

Do Constitutional Unamendability Rules Protect Democracy?

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Abstract. Leaders often try to amend constitutions to remove checks on their powers. To help protect against such democratic erosion, constitutional drafters and jurists sometimes restrict constitutional amendments by: (1) specifying in the constitutional text that certain clauses or principles can never be changed (“Eternity Clauses”); (2) granting apex courts the power to review the procedural validity of amendment processes (“Amendment Review”); or (3) developing judicial doctrines that block amendments that change the constitution’s nature (“Unamendability Doctrines”). But do unamendability rules actually protect democracy? We argue that Eternity Clauses are likely to emerge in conditions more conducive to protecting democracy, while court-created doctrines will emerge in conditions when democracy is under threat. We also hypothesize that enforcement is difficult because when would-be autocrats command enough political power to amend their constitution, it is hard for both courts and political actors to resist. We test this argument using data on countries’ unamendability rules and their levels of democracy. Across three research designs—cross-country comparisons, panel regressions, and event studies—we find some evidence that countries that adopt Eternity Clauses subsequently have higher levels of democracy, but this may be due to differences in countries’ democratization trends prior to adopting them. In contrast, we do not find evidence that Amendment Review or Unamendability Doctrines are associated with higher levels of democracy. We supplement these quantitative findings with a case study of presidential term limit evasion, which shows that unamendability rules are rarely invoked to halt term limit amendments.

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1. Introduction

Democracy is widely believed to be in danger. Around the world, democracy has eroded at the hands of popularly elected leaders who have used democratic procedures to undo key aspects of the democratic constitutional order (Levitsky and Ziblatt 2018; Ginsburg and Huq 2018). One of the most notable aspects of the twenty-first-century wave of “democratic erosion” is that, in many instances, the legal changes would-be autocrats made to facilitate it were not only done through ordinary legislation. Instead, in countries like Hungary, Turkey, and Russia, democratically elected leaders were able to pass autocratic reforms through higher-order law-making (Dixon and Landau 2021). For instance, in the two decades after the turn of the millennium, some twenty-four countries used the amendment process to remove presidential term limits from their constitutions (Versteeg et al. 2020).¹ These kinds of amendments have been described as “abusive constitutionalism,” as they are designed to undermine the core values of constitutionalism (Landau 2013).

To reduce this risk, both constitution-makers and courts have adopted rules to limit constitutional amendments. Such unamendability rules come in three different kinds. First, some constitutions make certain substantive principles, like the democratic nature of the state, unamendable. We refer to these as “Eternity Clauses.” Second, some constitutions or organic laws give courts the power to review whether amendments are passed in a procedurally valid manner (although some courts have deployed this mandate in a more substantive manner). We refer to these powers as “Amendment Review.” Third, some courts have held that they have the power to invalidate amendments that fundamentally change the nature of the constitutional order, such as those that would make the country less democratic. We refer to these as “Unamendability Doctrines”

But do these constitutional unamendability rules actually protect democracy? There are large theoretical and doctrinal literatures on the topic. Much of this literature has argued that unamendability rules help democracy; however, some scholars have recently pushed against the conventional wisdom and argued that these rules can serve elite interests (Suteu 2021; Schwartzberg 2007) or be repurposed for autocratic goals (Landau, Roznai, and Dixon 2019; Dixon and Landau 2021). But while there is extensive debate on this question, there is little empirical research attempting to answer it (*but see* Gutman and Voigt 2023). This is a significant oversight in constitutional studies. As Buchanan (1999) put it, “[i]f rules influence outcomes and if some outcomes are ‘better’ than others, it follows that to

¹ Amendment is perhaps the favored strategy of would-be autocrats, as it allows them to both demonstrate super-majority support for their agenda and to entrench it (Cope and Versteeg 2024).

the extent that rules can be chosen, the study and analysis of comparative rules and institutions become proper objects of our attention.” Given that constitution-makers and courts both continue to debate unamendability rules, understanding the impact of these rules is critical to understanding how constitutions can be used to promote democratic institutions.

This paper empirically investigates whether unamendability rules are associated with higher levels of democracy. It begins developing a positive account of the politics of unamendability. This account starts at the moment of adoption. Eternity Clauses can be seen as a form of political insurance that offers safeguards against any one actor capturing the political system and bending it to their will through a constitutional amendment (Ginsburg 2003). But purchasing political insurance likely only occurs under a specific set of conditions: when no one party or group has overwhelming control at the time of constitution-making. This, in turn, means that the prospects for democracy are already higher in countries that adopt an Eternity Clause than in settings where power is more concentrated. By contrast, Unamendability Doctrines are often adopted by courts when democracy is already at risk. That is, they might emerge at a time when prospects for democracy are low.

But regardless of the circumstances of their adoption, the enforcement of unamendability rules is unlikely to be easy. The reason is that they have to be enforced against political coalitions with enough power to amend the constitution. Almost without exception, constitutional amendments must pass super-majority thresholds. Courts are unlikely to be able to stand up against ruling coalitions with super-majority support. When judges are mindful of the larger political environment and want to avoid political backlash, they might simply refrain from invalidating amendments in the first place. Even when they do, their rulings might be circumvented by political actors, possibly by replacing the constitution. The enforcement of unamendability rules through the political process also runs into problems. If an amendment enjoys supermajority support, the opposition to it is, by definition, small. But to the extent political enforcement happens, we conjecture that Eternity Clauses might be a stronger basis for political mobilization than Amendment Review or Unamendability Doctrines.

We test this argument using data on countries’ unamendability rules and their level of democracy over time. Our data on Eternity Clauses comes from the Comparative Constitutions Project, and our data on Amendment Review and Unamendability Doctrines comes from Ricetto and Tomassini. Our primary measure of democracy is countries’ polity scores, which measure countries’ level of democracy on a scale from -10 (the most autocratic) to +10 (the most democratic). Our dataset focuses on these relationships over a seventy-two-year period between 1946 and 2018.

Using this data, we test the relationship between unamendability rules and democracy using three research methods: data exploring cross-country comparisons, panel regressions estimating within-country comparisons, and event studies looking at the changes after adopting these provisions. Our cross-country evidence suggests that countries that adopt Eternity Clauses have lower polity scores than countries that do not, but our within-country evidence suggests that countries have higher polity scores after adopting Eternity Clauses. That said, the event studies suggest that this may be due to countries becoming more democratic in the lead-up to adopting a new constitution with an Eternity Clause and not because of continued democratization afterward. In contrast, our cross-country evidence shows that countries that adopt Amendment Review and Unamendability Doctrines have higher polity scores than countries that do not, but our panel regressions and event studies produce no evidence of within-country changes from adopting these two rules.

We then extend this analysis by more directly examining whether unamendability rules may prevent democratic erosion. We specifically report evidence suggesting that countries with unamendability rules in place do not have different trajectories with respect to their polity scores after they experience incidents of democratic erosion. We also report evidence that unamendability rules are associated with more frequent constitutional replacement. Taken together, this evidence is consistent with the idea that unamendability rules may do little to prevent the erosion of democracy.

We supplement our quantitative analysis with a case study on efforts to pass one kind of constitutional amendment: the removal or loosening of presidential term limits. For this case study, we examine the 40 instances between 2000 and 2020 that executives have tried to stay past the end of their constitutionally mandated term by amending the term limits provision in the constitution. We find that, even though courts had unamendability rules at their disposal in 31 of these cases, courts only attempted to declare these amendments unconstitutional in only 2 of the cases. Yet in 16 of the 40 cases, the amendment failed to pass due to large political opposition. This case study strongly suggests that the judicial enforcement mechanism is weaker than much of the literature suggests. If anything, the political enforcement mechanism is more promising, but more research is needed.

2. Types of Unamendability Rules

We begin by describing three kinds of constitutional unamendability rules: (1) the inclusion of Eternity Clauses in written constitutions; (2) explicit powers of Amendment Review for Constitutionality; and (3) court-created Unamendability Doctrines.

2.1. Eternity Clauses

Constitutions are routinely made unamendable through Eternity Clauses. A notable example is the post-WWII German Constitution, in which the drafters explicitly banned constitutional amendments relating to the democratic nature of the state. Specifically, Article 79.3 stipulates that “Amendments to this Basic Law affecting principles laid down in Articles 1 and 20 shall be inadmissible.” Relevantly, Article 1 protects human dignity and Article 20.1 declares that “The Federal Republic of Germany is a democratic and social federal state.” The German eternity clause is said to have inspired constitution-makers worldwide as these clauses have since become common features of national constitutions (Preuss 2011).

Eternity Clauses come in different flavors. Suteu (2021, 17) for example, distinguishes clauses that make unamendable “building blocks of the state”—such as the nature of the regime (like republicanism), the territorial architecture (like federalism), or its secular or religious foundation—from those that explicitly concern themselves with protecting democracy. There are several different typologies in the literature, but many echo this basic distinction (e.g., Roznai 2017, 20-21).

Eternity Clauses are widely believed to be important (Albert et al. 2024). Perhaps the main reason is that they are widely seen as a core element of “militant democracy”, or a *Streitbare Demokratie* (Cappoccia 2013; Loewenstein 1937; Weil 2017; Suteu 2021). The idea of a militant democracy is that it may be necessary to deploy undemocratic tools to protect democracy. Indeed, there is no doubt that formally, Eternity Clauses are undemocratic (Albert 2019). But there is also no doubt that they could serve democracy in a more substantive sense: they may be able to protect democracy from undemocratic forces that would use the constitution’s amendment procedure to undo democracy (Suteu 2021, 17). In this way, unamendability rules may allow democracies to “fight fire with fire,” along with party bans and several other constitutional design mechanisms (Cappoccia 2013; Elkins 2022; Gutmann and Voigt 2023).

It is worth noting, however, that even if Eternity Clauses can protect against amendments that would undermine democracy, they do not prevent undemocratic forces from replacing the constitution entirely. Many believe that the people as a whole always retain the right to reassemble themselves as the original constituent powers and replace the constitution with a new one (Sieyès 1789; Tushnet 2015; Chilton et al. 2024). As Roznai (2017, 139) puts it, “unamendable provisions cannot limit the primary constituent power; rather, they ‘invite’ it to be resurrected in order to change unamendable subjects.”

2.2. Amendment Review

In some countries, courts are explicitly given the power to scrutinize the validity of constitutional amendments. This is usually done in the constitution, but it can also be done in an organic law that establishes the courts. Regardless of the basis, the idea here is that courts are given the power to review whether amendments are validly passed. To illustrate, Article 202.10 of the Bolivian Constitution states that the court can review “the constitutionality of the procedure of partial reform of the Constitution.” Likewise, Article 93.3 of the Chilean Constitution grants the Supreme Court the power “to resolve questions of constitutionality that appear during the processing of bills or of constitutional amendment bills and of the treaties subject to congressional approval.”

Because such provisions emphasize procedural validity, one might see them as restricting the court’s power to procedural review only and prohibiting the evaluation of amendments on substantive grounds. Yet courts have nonetheless used this mandate to review the substance of amendments, based on the idea of the unconstitutional constitutional amendment doctrine (discussed in more detail in Section 2.3). Consider the example of Colombia. Article 241.1 of the Colombian Constitution states that the Constitutional Court is required to “decide on the petitions of unconstitutionality brought by citizens against measures amending the Constitution, no matter what their origin, *exclusively for errors of procedure in their formation*” [emphasis added]. Moreover, the Colombian Constitution does not contain any eternity clauses. But although the Constitutional Court acknowledged that it could only do procedural review when it announced its “substitution doctrine” in decision 551 of 2003, it decided that this power included the authority to examine whether changes could be passed through the ordinary amendment procedure or whether a constituent assembly would have to be called. The latter would be required when the amendments to the constitution are fundamental that it “substituted” the 1991 constitution with a new one. The court itself called the substitution doctrine “quasi-substantive.”

2.3. Unamendability Doctrines

Even when constitutions do not empower courts to review amendments, courts may still do so through the use of a doctrine that is widely referred to as the “unconstitutional constitutional amendment doctrine.” In essence, the doctrine holds that when procedurally valid constitutional amendments change the very foundations of the constitutional system, such change can only be accomplished through replacing the constitution, and not through amendment (Albert 2019).

The unconstitutional constitutional amendment doctrine rests upon the distinction between original constituent power and delegated constituent power. By including a process to amend the

constitution, those drafting it delegated the power to change the document to future super-majorities. But this amendment power is derivative of the original constituent power, and is therefore not unlimited (Tushnet 2015). As the Supreme Court of India, which is widely seen as an inventor of the doctrine, has put it “[t]he donee of a limited power cannot by the exercise of that power convert the limited power into an unlimited one.”² Even Carl Schmitt, who is widely cited for the proposition that constitution-making is unconstrained, has argued that the authority for constitutional amendment is “not the authority to establish a new constitution, nor is it the authority to change the particular basis of this jurisdiction for constitutional revisions” (Schmitt 2008, 150).

Although many accept that amendment powers have limits, there is much debate over exactly what kind of amendments are impermissible. Roznai (2017, 229) develops a theory called foundational structuralism, which proposes that the “foundations underlying the constitutional structure” are unamendable because amending those would “bring an end to the constitution and instead create a new one.” This, in turn, can only be done by a constituent assembly. So conceived, the doctrine can be seen as quasi-procedural in nature. Changes to the foundational structure can be passed, but they would have to be enacted by a body possessing original constituent powers. Roznai (2017) further argues that the amendment procedures themselves also matter: the more stringent the procedures for amendment and the more similar they are to the process of making the original constitution, the less they should be constrained.

Some scholars, however, have proposed more substantive tests for when courts should invalidate constitutional amendments. Dixon and Landau (2015) argue that amendments should be held unconstitutional when they violate a minimum democratic core and that courts should be guided by transnational judicial dialogue in establishing when amendments violate that core. In one notable contribution, Rawls (1993, 293) argued that repealing First Amendment of the American Constitution would not be “a valid amendment of the constitution.”

Regardless of the exact form, the Unamendability Doctrine is functionally equivalent to an Eternity Clause. Even for the more procedural approach, if the constitution created a democratic system and amendments undermined the democratic nature of the state, then these would represent changes so fundamental that they would have to be passed by a constituent assembly. And like with Eternity Clauses, the doctrine does not prevent replacing the constitution with a new one.

² See *Minerva Mills Ltd. v. Union of India*, 1980 AIR 1789, 1981 SCR (1) 206, SCC (2) 591.

3. Unamendability Rules and Protection of Democracy

We next develop a positive account of (1) how unamendability rules emerge and (2) how they can be enforced.

3.1. The Emergence of Unamendability Rules

The different ways in which unamendability rules emerge likely have implications for their relationship with countries' democracy levels. Eternity clauses are adopted at the time of constitution-making. Constitutional theorists often depict constitution-making as a moment of higher law-making where constitution-makers set aside their ordinary self-interest and deliberate on the public good (Ackerman 1991). Accounts of constitution-making in the real world, however, are far less sanguine: actors push their own agenda and engage in bargaining and logrolling (Klarman 1992; Choudhry 2008).

