

**ARTICLE**

# Populism and the rule of law: The importance of institutional legacies

Andreas Kyriacou<sup>1</sup> | Pedro Trivin<sup>2</sup>

<sup>1</sup>Department of Economics, Universitat de Girona, Girona, Spain

<sup>2</sup>DEMM, Università degli studi di Milano, Milano, Italy

**Correspondence**

Andreas Kyriacou, Department of Economics, Universitat de Girona, Girona, Spain.

Email: [andreas.kyriacou@udg.edu](mailto:andreas.kyriacou@udg.edu)

**Abstract**

Existing work sees populist governments undermining the rule of law because they seek to dismantle institutional constraints on their personalistic plebiscitarian rule. We argue that populist rulers pose a greater threat to legal impartiality, equality, and compliance when they face a legacy of weak rule of law. We find empirical support for this assertion after applying synthetic control methods to a cross-country sample that includes up to 51 populist events spanning the period from 1920 to 2019. Our results remain consistent across a range of robustness checks including, the consideration of a set of contextual variables that can potentially determine the capacity of populist governments to sweep away institutional constraints, different populist event classifications, and different ways of measuring the rule of law. In countries, like the United States, with a robust rule of law tradition, the deleterious impact of populists on institutions will be limited but not negligible.

Populism is spreading across the world. Analyzing data from a sample of up to 60 independent countries representing more than 95% of world GDP in 2015, Funke et al. (2023) provide evidence highlighting a significant shift in the geographical distribution of populism over the last four decades. Prior to 1980, populism was predominantly observed within the Latin American region and affected up to 17% of the countries in their sample. However, post-1980 and by 2020, populism had expanded beyond Latin America to become a governing force in 47% of the nations under consideration.

What is populism? One prominent definition sees it as “an ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, ‘the pure people’ versus ‘the corrupt elite’, and which argues that politics should be an expression of the *volonté générale* (general will) of the people” (Mudde, 2004, p. 543). Another strand of work

sees populism as “a political strategy through which a personalistic leader seeks or exercises government power based on direct, unmediated, uninstitutionalized support from large numbers of mostly unorganized followers” (Weyland, 2001, p. 14; see also Weyland, 2017). Regardless of the definition, scholars agree that populism poses a threat to liberal democratic institutions that constrain majority rule and by extension a populist leader’s power. Mudde (2004) argues that populism is inherently hostile to the institutions of liberal or constitutional democracy that include an independent judiciary and whose function is to guarantee the rule of law, freedom of expression, minority rights, and the separation of powers (see also Mudde & Kaltwasser, 2017, 2018). Populists are impatient with the rule of law because, they argue, this may limit the expression of the will of the “pure” people that they represent (Friedman, 2019; Grzymala-Busse, 2017; Lacey, 2021; Pappas, 2019). Populists strive to remove institutional constraints that stand in the way of their personalistic and unmediated rule (Li & Wright, 2023; Weyland, 2020). They practice “discriminatory legalism” or “rule by the law” by using formal

**Verification Materials:** The materials required to verify the computational reproducibility of the results, procedures, and analyses in this article are available on the *American Journal of Political Science* Dataverse within the Harvard Dataverse Network, at: <https://doi.org/10.7910/DVN/LUXWMV>.

This is an open access article under the terms of the [Creative Commons Attribution-NonCommercial-NoDerivs](https://creativecommons.org/licenses/by-nc-nd/4.0/) License, which permits use and distribution in any medium, provided the original work is properly cited, the use is non-commercial and no modifications or adaptations are made.

© 2024 The Author(s). *American Journal of Political Science* published by Wiley Periodicals LLC on behalf of Midwest Political Science Association.

legal authority to promote cronies and supporters and punish critics and opponents (Lacey, 2021; Müller, 2017; Weyland, 2013).

In this paper, we consider how institutional legacies can influence the extent to which populist governments can affect the rule of law. There is no single definition of what constitutes the rule of law. Fuller (1969) identifies a range of procedural requirements that include generality (explicit rules widely applicable and impartially applied), clarity, consistency, stability, and the possibility of compliance (see also Rodriguez et al., 2010). Weingast (1997) sees it as “a set of stable political rules and rights applied impartially to all citizens” (p. 245). Fukuyama understands it as rules that are equally binding on all members of society, regardless of how powerful they are (Fukuyama, 2011, 2014). After reviewing various definitions, Versteeg and Ginsburg (2017) draw from Rothstein and Teorell (2008), and identify government impartiality as an essential dimension of the rule of law. From this, we define the rule of law as the extent to which laws are complied with by public officials and impartially and equally enforced. We argue that the capacity of populists to undermine the rule of law depends on the degree to which the law is respected and is equally and impartially enforced before populists take office. A strong tradition or legacy of rule of law, in the guise, for example, of independent courts and impartial public administrations, is likely to limit the damage that populists will inflict. Conversely, in countries with a weak tradition, the deleterious impact of populist governments on the rule of law is likely to be stronger.

By way of illustration, consider the experience of South Africa and Venezuela under left-wing populist rule. These two countries had similar levels of economic development at the time when populists gained power—South Africa’s real GDP per capita in constant 2011 US dollars (Maddison project database 2020) was 10,873 when Jacob Zuma took over in 2009 while Venezuela’s was 13,669 when Hugo Chávez did so in 1999. However, according to a measure of the rule of law that we will fully describe below, the rule of law in South Africa in 2008 was stronger than that in Venezuela in 1998 (.790 vs. .524 on an indicator that ranges from 0 to 1). All other things being equal, we would expect the rule of law to be more resilient in South Africa compared to Venezuela after the ascent of populists in each. Consistent with this, Zuma faced push-back from the courts during his two terms in office and well into his second term (which ended in 2018). In 2014, the Public Prosecutor found that the appointment of a Zuma loyalist to head the South African Broadcast Corporation was illegal and the Supreme Court of Appeal removed him from his position (Chipkin, 2018). In October 2017, the same court upheld a lower court’s reinstatement of corruption charges against Zuma, and

in December, the High Court ordered the removal of a chief prosecutor seen as loyal to him and rejected his efforts to block an inquiry into accusations of influence-peddling (Cowell, 2017). In Venezuela on the other hand, in the same year of winning the presidency, Chávez was able to adopt a new constitution that increased executive power (Selçuk, 2016). While the constitution enshrined judicial independence *de jure*, *de facto* it was undermined in the early years of Chávez’s rule by “hectoring judges, calling public demonstrations, threatening noncompliance and replacing judges” (Taylor, 2014, p. 249).

This is not to say that the differential paths that the rule of law took after the entry into office of populists in either country may not be due to other factors. For example, as argued by Weyland (2020), the existence of large oil revenues and an acute economic crisis upon entering government may have ensured massive public support for Chávez thus allowing him to undermine constraints on executive power. On the other hand, the erosion of institutions by Zuma’s government should have been facilitated by a parliamentary system that, in theory, should have been less constraining on the African National Congress’s (Zuma’s party) parliamentary majorities.

The comparison of South Africa and Venezuela underscores the complexity of drawing meaningful comparisons between distinct national experiences. To address this challenge and gauge the causal effect of populism on the rule of law, we rely on synthetic control methods (SCMs) as outlined in Abadie et al. (2010). SCMs are well-regarded in the social sciences as an empirical strategy for estimating treatment effects of policy interventions (Athey & Imbens, 2017).<sup>1</sup> The fundamental principle of SCM lies in constructing a synthetic counterfactual or doppelgänger country that emulates the trajectory of the variable of interest (the rule of law) under a hypothetical scenario where populists never assume power. This synthetic control is formed by a combination of untreated countries that closely align with the pretreatment trajectory of the chosen variable in the treated country. A key assumption underlying this approach is that, in the absence of a populist party assuming power, both the treatment and the synthetic control would exhibit similar trajectories concerning the variables of interest. Therefore, by comparing the evolution of the rule of law in the synthetic doppelgänger and the treated unit after the populist event, we can assess the effect of populism on the rule of law. To study the influence of institutional legacies on this relationship, we compare the effect of populism on the rule of law across two sets of countries, characterized by different levels in their rule of law index before the populist government assumed power.

<sup>1</sup> For a review of SCM, see Abadie et al. (2015) and Abadie (2021).

Our empirical results reveal that, on aggregate, the rise of populist governments leads to an immediate and substantial decline in the rule of law. The impact is pronounced, resulting in a 4.7 percentage point (pp.) reduction within the first 5 years, and an 11.4 pp. decline after 15 years. Notably, our research underscores the role of pre-existing rule of law traditions, showing that populism has a more enduring impact when the level of the rule of law prior to the ascent of populists to power is comparatively low. Specifically, where a legacy of impartial and equal enforcement and compliance with the law is weaker, the rule of law plummets by 17.5 pp. 15 years after the ascent of populist governments. By contrast, in countries with strong rule of law in the year prior to the ascent of populists to power, the decline is less severe, with a 5.8 pp. reduction observed 15 years post-event. Our results are robust to a barrage of robustness checks that include the consideration of alternative factors, different populist event classifications and rule of law measures, and placebo tests conducted both spatially and temporally.

The paper is structured as follows. First, we review previous research on the impact of populism on the rule of law, and we follow this by highlighting the significance of institutional legacies. We then describe our data and empirical strategy, present and discuss our results, and assess the robustness of our findings. We conclude the paper in the last section.

