



Coups and constitutional change

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Abstract

Successful coup plotters come to power by disregarding the constraints of their country's constitution. Yet, 42% of them initiate the writing of a new constitution within three years after their coup. In this paper, we ask under which conditions coup-plotters are particularly likely to instigate a new constitution, whether coups staged by members of the military lead to constitutions different from those instigated by civilian plotters, and in what sense these constitutions can be distinguished from those that have emerged out of other contexts. To do so, we introduce five measures of constitutional characteristics that specifically relate to the allocation of political power. We find that military coup plotters are particularly likely to draw on constitutional assemblies in order to produce new constitutions and that constitutions created in the aftermath of a coup are particularly difficult to amend. Individual traits of the coup plotters, such as their (military or civil) rank or their age, are not significantly associated with the structure of the new constitutions. We also show that in most ways, constitutions written by coup plotters are similar to those of other autocracies except that they include more paragraphs without being longer. We argue that our findings can inform the ongoing debate about the characteristics of autocratic regime transitions and democratisation.

Keywords Coups · Constitutional change · Endogenous constitutions · Political economy

JEL Classification H19 · K10 · P16

1 Introduction

On the 31st of March 1933, the Uruguayan President Gabriel Terra instigated a coup d'état with the help of the police. The coup ended a long stretch of democracy in Uruguay yet one of Terra's first decisions was to write a new constitution. Elections to

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a constitutional assembly were held on the 25th of June that year, and the assembly drafted a new constitution that was approved in a referendum the following April. Decades later, neighbouring Paraguay experienced a bloody coup unfolding on the 2nd and 3rd of February 1989, in which General Andrés Rodríguez ousted the regime of the country's long-time dictator Alfredo Stroessner. Rodríguez, who served as president from 1989 to 1993, likewise oversaw the implementation of a new constitution, drafted by a constituent assembly elected in December 1991, which entered into force in June 1992.

These examples may appear paradoxical although they are far from unique, and five constitutions currently in force in Latin America and the Caribbean were written in the immediate aftermath of successful coups. A coup d'état is by definition an illegal and unconstitutional act in which power changes hands without regard for due process or regular political procedure, i.e. it is in violation of the country's constitution. At first sight, it therefore might seem counterintuitive that coup plotters would be keen to implement a novel constitution that would legally constrain them. Yet, recent information contained in Bjørnskov and Rode's (2020) database of regime types and regime changes suggests that almost half of all successful coups since 1950 have been followed by a new or substantially amended constitution within 3 years of the event. It thus seems that even coup plotters believe in the constraining force and (or) legitimating power of constitutions. The main questions of this paper therefore are: Why do regimes that come to power through illegal means so often implement new constitutions and how do they influence their construction?

We explore the seemingly paradoxical observation that constitution-breakers convert to constitution-makers and ask three more specific questions: (1) What are the factors that lead coup-plotters to pass a new constitution or to stay with the existing document? (2) Do different types of coups lead to different constitutional responses? In particular: does it matter whether the coup plotters belong to the military or are civilians? And (3) what, if anything, distinguishes these constitutions from those written under more regular circumstances?

The literature has analysed various effects of coups such as the likelihood of experiencing yet another coup (Gassebner et al. 2016), their economic effects, and in particular those on FDI and economic growth (e.g., Blum and Gründler 2020; Grier et al. 2025), their effects on basic human rights and institutional quality (Lachappelle 2020; Bennett et al. 2021) and others. We add to the knowledge on the effects of coups by focusing on an aspect hitherto almost entirely neglected by the literature, namely their effects on constitutions. By focusing on constitution-writing activities of coup-plotters, we also add to the scant literature on endogenous constitutions.

We combine newly developed data on regime types and regime changes, covering Latin America and the Caribbean since 1920, with a set of measures of new constitutional provisions defining the allocation and constraints on government power. Our main findings are that constitutions written in the follow-up of a coup rely on constitutional assemblies more frequently than constitutions written under more stable circumstances. We do not find significant differences in the balance of competences between the executive, the legislature, and the armed forces in constitutions written post-coup vs. those written in more stable autocratic circumstances. Yet, constitutions written after a coup are significantly more difficult to amend than constitutions written in other circumstances, indicating that coup-plotters have an interest in binding others to the rules of the game defined by them. Overall, it seems that constitutions written under stable autocrats and those written under coup-plotters display many similarities whereas those created by democratic regimes display a number of significant differences from the other two such as granting fewer powers

to the armed forces and granting fewer additional powers to the executive under a state of emergency.

The remainder of the paper is structured as follows: In the next section, we discuss constitution-making in the framework of the theory of endogenous constitutions. Particular emphasis is on the incentives that constitution-plotters might have to get involved in constitution-making. In Sect. 3, we describe our data and our empirical strategy. Section 4 contains descriptive statistics. We report our main results in Sects. 5 and 6 concludes.

2 Why would coup governments write new constitutions?

Before presenting our hypotheses proper, it is apt to define our central terms, namely coups and constitutions. Powell and Thyne (2011, 252) define coups as “*illegal and overt attempts by the military or other elites within the state apparatus to unseat the sitting executive*”. Note that according to this definition, the mere attempt to unseat the sitting executive is already categorised as a coup. Moreover, coups do not have to be led by the military (which could be referred to as military coups), but may be undertaken by any elite that is part of the state apparatus.¹ Since the incentives of military plotters may be different from those of their civilian partners in crime, some of the hypotheses we present in the following are based on that distinction. Since failed coups can also lead to new constitutions or be reflections of conflicts that would do so, the distinction between successful and failed coups is equally important.

Turning to a definition of our second central concept, Finer (1979, 5) proposed to define a constitution as “codes of rules which aspire to regulate the allocation of functions, powers and duties among the various agencies and offices of government, and define the relationship between these and the public.” Constitutions are said to have a number of functions, among them to serve as a coordination device between various government offices and authorities and as a commitment device making the promises of the government of the day more credible, as constitutions can usually only be changed if a supermajority agrees to their amendment.

2.1 Why write a new constitution?

At first sight, it seems unlikely that those who—by completely ignoring constitutional rules—have plotted themselves into office would be keen to pass a new constitution subjecting themselves—or those whom they award with government positions—to a set of binding constraints. And successful coup-plotters have, indeed, behaved in a myriad of ways: After the 1988 military coup in Burkina Faso, substantial decision-making power was shifted to parliament. The 1984 coup in Guatemala led to a new constitution in the following year, in which the power of the executive was clarified; however, the new constitution was very similar to the country’s 1965 constitution. The 1982 post-coup constitution of Ghana weakened the power of both the legislative and the executive branch, reversing a trend that had begun in 1957, which among other things had gradually increased the government’s emergency powers (Bjørnskov and Voigt 2018a). Similar constitutional changes were observed in Burma subsequent to its 1962 military coup.

¹ We use the terms “coup” and “coup d’état” interchangeably here. “Military coups” are based on a more narrow definition, as the lead perpetrators would have to include the military.

In sum, the constitutional changes observed post-coup appear very heterogeneous—and difficult to make sense of. But this is exactly what we try to do in this section. Various theories to explain constitutional change have been proposed. Since coup plotters instigating the writing of a new constitution are in the business of constitutional change, we briefly discuss three different theoretical frameworks.

Voigt (1999), first, proposes to interpret constitutional change as the outcome of a bargaining game that is played by a finite number of actors who represent only those groups of society who managed to overcome the dilemma of collective action and who have some positive veto power at their disposal. This is, hence, different from the social contract view, where (imagined) deliberation takes place between all members of society. Veto power is here thought of as the power of a group to (negatively) impact the overall number of goods produced within a country. Conceived thus, labor unions can command veto power if they have the capacity to call important strikes. This conception of veto does, hence, not depend on capital ownership.

Constitutions are assumed to have distributive consequences. It follows that different groups prefer different rule sets that serve their own particular interests best. The relative power of groups might change over time, e.g. due to technological change, and if the constitution does not continue to reflect the relative power of the various groups anymore, those who have gained in power will demand constitutional change in their favor.

The theoretical model by Acemoglu and Robinson (hereafter AR) (2006) is a better known variant of a similar basic argument. In their workhorse model, AR distinguish between two groups: the powerful elites and the less powerful non-elites. The non-elites demand redistribution of wealth in their favor, e.g., in the form of social and welfare services. If their threat to stage a revolution—the political replacement risk that the elite faces—appears credible, the elites have an incentive to start negotiations and make at least some political concessions to the non-elites. The credibility of threats can change over time, for example, because the non-elites overcome the dilemma of collective action, because of technological progress that makes their input more valuable, and the like. AR assume that some form of negotiations take place and the two groups agree on a modified constitution that entails a more favorable distribution of public goods for the non-elites.

Although the model is well-known, its simple elite vs. non-elite structure does not appear helpful in explaining most of the constitution-making taking place after coups as most coup-plotters are part of the elite (or at least desire to be so). If coups are interpreted as the manifest outbreak of conflicts among different parts of the elite, the model by Wallis, Weingast and North (hereafter, NWW) (2009) seems better able to recognise the conflicts.

NWW propose that human history has known only three types of social order: (1) foraging, (2) limited access, and (3) open access.² Today, only some 30 countries (roughly the member states of the OECD) have managed to become open access orders. Most coups occur, hence, in limited access orders. In these orders, violence is controlled by relying on a “dominant coalition.” Members of the dominant coalition share the rents that emerge from the absence of violence. In this frame, coups can be interpreted as a conflict *within* the dominant coalition. The main difference between NWW and AR is that the latter basically rely on two actors (the elite vs. the non-elite), whereas the former model the elite as a coalition of a multitude of actors. In their explanation of transitions, NWW focus on

² North et al. (2009) describe foraging orders as those of hunter-gatherer societies that lack central authority and formal institutions. In limited access orders, violence is controlled by an elite coalition access to which is limited. The surplus resulting from the control of violence is shared solely among the elites. Open access orders are those in which it is the state that limits violence and the military is ideally controlled by civilians. Access to important positions is open to all and selection is made on the basis of merit.

the bargaining that takes place within the dominant coalition, hence explicitly giving up the monolithic actor assumption relied on by AR.

