p. 20). Moreover, “Rule 1. The ruler is a monarch if he, first bears the title of “king” or “emir” and, second, is the successor or predecessor of rulers from the same family” (Jennifer Gandhi, 2008, p. 31). These monarchies are not constitutional monarchies due to many of these being democracies. Personalist regimes are defined as those where “access to office and the fruits of office depends much more on the discretion of an individual leader” (Geddes, 1999, p. 121). Geddes (1999) defines single party regimes conceptually as a distinct regime type where “access to political office and control over policy are dominated by one party, though other parties may legally exist and compete in elections” (Geddes 1999, 121). Military regimes are defined by Geddes et al (2014) as cases where there is “rule by military strongman unconstrained by other officers or rule by a group of high-ranking officers who can limit the dictator’s discretion” (7.1). Levitsky and Way (2010) define Competitive Authoritarian Regimes as “civilian regimes in which formal democratic power institutions exist and are widely viewed as the primary means of gaining power, but in

which incumbents' abuse of the state places them at a significant advantage vis-à-vis their opponents" (5).

Constitutions offer a useful glimpse into the level of institutionalization within regime types. Regime type itself tends to highlight the idea that there are institutional differences making each type distinctly different. I argue instead that constitutions do not differ between regime types but within. Constitutions have a general nature to them resulting in an overall similar function and compliance regardless of regime type. For example, single party regimes and those often thought of to be more institutionalized are no more likely to follow their constitution than other regime types. Thus, institutionalization will result in greater authoritarian resilience. My hypothesis is as follows:

*Hypothesis One: Those countries that comply and follow their constitution more closely will be more resilient despite regime type.*

### *Dependent Variables*

The dependent variable is authoritarian resilience. The conceptual definition of authoritarian resilience is remaining in power over time without democratizing while remaining stable and durable. Moreover, it is described as “learning from their mistakes—and successes—of their predecessors and peers, many autocrats have altered their tactics in ways that increase the resilience of their regimes” (Frantz and Kendall-Taylor 2017, 58). To operationalize this resilience, I am utilizing two particular measures. The first measure is the level of institutionalization—being measured through Huntington’s (1991) two succession rule. According to Huntington, “by this test, a democracy [authoritarian regime in this case] may be viewed as consolidated if the party or group that takes power in the initial election at the time of



transition loses a subsequent election and turns over power to those election winners, and if those election winners then peacefully turn over power to the winners of a later election” (266-7). The second operationalized variable is the duration of the constitution in effect—how long the constitution has remained in effect without being replaced. However, this does not mean that the constitution cannot be amended. Amending the constitution does offer the constitution itself still has a role in society. However, completely scraping a constitution implies there is limited substantial value for that constitution.

### *Independent Variables*

Constitutional compliance is how closely the leaders follow the constitutional rules. The conceptual definition of the dependent variable is constitutional compliance of the executive and legislative branches. Each branch is given particular responsibilities and duties. The extent to which each of these rules are followed relates to the particular process outlined in the respective constitution. Following the particular rules outlined in a constitution suggest high constitutional compliance. Failing to follow the rules outlined in a constitution will be functionally ineffective or have no constitutional compliance. For example, if the constitution in a single party regime places strict limitations on the legislative body, such as limited deliberation and influence on policymaking, and the regime leaders maintain this restriction, then the constitution is functioning effectively or high constitutional compliance. In short, it is following the rules as set within their constitution. However, if a monarchy sets up election’s rules in the constitution and then the incumbent party leaders violates these rules to stay in power, then the constitution is not functioning effectively. There would be no constitutional compliance in this example.

The head of government's compliance is a combination of measurements that focus on their tenure and authority. Head of government tenure includes information such as selection, term length and limits, the minimum election age, dismissal procedures, and immunity. Authority relating to the head of government includes decree power, implementation, and expiration as well as emergency declaration, approval, and the circumstances in which an emergency can be declared. Taken together, each country has a head of government constitutional compliance score which combines the total number of options where the constitution is being followed over the total number determined if the constitution is being adhered to or not. For example, if there were 3 times where the constitution was respected (selection, term length, and term limits) and two times where the constitution was not being followed (immunity and decree power), this would be out of 5 total instances where it was determined the leader obeyed the rules. Thus, the index would be  $3/5$  or 0.6 for head of government constitutional compliance.

The legislature's constitutional compliance—like the head of government—is a grouping of measurements of legislative tenure, autonomy, and authority. Legislative tenure includes measures for the selection, minimum age, additional restrictions, term length and limits, and immunity for both the upper and lower houses. Autonomy for the legislature incorporates who has the ability to dismiss the legislature, power to override vetoes, and the votes necessary to override a veto. Finally, authority for the legislature is comprised of the power to approve/reject legislation, who can initiate legislation, whether a supermajority is necessary for passing legislation, and if votes are public record, private, or both. Jointly, these measures form an index for constitutional compliance of the legislature. As with the head of government compliance, the index is a proportion of the rules being followed relating to the legislature over the total number

of instances where it was determined the rule was being followed or not. One example is a country with a unicameral legislature. This legislature follows the constitution 2 times (selection and term length) but fails to follow it 1 time (dismissal). In this example, the index would be  $\frac{2}{3}$  or .67 for legislative constitutional compliance. Each compliance score is a maximum value of 1 (full constitutional compliance) and a minimum value of 0 (no constitutional compliance).

Constitutional compliance can also be categorical—high, medium, low, and no constitutional compliance. Values from 1 to 0.75 capture high constitutional compliance. Compliance index values from 0.74 to 0.50 meet the criteria for medium constitutional compliance. Low constitutional compliance are indexes that fall between 0.49 and 0.25. Finally, no constitutional compliance are those cases whose index values fall between 0.24 and 0.

#### *Proposed Relationships between Regime Type and Constitutions*

Monarchy. “The monarchy is generally constitutionally organized and legitimized, but the constitution formally grants the monarchy unchecked power” (Lucas, 2004b, p. 108). Given the unchecked power, I expect that monarchies will generally do what they view as best. Indeed, these constitutions, unlike constitutional monarchies, will have little language on executive turnover and limits on the monarchy. However, there are differences between traditional monarchies and constitutional monarchies. It should be expected that the institutions will likely have more restrictions in constitutional monarchies. There is more substantive function for these constitutional monarchies, such as executive or legislative limits, within monarchies. Therefore, the difference within types of monarchies and the functions they play within constitutions will be centered on the level of institutionalization.

Single-Party. Single-party regimes are those where only one party is allowed within that state and/or dominates the political arena. Often, the incumbents in these regimes set up power-sharing institutions in order to share the spoils and provide policy concessions (Jennifer Gandhi & Przeworski, 2007). By doing this, incumbents and those in power attempt to remain in power through power-sharing institutions. Often times, opposition will form within these power-sharing institutions—frequently tampered down using policy concessions. Some of these policy concessions could relate to the roles that are fulfilled in the constitution for the legislature and executive authority. If there are instances where there can be a change in leadership, it is in the best interest of the party to follow the rules set out for themselves. Following the rules set out by the constitution will thus act as an extension of the party apparatus. Opposition could use instances where rules are not followed as a means to gaining power. Thus, these single party constitutions tend to have term limits on the executive and legislative branches as well as succession rules. Due to this, I anticipate that these single-party regimes will likely follow the rules set out for them in the constitution, but differences will appear from case to case given differences between party dominant and other single party regimes.

Personalist. Personalist regimes are those in which parties may or may not be banned, but often the power goes through an individual leader. Geddes (1999) defines a personalist regime as one where “access to office and the fruits of office depends much more on the discretion of an individual leader” (121). In the absence of parties, the constitution may act as a mechanism organizing legislative behavior. However, this organizing of behavior will likely limit what the legislative body can do. Moreover, personalist leaders could change or ignore the constitutions with minimal consequences, but this will not always be the case. Thus, I expect that personalist regimes will have instances where there are higher levels of compliance for some constitutions

and low to no constitutional compliance for others. Differences emerge within regime type, as is seen in other regime types.

Military. Geddes (1999) outlines the mentality of ‘back to the barracks’ where soldiers often put their main concerns as “caring about survival of military itself” (126). Many times, these types of situations result in constitutional situations where the primary goal of the military is to decide “who will rule and exercises some influence on policy” (Geddes, 1999, p. 121). These regimes often are unstable given the factions and splits in those ruling in the military, which supports the idea that the military will attempt to set up and follow a constitution since their primary concern is going ‘back to the barracks.’ With a strong military in the background, the military constitution may have rules guiding legislative behavior and as well as executive terms and succession. It is in their interest to have stable transitions. However, there will likely be differences based on the overall stability found given the relationship between the military and the government. Therefore, I expect that military regimes will generally follow their constitutions, but variations will appear within military regimes centered on constitutional compliance.

Competitive Authoritarian Regimes. Competitive authoritarian regimes are those often associated with Schedler (2006) and Levitsky and Way (2010) outline as electoral authoritarian or hybrid regimes. Elections in these regimes are often utilized to legitimize the autocratic rule in these countries (Schedler, 2006). Competition is allowed in these regimes, but it is often minimal or doesn’t meet the standards of democracies as outlined by Levitsky and Way (2010). This party competition motivates party and leadership behavior to maximize electoral support. This is also a “double edged sword.” Incumbents want to maintain power and political legitimacy, but that also have to compete in “semi-competitive” elections—also keeping in mind the incumbent party

control over media and government resources. There may be instances where the constitutional rules are disregarded to remain in power. Importantly, the risk of being voted out of office is greater in the multiparty (non-democracy) than a leader in a single or personalist regime. The constitution should have some of the most detailed rules on executive and legislative powers. Therefore, I expect that competitive authoritarian regimes will generally follow their constitutional rules, but differences will arise with respect to constitutional compliance in competitive authoritarian regimes. Some cases will highly comply with their constitution while others will not.

## **Measures and Data**

### *Measures*

The cases for this study are authoritarian regime country cases from Barbara Geddes, Joseph Wright, and Erica Frantz Autocratic Regime Data (<https://sites.psu.edu/dictators/>) as well as V-Dem (<https://www.v-dem.net/en/>). I select 25 country cases based on the variation in authoritarian regime type<sup>1</sup>. The constitutional functions come from the Comparative Constitutions Project (<http://comparativeconstitutionsproject.org/>). This data set provides all the national constitutions from the late 1800s to 2013. The code book specifies a breakdown of all constitutions based on executive and legislative constitutional content. To capture constitutional compliance, I measure whether the constitutional rules relating to executive tenure and authority

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<sup>1</sup> Cases are alphabetically as follows: Albania, Algeria, Angola, Armenia, China, Egypt, Eswatini, Guinea, Jordan, Laos, Libya, Malaysia, Morocco, Mozambique, Pakistan, Saudi Arabia, Syria, Thailand, Togo, Uganda, United Arab Emirates, Vietnam, Yemen, Zambia, and Zimbabwe.

as well as legislative tenure, authority, and autonomy are being followed. Information on constitutional compliance itself is gathered from numerous sites as well as articles gathered through LexisNexis and academic works. The quantitative measures are gathered in excel files with in-depth case information provided in word documents.

Constitutions—once adopted—act as a limiting force in autocracies. If this constitution is legitimate, it must be treated as such. Thus, the rules outlined must be complied with a majority of the time or the legitimacy of the document may be put into question. Questioning the legitimacy of the constitution may also put pressure on the incumbents and their overall legitimacy. It is here where the importance of the constitution acting as a ceiling and a floor is critical.

The floor that the constitution provides is the necessary minimum rights, needs, and the following of basic rules by those in power. This floor is the absolute minimum that citizens expect of their government. Without following the constitution, it seems increasingly likely that the elites or citizenry will call for a change. Again, this could be something like a coup d'état where the military steps in to provide a change in leadership—something witnessed in Guinea after the death of President Conté—or through a push to change leadership or the entire constitution. This baseline minimum of following constitutions is directly measured through constitutional compliance—that is whether or not the constitutional rules themselves are being followed by autocrats. Much like the floor a constitution provides, a ceiling also places limits on autocrats.

Floors are a minimum necessary for an autocrat to remain in power whereas ceilings are the real limits placed on autocrats. Incumbents in autocracies have limitations on their authority, autonomy, and tenure through the use of constitutions. By adopting these constitutions, the

tradeoff built in are limits on authority, autonomy, and tenure for stability and certainty in the future. The power of today is paid for through the limits placed on incumbents in the following of their constitutional rules—that is the ceiling the constitution provides. Constitutional compliance captures incumbent’s authority, autonomy, and tenure. These concepts are the direct measures of constitutional compliance and specific rules outlined in the constitution with respect to the executive and legislative branches. Together, the constitutional ceiling and floor confine the autocrat and build in stability—ultimately building authoritarian resilience—for these authoritarian regimes.

Prior to discussing the particular measures, is the coding process. There are necessary criteria used to provide consistency across cases in the data collection process. First, all elections are given a six-month grace period from the maximum term length that each constitution allots. An example of this six-month grace period in practice is in Zambia’s Presidential election in 1996. President Conté’s initial election was on October 31, 1991 with the following election taking place on November 18, 1996. The term length for presidents are five years. As can be seen in this example, the election does not occur exactly five years apart, but does fall within the six-month grace period granted for terms in office. In this illustration, the term length is being followed as outlined in the constitution (receiving a one in the excel file—full constitutional compliance). The six-month grace period did have cases outside of it like in Angola for presidential term length. José Eduardo dos Santos is elected in 1992 to the office of the President but remains in office until 2009—beyond the five year term length and past the six-month grace period permitted. Thus, this is not being followed as specified in the constitution (receiving a zero in the excel file—no constitutional compliance).



Another criteria put in place in the coding of cases is the cut-off as to whether a constitution is being followed or not. Throughout the data collection process, I gathered as much information as was available. When possible, I tried to find at least two instances of a rule compliance. However, any time that I found information that illustrate the constitution not being followed, time frame in question is coded as the non-compliance. For example, in Uganda the term limits placed on the President are two terms total of five years each. President Museveni was in power under the 1995 constitution through elections in 1996, 2001, and 2006. Clearly, this last election in 2006 exceeds the two term limit placed on the President. In this instance—given the term limit itself was not being followed—that particular measure would be coded as non-compliance (a zero in the excel file) and a thorough explanation is provided in the word document.

There were instances where I was unable to make a clear determination of whether a rule was followed. It is expected that information in autocracies may not always be the most transparent. On these occasions, I searched for information through refining search terms and timeframes when the constitution itself was in effect. After exhausting all search options, I outlined that these particular measures were rules that I am unable to determine if the rules are being respected or not. In other instances, rules were either not applicable to the head of government or legislature. When this occurred, it is noted in the codebook. Finally, there are times where particular rules are left explicitly to non-constitutional law. Much like for rules that are not applicable, this is clearly stated in the codebook and data file for each case where this is occurring. Further, there are also times where a rule is either not mentioned or specified in the constitution. In the absence of explicit rules, I cannot measure the overall compliance. Similar to the other measures, I note that a rule is not specified or mentioned in the constitution in data file.

These are all examples where constitutional compliance is not explicitly clear or does not relate to the constitution itself.

I examine the 20 year span from 1990 to 2010 for each case. I conduct a case study for each country and measure how well each leadership transition or crisis in authority followed the rules set up in the constitution. One important measure of constitutional compliance is during leadership transitions or turnover.

Role of the Executive. The role of the executive is typically spelled out in the constitution. Executive roles vary, but often have articles related to tenure. Executive tenure is related to leadership terms limits, selection and succession outlined in the constitution. Tenure can be many things, but includes the selection process, as well as the process by which an executive can be removed from office in this context. To operationalize executive tenure, I create an index of constitutional compliance of executive tenure.

Operationalizing this index includes measures from the Comparative Constitutions Project for specific rules set out in a constitution. These are coded simply for the presence or absence of a particular specification in a constitution. To account for executive tenure, I operationalize this measure using the following variables that create an index: how the executive is selected, term length and limits, dismissal, conditions for dismissal, and immunity from prosecution. Each of these particular points accounts for tenure.

How an executive is selected is coded to allow for the process by which a head of government is chosen. Terms and limits are coded based on the term length of the head of state and the restrictions on the number of terms allowed to be served by the head of government. Other restrictions include restrictions based on the minimum age for becoming head of government. Dismissal is coded to account for if there are provisions for removing the head of

government within the constitution. Conditions for dismissal is coded for the grounds by which the head of state can be dismissed, who can propose it, and who approves this dismissal. The final measure of tenure is the immunity from prosecution, which is coded as such if the constitution states the executive is constitutionally immune from prosecution. These variables are then be placed into an index where each are coded for the level of constitutional compliance. I manually search for whether this particular rule is being followed, ultimately coding it one if the rule is being followed (Full Constitutional Compliance) to zero when the rule is not being followed (No Constitutional Compliance).

A useful example of full constitutional compliance of executive tenure is in Syria from 1990 to 2010. The head of government—the Prime Minister—is appointed to office. From 1990 to 2010, there were three different Prime Ministers in office—all of whom were appointed. Thus, this rule has full constitutional compliance. However, an example of no constitutional compliance of head of government tenure is Armenia. According to the constitution, the legislature dismisses of the head of government, but instead President did this in 2000—likely in an effort to deflect impeachment proceedings against himself. Because the process for dismissal is not being adhered, this particular rule is ignored or non-compliance. Once each variable is coded, the index will provide a value from zero to one which outlines overall constitutional compliance for each constitution based on executive tenure.

An important point to make relating to executive tenure is the two-turnover rule. Once there has been two changes in the position from the initial leader, this should then be more institutionalized. It is this succession that builds institutionalization in an autocracy—ultimately helping bolster authoritarian resilience. Executive tenure and the measures collected for these cases allows for a direct measure of this phenomenon. The qualitative aspect of the index

captures the succession rule through the selection, term length, term limit, immunity, and dismissal. Through the in-depth case studies produced for each case, whether there is succession between leadership is both visible and measurable.

Executive authority is the ability to follow through with particular duties that include the ability to make and enforce policies and laws. Authority can include numerous things, but often includes the ability to make decrees and issue states of emergency within this context. To operationalize executive authority, I create a constitutional compliance index of executive authority. The index itself measures the constitutional compliance of executive authority within each constitution.

Operationalizing executive authority begins with the coded variables already provided by the Comparative Constitutions Project. In order to understand whether this is functioning, I operationalize the decree power and state of emergency variables and then code each as to whether or not the executive follows the rules set out for them. Decree power is coded as to whether or not the head of government has decree power. Further, they code for the implementation procedure for head of government decrees and the expiration procedures for head of government decrees. Emergency powers are coded for provisions where the constitution allows for calling a state of emergency. Moreover, I code for who can declare the state of emergency, who approves this declaration, and the circumstances to do so. All of these measures are placed in an index where each are coded for the level of function. I manually search for whether this particular rule is being followed, ultimately coding it one if the rule is being followed (Full Constitutional Compliance) to zero in instances it is not being followed (No Constitutional Compliance).

Executive authority's constitutional compliance can be best expressed through two examples. The first example is in Uganda where an emergency declaration was made. Constitutionally, the President is given the power to declare emergencies and did so in 2007 for a major flooding disaster—following the constitutional rule and thus having full constitutional compliance. However, an emergency declaration rule was not followed in Zambia. In this case, the President is given the power to declare emergencies, but a senior government official bypassed this constitutional rule and declared an emergency. In this particular instance, there is no constitutional compliance due to the rule not being followed. Once each variable is coded, the index provides a value from zero (no constitutional compliance) to one (high constitutional compliance) which outlines overall constitutional compliance for each constitution based on executive authority.

Role of Legislature. The role of the legislature is defined as the legislative duties and authority spelled out in the constitution. Of course, the role of the legislature varies among countries. This is particularly true across different authoritarian regime types. However, most legislative bodies vary in the level of legislature (representative) tenure, autonomy and authority. This tenure is measured using numerous measures, most notably the selection process, requirements for qualification and eligibility, as well as the process for dismissal and immunity while in office. To operationalize legislative tenure, I create an index that measures the constitutional compliance of legislative tenure for each case.

To operationalize legislative tenure, I utilize variables from the Comparative Constitutions Project. For this particular index, I account for states that either have one house or two houses in their legislature. Within the dataset, there are different variables for these whether

the constitution outlines a single house or both an upper and lower house. This represents different legislative structures. I use these variables that will then create an index to operationalize legislative tenure: the selection process, age and eligibility requirements, term lengths and term limits, the dismissal process, and immunity from prosecution while in office. The selection process accounts for how members of the legislature attain seats. Age and eligibility requirements account for the minimum age in which the legislator is allowed to serve as a member and restrictions placed on the eligibility of individuals serving in the legislature. Such restrictions could include being from a particular party, a member of a particular religious denomination, or being a citizen. Term lengths and term limits are instances where there are certain lengths of term that are constitutionally specified, as well as those where there are restrictions on how many terms can be served. Dismissal is based on who can dissolve the legislature. Finally, immunity is coded to account under what circumstances immunity is provided incumbents for in the constitution. The index of these variables captures the overall level of constitutional compliance with respect to legislative tenure. I manually search for whether this particular rule is being followed, ultimately coding it one if the rule has Full Constitutional Compliance to zero for No Constitutional Compliance.

Examples of legislative tenure offer valuable insights into full constitutional compliance or no constitutional compliance. A great example of full constitutional compliance for legislative tenure is with China's maximum term length for members of the National People's Congress. Term length for these members are five years maximum. From 1990, there were new sessions in 1993, 1998, 2003, and 2008—all within the five-year term length allotted to members of the National People's Congress. In this example, there is full constitutional compliance for the maximum term length of legislative tenure. Like in China, the maximum term length in Guinea

for members of the National Assembly is five years. However, incumbents did not abide to this constitutional rule. In fact, the elections in 1995 and 2002 illuminate the fact that the term length was far beyond the five year maximum limit—instead being seven years between the two elections. In this case, there would be no constitutional compliance for the rule of maximum term length within the legislative tenure index. Once each variable is coded, the index provides a value from zero to one which outlines constitutional compliance based on legislative tenure.

Legislative autonomy is the level of independence the legislative branch has from other branches of government. The Comparative Constitutions Project has specific measures of the independence of the legislative body from the executive and judicial branches of government. This includes the executive power to dissolve the parliament, veto power and mechanisms to override legislative authority. Each of these powers over the legislative body is coded as zero for No Constitutional compliance or one for Full Constitutional Compliance, forming an additive index for autonomy.

To explore legislative autonomy more in-depth, two examples will help provide helpful information on the coding and data collection process. One good illustration of legislative autonomy is in the overriding of vetoes of legislation in Albania. Here the 1998 constitution outlines that the People's Assembly can override vetoes. The process itself did occur in 2004 with full compliance—one for the overall autonomy index. Another excellent example of legislative autonomy—where the rule is not being followed—is Malaysia. Under the constitutional rule for the dismissal of the legislature, the head of state can dissolve the legislature. However, the Prime Minister—the head of government—bypassed this rule and dismissed the legislature in November of 1999, calling for early elections. This is not power that

the Prime Minister is given, thus no constitutional compliance for this measure. Both of these examples capture legislative autonomy in practice.

Autonomy of the legislature—and overall authority as well—are useful points to explore in autocracies. In fact, both autonomy and authority have performance implications. Specifically, O'Brien (1990) elaborates—in the Chinese context—that there have been links which connect “legislative reform to heightened government efficiency and improved information gathering” (126). Further, “a strengthened legislature would guarantee reform and contribute to political stability” (O'Brien, 1990, p. 127). Again, the stability brought by the constitution could be well suited to be understood through overall legislative stability, which can be captured through legislative autonomy and authority. Most importantly—relating to the autonomy of government organs like the legislature—each organ would attend to its own tasks where “state organs would be responsible and accountable to each other, and a stronger legislature would help realize party policy” (O'Brien, 1990, pp. 126–127). By being able to do the work that each organ is designed to complete, overall increased institutionalization and stability are the visible outcomes of these processes. Thus, capturing both the legislative autonomy and authority are useful in the pursuit of trying to understand how closely autocrats comply with their constitutions. Even though, this is a non-deliberative legislative body and considered a “rubber stamp” legislature, it was designed to be this way and functions according to the constitutional design.

Legislative authority is the ability of enforcing and administering rules set out by the legislature to do so. Many of these particular rules that the constitution sets out for the legislative branch relate to things such as oversight, initiation of legislation, approval and rejection of legislation, as well as whether their votes are public or private record. These are all ways to capture legislative authority.



Each of these types of legislative authority are operationalized using existing variables (coding) from the Comparative Constitutions Project. Oversight is coded in a way that accounts for whether the legislature can investigate the activities of the executive branch. The initiation of legislation accounts for those who can initiate legislation and whether it be the head of government or those within the legislature. Lacking the authority to initiate legislation undermines the authority the legislature has. Approval and rejection of legislation accounts for whether or not the power to do so is in the hands of the legislature itself or if the power rests in another institution or individual. Votes as either public or private record accounts for the access the public has of these voting records. All of these account for the level of legislative authority that legislators have. Each of these variables are a zero to one scale that accounts for the constitutional compliance of legislative authority. I manually search for whether this particular rule is being followed, ultimately coding it one if the rule is being followed (Full Constitutional Compliance) to zero in instances it is not (No Constitutional Compliance).

Two examples will provide examples of legislative authority and whether or not the rules are respected. The first example is from Jordan where the King has the power to approve and reject legislation. The evidence suggests that the King is the only one approving and rejecting of laws, following the rule set out in the constitution. Thus, there is full constitutional compliance of this rule. Conversely, incumbents are not abiding the legislative rules in Algeria. The head of government or a member of either house in the legislature can initiate legislation. The evidence shows that ministers are initiating legislation in Algeria that is outside the constitutional authority, hence having no constitutional compliance. Both of these examples underscore legislative authority in authoritarian constitutions.

## **Conclusion**

Constitutions in authoritarian regimes are necessary and important to understand. These documents provide both a ceiling and a floor for autocrats—ultimately impacting the overall level of stability and predictability in these regimes. Further, this stability lends itself to overall authoritarian resilience and the longevity of the autocracy. Put together, this builds a new picture of institutional behavior in authoritarian regimes—one where constitutions have distinct meaning and guide behavior more than previously thought. Through descriptive statistics and in-depth case studies, I begin to open the black box of authoritarian constitutions to find the inner workings of authoritarian regimes.

### Chapter 3: Comparative Constitutional Compliance

*“The Constitution is the guide which I will never abandon.” George Washington*

#### Introduction

Constitutional compliance in autocracies are of growing concern as authoritarians continually adopt democratic style institutions (Myerson, 2008). Moreover, institutionalization is related to authoritarian resilience (Davenport, 1996; Elkins et al., 2014; J. Gandhi & Przeworski, 2007; Hale, 2014). To this point, a thorough examination of constitutions in autocracies has yet to center on overall compliance of the rules set out in these documents—predominantly of the head of government and legislature. Authoritarian constitutions are more than mere window dressings. These documents have substantial meaning and power within an autocracy far beyond the claims of previous literature.

This chapter captures how closely autocrats follow the rules set out in the constitution from 1990 to 2010. Regardless of regime type, autocracies generally follow their constitutions. There does not seem to be a regime type effect of constitutional compliance. Differences in compliance appear to be between and within regime types. Beyond illuminating constitutions as meaningful documents, the following data highlights important implications of this constitutional compliance—namely the possibility of increased public trust of numerous institutions in autocracies. Thus, following the constitution not only affects the overall stability of the institution itself, but may also be related with public trust. Through cross-tabs at the end of this chapter, initial correlations between compliance and public trust in institutions may underscore the legitimacy that these documents can build within a nation. This dynamic that emerges offers

a clearer image of how compliance results in greater authoritarian resilience and durability. These indexes for the head of government and legislature help express the important differences in constitutional compliance and overall resilience of authoritarian regimes.

### **Head of Government Index**

The head of government compliance index captures the overall authority and tenure of the head of government. That is, the compliance index shows how closely autocrats are following the constitutional rules surrounding head of government tenure and authority within each regime. Head of government tenure include measures for the selection process, term length and limits, the minimum age to be the head of government, dismissal procedures, and an immunity granted to the head of government. Head of government authority includes decree power, implementation, and expiration as well as emergency declaration. Together, these two categories create the head of government index. The index values are from 0 (no constitutional compliance) to 1 (high constitutional compliance). Countries that score higher on the index have overall higher constitutional compliance than those who score lower.

A useful way to categorize compliance of the constitution using the index is based on none, low, medium, and high compliance. Each category groups together those constitutions with similar levels of compliance and allows for useful comparisons across constitutions. High constitutional compliance are those constitutions with index values between 0.75 and 1. Medium constitutional compliance are constitutions with index values that fall between 0.5 and 0.74. The low constitutional compliance category is between 0.25 and 0.49. Finally, the lowest category are values from 0 to 0.24. This is no constitutional compliance. Those cases that meet the succession rule have higher levels of institutionalization whereas those that do not fall at medium

institutionalization or lower. That is, high compliance and meeting the succession rule results in higher compliance overall. Those who do not meet the succession rule—even if the index value may suggest high compliance—would have lower levels of institutionalization. An example of this index is Vietnam with a head of government compliance index of 1, as opposed to Zambia with a head of government index of 0.71. The Head of government constitutional compliance index is not only higher in Vietnam than Zambia but is also high constitutional compliance versus medium constitutional compliance. Both cases meet the succession rule. While Zambia does meet the succession rule, the medium constitutional compliance suggests medium overall compliance. Unlike Zambia, Vietnam falls into the high compliance category given both values.

Prior to considering each regime type or individual constitutional index values for the head of government, it is useful to examine the overall head of government index across all constitutions. Figure 2 displays the head of government index for all constitutions from 1990 to 2010 across twenty-five cases and five regime types.

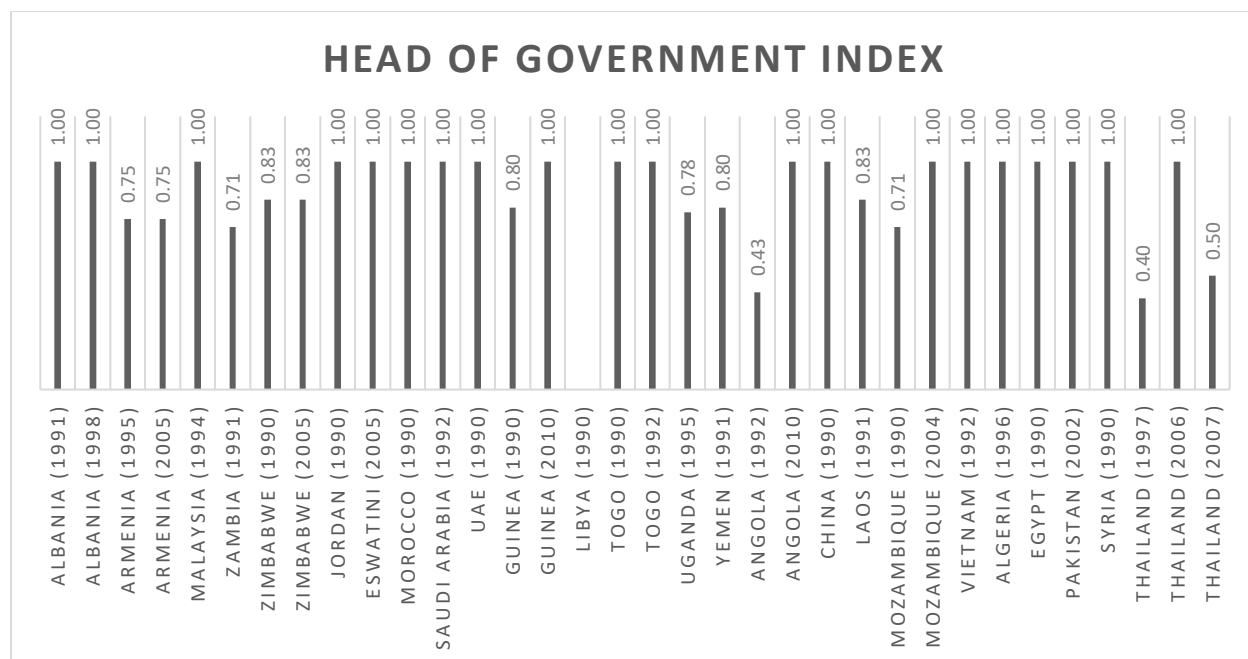


Figure 2: Constitutional Compliance Head of Government (HOG) Index, All Cases<sup>2</sup>

Figure 2 provides the first glance at the overall indexes for the heads of government across regime type. First, there does not appear to be a particular trend between regime types. Note that regime types are grouped together in the figure. In Figure 3.1, from left to right, the regime types are as follows: Competitive Authoritarian Regimes, Monarchy, Personalist, Single Party, and Military. Many of the indexes suggest that overall, there are generally high levels of constitutional compliance with respect to the heads of government. This may not be surprising given that heads of government are oftentimes visible to the populace and outside world. Moreover, it is clearer to see if the head of government's procedures are respected due to rules

<sup>2</sup> The year in parentheses are the year in which a constitution went into effect. For cases where the constitution went into effect in the year 1990 or earlier, the year 1990 corresponds with that case. The data collected above represented in the indexes are from 1990 to 2010.

being more outwardly visible and often having substantial amounts of authority vested in these leaders. Only three cases have indexes at or lower than .5, showing lower levels of constitutional compliance. These cases are Angola (1992), Thailand (1997), and Thailand (2007). It seems the substantial differences in constitutional compliance appear to be within regime types.

In Figure 3, Competitive Authoritarian Regimes appear to have higher levels of constitutional compliance with most indexes being at or above .75. However, not all constitutions during the time period have high constitutional compliance with respect to the head of government. Zambia (1991) is in the medium constitutional compliance category. These constitutions highlight the differences that seem to materialize within the regime type itself. Furthermore, there appears to be other variations between the different constitutions when disaggregating the index to examine overall head of government tenure and authority.

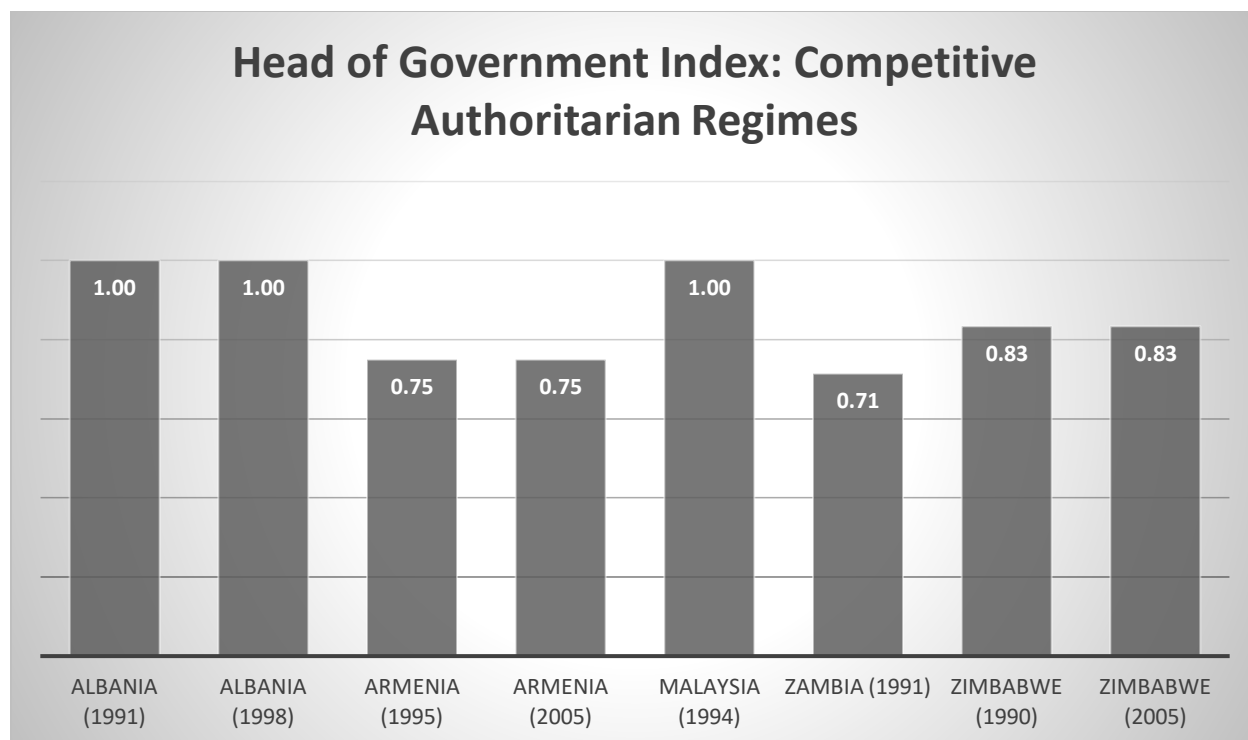


Figure 3: Constitutional Compliance HOG Index, Competitive Authoritarian Regimes<sup>3</sup>

Table 1 shows the clear variations within Competitive Authoritarian constitutions. There are substantial differences between how closely leaders follow the constitutions with respect to both tenure and authority. Complete executive authority—that is the authority given to the head of government and captured through the index—does not appear in all constitutions for Competitive Authoritarian regimes. This head of government authority may not encompass all facets of authority but does include numerous head of government authority measures. In fact,

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<sup>3</sup> Armenia and Zimbabwe each only have one constitution. However, constitutional reform was substantial enough to result in two different indexes. Constitutional reform in Zimbabwe includes the addition of an additional house to the legislature whereas Armenia's reform concentrates on the head of government in their attempt to join the Council of Europe.



half of the constitutions do not specify the head of government authority measures, or it is not applicable to this position. Even when limits or expansion of executive authority are in the constitution, it is not followed consistently within three of the four cases that fall at or below 0.50 (low to medium constitutional compliance). However, there is greater compliance concerning the measures of executive tenure. These measures include items such as the selection procedure, term length, and term limits, to name a few. In fact, only one of the constitutions—Armenia (2005)—is below 0.75 with medium constitutional compliance. Thus, while the literature suggests higher levels of institutionalization within Competitive Authoritarian regimes, a closer look at constitutional compliance reveals greater variation within this regime type.

Table 1: HOG Index Competitive Authoritarian Regimes

<i>Constitution</i>	<b>HOG Tenure</b>	<b>HOG Authority</b>	<b>HOG Index</b>
<i>Albania (1991)</i>	1.00	N/A	1.00
<i>Albania (1998)</i>	1.00	N/A	1.00
<i>Armenia (1995)</i>	0.75	Not specified	0.75
<i>Armenia (2005)</i>	0.67	1.00	0.75
<i>Malaysia (1994)</i>	1.00	Not specified	1.00
<i>Zambia (1991)</i>	1.00	0.00	0.71
<i>Zimbabwe (1990)</i>	1.00	0.50	0.83
<i>Zimbabwe (2005)</i>	1.00	0.50	0.83

Differences of constitutional compliance in Competitive Authoritarian Regimes arises from a few factors—some of which Chapter 4 explores. Case to case differences are likely contextual. For instance, one possible explanation for Malaysia having high compliance is their process of constitutional development. A commission of non-Malaysian entities which their colonial power of the time (the United Kingdom) formed, chose to write and furnish Malaysia with their current constitution upon Malaysia’s approval (Milne, 1978). However, there is favoritism to the predominant party throughout this time (UMNO) in the formation of the constitution (Nadzri, 2018). Once the reins to the institutions are given to UMNO, this party

begins consolidating power where possible (Nadzri, 2018). Whereas in Zimbabwe and Armenia, instances of economic instability (like hyperinflation) likely influenced governance and compliance of the head of government rules (FED Dallas). During the early-1990's, Zambia made liberalization of their economy a priority—though the process created uncertainty and increased poverty (McCulloch et al., 2000). Economic developments—hyperinflation, liberalization, etc.—likely influence compliance. Armenia additionally continues to have an ongoing conflict over the Nagorno-Karabakh region that could impact constitutional compliance even without active conflict. Of course, ongoing conflict likely effects compliance. Albania is the only case with the highest level of compliance for the head of government. The desire of Albania to become a member of the European Union—who is currently in the process of adopting European Union (EU) legislation into law—is the likely driver of high compliance (European Union). One way to signal a commitment to the rule of law and requirements of the EU could be through constitutional compliance. Contextual factors appear to commonly shape compliance within Competitive Authoritarian Regimes.