## LITERATURE

Like the case of Venezuela presented above, descriptive accounts of the efforts of populists to dismantle institutional constraints that support the rule of law abound in the literature. In Ecuador, Rafael Correa used constitutional reform to put loyal supporters in the electoral tribunal and the judiciary (Mudde & Kaltwasser, 2017; Selçuk, 2016). Victor Orbán in Hungary and Jaroslaw Kaczyński in Poland moved against judicial independence by passing laws forcing the retirement of judges and centralizing the appointment of new ones, with the aim of packing the courts with supporters (Grzymala-Busse, 2017; Grzymala-Busse et al., 2020; Müller, 2017). In Turkey, Recep Tayyip Erdoğan's government increased executive power and reduced judicial independence through constitutional amendments, the adoption of new legislation, and the appointment of more pliable judges (Özbudun, 2015; Selçuk, 2016; Tahiroglu, 2020). In Peru, Alberto Fujimori suspended the judiciary and centralized the bureaucracy, and after a period of down-sizing in line with his liberal economic policies, new appointments to the public administration evaded strict hiring requirements making them more susceptible to his government's influence (Bauer & Becker,

2020; Echebarría & Cortázar, 2007). Similarly, Orbán, Kaczyński/PiS, Trump, López-Obrador, Chávez, and Maduro undermined the impartiality of the public administration by dismissing or sidelining opposing bureaucrats and/or appointing loyalists (cronies) to key positions (Bauer & Becker, 2020; Bauer et al., 2021; Peters & Pierre, 2019).

The appointment of cronies to electoral bodies, the judiciary, and key positions in the public administration weakens institutional constraints that support the rule of law. Another way that populists can harm the rule of law is through mass clientelism or the distribution of state resources to voters. Populists may engage in mass clientelism, including the mass appointment of loyalists at all levels of the state bureaucracy, to shore up political support (Müller, 2017; Pappas, 2019). In doing so, they will again undermine the rule of law, which requires the allocation of public resources following explicit rules identifying needs or merits, rather than political affinity. Populist governments may moreover injure the rule of law, insofar as they promote corruption. Corruption implies the misuse of public authority for private gain and, like clientelism, is antithetical to the impartial and equal application of the law (Rothstein & Teorell, 2008). While populists may mobilize voters through the narrative of a corrupt elite working against the people, their removal of institutional constraints can also facilitate corruption (Kossow, 2019). Moreover, populists may use corruption and cronyism to control individuals who may potentially threaten them (Weyland, 2022). Voters may turn a blind eye to corruption and cronyism by populists who are perceived to protect the people from the "immoral" elite (Müller, 2017).

One group of studies has provided empirical evidence on the impact of populists on the rule of law drawing from specific country examples. Corruption indicators in Hungary (Guriev & Papaioannou, 2022) and the United States (Kossow, 2019) worsened after the ascent to power of Victor Orbán and Donald Trump, respectively. Fazekas and Tóth (2016) employ public procurement data and network analysis to show that the election of Orbán in 2010 benefited companies linked to him and his party Fidesz. Based on data from Italian municipalities from 1998 to 2020 and a regression discontinuity design, Bellodi et al. (2024) find significant reductions in professional public administrators with the ascent of populist mayors. Three studies have employed cross-country samples. Houle and Kenny (2018) draw from a sample of 19 Latin American countries over the period 1982 to 2012 and report ordinary least squares (OLS), instrumental variable (IV), and quasi-experimental-based evidence that populism undermines the rule of law, executive constraints, and judicial independence. Zhang (2024) controls for fixed effects in a sample of 155 countries from 1960 to 2020, and finds that populism increases

corruption in the executive. Funke et al. (2023) apply SCM to a sample of up to 53 populist episodes over the period 1900 to 2020 to consider the impact of populism on a range of outcomes. While their focus is on macroeconomic variables (real GDP, consumption, inequality, openness, debt, and inflation), they also report that populism reduces judicial constraints on the executive by around 9 pp. after 15 years.<sup>2</sup>

Previous work has also identified a range of contextual variables potentially influencing the extent to which populism may undermine the rule of law. Mudde and Kaltwasser (2017) suggest that populists' capacity to change institutions is undermined by membership of organizations with liberal democratic values, like the EU (see also Friedman, 2019). The most comprehensive discussion of contextual factors is undertaken by Weyland (2020).<sup>3</sup> One factor is a history of institutional instability as reflected, for example, by constitutional breakdowns and replacements. Such instability weakens constitutional constraints on the executive and facilitates its control of institutions (before the ascent of Chávez, Venezuela had gone through 26 constitutions since 1981). Another factor is the existence of checks and balances populated by partisan veto players that make it more difficult for populist-led majorities to enact change. Beyond institutional instability and the checks and balances in place, Weyland (2020) points to two "conjunctural opportunities," namely, the existence of severe but resolvable crises (e.g., an economic crisis in Turkey and Peru on the ascent of Erdoğan and Fujimori, respectively) or a resource windfall (in Latin America, Chávez, Morales, and Correa, enjoyed hydrocarbon windfalls). The resolution of acute crises, or access to windfall benefits that can be distributed to supporters, can increase popular support for populists and facilitate their dismantling of the rule of law.

## THE IMPORTANCE OF INSTITUTIONAL LEGACIES

In this paper, we add to these insights the proposition that the extent to which populist governments will undermine the rule of law also depends on a country's institutional legacy. Specifically, we argue that in countries with a strong tradition of upholding and impartially enforcing the law, the ability of populist leaders to damage the rule of law is significantly reduced.

We propose that the strength of a country's rule of law tradition ultimately depends on the prevalence across society—the general public but also across public sector agents including judges, bureaucrats, and politicians—of social norms that define respect for the law as expected or appropriate behavior. In this, we are guided by work that has identified the importance of social norms for the way people behave. Social norms are "the unwritten codes and informal understandings that define what we expect of other people and what they expect of us" (Young, 2015, p. 360). March and Olsen (1996) argue that people follow norms, rules, or practices that are publicly known, anticipated and accepted, and act "on the basis of a logic of appropriateness associated with roles, routines, rights, obligations, standard operating procedures and practices" (March & Olsen, 1996, p. 249). This does not imply that people will only follow social norms or rules consistent with the rule of law. As March and Olsen (2011) explain "[t]he fact that a rule of action is defined as appropriate by an individual or a collectivity may reflect learning of some sort from history, but it does not guarantee technical efficiency or moral acceptability" (p. 2). In some countries, practices such as cronyism, clientelism, and corruption may be the norm or expected behavior, and even people who personally may disapprove of such conduct may engage in it, to avoid being "priced out" from accessing scarce public resources (Fisman & Golden, 2017). Social norms are enforced by positive social sanctions for those who comply with them, and negative sanctions for those who do not (Kubbe et al., 2024).

Empirical work has confirmed the importance of norms or expectations in explaining behavior that either respects or violates the rule of law. For example, Fisman and Miguel (2007) show that diplomats accredited to the United Nations, who could avoid paying parking fines because of diplomatic immunity, accumulated parking violations in proportion to the level of corruption in their home country. They interpret this as support for the idea that (home country) corruption norms impact on the extent to which individuals obey the law (see also Barr & Serra, 2010). Corbacho et al. (2016) exploit survey evidence from Costa Rica and report that people's willingness to engage in corruption increases with their belief or expectation that corruption is more prevalent across society (see also Dong et al., 2012; Köbis et al., 2015; Persson et al., 2013). Similarly, tax compliance (or alternatively evasion) has been found to depend in part on the extent to which individuals believe or expect that such behavior is the prevalent norm (Alm, 2019; Sheffrin & Triest, 1992).

In this context, we argue that in countries where respect for the rule of law is considered appropriate or expected behavior, the negative impact of pop-

<sup>2</sup> Although we utilize populist events from these authors and follow a similar empirical strategy (see section "Data and Empirical Strategy" below), our research differs from theirs since we focus on the impact of populism on the rule of law and, more importantly, we explore the critical importance of rule of law legacies.

<sup>3</sup> See Weyland (2024) for a book-length treatment.

ulist governments on the law will tend to be weaker because courts, public administrators, and voters are more likely to oppose populists who try to remove legal constraints on the exercise of their power and because populist governments themselves are more likely to comply with legal or administrative decisions checking their plebiscitarian rule. Conversely, in countries where expected behavior implies little respect for the law, the negative impact of populist governments will tend to be much stronger. Populist executives are more likely to ignore adverse legal or administrative decisions, and courts, public administrators, and voters are less likely to resist populist attempts to weaken institutional constraints. Consistent with this, Pierre et al. (2021) argue that in countries where patronage appointments in the public administration are “business as usual,” bureaucracies may find it difficult to resist the appointment of loyalists by populist governments (see also Kenny, 2017). Similarly, Taylor (2014) argues that in Venezuela, the Supreme Court did not push back when the National Constituent Assembly issued a decree to appoint a new Supreme Court because it was weakened by a “history of corruption and politicization” (Taylor, 2014, p. 250).

