

The Problem of Constitutional Rights Inflation

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Abstract. Long lists of rights have become a hallmark of global constitutionalism. This rights inflation has largely been cheered on by commentators arguing that enshrining more rights will help produce more just societies. In contrast, we argue that adding more *de jure* rights to constitutions can provide governments with excuses to ignore rights they disfavor, which in turn can lead to erosion of *de facto* rights protections. We explore this theory using a mixed-methods approach, which includes a survey experiment administered during a constitutional referendum in Chile, event studies using cross-country data from 1946 to 2018, and a qualitative case study investigating the adoption of Russia’s 1993 constitution. We find evidence that the public believes that adding more rights to a constitution is costless, but our quantitative and qualitative data suggests that new constitutions that include many rights have worse *de facto* rights protections than ones with fewer rights.

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1. Introduction

One of the most pronounced trends in global constitution-making is the proliferation of rights. Since the end of World War II, the average number of rights included in national constitutions has more than doubled (Chilton and Versteeg 2020). Many constitutions now not only enshrine civil and political rights—like the prohibition of torture or freedom of speech—but also a range of socio-economic rights—like the right to healthcare or housing—as well as environmental rights, consumer rights, and even rights for animals.

Although the factors driving this trend are the subject of ongoing debate, several phenomena have likely contributed to it. Notably, constitution-making is a common occurrence in many parts of the world (Elkins et al. 2009). Additionally, constitution-making processes have become increasingly participatory, and when people have a say in constitution-making, they often demand many rights (Ginsburg et al. 2009). Rights are also widely promoted by transnational actors involved in constitution-making around the world (Brooks 2003; Cope 2013). As a result of these and other forces, extensive catalogues of rights have become a hallmark of twenty-first-century constitutions (Law and Versteeg 2011; Goderis and Versteeg 2014).

This proliferation of rights has largely been cheered on by pundits and academics alike. After all, rights compel governments to abstain from actions that harm citizens. Rights can also require governments to take steps to realize rights, such as by investing in housing, healthcare, or education. As a result, the dominant view of constitutional scholars has been that rights are good, and therefore, that more rights are better than fewer rights. These attitudes are reflective of a common view that rights “play[] an important symbolic and practical role in achieving a more just society” (Young 2012, 12; *see also* Bilchitz 2007; Greene 2021) and that rights deepen democracy by empowering marginalized groups (Rodríguez-Garavito and Rodríguez-Franco 2015).

However, commentators cheering the expansion of constitutional rights have largely ignored the possibility that there may be a direct tradeoff between enshrining a larger number of constitutional rights and the likelihood that countries will respect rights in practice. A few legal scholars, however, have voiced concerns. Notably, over three decades ago, Mary Ann Glendon questioned whether casting important values in the language of rights contributed to better rights protection. Glendon (1991, 16) worried that casting many values and interests as rights, “may well trivialize” the “essential core” of rights, “without materially advancing the proliferating causes that

have been reconceptualized as involving rights.” Eric Posner has offered a similar critique, though directed at human rights treaties. Posner argues that the growing number of treaty rights allows savvy political leaders to free themselves of the constraints that rights are meant to impose. Posner (2014, 94) observes that “if there were only a few rights, it would seem simple enough to determine whether states comply with them.” Yet, when there are many rights, government officials become free to pick and choose the rights that they focus on. Posner, then, suggests that the presence of a “hypertrophy of rights” gives governments a perfect excuse to ignore them.

In this paper, we suggest that there is a direct tradeoff between enshrining a larger number of constitutional rights and the respect for rights in practice. The starting point for this claim is that when more social and political goals are turned into rights, because of resource constraints and inevitable clashes between rights, it becomes increasingly difficult to fulfill all rights. These inevitable clashes can mean that adding more rights to constitutions may not produce linear increases in the protection of rights. Instead, the existence of more rights may turn them into more of an aspirational wish-list than a constraint on government power and also enable those in power to de-prioritize rights that they do not favor (e.g., Leibovitch and Stremitzer 2022). The result is what we refer to as the problem of “rights inflation”: a negative spillover that erodes the overall respect for rights, which can occur when countries add more rights to their constitutions. We argue that this relationship is likely not just correlational (i.e., it is not simply a product of citizens in countries with worse track records at protecting rights demanding more rights be enshrined when new constitutions are drafted). Instead, we argue that enshrining more rights creates direct tradeoffs that weaken the protection of other rights.

However, although this is a causal claim, we are unaware of any large-scale exogenous variation in the number of rights countries add to their constitutions. We are thus unable to definitively establish whether adding more rights to a constitution directly causes the erosion of rights protection. As a result, we use a mixed-methods research design that combines experimental, observational, and qualitative methods to test whether it is plausible that there is a negative relationship between constitutional rights and the protection of rights. Mixed-methods approaches have become increasingly common in comparative politics and comparative constitutional law because they provide a way forward in situations where natural experiments are not available (Fearon and Laitin 2008; Thaler 2017; Chilton and Versteeg 2022; APSR Editors 2022).

We test our argument using three kinds of empirical evidence. First, we report the results of a survey experiment we administered in Chile shortly before a national referendum on adopting a new constitution. After a period of intense civil unrest in 2019, Chile began a highly participatory process to draft a new constitution. This process received constant media coverage in Chile and was widely watched around the world. It also produced a constitutional draft that would have one of the world's longest lists of rights. Shortly before the public referendum on whether to approve the constitution, we fielded a survey to more than 4,000 respondents across Chile, designed to test whether they believed adding more rights to a constitution would reduce the protection of those rights. Our results suggest that the respondents did not believe there is a tradeoff between having more rights and the protection of rights; instead, even though the majority of our respondents intended to vote to reject the new draft (which is exactly what a majority of Chileans did a few weeks later), they still expressed the view that having more rights is better.

Second, we use cross-national data to test the relationship between a country's *de jure* constitutional rights and its *de facto* rights. Our measure of *de jure* constitutional rights is based on whether countries protect 102 potential rights coded by the Comparative Constitutions Project (Elkins, Ginsburg, and Melton 2009), and our measure of *de facto* rights is a latent variable known as the Human Rights Score (Fariss 20214). Using this data for up to 198 countries from 1946 to 2018, we first report cross-country results showing a clear negative relationship between countries' constitutional rights and their Human Rights Scores. For example, when pooling all country-year observations in our sample, we find that moving from the 10th percentile to the 90th percentile is associated with a roughly 0.5 standard deviation worse Human Rights Score. This negative relationship exists throughout our sample period and exists for different kinds of constitutional rights. We then use an event study framework to study the within-country change in rights protection after countries adopt a new constitution. Using a sample of 96 new events of constitutional adoption, we find that countries that adopt constitutions that include more rights experience greater erosion of their Human Rights Scores compared to countries that adopt constitutions that include fewer rights. The results of this analysis are consistently statistically significant and substantively meaningful. In our preferred specification, we find that new constitutions with the top-quartile of rights for our sample of events subsequently had roughly a one-third standard deviation lower Human Rights Scores compared to new constitutions with the bottom-three quartile of rights.

Third, we present a case study of the adoption of Russia's 1993 Constitution, which is in the top-quartile of constitutions for the number of rights it includes. We draw on three weeks of field work conducted in 2017. The case study reveals that once Putin rose to power, he took advantage of the hypertrophy of rights in the new, liberal constitution and used rights arguments to undermine core liberties. Notably, the freedom of religion, the protection of children, mothers, and the family, and human dignity were all used as justifications to undermine classic liberties such as free speech and gender equality. Thus, instead of acting as an obstacle against an autocratic leader, the hypertrophy of rights enabled a crackdown on civil liberties.

Our research contributes to several literatures. First, and most directly, a growing number of empirical studies have explored the impact of specific constitutional rights on the fulfillment of those specific rights (Davenport 1996; Ben-Bassat and Dahan 2008; Chilton and Versteeg 2016; 2022; Bjørnskov and Mchangama 2019). However, we are unaware of research that empirically explores the impact of a constitution's total number of rights on overall rights protection. Our findings suggest that the effect of each right should not be viewed in isolation, and that it is important to take account of how rights interact with each other. Second, a substantial literature in political science documents the impact of human rights treaties on rights practices, but to our knowledge, no studies look at the cumulative effect of adopting many treaty rights (e.g., Simmons 2009; Lupu 2013). Our findings are limited to constitutional rights, but they raise the possibility that the same negative spillovers may exist for treaty rights. Third, a growing literature has explored the impact of popular participation on a range of outcomes, such as democratization and constitutional content (Eisenstadt et al. 2015; 2017; Negretto and Sánchez-Talanquer 2021). Several studies in this literature have documented how popular participation is associated with the adoption of many rights (Ginsburg et al. 2009; Hudson 2018). Our findings suggest that, even though the general public may value having many rights, they come with an important cost that should be factored into the costs and benefits of participation.

2. The Problem of Rights Inflation

We begin by theorizing that more rights on paper may not translate into better rights protection in practice. In fact, as we explain, there are good reasons to believe that the opposite is true: that more rights on paper may *reduce* protection of rights in practice.

2.1. The Basic Logic of Rights as Priorities

To understand why enshrining more constitutional rights may weaken existing rights protections, it is important to appreciate the nature of constitutional rights. To start, it is well-established in constitutional theory that constitutional rights have the status of higher law (e.g., Goldsmith and Levinson 2009). This is due to the nature of constitutions: these charters are typically entrenched, meaning they are more difficult to amend than ordinary legislation. Moreover, in most countries, apex courts have the power to invalidate laws and regulations that contradict the constitution. So conceived, then, constitutional rights can be thought of as legally mandated *priorities*.

This means that constitutional rights “trump” ideas and values that do not have the status of higher law (Dworkin 1977). If the prohibition of torture is a right, then the government cannot torture, even if it may be expedient to do so. Likewise, the legislature cannot enact legislation that would permit torture, even if only in circumstances where it may be expedient. This is true even when such legislation furthers competing objectives, like combating terrorism.

Moreover, constitutional rights are more than just articulations of priorities—instead, the government is required to take action to protect and fulfill them. This insight is perhaps counterintuitive for those who think of rights commitments as, first and foremost, directing the government *not* to act. In the United States, for example, constitutional rights are often seen and enforced in this way (Versteeg and Zackin 2014). But most legal systems recognize that proactive steps are often needed to realize rights (Michelman 2005). The need for government action is most obvious for social rights. For instance, the right to housing requires the government to pass and implement housing policies to increase access to housing.

But government action is also needed to ensure that many classical civil and political rights are respected. Effectuating a right to counsel during trial, for example, requires legislation to make lawyers available for those who cannot afford one. Or take prohibitions against discrimination. In most countries, as well as under international law, this right not only requires the government not to discriminate, but it also requires the government to prevent discrimination in the private sphere. Thus, if the government fails to enact legislation prohibiting discrimination by bars, restaurants, or private schools, it may be violating its constitutional obligations. Rights are thus more than hypothetical priorities—they require action.

In sum, if a constitution contains civil, political, or social rights, each of those rights would be a legally mandated *priority*. The government would not be able to torture, discriminate, or deprive people of housing, for example. And it would also have to act swiftly to implement and realize these rights. In other words, if rights are enshrined in the constitution, they enjoy priority over the political agendas and goals of those in power.

2.2. Why the Basic Logic Breaks Down with Rights Inflation

Some constitutions specify a large number of rights. However, when many political objectives and values are recognized as rights, the basic logic of rights as higher-law priorities breaks down. There are at least two reasons why. First, due to resource constraints, rights priorities may be unable to guide governments' actions when they are too expansive. Importantly, when constitution-makers enumerate a small set of rights, they may be setting a realistic number of priorities. However, when every social and political goal is a right, and rights are priorities, then every goal is a priority. But it is not possible, or realistic, for governments with real budget and capacity constraints to achieve every goal. The result is that the government must then choose which rights to enforce. In these situations, the priority-setting must happen after the constitution has been adopted.

Second, rights often clash with one another. This can occur even in situations where only two rights exist. Property rights, for example, may hamper efforts to reduce economic inequality, as a redistribution of resources may come at the expense of personal property interests. The free speech rights of some might harm the dignity of others. Freedom of religion might clash with gender equality. However, when more rights are enumerated in the Constitution, the odds of rights clashing with one another increase. And, when rights clash, priorities must be set among them.

These two realities—resource constraints and rights clashes—can set the conditions for rights protections to get worse. That is, those in power can exploit the large number of rights to avoid accountability. For instance, imagine a strong executive who seeks to maximize his power and minimize constitutional constraints. When the constitution contains a hypertrophy of rights, such an executive may get away with not setting any priorities at all. And if so, the entire bill of rights might become viewed as aspirational, rather than a set of constraints on government power (Leibovitch and Stremitzer 2022). To illustrate, when a bill of rights places the prohibition of torture alongside the right to locally produced nutritious food and the right to enjoy the city, then

the prohibition of torture might be seen as aspirational, of the same ilk as the right to enjoy the city. The bill of rights, then, might become something of a wish list, rather than a set of priorities.

In addition to turning the bill of rights into a wish list, a hypertrophy of rights enables the executive to violate some rights in the name of other rights (Mchangama and Verdirame 2013). For example, an executive may argue that a crackdown on free speech is necessary to protect the dignity of certain groups. Or that it is impossible to protect the environment because the government is obliged to lift people out of poverty and fulfill social rights. There are countless ways in which rights can come into conflict with one another. Each of these instances can be abused by an ill-intended leader.

Moreover, when an executive invokes some rights to infringe upon others, mobilizing to protest government transgressions against the violated rights can be more difficult. The reason is that punishing a government for violations requires an agreement among relevant actors in society that the constitution has been violated in the first place (Weingast 1997; Chilton and Versteeg 2020), which is hard to do when the government invokes the same constitution to justify its actions. It is these dynamics that might explain why more constitutional rights on paper could lead to less respect for rights in practice. Our Russia case study explores this mechanism for undermining rights in detail.

Of course, things need not end this way. It might be possible to set priorities among many rights in a way that avoids the scenario above. Notably, in some settings, legislatures have been able to set priorities among rights in dialogue with an apex court. To facilitate this process, courts can deploy the doctrinal tool of “proportionality review” (Alexy 2010; Barak 2012; Cohen-Eliya and Porrat 2013; Jackson 2015; Jackson and Tushnet 2017). The basic premise of proportionality review is that rights are not absolute, and, therefore, they can be balanced against other constitutional values, including competing rights. Importantly, the use of proportionality review does not mean that courts themselves set priorities. This falls to the political branches of government. Instead, the job of an apex court is to scrutinize whether any rights infringements are done for legitimate reasons, and only to the extent necessary for accomplishing these reasons. According to many of its proponents, the essence of proportionality review is that it forces reasoning on the part of the government. The implementation of the post-WWII German Constitution has often been described in these terms. If this kind of political process is working well, then maybe more rights do not come at the expense of rights in practice.

3. Survey Evidence

We first report the result of a survey we designed to test popular beliefs about the impact of having more constitutional rights on *de facto* rights protection. We first introduce the research setting, then describe the survey's administration, and finally report the results.

3.1. Research Setting

In October of 2019, massive protests erupted across Santiago, Chile. The protests were sparked by a metro fare increase of 30 Chilean pesos, which is about 4 cents in USD. This small rate hike ignited mass protests and demonstrations. The movement was initially led by students, but it quickly spread across society. For the protesters, the fare hike was symptomatic of a government that was charging more while delivering less. As one slogan put it, “It is not 30 Pesos, It is 30 Years” – a direct reference to the disappointment many felt about the country's social, political, and economic development in the decades since former dictator Pinochet left power (Charney, Marshall, and Christodoulidis 2021).

After roughly a month of civil unrest, Chile's president and major political parties reached a deal to draft a new constitution in the hopes that doing so would stop the protests. Shortly after this agreement was made, the COVID-19 pandemic spread across the country, delaying the drafting of a new constitution. But, ultimately, in October 2020, a national referendum was held where 78 percent of voters approved a process to draft a new constitution. Next, in May 2021, elections were held to elect a constitutional convention of 150 representatives to do the drafting.

This drafting process was high-profile, both within Chile and worldwide, and it sparked numerous public debates about constitutional design. Ultimately, the constitutional convention produced a draft that would have radically altered the Chilean constitution along several dimensions, including adding numerous new rights. Constitutional scholar Richard Albert observed that, with the new bill of rights, Chile would be among the top 10 countries with the most rights worldwide.¹ However, when the draft was put to a public referendum in September 2022, it was overwhelmingly rejected: only 38.1 percent of voters supported adoption.

¹ <https://x.com/richardalbert/status/1527016293064491008>

3.2. Administration and Sample

We administered a survey to the Chilean public during the debate over whether to vote for the new constitution. More specifically, the constitutional convention presented its draft on July 4, 2022, a national referendum on the draft was held on September 4, 2022, and we administered our survey on August 16-17, 2022. During this period, the contents of the draft were widely covered, and whether Chileans should approve the draft was fiercely debated in the media.

The survey research firm Clint recruited the respondents.² In total, 4,046 Chileans completed our survey.³ Respondents were drawn proportionally from all of Chile's geographic regions. However, the sample was not perfectly representative. Notably, the sample included respondents who are slightly more likely to be female, young, and highly educated than the country's overall population.

The sample thus slightly overrepresented demographic groups that were more likely to support the draft. That said, overall, our respondents' views on constitutional reform were still similar to those of the Chilean public. For instance, 38.1% of voters ultimately supported the draft, and 43.7% of our respondents said they intended to support the draft. This is consistent with publicly released polls during this period.

We designed our survey to build on prior research that has tested the effect of constitutional and international law on public opinion (e.g., Lupu and Wallace 2019; 2024; Chilton and Versteeg 2020; 2022; Cope and Crabtree 2020). Our survey specifically asked respondents questions on several topics, including their demographic background, support for the new constitution, approval of the process, and their beliefs about the benefits of more constitutional rights.⁴ The survey also included an experimental manipulation designed to assess whether people believed that adding more rights to a constitution would reduce the protection of other rights. The survey was drafted in English but translated into Spanish by two Chilean lawyers who research comparative constitutional law. The survey was exempted by the IRB, and an analysis plan was pre-registered before any data analysis was conducted.⁵

² Clint directly compensated respondents. Appendix A provides additional information on the sample

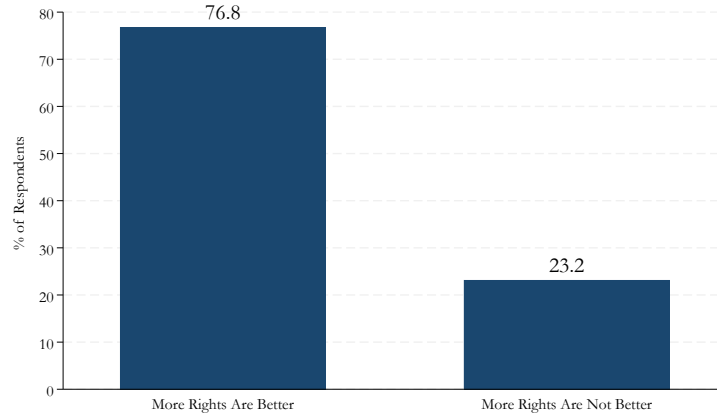
³ The survey did not include any deception.

⁴ Appendix B provides the full text of the survey, and Appendix C provides the pre-analysis plan. We did not deviate from the pre-analysis plan.

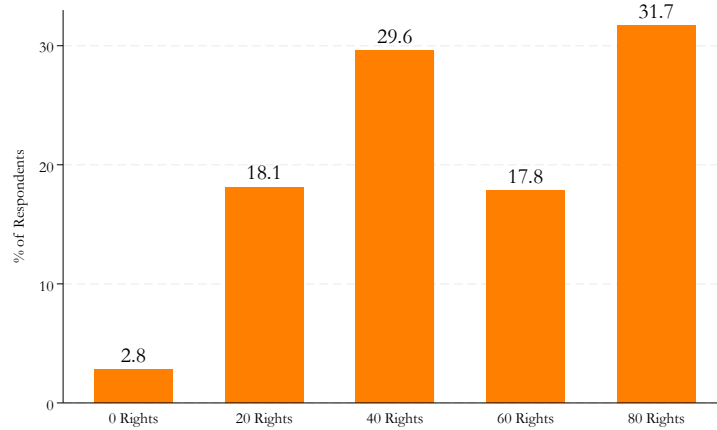
⁵ The study was reviewed and exempted by the IRB of [UNIVERSITY], and assigned protocol number IRB22-1214.

Figure 1: Beliefs About Constitutional Rights

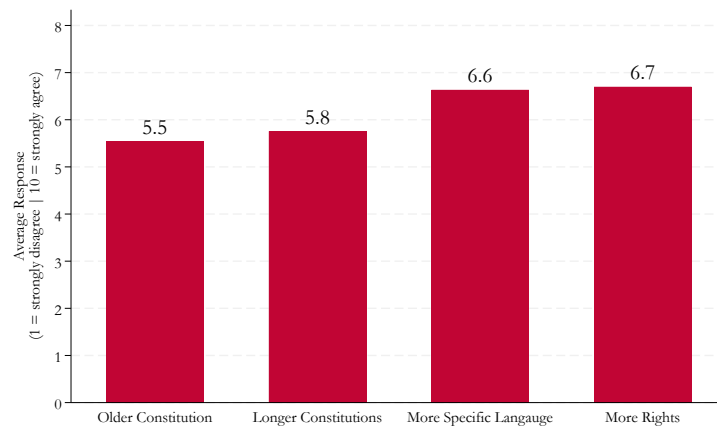
(a) Are More Rights Better for *de facto* Rights?



(b) What Number of Rights Is Associated the Best *de facto* Rights?



(c) Which Constitutional Attributes Are Associated with Better *de facto* Rights?



Notes: The figure reports results from a survey administered to 4,046 Chileans in August 2022. Each panel reports the results of a question designed to elicit views on whether respondents believe that having more constitutional rights is associated with better *de facto* rights protection.

3.3. Survey Results

The survey was designed to assess if the respondents: (1) believe that having more constitutional rights is associated with better rights protections; (2) think that adding new constitutional rights may come at the expense of existing constitutional rights; and (3) have heterogeneous beliefs about these questions.

Beliefs About Having More Rights. Our survey included three questions designed to assess whether Chileans believe that more rights are associated with more *de facto* rights. First, we directly asked if respondents believe that more rights are better. Our survey noted that “[t]here is a debate about how many rights ought to be protected directly in the constitution” and briefly laid out arguments on both sides.⁶ For instance, the respondents were told that having more rights ensures that “the rights of all communities and peoples get recognized,”⁷ but also that having more rights “allows political actors, like the president, to decide which rights to prioritize.”⁸ We then asked respondents if they think are more constitutional rights better or not. Panel A of Figure 1 reports the results. It reveals that more than three times as many Chileans believed that more rights are better. In total, 76.8 percent of respondents believed that more constitutional rights are better, while 23.2 percent thought they are not.

Second, we asked if respondents believed that constitutions with different numbers of rights are associated with better rights records. To do so, we told respondents that constitutions can include different numbers of rights, and we then asked them which number of rights would be associated with the best rights protections: 0 rights, 20 rights, 40 rights, 60 rights, or 80 rights. Panel B of Figure 1 reports the results. The fewest respondents agreed that a constitution with 0 rights would best protect rights (2.8 percent), and the most respondents agreed with the idea that a constitution with 80 rights would best protect rights (31.7 percent). However, more respondents

⁶ Half of the respondents were asked this question and half were asked the question reported in Panel B of Figure 1.

⁷ The full argument in favor of more rights is: “Some argue that more rights are better. This way, the rights of all communities and peoples get recognized. And if different rights were to conflict, courts can balance them against each other, using important constitutional principles such as proportionality. While not all rights enjoy maximum protection at all time, these rights will enjoy protection at least some of the time.”

⁸ The full argument against more rights is: “Others argue that more rights are not better. This is because if different rights were to conflict, it gives the courts too much power to decide which ones to protect. It also allows political actors, like the president, to decide which rights to prioritize. As a result, it is better to only protect some rights so that they enjoy strong protection.”

thought that a constitution with 40 rights was associated with better rights protections than constitutions with either 20 or 60 rights. This could be an artifact of a plurality of respondents picking either the middle answer or one of the two extremes, but more research is needed to understand if other dynamics are driving these non-linearities in responses.

Third, we asked respondents whether they agreed with the idea that different attributes of constitutions are likely to be associated with countries having better overall records protecting human rights. We specifically asked respondents to rate their agreement with the following four statements on a scale from 1 (strongly disagree) to 10 (strongly agree):⁹

- **[Older Constitutions]** Countries with older constitutions have better overall records protecting human rights.
- **[Longer Constitutions]** Countries with longer constitutions have better records overall protecting human rights.
- **[Specific Constitutions]** Countries with more specific language in their constitutions have better overall records protecting human rights.
- **[More Rights]** Countries with more rights enshrined in their constitution have better overall records protecting human rights.

Panel C of Figure 1 reports the results. On average, respondents were more likely to agree than disagree that each attribute is associated with better rights protections (i.e., the level of agreement was greater than 5.0 for each attribute). The lowest average agreement was 5.5 for the idea that older constitutions are associated with better rights, followed by 5.8 for longer constitutions, and 6.6 for more specific constitutions. However, the highest average agreement was 6.7 for the idea that constitutions that include more rights have better protections for those rights. Thus, even compared to other key constitutional attributes, respondents were more likely to believe that more constitutional rights are associated with more *de facto* rights.

