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Autocratic Influence in Democratic Transitions: How the Timing of Constitutional Reform Impacts Democratic Consolidation

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Autocratic Influence in Democratic Transitions: How the Timing of Constitutional Reform Impacts Democratic Consolidation

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"Among Third-Wave democracies that included constitutional procedures in their transition, what explains variations in democratic consolidation?"

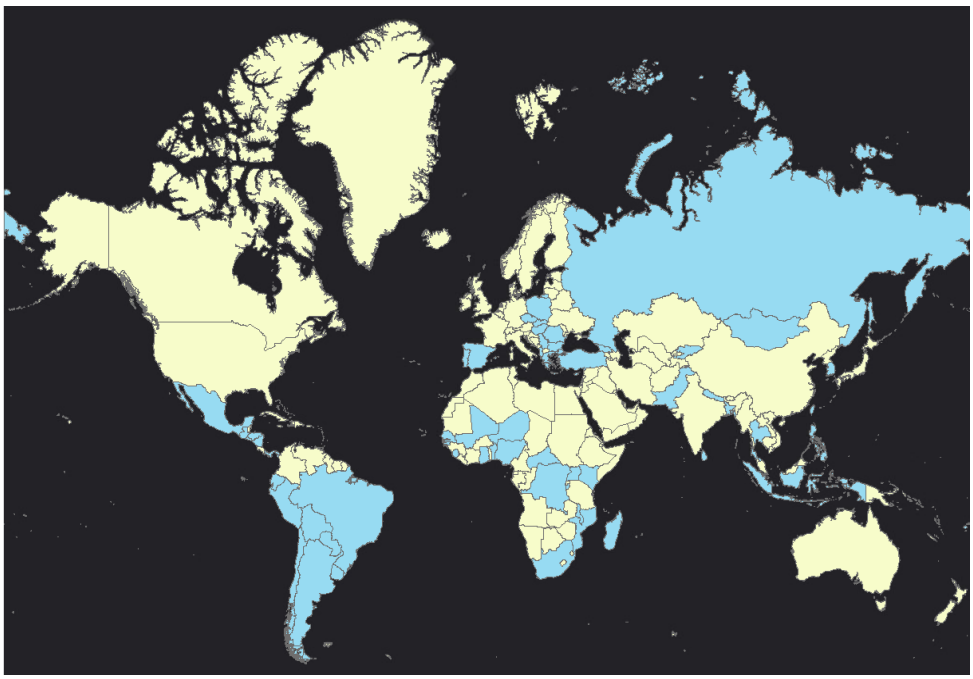
Abstract

Perhaps no document better symbolizes a nation-state than a written constitution. In particular, during the unstable period of transition between autocracy and democracy, the investment of political and cultural capital in creating an entirely new constitution reflects an expectation on the part of participants that constitutions can exercise independent and legitimate authority on citizens and government within its jurisdiction. Thus, as constitutions either prologue a period of democratic renewal (e.g South Africa, 1994) or constrain later democratic institutions (e.g. Chile, 1989), they offer important contributions to democratic theory (Mallios). This mixed-methodology study will attempt to explain how these processes used during transitions affect the consolidation of democratic regimes later.

This question is important because, since at least 1945, the political science community has tried to better understand the forces that lead to democratic consolidation, authoritarian breakdown, and regime transition. However, there is significant variation in the conditions and features of democratic transitions, and significant variation in democratic outcomes. As part of contributing to resolving this puzzle, this paper theorizes that the less influence the autocratic regime exerts on the transitional and transitional-constitutional processes, the more democratic the post-transition political system. With better frameworks for these transitions, political scientists can better study democratic theory. Likewise, as international and civil society organizations work to promote accountability, improved insight into methods of democratization can support their policy initiatives.

Literature Review

This research question examines the relationship between constitutional procedures in transition and democratic development. The primary thesis question is organized to assess how the timing of



Picture A: Countries that Participated in the Third Wave (in Blue)

constitutional and amendment procedures during democratic transitions impacts democratization efforts later. For the purpose of this study, I have developed an original Dataset of Transitional-Constitutional Paradigms, which includes key dates in the democratic transition and constitutional development of 77 transitions between 1970 and 2005. This research is focused on the Third Wave democracies for various reasons. The first and second waves saw an increase in 29 and 24 democracies respectively, while the third wave reflects an over 60-country increase (Diamond 2011). This variety is useful in analyzing a broad array of countries and types of transitions, especially considering this wave was broadly distributed across the world (see Picture A). Secondly, the transitions to democracy in the first and second waves were generally slow processes that culminated over decades, whereas discrete events like a revolution or pacted transition found more frequently in the third wave are easier to study (Alberti 1994). Thirdly, as a part-quantitative analysis, indexes of democratic quality used in the study must overlap with the transitions in question: FreedomHouse's and IDEA's indexes start in 1978 and 1975, respectively, and therefore include Third Wave transitions.

Definitions of Democracy

Political science has struggled for a consensus on the definition of 'democracy' and effective metrics for understanding 'democratic consolidation.' Starting with the former, the status of a particular democracy can be assessed in terms of either "electoral democracy" or "liberal democracy." An electoral democratic analysis is limited to "the study of the regime," focused on merely avoiding authoritarianism and preventing democratic decay (Cullel and O'Donnell 2004, 9). Here, the focus will largely be on the fact of *relatively* free, fair, and frequent elections. While popular, this approach ignores teleological criteria like minority rights or whistleblower protections important to the functioning of fully realized, liberal democracy.

In contrast, an assessment of liberal democracy is based on political liberties, minority rights, and the larger political institutions beyond elections. Examples include everything from a citizen's ability to run for office or unionize, and the relative independence of the judiciary. This analysis' focus on rights and broader institutions provides a higher standard for a consolidated democracy, as more criteria require measurement than elections alone (Grassi 2011). Political scientists like Davide Grassi and O'Donnell are skeptical of this approach because criteria are "changeable and undefined" and because it biases democratic indexes towards more consolidated, fully realized western democracies (Grassi 2011, 3). Nevertheless, the NGO FreedomHouse annual index focuses on states' human rights regimes and political freedoms, asking varied questions from "do adult citizens enjoy universal and equal suffrage?" to "do national political parties of various ideological persuasions address issues of specific concern to minority or other relevant groups?" (Freedom House 2019).

These distinct definitions of democracy are reflected in definitions of democratic consolidation. If you partake in an electoral analysis, the threshold for a democracy consolidating will be much lower than if you partake in the latter type of analysis. However, in either case, the ultimate objective is understanding "the expectation of the regime's endurance." There are two common approaches of democratic endurance:

(1) The "Only Game in Town" theory states that democracy is consolidated when alternative options (e.g. communist revolution, foreign invasion, military coup, etc.) cease to significantly threaten the democratic political system. The basis for this analysis is deductive, as it will account for the disposition of political actors before making a conclusion about democratic consolidation (Kammas and Sarantides).

(2) If two fair and free elections with peaceful transitions pass sequentially, the rate of democratic stability increases significantly. With this conception, democracy 'consolidates' upon the second election and peaceful transition of power. In contrast to (1), this method is inductive and relies on past observed relationships between the amount of elections and democratic stability

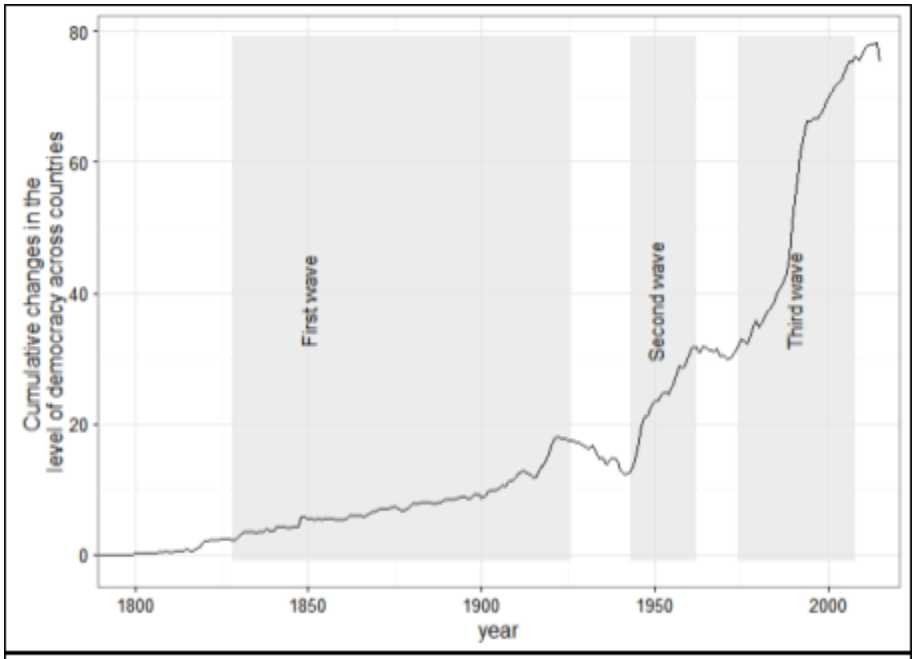
(Rivera). For this paper, I will distinguish between transitional and post-transitional periods by the date of two national electoral cycles after the point of transition.

Constitutions, in different ways, mirror the electoral and liberal analyses of democracy. In terms of electoral democracy, constitutions regulate and organize the administration of government. The content will frequently feature rules about elections, for example by delineating suffrage or empowering a certain body to oversee elections. In structuring the functioning of democratic government, constitutions prescribe the institutions, and therefore the basis, of electoral democracy. For the liberal analysis, 217 constitutions mention 'rights,' which - as in the United States' Bill of Rights - details the positive rights of people within the state's jurisdiction; relatedly, often constitutions delineate freedoms *from* the government, in terms of the limits on government's legitimate authority.

Pacted and Ruptured Democratic Transitions

How does the process of transition away from the previous regime affect the durability of the new democratic system? This section will assess current definitions for transitional paradigms and its predictions in terms of democratic outcomes later.

As mentioned earlier, the history of democratic transitions is generally divided into three separate waves: the slow growth of democracy in the 19th century up until WW2, the rise after WW2, and then in the 1970s an explosion of democratic government that lasted until the early 2000s (Huntington 1991) (Picture B). The first two waves were relatively concentrated to Europe, whereas the latter wave started in Western Europe before expanding into Eastern Europe, Latin America, Africa, and Asia (Diamond 2011). Huntington defines a democratic wave, as "a group of transitions from nondemocratic to democratic regimes that occur within a specified period of time and



Picture B: History of Democratic Waves (Abandoned Footnotes)

that significantly outnumber transitions in the opposite directions during that period of time" (Huntington 1991).

The field has largely settled on a theoretical process of democratization known as the 'transition paradigm' (Diamond et al. 2014). Guillermo O'Donnell, in the late 1970s, developed this template, which begins with "negotiation between the outgoing authoritarian regime and its democratic opposition" (Diamond et al. 2014). As the Third Wave expanded to more countries, more attention was given to the extent to which the transition paradigm can 'travel' across regions. Carothers argued "there was no regular sequence of stages that countries go through following the fall of an authoritarian regime" (Carothers 2002). Political science thus often uses O'Donnell's theoretical transition template, with an added level of flexibility to account for exceptions and non-linear democratic progress.

Transitions between governments – whether democratic or autocratic – can generally be typified into two separate sets: *pacted transitions* where oppositional forces work with the existing regime and *ruptured transitions* where a revolution or coup d'état supplants the ruling government. Pacted transitions fit more easily in the traditional transition paradigm due to the more linear process of negotiation, and thus the paradigm often excludes ruptured transitions (Diamond et al. 2014). While both transition types necessarily involve at some level interplay between relevant groups, the main difference between the two types of transition lies in the 'mechanism' (Diamond et al. 2014). In pacted transitions, a formal process like a constitutional convention prologues the transition. In ruptured political transitions, often temporary political bodies are built to manage the transitional period (Diamond et al. 2014).

The political science field largely favors pacted transitions for eventual democratic consolidation in lieu of ruptured transitions (Diamond 2012, 148). For the most part, pacted transitions better provide consistency and stability as the system transitions into a new regime type, while in the immediate term keeping experienced government bureaucrats in place. Nonetheless, a ruptured transition may still positively rate to democracy, as a slow transition by non-violent, gradualist forces can leave autocratic institutions unreformed and corrupt, allowing autocratic-aligned forces to reverse momentum towards democracy (Diamond et al. 2014).

Pacted transitions represent political negotiations between, for our purposes, an authoritarian regime, and a democratic opposition. Although many contextual factors play a key role in motivating each party, the transition paradigm suggests moderates in the regime and opposition will make deals and create a "system of mutual security," while at the same time side-lining their respective hard-liners (Diamond 2012, 139). For example, in South Africa, Nelson Mandela's ANC and President de Klerk's NP worked together to create a new constitution, largely removing African and Afrikaner nationalists from deliberations (Nwosu).