The prevalence of law-abiding social norms before the ascent of populists to power will, moreover, reinforce formal rules designed to protect the independence and professionalism of the judiciary and the public administration and, as a result, strengthen their ability to act as bulwarks against populist excesses. Rothstein and Teorell (2008) point out that for formal rules to be applied impartially, they must be buttressed by norms defining impartiality as appropriate behavior. More generally, North (1994) and Williamson (2000) have argued that the extent to which formal rules influence behavior depends on their congruence with informal rules such as norms, customs, or traditions. Consistent with this, legal scholars have proposed that popular support for the rule of law is an important determinant of the capacity of the judiciary to resist political pressures (see, e.g., Ginsburg & Versteeg, 2017; Helmke & Rosenbluth, 2009). Alternatively, there is little evidence that *de facto* judicial independence is determined by *de jure* independence: While Hayo and Voigt (2007, 2019) report a weak positive relationship between indicators measuring both types, other authors find no relationship in democracies (Melton & Ginsburg, 2014), or even report an inverse one (Gutmann & Voigt, 2020). The capacity of courts to resist populist attacks on the rule of law will be greater if their *de jure* independence is accompanied by shared norms embracing the rule of law. A similar story emerges concerning public administrations. A key element determining the ability of public administrations to uphold the law is meritocratic recruitment (Charron et al., 2017; Dahlström et al., 2012; Rauch & Evans, 2000). But it does not seem to be the case

that meritocratic recruitment or respect for the law is the result of a highly formally regulated public service (Dahlström & Lapuente, 2017). Meritocratic recruitment is more likely to occur if the prevalent norm is one of impartiality rather than cronyism and clientelism (Schick, 1998). Ultimately, legally independent public administrations supported by norms consistent with the rule of law, will be better able to uphold the law in the face of populist attacks (Pierre et al., 2021).<sup>4</sup>

In light of this discussion, we propose that the heritage of the rule of law is an important determinant of the capacity of populist-led governments to undermine compliance with, and impartial and equal enforcement of, the law. We empirically explore this proposition in the remainder of the paper.

## DATA AND EMPIRICAL STRATEGY

### Data

To measure the rule of law we employ the variable *v2x\_rule* from the V-Dem data set (version 13.0). This reflects “To what extent are laws transparently, independently, predictably, impartially, and equally enforced, and to what extent do the actions of government officials comply with the law?” (Coppedge et al., 2023).<sup>5</sup> Ranging from 0 to 1, higher values indicate a stronger rule of law. This variable is a composite measure, consolidating various subcomponents, including assessments of the independence and accountability of the judiciary; the impartiality of the public administration; the executive’s adherence to the constitution and its compliance with judicial decisions; the transparent and predictable enforcement of laws; the prevalence of corruption in the public sector, including the judiciary, the public administration, and the executive; and the extent to which individuals enjoy secure and effective access to justice (refer to Table A.2 in Online Appendix A for details).

The V-Dem methodology is based on coding by country experts—typically five per country-year observation—and as such raises a series of issues. Experts might interpret the component variables differently based on their country’s legal system and traditions and they may not distinguish between the different components focusing instead on their general conception of the rule of law. In addition, in countries experiencing a populist government, experts may be biased against coding the rule of law as strong (“bad-vibes bias”). This said, the V-Dem methodology does have some safeguards against such bias

<sup>4</sup> These authors identify shirking or even sabotage as potential strategies that public administrations can employ to resist populist bosses (see originally Brehm & Gates, 1999).

<sup>5</sup> Table A.1 in Online Appendix A defines the various variables utilized in this paper.

that include the coding of the separate subcomponents on an ordinal scale with set definitions for each item, and the aggregation of expert responses so that those experts who diverge from other experts in directionality (e.g., coding lower scores higher) have their contribution adjusted downwards (Knutson et al., 2024). Ultimately our choice of the V-Dem data set is guided by its conceptual correspondence to the definition of the rule of law that we adopt, its broad country-year coverage, and the unavailability of more “objective” indicators that cover the wide range of populist events that we consider in this paper.<sup>6</sup>

Populist episodes are obtained from Funke et al. (2023), who compiled a comprehensive new data set of populist leaders at the level of central governments. Spanning from 1900 to 2020, the analysis encompassed 60 major countries, collectively representing 95% of world GDP in both 1955 and 2015. Drawing upon the workhorse definition of populism within political science (Mudde, 2004), the authors define leaders as populists if they focus on an alleged conflict between “the people” and “the elites.”

The methodology employed comprises two steps: First, Funke et al. (2023) established a country-specific chronology of government leaders from 1900 to 2020 utilizing the Archigos data set (Goemans et al., 2009) and web-based resources, leading to the identification of 1482 heads of state (1853 leader spells).<sup>7</sup> In a subsequent phase, they discern populist leaders using a “big literature” approach, where they analyze 770 scholarly documents on populism and populist governments. This facilitates the identification of leaders who extensively relied on an anti-elite, people-centric discourse, assessing whether their campaign and tenure were dominated by an anti-establishment rhetoric.

They identify 51 populist leaders with 72 government spells in 28 countries. In their econometric analysis, these 72 spells were condensed into a set of 53 discrete populist episodes or events, amalgamating sequential spells featuring the same populist leader or those affiliated with the same party, allowing for brief interruptions of up to 2 years, and excluding events that began during a World War. From their classification, we focus on 51 events due to data limitations. Specifically, we exclude two populist occurrences in Slovakia (in 1993 and 2006) due to insufficient observations regarding our variables of interest.<sup>8</sup> Table A.4

in Online Appendix A displays the 51 events included in our study.

## Empirical strategy

Assessing the impact of populism on the rule of law poses challenges due to endogeneity issues, primarily associated with the complexities of accounting for the influence of time-varying unobserved factors using conventional econometric approaches. SCMs, introduced by Abadie and Gardeazabal (2003) and Abadie et al. (2010), offer a promising alternative that enables the quantification of the impact of a policy intervention by comparing the treated unit with a synthetic doppelganger country. SCMs address endogeneity concerns by creating synthetic matches for each country in the treatment group (countries experiencing a populist event), utilizing a pool of “donor countries” (countries without a populist event during the specific period under analysis), and aiming for similarity in behavior before the populist event. The method hinges on the presumption that the synthetic doppelganger replicates the trajectory the populist-led country would have followed without the election of a populist government. We formulate the synthetic control by employing a data-driven algorithm to ascertain the best combination of countries from the donor pool, mimicking the pre-intervention values of the outcome variable in the treated country.<sup>9</sup>

Formally, we construct a synthetic match for each country in the treatment group by solving the following optimization problem:

$$\forall i \in \text{Treatment group,}$$

$$W_i^* = \arg \min_{w_j^i} \sum_{t \in \text{Estimation window}} \left( Y_{it} - \sum_{j=1}^J w_j^i \cdot Y_{jt} \right)^2 \quad (1)$$

$$\text{s.t. } \sum_j w_j^i = 1 \text{ and } w_j^i \geq 0,$$

where  $Y_{it}$  denotes the outcome variable for treated unit  $i$  at time  $t$ ,  $Y_{jt}$  represents the same outcome variable for potential control units  $j = 1, 2, \dots, J$ , and  $w_j^i$  is the weight of control country  $j$  to be determined. The optimal weighting vector  $W_i^*$  for country  $i$  is calculated using the estimation window, which does not include the period of intervention and it is typically selected as some period before the event.

<sup>6</sup> In Table A.3 in Online Appendix A, we report the correlation matrix of the different components of the rule of law indicators. It shows pairwise correlations ranging from .55 between compliance with the high court and executive bribery and corrupt exchanges, to .96 between access to justice for men and women (all statistically significant at the 99% confidence level).

<sup>7</sup> Because some heads of state serve several terms, the number of leader spells is greater than the number of heads of state. For example, in Ecuador, José María Velasco won the presidency repeatedly corresponding to the following event years in our sample: 1934, 1952, 1960, and 1968.

<sup>8</sup> As we explain below in detail, our empirical analysis uses a 15-year observation window preceding a populist event to identify the populist effect. Given Slovakia's status as an independent country only after 1993, both events are excluded from our analysis.

<sup>9</sup> A detailed, non-technical description of SCM is provided in Online Appendix F. The donor pool for each populist event is drawn from the same set of 60 countries employed in Funke et al. (2023) to study the impact of populism on the economy. For the list of countries, please refer to the notes in Table A.4 of Online Appendix A.

The constraints  $\sum_j w_j^i = 1$ ,  $w_j^i \geq 0$ , imply that synthetic controls are generated as weighted averages of units within the donor pool.

Following the determination of optimal weights, we define the synthetic country  $i$  ( $\hat{Y}_{it}$ ) and the effect of populism ( $\tau_{it}$ ) as:

$$\hat{Y}_{it} = \sum_{j=1}^J w_j^{*i} \cdot Y_{jt},$$

$$\tau_{it} = Y_{it} - \hat{Y}_{it}. \quad (2)$$

In our benchmark exercise, we construct the synthetic counterfactual considering a  $\pm 15$  years window around the populist event to study the short- and medium-run effects of populism on the rule of law. We match on all pretreatment observations of the outcome variable, except the one exactly before the event in order to decrease concerns about anticipation or reverse causality. Considering yearly pretreatment information on the outcome variable ensures the SCM creates a synthetic counterfactual that replicates both the level of the rule of law and its yearly variations during the pretreatment period. From the donor pool associated with each event, we only include countries with observations for the full period (31 years), while excluding countries that encountered populist events within that timeframe. While the SCM typically generates a synthetic counterfactual using a unique combination of countries from the donor pool (i.e., the solution to Equation (1) corresponds to a unique vector of weights  $W$ ), this may not always be the case. To be on the safe side, we exclude those events from the main analysis. Below, we show that this occurs in a relatively limited number of instances. Additionally, we omit events from the analysis where there is no variation in the variable of interest during the pretreatment period. This does not alter the list of events included when examining the rule of law, and excludes a very small number of events when considering its subcomponents.