Tradeoffs From Having More Rights. Our survey included an experiment to test whether Chileans believe that adding new rights impacts the fulfillment of existing rights. The respondents were divided into two treatment conditions: one focused on the right to healthcare

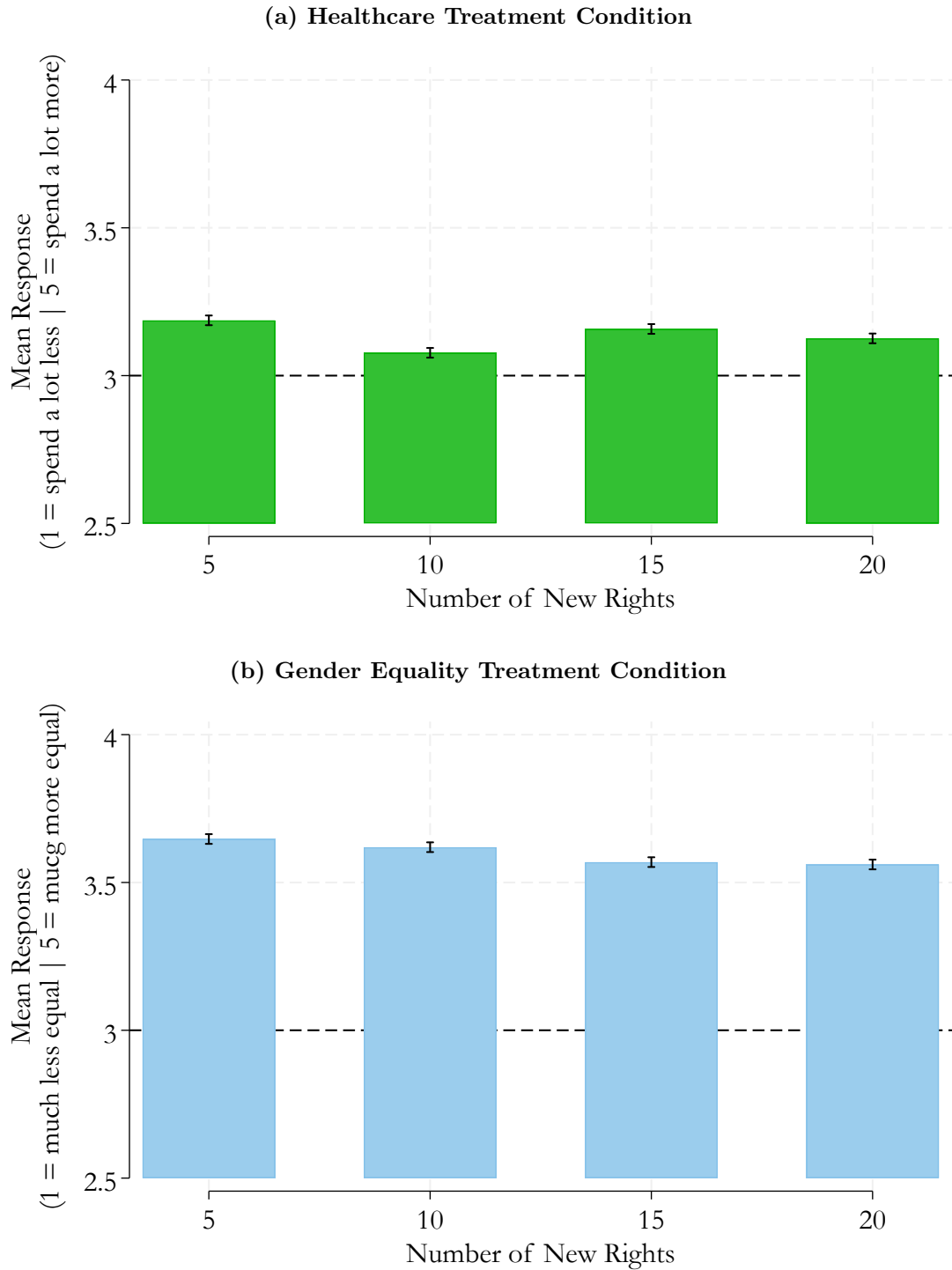
⁹ The respondents were presented with these four attributes in random order and were not shown the titles in brackets.

and the other on the right to gender equality. We selected these topics both because they played a major role in the debate over the ratification of the new Chilean constitution and because the right to healthcare (Chilton and Versteeg 2017) and the right to gender equality (Chilton and Versteeg 2022) had been the subject of prior research in the empirical literature on constitutional rights effectiveness.

For both topics, we instructed respondents to imagine a country that already had that right in its constitution and that had a roughly average level of protection for that right. For instance, for healthcare, respondents were told “[i]magine a country already has a right to healthcare included in its constitution, and the country currently spends 10 percent of its GDP on healthcare related expenses”; and, for gender equality, respondents were told “[i]magine a country already has a right to gender equality in its constitution, and the country currently is currently ranked as a roughly average country in terms of gender equality between men and women.” The respondents were then randomly assigned to one of four treatment groups, where they were informed that the country was considering adding either 5, 10, 15, or 20 new rights. We thus had a 2x4 experimental design, with eight treatment groups. We then asked how adding the new rights would impact either the right to healthcare or gender equality on a five-point scale from 1 (the largest deterioration of the existing right) to 5 (the highest increase in the fulfillment of the existing right).

Figure 2 reports the results. Across treatment groups, on average, respondents thought that adding more rights would lead to better protection of the existing right (i.e., the mean responses were greater than 3.0 for all eight treatment groups). The respondents asked about healthcare were less likely to believe that adding more rights was associated with better fulfillment of the right (the average across treatment groups is 3.14), compared to the respondents asked about gender equality (the average across treatment groups is 3.60). There are some statistically significant differences across treatment groups—the confidence intervals are relatively small given the large sample size—but the differences are not substantively meaningful. In other words, the respondents believed that when new rights are added to a constitution, whether it is 5 rights or 20, it would not negatively impact the protection of existing rights.

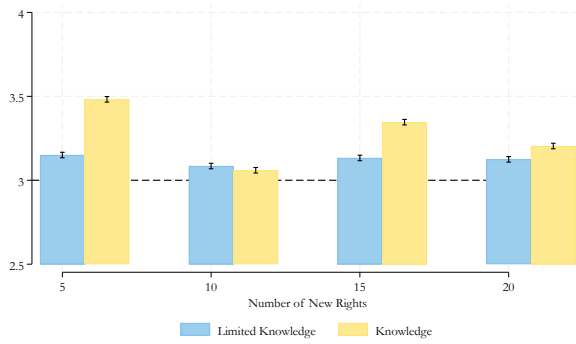
Figure 2: Experiment on Tradeoffs From Adding More Constitutional Rights



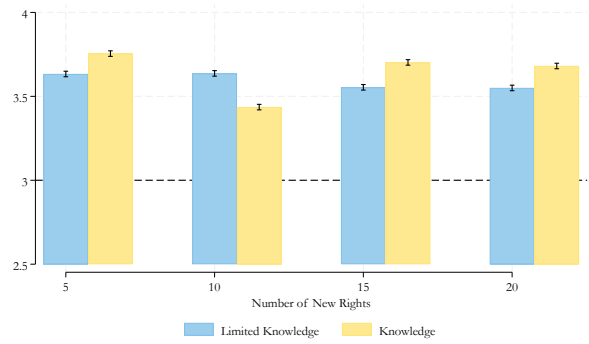
Notes: The figures reports results from a survey administered to 4,046 Chileans in August 2022. The respondents were divided into either a healthcare treatment condition or a gender equality treatment condition. They were then told the country already had that right in its constitution and had roughly an average level of protection of the right. They were then randomly told the country was going to add either 5, 10, 15, or 20 new rights to its constitution. They were then asked how it would impact either the right to healthcare or gender equality on a five-point scale, where 1 is the most negative impact and 5 is the most positive impact.

Figure 3: Experiment on Tradeoffs - Heterogeneous Effects

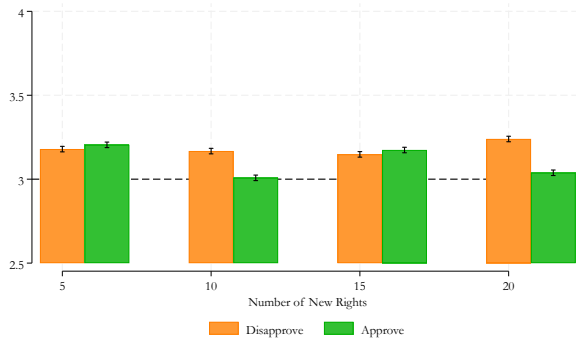
(a) Healthcare - By Knowledge



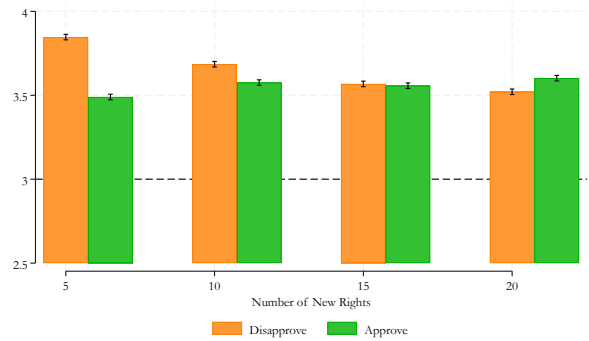
(b) Gender Equality - By Knowledge



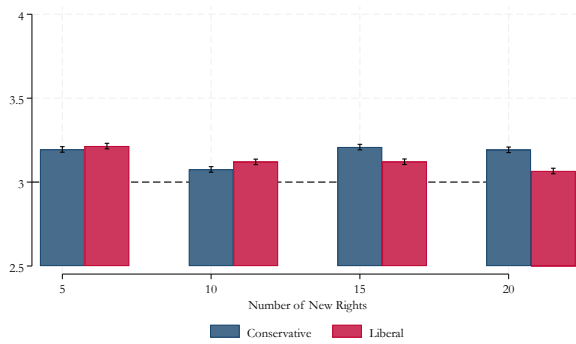
(c) Healthcare - By Approval



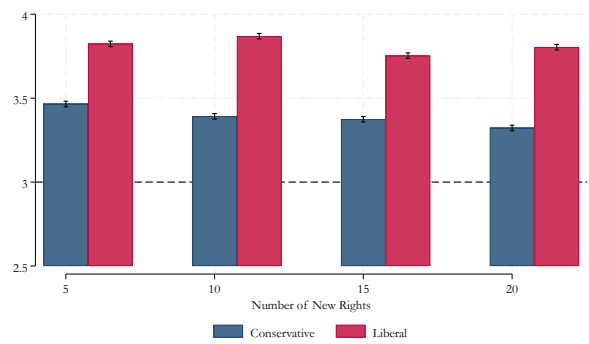
(d) Gender Equality - By Approval



(e) Healthcare - By Ideology



(f) Gender Equality - By Ideology



Notes: The figures reports results from a survey administered to 4,046 Chileans in August 2022. The figure recreates Figure 2 while stratifying the sample to explore three possible heterogeneous treatment effects: differences based on knowledge of the Chilean constitution, differences based on approval of the Chilean constitution, differences based on political ideology.

Heterogeneous Treatment Effects. We finally pre-registered a plan to test if three respondent characteristics are associated with heterogeneous treatment effects. First, we test for conditional effects based on the respondents’ constitutional knowledge. To do so, we asked three questions testing respondents’ knowledge of the Chilean constitution, and we then compare the answers of respondents who answered all three questions correctly with the other respondents. Second, we test for conditional effects based on respondents’ approval of the Chilean constitution. To do so, we asked respondents how much they approved of the constitution on a 10-point scale, and we then compare the answers for respondents who answered above the median to respondents who answered at or below it. Third, we test for conditional effects based on respondents’ political ideology. To do so, we asked respondents to state their ideology on a 10-point scale from liberal to conservative, and we then compare the answers of respondents who rated their ideology above the median with those of respondents who rated it below.

Figure 3 reports the results. It reveals that there are differences in response levels by respondent characteristics. For instance, liberal respondents are much more likely to think that adding more constitutional rights—regardless of the number—will be good for gender equality. But there are no clear patterns in the treatment groups having different effects conditionally on these three respondent characteristics. In other words, we do not find clear evidence of heterogeneous treatment effects across these three categories of respondents.

4. Large-N Statistical Evidence

The results from our survey in Chile suggest that, on average, the respondents believe that having more constitutional rights is beneficial and that adding more constitutional rights does not negatively impact the protection of existing rights. We now examine whether these views are consistent with observational data on these relationships. We begin by introducing our data, we then explore the cross-country correlations between constitutional rights and *de facto* rights, and we finally report event study results that compare *de facto* rights under new constitutions with many rights to *de facto* rights under new constitutions with fewer rights.

4.1. Data on De Jure Constitutional Rights

Our data on countries’ constitutional rights comes from the Comparative Constitution Project (“CCP”). Specifically, we use data on 102 possible constitutional rights coded by the

CCP.¹⁰ These rights cover a broad range of topics, including rights that have long received constitutional protection—like the freedoms of speech and religion—and newer constitutional rights—like marital equality and the protection of trademarks and copyrights. We have data at the country-year level from 1946 to 2018. Across all years, 198 unique countries appear in our sample, including 55 countries in 1946 and 189 countries in 2018. In total, our sample includes 10,094 country-year observations.

Figure 4 plots the evolution of constitutional rights. Panel A of Figure 4 plots the number of constitutional rights by quartile for each year of our sample. It reveals that, in 1946, the median country had 24 constitutional rights, and, by 2018, the median country had 44 rights. This represents an increase of roughly 83 percent. Additionally, it also reveals that this increase occurred across the distribution of countries. For instance, in 1946, the 25th percentile country had 12 constitutional rights and the 75th percentile country had 30 rights; by 2018, the 25th percentile country had 32 constitutional rights and the 75th percentile country had 56 rights.

Panel B of Figure 4 maps countries by their number of constitutional rights by quartile in 2018. It reveals that the countries with the most constitutional rights are concentrated in Central America, South America, and Eastern Europe. In contrast, many countries with the fewest rights are common law countries with old constitutional traditions, including the United States, Canada, Australia, and New Zealand.

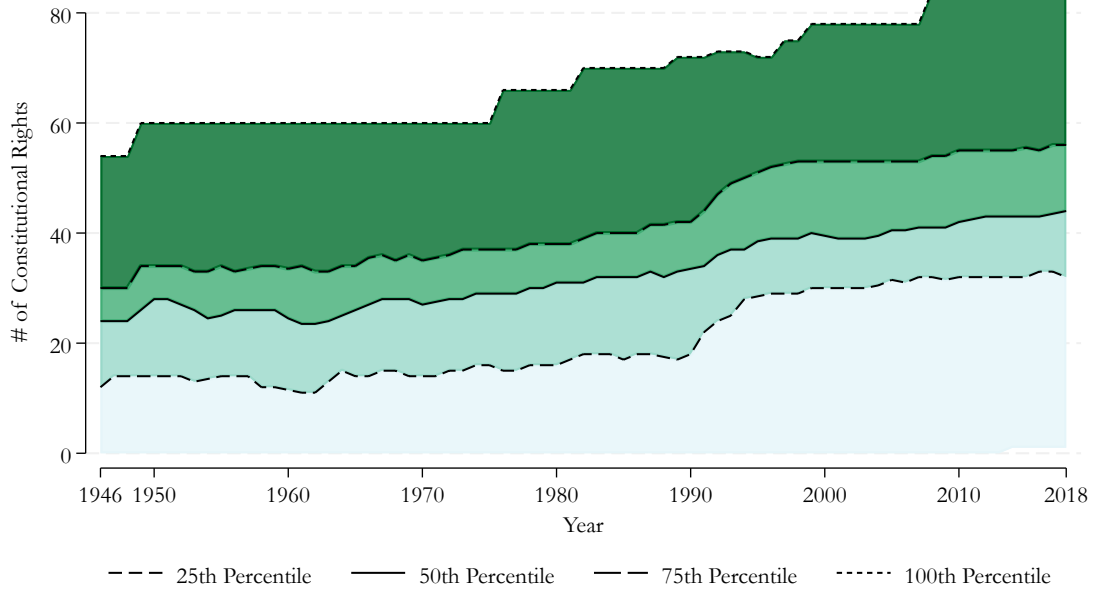
4.2. Data on De Facto Rights Protections

Our measure of countries' *de facto* protection of rights is the "Human Rights Score" (Fariss 2014; Fariss, Kenwick, and Reuning 2020). The Human Rights Score is a latent variable measured at the country-year level that incorporates data from several datasets capturing aspects of countries' human rights records. The variable is standardized to have a mean of "0", and a score of -1 corresponds to a country having a one standard deviation worse than average human rights record, and a score of +1 corresponds to a country having a one standard deviation better than

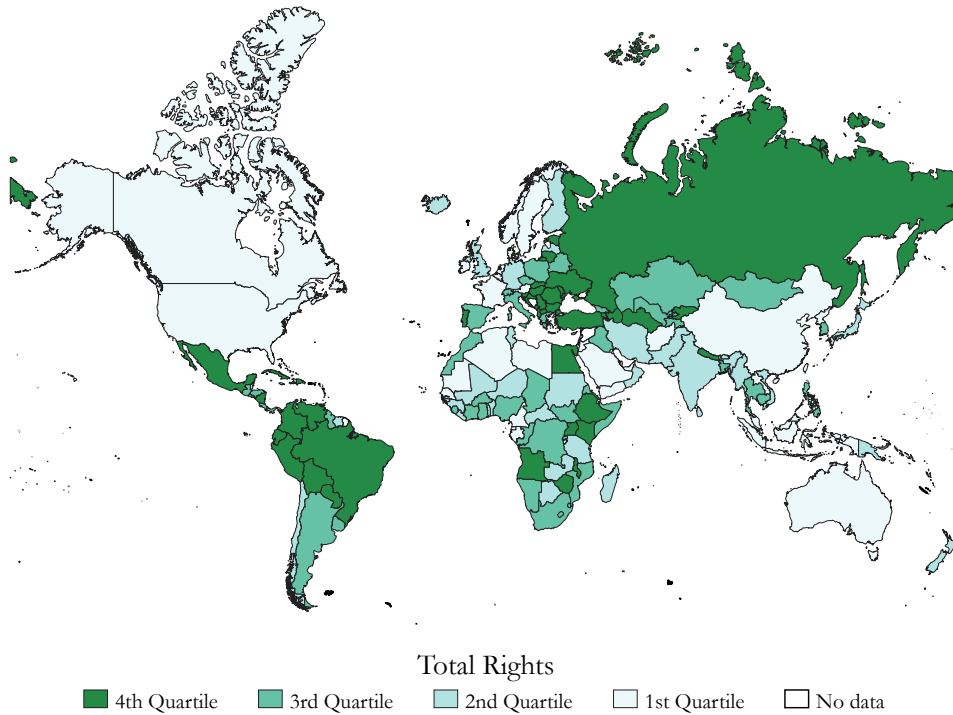
¹⁰ Appendix D provides a list of these constitutional rights.

Figure 4: The Distribution of Constitutional Rights

(a) Constitutional Rights Over Time



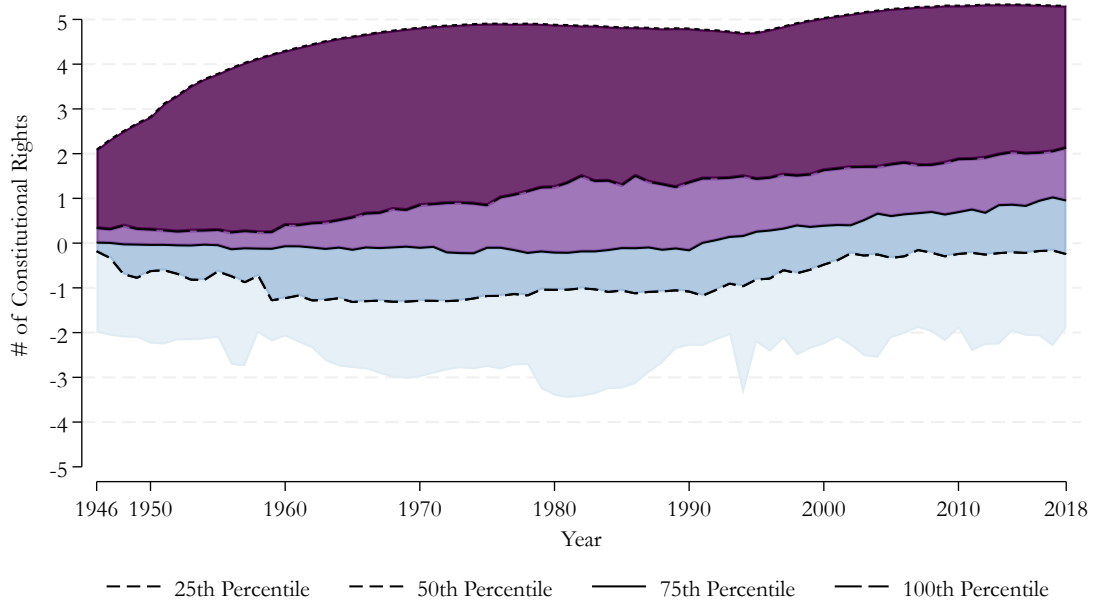
(b) Constitutional Rights by Country



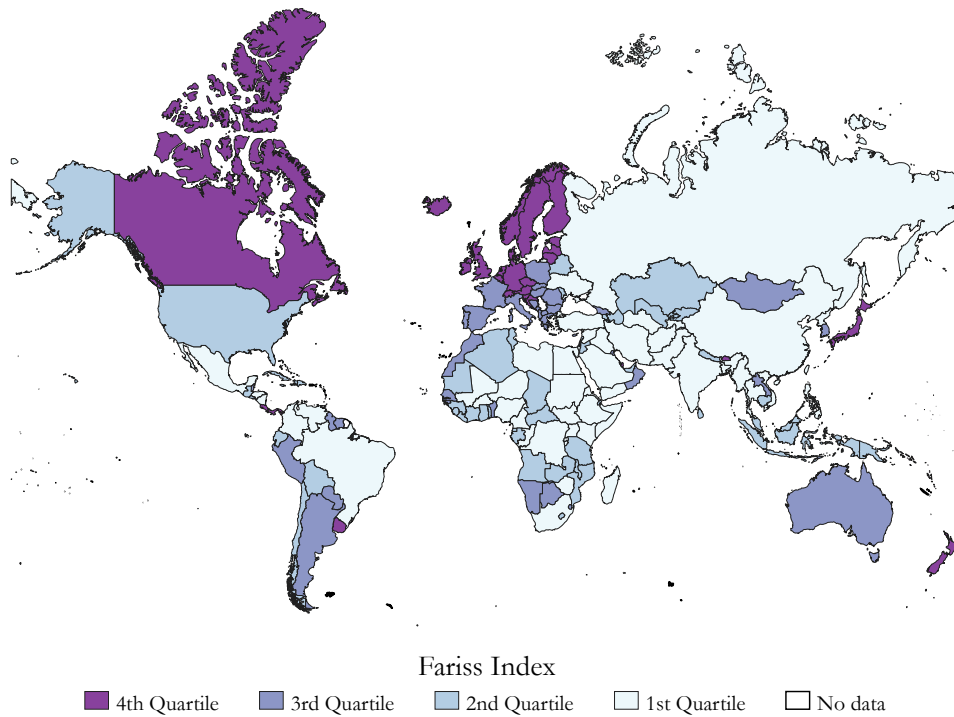
Notes: The figure reports information the total number of 102 possible rights included in countries' constitutions. The data is from the Comparative Constitutions Project. Panel A reports the number of constitutional rights in countries' constitutions by quartile from 1946 to 2018. Panel B maps countries by their the quartile of constitutional rights in 2018.

Figure 5: The Distribution of Human Rights Scores

(a) Human Rights Scores Over Time



(b) Human Rights Scores by Country



Notes: The figure reports information on countries' Human Rights Scores. The data is from Fariss (2014). Panel A reports countries' Human Rights Scores by quartile from 1946 to 2018. Panel B maps countries by their the quartile of Human Rights Score in 2018.

average human rights record. This variable has been widely used in the political science literature generally as well as in the comparative constitutional studies literature evaluating the effectiveness of constitutional rights (e.g., Chilton and Versteeg 2020).

Figure 5 plots the evolution of Human Rights Scores. Panel A of Figure 5 reports the average Human Rights Scores by quartile for each year of our sample. It reveals that the median Human Rights Score was roughly 0 in 1946 (0.01 to be exact), but this increased to 0.95 by 2018. Additionally, the range of the 25th and 75th percentile scores has grown over time. In 1946, the 25th percentile score was -0.18 and the 75th percentile score was 0.34; by 2018, the 25th percentile score was -0.25 and the 75th percentile score was 2.13. This is consistent with prior studies showing that human rights protections have improved over time (Fariss 2014).