The transition paradigm makes two predictions about the factors that lead to pact-making. Following significant internal strife, a system may emerge where neither the opposition nor the regime has the power to completely overcome the other; secondly, if each side trusts each other sufficiently to know that, if the other comes to or maintains power, their vital interests will not be undermined. In a political stalemate and with relative trust in the other, each party's moderates can find room to negotiate an eventual pact. Diamond theorizes that, in the making of a pact, "at least two types of contests proceed simultaneously": the parties will fight for short-term "power and policy outcomes," and long-term efforts "to define rules and procedures whose configuration will determine likely winners and losers in the future" (Diamond 2014, 138). The literature considers various forms of negotiation as indicative of a pact, including negotiated settlements, peace deals, and constitutional reform. These processes can formalize a transition, making clear the duties and prerogatives of each party. However, as a general matter, a pacted transition does not necessitate an eventual democratic consolidation, given the lack of guarantee that the incoming regime is democratic. For example, in the case of Mozambique, the 1990 constitution did nothing more than formalize and institutionalize a partial democracy (Virtanen 2016).

Unlike pacted transitions, ruptured transitions are typified by minimal negotiation between the regime and opposition prior to the transition. This transition type can proceed by various actors, including through public protest, a coup d'état, a putsch by a powerful faction, regime collapse, or a military invasion and civil war (Colon-Rios 2012). Ruptured transitions need not end in democracy; thus, the literature has struggled to understand and differentiate between types of ruptured transitions, as well as their relationship to democratic transitions and democratic consolidation. For example, numerous theories describe the relationship between revolutionary actors and democratic development, including Kelsen's concept of a "legal revolution" and Colon-Rios' preference for the concept of "constituent powers." Hans Kelsen discussed a theoretical 'legal revolution,' a purposefully oxymoronic term to describe transformations in the constitutional regime that cannot be legally justified by the present order (Colon Rios 2012). Kelsen, arguing that the concept of revolution speaks only to the fact of constitutional change, would thus ignore which person or body affected the change. Colon-Rios instead prefers the use of 'constituent power,' a natural and "legally unlimited faculty [for people] to give themselves any constitution they want" (Colon Rios 2012, 595). Regardless of the forces involved in a ruptured transition, political movements often refer to themselves as revolutions (Diamond et al. 2014). Due to the difficulty in defining revolution, designating any particular ruptured transition a 'revolution' is a famously difficult task in political science. Much of the literature has thus moved away from discussing revolutions in the context of democratic transitions, a development that has also biased democratic theory toward pacted transitions.

The literature has therefore focused on factors that lead ruptured transitions towards democratic reforms. In particular, a successful democratic revolution requires mass protests against the ruling regime, a development both essential for revolution and that can precede involvement from other non-democratic forces (Colon-Rios 2014). The more involvement from non-democratic actors, particularly if perpetrating violence, the more reduced the power of protestors (Virtanen 2016). Interestingly, even in ruptured transitions, the parties that exist following a regime's overthrow must still jockey for influence and create either an explicit or tacit pact (O'Donnell and Wolfson 2000). The relative power and disposition of pro-democracy groups in the ruptured, post-regime political environment, therefore, affects the eventual constitutional system (Bacon and Inoguchi 2003).

Ruptured transitions feature greater instability and less uniformity within the transition paradigm than pacted transitions, as the prior autocratic regime with which it would have been necessary to negotiate to form a pact has already left power. Thus, where constitutional reform is featured in ruptured transitions, the process generally follows the initial transition.

Constitutional Reform

Like the timing of the transition itself, what are the specific constitutional measures and processes that support or impede later democratic consolidation? This section will look at the present literature on constitutions generally, and constitutions in democratic transitions specifically. Of the universe of 77 democratic transitions accounted for in my *Dataset of Transitional-Constitutional Paradigms*, only 47 countries developed a new constitution. For the purposes of this paper, constitutional reform encapsulates both constitutional processes and amendment processes.

Before discussing the third wave transitions specifically, the first question worth asking is why countries - autocratic, democratic, or other - choose to develop new constitutions at all? The process of writing "the basic rules of the political game" is an arduous task that requires the active involvement of societal stakeholders (Ginsburg, Huq 2016); more than mere legislation, the act of creating a constitution requires a "blending of passion, rationality, and interest" on the part of stakeholders (Elster, 2016). A new constitution attempts to "channel conflict through formal political institutions" by defining the roles of different parties, and providing methods of resolution between actors in government and society (Ginsburg, Huq 2016). For the political elite, the value of new constitutions thus lies in the opportunity to re-define the political environment to their advantage. Beyond delineating the boundaries of legitimate government, constitutions historically also serve a role in establishing the rights and responsibilities of citizenship. The process of re-thinking the political environment within constitutional reform mean constitutions are more often developed when nation-states and society are 'in transition' (Sunstein, 2001).

The majority of the 133 constitutions developed between 1965 and 2010 lack a relationship to a democratic transition; instead, roughly 100 constitutions were enacted in the context of a) autocratic government, or b) independence movements, which for myriad reasons often collapsed into dictatorship. In contrast to the orthodox view of constitutions as inherently democratic, constitutions are also frequently used to legitimize the authority of the political status quo. While simple explanations suggest autocracies resort to constitutions in order to feign democratic legitimacy, the prospect of stabilizing the political system by "complement[ing] pre-existing norms by outlining who qualifies as a member of the new autocratic coalition and align expectations and norms within the group" provides an independent impetus for undergoing constitutional processes (Ginsburg, Simpur 2014). In fact, of 20th century South American dictatorships, those that developed new constitutions lasted longer in power, along with, on average, offering better respect for private property and individual freedoms (Ginsburg, Simpur 2014). As such, in the course of this study that focuses specifically on democratic constitutions, it is worth emphasizing that constitutional reform does not inherently involve democratization.

As said at the start of this section, not all 77 third-wave democratic transitions featured constitutional processes. Why did certain states choose to develop constitutions when they did, and others not? The act of constitution-making is not a random event, but - due to the significant cultural and political capital required to complete a constitution - instead is deeply embedded in a state's political history. Of the 24 transitions that did not feature a constitutional process, seven transitions simply featured a reinstatement of a previous democratic constitution (Argentina 1973, Argentina 1983, Bangladesh, Latvia, Pakistan, Uganda, and Uruguay). Furthermore, while 17 countries continued to use the same constitution as the autocratic, outgoing regime (AOR), there is significant variation in the political environments: a democratic constitution simply lacked proper enforcement (e.g. Peru), the authoritarian constitution was amended sufficiently to allow democracy (e.g. South Korea), or simply the new democracy fell apart before a sustained constitutional process could reach completion (e.g. Sierra Leone 1996). This suggests that, in the case of authoritarian or reinstated-democratic constitutions, the post-transition regime might prefer to enforce existing/reinstated law (often with amendments) in lieu of jeopardizing the traditional authority and status quo with an unpredictable new process.

Furthermore, there is a growing literature aiming to catalogue and understand variations in the procedures and procedural facts of each constitutional process, as well as to theorize normative frameworks. Elster (2012) lists *institutional variables* that any constitutional process must consider:

1. the mode of election or selection of delegates
2. the qualifications (age, gender, income, literacy, etc.) of electors
3. the qualifications of delegates
4. the number of delegates

5. the seating of the delegates in the assembly
6. secrecy or publicity of debates and votes during and after the tenure of the assembly
7. allocation of time to speakers in the assembly
8. allowing or forbidding deputies to read from written speeches
9. the task of the assembly (constituent only or constituent and legislative)
10. the location of the assembly
11. the (minimal or maximal) duration of the assembly
12. the (minimal or maximal) length of the constitutional text
13. the procedures of ratification of the constitution
14. the date of promulgation of the constitution

The political science community has undertaken significant empirical research to understand patterns in Elster's *institutional variables*. For instance, as a method of ratification, "public ratification has been on the rise since the turn of the twentieth century," along with public mechanisms that reach earlier in the constitution's development, such as in public election of delegates, citizen initiatives, or direct consultation (Blount et al, 39). In turn, public participation, at least in democracies, correlates with less political violence, longer constitutional endurance, and greater rights (Blount et al, 52). In terms of institutional variable (11), a random sample of 148 constitutions found the mean process took 1.32 years with a standard deviation of 1.84, with anecdotal evidence that "either a very short or very long amount of time [seems] to occur in non-democracies" (Blount et al, 40). The size of the deliberative body also appears to affect outcomes, as Kenya's bloated 2007 process (over 600 delegates and two separate drafting committees) sacrificed "textual coherence and internal consistency" (Blount et al, 40).

In these institutional variables lies significant variation in their operation, insofar as they empower different groups or permit public participation at different stages in the process. Widner identifies five phases in constitutional processes in "drafting, consultation, deliberation, adoption, and ratification" (Blount et al, 34), while Banting and Simeone start even earlier with the "mobilization of interests (and counter-interests) prior to the preparation of the text" (Blount et al, 35). Even more broadly, Elster distinguishes procedures as placing either "upstream" or "downstream" constraints on the constitutional process. Upstream-participants harbor influence in that they structure the constitution-drafting body, but may nevertheless be constrained by the "preferences and needs of later-stage" participants to assure ratification (Blount et al, 35). Participants in the constitutional process at times feature 'actors' that are "veto players"; as such, this research will distinguish between the two by 'participants' (or groups) with 'actors' who exert disproportionate control over the constitution's development (Blount et al, 36).

The level of transparency and public oversight on the design process is also theorized to affect constitutional outcomes in different ways. For instance, Mueller (2000) argues greater visibility of the constitutional body may "reduce rent seeking and self-interest" as special interest groups are less able to peddle influence anonymously (Blount et al, 58); however, appeals to the public may lead to grandstanding as "political leaders seek to mobilize their supporters" (Blout et al, 58). As such, Stasavage (2007) provides a "game-theoretic justification for limiting transparency" in order to avoid mass polarization from open deliberation (Blount et al, 58). Elster attempts to deal with the contradictions between Mueller's and Stasavage's hypotheses through the "hourglass" metaphor whereby public participation is most optimal "via public hearings at the upstream stage and some form of ratification at the downstream stage" that bookend the mid-stream "writing and deliberation" that requires secrecy in order for participants and actors to adequately negotiate and bargain.

The field thus is trying to contend with a complex array of forces and relationships in time. This analysis seeks to contribute to the new and growing literature trying to understand the force of constitutions in the context of democratic transitions. However, rather than focusing on the relationship between specific constitutional processes and textual content (Blount et al. 43), this analysis connects the larger power dynamics reflected in the constitutional process directly to democratic outcomes. While the specific constitutional policies and procedures provide a useful qualitative tool for understanding regime influence in transitions, the timing of transitional and constitutional reform may provide a stronger vehicle for understanding how constitutional reform plays out within the wider political environment to support or hinder democratic consolidation later. As will be made clearer, this analysis does not address the content of the processes in particular; rather, my focus is on the arrangement of the constitutional and transitional processes in relation to each other[1]. This thesis is therefore making a theoretical and empirical contribution to the comparative study of constitutional and democratic theory.

Theory and Hypothesis

Transitional and Constitutional Processes

Despite scholarship that supports a correlation between different variables and democratic quality, there remains significant variation in democratic outcomes across countries. The goal of this analysis, therefore, is to examine how the transitional paradigm a particular country uses during the democratic transition

[1] An important assumption implicit in my work is that a new constitutional process is motivated by a perception that the current constitutional setup is inadequate.

impacts the resulting consolidation, structure, and quality of that democracy. In this section, I will provide my theoretical argument and operationalize my two hypotheses for statistical analysis and process tracing.

The theoretical argument focuses on the interaction between the Autocratic, Outgoing Regime (AOR) and the post-transition, democratic opposition *then* new regime during transitional constitutional and amendment processes (Albertus and Menaldo 577). Even if committed to a 'democratic outcome,' the outgoing, autocratic regime will have certain *interests* in the post-transition political environment. This may include an institutional base of support and mechanisms to maintain political power, or impunity for human rights atrocities and/or weakened transitional justice processes. In contrast, to the extent the opposition is united and/or democratic, the new regime has certain *interests* in weakening the prior autocracy's political legitimacy and developing its own, frequently by establishing institutions that reflect their relative popular support.

As such, constitutional and amendment processes do not exist in a vacuum, but are a response to perceived lessons of history, with a relationship between the current and hypothetical, imagined, and post-transition political environment. The more an actor exerts power at different points of the constitutional and amendment process, the more influence that power has in the eventual formation of the document and, thus, securing their *interests* in that post-transition political environment. Importantly, there is a large degree of asymmetry between the autocratic regime and democratic opposition's ability to affect these interests at different points in the process.

To borrow Elster's 'upstream and downstream' dichotomy, procedures employed in upstream stages are important in defining the rules and political power in constitutional assemblies, while downstream ratification methods place theoretical constraints on the constitutional assembly. This paper theorizes that the decision *not* to adopt constitutional and even amendment processes is sourced in the same upstream political context. As such, the longer the autocratic regime is in power during the constitutional timeline, the more likely its *interests* are reflected in the post-transition political environment; inversely, the less the autocratic regime exerts control over the timeline, the more likely the new democratic regime's interests are reflected in the post-transition political environment.

Influence of the Pre-Transition Regime in Constitutional and Amendment Process

The particular interests of the AOR depend on their actions while in power and their interest in power post-transition. Weeks (2003) offers a useful division, for example, of traditional military interests in Chile:

- Institutional Role: Institutional integrity; constitutional role.
- Defense and Security Policy: Formulation of military doctrine; strategic goals and threat scenarios; maintaining internal and social order; combating external invasion; combating internal

subversion; equipment and armaments; relations with foreign militaries; foreign policy relating to military issues.