Finally, Bjørnskov (2020) can be seen as a variant on NWW although he models the dominant coalition as two separate and potentially antagonistic elites. Instead of a unitary elite, he considers two types of elites that can support an incumbent as well as a coup: a military establishment and a civilian/industrial economic elite. As there are different coordination costs involved in finding support in the two elites because the civilian elite has more diverse objectives than the military elite, the elites have different constitutional preferences. Specifically, Bjørnskov (2020) shows how military dictatorships practically always have preferences for presidential systems with clearly defined political veto players.

In light of these theories, coups can be interpreted as an unresolved conflict within the dominant coalition or as an indicator that actors within one or more elite groups believe that the current state of affairs does not adequately reflect their relative power. This can be the consequence of a number of developments: assuming that the relative power of the relevant groups has remained unchanged, the regime to be overturned may be perceived as having moved away from the original constitutional bargain. Coup plotters then claim to aim at restoring the original deal including the order and stability coming with it. If plotters are driven by this goal, they are unlikely to initiate the writing of a novel constitution, but may at times instead aim for reinstating what they claim is the ‘original’ or proper constitution.

Assuming instead that relative powers have changed, those having increased their relative power may plot a coup after other attempts to modify the constitution in their favor have failed. Members of the military may, however, also plot a coup to signal that, after all, it is they who are in charge of the guns if alternative credible threats are emerging. In sum, we expect coup plotters—no matter whether belonging to the military or not—to engage in constitution-making to fix a constitutional bargain that is more favorable to them than the rules of the previously valid constitution. However, it remains a possibility that coup plotters aim at *avoiding* constitutional change if other influential groups in society for some reason are credibly pushing for constitutional reform. For example, this dynamic was arguably behind the military coup in late 1944 in El Salvador when the presidency passed to General Andrés Menéndez, who promised constitutional reform and new elections.

2.2 When coup-plotters become constitution-writers

Based on these considerations, we now proceed to generate more concrete hypotheses on the factors that drive coup-plotters to opt for a new constitution—or to prefer to leave the existing one untouched. Based on the more general theoretical considerations above, we expect that decision to be determined by five main factors:

(1) The relative power accorded to the various groups under the old constitution. Should the coup plotters perceive the written bargain as not reflecting current *de facto* power relationships, they are expected to opt in favor of a new constitution.³

(2) The behavior of the previous government. It may be that the perpetrators support the existing constitution but that they believe the ousted government had simply not acted in accordance with that constitution. If that is their motivation, they will not resort to constitution-writing.

³ This hypothesis is in line with Svobik (2009) who argues that the primary conflict in dictatorships is not between the autocrat and the masses but one among the members of the elite. Should an autocrat attempt to opportunistically increase his powers at the expense of the ruling coalition, the members of the ruling elite may threaten to stage a coup.

One possibility to test this empirically is to ask to what degree the previous government has actually complied with constitutional constraints (cf. Gutmann et al. 2024).

(3) Personal traits of the coup plotters are expected to matter, too. We expect older plotters to have a shorter time horizon and to incorporate the possibility that they will not be able to stay in office indefinitely (cf. Jong-a-Pin and Mierau 2022). They, thus, have incentives to write a new constitution in the hope of binding their successors. One way of doing so is to implement particularly strict constitutional amendment rules in the newly created constitution. If coup plotters do not expect to stay in power for long after the coup, they are likely to face a similar incentive. Then again, one could argue that due to their shorter time-horizon they would also have fewer incentives to try to bind future governments.

(4) Successful coup-plotters may also have incentives to get involved in constitution-making in an attempt to increase their own political credibility and legitimacy and lower their costs of governing. One function often attributed to constitutions is to make promises of the governing more credible (e.g. Elster 1984). This would hold for both military and civilian plotters. Yet, military perpetrators will often suffer from a lack of credibility in which case they may be more likely to get involved in constitution-making than civilian perpetrators. However, they may also try to buy credibility and legitimacy by delegating the writing of a new constitution to non-military actors.⁴

So why would coup-plotters prefer to write a new constitution rather than to hold elections?⁵ Running elections is foremost a credible signal if the coup-plotters have promised to run them. As the consequence of elections, government personnel is likely to change. But if the plotters are more concerned with sending signals regarding substance, a new constitution that promises secure property rights, a modified separation of powers etc. may be the preferred choice.

(5) In the aftermath of a coup, a decision also needs to be made on the issue whether the plotters want to run the country themselves or prefer to delegate that competence to somebody else. This decision is of particular relevance with regard to military coups as military governments are often viewed with suspicion by both the citizens of the country and foreign governments as well as international organisations. The decision may, hence, involve a simple tradeoff between power (keeping the power oneself) and legitimacy (delegating the power to others). Then again, plotters may not be primarily interested in establishing or improving democracy. As people usually prefer binding others rather than themselves (Elster 2000), we expect that perpetrators who decide not to stay at the helm of government are much more likely to initiate constitution-making than those who stay at the helm themselves.⁶

⁴ Albertus and Menaldo (2018) observe that over the last two centuries, roughly two thirds of all transitions to democracy have been implemented on the basis of constitutions written under autocracy. They argue that under certain conditions, elites may prefer what they coin “biased democracies” over autocracy. The elites would then try to get their own agenda protected by giving it constitutional rank. As one example typically used by the elites, Albertus and Menaldo (2018, 27) mention supermajorities required to implement constitutional change. They find their predictions regarding the consequences of elite-biased democracies largely confirmed empirically: In comparison to popular democracies, they would be less pluralistic, inclusive, and representative; they tend to have smaller governments and spend less on education, healthcare, and housing.

⁵ This question was actually raised by an anonymous referee, whom we thank.

⁶ Negretto (2014) conjectures that military leaders seek to pass a new constitution if they intend to implement far-reaching changes. He argues that the presence of a political party that supports the military regime is a great advantage in realising that goal. Albertus and Menaldo (2014) argue that constitution-writing by military leaders serves multiple purposes, among them to pretext the property rights of those who supported their ascendancy to power: Another purpose is to make themselves subject to overthrow which could increase the legitimacy of the military regime and increase the trust that others have in it.

2.3 Traits of the new constitution

Assuming that a decision has been made to produce a new constitution, three follow-up questions arise: (1) to what degree will the new constitution be different from the current one; (2) will it be different from constitutions written under more politically stable circumstances; and (3) does the identity of the coup-plotters (in particular the difference between military and civilian coups) make a difference regarding the content of the constitution and the procedure through which it is written?

First, writing a constitution after a successful military coup can be interpreted as (re-) defining civil-military relationships. For simplicity, we assume that military coup plotters at least pretend to represent the military as a whole and have an interest in a strong military that is as independent as possible from the civilian government of the country (see, e.g., Self 2023). Based on these assumptions, it seems plausible that the coup plotters have an interest in the following aspects, which we expect them to reflect in the ensuing constitutional document: (1) who has the competence to promote members of the military to higher ranks; (2) the budget of the military; (3) whether the military is defined as a ‘guardian’ of the constitution⁷; (4) that the overthrow of the previous government was in line with constitutional rules, such that the military may increase its legitimacy *ex post* by having a provision included into the constitution that allows—or even obligates—it to overthrow a sitting government that is not serving the people (see Ginsburg et al. 2012)⁸; and (5) forward-looking coup-plotters will try to minimise the likelihood of future coups directed against them, thereby wanting to fix the power of the different military branches in the constitutional document (cf. Bjørnskov 2020).⁹

A change in one of our assumptions would lead to a different prediction. If we assume that the coup-plotters do not perceive themselves primarily as representing the military, but as representing a specific ethnic group or specific industrial interests, we would expect that the status of those groups is somehow improved under a new constitution. In case that group happens to be the largest group in a country, allocating more powers to a democratically elected parliament may be entirely rational.

All these conjectures refer to constitutional content that the plotters of military coups are interested in. Coups plotted by civilians are more likely to be supported by industrial, ethnic or otherwise civilian groups. As such, we would expect that constitutions written after civilian coups imply increased opportunities for easy rent-seeking and thus continued political influence of these specific special interests. This may, for example,

⁷ The constitution of Honduras, e.g., stipulates that the armed forces “are established to defend the territorial integrity and sovereignty of the Republic, to maintain peace, the rule of the Constitution, the principles of free suffrage and alternation in the exercise of the office of the President of the Republic” (Art. 272). As shown in Loveman (1994), making the military the guardian of the constitution has a long tradition in Latin America

⁸ Inclusion of such a rule is, of course, only possible once the constitution allows overthrowing the incumbent government in case it acts unconstitutionally.

⁹ It is well-known that once a country has experienced a coup, it is more likely to experience yet another one. The experience of a coup is one of the most stable predictors of coups according to the extreme bounds analysis conducted by Gassebner et al. (2016).

take the form of more unchecked powers to parliament and the executive, worse formal protection of property rights and a weaker commitment to markets whenever that forms part of the constitution (Bennett et al. 2021).

However, if coups—no matter whether plotted by soldiers or civilians—are seen as one of a number of possible ways to change the constitution, then constitutions promulgated after successful coups will not necessarily be significantly different from constitutions that are being changed in more marginal steps and by following the amendment rules laid down in a constitution. Coups may thus indicate the failure of more orderly and peaceful ways to renegotiate the contents—and the ensuing distributional consequences—of a country’s constitution.