Panel B of Figure 5 maps countries by Human Rights Scores by quartile in 2018. It reveals that the countries with the best human rights records are largely in Northern Europe, but there are exceptions like Canada, New Zealand, Uruguay, and Japan. The figure also reveals that the countries with the worst human rights records are concentrated in East Africa, the Middle East, and Asia. Notably, comparing Panel B of Figure 4 and Panel B of Figure 5 reveals notable differences in the countries with the most constitutional rights and countries with the highest Human Rights Scores.

4.3. Cross-Country Comparisons

To test the relationship between countries' number of constitutional rights and their Human Rights Scores, we next explore the cross-country relationship between these two variables.

Primary Results. We begin by naively exploring the relationship between having more constitutional rights and levels of rights protections. Table 1 reports the results of OLS regressions estimating the relationship between a country's number of constitutional rights and its Human Rights Score.¹¹ Column 1 reports these results for 2018 without including any control variables, and Column 2 reports these results for 2018 while controlling for countries' GDP per capita (logged), population (logged), and Polity Score. Notably, these are the same standard control

¹¹ Table 1 uses a constant sample where we drop observations with missing control variables to ensure that the differences across columns are not due to differences in the country-year observations. This is a conservative approach. Appendix F recreates these results when using a non-constant sample and finds larger negative relationships.

Table 1: Relationship Between Constitutional Rights and Human Rights

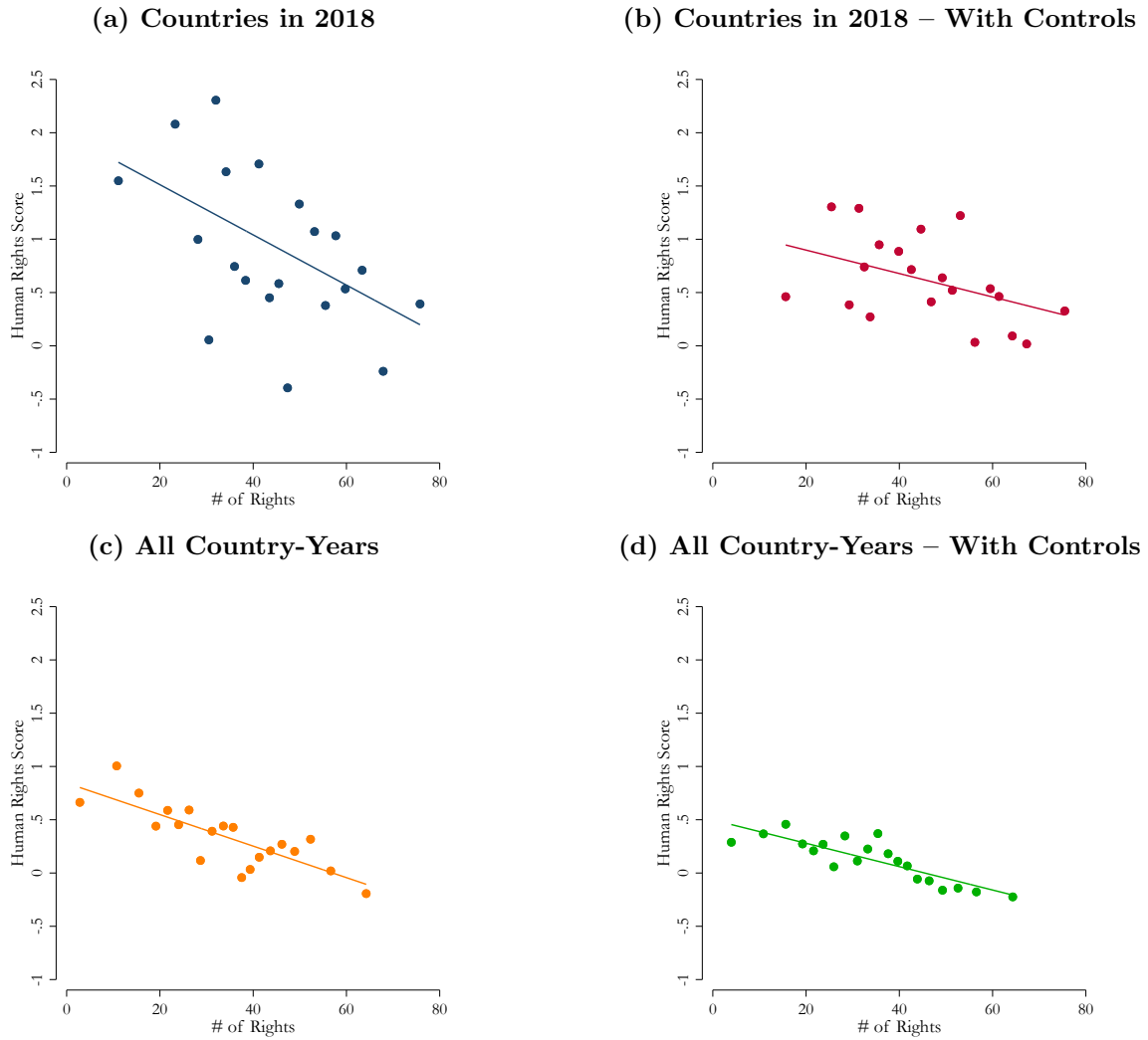
| | Countries in 2018 | | All Country-Years | |
|------------------|--------------------|---------------------|---------------------|----------------------|
| | (1) | (2) | (3) | (4) |
| # of Con. Rights | -0.013* (0.008) | -0.011** (0.005) | -0.014** (0.006) | -0.011*** (0.004) |
| GDP (log) | | ✓ | | ✓ |
| Population (log) | | ✓ | | ✓ |
| Polity Score | | ✓ | | ✓ |
| Year FE | | | ✓ | ✓ |
| Observations | 161 | 161 | 8,911 | 8,911 |
| R-Squared | 0.018 | 0.629 | 0.067 | 0.548 |

Notes: The table reports regressions estimating the relationship between the number of rights included in countries' constitutions and their Human Rights Scores. Columns 1 and 2 report results using country-year observations from 2018 and Columns 3 and 4 report results using all country-year observations from 1946 to 2018. All regressions estimated using OLS. Robust standard errors are reported in parenthesis (Columns 3 and 4 cluster standard errors by country). * $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$.

variables used to study improvements in human rights treaties over time (e.g., Fariss 2014; Chilton and Posner 2018). Columns 3 and 4 report these specifications for a sample that includes all our country-year observations from 1946 to 2018, while also including year fixed effects to account for unobserved changes over time. To illustrate these relationships graphically, Figure 6 reports binscatter plots that show these correlations for the same four sets of observations and control variables.

Table 1 and Figure 6 reveal a clear negative relationship between the number of constitutional rights and *de facto* respect for rights. The results are consistently statistically significant and substantively meaningful. Perhaps predictably, the results are more precisely estimated when using the full sample of observations and the basic set of standard control variables (see Column 4 of Table 1 and Panel D of Figure 6), but the size of the estimates is comparable across specifications. For instance, the point estimate is -0.013 in Column 1, and it is -0.011 in Column 4.

Figure 6: Relationship Between Constitutional Rights and Human Rights Scores



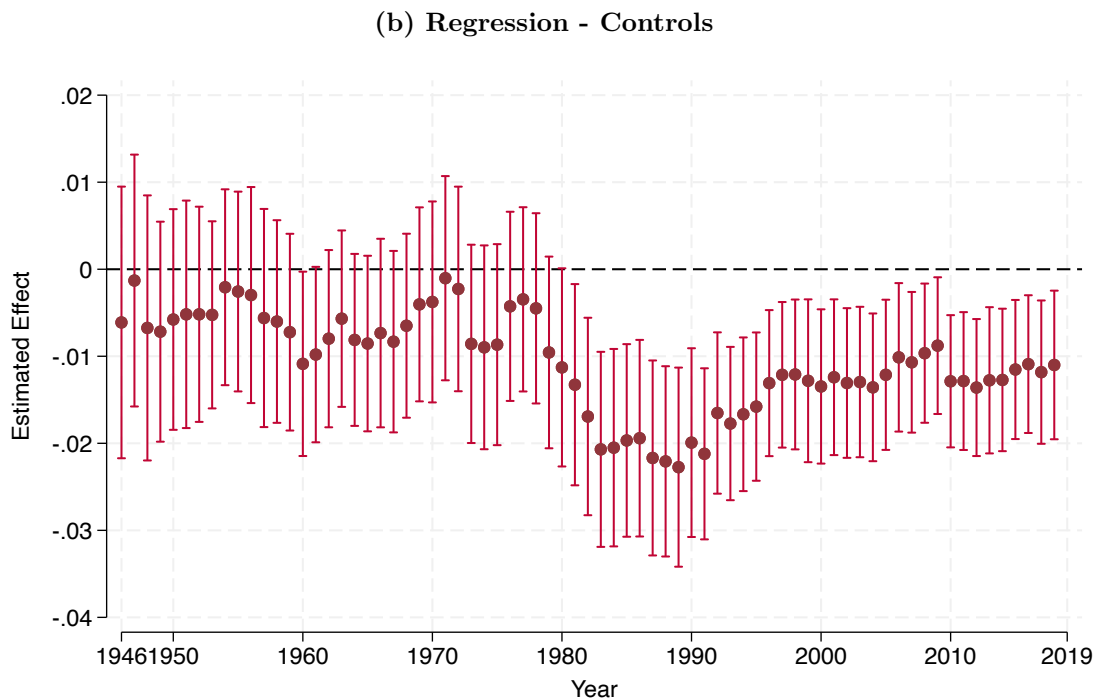
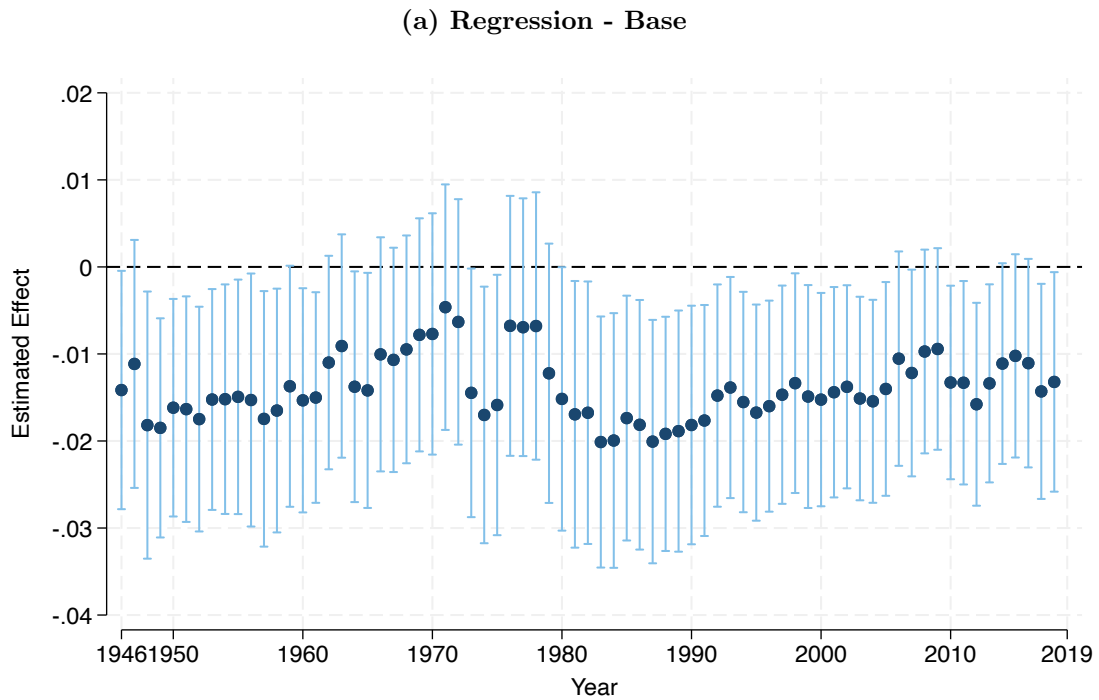
Notes: The figures reports bincscatter plots of the relationship between country’s number of constitutional rights and their human rights scores. The bincscatter plots group the observations into ventiles. Panel A reports this relationship for the countries in our sample from 2018. Panel B reports this relationship for the countries in our sample from 2018 while controlling for countries’ GDP (log), Population (log), and Polity Score. Panel C reports this relationship for all the country-year observations in our sample from 1946 to 2018 while including year fixed effects. Panel D reports this relationship for all the country-year observations in our sample from 1946 to 2018 while including year fixed effects and controlling for countries’ GDP (log), Population (log), and Polity Score.

These effect sizes are not only statistically significant but also substantively meaningful. For instance, for the specification reported in Column 4, moving from the 25th percentile to the 75th percentile of constitutional rights is associated with the Human Rights Score going from 0.26 to -0.02, and moving from the 10th percentile to the 90th percentile is associated with the Human Rights Score going from 0.39 to -0.14. Because the Human Rights Score is standardized so that its scores translate to standard deviations, these shifts correspond to between over a quarter to over a one-half standard deviation change. To put this in context, a 0.5 standard deviation effect is typically thought of as a medium effect, and one where there is a meaningful relationship between the two variables (Cohen 1988).

Results Over Time. Table 1 and Figure 6 revealed a negative relationship between having more constitutional rights and rights in practice, both in 2018 (the last year of our sample) and when pooling all observations from 1946 to 2018. To explore how this relationship has evolved, Figure 7 plots the point estimates and 90 percent confidence intervals when estimating the specifications from Column 1 and Column 2 separately for each year in our sample. The results reveal that the point estimates are negative for each of the 73 years in our sample. However, the coefficients become larger and consistently statistically significant starting in roughly 1980. This shift may be due to changes in the set of independent countries, changes in how the Human Rights Score is calculated over time as more datasets become available, or changes in the underlying relationship between constitutional rights and the protection of those rights. However, more research is required to understand shifts in this relationship over time.

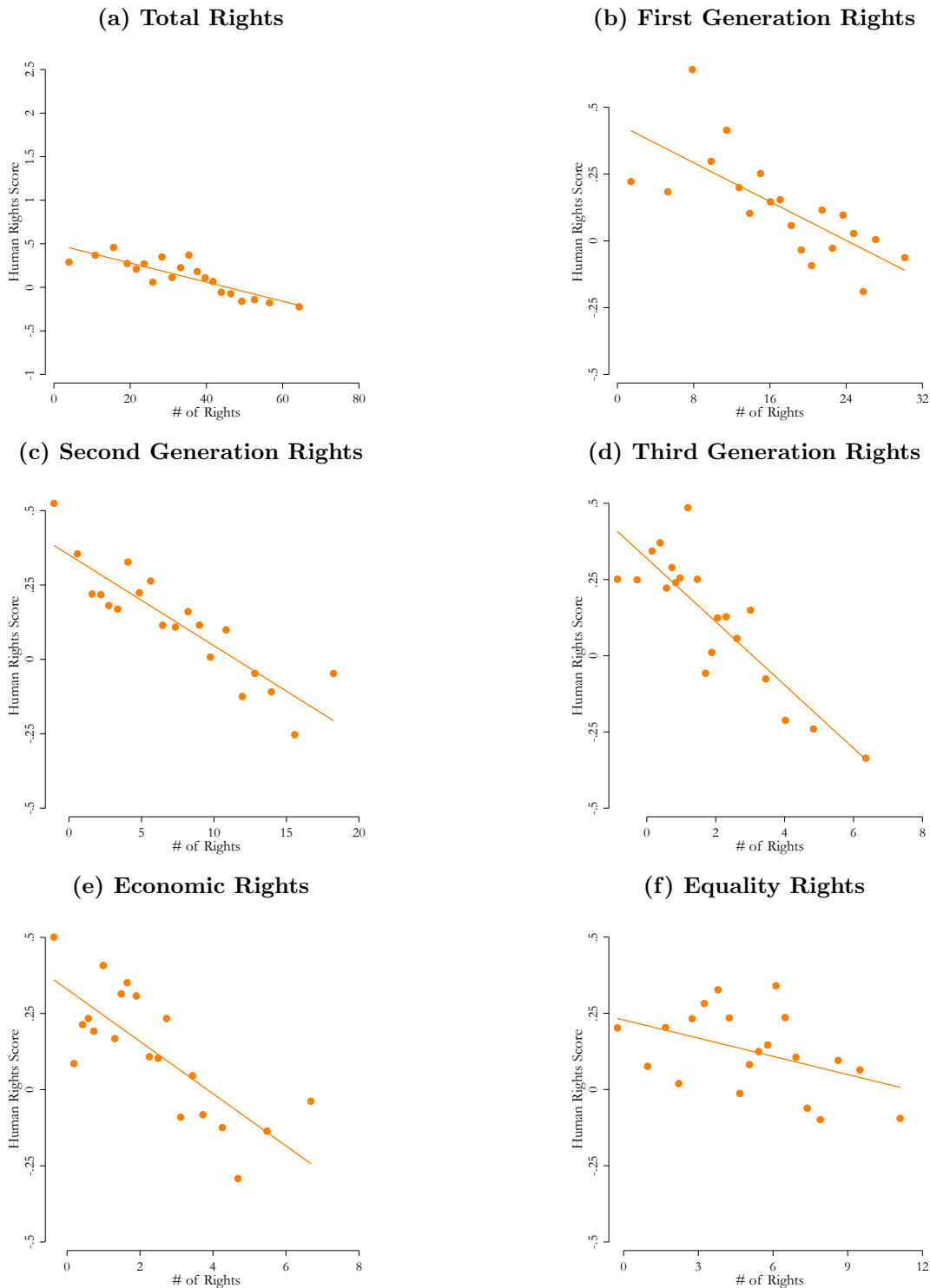
Results by Types of Rights. The results thus far have grouped all constitutional rights together. However, to further explore the relationship between countries' number of constitutional rights and the protection of those rights, we broke up our data into five categories of constitutional rights: *First Generation Rights*, which focus on individual liberties and protections from state interference, ensuring due process, fair trials, and political freedoms; *Second Generation Rights*, which are social rights that emphasize labor protections, healthcare, and access to education; *Third Generation Rights*, which includes rights that focus on collective interests, environmental concerns, and self-determination as well as several “new” rights, and unusual rights

Figure 7: Relationship Between Const. Rights and Human Rights Scores by Year



Notes: The figure reports the results of regressions estimating the relationship between a county's number of constitutional rights and their human rights scores separately for each year between 1946 and 2018. Panel A uses the regression specification reported in Column 1 of Table 1. Panel (B) uses the specification reported in Column 2 of Table 1. The solid circles report the coefficient from the *of Constitutional Rights* variable and the lines report the 90 percent confidence intervals. Each line reports the estimates from a separate OLS regression.

Figure 8: Binscatter Plots by Type of Rights



Notes: The figures reports binscatter plots of the relationship between country’s number of constitutional rights and their human rights scores. The binscatter plots group the observations into ventiles. Each panel uses the same sample and specification as Panel D of Figure 6, which includes all country-year observations from 1946 to 2018 and a set of basic controls (i.e., GDP (log), Population (log), Polity Score, and Year). Panel A reports these results for all constitutional rights as a baseline (this recreates the specification from Panel D of Figure). Panel B reports these results for First Generation Rights. Panel C reports these results for Second Generation Rights. Panel D reports these results for Third Generation Rights. Panel E reports these results for Economic Rights. Panel F reports these results for Equality Rights.

that defy clear categories; *Economic Rights*, which focus on property and economic freedoms; and *Equality Rights*, which grant equal protection to different groups in society.¹²

Figure 8 reports the results broken out by these different categories of rights.¹³ Figure 8 specifically reports the results when using our full sample of country-year observations and controlling for GDP (log), Population (log), Polity Score, and year fixed effects, like we do in Panel D of Figure 6.¹⁴ The results reveal a negative correlation between each of the types of constitutional rights and the protection of rights. The negative correlation is strongest for Third Generation Rights and weakest for Equality Rights, but the pattern is broadly similar across categories. It is important to note, however, that countries with more of each of these types of rights are also likely to have more rights overall. As a result, to the extent that having more constitutional rights *causes* worse respect for rights, any negative relationship between any specific category of rights and overall rights protection may be driven by other categories of rights, or a country's overall number of rights.

4.4. Event Study Results

Our results thus far have been based on cross-country comparisons. To assess whether adopting more constitutional rights is associated with changes in levels of protection of human rights, we next examine within-country changes in constitutional rights. To do so, we use an event study framework that looks at changes in Human Rights Scores for countries that adopted new constitutions in the years before and after they did so. We do so because event studies provide a flexible, transparent approach to the impact of treatments of interest over time while avoiding the biases that can be associated with traditional difference-in-difference research designs (e.g., Cengiz et al. 2019; Goodman-Bacon 2021; Aneja and Xu 2024).

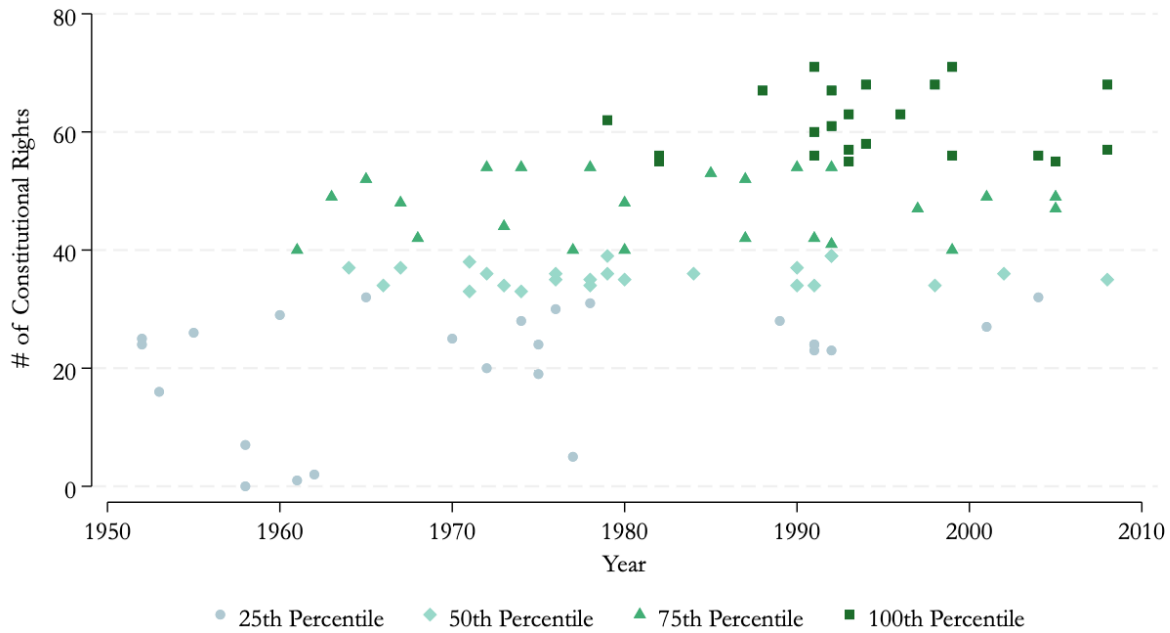
Event Study Approach. For this analysis, we use data from the CCP to identify events that capture countries adopting a new constitution during our sample period. We then impose two sample restrictions to identify the set of events for us to analyze. First, we drop any events for which we did not have complete country-year observations for a sixteen-year event window. More

¹² Appendix D provides a list of the rights by category and Appendix E reports summary statistics by category.

¹³ Panel A of Figure 8 reports the specification from Panel D of Figure 6, which uses all rights, as a baseline.

¹⁴ Appendix F reports the other specifications from Table 1 and Figure 6.

Figure 9: New Constitution Events Over Time



Notes: The figures reports the 96 events included in our event study analysis. Each dot represents a new constitutional drafting event that is included as part of our event studies. The x-axis reports the year the new constitution was adopted and the y-axis reports the number of rights included in the constitution. Each new constitution event has a different marker (and color) depending on the quartile it falls into based on the number of rights it includes.

specifically, we require country-year observations for a country in the five years before a new constitution was adopted as well as the ten years after a new constitution was adopted. Since our sample includes data from 1946 to 2018, this means that we only analyze new constitutions written between 1951 and 2008. It also means we drop any new constitutions that were drafted before a country had existed for at least five years, which includes most independence constitutions. Second, we drop any events where a country adopted another new constitution during this sixteen-year event window. For instance, if a country adopted a new constitution in 1960 and another in 1963, we would exclude both events from our event study analysis. However, if a country adopted multiple new constitutions, but not during a given event window, we kept the events in our sample.