Unlike Competitive Authoritarian regimes, Monarchies have no variation along Head of Government measures. Figure 4 shows uniform compliance.

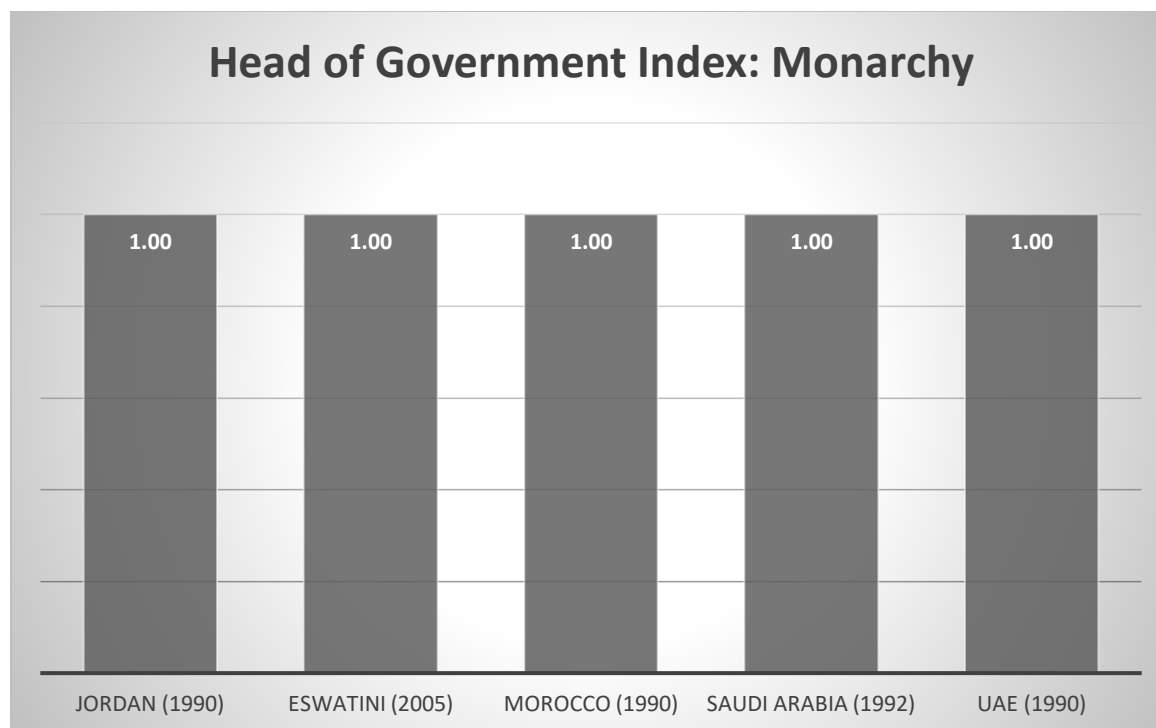


Figure 4: Constitutional Compliance HOG Index, Monarchy

The head of government index for monarchies appears to be one typology that has high constitutional compliance across all cases. This does not mean, however, that all of these constitutions are consistently the same with respect to the overall index.

Table 2: HOG Index Monarchy

<i>Constitution</i>	<b>HOG Tenure</b>	<b>HOG Authority</b>	<b>HOG Index</b>
<i>Jordan (1990)</i>	1.00	Not Specified	1.00
<i>Eswatini (2005)</i>	1.00	Not Specified	1.00
<i>Morocco (1990)</i>	1.00	Unable to Determine	1.00
<i>Saudi Arabia (1992)</i>	1.00	1.00	1.00
<i>UAE (1990)</i>	1.00	Not specified	1.00

Table 2 provides useful evidence that indicates that tenure is highly complied with in these constitutions. Note that the head of government in monarchies is often the Prime Minister. However, head of government authority is not fully explicit in these constitutions. This is

unsurprising because the head of state generally has greater authority and is the head of state. In two of the constitutions, authority is given—though limited. The other three constitutions do not specify authority for the head of government. Thus, overall high constitutional compliance focuses more on head of government tenure than the combination of tenure and authority within monarchies.

The institutional organization of monarchies likely attributes to the homogeneity of the head of government index. Lucas (2004a) states that in Middle Eastern monarchies, “the monarchy appeared before the apparatus of the modern state” (106). Though it is necessary to note that similar dynamics occur outside of the MENA region in countries like Eswatini. The monarch builds “a new state around itself rather than deconstructing an already existing state” (Lucas, 2004a, p. 106). Constitutions in monarchies are built around the monarchical structure that already exists. Though, not all the power granted to monarchs is explicitly within the constitution. Instead, the power is often outside of the constitution—reinforcing inherited authority. Inherited authority in monarchies and the power from it hinges “on his family, clan, or tribe, namely the extended kin-tie unit” (Kostiner, 2000, p. 2). However, these monarchies evolve over time to “transform his leaning post from kin-based *asabiyya* to more ‘routinized’ state-based military-bureaucratic institutions” (Kostiner, 2000, pp. 2–3). Inherited authority is no longer enough to rule. The addition of a constitution is one component of this evolution and expansion of state-building. The constitution grants some powers to the head of government through the, though this is limited. With little power, there are few rules to break. Thus, compliance does not vary amongst monarchies.

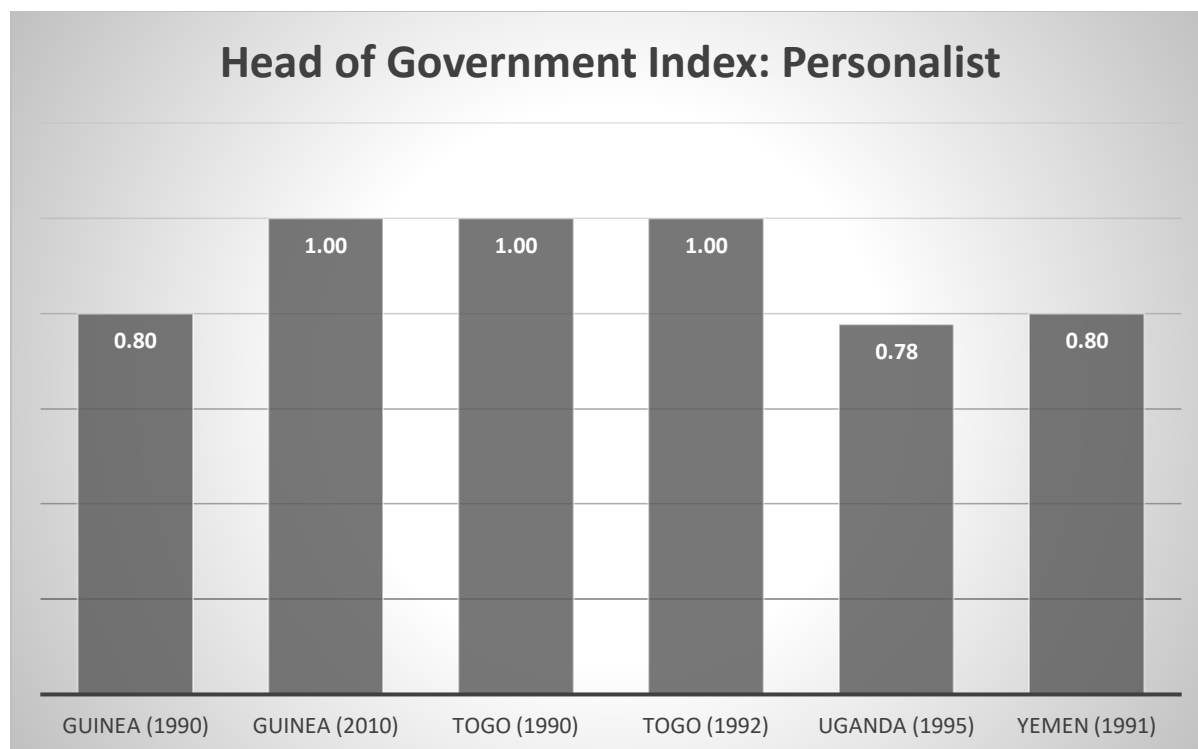


Figure 5: Constitutional Compliance HOG Index, Personalist

In Figure 5, much like with Competitive Authoritarian regimes, there appear to be differences in constitutional compliance within the personalist regime type. While there is overall high constitutional compliance, there are constitutions that are followed less closely than others. For instance, Guinea (1990), Uganda (1995), and Yemen (1991) all have lower indexes than other personalist constitutions during this time frame. Though, each of these generally have high constitutional compliance. However, even more differences are clear once the index itself is broken down.

Table 3: HOG Index Personalist

<b><i>Constitution</i></b>	<b>HOG Tenure</b>	<b>HOG Authority</b>	<b>HOG Index</b>
<i>Guinea (1990)</i>	1.00	0.60	0.80
<i>Guinea (2010)</i>	1.00	N/A	1.00
<i>Libya (1990)</i>	Unable to Determine	Not specified	Unable to Determine
<i>Togo (1990)</i>	1.00	1.00	1.00
<i>Togo (1992)</i>	1.00	Not specified	1.00
<i>Uganda (1995)</i>	0.67	1.00	0.78
<i>Yemen (1991)</i>	0.80	Not specified	0.80

Looking at the head of government index, important differences within the regime type begin to emerge. First, authority is not specified or applicable to some heads of government in personalist regimes. In over half of the constitutions—four of seven—this is the case. This could be a strategy that prevents constitutional limits on authority. If the rule is absent or not controlled by the constitution itself, this authority is unlikely to be curbed or confined constitutionally. Personalist leaders are unlikely to want to restrain their own authority in a constitution. There are instances where a leader’s authority is constitutionally explicit. In those where head of government authority is specified, it is not always followed exactly as the rule would specify—like in Guinea (1990). Nonetheless, there does appear to be more uniformity amongst constitutional compliance with respect to tenure. Overall, there is high constitutional compliance amongst head of government tenure within constitutions found in personalist regimes. The only constitution that appears to have medium constitutional compliance is Uganda (1995). Thus, there are varying levels of compliance within the personalist regime type for the head of government compliance.

The head of government index in personalist regimes features high compliance values that emphasize respect for constitutional rules by the head of government are common. Variation

of the index could originate in the institutional design of each personalist regime. For instance, Togo's constitution in 1992 separates the Head of Government and Head of State position. This allows the Head of State to appoint the Head of Government—an institutional set-up also found in Yemen and Guinea's 2010 constitution. When these positions are separate, it allows for greater turnover and constitutional compliance in part because the head of government is dismissed from the office with a detailed constitutional procedure that builds legitimacy. Being able to point to a particular rule and remove a leader from office, the head of state or Parliament thus appears to be responsive to the needs of the public and uses the head of government as a scapegoat. A good example of this is in Togo when “the Togolese parliament withdrew Thursday its confidence in the government of Prime Minister Eugene Koffi Adoboli” (Africa News 2000). Parliament completed this process due to “several issues, notably the payment of salaries, education and the dilapidated state of the country's hospitals” (Africa News 2000). In fact, some workers in Togo were owed up to eight months of salary under the leadership of Prime Minister Adoboli (Africa News 2000). With discontent building for the government, the Parliament put the procedure for dismissal into action—displaying responsiveness to the plight of these workers. When the government fails to work effectively, the constitution remains a legitimate source of governance—even in personalist regimes. Those who have separate offices for the head of government and state can more effectively comply with the constitution.

It is advantageous to note that instances of instability—like civil wars and coups d'état—impact overall compliance for the head of government in personalist regimes. In 2008, President Conté of Guinea died and “a military-led group declared a coup in the West African nation of Guinea on Tuesday, announcing it had dissolved the government and constitution hours after the death of the country's longtime dictator” (Associated Press Online 2008). Dissolving the

constitution is hardly constitutional. In fact, this dissolution reduces the compliance index in Guinea—part of why the index increases from 0.8 to 1.0 with the new constitution in 2010. Separation of the office beyond one individual does not always result in full compliance. In Yemen, the index is 0.8 as a reflection to overall instability after the Civil War ends in 1994. Uganda does not separate their head of government and state office like Yemen. Volatility in Uganda in the Second Congo War and the northern Ugandan conflict (with the Lord’s Resistance Army insurgency) all likely impact compliance.

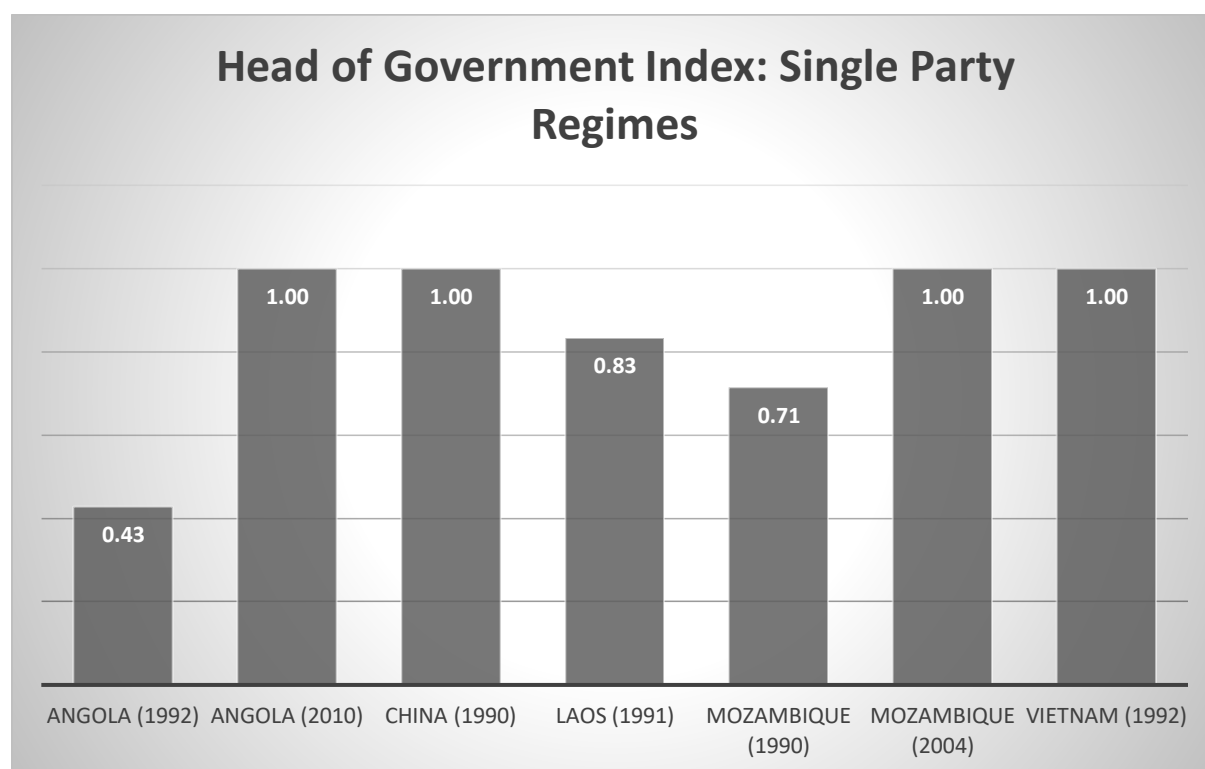


Figure 6: Constitutional Compliance HOG Index, Single Party

In Figure 6, single party regimes have quite a few differences within the regime type from the head of government index. Among the constitutions during this time frame, the majority appear to have high constitutional compliance. Only two constitutions—Mozambique (1990) and



Angola (1992)—are below the high constitutional compliance level. In fact, Angola has low constitutional compliance with an index score of 0.43. This is dramatically lower than all the other constitutions during this time among single party regimes. There are more differences between the constitutions with respect to tenure and authority as is seen in Table 4.

Table 4: HOG Index Single Party

<i>Constitution</i>	<b>HOG Tenure</b>	<b>HOG Authority</b>	<b>HOG Index</b>
<i>Angola (1992)</i>	0.40	0.50	0.43
<i>Angola (2010)</i>	1.00	1.00	1.00
<i>China (1990)</i>	1.00	Unable to Determine	1.00
<i>Laos (1991)</i>	0.80	1.00	0.83
<i>Mozambique (1990)</i>	0.83	0.00	0.71
<i>Mozambique (2004)</i>	1.00	1.00	1.00
<i>Vietnam (1992)</i>	1.00	Not specified	1.00

Table 4 shows that once taken apart, tenure and authority for the head of government begin to demonstrate noteworthy differences. Most Single Party constitutions offer authority to the head of government except for Vietnam (1992). But not all constitutions that offer authority are following it as the rules are defined. Angola (1992) has a head of government constitutional compliance value of 0.43, suggesting low constitutional compliance. However, Mozambique (1990) has a head of government authority index of 0 or no constitutional compliance. This causes their overall index to drop somewhat. I also could not clearly determine if China's (1990) following their constitutional rules relating to head of government authority. Differences still emerge within Single Party Regimes relating to overall tenure scores. Nearly all tenure indexes are high with the exception of Angola who has a low constitutional compliance score of 0.40. Again, constitutional compliance appears to vary within regime type—even among Single Party regimes.

Single Party regimes have greater variation than the literature suggests. In fact, the deviation among the head of government indexes demonstrates how diverse this typology is. Not all Single Party systems are created equal. China and Vietnam have the highest levels of compliance—fitting the narrative of high levels of institutionalization. It is here where the variation begins. Often, internal conflict seems to breed reductions in constitutional compliance. Cases like Mozambique and Angola both have recent experiences with civil war. Laos has recent experiences with insurgency, as well. In these three cases, internal conflict directly reduces overall compliance of the constitution. It should be noted, however, that China and Vietnam also have a history of civil war and unrest—though concluding decades ago. Once the conflict ends, it seems that compliance increases. Compliance is higher in Mozambique and Angola post-civil war alongside new constitutions. These dynamics suggest that conflicts cause Single Party regimes to behave differently but the resolution brings stability and increases in compliance—behaving similarly to what the literature suggests.

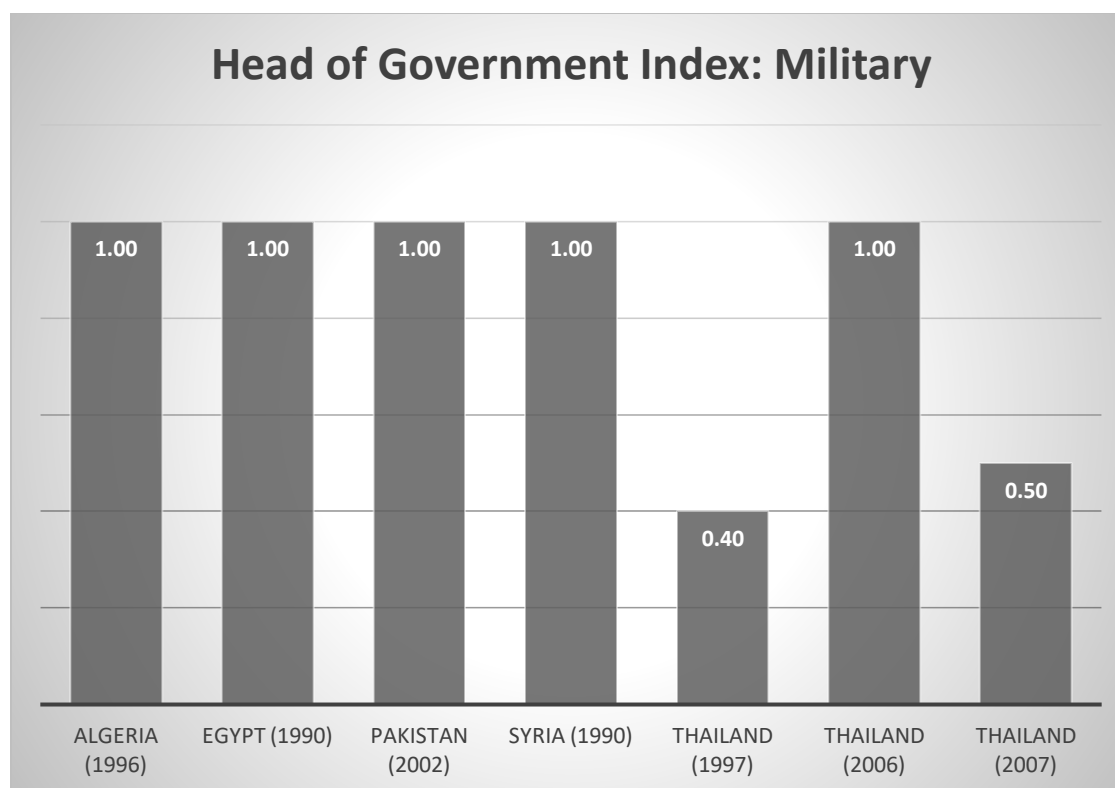


Figure 7: Constitutional Compliance HOG Index, Military

Figure 7 shows that of those constitutions which are not Thailand (1997) and Thailand (2007), constitutional compliance for the head of government in Military regimes are high. In fact, Thailand has three different constitutions during this time accounting for the only instances of medium to low constitutional compliance within the regime type. Disaggregating the index brings out some stark consistencies centering on head of government authority.

Table 5: HOG Index, Military

<i>Constitution</i>	<b>HOG Tenure</b>	<b>HOG Authority</b>	<b>HOG Index</b>
<i>Algeria (1996)</i>	1.00	N/A	1.00
<i>Egypt (1990)</i>	1.00	Not specified	1.00
<i>Pakistan (2002)</i>	1.00	Not specified	1.00
<i>Syria (1990)</i>	1.00	Not specified	1.00
<i>Thailand (1997)</i>	0.40	Not specified	0.40
<i>Thailand (2006)</i>	1.00	Not specified	1.00
<i>Thailand (2007)</i>	0.50	Not specified	0.50

Table 5 calls attention to a common point among military regimes—authority is often either not specified or not applicable to the head of government. These constitutions often do not give decree or emergency powers to the head of government consistently across their constitutions. Thus, all head of government indexes are solely based on tenure rules where the differences between constitutional compliance are found.

Observing variation in the head of government index, most of the variation is within Thailand. All other cases have the highest levels of constitutional compliance. So, why is Thailand different from the other cases? A portion of this variation emerges from the scrapping of the 1997 constitution during the 2006 coup d'état. By nullifying the constitution, the 1997 constitutional compliance indexes are substantially low at 0.4. Even with the 2006 interim constitution and 2007 constitution, there are vastly different values of compliance. The 2006 constitution is likely higher due to the limited nature of the interim constitution. In the time after the 2007 constitution comes into effect, compliance is medium as a result of instability and the ongoing political crisis in 2008 (CNN 2010). Though instability does not always impact head of government indexes in military regimes.

Algeria's civil war—which ravaged the nation leaving near 150,000 people dead—does not seem to impact the head of government index (The Guardian 2003). Indeed, Algeria continues to have the highest level of compliance even with this conflict occurring—illuminating an important institutional reason. In Algeria as well as Egypt, Syria, and Pakistan, the head of government and head of state offices are separate individuals with discrete powers. When these offices are distinct, compliance is often higher. Separating the office improves compliance and increases turnover—though this does not mean instability. Turnover in this scenario is a reflection of institutionalization. Sometimes splitting power allows for one executive (like the

head of state) to target dissatisfaction and culpability at the head of government, resulting in their resignation or dismissal. Having power split between two individuals could also stave off military intervention. Though it must be noted that this does not always prevent intervention or guarantee future stability—as Thailand, Syria, and Egypt demonstrate.

### **Legislative Index**

Constitutional compliance with legislative rules is the Legislative index. This index—similar to the head of government index—reflects legislative tenure, autonomy, and authority. Legislative tenure incorporates differing components of the index like the selection process, minimum age to take office, additional restrictions placed on the eligibility to be a member of the legislature, term length and limits, as well as constitutional immunity (or lack thereof) for members of the legislature. Autonomy of the legislature contains measures like the ability to dismiss the legislature, power to override vetoes, and the total votes necessary to override a veto. Lastly, legislative authority captures processes on the power to approve and reject legislation, the initiation of laws and policy, if a supermajority is necessary for passing legislation, and information on whether votes are public record, private, or both. Again, this index is a combination of these three categories that ranges from zero (no constitutional compliance) to one (full constitutional compliance). Constitutional compliance category is high, medium, low, and no constitutional compliance.

Figure 8 presents the legislative constitutional compliance index from 1990 to 2010 for twenty-five countries and five regime typologies.

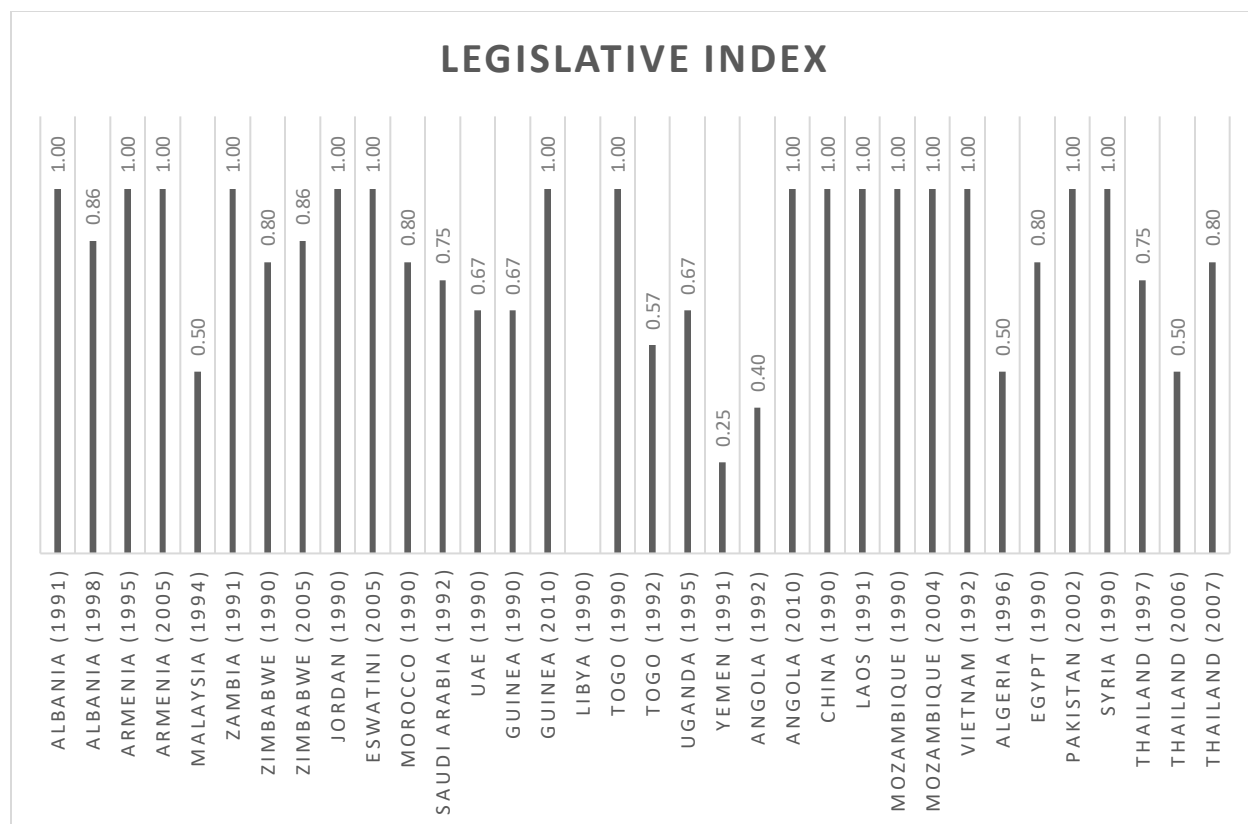


Figure 8: Constitutional Compliance Legislative (LEG) Index, All Cases

In Figure 8, from left to right, the regime types are as follows: Competitive Authoritarian Regimes, Monarchy, Personalist, Single Party, and Military. As with the head of government index, there again appears to be no consistent regime type effect relating to legislative compliance. Instead, the differences between index values seem to be within regime types. There is far more variation relating to the legislative index than the head of government index. This may be due to the differing levels of authority and country specific roles that legislatures provide. Overall, there are higher levels of legislative constitutional compliance for more than half of the constitutions during this time frame. Importantly, only five of the cases have values at or below an index value of 0.50, classified as low constitutional compliance: Malaysia (1994), Yemen (1991), Angola (1992), Algeria (1996), and Thailand (2006). These cases vary by regime

types: Competitive Authoritarian, Personalist, and Military regimes. Similar to the head of government indexes, each regime type is grouped together. The first of these regime types are Competitive Authoritarian regimes.

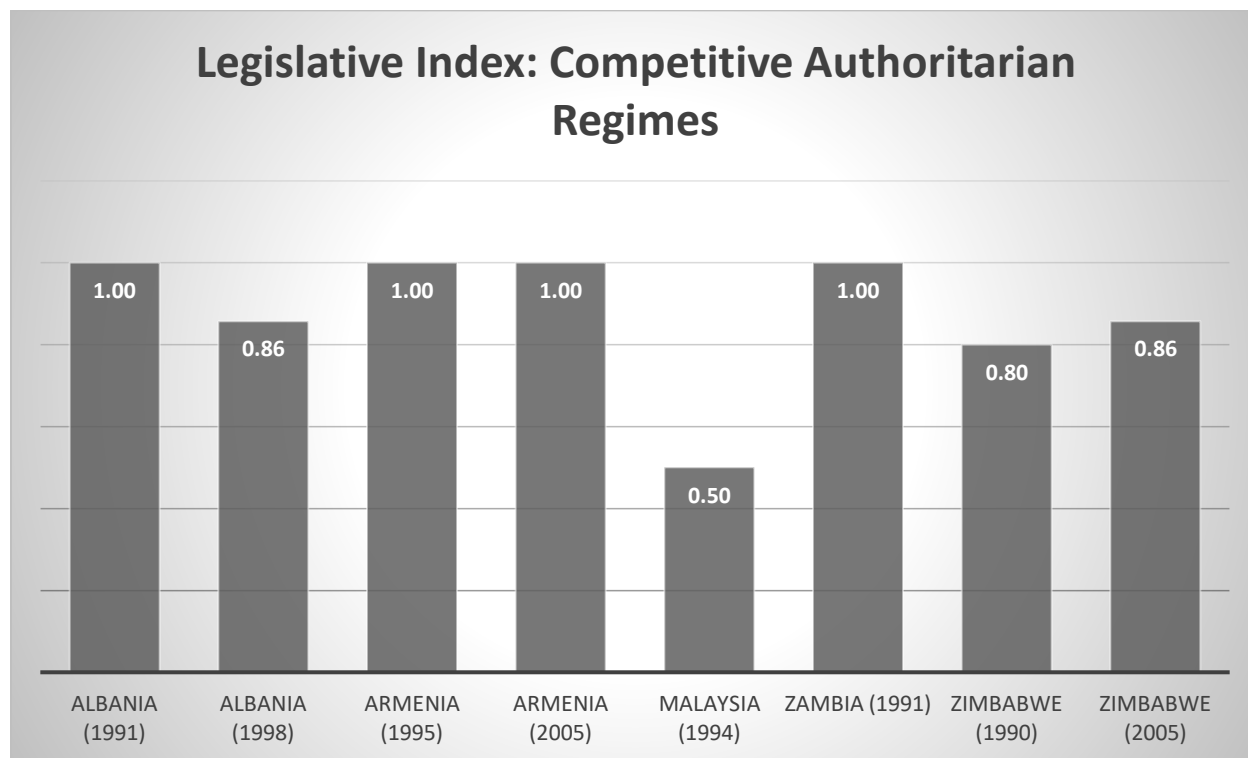


Figure 9: Constitutional Compliance LEG Index, Competitive Authoritarian

Comparable to the head of government index for Competitive Authoritarian regimes, there is considerable variation amongst the constitutional compliance legislative index. Although, overall compliance is high in all constitutions except for Malaysia (1994). Division of the index allows differences to emerge in the index between tenure, autonomy, and authority.

Table 6: LEG Index, Competitive Authoritarian

<i>Constitution</i>	<b>LEG Tenure</b>	<b>LEG Autonomy</b>	<b>LEG Authority</b>	<b>LEG Index</b>
<i>Albania (1991)</i>	1.00	1.00	1.00	1.00
<i>Albania (1998)</i>	1.00	1.00	0.50	0.86
<i>Armenia (1995)</i>	1.00	Unable to Determine	1.00	1.00
<i>Armenia (2005)</i>	1.00	Unable to Determine	1.00	1.00
<i>Malaysia (1994)</i>	0.75	0.00	0.00	0.50
<i>Zambia (1991)</i>	1.00	Unable to Determine	Unable to Determine	1.00
<i>Zimbabwe (1990)</i>	1.00	Unable to Determine	0.67	0.80
<i>Zimbabwe (2005)</i>	1.00	Unable to Determine	0.67	0.86

In Table 6, all constitutions have high constitutional compliance for legislative tenure. Tenure for the legislature includes measures like selection, restrictions on members, and term length specifics—similar to the executive tenure measure. However, legislative autonomy is not a measure that provides as much insight. Of the constitutions during this time, it is difficult to determine if following of the rules is taking place for five of the eight constitutions. In the three constitutions where distinctions could be made about compliance, two of the three have high constitutional compliance—Albania (1991) and (1998). Malaysia (1994) has no constitutional compliance of legislative autonomy. Legislative authority has more dispersion from high constitutional compliance to no constitutional compliance. This authority is a combination of measurements relating to the approval/rejection of legislation, initiation of legislation, instances where a supermajority is necessary for passing legislation, and voting records of the legislature. Albania (1991), Zambia (1991), Armenia (1995), and (2005) all have high constitutional compliance. There are constitutions that have medium constitutional compliance of legislative autonomy, like Albania (1998) and Zimbabwe in (1990) and (2005). Malaysia (1994) has no constitutional compliance of legislative autonomy whereas no determination is made for the



Zambia constitution. These indexes reveal variations in constitutional compliance amongst Competitive Authoritarian regimes.

Differences in the legislative index for Competitive Authoritarian regimes are likely country specific but with institutional changes prompting differences. For example, Albania has a reduction in compliance from the 1991 to the 1998 constitution whereas Armenia does not see this same reduction with their 2005 amendment. This is due to the expansion of power at the legislative level in Albania with the new constitution. With the arrangement of more power, these new rules take time to be put into practice. Following new rules is not always immediate—something Albania calls attention to. Armenia sees limited changes in their constitution at the legislative level, yet has the same level of compliance as the result. Thus, limited changes are easier to comply with compared to drastic constitutional changes. Zimbabwe experiences an increase in their index in part from increases in following more rules from the 1990 to 2005 constitution. This is a result of adding an upper house (the Senate) to Parliament—an expansion of power by Mugabe who appoints a portion of the Senators to their positions. Malaysia has medium levels of compliance for their legislature which likely reflects their constitutional development. The Malaysian constitution is not drafted or written in Malaysia, likely impacting overall compliance. Zambia's constitution has high compliance which is likely from the constitutional ratification process that occurs in the legislature—unlike the other cases. When the constitutional ratification occurs at the legislative level in Competitive Authoritarian regimes, higher compliance appears to be the result. Constitutional approval through referendums suggests lower compliance at the legislative level.

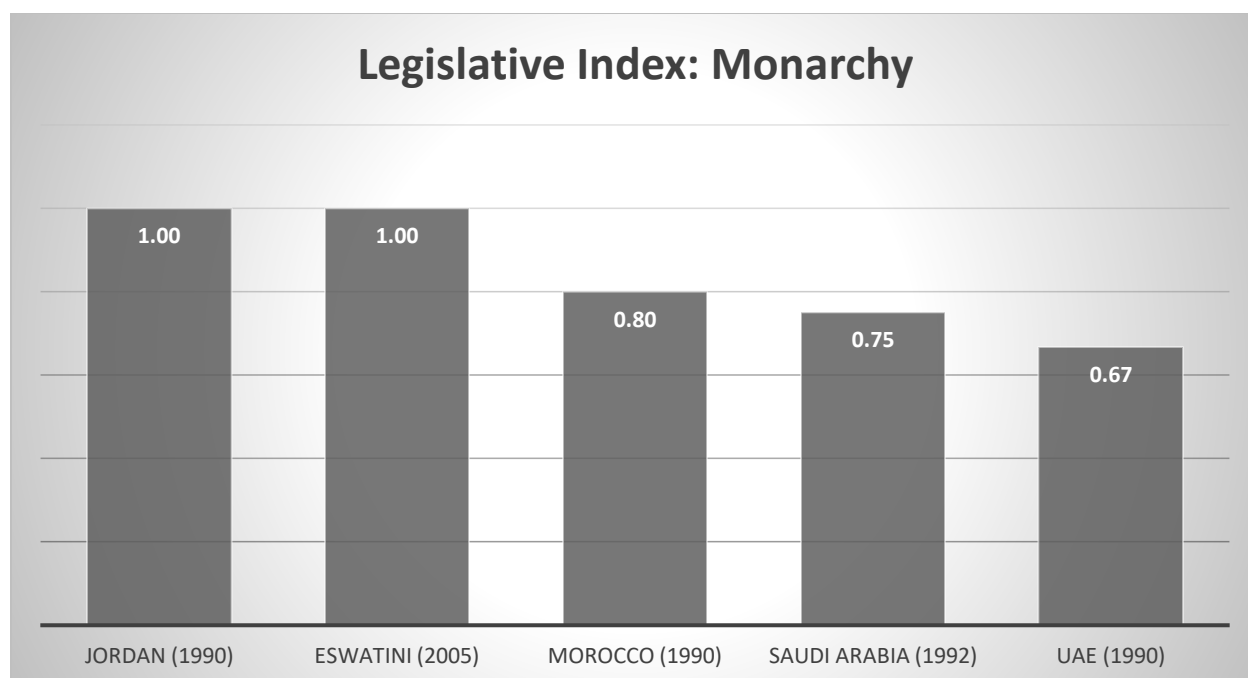


Figure 10: Constitutional Compliance LEG Index, Monarchy

Focusing on the constitutions in monarchies, the legislative index again elucidates the common theme from regime type to regime type—that variation of constitutional compliance is not strictly between regime types but *within* regime types. While there is very little variation in the head of government index for monarchies, this is not the case for the legislative index. With respect to the legislative compliance index, there high overall compliance with four of the five constitutions having index values at 0.75 or greater. United Arab Emirates (UAE) scores in the medium constitutional compliance. Deconstructing the index by tenure, autonomy, and authority, more differences materialize.