- Internal Administration: Salaries; recruitment; disciplinary autonomy; education; promotion for junior officers; promotion for senior officers; duty assignments.
- Domestic Policy: Election monitoring; disaster relief; building infrastructure; health and sanitation assistance; education assistance; immigration; technical innovation and research; armaments and related public enterprises.
- Socio-Political Issues: Racial, ethnic, and tribal divisions; religious beliefs; political affiliation of officers.

While intended to be as "complete as possible," the salience of each interest depends on the military's history, path to power, and current political environment (Weeks 15). An autocratic government that participated in human rights atrocities might place roadblocks and/or demand significantly more compromises from the democratic opposition (e.g. Argentina 1983); in contrast, transitional governments that followed either coup (e.g. Turkey 1982) or public mass mobilization (e.g. Tunisia 2010) might have less demands from the process and product. Furthermore, in some way all these interests intersect deeply with the letter and the spirit of constitutional law, such that constitutional and amendment procedures are highly salient for all politically involved parties.

Theory: *The less influence the pre-transition autocratic regime has on the constitutional process, the more consolidated the democracy will be later.*

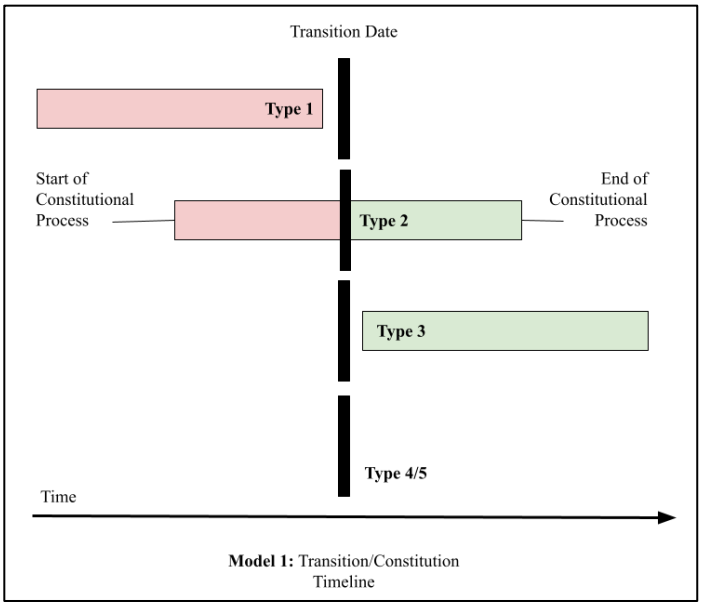
Table 1: Universe of Democratic Transitions (1975-2005)

Hypothesis #1: Constitutional Processes (N=47/77)	*Hypothesis #2: Amendment Processes (N = 62/79)*
Albania - 1991	Argentina - 1973
Bangladesh - 1973	Argentina - 1983
Belarus - 1994	Armenia - 1998
Benin - 1991	Bangladesh - 1973
Brazil - 1989	Bangladesh - 1991
Bulgaria - 1990	Belarus - 1994
Burkina Faso - 1978	Benin - 1991
Burundi - 2005	Bolivia - 1985
Cape Verde - 1991	Brazil - 1989
CAR - 1981	Bulgaria - 1990
CAR - 1993	Burundi - 2005
Dominican Republic - 1996	Cape Verde - 1991
Ecuador - 1979	CAR - 1981

Ecuador - 2002
El Salvador - 1984
Estonia - 1992
Georgia - 1992
Ghana - 1992
Greece - 1974
Honduras 1981
Kenya - 2002
Lesotho - 1993
Macedonia - 1991
Madagascar - 1992
Malawi - 1994
Mali - 1992
Moldova - 1994
Mongolia - 1998
Namibia - 1990
Nepal - 1991
Nicaragua - 1984
Niger - 1993
Niger - 1999
Nigeria - 1979
Nigeria - 1999
Pakistan - 1970
Paraguay - 1989
Peru - 1980
The Philippines - 1986
Poland - 1990
Portugal - 1976
Romania - 1990
Russia - 1991
Senegal - 2000
Slovakia - 1990
South Africa - 1994
Spain - 1977
Sri Lanka - 1977
Thailand - 1975
Thailand - 1992
Turkey - 1983
Ukraine - 1991
Zambia - 1991

Chile -1989
Croatia - 2000
Cyprus - 1981
Dominican Republic - 1978
Dominican Republic - 1996
Ecuador - 1979
El Salvador - 1984
Estonia - 1992
Georgia - 2004
Ghana - 1992
Greece - 1974
Guatemala - 1995
Guinea-Bissau - 2005
Honduras 1981
Hungary - 1990
Indonesia - 1999
Latvia - 1993
Lesotho - 1993
Lithuania - 1993
Madagascar - 1992
Malawi - 1994
Mali - 1992
Mexico - 2000
Moldova - 1994
Namibia - 1990
Nepal - 1991
Niger - 1993
Niger - 1999
Nigeria - 1979
Nigeria - 1999
Pakistan - 1988
Panama - 1989
Peru - 1980
Peru - 2001
The Philippines - 1986
Poland - 1990
Portugal - 1976
Russia - 1991
Sierra Leone - 2002
South Africa - 1994
South Korea - 1988
Spain - 1977
Taiwan - 1992
Thailand - 1975
Thailand - 1992
Turkey - 1983
Uganda - 1980
Uruguay - 1984
Zambia - 1991

Hypothesis #1: *If a new constitution is started and completed after the election of the new democratic regime (Type III), the resulting democracy will be more consolidated than countries that started and completed a new constitution prior to the democratic transition (Type I), and started a new constitution prior to the democratic transition and finished it after (Type II).*



Model 1: Transition/Constitution Timeline

In *Model 1*, we see the conceptual differences in regime overlap over the timeline of the constitutional process. Type III represents the hypothesis, with Type I and Type II representing the alternate hypotheses[2].

The autocratic, outgoing regime (AOR) can influence the constitution and amendment process differently at different phases (which may still overlap):

1. Mobilization of Interests: This is defined as 'the "idea-generating stage" at which large parameters are laid out and the process itself may be determined' (Blount et al). This process may be informal and done without public input (e.g. Chile 1980), formalized into an electoral process for a constituent assembly (e.g. Chile 2021), or some variation thereof. The extent to which the AOR controls initial constitutional decisions - including the number and mode of election of delegates, the task of the assembly, the location of the assembly, and the procedural rules - the more institutional control that AOR exerts in downstream process (Blount et al 34). Decisions made here might be hard to change, as there is "a fair degree of inertia in the later stages of the process" (Blount et al 39).
2. Drafting: The writing of the constitution, conditioned by the procedural rules and distribution of power adopted following phase (1). The more AOR-affiliated or dependent the constituent body is on the AOR (whether a majority, or merely enough representation to veto proposals the AOR dislikes), the more likely the product reflects their interests.

[2] Type 4 and Type 5 Transition do not feature new constitutions, and are therefore addressed in Hypothesis #2.

3. Consultation: This ideally comprises "information provided to the deliberative process by people who mirror the population as a whole," but can include the "'interested public' (civil society organizations, political parties) and ordinary citizens" (Widner). The AOR may try to limit public access (and if not, mobilize its interests publicly) to the consultative process and leverage formal networks to influence constitutional proceedings. As the process unfolds, the relative power that the autocratic regime has can affect the constitutional body's work in less tangible ways, including abuse of police and spying powers, influencing public information, and lobbying for certain constitutional provisions (Albertus and Menaldo 166).
4. Deliberation: This covers final "deliberations" about the draft before adoption and ratification.
5. Adoption: The adoption of a final draft. Whether the constituent assembly adopts the final document, or if a secondary body or set of bodies exercise a *de facto* veto on proposed drafts, these institutional mechanisms will deter or allow AOR influence on the constitutional outcome.
6. Ratification: The ratification of the final draft. Depending on the political dynamics at play, certain methods of ratification might be more or less likely to ratify the constitutional draft.

As an additional note, downstream processes (4),(5), and (6) that follow the constitutional drafting might constrain or prod the constitutional body toward certain reforms; for instance, a popular referendum might push a constitutional body to comport its product to the people's demands (relative to the threshold for ratification), while ratification by the constitutional assembly or legislative body will lead to different sets of incentives during the writing process.

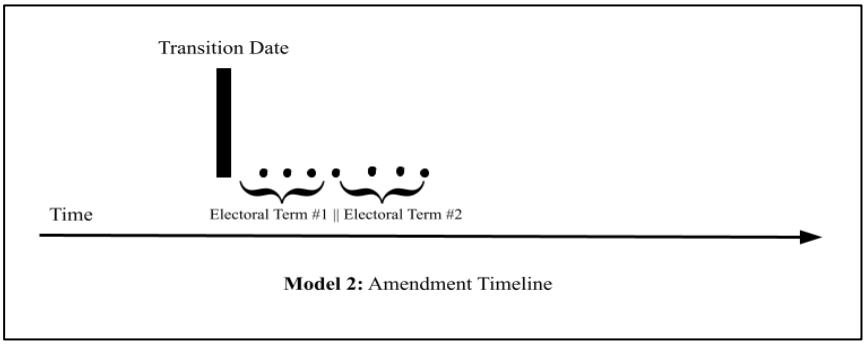
In general, autocratic interests are not particularly invested in democratic institution-building (Albertus and Menaldo 166). The more the autocratic regime's power predominates during key constitutional decisions, the more likely their interests will align with decision-making. If the autocratic regime is no longer in power, the ability to manipulate constitutional decision-making is constrained by the extent to which vestiges of the AOR exist that can influence the process.

In contrast, democratic opposition to the regime's influence in constitutional matters depends greatly on whether they are in power or not. Prior to transitions, opposition parties might lack sufficient resources and organizational infrastructure, yet are still victim to influence by the autocratic regime's use of political authority (Howard and Roessler 371); post-transition, the democratic opposition is likely in power, such that these concerns are less salient. In upstream stages, a democratic opposition must agree to a new constitutional procedure with a more powerful autocratic regime, while a post-transition democratic regime has a lot more freedom to structure the constitutional process to their preference. In midstream stages, while a democratic opposition and democratic regime might both privately lobby and publicly mobilize democratic support during the writing process, those activities will be more successful when not

in the opposition. Lastly, downstream processes are less susceptible to voter or legislative intimidation after transitions than when the prior, autocratic regime is in power[3].

As such, the relative power of the autocratic regime and post-transition democratic regime during the constitutional process defines the final constitution and thus the post-transition political environment. This 'relative power' is coded in terms of the autocratic regime's overlap with the constitutional process, measured as a fraction of the time that the AOR was in power during the constitutional process.

Hypothesis #2: *In transitions that feature no new constitutional processes or regime-affected constitutional processes, the post-transition regimes that amend those constitutions more will be more democratically consolidated later.*



Model 2: Amendment Timeline

Like the theory underlying Hypothesis 1, the more the constitution remains unchanged from the previous autocracy, the less likely institutions have been reformed sufficiently to sustain democratization efforts. This is particularly true in regard to the different types of transitional-constitutional timelines. For example, Type IV transitions might simply be the authoritarian constitution, Type I constitutions might be heavily developed by the AOR consenting to at least some transition, and Type II constitutions affected by the AOR regime most asymmetrically upstream.

The amendment process, like the constitutional process, changes the operation of the state, and generally requires a higher threshold for agreement and longer debate (Yegen). To extend the prior-mentioned autocratic and democratic interests from Hypothesis 1, the prior regime might prefer the constitution at transition to any post-transition reforms the democratic regime wants to implement. Inversely, the democratic regime might prefer to make significant changes, especially depending on how authoritarian the constitution. As such, the more amendments to the constitution passed during the transitional window, the more democratic the institutions that sustain democracy later.

As mentioned, the "transitional window" is composed of two electoral terms. Type III transitions, since they are unlikely to undergo significant changes to a brand-new constitution, are left out of the new universe of cases (N = 60/80). The number of amendments ratified during the transitional window is based on HeinOnline's database of amendment years (1 = year with an amendment process, 0 = years

[3] Let alone the matter of which downstream method best pressures upstream actors to adopt democratic measures.

where there was not an amendment process). The existence of a constitutional process (New_Cons = 1/0) will be used as an additional control variable in Hypothesis #2 statistical analysis.

This analysis therefore hypothesizes regime influence on constitutional reform and amendment processes during the transitional timeline will negatively impact outcomes in democratic quality later. However, there are many alternative explanations for why democracies transition, and then consolidate or break down.

Methodology

This analysis offers a method for understanding how AOR influence and impact constitutional and amendment processes during democratic transitions. In order to fully explicate my causal mechanism, I used a mixed methodology research design that both employs quantitative and then qualitative methods.

By this section, I have introduced the current literature on democratic consolidation and constitutional reform, in addition to my theoretical framework, which seeks to describe AORs' influence in constitutional and amendment processes[4]. Following this section, I will further introduce my independent, control, and dependent variables for qualitative and quantitative analysis. This will prepare the reader for the presentation and discussion of the quantitative results, which are divided into constitutional and amendment processes (Hypothesis #1 and #2, respectively). This initial discussion will prologue and frame the process tracing of case studies of transitions in Chile, Nigeria, and the Philippines; this analysis draws on a combination of constituent assembly, government reports, and secondary accounts and analyses[5]. Finally, I conclude with the findings' implications for the field of democratic and constitutional theory, as well as offer a few suggestions for future research.