A somewhat separate issue is the process with which the new constitution is drafted. We here note that the choice of procedure must logically be a tradeoff between two aspects: control of the drafting process and hence the contents of the new constitution, and creating popular legitimacy of the constitution. While it may make sense to assume that procedures chosen for both the writing and the passing of a constitution impact upon the constitution’s content, there is practically no empirical evidence on the relationship between procedure and content. The rules used to aggregate individual preferences into draft constitutions seem to be of paramount importance in this regard, but there are many other aspects (see Elster 1995, 2012). In practice, any executive can choose between three basic ways of drafting the new constitution: (1) the executive does so itself or keeps full control by appointing a commission or assembly to do so; (2) it can let the regular legislature draft the constitution; and (3) it can hold elections for a constitutional assembly, which subsequently drafts the constitution.

In the fairly common case that the executive who decides on implementing a new constitution controls the legislature or is able to control elections to a constitutional assembly—either by genuine popular support or by rigging the elections—we would not necessarily see any substantive differences between the three basic modes of constitution-writing. However, for executives with a fairly strong grasp on power, ‘outsourcing’ constitutional decisions to an elected constitutional assembly may be an effective way to purchase perceived legitimacy. We speculate that this may be a more attractive option for military executives while civilian executives—who are almost always ordinary politicians—have strong incentives to use the existing legislature as the constitution-writing body, insisting on its (and their own party’s) legitimacy.

Overall, exploring if and how constitutions written in the aftermath of coups differ from those written during more stable times, both theories of endogenous constitutions as well as considerations of the specific interests of different types of coup makers may be important. However, we must emphasise that the necessary tradeoffs between control with the constitutional process and the desire to arrive at a situation in which the regime and the new constitution is broadly perceived as legitimate complicates all considerations and prevents us from making simplistic predictions. We therefore proceed to outlining the constitutional data, which we will explore in the following.

3 Data and empirical strategy

We obtain our main data from a new database developed by Sáenz de Viteri et al. (2024) who provide a special edition of the Bjørnskov and Rode (2020) dataset on regime types and regime changes. The dataset covers all countries in Latin America and the Caribbean

going back to 1920, including both sovereign nations and colonies with home rule. This implies that the dataset covers 43 countries, most of which are included from 1920 and others are included from either the time they became independent or were given home rule with elected political institutions.¹⁰

The dataset in Sáenz de Viteri et al. (2024) categorises regimes into seven types: parliamentary, semi-presidential and presidential democracy, civilian autocracy, military dictatorship, and colonies with or without home rule. In addition, the dataset also includes information on whether countries were democratic regardless of their colonial status, whether elections were reasonably free and fair—regardless of whether they actually led to changes of government power, which we consider a condition for being fully democratic—and which suffrage restrictions were in place each year. Most importantly, the dataset includes information on 197 coup attempts, of which 114 (58%) succeeded. 48 of these were civilian coup attempts, i.e. attempts in which the leaders were not affiliated with the military, of which 22 (47%) succeeded.¹¹ In addition, the dataset also offers the age and military rank, as well as a similar civilian rank index, for most central coup makers (cf. Bennett et al. 2021).

We combine these data with our own coding of all new (or ostensibly new) constitutions in the region since 1920 for which we could find the original text. During the period, the region saw 167 new constitutions implemented of which 46 were in colonies, 14 were constitutions that established their independence, and the remaining 107 were new constitutions in already sovereign nations. All these constitutions are listed in Appendix “1”. Our starting point for the coding is data from the Comparative Constitutions Project (Elkins et al. 2009), which we combine with our own coding of a number of additional constitutions not covered in the project.¹² As such, we have evidence of 117 new constitutions in sovereign nations, out of which we have the original text from 109.¹³ For these 109 constitutions, we code a number of features. Of the 117, 22 are written in autocracies with no coups, 15 are written in democracies with no coups, and 13 are written in connection with independence from either the Netherlands or the United Kingdom.

Of the 117 new constitutions, only six were written following successful civilian coups and implemented about 1.5 years after coups while two are written following failed civilian coups—one the year after, another almost four years after. Nine of the constitutions are written in connection with democratisations, typically implemented a year after the event. 43 of our constitutions are written following successful military coups, on average 1.2 years after the coup while another six are written following successful coups, on

¹⁰ St. Lucia provides an example, as the country enters the dataset in 1925 when the new Legislative Council was elected. All elections appear free and fair, but the suffrage was limited by a wealth restriction until 1951 and was restricted to only men before 1931. The country eventually become independent from the United Kingdom in 1979.

¹¹ It may seem superfluous to include non-sovereign nations in a dataset with a focus on coups and constitutional change. However, the data actually include a coup attempt in a colony: the 1967 Anguillan revolution, which failed but eventually led to the separation of Anguilla from St. Kitts and Nevis. The event is wonderfully described in Kobbé's (2013) semi-fictional book *The Night of the Rambler*.

¹² While the Comparative Constitutions Project mainly codes constitutions originally written in or translated to English, we have coded a number of additional constitutions from the original French, Portuguese or Spanish. We found only one constitution, which had been officially translated to English—the Paraguayan 1967 constitution—which was not included in the data from Elkins et al. (2009).

¹³ The constitutions left out are: Argentina's heavily abridged constitution of 1976, Bolivia's short-lived 1945 constitution, Ecuador's constitutions of 1938 and 1945, El Salvador's short-lived 1944 constitution, Guatemala's equally short-lived 1954 constitution, and Suriname's original constitution of 1975, as well as its rump constitution of 1980.

average two years after, and differ from the rest by being examples in which the military democratises. Four of the constitutions are written following failed military coups and implemented very quickly after the event.

Of the 43 successful coups that lead to a new constitution, the six that also count as democracies implementing new constitutions are Brazil in 1946, the Dominican Republic in 1965, Ecuador in 1949, Honduras in 1982, Paraguay in 1989, and Venezuela in 1958.¹⁴

In order to understand if these different coups actually differ, we first update all information to code the Index of Emergency Powers (INEP), as developed in Bjørnskov and Voigt (2018a). The index consists of two parts, both on a scale from 0 to 1: one that captures how easy or politically costly it is to declare a state of emergency (the Cost INEP), and another that captures the additional benefits and discretionary power that are allocated to the executive branch during a state of emergency (the Benefit INEP). The indices are described in detail in Appendix “2”. We also add two indices capturing the discretionary influence allocated to the executive and legislative branches, respectively, during ‘normal’ times outside of emergencies. These indices are the Index of Executive Influence (IEI) and Index of Parliamentary Legislative Power (IPLI). The IPLI was developed in Bjørnskov and Voigt (2018b) while the corresponding IEI is outlined in Sáenz de Viteri and Bjørnskov (2020). In addition to these measures of political influence, we develop three further indices to capture relevant aspects of the constitution. We first develop two indices of amendment power, which captures the power allocated to the executive and legislative branches to amend the constitution; we refer to these as the Index of Executive Amendment Power (IEAP) and the Index of Legislative Amendment Power (ILAP). Finally, we construct an Index of Military Influence (IMI). All of these indices are outlined in detail in Appendix “2”.

In further analysis, we add variables from a number of sources. We first combine national account information in the Maddison Project Database of historical statistics (Bolt and van Zanden 2025) and the Penn World Tables, mark 10 (Feenstra et al. 2015) to obtain real Gross Domestic Product per capita. We also add information from the Varieties of Democracy project (Coppedge et al. 2016) on executive compliance with high court decisions, which is an expert coded index on a scale from 0 to 4. All our data are summarised in Table 1.

As our outcome variable is dichotomous—whether a new constitution was implemented in a given year—we provide a set of conditional fixed effects logit estimates, as in Eq. 1), which include country fixed effects (ζ_j) as well as decadal fixed effects (δ_t) where j denotes country and t denotes time. The former effectively controls for approximately time-invariant factors that might be important. Previous studies have, for example, indicated that societies’ trust cultures affect constitutional length (Bjørnskov and Voigt 2014). Country fixed effects thus solve the problem that although we would ideally want to control for such differences, trust measures are only available for about half of the countries included here. The latter fixed effects instead capture broad effects common to the entire region such as international developments, world wars, and constitutional ‘fashion’. The X-vector includes control

¹⁴ Eight instances are special as these are coups against non-presidential systems: out of the 196 coup attempts in the database, only two coup attempts in Dominica (1981, 1982), two in Grenada (1979, 1984), and one each in Jamaica (1980), St. Kitts (1967), Suriname (1980, turns presidential), and Trinidad (1991) are coups in purely parliamentary democracies. Suriname turned presidential after the 1980 coup whereas Grenada deteriorated into being ruled by the Revolutionary Military Council, led by General Hudson Austin, before being liberated.

Table 1 Descriptive statistics

Variable	Mean	SD	Observations
New constitution	0.039	0.193	4293
Democracy	0.595	0.491	4299
Democratisation	0.018	0.131	4386
Failed coup	0.019	0.143	4326
Successful coup	0.026	0.169	4326
High court compliance	2.407	0.886	2525
Convention	0.101	0.303	158
Elected assembly	0.196	0.398	158
Legislature	0.133	0.341	158
Colonial authority	0.291	0.456	158

variables and the E-vector includes dummies for types of successful and failed coups in years $t-3$ to t .

$$\text{Ln}(\text{prob}(C_{t,j} = 1)) = \alpha + \beta t_{i,j} + \gamma E_{t,j} + \zeta_j + \delta_t + \varepsilon \quad (1)$$

In an additional regression in the appendix, we also apply a multinomial logistic regression when estimating determinants of the choice of mode of constitution-writing, denoted by K in Eq. 2. These regressions do not include country fixed effects as the samples only include country-year observations in which a new constitution is implemented with information on how it is implemented, not if it is. Otherwise, the specification is similar to 1).

$$\text{Ln}(\text{prob}(K_{t,j} = k)) = \alpha + \beta t_{i,j} + \gamma E_{t,j} + \delta_t + \varepsilon \quad (2)$$

Our causal strategy follows a number of recent studies that all derive causal estimates by comparing failed and successful coups. The identifying assumption is that while the risk of observing a coup is not necessarily exogenous to pre-coup developments—such as economic downturns, institutional quality and constitutional development—the probability that the coup succeeds is close to being random (Yu and Jong-a-Pin 2016). In different settings, both Bennett et al. (2021), Blum and Gründler (2020) and Lachapelle (2020) all find that pre-coup trends are similar for failed and successful coups, and that success appears to be affected by unobserved factors. This also implies that even though some coup attempts may be reactions to deteriorating constitutional compliance or plans to change the constitution—typical justifications for coups that we nevertheless cannot identify with any degree of certainty—the effects of successful coups are still causally identified.