After imposing these sample restrictions, we were left with a sample of 96 events where a country adopted a new constitution. Figure 9 depicts these events over time and plots the number of constitutional rights in each of these new constitutions. The number of constitutional rights for these events ranges from 0 rights in Isreal's 1958 first basic law to 84 rights for the Ecuadorian

Table 2: Event Study Regressions

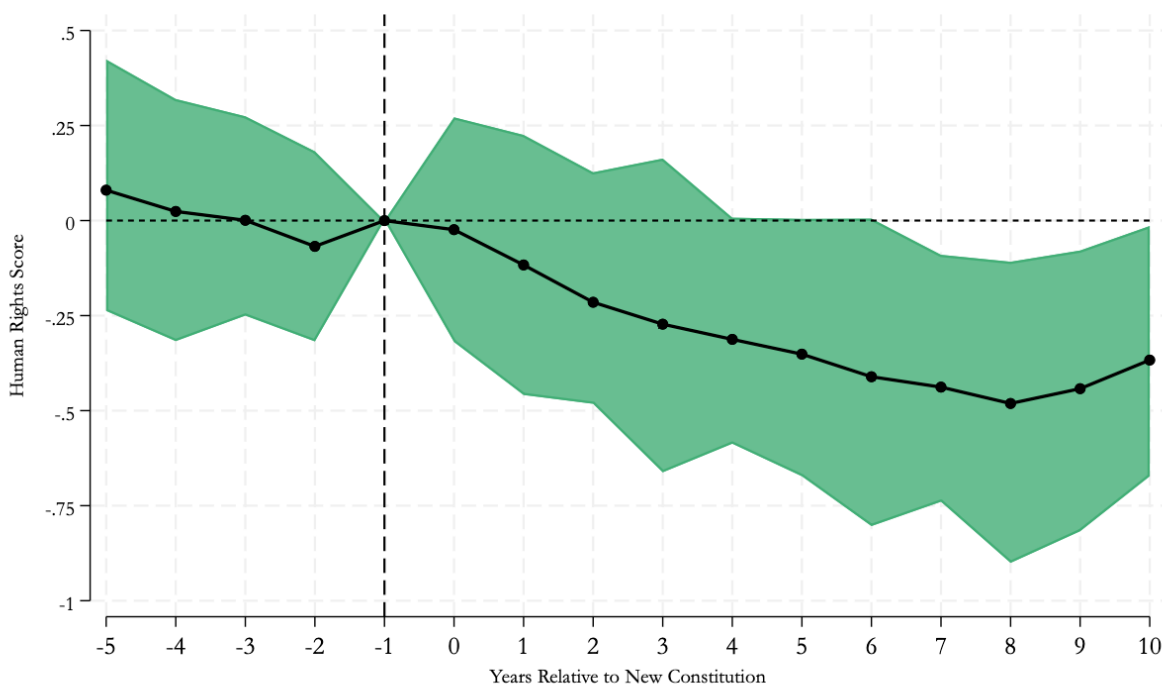
| | (1) All Events | (2) Ex. Negative | (3) Ex. Zero | (4) Post 1980 | (5) Post 1990 |
|----------------|----------------------|------------------------|----------------------|----------------------|---------------------|
| Post x Treated | -0.301*** (0.078) | -0.395*** (0.076) | -0.374*** (0.079) | -0.234*** (0.077) | -0.197* (0.102) |
| Treated | 0.243** (0.097) | -0.007 (0.103) | -0.027 (0.103) | -0.552*** (0.201) | 0.172 (2.287) |
| Post | 0.118 (0.114) | -0.007 (0.099) | -0.037 (0.130) | -1.189*** (0.207) | -0.392 (2.367) |
| Country FE | ✓ | ✓ | ✓ | ✓ | ✓ |
| Year FE | ✓ | ✓ | ✓ | ✓ | ✓ |
| Event Time FE | ✓ | ✓ | ✓ | ✓ | ✓ |
| Events | 96 | 85 | 79 | 53 | 42 |
| Observations | 1,536 | 1,360 | 1,264 | 8,48 | 6,72 |
| R-Squared | 0.834 | 0.838 | 0.838 | 0.845 | 0.841 |

Notes: The table reports regressions estimating the relationship between the number of rights included in countries' constitutions and their Human Rights Scores using our sample of new constitutional adoption events. Each event includes 16 observations. Column 1 reports the results for the full sample of 96 new constitutional adoptions. Column 2 reports the results when excluding new constitutional adoptions where the country decreased its number of constitutional rights. Column 3 reports the results when excluding new constitutional adoptions where the country either decreased its number of constitutional rights or kept them the same. Column 4 reports the results when excluding new constitutional adoptions where the country adopted its new constitution prior to 1980. Column 5 reports the results when excluding new constitutional adoptions where the country adopted its new constitution prior to 1990. All regressions estimated using OLS. Bootstrapped standard errors are reported in parenthesis. * p < 0.1; ** p < 0.05; *** p < 0.01.

constitution of 2008. For this sample, the median number of constitutional rights is 39, the 25th percentile number of constitutional rights is 32, and the 75th percentile is 54.

For this sample, we use a traditional difference-in-difference regression framework to identify the effect of having more constitutional rights. To do so, we define these 96 new constitutions as either “treated” or “control” events based on the number of rights they include. More specifically, for our primary analysis, we define treatment events as the events where a country had more rights than the 75th percentile events. For instance, for our analyses defining treatment as >75th Pct., we divide our sample of 96 events into 73 control events where a new constitution included 54 or fewer rights and 23 treatment events where a new constitution included 55 or more rights.

Figure 10: Event Study - Primary Results



Notes: The figures reports an event study regression corresponding to the specification reported in Column 1 of Table 2. The regression coefficients and 95 percent confidence interval when interacting our treatment indicator with each event time. Standard Errors are estimated by Bootstrapping.

Primary Results. Column 1 of Table 2 reports our primary regression results and Figure 10 reports event study figures that estimate the treatment effects by year relative to the treatment. The results are reveals that the new constitutions in our sample that included more constitutional rights subsequently had worse Human Rights Scores than the new constitutions in our sample that included fewer rights. More specifically, the countries that included more rights in their constitution subsequently had a Human Rights Score that was -0.301 worse. The effect sizes are consistent with the cross-country estimates reported in Table 1 and are substantively meaningful.

The primary identifying assumption for these results is that, but for the inclusion of more rights in the constitution, the level of *de facto* rights protection would evolve in the same way for the treated and control countries. Although this assumption cannot be directly assessed, the primary test for its plausibility is to evaluate whether parallel trends exist during the pre-period. Importantly, the results in Figure 10 show that there are no meaningful differences during the pre-

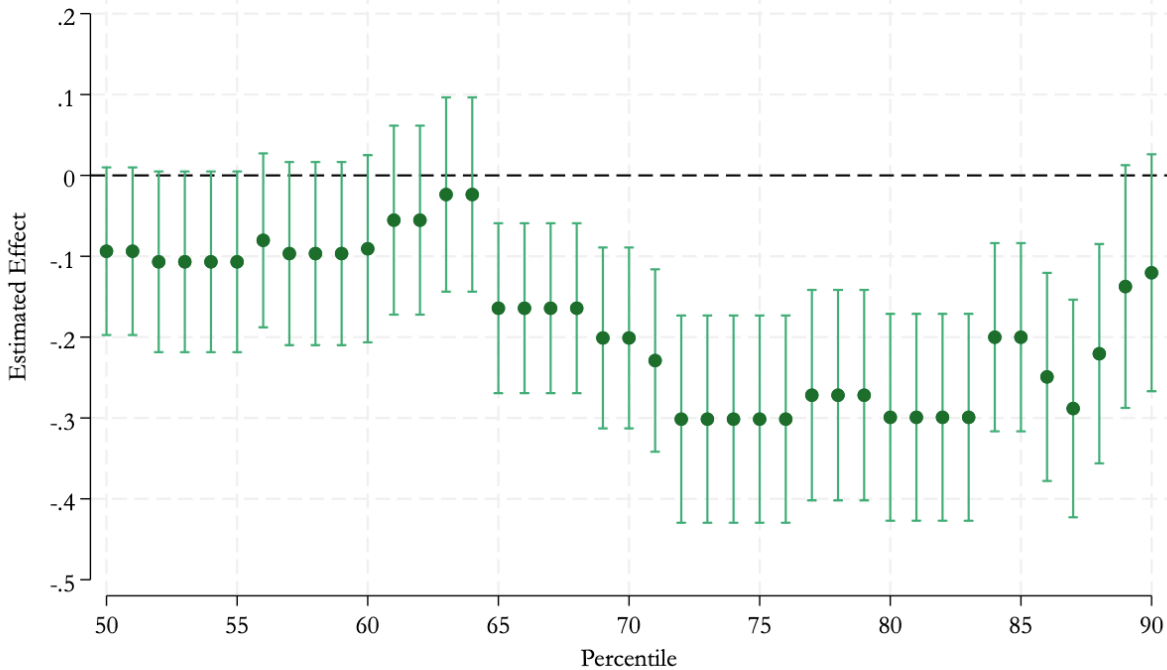
period for the countries that included more rights or fewer rights in their new constitution.¹⁵ This suggests that our results are not simply due to countries on worse trajectories responding by adopting more rights when drafting new constitutions.

Robustness Checks. We finally explore the robustness of these event study results when using several alternative approaches to define treatment events and our sample. To begin, the decision to define new constitutions with more than the 75th percentile number of constitutional rights within our sample of new constitutions is admittedly arbitrary. We thus re-estimated our primary specification while defining treatment events at every possible percentile of rights between the 50th percentile and the 90th percentile. Figure 11 reports the point estimate and 90 percent confidence interval for the “Post x Treated” coefficient when estimating our regression specification after defining treatment events using each of 41 different possible cut-offs. The results reveal that the point-estimates are negative for all cut-offs, which suggests that there is no evidence that new constitutions with more rights lead to better changes in Human Rights Scores than new constitutions with fewer rights. The results become statistically significant after we define treatment events as above roughly the 65th percentile of constitutional rights in sample of constitutional events.

In addition to exploring the robustness of our results to alternative definitions of treatments, we also explored the robustness of our results to using several alternative samples. First, in 11 events, countries adopted new constitutions that included fewer rights than their old constitutions. In these situations, it is reasonable to think that the countries’ protection of *de facto* rights would not deteriorate relative to their old levels of protection. Column 2 of Table 2 and Panel A of Figure 12 reports the results when excluding these 11 events, and finds largely consistent results. Second, in another 6 events, countries adopted new constitutions that did not change their total number of rights. Again, it might be reasonable to think that this would not lead countries levels of rights protection to change relative to their prior levels of protection. Column 3 of Table 2 and Panel B of Figure 12 reports the results when excluding these 6 events, and again finds largely consistent results. Third, Figure 9 reveals that many of events when new constitutions

¹⁵ The F-tests assessing the joint significance of the coefficients from the pre-period produce a p-value of 0.94, suggesting that we cannot reject the null hypotheses that there are parallel trends for the Human Rights Scores for the treated and control groups prior to the new constitutions being adopted.

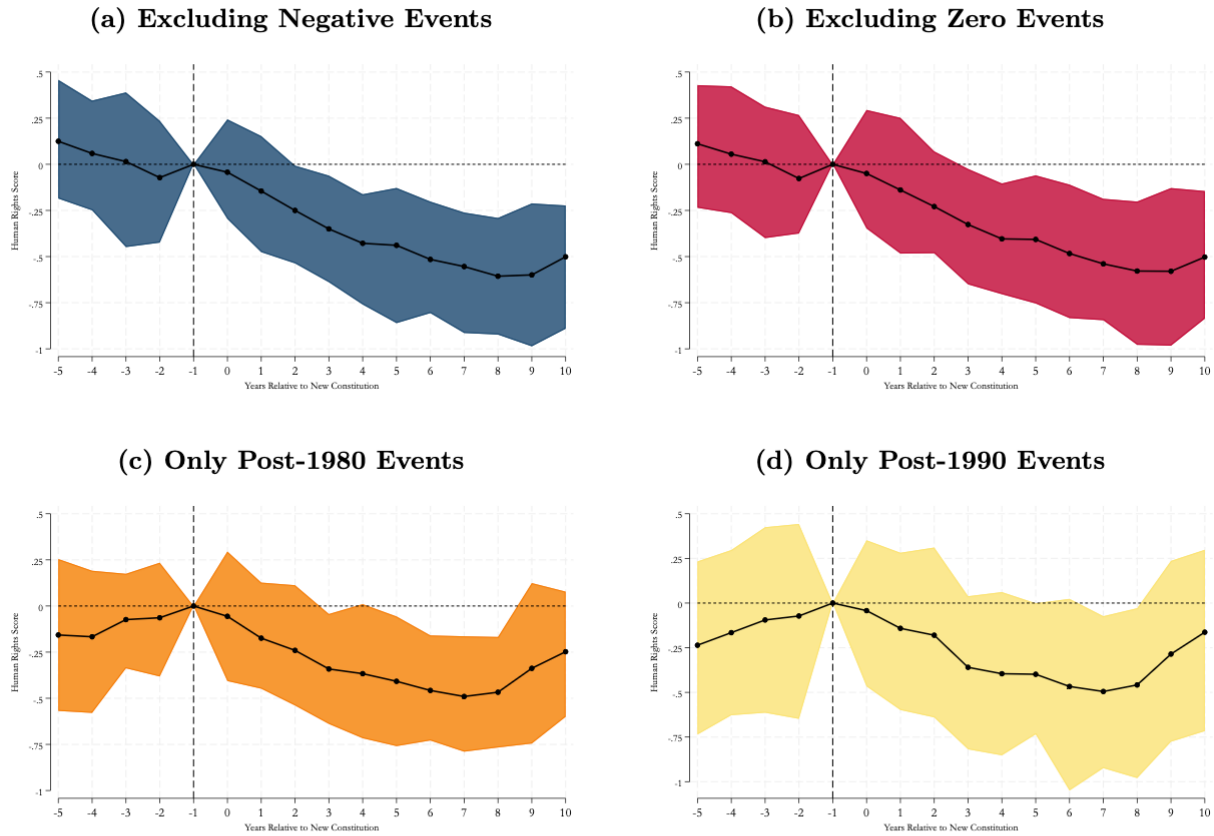
Figure 11: Defining Treatment Events Using Alternative Cutoffs



Notes: The figures reports 41 event study regression corresponding to the specification reported in Column 1 of Table 2. Each regression defines treatment events using a different cutoff from the 50th percentile of constitutional rights to the 90th percentile. The solid dot reports the point estimate from the “Post x Treatment” variable and the lines reports the confidence interval. Standard Errors are estimated by Bootstrapping.

included fewer rights where in earlier years and many of the events that included more rights where in later years. The implication is that our event study regressions may be essentially comparing earlier constitutional adoption events to later constitutional adoption events. To address this issue, we estimated our regressions when dropped new constitutional adoption events that occurred before 1980—which is roughly when Figure 7 suggested the negative relationship between having more rights and worse *de facto* rights increased—and we also estimated our regressions after dropping new constitutional adoption events that occurred before 1990—which is when a wave of new constitutional drafting occurred around the world in the wake of the fall of the Eastern Bloc. Columns 3 and 4 of Table 2 and Panels C and D of Figure 12 reports the results when restricting our sample in these two ways. The results again suggest that, even when only looking at adoption events after 1980 or after 1990, the new constitutions that included worse rights saw worse rights performance than new constitutions that included more rights.

Figure 12: Event Study - Alternative Samples



Notes: The figures reports the event study regressions estimating the effect of adopting a new constitution on Human Rights Scores. The figures correspond to Columns 2 to 4 in Table 2. Panel A excludes new constitutional adoptions where the country decreased its number of constitutional rights. Panel B also excludes new constitutional adoptions where the country either decreased its number of constitutional rights or kept them the same. Panel C excludes new constitutional adoptions where the country adopted its new constitution prior to 1980. Panel D excludes new constitutional adoptions where the country adopted its new constitution prior to 1990.

Taken together, our large-N statistical evidence reveals a negative correlation between countries that have more rights in their constitution and Human Rights Scores in all years of our sample. The results also reveal that the countries that adopted new constitutions during this period with the highest quartile of rights subsequently had worse Human Rights Scores when compared to other countries that adopted new constitutions with fewer rights. In other words, the observational evidence is consistent with the theory outlined in Part 2. We now turn to reporting the results of a case study based on field research that explores why this pattern could exist.

5. Case Study: The Weaponization of Rights in Russia

After the collapse of the Soviet Union, Russians experienced a marked expansion in their legal rights.¹⁶ The newfound freedoms were enshrined in Russia's 1993 Constitution, which included a Western-style bill of rights. Indeed, as Panel B of Figure 4 revealed, Russia moved to the top quartile of rights adopters with the adoption of this bill of rights.

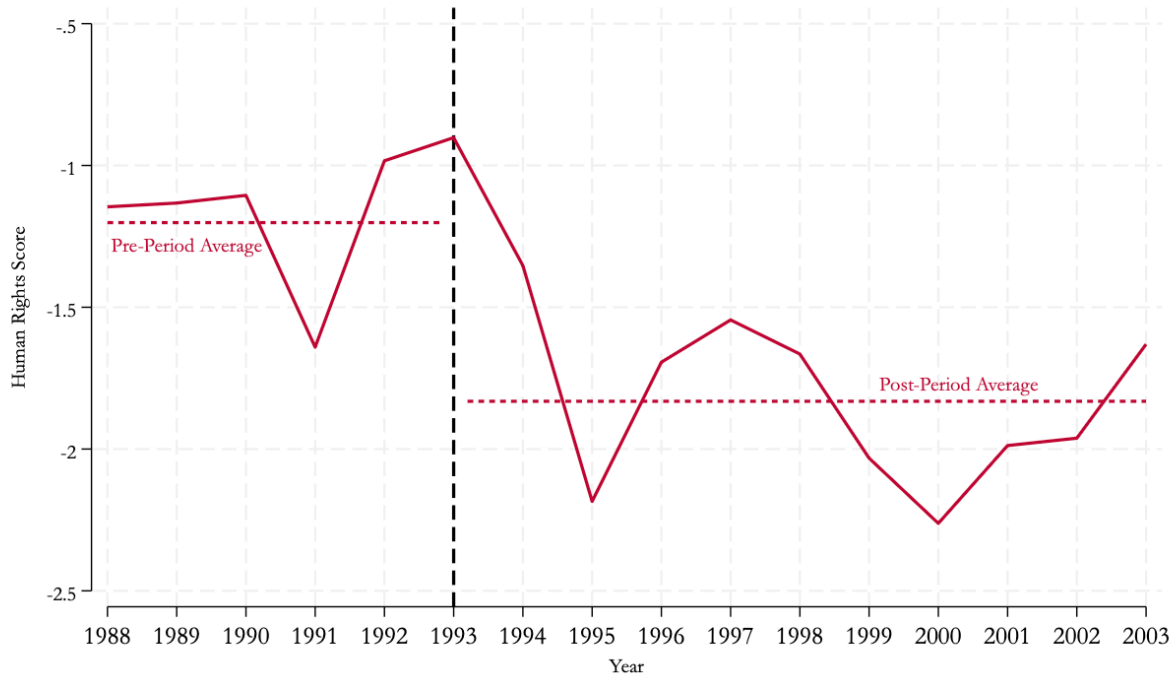
But respect for these rights proved short-lived. Less than six years after the Constitution's adoption, Vladimir Putin rose to power on a wave of public backlash against the new economic and political order (Hill and Gaddy 2015). Putin's ascension to power started a rapid decline in civil liberties. Rather than posing an obstacle, the seemingly liberal 1993 Constitution enabled it. Like many modern autocrats, Putin mastered the art of undermining the constitution's rights and liberal values, while claiming fidelity to its text. Constitutional rights have served as a crucial instrument in this endeavor: by appealing to certain rights—like the freedom of religion—the state has been able to curtail others, like free speech.¹⁷

To illustrate this decline, Figure 13 plots Russia's Human Rights Scores in the five years before and the 10 years after the adoption of the 1993 constitution. It shows that Russia had an average Human Rights Score of roughly -1.20 in the five years before the constitution was adopted and an average of roughly -1.80 in the 10 years after. In other words, although Russia had poor respect for human rights when the USSR collapsed, it became even worse in the years after it adopted a new constitution with more rights.

¹⁶ David E. Hoffman, "When Russia Glimpsed Freedom for a Moment," *Washington Post*, June 10, 2016, https://www.washingtonpost.com/opinions/when-russia-glimpsed-freedom-for-a-moment/2016/06/09/0ba58d8c-0192-11e6-b823-707c79ce3504_story.html.

¹⁷ See also William Partlett, "The Constitutionality of Vladimir Putin's Third Term," *Brookings Institution*, March 9, 2012, <https://www.brookings.edu/articles/the-constitutionality-of-vladimir-putins-third-term/>.

Figure 13: Evolution of Russia's *de facto* Human Rights



Notes: The figures reports the evolution of Russia's *de facto* human rights—as measured by Human Rights Scores—in the five years before and the 10 years after the adoption of it's 1993 constitution. The vertical dashed line represents the adoption of the 1993 constitution. The horizontal dashed line before 1993 reports Russia's average human rights score from 1988 to 1992 and the horizontal dashed line after 1993 reports Russia's average human rights score from 1994 to 2003.

In what follows, we provide three examples of rights that have been curtailed in the name of other rights: (1) Freedom of Speech, (2) Women's Rights, and (3) Minority Language Rights. These are by no means the only examples, but each illustrates how a hypertrophy of rights can be used to undermine core liberal rights. Our analysis draws in part on field work conducted by one of the authors in August 2017, who conducted some 40 semi-structured interviews in the cities of Moscow and Kazan.¹⁸ Interviewees included members of civil society organizations, academics, a judge, as well as leaders and lawyers involved with different religious groups, including the Russian Orthodox Church. The interviews were conducted in both English and Russian, with the help of a translator. These interviews focused on religion, since religion and traditional family rights have been one of the main tools that were weaponized against speech, gender, and minority rights.

¹⁸ The study was reviewed and exempted by the IRB of [UNIVERSITY], and assigned protocol number 2017-0337-00. The identify of the interviewees has been kept anonymous and the participants gave oral consent.

5.1. Freedom of Speech

A well-known Russian saying, which several people we interviewed quoted, is that “[w]e have freedom of speech, but not freedom after speech.” The saying reflects the sentiment that while free speech is protected in the 1993 Constitution, it does not mean much in practice. But things were not always this way: in the first years since the constitution’s adoption, free speech flourished. Epitomizing this new era, NTV’s weekly *Kukly* show depicted Putin as a puppet, big baby, and impotent groom, among other things.

Once Putin came to power, free speech was among the first rights to die. The initial assault on free speech was subtle. One early strategy was to purchase critical outlets and make them change their tune. Take the example of the aforementioned NTV, which was Russia’s main independent television station. It was brought under state influence not through direct government censorship, but through an alleged business dispute. Specifically, Gazprom Media, a state-controlled entity, began calling in its loans to Media-Most, NTV’s parent company, ultimately seizing control, reshuffling the board, and appointing new leadership.¹⁹ On April 14, 2001, Gazprom formally took over NTV after an 11-day standoff—cutting off anchor Andrey Norkin mid-broadcast.²⁰ Boris Jordan was installed as general director, and he observed that: “There is nothing to do with freedom of speech here.”²¹ Putin likewise described the conflict as a business dispute which, he said, “must be adjudicated in court, and one in which he could not interfere.”²²

But as the crackdown on rights intensified, the strategy shifted, and state officials started to weaponize constitutional rights against free speech. Freedom of religion turned out to be a particularly useful tool; several of the people we interviewed observed that religious freedom has been used in this way. The harsh sentencing of the members of the punk group Pussy Riot in 2012 offers a telling example. The global headline-grabbing event began when three members of the feminist punk band Pussy Riot performed a brief “punk prayer” in February 2012 in Moscow’s Christ the Saviour Cathedral, criticizing Russian President Vladimir Putin and the Russian

¹⁹Sophie Lambroschini, “Russia: Gazprom Takes Control of Independent NTV,” *Radio Free Europe/Radio Liberty*, April 3, 2001, <https://www.rferl.org/a/1096130.html>.

²⁰ Susan B. Glasser and Peter Baker, “Russian Network Seized in Raid: 11-Day Standoff Ends; Many Journalists Quit,” *Washington Post*, April 15, 2001, A1.

²¹ Boris Jordan, “Western Press Review: Russia’s Free Press At Stake,” *Wall Street Journal Europe*, April 18, 2001

²² “Putin Says He Should Not Interfere in Gazprom-Media-MOST Dispute,” *Jamestown Foundation*, September 28, 2000, <https://jamestown.org/program/putin-says-he-should-not-interfere-in-gazprom-media-most-dispute/>.

Orthodox Church's ties to the state. Approximately 40 seconds into their "prayer" for "Mother of God" to "banish Putin," they were arrested for "hooliganism motivated by religious hatred."²³

The event drew substantial international condemnation and was arguably one of the first clear markers that Russia had crossed the line into authoritarianism.²⁴ But state officials defended these events based on religious freedom. Putin himself, on Russian Television, recounted the persecution of believers during the Soviet Union and observed that, considering these traumatic events, "the state has to protect the feelings of believers."²⁵ By the time the performers were brought to court, the Moscow Khamovnichesky District Court echoed this same reasoning. In sentencing the performers, the court ruled that the Punk Prayer was not a political statement, but an attack on the Orthodox community's collective right to worship (Antonov 2014). The Court noted that the Constitution's protection of religion includes a right to hold rituals in sacred spaces, and that Pussy Riot's performance at the altar had trampled upon this right. The Court even said that the disrespect of religious practices was not merely a violation of the constitutional right to religious freedom, but a "disregard of the order of the entire society, because of the vital role of the Christianity and because of the legal protection granted by the Constitution to the religious communities, their ceremonies and rites" (Antonov 2014, 21).