Independent, Control and Dependent Variables

Independent Variables: Regime Influence on Transitional-Constitutional Processes

AOR Influence on Constitutional Process (RICP)	RICP, as a *quantitative* measure, is on an ordinal scale, where x<0 = the AOR was not in power during any of the constitutional process and x>1 = AOR was in power during the entire constitutional process.[6] If between 0 and 1, the variable represents the time that the autocratic regime overlapped with the constitutional process. Importantly, the variable can be coded as less than 0 or more than 1, given the proportion of the constitutional process' length before

[4] Defined as procedures that *did* lead to a new constitution or new amendment.
[5] The databases used for quantitative data are summarized in the *Variables* section and further in the Appendix.
[6] RICP is illustrated and discussed further in Figure 1 of the *Theory & Hypothesis* section. The raw formula and calculations for RICP are in *Appendix A.*

	or after the transition date. This variable is calculated from data compilated in the *Dataset of Transitional-Constitutional Paradigms*.
	The qualitative analysis combines two theoretical constitutional timelines broken into six parts: pre-process "mobilization of interests," drafting, consultation, deliberation, adoption, and ratification (Widener; Banting and Simeone). The AOR's role in the constitutional process will be assessed qualitatively in terms of a) whether its influence and interests were represented in each step, and the b) resulting impact on post-transition civic-military relations.[National Elections Across Democracy and Autocracy (NELDA); Chronology of Constitutional Events v. 1.3, Comparative Constitutional Project (CCP)]
Post-Transition Amendments	As a quantitative measure, *Total_Amend* counts the number of years that feature an amendment process between the transition and two electoral cycles (assuming elections would have continued). The impact of post-transition amendments will be further clarified with case studies of amendment processes, and their effect on civil-military relations. [Chronology of Constitutional Events v. 1.3 (CCP)]
Control Variables	
Prior Liberalization	The view that certain cultures are more adept at democracy is taken account of with the *Democracy_1920* variable; this data counts the number of years of previous democratic governments from 1920 to the date of transition (+6-10 in Polity5_Dem Scale). [Polity IV: Polity5 Polity-Case Format]
Gini Coefficient	To account for the view that more equal economies lead to more democratic political outcomes, this data uses an average of the *Gini Coefficient* from 1970-2019. [World Bank]
GDP per Capita	To account for the view that richer economies lead to more democratic political outcomes, this data uses an average of the *GDP per capita* from 1970-2019. [World Bank]

PPI	To account for the view that stronger parliamentary bodies vis-à-vis the executive branch lead to more democratic political outcomes, this data uses the 2007 Parliamentary Power Index (PPI) scores for each country (Fish and Kroenig),
Literacy Rate	To account for the view that higher rates of education leads to more democratic political outcomes, this data uses an average of the *Literacy Rate* from 1970-2019. [World Bank]
Regime Inclusion of Ethnic Diversity	To account for the view that ethnic divisions leads to lower rates of democratic political outcomes, this data uses an average of the *polleq* score for Regime/Government Inclusion from 1995-2019. [Polity IV: State Fragility Index and Matrix]
Natural Resource	To account for the view that dependence on natural resources leads to lower rates of democratic political outcomes. This data uses an average of natural resource rents (%) from 1970-2019.

Dependent Variables: The Non-Recurrence of Autocracy

Democratic Consolidation	DV-1 will be measured quantitatively in terms of democratic quality indicators from IDEA - *C_A1: Representative Government, C_A2: Fundamental Rights, C_A3: Checks on Government,* and *C_A4: Impartial Administration. C_A1* tests electoral democracy, while C_A2, C_A3, and C_A4 involve different aspects of a liberal analysis. Democratic quality will be measured qualitatively in terms of the extent to which the post-transition constitution reforms key political institutions such that democracy is "the only game in town."

Hypothesis #1: Constitutional Processes – Results

The first hypothesis addresses the impact of constitutional processes - specifically AOR influence on these processes – on resulting democratic outcomes. RICP, in *Graph 1*, is skewed toward AOR-controlled constitutional processes. The median is 0.989 and the mean is 0.823, further indicating that transitions more often feature Type I and Type II transitional-constitutional paradigms. *Table 1* below features the statistical results for an OLS regression of the predictors and each particular dependent variable. A step-wise regression was used prior to the OLS to refine the model and remove insignificant control variables; in addition, an *ANOVA* test indicated significant in-group variability between RICP Types in C_A1, leading that particular model to include the square value of the RICP.

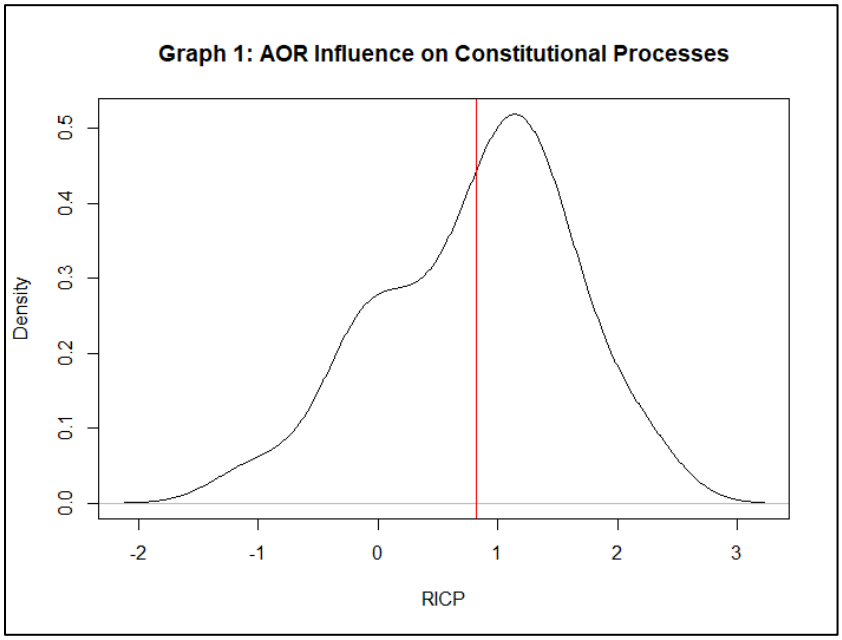
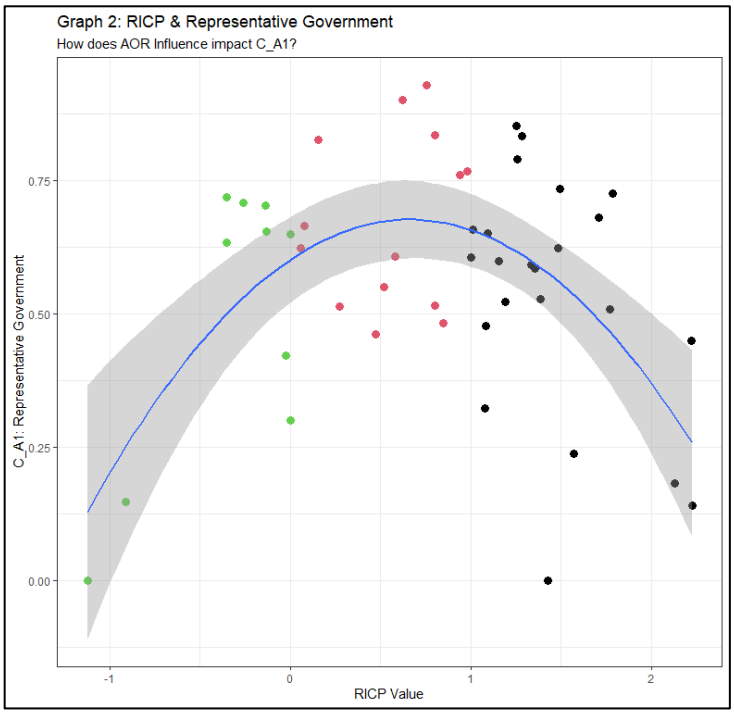


Table 1: OLS for Hypothesis 1
(Signif. codes: 0.001 '***' 0.01 '**' 0.05 '*' 0.1 ' ' 1)

Independent Variables	C_A1: Representative Government	C_A2: Fundamental Rights	C_A3: Checks on Government	C_A4: Impartial Administration
RICP	0.197*** (0.00158)	-0.00528 (0.776)	0.00311 (0.889)	-0.0202 (0.309)
I(RICP^2)	-0.142*** (0.00031)			
Prior Democracy (1920-)		0.00112 (0.359)		0.000459 (0.712)
Gini Coefficient	0.006009* (0.0563)		0.00206*** (0.00370)	
GDP per Capita		0.0000125** (0.0415)	0.0000188*** (0.00370)	0.0000222*** (0.000197)
Legislative Strength (PPI)	0.509*** (0.00765)	0.0166 (0.144)	0.371** (0.0104)	0.124 (0.309)
Literacy Rate			0.00119 (0.425)	-0.00119 (0.363)

Natural Resources	-0.0121** (0.0244)	
Regime Inclusion (Polleq)	-0.0140 (0.648)	-0.0485** (0.0229)

The OLS model provides a picture for understanding which predictors contribute to the particular outcome variables. In each dependent variable, economic data in GDP per capita and the Gini coefficient are each significant; PPI contributes to *C_A1: Representative Government* and *C_A3: Checks on Government*. The RICP and RICP-squared values, in *C_A1*, are significant and contribute to the outcome variable. As the former's coefficient is positive and the latter's is negative, *C_A1* improves with more RICP until that value exceeds a certain threshold. This pattern is repeated in the following *Graph 2*, which includes a squared-RICP curve to better illustrate the relationship between the RICP Types (I = Black, II = Red, and III = Green) and the democratic outcome in question.



The strong correlation in C_A1 stands in contrast to the rest of the outcome variables, which did not display statistically significant difference between means to justify a quadratic. Additional descriptive analysis may help to explain the relationship between RICP in C_A1 and the other dependent variables. The relationship between RICP Types and the Dependent Variables (in binary form, where y<0.5 = 0 & y>0.5 = 1), is examined here:

	C_A1: Rep Government		
RICP Type	0	1	Row Total
1	7	16	23
	53.846%	47.059%	
2	2	12	14
	15.385%	35.294%	
3	4	6	10
	30.769%	17.647%	
Column Total	13	34	47
	27.660%	72.340%	

RICP Type	C_A2: Fundament Rights 0	1	Row Total
1	9 69.231%	14 41.176%	23
2	1 7.692%	13 38.235%	14
3	3 23.077%	7 20.588%	10
Column Total	13 27.660%	34 72.340%	47

RICP Type	C_A3: Checks on Government 0	1	Total
1	7 63.6%	16 44.4%	23
2	2 18.2%	12 33.3%	14
3	2 18.2%	8 22.2%	10
Total	11 23.4%	36 76.6%	47

RICP Type	C_A4: Impartial Administration 0	1	Total
1	18 58.1%	5 31.2%	23
2	7 22.6%	7 43.8%	14
3	6 19.4%	4 25.0%	10
Total	31 66%	16 34%	47

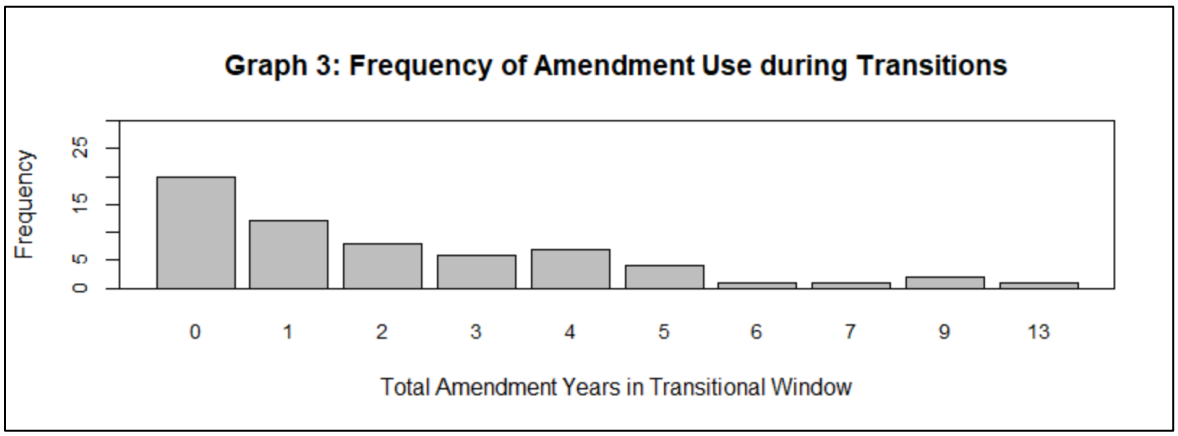
Cross Table C_A1: Representative Government provides further support for the statistical results. Type I (RICP > 1) and Type III transitions (RICP < 0) are worse for achieving a positive outcome than Type II transitions, which features both less and more regime influence than the Type I and Type III transitions, respectively. In fact, Type II transitions – which include periods of both AOR and democratic influence – are the most likely to have a representative government after two electoral cycles, at 85.7%. As mentioned, only *C_A1*'s model justified specifying the RICP as a squared-value. Nevertheless, even as the in-group variation in mean did not justify such a specification in the others, the descriptive results Cross Tables for *C_A2: Fundamental Rights, C_A3: Checks on Government,* and *C_A4: Impartial*

Administration a) resemble C_A1 improved outcomes in Type II transitions relative to Type I and Type III transitions. As such, while there is statistically significant support for RICP causally contributing to C_A1 and Electoral Democracy, the relationship between RICP and measures of liberal democracy (C_A2, C_A3, and C_A4) are just descriptively correlative and thus weaker.