Table 7: LEG Index, Monarchy

<i>Constitution</i>	<b>LEG Tenure</b>	<b>LEG Autonomy</b>	<b>LEG Authority</b>	<b>LEG Index</b>
<i>Jordan (1990)</i>	1.00	1.00	1.00	1.00
<i>Eswatini (2005)</i>	1.00	1.00	Unable to Determine	1.00
<i>Morocco (1990)</i>	0.80	Unable to Determine	Unable to Determine	0.80
<i>Saudi Arabia (1992)</i>	1.00	Unable to Determine	0.00	0.75
<i>UAE (1990)</i>	0.50	Unable to Determine	1.00	0.67

With some constitutions, information on particular measures are difficult to determine. In fact, some information on autonomy and authority are not readily available. Instances like Morocco (1990) have the index itself being entirely dependent on the tenure measure. Other cases have at least one of the categories—authority or autonomy—where information is not as accessible. This results in portions where autonomy and authority were classified as “unable to determine.” However, unlike other constitutions in monarchies, Jordan (1990) has high constitutional compliance in all three categories. Eswatini (2005) has high constitutional compliance in two categories—tenure and autonomy. Eswatini’s constitution is recent in its ratification in 2005. More deviation occurs in Saudi Arabia (1992) with high constitutional compliance for tenure but no compliance for authority. The United Arab Emirates has high constitutional compliance for legislative authority and medium compliance for tenure. Again, these constitutions echo that constitutional compliance differs within regime type.

Variations in the legislative index in monarchies is likely a reflection of the institutional organization of monarchies. In some instances, these legislatures have limited influence on what the monarch does—in cases like Jordan and Morocco. In many ways, these legislatures behave as oversight bodies for the monarch—especially in Eswatini, Saudi Arabia, and the United Arab Emirates. The powers these legislatures have is narrow and inadequate to influence much politically. Politically, the monarch has most of the power that remains somewhat unchecked in

monarchies. It does not seem that a unitary or federal system influences compliance. Colonial legacies also do not seem to impact compliance either with no visibly clear pattern. Further, the adoption of constitutions in monarchies also provides no discernable pattern. In fact, it is probable to assume that some of this variation is purely happenstance due to the monarch generally having supreme authority. The institutions are not built to challenge the monarch. Instead, legislatures are designed to reinforce monarchical rule.

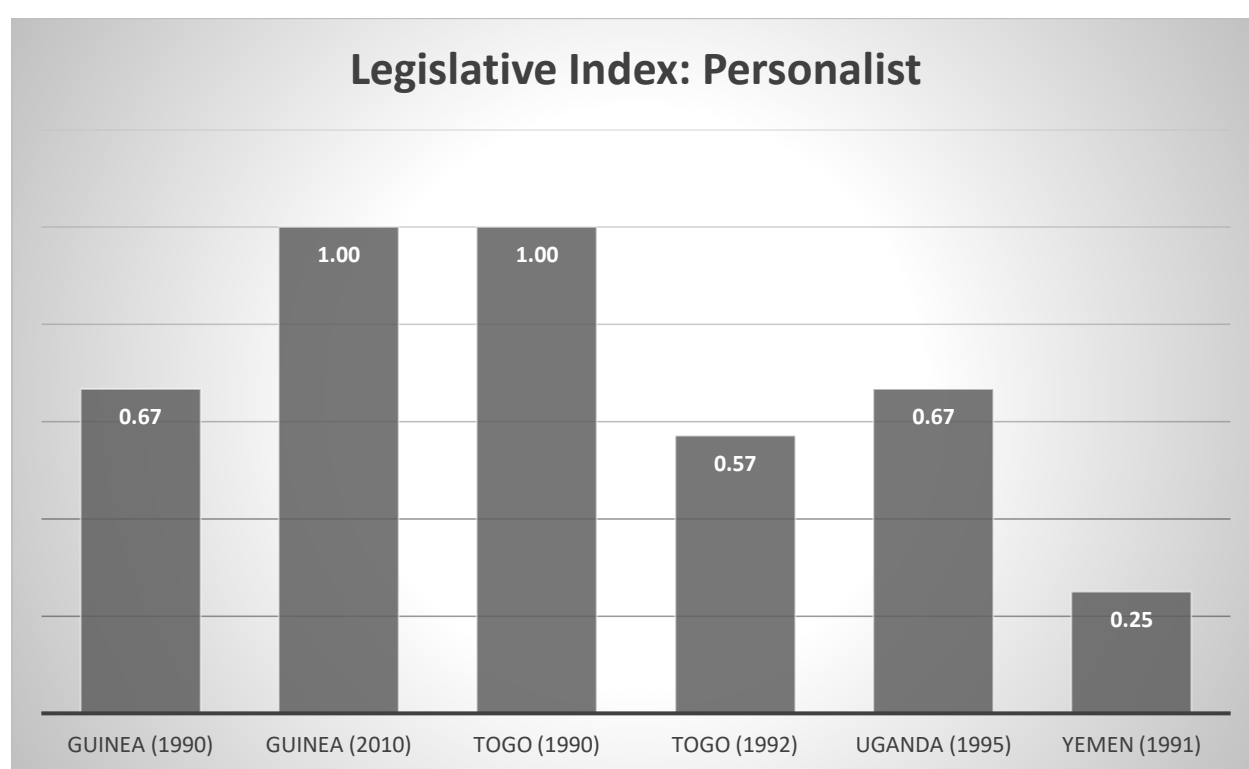


Figure 11: Constitutional Compliance LEG Index, Personalist

Personalist regimes offer even more legislative compliance variance. Figure 11 shows a mix of low, medium, and high constitutional compliance of the legislative index. These constitutions have the widest range of all regime types. Those with high constitutional compliance are Guinea (2010) and Togo (1990). Guinea (1990), Togo (1992), and Uganda

(1995) have medium constitutional compliance with respect to the legislature. Finally, Yemen (1991) has low legislative constitutional compliance. Not included on this graph is Libya. I could not find information during this time frame to confirm or suggest constitutional compliance or not. There are also very few rules found in the Libyan constitution.

Table 8: LEG Index, Personalist

<i>Constitution</i>	<b>LEG Tenure</b>	<b>LEG Autonomy</b>	<b>LEG Authority</b>	<b>LEG Index</b>
<i>Guinea (1990)</i>	0.67	Unable to Determine	Unable to Determine	0.67
<i>Guinea (2010)</i>	1.00	Unable to Determine	Unable to Determine	1.00
<i>Libya (1990)</i>	Not Specified	Unable to Determine	Unable to Determine	Unable to Determine
<i>Togo (1990)</i>	1.00	Unable to Determine	Unable to Determine	1.00
<i>Togo (1992)</i>	0.60	1.00	0.00	0.57
<i>Uganda (1995)</i>	1.00	Unable to Determine	0.50	0.67
<i>Yemen (1991)</i>	0.33	0.00	Unable to Determine	0.25

In Table 8, there were numerous instances where the determination of particular measures is not possible given the lack of information. With personalist regimes, it is unsurprising that the legislature itself did not have information as readily available. In fact, all but one of the constitutions—Togo (1992)—had at least one category that could not be determined. Further, Libya (1990) has very little information available at all. If there are rules, finding information on compliance is a challenge. Guinea’s (1990, 2010) and Togo’s (1990) legislative index are fully reliant on the legislative tenure measure. Tenure itself is quite diverse. Within three constitutions—Guinea (2010), Togo (1990), and Uganda (1995)—there is high constitutional compliance. Medium compliance of legislative tenure occurred in Guinea (1990) and Togo (1992). Finally, low compliance with respect to tenure occurs in Yemen (1991). However, Uganda (1995) and Yemen (1991) have a combination of tenure and autonomy or

authority. In the instances where autonomy is granted and the information was available, the rules are either fully complied with—Togo (1992)—or not at all—Yemen (1991). Authority is a similar scenario in which constitutional compliance is medium in Uganda (1995) and no compliance in Togo (1992). Wholly, there are large differences between constitutions found within the personalist regime type relating to legislative constitutional compliance.

Amongst Personalist regimes, there are vastly different compliance indexes for each legislature. This is likely a reflection of general institutional reasons. Often times, legislatures in personalist regimes are not very powerful. Legislatures do include authority and autonomy rules, yet the personalist leader easily oversteps these rules or the legislature ignores these rules altogether. This is why there is a drop in legislative compliance from the 1990 to 1992 constitution in Togo as well as medium compliance in Uganda. Yemen is experiencing general unrest (insurgency and the end of the civil war) during this time, which is directly impacting their overall governance. Thus, the lower level of legislative compliance is the result. Guinea sees an increase in their index from 1990 to 2010 likely as a result of the post-coup resumption of civilian rule. Finally, a critically important point is necessary to stress. Legislatures in personalist regimes are particularly difficult to find extensive information on—likely on purpose. Personalist leaders often design systems that lack transparency, impacting the overall compliance scores and the information I have the ability to access. The large array of index values is a reflection of this along with institutional differences.

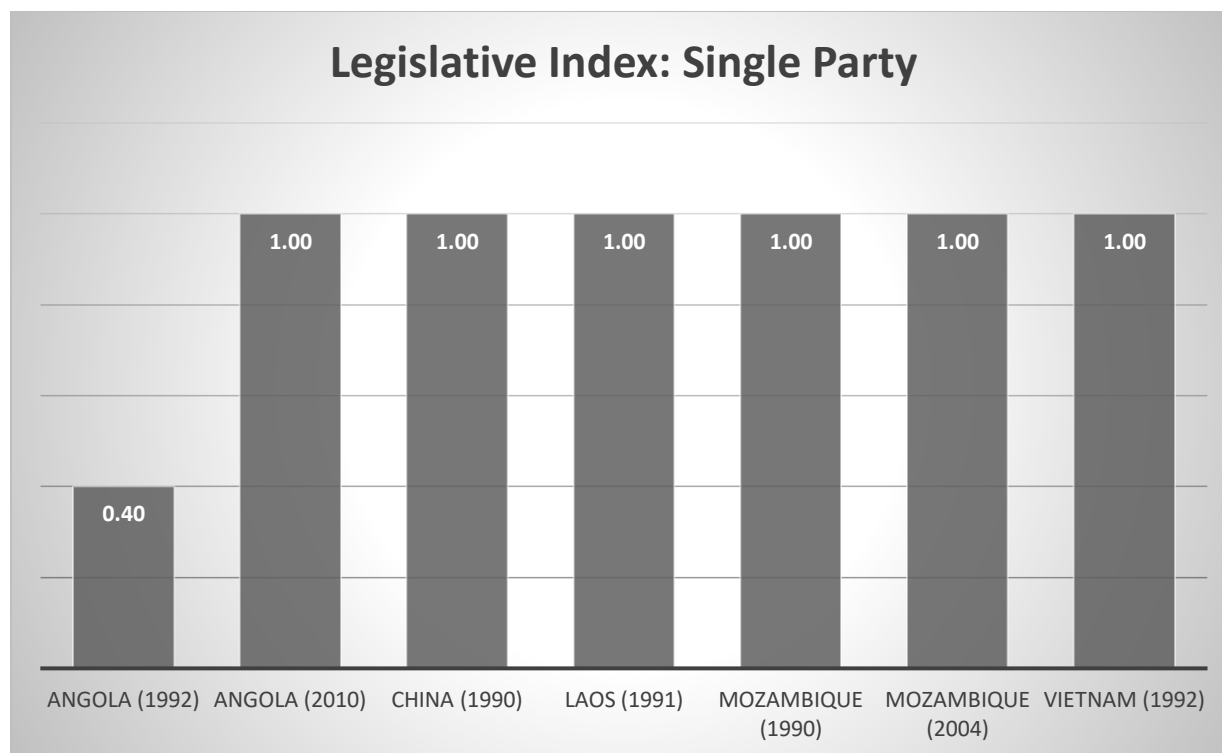


Figure 12: Constitutional Compliance LEG Index, Single Party

Figure 12 shows that compliance is overall quite high. In fact, all constitutions except one—Angola (1992)—have high overall compliance.

Table 9: LEG Index, Single Party

<i>Constitution</i>	<b>LEG Tenure</b>	<b>LEG Autonomy</b>	<b>LEG Authority</b>	<b>LEG Index</b>
<i>Angola (1992)</i>	0.33	1.00	0.00	0.40
<i>Angola (2010)</i>	1.00	Unable to Determine	Unable to Determine	1.00
<i>China (1990)</i>	1.00	Not Specified	Unable to Determine	1.00
<i>Laos (1991)</i>	1.00	Unable to Determine	Unable to Determine	1.00
<i>Mozambique (1990)</i>	1.00	Unable to Determine	Unable to Determine	1.00
<i>Mozambique (2004)</i>	1.00	1.00	1.00	1.00
<i>Vietnam (1992)</i>	1.00	1.00	Unable to Determine	1.00

In Table 9, except for Angola (1992), the tenure rules are highly complied with respect to the legislature. Angola (1992) has low compliance concerning legislative tenure. Of those that could be determined, legislative autonomy rules also have high constitutional compliance. There were constitutions where I cannot determine the autonomy measures due to lack of information. This could suggest that legislative irregularities—where the legislative body does not follow the constitutional rules—is not publicized due to state controlled media. Additionally, China did not specify any of the autonomy measures within their constitution for the legislature. Legislative authority for Single Party regimes offer some differences. Authority offered in Angola (1992) has no constitutional compliance—scoring a zero on the legislative authority component of the index. All other constitutions during this period did not provide enough information to determine if the rule is being followed.

Differences amongst legislative compliance indexes—similar to the head of government indexes—in Single Party regimes are likely a reflection of internal conflicts or lack thereof. Angola and Mozambique both have recent experiences with civil wars. Their civil wars underscore how instability effects the overall compliance of the constitution. However, it seems to only emerge in the compliance score of the head of government in Mozambique and not Angola. Note, Mozambique’s conflict ends much more quickly than Angola—1992 versus 2002. There is also a peace agreement that allows for numerous elections in Mozambique that does not quite match the number of elections in Angola. The more recent the conflict, the more likely constitutional compliance suffers. With the addition of a new constitution and the end of the conflict, constitutional compliance increases. These relationships are visible through the dramatic increases from medium to high compliance in Angola. Chapter four highlights the cases of Angola and Mozambique more in-depth to understand these differing compliance levels in the



midst of conflict. Laos endures conflict during this time as well, but it is from insurgency which continues through the end of the time frame. Though, this insurgency does not seem to impact the legislative index. Conflict tends to push behavior away from expected Single Party regime behavior of increased institutionalization. Once these civil wars end, stability materializes and compliance grows. Thus, Angola and Mozambique behave similarly to expectations with the resolution of unrest.

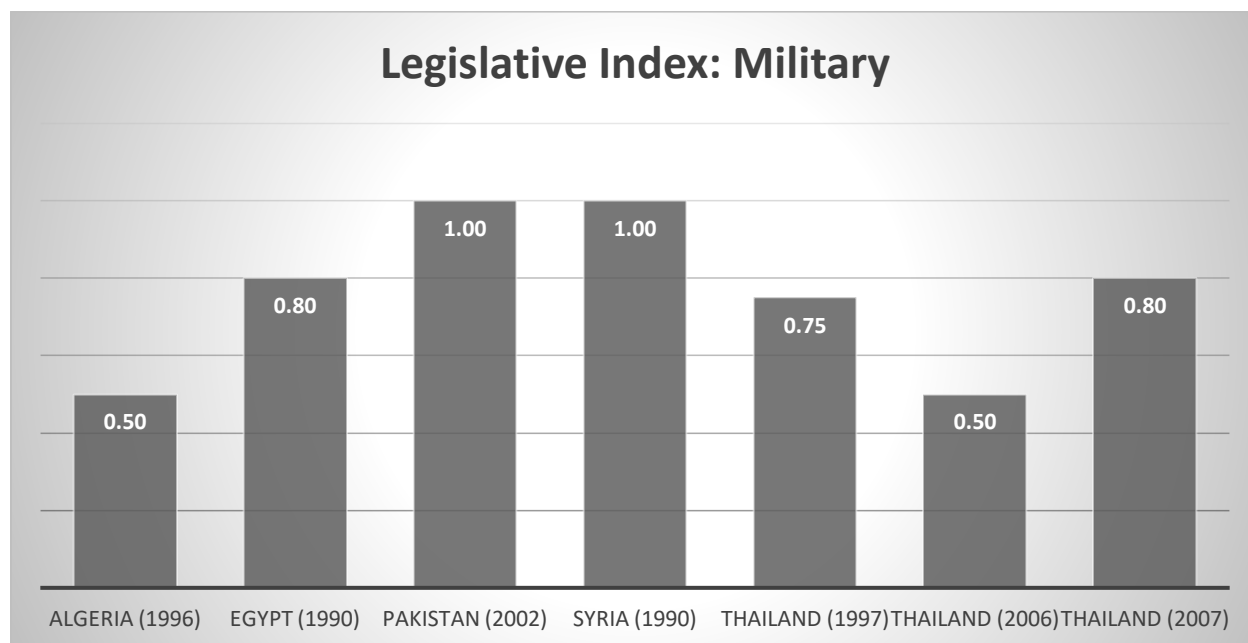


Figure 13: Constitutional Compliance LEG Index, Military

Military regimes have a sizable amount of deviation from constitution to constitution with respect to legislative compliance. Five of the seven constitutions have high constitutional compliance. The two constitutions with medium constitutional compliance are Algeria (1996) and Thailand (2006). An important note to make about constitutions in Military regimes are that Thailand has three different constitutions during this time frame. As can be seen in Figure 13, there is higher compliance overall, but differences surface once the index itself is taken apart.

Table 10: LEG Index, Military

<i>Constitution</i>	<b>LEG Tenure</b>	<b>LEG Autonomy</b>	<b>LEG Authority</b>	<b>LEG Index</b>
<i>Algeria (1996)</i>	0.75	Unable to Determine	0.00	0.50
<i>Egypt (1990)</i>	1.00	1.00	0.00	0.80
<i>Pakistan (2002)</i>	1.00	1.00	1.00	1.00
<i>Syria (1990)</i>	1.00	Unable to Determine	Unable to Determine	1.00
<i>Thailand (1997)</i>	0.83	0.00	1.00	0.75
<i>Thailand (2006)</i>	0.50	Not Specified	Unable to Determine	0.50
<i>Thailand (2007)</i>	1.00	Unable to Determine	0.00	0.80

Table 10 emphasizes the differences that arise in each legislative category. There is fairly high constitutional compliance with respect to legislative tenure. Thailand (2006) is the only constitution with medium constitutional compliance. However, legislative autonomy is mixed among constitutions in military regimes. There were three cases where the information available is insufficient to determine compliance: Algeria (1996), Syria (1990), and Thailand (2007). Thailand (2006) does not specify legislative autonomy, though this is an interim constitution that is short lived following a coup d'état in mid-2006. The ratification of a new constitution in 2007 succeeds this interim constitution. Of those that could be determined, compliance is either high—Egypt (1990) and Pakistan (2002)—or there is no compliance at all—Thailand (1997). The starkest contrasts are in legislative authority. Two constitutions have instances where determining the rules being followed or not could not occur—Syria (1990) and Thailand (2006). Of those where the determination is made, overall constitutional compliance of legislative authority is split. Pakistan (2002) and Thailand (1997) have high constitutional compliance of legislative authority whereas Algeria (1996), Egypt (1990), and Thailand (2007) have no constitutional compliance at all. Thus, the constitution regarding autonomy and authority is either followed completely or not at all in these military regimes.

Military regimes' legislative compliance indexes are diverse. The deviations in these indexes are likely a reflection of country specific factors and the adoption process of constitutions. Syria and Pakistan both have high levels of compliance albeit for different reasons. Pakistan's high compliance is likely due to a stronger legal system—driving higher levels of compliance. Syria has high compliance because they are behaving similar to a Personalist regime where the legislative index only includes tenure measures. There is not a lot of transparency on procedures in Syria. Both Syria and Pakistan's constitutions similarly have their ratification process occur in their legislatures. If the Parliament approves of the constitution, it may result in higher levels of legislative compliance in military regimes. Ratification of the constitutions in Algeria and Egypt occur through referendum, possibly a portion of why compliance is not as high. Approval that is made by the citizenry likely impacts compliance because the legislature's say on the constitution is not final. Instead, it is the population that has the final say—leading the legislature to be less invested in compliance and impacting legislative compliance. Also, conflict can lower compliance levels. Algeria is experiencing a civil war during this time period, resulting in medium legislative compliance. Conflict could also be a coup d'état like Thailand in 2006. Coups disrupt governance and cause rules to change. Whenever this happens, compliance decreases and instability increases. In the aftermath of coups, there are often power struggles and further crises. Uncertainty often means lower compliance—something occurring in Thailand and Algeria's legislative indexes.

### **Succession Rule**

A vital measure of institutionalization is the succession rule. While the indexes themselves may suggest high constitutional compliance, succession from one leader to the next

can provide important insights into how institutionalized the constitution itself could be within each case. Following constitutional rules are only part of the story. The succession rule is when the regime leadership (the executive) changes at least twice from the initial leader. This is what Huntington (1991) calls the two-turnover rule. If a regime outlasts its founding members, then this reflect that the succession rules are working and implemented—a direct measure of institutionalization. Overall, the underlying question is how many cases appear to meet the succession rule. Figure 14 reveals that 62% of the cases meet the succession rule as a measure of overall institutionalization.

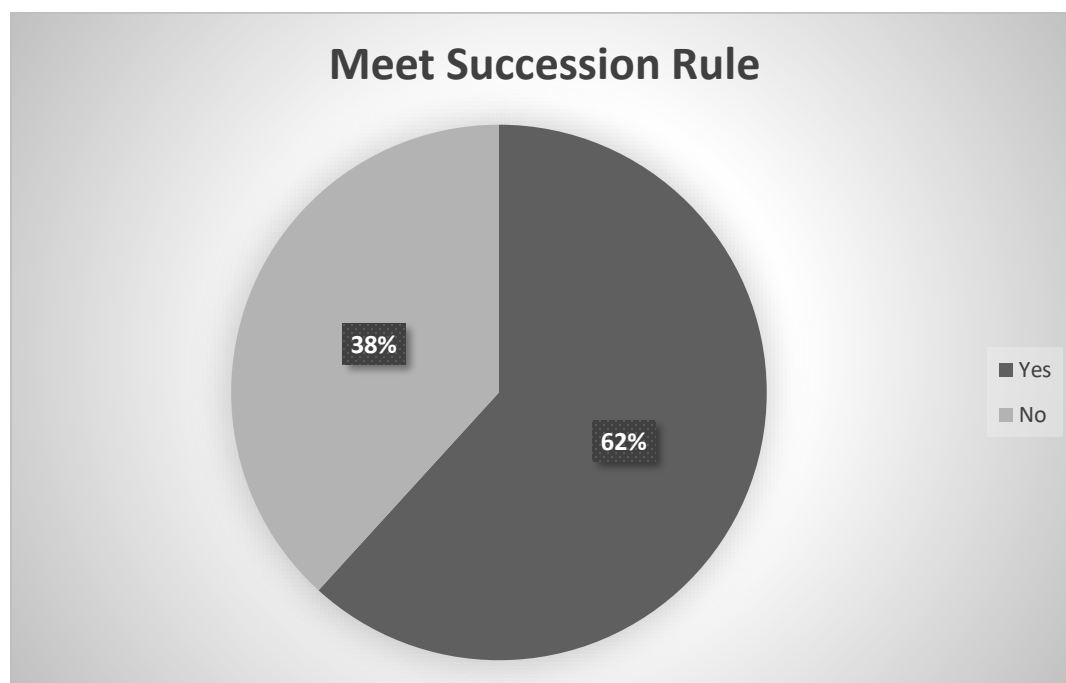


Figure 14: Succession Rule, All Constitutions

Figure 14 displays the overall percentage of those that meet the successional rule with a majority of the cases appearing to have turnover amongst the heads of government during the 20 year time period. However, there are some important differences in succession rules across countries and regime types. The first of these regimes are Competitive Authoritarian Regimes.

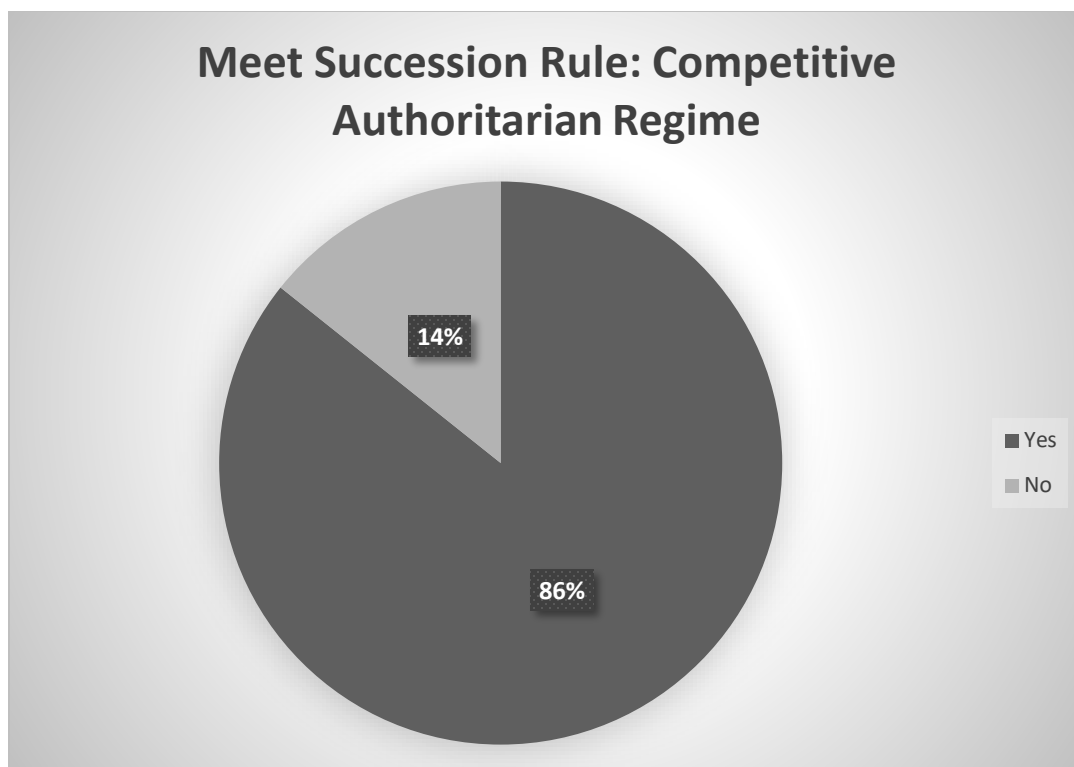


Figure 15: Succession Rule, Competitive Authoritarian Regimes

Competitive Authoritarian Regimes appear to have a greater number of constitutions meeting the succession requirement than the overall percentage. In fact, 86% of the constitutions that are Competitive Authoritarian meet the succession rule—a critical component for institutionalization of these regimes.

Table 11: Succession Rule (CAR)

<b>Meet Succession Rule</b>	<b>Fail to Meet Succession Rule</b>
<i>Albania (1991), Albania (1998), Armenia (1995), Armenia (2005), Malaysia (1991)</i>	<i>Zimbabwe (1990)</i>

Those constitutions that meet the succession rules involve countries like Albania (1991) and (1998) and Malaysia (1994). It's important to note that while Zimbabwe had a constitution in

effect for 31 years through 2010, the succession rule is not met. That is because the head of government—Mugabe—remained in power for nearly three decades. In the table, the cases that meet the succession rule and those that do not are specified.

Of all the regime types, Competitive Authoritarian Regimes appear to be the most likely to meet the succession rule. Succession in these cases feasibly arises from the closeness these regimes are to democracies. While they are not democracies, there are democratic-like processes in operation within these regimes. When the constitutional rule is followed over time, succession not only becomes expected but also develops into a norm. Additionally, head of government turnover does not mean instability. It instead brings some level of confidence that the turnover will continue to occur. The process is not centered on an individual or autocrat but instead moves to the institutional procedure. All of this ultimately leads to increases in stability and durability when the succession is met. Zimbabwe is the only case that is dissimilar and does not meet the succession rule. This is due to Robert Mugabe remaining President throughout the entire time from 1990 to 2010. Mugabe remained President until a coup in 2017 overthrew his government. Turnover in Zimbabwe past Mugabe may have circumvented this coup and provide necessary stability. Zimbabwe provides a useful gauge of how lacking succession increases instability by centering all procedures in an individual leader.

However, Competitive Authoritarian Regimes are not the only typology that is higher than the overall aggregate values. Military Regimes are also in this group. Figure 16 shows that 86% of the Military Regime constitutions meet the succession rule requirement.

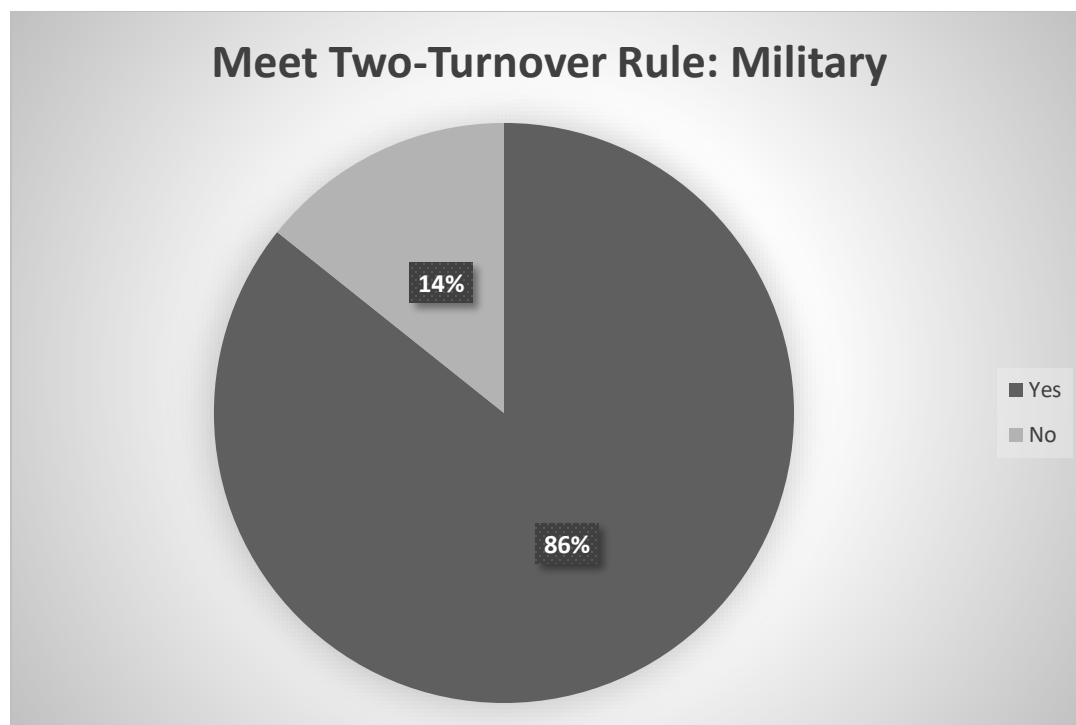


Figure 16: Succession Rule, Military

Military regimes appear to have constitutions within them that are institutionalized due to this succession rule being followed. In fact, cases like Egypt (1990) and Syria (1990) meet the succession rule while also being in effect for 39 and 37 years through 2010, respectively.

Table 12: Succession Rule (Military)

<b>Meet Succession Rule</b>	<b>Fail to Meet Succession Rule</b>
<i>Algeria (1996), Egypt (1990), Pakistan (2002), Syria (1990), Thailand (1997), Thailand (2007)</i>	<i>Thailand (2006)</i>

In Table 12, the only constitutions during this time that do not meet the succession rule is Thailand (2006). All other Military constitutions fulfill the succession rule that suggests higher levels of institutionalization. It is highly likely that those cases that meet the succession rule do so because of the separation of the head of state and head of government position. In many

Military regime constitutions—Algeria, Egypt, Syria, and Thailand—the head of state appoints the head of government. In Pakistan, the National Assembly appoints the head of government. Both of these processes are clear, making turnover easier. Similar to Monarchies and Competitive Authoritarian regimes, the procedures are clear and simple. Each actor has explicit objectives and roles in the selection of the head of government—whether it be the head of state or Parliament. The more clear-cut the procedure, the likelier turnover occurs in these regimes. Overall, this helps build institutionalization by extending the process beyond the individual leader and into the institution itself—something occurring in both Competitive Authoritarian regimes and Monarchies.

Thailand's 2006 constitution did not meet the succession rule likely due to the time in effect and the nature of the constitution. In 2006, Thailand underwent a coup d'état with the previous constitution (1997) no longer in effect post-coup. Once this change occurs, a new interim constitution is put into place by the military. It is perhaps a good thing that the succession rule is not met because this constitution is interim and led by a military council. Change could signal trouble and instability in the military junta—something the leadership is attempting to avoid. Shifting leadership multiple times under an interim constitution does not bode well for stability. Further, it is an interim constitution that does not seem to be meant to become institutionalized with a replacement occurring in 2007. Thus, the interim constitution in Thailand does not meet the succession requirement.



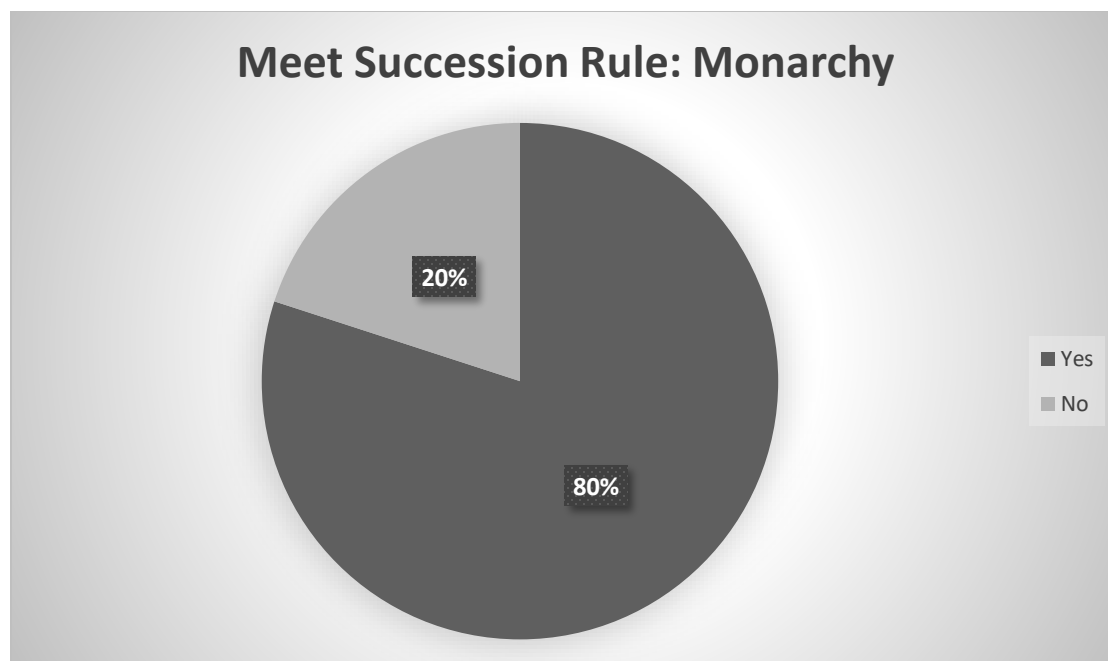


Figure 17: Succession Rule, Monarchy

Monarchies generally fulfill the succession rule in 80% of the constitutions. This value is similar to their Competitive Authoritarian and Military counterparts. In Table 13, cases like Jordan (1990) and Morocco (1990) satisfy the succession rule, leading to what appears to be higher levels of institutionalization. In fact, these cases have had constitutions in effect for a longer time span—58 and 38 years respectively through 2010. It would seem these particular constitutions are institutionalized with respect to the succession rule and time in effect.

Table 13: Succession Rule (Monarchy)

<b>Meet Succession Rule</b>	<b>Fail to Meet Succession Rule</b>
<i>Jordan (1990), Eswatini (2005), Morocco (1990), UAE (1990)</i>	<i>Saudi Arabia (1992)</i>

Monarchies, Military, and Competitive Authoritarian Regimes have higher levels of the succession rule being met—greater than the average of all constitutions combined. So, why are monarchies so similar to Military and Competitive Authoritarian Regimes in fulfilling the succession rule? The answer could be due to the institutional structure of monarchies. A central process in monarchies are their clear succession rules. These practices are routinized in an iterated fashion, making them easier to implement. Whenever a regime knows who and when to replace a head of government, it becomes a self-reinforcing process. Further, it becomes institutionalized—a key point of this data. The clearer the process, the more likely it will be met—especially in a society built on hierarchical structures. Explicit and direct procedures of succession result in more monarchies meeting the succession rule. Thus, these regimes behave similarly to Competitive Authoritarian and Military regimes and meet the succession rule more often than not. Saudi Arabia is the singular case that does not meet the succession rule because the head of government post is filled by the King. Turnover of the King is not occurring.

One of these regime types are Single Party Regimes. In fact, constitutions in Single Party Regimes only meet the succession rule around 43% of the time.

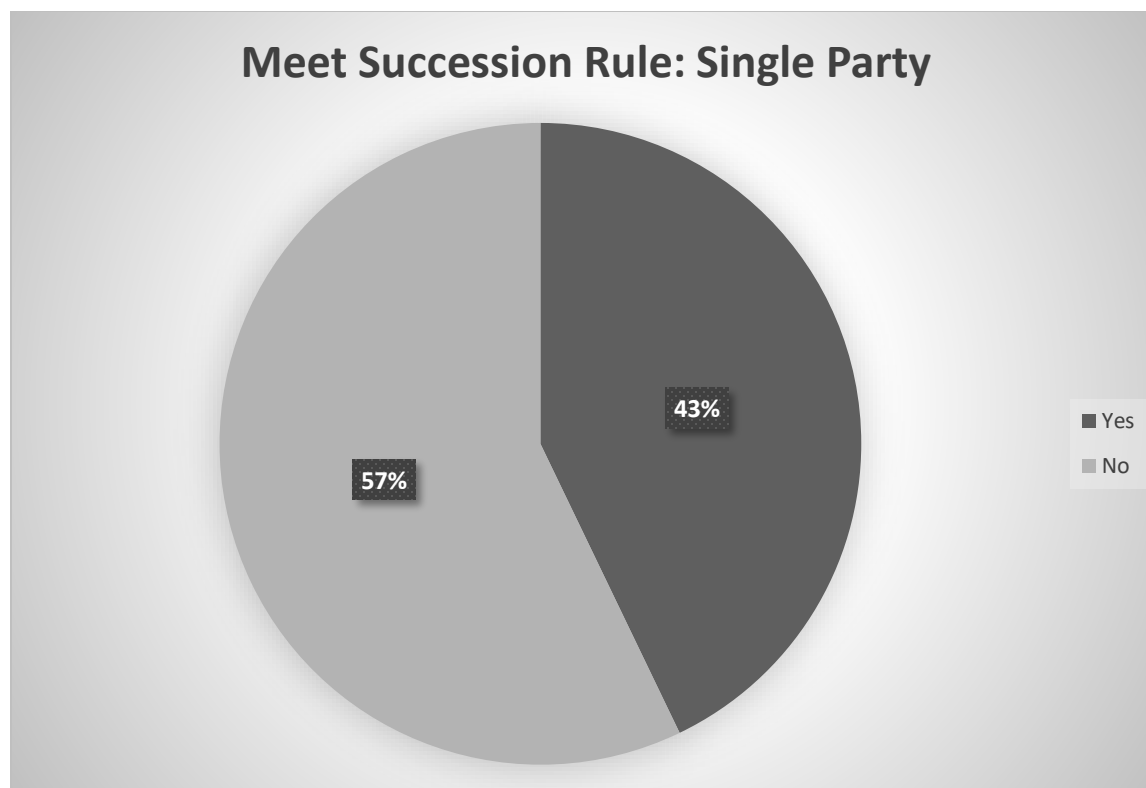


Figure 18: Succession Rule, Single Party

Constitutions that do meet the succession rule are those in China (1990), Laos (1991), and Vietnam (1992). Each of these constitutions are in effect 28, 19, and 18 years correspondingly.