The court decision, which sentenced the main performers to two years in penal colonies, drew substantial criticism for violating free speech. In response, the Duma made a point of passing legislation that made clear that Russia valued religious freedom over speech. Specifically, in 2013, it adopted what would become known as the "blasphemy law," intended to halt the "infringement of the right to freedom of conscience and religion."²⁶ The law penalizes offenses "committed for the purpose of offending religious feelings of believers" and makes them punishable by fines, forced labor, or up to three years in prison.²⁷ Observers note that passing this law was mostly

²³ Sophia Kishkovsky, "Russian Punk Band Found Guilty of 'Hooliganism' and 'Religious Hatred,'" *Washington Post*, August 17, 2012.

²⁴ Amnesty International, "Russian Court Jails Pussy Riot for Two Years in Penal Colony" (Amnesty International Press Release, August 17, 2012), <https://www.amnesty.org/en/latest/press-release/2012/08/russian-court-jails-pussy-riot-two-years/>. The European Court of Human Rights would later declare it a violation of the Convention. *Mariya Alekhina and Others v. Russia*, Application No. 38004/12, European Court of Human Rights (July 17, 2018).

²⁵ "Interview to Russia Today TV Channel," *Kremlin.ru*, September 6, 2012, <http://eng.kremlin.ru/news/4367>

²⁶ *Federal Law No. 136-FZ of June 29, 2013, on Amending Article 148 of the Criminal Code and Certain Legislative Acts of the Russian Federation to Protect the Feelings of Believers*.

²⁷ United States Commission on International Religious Freedom, *Blasphemy Law Compendium*, February 2023 (U.S. Government Publishing Office), https://www.govinfo.gov/content/pkg/GOVPUB-Y3_R27-PURL-

symbolic: there were already provisions in Russia’s criminal code relating to “extremist” activity that could be used to prosecute “incitement of religious discord” (and that were used in the Pussy Riot case).²⁸ But the Duma clearly wanted to put a thumb on the scale in the alleged conflict between religious freedom and speech.

Freedom of religion was not the only right weaponized to undermine speech—the right to dignity was also used this way. Around the same time as the Pussy Riot incident, the Duma reinstated criminal penalties for libel and slander.²⁹ This time, Russian officials positioned human dignity (protected by the constitution) against free speech.³⁰ Indeed, the very definition of libel crafted by Russian lawmakers referred to dignity. Libel, the law states, is “knowingly false information that harms a person’s honor, dignity, or reputation.” And in a Press Release issued the same day the law was signed, President Putin’s office said that the very purpose of the law was to protect citizens’ constitutional rights.³¹

Another set of rights that were weaponized against free speech were the constitution’s family and children’s rights.³² A law prohibiting the promotion of LGBT values offers a strong example.³³ In 2013, the Duma adopted a package of amendments that banned “propaganda of non-traditional sexual relations” among minors.³⁴ Such propaganda was defined as the

[gpo223630/pdf/GOVPUB-Y3_R27-PURL-gpo223630.pdf](https://www.gpo.gov/publications/2023/02/22/2023-02-22-223630.pdf); Humanists International, *Russia — ‘Blasphemy’ Law* (last updated Sept. 29, 2020), <https://end-blasphemy-laws.org/countries/europe/russia/>.

²⁸ Geraldine Fagan, “RUSSIA: “Religious feelings” Not Offended – or the Calm before the Storm?,” *Forum 18 News Service*, August 14, 2013, https://www.forum18.org/archive.php?article_id=1864; Article 19, *Russia: Draft Amendment to the Criminal Code Aimed at Countering Insult of Religious Beliefs and Feelings of Citizens, Desecration of Religious Objects and Subjects of Worship (Pilgrimage) and Sites of Religious Ceremonies*, April 2013, <https://www.article19.org/data/files/medialibrary/3729/13-05-03-LA-russia.pdf>

²⁹ *Federal Law No. 141-FZ of July 28, 2012, on Amending the Criminal Code and Certain Other Legislative Acts of the Russian Federation*; see also Library of Congress. 2012. “Russia: Defamation Is Criminalized Again.” *Global Legal Monitor*, August 20. <https://www.loc.gov/item/global-legal-monitor/2012-08-20/russia-defamation-is-criminalized-again/>.

³⁰ Constitution of the Russian Federation (adopted December 12, 1993; amended through Federal Constitutional Law No. 7-FKZ of December 30, 2008), art. 21. [Hereinafter 1993 Constitution].

³¹ Rebecca DiLeonardo, “Russia President Signs Law Re-Criminalizing Libel and Slander,” *JURIST*, July 30, 2012, <https://www.jurist.org/news/2012/07/russia-president-signs-law-re-criminalizing-libel-and-slander/>

³² *1993 Constitution*, arts. 7(2), 38(1)–(2).

³³ Human Rights Watch, “Russia: Supreme Court Bans ‘LGBT Movement’ as ‘Extremist,’” *Human Rights Watch*, November 30, 2023, <https://www.hrw.org/news/2023/11/30/russia-supreme-court-bans-lgbt-movement-extremist>.

³⁴ Russian Federation. *Federal Law No. 135-FZ of June 29, 2013, on Amending Article 5 of the Law “On Protecting Children from Information Harmful to Their Health and Development” and Certain Other Legislative Acts to Protect Children from Information Encouraging Rejection of Traditional Family Values*.

dissemination of information that portrays “non-traditional sexual relationships” in a positive light or portrays them as socially equivalent to heterosexual marriage.³⁵ The law was framed as concerned with protecting children in particular. Its official explanatory note stated that the Law’s core purpose is to “protect the younger generation” and to “put in place measures which provide for the intellectual, moral and mental well-being of children.”³⁶ The note further observes that, since the purpose of the ban is to protect those “who are incapable, due to their age, of critically assessing information on their own,” the ban “cannot in itself be considered a constitutional breach of the rights of citizens.”³⁷ Once the law was passed, the federal executive body tasked with enforcing it (the “Roskomnadzor”) issued a concept note clarifying that enforcement would be focused on protecting children and family.³⁸

The law was adopted around the time Russia was hosting the Sochi Olympics and sparked calls for boycotts from global human rights groups, athletes, and foreign governments.³⁹ In response to international pressure, Putin repeatedly said that the law was adopted to protect children and family values, as required by the Constitution. As he put it in one interview: “it has nothing to do with persecuting people for their non-traditional orientation,” but “my personal position is that society must keep children safe.”⁴⁰

Free speech in Russia did not die with a single blow, but by a thousand cuts. There are many other pieces of legislation that encroach on free speech rights, and the overview given here is not comprehensive. What is more, appeals to competing right claims have not been the only legal strategy to encroach upon rights while maintaining outward fidelity to the constitution. The Constitution contains a broad limitation clause that allows rights to be restricted “to protect the constitutional system, morality, health, the rights and lawful interests of other persons, and to

³⁵ Human Dignity Trust, *Briefing on Russia’s Federal “Anti-Propaganda” Law*, 2014, https://www.humandignitytrust.org/wp-content/uploads/resources/Briefing_on_Russias_federal_anti-propaganda_law.pdf.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ Miriam Elder, “Russia Passes Law Banning ‘Gay Propaganda,’” *The Guardian*, June 11, 2013, <https://www.theguardian.com/world/2013/jun/11/russia-law-banning-gay-propaganda>.

⁴⁰ “Vladimir Putin Defends Anti-Gay Law, but Vows No ‘Problems’ for Olympic Visitors,” *ABC News*, January 19, 2014, <https://abcnews.go.com/International/vladimir-putin-defends-anti-gay-law-vows-problems/story?id=21588617>.

ensure the defense of the country and the security of the state.”⁴¹ Such a limitation clause is not uncommon—many liberal democracies have one. But in Russia, the legislature routinely copies this exact language in federal laws that restrict speech (and other) rights. And instead of balancing rights against these competing values, courts have taken a formalistic approach: they declare rights restrictions to be consistent with the constitution simply because the legislation in question closely mirrors constitutional language. This phenomenon has been well-documented, and several of our interviewees brought it up (Krug 2003).⁴² These strategies can be seen as complementary: with both, officials get away with rights violations, while purporting to play by the constitution’s rules.

5.2. Women’s Rights

Another right that withered after the adoption of Russia’s 1993 constitution is the right to gender equality. This decline was aided by the constitution’s protection of the family, motherhood, and children. The decriminalization of domestic violence offers a telling example. In 2017, a package of amendments to the criminal code decriminalized first-time instances of “non-aggravated battery” within families, defined as physical assault causing pain but not requiring hospitalization.⁴³ The law applied to all family members, but observers noted that the brunt of its effects fell on women. In 2018, Human Rights Watch issued a damning report titled “*I Could Kill You and Nobody Would Stop Me*.”⁴⁴ And in 2019, the European Court of Human Rights in *Volodina v. Russia* (App. No. 41261/17) held that Russia’s inaction on domestic violence constituted a violation of Articles 3 and 14 of the European Convention on Human Rights, including on the basis of gender discrimination.⁴⁵

⁴¹ 1993 Constitution, art. 55(3).

⁴² Venice Commission, *Opinion on Federal Law No. 65-FZ of 8 June 2012 Amending the Law on Assemblies, Meetings, Demonstrations, Marches and Pickets, and the Code of Administrative Offences* (CDL-AD(2013)003), adopted at its 94th Plenary Session (Venice, Mar. 8–9, 2013), para. 46, Council of Europe, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2013\)003-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2013)003-e).

⁴³ *Federal Law No. 8-FZ of February 7, 2017, on Amending Article 116 of the Criminal Code of the Russian Federation*.

⁴⁴ Human Rights Watch, “*I Could Kill You and No One Would Stop Me*: Weak State Response to Domestic Violence in Russia,” October 25, 2018, <https://www.hrw.org/report/2018/10/25/i-could-kill-you-and-no-one-would-stop-me/weak-state-response-domestic-violence>.

⁴⁵ Human Rights Watch, “The Chilling Inaction on Domestic Violence in Russia Is Endangering Women’s Lives,” July 29, 2019, <https://www.hrw.org/news/2019/07/29/chilling-inaction-domestic-violence-russia-endangering-womens-lives>.

The law's official justification—as articulated by the sponsoring lawmakers—was to protect the family, as required by the constitution.⁴⁶ The law's main author, Elina Mizulina, explained that the law protects the family, “an autonomous, sacrosanct unit,” while any state intrusion into family life would “anti-family” and “discriminatory,” and thus a violation of the Constitution.⁴⁷ Church leaders also widely embraced and propagated the law. Indeed, observers have noted that Putin started to emphasize traditional family values in part to win back support from the Russian Orthodox Church after nationwide protests when Putin evaded the constitution's term limits in 2012 (Rollins 2022). Church leaders went out of their way to defend the law's constitutionality. The Patriarchal Commission of the Russian Orthodox Church, established to defend traditional family values, issued a statement to draw “particular attention to the fact that neither the Constitution of the Russian Federation nor [international law] implies the need for a legislative ban on reasonable and moderate use of physical punishment in family upbringing of children.”⁴⁸ Instead, the Commission argued that doing so is in line with the Constitution's protection of family values.

In the wake of the European Court of Human Rights ruling that found a violation of gender equality, an attempt was made to pass new legislation aimed at reducing domestic violence and revising the 2017 law. But conservative groups again weaponized constitutional family rights to mobilize against this initiative. After a draft bill had been presented, the Patriarchal Commission observed that “it has an obvious anti-family orientation” and would reduce “the rights and freedoms of people who have chosen a familial way of life and birth and the raising of children . . . by unjustly overburdening families and parents.”⁴⁹ Russian Orthodox Church Patriarch Kirill observed that “it's very dangerous when strangers and other forces invade the closed, intimate family space, and God only knows what this invasion may bring.”⁵⁰

⁴⁶ Human Rights Pulse, “‘If He Beats, He Loves’: Normalisation of Domestic Violence in Russia Condemns Thousands to Suffer in Silence,” *Human Rights Pulse*, n.d., <https://www.humanrightspulse.com/mastercontentblog/if-he-beats-he-loves-normalisation-of-domestic-violence-in-russia-condemns-thousands-to-suffer-in-silence>.

⁴⁷ *Id.*

⁴⁸ Patriarchal Commission on the Family, Motherhood, and Childhood, “Zayavlenie Patriarshei komissii po voprosam sem'i, zashchity materiinstva i detstva v svyazi s prinyatiem novoi redaktsii stat'i 116 Ugolovnogo Kodeksa RF,” *Patriarchia.ru*, 2016, <https://www.patriarchia.ru/db/text/4552570.html>.

⁴⁹ Ian Bond, “Inside the Fight Over Russia's Domestic Violence Law,” *openDemocracy*, April 5, 2019, <https://www.opendemocracy.net/en/odr/russia-domestic-violence-law/>.

⁵⁰ *Id.*

Armed with this rhetoric, conservative and religious groups organized nationwide protests and petitions to oppose this anti-domestic violence bill. Critics of the bill also waved away the competing rights argument: that it served gender equality. As one of the reform bill's supporters observed, the critics did not believe that the law was designed to protect women, but that it was "being promoted in order to destroy men and put them behind bars."⁵¹ In the end, the anti-domestic violence legislation was first of all watered down to the point it was toothless, and then it also was never adopted. In other words, family rights trumped gender equality.

5.3. Minority Language Rights

A final example of how constitutional rights in Russia were used to undermine other rights concerns the use of the right to education to undermine minority language rights. Russia has many ethnic minorities, and the 1993 Constitution gave states the right to "establish their own state languages," and to teach them in schools.⁵² After the constitution was adopted, many states made the teaching of one or more minority languages compulsory. But these cultural minority rights were gradually eroded in the name of the right to education, and specifically, the right of equal access to education and the freedom of choice in education.

Initially, the compulsory teaching of minority languages was permitted, as long as Russian was taught in equal measure. But alleged tensions between minority language rights and education rights were proclaimed well before such compulsory teaching was banned. In 2010, the government produced a report on minority rights in which it stated that education entirely in non-Russian would be a violation of the right to equality, as children who did not receive Russian-language education would have fewer opportunities than those who did.⁵³ Reflecting this, a federal education law adopted in 2012 required Russian to be taught. But the same law also appeared to allow for states to demand compulsory teaching of minority languages (Jankiewicz, Knyaginina, and Prina 2020).⁵⁴ The Russian Constitutional Court, in a 2004 landmark case, upheld Tartan

⁵¹ *Id.*

⁵² Russian Federation, *Constitution of the Russian Federation*, arts. 26 and 68 (as amended by Federal Constitutional Law No. 7-FKZ of Dec. 30, 2008). Article 19(2) of the Constitution further prohibits discrimination on the basis of language.

⁵³ Wikipedia, *Obrazovanie na yazy-kakh narodov Rossii* (Russian-language entry on Education in the Languages of the Peoples of Russia), accessed July 21, 2025, https://ru.wikipedia.org/wiki/Образование_на_языках_народов_России.

⁵⁴ *Federal Law No. 273-FZ of December 29, 2012, on Education in the Russian Federation.*

legislation that required the compulsory teaching of Tartar, but did flag potential tensions with education rights.⁵⁵ Among other things, the Court considered the argument that the compulsory study of Tartar deprive students of the opportunity to “deepen the study of other subjects of the curriculum,” and therefore, that Tartan students would be “in an *unequal* position in realization of the right to education compared to those living in other subjects of the Russian Federation, which violates the guarantees of this right [of *equality*] under the Constitution” (Jankiewicz, Knyaginina, and Prina 2020). It also considered the argument that compulsory Tartar would deprive students of the right to choose their education. But in balancing these, it ultimately found the compulsory teaching of Tartar not to be a violation, since the teaching of minority languages was protected by the constitution, and Russian was taught “in equal measure.”

But as the government became increasingly set on creating a single Russian identity, education rights have gradually been elevated over minority language rights.⁵⁶ In a sign of things to come, the Supreme Court of Adygea in 2006 invalidated the compulsory teaching of the state language, since “nobody may oblige a person to learn a language against their will” (Jankiewicz, Knyaginina, and Prina 2020).⁵⁷ And, in 2015, the Russian Supreme Court found that the compulsory teaching of the Sakha language in the Republic of Sakha violated the right to choose one’s language of instruction.⁵⁸

Against this backdrop, it was Putin who settled the competing rights claims in favor of education rights by banning the compulsory teaching of minority languages (Jankiewicz, Knyaginina, and Prina 2020). Specifically, in a 2017 speech at the Council of Inter-Ethnic Relations, Putin stated that minority language education could not be compulsory as nobody could be forced to study a language that is not native to them. In response to Putin’s speech, the Prosecutor General’s Office started to inspect schools to see whether the minority languages were indeed voluntary, and not a compulsory part of the curriculum, now citing the right of all individuals to choose their language of instruction (Jankiewicz, Knyaginina, and Prina 2020).

⁵⁵ Constitutional Court of the Russian Federation, Judgement of 16 November 2004, No 16-P.

⁵⁶ Anna Tiido, *The Russian Language as a Soft Power Tool: The Construction of National Identity by the Kremlin* (Tallinn: International Centre for Defence and Security, October 2018), <https://icds.ee/wp-content/uploads/2018/10/The-Russian-language-as-a-soft-power-tool-featured-Anna-Tiido-2018-10-web.pdf>.

⁵⁷ Supreme Court of the Republic of Adygea, Judgement of 19 December 2006, No 32-2/2006

⁵⁸ Russian Supreme Court, Judgment of 23 September 2015, No 74-APG15–20.

These actions set off a series of protests in some states (though others were quick to follow Putin’s direction). But the debate was settled in 2018 when the State Duma amended the 2012 federal education law to effectively ban the compulsory teaching of minority languages. The amendments, which appeal to students’ right to freely choose what language to study (Jankiewicz, Knyaginina, and Prina 2020), make minority language instruction “voluntary.” In practice, this meant that minority language instruction was now moved to extra-curricular slots (typically only 2 hours a week). Education rights, then, trump minority cultural rights.

6. Conclusion

Ever since James Madison described rights as “mere parchment barriers,” there has been awareness that constitutionalizing rights does not necessarily translate into better practices.⁵⁹ Empirical evidence supports this observation (Ben-Bassat and Dahan 2008; Chilton and Versteeg 2016; Bjørnskov and Mchangama 2019). But to date, few have noted that the biggest risk is not that rights do nothing, but instead that they may make things worse. In this article, we find evidence that this may be the case. We found that the more rights are enumerated in a constitution, the worse the overall record of human rights protection tends to be. Moreover, we have presented evidence consistent with the possibility that this relationship may be causal. That is, more rights themselves may cause lower levels of overall rights protection.

Of course, several important caveats to our results are in order. Notably, much of our evidence comes from observational cross-national data, and trying to sort out causal relationships with such data is notoriously difficult. Although we supplemented observational cross-national data with experimental data and a qualitative case study, we cannot fully rule out the possibility that other forces drive both rights adoption and associated outcomes. Additionally, it is possible that having more constitutional rights may not be associated with worse rights protections in all circumstances. It is possible, for instance, that the effect of more constitutional rights may be mediated by country’s political systems, the way their constitutions were adopted, or other factors. Finally, although we found that more constitutional rights are associated with worse rights protections on average, this is not a deterministic relationship that exists in all cases.

⁵⁹ The Federalist 48 (James Madison).

With those caveats in mind, our results have immediate policy relevance. Each year, constitution-making is contemplated by countries around the world. Currently, new drafting efforts are being considered in countries as diverse as Guinea, Bangladesh, Israel, Armenia, and Ukraine. In many cases, experts, politicians, and citizens push for more and more rights. However, as our research reveals, the best available evidence suggests that caution is needed when it comes to enshrining constitutional rights. But even though there may be pressure to constitutionalize a wide range of goals and values as rights, doing so may undermine the protection of rights in practice. This trade-off should be on the radar of current and future constitution-makers alike.

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The Problem of Constitutional Rights Inflation

September 2025

Supplemental Appendix

The appendix provides six pieces of information. Part A reports information on the sample of respondents that completed our survey experiment in Chile. Part B provides the text of the survey instrument. Part C provides pre-registration plan. Part D provides the list of 102 constitutional rights used in our observational analysis. Part E reports additional summary statistics on those rights. Part F reports additional analyses and robustness checks.

Appendix A: Information on Survey Respondents

Table A.1: Demographics of Survey Respondents

| | (1) Our Sample (%) | (2) 2017 Census (%) |
|--------------------------------------|-----------------------|------------------------|
| Gender | | |
| Male | 44.2 | 49.0 |
| Female | 54.4 | 51.1 |
| Neither/Other | 0.6 | -- |
| Prefer not to say | 0.9 | -- |
| Age Groups | | |
| 18-24 | 22.1 | 10.8 |
| 25-34 | 40.6 | 15.8 |
| 35-44 | 24.9 | 13.7 |
| 45-54 | 9.5 | 13.4 |
| 55-64 | 2.5 | 10.8 |
| 65 or more | 0.6 | 11.4 |
| Region | | |
| Arica and Parinacota | 1.3 | 1.3 |
| Tarapacá | 1.9 | 1.9 |
| Antofagasta | 3.1 | 3.5 |
| Atacama | 1.5 | 1.6 |
| Coquimbo | 3.6 | 4.3 |
| Valparaíso | 11.8 | 10.3 |
| Metropolitana de Santiago | 48.4 | 40.5 |
| O'Higgins | 3.7 | 5.2 |
| Maule | 5.1 | 5.9 |
| Ñuble | 1.6 | 2.7 |
| Biobío | 6.7 | 8.9 |
| La Araucanía | 3.9 | 5.4 |
| Los Ríos | 1.9 | 2.2 |
| Los Lagos | 4.1 | 4.7 |
| Aysén | 0.4 | 0.6 |
| Magallanes y de la Antártica Chilena | 0.9 | 0.9 |
| Education Level | | |
| No answer | 0.8 | 2.0 |
| None | 0.1 | 4.2 |
| Elementary/Middle | 1.3 | 27.5 |
| High School | 21.1 | 37.1 |
| Vocational School | 31.1 | 6.8 |
| University Degree | 47.6 | 15.9 |
| Sample | 4,046 | -- |

Figure A.1: Survey Respondents by Region

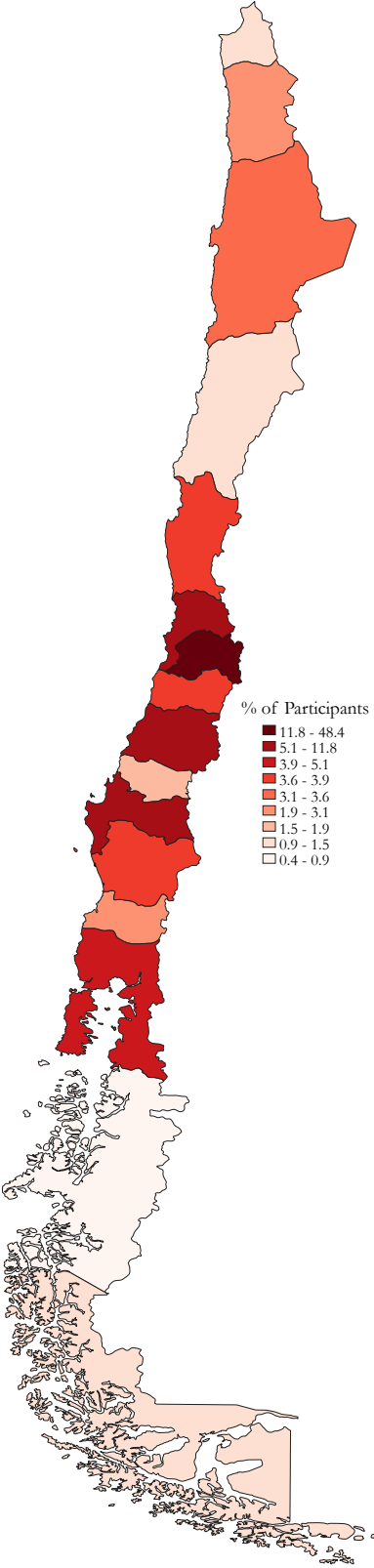
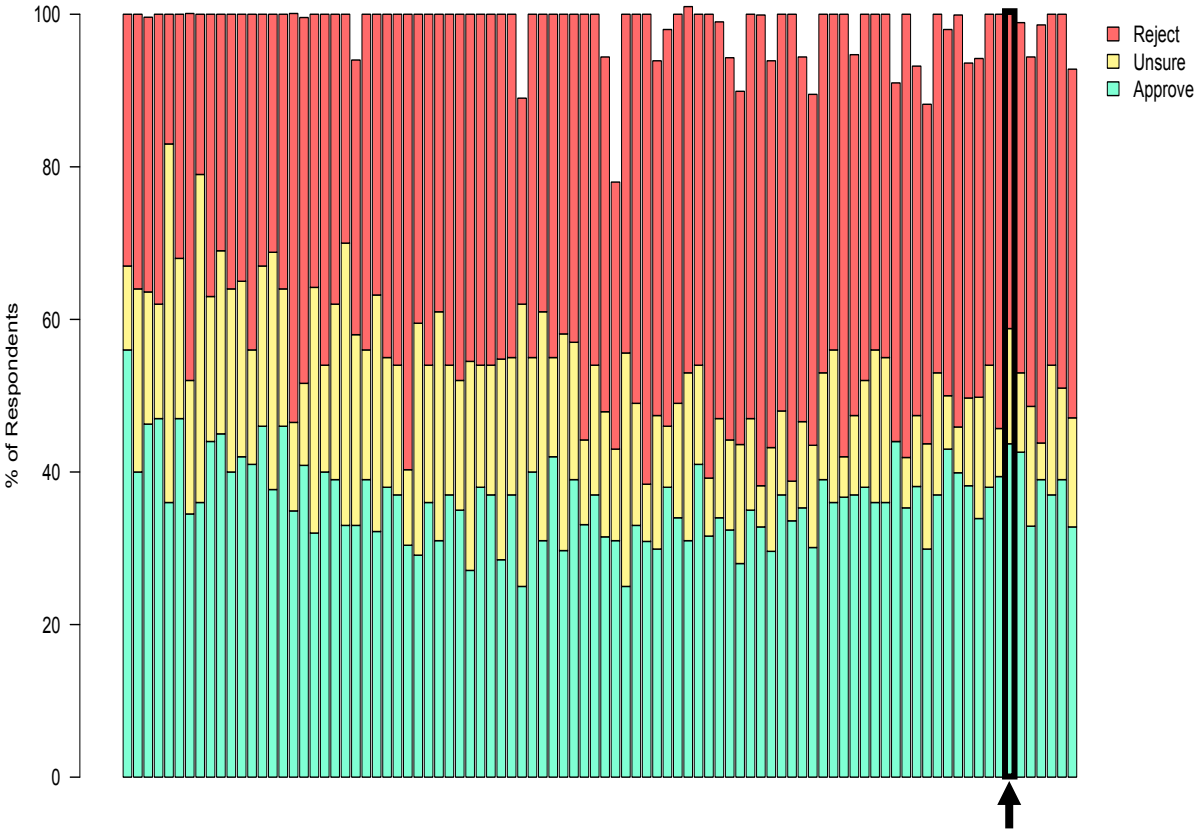


Figure A.2: Polling on Intended Votes on the 2022 Chilean Constitutional Referendum



Notes. Figure A.2 reports the results of 91 publicly released polls conducted between January 2022 and September 2022 on whether Chileans intended to vote to approve the draft constitution. The results are ordered chronologically from the earliest polls (on the left) to the final polls before the referendum (on the right). The placement of our survey is indicated by the dark black box and arrow. A version of this figure was initially reported in Chilton et al. (2024).