This raises the question: why would self-interested actors tie their hands with Eternity Clauses? Here, the public choice concept of the "veil of uncertainty" is helpful (Buchanan 1986; Müller 1998). Even if constitution-makers are self-interested, they will have imperfect information on their own position under the new arrangements. When constitution-makers are unsure about their future selves, and the role they will play in the constitutional system, they are more likely to put into place arrangements that benefit all. Ginsburg (2003) describes this logic as purchasing "political insurance." Eternity clauses provide insurance against a situation where some actors would be able to capture the system for themselves, change the rules of the game, and undo democracy in the process.

The logic of political insurance suggests that a particular kind of country is likely to adopt Eternity Clauses: ones without a dominant ruling coalition. When a ruling coalition is certain that it will dominate the new system, they are unlikely to limit its ability to amend the constitution in the future. But when power is more diffuse, and there are multiple parties with some power involved in constitution-making, constitution-makers might be willing to tie their hands. Put differently, in the countries that adopt Eternity Clauses, the prospects for democracy are already higher than in the countries that don't adopt them.

Provisions that give the courts the power of Amendment Review on procedural grounds are also adopted at the time of constitution-making. Yet the political insurance logic does not work as well for these provisions. Giving a court the power to review the procedural validity of amendments does tie the hands of future political coalitions very much. After all, a procedurally valid amendment can still undermine democracy. If anything, limiting the courts' power to procedural review might be a move to prevent the court from reviewing amendments on substantive grounds, such as whether

they undermine democracy. It is only because some courts have interpreted these provisions to allow for the use of the unconstitutional constitutional amendment doctrine that they can be deployed to protect democracy.

Unlike Eternity Clauses and Amendment Review, Unamendability Doctrines are created by courts. However, there are two conflicting accounts for why courts would adopt the doctrine. On the one hand, if courts are seen as strategic actors, they would only create and deploy the doctrine when they think that can use it successfully. This would be the case if the coalitions that push amendments are more fragile than they appear or maybe when the stakes of the amendment are relatively low. Tommassini (2024) describes the emergence of the doctrine in Colombia and Malaysia in this way. On the other hand, courts might also resort to this doctrine when there is a sense that democracy is in grave danger. In such a situation, courts might realize that the odds of them being successful are low, but if they are the last defense mechanism against autocracy, they might want to step in anyway, hoping that they can defy the odds. Israel's Supreme Court deploying the doctrine in the wake of a series of reforms that would undo the power of the court might be seen as an example. In this case, these doctrines emerge when prospects for democracy are low.

3.2. The Enforcement of Unamendability Rules

At first glance, one might view unamendability rules as the ultimate act of hand-tying. But even if Eternity Clauses are a strong pre-commitment in theory, they might not work that way in practice. The reason for this is simple. Constitutions are harder to change than ordinary law (Lutz 1994; Versteeg and Zackin 2016). When those pursuing undemocratic reform are able to use constitutional amendment procedures, this means that their coalition has enough power to clear super-majority thresholds. When reformers are able to change the constitution, then, it necessarily means that they enjoy considerable support.

Enforcing unamendability rules, then, means that the constitution has to be enforced not just against majorities, but against super-majorities. That is a tall order. Consider the courts. Expecting courts to protect democracy by enforcing Eternity Clauses or deploying unconstitutional constitutional amendment doctrines assumes that courts are willing and able to step up not just against popular majorities, but against popular super-majorities. This is a heroic assumption. A large body of literature argues that courts rarely succeed as lone actors standing up against the political branches (McCann 1994; Epp 1998; Rosenberg 2008). This is, in part, because courts have limited institutional power to enforce their own decisions (Goldsmith and Levinson 2009; Levinson 2011; Shapiro 2011;

Chilton and Versteeg 2018). For court decisions to matter, they need a support structure of civil society groups and others that help implement decisions. Such support structures might not materialize when courts are deciding in a truly counter-majoritarian fashion.

This might mean that courts will not strike down amendments at all. Courts considering whether to invalidate a constitutional amendment for violating the democratic nature of the state will likely calculate the political odds of their own success. When the outlook of success is low, they may refrain from acting altogether. After all, a court that miscalculates may face political backlash (Lupu, Verdier, and Versteeg 2019). It is only when they think they have a chance of succeeding that they will invalidate amendments. But considering that constitutional amendments almost always enjoy super-majority support, one might expect that courts will rarely intervene when the stakes of an amendment are high for the political branches.

What is more, even when courts do invalidate amendments, their rulings may still be circumvented. One possibility is that a court will face backlash (Clark 2009). But ruling coalitions do not even have to resort to attacking the courts. They can also call a constituent assembly and replace the constitution. Eternity clauses ban amendments, not replacements. When political coalitions are powerful enough to clear the hurdle of constitution-making writ large, there is nothing that courts can do to stop it.³

The same problems emerge when enforcing unamendability rules through the political process. While much of the literature on unamendability has focused on courts, political actors can also rely on unamendability rules to push back against proposed amendments (Chilton and Versteeg 2020). When amendments are announced, opposers can remind the proposers that doing so is unconstitutional. And when proposers push ahead anyway, they can try to impose political costs. One strategy is to educate the public that an amendment could harm democracy and to persuade people to punish proposers in the next election. If need be, they can also try to get people into the streets in defense of democracy. To illustrate, a package of proposed democracy-undermining amendments to the Israeli Constitution set off months-long protests orchestrated by the political opposition and caused the proposing coalition to moderate the reforms (Gross 2024).

But when ruling coalitions enjoy supermajority support, the opposition, by definition, is relatively small. This will make enforcement difficult. Even so, one advantage of political enforcement

³ Note that there are some commentators, like Scheppele (2020), that have argued that constraints from the prior constitution also carry over to constitution-making itself, but this is not a majority position.

of unamendability rules is that the mechanism can kick in at the very early stages of the amendment process. Right as an amendment is first floated, opposers can make the case that an amendment is unconstitutional. Opposers can also signal at an early stage that they are willing to fight the amendment with all their might. By contrast, when an amendment has already been presented to the public and/or passed parliament with super-majority support, it will be less likely that those who proposed it will simply walk away from their proposal.

In mobilizing against proposed amendments, the constitution can help. Those who oppose the amendment do not have to argue that they are immoral or somehow “bad,” but instead can argue that it is unconstitutional. Constitutional rules, then, can be a “focal point” for those seeking to punish proposers of unconstitutional constitutional amendments (Chilton and Versteeg 2020).

However, we expect that Eternity Clauses have stronger focal power than court-created unamendability rules. When relying on Eternity Clauses, those who oppose amendments can make the case that the amendment is contrary to the nation’s highest values enshrined in the constitution. They could argue, for example, that the protection of democracy was the foremost concern of those who founded the nation, as witnessed by their attempt to make democracy unamendable. Such an appeal to the founding might be stronger than an appeal to a court-created doctrine that is quasi-procedural in nature. This is in part because powerful leaders can argue that the courts substantive interpretations are due to bias, corruption, or judicial overreach.

Taken together, these realities suggest that enforcing unamendability rules may be hard, and that they thus may do relatively little to protect democracy. They also suggest that Eternity Clauses are more likely to be associated with higher levels of democracy. But this may largely be due to the fact that they are adopted in situations where the conditions to protect democracy may already be present. In other words, the causal effect of unamendability rules on democracy may be limited.

4. Data and Descriptive Statistics

We now introduce our data for this project. We also provide descriptive statistics on the prevalence of unamendability rules over time and across countries.

4.1. Unamendability Rules

To measure unamendability in the form of an *Eternity Clause*, we use a variable coded by the Comparative Constitutions Project (“CCP”) on whether a country’s constitution contains an unamendable provision (Elkins, Ginsburg, and Melton 2009). This variable takes the value 1 if the

constitution does include an unamendable provision in a given year and 0 if it does not. It is available from 1789 to present day.

Second, to measure courts having *Amendment Review*, we use a variable coded by Pedro Ricetto and Nicola Tommasini that captures whether the court is formally given the power to scrutinize amendments, either in the constitution or in a law that defines the powers of the constitutional court. This latter type of law can be an organic law or ordinary law.

Third, to measure the presence of a judicially created **Unamendability Doctrine**, we use a variable also coded by Pedro Ricetto and Nicola Tommasini on whether a country's courts created an Unamendability Doctrine. Such a doctrine can be in addition to an Eternity Clause or Amendment Review. The data captures all cases where courts announced they had the power to review the constitutionality of constitutional amendments. Ricetto and Tomassini's data collection effort entails an in-depth examination of legal doctrine in all countries with over 150,000 inhabitants. For 180+ countries, they reviewed official court repositories and contacted courts directly by email, often by relying on formal legislation ensuring transparency of information. In addition, for each country, they emailed at least three constitutional law professors. When possible, they also directly contacted the supreme or constitutional court. And finally, they reviewed all the literature on unamendability to check if there were cases mentioned by scholarship that were not covered by the database. In doing so, they discovered many cases that had not yet been noted in the existing literature.

4.2. Democracy Data

Our dependent variable is a country's level of democracy. We capture this in four different ways. For our primary results, we use the well-known polity2 democracy variable from the Polity data project (Marshall, Jaggers, and Gurr 2010). This measure ranges from -10 to 10, whereby higher scores denote higher levels of democracy. Although polity scores are not without their limitations, they are perhaps the most widely used measure of democracy (e.g., Ginsburg and Huq 2018).

In addition to polity scores, we also use three other democracy measures. First, we use a measure developed by Gründler and Krieger (2021). Their "ML Democracy" measure uses machine learning techniques to take a variety of aspects of democracy to produce an estimate of countries' levels of democracy from 0 to 1 each year. Second, we use a measure of whether the leaders of countries are constrained from the Polity data project. This "Executive Constraints" measure scores countries' leaders on a scale from 0 (unconstrained) to 7 (where the executive's power is on par with other authorities). Third, we use a measure of whether countries are democratic created by Acemoglu,

Naidu, Restrepo, and Robinson (2019). This “ANRR Democracy” measure combined several indices to create a dichotomous measure of whether countries are democracies each year.⁴

4.3. Other Data

We also collected data on a standard set of control variables used in the human rights and comparative literature (e.g., Chilton and Posner 2018). We specifically control for countries’ economic size (as measured by the natural log of their GDP), the natural log of their population, their judicial independence, their rate of constitutional amendment, and whether they experienced interstate and civil wars.⁵ We control for these variables in many of the regressions reported below because they might predict both unamendability rules and democracy.

4.4. Descriptive Statistics

Table 1 provides summary statistics for each of the variables used. In addition, Figure 1 reports the prevalence of these unamendability rules over time, and Figure 2 reports world maps that color-code countries by the year they adopted these unamendability rules.

Figures 1 and 2 reveal that few countries had Eternity Clauses prior to the middle of the twentieth century. In fact, in the CCP data, just one country had any kind of Eternity Clause prior to 1800: the United States. This increased to two countries when Norway adopted an Eternity Clause in 1814. This was followed by Colombia adopting one in 1821 and Mexico adopting one in 1824. However, after the end of WWII, these provisions were included in constitutions from Europe to Asia and everywhere in between. By 2018, 74 constitutions contained an Eternity Clause.

Similarly, Figures 1 and 2 also reveal that Amendment Review was slower to emerge than Eternity Clauses and that it remains less common. In the Ricetto and Tommasini data, Turkey was the first country to incorporate Amendment Review in its constitution in 1971, followed by Papua New Guinea in 1975. After this, 5 countries did so by 1990, 15 countries did so by 2000, and 25 countries did so by 2018.

Finally, Figures 1 and 2 reveal that Unamendability Doctrines were rare before the middle of the twentieth century. In fact, in the Ricetto and Tommasini data, the United States was the only country to have an Unamendability Doctrine before 1950. Their data then codes India as adopting an Unamendability Doctrine in 1951. This then grew slowly until the early 1990s, when Unamendability

⁴ Appendix Figure A1 plots the distribution of values for these measures of democracy.

⁵ Appendix Figure A2 reports the coverage of each of the control variables by year.

Doctrines became more common. For instance, just 7 countries had Unamendability Doctrines in 1990, but this grew to 18 countries by 2000. By 2018, the Ricetto and Tommasini data identified 38 countries whose courts had announced or applied Unamendability Doctrines. Of those 38 countries, 16 also had an Eternity Clause and 7 also had Amendment Review.

5. Results

We use three approaches to explore the relationship between countries having constitutional unamendability rules and their levels of democracy: (1) cross-country comparisons of countries that do and do not have each constitutional unamendability rule; (2) panel regressions that use a set of fixed effects to capture the within-country effects of adopting each provision; and (3) event studies that explore the changes in the country's level of democratization before and after adopting unamendability rules. Considering that unamendability rules mostly emerged past WWII and the availability of control variables, our sample for this analysis covers 1946 to 2018.

5.1. Cross-Country Comparisons

To initially explore the relationship between unamendability rules and democracy, Figure 3 plots the average polity score for all country-year observations broken down by whether they have each kind of unamendability rule.

Panel A of Figure 3 reveals that Eternity Clauses were associated with countries having slightly higher polity scores until 1960. After this point, countries without Eternity Clauses began to have higher polity scores than countries with Eternity Clauses (although there were some years in the late 1980s when the scores were essentially the same). By 2018, the gap between countries without Eternity Clauses (average polity score = 5.4) and countries with Eternity Clauses (average polity score = 2.7) had opened up to roughly 2.7 points on the polity scale of -10 to 10.

In contrast, Panel B of Figure 3 reveals that Amendment Review was associated with countries having higher polity scores in nearly all years between 1946 and 2018. Although the data is initially noisy because few countries had Amendment Review, by 1990 it was clear that countries with Amendment Review had higher average polity scores than countries without Amendment Review. By 2018, the gap between countries with Amendment Review (average polity score = 4.4) and countries without (average polity score = 3.9) was 0.5 points on the polity scale.

Finally, Panel C of Figure 3 reveals that countries with Unamendability Doctrines had higher polity scores in all years between 1946 and 2018. By 2018, the gap between countries with

Unamendability Doctrines (average polity score = 5.9) and countries without unamendability rules (average polity score = 3.5) was roughly 2.4 points on the polity scale.

These cross-country comparisons suggest that Eternity Clauses are not associated with higher democracy levels, while Amendment Review and Unamendability Doctrines are associated with higher democracy levels—which is the exact opposite of the argument developed in Section 3. That said, these raw averages mask the fact that there are likely considerable differences between the countries that do and do not have different unamendability rules. These initial results, then, should not be interpreted as causal.