Table 14: Succession Rule (Single Party)

<b>Meet Succession Rule</b>	<b>Fail to Meet Succession Rule</b>
<i>China (1990), Laos (1991), Vietnam (1992)</i>	<i>Angola (1992), Angola (2010), Mozambique (1990), Mozambique (2004)</i>

However, numerous constitutions do not meet the succession rule. In two countries—Angola and Mozambique—the constitutions comprised within them do not meet the succession rule. Angola had José Eduardo dos Santos in power past 2010 and did not have a change in

leadership during this period. Mozambique was in a similar situation where Joaquim Chissano was in office for most of the time frame and turnover occurred only once with Armando Guebuza in 2004 (Elections in Mozambique). This lack of succession highlights an interesting puzzle—the idea that not all Single Party regimes may be as institutionalized as previously thought in the literature. In both of these countries, conflict is occurring throughout the time period. It is plausible to assume that a change in leadership may have led to even more uncertainty or the perception of increased instability. Instead of transitioning from one leader to the next, the heads of government remained in place to signal some sort of stability and certainty. Once the conflict resolves, succession procedures resume. These other cases also begin to behave more like other Single Party regimes once conflict resolves by having succession occurring in China, Laos, and Vietnam.

Single Party Regimes are not the only type who do not meet the overall marks for constitutions meeting the succession rules. Personalist Regimes are the regime type that offers the lowest overall percentage of constitutions meeting the succession rule at only 29%. This may be unsurprising due to the idea that personalist regimes are built on the idea that an individual rules and is the basis through which all power passes through. There is an expectation that power in a personalist regime remains with that person. Once turnover occurs, it can commonly signal a change in the regime itself. Figure 19 shows the dramatically low level of constitutions that fulfill the succession rule when the vast majority that do not.



Figure 19: Succession Rule, Personalist

Togo (1992) and Yemen (1991) are the only two constitutions that are meeting the necessary succession rule for constitutions during this time frame. These cases are not the longest constitutions in effect during this time. That title belongs to Libya whose constitution remained in effect for 41 years through 2010 but failed to meet the succession rule.

Table 15: Succession Rule (Personalist)

<b>Meet Succession Rule</b>	<b>Fail to Meet Succession Rule</b>
<i>Togo (1992), Yemen (1991)</i>	<i>Guinea (1990), Guinea (2010), Libya (1990), Togo (1990), Uganda (1995)</i>

With these constitutions, it appears that some regime types may more easily meet the succession requirement than others, but there are still variations within regime type. Time is a

critical aspect of overall stability and institutionalization. Contained in Figure 20 is the average time in effect for each constitution with respect to regime type.

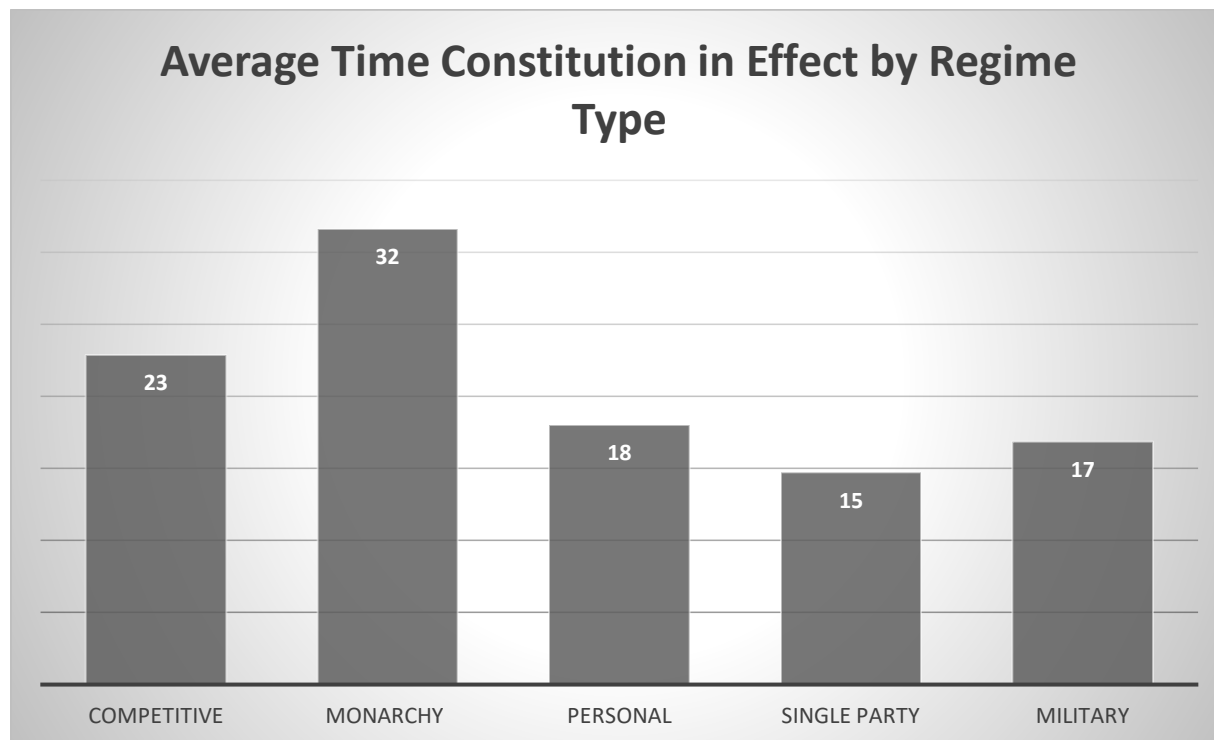


Figure 20: Constitutions in Effect, Average Time

Monarchies appear to have the overall highest average time for constitutions to be in effect at 32 years total. The lowest average time in effect appears to be Single Party Regimes at 15 years. Again, this average for Single Party Regimes is low, highlighting a thought-provoking contrast to the idea that these regimes are more institutionalized than others. These constitutions may suggest a new understanding of where institutionalization emerges from in these regimes. However, it seems that most regime types are in a similar range between 15 and 23 years in effect. The overall average regardless of regime type for constitutions to be in effect from 1990 to 2010 is 20 years.

## **Trust in Institutions**

A common narrative of constitutions in authoritarian regimes is one of constant amending by the autocrat and using this document to “help dictators consolidate power, increase investment, and boost economic development—all while generating a steady flow of rents for themselves and their cronies without empowering challengers that might undermine their authority” (Albertus & Menaldo, 2014, p. 53). Constitutions in autocracies are not all created equal, though. The above data emphasizes this by showing overall compliance, succession rules, and time in effect are all critical and necessary factors to consider. All of this reinforces the idea that constitutions could provide a critical link between the populace and institutions.

Often, the citizenry in authoritarian regimes are found to support individual leaders—especially when the public have greater perceptions of public safety (Guriev & Treisman, 2020). However, literature on the trust of institutions in autocracies by the populace is insufficient. There are also cases where the populace have higher trust in their central government but less in their local governments (Lianjiang Li, 2004). This trust is necessary for governance—regardless of regime type. Further, “low trust helps create a political environment in which it is more difficult for leaders to succeed” (Hetherington, 1998, p. 791). Trust in institutions by the population is therefore paramount to understand.

I propose that there is a correlation between higher the levels of compliance and higher levels of institutional trust in institutions. If the regime follows the constitution—that is a high level of constitutional compliance—this should generate stability and be observable to the public. By following the constitution, the population can both visibly see the succession of power from one leader to the next while also recognizing the stability this succession provides.

Constitutions set up the rules of the game, but the predictability of following the constitution—often visible through elections causing turnover of power—will result in increased trust in these institutions. Moreover, stability comes from the certainty of elections and succession occurring from one leader to the next.

Following the constitution is a necessary component to building trust among the citizens within the country. Thus, constitutions are not simply window dressings in numerous autocracies. In fact, they confine the behavior of the autocrats with respect to the executive and legislative branches. By visibly following the constitution, autocrats are presenting to the citizens that these institutions can be trusted more. Instead of being a piece of paper, these constitutions are providing a useful link between the government and citizens—related to the overall trust citizens have for their institutions. Stability builds trust and reinforces autocratic rule—building authoritarian resilience.

### **Cross Tab Results**

A useful question to explore is whether trust in institutions are correlated with higher levels of compliance. Further, do individuals generally trust the government or is this trust centered on specific institutions? This question helps survey the possible relationship between constitutional compliance and overall government trust. One question that is available in the Asian Barometer Survey asks respondents to express their level of agreement or disagreement with the following question: “You can generally trust the people who run our government to do what is right.” The possible responses to the question are strongly disagree, somewhat disagree, somewhat agree, and strongly agree. Unfortunately, this is not asked across other surveys, but is asked in the following countries: China, Vietnam, Malaysia, and Thailand. While this does not



represent all regime types, it does cover three: Single Party, Competitive Authoritarian, and Military. The cross-tab results for this question are in Table 16.

Table 16: General Trust in Government

<i>Country</i>	<i>Strongly Disagree</i>	<i>Somewhat Disagree</i>	<i>Somewhat Agree</i>	<i>Strongly Agree</i>	<i>Total</i>	<i>Regime Type</i>
<b>2006</b>						
<i>China</i>	1.78%	36.76%	57.97%	3.49%	4323	Single Party
<i>Vietnam</i>	0.72%	4.76%	46.36%	48.16%	1113	Single Party
<i>Malaysia</i>	4.28%	21.51%	61.35%	12.85%	1167	Competitive Authoritarian
<i>Thailand</i>	3.85%	22.32%	56.89%	16.93%	1429	Military

On first glance, most cases in this survey have the majority of individuals responding to the prompt with somewhat agree. The one case that has a higher number of respondents expressing strongly agree is Vietnam. The majority of all these cases appear to agree with the general statement across regime types. These cross-tab results appear to suggest that generally there is higher levels of trust in government overall—regardless of compliance levels. However, given the limited countries asked, I am cautious to make broad claims on support of overall government.

With the cross-tab in Table 16, the next approach is to elaborate on specific institutions like trust in the executive and the legislature. Table 17 shows the percentage for each particular category—none at all, not very much trust, quite a lot of trust, and a great deal of trust. Each table includes the index results for constitutional compliance—the compliance index score that corresponds with the executive public opinion survey. Conversely, Table 18 is the compliance index that is associated with the legislative public opinion survey. Also included in the cross tab are the corresponding regime type of each country.

Table 17: Trust in President/Prime Minister

<i>Country</i>	<i>None</i>	<i>Just a Little</i>	<i>Somewhat</i>	<i>A lot</i>	<i>Total</i>	<i>Regime Type</i>	<i>HOG Index</i>
<b>2006</b>							
<i>Vietnam</i>	0.09%	1.37%	26.46%	72.08%	1164	Single Party	1
<i>Malaysia</i>	3.96%	16.54%	49.44%	30.06%	1161	Competitive Authoritarian	0.5
<i>Thailand</i>	5.55%	23.89%	49.05%	21.50%	1423	Military	1.00
<b>2005</b>							
<i>Mozambique</i>	0%	9.13%	15.25%	75.61%	1062	Single Party	1
<i>Uganda</i>	0%	16.96%	27.14%	55.89%	2181	Personal	0.78
<i>Zambia</i>	0%	52.03%	24.90%	23.07%	984	Competitive Authoritarian	0.71
<i>Zimbabwe</i>	0%	50.60%	22.21%	27.19%	662	Competitive Authoritarian	0.83
<b>2008</b>							
<i>Mozambique</i>	8.06%	10.69%	13.32%	67.92%	1141	Single Party	1
<i>Uganda</i>	11.61%	30.10%	29.93%	28.35%	2342	Personal	0.78
<i>Zambia</i>	28.22%	26.61%	15.93%	29.24%	1180	Competitive Authoritarian	0.71
<i>Zimbabwe</i>	37.32%	23.75%	19.82%	19.11%	1120	Competitive Authoritarian	0.83
<b>2006</b>							
<i>Jordan</i>	14.43%	14.53%	41.42%	29.62%	1060	Monarchy	1
<i>Algeria</i>	28.44%	26.07%	27.38%	18.11%	1220	Military	1
<i>Morocco</i>	32.65%	26.07%	22.29%	19%	1216	Monarchy	1
<i>Yemen</i>	41.04%	23.13%	25.24%	10.59%	614	Personal	0.8

In Table 17, there are several interesting observations from the percentages of responses given for the levels of trust in the President/Prime Minister. First, those countries with high constitutional compliance scores of one tend to see higher levels of trust compared to other categories—Vietnam and Mozambique (2005 and 2008). These cases also happen to be Single Party Regimes. Uganda has a high level of trust in the executive and a higher level of constitutional compliance (0.78). It appears to have a majority of individuals expressing high trust in the executive in the 2005, which could be a result of the regime type being personalist. It is also important to note that in 2005, Museveni changes the constitution to remove term limits

for the president.<sup>4</sup> However, high constitutional compliance for the executive does not always equate to the highest levels of trust in the populace. This could be because the pre-existing negative perceptions of the executive—seeking to expand power, rig elections, and squash dissent. The perception amongst the populaces could also be that these executives alter constitutions to remain in power. Doing so not only lessens the power of the constitution but can reduce the legitimacy of the document. Thus, following the constitution does not always correlate with higher levels of trust.

However, there are still some higher levels of trust with high compliance—like in Jordan, a monarchy. There are cases like Algeria where there appears to be a split between no trust and somewhat trusting the President/Prime Minister with a head of government compliance score of one. Or in Morocco, the head of government index is one, but trust in the head of government appears to be mixed with more favoring none or just a little trust overall. A consistent trend among the response is that those who score less than one on the head of government index appear to have lower levels of trust in their President/Prime Minister.

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<sup>4</sup> <https://www.aljazeera.com/news/2018/1/2/uganda-enacts-law-ending-presidential-age-limits>

Table 18: Trust in Parliament/National Assembly

<i>Country</i>	<i>None</i>	<i>Just a Little</i>	<i>Somewhat</i>	<i>A lot</i>	<i>Total</i>	<i>Regime Type</i>	<i>Legislature Index</i>
<b>2006</b>							
<i>China</i>	0.42%	6.74%	26.02%	66.83%	4555	Single Party	1
<i>Vietnam</i>	0.34%	2.40%	26.84%	70.41%	1166	Single Party	1
<i>Malaysia</i>	5.97%	23.62%	52.85%	17.56%	1105	Competitive Authoritarian	0.5
<i>Thailand</i>	3.57%	31.36%	55.36%	9.71%	1400	Military	0.50
<b>2005</b>							
<i>Mozambique</i>	0%	9.88%	22.48%	67.64%	992	Single Party	1
<i>Uganda</i>	0%	23.97%	38.89%	37.14%	2165	Personal	0.67
<i>Zambia</i>	0%	52.04%	27.26%	20.70%	1005	Competitive Authoritarian	1
<i>Zimbabwe</i>	0%	52.41%	30.90%	16.69%	767	Competitive Authoritarian	0.86
<b>2008</b>							
<i>Mozambique</i>	8.93%	13.57%	15.76%	61.75%	1098	Single Party	1
<i>Uganda</i>	11.80%	33.98%	34.07%	20.16%	2322	Personal	0.67
<i>Zambia</i>	21.43%	27.96%	19.77%	30.84%	1148	Competitive Authoritarian	1
<i>Zimbabwe</i>	12.30%	26.67%	38.52%	22.51%	1106	Competitive Authoritarian	0.86
<b>2006</b>							
<i>Jordan</i>	23.97%	17.23%	37.64%	21.16%	1068	Monarchy	1
<i>Algeria</i>	46.19%	24.76%	20.91%	8.14%	1167	Military	0.50
<i>Morocco</i>	51.01%	22.31%	15.32%	11.36%	1188	Monarchy	0.80
<i>Yemen</i>	41.30%	28.73%	24.38%	5.59%	644	Personal	0.25
<b>2010</b>							
<i>Algeria</i>	49.26%	31.74%	15.09%	3.90%	1153	Military	0.50
<i>Jordan</i>	24.82%	25.00%	34.31%	15.87%	1128	Monarchy	1
<i>Yemen</i>	41.42%	32.44%	19.29%	6.84%	1125	Personal	0.25

Table 18 provides the overall trust responses for Parliament/National Assembly. Much like with the executive, it appears that those countries with a constitutional compliance value of 1 (the highest) often have public opinion that has a lot of trust in the legislature—China, Vietnam, and Mozambique (2005 and 2008). All three of these cases are Single Party Regimes. Other cases with a constitutional compliance index of one do not necessarily show the same dynamics. Zambia in 2005 has a vast majority of respondents expressing they trust the Parliament/National Assembly just a little even with a compliance score of 1. For example, Zambia in 2008 is fairly split between each of the four categories, regardless of the high compliance score. Jordan in 2006 and 2010 has a high constitutional compliance score, but the category with the highest responses

appears to be that respondents somewhat trust their Parliament/National Assembly—though there is a fairly even mix of responses across categories. Further, those who score lower on the legislative constitutional compliance index generally have lower trust in the Parliament/National Assembly. The above tables appear to show some support for the idea that higher levels of constitutional compliance result in higher levels of trust in the executive and legislature.

With these sorts of relationship between general trust, trust in the executive, and trust in the legislature above, one other useful question to consider is the impact of constitutional compliance on local government. That is, are higher levels of constitutional compliance of the executive and legislative rules related with the overall trust felt for local government? The following cross-tab offers the responses and respective percentages from respondents across multiple countries and regime types.

Table 19: Trust in Local Government

<i>Country</i>	<i>None</i>	<i>Just a Little</i>	<i>Somewhat</i>	<i>A lot</i>	<i>Total</i>	<i>Regime Type</i>
<b>2006</b>						
<i>China</i>	3.26%	37.38%	38.83%	20.52%	4751	Single Party
<i>Vietnam</i>	0.85%	7.70%	36.80%	54.65%	1182	Single Party
<i>Malaysia</i>	5.09%	20.88%	56.95%	17.08%	1159	Competitive Authoritarian
<i>Thailand</i>	4.18%	19.60%	58.60%	17.61%	1459	Military
<b>2005</b>						
<i>Mozambique</i>	9.49%	11.91%	20.38%	58.22%	991	Single Party
<i>Uganda</i>	5.89%	18.42%	30.32%	45.37%	2378	Personal
<i>Zambia</i>	22.65%	42.92%	22.12%	12.30%	1130	Competitive Authoritarian
<i>Zimbabwe</i>	30.51%	36.26%	22.22%	11.01%	1026	Competitive Authoritarian
<b>2008</b>						
<i>Mozambique</i>	11.46%	13.47%	17.29%	57.78%	1099	Single Party
<i>Uganda</i>	11.33%	32.68%	36.25%	19.74%	2356	Personal
<i>Zambia</i>	31.08%	29.54%	17.21%	22.17%	1168	Competitive Authoritarian
<i>Zimbabwe</i>	20.46%	24.62%	33.13%	21.79%	1129	Competitive Authoritarian
<b>2005</b>						
<i>Pakistan</i>	31.41%	19.17%	33.83%	15.59%	866	Military

At first glance of Table 19, it appears that most cases do not have a majority of respondents expressing a lot of trust in their local government except in Vietnam in 2006 and

Mozambique in 2005 and 2008. Both of these cases are Single Party regimes. Instead of having a lot of trust, most cases have a majority of responses being in the just a little and somewhat trust categories. However, there are instances like in Zimbabwe 2005 and Zambia 2008 where over 30% of respondents stated they have no trust in the local government—both being Competitive Authoritarian Regimes.

All of the above crosstabs underscore a possible relationship between constitutional compliance and trust in government. However, this is not causation. Trust in government could be highly correlated with higher compliance of the constitution. This could be in part because following a constitution results in increased stability. The more predictable procedures are, the more the populace should trust the government—likely because there is a perception that the government is working. Without predictability and stability, trust can fall in the institutions themselves. There appears to be a clear pattern here that is suggestive of this sort of relationship. Constitutions could be the key puzzle piece that explains how trust is built within their citizenry.

## **Puzzles**

The data on constitutional compliance highlights two particularly intriguing puzzles that deserve further discussion. The first puzzle centers on Single Party Regimes. Generally, there are not consistently high levels of compliance of the head of government and legislative rules in all these regimes. Instead, there are large amounts of variation within Single Party Regimes. Further, the lowest average time for a constitution to be in effect are for Single Party Regimes (15 years) as well as the second lowest percentage of constitutions meeting the succession rule (43%). In spite of all this, Single Party Regimes have relatively high levels of trust in institutions

from their citizenry. These regimes are often touted to be the most institutionalized regimes, but this new data challenges these claims.

The second puzzle are Competitive Authoritarian Regimes. These regimes have variation between constitutions within the Competitive Authoritarian Regime type relating to constitutional compliance with generally varying levels of compliance for executive and legislative rules. Further, these constitutions have the highest percentage of meeting the succession rule (83%) all regime types and the second highest average time of constitutions being in effect (23 years). However, there are generally lower levels of trust found within the populace for institutions. Both of these puzzles will be further explored in the following chapter given the thought-provoking properties these puzzles underline.

## **Conclusion**

Constitutional compliance is increasingly important to understand for overall authoritarian resilience. Through the succession rule and complying with the constitution, there are greater levels of institutionalization and predictability found in these autocracies. Moreover, this also builds trust in the populace by confining uncertainty and building stability in the system. In general, there does not appear to be a regime type effect on constitutional compliance, but there are important puzzles that need to be further understood to truly understand the effects of constitutional compliance of authoritarian resilience.

## Chapter 4: Case Studies—Albania, Malaysia, Zimbabwe, Angola, China, and Mozambique

*“It may be necessary to use methods other than constitutional ones” -Robert Mugabe*

### Introduction

The data suggests that autocrats often follow the rules set out in their constitutions especially with relation to the executive and the legislature. In some cases, they follow the constitution repeatedly without amendments or changes. In others, new constitutions and amendments materialize more regularly. Still, autocrats commonly follow these rules even when this change creates a new constitution or makes amendments. By complying with the constitutional rules, autocrats are building in predictability to a process that may otherwise be uncertain or unstable. Constitutional compliance also builds legitimacy—the public can see when they follow the rules and when they do not. Taken together, all of this leads to greater authoritarian resilience and durability. Instead of democratizing, these authoritarian regimes remain. Indeed, regardless of regime type, autocrats tend to abide their constitutions.

To this point, a puzzle has appeared involving two regime types: Competitive Authoritarian and Single Party Regimes. Competitive Authoritarian Regimes are those who are closest to democracies given their hybrid status yet fall short of the minimum democratic requirements. Of the constitutions from 1990 to 2010, 86 percent meet the succession requirement and have the second highest average constitutional duration of the five different regime types. This implies a greater level of institutionalization—as several of these constitutions have higher levels of constitutional compliance as well. However, not all cases comply with their constitution. In fact, only Albania’s 1991 constitution has full constitutional



compliance for the head of government and legislative indexes. These constitutions in Competitive Authoritarian Regimes highlight an interesting dynamic—especially cases like Albania, Malaysia, and Zimbabwe.

Single Party Regimes are the other key puzzle. The literature suggests that they are the most institutionalized among autocratic regimes. Yet, the cases I examine show only 43 percent of these constitutions meet the succession rule. Not meeting the succession rule seems to suggest lower levels of institutionalization—counter to what the literature states. Constitutional compliance for the executive and legislative index are also generally high, though not always. Angola 1992 has medium and lower levels of constitutional compliance while Mozambique 1990 has medium constitutional compliance for the head of government. These sorts of constitutions thus provide interesting insights into single party regimes—particularly cases like China, Angola, and Mozambique.

### **Competitive Authoritarian Regimes**

Competitive Authoritarian Regimes are electoral authoritarian or hybrid regimes which fail to meet minimum requirements necessary for a democracy. From 1990 to 2010, three cases highlight constitutional compliance and the overall variance found within Competitive Authoritarian Regimes: Albania, Malaysia, and Zimbabwe. Zimbabwe and Albania have generally higher levels of constitutional compliance for the executive and legislative indexes. While having high constitutional compliance, Zimbabwe does not meet the succession rule. Finally, Malaysia has high compliance for the executive but medium legislative compliance. These cases are useful to understand how constitutions can vary within regime type.

*Albania*

Albania provides an important case of high constitutional compliance throughout a time of instability and variation in the system. While the electoral system is rapidly changing throughout this period as a post-communist state, constitutional compliance remains high. Albania has a strong relationship between the head of government and legislature given the status of the Prime Minister as a member of the People's Assembly. Both appear to work together—influencing the behavior of one another while also expanding overall power from 1990-2010. Albania also meets the succession rule.

Albania was a part of the Ottoman Empire until declaring its independence in the early 20<sup>th</sup> century. Under Enver Hoxha from 1945-1985, Albania was a communist single party regime. During this time, Albania is not particularly free with their Freedom House measure being Not Free with both political rights and civil liberties scoring at the lowest level on the freedom scale. In 1990, the communist regime collapses and the 1976 communist constitution is scrapped—bringing a new era and increases in freedom to Albania. However, this time after the end of communist rule is scarred with the remnants of the past from “one of the most repressive communist regimes the world has ever seen” (Bajrovic & Satter, 2014, p. 143). With the adoption of an interim constitution in 1991 and the fall of communism, the level of freedom in Albania increases to a Partly Free level for both political rights and civil liberties. From 1991 to 1998, there is widespread instability—including strikes and demonstrations—which were amplified by the leadership in Albania using “communist-era habits among the new leaders” (Bajrovic & Satter, 2014, p. 144). Such tactics include arresting former leaders like Fatos Nano and preventing members of opposition parties from running for office. In 1997, the government

collapses due to pyramid schemes in the country, leading to widespread protests across the country (Bajrovic and Satter 2014). NATO enters the country during this time to stabilize the nation and push for democratization with the Organization for Security and Cooperation in Europe (OSCE) (Constitution Net, Albania). These developments and overall instability led to the adoption—first by the People’s Assembly in October 1998 then by 90 percent of voters in a referendum—of the 1998 Constitution which is still in effect today (Constitution Net, Albania).

In part, Albania’s constitutional evolution influences governance and compliance. Though much of this time frame is characteristically uncertain. Some of the changes in the constitution are a direct reflection of ongoing developments in the government of Albania and its post-communist past—like the progression and development of the executive directly in the constitution. Added uncertainty also continues from the electoral laws changing at least sixteen times from 1990 to 2014 (Bajrovic & Satter, 2014). However, the legislature remains unicameral from 1990 to 2010. Though it is useful to note that “before 2013, every election but one had been followed by a losers’ boycott of Parliament which crippled the body for months or even years” (Bajrovic & Satter, 2014, p. 143). The overall levels of constitutional compliance are high with index scores of one for both the head of government (executive) and legislative index during the 1991 constitution. The 1998 constitution has a head of government compliance index of 1.0 and a legislative compliance index of 0.86. As will be discussed more directly below, Albania fully meets the succession rule for both constitutions.

Head of Government Index. Albania’s head of government index is broken down into two different indexes because of the two constitutions during this time. The 1991 and 1998 constitutions differ in their structure where the 1991 constitution is focused on being a temporary

basic law, being far more amendable and lacking clarity. The 1998 constitution attempts to fix these weaknesses after several drafts<sup>5</sup> during a time of great instability in Albania, eventually emerging with basic institutions being clearly outlined. For the 1991 constitution, the head of government index is based only on their selection criteria. The selection criteria is the appointment process for the head of government. The 1991 constitution often fails to specify or directly outline powers for the head of government—underlining the lack of transparency found in the 1991 constitution. This constitution does outline the roles of the president (head of state) and the appointment process for the head of government.

The head of government appointment is outlined in article 33.3 of the 1991 constitution. Selection of the head of government under the 1991 constitution is through the appointment made by the head of state (the President). The head of government needs to receive the vote of confidence from the legislature. Resignations and changes in the position go directly through the President based on this appointment power. However, dismissals of the head of government begin in the People's Assembly through votes of no confidence. Nonetheless, it is most common to have the head of government resign instead of having the legislature begin the dismissal process in Albania. There is no term length for the head of government. Unlike the head of government, the President has a five-year term where selection occurs through a secret ballot vote by at least two-thirds of the deputies in the People's Assembly. Thus, the President has the capacity to appoint numerous heads of government throughout their tenure. From 1991 to 1997,

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<sup>5</sup> An attempt at a draft in 1993 and 1994 by the Constitutional Commission goes to referendum but the draft is challenged in Constitutional Court. However, the Constitutional Court is unable to hear the case prior to the referendum. The draft does not pass in the referendum, regardless of the Constitutional Court not hearing the case.

there were six separate appointments for the head of government—some of the individuals were appointed more than once. Between 1991-1993 Albania goes through four prime ministers and one is arrested and convicted. In May of 1991, the president appointed ex-communist leader Fatos Nano (Fischer, 2019). He had previously resigned then reappointed to the role (BBC 1991). In June of 1991, Ylli Bufi is appointed the new head of government in Albania (Fischer, 2019). Later that year in December of 1991, Vilson Ahmeti was appointed (Fischer, 2019). In April of 1992, Aleksandër Meksi was appointed to the head of government position (Chmiel, 2016).

In 1993, Nano along with another leader from the previous communist regime are sent to jail on corruption charges—a charge Nano refutes. These charges made “against him for mismanaging about \$8 million worth of Italian humanitarian aid while in office from February to June 1991” (United Press International 1993). It is necessary to note that the legislature “stripped him of his parliamentary immunity” but he is not constitutionally given immunity as the head of government (United Press International 1993). Members of the People’s Assembly have immunity, but not the head of government. Though during this time, Fatos is a member of the People’s Assembly. The addition of immunity for the head of government is added in the next 1998 constitution.

Several years later in March of 1997, Bashkim Fino is appointed to the head of government position. In 1996, Nano is released from jail and in 1997 all previous charges are overturned by the courts. Within months after the charges are overturned, Fatos Nano is appointed the new head of government (Fischer, 2019). Despite the high turnover rates and the incarceration and release of individual leaders, the succession rule is respected and reflects a

functioning constitution. Further, the relatively smooth transitions underscore the importance of constitutional succession rules.

The 1998 Albanian Constitutions head of government index is the same as the 1991 constitutional compliance index that includes the selection procedure in addition to immunity. Immunity for the executive was added during their constitutional revision. This immunity is the same immunity granted to deputies in the legislature that requires the approval of the assembly prior to an arrest or charges. The addition of immunity could be a reflection of the arrests made of former executives prior to the ratification of the 1998 constitution. Thus, constitutional development could be driven by these past occurrences. In the 1998 constitution, the Prime Minister is the head of government (executive).

The Prime Minister is appointed as specified in article 96.1 in the 1998 constitution. The appointment process for the Prime Minister is similar to the 1991 constitution. The President (head of state) appoints the Prime Minister (head of government). The process in the 1998 constitution is clearer and more explicit than in the 1991 constitution. Specifically, the President “appoints the Prime Minister on the proposal of the party or coalition of parties that has the majority of seats in the Assembly.” The Prime Minister must still receive votes of confidence and may be dismissed by the Assembly by votes of no confidence. Further, the Prime Minister has no set term length while the Presidential term length remains five years. The Assembly also still selects the President through a vote within the Assembly.

There were five appointments for the Prime Minister from 1998 to 2010. Each of these appointments follows the resignation of the previous head of government. One of the individuals was appointed more than once—Pandeli Majoko. Another—Fatos Nano—was appointed after having been head of government twice prior to 1998 and with prior corruption charges. Pandeli

Majko is appointed Prime Minister in September of 1998 (Fischer, 2019). In October of 1999, Ilir Meta was appointed to be Prime Minister (Fischer, 2019). Following this appointment, there is the reappointment of Pandeli Majko as Prime Minister in February 2002 (Fischer, 2019). Not long after, Fatos Nano is reappointed Prime Minister in July of 2002 (Fischer, 2019). The final appointment during this time period was in 2005 is Sali Berisha in September to the Prime Minister position (Fischer, 2019). With these appointments to the Prime Minister position, it appears the constitutional rule for head of government selection is being followed and is functioning as specified. This turnover also appears to meet the succession rule with there being more than two appointments beyond the initial head of government.

It is important to note that turnover during this time does highlight the overall instability in Albania. While unstable, this process is a legitimate change in leadership with the Prime Minister initiating this change. There are several successions in the Prime Minister position that occur with the resignation of the head of government. These changes are not the result of votes of no confidence by the People's Assembly. Prime Ministers resign prior to the vote of no confidence process happening. Thus, it seems to reflect changes in the desires of the ruling coalition who propose the new Prime Minister that the President then officially appoints. Thus, while there does appear to be the reflection of uncertainty through the turnover of executives, the process itself is still seeing high compliance. In spite of the uncertainty, the process is helping guide overall behavior—a critical key step in institutionalization.

The executive has immunity, but it is limited per articles 73.2 and 103.3. This immunity is the same as deputies where they may not be criminally prosecuted, detained, or arrested without approval of the assembly except when caught during or immediately after commission of a serious crime. This immunity clause is slightly different from the 1991 constitution where the

immunity is not directly given to the head of government—instead being used as a de facto process. Some of this could be due to the arrest and eventual overturning of these charges of Fatos Nano and Ramiz Alia. After this event, it is likely the immunity is adopted in the 1998 constitution because it was already being applied regardless of its presence in the constitution. From 1998 to 2010, it does not appear that there were any arrests made of the head of government—or challenges to the immunity. Therefore, it appears there is full compliance for this constitutional rule.

Legislative Index. The legislature in Albania is unicameral, named the People’s Assembly. From 1991 to 1997 there are three changes to the number of members in the People’s Assembly (Kurian et al., 1998). During this time, there are also frequent transformations to the electoral system and process for selection of the People’s Assembly (Krasniqi, 2012). Initially, the constitution set the number of deputies at 250 with a purely majoritarian system (Elbasani, 2008). This changes in 1992 when the constitution is amended to decrease the total number of deputies to 140 which then becomes a mixed electoral system—selection for 40 seats through proportional representation and the remaining 100 seats being through majoritarian single member districts (Elbasani, 2008). The process is altered again in 1996 with the selection of 115 seats through a majority vote and 25 through proportional representation. Finally, the addition of fifteen seats to the People’s Assembly in 1997 increases the number of seats to 155 and the those elected through proportional representation from 25 to 40. Changes during this time continued to adjust the mixed member majoritarian system in Albania as political parties attempted to gain power and compromise (Elbasani, 2008). These changes all are the product of a very unstable time in Albania where institution building had not been central component during the post-



communist transition. This changes during the formation of the 1998 constitution. Altogether, the 1991 Legislative Index is composed of numerous measures including tenure, autonomy, and authority. Legislative tenure is a grouping of the selection procedure, term length, and legislative immunity for the unicameral People's Assembly.

The legislature in Albania is popularly elected as mentioned in article 3.3 in the 1991 Constitution. From 1991 to 1997, there were four different elections for the legislature: 1991, 1992, 1996, and 1997 (IPU Parline). IPU Parline states that each of the elections had the following turnout: 1991 (98.92%), 1992 (91.5%), 1996 (89.08%), and 1997 (72.56%). Therefore, it appears this rule on legislative selection is being followed as specified in the constitution.

The maximum term for members of the People's Assembly are 4 years per article 17.1 of the constitution. From 1990 to 1997, there were four separate elections: 1991, 1992, 1996, and 1997 (IPU Parline). From March and April of 1991 to March of 1992, there was roughly one year between each term (IPU Parline). The following election happens in May and June of 1996—the time frame being roughly four years and two months and within the six month grace period allowed for elections to occur. The final election occurs in June and July of 1997, roughly another year between the two. Each of these elections are not beyond the maximum term of four years. Thus, it appears there is constitutional compliance for this rule. Although it is important to note that many of these elections are occurring throughout times of instability and transition from communist rule. Even amid this instability and transition, the new constitution was being highly complied with—an important and critical institutional step towards greater institutionalization and stability.

Finally, the 1991 constitution offers limited immunity from article 22 of the constitution. Immunity is for those activities that a deputy fulfills while in office where “the deputy has no

legal responsibility for the activities he carries out and the stands he adopts while performing his duty as deputy or for the vote he casts.” Immunity is lifted only with the consent of the People’s Assembly. From 1991 to 1997, there were two prominent arrests of two members of Parliament. In July 1993, Fatos Nano—a member of the People’s Assembly at this time—faces accusations of corruption and embezzlement during his time as Prime Minister (Abrahams, 2015). After these allegations are made public, “on July 27, a prosecutor asked parliament to lift Nano’s immunity. Parliament agreed the following day” (Abrahams, 2015, p. 128). It is then in April 1994, Nano is “sentenced to twelve years in prison and ordered to repay approximately \$720,000 to the state” (Abrahams, 2015, p. 129). The other high-profile arrest (amongst many former senior officials under Hoxha’s regime) during this time is of Ramiz Alia—who is no longer a member of the People’s Assembly—for “political crimes dating back to 1951” (Abrahams, 2015, p. 133). He is subsequently sentenced to nine years in prison (Abrahams, 2015). Fatos Nano is a member of Parliament at the time of his arrest while it appears Ramiz Alia is no longer an MP at the time of his arrest. There is no need to remove immunity for Alia who does not have this immunity whereas Nano does need immunity revoked. With the removal the immunity for Nano, it appears there is full compliance for the rule relating to legislative immunity. Overall, the index for constitutional compliance for legislative tenure is high with a value of one.

Legislative autonomy in Albania is quite limited. In fact, the autonomy of the legislature is only captured through the dismissal of the legislature. The President of Albania is granted the power to dismiss the legislature. This dissolution can occur prior to the end of the legislative term “when its composition does not allow the performance of the functions of the Assembly itself and makes impossible the country’s running.” Other rules like the ability to override a veto and the number of votes necessary to override a veto are not applicable to the legislature in the

1991 Constitution. The head of state—the President—is given the authority to dismiss the legislature according to article 28.9 of the constitution. From 1991 to 1997, there were two instances where the legislature was dissolved by the President: 1992 and 1997. In 1992, Parliament was dissolved early to hold elections in March of 1992 that were demanded by the opposition (IPU Parline). Then in 1997, the National Assembly was dissolved early by the President to hold new parliamentary elections (IPU Parline). In both instances, Parliament is dissolved by the head of state. Due to this, it appears the rule is adhered to and is functioning as outlined in the constitution. Moreover, it underlines the limited autonomy the legislature has in Albania, but this is limited by design and functions according to the constitutional rules.

Legislative authority index in Albania under the 1991 Constitution only includes the measure of approval and rejection of legislation. The People’s Assembly is given the power to initiate of legislation in the constitution, but the information necessary to determine the compliance of the rule is unavailable during this time frame. The head of state is given the power to approve and reject legislation from article 28.5. From 1991 to 1997, I found two examples of the President approving legislation, but no instances where the President rejecting legislation. The first example was in 1991 when President Alia signed a bill into law on trade unions (BBC 1991). The other example is in 1997 that was a law on elections (Associated Press International 1997). I did not find examples of laws being approved by anyone other than the head of state. Thus, the evidence suggests the rule are followed as specified in the constitution.

In the 1998 constitution, the legislature is the People’s Assembly. Much like the previous constitution, it is unicameral. At the onset of the constitution, the specification of the electoral system in the constitution outlines that the People’s Assembly has 140 members—100 in SMDs and 40 filled “through closed party or coalition’ lists according to the order of names furnished

by each party” (Elbasani, 2008, pp. 81–82). Any changes to the electoral system after this appear to be electoral rules, not the system itself (Elbasani, 2008). The 1998 Constitution expands legislative rules in comparison to the 1991 constitution. Added to the 1998 constitution are two measures. The first is the minimum age to be a member of the legislature—a measure I am unable to find enough evidence to determine full compliance. The second rule is the addition of restrictions to members of the legislature. These restrictions were specifically outlined as being explicitly left to non-constitutional law<sup>6</sup>—an intriguing addition to the 1998 constitution. Legislative tenure for Albania in the 1998 constitution is a combination of the selection procedure, term length, and immunity.