These results, in general, make sense across the outcome variables for various reasons. Firstly, similar control variables were determined to be significant across the various outcomes. Secondly, given the correlation between democratic outcomes, doing well in *C_A1* will have a relationship with the other respective outcomes. Thirdly, this fits into the scholarship's preference for pact-making (in this case, via constitutional reform) in the transition process (Diamond). Thus, Type I transitions suffer from too much influence from the AOR in the constitutional process, while Type III transitions suffer from too little. In the middle, Type II transitions benefit from a moderate level of RICP influence in the constitutional-transitional process.

Hypothesis #2: Amendment Processes

The second hypothesis addresses the use of amendments to dispel residual AOR influence on post-transition institutions and politics. *Graph 3* demonstrates that 20 transitions do not include any new amendments, 11 transitions feature a single amendment and eight transitions feature two; furthermore, the median number of amendments for a democratic transition is one.



Nevertheless, the use of amendment processes during transitions is not uniform across all transition types, as is shown in Cross Table below. Transitions that feature constitutions are less likely to engage in amendment processes, with 70.3% (26) of transitions featuring 1 or less amendments. In contrast, transitions that do not feature new constitutions are more likely to engage in amendment processes; for that class of transitions, only 56.5% (13) featured an amendment or less. Transitions without a new constitution were more likely, in turn, to feature two or more amendment years, with 43.5% (10) against the 29.7% (11) that did use a new constitution. This likely arises from post-transition deciding to reform the system through either a constitutional or amendment process, which in turn decreases the necessity of using the other mechanism.

	Total Amendments					
New Constitution	0-1	2-3	4-5	6-7	8-13	Total
0	13	6	2	0	2	23
	56.5%	26.1%	8.7%	0.0%	8.7%	38.3%
1	26	6	3	1	1	37
	70.3%	16.2%	8.1%	2.7%	2.7%	61.7%
Total	39	12	5	1	3	60

The pair of cross-tabulations, like in Hypothesis 1, suggests a positive correlation between the number of amendments and successful democratic outcomes. Transitions that feature zero constitutional amendments are less likely to be coded 1 for C_A1 or C_A2 than transitions that feature two or more constitutional amendments. The question remains whether the relationship is causal, or if types of transitions that lack constitutional amendments simply constitute a different class of assumptions.

	C_A1: Rep Government		
Total Amendments	0	1	Total
0-1	10	29	39
	83.3%	60.4%	
2-3	1	11	12
	8.3%	22.9%	
4-5	0	5	5
	0.0%	10.4%	
6-7	1	0	1
	8.3%	0.0%	
8-13	0	3	3
	0.0%	6.2%	
Total	12	48	60
	20%	80%	

	C_A2: Fundament Rights		
Total Amendments	0	1	Total
0-1	12	27	39
	75.0%	61.4%	
2-3	3	9	12
	18.8%	20.5%	
4-5	0	5	5
	0.0%	11.4%	
6-7	1	0	1
	6.2%	0.0%	
8-13	0	3	3
	0.0%	6.8%	
Total	16	44	60
	26.7%	73.3%	

Below is *Table 2*, which illustrates the statistical results from Hypothesis 2. As mentioned previously, whether the transition featured a new constitution or not is coded here as a control variable.

Table 2: OLS for Hypothesis 2 (Signif. codes: 0.001 '***' 0.01 '**' 0.05 '*' 0.1 ' ' 1)				
Independent Variables	C_A1: Representative Government	C_A2: Fundamental Rights	C_A3: Checks on Government	C_A4: Impartial Administration
Total Amendments	0.00327 (0.707)	0.000312 (0.947)	0.00219 (0.711)	0.00202 (0.703)
New Constitution	-0.0426 (0.344)	0.00447 (0.858)	-0.00286 (0.927)	-0.0272 (0.322)
Previous Democracy (1920-)				
Gini Coefficient	0.00871*** (0.00214)		0.000466** (0.0142)	0.00328* (0.0514)
GDP per Capita	0.0000259*** (0.000234)	0.0000151*** (0.000194)	0.0000194*** (0.0000979)	0.0000231*** (0.000000413)
PPI	0.444** (0.0186)	0.215** (0.0368)	0.482*** (0.00106)	0.293** (0.0112)
Literacy Rate	0.00109 (0.431)	0.000994 (0.204)		0.000863 (0.307)
Natural Resources			0.00658* (0.0668)	
Regime Inclusion (Polleq)		0.0452*** (0.00400)		

The results from the OLS regression does not support the hypothesis that the number of amendment years is a contributing factor in whether, after two electoral terms, the post-transition government is democratically representative (C_A1), respects fundamental human rights (C_A2), is checked by other institutions and actors (C_A3), and administrates government impartially (C_A4). Instead, the OLS regression again finds economic factors in Gini coefficient and GDP per capita to be significant, along with the PPI score and rate of Regime Inclusion. This indicates that the aforementioned pattern described in Cross Tab 4 and Cross Tab 5 is incidental. The lack of clarity in regard to Hypothesis 2 likely indicates that the different transition types as modelled are not easily compared, as the different constitutional and democratic histories involved produce different incentives toward amendment procedures. For example, both Type IV and Type V transitions lacked a newly developed constitution; however, Type IV transition types keep the authoritarian constitution and Type V transitions reinstate a democratic constitution. The rational for an amendment process is entirely different in each case, with the former likely requiring more reform than the latter.

Case Study Introduction

From the quantitative analysis, we find statistically significant support for the view that autocratic control according to Type II transition types supports better electoral democratic outcomes after two terms than Type I and Type III transition types. This likely suggests that the optimal transition-constitutional paradigm for achieving electoral democracy is one with as much influence from the democratic opposition as possible within a stable, pacted, AOR-supported transition. At the same time, the level of regime influence in constitutional reform is not a determinative in measures for liberal democracy. In regard to Hypothesis 2, there is not statistically significant evidence to support or dismiss the impact of amendment reform on democratic outcomes.

The case studies, in turn, will use process-tracing to cross-check the extent of the quantitative findings in democratic consolidation later. A successful democratic outcome will hinge on whether, following two electoral cycles, democracy is "the only game in town." As mentioned previously, this is a framework for measuring electoral democracy, given that the relevance of the electoral process to policymaking is a precondition for effective democracy. This mode of analysis is suitable for answering the question, given that acceptance of the democratic process by the outgoing, autocratic regime and other actors means the country has satisfied a minimal threshold for electoral democracy. For the case studies, I chose to qualitatively examine Chile's 1989 transition, the Philippines' 1987 transition, and Nigeria's 1999 transition for several reasons. In each case, the primary threat to democratic consolidation lay in the military's formal or informal intervention in civilian politics, such that its involvement in politics constitutes a comparable qualitative unit of analysis[7]. The selected transitions, which took place at different points and regions, reflects the diversity of democratic transitions within the Third Wave. Lastly, the level of regime influence in constitutional reform is different in each case study: Chile's transitional autocratic constitution typifies a transitional-constitutional process in which the military junta exerts total control of constitutional reform; Nigeria's autocratic-developed constitution in contrast featured particular democratic influences; the Philippines' post-transition civilian government exercised a significant degree of influence in constitutional reform. As such, a comparison of the case studies will help test the dependent variable of whether the autocratic interests/military still threatens democracy.

Croissant and Kuehn define civilian control of civil-military relations as "a particular state in the relations between the civilian political authorities and military leadership in which the civilians alone

[7] To a certain extent, this minimizes the generalizability of my case study results, given that many transitions did not feature particular military threats to politics (e.g. Eastern Europe, whose dictatorships were based on single-party rule).

have the power to decide on national policies" (189). This definition is divided into three decision-making areas, including "elite recruitment and overall public policy, national defense, and internal security" (Croissant and Keuhn 190). This analysis will adopt this standard of "military involvement in politics," although the standard will be adapted slightly to each case.

CHILE

Background

The military junta (the Army, Navy, Air Force, and *Carabineros*) came to power following the overthrow of Chilean Socialist President Salvador Allende on September 11th, 1973. After being the last major general to sign onto the coup plot, Head of the Army Augusto Pinochet "moved methodically to distinguish himself from the rest of the Junta," becoming President of the Republic by December 18th, 1974 (Kornbluh 163). Following the coup, the military junta "consolidated and institutionalized its repressive rule," quickly banning political parties, closing Congress, establishing secret police, and shutting down unallied media outlets (Kornbluh 162). The brutal regime lasted until 1990, nearly seventeen years after the initial coup d'etat.

The 1980 Constitution

The 1980 Constitution, after seven years of "rule by exception" or emergency powers, became an important aspect of the autocratic, military regime led by Pinochet[8], who exerted complete control over the process from 1973 to 1980.

"Mobilization of Interests"

The impetus for reform to the 1925 Constitution grew out of numerous internal and external pressures. By 1977, Pinochet and the Junta internally recognized the need to establish the autocracy on firm legal ground, following an extended period of rule by emergency powers; at the time, a small group of conservative jurists were already working "leisurely" on a draft (Collier and Sater), given the Junta believed that "that such a document would force them to define an end to the regime and to specify prematurely the outlines of a new political order" (Valenzuela). Following "international pressure to form a more legitimate aspect for his rule," and the purging of Air Force Chief Leigh from the Junta in mid-1978, Pinochet could more comfortably create a "constitutional order that would ratify the new power relations" (O'Malley; Valenzuela). The broad outlines of that constitutional order were pre-

[8] While the constitution was developed and ratified prior to the transition period used for quantitative analysis, the constitution included "transitional dispositions" and clauses that kept Pinochet in power until at least 1989.

	established in 1977, when Pinochet announced a "protected democracy and specific timeline for return to civilian rule" (Valenzuela).
Drafting	The *Comisión de Estudio de la Nueva Constitución de la República* - or *la Comisión Ortúzar* - was appointed by the military government and "consisted of seven men and one woman" (Schreiber and Zilla). The commission met 417 times between 1973 and 1978 to "produce the general framework for the restructuring of Chilean politics" (Weeks). From August-September of 1978, this framework was converted into specific constitutional articles, which from then until July 1980 were "argued, changed, and sometimes changed back" (Weeks). The commissioners were all civilian lawyers connected to the Pinochet regime.
Consultation	The work of the commission depended directly on the direction and internal politics of the military junta. The meeting transcripts are littered with "references to what Pinochet had said privately about a given issue as well as the need to stop working on a particular point until the military leadership had been consulted" (Weeks).
Adoption	The Council of State, an "honorific" and "high-level advisory council created to give a degree of legitimacy" to constitutional questions, was primarily tasked with revising the final draft of the 1980 Constitution (Collier and Sater; Valenzuela). The chairman, ex-President Alessandri, resigned from the Council after "suggestions to Pinochet… were deemed excessively liberal" (Collier and Sater).
Ratification	The 1980 Constitution was ratified by plebiscite on September 11th, with 68.5% of a total voting population of six million voting in favor of the constitution; however, the campaign and election were held under autocratic conditions, such that the actual results are less than clear (Schreiber and Zilla).

Constitutional History, 1989-1998

By 1986, the opposition decided the best strategy for effectuating democratic change was to work within the "institutional framework of the 1980 Constitution" (Garreton). This meant that the opposition prepared itself for the upcoming 1988 plebiscite alongside "reform - not reject[ion of] - the institutional framework" (Garreton). The eventual triumph by the united democratic opposition of the *Concertación de Partidos* "unleashed a full transition process." Following the plebiscite, and "Pinochet's acceptance that he would need to compromise to a certain degree," the *Concertación* and the regime agreed to forty-five modifications to the constitution, including basic electoral reform and reform to the National Security

Council (CSN) to balance civic-military representation (Weeks). On December 14th, 1989, *Concertación* and center-left candidate Patricio Aylwin won the presidency with 94% of the vote.

By the end of Aylwin's presidency in 1994, his administration "accomplished few of the promised institutional and legal reforms," which included the "elimination of designated senators; revision of the political party and electoral laws that produced overrepresentation of the political right in the legislature… reorganization of the [CSN]; allowing the president to name and remove armed service commanders; removing prohibitions on union leader participation in political parties; strengthening legislative authority and initiative; judicial reforms", and more (Loveman 311). Due to the extraordinary majorities required in the legislature to modify constitutional clauses (ranging from two-thirds to four-sevenths of Congress), the "political right and military" was able to impede most structural reform (Loveman). An important exception reduced presidential term limits after the first electoral cycle from eight to six year terms (Loveman), and the "return [of] the country's 300 municipalities (still run by the Pinochet-appointed *alcaldes)* to democratic control" (Collier and Sater). However, the "bulwarks of protected democracy" - even Pinochet's ongoing position as Commander in Chief of the Army - remained in place after four years of civilian government under Aylwin (Loveman).

In the 1993 presidential election, *Concertación* and Christian Democratic Party (CDP) candidate Eduardo Frei won the presidency with 58% of the vote. Frei in 1995 proposed constitutional amendments that would reform the CSN and replace the designated senators with elected representatives by 1998 (Weeks). Despite some members of the *Renovación Nacional* (RN) working with the *Concertación* to win passage, the Senate in April 1996 voted the proposals down. Likewise, another set of proposals in January 1997 to integrate the separate intelligence apparatus of the individual military branches, and remove designated and lifetime senators failed (Weeks 117). The military's institutional foothold in politics remained strong throughout Frei's presidency, such that 'authoritarian "enclaves" persisted well past the initial transition to civilian rule (Weeks 117).