Appendix B: Text of Survey Instrument

[Block A – Consent]

Online Consent Form for Research Participation

Study Title: A Survey on Constitutional Opinions

Researcher(s): [redacted for review]

Description: We are researchers at [redacted for review] doing a research study about opinions on constitutions. Participation should take about 10 to 15 minutes. Your participation is voluntary.

Incentives: The only compensation from participating in this survey will be from Clint.

Risks and Benefits: Your participation in this study does not involve any risk to you beyond that of everyday life. Taking part in this research study may not benefit you personally, but we may learn new things that could help others.

Confidentiality: The information that you give in the study will be anonymous, which means that your name or any other personal identifying information will not be collected or linked to the data.

Contacts & Questions:

If you have questions or concerns about the study, you can contact the researchers at: [redacted for review]

If you have any questions about your rights as a participant in this research, feel you have been harmed, or wish to discuss other study-related concerns with someone who is not part of the research team, you can contact [redacted for review]

Consent:

Participation is voluntary. Refusal to participate or withdrawing from the research will involve no penalty or loss of benefits to which you might otherwise be entitled.

By clicking “Agree” below, you confirm that you have read the consent form, are at least 18 years old, and agree to participate in the research. Please print or save a copy of this page for your records.

I agree to participate in the research

I do NOT agree to participate in the research [people that select the “do not consent” box will be taken to a screen that exits them from the survey and thanks them for their consideration]

[Block B – Initial Questions]

We are going to start by asking your opinion of Chile’s constitution making process. Please state how much you agree with each of the following statements.

Chile’s process of drafting a new constitution has been successful.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

I intend to vote in favor of adopting Chile’s new constitution.

- Strongly Agree
- Agree

- Neutral
- Disagree
- Strongly Disagree

[Block C – Constitutional Process Background]

Before asking you more specific questions, we'd like to give you a little more background on the constitution-making process in Chile.

In November 2019, Chile's major political parties agreed to write a new constitution. The agreement between the parties established a Technical Committee to make recommendations on how to structure the process. The Committee recommended amending the current constitution to facilitate establishing a constitutional convention to draft a new constitution.

In December 2019, amendments to the current constitution were passed by Congress. Among other things, these amendments established that voters should be consulted on whether a new constitution ought to be drafted, and what form the constitutional convention should take.

In October 2020, voters overwhelmingly voted to have a directly elected constitutional convention.

In May 2021, the members of the Constitutional Convention were elected. These members then started the process of drafting the new constitution in July 2021.

[Block D – Substantive Constraints] (EXPERIMENTAL BLOCK)

One thing that the amendments to the current Constitution do is list substantive constraints on the power of the Constitutional Convention.

[Control Treatment] (No Arguments or text)

[Context Treatment]

Notably, the amendments require the new Constitution to respect “international treaties ratified by Chile and that are in force.”

But there has since been debate over whether the Constitutional Convention could ignore these substantive constraints if it wanted to enact provisions that would be contrary to international treaties.

[Legal Treatment]

Notably, the amendments require the new Constitution to respect “international treaties ratified by Chile and that are in force.”

But there has since been debate over whether the Constitutional Convention could ignore these substantive constraints if it wanted to enact provisions that would be contrary to international treaties.

One argument for why the Convention must accept these substantive constraints is that the amendments to the Constitution passed by Congress state these constraints, and the Convention is bound by the current Constitution. Therefore, the Convention must respect international treaties.

One argument for why the Convention could ignore these substantive constraints, is that the Convention is drafting Chile’s highest law. If the highest law were constrained by existing laws, it would not be highest law. Therefore, the Convention could ignore international treaties.

[Pragmatic Treatment]

Notably, the amendments require the new Constitution to respect “international treaties ratified by Chile and that are in force.”

But there has since been debate over whether the Constitutional Convention could ignore these substantive constraints if it wanted to enact provisions that would be contrary to international treaties.

One argument for why the Convention must accept these substantive constraints is that they prevent the Convention from doing things that would be bad for the country, like hurting the country's democracy or economy. Therefore, the Convention must respect international treaties.

One argument for why the Convention could ignore these substantive constraints, and write a constitution that disregards international treaties, is that it would allow the Convention to do things that would be good for the country, like improving the country's democracy or economy. Therefore, the Convention could ignore international treaties.

[Democracy Treatment]

Notably, the amendments require the new Constitution to respect "international treaties ratified by Chile and that are in force."

But there has since been debate over whether the Constitutional Convention could ignore these substantive constraints if it wanted to enact provisions that would be contrary to international treaties.

One argument for why the Convention must accept these substantive constraints is that the amendment stipulating these constraints reflects a bargain between important political stakeholders in Chile, and that bargain should be respected by the Convention. Therefore, the Convention must respect international treaties.

One argument for why the Convention could ignore these substantive constraints is that the Convention was directly elected by the people of Chile, and an amendment to the current Constitution cannot constrain a directly elected assembly. Therefore, the Convention could ignore international treaties

[Combined Treatment]

Notably, the amendments require the new Constitution to respect “international treaties ratified by Chile and that are in force.”

But there has since been debate over whether the Constitutional Convention could ignore these substantive constraints if it wanted to enact provisions that would be contrary to international treaties.

There are several arguments for why the Convention must accept these substantive constraints and write a constitution that is consistent with international treaties.

- One argument is that the amendments to the Constitution passed by Congress state these constraints, and the Convention is bound by the current Constitution.
- Another argument is that they prevent the Convention from doing things that would be bad for the country, like hurting the country’s democracy or economy.
- A third argument is that the amendment stipulating these constraints reflects a bargain between important political stakeholders in Chile, and that bargain should be respected by the Convention.

There are also several arguments for why the Convention could ignore these substantive constraints and write a constitution that disregards international treaties.

- One argument is that is that the Convention is drafting Chile’s highest law, and if the highest law was constrained by other laws, it would not be highest law.
- Another argument is that it would allow the Convention to do things that would be good for the country, like improving the country’s democracy or economy.

- A third argument is that the Convention was directly elected by the people of Chile, and an amendment to the current Constitution cannot constrain a directly elected assembly.

How much do you agree with the following statements:

The Convention is bound by these substantive constraints and must write a constitution that is consistent with international treaties.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

A constitution that is consistent with international treaties will be good for Chile.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

[Block E – Procedural Constraints] (EXPERIMENTAL BLOCK)

One thing that the amendments to the current Constitution did is list procedural constraints on the power of the Constitutional Convention.

[Control Treatment] (No Arguments or text)

[Context Treatment] (No Arguments or text)

The amendments state that the Constitutional Convention “shall approve the norms and the regulation for voting on the same by a quorum of two-thirds of its members in office,” and that the “Convention may not alter the quorum or procedures for its operation and the adoption of agreements.” As a result of this requirement, the Convention must approve all provisions by a two-thirds supermajority.

But there has since been debate over whether these procedural constraints are valid, and if the Convention could instead decide to ignore them and approve provisions by a simple majority (50% percent + 1) vote.

[Legal Treatment]

The amendments state that the Constitutional Convention “shall approve the norms and the Regulation for voting on the same by a quorum of two-thirds of its members in office,” and that the “Convention may not alter the quorum or procedures for its operation and the adoption of agreements.” As a result of this requirement, the Convention must approve all provisions by a two-thirds supermajority.

But there has since been debate over whether these procedural constraints are valid, and if the Convention could instead decide to ignore them and approve provisions by a simple majority (50% percent + 1) vote.

One argument for why the Convention must accept these procedural constraints is that the amendments to the Constitution passed by Congress state these constraints, and the Convention is bound by the current Constitution. Therefore, the Convention must decide by a two-thirds supermajority.

One argument for why the Convention could ignore these procedural constraints is that the Convention is drafting Chile’s highest law. If the highest law were constrained by existing law, it would not be highest law. Therefore, the Convention can decide by simple majority (50% percent + 1) vote.

[Pragmatic Treatment]

The amendments state that the Constitutional Convention “shall approve the norms and the Regulation for voting on the same by a quorum of two-thirds of its members in office,” and that the “Convention may not alter the quorum or procedures for its operation and the adoption of agreements.” As a result of this requirement, the Convention must approve all provisions by a two-thirds supermajority.

But there has since been debate over whether these procedural constraints are valid, and if the Convention could instead decide to ignore them and approve provisions by a simple majority (50% percent + 1) vote.

One argument for why the Convention must accept these procedural constraints is that they prevent the Convention from doing things that would be bad for the country, like hurting the country’s democracy or economy. Therefore, the Convention must decide by a two-thirds supermajority.

One argument for why the Convention could ignore these procedural constraints is that it would allow the Convention to do things that would be good for the country, like improving the country’s democracy or economy. Therefore, the Convention can decide by simple majority (50% percent + 1) vote.

[Democracy Treatment]

The amendments state that the Constitutional Convention “shall approve the norms and the Regulation for voting on the same by a quorum of two-thirds of its members in office,” and that the “Convention may not alter the quorum or procedures for its operation and the adoption of agreements.” As a result of this requirement, the Convention must approve all provisions by a two-thirds supermajority.

But there has since been debate over whether these procedural constraints are valid, and if the Convention could instead decide to ignore them and approve provisions by a simple majority (50% percent + 1) vote.

One argument for why the Convention must accept these procedural constraints is that the amendment stipulating these constraints reflects a bargain between important political stakeholders in Chile, and that bargain should be respected by the Convention. Therefore, the Convention must decide by a two-thirds supermajority.

One argument for why the Convention could ignore these procedural constraints is that the Convention was directly elected by the people of Chile, and an amendment to the current Constitution cannot constrain a directly elected assembly. Therefore, the Convention can decide by simple majority (50% percent + 1) vote.

[Combined Treatment]

The amendments state that the Constitutional Convention “shall approve the norms and the Regulation for voting on the same by a quorum of two-thirds of its members in office,” and that the “Convention may not alter the quorum or procedures for its operation and the adoption of agreements.” As a result of this requirement, the Convention must approve all provisions by a two-thirds supermajority.

But there has since been debate over whether these procedural constraints are valid, and if the Convention could instead decide to ignore them and approve provisions by a simple majority (50% percent + 1) vote.

There are several arguments for why the Convention must accept these procedural constraints and decide by a two-thirds supermajority.

- One argument is that the amendments to the Constitution passed by Congress state these constraints, and the Convention is bound by the current Constitution.

- Another argument is that they prevent the Convention from doing things that would be bad for the country, like hurting the country's democracy or economy.
- A third argument is that the amendment stipulating these constraints reflects a bargain between important political stakeholders in Chile, and that bargain should be respected by the Convention.

There are also several arguments for why the Convention could ignore these procedural constraints and decide by a simple majority (50% percent + 1) vote.

- One argument is that is that the Convention is drafting Chile's highest law, and if the highest law was constrained by other laws, it would not be highest law.
- Another argument is that it would allow the Convention to do things that would be good for the country, like improving the country's democracy or economy.
- A third argument is that the Convention was directly elected by the people of Chile, and an amendment to the current Constitution cannot constrain a directly elected assembly.

How much do you agree with the following statements:

The Convention is bound by these procedural constraints and must approve all provisions by a two-thirds supermajority.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

A constitution that only includes provisions supported by two-thirds of the members of the Convention will be good for Chile.

- Strongly Agree

- Agree
- Neutral
- Disagree
- Strongly Disagree

[Block F – Competency Constraints] (EXPERIMENTAL BLOCK)

One thing that the amendments to the current Constitution did is list limits on the authority of the Constitutional Convention.

[Control Treatment] (No Arguments or text)

[Context Treatment]

The amendments state that the Constitutional Convention “may not intervene in or exercise any other function or attribution of other bodies or authorities established in this Constitution or in the laws.” Additionally, it states that the “Convention, any of its members or a fraction of them, will be prohibited from claiming the exercise of sovereignty, assuming other powers than those expressly recognized by this Constitution.”

Most notably, this means that the Convention cannot interfere with ordinary legislative powers, for example by shutting down the Congress, replacing members of the Congress, or enacting ordinary laws by itself. The Convention’s only power is to write a new constitutional text.

But there has since been debate over whether these limits on the authority of the Constitutional Convention are valid.

[Legal Treatment]

The amendments state that the Constitutional Convention “may not intervene in or exercise any other function or attribution of other bodies or authorities established in this Constitution or in the laws.” Additionally, it states that the “Convention, any of its members or a fraction of them, will be prohibited from claiming the exercise of sovereignty, assuming other powers than those expressly recognized by this Constitution.”

Most notably, this means that the Convention cannot interfere with ordinary legislative powers, for example by shutting down the Congress, replacing members of the Congress, or enacting ordinary laws by itself. The Convention’s only power is to write a new constitutional text.

But there has since been debate over whether these limits on the authority of the Constitutional Convention are valid.

One argument for why the Convention must accept these limits on its authority is that the amendments to the Constitution passed by Congress state these constraints, and the Convention is bound by the current Constitution. Therefore, the Convention cannot exercise any legislative or other powers.

One argument for why the Convention could ignore these limits on its authority, and could exercise legislative or other powers, is that the Convention is drafting Chile’s highest law. If the highest law were constrained by existing law, it would not be highest law. Therefore, the Convention could decide to exercise legislative or other powers.

[Pragmatic Treatment]

The amendments state that the Constitutional Convention “may not intervene in or exercise any other function or attribution of other bodies or authorities established in this Constitution or in the laws.” Additionally, it states that the “Convention, any of its members or a fraction of them, will be prohibited from claiming the exercise of sovereignty, assuming other powers than those expressly recognized by this Constitution.”

Most notably, this means that the Convention cannot interfere with ordinary legislative powers, for example by shutting down the Congress, replacing members of the Congress, or enacting ordinary laws by itself. The Convention's only power is to write a new constitutional text.

But there has since been debate over whether these limits on the authority of the Constitutional Convention are valid.

One argument for why the Convention must accept these limits on its authority is that they prevent the Convention from doing things that would be bad for the country, like hurting the country's democracy or economy. Therefore, the Convention cannot exercise any legislative or other powers.

One argument for why the Convention could ignore these c limits on its authority is that it would allow the Convention to do things that would be good for the country, like improving the country's democracy or economy. Therefore, the Convention could decide to exercise legislative or other powers.

[Democracy Treatment]

The amendments state that the Constitutional Convention "may not intervene in or exercise any other function or attribution of other bodies or authorities established in this Constitution or in the laws." Additionally, it states that the "Convention, any of its members or a fraction of them, will be prohibited from claiming the exercise of sovereignty, assuming other powers than those expressly recognized by this Constitution."

Most notably, this means that the Convention cannot interfere with ordinary legislative powers, for example by shutting down the Congress, replacing members of the Congress, or enacting ordinary laws by itself. The Convention's only power is to write a new constitutional text.

But there has since been debate over whether these limits on the authority of the Constitutional Convention are valid.

One argument for why the Convention must accept these limits on its authority is that the amendment stipulating these constraints reflects a bargain between important political stakeholders in Chile, and that bargain should be respected by the Convention. Therefore, the Convention cannot exercise any legislative or other powers.

One argument for why the Convention could ignore these limits on its authority is that the Convention was directly elected by the people of Chile, and an amendment to the current Constitution cannot constrain a directly elected assembly. Therefore, the Convention could decide to exercise legislative or other powers.

[Combined Treatment]

The amendments state that the Constitutional Convention “may not intervene in or exercise any other function or attribution of other bodies or authorities established in this Constitution or in the laws.” Additionally, it states that the “Convention, any of its members or a fraction of them, will be prohibited from claiming the exercise of sovereignty, assuming other powers than those expressly recognized by this Constitution.” Most notably, this means that the Convention cannot interfere with ordinary legislative powers, for example by shutting down the Congress, replacing members of the Congress, or enacting ordinary laws by itself. The Convention’s only power is to write a new constitutional text.

But there has since been debate over whether these limits on the authority of the Constitutional Convention are valid.

There are several arguments the Convention must accept these limits on its authority, and cannot exercise any legislative or other powers.

- One argument is that the amendments to the Constitution passed by Congress state these constraints, and the Convention is bound by the current Constitution.
- Another argument is that they prevent the Convention from doing things that would be bad for the country, like hurting the country’s democracy or economy.

- A third argument is that the amendment stipulating these constraints reflects a bargain between important political stakeholders in Chile, and that bargain should be respected by the Convention.

There are also several arguments for why the Convention could ignore these limits on its authority, and could exercise legislative or other powers.

- One argument is that is that the Convention is drafting Chile's highest law, and if the highest law was constrained by other laws, it would not be highest law.
- Another argument is that it would allow the Convention to do things that would be good for the country, like improving the country's democracy or economy.
- A third argument is that the Convention was directly elected by the people of Chile, and an amendment to the current Constitution cannot constrain a directly elected assembly.

How much do you agree with the following statements:

The Convention is bound by these limits on its authority and must not assume any legislative or other powers.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

A constitution drafted by a convention that does not assume any legislative or other powers will be good for Chile.

- Strongly Agree
- Agree

- Neutral
- Disagree
- Strongly Disagree

[Block G – Unconstitutional Amendments - Substantive]

To what extent do you agree with the following statements:

If the new Constitution were to violate existing international treaties, the highest court should declare parts of the new Constitution unconstitutional.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

If the new Constitution were to violate existing international treaties, the people of Chile should vote against the new Constitution in the upcoming plebiscite.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

[Block H – Unconstitutional Amendments - Procedural]

To what extent do you agree with the following statements:

If the Constitutional Convention were to ignore the requirement that two-thirds of the members of the Convention must vote in favor of all proposals, the highest court should declare parts of the new Constitution unconstitutional.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

If the Constitutional Convention were to ignore the requirement that two-thirds of the members of the Convention must vote in favor of all proposals, the people of Chile should vote against the new Constitution in the upcoming plebiscite.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

[Block I – Unconstitutional Amendments - Political]

To what extent do you agree with the following statements:

If the Constitutional Convention were to assume any legislative or other powers, such as by shutting down the Congress, replacing members of Congress, or enacting ordinary laws, the highest court should declare their actions unconstitutional.

- Strongly Agree
- Agree
- Neutral

- Disagree
- Strongly Disagree

If the Constitutional Convention were to assume any legislative or other powers, such as by shutting down the Congress, replacing members of Congress, or enacting ordinary laws, the people of Chile should vote against the new Constitution in the upcoming plebiscite.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

[Block J – Mechanisms]

To what extent do you agree with the following statements:

Always following legal rules is important.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

Change to political institutions should occur slowly and gradually.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

In a democracy, the views of minority political groups should be respected, and their core interests must be protected.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

Chile's current Constitution is illegitimate.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

Chile needs to make major changes to its government.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

[Block K – Consistency] (EXPERIMENTAL BLOCK)

The Convention considered the following article for inclusion in the new Constitution:

“The exploration and mining enterprises of ... are nationalized and declared incorporated into the full and exclusive domain of the State, being transferred to the national domain all the assets of said companies and their affiliates related to their activity in the national territory.....

In conformity with the patrimonial domain of the State over all mineral substances, there will be no compensation whatsoever for the rights over mineral substances and hydrocarbons, since by Constitutional mandate they belong to the State of Chile.”

The advantage of this provision is that it would ensure that Chile’s national resources benefit Chileans and allow the government to use the nation’s resources to implement social welfare programs.

The disadvantage of this provision is that it can scare away foreign investors, which would hurt the economy.

[[Treatment - Constraints] Nationalizing mining would violate Chile’s commitments under international treaties, and the amendments to the current Constitution state that the Constitutional Convention should respect international treaties.

How much you agree with the following statement:

The new Constitution should allow for the nationalization of mines.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree

[Block L - Constitutional Knowledge]

We will now ask you some questions about your interest and knowledge in the Chilean constitution.

How many members were elected to the Constitutional Convention?

- 50
- 100
- **155**
- 200

Who are citizens under the current constitution?

- All Chileans regardless of their age
- **Every Chilean over eighteen years of age**
- All the residents living in the country
- Just Chileans living in the country

What body drafted the current constitution?

- A Constitutional Assembly
- The Congress
- The Constitutional Court
- **The Military Junta**

[Block R – Demographics]

We are going to end by asking you a few questions about yourself.

What is your gender?

- Male
- Female
- Neither/Other
- Prefer not to say

What is your age?

- 18-24
- 25-34
- 35-44

- 45-54
- 55-64
- 65 or more

What region of the country do you live in?

- Arica y Parinacota
- Tarapacá
- Antofagasta
- Atacama
- Coquimbo
- Valparaíso
- Metropolitana
- Libertador General Bernardo O'Higgins
- Maule
- Biobío
- La Araucanía
- Los Ríos
- Los Lagos
- Aysén del General Carlos Ibáñez del Campo
- Magallanes y Antártica Chilena

What is the highest educational level that you have attained?

- No answer
- Ninguno
- Básica incompleta
- Básica completa
- Media incompleta
- Media completa
- Instituto superior/técnico profesional incompleta
- Instituto superior/técnico profesional completa
- Universitario incompleto
- Universitario completo

In politics, people talk about liberals and conservatives. Consider this scale of political views, which ranges from extremely liberal--point 1--to extremely conservative--point 10. Where would you place yourself on this scale?

Appendix C: Pre-Registration Plan

Introduction

There has been a remarkable proliferation in the number of rights countries enshrine in their national constitutions. Indeed, the median number of rights in national constitutions more than doubled between World War II and today.¹ But is more rights really better? While much human rights activism remains focused on getting countries to commit to rights on paper, there is some reason for doubt. Observational data suggests that more rights on paper is associated with lower overall respect for rights in practice.

Also some scholars have voiced skepticism that more rights are indeed better. Notably, roughly three decades ago, Mary Ann Glendon questioned whether casting important values in the language of rights in fact contributed to better rights protection.² Glendon worried that casting many values and interest of rights, “may well trivialize” the “essential core” of rights “without materially advancing the proliferating causes that have been reconceptualized as involving rights.”³ In a nutshell, one of her concerns was that that protecting many rights would come at the expense of core rights. Eric Posner has offered a similar critique. Posner argues that the growing number of rights allows savvy political leaders to free themselves of rights constraints.⁴ According to Posner, the “hypertrophy of human rights” produces important trade-offs.⁵ He notes “if there were only a few rights it would seem simple enough to determine whether states comply with them.” Yet, when there are many rights, government officials become basically free to pick and

¹ Benedikt Goderis & Mila Versteeg, *The Diffusion of Constitutional Rights*, 39 INT’L REV. L. & ECON. 1, 5 (2014) (documenting that the average constitution in 1946 contained 22.6 rights out of 108 possible rights, while six decades later, it contained 47.2 rights out of 108 possible rights); For accounts of the expansions of rights, see CHILTON & VERSTEEG, *supra* note **Error! Bookmark not defined.**, at 83-84 (2020); David S. Law & Mila Versteeg, *The Evolution and Ideology of Global Constitutionalism*, 99 CALIF. L. REV. 1163, 1194–98 (2011); *see also, e.g.*, David S. Law & Mila Versteeg, *Sham Constitutions*, 101 CALIF. L. REV. 863, 865–69 (2013); Stephen Gardbaum, *The Place of Constitutional Law in the Legal System*, in THE OXFORD HANDBOOK OF COMPARATIVE CONSTITUTIONAL LAW 169, 177 (Michel Rosenfeld & András Sajó eds., 2012).