5.2. Panel Regressions

We next turn to examine the within-country associations of unamendability rules and democracy. Using a series of fixed effects, we estimate whether countries that adopt the different unamendability rules have higher democracy levels in the years after adopting these rules than before. More specifically, we estimate the regression specified by Equation 1.

$$y_{ct} = \alpha + \beta \text{Unamendability}_{ct} + \varphi_{ct} + \psi_t + \eta_c + \delta_{ct} + \varepsilon_{ct} \quad (1)$$

The dependent variable y_{ct} is the polity score country c in year t . $\text{Unamendability}_{ct}$ is a binary variable that captures whether country c has a given unamendability rule in year t . The coefficient of interest is β , which indicates the change in polity scores upon adoption of an unamendability rule. The specifications include a vector of control variables φ_{ct} to account for time-varying factors that influence the adoption of constitutional provisions. The specification includes year fixed-effects ψ_t to account for cross-country changes in democracy over time, country fixed-effects η_c to account for unobserved country-level factors that influence constitutional reform and democratizations, and country-specific linear time trends δ_{ct} to account for long-running trends in the advancement of democracy. Robust standard errors are clustered by country to account for serial correlation.

Table 2 reports the results estimating Equation 1 for all three unamendability rules.⁶ Column (1) includes a binary variable for the relevant unamendability rule, country fixed-effects, year fixed-effects, and country-specific time trends. Column (2) adds two basic control variables: GDP (logged) and population size (logged). Column (3) adds controls for countries' level of judicial independence

⁶ Appendix Tables A1-A3 report complete regression results for these specifications.

and the countries' constitutional amendment rate. Column (4) adds variables that capture interstate and intrastate war.

Panel A reports the results for Eternity Clauses. These results suggest that Eternity Clauses are associated with statistically significant higher polity scores. The estimates in Columns 1 to 4 suggest that Eternity Clauses are associated with having a roughly 1.5-point higher polity score (the estimates range from 1.714 in Column 2 to 1.462 in Column 4). To put the substantive effects in perspective, for the sample in Table 2, the standard deviation of the polity scores is 7.29. A change of 1.5 thus constitutes roughly a 0.25 standard deviation higher polity score. This can be seen as a non-negligible, moderate within-country increase in polity scores.

Panel B reports the results for Amendment Review. The results suggest Amendment Review is not associated with statistically significant increases in countries' polity scores. If anything, since the coefficients for all four models are all negative, the estimates suggest that having Amendment Review is associated with lower polity scores. That said, the standard errors are also relatively large, suggesting that these estimates are also imprecisely estimated. We thus do not find evidence that countries adopting Amendment Review is associated with them subsequently having higher polity scores.

Panel C reports the results for Unamendability Doctrines. Like with Amendment Review, these results suggest that Unamendability Doctrines are not associated with statistically significant increases in countries' polity scores. Notably, the estimates suggest that Unamendability Doctrines are associated with having roughly a 0.4-point higher polity score (the estimates range from 0.402 in Column 1 to 0.596 in Column 4). However, these estimates are not statistically significant. We thus do not find evidence that countries adopting Unamendability Doctrines is associated with them subsequently having higher polity scores.

We further explore the robustness of these results in two ways. First, Figure 4 investigates the sensitivity of our results to the combination of control variables that we included by estimating specification curves that estimate Equation 1 while using every possible combination of control variables from Table 1. The results reveals the direction of the signs and their magnitude are consistent with the results reported in Table 2. This exercise suggests that our estimates are not a product of the specific combination of control variables.

Second, Table 3 reports results estimating the specification from Equation 1 when using the three alternative dependent variables introduced in Section 4.2.⁷ It reveals that Eternity clauses are

⁷ Appendix Tables A4-A12 report complete regression results for these specifications.

associated with statistically significant higher levels of democracy when using the ML Democracy Score and the Executive Constraints measure. The estimates for Eternity Clauses when using the ANRR democracy measure, however, are not statistically significant. This may be attributable to the fact that the ANRR democracy measure is binary, and our OLS models may be unlikely to detect a moderately sized statistically significant effect in this setting. In contrast, the estimates for Amendment Review and Unamendability Doctrines are substantively small and not statistically significant for any of the three alternative measures of democracy.

5.3. Event Studies

Taken together, the panel regressions suggest that countries have higher levels of democracy after adopting Eternity Clauses, but not after adopting Amendment Review or Unamendability Doctrines. However, those estimates did not exploit any plausibly exogenous variation, and thus cannot be interpreted causally. Moreover, another concern with those estimates is that research in econometrics has increasingly recognized that two-way fixed effects models are likely an inappropriate way to model panel data in settings where units receive treatments at different times (Goodman-Bacon 2021). Event studies are less likely to produce biased estimates and also offer the advantage of creating a clear counterfactual against which to evaluate treatment events (MacKinlay 1997; Chetty, Friedman, and Rockoff 2014; Rozema and Schanzenbach 2019).

We thus also use an event study research designs that compare countries that have recently enacted constitutional unamendability rules to similar countries that have not enacted these rules. Due to differences in the ways that these unamendability rules are enacted, however, we use different definitions of treatment and control events for the different unamendability rules.

Sample for Eternity Clauses and Amendment Review. Both Eternity Clauses and Amendment Review are directly incorporated into written constitutions (or, in the case of Amendment Review, the laws implementing the Constitution). To study the effect of these rules, we construct our treatment and control groups by comparing countries that adopted a new constitution, but some included these unamendability rules in that new constitution while others did not (see, e.g., Callais and Young 2023). Because constitution-making tends to go hand-in-hand with democratization (Elster 1993), we think it is sensible to compare countries that embarked on constitution-making. These countries may have more similar pre-adoption trends in democratization and are likely to go through similar growing pains as they adopt a new constitution.

To implement this approach, we define the “treatment events” as instances where a country adopted an Eternity Clause or Amendment Review during a period for which we have complete polity score data in a 16-year event window around the adoption of a new constitution (5 years before and 10 years after). We define “treatment” events as all situations where a country did not have an Eternity Clause or Amendment Review for 5 years, then adopted a new constitution that included one of these clauses and then kept that provision for at least 10 years. We define “control” events as all situations where a country did not have these provisions for 5 years, then adopted a new constitution that did not include one, and then did not adopt one for at least 10 more years.

We then further restricted our sample of treatment and control events in three ways: only including treatment and control countries that did not have a suspended constitution in any part of the 16-year event window; only including treatment and control countries that did not have courts create an Unamendability Doctrine during the 16-year event window; and only including treatment and control countries that adopted their new constitution in 1946 or later. Panel A and B of Table 4 list the treatment events that satisfy these criteria and are thus included in our final samples. Notably, due to these demanding inclusion conditions, there are few available treatment events.

Sample for Unamendability Doctrines. A key difference with the adoption of Unamendability Doctrines is that they typically do not emerge at the same time that countries adopt new constitutions. We thus have to use a different approach for defining treatment and control events for the event study on Unamendability Doctrines. We use a stacked event study approach that builds a sample of all treatment events and all “clean” control countries during the same year as the adoption of an Unamendability Doctrine (*e.g.*, Chilton and Versteeg 2022).

To implement this approach, we again use a 16-year event window around the adoption of an Unamendability Doctrine (5 years before and 10 years after). We define “treatment” events as all situations where a country did not have an Unamendability Doctrine for a 5-year period, then the court adopted an Unamendability Doctrine, and then it kept that doctrine for at least 10 years. We define “control” events as all situations where a country did not have an Unamendability Doctrine during the same 16-year window.

Like with the Eternity Clauses sample, we then further restricted our sample of treatment and control events in three ways: only including treatment and control countries that did not have a suspended constitution in any part of the 16-year event window; only including treatment and control countries that did not have an Eternity Clause in their written constitutions during the 16-year event

window; and only including treatment and control countries that adopted their Unamendability Doctrine in 1946 or later. Panel C of Table 4 lists the seventeen treatment events that satisfy these criteria and are thus included in our final sample. Again, the result is relatively few treatment events.

Stacked Event Results. Using these stacked event samples, we estimate the effect of unamendability rules in a difference-in-difference regression framework specified in Equation 2.

$$Y_{cet} = \alpha + \beta \text{Treated}_{ce} \times \text{Post}_{et} + \gamma \text{Treated}_{ce} + \tau \text{Post}_{et} + \psi_t + \eta_d + \delta_e + \varepsilon_{cet} \quad (2)$$

The dependent variable y_{ce} is the democracy level country c in year t . Treated_{ce} is an indicator variable for the treated countries in each event study. Post_{et} is an indicator variable for the years after event time 0. The coefficient of interest β is on the interaction between Treated_{cet} and Post_{et} , which indicates the average change in polity score after adopting an unamendability rule. The specification includes year fixed-effects ψ_t , country fixed-effects η_d , and event fixed effects δ_e .⁸ Given the relatively small number of events, we calculate bootstrapped standard errors clustered by event.

Table 5 reports the results using polity scores as the dependent variable and Table 6 reports the results using the other three democracy measures. The results reveal that countries that adopt an Eternity Clause have roughly a 1.7 higher polity score after doing so compared to countries that adopt new constitutions that do not include Eternity Clauses. We also find statistically significant effects of Eternity Clauses on the other three measures. By contrast, adopting either Amendment Review or Unamendability Doctrines is not associated with subsequent democracy levels compared to the control countries. Notably, despite using radically different samples and estimation strategies, these results are consistent with the estimates in Tables 2 and 3.

That said, the key identifying assumption for these event studies is that the pre-trends are parallel. To test this assumption, Figures 5 and 6 report the results of regressions that interact a treatment indicator with each event time (with -1 as the excluded event time). The results in Figure 5 reveal that the positive changes Eternity Clauses have on polity scores happen in the years before constitutions are adopted. This violates the parallel trends assumption and suggests that countries that adopt Eternity Clauses are trending to be more democratic before adopting these provisions. In other

⁸ For the event studies for Eternity Clauses and Amendment Rules, the event fixed effects fall out because there are not multiple countries for each event like with the stacked event study set up for the Unamendability Doctrines.

words, consistent with the argument in Section 3.1, the countries that are willing to include these clauses at the time of constitution drafting are likely more democratic than the countries that do not. By contrast, the evidence that these Eternity Clauses are actually responsible for higher levels of democracy is limited.

5.4. Additional Evidence

We present the results from two additional exercises. First, we examine whether countries that experience democratic crises are more likely to maintain their levels of democracy when they have amendment rules in place. To do so, we use the democratic erosion events identified by the “Democratic Erosion Event Dataset”⁹, which identifies incidents since the year 2000 when countries around the world experienced significant events of democratic crises. Figure 7 reports the average polity scores for countries with and without each amendment rule in the two years before and the 3 years after the onset of countries’ first democratic crises.¹⁰ The results suggest that there are differences in countries’ trends before the crisis starts, but there is no clear evidence of a difference in trends after the onset of incidents of democratic erosion. This suggests that unamendability rules may do little to halt democratic erosion after it starts. But we are cautious to make too much of these findings, as democratic crises are not exogenous.

Second, we explore one possible mechanism for why unamendability rules fail to prevent democratic decline: they do not prevent constitutional replacement, but they instead invite it. We therefore explore whether unamendability rules are associated with more constitutional replacement. Columns 1 and 2 of Table 7 report the average number of new constitutions that countries had in the post-war period based on whether they had different unamendability rules in place. Columns 3 and 4 report the average number of years after adopting these rules until a new constitution is adopted, and find that these amendment rules are all associated with shorter periods before adopting a new constitution.¹¹ These results are consistent with the idea that one reason that unamendability rules may do little to halt democratic erosion is that leaders with the power to push amendments that would

⁹ See Democratic Erosion Consortium. 2023. “Democratic Erosion Event Dataset Codebook v6.” *Democratic Erosion: A Cross-University Collaboration*. Available at <https://www.democratic-erosion.com/event-dataset/>.

¹⁰ We use a narrow event window for this exercise than our analysis in Section 5.3 due to the more limited years the democratic crisis data is available.

¹¹ Appendix Table A13 reports versions of these results in a regression format.

otherwise be blocked by these rules may also simply have the power to replace their constitutions. This is a potentially important finding, yet more research is needed.

6. Case Study: The Evasion of Presidential Term Limits

We illustrate these dynamics with a case study on presidential term limit evasion. By the turn of the millennium, the constitutions of presidential systems almost universally included term limits in some form. But in the two decades since then, some 40 incumbents have tried to amend presidential term limits to allow themselves to stay in office beyond the end of their constitutionally-mandated term (Versteeg et al. 2020).

These amendments are exactly what unamendability rules are made for. When executives can stay in office too long, this can distort the balance of power in a democratic system. A long-term president, for example, will have the opportunity to appoint loyal subordinates to the heads of key agencies and courts.¹² Indeed, an incumbent can become so powerful that she has an unfair advantage over any political competitors and voters will vote for her because of the name recognition and prestige alone, a problem known as the “incumbency advantage” (Corrales and Penfold 2014). This can make the country less democratic. These amendments may also change the nature of the system to such an extent that the constitution has effectively been replaced with a new one.

Studying the 40 proposed amendments to remove or loosen presidential term limits from 2000 to 2020, then, offers insights into the work that unamendability rules play in protecting democracy. Our data comes from Versteeg et al. (2020) who explored all instances in which executives in presidential systems reached the end of their constitutionally mandated term since the year 2000. In each of these instances, the authors commissioned a memorandum containing qualitative information on whether the president tried to stay past the end of his constitutionally mandated term, and if so (1) what strategy he used for doing so, (2) whether he was successful, and (3) if not, what the causes for failure were (we use male pronouns here as every single one of the overstayers is male).

Exploring this data, the most notable insight is that courts rarely acted to defend democracy. Out of the 40 proposed amendments, 24 passed, and 16 failed. But looking across these 40 cases, only 2 courts invoked the unconstitutional constitutional amendment doctrine to declare the amendments unconstitutional. This finding is perhaps surprising since, in most of these cases, courts did have tools

¹² Corte Constitucional de Republica de Colombia [Constitutional Court of the Republic of Colombia] 2010, Sentencia C-141/10, <http://www.corteconstitucional.gov.co/relatoria/2010/c-141-10.htm>.

at their disposal to halt them. In 24 out of the 40 cases, parts of the constitution were made unamendable through an Eternity Clause, thus giving courts the possibility to step in. In 9 of the cases, courts had previously deployed the unconstitutional constitutional amendment doctrine, and in 8 of these cases, courts were given a constitutional mandate to review constitutional amendments on procedural grounds. Taken together, in 31 out of the 40 instances, courts had prior unamendability rules at their disposal.