The Military's Role in Politics, 1999-2005

As previously said, Croissant and Kuehn define civilian control of the military relations within three separate decision-making areas, "elite recruitment and overall public policy, national defense, and internal security" (Croissant and Keuhn 190). As such, this standard will be applied to the presidential term of Ricardo Lagos (1999-2005). In addition, given the institutionalized nature of Chile's autocracy, this analysis will take a legalistic approach to understanding the military's influence in post-transition

politics. In July 1989, the Concertación released a "less inflammatory" program for civic-military reform, which included (Weeks)[9]:

Policy Proposal	Result in 1999
Adding another civilian to the CSN and downgrading its role to an "advisory organ" to the president of the republic	A 1989 amendment equalized civic-military representation on the CSN (4-4), such that even if "the military could still call a meeting of the CSN", the institution "no longer functioned as a vehicle for the military to… overcome civilian resistance" (Weeks). A meeting of the CSN was only convoked by the military once between 1990 and 2002.
Allowing the President to fire military commanders in chief	Aylwin's 1993 proposal was rejected by Congress (Collier and Sater).
Investigating, judging, and prosecuting violations of human rights in civilian courts	Aylwin set up a Truth and Reconciliation Commission "to make an accounting of human rights violations during the Pinochet years", which nevertheless lacked broad prosecutorial powers and the ability to name perpetrators (Collier and Sater).
Derogating the 1978 amnesty law	Although never fully repealed, in 1998 the Supreme Court ruled "that the law should not apply to cases of human rights violations" (Amnesty). This allowed more substantial prosecutorial efforts in the judiciary in the intervening years, particularly following Pinochet's 1998 arrest (Weeks).
Having the state reimburse victims of human rights abuses for any "material and mortal damages"	Aylwin "introduced a compensation scheme for the victims of repression" (Collier and Sater).
Reforming laws and constitutional articles related to calling states of exception.	Failed, the Chilean armed forces remained the "guarantor" of the nation under the 1980 Constitution.

[9] The list featured here only includes proposals of which the level of reform success was clear.

Moving the national police and investigations to the Interior Ministry.	Failed, Frei's attempt to give the Ministry of the Interior "coordination of all ministries and organizations related to public security" was practically rejected by the armed forces and *carabineros*, the "primary contact point between the government and the national police was the Defense Ministry" (Weeks).

Aside from the *Concertación'*s explicit program, reform proposals to keep the military's influence frequently included:

Policy Proposal	Result in 1999
Efforts to bring the intelligence apparatus under civilian government (Weeks 116)	Failed, Frei submitted a proposal in 1995 to bring "all military intelligence under one [civilian] authority," but military opposition quashed the measure (Weeks).
Amendmending the Binomial Electoral system (O'Malley)	Failed, no amendment passed.
Removal of nominated and lifetime Senate seats (O'Malley)	Failed, no amendment passed.

By 1999, when the first socialist since 1973 in Ricardo Lagos won the presidency, these policy proposals remained unfulfilled. Aylwin and Frei both tacitly supported human rights efforts and pushed civic-military communications into more formal channels that favored the civilian government, but the lack of successful amendment processes meant any congressional measure was dependent on support from the military and/or right-oriented parties like the RN and Unión Demócratica Independiente (UDI). The military thus retained "considerable [institutional] autonomy," even as the military has been led to accept "public opinion as something to be won" (Weeks). Thus, under the 1980 Constitution and ensuing amendments, the armed forces still held significant political power and - had they "decide[d that the] institutional order [was] threatened" - the constitutional prerogative to intervene in democratic politics (Weeks). Nevertheless, by 2005, the Lagos administration in the last year of its term passed significant constitutional reform. This earned the updated constitution the title of "Lagos Constitution" to signify the difference between the authoritarian pre-2005 and democratic post-2005 document (CNN Chile). These

58 modifications included reducing the presidential terms to four-years without re-election, removed the armed forces from its prior role as national 'guarantor,' gave the president the authority to fire commanders, and removed designated and lifetime senators (Mirada Politica). An important pre-2005 amendments reformed the process of amendment making (Mirada Politica).

Thus, there is an important temporal distinction between the military's role in politics at the start and end of Lagos' presidential term. In 1999, the military still exerted significant control over internal and, given the binomial electoral system and designated-senators, elite-level personnel matters. By 2005, the democratic regime ended the system of unelected senators and passed amendments to grant hire and fire authority to the president. Likewise, between 1999 and 2005 the constitutional prerogative to act as 'guarantor' of the national order was removed, thus curtailing any constitutional rationale to interfere in internal security concerns. The consolidation of democratic constitutionalism via Lagos' amendments would not have been possible had the armed forces still exercised a veto power in constitutional deliberations. As such, between 1999 and 2005, Chile and the Lagos administration were able to remove the military from the political arena and thus further consolidate democracy.

NIGERIA

Background

After the military government annulled the June 12th, 1983 election results, President Babangida handed power to an Interim National Government (ING) composed entirely of civilians except for Minister of Defense Sani Abacha, the sole military member (Bourne). The election's winner, M.K.O. Abiola, travelled to the UK and US to galvanize international support as major demonstrations took place in Lagos (Bourne; Edozie). The ING fell apart within three months following a judgment in the Lagos High Court declaring that Babangida had already lost his authority when he established the ING, leading Abacha to initiate a military coup bringing himself to power on November 17th, 1993 (Bourne; Edozie). Despite initial indications Abacha would fulfill the June 12th mandate, he soon consolidated power and arrested Abiola for treason (Edozie). His oppressive rule lasted until his surprise death on June 8th, 1998, after which General Abdulsalami Abubakar was sworn in as the new President (Bourne). Abubakar moved quickly toward civilian rule, proposing a series of elections that would eventually end with the inauguration of the new civilian president and ex-General Olusegun Obasanjo on 29th May.

The 1999 Constitution

As part of Babangida's Transition-to-Democracy Program, his regime developed a 1989 constitution; however, the constitution only went into effect after local and legislative elections, such that the annulment of the 1993 presidential elections left the document only partially implemented (Ayua and

Dakas). Abacha at first legitimized his regime by *Constitution (Modification and Suspension) Decree 107*, which suspended his 1989 constitution and disallowed the judiciary from challenging any military decree (Bourne). The Abacha regime then held largely boycotted elections for a new National Constitutional Conference (NCC), which developed in 1995 a draft constitution that was nevertheless abandoned following his death (Ayua and Dakas; Edozie).

"Mobilization of Interests"	General Abubakar appointed a Constitution Debate Coordinating Committee (CDCC) tasked with "organiz[ing] nationwide consultations on a new constitution and to make a report and recommendations" (Ayua and Dakas 247). The CDCC found significant animosity against the 1995 draft and 1989 constitution, such that the 1979 constitution was used as a starting point (Ayua and Dakas). Abubakar and the CDCC ignored significant calls from civil society to establish a Sovereign National Conference (SNC) for the establishment of a new constitution (Eisenstadt et al).
Drafting	Besides the Chairman, Judge Niki Tobi, the 23 other members were "handpicked by the military regime" (Akinrinade 48; IPS). The CDCC, furthermore, only had a mandate of two months, significantly limiting its ability to publicly consult and then organize around reform (Akinrinade). In the end, the CDCC advocated using the 1979 constitution as the starting point for a new constitution. Although written under the "watchful eye of an outgoing military regime," the 1979 constitution followed a process of public consultation that gave significant political leverage to reformers (Eisenstadt et al 108). Even then, the military government at the time made more than 17 amendments to the Constituent Assembly's draft before promulgation and date of effect (Ayua and Dakas). The CDCC also amended the 1979 constitution to include "relevant amendments from the 1995 Draft Constitution" (Tobi).
Consultation	The CDCC was tasked solely with "[piloting] the debate, co-ordinate and collate views and recommendations canvassed by individuals and groups" in regard to the 1995 constitution (Ihonvbere; Tobi). In addition to public debates and forums, the CDCC received a total of "405 memoranda from Nigerians within and outside the country" (Tobi). The committee "never tried" to engage with the well-organized democratic opposition, including the National Democratic Coalition (NADECO) and the Campaign for Democracy (CD) (Ihonvbere 350). Although more transparent than previously-imposed Nigerian constitutions, the limit to the CDCCs mandate of

	two months meant that public consultation was inherently limited to the 1995 draft and not wider constitutional debate.
Adoption	Judge Tobi presented the results of the CDCC's work to the Provisional Ruling Council (PRC) for adoption on December 30th, 1998. The PRC rejected constitutional provisions supported by Abubabakar to "limit the president to one term and rotate the office around six geopolitical zones" of the country" (Eisenstadt et al 107). The PRC spent three days following the draft's presentation to put "finishing touches" on the final document (Akinrinade 50).
Ratification	Abubakar and the PRC promulgated the new constitution by Decree No 24 on May 5th, 1999, and went into effect on May 29th, 1999 (Ihonvbere). The draft was "never published or discussed by the public" prior to ratification or presidential election (Ihonvbere 346, 350).

Constitutional History, 1999-2007

The "perceived procedural illegitimacy and centralizing structures" of the 1999 constitution provided the foundation for ongoing public debate and support for an SNC or, at minimum, extensive amendments. The National Assembly in September announced a review of the constitution that, nevertheless, did not culminate in either (HRW; Akinrinade). President Obasanjo did not advocate for new constitutional amendments or processes and none coincided with his first administration.

During his second term (2003-2007) Obasanjo took part in a revision process to the constitution to allow himself to run for a third term (Bourne). While publicly demurring as to his motives, his supporters pushed Amendment Bill 2006 incredibly hard, including via "bribery and blackmail", for passage (New York Times). Nevertheless, the Senate rejected the proposed amendment on May 18, 2006, and President Obasanjo subsequently declared acceptance of the outcome (Bourne). The rest of his presidential term did not seriously consider other new constitutional amendments.

The Military's Role in Politics, 2007-2011

As previously said, Croissant and Kuehn define civilian control of the military relations within three separate decision-making areas, "elite recruitment and overall public policy, national defense, and internal security" (Croissant and Keuhn 190). This standard will be applied to the third presidential term of the Fourth Republic (2007-2011), including President Umar Musa Yar'Adua and President Goodluck Johnathan - the latter ascending after the former's death to illness.

Elite recruitment and retention in Nigeria by 2007 looked partially different in both military and civilian circles than pre-transition. By 2007, the Yoruba (West) almost met Hausa-Fulani (North) representation in core political executive positions (Kifordu). Although this challenged the traditional dominance of the Northern elite in politics, this may reflect both the military's re-introduction of southern Yoruba Obasanjo as a 'concession' during the transition and Nigeria's historical relationship between the "chief-executive's ethno-regional origin and cabinet membership" (Kifordu); this concession, notably, has excluded ethnic minorities' from federal political power. In addition, Obasanjo's core executive team was composed by 14.5% military-trained leaders (including himself), indicating an ongoing attachment to "military interests and habits like the use of force" (Kifordu 444). This continued through Goodluck Johnathan's term, when he used presidential appointments to cultivate military support (Bourne). The aforementioned 'concession' had been institutionalized into the platform of the then-ruling People's Democratic Party to rotate the presidency between southern and northern candidates every eight years. Although this informal norm creates flashpoints of ethnic contestation around elections, it has also limited military intervention in politics by a) minimizing the stakes of each election, and b) threatening to factionalize the military into a series of coups and counter-coups, given its current internal divisions (Ehwarieme). The military's traditional Northern character adapted following the transition, where the "sweeping retirements and reorganizations have been a continuous exercise;" this additionally coincided with promotions and additional training opportunities being more widely distributed (Ehwarieme 504; Nwagwu); furthermore, the military's self-identity as a modernizing, unifying force in Nigerian society was badly tarnished by decades of corruption, incompetence, and oppression (Ehwarieme).

In addition to its national security prerogatives, the military still has the constitutional role of "suppressing insurrection and acting in aid of civil authorities to restore order" conditioned by the President's signature and Acts of the National Assembly, which thus allows the military a certain role in internal security affairs (Bappah). Furthermore, the 1999 constitution declares that "nothing in the Constitution shall invalidate" certain laws like the National Securities Agency Act, which served to institutionalize much of the pre-transition national security structure (HRW). The post-transition government rebuilt the police force with "management and oversight" existing at the federal level with an eye toward minimizing the military's internal security responsibilities"; unfortunately, a pattern of "ineffectiveness and human rights" abuses and a "militaristic approach to security challenges" hampered its security capacity (Matfess). Nevertheless, the military has since 2007 been used to suppress ethnic southern minorities' desires for devolution/independence and in the war against Boko Haram in the North (Bappah; Luqman). The insurgency and state-response to the latter crisis has led to more than 50,000 deaths since 2009 (Matfess).

Eight years into Nigeria's democratic transition, Nigeria's military was partially removed from the political sphere. The new constitution and changes in elite personnel practices reduced the internal cohesion of the military and made the institution largely subservient to the civilian president; at the same time, the military continues to operate inside Nigeria in security matters, indicating that its nonintervention thus far in Nigeria's democracy need not be permanent or absolute.