² MARY ANN GLENDON, *RIGHTS TALK: THE IMPOVERISHMENT OF POLITICAL DISCOURSE*, at xi (1991).

³ Eric Posner, *The Twilight of Rights* 16 (XX)

⁴ ERIC POSNER, *THE TWILIGHT OF HUMAN RIGHTS LAW* 92-94 (2014); *see also* Jacob Mchangama & Guglielmo Verdirame, *The Danger of Human Rights Proliferation*, FOREIGN AFF.: SNAPSHOT (July 24, 2013), <https://www.foreignaffairs.com/articles/europe/2013-07-24/danger-human-rights-proliferation>.

⁵ POSNER, *supra* note 4, at 94.

choose the rights that they focus on.⁶ Posner thus suggest that the presence of many rights gives governments a perfect excuse to ignore them.

We seek to explore empirically whether more constitutional rights are associated with worse human rights outcomes. Part of our project is to probe this question with observational data. But we supplement it with a survey and survey experiment. The reason for doing so is that it is widely conjectured that the explosion of rights in national constitutions is related to popular participation. When ordinary people are involved in constitution-making, the result is more rights.

In our experiment, we seek to explore whether people indeed want more rights in constitution, and whether people have any ideas about whether more rights on paper will translate into more rights in practice.

Survey Design

The survey questions are part of a larger project surveying attitudes and opinions on constitution-making in Chile. Specifically, we designed a survey that we administered to a sample of ~4,000 respondents in Chile in August 2022. This was a moment of heightened constitutional awareness in Chile, as it was weeks before the popular referendum on the new constitution. The other survey questions were pre-registered separately.

The key research questions we are interested in here are: (1) do people support a high number of rights in the constitution; (2) do people believe that more rights are associated with better outcomes, and (3) are people willing to accept that additional new rights can come at the expense of existing rights? We asked five questions—two of which included experimental manipulations—designed to address these issues. We will discuss the questions we asked related to these three questions in turn.

⁶ *Id.*

(1) Do People Want More Rights?

A first objective is to explore whether people support the inclusion of a large number of rights in the constitution. To that end, we first explained the main positions before and against and then asked them directly whether they think more constitutional rights are better.⁷

Question 1

There is a debate about of how many rights ought to be protected directly in the constitution.

Some argue that more rights are better. This way, the rights of all communities and peoples get recognized. And if different rights were to conflict, courts can balance them against each other, using important constitutional principles such as proportionality. While not all rights enjoy maximum protection at all time, these rights will enjoy protection at least some of the time.

Others argue that more rights are not better. This is because if different rights were to conflict, it gives the courts too much power to decide which ones to protect. It also allows political actors, like the president, to decide which rights to prioritize. As a result, it is better to only protect some rights so that they enjoy strong protection.

Which of these views do you agree with more?

- More rights protected in the constitution are better.
- More rights protected in the constitution are not better.

We will analyze the response to this question by simply looking at the portion of respondents that gave each answer.

⁷ Only half of the respondents received this question. The other half received Question 3.

(2) Do People Believe More Rights Are Associated With Better Outcomes?

To explore whether people believe that more constitutional rights are associated with better outcomes, we asked a series of questions. First we directly asked whether they believed more constitutional rights are associated with better outcome. For comparison, we also asked them whether other design features might be associated with better outcomes, such as the length, specificity, and age of the constitution. Specifically, we presented respondents with 4 statements.

Question 2

There are many different views on what leads to constitutions protecting the rights of citizens. Please rate how much you agree with several of these views on a scale from 1 (strongly disagree) to 10 (strongly agree).

Countries with more rights enshrined in their constitution have better overall records protecting human rights.

1----10 [sliding scale]

Countries with longer constitutions have better records overall protecting human rights.

1----10 [sliding scale]

Countries with more specific language in their constitutions have better overall records protecting human rights.

1----10 [sliding scale]

Countries with older constitutions have better overall records protecting human rights.

1----10 [sliding scale]

We will analyze the responses to these four statements in two ways. First, we will look at whether, on average respondents agree with these statements. For this analysis, we will consider a 90-percent confidence where the lower bound is greater than 5.0 to be evidence that, on average, our sample agrees with these statements. Second, we will look at the relative differences in agreement across the four statements. For this analysis, we will use a simple t-test to explore whether the average responses are statistically different at the 90-percent level.

Second, we also directly asked respondents what number of rights they think is associated with best outcomes.

Question 3

Different countries have different numbers of rights protected in their constitution. But there is debate over whether having more rights leads to better rights protection. On average, which country do you think would have the best overall record protecting rights?

- A country with 0 rights in its constitution
- A country with 20 rights in its constitution
- A country with 40 rights in its constitution
- A country with 60 rights in its constitution
- A country with 80 rights in its constitution

Here, we will simply look at the share of respondents that gave each answer.

(3) Can New Rights Come at the Expense of Existing Rights?

The third question we are interested in is whether people are willing to believe that new rights can come at the expense of existing rights. To explore this, we told people to imagine a country with a right to healthcare in its constitution that then added additional rights to its constitution. But we randomly varied what we told respondents about how many additional rights were included: 5, 10, 15 or 20. We asked half of the respondents this question with respect to healthcare, and half of the respondents this respect to gender equality.

The respondents that were randomly selected to be asked about healthcare, they were given the following prompt:

Question 4

We are now going to ask you to offer your opinion on what would happen if a country would add more rights to its constitution.

Imagine a country already has a right to healthcare included in its constitution, and the country currently spends 10 percent of its GDP on healthcare related expenses.

This country is considering adding [treatment: 5/10/15/20] new constitutional rights to its constitution.

If it does add these new rights to its constitution, what do you would predict would happen to healthcare spending over the next ten years?

- It would spend a lot less on healthcare
- It would spend a little less on healthcare
- It would spend about the same
- It would spend a little more on healthcare
- It would spend a lot more on healthcare

The respondents that were randomly selected to be asked about gender equality, they were given the following prompt:

Question 5

We are now going to ask you to offer your opinion on what would happen if a country would add more rights to its constitution.

Imagine a country already has a right to gender equality in its constitution, and the country currently is currently ranked as a roughly average country in terms of gender equality between men and women.

This country is considering adding [treatment: 5/10/15/20] new constitutional rights to its constitution.

If it does add these new rights to its constitution, what do you would predict would happen to gender equality over the next ten years?

- Gender equality would get much less equal
- Gender equality would get a little less equal
- Gender equality would stay about the same
- Gender equality would get a little more equal
- Gender equality would get much more equal

To explore whether the number of rights that respondents were told were added affects their sense rights performance, for each of these two experiments, we will report the average responses and 90 percent confidence intervals for the question above. To do so, we will convert the answers to a 5-point scale where (5) it would spend a lot more on healthcare and (1) it would spend a lot less on healthcare. For this analysis, however, we will break out the answers separately

for each of the four treatment groups that were randomly presented with different information on how many rights were added [5/10/15 or 20]. Specifically, we will analyze which treatments produced results that are statistically significant from each other, at the 90-percent confidence level.

(4) Are there conditional results based on constitutional knowledge, constitutional satisfaction, or political ideology?

To explore whether there are conditional effects, we will break out the results reported above in three ways.

First, we will test whether there are conditional effects based on constitutional knowledge. To do so, we will add up the number of correct answers respondents had to the below questions. We will then compare respondents that answered all 3 questions correctly to other respondents for the questions discussed above. We will consider any results to be statistically significant if they are significant at the 90-percent level.

How many members were elected to the Constitutional Convention?

- 50
- 100
- **155 [note: this is the correct answer]**
- 200

Who are citizens under the current constitution?

- *All Chileans regardless of their age*
- **Every Chilean over eighteen years of age [note: this is the correct answer]**
- *All the residents living in the country*
- *Just Chileans living in the country*

What body drafted the current constitution?

- *A Constitutional Assembly*
- *The Congress*
- *The Constitutional Court*
- **The Military Junta [note: this is the correct answer]**

Second, we will test whether there are conditional effects based on constitutional satisfaction. To do so, we will calculate the median answer to the below question. We will then compare the answers for respondents that answered above the median to respondents that answered at or below the median in their responses for the questions discussed above. We will consider any results to be statistically significant if they are significant at the 90-percent level.

On a scale from 1 to 10, how much do you approve of the current Chilean constitution?

| <i>Strongly Disapprove</i> | | | | | <i>Strongly Approve</i> | | | | |
|----------------------------|---|---|---|---|-------------------------|---|---|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

Third, we will test whether there are conditional effects based on political ideology. To do so, we will calculate the median answer to the below question. We will then compare the answers for respondents that answered above the median to respondents that answered at or below the median in their responses for the questions discussed above. We will consider any results to be statistically significant if they are significant at the 90-percent level.

In politics, people talk about liberals and conservatives. Consider this scale of political views, which ranges from extremely liberal--point 1--to extremely conservative--point 10. Where would you place yourself on this scale?

Appendix D: List of Constitutional Rights

First-Generation Rights (Civil and Political Rights)

These rights focus on individual liberties and protections from state interference, ensuring due process, fair trials, and political freedoms.

JURY – Whether the constitution requires a jury or any form of citizen participation in decision-making in criminal trials.

GRJURY – Whether the constitution includes citizen involvement in the indicting process, such as a grand jury.

VICRIGHT – Whether the constitution includes specific provisions on victims' rights.

HABCORP – Whether the constitution provides the right to protection from unjustified restraint (habeas corpus).

WOLAW – Whether the constitution includes the principle of nulla poena sine lege (no punishment without law).

RGHTAPP – Whether the constitution guarantees a right of appeal for defendants in judicial proceedings.

CAPPUN – Whether the constitution prohibits capital punishment.

CORPPUN – Whether the constitution prohibits corporal punishment.

DUEPROC – Whether the constitution explicitly mentions due process.

EXAMWIT – Whether the constitution provides the right to examine evidence or confront witnesses.

EXPOST – Whether the constitution prohibits punishment by laws enacted ex post facto.

FALSEIMP – Whether the constitution provides the right to redress in cases of false imprisonment, arrest, or judicial error.

FAIRTRI – Whether the constitution guarantees the right to a fair trial.

SPEEDTRI – Whether the constitution guarantees the right to a speedy trial.

PUBTRI – Whether the constitution guarantees the right to a public trial.

PRESINOC – Whether the constitution provides for the presumption of innocence.

TRILANG – Whether the constitution guarantees the right to be tried in a language the defendant understands.

JUVENILE – Whether the constitution includes specific protections or provisions for juvenile defendants.

DOUBJEP – Whether the constitution prohibits double jeopardy.

MIRANDA – Whether the constitution provides a right against self-incrimination (e.g., Miranda rights).

COUNS – Whether the constitution guarantees the right to counsel in criminal proceedings.

COUNSCOS – Whether the constitution provides that counsel must be provided at state expense if the defendant cannot afford it.

DEBTORS – Whether the constitution prohibits imprisonment for debt.

INFOACC – Whether the constitution guarantees the right to access information.

LIBEL – Whether the constitution includes protections or restrictions related to libel.

FREEREL – Whether the constitution guarantees freedom of religion.

PRIVACY – Whether the constitution guarantees a right to privacy.
 FREEMOVE – Whether the constitution guarantees freedom of movement.
 OPINION – Whether the constitution guarantees freedom of opinion, thought, and/or conscience.
 EXPRESS – Whether the constitution guarantees freedom of expression.
 PETITION – Whether the constitution guarantees the right to petition the government.
 PRESS – Whether the constitution guarantees freedom of the press.
 ASSEM – Whether the constitution guarantees the right to peaceful assembly.
 ASSOC – Whether the constitution guarantees the right to association.
 NOMIL – Whether the constitution provides for the right to conscientious objection to military service.
 AMPARO – Whether the constitution provides for a judicial mechanism like amparo for the protection of constitutional rights.
 TORTURE – Whether the constitution prohibits torture.
 CRUELTY – Whether the constitution prohibits cruel, inhuman, or degrading treatment.
 PARTRGHT – Whether the constitution guarantees political participation rights.
 ACFREE – Whether the constitution guarantees academic freedom.
 CENSOR – Whether the constitution prohibits for censorship.
 LIFE – Whether the constitution guarantees the right to life.
 SLAVE – Whether the constitution prohibits slavery.

Second-Generation Rights Social Rights

These rights emphasize labor protections, healthcare, and access to education.

REMUNER – Whether the constitution guarantees the right to fair remuneration for work.
 JOINTRDE – Whether the constitution guarantees the right to join trade unions.
 STRIKE – Whether the constitution guarantees the right to strike.
 LEISURE – Whether the constitution guarantees the right to leisure/rest.
 STANDLIV – Whether the constitution guarantees a minimum standard of living.
 SOCSEC – Whether the constitution provides for social security.
 FINSUP_1 – Whether the constitution includes provisions for financial support for the elderly.
 FINSUP_2 – Whether the constitution includes provisions for financial support for the unemployed.
 FINSUP_3 – Whether the constitution includes provisions for financial support for the disabled.
 FINSUP_4 – Whether the constitution includes provisions for financial support for children or orphans.
 OCCUPATE – Whether the constitution guarantees the right to choose one’s occupation.
 SAFEWORK – Whether the constitution guarantees the right to safe working conditions.
 CHILDWRK – Whether the constitution includes protections against child labor.
 SHELTER – Whether the constitution guarantees the right to housing/shelter.
 HEALTHR – Whether the constitution guarantees a right to healthcare.
 HEALTHF – Whether the constitution guarantees access to healthcare facilities.
 EDFREE – Whether the constitution guarantees free education.

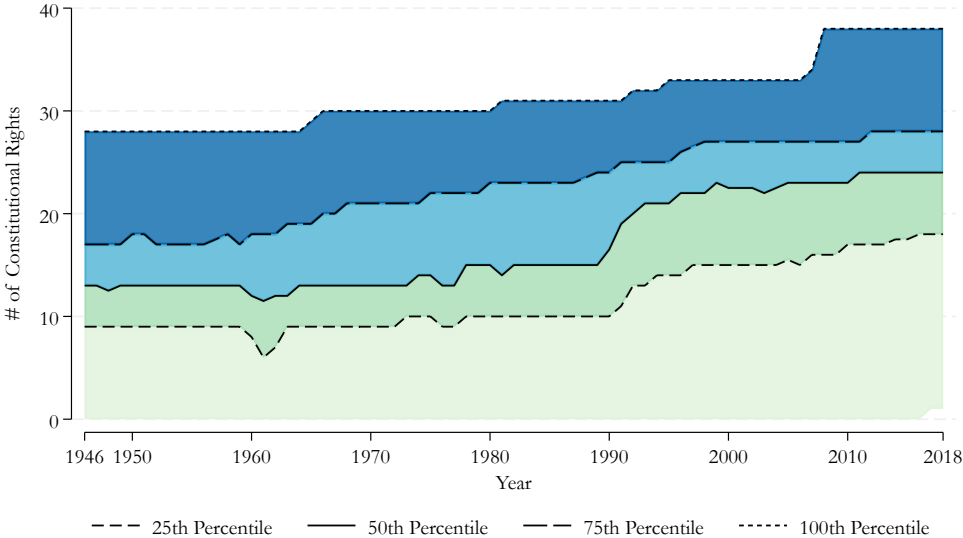
| |
|--|
| <p>ACHIGHED – Whether the constitution guarantees equal access to higher education. MATEQUAL – Whether the constitution guarantees marital equality. CHILDPRO – Whether the constitution includes specific protections for children.</p> |
| <p>Economic Rights. These rights focus on property and economic freedoms. They don't fit into the traditional classification of "first" and "second" generation rights. If anything they are first generation, but international human rights law describes the second generation as "economic, social, and cultural" but does not actually include property rights (anywhere).</p> |
| <p>PROPRGHT – Whether the constitution guarantees property rights. TRANSFER – Whether the constitution guarantees the right to transfer property. TESTATE – Whether the constitution guarantees the right to make a will and bequeath property. INHERIT – Whether the constitution guarantees inheritance rights. FREECOMP – Whether the constitution guarantees freedom of competition. BUSINES – Whether the constitution guarantees the right to conduct business. INTPROP_1 – Whether the constitution provides protections for patents. INTPROP_2 – Whether the constitution provides protections for copyrights. INTPROP_3 – Whether the constitution provides protections for trademarks. INTPROP_4 – Whether the constitution provides protections for intellectual property in general.</p> |
| <p>Third-Generation Rights, New Rights, and Other Rights Third generation rights focus on collective interests, environmental concerns, and self-determination. I also added "new" rights, and some unusual rights and other rights that are hard to classify (like the right to bear arms or the right to renounce citizenship or the right to form a family)</p> |
| <p>SELFDET – Whether the constitution guarantees the right to self-determination. DEVLPER – Whether the constitution guarantees the right to personal development. ENVREF_3 – Whether the constitution guarantees environmental protection. ARTSPEC_1 – Whether the constitution guarantees artistic and scientific freedom. CIVMAR – Whether the constitution provides for civil marriage. CONRIGHT – Whether the constitution guarantees consumer rights. SAMESEX – Whether the constitution guarantees the right to same-sex marriage. CITREN – Whether the constitution provides for the right to renounce citizenship. ASYLUM – Whether the constitution provides for the right to asylum. ARMS – Whether the constitution provides for the right to bear arms. MARRIAGE – Whether the constitution guarantees the right to marry. FNDFAM – Whether the constitution guarantees the right to found a family.</p> |
| <p>Equality Rights</p> |

EQUAL – Whether the constitution includes a general guarantee of equality.
EQUALGR_1 – Whether the constitution includes specific guarantees of equality based on gender
EQUALGR_2 – Whether the constitution includes specific guarantees of equality based on nationality
EQUALGR_3 – Whether the constitution includes specific guarantees of equality based on country of origin
EQUALGR_4 – Whether the constitution includes specific guarantees of equality based on race
EQUALGR_5 – Whether the constitution includes specific guarantees of equality based on language
EQUALGR_6 – Whether the constitution includes specific guarantees of equality based on religion
EQUALGR_7 – Whether the constitution includes specific guarantees of equality based on sexual orientation
EQUALGR_8 – Whether the constitution includes specific guarantees of equality based on age
EQUALGR_9 – Whether the constitution includes specific guarantees of equality based on mentally or physically disabled status
EQUALGR_10 – Whether the constitution includes specific guarantees of equality based on color
EQUALGR_11 – Whether the constitution includes specific guarantees of equality based on creed/beliefs
EQUALGR_12 – Whether the constitution includes specific guarantees of equality based on social status
EQUALGR_13 – Whether the constitution includes specific guarantees of equality based on financial/property ownership
EQUALGR_14 – Whether the constitution includes specific guarantees of equality based on tribe/clan
EQUALGR_15 – Whether the constitution includes specific guarantees of equality based on political party
EQUALGR_16 – Whether the constitution includes specific guarantees of equality based on parentage

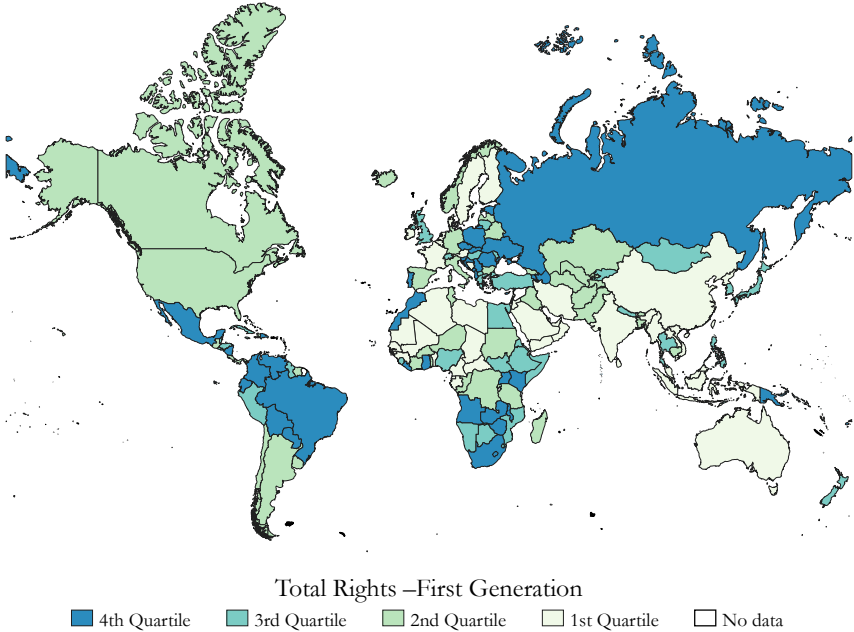
Appendix E: Additional Summary Statistics

Figure E1: The Distribution of Constitutional Rights - First Generation

(a) Constitutional Rights Over Time



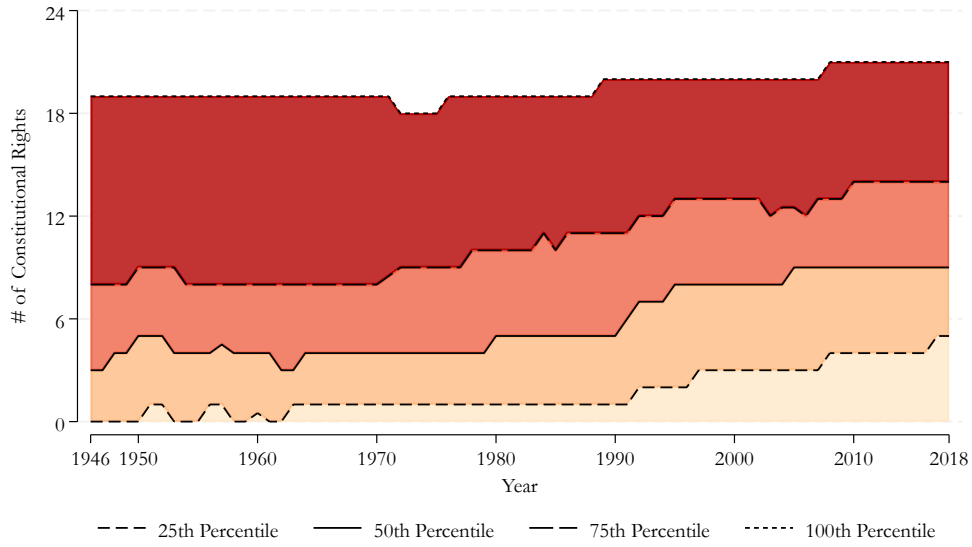
(b) Constitutional Rights by Country



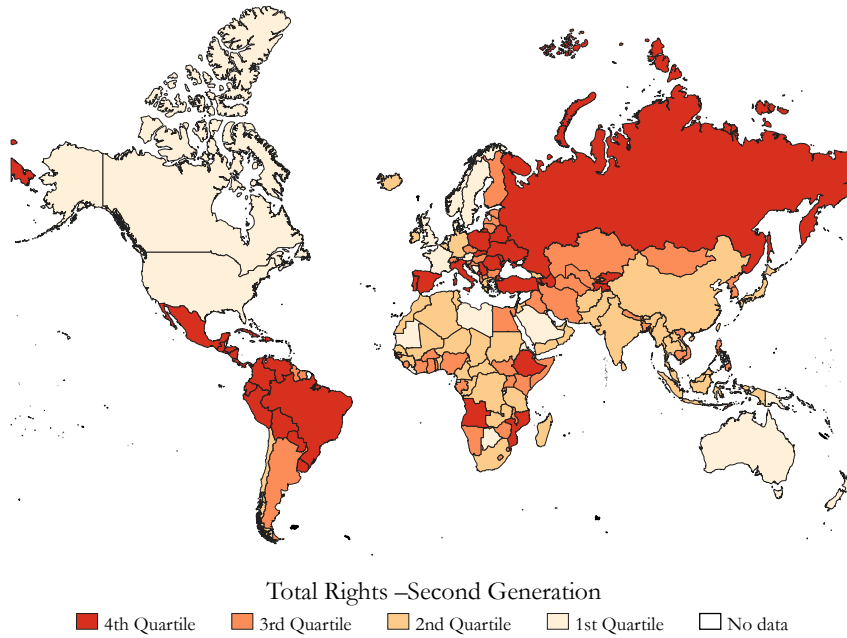
Notes: The figure reports information the total number of First Generation rights included in countries' constitutions. Panel A reports the number of First Generation rights in countries' constitutions by quartile from 1946 to 2018. Panel B maps countries by their the quartile of First Generation rights in 2018.