Only 2 courts, however, used unamendability rules to invalidate amendments. The first case is well-known. In a ruling that made global headlines, the Colombian Constitutional Court prevented the popular President Uribe from amending the constitution to allow him to run for a third term. This was not the first time Uribe tried to do so: he had previously amended the Constitution to allow Presidents to have two terms instead of one (and this had been permitted by the Court).¹³ Before his second term was up, the highly popular Uribe sought an amendment that would allow him to run for a third term, which he wanted to pass through a popular referendum (Cepeda and Landau 2018). Congress approved the referendum, but on February 26, 2010, the Constitutional Court held the referendum to be unconstitutional chiefly because allowing the President to serve three terms constituted a “substitution” of the constitution.¹⁴ Specifically, the Court reasoned doing so would alter the character of the Constitution so dramatically that it effectively substituted the old Constitution with a new one and that such a change could only be accomplished by calling a constitutional assembly.¹⁵ While the Constitution allowed for amendments by referendum, this did not represent an exercise of “primary constituent power.” President Uribe was highly popular when the Constitutional Court rendered its decision, with some reports putting his approval rating at 90 percent.¹⁶ Despite that, Uribe stepped down. The case represents a well-known, and widely analyzed (*e.g.*, Issacharoff 2011), victory for the Unamendability Doctrine.

¹³ Corte Constitucional de Republica de Colombia [Constitutional Court of the Republic of Colombia] 2005, Sentencia C-1040/05, <http://www.corteconstitucional.gov.co/relatoria/2005/C-1040-05.htm>. The 1991 Constitution initially allowed only one term. CONSTITUCIÓN POLÍTICA DE COLOMBIA [CONSTITUTION] July 1991, art. 190. The Court allowed this earlier amendment, as it believed that people would still freely decide whom to choose as president, institutions with powers of control and review would still have full authority, checks and balances would still be in place, the executive would not be bestowed with new powers, and the acts to be adopted would still be subject to judicial review (Cepeda and Landau 2018, 345-46).

¹⁴ Corte Constitucional de Republica de Colombia [Constitutional Court of the Republic of Colombia] 2010, Sentencia C-141/10, <http://www.corteconstitucional.gov.co/relatoria/2010/c-141-10.htm>.

¹⁵ *Id.*

¹⁶ Jorge Eduardo Arellano, *Álvaro Uribe busca segunda reelección* [*Álvaro Uribe Seeks Second Reelection*], EL NUEVO DIARIO (Aug. 12 2008), <https://www.elnuevodiario.com.ni/internacionales/23942-alvaro-uribe-busca-segunda-reeleccion/>.

The second case comes from the Constitutional Court of Niger, but is far less known—probably because the court’s ruling was ignored. President Mamadou Tandja sought to amend the constitution towards the end of his term to stay in office for another three years and asked people to approve the amendment in a referendum. The Constitutional Court of Niger had little choice but to rule this amendment unconstitutional, as the 1999 Constitution had made executive term limits unamendable. Yet, faced with the ruling, Tandja disbanded the court and appointed a new slate of justices. To further show his resolve, Tandja invoked emergency powers and announced that he would rule by decree. In the end, the ploy was halted because of international pressure: ECOWAS suspended Niger from membership and the U.S. and the EU froze all aid. In the wake of this pressure, the military ultimately deposed Tandja. Maybe the court’s ruling contributed to this chain of events, but it alone turned out to be rather powerless (Versteeg et al. 2020).

Aside from these two cases, not only did most courts not attempt to halt amendments, but many affirmatively contributed to presidents’ ability to overstay. Take the example of Ecuador. When the highly popular Ecuadorian President Raphael Correa attempted to amend the constitution to allow him to serve a third term, the Ecuadorian Constitutional Court assisted him in doing so. The Court was explicitly mandated to review constitutional amendments, and the President’s opponents presented the argument to the court that removing term limits required a constituent assembly, basically following the logic of the Colombian Constitutional Court (Dixon and Landau 2019). The Constitutional Court, however, argued that the change was minor enough that it could be passed by constitutional amendment. What is more, it argued that the right of voters to elect whom they want is core to constitutional democracy, thus allowing Correa to have his way. And the Ecuadorian Constitutional Court is not alone. Versteeg et al. (2020) estimate that 30 percent of the incumbents who successfully overstayed one way or another were actively aided by the courts.¹⁷

In some cases, courts abused the unconstitutional amendment doctrine to actually *remove* term limits from the constitution. One notable example is a 2009 ruling by the Supreme Court of Nicaragua that held that the 1995 amendment that had included term limits into the constitution was unconstitutional, thereby paving the way for President Daniel Ortega to stay in office past the end of his term.¹⁸ The ruling was notable, as it argued that constitutional values (here: the right to political

¹⁷ This includes 5 cases of Presidents who overstayed by passing a new constitution.

¹⁸ Sentencia [S.] No. 504, de las 5:00 p.m., 19 Oct. 2009, Corte Suprema de Justicia, Sala de lo Constitucional [Supreme Court of Justice, Constitutional Chamber], Boletín Judicial [B.J.] p. 18-19 (Nicar.). Specifically, the court held that there

participation) trump specific rules (here: term limits). It further noted that the decisions by the original constituent powers take precedence over the derivative constituent powers (those who amend the constitution). Based on this reasoning, it struck down presidential term limits some 14 years after they had been adopted. This reasoning may seem odd, but Versteeg et al. (2020) document that five other courts have removed term limits through legal reasoning alone and without the need for amendment.

When it comes to presidential term limit evasion, then, it appears that courts are more likely to help presidents stay past the end of their term than they are to stop them. But what about the political enforcement mechanism? Versteeg et al. (2020) report that where term limits failed, this was mostly due to political opposition. They document that in 13 of the 16 cases where term limit amendments failed this was due to political opposition in some form (the other causes being coup d'états or the court). The aforementioned case of Ecuador is noteworthy. Even though the Constitutional Court had permitted Correa to amend the constitution, his amendment did face fierce political opposition. With massive street protests, the opposition forced an important concession from Correa: that the amendment would only enter into force after the next Presidential election, meaning that Correa would have to leave office, which he did (Dixon and Landau 2019).

It is hard to know what role unamendability rules played in groups mobilizing against the amendments. In 4 of the 13 cases, there was an Eternity Clause, and in 3 cases there was a prior unconstitutional constitutional amendment doctrine. But it is difficult to know how much work the constitution did in mobilizing the opposition, as some of the political enforcement takes place behind closed doors. But the case of Burkina Faso offers some insights. When President Compaoré sought to amend the constitution so he could run for a third term in 2015, this triggered mass protests, including the protestors burning down part of the parliament building. The protest movement, called “Le Balai Citoyen” (Citizen Broom) relied heavily on the constitution, which made the republican nature of the state unamendable. Indeed, their rallying cry was “Hands off my Constitution” (Dixon and Landau 2020). Notably, in the aftermath of these events, the Eternity Clause in the constitution was expanded to make presidential term limits themselves unamendable.

Overall, this exploration offers some optimism for the political enforcement mechanism, but further research is needed to confirm these findings. Perhaps the most important takeaway from presidential term limits is that courts were mostly powerless in halting these amendments. Combined

were insufficient grounds, in the Court’s view, to justify treating presidents, vice presidents, and mayors differently than other government officials; the circumstances were too similar to justify different restrictions on their offices. *Id.*

with our finding that Unamendability Doctrines do not improve democracy, this suggests that it is maybe time to reconsider the focus on courts as defenders of democracy.

7. Conclusion

In this paper, we have sought to explore the impact of different kinds of unamendability rules on democracy. Our key finding is that Eternity Clauses do seem to be associated with countries that adopt them experiencing higher levels of democracy, but this is likely in large part because the countries that adopt these start with a better democratic track record. By contrast, explicit powers of Amendment Review or court-created Unamendability Doctrines do not appear to be associated with higher levels of democracy.

Although further research should continue to investigate these findings, our research contributes to growing body of literature empirically testing the effect of countries' constitutional design choices, and doctrine (*e.g.*, de Vanssay and Spindler 1994; Garoupa and Santos Botelho 2021; Negretto and Sánchez-Talanquer 2021; Elkins 2022; Callais and Young 2023). Importantly, our findings are consistent with recent research suggesting that adopting *de jure* constitutional provisions or rules may not cleanly translate to differences in outcomes (*e.g.*, Bjørnskov and Voigt 2021; Chilton and Versteeg 2022; Gutmann and Voigt 2023). Instead, political realities may make the enforcement of constitutional checks difficult in practice when there is sufficient power or pressure pushing against doing so (Chilton and Versteeg 2020).

Before concluding, some important qualifications are in order. First, unamendability rules should not be expected to have uniform effects. Notably, most national constitutions are frequently amended (Versteeg and Zackin 2016), but in countries where the constitution is nearly impossible to amend—like the United States or Japan—the impact of unamendability rules is necessarily limited. In these situations, the fact that amendment is impossible in the first place prevents the adoption of amendments that would undermine the democratic nature of the state. In a similar vein, we might expect that unamendability rules interact with other institutional features, such as whether courts are independent. Future research should do more to test for heterogeneous effects like these.

Second, our finding that unamendability rules do not necessarily correlate with higher levels of democracy does not mean that they are unimportant. One line of research on Eternity Clauses, associated with the work of Jacobsohn (2010) and Rosenfeld (2012), has depicted them first and foremost as statements of national identity and expression of the country's highest values. We do not seek to challenge the normative importance of such statements. Instead, we simply intend to develop

and test arguments for when they are likely to be associated with higher levels of democracy. The evidence we find, however, suggests that even if unamendability rules have important expressive functions, they may not have large consequences for countries' levels of democracy.

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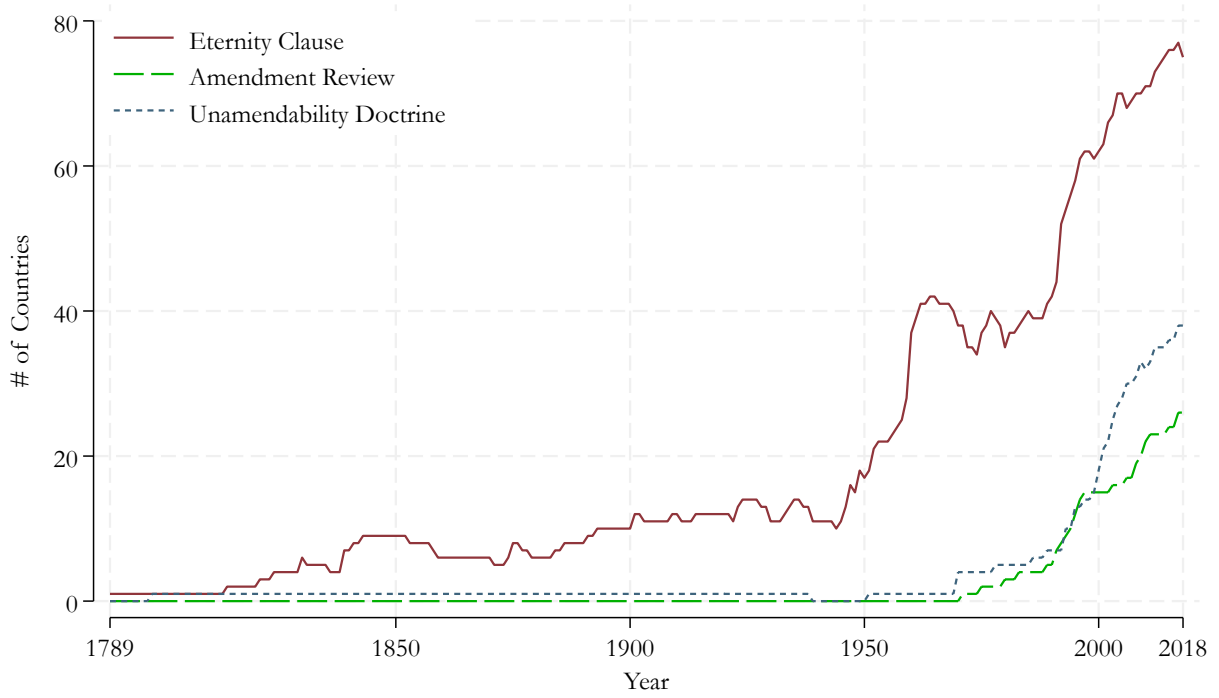
Tables and Figures

Table 1: Summary Statistics

	Observations	Mean	SD	Min	Max
<i>Unamendability Rules</i>					
Eternity Clauses	11,707	0	0	0	1
Amendment Review	12,814	0	0	0	1
Unamendability Doctrine	12,814	0	0	0	1
<i>Democracy levels</i>					
Polity Score	11,352	1	7	-10	10
ML Democracy Score	12,515	0	0	0	1
Executive Constraints	10,968	4	2	1	7
ANRR Index	7,949	0	0	0	1
<i>Control Variables</i>					
GDP	12,168	29,147	120,157	20	2,279,809
Population	12,168	3,318	11,600	6	148,256
Judicial Independence	11,706	4	15	1	96
Amendment Rate	9,840	0	0	0	1
Inter-State War	12,814	0	0	0	1
Intra-State War	12,814	0	0	0	1

Notes: This table reports summary statistics for key dependent variables, independent variables of interest and our vector of controls. GDP is expressed in tens-of-millions of U.S dollars and Population is expressed in tens-of-thousands.