Maximum terms are 4 years for the members of the People’s Assembly in Albania. The previous election prior to the new constitution taking effect was in June and July of 1997 (IPU Parline). From then, the next election was in June of 2001, roughly four years between the two (IPU Parline). In July of 2005, the next election occurred—again approximately four years between the two (IPU Parline). Finally, the last election from 1998 to 2010 happened in June of 2009, around four years between the previous election (IPU Parline).

Members of the legislature have limited immunity in article 73. Specifically, it requires the “consent of assembly required to prosecute legislators for crimes, but no consent needed if caught during crime.” From 1998 to 2010, there was an instance where immunity was removed and another where immunity was protected. In 2004, there was an attempt to remove the immunity of parliament member Nikolle Lesi. Lesi is “the founder and owner of one of

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<sup>6</sup> Those provisions left explicitly to non-constitutional law are topics that “are explicitly left to ordinary legislation.” Thus, they are outside of the constitution’s jurisdiction.

Albania's biggest media houses and an independent MP" who "had a dirty exchange of blows with Prime Minister Fatos Nano, accusing him of murder and corruption. The debate was published all over the media without restrictions" (Feilcke-Tiemann, 2006, p. 29). This is a case of defamation and pushing the levels of media freedom in Albania, but the lifting of the immunity is denied, and immunity remained (Associated Press International 2004). In 2009, the immunity for a member was lifted then reinstated (Sadiku, 2010). The context of this situation is that there is a massive explosion "when a weapons' storage burst in flames leaving 26 dead and 200 injured. The tragedy unveiled a series of corrupt affairs, involving the former minister of Defense, Fatmir Mediu" (Sadiku, 2010, p. 7). He resigns during this time where "a court investigation was started but never completed, as Mediu was reelected as an MP and his diplomatic immunity was reinstated" (Sadiku, 2010, p. 7). These examples provide evidence of compliance regarding the immunity articles.

The 1998 constitution grants the legislature the power to veto pieces of legislation—offering important autonomy rules and powers for the People's Assembly. There is power for the legislature to introduce legislation in the previous constitution, much like the 1998 constitution. However, I could not determine the compliance of the rule given the lack of information available. The dismissal procedure is also specified in the 1998 constitution, but I was unable to determine if the rule was being followed. This procedure allows for the dissolution of the legislature prior to their normal expiration in office. In the 1998 constitution, the first chamber of the legislature is given the power to override vetoes per article 85.2. I found one instance where a veto occurred and sent back to the legislature because this bill was "vetoed by the country's president over lack of consensus between the main political forces" (SeeNews 2004). Later that month, the veto was overridden by a vote of 85 to 6 (SeeNews 2004). This suggests

constitutional compliance. As per article 85.2 to override a veto requires a majority vote. The veto that occurred in 2004 had a vote of 85 to 6—a clear majority (SeeNews 2004).

The 1998 constitution stipulates that the head of state has the power to approve and reject legislation according to article 85.1. The legislature has the power to legislate and can initiate legislation as is the same prior to 1998. Once approved in the Assembly, the President has the power to approve or reject this legislation. Unlike the 1991 constitution, the legislature now has the ability to override vetoes of legislation. From 1998 to 2010, there were multiple instances of Presidential approval and rejection of legislation. In July of 2006, President Moisiu approved of a law on the compensation of property (US Fed News 2006). A month later, the President approved of the Budget for Albania (US Fed News 2006). In March of 2006, President Moisiu rejected legislation on legalization of buildings without permits and sent it back to the legislature for review (US Fed News 2006). Finally, in June of 2006, the President rejected a bill on public and private radio television (US Fed News 2006). Despite the limited authority for the legislature, legislative action from the president falls within constitutional rules. However, not all rules relating to legislative authority are followed.

The 1998 Albanian constitution outlines that a supermajority is necessary for passing legislation as specified in article 81.2. With 140 members in the legislature, the constitution stipulates that there must be three-fifths of the votes in favor of legislation. However, there is at least one example of this not occurring. In March of 2004, only 72 of the 140 parliament approved of a bill on illegal construction (SeeNews Southeast Europe 2004). Three-fifths votes necessary for this supermajority would be 84 votes. Thus, there is no compliance relating to the supermajority necessary for passing legislation.

Discussion. With the adoption of two constitutions from 1990 to 2010, there is some constitutional evolution in Albania. Powers for the head of government and legislature appear to be expanding. Additionally, compliance is generally high for both constitutions. With the succession rule met and high constitutional compliance, this would suggest high levels of institutionalization in Albania. This is an important point in a post-Communist country with a generally unstable period until around 1998. It seems that the evolution of constitutions is resulting in an increase in overall institutionalization. While there were two constitutions during this time frame, the most recent constitution appears to include more constitutional requirements. Further, its approval via a referendum further reinforces the idea that these constitutions are at least confining the behavior of autocrats. By utilizing the public to approve of the constitution, it strengthens the connection between the public and the institutions in the country. This then continues to build legitimacy and stability for the autocrats. Constitutional compliance goes beyond the personal decision by autocrats to follow their constitution through building more stable institutions where rules are followed, succession is occurring, and legitimacy is enhanced. Further, it appears that this tone of higher compliance appears to set the tone for high compliance after 2010. The reinforcement of behavior is a critical component of this institutionalization of the constitution.

### *Malaysia*

Malaysia is a great example of colonial legacy likely influencing the level of compliance—medium overall for the legislature and high for the head of government. Relatively speaking, the Prime Minister has a higher level of power due to the leader of the majority party in legislature guiding the appointment for this position. The succession rule is met in Malaysia

with executive turnover during this time. However, the strength of the legislature is rather weak, underscoring likely institutional gaps of authority. The symbiotic relationship between the Prime Minister and the legislature suggests the head of government is far stronger than the legislature.

The area of current-day Malaysia has been under the control of numerous global powers including the Portuguese (16<sup>th</sup> Century), the Dutch (17<sup>th</sup> Century), and finally the British (18<sup>th</sup> and 19<sup>th</sup> Centuries) (Andaya & Andaya, 2017). In fact, the British established colonies and protectorates in this area during the 18<sup>th</sup> and 19<sup>th</sup> centuries until independence in 1957 with the formation of the Federation of Malaya and the adoption of the constitution that year (H. Miller, 1966). In 1963, the former British colonies of Sabah and Sarawak joined Malaya to form current day Malaysia (Wong, 2018).

The independence movement and the foundation for the future constitution is directly influenced by the favoritism the British show towards the United Malays National Organisation (UMNO). This prominent political party has many of the elites “working as officials within the British colonial government” (Nadzri, 2018, p. 142). Connection with their colonial power and overall support by the population reinforce the partiality the British show towards UMNO. Altogether, this party’s prominence impacts the building blocks for the future constitution through the Federation of Malaya Agreement (FMA) in September of 1948 (Nadzri, 2018). This agreement moves Malaysia towards independence and outlines powers for federal and state governments. The British favoritism towards the UMNO becomes increasingly important after independence when the power is officially granted to the party through the Legislative Assembly—often referred to as the Alliance. It is at this point “the UMNO elites had their own agenda, namely to maintain Malay political hegemony and supremacy in Malaya. To this end, these elites began to construct and reconstruct the country’s political and electoral systems to



allow UMNO to remain in power” (Nadzri, 2018, p. 144). The UMNO ultimately uses this opportunity to create a single party dominant state. Development of the constitution is also occurring during a time where Malaya is still “in a state of ‘emergency’, provoked by communist guerillas” which continued into the mid-1970’s in portions of Malaysia (Milne, 1978, p. 2). This emergency actually strengthens calls for independence amongst those in Malaya because “the communist charge that the rebels were fighting against ‘imperialism’ would lose its force if the government were Malayan and not British” (Milne, 1978, p. 33).

Construction of the current constitution occurs during a Constitutional Conference “held in London early in 1956 and attended by representatives of the Rulers and the Alliance. It was decided there that Malaya should become fully self-governing and independent within the Commonwealth by August 1957” (Milne, 1978, p. 36). The actual constitution itself is not written by Malaysians but instead by a commission formulated by their colonial ruler—the British. Together, the commission formed the Commonwealth countries (H. Miller, 1966, pp. 199–200). Many proposals were made to the commission but any changes made only did so with the consultation of the British, those in power, and the Alliance—predominantly the UMNO who were in power in the Legislative Council (Milne, 1978). Once complete, the commission provides a report outlining the proposed constitution where “all the Commission’s recommendations were accepted, with some modifications, and a constitution was drafted and approved” (H. Miller, 1966, p. 201). This commission’s constitution then came into effect with independence on August 31, 1957 and is “modeled on British democracy” (Crouch, 1996, p. 13). The structure of the government is parliamentary with a head of state that is non-political—similar to the British Westminster system. There is an election for this non-political leader “known as the ‘*Yang di-Pertuan Agong*’ from among the rulers every five years. He would be a

constitutional monarch and act on the advice of his ministers; he would appoint as Prime Minister the leader of the majority party in the House of Representatives” (H. Miller, 1966, p. 200). This rule rotates between “the hereditary royal rulers of nine of the eleven state in Peninsular Malaysia” (Lim et al., 2002, p. 101). What differs from their colonial power is their federal form of government that has 13 different states where “each of the states and the Federation has a written constitution. The Federal Constitution allocates nearly all important powers as well as the major sources of revenue to the federal government” (Lim et al., 2002, p. 101).

It is important to note that while the constitution was in effect from 1957 onwards, there were two important constitutional crises that influence the starting point of the data. In 1988, Malaysia faces a constitutional crisis where the ruling party is found by the High Court to be illegal, “resulting in the removal of the Lord President of the Supreme Court, the country’s most senior judge, and two other judges of the Supreme Court” (A. J. Harding, 1990, p. 57). Further, an amendment to the constitution reduces the overall judicial power by removing the power vested in the judiciary and lessening the separation of powers found in the constitution (Foo, 2010). Not long after, another constitutional crisis materializes around the sultan of Malaysia and the Gomez Incident. The sultan’s immunity is in question when Sultan Johor faces accusations of “the killing of a golf caddy, and, more recently, an assault on the Johor hockey coach following a hockey match in which the Sultan’s son had allegedly assaulted his opponents’ goalkeeper” (A. Harding, 1993). This incident results in an amendment to the constitution stripping the nine hereditary leaders of their immunity that had previously been a part of the 1957 constitution and creates a Special Court for the Yang di-Pertuan Agong (monarch). Dropping the immunity is driven by popular opinion and the citizen’s outrage at the incident. The Special Court hears

charges against the monarch with two limitations that are a result of compromise between Parliament and rulers: the proceedings must have the ruler present and the attorney general must bring charges to the ruler, no one else (A. Harding, 1993). Thus, the information in the Constitute Project begins in 1994 following these two crises.

Malaysia's constitution is in-effect for 53 years through the end of 2010. Throughout this time, Malaysia's Freedom House measures are partly free with the exception of the free classification in 1972 and 1973. This is particularly important to note given that the length a constitution is in effect should result in higher levels of institutionalization. However, the overall compliance for the head of government is high (1) and the legislature has 0.50, a medium level of compliance. A compliance score of 0.5 means half of the rules are followed while the other half were not. There is constitutional compliance with the succession rule for the head of government.

Head of Government Index. In Malaysia, the executive is the Prime Minister. Head of government tenure is an index compiled of the selection procedure and minimum age required to become head of government. Immunity for the head of government is not in the Malaysian constitution.

The head of government—the Prime Minister (PM)—is appointed to the post according to article 40.2.a of the Malaysian constitution. Constitutionally, the King appoints the Prime Minister (Yang di-Pertuan Agong) who is “a member of the House of Representatives who in his judgement is likely to command the confidence of the majority of the members of that House.” Thus, the majority party/coalition effects the appointment of the Prime Minister by the King—like the Westminster system in the UK. The King approves of the leader of the coalition/party to

become the next Prime Minister. The Prime Minister must “command the confidence of the majority of the members of the House of Representatives” to remain in power. From 1994 to 2010, there were three different PMs in power. Mahathir Mohamad is appointed in July of 1981, prior to 1994 (Mauzy & Milne, 1983). Following Mohamad’s long tenure in office, Abdullah Ahmad Badawi took office October 31, 2003 (Pandian et al., 2010). However, this appointment appears to have come from the previous Prime Minister—Mahathir Mohamad—but was approved by the King through the ceremony (Pandian et al., 2010). In June of 2002, Mahathir announces his resignation from the Prime Minister position which was unexpected enough that “his party members persuaded him to stay another 18 months to enable a planner handover to his deputy Badawi on 31<sup>st</sup> October 2003” (Mitchell & Joseph, 2010, p. 463). Previously, Badawi was the Deputy Prime Minister prior to becoming the Prime Minister. Badawi then wins the job in the party following the visible handover from Mahathir through the appointment process (Shane, 2006). The appointment of Prime Minister Najib Razak<sup>7</sup> ensues in April 2009 who is the deputy Prime Minister during this time—ultimately taking over after Badawi steps down (Andaya & Andaya, 2017). There is a stable executive transition from Mohamad to Badawi. Therefore, the appointment process does meet the succession rule with constitutional compliance for the selection procedure.

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<sup>7</sup> Najib Razak is “embroiled in a global corruption scandal, where he and people affiliated to him have been accused of embezzling more than USD 4.5 billion from sovereign wealth fund, 1Malaysia Development Berhad (1MDB)” (Wong, 2018, p. 68). In July 2020, he receives a 12 year prison sentence and is fined RM210 million (Kanyakumari, 2020).

Legislative Index. The legislature in Malaysia is bicameral with a House of Representatives and the Senate. Elections are first-past-the-post with Malaysia often adopting “election laws generally practiced then in the United Kingdom”(Tey, 2010, p. 3). Many of “the basic rules of the electoral system were formulated prior to independence for the first federal election in the Federation of Malaya in 1955” (Lim et al., 2002, p. 103). Constitutionally, there is no specific process that outlines who can initiate general legislation—though both houses have the power to legislate and bills can originate in either house. Both houses must pass legislation prior to being signed by the King. Once a bill has passed in one house, it must be sent to the other house for approval and the final bill must be in agreement between both houses prior to being sent to the King for approval. Parliament is not given the power to override vetoes made by the King. Any amendments to the constitution must be approved of in Parliament by at two-thirds majority in both houses. Thus, Parliament has the power to change the constitution—something apparent in the 1988 constitutional crisis. Further, the Prime Minister must have the confidence of the House of Representatives to remain in office.

The overall legislative index is a combination of tenure, autonomy, and authority. First, legislative tenure is composed of the selection procedure for the upper house and lower house as well as maximum term length for both houses and legislative immunity. There were numerous measures around the minimum age, selection of the upper house, and additional restrictions for members of both houses that I could not determine due to the lack of information provided. It is useful to note that several rules are absent in the constitution, emphasizing likely an institutional gap in the Malaysian constitution. Authority and autonomy might be left out on purpose to allow for more leeway within the legislature or with the executive or King. When there are not as many limitations or rules clearly addressed constitutionally, the executive has more flexibility to

command authority and power over the legislature. Thus, there appears to be something of an institutional gap where authority of the legislature itself is left out—undermining the power of the legislature overall. When you limit the explicit authority of the legislature, you implicitly grant the executive greater authority.

Members of the House of Representatives are directly elected (articles 119.1 and s13 of the Malaysian constitution) and the maximum term length for members of the House of Representatives is 5 years. The constitution does not specify the particular electoral rules and districts, but does grant authority to the Electoral Commission who specify the electoral system method of plurality and single-member districts (Lim et al., 2002). Between the time of 1994 and 2010, four elections for the House of Representatives occurred—1995, 1999, 2004 and 2008. The first election occurred in 1995 on April 24<sup>th</sup> and 25<sup>th</sup> with a voter turnout of 72 percent (IPU Parline). In 1999, the election had a voter turnout around 67 percent (Election Guide). Following this election, in 2004 the election turnout was 74 percent (Election Guide). Finally, the 2008 election has a 72 percent turnout (Election Guide). The time between each of these election dates are less than the maximum term of five years.

Senators have a maximum term of 3 years per article 45.3 of the constitution. The Senate is a body of sixty-nine members with selection taking place through the appointment of forty members and “two members for the Federal Territory of Kuala Lumpur, one member for the Federal Territory of Labuan and one member for the Federal Territory of Putrajaya” by the King. The remaining twenty-six are elected by each state legislature with “two members for each state.” Information on the selection of Senators is not widely available. However, instances of parliament being in session are accessible. It appears that from this, the Senate is in session from 1995-1999, 1999-2003, 2004-2007, and 2008-2012 (Parliament in Session). Most of these terms

go past the 3 year minimum, particularly if they follow the House of Representatives election schedule—which it appeared they often do. Early elections are likely the reason for this differing election schedule—particularly in 1995 and 2008. With the premature dissolution of the House of Representatives, this impacts the overall term length for the Senate. Though, the term length for the Senate exceeds the 3 year maximum the constitution outlines. Thus, there is no compliance for the term length for members of the Senate.

The legislature provides limited immunity from article 63 of the constitution. The article outlines that this immunity relates to the validity of proceedings, what is said or voted on, or anything published in Parliament. From 1994 to 2010, there was at least one arrest made of a member of parliament. In 2008, “Teresa Kok was arrested under the Internal Security Act (ISA)” (BBC Monitoring Asia Pacific – Political). Other members seem to have been detained for security issues or protests in 2001 and 2007 (Agence France Presse 2001, 2007). It seems that these arrests were due to instances not related to parliamentary actions or behavior. Therefore, this particular rule appears to be being followed and functioning as outlined in the constitution.

Legislative autonomy in Malaysia is limited and the King can dissolve the legislature. Article 55.2 of the constitution states that the head of state can dissolve the legislature. The King can dissolve Parliament at the advice of the Prime Minister or can deny to do so per Article 40.2.a. This dissolution per Article 43.4 can occur if “the Prime Minister ceases to command the confidence of the majority of the members of the House of Representatives.” In November of 1999, Prime Minister Mahathir Mohamad dissolved the legislature and called for early elections (AP 1999). However, the King must approve of the dissolution of Parliament. Constitutionally, the Prime Minister does not have the power to do this without the consent of the King. Therefore, this particular rule is not followed as is set up in the constitution.

Similar to legislative autonomy, authority is also limited for the legislature. The index for legislative authority is centered on the power to approve and reject legislation. All other measures like the initiation of legislation, whether a supermajority is necessary for passing legislation, and if voting records are public, secret, or both is not specified in the constitution. Thus, authority is not widely granted to the legislature in the Malaysian constitution.

The head of state—the King—has the ability to approve or reject legislation from article 66.3 of the constitution. While both houses have the power to legislate, overall power to generate legislation is not outlined in the constitution. Though, this could be a reflection of the process of passing legislation being slower. When legislation must be approved in both houses prior to the approval of the King, this requires a lot of time to complete, likely impacting the number of laws passed during this time. Through some searching, it appears there were a few bills/legislation approved in Malaysia. However, it does not appear that the King was the one approving this legislation. For instance in 2007, it appears that the House of Representatives approved of a bill relating to the corporatization of a bank in Malaysia (Malaysia General News 2007). Parliament also is noted to have approved two bills in Malaysia in related to competition in the market (Mondaq Business Briefing 2010). The legislature approves these bills, not the King. Bills must have the King's approval in order to become law. Neither of these appear to have been approved or rejected by the King. Therefore, it does not appear that the rule is being followed as defined in the constitution.

Discussion. Overall, Malaysia has medium constitutional compliance. The reason for this level of compliance could be due to the formation of the document itself. Moreover, the strong executive suggests that incumbents select which rules they will follow. The buy in is often for



the immunity or other rules which keep incumbents in power—a common theme that is highlighted by Levitsky and Way (2010) when discussing the dynamic nature of Competitive Authoritarian Regimes. The succession rule is met in Malaysia and duration of the constitution is long. However, the compliance index suggests overall a lower level of institutionalization. The length of time a constitution is in effect does not always correlate with high constitutional compliance. While there is succession occurring, it seems that the overall levels of institutionalization are likely medium. One other significant point to emphasize is the lack of rules and authority in portions of the constitution itself. Without limitations or confining factors, it provides the autocrat with more leeway and ability to govern in whatever way they see fit. Leaving rules out of constitution help ensure no rules are being broken but also creating institutional gaps. These gaps undermine overall authority for the legislature.

Furthermore, the constitution in Malaysia provides an insight into how the population can push for constitutional change. With the Gomez Incident, the public began a dramatic push for constitutional change centered on the immunity granted to the sultans. Failing to change this immunity rule could have undermined the legitimacy surrounding the constitution and the government. Legitimacy is critical for any regime and can easily be undermined—particularly if the public is upset with a specific rule that is within the constitution. If this rule were not changed, there could have been more calls for constitutional change overall or change in leadership. This was avoided through altering a rule and appeasing the public. Thus, the public and the perceptions held by the populace do drive behavior and can impact overall constitutional compliance.

*Zimbabwe*

Zimbabwe presents a necessary case that stresses how the executive—through a strong Presidential system—can often overstep boundaries and institutions to remain in power beyond the time the constitution stipulates. Constitutionally, the head of government has a high level of power but often tries to expand this whenever possible. With the addition of the Senate and electoral fraud—particularly in 2008—Mugabe expands his power consistently. Still yet, the constitution does limit the President—even Mugabe. The legislature is fairly weak but does have some authority. However, the succession rule is not met in Zimbabwe.

In 1965, Zimbabwe declares its independence from British Rule but was not truly independent until 1980 (Mlambo, 2014). Zimbabwe had been under the company rule of the British South Africa Company (BSAC) beginning in 1890 with “the declaration of a British protectorate in the following year” (Bratton, 2014, p. 36). In fact, the country’s first constitution is “based on a Royal Charter (1889) for commercial exploration, BSAC rule was formalized by the Southern Rhodesia Order in Council (1889)” (Bratton, 2014, p. 37). In 1922, a referendum of those settlers in Zimbabwe ensues to determine if these individuals wished to govern themselves or join the Union of South Africa ultimately culminating in the Southern Rhodesia Constitution Letters Patent of 1923 (Bratton, 2014). Their colonial legacy dramatically impacts overall governance in reinforcing one party rule from 1923 to 1962 which “together, the ruling party, economic interest groups, and government agencies established reinforcing roles to further the economic goals of the settler community” (Bratton, 2014, p. 39). This sort of exertion of control by the ruling party continues throughout numerous attempts at an independence constitution for Zimbabwe (Constitution Net, Zimbabwe). Finally, “the colonial political settlement between Britain and the white settlers broke down in November 11, 1965, when Prime Minister Ian Smith

and 15 cabinet colleagues signed a unilateral declaration of independence (UDI)” (Bratton, 2014, p. 43). Throughout this independence process, an internal civil war between differing factions is transpiring against the Rhodesian government. Pressure towards to the British government to help in resolving this conflict continues to mount during this time as well.

This ultimately culminates in the Lancaster House Conference in 1979, “chaired by Lord Carrington, the newly appointed British Foreign Secretary” (Raftopoulos & Mlambo, 2009, p. 165). The conference is attended by multiple factions including those from the nationalist movements, the Rhodesian government, and representatives from the British Government resulting in “the 1979 Lancaster House Agreement—which codified the terms of the independence settlement—called for an immediate ceasefire, an election within three months, and a new constitution” (Bratton, 2014, p. 52). Thus, this agreement helps create a constitution for Zimbabwe with a Westminster Style system and goes into effect shortly thereafter. An important point from this agreement is that twenty seats in the national parliament are constitutionally “reserved for a period of ten years” for whites (Mlambo, 2014, p. 191). However, the following decade would be a time of dramatic institutional change that reinforces the rule of the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and all but ensures a one-party state. This includes the removal of the seats reserved for whites, the prime minister, and the Senate plus the adoption of a unitary executive presidency and the expansion of Parliament to 150 seats (Mlambo, 2014). These changes help lessen the overall legacy of the Rhodesian government constitutionally.

The adoption of the constitution brings changes to the level of freedom in Zimbabwe, increasing the Freedom House levels from not free (1974-1978) to partly free (1979-2001). In 2002, Zimbabwe’s Freedom House measure decreases to not free where it still remains today.

This constitution that was ratified in 1979 is the only constitution in effect during the 1990 to 2010 time frame. There were numerous attempts to write a new constitution: 2000, 2007, and 2009. The 2000 constitution process went to referendum and failed to pass (Constitution Net, Zimbabwe). The 2007 process never made it to a vote, but did provide a roadmap for the 2009<sup>8</sup> process which will eventually lead to constitutional change in 2013 (Constitution Net, Zimbabwe). The legislature is unicameral until 2005 when “the 66-seat Senate was reintroduced in August 2005, after a series of constitutional amendments was passed by the then unicameral Parliament” (IPU Parline).

Overall, Zimbabwe has higher levels of constitutional compliance with indexes in the 0.80 to 0.86 range for head of government and legislature. The head of government index is a combination of tenure and authority measures as is the legislative index. Autonomy in the legislative index was unable to be determined for this time. Moreover, Zimbabwe does not meet the succession rule that is measured through the head of government index.

Head of Government Index. In Zimbabwe, the head of government is the President. The overall index for the head of government is composed of multiple measures including selection, term length, minimum age, immunity, emergency declaration, and the circumstances for emergency declaration.

In Zimbabwe, the President is both the head of government and head of state. The head of government—the President—is elected by citizens per article 28.2 of the Zimbabwe

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<sup>8</sup> By 2009, the constitution from 1979 is best described as “a patchwork quilt of unmatched provisions and internal ambiguities” (Bratton 2014, 149).

constitution. Further, there is a two-round election for the President where they must receive a simple majority. Between 1990 and 2010, there were four elections for the president: 1990, 1996, 2002, and 2008 (African Elections). Each of these elections had the following turnout in their respective year according to African Elections: 1990 (53.9%), 1996 (32.3%), 2002 (55.4%), and 2008 (42.4% first round; 90.22% second round). Robert Mugabe won the elections and all four elections were within constitutional compliance for the selection procedure. It is important to note that the 2008 election for President is marred with controversy and deeply flawed. In fact, the time leading up to the second round of voting was best described as a “campaign of terror that Mugabe unleashed to win the second round” (Meredith, 2018, p. 137). Violence, coercion, and manipulation ensured Mugabe won the second round handily. With Mugabe being the only president during this time, the president did not follow the succession rule. The change beyond the initial leader at the start of the period did not occur, thus showing what could be lower levels of institutionalization in Zimbabwe. According to Huntington (1991), the clearest measure of electoral institutionalization is the two-turnover rule, but this did not occur under Mugabe. Despite his continued rule, “winning” reelections did not violate constitutional rules.

The term length for the head of government is 6 years according to article 29.1. The presidential elections for 1990, 1996, 2002, and 2008 occurring within 6 years. The presidential term is being followed as outlined in the constitution. However, the constitution has no term limits for the President in the Zimbabwean Constitution. Hence, there is no rule to be broken relating to the number of terms in office.

The minimum age to be the head of government is 40 years old per article 28.1b of the Zimbabwe constitution. Only one president served during the time from 1990 to 2010: Robert Mugabe. According to Eturbo News (2019), Robert Mugabe “was born on February 21, 1924.”

At the time of being in office in 1990, Mugabe is 66 years old—meeting the minimum age requirement for the head of government.

The Zimbabwean constitution outlines that the president has absolute immunity in article 30.1. There were instances where this immunity was challenged (*American Journal of International Law* 2001). Yet, the immunity clause itself was not overturned. Mugabe even made an attempt in 2002 to extend this immunity beyond his time in office (*Africa News* 2002). With all of this in mind, it appears that there is full compliance of the immunity clause.

The head of state has the power to declare emergencies from article 31J.1 of the constitution. There were a few instances where emergencies were declared between 1990 and 2010. One of the first emergencies is when Mugabe declared the state of emergency relating to the drought in March of 1992 (*World News Digest* 1992). The second emergency declared in Zimbabwe was in 2008 relating to a cholera outbreak where Mugabe declared the emergency (*The Irish Times* 2008). Given that the head of government was the one declaring emergencies, it appears that the rule is being followed as outlined in the constitution.

Legislative Index. The legislature in Zimbabwe is unicameral until 2005. From 2005 on, the legislature changes to a bicameral structure. The upper house is the Senate and the lower house is the House of Assembly. House of Assembly Members (150 members total) are both selected through direct election and appointment. The election of members (120 members) in the House are in single member districts through first-past-the-post elections—a change from the initial PR system with a party list system initially used in the 1979 constitution (Sithole & Makumbe, 1997). Appointment for the House of Assembly is where “ten shall be Provincial Governors; and eight shall be Chiefs representing each of the provinces, other than the metropolitan provinces,

elected in accordance with the Electoral Law; and twelve shall be appointed by the president.” In 2007, an amendment to the constitution expands the number of seats in the House from 150 to 210 where all are directly elected to single member districts (Election Guide, Zimbabwe).

Selection for the members of the Senate (66 Senators) occur through elections and appointments. Election in single member districts with first-past-the-post voting transpire for fifty of the Senate seats. The appointment process for the other sixteen seats are as follows: “two shall be the President and the Deputy President of the Council of Chiefs; and eight shall be Chiefs representing each of the provinces, other than the metropolitan provinces, elected in accordance with the Electoral Law; and six shall be appointed by the President.” The Senate changes in 2007 with another amendment that expands the number of elected Senators to sixty in single-member plurality elections. Further, the appointments expand as well with sixteen chiefs elected by their provinces (two each), ten provincial governors that are appointed by the President, and five members directly appointed by the President along with the president and deputy president of the Council of Chiefs being members as in the 2005 amendment.

The legislative index is composed of tenure and authority measures. Tenure for the legislature most generally focuses on the selection, term length, and lack of immunity given to the legislature. Legislative authority is limited overall. Specifically, the President must approve or reject legislation and a supermajority is needed to pass legislation in both houses. Further, only the first house of the legislature and the government/cabinet can initiate legislation. The Senate does have the power to legislate but does not seem to be constitutionally given the power to directly initiate legislation until 2010. Bills must be passed by both houses prior to being sent to the President for approval/rejection. Further, Parliament is constitutionally granted the authority to amend, add, or repeal portions of the constitution, but requires 2/3 majority in both

houses to pass any of these changes. There are also instances where legislative autonomy is granted. Legislative autonomy includes the Presidential power to dissolve the legislature early and the veto process of legislation. Constitutionally, the President can veto legislation but the first house can override this veto with a 2/3 majority.

Overall, there appears to be higher constitutional compliance for the legislative tenure measures than autonomy and authority. Election rules and terms seem to be complied with quite regularly—likely because tenure is the most visible process. This is not the case for autonomy and authority measures—suggesting that there may be greater executive overreach on legislative functions in Zimbabwe by Mugabe. The constitution outlines some authority and autonomy measures. Though autonomy measures are lacking because I am unable to determine the compliance of rules due to lack of information. However, there are instances where the legislative rules have high compliance—emphasizing that Mugabe does have some confinement from the constitution. While the legislature may be weak under Mugabe, the rules are still confining the executive.

There are 150 members in the unicameral parliament. Election of 120 members and appointment of 30 members occur until 2005. There were three elections between 1990 and 2004 for Parliament: 1990, 1995, and 2000 (IPU Parline). In 1990, 120 members of parliament were elected with around a 54 percent turnout (IPU Parline). It appears that the appointment occurred, but the number of appointments may have been more than the constitution outlined (IPS-Inter Press Service 1990). In 1995, 120 members were elected with around 57 percent turnout (IPU Parline). Mugabe appears to have appointed 30 members to Parliament as well that year (African Democracy Encyclopedia) Finally in 2000 had a 49 percent turnout and Mugabe appointed the



other 30 members of Parliament (IPU Parline). It appears that Zimbabwe is following the appointment and election procedure allowed for legislature selection.

After 2006, the appointment of House of Assembly members ends and they are elected directly through elections for all seats in single member districts. There were two elections from 2005 and 2008 (IPU Parline). It also appears that the appointment by Mugabe occurred not long after (Chiroro, 2005). In 2008, the election occurs for all the seats in the House of Assembly (IPU Parline). Both of these selections for the lower house appear to have full compliance. The Senate seats are appointed and elected according to article 34. There were two elections for the Senate: 2005 and 2008. In the 2005 election, there was a meager turnout of 19.5 percent (IPU Parline). Not long after, Mugabe appointed the 6 senators to the post and 10 others were traditional chiefs (Chiroro, 2005). In 2008, the election for the Senate occurred on the 29<sup>th</sup> of March (IPU Parline). Appointments by the President for those senate seats were complete in August of 2008 (Facts on File World News Digest 2008). Though it is important to note the flagrant flaws of the 2008 election. Elections for the president and legislature had been adapted to be at the same time, influencing the overall set-up for the election (African Elections, Zimbabwe). The election itself is a blatant disregard for the actual electoral process—though the rule for appointment and selection is complied with. While there are flaws with the actual election (vote counting and problem ballots), it appears that the selection process is being followed and is functioning as outlined in the constitution for the Senate.

In 2005, the constitution is amended to be included for both the lower and upper houses in the legislature. Members of the House of Assembly have terms of 5 years as stated in article 63.4 of the constitution. These terms correspond to the presidential five-year term. Given the

adjustment in the constitution, it appears the constitution is functioning as outlined. The Senate had no term length until 2007, then became 5 years per article 63.4.

The legislature no immunity from prosecution as outlined in article 42 on the constitution. While searching, there were numerous instances where members of the legislature were arrested. For instance in 2002, a member of parliament was found dead in prison where he'd "been in jail since July, where he handed himself over to the police after killing his wife" (Voice of America News 2002). Arrests were made in 2008 where the opposition that was likely used by the party in power to "intimidate its opponents ahead of the run-off election" (Africa News 2008). Not long after, more opposition members were arrested for alleged connections with violence in Zimbabwe (CNN 2008). Each of these examples illustrates that immunity is not given for the legislature. Ironically, these politically motivated arrests suggest the rule is functioning as outlined in the constitution.

Legislative authority is limited in the Zimbabwean constitution. This is due to presidential authority to approve or reject of legislation and overall presidential authority in legislation processes. Supermajorities are necessary to pass legislation—accounting for the legislative authority index. Further, the lower house (House of Assembly) can initiate legislation as can the government/cabinet—led by the President. Both chambers (from 2005 after) have the power to legislate. The president does have the power to veto legislation—the only entity who can do so. Moreover, the president has the power to send legislation back to the legislature for reconsideration if no action is taken by the president.

The Head of state—the president—is given the power to approve and reject legislation as outlined in articles 51.1-51.2 of the constitution. Through searching, there were numerous instances of Mugabe approving of legislation as well as rejecting legislation. The one instance or

the rejection of legislation by Mugabe occurring in 2005 when a bill “would have barred foreign rights groups from operating in the country” (Liquid Africa 2005). This was the one instance when legislation was rejected. Approval of legislation occurred as well. In 2007, Mugabe “signed a law giving him more power to choose his successor” (The Associated Press 2007). Mugabe also approved of a bill in 2008 that gives “local owners the right to take majority control of foreign companies, including mines and banks” (ABC Premium News 2008). All of this evidence suggests that the constitution compliance with respect to the approval and rejection of legislation by the president.

In Zimbabwe, the constitution states that the government/cabinet and any member of the first chamber of the legislature can initiate legislation. Despite the limited legislative authority to introduce laws, in practice, the executive branch proposes most legislation. For example, in 2007 the government offers a new bill that would “compel companies to cede majority ownership to indigenous Zimbabweans” (BBC Monitoring Africa 2007). In another occurrence, it appears the government proposed legislation relating to electoral and security laws in 2004 prior to the upcoming election in 2005 (Africa News 2004). There was also an instance when it appears Mugabe proposed legislation, but his government was the one who was initiating the legislation itself after his speech in parliament (BBC Monitoring Africa 2010). All of this evidence suggests that the rule that dictates legislation be initiated by the government/cabinet and the first house of the legislature is being followed as outlined in the constitution.

Supermajority is necessary for passing legislation in Zimbabwe as defined in articles 51.3b and 52.2. From 1990 to 2010, it was difficult to find exact vote counts on legislation. However, it does appear that a vote count was available for a controversial law that was passed in parliament. This bill that was passed in 2002 “was passed by a narrow majority of 15 votes”

(Financial Times 2002). A narrow majority of 15 votes is not necessarily the supermajority necessary to pass legislation. Therefore, it appears that there is no compliance for this rule.

Discussion. Despite the executive overreach and abuse of power during the Mugabe era, overall Zimbabwe has higher levels of constitutional compliance. However, the succession rule was not met in Zimbabwe. There is also a major constitutional change in 2005 that added a second house to the legislature. This addition increases the power of Mugabe through his appointment power. While the constitution was in effect since 1979—it is not as institutionalized as other constitutions. In fact, the election in 2008 highlights how Mugabe and his party purposefully manipulate the elections to win. There is wide acknowledgement that this election is not free and fair—particularly because Mugabe receives less than 50% of the vote in the first round and 90% in the second round (African Democracy Encyclopedia). Even with this occurring, Mugabe is still complying with the constitution numerous times. Thus, the constitution does not fully limit Mugabe but does provide some confinement for his actions.

All of this tends to suggest that there is a medium level of constitutional compliance. With the amending of the constitution to alter the rules and succession not occurring, overall higher levels of compliance do not necessarily mean high levels of institutionalization. However, there is still a buy-in with incumbents and the populace around the constitution itself. Legitimacy can be built around this document through these higher levels of compliance. Additionally, the constitution itself being approved of by referendum reinforces that the populace and incumbents view the constitution as a way to retain legitimacy.

## Single Party Regimes

According to Geddes (1999), single party regimes are the most institutionally developed among authoritarian regimes. In her study, this higher level of institutionalization facilitated smoother democratic transitions. However, levels of institutionalization can vary within this regime type. Between 1990 and 2010, several cases capture this variation with respect to the levels of constitutional compliance: China, Angola, and Mozambique. China has the highest constitutional compliance index values for both the head of government and the legislature. China also meets the succession rule. Unlike China, Mozambique and Angola do not meet the succession rule. In 1992, Angola's coalition government completely rewrote the post-independence 1975 constitution. However, the government displays a low constitutional compliance index for the head of government and a medium constitutional compliance index for the legislature. In 2010, the new coalition government again rewrote the constitution. After 2010, these index values increased to high constitutional compliance—though this is for only one year of the constitution being in effect. Mozambique gained independence in 1975 and country had a constitution that reflected the single party Marxist regime from 1975-1990. In addition, the country suffered from civil war and unrest during the Marxist regime. In 1990, a new constitution allowed for a multiparty system and popular elections. The index values for the 1990 constitution shows medium constitutional compliance for the head of government, but high compliance for the legislature. In 2004, Mozambique wrote a new constitution that further developed democratic institutions and citizen political and civil rights. There is also a higher level of compliance under the 2004 constitution. Still, Mozambique and Angola do not meet the succession rule. Together, these cases provide useful insights into how constitutional compliance varies within Single Party regimes. However, compliance does not vary by regime type.

*China*

China is the quintessential highly institutionalized single-party state with high constitutional compliance. The head of government (Premier) is constitutionally stronger than the head of state (President). Though the legislature itself is not expansive because it is not designed to be a deliberative body—often given the “rubber stamp” label. It is instead the Chinese Communist Party that holds the real authority in China. Each institution cannot be understood separately from the party itself. This is especially apparent in the use of an entirely different party constitution that guides the behavior of the Chinese Communist party through state institutions. The succession rule is met in China.