4 Typical events

In this section, we describe four observations. First, we document how new constitutions are much more likely after a coup and explore potential differences across the types of coups and types of regimes against which the coup was perpetrated. Second, we show how the constitutional implementation is typically timed relative to the coup. Finally, we explore the mode employed for the drafting of the new constitutions.

4.1 Constitutional probabilities

We begin by depicting the geography of coups and coup constitutions in Fig. 1, and the basic pattern in Fig. 2. The simple probability that a new constitution is introduced in the three years immediately following a successful coup in a non-colony is 44%. These probabilities need to be assessed against the situation outside of coups. In comparison, the probability is 7.2% during the three years following a failed coup—with no successful coups in the meantime. We find that the coup-related probabilities are substantially higher than outside coup periods, and particularly for successful coups: The corresponding average across all potentially overlapping three-year periods with no coups is a 3.5% probability of observing a new constitution per year, split into a 2.4% probability in democracies and a 5.3% probability in stable autocracies.¹⁵ Excluding all countries in which no coup attempt occurred since 1950, the corresponding probability is 4.4%.

Figure 3 further shows the timing of these events. Although the regime differences are not significant at conventional levels, we see indications that civilian coups may be different. First, the probability that a new constitution was introduced in the year of the coup or the next two years is 51.5%, but drops to 35.9% when lagging the coup 1 year. We observe a similar difference for coups that lead to democracy, where 41.7% are associated with a new constitution when the year of the coup is included, but only 33.3% when lagging the coup a year. Second, we observe a small share of military coups (about 5%) that lead to the reinstatement of a former constitution while we find no examples of either civilian coups or coups leading to democracy in which the ‘old’ constitution is reinstated. Third, although the small numbers are not significantly different, the data also indicate that military coups are more likely to lead to the implementation of an interim constitution (9% of the cases) than civilian coups (3%).

As such, when we observe new constitutions after successful coups, the vast majority of them are truly new. However, when ignoring interim constitutions and reinstatements—and thus exploring truly new constitutions versus inaction—we observe no differences between civilian and military coup governments: the former introduce a newly-written constitution intended to be permanent after 36% of their coups while the latter do so in 31% ($p < 0.46$).

These differences indicate that a substantial proportion of the new constitutions is introduced either very quickly after a coup or, potentially, immediately before. In the latter case, the coup must have been a reaction to the constitution, if not entirely coincidental. Conversely, we see no such indications for coups leading to military dictatorship from other regime types. Similarly, we find only minor and insignificant differences when separating which type of regime the coup was performed against: 47.1% of all coups against democracies and civilian autocracies resulted in a new constitution while 54.5% against military dictatorships did so.

¹⁵ The differences between the probabilities after successful and failed coups, and between autocracies and democracies, are significant at any conventional level. Conversely, we cannot claim that the probability of observing a new constitution following a failed coup is higher than in stable autocracies ($p < .27$). A comparison with the larger worldwide sample from 1950 to 2024 in Bjørnskov and Rode (2020) indicates that Latin American and the Caribbean is not substantially different. The probability of a new constitution following a successful coup in this sample is 45% while the probability after failed coups is 19%, and 3.4% in stable autocracies.

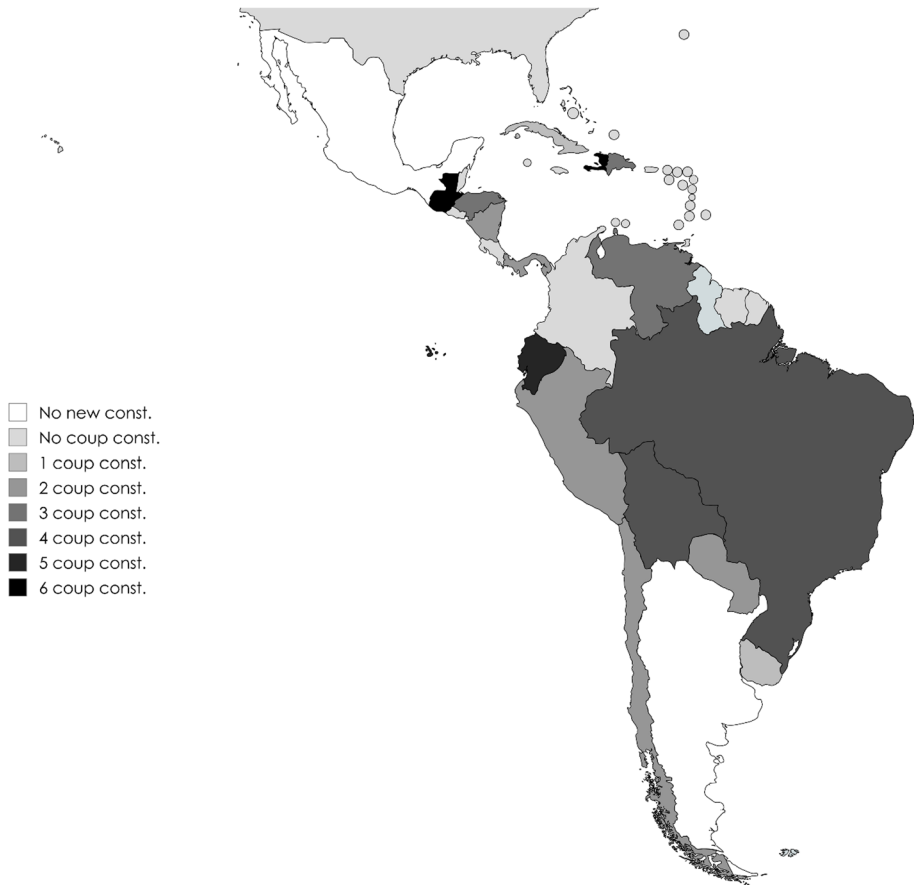


Fig. 1 Coup constitutions in Latin American and the Caribbean

4.2 Constitutional timing

Regarding the timing of the new constitution, we observe a 23% probability of observing a new constitution in the three years prior to a coup versus a 51.4% probability in the three years following the coup ($p < 0.03$). As such, it appears likely that a number of coups in the region have been directed against a new constitution and the allocation of power it entailed. However, as the probability of observing a new constitution more than doubles after the coup, this cannot be the full story. In addition, comparing the situation around failed coups, we find no differences in probabilities prior to the coup versus after the coup (23.3 versus 20.9%; $p < 0.74$). As is visible in Fig. 3, the probability of observing a new constitution increases sharply after the coup and remains high in the three-year period following it.

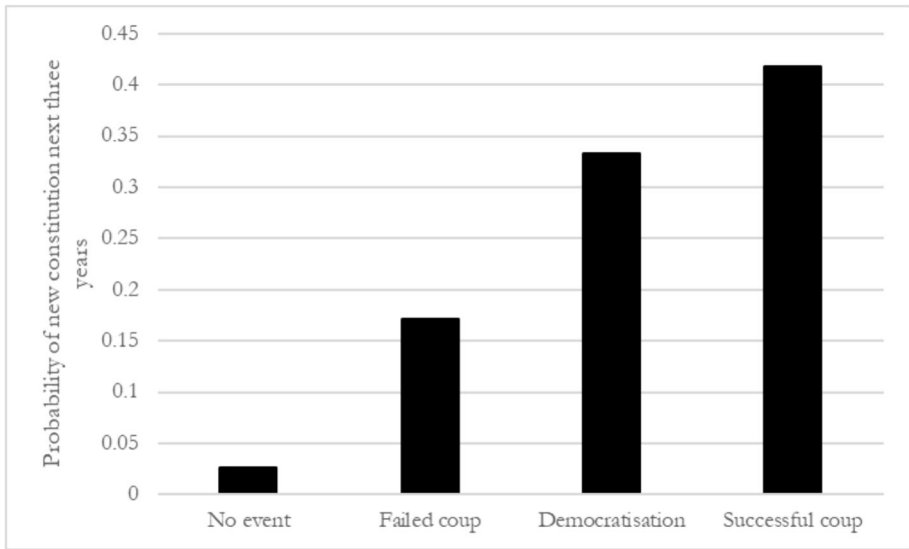


Fig. 2 Probability of new constitution, four events

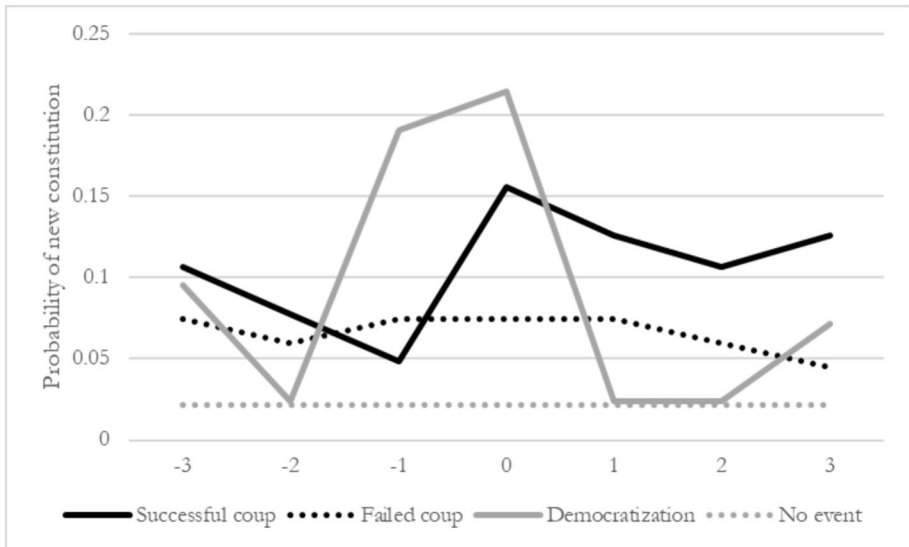


Fig. 3 Timing of constitutional events

4.3 Modes of constitutional drafting

Second, we explore the various types of constitutional drafting applied by coup regimes versus other regimes. Outside of colonies, we explore patterns across 103 entirely new constitutions and 10 reinstated constitutions (often with substantial amendment). We here