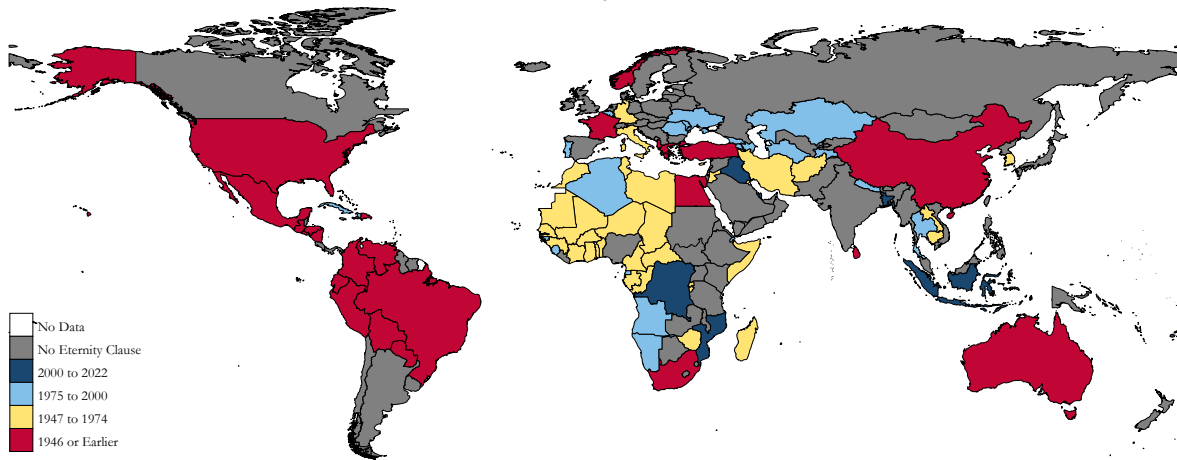
Figure 1: Prevalence of Unamendable Constitutional Provisions



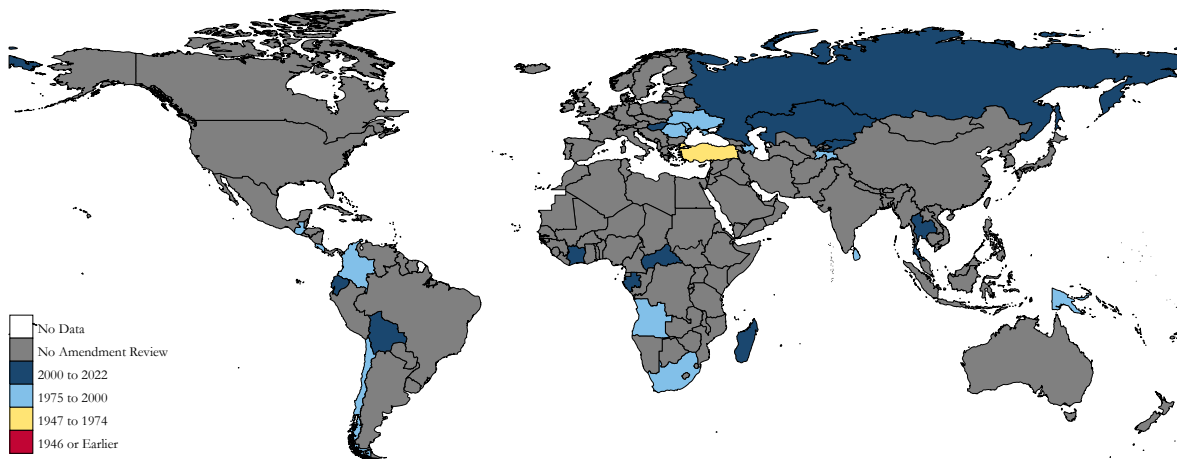
Notes: This figure reports the evolution from 1789 to 2018 of the number of countries with an Eternity Clause in their written constitutions, Amendment Review for the court specified in their written constitutions, and an Unamendability Doctrine adopted through their courts.

Figure 2: Adoption of Unamendability Rules by Country

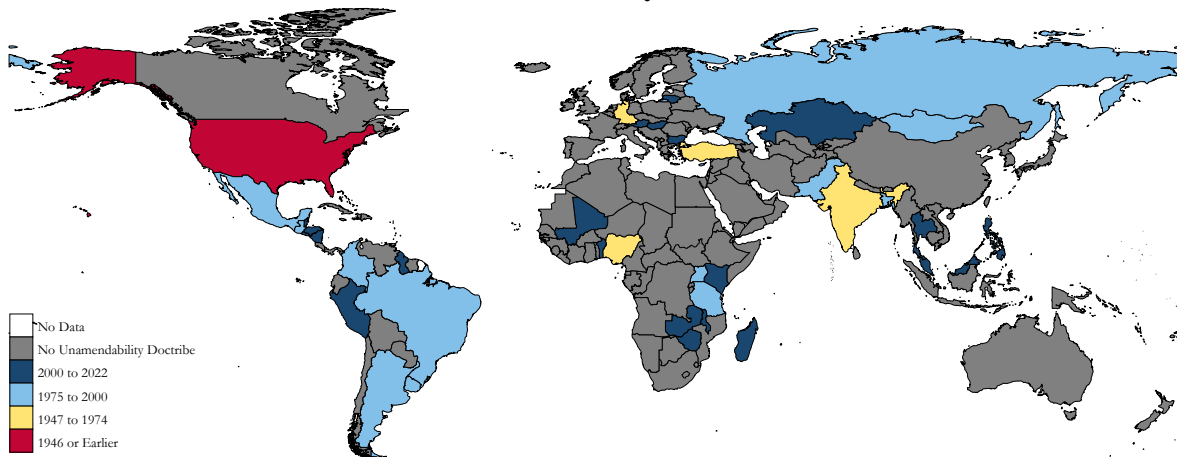
A. Eternity Clause



B. Amendment Review

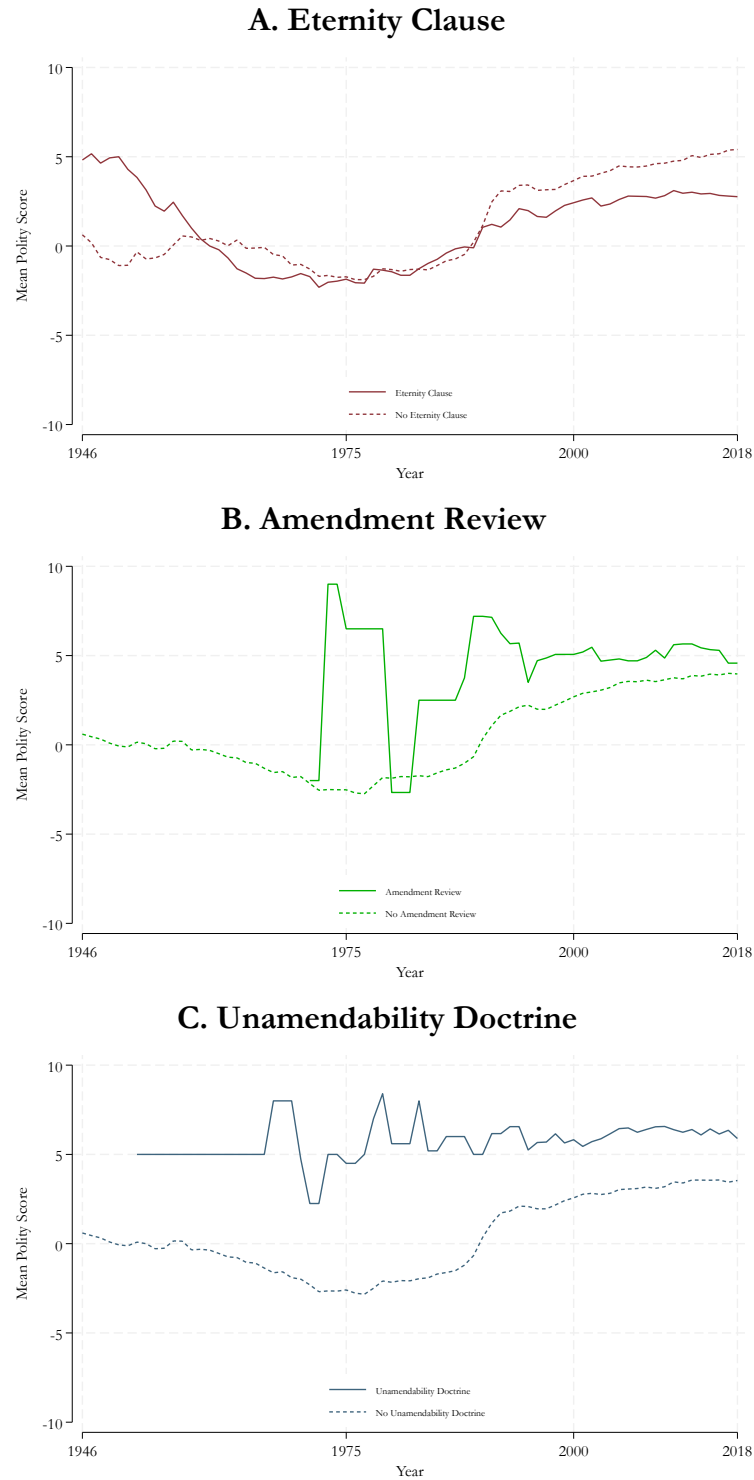


C. Unamendability Doctrine



Notes: Panel A plots when adopted an Eternity Clause in their written constitutions. Panel B plots when countries adopted Amendment Review in their written constitutions. Panel C plots when countries adopted an Unamendability Doctrines through their courts.

Figure 3: Unamendability Rules and Democracy Levels, 1946-2018



Notes: The figure plots the average polity scores for countries with and without each kind of unamendability rule from 1946 to 2018.

Table 2: Panel Regressions – Unamendability Rules and Polity Scores

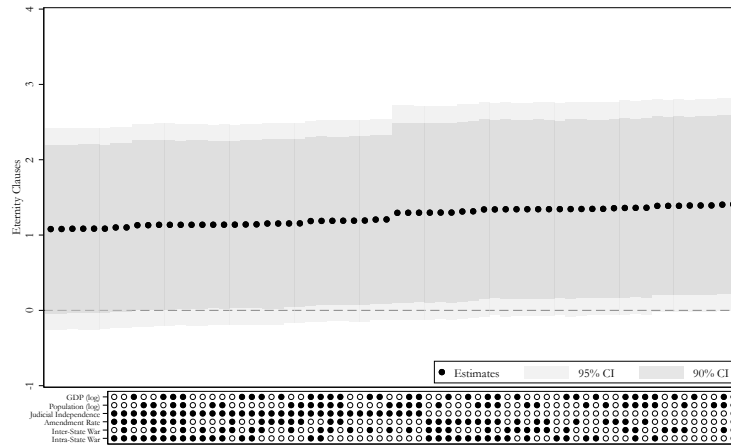
	<i>Polity Score</i>			
	(1)	(2)	(3)	(4)
<i>Panel A</i>				
Eternity Clause	1.392* (0.714)	1.408* (0.715)	1.155* (0.671)	1.101 (0.676)
R ²	0.86	0.86	0.87	0.87
<i>Panel C</i>				
Amendment Review	-1.070 (1.060)	-1.007 (1.079)	-1.163 (1.163)	-1.152 (1.139)
R ²	0.86	0.86	0.87	0.87
<i>Panel B</i>				
Unamendability Doctrine	0.562 (0.623)	0.538 (0.625)	0.687 (0.639)	0.717 (0.640)
R ²	0.86	0.86	0.87	0.87
Observations	8,105	8,105	8,105	8,105
GDP		✓	✓	✓
Population		✓	✓	✓
Judicial Independence			✓	✓
Amendment Rate			✓	✓
Inter-State War				✓
Intra-State War				✓
Country F.E	✓	✓	✓	✓
Year F.E	✓	✓	✓	✓
Country Time-Trend	✓	✓	✓	✓

Notes: This table reports OLS regression coefficients using Polity Score as dependent variable for years 1946-2018. Standard errors clustered at the country-level are reported in parentheses.

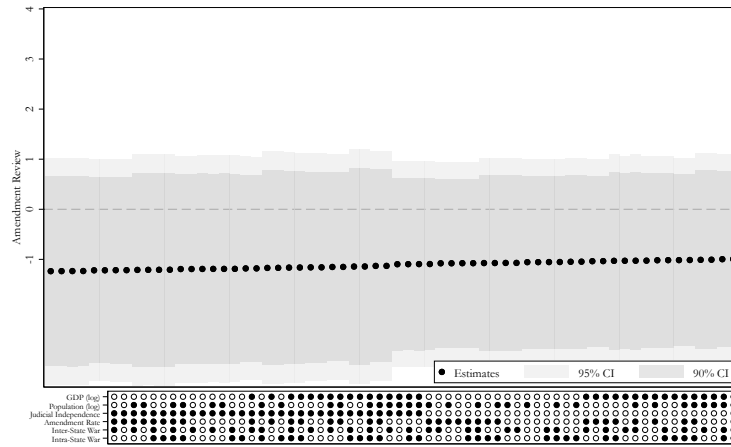
* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Figure 4: Specification Curves - Unamendability Rules and Polity Scores

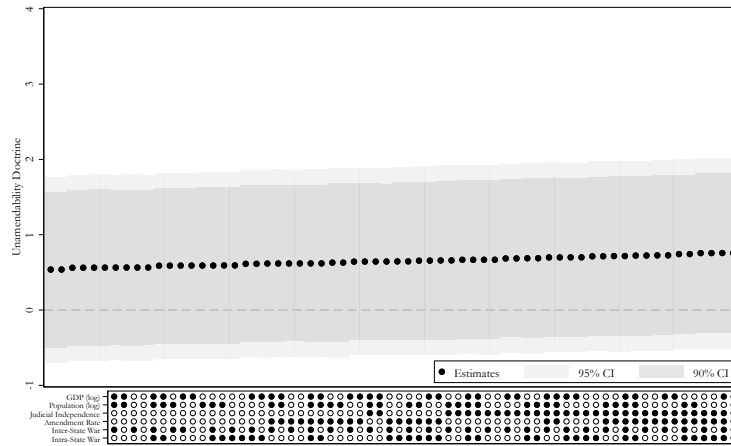
A. Eternity Clauses



B. Amendment Review



C. Unamendability Doctrine



Notes: These figures report the specification curves for the models in Table 2. The tables specifically estimate regressions using every combination of control variables from Table 1. The black dot reports the point estimates from each regression, and the gray bars report the confidence intervals. The estimates are ordered from smallest to largest.