THE PHILIPPINES

Background

Ferdinand Marcos ruled the Philippines through a mix of civilian elected rule (1965-1972), martial law (1972-1981), and a slightly weaker version of martial law (1981-1986) (Francia). In response to domestic and international pressure, Marcos declared snap elections for February 7th, 1986 (Francia; Komisar). The opposition, after intense internal debate, united behind the candidacy of Corazon Aquino (the widow of legendary anti-Marcos politician, Ninoy Aquino) (Komisar, 60-77). On election day both Marcos and Aquino claimed victory, following "numerous instances of fraud by KBL, the ruling party" (Francia, 259). After a failed coup by a faction in the military, the Reform the Armed Forces Movement (RAM), Marcos moved to arrest leaders Juan Enrile and Fidel Ramos on February 22nd (Francia). In the following three days, millions of Filipinos "from all walks of life formed a human shield around the" RAM leaders' places of hiding (Francia 260), representing a broad coalition of anti-Marcos interests in parts of the military, the catholic church, and the moderate and leftist opposition (Francia). On February 25th, Aquino and Marcos each were sworn in as president, but the latter was forced to leave the country that night; Cory Aquino was the new, democratically elected president of the Philippines (Francia). The first Aquino Cabinet was "an unstable coalition between anti-Marcos civilians and military rebels" (Thompson 164). The RAM, who instigated a failed coup with a desire for political power in addition to defending military prerogatives, were nevertheless well-represented, with Enrile and Ramos promoted to Defense Minister and Chief of Staff of the Armed Forces, respectively (Thompson).

The 1987 Constitution

On March 25th, 1986, Aquino - having declared a "revolutionary government...on the basis of clear sovereign will of the people" via the 1986 election and subsequent People Power movement - announced an interim Freedom Constitution that provided the president with both legislative and administrative power (Rodriguez 48-9; Keesing). The interim constitution was described as "civilian in character, revolutionary in origin, democratic in essence, and transitory in nature" (Keesing 29). The transitional period coincided with Aquino removing pro-Marcos factions from the judiciary, bureaucracy, and elected leadership (Keesing).

"Mobilization of Interests"[10]	The decision to void the 1972 Marcos constitution was not unanimous within the Cabinet. Vice President Salvador Laurel urged Aquino to adhere to the old constitution, which would keep the legislature - and his institutional base of support - in place; Enrile also preferred to negotiate the transition within the old constitution, since he thought he could convert the majority, Marcos-aligned KBL party into a political base (Thompson). Aquino decided instead to replace the previous, autocratic constitution, which when announced included a promise to appoint a commission within sixty days to draft a new constitution (Rodriguez).
Drafting	Aquino appointed the 48 commissioners to the Constitutional Commission (Concom): while Concom was representative in that "members from the major geographical areas and… social groups [such] as the peasantry, labor, women, and the Muslim minority, they were also an "highly elite assemblage, including thirty lawyers, twelve landowners, and several business executives" (Thompson 166). Importantly, aside from a few supporters of the radical Left, Marcos loyalists, and Laurel allies, the vast majority backed Aquino (Thompson)[11].
Consultation	Aquino publicly vowed not to interfere with Concom's process, while publicly urging that they complete the process as quickly as possible (Keesing); however, informal contacts remained, such as when a tape was released of Aquino requesting that Concom clarify that the Philippines be kept nuclear free "consistent with the national interest" to appease the US. There was not a formal public consultation mechanism, but the process coincided with public mobilization of People Power and an ongoing threat of military coup (Francia).
Adoption	The Concom approved the final draft on October 12, 1986 by a vote of 45-2, following 133 days of work (De Leon). The 48th member, Filipino film director Lino Brocka, resigned before the final version was drafted, arguing that Concom "seemed intent on restoring the old guard" of pre-Marcos rather than "incorporating much needed reform" (Francia 271). In the campaign period prior to the referendum,

[10] Although discussion of a new constitution was discussed as early as 1984 by opposition segments, this analysis will start the mobilization of interest process following the February 25th democratic transition.

[11] Thompson argues that Concom's bias is shown by its decision to extend Aquino's term to June 1992. Aquino's opponents preferred a result whereby she must submit to fresh elections within the parameters of the new constitution.

	President Aquino campaigned aggressively for its approval (Komisar).
Ratification	The 1987 Constitution was ratified on a referendum on February 2nd, 1987, when 76.29% of voters voted in favor of the draft in a referendum with a turnout of over 87% (De Leon; Keesing). The results were proclaimed on February 7th, 1987.

Constitutional History, 1986-1998

The Aquino administration did not complete any amendment processes between 1987 and 1992. Fidel Ramos, who Aquino picked as her chosen successor, won the May 11, 1992 election (Francia). In 1996, with support from the business community, the Armed Forces of the Philippines (AFP), and followers "approving of the [relative] political stability and sustained economic recovery," Ramos supported a petition drive to extend presidential term limits to allow him to run a second time (Francia 295). In response, "powerful elements" such as the Catholic church and ex-president Aquino, who participated in a rally of over 200 000 people, urged Ramos to desist (Francia 295). The drive for a constitutional amendment faltered, and Ramos pledged to peacefully transfer power at the end of his term (Francia).

The new democratic system was largely undermined outside its constitutional foundations, which largely empowers civilian authorities in civic-military discourse (de Leon). Rather, the Philippines saw "a series of [seven] abortive coups, mutinies, and military revolts in the first three years of Aquino's administration," with varying levels of cooperation between pro-Marcos loyalists and RAF military factions (Croissant and Kuehn 196; Heiduk). The threat of military coup declined during Ramos' administration, given his career as a "senior military officer," and his co-opting of loyal officers into military command roles, the appointment of active and retired military officers to bureaucracies, and his support of their involvement in electoral politics; these officers are known as the "Ramos Boys" (Croissant and Kuehn; Francia).

The Military's Role in Politics, 1998-2004

As previously said, Croissant and Kuehn define civilian control of the military relations within three separate decision-making areas, "elite recruitment and overall public policy, national defense, and internal security" (Croissant and Keuhn 190). This standard will be applied to the administration of Joseph Estrada, whose 2001 resignation led Vice-President Gloria Arroyo to fill the rest of his term until 2004.

The military played a crucial role in defining elite spaces in this period, including when high-level military commanders advocated Estrada resign after using "public office for enrichment for himself" and anti-Estrada protests exploded in Metro Manila (Croissant and Keuhn; Francia 300-1). Arroyo, upon assuming the presidency, was forced to court the military by "plying the rank and file with subsidized

housing, increased benefits, and pay raises" and the appointment of generals to civilian positions, including five in thirty months as Chief of Staff (Croissant and Keuhn 196). The Ramos policy of recruiting military personnel into civilian circles "while seeming successful in the short run," nevertheless politicized the officer corps further (Croissant and Keuhn 195).

The AFP continued to influence national defense policy, even if the constitution, previous human rights investigations, and congressional oversight of the military provide a solid framework for civilian authority (Croissant and Keuhn). Nevertheless, that democratic, institutional authority does not assert itself in "defense decision making and military affairs" (Croissant and Keuhn 201); instead, the military dominates any defense-related agency, including the Department of Defense, the National Security Council, and the National Intelligence Coordinating Agency. Thus, any major program or reform proposed in Congress has been "designed by the military" which itself "[pushes] for approval" (Croissant and Keuhn 201).

The continued involvement of the AFP in internal security operations meant the military kept its Marcos-era role in maintaining internal security (Croissant and Keuhn). Although in 2001 parts of the communist movement competed in party-list elections, the transition process did not lead to political settlements with the New People's Army (NPA) or the Moro Islamic Liberation Front (MILF), such that the military continued to justify its involvement in the use of force internally (Croissant and Keuhn; Rivera). This meant that the institutional division of internal and external security duties enacted by Aquino was *de facto* nullified by the 1990s (Heiduk); efforts to re-bind the military to purely external functions failed when the 2003 Philippine Defense Reform Program (PDRP) shifted AFP strategic objectives to back to internal security, amidst a renewal of Philippine-US military ties in the context of the Global War on Terror (Heiduk)

Despite extensive constitutional reform, the AFP was able to leverage itself into extensive representation at all levels of government, such that its core external and internal security interests remained largely intact and protected from civilian political authority.

Discussion of Case Study Results

The results from process-tracing and case studies point to the complexity of different transition types. In Chile, the initial expectations from each hypothesis conflict with each other: that is, the constitution itself was dominated by elites, but superficial-then-substantial amendment processes helped make the document in the 1990s and after more democratic. In Nigeria, in contrast, due to the lack of amendment processes to the AOR-developed constitution, the hypotheses would initially expect Nigerian democracy to be particularly vulnerable to military intervention. Lastly, in the Philippines, given a constitution was

developed entirely under the democratic Aquino administration, the hypotheses would expect the Philippines' democracy to be consolidated regardless of amendment processes.

The results, upon further examination, are more complicated. Chile's military-controlled process created an autocratic constitution that legally institutionalized Pinochet's and the armed forces' rule. At the same time, the document created a structure for the return to civilian rule, which the opposition leveraged into a full-fledged transition. The document at transition perpetuated military and conservative-aligned control in politics, but the use of amendment processes as the transition progressed and minor constitutional wins started accumulating, momentum increased toward more significant constitutional revisions that removed the military from civilian politics. Where the previous Aylwin and Frei administrations largely failed, the Lagos Administration at the very end of its term passed substantial amendment revisions impossible had the military still exercised a veto in the political process. Due to the cumulative effects of constitutional and non-constitutional reform, Chilean democracy by 2005 reduced the internal threat from the military in ways unimaginable in 1999.

In Nigeria, the entire drafting and promulgation phase preceded the presidential election and transition; at the same time, the CDCC was initially authorized to revise the 1995 Abacha constitution, but public consultations led to them recommending the 1979 constitution with revisions from the 1995 constitution[12]. Despite pressure for constitutional revision, no efforts succeeded until Goodluck Johnathan's term in 2010, with passage of the first, second, and third alterations which made financially independent the national assembly and national electoral commission, updated electoral timelines, and established a National Industrial Court; Jonathan vetoed more substantial amendments that followed (ConstitutionNet). Even then, by 2007 changes in military and political recruitment practices left the former largely subservient to the latter within the political process. Thus, the military did not directly threaten the new democratic, constitutional order between 2007-2011.

In the Philippines, the entire document was drafted and ratified under the interim Freedom Constitution, which granted Aquino absolute power in the political process. The final draft granted the civilian government significant authority in civil-military relations, such that there was not much effort toward constitutional revision. Nevertheless, between 1998 and 2004 the military enjoyed a considerable degree of autonomy in national security and internal security measures (which overlapped), and did a) incorporate itself into elite recruitment practices and b) publicly pressured for a civilian elected presidents' resignation. Despite the constitutional framework in place, the military still threatened democratic institutions in the Philippines.

The conclusions from each case study are summarized below:

[12] To borrow Elster's terminology, the CDCC might have been responding to "downstream" political pressure for a less-authoritarian constitution than the 1995 draft.

	IV 1: Constitutional Process	IV 2: Amendment Process	DV: Is Democracy the "Only Game in Town"?
Chile (1989-2003)	Fully developed by the military junta and Pinochet in 1980.	Initial success in 1989 of passing constitutional amendments, but few major changes followed until after 1999.	Partial Yes
Nigeria (1999-2011)	Developed by the AOR in 1999, but with a certain degree of civilian influence via the 1979 process and downstream pressures on the CDCC.	No completed amendment processes.	Partial Yes
The Philippines (1986-2004)	Fully developed by Aquino's civilian administration in 1987.	No completed amendment processes.	No

The results, firstly, speak to significant variation in electoral democratic consolidation. In Chile, the authoritarian constitution proved partially surmountable through the accumulation of amendments and legal reform. In Nigeria, the largely military-driven constitution, despite the lack of amendments, did not prevent the ensuing civilian governments from largely removing the military from democratic politics. In the Philippines, the civilian constitution proved ineffective in removing military factions from interfering in the democratic political system. This demonstrates that no type of transitional-constitutional paradigm or amendment reform is a necessary or sufficient condition for *even* electoral democracy.

Interestingly, the Chilean (Type IV) and Nigerian (Type II) transitions were pacted, while the Philippines (Type III) transition was ruptured. In part, the stability of the pacted transitions limited the number of attacks on the democratic constitutional order later; the Chilean military did not attempt another coup d'état after 1989, while only a faction of the Nigerian military failed in a 2004 coup attempt. In contrast, the uncontrolled Philippine transition allowed different military factions to rival the civilian government for authority, as evidenced by the seven attempted coups during Aquino's administration.

There is a further contrast of note. In Nigeria, the informal mechanism of rotating key political positions between regions has supported the democratic process, while the formal constitution's autocratic background and difficult amendment procedures has arguably hampered the democratic political process. In contrast, the Philippines formal constitution clearly supports civilian supremacy in civic-military relations, but informal pressure in the form of coup attempts and military officers holding political office has hampered democratic consolidation.

As a whole, while the case studies are not sufficient to establish generalizable principles, the findings at minimum do indicate that neither autocratic control of a constitutional process nor democratic use of amendment procedures are necessary or sufficient conditions for the achievement of democratic

outcomes; moreover, the strategies and dynamics that either support or frustrate democratic transition are likely contextualized to the specific political environment in which the democratic transition takes places.