Given that we have multiple treated units with partly staggered adoption, we follow Acemoglu et al. (2016) to estimate the average effect. Particularly, we compute the effect of intervention as

$$\hat{\phi}_t = \frac{\sum_{i \in \text{Treatment group}} \frac{Y_{it} - \hat{Y}_{it}}{\hat{\sigma}_i}}{\sum_{i \in \text{Treatment group}} \frac{1}{\hat{\sigma}_i}}, \quad t \in [-15, 15], \quad (3)$$

where

$$\hat{\sigma}_i = \sqrt{\frac{\sum_{t \in \text{Preintervention period}} [Y_{it} - \hat{Y}_{it}]^2}{T}}.$$

Here,  $\hat{\phi}_t$  denotes the intervention at event time  $t$  and is computed for the  $\pm 15$  years window.<sup>10</sup>  $1/\hat{\sigma}_i$  measures the match quality in the preintervention period, which spans a length of  $T$ . This computation implies that the average intervention effect is a weighted average across various populist events, with greater weight assigned to better fitting events in the pretreatment period. This weighting is advantageous since the discrepancy between the actual rule of law and its synthetic counterpart holds more informative value about the intervention when we can more accurately predict the rule of law of the country during the preintervention period.

Table A.4 in Online Appendix A presents comprehensive details about the events included in our analysis. Initially comprising 51 events, our core sample consists of 34 events that consistently maintain observations across the entire  $\pm 15$  years window.<sup>11</sup> Within this core sample, we exclude five events for which the vector of weights  $W$  is not unique. Consequently, our benchmark analysis on the rule of law focuses on 29 events that feature observations for every year within the  $\pm 15$  years window around the event and have a unique vector of weights. The last column in Table A.4 showcases the three countries with the highest weights used in constructing the doppelganger for each event.

## POPULISM AND THE RULE OF LAW

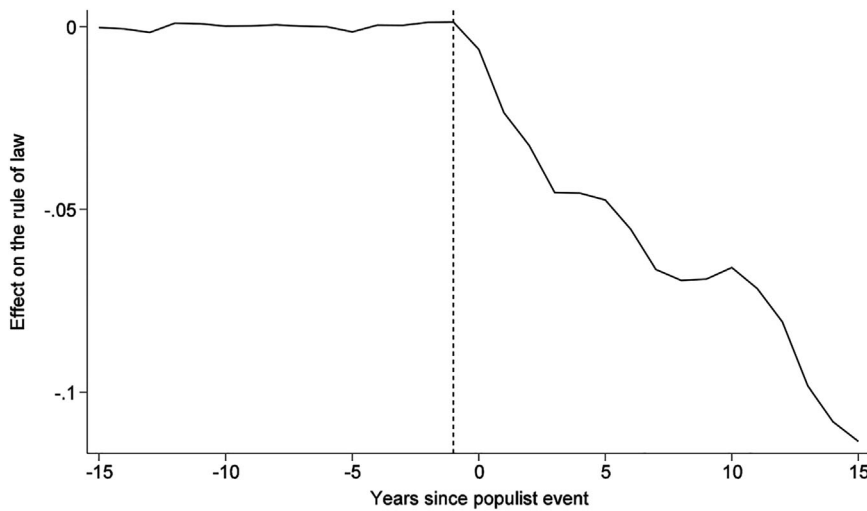
### Baseline results

Figure 1 illustrates the weighted average gap between the treated and control groups concerning the rule of law. The vertical dashed line at  $t = -1$  represents the period just before the populist event. Initially, both groups exhibit no significant differences in their rule of law values, confirming the effectiveness of the matching procedure detailed in Equation (1). However, a marked divergence emerges following the ascent of a populist party to power, leading to a persistent negative impact on the rule of law, evident even 15 years after the populist government's inception.

The sharp reduction in the rule of law soon after populists take office suggests that populist leaders, propelled by their electoral mandates, immediately proceed to attack institutions and quickly manage to do a great deal of damage. Five years after the populist takeover, the rule of law experienced a decline of 4.7 pp. compared to what it would have been in the absence of the populist government. This adverse

<sup>10</sup> A good match in the preintervention period implies that the synthetic doppelganger effectively reproduces the outcomes of the treatment unit. Consequently,  $\hat{\phi}_t$  is expected to be close to 0 for  $t < 0$ .

<sup>11</sup> The excluded events do not meet this criterion because the event occurs after 2005. The exception is Germany 1933, which is excluded due to missing values on the rule of law for the period 1945–1948.



**FIGURE 1** The effect of populism on the rule of law. *Note:* The vertical dashed line at  $t = -1$  represents the period just before the populist event. Y-axis represents percentage points on a 0-1 scale.

trend intensifies over time, culminating in an 11.4 pp. decrease 15 years post-event. Considering the weighted average value of .669 for the rule of law before the populist party assumes power, this indicates a 7% reduction after 5 years and a 17% decline after 15 years compared to what it would have been without the influence of the populist government.

To evaluate causal inference, we follow Abadie et al. (2015) and employ “placebo” or “falsification” tests. These tests involve randomly permuting the treatment status across untreated units (“in-space” placebo) or pretreatment periods (“in-time” placebo). Detailed results of these tests are presented in Online Appendix B. Overall, our placebo tests support the conclusion that our analysis captures a genuine causal effect of populism on the rule of law, confirming that the observed effect is not merely a spurious outcome resulting from our empirical approach.

### The relevance of rule of law legacies

We argue that the ability of populist governments to undermine the rule of law depends on the strength of the rule of law prior to them gaining office. Specifically, we expect the deleterious effect of populist government to be weaker/stronger where there is a heritage of a strong/weak rule of law. To explore this empirically, we classify events into two categories based on the level of their rule of law index in the year before the occurrence of the event. Specifically, an event is designated as “high (or low) rule of law” if, the year before the populist party assumed power, its rule of law index exceeded (or was below) the median value (.761) across the full sample of 60 countries used throughout the paper and spanning from 1900 to 2020.

Applying this criterion to the 29 events considered in the preceding section, 9 are identified as high rule of law events, while the remaining 20 events

exhibit a rule of law index below .761.<sup>12</sup> Figure 2 illustrates the weighted average gap for both groups. As before, a gap close to 0 before the event confirms the effectiveness of the matching procedure detailed in Equation (1) regardless of the rule of law group under consideration.<sup>13</sup>

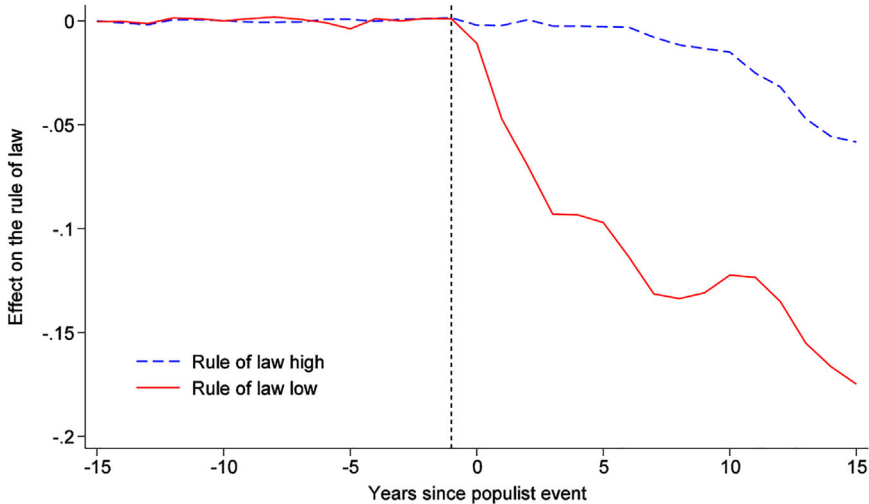
The blue dashed line reflects the rule of law difference between the treated and synthetic doppelgänger for events characterized by a relatively high rule of law before their occurrence. The graph demonstrates the resilience of the rule of law in the high rule of law legacy grouping, with no decline until approximately 5 years after the populist party assumed power. Subsequently, a modest deterioration occurs compared to the non-populist counterfactual, leading to a rule of law 5.8 pp. lower 15 years after the populist event. By contrast, the solid red line showcases the rule of law gap for events marked by a relatively low rule of law prior to their occurrence. Here, a significant decline is observed soon after the populist government takes office, with the rule of law dropping by 9.7 pp. compared to the non-populist counterfactual within the initial 5 years. This adverse effect persists, resulting in a 17.5 pp. reduction of the rule of law 15 years after the event. It seems that populist leaders are quickly able to undermine the rule of law in countries with a weak rule of law heritage and their deleterious effect increases over time. Alternatively, populist governments find it more difficult to subvert the rule of law in countries with a stronger rule of law heritage.

<sup>12</sup> The high rule of law events encompass Argentina in 1928 and 1989, Italy in 1994 and 2001, Japan in 2001, Poland in 2005, South Korea in 2003, Taiwan in 2000, and Turkey in 2003. Detailed information is available in column 4 of Table A.5 in Online Appendix A.

<sup>13</sup> It is worth noting that the impact of the intervention outlined in Equation (3) is now contingent upon the group. Consequently, the relative significance of the events differs between Figure 2 and Figure 1, precluding a direct comparison between the two figures.



**FIGURE 2** The effect of populism on the rule of law: High versus low rule of law events. *Note:* The vertical dashed line at  $t = -1$  represents the period just before the populist event. Y-axis represents percentage points on a 0-1 scale.