Table 3: Panel Regressions – Alternative Democracy Measures

	ML Democracy Score				Executive Constraints				ANRR			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(1)	(2)	(3)	(4)
Panel A												
Eternity Cause	0.106*** (0.0367)	0.107*** (0.0364)	0.0904** (0.0351)	0.0876** (0.0352)	0.489* (0.270)	0.495* (0.268)	0.419* (0.253)	0.393 (0.253)	0.0950* (0.0548)	0.102* (0.0558)	0.0707 (0.0552)	0.0689 (0.0550)
R ²	0.85	0.85	0.86	0.86	0.84	0.84	0.85	0.85	0.82	0.82	0.83	0.83
Panel B												
Unamendability Doctrine	0.0252 (0.0420)	0.0231 (0.0421)	0.0313 (0.0429)	0.0331 (0.0430)	0.131 (0.210)	0.133 (0.210)	0.184 (0.216)	0.198 (0.212)	0.0521 (0.0590)	0.0494 (0.0596)	0.0639 (0.0595)	0.0653 (0.0595)
R ²	0.85	0.85	0.85	0.86	0.84	0.84	0.85	0.85	0.82	0.82	0.83	0.83
Panel C												
Amendment Review	-0.0457 (0.0572)	-0.0405 (0.0593)	-0.0499 (0.0633)	-0.0493 (0.0619)	-0.579 (0.407)	-0.562 (0.414)	-0.627 (0.436)	-0.613 (0.425)	0.0123 (0.0858)	0.0199 (0.0843)	-0.00390 (0.0989)	-0.00515 (0.0971)
R ²	0.85	0.85	0.85	0.86	0.84	0.84	0.85	0.85	0.82	0.82	0.83	0.83
Mean Dep. Var	0.52	0.52	0.52	0.52	4.34	4.34	4.34	4.34	0.48	0.48	0.48	0.48
Observations	8,478	8,478	8,478	8,478	7,921	7,921	7,921	7,921	6,274	6,274	6,274	6,274
GDP	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Population	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Judicial Independence			✓	✓			✓	✓			✓	✓
Amendment Rate			✓	✓			✓	✓			✓	✓
Inter-State War				✓				✓				✓
Intra-State War				✓				✓				✓

Notes: This table reports OLS regression using ML Democracy Score, Executive Constraints, and the ANRR index as dependent variable for years 1946-2018. Standard errors clustered at the country level are reported in parentheses. All regressions include country, year, and country time-trend fixed effects.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table 4: Event Studies – List of Treatment Events

<u>Panel A</u> <i>Eternity Clause</i>		<u>Panel B</u> <i>Amendment Review</i>		<u>Panel C</u> <i>Unamendability Doctrine</i>	
Country	Year	Country	Year	Country	Year
Italy	1947	Chile	1980	Nigeria	1970
Greece	1952	Romania	1991	Colombia	1978
Cuba	1976	Ukraine	1996	Bangladesh	1989
Portugal	1976	Bolivia	2009	Argentina	1993
Somalia	1979			Uruguay	1993
El Salvador	1983			Tanzania	1995
Nepal	1990			Pakistan	1997
Romania	1991			Uganda	2000
Armenia	1995			Mongolia	2000
Ukraine	1996			Taiwan	2000
Qatar	2003			Croatia	2001
Somalia	2012			Austria	2001
				Malawi	2003
				Bulgaria	2003
				Peru	2004
				Nicaragua	2005
				Philippines	2006
				Hungary	2011

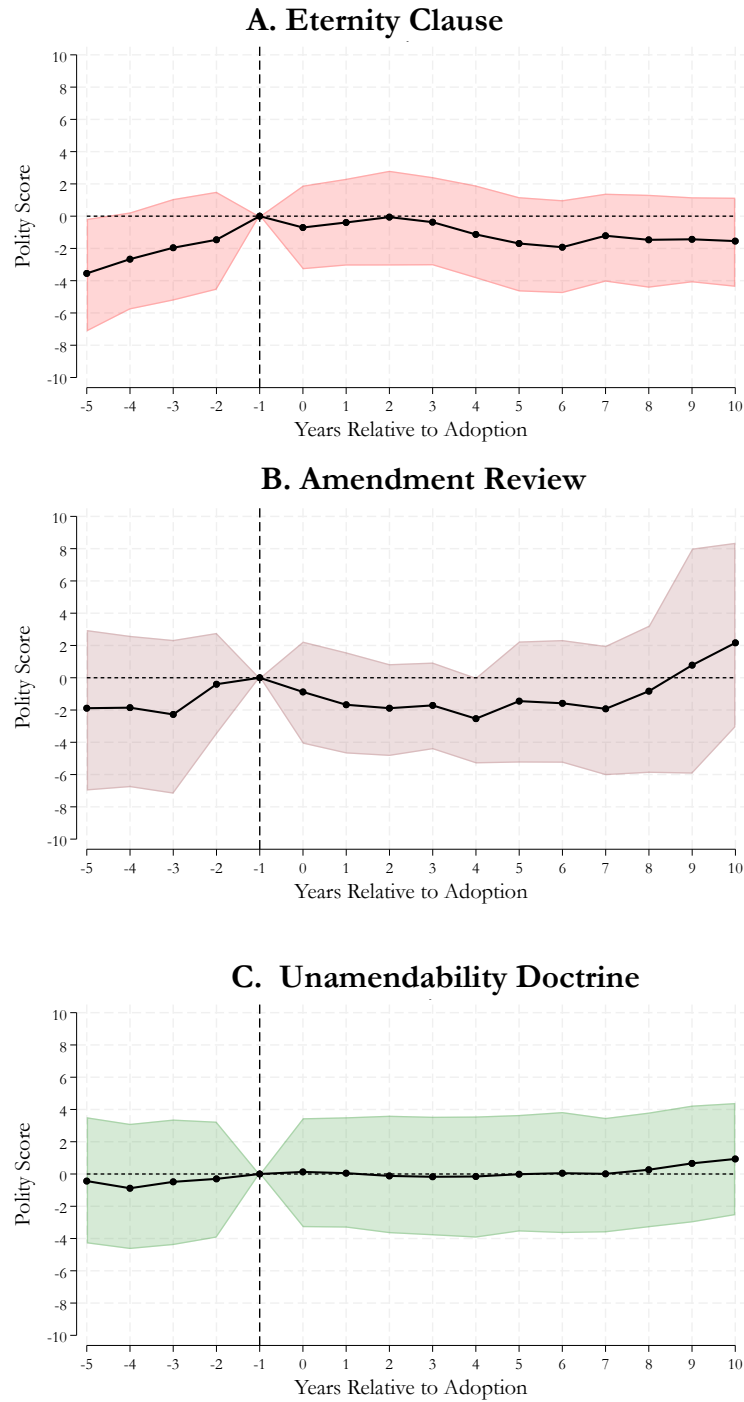
Table 5: Event Studies – Regression Results

	<i>Polity Score</i>		
	Eternity Clauses	Amendment Review	Unamendability Doctrine
Treated X Post	2.068*** (0.725)	0.205 (0.890)	0.564 (0.625)
Treated	-0.528 (1.120)	4.361*** (1.003)	1.781*** (0.644)
Post	-0.342 (0.894)	-0.917 (0.797)	-0.452 (0.286)
Constant	-1.963*** (0.747)	-3.559*** (0.832)	4.532*** (0.335)
Observations	864	1,184	16,846
R ²	0.85	0.83	0.26

Notes: This table reports the event-study estimates of the impact of eternity clauses, unamendability doctrine, and amendment review on Polity score. Bootstrapped standard errors are reported in parentheses.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Figure 5: Event Studies – Graphical Results



Notes: This figure reports the regression coefficients and 95 percent confident interval from using the event study samples used in Table 5 in a regression framework.

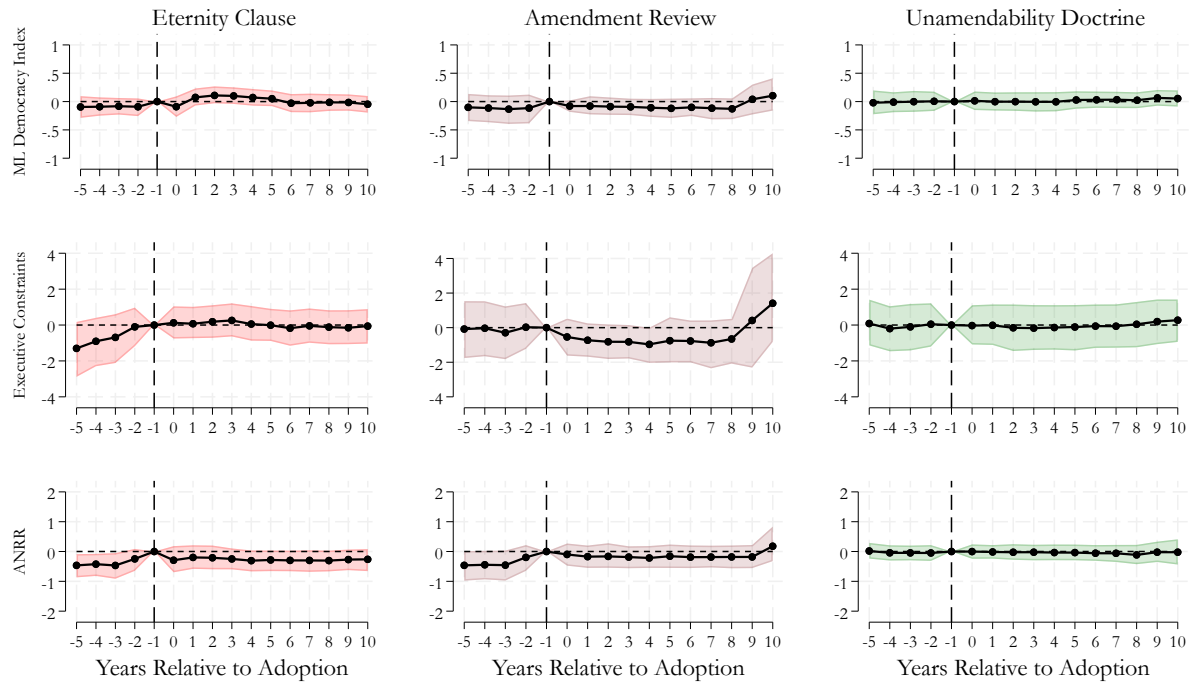
Table 6: Stacked Event Study – Regression Results – Alternative Democracy Measures

	<i>ML Democracy Score</i>			<i>Executive Constraints</i>			<i>ANRR</i>		
	Eternity Clause	Amendment Review	Unamendability Doctrine	Eternity Clause	Amendment Review	Unamendability Doctrine	Eternity Clause	Amendment Review	Unamendability Doctrine
Treated X Post	0.227*** (0.0393)	0.0446 (0.0518)	0.0313 (0.0330)	21.84*** (3.800)	2.517 (5.208)	1.492 (1.633)	0.276*** (0.0666)	0.183* (0.102)	-0.0173 (0.0565)
Treated	0.0217 (0.0895)	0.424*** (0.0534)	0.0523* (0.0301)	-13.71 (11.83)	0.457 (4.832)	-0.0335 (1.545)	-0.105 (0.104)	0.209 (0.136)	0.103** (0.0480)
Post	0.0696 (0.0449)	0.0570 (0.0497)	-0.0238 (0.0185)	-8.597** (4.313)	-2.544 (3.238)	-1.125** (0.561)	0.0369 (0.0699)	0.0339 (0.0616)	-0.0291 (0.0272)
Constant	0.427*** (0.0442)	0.157*** (0.0497)	0.775*** (0.0203)	7.168*** (2.271)	3.129 (3.005)	3.666*** (0.872)	0.398*** (0.0635)	0.115 (0.0722)	0.765*** (0.0288)
Observations	831	1141	16540	864	1184	16846	626	875	14757
R ²	0.856	0.822	0.251	0.424	0.317	0.095	0.826	0.786	0.241

Notes: This table reports OLS regressions from event-studies estimating the impact of Eternity Clauses, Amendment Review, and Unamendability Doctrines on the ML Democracy Score, Executive Constraints, and the ANRR democracy index. Bootstrapped standard errors are reported in parentheses.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

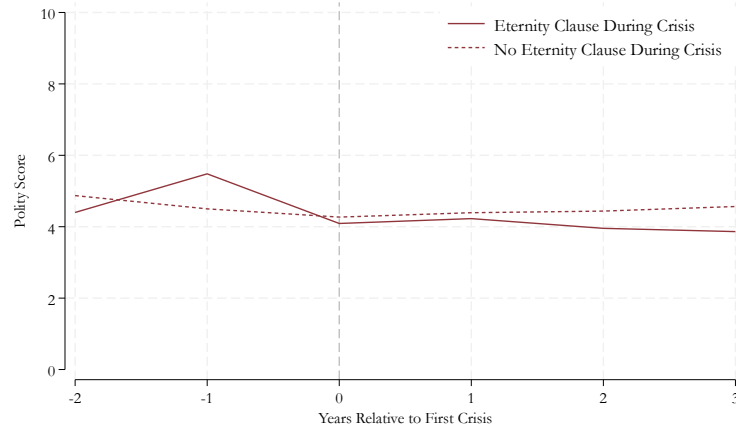
Figure 6: Event Studies – Graphical Results – Alternative Democracy Measures



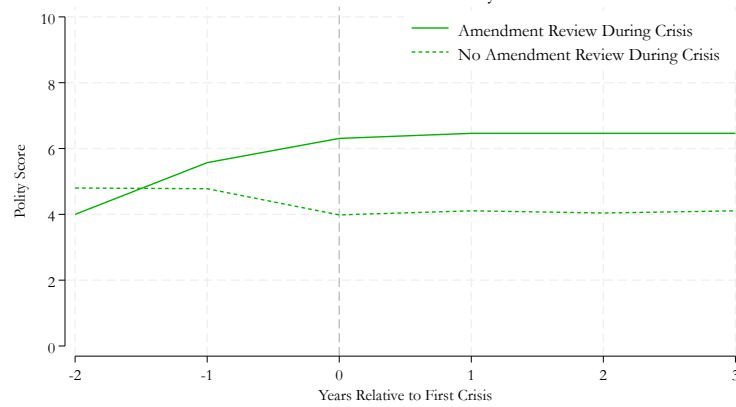
Notes: This figure reports event-study estimates across our three main measures of democracy for Eternity Clause, Amendment Review, and Unamendability Doctrine.

Figure 7: Unamendability Rules and Democracy Crises

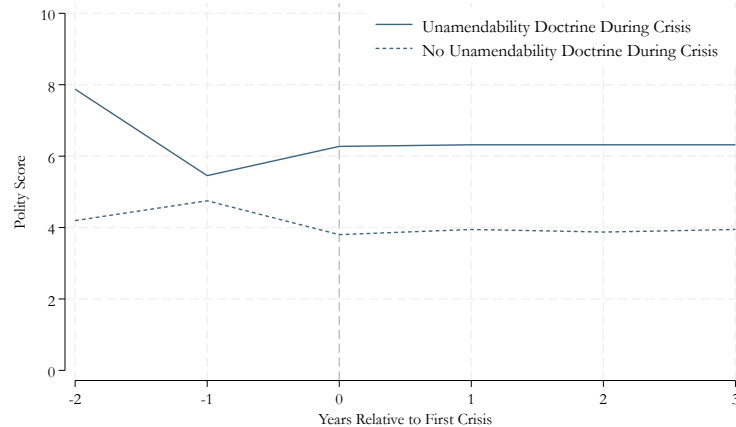
A) Eternity Clause



B) Amendment Review



C) Unamendability Doctrine



Notes: These figures report the evolution of the polity score for countries with and without forms of unamendability in the three years before and after a country's first "democratic crisis. The democratic crises are based on the DEED dataset.