Discussion of Findings

The mixed-methodology study provides overlapping and distinctive results. The quantitative results provided support for RICP impacting democratic outcomes, where Type II transitions are more likely than Type I and Type III transitions to achieve *electoral democracy*. As such, the results do fit into the literature that finds support for pacted transitions providing better outcomes; however, the findings would provide the additional caution that, within a pacted transition, optimal outcomes proceed when the democratic opposition are more likely to exercise pressure on the political process later in the transitional-constitutional paradigm. This analysis thus argues that pacts are useful for assuring a stable transition, but they are not universally better. Rather, pacts with greater inclusion from the democratic opposition and regime tend to do better than less inclusive transitional-constitutional paradigms.

The case studies partially confuse these results. The case studies of Nigeria and the Philippines largely followed the analysis: the Nigerian transitional-constitutional paradigm featured a mix of AOR and democratic influence, and largely succeeded in establishing an electoral democracy; the Philippines' civilian government created an entirely new constitution, and factions of the military still succeeded in undermining civilian power in electoral politics. The Chilean case study presents two conclusions: the authoritarian constitution was not a permanent impediment to securing a democratic constitutional order, and the lack of major amendments during the first two electoral cycles did not preclude later democratic reform. As such, while there is qualitative evidence of the quantitative results, like much of democratic theory, there are always exceptions to the larger pattern.

In regard to the second hypothesis, there is not statistically supported evidence for more or fewer amendment processes after the transition contributes to democratic outcomes later; this is supported by the case studies, which found little relationship between the number of amendments and democratic outcomes later. Chile and Nigeria failed to revise their constitutions significantly and still partially assured electoral institutions, while the Philippines' problems in civil-military relations did not rest explicitly on problems stemming from the 1987 constitution. As such, at this point, not much can be said for the overall usage of amendments in democratic transitions.

In conclusion, there is evidence that a medium-level of RICP influence in the transitional-constitutional paradigm is better for democratic outcomes later. At the same time, there is significant variation between countries within each transition type, such that constitutional reform is not a necessary or sufficient condition for democratic consolidation.

Conclusion

Following the third wave of democratic transitions, many countries adopted new democratic constitutions and/or amendment procedures to improve the current constitution; the defining motive for engaging in this often arduous process is to, in some way, reestablish the constitutional order on the basis of perceived political interests on the part of participating actors. The process that underlies constitutional reform, furthermore, likely structures the content of the particular constitution or amendment. In this context, the actor that most readily controls the process, whether that be the autocratic regime or the democratic opposition, will be the most likely to see its interests represented in the final, formal document.

This paper has systematically analyzed whether this 'control' over the constitutional process itself hinders or supports democratic consolidation following the transition. The primary finding is that Type II transitional-constitutional paradigms are most likely to achieve higher levels of *electoral democracy*, with Type I and Type II transitions achieving less. The same pattern correlates with liberal measures of democracy, but that hypothesis was not statistically supported. In particular, this paper joins with democratic theory's general preference for pacted transitions, but underscores that that pact performs better in outcomes with the more influence from democratic opposition and/or then regime. At the same time, this paper cautions that Type II transitions do not always improve democratic outcomes. There are exceptions to the mean within Type II transitions, as there are exceptions to the relative loss in democratic scores in transitional-constitutional paradigms that overlap entirely with the AOR or post-transition regime. The combination of a quantitative, cross-national study of constitutional-transitional reform processes and the comparison of case studies demonstrate the variety of type and outcome in each democratic transition.

This paper thus contributes to the debate in democratic theory in regard to the transitional paradigm, offers a theoretical typology for its study, and presents an initial empirical analysis of the typology on democratic outcomes. Nevertheless, this paper certainly suggests further areas of exploration. In democratic theory, further research is required into what makes Type II transitions more successful than its counterparts, in addition to what leads to variation within each type of transitional-constitutional paradigm. In regard to the second hypothesis, more theoretical work should be done to distinguish Type IV and Type V transitions, as well as to understand how amendment procedures are used in each. Furthermore, these measures for authoritarian influence can be further applied to the ongoing work in constitutional theory of connecting the constitutional process to constitutional content, enforcement, and endurance. In general, democratic and constitutional theory should work to further differentiate and systematize variations in democratic transitions.

With this, this paper will conclude on a more hopeful note: the lack of consistency in outcomes between transition types indicates the indeterminacy and unending nature of democratic politics after transition. Even as democratic outcomes favor a certain degree of AOR rule, the findings also indicate that the transitional-constitutional paradigm should overlap with more democratic influences and not fewer (i.e. political party activism, mass mobilization, protests, and more). Furthermore, as further demonstrated by Chile's constitutional assembly slated for May 2021, residual authoritarianism is not a pre-determined feature of post-transition politics. At each stage in the transitional and post-transitional process, the people and their elected leaders can play an active role in supporting and improving democratic institutions towards better ends.

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Appendix A: Dataset of Transitional Constitutional Paradigms

While included in the works cited, the data set is additionally referenced here:

Hotchner, Benjamin M. "Dataset of Transitional-Constitutional Paradigms." Benjamin M Hotchner, 2nd ed., version 3, 30 Apr. 2021, docs.google.com/spreadsheets/d/1wRBggu9wEAjv_Ic-Rmv1aik8W2drXT6vV_GkiVRzaVg/edit?usp=sharing.

The *Codebook* defines all the variables and data kept within the index. The *Logit* tab displays the dependent variables as a binary, while the *Polr* tab displays the dependent variables in an ordinal range between 0 and 1.

Appendix B: RICP Calculations

The dates of transition (*Dem_Date*) were coded from NELDA2 (Were these the first multiparty elections? 1,0) with additional qualitative research where needed; the existence of a constitutional process (0, 1) began with HeinOnline and Constitute.org's list of constitutions, which was further contextualized into start and end dates (ratification, promulgation, and effect) through a mix of primary and secondary sources. *Beg_Tran* refers to the difference in days between the beginning of the constitutional process and the transition date; in contrast, *Tran_End* refers to the difference in time between the Transition and the end of the constitutional process. For the RICP Types (Type I, Type II, and Type III), the specific calculations used were:

Type	Formula	Explanation
1	$\frac{[Beg-Tran]}{([Beg-Tran]-[Tran-End])}$	The ratio of time that the constitutional process took to the amount of time from the beginning of the constitutional process from transition.
2	$\frac{[Beg-Tran]}{([Beg-Tran]+[Tran-End])}$	The ratio of time that the constitutional process took place under the AOR to the length of time of the entire constitutional process.
3	$(\frac{[Tran-End]}{([Tran-End]-[Beg-Tran])}) + 1$	The ratio of time that the constitutional process took to the amount of time from the transition to the average end of the constitutional process. The addition of one is to make, for example, a constitutional process that starts on the day of transition will be a 0 and not a -1.

The series of calculations are presented here.

Country	Type	Date_Dem	Start_Cons	AVG_End	Beg/Tran	Tran/End	RICP
Albania	3	3/31/1991	11/3/1997	11/25/1998	2,409	-2796.0	-6.22
Bangladesh_1	1	7/30/1973	3/23/1972	11/10/1972	-494	262.0	2.13
Belarus	1	6/23/1994	7/20/1990	3/15/1994	-1,434	100.0	1.07
Benin	1	3/10/1991	12/8/1989	10/12/1990	-457	149.0	1.48
Brazil	2	12/17/1989	2/1/1987	10/5/1998	-1,050	-3214.0	0.75
Bulgaria	2	6/10/1990	6/1/1990	7/12/1991	-9	-397.3	0.98
Burkina Faso	3	5/14/1978	10/31/1987	3/7/1998	3,457	-7237.0	-0.91
Burundi	1	07/04/2005	8/15/2004	3/9/2005	-323	117.0	1.57
Cape Verde	2	1/13/1991	9/15/1990	11/4/1992	-120	-661.0	0.15
CAR_1	1	3/15/1981	9/21/1979	2/1/1981	-541	42.0	1.08
CAR_2	3	9/19/1993	9/19/1993	1/5/1995	0	-473.5	0.00
Czech Republic	3	06/08/1990	6/6/1992	12/26/1992	729	-932.7	-3.58
DR_2	1	5/16/1996	5/18/1992	8/14/1994	-1,459	641.0	1.78

Ecuador_1	1	4/29/1979	12/7/1976	11/1/1978	-873	178.5	1.26
Ecuador_2	3	10/20/2002	9/30/2007	10/20/2008	1,806	-2192.0	-4.68
El Salvador	1	3/25/1984	3/28/1982	12/17/1983	-728	98.5	1.16
Estonia	1	9/20/1992	9/3/1991	6/28/1992	-383	84	1.28
Georgia_1	3	10/11/1992	11/6/1992	9/20/1995	26	-1074.0	-0.02
Ghana	1	12/29/1992	5/17/1991	4/28/1992	-592	245.0	1.71
Greece	2	11/17/1974	10/3/1974	5/15/1975	-45	-179.7	0.80
Honduras	2	11/29/1981	4/20/1980	1/15/1982	-588	-47.5	0.07
Kenya	3	12/27/2002	12/11/2008	8/19/2010	2,176	-2792.7	-3.53
Lesotho	1	3/27/1993	6/28/1990	3/16/1993	-1,003	11.0	1.01
Macedonia	3	9/18/1991	9/25/1991	11/17/1991	7	-60.0	-0.13
Madagascar	1	11/25/1992	10/31/1991	8/19/1992	-391	98.0	1.33
Malawi	2	5/17/1994	6/13/1993	5/17/1995	-338	-365.0	0.52
Mali	2	4/12/1992	4/5/1991	5/4/1992	-373	-22.5	0.06
Moldova	2	2/27/1994	10/19/1993	8/27/1994	-131	-181.0	0.58
Mongolia	3	7/29/1990	10/1/1990	12/29/1991	64	-518.7	-0.14
Namibia	1	3/21/1990	11/1/1989	3/21/1990	-140	0.0	1.00
Nepal	1	5/12/1991	4/9/1990	10/5/1990	-398	219.0	2.22
Nicaragua	3	11/4/1984	4/15/1985	1/1/1987	162	-788.0	-0.26
Niger_1	1	2/27/1993	7/29/1991	1/8/1993	-579	49.5	1.09
Niger_2	1	10/17/1999	4/16/1999	7/29/1999	-184	80.0	1.77
Nigeria_1	1	8/11/1979	10/18/1975	6/21/1978	-1,393	415.3	1.42
Nigeria_2	2	2/27/1999	12/1/1998	5/17/1999	-88	-79.0	0.47

Pakistan_1	3	12/07/1970	4/17/1972	7/3/1973	497	-939.0	-1.12
Paraguay	3	05/01/1989	12/01/1991	6/20/1992	944	-1146.0	-4.67
Peru_1	1	5/18/1980	6/18/1978	11/16/1979	-700	183.7	1.36
Philippines	2	02/07/1986	1/7/1984	11/19/1986	-762	-285.7	0.27
Poland	2	11/25/1990	4/5/1989	5/24/1997	-599	-2372.5	0.80
Portugal	1	6/27/1976	4/25/1975	4/2/1976	-429	86.0	1.25
Romania	3	5/20/1990	5/20/1990	11/26/1991	0	-555.7	0.00
Russia	2	6/12/1991	1/1/1991	11/13/1993	-162	-885.0	0.85
Senegal	3	2/27/2000	5/19/2000	1/7/2001	82	-315.0	-0.35
Slovakia	3	06/08/1990	6/6/1992	9/21/1992	729	-836.0	-6.81
South Africa	2	4/26/1994	3/1/1994	8/2/1996	-56	-829.7	0.94
Spain	2	6/15/1977	9/1/1976	9/27/1978	-287	-469.0	0.62
Sri Lanka	3	7/21/1977	11/3/1977	8/27/1978	105	-402.5	-0.35
Thailand_1	1	1/26/1975	12/19/1973	6/18/1974	-403	221.5	2.22
Thailand_2	1	3/22/1992	3/15/1991	12/9/1991	-373	104.0	1.39
Turkey	1	11/06/1983	10/28/1980	11/7/1982	-1,104	364.0	1.49
Ukraine	3	12/01/1991	6/8/1995	6/28/1996	1,285	-1671.0	-3.33
Zambia	1	10/31/1991	9/25/1990	8/28/1991	-401	64.0	1.19

Appendix C: Dataset Sources

All Countries - Frequently Used Sources	
All Countries	WTO, WHO, UN, CIA World Factbook, IndexMundi, ConstitutionNet, Keesing's World News Archive, Constitute, Cheibub Elections Data, African Democracy Encyclopaedia Project, Political Database of the Americas.

Each Country - Individual Sources	
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Appendix D: Code in R-Studio

All the code used in R-Studio is found here:

R-Note	Title
1_Data	Hypothesis 1: Data Upload
2_DS	Hypothesis 1: Descriptive Statistics
3_BIBS	Hypothesis 1: Bivariate Analysis and Statistics
4_OLS	Hypothesis 1: Regression
21_Data	Hypothesis 2: Data Upload
22_DS	Hypothesis 2: Descriptive Statistics
23_BIBS	Hypothesis 2: Bivariate Analysis and Statistics
24_OLS	Hypothesis 2: Regression

Appendix E: Notes for Decisions in R

There are two specific points of note in the code:

1. The analysis excluded RICP values that were less than -2 or more than 2, as the constitutions are less tied to the transitional process than constitutions developed within the aforementioned range.
2. There is not good data on Natural Resource rent rates in Taiwan; as such, given qualitative sources that say those rates are low, I chose to set Taiwan Natural Resource rents as the first quartile (CIA World Factbook).