Figure E2: The Distribution of Constitutional Rights - Second Generation

(a) Constitutional Rights Over Time



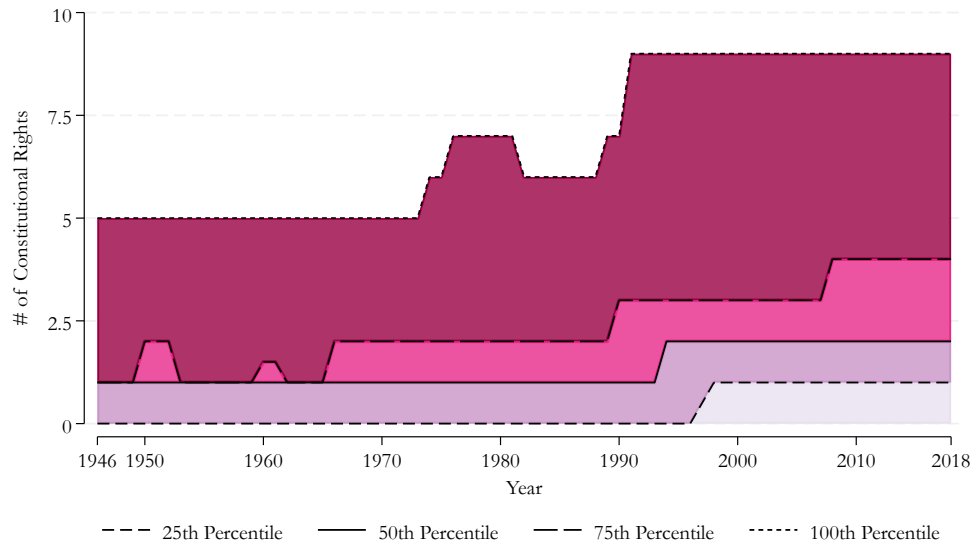
(b) Constitutional Rights by Country



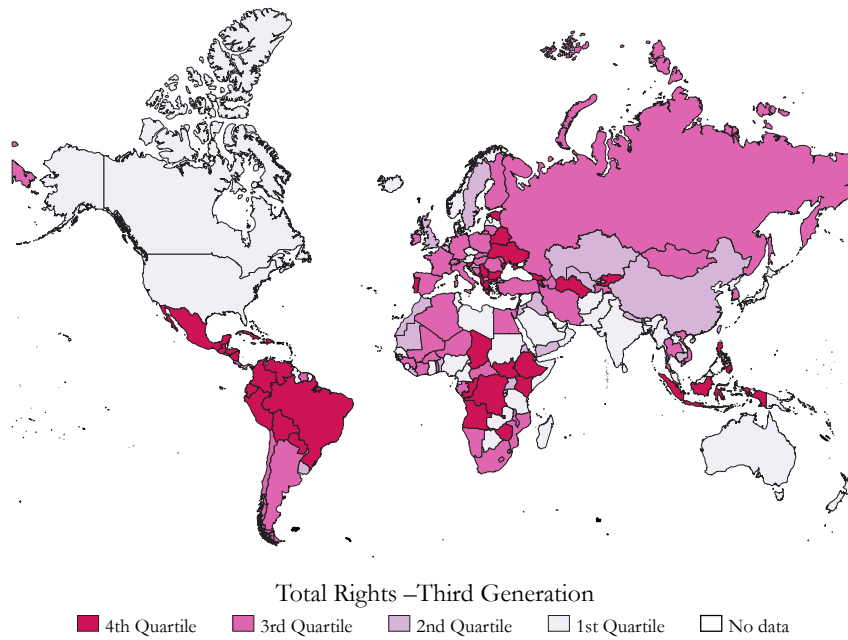
Notes: The figure reports information the total number of Second Generation rights included in countries' constitutions. Panel A reports the number of Second Generation rights in countries' constitutions by quartile from 1946 to 2018. Panel B maps countries by their the quartile of Second Generation rights in 2018.

Figure E3: The Distribution of Constitutional Rights - Third Generation

(a) Constitutional Rights Over Time



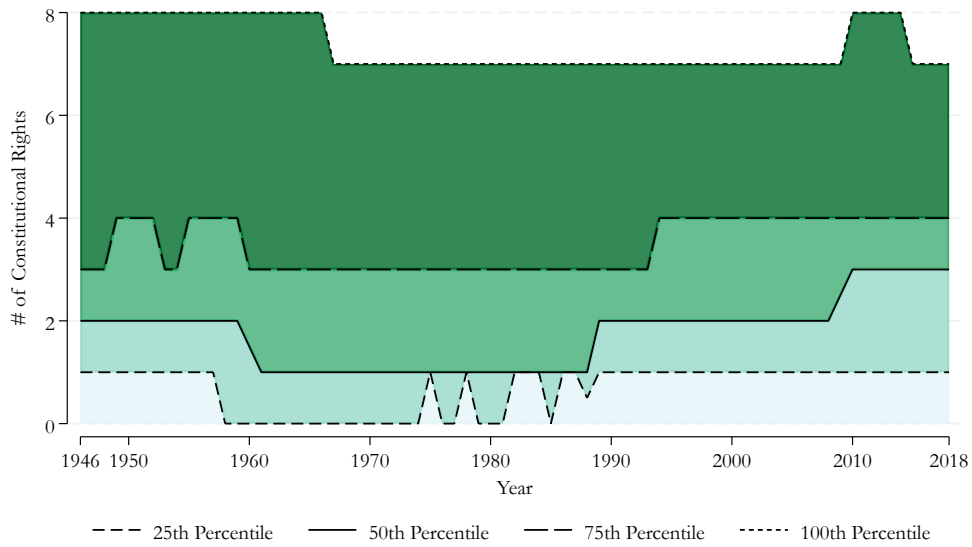
(b) Constitutional Rights by Country



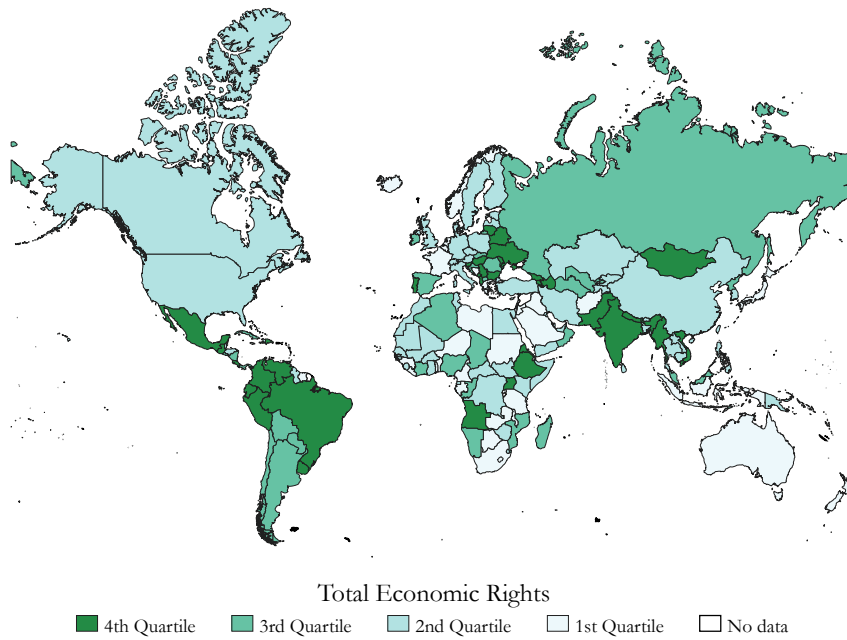
Notes: The figure reports information the total number of Third Generation rights included in countries' constitutions. Panel A reports the number of Third Generation rights in countries' constitutions by quartile from 1946 to 2018. Panel B maps countries by their the quartile of Third Generation rights in 2018.

Figure E4: The Distribution of Constitutional Rights - Economic Rights

(a) Constitutional Rights Over Time



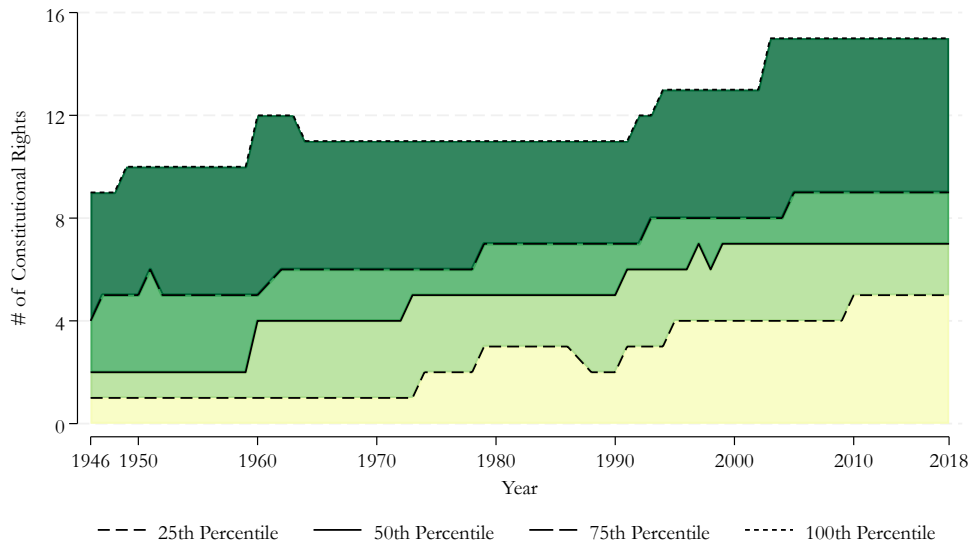
(b) Constitutional Rights by Country



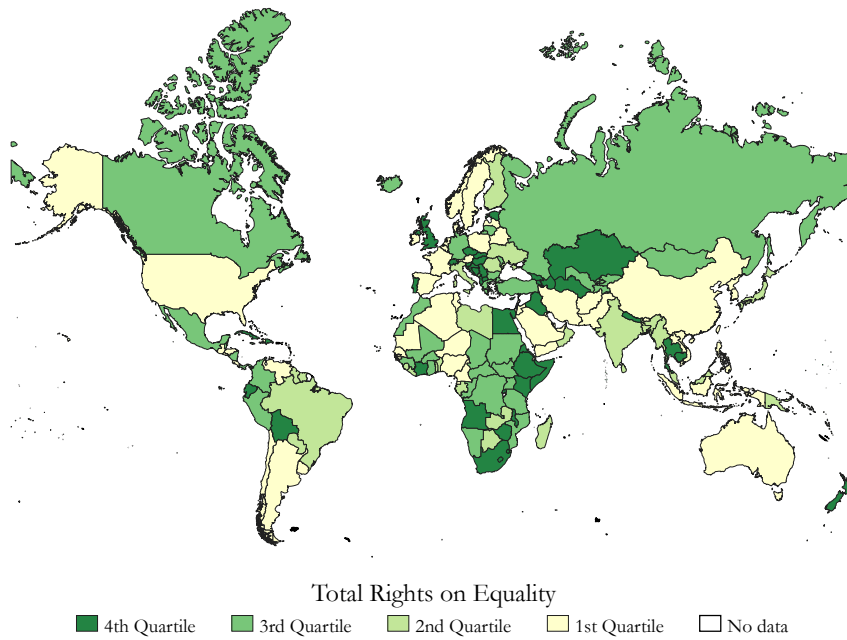
Notes: The figure reports information the total number of Economic Rights included in countries' constitutions. Panel A reports the number of Economic Rights in countries' constitutions by quartile from 1946 to 2018. Panel B maps countries by their the quartile of Economic Rights in 2018.

Figure E5: The Distribution of Constitutional Rights - Equality Rights

(a) Constitutional Rights Over Time



(b) Constitutional Rights by Country



Notes: The figure reports information the total number of Equality Rights included in countries' constitutions. Panel A reports the number of Equality Rights in countries' constitutions by quartile from 1946 to 2018. Panel B maps countries by their the quartile of Equality Rights in 2018.

Appendix F: Additional Analyses and Results

Table F1: Relationship Between Constitutional Rights and Human Rights

| | (1) | (2) |
|------------------|----------------------|----------------------|
| # of Con. Rights | -0.024*** (0.007) | -0.015*** (0.006) |
| Observations | 189 | 10,094 |
| R-Squared | 0.048 | 0.086 |

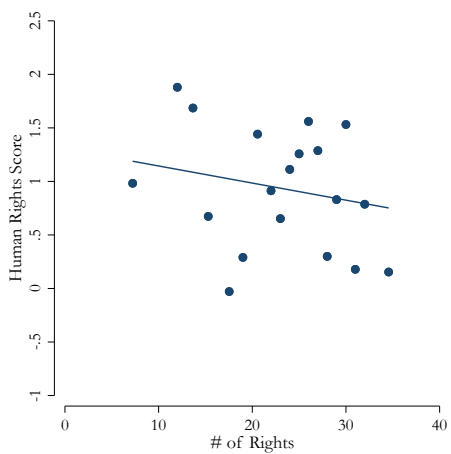
Notes: The table reports regressions estimating the relationship between the number of rights included in countries' constitutions and their Human Rights Scores. The table specifically recreates Columns 1 and 3 without dropping observations with missing control variables. Column 1 report results using country-year observations from 2018 and Column 2 report2 results using all country-year observations from 1946 to 2018. All regressions estimated using OLS. Robust standard errors are reported in parenthesis (Column 2 cluster2 standard errors by country). * p \leq 0.1; ** p \leq 0.05; *** p \leq 0.01.

Table F2: Types of Rights

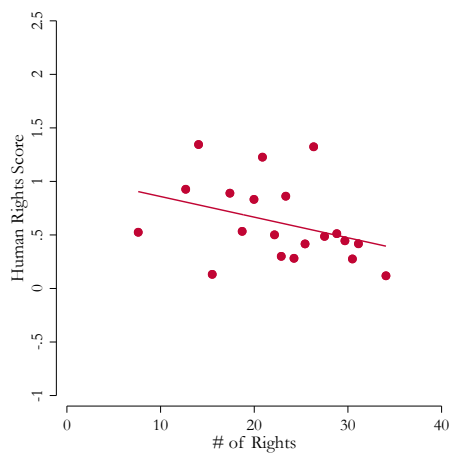
| | Countries in 2018 | | All Country-Years | |
|-----------------------------|---------------------|----------------------|----------------------|----------------------|
| | (1) | (2) | (3) | (4) |
| A. First Generation | | | | |
| # of Rights | -0.012 (0.017) | -0.019* (0.012) | -0.015 (0.012) | -0.018** (0.008) |
| Observation | 161 | 161 | 8911 | 8911 |
| R-Squared | 0.003 | 0.625 | 0.049 | 0.543 |
| B. Second Generation | | | | |
| # of Rights | -0.055** (0.023) | -0.023 (0.016) | -0.050*** (0.017) | -0.031*** (0.010) |
| Observation | 161 | 161 | 8911 | 8911 |
| R-Squared | 0.035 | 0.623 | 0.077 | 0.546 |
| C. Third Generation | | | | |
| # of Rights | -0.127** (0.056) | -0.100*** (0.033) | -0.141*** (0.045) | -0.104*** (0.026) |
| Observation | 161 | 161 | 8911 | 8911 |
| R-Squared | 0.031 | 0.636 | 0.074 | 0.550 |
| D. Economic | | | | |
| # of Rights | -0.099 (0.062) | -0.090** (0.040) | -0.109** (0.045) | -0.086*** (0.026) |
| Observations | 161 | 161 | 8911 | 8911 |
| R-Squared | 0.015 | 0.629 | 0.063 | 0.546 |
| E. Equality | | | | |
| # of Rights | -0.022 (0.038) | -0.030 (0.023) | -0.043 (0.030) | -0.020 (0.019) |
| Observations | 161 | 161 | 8911 | 8911 |
| R-Squared | 0.002 | 0.621 | 0.051 | 0.535 |
| <hr/> | | | | |
| GDP (log) | | ✓ | | ✓ |
| Population (log) | | ✓ | | ✓ |
| Polity Score | | ✓ | | ✓ |
| Year FE | | | ✓ | ✓ |

Figure F1: Binscatter - First Generation Rights

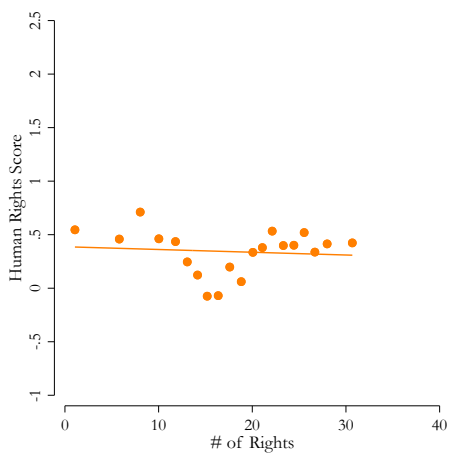
(a) Countries in 2018



(b) Countries in 2018 - With Controls



(c) All Countries



(d) All Countries - With Controls

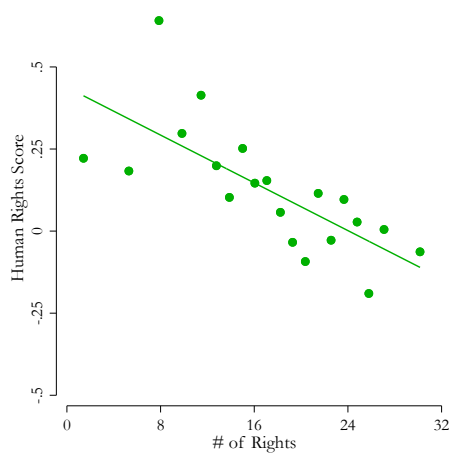
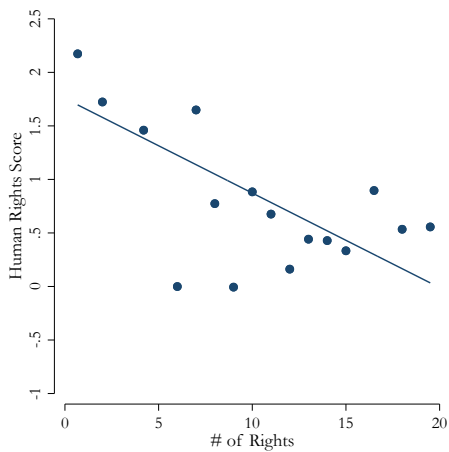
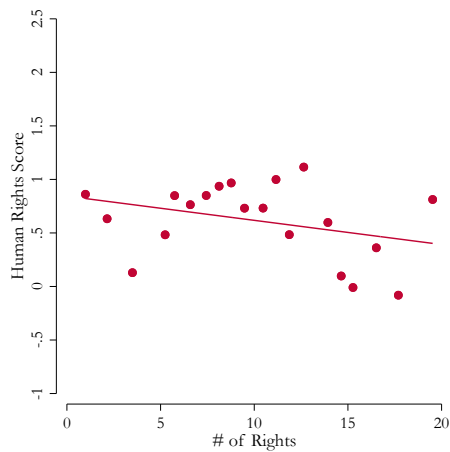


Figure F2: Binscatter - Second Generation Rights

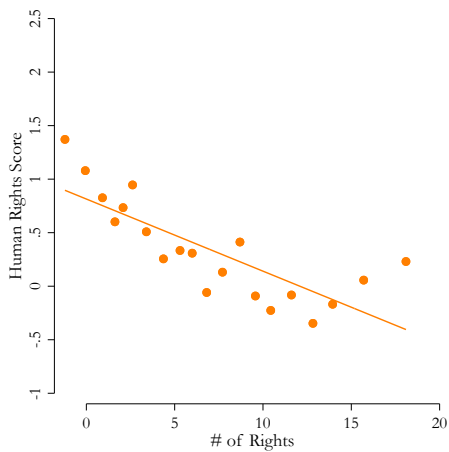
(a) Countries in 2018



(b) Countries in 2018 - With Controls



(c) All Countries



(d) All Countries - With Controls

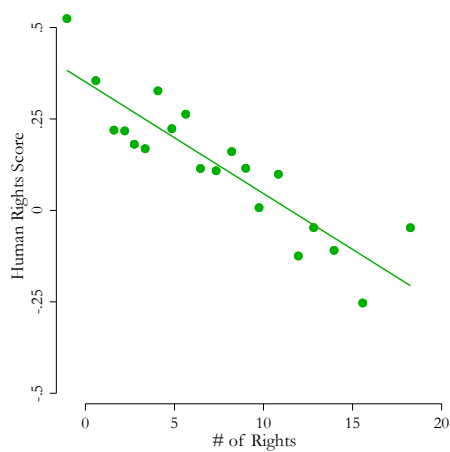
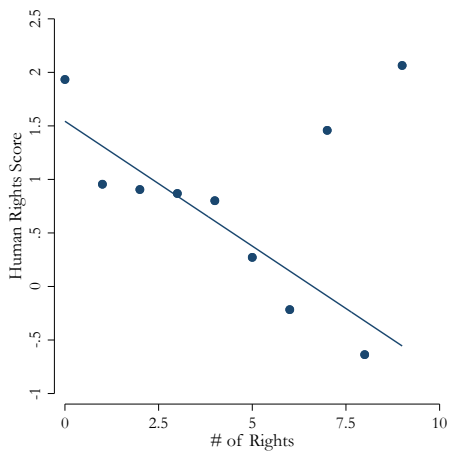
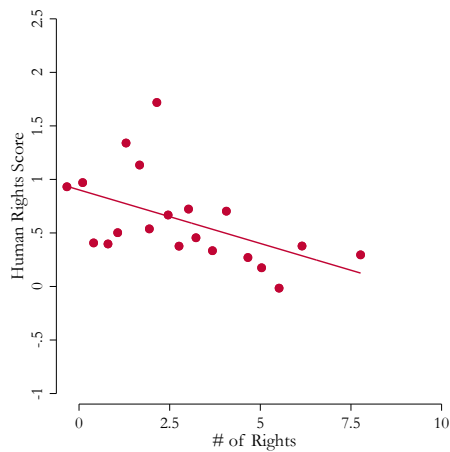


Figure F3: Binscatter - Third Generation Rights

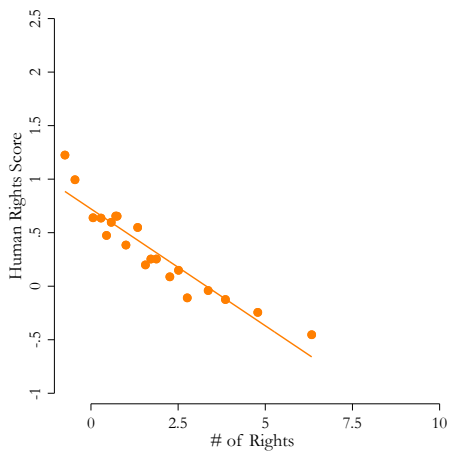
(a) Countries in 2018



(b) Countries in 2018 - With Controls



(c) All Countries



(d) All Countries - With Controls

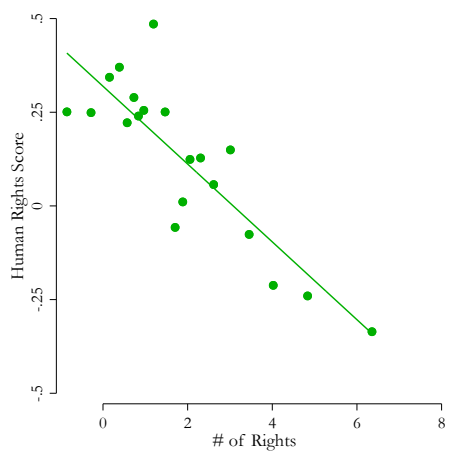
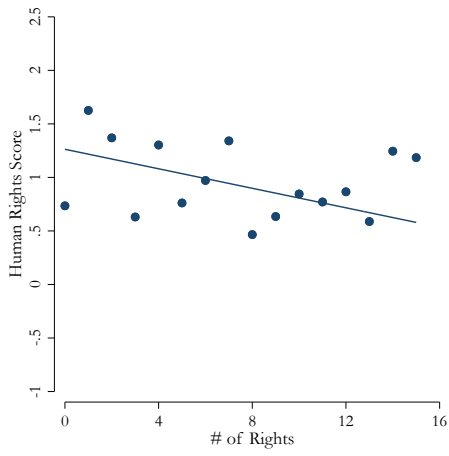
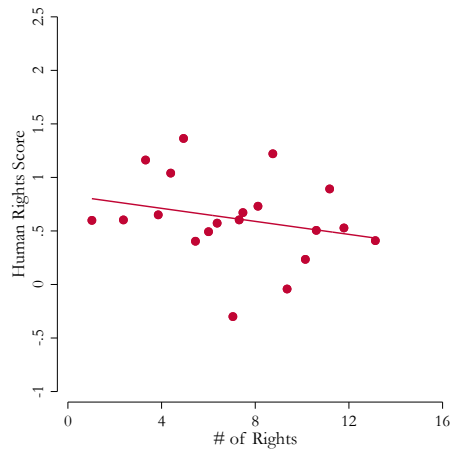


Figure F5: Binscatter - Equality Rights

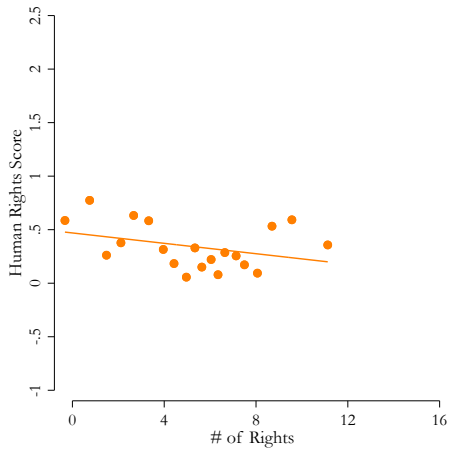
(a) Countries in 2018



(b) Countries in 2018 - With Controls



(c) All Countries



(d) All Countries - With Controls