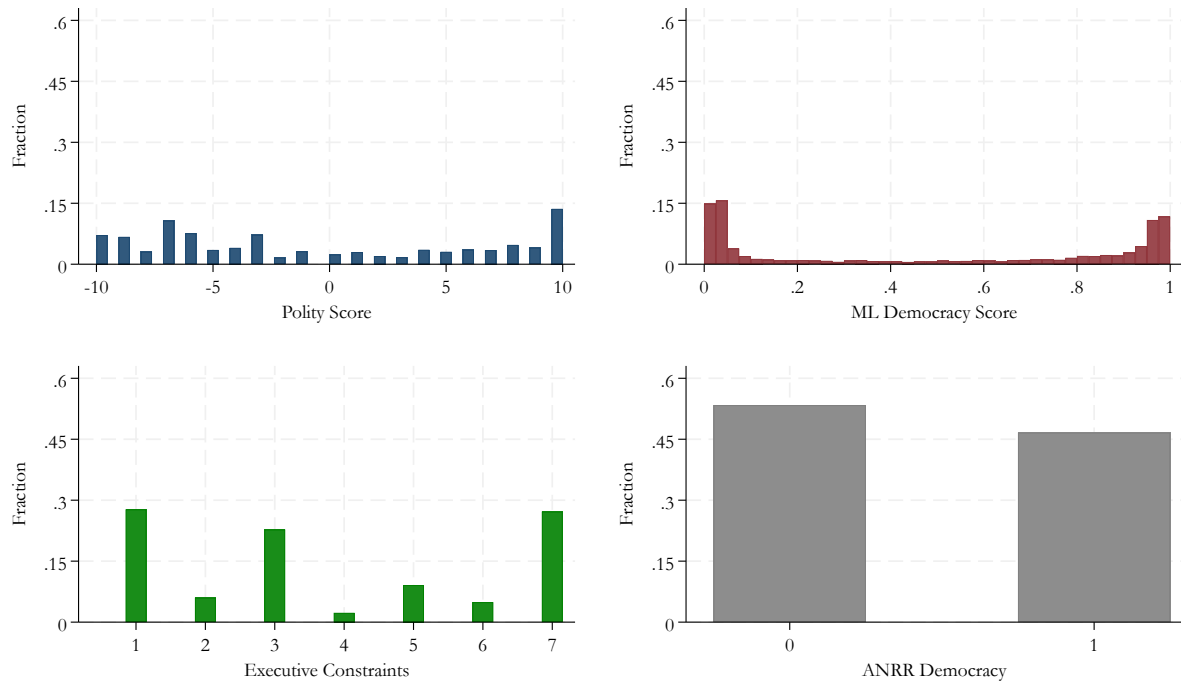
Table 7: Unamendability Doctrines and Constitutional Replacement

<i>Panel A</i>	Country with Eternity Clause		Eternity Clause	
	Yes	No	Yes	No
Number of New Constitution	4.03	2.08	.	.
	2.90	1.67	.	.
Years Before New Constitution	.	.	11.01	13.34
	.	.	10.94	13.02
<i>Panel B</i>	Country with Amendment Review		Amendment Review	
	Yes	No	Yes	No
Number of New Constitution	3.18	2.93	.	.
	2.18	2.64	.	.
Years Before New Constitution	.	.	5.27	12.27
	.	.	4.41	12.33
<i>Panel C</i>	Country with Unamendability Doctrine		Unamendability Doctrine	
	Yes	No	Yes	No
Number of New Constitution	4.14	2.81	.	.
	2.92	2.42	.	.
Years Before New Constitution	.	.	10.89	12.16
	.	.	11.30	12.28

Notes: The first and second columns report the average number of new constitution signed for countries that ever had unamendable constitutions versus those that did not, for years after 1945. The third and fourth columns report the mean number of years before a new constitution has been signed, in a given year with an unamendable constitution across all countries. Standard deviations are reported in parentheses.

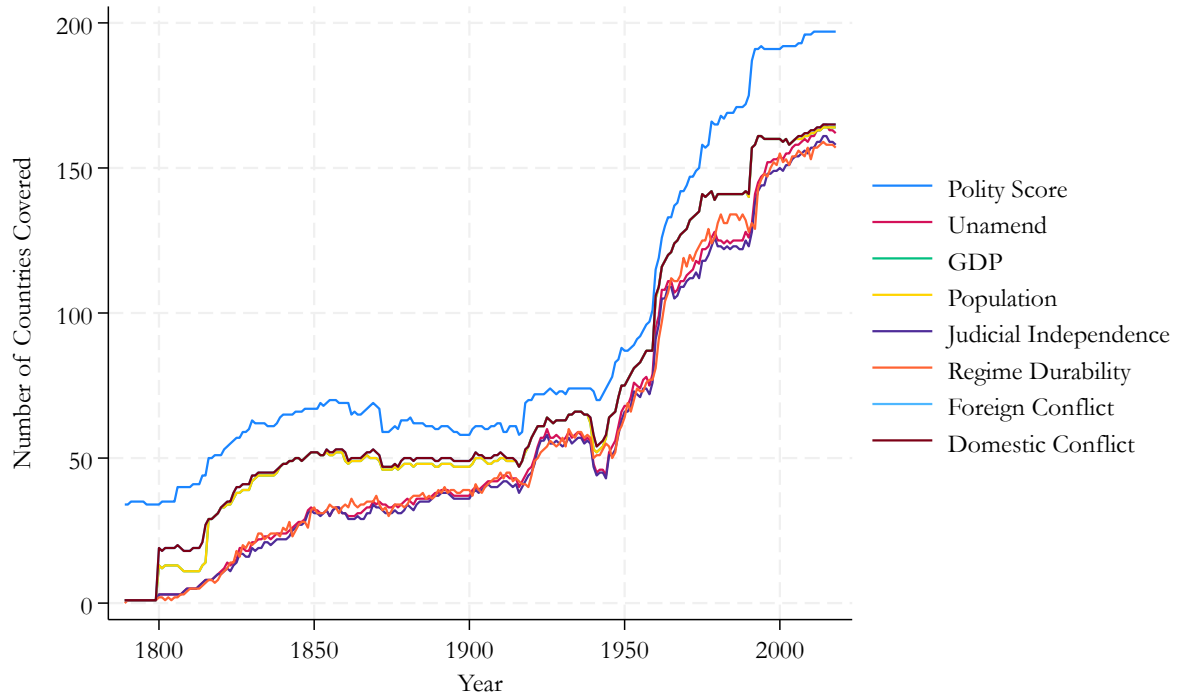
Supplemental Appendix

Figure A1: Distribution of Dependent Variables



Notes: This figure reports the distribution of the four main dependent variables, ML Democracy Index, Polity Score, the Executive Constraints measure, and a binary indicator for whether the country is a Democracy.

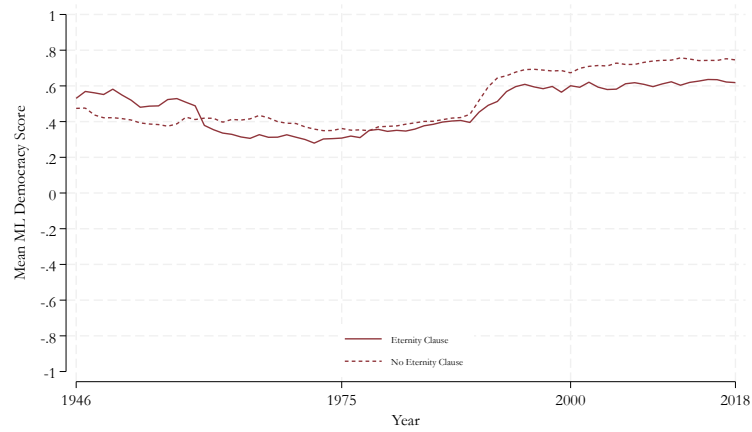
Figure A2: Coverage of Control Variables



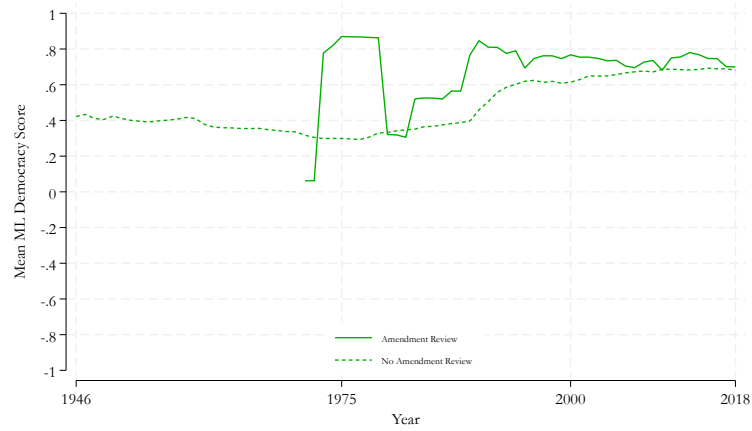
Notes: This figure reports the number of unique non-missing countries by control variable over the years in our sample.

Figure A3: Unamendability Rules and Democracy Levels, 1946-2018

A) Eternity Clauses



B) Amendment Review



C) Unamendability Doctrine

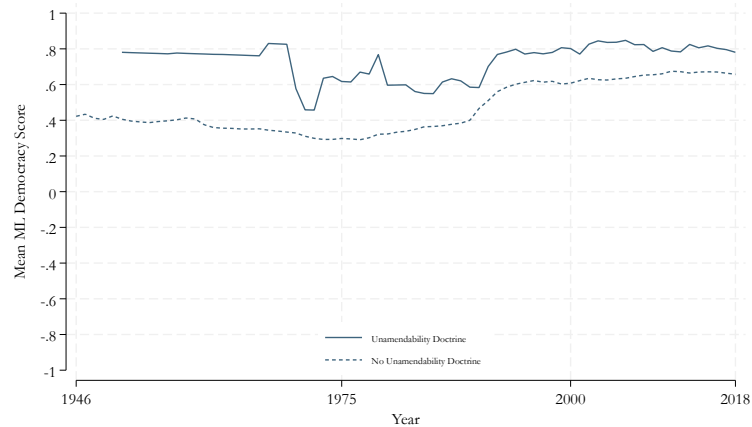
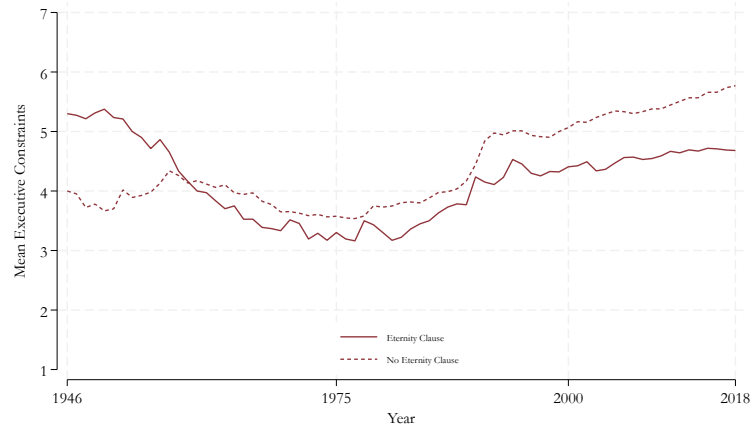


Figure A4: Unamendability Rules and Democracy Levels, 1946-2018

A) Eternity Clauses



B) Amendment Review



C) Unamendability Doctrine

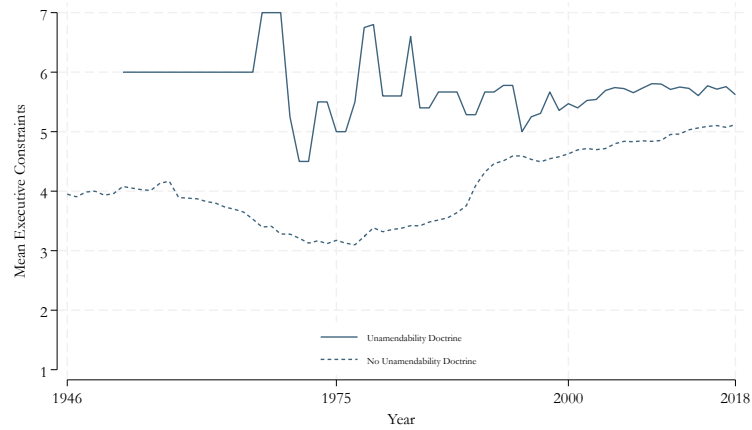
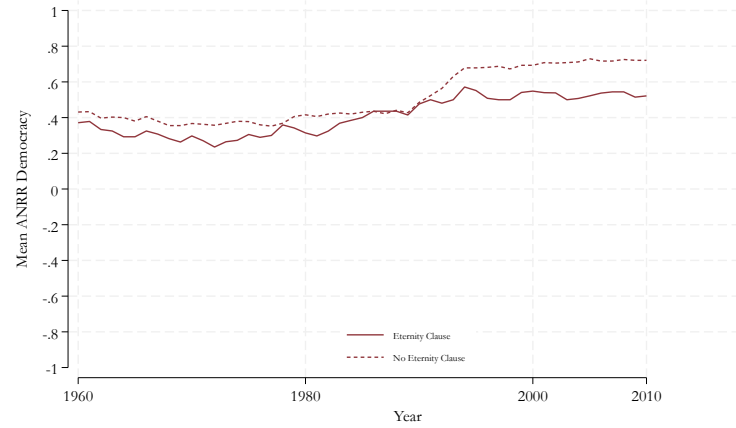
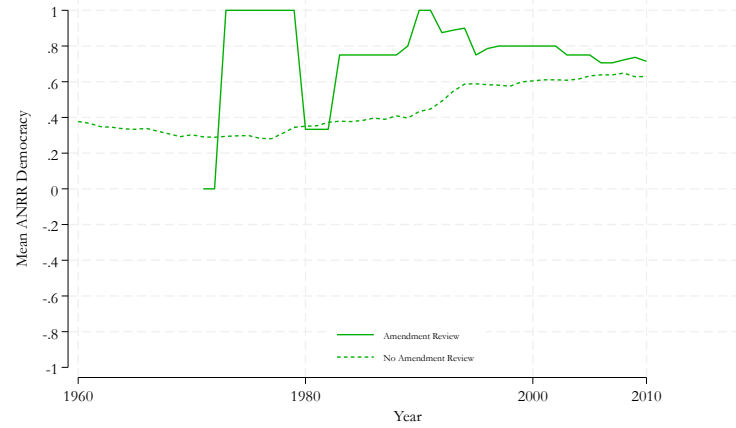


Figure A5: Unamendability Rules and Democracy Levels, 1946-2018

A) Eternity Clauses



B) Amendment Review



C) Unamendability Doctrine

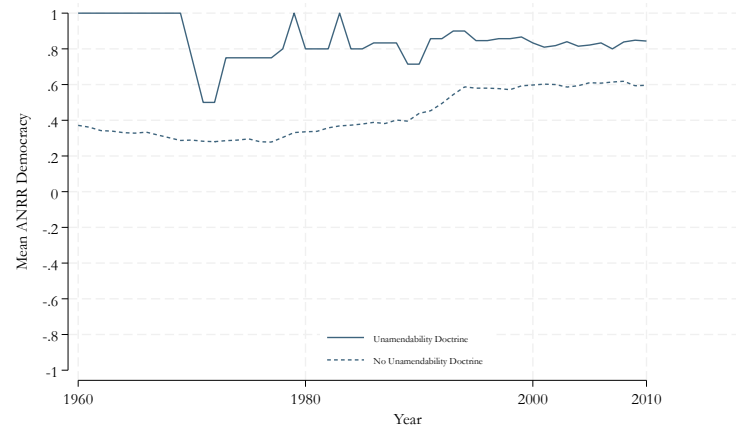


Table A1: Eternity Clauses and Polity Scores (1946-2019)

