

Do countries, in which the rules laid down in their constitutions are not followed in practice, suffer economic or political consequences? What are the determinants of the degree, to which constitutions are not complied with? Is citizen's perception of the constitution a significant factor in this respect? In this project we aim to provide the answers to these questions based on the cross-disciplinary research program of constitutional economics.

Research in constitutional economics has undergone important progress in recent decades. Studies have systematically confirmed the significance of constitutional frameworks for policy decisions and economic outcomes, as well as identified numerous determinants of constitutional change and longevity. Most recently, given the abundant cases of constitutional violations in various countries around the globe, questions of constitutional compliance have also become of interest to this research program. To ascertain the level of constitutional compliance, this approach compares the *de jure* provisions of a constitution with the constitutional reality as implemented by the executive.

In this project we focus on post-socialist countries of Europe and Asia, which faced the need to introduce new constitutional frameworks to allow for systemic changes after 1989. While existing research confirms that various aspects of the new post-socialist constitutions, such as the rules concerning the structure of power, protection of rights, or constitutional court independence, were significant for the progress in economic transition in these countries, most recently many of them have been experiencing democratic backsliding, as well as constitutional crises resulting from government actors failing to comply with the constitution. What factors can explain why we observe increased levels of constitutional noncompliance in these countries and what consequences could these developments have?

Research in this project is conducted at two levels of analysis.

At the *level of countries*, we study, firstly, whether the discrepancy between formal (*de jure*) provisions written down in legal acts called constitutions and *de facto* constitutional practice in post-socialist countries of Europe and Asia, lead to any adverse economic or political consequences, such as weakened economic performance, backlashes in economic reforms, deterioration of trust in government, increase in political corruption, etc. Secondly, we ask about the factors that affected the different levels of constitutional (non)compliance in these countries. We expect that choices of the crucial government actors on whether to comply with the constitution, or not, depend on the content/structure of the constitution, as well as factors relating to the conditions in which a constitution operates (such as constitutional history, its geographical/climate conditions, shared values and norms, trust within the society, etc.). Given that the results of a first serious attempt to measure the compliance with constitutions on the country level for the global sample – the Comparative Constitutional Compliance Database – have just become available, in the empirical part of the project we use quantitative tools of econometric analysis to answer these questions and to verify our expectations for a pool of up to 28 post-socialist countries in the period 1993-2020.

In the second area of the project, we ask whether the emergence of the gap between constitution text and *de facto* constitutional practice in post-socialist countries of Europe and Asia could, at least in part, be due to the fact that citizens do not value constitutional rules and do not disapprove actions that violate them. In other words, we study public perception of constitutions in these countries at the individual level and its relationship with constitutional (non)compliance. Several detailed questions concerning e.g. whether people value constitutional rules more than statutory and supranational rules, do people differ in the valuation of different constitutional rules, does it matter whether constitutions are violated by ideologically close or distant governments, etc., are addressed in an innovative online survey experiment conducted for representative population samples of 5 post-socialist countries (and 2 other European countries as a comparison group).

The results of this project, indicating economic and political consequences of constitutional noncompliance in post-socialist countries, as well as a set of factors that explain this phenomenon, will bring a significant contribution to the international literature in constitutional economics and related fields. By deepening our understanding of the *de jure-de facto* constitutional gaps, we deliver important knowledge about the constitution's contribution to the functioning of the economy and society. The project will also provide scientifically-backed practical recommendations for constitution drafters, legislators, and political decision-makers in post-socialist countries, also in the context of the constitutional crises that many of them have recently been experiencing.