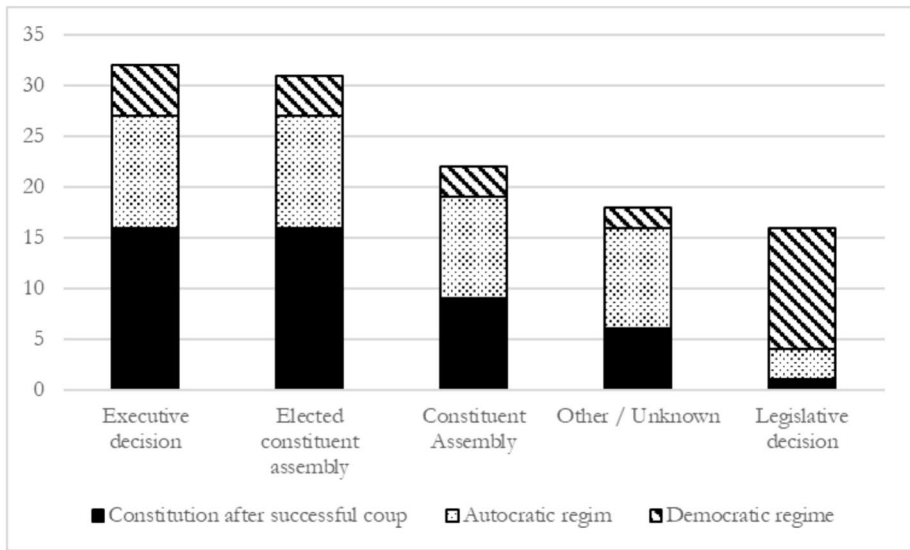


Fig. 4 Modes of constitution-making

exclude the constitutions that were written in colonies and around their independence, as they are fundamentally different by being at least partly written by the colonial authorities, although most often coordinated with the legislature of the colony about to become independent.

As Fig. 4 illustrates, we find that a third of all constitutions (16) implemented after a successful coup were drafted by an elected constitutional assembly while another third was decreed by the executive. Nine constitutions were drafted by non-elected constitutional assemblies or commissions while one was drafted by the legislature and the remaining six were either drafted through other methods or are cases in which we have been unable to find any information. Compared to the same numbers in established autocracies—11 with elected constitutional assemblies and 11 through executive decree but three by the legislature and ten through other means—it is the constitutions drafted by a democratic regime that stand out. 12 of these (46%) were drafted by the legislature, five were decreed by the executive, and only four were drafted by elected constitutional assemblies. Overall, although the elections may not always have been free or fair, regimes that came to power through a coup and wrote a new constitution were significantly more likely to do so through an elected constitutional assembly than stable democracies ($p < 0.07$). These differences seem to indicate that successful military coup plotters strive to increase their legitimacy by having constitutional assemblies popularly elected.

4.4 Democratisation

As a final type of event, we explore the development of democracy around coup events. We here plot the probability that a country in Latin America and the Caribbean that experienced a coup attempt between 1920 and 2022 was democratic in the three years prior to the coup versus its development in the following three years. We separate coups against incumbent democracies (black lines) from coups against incumbent autocracies (grey lines) and successful (full lines) from failed (dotted lines).

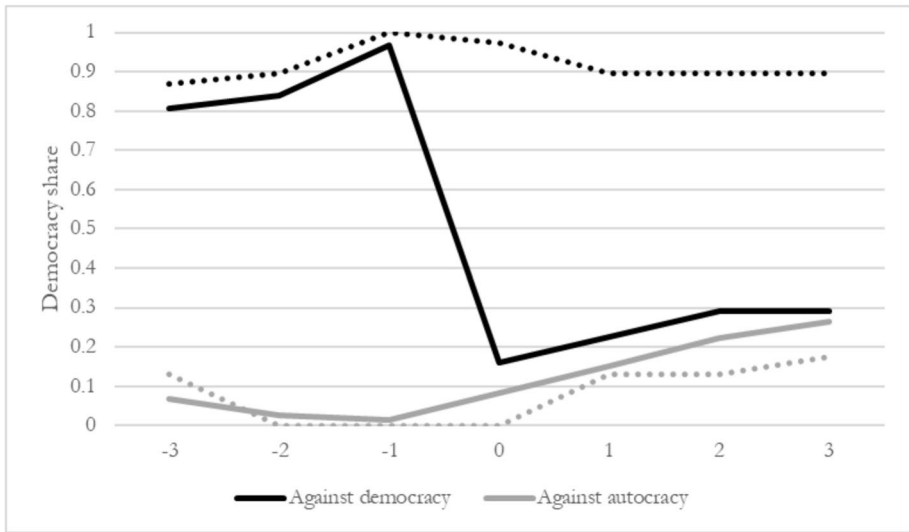


Fig. 5 Democracy pre- and post-coup. *Note* full lines depict the development around successful coups while dotted lines depict development around failed coups

As the figure shows, about 80% (31 cases) of the democracies that experience a successful coup were democratic three years prior to the coup. As such, 20% of the successful coups against democracies were against newly formed democracies. Conversely, only a very small share of the incumbent autocracies that experienced a coup had autocratised in the three years prior to the coup.

We think of the differences in Fig. 5 as a simple test of whether the coup plotters either desire or have the political stamina to stay in power. After 29% of all successful coups against democracies, the country returns to democracy within three years, implying that the coup government has peacefully given up power; whenever a coup against a democracy fails, we observe no significant changes. In comparison, 26% of all successful coups against autocracies result in democracy within three years and 17% of all failed coups against autocracies are eventually followed by democratisation. This comparison therefore sheds doubt on whether democratisation is typically an aim of the coup plotters or whether democratisation is simply a convenient way of maintaining whatever benefits the military stand to lose following such events of political instability, whether they result in regime change or not (cf., Bjørnskov 2020). To be able to say more about this highly contested issue, one way is to explore the contents of the new constitutions implemented after such events. We therefore turn to this issue in more formal analysis.

5 Main results

5.1 Determinants of new constitutions

First of all, we are interested in the conditions under which successful coup-plotters turn to be constitution-writers. We therefore estimate the determinants of introducing a new constitution and report the results in Table 2. Column 1 is our base specification,

which we supplement with an indicator of whether a new constitution had been implemented in the two previous years. In columns 3–5, we exclude all colonies (column 3), exclude all countries with no coup attempts in the period (4), and countries with a new constitution in years $t-1$ to $t-3$ (5).

Apart from the almost obvious finding across all years (coup and non-coup) that having introduced a new constitution in year t implies a very low probability of introducing yet another, we find evidence that democracies in Latin America and the Caribbean are less likely to introduce a new constitution. Second, the results confirm what is visible in the raw data: that regimes that come to power through a coup are much more likely to rewrite the constitution than other regimes. Across the estimates, the odds ratios indicate that the probability of observing a new constitution in the year following a successful coup increases by a factor of $2\frac{1}{2}$ –3. If anything, we find the opposite after failed coups although these estimates are far from significance. We also find that democratisation makes a new constitution more likely although we must emphasise that the effect is estimated with less precision than that of a coup. In addition, we find the intuitive result that older constitutions are more likely to be replaced than recent ones.

Across the table, we find that while the immediate effects of a successful coup and democratisation remain, we find no evidence of systematic effects of failed coups. We also only find evidence of effects of coups and democratisations later than the first year after the de facto regime change when we explicitly exclude country-year observations in which a new constitution had already been implemented in the preceding three years. When doing so, we find that newly democratic regimes as well as regimes that came to power through a coup—and which did not already implement a new constitution—are substantially more likely to do so in the third year after the regime change. In other words, our results are consistent with a situation in which new regimes either implement a new constitution rapidly after coming to power or in the period before the first elections in which they may be challenged.

However, the results in columns 6 and 7 qualify these findings in an important way. When we exclude all military coup attempts in column 6, leaving us with the 45 country-years with civilian coup attempts, we find no robust and significant estimates of coup effects. Conversely, when we exclude the civilian attempts, leaving us 129 military coup attempts to identify effects, the results are substantially stronger. In column 7, both the immediate effects as well as lags 2 and 3 are significant. Furthermore, the odds ratios of these estimates range between 2 and 3, thus indicating politically meaningful effects as well. As such, these additional results indicate that the overall effects are almost entirely driven by the military coups, as opposed to the civilian coups.

In addition, we provide estimates in the lower panel in which we add the V-Dem measure of high-court compliance lagged one year. We do so to test the supposition that new constitutions may be a reaction to poor enforcement of a previous constitution. Yet, a competing hypothesis may be that coup plotters believe that the ousted government was not in compliance with the status-quo constitution, in which case they will not have a new constitution written as their goal was primarily to re-establish the previously agreed upon constitutional bargain.¹⁶ We find no evidence in favour of

¹⁶ In addition, as a reviewer notes, it may be the case that some elite decides to attempt a coup as a blocking response to another group or elite's planned reform attempts. It may in principle also be the case that an incumbent executive initiates an autogolpe (a self-coup) as a way to retain power. Yet, in the data and descriptions of coups in the region, we find very few cases of this type of behaviour and almost all are within civilian regimes.