With the formation of the People’s Republic of China in 1949, the Chinese Communist party begins its path towards control with the constitution being a central component of this development. It was at the urging of Joseph Stalin that China “adopt a constitution modeled after that of the Soviet Union” (Liu, 2016, p. 204). By doing so, this “would provide a legitimate basis for one-party rule” in China (H. Li, 2001, p. 33). In 1953 a committee of 32 members begins drafting the constitution including the most powerful in China, several individuals who were prominent in China but are not members of the Chinese Communist Party, and is chaired by Mao—who was very involved in the overall drafting of the constitution (H. Li, 2001). Then in 1954 the National People’s Congress unanimously ratifies the first constitution of China which establishes the National People’s Congress, the State President, the State Council, the Supreme People’s Court, and Procuratorate (Liu, 2016). This constitution also grants power to local People’s Congresses that are controlled by the Chinese Communist Party.

During the Great Leap Forward and Cultural Revolution, the 1954 Constitution began to no longer function as designed (Li Li, 2005). This period of dysfunction led to the 1975

Constitution that “completely changed the state structure set forth in the 1954 Constitution. Unlike any previous legislative enactments, the 1975 Constitution was an explicit political statement that endorsed what Mao and the allies perpetuated during the Cultural Revolution” (Liu, 2016, p. 226). Further, this constitution is the shortest in length at only thirty articles (Liu, 2016). Not long after this new constitution, Mao dies—causing a change in leadership in China. There appears to be a constitution in 1978, though there does not seem to be a substantial difference between the 1975 and 1978 constitution in the overall substance and structure except for the change which appears to allow for the possibility of competition—something Mao is seeking to outlaw in the 1975 Constitution (Liu, 2016). It is also in 1978 that a change in leadership occurs in China where Deng Xiaoping becomes the next leader of China and is “instrumental in deciding key issues in the process of drafting the new constitution” (Liu, 2016, p. 228). In 1982, China adopts a new constitution that is still in effect today.

The 1982 Chinese constitution was a critical step in the evolution of governance in China. In fact, “the 1982 constitution was enacted and enforced both to bring order out of chaos for China and provide a constitutional structure for the policy of Reform and Opening-up” (Quanxi, 2014, p. 27). Further, this constitution in 1982 emerges out of “a structural restoration, in the sense of political decisiveness and fundamental law, to the 1954 Constitution, and even to the 1949 Common Program” (Quanxi, 2014, p. 27). The constitution is ultimately “adopted at the Fifth Session of the Fifth National People’s Congress and promulgated for implementation by the Announcement of the National People’s Congress on December 4, 1982” (National People’s Congress).

China’s political system is unique in the set up and organization of the system. The best way to understand the state apparatus in China is to recognize there are two documents: the

constitution for the state and the constitution for the Chinese Communist Party (Backer, 2009). The state constitution “lays out the organization of the state and the relationship between the state apparatus to the party in power as the holder of supreme collective authority” (Backer, 2009, p. 130). Whereas the party constitution “organizes and institutionalizes the manifestation of political authority within the nation—the power is collective, corporate and is expressly bound by rules and norms that give character to that polity” (Backer, 2009, p. 130). These two documents highlight the duality of governance between the institutions themselves and the party—a central component in China. Li states it best: “the institutions of party and state are intimately intertwined” (C. Li, 2010, p. 166). While these documents are both important, I am only focusing on the state constitution, not the party constitution.

The state structure of China is highly institutionalized. In fact, the highest organ of the state is the unicameral National People’s Congress (NPC) with nearly 3000 delegates (Saich, 2015). Whenever the NPC is not in session—which is common because the NPC meets relatively infrequently—the Standing Committee completes work on the behalf of the legislative body (C. Li, 2010). In fact, the NPC appoints the Standing Committee where “because of its smaller size (currently 161 members), it can hold regular meetings with comparative ease” (Saich, 2015, p. 4). The State Council is a critical component of the Chinese government in their position as the government cabinet—led by the Premier and including four Vice Premiers, five State Councillors, and one Secretary-General (C. Li, 2010). The NPC appoints members of the State Council. Overall, it is the Chinese Communist Party who guides all behavior in China.

Overall, China displays a high level of constitutional compliance. For both the head of government and legislative compliance indexes, the overall index values are one. The constitution has also been in force for a relatively long period—28 years through the end of



2010. The longevity of the constitution and high constitutional compliance emphasizes a high level of institutionalization in China especially with regards to the succession rule.

Head of Government Index. The Chinese constitution specifies that the Premier is the head of government per articles 85 and 88. While the constitution specifies the Premier as the head of government, the true power lies within the Communist Party itself. The appointment of the Premier transpires through the appointment by the President and subsequent authorization by the National People's Congress. The President of China's (the head of state) selection occurs through the National People's Congress. This entire process links the administrative organ that is the Chinese Constitution with the Chinese Communist Party leadership. Generally speaking, the President is the General Party Secretary of the Chinese Communist Party—a position held by Jiang Zemin, Hu Jintao, and Xi Jinping. Further, the Premier's selection follows a similar process to the selection of the Chinese Communist Party Politburo. Both the Premier and President are members of the Politburo Standing Committee of the Chinese Communist Party. Constitutionally, the Premier has more power than the President, but both are prominent members in the Communist Party where tangible power lies. Overall, the head of government index is only composed of measures related to tenure. Tenure measures for the selection, term length, and term limit were determined—composing the head of government constitutional compliance index for China.

The Chinese Constitution outlines that the Head of Government is appointed in articles 62.5 and 80. The president appoints the Premier with approval from the National People's Congress. Over the ten-year period, there were three Premiers. Li Peng (1987-1998) was appointed prior to 1990 and continued his tenure until 1998. Then the appointments of Zhu

Rongji (1998-2003) and Wen Jiabao (2003-2013). Li Peng was appointed premier in 1987 (Joseph, 2010). Zhu Rongji was then appointed as premier in 1998, making him the fifth premier of China (C. Li, 2010). The sixth premier, Wen Jiabao, was appointed in 2003 (Shirk & Shirk, 2008) and was reappointed in 2008 (C. Li, 2010). Although the top leaders in party politburo select the candidate for state premier, the leadership follows the constitutional procedure regarding National People's Congress election. The constitution does not provide any language regarding the nomination of candidates nor the competitiveness of the position. As a result, the leadership is officially complying with the constitution

Within the Chinese Constitution, Articles 60 and 87 outline a five-year term length for the Premier. Each appointment and subsequent reappointment or new appointment of a premier occurs within the five-year window. All the premiers from 1990 to 2010 served two five-year terms.

According to the Chinese Constitution, there are restrictions on terms for Premiers. Article 87 of the Chinese Constitution outlines this. Premiers may only have two successive terms, but may have multiple non-successive terms. Thus, these premiers can be appointed for more than two terms if the terms are non-successive. However, none of the previous premiers have served after their ten-year term is finished.

Legislative Index. In China, the legislature is the unicameral National People's Congress (NPC). The legislative constitutional compliance index for China is a combination of measures, most notably of legislative tenure. Legislative autonomy is not specified or not applicable to the legislature. The constitution limits the authority of the NPC and it was design not to be a deliberative legislative body. One of the key functions of the NPC is "to examine and approve"

economic and development plans as well as policies and laws that come before the NPC. The NPC approves the vast majority of legislation presented during the annual congresses. This is why the NPC is referred to as a “rubber stamp” legislature. Nevertheless, the NPC approval (or occasional disapproval/abstentions) reflects constitutional compliance.

Indeed, there are several instances where the NPC exercises its constitutional authority to display dissatisfaction with a specific policy or appointment. A useful illustration of the NPC displaying dissatisfaction with an appointment is when, “Li Yuanchao received 80 negative votes and 37 abstentions (96 per cent support). This is better than Zeng Qinghong at the Tenth NPC (87.5 per cent) in the vote for vice president” (Saich, 2015, p. 7). Other examples of dissatisfaction are through policies like “the debate on the Property Law in 2006 (which is) the most recent case of proposed legislation not making it through the NPC as initially expected (the Highway Law in 1999 is another example)” (Saich, 2015, p. 7). It was not until 2007 after 13 years of work in draft form that this Property Law passes in the NPC (Saich, 2015). Thus, the NPC displays constitutional authority through numerous avenues—including through dissatisfaction.

The term length for a member of the National People’s Congress is five years per article 60 of the Chinese constitution. There were four new sessions between 1990 and 2010 for the National People’s Congress (NPC): 1993, 1998, 2003, and 2008. Each of these sessions began and ended during their normal expiry, all during their five year requirement. Given that these are within the grace period of 6-months and these new sessions are meeting the required rule set out in the constitution.

Members of the legislature are given limited immunity according to articles 74-75 of the Chinese constitution. Specifically, these members “cannot be prosecuted without consent of the

presidium or standing committee.” I have found reports discussing the anti-corruption campaign in its infancy in China as well as information about arresting those lower-level officials for different charges (BBC 1997; BBC 2010). However, I have not found instances where the immunity was removed via the consent of the presidium or standing committee during this time frame. Due to this, it appears the rule is being followed as specified in the constitution.

Discussion. Even though the NPC does not have actual authority regarding law making and policy approval (or disapproval), the actions and inactions of the NPC follow the 1982 constitution. Indeed, China’s constitution fulfills numerous criteria for high levels of institutionalization—high constitutional compliance, overall length of time the constitution is in effect, and the succession rule being met. Of all the constitutions discussed, China’s is likely the most institutionalized. This is likely unsurprising with the generally higher levels of institutionalization commonly attributed to Chinese institutions.

The constitution in China continues this high level of institutionalization by building in certainty and stability within the regime. Further, this reinforces legitimacy and support from the populace. If you are complying with your constitution, transferring power from one leader to the next, and keeping the same constitution in effect over long periods of time, the populace will likely continue to support the regime and perceive of it as legitimate.

### *Angola*

Angola yields a strong Presidential system where institutions struggle to exist in the presence of internal conflict. In fact, overall constitutional compliance is low with a constitution that generally lacks institutionalization because the President continues to consolidate power.

The President further expands power through the 2010 constitution that reinforces this strong Presidential rule—giving dos Santos sweeping authority. The legislature is given some authority, but is not expansive. Often, institutions seem to be thought of as mere suggestions in Angola. Not only are elections rare during this time period thanks to conflict, but succession also does not occur—resulting in the succession rule not being met.

The establishment of trading posts along the coasts in present-day Angola by the Portuguese in the 16<sup>th</sup> century ultimately led to Angola becoming a Portuguese colony by the 20<sup>th</sup> century (Candido, 2015; Martins, 2020). Independence comes for Angola on November 11, 1975 with the Popular Movement for the Liberation of Angola (MPLA) signing the Alvor Agreements (Camba, 2018). However, these agreements were done without the two other nationalist movements in the country: National Front for the Liberation of Angola (FNLA) and National Union for the Total Independence of Angola (UNITA). This agreement did little to quell conflict and unrest in Angola because these nationalist movements are central to ongoing conflict in Angola. The first constitution emerges in 1975 with this new independence where the agreement made by the MPLA coincides with the adoption of a single party socialist state “whose primacy in the structure of government was consecrated in the constitution post-independence, by the Central Committee of the Party in 1976” (Camba, 2018, p. 7). Not long after—in 1979—José Eduardo dos Santos came to power as President where he remains until 2017. Coinciding with constitutional development, Angola began adopting institutions as rapidly as possible because “the abrupt departure of most of Portugal’s soldiers, bankers, administrators and lawyers left few functioning institutions which could be adapted to the new political circumstances” (Birmingham, 2015, p. 86). Throughout this time, Angola continues to be in a state of uncertainty and conflict (Vines, 2016).

It is in 1991 that Angolans sign the Bicesse ceasefire that is monitored by the United Nations in an attempt to foster peace in Angola which brought a new constitution and elections in 1992 (Birmingham, 2015; Camba, 2018). Though this constitution importantly was provisional in character because “at the time of its approval it had been expected that the new constitution would be negotiated by the legislature emerging from the country’s first multiparty elections held in 1992” (Troco Albano Agostinho, 2019, p. 27). These negotiations never occur due to the resumption of the civil war after this 1992 election. Jonas Savimbi—the leader of UNITA—refuses to compromise and instead reignites the conflict beginning on November 1, 1992. As war devastates Angola, President Dos Santos—the winner of the 1992 Presidential election—“set about consolidating his personal power by both political and financial means” and “by creating a ‘government of national unity’” to quell discontent amongst the opposition (Birmingham, 2015, p. 112). Dos Santos thus begins consolidating as much power as possible due to the election of 1992 and ongoing conflict—building a strong presidential state and subsequent presidential personality cult (Birmingham, 2015). The continuation of power accumulation and corruption continues through the creation of the Eduardo dos Santos Foundation in 1996 that “was designed to implement a widespread policy of privatizing the assets of the state so that they could be used to consolidate the power of the president rather than meet any of the more objectively political needs of the nation” (Birmingham, 2015, pp. 113–114). Through this process, the president builds a patronage network that bolsters his overall power and allows for dos Santos to privately allocate funds to his allies<sup>9</sup>.

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<sup>9</sup> Forbes Magazine named President dos Santos’ daughter Isabel dos Santos the richest woman in Africa worth \$3 billion (Vines, 2016).

Fighting in Angola's civil war continues as dos Santos consolidates power but peace eventually materializes with the death of Jonas Savimbi in February of 2002 (leader of UNITA) which opens the door for peace negotiations (Birmingham, 2015). It after this peace, Angola begins a process of adopting a new constitution in 2010 (Troco Albano Agostinho, 2019). This constitution "emerged neither from international pressure nor from oppositional demands but rather from the will of the ruling Movement of the Popular Liberation of Angola (MPLA), which won the 2008 legislative elections by a landslide of 81.64% of votes" (de Morais, 2011, p. 4). With this majority in the legislature, the MPLA constructs the constitution in a way that fortifies their rule and entrenches the rule of the President—removing the office of the Prime Minister and vesting all power in the Presidency. It is necessary to note that while the constitution was overwhelmingly supported in the National Assembly, the opposition walked out of the vote on this constitution. Throughout this time, Angola remains Not Free according to Freedom House. This continues through today.

In Angola, the 1992 constitution had generally low constitutional compliance (0.43) relating to the head of government and low constitutional compliance (0.40) for the legislature. Due to this civil war, it is likely that parts of the constitution are not followed as closely as would be expected during normal times. Further, the succession rule was not respected under the 1992 constitution. The 2010 constitution has high levels of constitutional compliance (1.00) for the head of government and the legislature, though data was only gathered for one year. This was due to the time frame of data collection ending at the end of 2010. Under this constitution, the succession rule had not been met by the end of 2010 unsurprisingly given the short timespan.

Head of Government Index. The Angolan constitution in 1992 and 2010 both outline the president as both the head of state and government in Angola. Under the 1992 constitution, the head of government has both authority and tenure measures that contribute to the head of government index. The overall head of government constitutional compliance index is low with a value of 0.43.

Tenure of the head of government is a combination the selection procedure, maximum term length, term limits, the minimum age required, and immunity. The Presidential elections occur through a majority vote with a second-round popular runoff if the president does not secure more than fifty percent of the total vote in the initial election. Terms for the president are five years total with a maximum of two terms total permitted. Presidents must be at least thirty-five years old to president, as well. Dismissal procedures for the head of government are contained within in the constitution. While there are dismissal procedures for the President, José Eduardo dos Santos never faces these processes because he serves as president from 1979 to well beyond 2010 under two separate constitutions. The index also includes authority for the head of government. These powers include decree declaration, implementation of decrees, and the declaration of emergencies in addition to their subsequent approvals. The president has the authority to make decrees but must be approved of by the National Assembly. Further, emergency declarations are constitutionally given to the President but the legislature must also approve of these declarations as they do with decrees. Whether the legislature approves of these is difficult to determine—emphasizing the large amount of authority the constitution provides the president. Taken together, the head of government index underscores the strong presidential system that is constitutionally defined in Angola. Best expressed by de Morais (2011), the constitution has taken the heads of two different systems (Presidential and Parliamentary) and



united “their powers and prerogatives in a ‘President of the Republic,’ who is thereby empowered to govern without credible checks and balances” (5). Thus, this all reflects a strong presidential system in Angola that the constitution reinforces.

The head of government—the president—is elected by citizens. From 1992 to 2009, there was only one election for the presidency: 1992. Constitutionally, if a Presidential candidate does not receive the minimum 50 percent of total votes in the first round, a secondary runoff election must occur. The 1992 election for the presidency transpires in September where José Eduardo dos Santos is just short<sup>10</sup> of the constitutionally required 50% minimum votes necessary to become president (de Morais, 2011). The subsequent secondary elections never took place and civil war reemerged shortly after this election (Birmingham, 2015; de Morais, 2011). Dos Santos did not gain the absolute majority of votes and there was no runoff election—not following the constitutional rule.

Constitutionally, the president should run for election every five years due to the term length stated in the constitution. However, this did not happen. In fact, the second election that is set to take place in Angola for the president in 2009 is postponed until a future date. The government argues that this postponement is because “it could not afford to hold elections until after the passing of the new constitution” (de Morais, 2011, p. 5). The Angolan constitution specifies a two-term limit for the president. José Eduardo dos Santos’s time in office far exceeds the constitutional rules. Thus, there is no constitutional compliance with respect to term limits and the length of term in office for the presidency in Angola.

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<sup>10</sup> Dos Santos receives 49.6% of the vote for the presidency (Pereira, 1994).

The constitution also provides presidential immunity from prosecution. Immunity is limited—not absolute—which protects the president from “acts carried out during the discharge of his duties, except in the case of bribery or treason.” Dismissal of the head of government then proceeds through the legislature in these cases of bribery or treason. Corruption is rampant throughout Angola “with over US\$1 billion per year of the country’s oil revenues—25% of state revenue—unaccounted for since 1996” (McFerson, 2009, p. 1532). Further, power is consolidated around dos Santos as President which increases overall corruption levels—often enabling the corrupt behavior of elites. In fact, “numerous cases never reached the courts due to presidential intervention and high levels of corruption in the judiciary” (de Morais, 2011, p. 10). With corruption extending to the judiciary as well, this highlights how pervasive corruption is. This similarly demonstrates a lack of legislative and legal oversight and authority. If the president has the power to divert charges of corruption so directly, there are few mechanisms the legislature or legal system can use to counter these corrupt behaviors. Although the president is involved in many corrupt activities, there are no charges for this corruption. Thus, it appears there is constitutional compliance for head of government immunity.

The authority granted to the head of government is also a component of the overall index. Angola is a useful case that demonstrates how the President has a “strong man presidency” where dos Santos continually overreaches his authority given in the constitution. Specifically, he frequently takes advantage of weaker legislative authority and legal institutions—often apparent in the application of decree power. Together, the head of government authority captures the decree power and implementation of those decrees. The President has the authority to issue decrees which must be signed by the President. However, these decrees must also be approved of by the National Assembly—something often not occurring in Angola. Moreover, the head of

government does have authority centered on the declaration and approval of emergencies, but not enough information was available to determine compliance of these rules.

The head of government does have decree power as expressed in articles 70 and 114.3 in the constitution. I found a few instances where the president issued decrees from 1992 to 2009. The first decree occurred in 1993 when the President issued appointments of individuals to fill posts throughout the government (BBC 1993). In 1995, another decree adjusts who was in government positions in Angola (BBC 1995). Similar to the previous two decrees, the decree from 2001 also focuses on appointing diplomatic positions (Africa News 2001). Finally, in 2009 the president issues a decree “for pardoning and commutation of prison sentences, part of the commemorations of one more anniversary of Peace Accords” (Africa News 2009). All of these decrees were made by the President. Therefore, there is compliance relating to Presidential decrees.

The constitution specifies that the implementation of decrees are effective only after approval from the approving body per article 70. The articles above did not appear to note that any approval body was utilized per the constitutional requirement. This particular example highlights how the President is overstepping his boundaries and expanding his authority through skipping critical constitutional steps. Instead of having the National Assembly approve of these as is necessary, the weak legislature appears to shirk its duty as the check on this executive power. Because of this, there is no compliance of the implementation of decrees.

Angola’s new constitution in 2010 provides a limited opportunity to view overall head of government constitutional compliance. Many of the rules from the 1992 constitution are the same for the head of government but it was more difficult to determine if rules were followed due to the narrow time frame. In fact, the 2010 constitution itself is a consolidation of power for

the President which entrenches authority and power in the office of the Presidency. Thus, the “strong man Presidency” continues but becomes well-established in the constitution. Head of government tenure is the minimum age and immunity measures. However, the selection procedure, maximum term length, term limits, and dismissal procedure were unable to be determined.

The president is given power in the 2010 Angolan constitution to issue decrees. In 2010, there were numerous decrees issued by President dos Santos. The first decree in early-April “approves the local financial system and other legal documents” (Africa News 2010). The second set of decrees that month occurred in late-April which resulted in approving “the contracts for the construction works of the integrated infrastructures of the towns of Soyo and Nzeto (northern Zaire province) and the Malanje (north east)” (Africa News 2010). In mid-May, more decrees were issued by the President which “approve the organic statutes of the Ministries of Economic Coordination, Commerce, Geology, Mining and Industry, as well as Telecommunications and Information Technologies and of Urbanism and Construction” (Africa News 2010). Finally in October of that year, another set of decrees were issued by the President relating to the rebuilding of houses and infrastructure in Luanda (Africa News 2010). From numerous instances of the President issuing decrees, it appears the rule is being followed and is functioning as outlined in the constitution.

Decrees issued by the President are effective immediately upon decree. With all of the cases above, it appeared that the decrees were immediately effective—no instances in the cases discussed stated that there was a delay in the implementation of the decrees. Thus, it appears the rule is being followed and is functioning as outlined in the constitution. This is in contrast with the 1992 constitution and highlights how there is an alteration in the constitution to grant the

President more power. Instead of needing the approval of the legislature like in the past, the legislature is no longer necessary. Thus, the constitutional rule is no longer broken and is instead removed to provide the “strong man Presidency” with more authority over the weak legislature.

Legislative Index. Angola has a unicameral National Assembly. The legislative constitutional compliance index for Angola under the 1992 constitution captures tenure, autonomy, and authority. Notably, the tenure measure includes the selection procedure, maximum term length, and immunity. It is useful to mention that the restrictions on members of the legislature were unable to be determined.

The 1992 constitution indicates that the National Assembly selects legislative members through popular elections per article 79.1. The 1992 Angolan constitution states that the National Assembly consists of 223 members who are elected to four-year terms in office. These elections for representatives are through proportional representation where Angolans vote for a political party who use lists to select representatives. There are multimember districts where there are five representatives selected for each of the 18 provinces and 130 representatives are selected at the national level. Further, there are three members that are elected for Angolans abroad where “two are in the Africa region and one in the rest of the world.” However, the three seats for Angolans abroad are not filled during the 1992 election.<sup>11</sup>

From 1992 to 2009, there were two elections for the National Assembly: 1992 and 2008 (IPU Parline). The 1992 election for the National Assembly occurred on September 29 and 30

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<sup>11</sup> According to IPU Parline, “the National Electoral Council decided, with the consent of all political parties, that the three seats for Angolans should not be filled.”

with a turnout of roughly 91% (IPU Parline). Though, the selection of the three seats for Angolans abroad does not occur. The second election occurred on September 5<sup>th</sup> and 6<sup>th</sup> of 2008 with turnout of 87.36% (IPU Parline). Without the selection for the three seats which are constitutionally mandated, it appears there is no compliance for the legislative selection measure.

The National Assembly has a term length outlined at 4 years in article 79.1. With two separate elections occurring in Angola for the National Assembly—one in 1992 and the next in 2008—it is clear that the term length itself is not being followed (IPU Parline). The 1992 term is extended The sixteen year difference between the initial election and the next election—far exceeding the maximum term length of four years constitutionally outlined. Thus, this particular rule is not being followed or functioning as outlined.

Legislative autonomy only includes the dismissal of the legislature. The National Assembly does have the power to override vetoes constitutionally, but there were no instances I could find where a veto was overridden. Moreover, the autonomy of the legislature that is outlined is limited due to the fact that the president has the power to dismiss their session.

The head of state—the president—is given the power constitutionally to dismiss the legislature according to article 66e. Dismissal can occur through the early dissolution of the body. I found one instance where the National Assembly was closed. The closure of the legislature was at the end of their session in 2008 where there was a “reading of a message from the President of the Republic (...) directed to MPs” (Africa News 2008). It appears the president was the one dismissing the legislature given the statement being read. Due to this, it appears the constitution is being followed and is functioning as outlined.

Finally, the legislative authority provided in the 1992 Angolan constitution is also limited. Initiation of legislation ensues through the introduction by the government/cabinet and

any member of the legislature. The legislature does have the power to legislate. Once passed in the legislature, the President is given the authority to approve of the legislation. Thus, the legislature is given some authority but does not exercise much of this authority. Moreover, it seems as if the President and/or the government are those that use this authority. There is broad authority over law making for the legislature with Presidential oversight. However, it seems that the strong President takes most of the authority, reflecting this low level of compliance. It is necessary to note that during this period of time, the legislature is not particularly active due in part to the ongoing conflict. Further, the selection of the legislature occurs in 1992 but does not occur again until 2008. Thus, there are few examples of the legislature actually legislating. As is seen with the approval and rejection of legislation that follows, it is clear that the government, which is led by the President, takes all legislative authority and does not allow the legislature to do what it is constitutionally given the power to do. I was unable to determine if the initiation of legislation is being followed during this time. The authority measure only highlights the approval and rejection of legislation—emphasizing limited authority provided to the legislature.

The head of state—the president of Angola—is given the power to approve or reject legislation as specified in article 69.1. I found numerous instances where the cabinet—led by the president—that were then sent to the National Assembly for approval. But I did not find instances where the president explicitly signed the document. For example, the Cabinet approved a bill “which is still to be approved by the National Assembly” related to a new land bill in Angola (Africa News 2003). There were other instances where bills were approved by the Cabinet prior to moving on to the National Assembly, but it does not appear the president is signing them after they’re passed by the National Assembly (Africa News 2003; Africa News 2006; Africa News 2008). Without the president explicitly approving these and instead

approving of them with the cabinet, it appears this rule is not being followed or functioning as stated in the constitution.

Discussion. Overall constitutional compliance in Angola is mixed. Part of this could be due to the 1992 constitution being in effect while Angola is embroiled in a 27 year civil war that ended in 2002 (Birmingham, 2015). With this civil war occurring, it is likely that parts of the constitution were not followed as closely as would be expected during normal times. Succession and following constitutional rules may not have been the most pressing point in the minds of the populace or incumbents. In fact, this is a great example of how civil war and dramatically influenced overall governance. This civil war also allows President Dos Santos to consolidate power and build a strong man Presidency in Angola. Whenever possible, it seems Dos Santos expands power beyond what is constitutionally given—increasing authority over a legislature that is given power to legislate amongst other powers. This then continues with the legislature granting Dos Santos with even more authority in the 2010 constitution that matches his previous behavior as a strong man President.

Without the succession rule being met and overall lower levels of compliance in the 1992 constitution—plus the new constitution being ratified in 2010—I would expect that Angola has a lower level of institutionalization. Further, the Angolan constitution which was ratified in 2010 did not include the opposition's support. Recall that the opposition walked out of the constitution vote in the legislature—a troubling sign that this may not be viewed as legitimate by many. With lower levels of institutionalization, there is likely to be more instability and increased uncertainty. Angola highlights that regime type does not drive constitutional compliance. Instead, there are variations within each regime type—even those who are expected to be more



institutionalized. Further, some constitutional change is the result of internal changes that seek to consolidate power within a strong President and remove barriers that might limit the executive.

### *Mozambique*

Mozambique introduces a useful case for how conflict can conclude with a successful peace agreement that results in higher compliance over time. In fact, there is a substantial increase in compliance with the newest constitution. The President is the head of government, as is the Prime Minister. Though, it seems the PM has a role similar to that of a Vice President. The President is also rather strong which counters the fairly weak legislature who are dependent on the executive. With the peaceful transfer of power from one constitution to the next and of the Presidency, the succession rule is being met.

In the early 16<sup>th</sup> century, the Portuguese establish a settlement on an island offshore of Mozambique, beginning their settlement and eventual colonialization of the area (Newitt, 2017). It is useful to note that “the frontiers of Mozambique had been drawn in 1891, but the whole country had only come under a single administration in 1942. Until 1942 different parts of the country had been administered in different ways and the regional separateness that this created still persisted” (Newitt, 2017, p. 147). These differences become increasingly important after independence. In 1962, the Liberation Front of Mozambique (FRELIMO) materializes, resulting in a guerilla campaign from 1964 to 1974 in the War of Independence (Newitt, 2017). In June 1975, Mozambique gains its independence “following a nationalist struggle against Portuguese colonialism by FRELIMO” (Vines, 2021, p. 324). During this transfer of power, “the Independence Constitution of 25 June, 1975 was ‘proclaimed by acclamation’ by the Central Committee of the *Frente para a libertação de Mocambique* (Frelimo), to whom the Portuguese

government had transferred sovereign power under the terms of the Lusaka Agreement of 7 September, 1974” (M. Hall & Young, 1991, p. 103). Not long after in 1976, Mozambique sanctions their Rhodesian neighbors that “marked the start of hostile relations between the two countries” where “the Rhodesian Central Intelligence Office (CIO) began to arm and train the nascent Mozambican National Resistance (RENAMO) opposition force—which at this point was called the MNR—in retaliation for Mozambique’s support for Zimbabwe nationalist guerrillas” (Vines, 2021, p. 325). This leads to a time of vast instability where Civil War engulfs Mozambique until the Rome Peace Agreement in 1992<sup>12</sup> (Kulipossa, 2006). The Peace Agreement not only brought stability but results in the alteration of the electoral system for the legislature from a majority system to proportional representation at the request of RENAMO (De Brito, 2003).

Prior to this peace agreement, the 1990 constitution emerges. Initially, it seems the constitution will have RENAMO forces participate in the drafting but instead FRELIMO—the ruling party—drafts the constitution without RENAMO and publishes it on January 9, 1990 (M. Hall & Young, 1991, p. 107). On November 2, there is unanimous approval of the Constitution by the Assembly and goes into effect on November 30, 1990 (M. Hall & Young, 1991, p. 109). Before this constitution, Freedom House categorizes Mozambique as Not Free. This changes after the adoption of the constitution when their level of freedom increases to Partly Free. In 1993, Mozambique does see a decrease to Not Free by Freedom House—though then sees an increase in freedoms to Partly Free thereafter. This constitution remains in effect until 2004

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<sup>12</sup> There are tensions and violent skirmishes between RENAMO and the Mozambique government from 2013 to 2019 when a new accord is reached (Vines, 2021).

when a new constitution is ratified. Though, it is “described as ‘not a new constitution but a reformed one’ by Hermenegildo Gamito, head of the revision committee” (HIS Global Insight 2004). The 2004 constitution was unanimously adopted by the Assembly by the multiparty parliament (Kulipossa, 2006).

The 1990 constitution has a mix of medium and high constitutional compliance. In fact, the head of government had a medium compliance index at 0.71 while the legislature had a high constitutional compliance index value at 1.00. This changes with the new constitution in 2004 where both now have high compliance values of 1.00. This is an important development that shows that constitutional development could impact overall compliance scores. Further, it is necessary to note that the succession rule is not met for either constitution.

Head of Government Index. Mozambique is a unique case given that the head of government role is vested in two individuals—the president and the prime minister. In the constitution, the prime minister is the head of government. However, the president is both the head of state and head of government.

The overall head of government index is composed of both tenure and authority measures. Notably, the head of government tenure measure for the 1990 constitution captures the selection procedure, term length, term limits, minimum age to be the head of government, who can propose the dismissal of the head of government, and immunity.

The role of the Prime Minister constitutionally is often an advisory role who not only chairs and convenes the Council of Ministers but also assists and advises the President in the administration of government. The Prime Minister also constitutionally has the authority to “draft the Government’s plan of work and present it to the President” while also ensuring the

implementation of the government decisions and coordinating the activities of ministries and other government institutions. In many ways, the Prime Minister behaves as a politically active Vice President. The President of Mozambique has the authority to appoint the Prime Minister directly.

The Prime Minister is appointed according to article 121b of the constitution. During the time from 1990 to 2003, there were two Prime Ministers: Marío de Garça Machungo and Pascoal Mocumbi. Marío de Garça Machungo is appointed prior to the new constitution in 1990 by the President in 1986 (Munslow, 1988). In 1994, the President appoints Pascoal Mocumbi as Prime Minister (BBC 1994). These appointments reflect compliance with the constitution.

The President is directly elected and must win by a majority. If there is no majority in the first election, then the two top candidates compete in a run-off election as stated in article 118 of the constitution. There were two elections for president from 1990 to 2003. Prior to the 1990 constitution, Chissano is President of Mozambique beginning in 1986 (Newitt, 2017). He also ushers in a new constitution in 1990, is a part of the Peace Agreement in 1992, and the end of the civil war. The first presidential election occurs in October of 1994 with the reelection of Joaquim Chissano with a majority of the vote—roughly 53% of the vote and 87.9% turnout (African Elections). The next election occurs in December of 1999 where Joaquim Chissano was reelected with roughly 52% of the vote and 69.5% turnout (African Elections). It appears that given the president was in power at the time of the constitution being in effect, the president remained in office until the first multiparty election in 1994 (Newitt, 2017). The election process reflects constitutional compliance as outlined in the constitution.

However, the succession rules are met for both the Prime Minister and the President under this constitution. Even with the peaceful transfer of power in 2004, there is not enough

succession occurring to meet the succession rule. Recall the succession rule requires there be two changes in the position after the initial leader. This does not happen with the Presidency in Angola. The Prime Minister only changes once from the initial individual at the beginning of the time frame. Further, the President did not change during this time.

The 1990 constitution does not provide specifications on term length for the Prime Minister. However, the President has a term length of 5 years per article 118.4 of the constitution. With the emergence of the 1990 constitution, the President in power at the time—Joaquim Chissano—is in office until the first multiparty election in 1994 (Newitt, 2017). With the election in October of 1994, his first term of office was nearly 5 years under the 1990 constitution. The following election in December of 1999 was a little over the 5-year term length time period, but within the six-month grace period allowed for elections. The next election would occur in 2004. Therefore, there is compliance for the term length rule.

There are no term limits specified for the Prime Minister. Though, the president is limited to only two successive terms, but multiple non-successive terms are permitted by articles 118.5-6 of the constitution. From 1990 to 2003, there was only one president—Joaquim Chissano. President Chissano was in office prior to his election in 1994 and was reelected in 1999 (African Elections). With these elections occurring under the new constitution, the three years he is President prior to the first election are a part of the transition to the new constitution. This not a portion of what a normal term in office. There is also a transfer of power with the new constitution in 2004 where Chissano steps down for a peaceful transfer of power. Chissano only runs for two terms under the 1990 constitution and serves those two terms. Thus, it appears the incumbent is respecting the constitutional rule.

There is also a minimum age requirement for the president. The President must be at least 35 years old as stated in article 118.3c of the constitution. Joaquim Chissano was president during the time from 1990 to 2003. At the time of his election in 1986, he is forty-seven years old—making him fifty-one in 1990 at the time of the new constitution going into effect (The Guardian 1986). Thus, there is full compliance for the minimum age requirement for president.

The President—the head of state and head of government—can propose the dismissal of the Prime Minister as outlined in article 121b of the constitution. There was one instance where the Prime Minister—Mário de Graça Machado—is dismissed from duties in 1994 by the President (BBC 1994). The proposal for the dismissal came from the President, therefore this particular rule is being followed and is functioning as outlined in the constitution.

Immunity for the Prime Minister is not mentioned in the constitution. Conversely, the President is offered limited immunity according to article 132 of the constitution. This limited immunity is “civil and criminal immunity for actions taken in performing his duties.” From 1990 to 2003, there were no instances where the immunity was in question or charges were made against the President. Thus, it appears to have constitutional compliance for immunity

Head of government authority is limited to decree power in the 1990 constitution. Most other measures were either not specified or not applicable to the head of government. This highlights the limited authority the head of government has in the 1990 constitution.

The Prime Minister does have decree power as stated in article 157 that expresses “government has decree power; must be signed by prime minister.” I did not find evidence that the Prime Minister is issuing decrees from 1990 to 2003. There were a few instances where the President was issuing decrees, but it does not appear that the President had the decrees approved. One decree issued by the President created a national commission in 1992 (BBC 1992). Another

decree from the President created a new office (BBC 1995). These decrees do not seem to have been approved by the Prime Minister. Significantly, this highlights how the PM is not challenging the President through decree power. While this follows the President's constitutional power, it does not completely given the Prime Minister must approve of these decrees. In these cases, the Prime Minister did not sign these decrees so that they would be officially in effect. Therefore, it appears this rule does not have full compliance.

Much like in the 1990 constitution, the 2004 constitution states that the president is to be elected by a majority, by two round method with popular run-off. This is outlined in article 147. Between 2004 and 2010, there were two presidential elections: 2004 and 2009 (African Elections). In the 2004 elections, Armando Guebuza won with roughly 64% of the vote and 36.4% turnout (African Elections). The following presidential election in 2009 resulted in Armando Guebuza winning 75% of the vote and 44.6% turnout in the election (African Elections). Turnout of nearly 45% is rather low but seems to be higher than the 2004 election. In fact, "the 2009 elections were logistically well organized and run, and less violent than the three previous elections" (Nuvunga & Salih, 2010, p. 47). Many elections in Mozambique historically lack organization with numerous duplications of the registration of voters. Importantly, "the electoral results confirm Frelimo's 'hegemonic' dominance, although it received no more than it had in previous elections. This suggests that about half the registered voters voted with their feet in protest against the state of affairs. Renamo's fortunes have gone from bad to worse, with the party winning less than 50% of the votes won in 1994" (Nuvunga & Salih, 2010). With elections occurring for the Presidency, it appears there is full constitutional compliance for the selection of the President.

In a similar situation as the 1990 constitution, the 2004 constitution does not meet the succession rule. Because the Prime Minister behaves as a Vice President of sorts, the succession of this office does not apply to the rule. Further, there is not enough change from one constitution to the next of the President to meet the succession rule. There was also only one president during this time who is replacing only one other President previously. It is necessary for there to be two leaders past the initial President. Therefore, the President fails to meet the succession rule.

The head of state can propose the dismissal of the Prime Minister as stated in article 160.1 of the constitution. From 2004 to 2010, there was one change in the PM office. It appears the President appointed a different Prime Minister than Luísa Diogo after an election (Beukes Margaret, 2011).

Limited immunity is given to the president in article 153 that states the President “can only be tried for official crimes; nonofficial civil and criminal matters cannot be tried until the president leaves office.” I found an instance where the President was accused of corruption (African News 2010). Another instance accused the President of being involved in drug trafficking and money-laundering prior to being in office (The Star 2010). While the president was never formally charged or arrested during this time, it appears the immunity is being taken into account. These charges would have to be tried upon his leaving office. Therefore, this rule is being followed as outlined.

Legislative Index. The Assembly of the Republic is a unicameral legislature body in Mozambique. Overall, the legislative constitutional compliance index includes tenure and authority measures. There is no legislative autonomy provided for the legislature in Mozambique



in the 1990 constitution. Azevedo-Harman (2015) best expresses that the legislature “how weakly institutionalized and dependent on the executive it remains” where “formal state institutions—and above all parliament—are hardly playing a role” in governance (146). This underscores how the President has greater power overall and the ability to make decrees. Thus, the Presidential authority constitutionally outweighs the legislative power. However, there is legislative compliance relating to the selection procedure, term length, and immunity. Moreover, it appears the legislature has the power to legislate, but I could not determine if there is compliance due to lack of information.