## ROBUSTNESS

### Alternative explanations

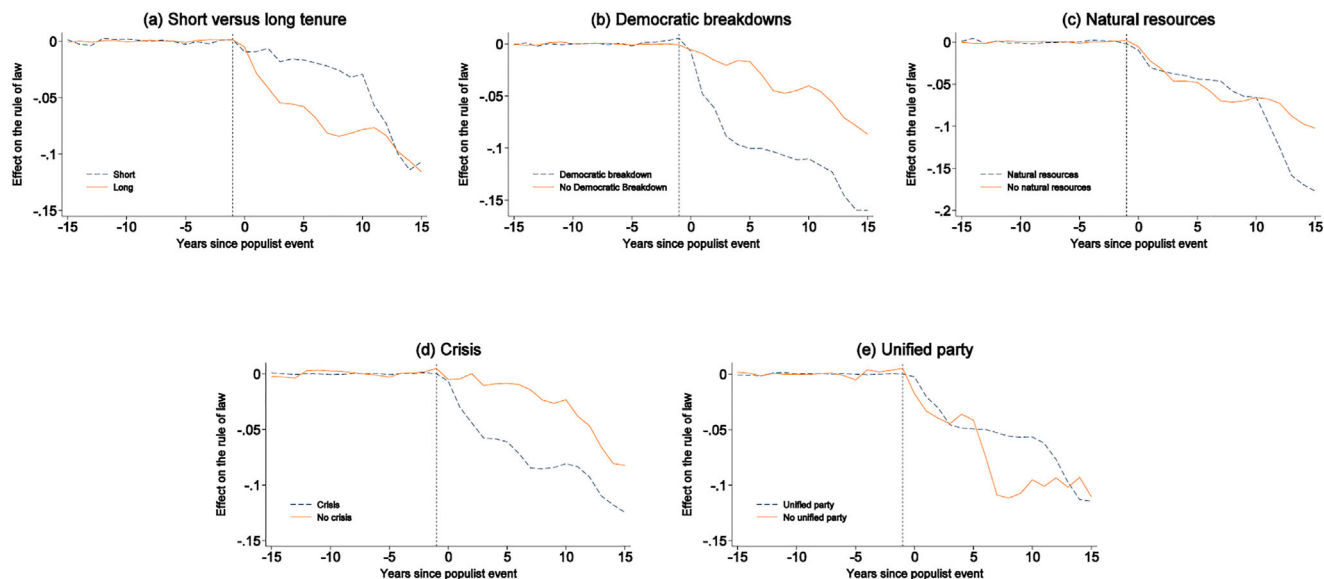
While our previous findings underscore the relevance of institutional legacies for the ability of populist parties to influence institutions from a position of governmental authority, it remains plausible that other factors may influence our results. For example, if it is the case, as Weyland (2020, 2024) argues, that populists find it easier to remove institutional constraints to their power during periods of acute but resolvable economic crises, our results might be inadvertently encompassing this effect, particularly if populist parties assuming power during crisis periods are predominantly concentrated within the low rule of law group in our data set.

In this section, we consider if this or other factors proposed by previous work could explain our results. In particular, we consider the length of tenure, a history of democratic breakdowns, the availability of natural resource income, the occurrence of economic crisis, and the extent of unified party control. We assume that the capacity of populists to undermine the rule of law may increase with the length of their tenure in power since, presumably, this gives them more time to chip away at institutional constraints. Weyland (2020, 2024) informs on the other factors. Democratic instability can make institutions more vulnerable and facilitate the weakening of institutional constraints on the executive. Resource boons or solvable economic crises allow populists to, respectively, distribute windfall gains to supporters or resolve the crises, thus potentially increasing popular support and allowing them to sweep away institutional constraints underpinning the rule of law. Finally, unified party control reflects the absence of partisan vetoes that can block populist attempts to change institu-

tions. Partisan vetoes have also been advanced as a possible source of judicial independence above and beyond shared norms of respect for the law (Helmke & Rosenbluth, 2009; Vanberg et al., 2023).

Populist governments are defined as having a long tenure if they exceed 4 years in government. For the rest of the variables, we use information from V-Dem. Democratic breakdowns (`e_democracy_breakdowns`) are linked to an event if there is evidence of at least one documented occurrence in the past (refer to Boix et al., 2013, for details). We determine the availability of income from natural resources based on a real value of petroleum, coal, and natural gas produced per capita (`e_total_fuel_income_pc`) at the commencement of office above \$100 (for details on the variable, see Haber & Menaldo, 2011). A period is designated as a crisis if there is at least 1 year of negative economic growth (`e_gdppc`) in the event year or within the preceding 3 years. Unified party control (`v2psnatpar_ord`) occurs when a single multiparty coalition or a single party controls the executive and legislative branches of the national government. This is true almost by definition in a parliamentary system where a single coalition or single party gathers together a majority of seats (Coppedge et al., 2023). Table A.6 in Online Appendix A presents the key attributes of the core events considered in our analysis when focusing on alternative explanations.

Figure 3 shows the effect of populism on the rule of law when countries are classified into different groups according to the indicators mentioned before. The results provide some support for the alternative factors put forward by previous work. Specifically, the rule of law seems to decline further if populists gain power after a history of democratic breakdown supporting the idea that democratic instability makes institutions more vulnerable to the populist threat. Moreover, we find that the negative impact of populist government



**FIGURE 3** The effect of populism on the rule of law: Assessing the role of alternative explanations. *Note:* The vertical dashed line at  $t = -1$  represents the period just before the populist event. Y-axis represents percentage points on a 0-1 scale.

on the rule of law is greater in the presence of income from natural resources or an economic crisis, in line with the expectation that these circumstances provide opportunities for populists to increase popular support to the ultimate detriment of institutional constraints on their power. On the other hand, we do not find that a longer tenure in government or the absence of partisan vetoes makes a difference in the capacity of populists to weaken the rule of law. This last result does not support the proposition that a divided government will strengthen judicial independence and, as a result, the rule of law.

To consider whether rule of law legacies matter in the presence of these alternative explanations, we further stratify the sample of events categorized under potential alternative factors into high versus low rule of law, as in the previous section. The rationale behind this stratification is to discern whether the predetermined level of the rule of law plays a pivotal role in shaping outcomes, even amidst the influence of these alternative explanations. Consistent with this, Figure 4 demonstrates a more pronounced fall in the rule of law after the ascent of populists, when there is a weak rule of law legacy in the context of longer tenures, the presence of democratic breakdowns, natural resource boons, economic crises, or unified party control. This said, Weyland (2020, 2024) argues that it is the combination of factors, for example, a history of democratic breakdowns coupled with a natural resource boon and economic crisis as in Venezuela, that explains the capacity of populists to undermine liberal democracy. While not negating the combined role of multiple factors, our results emphasize the importance of rule

of law legacies when explaining how populists may impact democratic institutions.<sup>14</sup>

## Disaggregating the rule of law index

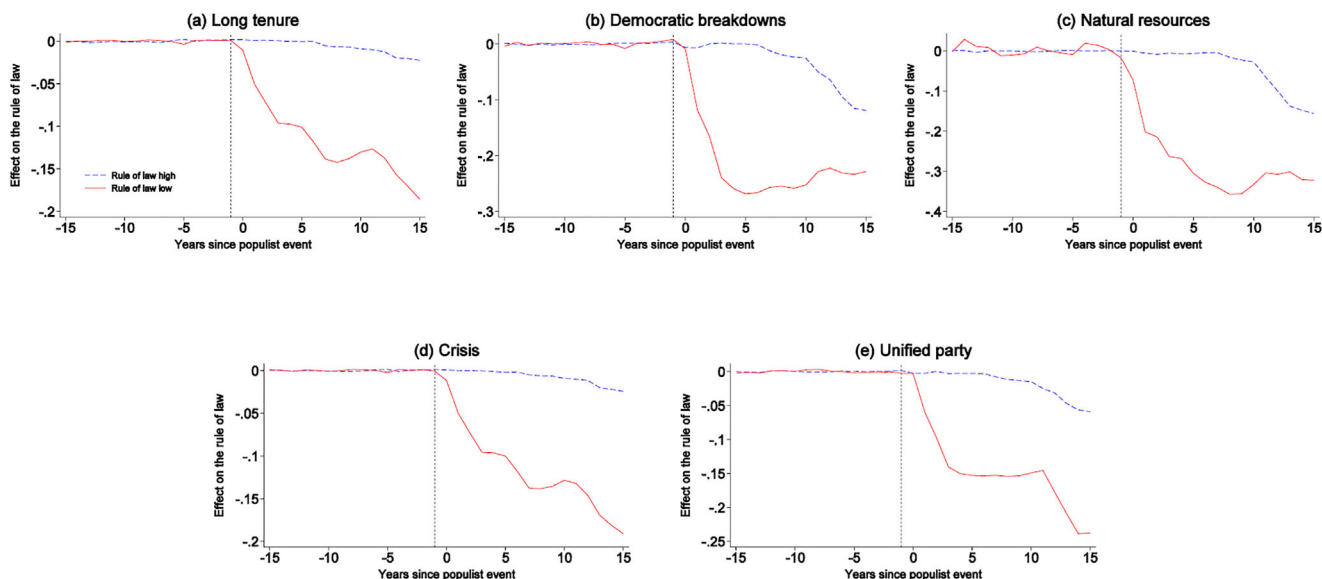
To further explore how populism affects the rule of law and the importance of rule of law legacies, we disaggregate the rule of law index down to specific subcomponents that capture different dimensions.

The rule of law index is derived from a Bayesian factor analysis of 15 indicators, as detailed in Table A.2 in Online Appendix A.<sup>15</sup> Rather than directly analyzing the 15 V-Dem components in this section, we opt for indices generated by V-Dem that amalgamate these components through various methods. This choice stems from the ordinal nature of V-Dem components.<sup>16</sup> Directly employing these components often fails to yield a unique vector of weights  $W$  in our SCM. Utilizing V-Dem indices that combine multiple components helps capture related concepts, enhances

<sup>14</sup> Unfortunately, due to data limitations, we cannot disentangle the relative importance of multiple combinations of factors in comparison with institutional legacies. Something similar arises regarding the influence of supranational institutions, such as the EU. For example, within our core sample, all EU countries exhibit a relatively high rule of law, making it impossible to disentangle the distinct roles of institutional legacies and the EU in this context.