Table 2 Determinants of introducing a new constitution

	1	2	3	4	5	6	7
Lag democracy	– 0.486* (0.261) [0.615]	– 0.586** (0.251) [0.567]	– 1.039*** (0.340) [0.354]	– 0.1010*** (0.343) [0.364]	– 1.056*** (0.361) [0.348]	– 0.326 (0.324) [0.721]	– 0.415 (0.275) [0.660]
New constitution, t–1		– 0.862** (0.421) [0.422]				– 1.254** (0.618) [0.285]	– 0.884** (0.432) [0.413]
New constitution, t–2		– 1.152 (0.492) [0.316]				– 2.148** (1.039) [0.117]	– .979** (0.447) [0.376]
Log age of constitution			0.412*** (0.124) [1.509]	0.396*** (0.124) [1.486]	0.292 (0.184) [1.339]		
Successful coup	1.349*** (0.342) [2.448]	0.925*** (0.275) [2.251]	0.925*** (0.277) [2.522]	0.931*** (0.277) [2.538]	1.109*** (0.307) [3.033]	0.229 (1.033) [1.258]	1.096*** (0.312) [2.993]
Successful coup, t–1	0.194 (0.319) [1.215]	0.193 (0.326) [1.213]	0.243 (0.332) [1.275]	0.260 (0.337) [1.297]	0.489 (0.376) [1.631]	– 0.932 (0.941) [0.394]	0.213 (0.384) [1.238]
Successful coup, t–2	0.172 (0.45) [1.189]	0.272 (0.357) [1.313]	0.229 (0.361) [1.258]	0.279 (0.366) [1.322]	– 0.132 (0.490) [0.876]	– 14.953 (1422.592) [0]	0.724* (0.390) [2.062]
Successful coup, t–3	0.449 (0.321) [1.567]	0.495 (0.323) [1.641]	0.488 (0.327) [1.628]	0.503 (0.328) [1.653]	0.798** (0.381) [2.221]	0.428 (1.122) [1.535]	0.712* (0.372) [2.037]
Failed coup	0.544 (0.359) [1.723]	0.531 (0.362) [1.704]	0.344 (0.391) [1.411]	0.355 (0.393) [1.427]	0.185 (0.435) [1.203]	1.509* (0.794) [4.520]	0.196 (0.447) [1.216]
Failed coup, t–1	0.323 (0.383) [1.381]	0.382 (0.388) [1.466]	0.417 (0.394) [1.517]	0.414 (0.395) [1.513]	0.240 (0.514) [1.271]	0.697 (1.263) [2.008]	0.697 (0.431) [2.008]
Failed coup, t–2	0.287 (0.398) [1.333]	0.443 (0.406) [1.558]	0.387 (0.403) [1.472]	0.388 (0.404) [1.474]	– 0.469 (0.653) [0.625]	0.382 (1.128) [1.466]	0.330 (0.506) [1.391]
Failed coup, t–3	– 0.576 (0.519) [0.562]	– 0.464 (0.527) [0.629]	– 0.467 (0.539) [0.627]	– 0.464 (0.539) [0.629]	0.030 (0.586) [1.031]	0.574 (1.096) [1.776]	– 0.698 (0.719) [0.498]
Democratisation	1.349*** (0.342) [3.852]	1.341 (0.346) [3.822]	0.756* (0.434) [2.130]	.777* (0.439) [2.174]	.899* (0.476) [2.457]	2.228*** (0.425) [9.280]	1.643*** (0.364) [5.173]
Democratisation, t–1	– 0.008 (0.638) [0.992]	0.221 (0.650) [1.247]	– 0.453 (1.069) [0.635]	– 13.727 (739.736) [–]	– 0.006 (1.102) [0.993]	1.270* (0.659) [3.561]	0.547 (0.643) [1.728]
Democratisation, t–2	– 1.257 (1.036) [0.285]	– 1.180 (1.042) [.307]	– .771 (1.067) [.463]	– .802 (1.068) [.448]	– .490 (1.112) [.612]	– 15.278 (1472.038) [0]	– 0.993 (1.043) [0.371]
Democratisation, t–3	1.010** (0.423) [2.746]	0.958** (0.428) [2.608]	0.999* (0.557) [2.715]	0.987* (0.561) [2.682]	1.193** (0.582) [3.298]	0.773 (0.583) [2.167]	1.047** (0.434) [2.850]
Observations	4031	4029	2503	1933	1771	3544	3857
Countries	42	42	33	24	42	42	42

Table 2 (continued)

	1	2	3	4	5	6	7
Log likelihood	– 525.595	– 519.538	– 311.132	– 301.766	– 254.332	– 374.441	– 476.409
Wald Chi squared	105.74	117.76	93.87	95.55	91.64	89.01	114.56
<i>Adding</i>							
High court compliance	1.242 (0.338) [1.249]	0.216 (0.273) [0.164]	0.256 (0.273) [1.179]	1.292 (0.353) [0.359]	0.223 (0.278) [1.433]	0.112 (0.356) [1.119]	0.129 (0.289) [1.138]

The estimator throughout is a conditional fixed effects estimator, which includes country fixed effects; decadal fixed effects are included throughout; standard errors in parentheses; odds ratios in brackets. Results in columns 3 are excluding colonies, in 4 further excluding countries with no coup attempts; results in column 5 are excluding countries with a new constitution in years $t-1$ to $t-3$. Results in column 6 exclude all military coups in four years; results in column 7 exclude all civilian coups

either theory. We also note (not shown) that the estimates are not a consequence of comparisons with years in which no coups occurred, as all main findings are robust to only including four-year periods in which at least one coup attempt occurred.¹⁷

5.2 Constitutional characteristics after coups

We next begin by exploring the length and degree of detail of the new constitutions in Latin America and the Caribbean, measured as either their length in words in English translations—their verbosity—or the number of separate paragraphs that they include (except transitional provisions). Figure 6 illustrates the averages across three groups: constitutions written under democratic regimes, constitutions written under stable autocratic regimes, and constitutions written in the aftermath of a successful coup.

We note that constitutions written after coups a priori contain more detail or cover more separate topics, as they include 224 paragraphs versus 183 in constitutions written in stable autocracies ($p < 0.01$) and 205 in democracies ($p < 0.39$). However, they are not longer than those written in stable autocracies (17,143 versus 16,088 words) while those written in stable democracies are substantially longer than either type at an average of 35,415 words ($p < 0.01$). One way to interpret these differences is therefore that while democratic constitutions provide much more detail per topic, those written after coups cover more topics but with substantially less detail per topic.

Next, in order to compare the structural content of constitutions produced under different circumstances, we compare executive, legislative, and military competences as fixed in the respective constitutions. Starting with the IMI, as illustrated in Fig. 7, we find an average value of 0.62 in ‘democratic’ constitutions, 0.68 in autocratic and 0.69 in constitutions implemented by coup governments. While both types of autocracies allow significantly more military influence than democracies, we find no difference between constitutions written immediately after coups and other constitutions written

¹⁷ These estimates, which are based on up to 517 country-year observations, are available upon request.

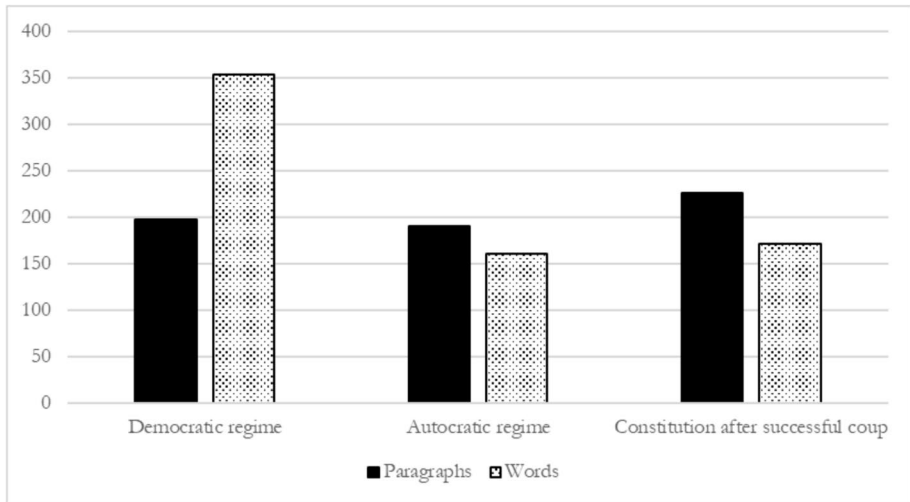


Fig. 6 Constitutional detail and length, three groups

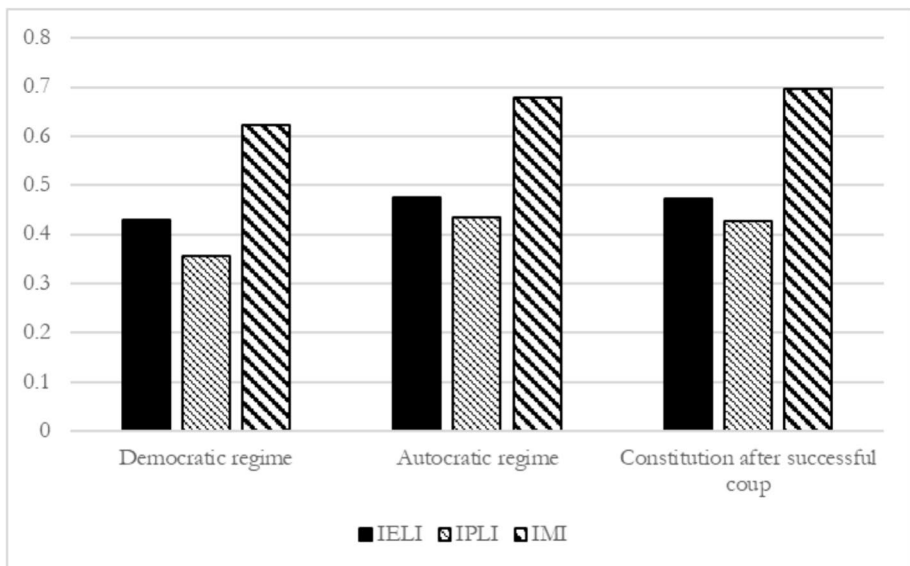


Fig. 7 Political influence, executive, legislative and military influence

under autocracies.¹⁸ We find the same pattern across the distribution of discretionary power to the executive (IELI) and parliament (IPLI) where the democratic, autocratic

¹⁸ Svoblik (2012) considers the problem of authoritarian power-sharing as more relevant as the relationship between the elite and the masses. As autocrats as a minimum need the implicit support of the military in order to coup-proof the regime, the military elite is in a position to secure some benefits. The situation under stable autocracy has, thus, considerable similarity with that immediately following a successful coup.