To become a member of the legislature in Mozambique, members must be elected by citizens per article 134 of the constitution. The 1990 constitution outlines a majoritarian election system. However, in 1992—with the addition of the Peace Agreement—the electoral system changes to proportional representation (De Brito, 2003). Further, “until 2004, there was also a law stating that no party could receive any seats in parliament without winning at least 5 percent of the total vote nationwide” (Azevedo-Harman, 2015, p. 144). Elections for the 250 seats occur through closed party lists in the 11 national districts to multimember districts. During the time frame from 1990 to 2003, there were two elections for members of the Assembly of the Republic in 1994 and 1999 (De Brito, 2003). Thus, these rules are functioning as outlined in the constitution.

The maximum term length stated by the constitution in Mozambique is 5 years. This is stated in article 134.3. From 1990 to 2003, there were two elections in 1994 and 1999. The election in 1994 occurs from October 27-29 (IPU Parline). In the following election, the time it ensues from December 3-5 of 1999 (IPU Parline). While over the five-year term length outlined

in the constitution, it is within the six-month grace period allotted. Therefore, this rule is being followed and is functioning as the constitution outlines.

Outlined in article 145 of the Mozambique constitution, members of the legislature are provided limited immunity. Specifically, “deputies may not be sued, detained, or put on trial for opinions voiced or votes cast in exercising their function as deputies, but it does not apply to civil or criminal responsibility for defamation or slander.” Newspaper articles did not seem to cover any of this immunity or possible challenges to this immunity. There was one article where a member of the legislature was detained by the Mozambique National Resistance—a militant group and political movement—as well as a few other individuals (BBC 1993). However, this was not a government agency detaining this member of the legislature. Without challenges to this immunity, it appears the rule is being adhered to as outlined in the constitution.

The 2004 Mozambican constitution saw some changes in the legislative compliance index and the measures that contribute to the overall index. The legislative compliance index includes tenure, autonomy, and authority measures. The legislative tenure component of the index encompasses the selection, term length, and immunity for the Assembly of the Republic. There is full compliance for these measures.

Legislative authority is limited due to the Presidential oversight inherent in the constitution. The President approves and rejects legislation. With this and the ability to initiate legislation, the President limits the authority of the legislature constitutionally. While the legislature can initiate legislation, it also must share this authority with others—limiting overall authority. The head of state, the government/cabinet, member of the legislature, commissions of the assembly, deputies, and parliamentary branches are given the power constitutionally to initiate legislation as stated in article 183 of the constitution. There were numerous pieces of

legislation initiated from 2004 to 2010—often being initiated by someone in the government/cabinet or members of the legislature. The Finance Minister introduced one bill in 2005 that would simplify the currency (Africa News 2005). Another that following year was the economic plan that was sent to the legislature by the government (Africa 2005). In 2007, Environment minister introduced legislation on the usage of land (Africa News 2007). Not long after, government for labor regulations proposed another bill (Africa News 2007). In 2008, Justice Minister on human trafficking initiated a bill (Africa News 2008). Finally in 2010, the Finance Minister initiated a bill relating to the taxing of miners (African News 2010). The evidence suggests that those who can initiate legislation do, for the most part. Therefore, this appears to be being followed and functioning as outlined in the constitution.

Discussion. From the 1990 to 2004 constitution, there are constitutional changes and increases in the overall constitutional compliance found. In fact, the compliance index values suggest higher constitutional compliance in Mozambique—possibly indicating the growing importance of in the constitution. However, the succession rule is not met in Mozambique for either constitution. This along with the length of time the constitutions are in effect tends to suggest medium levels of institutionalization. It is useful to note that while there medium levels of institutionalization, the opposition was included in the development of the 2004 constitution. This is opposite of what is observed in the Angolan case—likely boding well for overall legitimacy levels. If the populace sees the collaborative effort and that more than the ruling party are being included in the constitution building process, this reinforces the importance of the constitution. Moreover, it builds in more stability when the opposition deem the constitution as more legitimate. Together,

this reinforces the idea that constitutions are a part of governance and drive behavior within Mozambique and other nations.

## **Conclusion**

Regime type does not drive constitutional compliance. The above cases provide a useful insight into the diverse levels of compliance and institutionalization found within autocracies and different regime types. Whether or not constitutions are followed is not a function of regime type. Instead, each regime type contains various constitutions that have emerged from different origins and have varying levels of compliance. Constitutions are respected as way to build legitimacy and can be driven by pressure from the populace to comply. Although, this study does not dive into the motives of incumbents to follow the constitution, often, constitutional compliance fits the need for public legitimacy and the stability.

## Chapter 5: Conclusion

*“The constitution is the Mother Law. We have to follow the constitution. If the law is not respected or followed, we must abolish it. Even if it is the constitution, we must abolish it.”*

- *Min Aung Hlaing, Chief of Myanmar’s military*

### Introduction

Constitutional compliance within authoritarian regimes is a necessary and important aspect to examine as a possible determinant of autocratic durability. Regardless of regime type, constitutions often have high levels of compliance. While regime type is important for some processes in autocracies, this does not seem to be the case with respect to constitutions in authoritarian regimes. There are instances where autocrats do not comply with constitutional rules—though this is not a reflection of regime type. Those cases and regime types that the literature argues have higher levels of institutionalization and thus higher levels of compliance—like Single Party and Competitive Authoritarian Regimes—do not appear to be more likely than other regime types to follow their constitutions. Even among these regime types there are differences found within the regime types themselves, not between them. Constitutional compliance does seem to build institutionalization and appear to be an important avenue for continued research. The implications of these findings offer valuable insights into future opportunities for research as well as overall understanding of authoritarian resilience and durability. Further, these results expand on the understanding of how authoritarians can build legitimacy and stability within their autocratic polities. Focusing too heavily on regime type will lead to missing key institutional mechanisms and the impact constitutions have on cross-national institutionalization. Most importantly, the rules in autocracies still matter. Looking at how

autocrats set up the rules of the game for themselves and whether they follow these rules—like succession—matters for overall regime stability and durability.

### **Constitutional Compliance**

How closely autocrats follow the rules set out in a constitution is overall constitutional compliance. Whether constitutions have full compliance or no constitutional compliance could dramatically impact the overall resilience of regimes—impacting the overall level of institutionalization as well. Through the succession of leadership and the longevity of the constitution being in effect—without the adoption of a new constitution—the institutionalization of a regime can be better understood. Further, succession of leadership and the time a constitution is in effect continuously can dramatically improve the overall resilience of an authoritarian regimes. When the succession rule is not met, breakdown may occur. Constitutions can thus help explain part of why some regimes persist while others may not. Constitutional compliance may also help foster a better grasp of how autocrats bolster and sustain their legitimacy amongst the populace.

One critical finding of the project is that constitutional compliance is not driven by regime type. While regime type matters for some processes, it may not be the most important factor that dictates constitutional compliance. Single Party regimes—frequently argued in the literature to have the highest level of institutionalization—are not more likely to follow their constitutions than personalist or other regime types. Constitutions in countries like Angola—a Single Party Regime—have similarly lower levels of compliance as do constitutions like Malaysia—a Competitive Authoritarian Regime. Whereas China—a Single Party Regime—has high constitutional compliance similar to that of Armenia—a Competitive Authoritarian Regime.

Regime type is necessary to understand for some institutional differences and regime behavior. However, this finding suggests that regime type does not appear to impact overall constitutional compliance within autocracies. While the previous literature might suggest constitutions are mere window-dressings, these results suggest there is far more tangible value than previously understood.

Another important finding is authoritarian constitutions matter. These constitutions can be a useful gauge to measure cross-national institutionalization. These documents are capable of providing an improved understanding of institutional mechanisms within authoritarian regimes. Thus, constitutions in autocracies are essential to study on their own—something this project reinforces and contributes to the literature. High constitutional compliance today should continue into the future as this behavior becomes more institutionalized—though it is not contingent on regime type. If there is lower constitutional compliance today, it is fair to expect that there will not be a change in compliance in the future unless there are forces pushing for higher compliance. Some of these causes could be the opposition—akin to Mozambique’s constitutional development in 2004—or the public—similar to the Malaysian case and the Gomez incident. Exploring autocratic constitutions can help the literature better understand the role institutions provide in possible democratization.

Constitutions also appear to aid in the succession of leadership of autocracies. With succession rules codified within constitutions, the process itself can become more predictable and stable. Now, these rules are visible for the public and the elites, building in credible commitments by multiple actors to the succession process itself. Instead of wondering when the next autocrat will come into power, there becomes more certainty about the transition from one individual to the next. The power itself goes beyond the initial actor to the institution—no longer

being centered on an individual but instead on outlasting the rule of the singular leader. These rules thus build in stability in knowing that the constitution will remain intact and not continually be altered. When the rules of the game remain and are not constantly amended, stability is the natural consequence of this phenomenon. This reinforces arguments in the literature which focus on institutions like legislatures and the like being the key to the durability of regimes.

The longevity of constitutions do aid in the overall level of institutionalization for some, but does not equate to higher levels in all. In fact, the longevity of a constitution may not always be a useful gauge of compliance. There are cases such as Malaysia and Zimbabwe who have constitutions that have been in effect for long periods of time—each more than thirty years. Yet, these constitutions are not highly complied with in these two cases. Meanwhile, countries like China have constitutions that have been in effect for nearly thirty years by the year 2010 and have high constitutional compliance. Time is not a sufficient enough measure to capture overall institutionalization. Instead, compliance together with time helps to gather a truer picture of the role the constitution plays in cross-national institutionalization.

Legitimacy can also be fostered through constitutional compliance. Following the constitution is a visible/public practice—particularly executive turnover and elections. These rules and processes occur in a public setting which can include the populace. However, the people need not be involved in every process or rule to view the constitution being followed. By being observable to the population, it is easy to notice if the constitution is bringing stability and predictability or not. Often times, there are movements—like in Angola—where promotion of new constitutions to the citizens occur through programs formed by the government. If constitutions were not meaningful, the government would not commission these sorts of programs. Clearly, constitutions are a tangible way in which autocrats can increase the



legitimacy of institutions in the eyes of the citizenry. Legitimacy can also extend to actors outside of the state—like international organizations, allies, and the like.

## **Implications**

There are numerous noteworthy implications based on the findings of this project. First, the literature must begin to focus on specific institutions within autocracies like constitutions. Far too often, institutions in autocracies are not studied or brushed aside as unimportant to understanding internal dynamics—particularly constitutions within autocracies. An approach that does not seek out to understand these institutions could be missing critical institutional developments and deviations in the systems which govern these autocracies. Constitutions could be a critical link in observing alterations in power structures and upcoming shifts in rule—which might be especially visible with a change in the constitution. The rules of the game which autocrats set up for themselves—and whether they follow these—are important to analyze and study. Additionally, institutions like constitutions likely provide a necessary focal point for insight into the resiliency found within some autocracies. These institutions—like constitutions—might provide a pivotal link in the overall durability of authoritarian regimes. Highly complying with constitutions could build resilience and foster a more stable state apparatus. Especially in the post-Cold War period, we should take some of these institutions more seriously. Constitutions are more than window dressings for autocrats. They are tangible institutions that autocrats use as a way to govern—being amended and followed as they would be in a democracy. Thus, constitutions and other institutions in autocracies must be taken more seriously moving forward in the literature.

Another significant implication of the analysis impacts future analyses. Regime type is an important driver of our understanding of autocracies. However, regime type may not be driving all relationships—counter to what the literature might suggest. While regime type is an effective way to capture differences, this project calls attention to regime type itself providing limited explanatory power. There are boundaries to what regime type can capture. Constitutions do not appear to be constrained by regime types or have any specific regime type effect. Instead, these constitutions vary within regime type. This finding further supports the idea that certain institutions should be studied on their own and support the assertion that regime type is not a significant predictor of constitutional compliance in autocracies.

Moreover, these institutions should not be viewed in comparison to democracies. Having a constitution and following it does not mean that a country is any more democratic than the next. Autocrats use similar tools to those found in democracies. Further, this does not mean that countries are democratizing due to their constitutions. Constitutions are instead building resilience and longevity. This is a noteworthy implication—that constitutions do not mean democratization. Autocrats are instead utilizing institutions to build authoritarian resilience and legitimacy. These constitutions are a tool used to strengthen their rule and build trust amongst the populace. In a self-reinforcing cycle, legitimacy stymies massive constitutional change and instead forces the opposition and others to abide by constitutional rules. If the constitution is to be changed, it must be done through the constitutional process. To bypass these rules would undermine legitimacy and stability while also being unconstitutional. Instead, rules must be complied with and upheld in a constitutional manner. Simply put, constitutions impact behavior and are a worthy focal point for future research. While previous literature might have not taken these documents seriously, these findings urge for a more careful analysis of constitutions.

## **Future Agenda**

These findings and implications provide a burgeoning future research agenda on constitutions in autocracies and their overall compliance. Constitutional compliance clearly has important implications relating to the durability and resilience of autocracies. However, there are other areas of research that would be useful for further exploration which not only extend this research agenda but expand upon what has been explored thus far.

Developing the current dataset beyond the current twenty-five countries will be a critical first step. This dataset is expandable to more than forty countries and their constitutions during this time period. Newer additions to the dataset allow for regime types that are more diverse than the strict regime types—like party-personal-military and other combined typologies specified by Geddes et al. (2014). With regime type not being a driving factor for constitutional compliance, adding in these additional cases will assist in understanding the role constitutions provide in autocracies. However, there are also other cases that are strictly a singular regime type that will be added. Examples of additional cases that will be new consist of Azerbaijan, Belarus, Gabon, Burkina Faso, Russia, and Namibia. Put together, this dataset will be more expansive in the future with more constitutions and cases which capture overall constitutional compliance in autocracies.

Another important area of focus is to examine how constitutional compliance builds confidence and trust in institutions amongst the populace. Compliance is visible and can build overall trust through stability and certainty which institutions provide—expands our understanding of how autocrats systematically expand support with limited resources. It is a simple way to credibly commit and build legitimacy without having to distribute rents or other sorts of clientelistic behavior. To this point, some work has been done to attempt to understand

why it is the population in some autocracies have such high trust in institutions. This is especially true with respect to literature on China. However, a thorough investigation has yet to be employed which would take a comprehensive look at how constitutional compliance could help foster overall trust and confidence in institutions within the populace.

An interesting point to consider in the data collected on compliance is the impact that immunity has on the behavior of elites. If autocrats know that immunity is granted constitutionally, does this influence the behavior of incumbents? Particularly, does immunity impact the overall protection of human rights practices and other civil liberties and rights? It could be under some constitutions, human rights are protected due to limited immunity for incumbents. Or in other constitutions, immunity is provided and there are minimal human rights abuses. This would be an interesting project in attempting to understand if immunity and protections of human rights are impacted by overall constitutional compliance.

Beyond the current measures, more can be studied than executive and legislative rules. This will include areas like the amending procedures, judicial structure, autonomy, and authority, as well as rights given to citizens within the country. While executive and legislative constitutional features are important, collecting data beyond these categories will provide greater insight into the impact these constitutions have within authoritarian regimes. The expansion of data will also include an extension in the time frame—both pre-1990 and post-2010. Currently, the dataset from the Comparative Constitutions Project is available through 2013. However, new data will likely become available in the future. Additionally, the extension of the time frame prior to 1990 will allow for greater coverage—particularly for Latin American countries. Research suggests that constitutions in military regimes are useful power-sharing instruments. This is something I would like to explore more in-depth in the future.

## **Limitations**

This project has numerous limitations. Primarily, there are limitations to the information provided by authoritarian regimes. Autocrats limit what information they allow the outside world to view. Thus, some of the data available could impact the measures overall. While it may appear to the outside world that the constitution is being complied with, there may be instances where the rule is not being followed yet is not broadcast to the world. In fact, it might be in the best interest of the incumbents to conceal when constitutional compliance is not occurring. Not following the constitution could do more harm than good for those in power by undermining trust and legitimacy. This could bias the information provided and thus the measures of constitutional compliance. In a similar vein, the inability to find information impacts the ability to measure all rules set out in the constitution. There were several times when a rule would be present in the constitution yet I could not determine if the rule is being followed because the information to make a conclusion is unobtainable. These are critical limitations to the data.

Finally, the most important limitation of the research is the explanatory power of constitutions. While important, constitutions cannot explain everything. These documents are important for our understanding of authoritarian resilience and provide necessary information on a number of items such as the succession process and limitations on power. Constitutions do not explain everything, though. The information gathered from constitutions should inform research and future understanding of institutions in autocracies but do not explain every aspect of authoritarian rule. Constitutions are simply a piece of the puzzle that helps better demonstrate authoritarian resilience but is by no means the singular most explanatory piece surrounding authoritarian resilience. While important, formal documents cannot explain everything in autocracies.

## **Conclusion**

Plainly put, constitutions in autocracies are important and meaningful for our understanding of authoritarian resilience. Through examining how closely these constitutions are followed, we gather a clearer picture of governance and resilience in these autocracies. Those who follow their constitution and meet the succession rule are more likely to have higher levels of institutionalization—building a more durable regime. Constitutions that are constantly changed and amended do not have high levels of institutionalization. This is especially true of constitutions that do not meet the succession rule. When constitutions are built around an individual and not the institutional processes themselves, this reduces resilience and instead places the power outside of the institution and in the individual themselves. By doing this, resiliency is limited and the likelihood of a new constitution grows. Thus, stability and certainty are found in those constitutions that are highly institutionalized. Constitutions provide critical insight into the governance of autocracies and their overall longevity.

## Bibliography

- Abrahams, F. (2015). *Modern Albania: From dictatorship to democracy in Europe*. New York University Press.
- ABOU BAKR AND RUKMINI CALLIMACHI. (December 23, 2008 Tuesday). Coup in Guinea follows death of President Conte. *Associated Press*  
*Online*. <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:4V6Y-7460-TWCX-P034-00000-00&context=1516831>.
- Acemoglu, D. (2006). *Economic origins of dictatorship and democracy*. Cambridge University Press.
- Afeto Kuma, Panafrican News Agency. (August 25, 2000). Togo; Togolese Parliament Withdraws Confidence In Prime Minister. *Africa*  
*News*. <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:4124-7TC0-0040-T1KT-00000-00&context=1516831>.
- Agencia de Informacao de Mocambique. (September 11, 2002 Wednesday). Mozambique; Assembly Passes Amended Budget. *Africa News*. Retrieved from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:46RD-MFR0-0040-T0J0-00000-00&context=1516831>.
- Ágh, A. (2016). The Decline of Democracy in East-Central Europe. *Problems of Post-Communism*, 63(5–6), 277–287. <https://doi.org/10.1080/10758216.2015.1113383>
- Albertus, M., & Gay, V. (2017). Unlikely Democrats: Economic Elite Uncertainty under Dictatorship and Support for Democratization. *American Journal of Political Science*, 61(3), 624–641. JSTOR.

- Albertus, M., & Menaldo, V. (2014). The Political Economy of Autocratic Constitutions. In T. Ginsburg & A. Simpser (Eds.), *Constitutions in authoritarian regimes* (pp. 53–82). Cambridge University Press.
- Alexander, L. (2011). What Are Constitutions, And What Should (And Can) They Do? In E. F. Paul, F. D. Miller, & J. Paul (Eds.), *What should constitutions do?* Cambridge University Press.
- Andaya, B. W., & Andaya, L. Y. (2017). *A history of Malaysia*.
- Angola Press Agency. (November 28, 2003 Friday). Angola; Cabinet Council Approves New Land Bill. *Africa News*. Retrieved from <https://advance.lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4B4H-5DK0-0040-T2KK-00000-00&context=1516831>.
- Angola Press Agency. (February 1, 2003 Saturday). Angola; Government Approves Bill of Private Investment. *Africa News*. Retrieved from <https://advance.lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:47TX-GHF0-0040-T34R-00000-00&context=1516831>.
- Angola Press Agency. (August 30, 2003 Saturday). Angola; Government Approves Draft Bill On Territory Organisation. *Africa News*. Retrieved from <https://advance.lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:49FB-4H90-0040-T108-00000-00&context=1516831>.
- (April 3, 2009 Friday). Angola; Head of State Issues Juridical Clemency Decree. *Africa News*. Retrieved from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:7VD0-4031-2R4F-714K-00000-00&context=1516831>.



- (April 9, 2010 Friday). Angola; President Promulgates Decrees. *Africa News*. Retrieved from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:7Y73-9D81-2R4F-719B-00000-00&context=1516831>.
- (April 10, 2008 Thursday). Mozambique; Assembly Passes Bill Against Human Trafficking. *Africa News*. Retrieved from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:4S83-WT70-TX2J-N16P-00000-00&context=1516831>.
- (April 16, 2008 Wednesday). Angola; Government Approves Prison Services Bill. *Africa News*. Retrieved from <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4S9C-PT40-TX2J-N06G-00000-00&context=1516831>.
- (April 29, 2010 Thursday). Angola; Head of State Promulgates Several Decrees. *Africa News*. Retrieved from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:7YC2-T251-2R4F-706D-00000-00&context=1516831>.
- (April 30, 1992). Drought Emergency Declared. *Facts on File World News Digest*. Retrieved from <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:3SC9-3280-000Y-N1S1-00000-00&context=1516831>.
- Arendt, H. (1973). *The origins of totalitarianism* (New ed). Harcourt Brace Jovanovich.
- Art, D. (2012). What do we know about authoritarianism after ten years? *Comparative Politics*, 44(3), 351–373.

- (August 3, 2001 Friday). Malaysia detains two opposition members under security law. *Agence France Presse -- English*. Retrieved from <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:43NC-40J0-00GS-K3WB-00000-00&context=1516831>.
- (August 24, 2007 Friday). Zimbabwe: Controversial ownership bill referred to parliament's committee. *BBC Monitoring Africa - Political Supplied by BBC Worldwide Monitoring*. Retrieved from <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4PGX-2S30-TX34-N07F-00000-00&context=1516831>.
- (August 27, 2008 Wednesday). Police seize opposition MPs in Zimbabwe. *CNN.com*. Retrieved from <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4T9S-GRY0-TWH9-616V-00000-00&context=1516831>.
- (August 28, 2008). Zimbabwe; Opposition-Controlled Parliament Opens; Other Developments. *Facts on File World News Digest*. Retrieved from <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4TCC-DRW0-TWHS-31NY-00000-00&context=1516831>.
- Austen, S., & Mavisakalyan, A. (2016). Constitutions and the political agency of women: A cross-country study. *Feminist Economics*, 22(1), 183–210.
- Axelrod, R., & Hamilton, W. D. (1981). The evolution of cooperation. *Science*, 211(4489), 1390–1396.
- Azevedo-Harman, E. (2015). Patching things up in Mozambique. *Journal of Democracy*, 26(2), 139–150.

- Backer, L. C. (2009). *The Party as Polity, the Communist Party, and the Chinese Constitutional State: A Theory of State-Party Constitutionalism* (SSRN Scholarly Paper ID 1325792). Social Science Research Network. <https://doi.org/10.2139/ssrn.1325792>
- Bajrovic, I. C., & Satter, J. R. (2014). Albania: From Bunkers to Ballots. *Journal of Democracy*, 25(1), 142–153. <https://doi.org/10.1353/jod.2014.0011>
- Barber, N. W. (2018). *The principles of constitutionalism* (First Edition). Oxford University Press.
- Barros, R. (2002). *Constitutionalism and dictatorship: Pinochet, the Junta, and the 1980 constitution*. Cambridge University Press.
- Bernhard, M., Edgell, A. B., & Lindberg, S. I. (2019). Institutionalising electoral uncertainty and authoritarian regime survival. *European Journal of Political Research*. <https://doi.org/10.1111/1475-6765.12355>
- Beukes Margaret. (2011). Southern African events of international significance—2010. *South African Yearbook of International Law*, 36(1), 346–361. <https://doi.org/10.10520/EJC131091>
- BILL CORCORAN in Cape Town. (December 5, 2008 Friday). Zimbabwe declares emergency as cholera epidemic kills 560. *The Irish Times*. Retrieved from [https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4V2W-Y520-TX39-J14P-00000-00&context=1516831](https://advance.lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4V2W-Y520-TX39-J14P-00000-00&context=1516831).
- Birmingham, D. (2015). *A Short History of Modern Angola*. Oxford University Press.
- Blaydes, L., & Linzer, D. A. (2012). Elite Competition, Religiosity, and Anti-Americanism in the Islamic World. *American Political Science Review*, 106(2), 225–243. <https://doi.org/10.1017/S0003055412000135>

- Bogaards, M. (2018). De-democratization in Hungary: Diffusely defective democracy. *Democratization*, 25(8), 1481–1499. <https://doi.org/10.1080/13510347.2018.1485015>
- Bogaards, M. (2019). Case-based research on democratization. *Democratization*, 26(1), 61–77. <https://doi.org/10.1080/13510347.2018.1517255>
- Boix, C., & Stokes, S. C. (2003). Endogenous Democratization. *World Politics*, 55(4), 517–549. JSTOR.
- Boix, C., & Svobik, M. W. (2013). The Foundations of Limited Authoritarian Government: Institutions, Commitment, and Power-Sharing in Dictatorships. *The Journal of Politics*, 75(2), 300–316. <https://doi.org/10.1017/S0022381613000029>
- Bonvecchi, A., & Simison, E. (2017a). *Lawmaking in authoritarian regimes: Spain and Argentina in comparative perspective*.
- Bonvecchi, A., & Simison, E. (2017b). Legislative Institutions and Performance in Authoritarian Regimes. *Comparative Politics*, 49(4), 521–539. JSTOR.
- Brancati, D. (2014). Democratic Authoritarianism: Origins and Effects. *Annual Review of Political Science*, 17(1), 313–326. <https://doi.org/10.1146/annurev-polisci-052013-115248>
- Bratton, M. (2014). *Power politics in Zimbabwe*. Lynne Rienner Publishers.
- Brown, N. J. (2002). *Constitutions in a nonconstitutional world: Arab basic laws and the prospects for accountable government*. State University of New York Press.
- Brownlee, J. (2007). *Authoritarianism in an age of democratization*. Cambridge University Press.
- Brownlee, J. (2009). Portents of pluralism: How hybrid regimes affect democratic transitions. *American Journal of Political Science*, 53(3), 515–532.

- Buchanan, J. M., & Tullock, G. (1962). *The calculus of consent* (Vol. 3). University of Michigan Press Ann Arbor.
- Bunce, V. J., & Wolchik, S. L. (2010). Defeating dictators: Electoral change and stability in competitive authoritarian regimes. *World Politics*, 62(1), 43–86.
- Cable News Network. (2010, May 19). *Timeline: Thailand's political crisis*. CNN.  
<http://www.cnn.com/2010/WORLD/asiapcf/05/17/thailand.timeline/index.html>.
- Cai, Y. (2008). Power Structure and Regime Resilience: Contentious Politics in China. *British Journal of Political Science*, 38(3), 411–432.  
<https://doi.org/10.1017/S0007123408000215>
- Camba, T. F. (2018). The History of Politics in Angola. *Mises*.  
<https://doi.org/10.30800/mises.2018.v0.947>
- Candido, M. P. (2015). *Conquest, occupation, colonialism and exclusion: Land disputes in Angola*.
- Carey, J. M. (2000). Parchment, equilibria, and institutions. *Comparative Political Studies*, 33(6–7), 735–761.
- Carothers, T. (2002). The End of the Transition Paradigm. *Journal of Democracy*, 13(1), 5–21.  
<https://doi.org/10.1353/jod.2002.0003>
- Case, W. (2005). Southeast Asia's Hybrid Regimes: When Do Voters Change Them? *Journal of East Asian Studies*, 5(2), 215–237.
- Case, W. (2010). Transition from Single-Party Dominance? New Data from Malaysia. *Journal of East Asian Studies*, 10(1), 91–126.

- Cassola, Adele, Raub, A., Foley, D., & Heymann, J. (2014). Where do women stand? New evidence on the presence and absence of gender equality in the world's constitutions. *Politics & Gender, 10*(2), 200–235.
- Cassola, Adèle, Raub, A., & Heymann, J. (2016). Do constitutions guarantee equal rights across socioeconomic status? A half century of change in the world's constitutions. *Journal of International and Comparative Social Policy, 32*(3), 235–263.  
<https://doi.org/10.1080/21699763.2016.1237373>
- Celestino, M. R., & Gleditsch, K. S. (2013). Fresh carnations or all thorn, no rose? Nonviolent campaigns and transitions in autocracies. *Journal of Peace Research, 50*(3), 385–400.  
<https://doi.org/10.1177/0022343312469979>
- Cheibub, J. A., Gandhi, J., & Vreeland, J. R. (2010). Democracy and dictatorship revisited. *Public Choice, 143*(1/2), 67–101. <https://doi.org/10.1007/s11127-009-9491-2>
- Chilton, A. S., & Versteeg, M. (2016). Do Constitutional Rights Make a Difference? *American Journal of Political Science, 60*(3), 575–589. <https://doi.org/10.1111/ajps.12239>
- Chiroro, B. (2005). *Apathy, fatigue or boycott? An analysis of the 2005 Zimbabwe Senate elections*. EISA.
- Chmiel, P. (2016). The Evolution of Presidential Powers in Albanian Constitutions 1991 and 1998 According to the Frye Index. *Polish Political Science Review / Polski Przegląd Politologiczny, 4*(1), 44–55. <https://doi.org/10.1515/ppsr-2015-0035>
- Colomer, J. M. (2006). Comparative Constitutions. In R. A. W. Rhodes, S. A. Binder, & B. A. Rockman (Eds.), *The Oxford handbook of political institutions* (pp. 217–238). Oxford University Press.

*Constitutional history of Albania*. ConstitutionNet. (1970, June 10).

<https://constitutionnet.org/country/constitutional-history-albania>.

*Countries*. European Union. (2021, April 23). [https://europa.eu/european-union/about-eu/countries\\_en](https://europa.eu/european-union/about-eu/countries_en).

Crouch, H. A. (1996). *Government and society in Malaysia*. Cornell University Press.

Davenport, C. A. (1996). “Constitutional Promises” and Repressive Reality: A Cross-National Time- Series Investigation of Why Political and Civil Liberties are Suppressed. *The Journal of Politics*, 58(3), 627–654. <https://doi.org/10.2307/2960436>

De Brito, L. (2003). The Electoral system and conflict in Mozambique. *Journal of African Elections*, 2(2), 67–85.

de Morais, R. M. (2011). Corruption in Angola: An impediment to democracy. *Presentation at National Endowment for Democracy, May* <Http://Www.Ned.Org/Events/Corruption-in-Angola-an-Impediment-to-Democracy>.

(December 10, 2010 Friday). Mozambique; U.S. Ambassador Accused President and Ministers of Corruption. *Africa News*. Retrieved from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:51N-N-PBM1-JC86-C28C-00000-00&context=1516831>.

(December 12, 2007 Wednesday). BILL APPROVED TO CORPORATISE BANK PERTANIAN MALAYSIA. *Malaysia General News*. Retrieved from <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4RBM-NMB0-TX34-G0R8-00000-00&context=1516831>.

(December 17, 2004 Friday). Zimbabwe; Zanu PF Rushing Bills for March Election. *Africa News*. Retrieved from <https://advance-lexis->

[com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4F1Y-6V80-0040-T174-00000-00&context=1516831](https://www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4F1Y-6V80-0040-T174-00000-00&context=1516831).

(December 19, 1994, Monday). mozambique; President Chissano appoints new cabinet. *BBC*

*Summary of World Broadcasts*. Retrieved from [https://advance.lexis-](https://advance.lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:3S51-PYR0-0017-G241-00000-00&context=1516831)

[com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:3S51-PYR0-0017-G241-00000-00&context=1516831](https://advance.lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:3S51-PYR0-0017-G241-00000-00&context=1516831).

(December 20, 2005 Tuesday). Mozambique; Assembly Passes Economic And Social

Plan. *Africa News*. Retrieved

from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:4HV-F-RPW0-TX2J-N30V-00000-00&context=1516831>.

(December 29, 2010 Wednesday). "Full text" of China's first anti-corruption white paper. *BBC*

*Monitoring Asia Pacific - Political Supplied by BBC Worldwide Monitoring*. Retrieved

from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:51TR-76P1-DYRV-34GV-00000-00&context=1516831>.

Desmith, S., & Brazier, R. (1989). *Constitutional and Administrative Law* (6th ed.). Penguin Press.

Donno, D. (2013). Elections and Democratization in Authoritarian Regimes: ELECTIONS AND

DEMOCRATIZATION. *American Journal of Political Science*, 57(3), 703–716.

<https://doi.org/10.1111/ajps.12013>

Dunne, M., & Dunne, M. (n.d.). *Evaluating Egyptian Reform*. Carnegie Endowment for

International Peace. Retrieved June 15, 2021, from

<https://carnegieendowment.org/2006/01/24/evaluating-egyptian-reform-pub-17940>



Elbasani, A. (2008). MIXED MEMBER ELECTORAL SYSTEMS IN TRANSITION  
 CONTEXTS: HOW HAS THE SYSTEM WORKED IN ALBANIA? *CEU Political  
 Science Journal*, 1, 72–92.

Elections in Angola. (n.d.). <https://africanelections.tripod.com/ao.html>.

Elections in Guinea. (n.d.). <https://africanelections.tripod.com/gn.html>.

Elections in Mozambique. (n.d.). <https://africanelections.tripod.com/mz.html>.

Elections in Zimbabwe. (n.d.).

[https://africanelections.tripod.com/zw.html#2000\\_Constitutional\\_Referendum](https://africanelections.tripod.com/zw.html#2000_Constitutional_Referendum).

Elkins, Zachary, Tom Ginsburg, and James Melton. 2014. “Characteristics of National  
 Constitutions, Version 2.0.” *Comparative Constitutions Project*. Last modified: April 18,  
 2014. Available at: <http://www.comparativeconstitutionsproject.org>.

Elkins, Z., Ginsburg, T., & Melton, J. (2014). The Content of Authoritarian Constitutions. In T.  
 Ginsburg & A. Simpser (Eds.), *Constitutions in authoritarian regimes* (pp. 141–164).  
 Cambridge University Press.

Elster, J., Slagstad, R., & Hernes, G. (1993). *Constitutionalism and Democracy*. Cambridge  
 University Press.

Ezrow, N. M., & Frantz, E. (2011). STATE INSTITUTIONS AND THE SURVIVAL OF  
 DICTATORSHIPS. *Journal of International Affairs*, 65(1), 1–13. JSTOR.

Fearon, J. D. (2011). Self-enforcing democracy. *The Quarterly Journal of Economics*, 126(4),  
 1661–1708.

(February 4, 1993, Thursday). ANGOLA; DOS SANTOS APPOINTS NEW MINISTERS,  
 ADVISERS, PROVINCIAL GOVERNORS. *BBC Summary of World  
 Broadcasts*. Retrieved

from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:3S51-VWF0-0017-G39B-00000-00&context=1516831>.

- Feilcke-Tiemann, A. (2006). Albania: Gradual Consolidation limited by Internal Political Struggles. *Journal of Southeast European & Black Sea Studies*, 6(1), 25–41.  
<https://doi.org/10.1080/14683850500505212>
- Fischer, B. J. (2019). Albania since 1989: The Hoxhaist Legacy. In C. M. Hassenstab & S. P. Ramet (Eds.), *Central and Southeast European Politics since 1989* (2nd ed., pp. 477–506). Cambridge University Press. <https://doi.org/10.1017/9781108752466.019>
- Foo, R. S. K. (2010). Malaysia—Death of a Separate Constitutional Judicial Power. *Singapore Journal of Legal Studies*, 2010(2), 227–255.
- Fox, J. (2011). Out of sync: The disconnect between constitutional clauses and state legislation on religion. *Canadian Journal of Political Science/Revue Canadienne de Science Politique*, 44(1), 59–81.
- Fox, J., & Flores, D. (2009). Religions, constitutions, and the state: A cross-national study. *The Journal of Politics*, 71(4), 1499–1513.
- Frantz, E. (2018). *Authoritarianism: What everyone needs to know*. Oxford University Press.
- Frantz, E., & Kendall-Taylor, A. (2017). The Evolution of Autocracy: Why Authoritarianism Is Becoming More Formidable. *Survival*, 59(5), 57–68.  
<https://doi.org/10.1080/00396338.2017.1375229>
- Gandhi, J., & Przeworski, A. (2007). Authoritarian institutions and the survival of autocrats. *Comparative Political Studies*, 40(11), 1279–1301.  
<https://doi.org/10.1177/00101414007305817>

- Gandhi, Jennifer. (2008). *Political Institutions under Dictatorship*. Cambridge University Press.  
<http://public.eblib.com/choice/publicfullrecord.aspx?p=367106>
- Gandhi, Jennifer. (2014). The Role of Presidential Power in Authoritarian Elections. In T. Ginsburg & A. Simpser (Eds.), *Constitutions in authoritarian regimes* (pp. 199–217). Cambridge University Press.
- Gandhi, Jennifer, & Przeworski, A. (2007). Authoritarian Institutions and the Survival of Autocrats. *Comparative Political Studies*, 40(11), 1279–1301.  
<https://doi.org/10.1177/0010414007305817>
- Geddes, B. (1999). What Do We Know About Democratization After Twenty Years? *Annual Review of Political Science*, 2(1), 115–144.  
<https://doi.org/10.1146/annurev.polisci.2.1.115>
- Geddes, B., Frantz, E., & Wright, J. G. (2014). Military Rule. *Annual Review of Political Science*, 17(1), 147–162. <https://doi.org/10.1146/annurev-polisci-032211-213418>
- Geddes, B., Wright, J., & Frantz, E. (2014). Autocratic Breakdown and Regime Transitions: A New Data Set. *Perspectives on Politics*, 12(02), 313–331.  
<https://doi.org/10.1017/S1537592714000851>
- Gerring, J., & Knutsen, C. H. (2019). Polity Size and the Institutionalization of Leadership Succession. *Studies in Comparative International Development*, 54(4), 451–472.  
<https://doi.org/10.1007/s12116-019-09286-1>
- Gerschewski, J. (2013). The three pillars of stability: Legitimation, repression, and co-optation in autocratic regimes. *Democratization*, 20(1), 13–38.  
<https://doi.org/10.1080/13510347.2013.738860>

- Getty, J. A. (1991). State and Society under Stalin: Constitutions and Elections in the 1930s. *Slavic Review*, 50(1), 18–35.
- Giles Tremlett. (January 17, 2003). Terror thrives in Algeria's climate of bloody conflict: Civil war: Country is third-largest provider of al-Qaida manpower. *The Guardian* (London). <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:47PN-P3T0-00VR-R1S4-00000-00&context=1516831>.
- Ginsburg, T., & Simpser, A. (Eds.). (2014a). *Constitutions in authoritarian regimes*. Cambridge University Press.
- Ginsburg, T., & Simpser, A. (Eds.). (2014b). Introduction: Constitutions in Authoritarian Regimes. In *Constitutions in authoritarian regimes* (pp. 1–17). Cambridge University Press.
- Gleditsch, K. S., & Ward, M. D. (2006). Diffusion and the international context of democratization. *International Organization*, 60(4), 911–933.
- Godfrey Karoro. (August 21, 1990, Tuesday). ZIMBABWE: ENLARGED CABINET COMES UNDER ATTACK. *IPS-Inter Press Service*. Retrieved from <https://advance.lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:3SPF-M0D0-001G-V3T6-00000-00&context=1516831>.
- Guriev, S., & Treisman, D. (2020). The Popularity of Authoritarian Leaders: A Cross-National Investigation. *World Politics*, 72(4), 601–638.  
<https://doi.org/10.1017/S0043887120000167>
- H. Stephen Harris, Jr. and David Longstaff. (May 12, 2010). Malaysia: Malaysia Enacts First Comprehensive Competition Law. *Mondaq Business Briefing*. Retrieved from <https://advance.lexis->

[com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:7YFH-RRN0-Y9SG-D18H-00000-00&context=1516831](http://com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:7YFH-RRN0-Y9SG-D18H-00000-00&context=1516831).