<sup>15</sup> For a detailed explanation of the method used to calculate the index, see Pemstein et al. (2023).

<sup>16</sup> Ordinal data are transformed to interval by a measurement model. The measurement model aggregates the ratings provided by multiple country experts and, taking disagreement and measurement error into account, produces a probability distribution on a standardized interval scale (usually between -5 and 5).



**FIGURE 4** The effect of populism on the rule of law: Comparing alternative explanations versus the importance of institutional legacies. *Note:* The vertical dashed line at  $t = -1$  represents the period just before the populist event.

variability, and enables a better match on the variables of interest during the pretreatment period. Like the aggregate rule of law index, the indices in this section range between 0 and 1, and as such an index change is interpretable as a percentage point variation.

We thus disaggregate the rule of law index down to the following subcomponent indices: judicial constraints on the executive ( $v2x\_jucon$ ) that refers to the extent to which the executive respects the constitution and complies with court rulings, and the extent to which the judiciary can act independently; access to justice ( $v2xcl\_acjst$ ) defined as the extent to which men and women enjoy secure and effective access to justice; and political corruption ( $v2x\_corr$ ) that captures the pervasiveness of corruption in the public administration, the executive, the legislature, and the judiciary.<sup>17</sup>

Figure 5a–c show the weighted average gap between the treated and the synthetic control group for the different subindices. For each variable, the gap is calculated using the same methodology outlined in section “Empirical strategy.” Initially, we construct the synthetic control for each populism event by solving Equation (1), employing the outcome variable’s pretreatment values as predictors. Subsequently, we calculate the weighted average gap using Equation (3), giving more weight to events that are more closely aligned during the pretreatment period.

The outcomes are noteworthy: Irrespective of the dimension or index under scrutiny, the rise of populism appears to detrimentally impact various facets of the rule of law. It results in a weakening of judi-

cial constraints on the executive, a reduced access to justice, and a notable increase in political corruption. Specifically, the results suggest that after 15 years of the ascent of populists to power, judicial constraints and access to justice decline by 5.3 and 9.9 pp., respectively, while political corruption increases by almost 3 pp.<sup>18</sup>

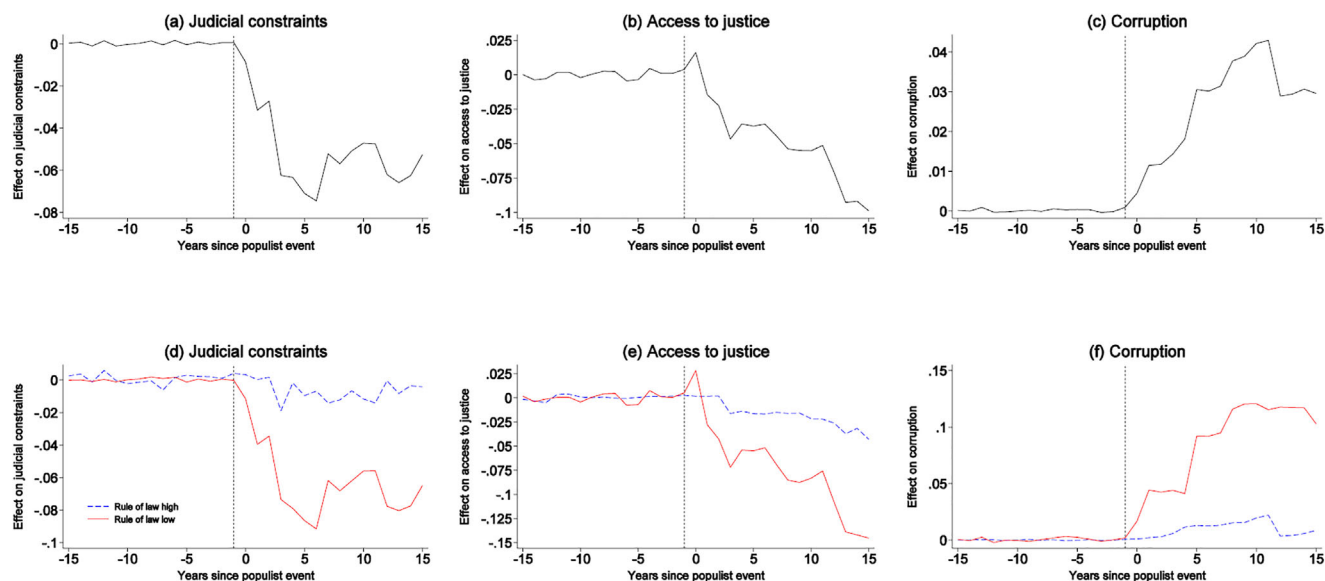
While one might be inclined from this to infer the relative contribution of each subcomponent to the aggregate decline in the rule of law observed earlier, several reasons deter us from doing so. First, the goodness of fit for each event during the pretreatment period ( $1/\hat{\sigma}_i$ ) is specific to each variable, implying that the relative significance of these events may fluctuate based on the particular outcome under examination. Second, within our core sample, Equation (1) might fail to generate a unique vector of weights for certain variables, resulting in potential differences in the event samples across the outcomes scrutinized in this paper.<sup>19</sup>

In Figure 5d–f, we turn to the differential effect of populism on each subindex in high versus low rule of law legacy settings. As highlighted earlier, the predetermined level of the rule of law emerges as a critical factor influencing the impact a populist government can have on institutions. We now consider whether this influence extends across all three dimensions of the rule of law outlined earlier. The results show that

<sup>18</sup> The influence of populism on corruption appears comparatively less pronounced compared to the other dimensions. However, it is worth noting that the weighted average of the corruption index at time  $t = -1$  is .224. Consequently, a decade after the event, the corruption index surged by approximately 19%, underscoring its substantial impact over the specified period. Table A.8 in Online Appendix A presents the weighted average at event time  $t = -1$  of the variables employed in this paper.

<sup>19</sup> See Table A.9 in Online Appendix A for a detailed list of events considered for each variable.

<sup>17</sup> Tables A.2 and A.7 in Online Appendix A, respectively, define each variable and display the specific components encompassed within each index.



**FIGURE 5** The effect of populism on subcomponents of the rule of law: Aggregate analysis and high versus low rule of law events. *Note:* The vertical dashed line at  $t = -1$  represents the period just before the populist event. Y-axis represents percentage points on a 0-1 scale.

the patterns observed in figures a–c are driven by populist events occurring in contexts with a relatively weak rule of law heritage. In such cases, the impact on various indices is notably more pronounced compared both to the high rule of law cases shown in the same figures and the aggregate results presented in figures a–c. Fifteen years after the ascent of populist governments, judicial constraints deteriorate by 6.5 pp., access to justice falls by 14.5 pp., and political corruption increases by 10.3 pp. Alternatively, in high rule of law settings, the corresponding numbers are .4 (judicial constraints), 4.3 (access to justice), and .8 (corruption). All in all, our results indicate that the presence of a robust rule of law at the time of the populist party's ascent to power prevents the deterioration of all the components considered.

### Varying the high/low rule of law groupings and the sample

Figure 6 further pursues the robustness of our results by testing alternative criteria for classifying events into groups and by considering the inclusion of events lacking complete information within the  $\pm 15$  year window. Specifically, Figure 6a considers events based on a 10-year average of the rule of law preceding the intervention and, again, employs the median value of .761 to split events into the high and low rule of law groupings. This approach aims to mitigate the impact of rule of law shocks related to populist events and highlight the role of institutional legacies. With this approach, Argentina 1989, Taiwan 2000, and Turkey 2003 are excluded from the high rule of law group that now con-

tains six events.<sup>20</sup> Moreover, Figure 6b includes events for which it is not possible to observe the full 15-year window after the event, but that have a unique vector of weights  $W$ , which implies including 46 out of the 51 events considered in this paper.<sup>21</sup>

Regardless of the rule of law classification criteria or the sample employed, a consistent pattern emerges. Countries with stronger adherence to the rule of law before populist parties assumed power experienced less severe declines in their rule of law index compared to those with a weaker rule of law heritage.

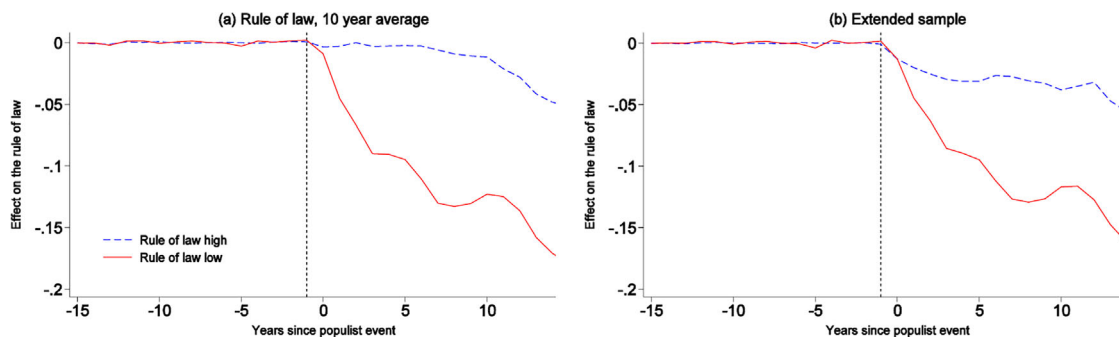
### Additional robustness checks

In the [Online Appendix](#), we provide a detailed explanation of additional robustness checks that, due to space constraints, we briefly summarize here. Specifically, we demonstrate that our results remain robust when using alternative criteria for coding populist events and different proxies for the rule of law. Additionally, we examine whether the rise of populist governments is associated with previous declines in the rule of law or other institutional variables.