	Polity Score			
	(1)	(2)	(3)	(4)
Eternity Clause	1.392* (0.714)	1.408* (0.715)	1.155* (0.671)	1.101 (0.676)
GDP (log)		0.982 (0.667)	1.081* (0.652)	1.015 (0.649)
Population (log)		-1.740 (2.206)	-2.536 (2.223)	-2.634 (2.210)
Judicial Independence			2.297** (0.976)	2.339** (0.970)
Amendment Rate			-1.769* (0.900)	-1.773** (0.896)
Inter-State War				0.0149 (0.414)
Intra-State War				-0.724* (0.370)
Constant	-675.8*** (29.49)	-735.0*** (56.96)	-863.7*** (89.19)	-874.7*** (87.88)
Observations	8,105	8,105	8,105	8,105
R ²	0.86	0.86	0.87	0.87

Notes: This table reports OLS regression coefficients using Polity Score as dependent variable, and Eternity Clause as main Independent variable for years 1946-2018. Standard errors clustered at the country-level are reported in parentheses. All regressions include country, year, and country time-trend fixed effects.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table A2: Amendment Review and Polity Score (1946-2018)

	Polity Score			
	(1)	(2)	(3)	(4)
Amendment Review	-1.070 (1.060)	-1.007 (1.079)	-1.163 (1.163)	-1.152 (1.139)
GDP (log)		0.927 (0.671)	1.032 (0.654)	0.962 (0.650)
Population (log)		-1.482 (2.219)	-2.354 (2.247)	-2.468 (2.233)
Judicial Independence			2.445** (0.990)	2.482** (0.983)
Amendment Rate			-1.850** (0.890)	-1.850** (0.887)
Inter-State War				-0.0555 (0.397)
Intra-State War				-0.769** (0.369)
Constant	-660.7*** (28.36)	-715.2*** (54.58)	-856.5*** (88.61)	-868.5*** (87.31)
Observations	8,105	8,105	8,105	8,105
R ²	0.86	0.86	0.87	0.87

Notes: This table reports OLS regression coefficients using Polity Score as dependent variable, and Amendment Review as main Independent variable for years 1946-2018. Standard errors clustered at the country-level are reported in parentheses. All regressions include country, year, and country time-trend fixed effects.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table A3: Unamendability Doctrine and Polity Scores (1946-2019)

	Polity Score			
	(1)	(2)	(3)	(4)
Unamendability Doctrine	0.562 (0.623)	0.538 (0.625)	0.687 (0.639)	0.717 (0.640)
GDP (log)		0.945 (0.672)	1.052 (0.655)	0.981 (0.652)
Population (log)		-1.464 (2.199)	-2.320 (2.230)	-2.431 (2.216)
Judicial Independence			2.437** (0.992)	2.476** (0.986)
Amendment Rate			-1.868** (0.891)	-1.869** (0.887)
Inter-State War				-0.0451 (0.401)
Intra-State War				-0.784** (0.369)
Constant	-654.7*** (28.55)	-710.2*** (55.24)	-849.6*** (89.52)	-861.8*** (87.96)
Observations	8,105	8,105	8,105	8,105
R ²	0.86	0.86	0.87	0.87

Notes: This table reports OLS regression coefficients using Polity Score as dependent variable, and Unamendability Doctrine as main Independent variable for years 1946-2018. Standard errors clustered at the country-level are reported in parentheses. All regressions include country, year, and country time-trend fixed effects.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table A4: Eternity Clause and ML Democracy (1946-2018)

	ML Democracy Score			
	(1)	(2)	(3)	(4)
Eternity Clause	0.106*** (0.0367)	0.107*** (0.0364)	0.0904** (0.0351)	0.0876** (0.0352)
GDP (log)		0.0872** (0.0388)	0.0900** (0.0388)	0.0853** (0.0382)
Population (log)		-0.134 (0.135)	-0.176 (0.145)	-0.178 (0.145)
Judicial Independence			0.140*** (0.0492)	0.143*** (0.0490)
Amendment Rate			-0.0744* (0.0426)	-0.0742* (0.0425)
Inter-State War				0.000408 (0.0167)
Intra-State War				-0.0416* (0.0220)
Constant	-33.69*** (1.368)	-38.82*** (2.999)	-46.98*** (3.983)	-47.21*** (3.932)
Observations	8,478	8,478	8,478	8,478
R ²	0.85	0.85	0.86	0.86

Notes: This table reports OLS regression coefficients using ML Democracy Score as dependent variable, and Eternity Clause as main Independent variable for years 1946-2018. Standard errors clustered at the country-level are reported in parentheses. All regressions include country, year, and country time-trend fixed effects.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table A5: Eternity Clause and Exec. Constraints (1946-2018)

	Executive Constraints			
	(1)	(2)	(3)	(4)
Eternity Clause	0.489* (0.270)	0.495* (0.268)	0.419* (0.253)	0.393 (0.253)
GDP (log)		0.388 (0.258)	0.428* (0.253)	0.400 (0.248)
Population (log)		0.0429 (0.809)	-0.258 (0.785)	-0.298 (0.770)
Judicial Independence			0.826** (0.323)	0.852*** (0.318)
Amendment Rate			-0.563** (0.282)	-0.561** (0.278)
Inter-State War				0.0229 (0.106)
Intra-State War				-0.418*** (0.146)
Constant	-256.8*** (9.719)	-274.1*** (20.38)	-321.6*** (32.11)	-327.1*** (31.21)
Observations	7,921	7,921	7,921	7,921
R ²	0.84	0.84	0.85	0.85

Notes: This table reports OLS regression coefficients using Executive Constraints as dependent variable, and Eternity Clause as main Independent variable for years 1946-2018. Standard errors clustered at the country-level are reported in parentheses. All regressions include country, year, and country time-trend fixed effects.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table A6: Eternity Clause and ANRR Democracy (1946-2018)

	ANRR Index			
	(1)	(2)	(3)	(4)
Eternity Clause	0.0950* (0.0548)	0.102* (0.0558)	0.0707 (0.0552)	0.0689 (0.0550)
GDP (log)		0.0566 (0.0679)	0.0684 (0.0676)	0.0652 (0.0667)
Population (log)		-0.243 (0.248)	-0.269 (0.251)	-0.267 (0.251)
Judicial Independence			0.184*** (0.0669)	0.186*** (0.0667)
Amendment Rate			-0.0549 (0.0810)	-0.0552 (0.0805)
Inter-State War				0.0219 (0.0212)
Intra-State War				-0.0351 (0.0315)
Constant	-28.83*** (1.681)	-34.54*** (5.275)	-48.46*** (7.270)	-49.07*** (7.208)
Observations	6,274	6,274	6,274	6,274
R ²	0.82	0.82	0.83	0.83

Notes: This table reports OLS regression coefficients using the ANRR democracy index as dependent variable, and Eternity Clause as main Independent variable for years 1946-2018. Standard errors clustered at the country-level are reported in parentheses. All regressions include country, year, and country time-trend fixed effects.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table A7: Amendment Review and ML Democracy (1946-2018)

	ML Democracy Score			
	(1)	(2)	(3)	(4)
Amendment Review	-0.0457 (0.0572)	-0.0405 (0.0593)	-0.0499 (0.0633)	-0.0493 (0.0619)
GDP (log)		0.0844** (0.0389)	0.0873** (0.0388)	0.0823** (0.0381)
Population (log)		-0.106 (0.137)	-0.156 (0.148)	-0.159 (0.148)
Judicial Independence			0.152*** (0.0500)	0.155*** (0.0498)
Amendment Rate			-0.0793* (0.0421)	-0.0789* (0.0421)
Inter-State War				-0.00440 (0.0153)
Intra-State War				-0.0451** (0.0220)
Constant	-33.34*** (1.416)	-38.08*** (2.987)	-47.09*** (4.034)	-47.34*** (3.979)
Observations	8,478	8,478	8,478	8,478
R ²	0.85	0.85	0.85	0.85

Notes: This table reports OLS regression coefficients using ML Democracy Score as dependent variable, and Amendment Review as main Independent variable for years 1946-2018. Standard errors clustered at the country-level are reported in parentheses. All regressions include country, year, and country time-trend fixed effects.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table A8: Amendment Review and Exec. Constraint(1946-2018)

	Executive Constraints			
	(1)	(2)	(3)	(4)
Amendment Review	-0.579 (0.407)	-0.562 (0.414)	-0.627 (0.436)	-0.613 (0.425)
GDP (log)		0.358 (0.261)	0.402 (0.256)	0.374 (0.249)
Population (log)		0.131 (0.813)	-0.191 (0.788)	-0.237 (0.772)
Judicial Independence			0.875*** (0.323)	0.898*** (0.318)
Amendment Rate			-0.599** (0.280)	-0.594** (0.277)
Inter-State War				-0.00911 (0.0990)
Intra-State War				-0.429*** (0.142)
Constant	-253.6*** (9.117)	-268.7*** (19.58)	-320.1*** (31.83)	-325.9*** (30.94)
Observations	7,921	7,921	7,921	7,921
R ²	0.84	0.84	0.85	0.85

Notes: This table reports OLS regression coefficients using Executive Constraints as dependent variable, and Amendment Review as main Independent variable for years 1946-2018. Standard errors clustered at the country-level are reported in parentheses. All regressions include country, year, and country time-trend fixed effects.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table A9: Amednment Review and ANRR Democracy (1946-2018)

	ANRR Index			
	(1)	(2)	(3)	(4)
Amendment Review	0.0123 (0.0858)	0.0199 (0.0843)	-0.00390 (0.0989)	-0.00515 (0.0971)
GDP (log)		0.0500 (0.0672)	0.0638 (0.0664)	0.0604 (0.0653)
Population (log)		-0.179 (0.238)	-0.226 (0.246)	-0.224 (0.246)
Judicial Independence			0.197*** (0.0654)	0.199*** (0.0651)
Amendment Rate			-0.0580 (0.0807)	-0.0583 (0.0802)
Inter-State War				0.0198 (0.0212)
Intra-State War				-0.0373 (0.0319)
Constant	-29.69*** (1.576)	-34.42*** (5.206)	-49.36*** (7.185)	-50.00*** (7.129)
Observations	6,274	6,274	6,274	6,274
R ²	0.82	0.82	0.83	0.83

Notes: This table reports OLS regression coefficients using the ANRR democracy index as dependent variable, and Amendment Review as main Independent variable for years 1946-2018. Standard errors clustered at the country-level are reported in parentheses. All regressions include country, year, and country time-trend fixed effects.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table A10: Unamendability Doctrine and ML Democracy (1946-2018)

	ML Democracy Score			
	(1)	(2)	(3)	(4)
Unamendability Doctrine	0.0252 (0.0420)	0.0231 (0.0421)	0.0313 (0.0429)	0.0331 (0.0430)
GDP (log)		0.0848** (0.0389)	0.0879** (0.0388)	0.0827** (0.0381)
Population (log)		-0.104 (0.137)	-0.152 (0.149)	-0.155 (0.149)
Judicial Independence			0.152*** (0.0504)	0.155*** (0.0502)
Amendment Rate			-0.0800* (0.0424)	-0.0797* (0.0424)
Inter-State War				-0.00396 (0.0152)
Intra-State War				-0.0458** (0.0216)
Constant	-33.11*** (1.397)	-37.87*** (2.992)	-46.80*** (4.013)	-47.04*** (3.954)
Observations	8,478	8,478	8,478	8,478
R ²	0.85	0.85	0.85	0.85

Notes: This table reports OLS regression coefficients using ML Democracy Score as dependent variable, and Unamendability Doctrine as main Independent variable for years 1946-2018. Standard errors clustered at the country-level are reported in parentheses. All regressions include country, year, and country time-trend fixed effects.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table A11: Unamendability Doctrine and Exec. Constraints (1946-2018)

	Executive Constraints			
	(1)	(2)	(3)	(4)
Unamendability Doctrine	0.131 (0.210)	0.133 (0.210)	0.184 (0.216)	0.198 (0.212)
GDP (log)		0.371 (0.262)	0.415 (0.257)	0.386 (0.251)
Population (log)		0.110 (0.809)	-0.203 (0.787)	-0.247 (0.771)
Judicial Independence			0.863*** (0.327)	0.888*** (0.322)
Amendment Rate			-0.598** (0.282)	-0.595** (0.278)
Inter-State War				-0.00341 (0.102)
Intra-State War				-0.436*** (0.145)
Constant	-251.3*** (9.343)	-267.2*** (19.99)	-317.4*** (32.42)	-323.2*** (31.41)
Observations	7,921	7,921	7,921	7,921
R ²	0.84	0.84	0.85	0.85

Notes: This table reports OLS regression coefficients using Executive Constraints as dependent variable, and Unamendability Doctrine as main Independent variable for years 1946-2018. Standard errors clustered at the country-level are reported in parentheses. All regressions include country, year, and country time-trend fixed effects.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table A12: Unamendability Doctrine and ANRR Democracy (1946-2018)

	ANRR Index			
	(1)	(2)	(3)	(4)
Unamendability Doctrine	0.0521 (0.0590)	0.0494 (0.0596)	0.0639 (0.0595)	0.0653 (0.0595)
GDP (log)		0.0477 (0.0683)	0.0627 (0.0678)	0.0593 (0.0668)
Population (log)		-0.167 (0.238)	-0.215 (0.246)	-0.213 (0.246)
Judicial Independence			0.200*** (0.0650)	0.202*** (0.0648)
Amendment Rate			-0.0594 (0.0812)	-0.0596 (0.0807)
Inter-State War				0.0197 (0.0210)
Intra-State War				-0.0380 (0.0317)
Constant	-29.59*** (1.556)	-34.08*** (5.319)	-49.21*** (7.195)	-49.86*** (7.135)
Observations	6,274	6,274	6,274	6,274
R ²	0.82	0.82	0.83	0.83

Notes: This table reports OLS regression coefficients using the ANRR Democracy index as dependent variable, and Unamendability Doctrine as main Independent variable for years 1946-2018. Standard errors clustered at the country-level are reported in parentheses. All regressions include country, year, and country time-trend fixed effects.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

**Table A13: Unamendability Doctrines and Constitutional Replacement
– Regression Results**

	New Constitution Signing	Years Before Constitution
<i>Panel A</i>		
Country with Eternity Clause	1.985	.
	2.126	.
Eternity Clause	.	-3.919
	.	15.111
R ²	0.142	0.015
<i>Panel B</i>		
Country with Amendment Review	0.273	.
	2.971	.
Amendment Review	.	-8.788
	.	14.061
R ²	0.002	0.005
<i>Panel C</i>		
Country with Unamendability Doctrine	1.395	.
	2.842	.
Unamendability Doctrine	.	-3.095
	.	13.987
R ²	0.034	0.001

Notes: This table displays the relationship between unamendability and constitution signing. Particularly, the first column reports the mean difference in number of total constitutions signed, between countries with and without eternity clauses across all years. The second columns shows the decrease in years before new constitution associated with a country having an eternity clause in a given year. Data is for years 1919-2016. Standard errors are reported in parentheses.