- Hadenius, A., & Teorell, Jan. (2007). Pathways from Authoritarianism. *Journal of Democracy*, 18(1), 143–157. <https://doi.org/10.1353/jod.2007.0009>
- Haggard, S., & Kaufman, R. R. (2016). Democratization During the Third Wave. *Annual Review of Political Science*, 19(1), 125–144. <https://doi.org/10.1146/annurev-polisci-042114-015137>
- Hale, H. E. (2014). The Informal Politics of Formal Constitutions: Rethinking the Effects of “Presidentialism” and “Parliamentarism” in the Cases of Kyrgyzstan, Moldova, and Ukraine”. In T. Ginsburg & A. Simpser (Eds.), *Constitutions in authoritarian regimes* (pp. 218–244). Cambridge University Press.
- Hall, M., & Young, T. (1991). Recent Constitutional Developments in Mozambique. *Journal of African Law*, 35(1/2), 102–115.
- Hall, S. G. F., & Ambrosio, T. (2017). Authoritarian learning: A conceptual overview. *East European Politics*, 33(2), 143–161. <https://doi.org/10.1080/21599165.2017.1307826>
- Hamilton, A., Madison, J., Jay, J., & Hamilton-Madison-Jay. (2003). *The Federalist Papers: Includes a copy of the Constitution with cross-references, brief précis of each essay, index of ideas, copies of the Declaration of Independence and articles of Confederation* (1. Signet Classic pr). Signet Classic.
- Hanley, S., & Vachudova, M. A. (2018). Understanding the illiberal turn: Democratic backsliding in the Czech Republic. *East European Politics*, 34(3), 276–296. <https://doi.org/10.1080/21599165.2018.1493457>

- Hanson, J. K. (2017). State capacity and the resilience of electoral authoritarianism: Conceptualizing and measuring the institutional underpinnings of autocratic power. *International Political Science Review*, 0192512117702523. <https://doi.org/10.1177/0192512117702523>
- Harding, A. (1993). Sovereigns immune? The Malaysian monarchy in crisis. *Round Table*, 82(327), 305. <https://doi.org/10.1080/00358539308454165>
- Harding, A. J. (1990). The 1988 Constitutional Crisis in Malaysia. *The International and Comparative Law Quarterly*, 39(1), 57–81.
- Hetherington, M. J. (1998). The Political Relevance of Political Trust. *The American Political Science Review*, 92(4), 791–808. <https://doi.org/10.2307/2586304>
- Heydemann, S., & Leenders, R. (2011). Authoritarian Learning and Authoritarian Resilience: Regime Responses to the ‘Arab Awakening.’ *Globalizations*, 8(5), 647–653. <https://doi.org/10.1080/14747731.2011.621274>
- Hinnebusch, R. (2006). Authoritarian persistence, democratization theory and the Middle East: An overview and critique. *Democratization*, 13(3), 373–395. <https://doi.org/10.1080/13510340600579243>
- Howard, A. E. (2009). A traveler from an antique land: The modern renaissance of comparative constitutionalism. *Va. J. Int'l L.*, 50, 3.
- Howard, M. M., & Roessler, P. G. (2006). Liberalizing electoral outcomes in competitive authoritarian regimes. *American Journal of Political Science*, 50(2), 365–381.
- Huntington, S. P. (1965). Political Development and Political Decay. *World Politics*, 17(3), 386–430. <https://doi.org/10.2307/2009286>
- Huntington, S. P. (1968). *Political order in changing societies*. Yale University Press.

Huntington, S. P. (1991). *The third wave: Democratization in the late twentieth century*.  
University of Oklahoma Press.

*IFES Election Guide: Country Profile: Malaysia*. IFES Election Guide | Country Profile:  
Malaysia. (n.d.). <https://www.electionguide.org/countries/id/131/>.

*IFES Election Guide: Elections: Zimbabwe Parl 29 March 2008*. IFES Election Guide |  
Elections: Zimbabwe Parl 29 March 2008. (n.d.).  
<https://www.electionguide.org/elections/id/425/>.

Immunity as Head of State for Zimbabwe's President Mugabe. (2001). *The American Journal of  
International Law*, 95(4), 874-876. doi:10.2307/2674635

Inter-Parliamentary Union. (n.d.). [http://archive.ipu.org/parline-e/reports/arc/2383\\_05.htm](http://archive.ipu.org/parline-e/reports/arc/2383_05.htm).

Jensen, N. M., Malesky, E., & Weymouth, S. (2014). Unbundling the Relationship between  
Authoritarian Legislatures and Political Risk. *British Journal of Political Science*, 44(3),  
655–684. <https://doi.org/10.1017/S0007123412000774>

Joseph, W. A. (Ed.). (2010). *Politics in China: An introduction*. Oxford University Press.

(July 13, 1995, Thursday). ANGOLA; President dos Santos carries out "minor" government  
reshuffle. *BBC Summary of World Broadcasts*. Retrieved  
from [https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:3S51-  
-NKS0-0017-G1C1-00000-00&context=1516831](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:3S51-NKS0-0017-G1C1-00000-00&context=1516831).

(July 13, 2010 Tuesday). Zimbabwe: President Mugabe opens parliament, vows to side-step  
Kimberley process. *BBC Monitoring Africa - Political Supplied by BBC Worldwide  
Monitoring*. Retrieved from [https://advance.lexis-  
com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:7YXR-  
RBD0-Y9M2-Y3HP-00000-00&context=1516831](https://advance.lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:7YXR-RBD0-Y9M2-Y3HP-00000-00&context=1516831).

(July 15, 2008 Tuesday). Angola; MPs Close First National Assembly Legislature. *Africa News*. Retrieved

from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:4T0K-3D70-TX2J-N02G-00000-00&context=1516831>.

(July 19, 1986, Saturday). Prime Minister appointed in Mozambique. *BBC Summary of World Broadcasts*. Retrieved from [https://advance-lexis-](https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:3S8H-4W90-000F-24SF-00000-00&context=1516831)

[com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:3S8H-4W90-000F-24SF-00000-00&context=1516831](https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:3S8H-4W90-000F-24SF-00000-00&context=1516831).

(July 29, 2006 Saturday). Angola; Government Approves Cabinda Peace Memo, Amnesty Bill. *Africa News*. Retrieved from [https://advance-lexis-](https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4KJ3-YBT0-TX2J-N21V-00000-00&context=1516831)

[com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4KJ3-YBT0-TX2J-N21V-00000-00&context=1516831](https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4KJ3-YBT0-TX2J-N21V-00000-00&context=1516831).

(June 5, 1992, Friday). Mozambique President issues decree creating environment commission. *BBC Summary of World Broadcasts*. Retrieved

from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:3T47-9MX0-003P-525K-00000-00&context=1516831>.

(June 30, 1993, Wednesday). SOUTHERN AFRICA; Mozambique: Assembly says MP, pastor, businessman, policemen being held by MNR. *BBC Summary of World*

*Broadcasts*. <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:3S51-V3G0-0017-G1BV-00000-00&context=1516831>.

Kanyakumari, D. (2020, July). *Former Malaysia PM Najib Razak sentenced to 12 years in jail following guilty verdict in IMDB trial*. CNA.



<https://www.channelnewsasia.com/news/asia/malaysia-najib-razak-1mdb-trial-verdict-guilty-12967036>

- Kaya, R., & Bernhard, M. (2013). Are Elections Mechanisms of Authoritarian Stability or Democratization? Evidence from Postcommunist Eurasia. *Perspectives on Politics*, *11*(3), 734–752.
- Kendall-Taylor, A., & Frantz, E. (2014). Mimicking democracy to prolong autocracies. *The Washington Quarterly*, *37*(4), 71–84.
- Kern, H. L., & Hainmueller, J. (2009). Opium for the Masses: How Foreign Media Can Stabilize Authoritarian Regimes. *Political Analysis*, *17*(4), 377–399.  
<https://doi.org/10.1093/pan/mpp017>
- Knutsen, C. H., & Nygård, H. M. (2015). Institutional Characteristics and Regime Survival: Why Are Semi-Democracies Less Durable Than Autocracies and Democracies? *American Journal of Political Science*, *59*(3), 656–670.
- Koehn, J. (2011). *Hyperinflation in Zimbabwe*. Federal Reserve of Dallas .  
<https://www.dallasfed.org/~media/documents/institute/annual/2011/annual11b.pdf>.
- Koesel, K. J., & Bunce, V. J. (2013). Diffusion-Proofing: Russian and Chinese Responses to Waves of Popular Mobilizations against Authoritarian Rulers. *Perspectives on Politics*, *11*(3), 753–768.
- Köker, P. (2020). Why dictators veto: Legislation, legitimation and control in Kazakhstan and Russia. *Democratization*, *27*(2), 204–223.  
<https://doi.org/10.1080/13510347.2019.1678029>
- Kostiner, J. (Ed.). (2000). *Middle East monarchies: The challenge of modernity*. Lynne Rienner Publishers.

- Krasniqi, A. (2012). *THE ELECTORAL SYSTEMS AND ELECTIONS ADMINISTRATION IN ALBANIA*. <https://doi.org/10.13140/2.1.4563.0720>
- Kulipossa, F. P. (2006). Mozambique. *IDS Bulletin*, 37(2), 40–52. <https://doi.org/10.1111/j.1759-5436.2006.tb00260.x>
- Kurian, G. T., Longley, L. D., Melia, T. O., International Political Science Association, & Commonwealth Parliamentary Association (Eds.). (1998). *World encyclopedia of parliaments and legislatures*. Congressional Quarterly.
- Kurzman, C. (1998). Waves of democratization. *Studies in Comparative International Development*, 33(1), 42–64. <https://doi.org/10.1007/BF02788194>
- Lane, J.-E. (1996). *Constitutions and political theory*. Manchester Univ. Press.
- Law, D. S. (2012). Constitutions. In P. Cane & H. M. Kritzer (Eds.), *The Oxford handbook of empirical legal research* (1st pbk. ed, pp. 376–398). Oxford University Press.
- Law, D. S., & Versteeg, M. (2013). Sham Constitutions. *California Law Review*, 101, 863–952.
- Law, D. S., & Versteeg, M. (2014). Constitutional Variation among Strains of Authoritarianism. In T. Ginsburg & A. Simpser (Eds.), *Constitutions in authoritarian regimes* (pp. 165–195). Cambridge University Press.
- Levitsky, S., & Way, L. (2002). The rise of competitive authoritarianism. *Journal of Democracy*, 13(2), 51–65.
- Levitsky, S., & Way, L. A. (2006). Linkage versus Leverage. Rethinking the International Dimension of Regime Change. *Comparative Politics*, 38(4), 379–400. <https://doi.org/10.2307/20434008>
- Levitsky, S., & Way, L. A. (2010). *Competitive authoritarianism: Hybrid regimes after the cold war*. Cambridge University Press.

- Li, C. (2010). China's Communist Party-State: The Structure and Dynamics of Power. In W. A. Joseph (Ed.), *Politics in China: An introduction* (pp. 165–191). Oxford University Press.
- Li, H. (2001). The Political Stalinization of China: The Establishment of One-Party Constitutionalism, 1948–1954. *Journal of Cold War Studies*, 3(2), 28–47.  
<https://doi.org/10.1162/152039701300373871>
- Li, Li. (2005). China's Constitutional Amendments and Their Implications. *China Report*, 41(1), 75–81. <https://doi.org/10.1177/000944550504100106>
- Li, Lianjiang. (2004). Political Trust in Rural China. *Modern China*, 30(2), 228–258.  
<https://doi.org/10.1177/0097700403261824>
- Lim, M., Hai, H., & Hai, L. H. (2002). Electoral politics in Malaysia: 'Managing' elections in a plural society. *Electoral Politics in Southeast and East Asia, Singapore: Friedrich Ebert Stiftung*.
- Linz, J. J. (2000). *Totalitarian and authoritarian regimes*. Lynne Rienner Publishers.
- Lipset, S. M. (1959). Some Social Requisites of Democracy: Economic Development and Political Legitimacy. *The American Political Science Review*, 53(1), 69–105. JSTOR.  
<https://doi.org/10.2307/1951731>
- Liu, C. (2016). The Development of Chinese Constitutionalism. *St. Mary's Law Journal*, 48(2), 199–252.
- Lucas, R. E. (2004a). Monarchical authoritarianism: Survival and political liberalization in a Middle Eastern regime type. *International Journal of Middle East Studies*, 36(1), 103–119.
- Lucas, R. E. (2004b). MONARCHICAL AUTHORITARIANISM: SURVIVAL AND POLITICAL LIBERALIZATION IN A MIDDLE EASTERN REGIME TYPE.

*International Journal of Middle East Studies*, 36(1), 103–119.

<https://doi.org/10.1017/S0020743804361064>

Lührmann, A., & Lindberg, S. I. (2019). A third wave of autocratization is here: What is new about it? *Democratization*, 26(7), 1095–1113.

<https://doi.org/10.1080/13510347.2019.1582029>

Lührmann, A., Mechkova, V., Dahlum, S., Maxwell, L., Olin, M., Petrarca, C. S., Sigman, R., Wilson, M. C., & Lindberg, S. I. (2018). State of the world 2017: Autocratization and exclusion? *Democratization*, 25(8), 1321–1340.

<https://doi.org/10.1080/13510347.2018.1479693>

LULZIM COTA. (July 30, 1993, Friday, BC cycle). Socialist Party leader arrested on corruption charges. *United Press*

*International*. <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:3SJ4-JCM0-001S-63FM-00000-00&context=1516831>.

Lust, E. (2009). Democratization by Elections? Competitive Clientelism in the Middle East.

*Journal of Democracy*, 20(3), 122–135. <https://doi.org/10.1353/jod.0.0099>

Maarseveen, H. T. J. F. van, & Tang, G. van der. (1978). *Written constitutions: A computerized comparative study*. Oceana Publications.

Magaloni, B. (2008). Credible Power-Sharing and the Longevity of Authoritarian Rule.

*Comparative Political Studies*, 41(4–5), 715–741.

<https://doi.org/10.1177/0010414007313124>

Malesky, E., & Schuler, P. (2011). The Single-Party Dictator's Dilemma: Information in Elections without Opposition. *Legislative Studies Quarterly*, 36(4), 491–530.

<https://doi.org/10.1111/j.1939-9162.2011.00025.x>

- Malesky, E., Schuler, P., & Tran, A. (2012). The Adverse Effects of Sunshine: A Field Experiment on Legislative Transparency in an Authoritarian Assembly. *American Political Science Review*, 106(4), 762–786. <https://doi.org/10.1017/S0003055412000408>
- (March 9, 2008 Sunday). Mugabe approves Zimbabwe nationalisation law. *ABC Premium News (Australia)*. Retrieved from <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4S19-G9T0-TXDB-G15H-00000-00&context=1516831>.
- (March 26, 2004). Parliament Approves Fines for Illegal Construction in Albanian Capital. *SeeNews Southeast Europe* . <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4GRF-DHF0-TX25-V2CD-00000-00&context=1516831>.
- Marcos, M. G. (2003). Comparative law at the service of democracy: A reading of Arosemena's constitutional studies of the Latin American governments. *BU Int'l LJ*, 21, 259.
- Martins, V. (2020). *Colonialism, Ethnicity and War in Angola*. Taylor & Francis Group. <http://ebookcentral.proquest.com/lib/ku/detail.action?docID=6359847>
- Masterman, R., & Schütze, R. (Eds.). (2019). *The Cambridge Companion to Comparative Constitutional Law*. Cambridge University Press. <https://doi.org/10.1017/9781316716731>
- Matti, S. A. (2010). The Democratic Republic of the Congo? Corruption, Patronage, and Competitive Authoritarianism in the DRC. *Africa Today*, 56(4), 42–61. <https://doi.org/10.2979/aft.2010.56.4.42>
- Mauzy, D. K., & Milne, R. S. (1983). The Mahathir Administration in Malaysia: Discipline through Islam. *Pacific Affairs*, 56(4), 617–648. <https://doi.org/10.2307/2758595>

(May 6, 1993, Thursday). Fatos Nano denies State Commission charges of corruption. *BBC*

*Summary of World*

*Broadcasts.* <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:3S51-VCT0-0017-G26C-00000-00&context=1516831>.

(May 8, 2007 Tuesday). Mozambique; Assembly Passes Bill On Territorial Ordering. *Africa*

*News.* Retrieved

from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:4NP1-S6B0-TX2J-N1XY-00000-00&context=1516831>.

(May 9, 2007 Wednesday). Mozambique; Assembly Passes New Labour Legislation. *Africa*

*News.* Retrieved

from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:4NP7-RFJ0-TX2J-N1VX-00000-00&context=1516831>.

(May 14, 2008 Wednesday). Zimbabwe; Country Arrests Three MPs As Diplomats' Trip is

Blocked. *Africa News.* Retrieved from <https://advance-lexis->

[com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4SHB-WY10-TX2J-N1C0-00000-00&context=1516831](https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4SHB-WY10-TX2J-N1C0-00000-00&context=1516831).

(May 19, 2005 Thursday). Mugabe rejects notorious NGO Bill. *Liquid Africa.* Retrieved

from <https://advance-lexis->

[com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4G6P-SCD0-0241-X2N3-00000-00&context=1516831](https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4G6P-SCD0-0241-X2N3-00000-00&context=1516831).

(May 21, 2010 Friday). Angola; President Signs Several Decrees. *Africa News.* Retrieved

from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:7YJ2-33S0-Y9KG-Y3Y5-00000-00&context=1516831>.

- McCulloch, N., Baulch, B., & Cherel-Robson, M. (2000). *Poverty, Inequality, and Growth in Zambia During the 1990s IDS Working Paper 114*. Institute of Development Studies.  
<https://www.ids.ac.uk/download.php?file=files/WP114.pdf>
- McFerson, H. M. (2009). Governance and hyper-corruption in resource-rich African countries. *Third World Quarterly*, 30(8), 1529–1547.
- Melton, J. (2013). *Do Constitutional Rights Matter? The Relationship between De Jure and De Facto Human Rights Protection \**.
- Meredith, M. (2018). Mugabe's Misrule: And How It Will Hold Zimbabwe Back Essays. *Foreign Affairs*, 97(2), 129–138.
- Mesquita, B. B. D., Morrow, J. D., Siverson, R. M., & Smith, A. (2002). Political Institutions, Policy Choice and the Survival of Leaders. *British Journal of Political Science*, 32(4), 559–590. <https://doi.org/10.1017/S0007123402000236>
- Miller, H. (1966). *A short history of Malaysia*. New York,.  
[http://hdl.handle.net/2027/uc1.\\$b586458](http://hdl.handle.net/2027/uc1.$b586458)
- Miller, M. K. (2013). Electoral authoritarianism and democracy: A formal model of regime transitions. *Journal of Theoretical Politics*, 25(2), 153–181.  
<https://doi.org/10.1177/0951629812460122>
- Miller, M. K. (2015). Elections, Information, and Policy Responsiveness in Autocratic Regimes. *Comparative Political Studies*, 48(6), 691–727.  
<https://doi.org/10.1177/0010414014555443>
- Milne, R. S. (1978). *Politics and government in Malaysia* /. Vancouver :  
<http://hdl.handle.net/2027/mdp.39015002309543>

- Mishler, W., & Hildreth, A. (1984). Legislatures and Political Stability: An Exploratory Analysis. *The Journal of Politics*, 46(1), 25–59. <https://doi.org/10.2307/2130433>
- Mitchell, H., & Joseph, S. (2010). Changes in Malaysia: Capital controls, prime ministers and political connections. *Pacific-Basin Finance Journal*, 18(5), 460–476.  
<https://doi.org/10.1016/j.pacfin.2010.05.002>
- Mlambo, A. S. (2014). *A history of Zimbabwe*. Cambridge University Press.
- MOROCCO: parliamentary elections Majlis Nawab, 1997. (n.d.). [http://archive.ipu.org/parline-e/reports/arc/2221\\_97.htm](http://archive.ipu.org/parline-e/reports/arc/2221_97.htm).
- Morgenbesser, L. (2017). The failure of democratisation by elections in Cambodia. *Contemporary Politics*, 23(2), 135–155. <https://doi.org/10.1080/13569775.2016.1230317>
- Morgenbesser, L., & Pepinsky, T. B. (2018). Elections as Causes of Democratization: Southeast Asia in Comparative Perspective: *Comparative Political Studies*.  
<https://doi.org/10.1177/0010414018758763>
- Morse, Y. L. (2015). From Single-Party to Electoral Authoritarian Regimes: The Institutional Origins of Competitiveness in Post-Cold War Africa. *Comparative Politics*, 48(1), 126–143.
- Munslow, B. (1988). Mozambique and the death of Machel. *Third World Quarterly*, 10(1), 23–36. <https://doi.org/10.1080/01436598808420041>
- Myerson, R. B. (2008). The Autocrat's Credibility Problem and Foundations of the Constitutional State. *American Political Science Review*, 102(1), 125–139.  
<https://doi.org/10.1017/S0003055408080076>



- Nadzri, M. M. N. (2018). The 14th General Election, the Fall of Barisan Nasional, and Political Development in Malaysia, 1957-2018. *Journal of Current Southeast Asian Affairs*, 37(3), 139–171. <https://doi.org/10.1177/186810341803700307>
- Nazifa Alizada, Rowan Cole, Lisa Gastaldi, Sandra Grahn, Sebastian Hellmeier, Palina Kolvani, Jean Lachapelle, Anna Lührmann, Seraphine F. Maerz, Shreeya Pillai, and Staffan I. Lindberg. 2021. Autocratization Turns Viral. Democracy Report 2021. University of Gothenburg: V-Dem Institute.
- Negretto, G. L. (2012). Replacing and Amending Constitutions: The Logic of Constitutional Change in Latin America. *Law & Society Review*, 46(4), 749–779. <https://doi.org/10.1111/j.1540-5893.2012.00516.x>
- Negretto, G. L. (2014). Authoritarian Constitution Making: The Role of the Military in Latin America. In T. Ginsburg & A. Simpser (Eds.), *Constitutions in authoritarian regimes* (pp. 83–110). Cambridge University Press.
- Negretto, G. L. (2018). Constitution-Building Processes in Latin America. *IDEA Discussion Paper*, 58.
- Newitt, M. D. D. (2017). *A short history of Mozambique*. Oxford University Press.
- North, D. C. (1990). *Institutions, institutional change, and economic performance*. (November 1, 2007 Thursday). Zimbabwe leader signs bill giving him more power to choose a successor; opposition approves. *The Associated Press*. Retrieved from <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4R1T-7MK0-TW8Y-S0P2-00000-00&context=1516831>.
- (November 4 1986, Tuesday). Leading Article: New Man in Maputo / Election of Joaquim Chissano as president of Mozambique. *The Times (London)*. Retrieved

from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:41B-B-TWN0-00YJ-Y3PF-00000-00&context=1516831>.

(November 8, 2002 Friday). Zimbabwe; Mugabe Works At Securing Immunity. *Africa*

*News*. Retrieved from <https://advance-lexis->

<com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:476K-K6R0-0040-T0NM-00000-00&context=1516831>.

(November 8, 2004 Monday). Parliament votes against lifting immunity of lawmaker. *Associated*

*Press International*. <https://advance-lexis->

<com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4DRS-COW0-00BT-M270-00000-00&context=1516831>.

(November 10, 1999, Wednesday, PM cycle). Malaysia's prime minister to dissolve Parliament,

call early election. *The Associated Press*. Retrieved from <https://advance-lexis->

<com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:3XVK-KN30-009F-R2MG-00000-00&context=1516831>.

(November 16, 2005 Wednesday). Mozambique; Assembly Passes Bill to Simplify

Currency. *Africa News*. Retrieved

from [https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:4HK](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:4HK6-HPR0-TX2J-N2W1-00000-00&context=1516831)

<6-HPR0-TX2J-N2W1-00000-00&context=1516831>.

(November 23, 2010 Tuesday). Mozambique; Assembly Passes Bill on Tax Exemptions for

Miners. *Africa News*. Retrieved

from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:51J9>

<-5011-DYR8-34SY-00000-00&context=1516831>.

- Nuvunga, A., & Salih, M. A. M. (2010). Mozambique's 2009 Elections: Framing Democratic Consolidation in Context. *Journal of African Elections*, 9(1), 34–53.  
<https://doi.org/10.20940/JAE/2010/v9i1a3>
- O'Brien, K. J. (1990). *Reform without liberalization: China's National People's Congress and the politics of institutional change*. Cambridge University Press.
- (October 15, 2010 Friday). Angola; President Dos Santos Signs Decrees. *Africa News*. Retrieved from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:518D-2K81-DYR8-33K8-00000-00&context=1516831>.
- (October 18, 1995, Wednesday). MOZAMBIQUE; President Chissano issues decree creating Information Office. *BBC Summary of World Broadcasts*. Retrieved from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:3S51-MT30-0017-G32C-00000-00&context=1516831>.
- Olly Owen. (November 18, 2004). Mozambique's New Constitution Revision Not Replacement. *IHS Global Insight*. <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:4DTR-G1P0-01DF-W4DC-00000-00&context=1516831>.
- Organization for Security and Co-operation in Europe. (2005, November 10). *Constitutional Referendum, 27 November 2005*. OSCE.  
<https://www.osce.org/odihr/elections/armenia/111358>.
- Pandian, S., Omar, R., & Mohd Sani, M. A. (2010). “*Work With Me, Not For Me*”: *Malaysia Under Abdullah Ahmad Badawi (2003-2009)*” / *Sivamurugan Pandian...[et al.]*. 1–18.  
<https://ir.uitm.edu.my/id/eprint/33543/>

Paul Fauvet |and Peter Fabricius Independent Foreign Service. (December 18, 2010 Saturday).

Bags of money and claims of drug trafficking; Cables dub Mozambique Africa's drugs hub. *The Star (South Africa)*. Retrieved

from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:51RY-SCX1-JCV0-106C-00000-00&context=1516831>.

Peta Thornycroft, Harare. (October 22, 2002). Zimbabwe Opposition Parliament Member Found

Dead in Prison. *Voice of America News*. Retrieved from [https://advance.lexis-](https://advance.lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4754-V0G0-01BN-X53C-00000-00&context=1516831)

[com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4754-V0G0-01BN-X53C-00000-00&context=1516831](https://advance.lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4754-V0G0-01BN-X53C-00000-00&context=1516831).

Pepinsky, T. (2014). The Institutional Turn in Comparative Authoritarianism. *British Journal of*

*Political Science*, 44(3), 631–653. <https://doi.org/10.1017/S0007123413000021>

Pereira, A. W. (1994). The Neglected Tragedy: The Return to War in Angola, 1992-3. *The*

*Journal of Modern African Studies*, 32(1), 1–28.

Portal Rasmi Parlimen Malaysia - Penyata Rasmi. (n.d.). [https://www.parlimen.gov.my/hansard-](https://www.parlimen.gov.my/hansard-dewan-rakyat.html?uweb=dr&arkib=yes)

[dewan-rakyat.html?uweb=dr&arkib=yes](https://www.parlimen.gov.my/hansard-dewan-rakyat.html?uweb=dr&arkib=yes).

Portes, A. (1977). Legislatures Under Authoritarian Regimes: The Case of Mexico. *Journal of*

*Political & Military Sociology*, 5(2), 185–201.

Przeworski, A. (1991). *Democracy and the market: Political and economic reforms in Eastern*

*Europe and Latin America*. Cambridge University Press.

Quanxi, G. (2014). Revolution, Reform & Constitutionalism: The Evolution of China's 1982

Constitution: An Interpretation Based on Political Constitutionalism. *Peking University*

*Law Journal*, 2(1), 27–58.

- Raftopoulos, B., & Mlambo, A. (Eds.). (2009). *Becoming Zimbabwe: A history from the pre-colonial period to 2008*. Weaver Press.
- Roberts, T. L. (2015). The Durability of Presidential and Parliament-Based Dictatorships. *Comparative Political Studies*, 48(7), 915–948.  
<https://doi.org/10.1177/0010414014565888>
- Romen Bose. (December 11, 2007 Tuesday). Malaysia detains Anwar, arrests 20 at parliament protest. *Agence France Presse -- English*. Retrieved from [https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4RBB-7HT0-TWMD-600V-00000-00&context=1516831](https://advance.lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4RBB-7HT0-TWMD-600V-00000-00&context=1516831).
- Sadiku, L. (2010). *Albania*.
- Saich, T. (2015). *The National People's Congress: Functions and Membership*. 13.
- Schedler, A. (2002). The Menu of Manipulation. *Journal of Democracy*, 13(2), 36–50.  
<https://doi.org/10.1353/jod.2002.0031>
- Schedler, A. (2006). *Electoral authoritarianism: The dynamics of unfree competition*.
- Schuler, P., & Malesky, E. J. (2014). Authoritarian Legislatures. *The Oxford Handbook of Legislative Studies*. <https://doi.org/10.1093/oxfordhb/9780199653010.013.0004>
- SeeNews. (July 23, 2004). Albania Parliament Sends Back Property Restitution and Compensation Law. *SeeNews*. <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4CXX-SYM0-TWP5-32DY-00000-00&context=1516831>.
- SeeNews. (July 30, 2004). Albanian MPs Override Presidential Veto, Pass Property Restitution Law. *SeeNews*. <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4CXX-SYM0-TWP5-32DY-00000-00&context=1516831>.

[com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4D03-SCM0-TWP5-32BV-00000-00&context=1516831](http://com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4D03-SCM0-TWP5-32BV-00000-00&context=1516831).

(September 6, 2019 Friday). Robert Mugabe passed age 95: Transcript UNWTO speech and view on tourism. *Eturbo News*. Retrieved from [https://advance-lexis-](https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:5X0B-4CD1-F12F-F1MW-00000-00&context=1516831)

[com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:5X0B-4CD1-F12F-F1MW-00000-00&context=1516831](http://com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:5X0B-4CD1-F12F-F1MW-00000-00&context=1516831).

(September 13, 2008 Saturday). Malaysia: Report notes reason for MP's arrest under Internal Security Act. *BBC Monitoring Asia Pacific - Political Supplied by BBC Worldwide*

*Monitoring*. Retrieved from [https://advance-lexis-](https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4TF7-MJC0-TX34-N0SP-00000-00&context=1516831)

[com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4TF7-MJC0-TX34-N0SP-00000-00&context=1516831](http://com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4TF7-MJC0-TX34-N0SP-00000-00&context=1516831).

(September 22, 1997, Monday). News agency profiles premier. *BBC Summary of World Broadcasts*. Retrieved

from <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:3SP2-70F0-006F-X0YW-00000-00&context=1516831>.

Shane, P. M. (2006). Analyzing Constitutions. In R. A. W. Rhodes, S. A. Binder, & B. A.

Rockman (Eds.), *The Oxford handbook of political institutions* (pp. 191–216). Oxford University Press.

Shirk, S. L., & Shirk, S. L. (2008). *China: Fragile Superpower: How China's Internal Politics Could Derail Its Peaceful Rise*. Oxford University Press USA - OSO.

<http://ebookcentral.proquest.com/lib/ku/detail.action?docID=1344831>

- Sithole, M., & Makumbe, J. (1997). Elections in Zimbabwe: The ZANU (PF) Hegemony and its Incipient Decline. *African Journal of Political Science / Revue Africaine de Science Politique*, 2(1), 122–139.
- Slater, D., & Fenner, S. (2011). STATE POWER AND STAYING POWER: INFRASTRUCTURAL MECHANISMS AND AUTHORITARIAN DURABILITY. *Journal of International Affairs*, 65(1), 15–29.
- Smyth, R., Bianco, W., & Chan, K. N. (2019). Legislative Rules in Electoral Authoritarian Regimes: The Case of Hong Kong’s Legislative Council. *The Journal of Politics*, 81(3), 892–905. <https://doi.org/10.1086/703068>
- Stilt, K. (2014). Constitutions in Authoritarian Regimes: The Egyptian Constitution of 1971. In T. Ginsburg & A. Simpser (Eds.), *Constitutions in authoritarian regimes* (pp. 111–137). Cambridge University Press.
- Svolik, M. W. (2009). Power sharing and leadership dynamics in authoritarian regimes. *American Journal of Political Science*, 53(2), 477–494.
- Taylor, B. (2010). *Does Parchment Matter? An Empirical Test*. 26.
- Teorell, J. (2010). *Determinants of Democratization: Explaining Regime Change in the World, 1972–2006*. Cambridge University Press.
- Tey, T. H. (2010). Malaysia’s Electoral System: Government of the People. *Asian Journal of Comparative Law*, 5, [ii]-32.
- The National People's Congress of the People's Republic of China. (n.d.). [http://www.npc.gov.cn/zgrdw/englishnpc/Constitution/node\\_2825.htm](http://www.npc.gov.cn/zgrdw/englishnpc/Constitution/node_2825.htm).
- TONY HAWKINS . (January 11, 2002 Friday). Bills to quell Mugabe criticism passed  
ZIMBABWE PARLIAMENT REPRESSIVE LEGISLATION APPROVED HOSTILE

- REACTION EXPECTED FROM EU: . *Financial Times (London,England)* . Retrieved from <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:44WD-7720-00SM-306R-00000-00&context=1516831>.
- Troco Albano Agostinho. (2019). Electoral politics and political transition in post-war Angola—Progress, problems and prospects. *Journal of African Elections*, 18(1), 23–44.  
<https://doi.org/10.20940/JAE/2019/v18i1a2>
- Truex, R. (2014). The Returns to Office in a “Rubber Stamp” Parliament. *American Political Science Review*, 108(2), 235–251. <https://doi.org/10.1017/S0003055414000112>
- Tsai, W.-H., & Kou, C.-W. (2015). The Party’s Disciples: CCP Reserve Cadres and the Perpetuation of a Resilient Authoritarian Regime. *The China Quarterly*, 221, 1–20.  
<https://doi.org/10.1017/S0305741015000338>
- Tushnet, M. (2014). Authoritarian Constitutionalism: Some Conceptual Issues. In T. Ginsburg & A. Simpser (Eds.), *Constitutions in authoritarian regimes* (pp. 36–49). Cambridge University Press.
- Union, I.-P. (n.d.). IPU PARLINE database: ALBANIA, election archives.  
[http://archive.ipu.org/parline-e/reports/2001\\_arc.htm](http://archive.ipu.org/parline-e/reports/2001_arc.htm).
- Union, I.-P. (n.d.). IPU PARLINE database: ANGOLA, election archives.  
[http://archive.ipu.org/parline-e/reports/2007\\_arc.htm](http://archive.ipu.org/parline-e/reports/2007_arc.htm).
- Union, I.-P. (n.d.). IPU PARLINE database: MALAYSIA (Dewan Rakyat), election archives.  
[http://archive.ipu.org/parline-e/reports/2197\\_arc.htm](http://archive.ipu.org/parline-e/reports/2197_arc.htm).
- US Fed News. (July 28, 2006 Friday). ALBANIA: PRESIDENT MOISIU DECREES LAW ON RETURN, COMPENSATION OF PROPERTY. *US Fed News*. <https://advance-lexis-com>



[com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4KHP-N5K0-TWTC-621W-00000-00&context=1516831](https://www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4KHP-N5K0-TWTC-621W-00000-00&context=1516831).

US Fed News. (August 7, 2006 Monday). ALBANIA: PRESIDENT MOISIU DECREES LAW FOR BUDGET INCREMENT. *US Fed News*. <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4KNJ-4J60-TWTC-62C0-00000-00&context=1516831>.

US Fed News. (March 17, 2006 Friday). ALBANIA: PRESIDENT MOISIU RETURNS LAW ON LEGALIZATION OF BUILDINGS WITHOUT PERMITS TO ASSEMBLY FOR REVIEW. *US Fed News*. <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4JHS-MS70-TWTC-621J-00000-00&context=1516831>.

US Fed News. (June 6, 2006 Tuesday). ALBANIA: PRESIDENT MOISIU RETURNS LAW ON PUBLIC AND PRIVATE RADIO AND TELEVISION TO BE REVIEWED. *US Fed News*. <https://advance-lexis-com.www2.lib.ku.edu/api/document?collection=news&id=urn:contentItem:4K4M-5N70-TWTC-6384-00000-00&context=1516831>.

Vines, A. (2016). Continuity and change in Angola: Insights from modern history. *International Affairs*, 92(5), 1229–1237. <https://doi.org/10.1111/1468-2346.12709>

Vines, A. (2021). Violence, Peacebuilding, and Elite Bargains in Mozambique Since Independence. In T. McNamee & M. Muyangwa (Eds.), *The State of Peacebuilding in Africa: Lessons Learned for Policymakers and Practitioners* (pp. 321–342). Springer International Publishing. [https://doi.org/10.1007/978-3-030-46636-7\\_18](https://doi.org/10.1007/978-3-030-46636-7_18)

- Wahman, M. (2013). Opposition Coalitions and Democratization by Election. *Government and Opposition*, 48(1), 3–32. <https://doi.org/10.1017/gov.2012.5>
- Wahman, M., Teorell, J., & Hadenius, A. (2013). Authoritarian regime types revisited: Updated data in comparative perspective. *Contemporary Politics*, 19(1), 19–34. <https://doi.org/10.1080/13569775.2013.773200>
- Williamson, S., & Magaloni, B. (2020). *Legislatures and Policy Making in Authoritarian Regimes*.
- Wong, C. H. (2018). Constituency Delimitation and Electoral Authoritarianism in Malaysia. *Round Table*, 107(1), 67–80. <https://doi.org/10.1080/00358533.2018.1424075>
- Wright, J. (2008a). Do Authoritarian Institutions Constrain? How Legislatures Affect Economic Growth and Investment. *American Journal of Political Science*, 52(2), 322–343.
- Wright, J. (2008b). Legislatures and Regime Survival: Why Strong Authoritarian Institutions Help Democratization. *American Journal of Political Science*, 52(2), 322.
- Wright, J. (2009). How Foreign Aid Can Foster Democratization in Authoritarian Regimes. *American Journal of Political Science*, 53(3), 552–571. JSTOR.
- Wright, J., & Escribà-Folch, A. (2012). Authoritarian Institutions and Regime Survival: Transitions to Democracy and Subsequent Autocracy. *British Journal of Political Science*, 42(2), 283–309. <https://doi.org/10.1017/S0007123411000317>
- Yan, H.-T. (2019). Does the constitution matter? Semi-presidentialism and the origin of hegemonic personalist regimes. *International Political Science Review*, 0192512119829160.

Young, E. A. (2008). The Constitutive and Entrenchment Functions of Constitutions: A Research Agenda Symposium: Positive Approaches to Constitutional Law and Theory. *University of Pennsylvania Journal of Constitutional Law*, 10, 399–412.

Zhang, Q. (2010). A constitution without constitutionalism? The paths of constitutional development in China. *International Journal of Constitutional Law*, 8(4), 950–976.

*Zimbabwe - Country Constitutional Profile*. ConstitutionNet. (1970, May 6).

<https://constitutionnet.org/country/zimbabwe-country-constitutional-profile>.

*Zimbabwe: Senate reconstitution and composition*. EISA Zimbabwe: Senate reconstitution and composition. (n.d.). <https://www.eisa.org/wep/zimsenate.htm>.