In our study, we have relied on the populist classification from Funke et al. (2023) due to its broad coverage of episodes. In [Online Appendix C](#), we demonstrate that our findings remain robust when

<sup>20</sup> We obtain very similar results when we employ a 30-year pretreatment average.

<sup>21</sup> The five events not considered are Chile 1920, India 1966, Israel 1996, Mexico 1970, and New Zealand 1975. All of them belong to the core sample but are excluded from the analysis here because they do not have a unique vector of weights  $W$ . See Table A.5 in [Online Appendix A](#) for details.



**FIGURE 6** Robustness: Varying the high/low rule of law groupings and the sample. *Note:* The vertical dashed line at  $t = -1$  represents the period just before the populist event. Y-axis represents percentage points on a 0–1 scale.

using an alternative classification, specifically that of Hawkins et al. (2019). By employing this classification, we identified 35 events within our data set of 60 countries, from which we can include 23 in the analysis using SCM. In this subset of 23 events, we only have 10 populist events previously considered in our core sample of 29 populist events. Despite the large difference in the sample composition, our results consistently show that the rule of law declines following the election of a populist party and that this effect is more pronounced in contexts where there is a weak rule of law heritage.

When discussing the proxy for the rule of law used in our analysis, we previously noted that relying on the coding provided by country experts raises several challenges relating to how experts might interpret and distinguish the various rule of law components, and how the rise of populist parties in government may influence their perceptions of the rule of law. To assess the robustness of our results against alternative measures of the rule of law, Online Appendix D presents two exercises: one using the rule of law index from the Worldwide Governance Indicators (WGI) and another using the occurrence of constitutional events (amendments or reforms) from the Comparative Constitutions Project (CCP).

The rule of law index from the WGI is also a subjective measure. However, unlike the V-Dem indicator, it incorporates perceptions from a broader range of sources, including surveys of individuals, domestic firms, and nongovernmental organizations. Unfortunately, WGI's coverage is much more limited than V-Dem, having only information since 1996. This limitation reduces the number of populist events we can consider to seven. Despite this boundary, our SCM analysis still reveals a negative effect of populism on the rule of law, driven by events occurring in the context of a relatively weak rule of law heritage.

To further assess the potential impact of subjective bias on our findings, we employ an alternative objective measure namely, constitutional amendments or

replacements, from the CCP. This measure is relevant because populist leaders might undermine the rule of law through constitutional reforms or replacements. If this is the case, we would anticipate an increase in such events following populists' ascent to power.<sup>22</sup> However, because this indicator is a dummy variable, we cannot utilize the SCM to estimate the causal effect of populism on the rule of law. Instead, we conduct a panel event study, which reveals that populists are more likely to replace the constitution within 5 years of taking office, but they do not amend the constitution more frequently than non-populist counterfactuals. Again, this result is driven by populist events in countries with a weak rule of law tradition.

Finally, we examine the context in which populist parties rise to power. While our primary focus is on the impact of populism on the rule of law, the emergence of populism may also be intertwined with declines in other dimensions of governmental quality that are not directly measured by our rule of law index. For instance, populists may gain power when citizens perceive a decline in government responsiveness, transparency, or accountability. It could also be the case that previous changes in the rule of law might predict the ascent of populists to power. In such scenarios, the observed decline in the rule of law might be linked to broader issues affecting institutional quality or pre-event changes in the rule of law, rather than the populist event itself.

In Online Appendix E, we explore whether predetermined macroeconomic and institutional variables are associated with the rise of populist governments compared to non-populist ones. Our findings indicate that populist events are difficult to predict and that prior changes in the rule of law or other broader institutional variables are not significantly related to the emergence of populist governments. These results

<sup>22</sup> In Online Appendix D, we provide an extensive discussion on the limitations of using constitutional changes as an alternative measure of rule of law variations.

alleviate concerns that our findings might be driven by unobserved institutional changes or by previous trends in the rule of law.

## CONCLUSIONS

Populists are a threat to the rule of law. They purport to defend the “pure people” against the “corrupt elite” and aim to remove institutional constraints on their personalistic plebiscitarian rule. In this paper, we argue that the capacity of populists to sweep away constraints on their power depends on rule of law legacies that spring from shared norms consistent with upholding and ensuring the impartial and equitable enforcement of legal standards. The prevalence of these norms will help endow countries with independent and accountable judiciaries, impartial public administrations, executives that respect the constitution and comply with the courts, limited public sector corruption, and effective access to justice. In the context of such legacies, populist-led governments are less likely to succeed in undermining the rule of law. Conversely, in countries where behavior such as cronyism, clientelism, and corruption are the norm, the institutional configuration of countries will tend toward politicized judiciaries and public administrations, little respect by executives of the law, corrupt public sectors, and limited access to justice. In countries with such an institutional legacy, the rule of law is likely to suffer even further with the ascent of populists to power.

We explore the role of institutional legacies empirically based on an international sample of up to 51 populist events starting in 1920 and ending in 2019 and the application of SCMs. We find that, on aggregate, the ascent of populists to power reduces the rule of law measure we employ by up to 11.4 pp. after 15 years. Consistent with the importance of rule of law legacies, we also find that this reduction is much greater in countries with a weak rule of law heritage: a fall of 17.5 pp. compared to a fall of 5.8 pp. for countries where the rule of law is historically stronger. These results are robust to a range of treatments that include the consideration of alternative, potentially confounding factors, and different ways of classifying populist events and measuring the rule of law.

The empirical evidence indicates that institutional resilience to populist attacks depends on how strong the rule of law is when populists enter office. We have suggested that an important factor explaining the strength of the rule of law is the prevalence of social norms that identify compliance with the law, as well as impartiality and equality in its enforcement, as appropriate behavior. It is our opinion that a systematic examination of the processes driving the emergence and evolution of such norms, as well as the

factors that determine adherence to them (see, e.g., Bicchieri, 2017; Cialdini et al., 1991; Fisman & Golden, 2017; Kubbe et al., 2024; Young, 2015), are important research topics for the populism research agenda.

## ACKNOWLEDGMENTS

We thank the editors and three anonymous referees for their insightful comments and suggestions on an earlier version of this paper. We are also grateful to Kurt Weyland for providing valuable feedback. Andreas Kyriacou also thanks Elias Dinas for sponsoring his research stay at the Department of Political and Social Sciences of the European University Institute, during which he was able to focus on the revision of the paper. Kyriacou has received funding from projects PID2020-113452RB-I00 and PID2022-136482OB-I00 (Ministerio de Ciencia e Innovación, Spain) as well as project 2021 SGR 00570 (AGAUR, Generalitat de Catalunya, Spain).

Open Access funding provided thanks to the CRUE-CSIC agreement with Wiley.

## CONFLICT OF INTEREST STATEMENT

We have no conflict of interest to declare.

## REFERENCES

- Abadie, Alberto. 2021. “Using Synthetic Controls: Feasibility, Data Requirements, and Methodological Aspects.” *Journal of Economic Literature* 59(2): 391–25.
- Abadie, Alberto, Alexis Diamond, and Jens Hainmueller. 2010. “Synthetic Control Methods for Comparative Case Studies: Estimating the Effect of California’s Tobacco Control Program.” *Journal of the American Statistical Association* 105(490): 493–505.
- Abadie, Alberto, Alexis Diamond, and Jens Hainmueller. 2015. “Comparative Politics and the Synthetic Control Method.” *American Journal of Political Science* 59(2): 495–510.
- Abadie, Alberto, and Javier Gardeazabal. 2003. “The Economic Costs of Conflict: A Case Study of the Basque Country.” *American Economic Review* 93(1): 113–32.
- Acemoglu, Daron, Simon Johnson, Amir Kermani, James Kwak, and Todd Mitton. 2016. “The Value of Connections in Turbulent Times: Evidence from the United States.” *Journal of Financial Economics* 121(2): 368–91.
- Alm, James. 2019. “What Motivates Tax Compliance?” *Journal of Economic Surveys* 33(2): 353–88.
- Athey, Susan, and Guido W. Imbens. 2017. “The State of Applied Econometrics: Causality and Policy Evaluation.” *Journal of Economic Perspectives* 31(2): 3–32.
- Barr, Abigail, and Danila Serra. 2010. “Corruption and Culture: An Experimental Analysis.” *Journal of Public Economics* 94(11–12): 862–69.
- Bauer, Michael W., and Stefan Becker. 2020. “Democratic Backsliding, Populism, and Public Administration.” *Perspectives on Public Management and Governance* 3(1): 19–31.
- Bauer, Michael W., B. Guy Peters, Jon Pierre, Kutsal Yesilkagit, and Stefan Becker. 2021. *Democratic Backsliding and Public Administration: How Populists in Government Transform State Bureaucracies*. Cambridge: Cambridge University Press.
- Bellodi, Luca, Massimo Morelli, and Matia Vannoni. 2024. “A Costly Commitment: Populism, Economic Performance, and the Quality of Bureaucracy.” *American Journal of Political Science* 68(1): 193–209.