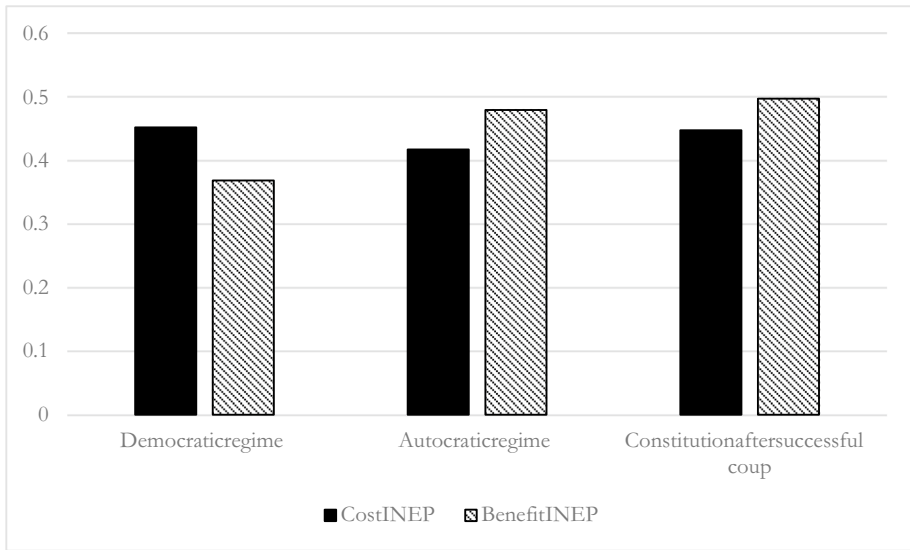


Fig. 8 Emergency powers

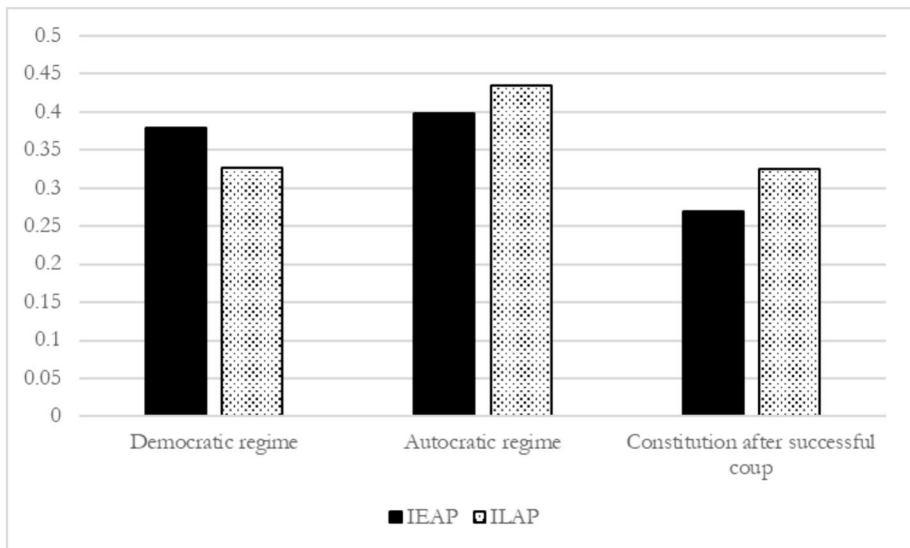


Fig. 9 Amendment powers

and coup scores are 0.43, 0.48, and 0.47 for the executive index, and 0.35, 0.43 and 0.43, respectively. In both cases, the two types of constitutions written under autocracy allocate significantly more power than those written under democracies, although the difference is substantially larger for the legislature. A pattern thus seems to emerge: regarding the content of a constitution, it does not really matter whether it is created by

a sitting autocrat or by coup-plotters, whereas significant differences emerge depending on whether a constitution is written under a democratic regime or by a coup-plotter.

However, we find two aspects of the constitution where this pattern does not apply, illustrated in Figs. 8 and 9. The first concerns the emergency provisions: while we find that the allocation of emergency powers, once a state of emergency has been declared, follows the general pattern, declaration power does not systematically differ across the three types. The scores on the Benefit INEP, are 0.37, 0.48 and 0.49, respectively, and thus follow the general pattern above. Yet, the scores of the Cost INEP are quite equally distributed 0.45, 0.42 and 0.44. In other words, it appears that coup-plotters may not have different emergency preferences than other political actors.

The second aspect is amendment power where we find that constitutions written under stable autocracies and democracies on average allocate about the same amendment power to the executive (0.39 and 0.38) while those written in the aftermath of a coup allocate substantially less (0.27). It is also interesting to note that constitutions written after coups in this respect are similar to those written under democracies when we focus on the amendment powers given to the legislature (0.33 and 0.33) while those written under stable autocracies also allocate more powers to the legislature (0.40).

These results are to some extent replicated in our more formal regression analysis in Table 3, in which we estimate the effects of event types and the constitutional writing process on each of the five indices. We separate events types into constitutions written after successful coups, failed coups, democratisation, and under stable democracies; the comparison group is thus stable autocracies. And we separate the writing processes into whether the constitution was drafted by a constitutional convention, and elected constitutional assembly, the incumbent legislature or the colonial authority; the comparison group consists mainly of constitutions written directly by the executive.

In these estimates, in which we control for more factors, we find that the few constitutions written immediately after failed coups are substantially shorter compared to those written by stable autocracies (the comparison group).¹⁹ However, we also find that constitutions written by colonial authorities include fewer paragraphs (although they are not shorter in terms of words) while those written by elected assemblies are significantly longer.

Turning to the more specific contents of the constitutions, our estimates indicate that both colonial authorities and legislatures tend to allocate significantly less discretionary power to both the legislature and the executive. We also find significant evidence that constitutions written in the immediate aftermath of a successful coup allocate more powers to the military (the IMI) and make it easier to declare a state of emergency (the Cost INEP) while democratic constitutions allocate fewer powers to the military. As such, our estimates are consistent with coup-proofing efforts of the new regime after a successful coup in the sense of more military powers and easier access to defending the incumbent regime by using emergency powers.²⁰ Finally, we find that elected constitutional assemblies allocate

¹⁹ In addition to testing the general effects of successful coups, we have also explored whether the rank or age of the coup-plotters have had any discernible effect on the content of the constitution. The short answer is that we did not find any clear-cut effects. The changing time horizons and status of coup plotters that several other studies find may have consequences for coup success and growth are therefore nowhere to be seen in the constitution (cf. Bjørnskov 2020; Jong-a-Pin and Mierau 2022). It is also worth noting that Bjørnskov and Rode (2020), contrary to previous implications from anecdotal evidence, find no difference in how long-lived military and civilian regimes are after a coup.

²⁰ This also bears out in the raw data: After successful coups, which did not lead to the introduction of a new constitution, it took on average 5.6 years before a new coup attempt occurred; after coups that lead to a new constitution, the expected waiting time was 8.9 years ($p < .03$).

Table 3 Characteristics of constitutions

	1	2	3	4	5	6	7
	Log length	Log paragraphs	IELI	IPLI	IMI	Cost INEP	Benefit INEP
<i>Constitutional writing process</i>							
Convention	0.058 (0.132)	0.085 (0.120)	0.001 (0.029)	0.003 (0.048)	− 0.059 (0.068)	0.058 (0.050)	0.073 (0.069)
Elected assembly	0.174 (0.153)	0.271** (0.110)	− 0.049* (0.028)	0.024 (0.041)	0.005 (0.065)	0.061 (0.046)	0.106*** (0.039)
Legislature	0.173 (0.199)	− 0.127 (0.147)	− .078*** (.029)	− 0.115** (0.049)	− 0.164 (0.097)	0.083 (0.053)	0.029 (0.054)
Colonial authority	− 0.086 (0.281)	− 0.360** (0.164)	− 0.181*** (0.041)	− 0.150*** (0.046)	− 0.128 (0.106)	0.119 (0.096)	0.153 (0.107)
<i>Event type</i>							
Successful coup	− 0.168 (0.157)	0.163 (0.108)	0.004 (.027)	0.035 (.038)	0.134** (0.062)	0.107** (0.044)	0.011 (0.041)
Failed coup	− 0.428*** (0.159)	0.199 (0.211)	− 0.055 (0.037)	0.042 (0.058)	0.138 (0.098)	0.117** (0.052)	− 0.023 (0.066)
Democratization	− 0.126 (0.306)	0.236 (0.183)	− 0.017 (0.038)	0.099 (0.063)	0.064 (0.108)	− 0.025 (0.046)	0.009 (0.090)
Democracy	0.232 (0.182)	− 0.007 (0.112)	− 0.001 (0.024)	0.029 (0.037)	− 0.203** (0.089)	0.003 (0.042)	− 0.092* (0.049)
Observations	92	101	92	92	95	83	83
Countries	33	32	33	33	33	33	33
R squared	0.380	0.319	0.501	0.286	0.417	0.422	0.233
F statistic	8.44	—	4.95	2.97	—	4.34	1.84

All regressions include a constant; robust standard errors in parentheses; *** (**) [*] denote significance at $p < .01$ ($p < .05$) [$p < .10$]

much more discretionary power to the executive once a state of emergency has been declared (the Benefit INEP).

