

Abstract for the general public

Economics as a social science is interested in rational decision making under constraints. Traditionally, the constraints economists have studied concerned the availability of resources. This narrow view has, however, broadened dramatically decades ago when economists started to understand that the methods they had developed could just as well be applied to decision-making under any other constraints, such as laws, customs, or self-imposed ethical rules. If violating constraints is costly, economists can study how these expected costs change the behavior of (at least somewhat) rational individuals. The resulting field of institutional economics has been highly successful and is today a part of the mainstream in economics.

Constitutional economics can be understood as a particular branch of institutional economics that is interested in the most fundamental rules based on which a society is organized. Constitutional economics started out as a normative discipline interested in the question what “good” constitutional rules are. In recent decades, constitutional economics has become more and more positive, asking questions about how the world functions, rather than what it should look like. Using empirical, especially statistical, methods and large datasets, constitutional economists have studied the effects of constitutional rules on economic development and many other outcomes of interest. More recently, constitutional economists have asked why some constitutional rules are effectively enforced, while others are largely ignored by government or society. In both these approaches it has been assumed that constitutional rules are already in place. It is the goal of this project to move away from this simplistic assumption that constitutional rules are given and we should only care about what they do to us.

Specifically, in this project we are asking the question how constitution-making procedures influence the contents of constitutions and possibly their success in terms of the legitimacy they enjoy, the duration for which they survive, and the degree to which politicians comply with the constitution. The constitution recently drafted in Chile underlines the importance of asking this question. After what was supposed to become the first post-Pinochet constitution had been drafted over several years, it was eventually rejected in a popular referendum. Given that constitutions survive on average less than 20 years, it is clear that every year a new constitution will be passed somewhere and understanding how to improve the quality of these constitutions and their likely success can hardly be overestimated in its importance.

In our research project, we collect data and use econometric methods to study real-world constitution-making around the world at the country level, as well as use experiments to see how individuals in controlled settings perceive the outcomes of constitution-making under different procedures.