

Social Capital, Institutional Rules, and Constitutional Amendment Rates

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Abstract

Constitutional amendment rules tend to be more rigorous than the normal legislative process. This design choice has two important and interrelated consequences: constitutional amendment occurs less frequently than the adoption of new policies, making the risks associated with constitutional change higher. Existing scholarship on constitutional amendment rates have emphasized the variation in the rigidity of amendment procedures (Lutz 1994; Tsebelis N.d.) or the state’s constitutional culture (Ginsburg and Melton 2015; Versteeg and Zackin 2016). As insightful as these approaches are, each leaves major questions unanswered. Institutional scholarship cannot explain the variation over time within states that have not changed their amendment rules or variation between states with near-identical amendment procedures. The literature is also unclear on why constitutional culture changes over time and whether it is an endogenous reflection of amendment rules (Albert 2019).

This paper makes a contribution to both strands of literature by analyzing constitutional amendment rates as an interaction between social forces and institutional rules. Specifically, we theorize that increased social capital creates a political environment in which it is easier to navigate amendment procedures. At the mass level, social capital increases social and political trust (Li, Pickles, and Savage 2005; Rahn and Rudolph 2005). At the elite level, social capital is associated with improvements in government performance and legislative collegiality (Putnam 1993; Lawless, Theriault, and Guthrie 2018). Thus, we predict the increase in reciprocity produced by social capital mitigates the risk associated with constitutional change.

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Our analysis proceeds in three parts. First, we examine amendment rates cross-nationally, using national-level measures of social capital gathered from the World Values Survey. The data indicate that amendment frequency is a function of institutional rules, levels of group participation, and social and political trust. Next, we turn to the American case at the national and subnational levels. We find that amendments to the U.S. Constitution are more likely to advance towards ratification in years when group participation rates are stronger and Americans express higher levels of political trust. Finally, the determinants of U.S. state constitutional amendment rates are similar to those uncovered in the cross-national analysis. While procedural rigidity reduces amendment frequency, state-level measures of group participation and state governmental trust are positively associated with constitutional change.

Keywords: constitutional amendments, procedural rigidity, social capital, political trust

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