In principle, these estimates only indicate direct effects. Yet, as Fig. 4 indicates, the mode of constitution-writing also depends on whether a new constitution was written after a coup. As such, the mode of constitution-writing potentially constitutes a transmission mechanism. We explore this option in the appendix Table 5, which provides clear indications. Constitutions written as reactions to failed coups are very unlikely to be drafted by elected constitutional assemblies. Likewise, constitutions written around or leading to democratisation are very unlikely to be written by the legislature. Both differences have systematic consequences for the contents of the constitution and the division of powers.

In summary, we find that the constitutions implemented in the aftermath of a successful coup are not systematically different than those implemented under other forms of autocracies, except along two specific dimensions: coup constitutions allocate more discretionary power to the military and make it easier to declare a state of emergency. However, a number of other factors appear on average similar between coup constitutions and constitutions written by stable autocracies.

6 Conclusions

The decision to write a new constitution and the specific contents of those constitutions provide unique information relevant to the discussions of the contents of democratisation as well as the behaviour of autocracies. We here document that 44% of all successful coups in non-colonies in Latin America and the Caribbean led to a new constitution since 1920, thus supplementing Bjørnskov and Rode's (2020) observation that worldwide since 1950, 45% of all coups are followed by a new constitution. The observation that close to half of all successful coups result in a new constitution ought therefore to be central to the study of constitutional political economy. However, this is the first study to document the phenomenon and explore the contents of these coup constitutions. From a practical angle, it also ought to be politically relevant: out of 21 countries in the region, in which colonial authorities did not have a hand in drafting the constitution, five constitutions currently in force in Latin America and the Caribbean were written during governments that came to power through a coup.

We first show that new constitutions are not only passed in the aftermath of successful coups. After a coup has failed, 17% of the governments that survived the coup set out to write a new constitution or substantially amend the existing one. The motives driving these constitutional overhauls are supposedly very different from those analysed in this paper. In all likelihood, the incumbent government in these cases tries to make future coups less likely. Analysing the constitutional changes implemented after a failed coup is definitely a desideratum for both constitutional political economy as well as the study of coups.

Overall, we find that the *de jure* structure and contents of coup constitutions are similar to constitutions written during stable autocracy. Our exploration shows that coup constitutions allocate more formal discretionary power to the military and make it easier to declare a state of emergency. Both differences are consistent with extensive coup-proofing as reflected in the new constitution. This interpretation is further underpinned by the fact that we find that constitutions written in the aftermath of failed coups also make it easier to declare a state of emergency. In addition, we find that constitutions written by elected constitutional assemblies—a surprisingly common way of drafting the new constitution after successful coups—cover more topics as measured by the number of paragraphs, but are not longer.

This paper raises a number of questions including the following: Do the new constitutions actually coup-proof the regime? Are the constitutions written after successful coups equally viable when the country has democratised as during autocracy? Are specific aspects of the constitutions written after coups more or less advantageous to the population at large, relative to constitutions written during more stable regimes? Are the officially stated reasons for a coup reflected in the post-coup behaviour of the regime? And perhaps most important, following Gutmann et al. (2024), are governments more likely to comply with constitutions written after coups? As such, our exploration of the *de jure* design of constitutions in the wake of successful coups also implicitly raises questions of their *de facto* consequences and point towards a viable empirical way of assessing the *de facto-de jure* gap in constitutional compliance.

Appendix 1

See Table 4.

Table 4 Constitutions included in the dataset

Country	Years	Country	Years
Anguilla	1982, 2008	El Salvador	1939, 1945, <i>1946</i> , 1950, 1962, 1983
Antigua and Barbuda	1967, 1981	Grenada	1974, <i>1991</i>
Argentina	1966, <i>1972</i> , <i>1982</i>	Guatemala	1921, 1945, 1954, 1956, 1965, 1982, 1985
Aruba	1986,	Guyana	1970, 1980
The Bahamas	1973	Haiti	1932, 1935, <i>1942</i> , 1950, 1957, 1964, 1983, 1987, 2012
Barbados	1966	Honduras	1924, 1936, 1957, 1965, 1982
Belize	1981	Jamaica	1962
Bermuda	1968	Mexico	–
Bolivia	1938, 1944, 1946, 1961, 1967, 2009	Nicaragua	1939, 1950, 1974, 1987
Brazil	1934, 1937, 1946, 1967, 1988	Panama	1941, <i>1946</i> , 1972
British Virgin Islands	1976, 2007	Paraguay	1940, 1967, 1992
Cayman Islands	2010	Peru	1920, 1933, 1979, 1993
Chile	1925, 1980	St. Kitts and Nevis	1983
Colombia	1991	St. Lucia	1978
Costa Rica	1949	St. Vincent and the Grenadines	1979
Cuba	1940, 1952, 1959, 1976, 2019	Suriname	1987
Curacao	2011	Trinidad and Tobago	1962, 1976
Dominica	1978	Turks and Caicos	1977, 2006
Dominican Republic	1924, 1931, 1934, 1947, 1955, 1961, 1962, 1963, 1966, 1994, 2002, 2010	Uruguay	1934, 1942, 1952, 1966, <i>1985</i>
Ecuador	1929, 1946, 1966, <i>1972</i> , <i>1976</i> , <i>1978</i> , <i>1984</i> , 1997, 1998, 2008	Venezuela	1953, 1961, 1999

Constitutions marked in italics are reinstatements of a previous constitution, although in most cases significantly amended

All constitutions in dataset

Appendix 2

This paper employs four indices of specific constitutional provisions while introducing three additional indices. We first use the Cost and Benefit Index of Emergency Powers (INEP) introduced in Bjørnskov and Voigt (2018a), which takes into account three cost dimensions as well as three benefit dimensions of declaring a state of emergency. The cost side includes the ease of declaration for any political actor, the ease of having a SOE approved for that actor, and how comprehensive is the list of events that define a legal

emergency. On the benefit side, the index captures whether the emergency constitution allows the dissolution of parliament, allows the executive to suspend some or all basic rights, and if the emergency constitution allows expropriation and censorship from the benefit INEP. In all cases, the Cost and Benefit INEP is coded such that a component is 0 if the executive has no influence, 1 if the executive faces no obstacles or vetoes, and 0.5 if the provisions are uncertain. The index is thus coded to reflect that higher values indicate a higher utility for the executive (i.e., less costs, more benefits) on a scale between 0 and 1.

Second, we employ the Index of Parliamentary Legislative Influence (IPLI) from Bjørnskov and Voigt (2018b) and the corresponding Index of Executive Legislative Influence (IELI) developed in Sáenz de Viteri and Bjørnskov (2020). The IPLI adds up a count whether: (1) Do procedures exist to dismiss the executive and if so, does the legislature have power to do so? (2) Does the legislature have power over the selection of ministers/members of the cabinet? (3) Can the legislature nominate ministers/members of the cabinet? (4) Do ministers/members of the cabinet need to be approved by the legislature? (5) Can the legislature investigate the behavior of the executive? (6) Can the legislature initiate legislation? (7) Is legislation decided by the legislature subject to judicial review? (8) Are members of the legislature immune to prosecution? (9) Are members of the parliament/lower house elected? (10) Do constitutional amendments need to be approved by the legislature? (11) Does the legislature have the power to declare war? (12) Does the legislature have the power to initiate or approve international treaties? (13) Can the legislature propose or approve the dismissal of judges? And (14) are there restrictions on who can be elected or appointed to the legislature? The IELI includes 14 similar or identical components of power allocated to the executive branch. Both indices, like the rest, are scaled between 0 and 1.

Finally, we code three additional indices to capture the constitutional allocation of specific powers. Mirroring the IPLI and IELI, we first develop two indices of amendment power, which captures the power allocated to the executive and legislative branches to amend the constitution; we refer to these as the Index of Executive Amendment Power (IEAP) and the Index of Legislative Amendment Power (ILAP). These indices are coded such that they take the value 0 if the constitution cannot be amended; we add +1 if the executive branch (legislative branch) can amend the constitution without approval of other actors, and add +1 if approval does not require supermajority in parliament, and then subtract 1, 2/3, or 1/3 if approval requires unanimity, 4/5 or 2/3 supermajorities; we also add +1 if amendments do not require approval in general referenda. These indices are automatically halved if only parts of the constitution are amendable, and scaled between 0 and 1.

The final measure is the Index of Military Influence (IMI), which is coded as a direct indicator of whether the military simply gains more formal influence in constitutions written after coups. If the military is not mentioned in the constitution, the score is automatically 0. Otherwise, the index adds up if the head of state or head of government is also the commander in chief, whether the constitution defines special military courts, whether the country has the draft, and whether active members of the military are allowed as members of parliament.

See Table 5.

Table 5 Determinants of type of constitutional draft process

	1	2	3
	Convention	Elected assembly	Legislature
Successful coup	.683 (.750)	.883 (.542)	– 1.667* (.867)
Failed coup	1.474 (1.189)	– 15.231*** (.844)	– 15.473*** (.859)
Democratisation	1.187 (.998)	.074 (.982)	– 14.474*** (.698)
Democracy	– .264 (.925)	.327 (.624)	1.672*** (.622)
Observations	109		
Countries	33		
R squared	.139		
Wald	–		

All regressions include a constant; standard errors in parentheses; *** (***) [*] denote significance at $p < .01$ ($p < .05$) [$p < .10$]

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Declarations

Conflict of interest We declare that we have no financial or otherwise competing interests.

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