- Bicchieri, Cristina. 2017. *Norms in the Wild: How to Diagnose, Measure, and Change Social Norms*. New York, NY: Oxford University Press.
- Boix, Carles, Michael Miller, and Sebastian Rosato. 2013. "A Complete Data Set of Political Regimes, 1800–2007." *Comparative Political Studies* 46(12): 1523–54.
- Brehm, John O., and Scott Gates. 1999. *Working, Shirking, and Sabotage: Bureaucratic Response to a Democratic Public*. Ann Arbor, MI: University of Michigan Press.
- Charron, Nicholas, Carl Dahlström, Mihaly Fazekas, and Victor Lapuente. 2017. "Careers, Connections, and Corruption Risks: Investigating the Impact of Bureaucratic Meritocracy on Public Procurement Processes." *The Journal of Politics* 79(1): 89–104.
- Chipkin, Ivor. 2018. "The End of Tyranny: How Civil Society in South Africa Fought Back." In *Rising to the Populist Challenge*, edited by César Rodríguez-Garavito and Krizna Gomez, 101–12. Bogota DC: Dejusticia.
- Cialdini, Robert B., Carl A. Kallgren, and Raymond R. Reno. 1991. "A Focus Theory of Normative Conduct: A Theoretical Refinement and Reevaluation of the Role of Norms in Human Behavior." In *Advances in Experimental Social Psychology*, edited by Mark P. Zanna, vol. 24, 201–34. San Diego, CA: Academic Press.
- Coppedge, Michael, John Gerring, Carl Henrik Knutsen, Staffan I. Lindberg, Jan Teorell, David Altman, Michael Bernhard, Agnes Cornell, M. Steven Fish, Lisa Gastaldi, et al. 2023. *V-Dem Codebook v13*. Gothenburg: University of Gothenburg, V-Dem Institute.
- Corbacho, Ana, Daniel W. Gingerich, Virginia Oliveros, and Mauricio Ruiz-Vega. 2016. "Corruption as a Self-fulfilling Prophecy: Evidence from a Survey Experiment in Costa Rica." *American Journal of Political Science* 60(4): 1077–92.
- Cowell, Alan. 2017. "South African Court Rejects Zuma's Bid to Block Corruption Inquiry." *The New York Times*, December 13.
- Dahlström, Carl, and Victor Lapuente. 2017. *Organizing Leviathan: Politicians, Bureaucrats, and the Making of Good Government*. Cambridge: Cambridge University Press.
- Dahlström, Carl, Victor Lapuente, and Jan Teorell. 2012. "The Merit of Meritocratization: Politics, Bureaucracy, and the Institutional Deterrents of Corruption." *Political Research Quarterly* 65(3): 656–68.
- Dong, Bin, Uwe Dulleck, and Benno Torgler. 2012. "Conditional Corruption." *Journal of Economic Psychology* 33(3): 609–27.
- Echebarria, Koldo, and Juan Carlos Cortázar. 2007. "Public Administration and Public Employment Reform in Latin America." In *The State of State Reform in Latin America*, edited by Eduardo Lora, 123–56. Washington DC: The Inter-American Development Bank.
- Fazekas, Mihály, and István János Tóth. 2016. "From Corruption to State Capture: A New Analytical Framework with Empirical Applications from Hungary." *Political Research Quarterly* 69(2): 320–34.
- Fisman, Raymond, and Miriam A. Golden. 2017. *Corruption: What Everyone Needs to Know*. New York, NY: Oxford University Press.
- Fisman, Raymond, and Edward Miguel. 2007. "Corruption, Norms, and Legal Enforcement: Evidence from Diplomatic Parking Tickets." *Journal of Political Economy* 115(6): 1020–48.
- Friedman, Nick. 2019. "The Impact of Populism on Courts: Institutional Legitimacy and the Popular Will." In *The Social and Political Foundations of Constitutions*, 1–8. Oxford: The Foundation for Law, Justice and Society.
- Fukuyama, Francis. 2011. *The Origins of Political Order: From Prehuman Times to the French Revolution*. New York, NY: Farrar, Straus and Giroux.
- Fukuyama, Francis. 2014. *Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy*. New York, NY: Farrar, Straus and Giroux.
- Fuller, Lon L. 1969. *The Morality of Law*. New Haven, CT: Yale University Press.
- Funke, Manuel, Moritz Schularick, and Christoph Trebesch. 2023. "Populist Leaders and the Economy." *American Economic Review* 113(12): 3249–88.
- Ginsburg, Tom, and Mila Versteeg. 2017. "Constitutional Correlates of the Rule of Law." In *Constitutionalism and the Rule of Law: Bridging Idealism and Realism*, edited by Maurice Adams, Anne Meuwese, and Ernst Hirsch Ballin, 506–25. Cambridge: Cambridge University Press.
- Goemans, Henk E., Kristian Skrede Gleditsch, and Giacomo Chiozza. 2009. "Introducing Archigos: A Dataset of Political Leaders." *Journal of Peace Research* 46(2): 269–83.
- Grzymala-Busse, Anna. 2017. "Global Populisms and Their Impact." *Slavic Review* 76(S1): S3–S8.
- Grzymala-Busse, Anna, Didi Kuo, Francis Fukuyama, and Michael McFaul. 2020. "Global Populisms and Their Challenges." Freeman Spogli Institute for International Studies, Stanford University, March 2020.
- Guriev, Sergei, and Elias Papaioannou. 2022. "The Political Economy of Populism." *Journal of Economic Literature* 60(3): 753–32.
- Gutmann, Jerg, and Stefan Voigt. 2020. "Judicial Independence in the EU: A Puzzle." *European Journal of Law and Economics* 49(1): 83–100.
- Haber, Stephen, and Victor Menaldo. 2011. "Do Natural Resources Fuel Authoritarianism? A Reappraisal of the Resource Curse." *American Political Science Review* 105(1): 1–26.
- Hawkins, Kirk A., Rosario Aguilar, Bruno Castanho Silva, Erin K. Jenne, Bojana Kocijan, and Cristóbal Rovira Kaltwasser. 2019. "Measuring Populist Discourse: The Global Populism Database." In *EPSA Annual Conference*, Belfast, UK, June, 20–22.
- Hayo, Bernd, and Stefan Voigt. 2007. "Explaining De Facto Judicial Independence." *International Review of Law and Economics* 27(3): 269–90.
- Hayo, Bernd, and Stefan Voigt. 2019. "The Long-Term Relationship Between De Jure and De Facto Judicial Independence." *Economics Letters* 183:108603.
- Helmke, Gretchen, and Frances Rosenbluth. 2009. "Regimes and the Rule of Law: Judicial Independence in Comparative Perspective." *Annual Review of Political Science* 12:345–66.
- Houle, Christian, and Paul D. Kenny. 2018. "The Political and Economic Consequences of Populist Rule in Latin America." *Government and Opposition* 53(2): 256–87.
- Kenny, Paul D. 2017. *Populism and Patronage: Why Populists Win Elections in India, Asia, and Beyond*. Oxford: Oxford University Press.
- Knutsen, Carl Henrik, Kyle L. Marquardt, Brigitte Seim, Michael Coppedge, Amanda B. Edgell, Juraj Medzihorsky, Daniel Pemstein, Jan Teorell, John Gerring, and Staffan I. Lindberg. 2024. "Conceptual and Measurement Issues in Assessing Democratic Backsliding." *PS: Political Science & Politics* 57(2): 162–77.
- Köbis, Nils C., Jan-Willem Van Prooijen, Francesca Righetti, and Paul A.M. Van Lange. 2015. "'Who Doesn't?'— The Impact of Descriptive Norms on Corruption." *PLoS ONE* 10(6): e0131830.
- Kossow, Niklas. 2019. "Populism and Corruption." In *Transparency International Anticorruption Helpdesk Answer*. Berlin: Transparency International.
- Kubbe, Ina, Claudia Baez-Camargo, and Cheyanne Scharbatke-Church. 2024. "Corruption and Social Norms: A New Arrow in the Quiver." *Annual Review of Political Science* 27:23.1–23.22.
- Lacey, Nicola. 2021. "Populism and the Rule of Law." In *The Cambridge Companion to the Rule of Law*, Cambridge Companions to Law, edited by Jens Meierhenrich and Martin Loughlin, 458–73. Cambridge: Cambridge University Press.
- Li, Jia, and Joseph Wright. 2023. "How Personalist Parties Undermine State Capacity in Democracies." *Comparative Political Studies* 56(13): 2030–65.
- March, James G., and Johan P. Olsen. 1996. "Institutional Perspectives on Political Institutions." *Governance* 9(3): 247–64.

- March, James G., and Johan P. Olsen. 2011. "The Logic of Appropriateness." In *The Oxford Handbook of Political Science*, edited by Robert Goodin, 1–23. New York, NY: Oxford University Press.
- Melton, James, and Tom Ginsburg. 2014. "Does De Jure Judicial Independence Really Matter?: A Reevaluation of Explanations for Judicial Independence." *Journal of Law and Courts* 2(2): 187–217.
- Mudde, Cas. 2004. "The Populist Zeitgeist." *Government and Opposition* 39(4): 541–63.
- Mudde, Cas, and Cristóbal Rovira Kaltwasser. 2017. *Populism: A Very Short Introduction*. Oxford, UK: Oxford University Press.
- Mudde, Cas, and Cristóbal Rovira Kaltwasser. 2018. "Studying Populism in Comparative Perspective: Reflections on the Contemporary and Future Research Agenda." *Comparative Political Studies* 51(13): 1667–93.
- Müller, Jan Werner. 2017. *What Is Populism?* UK: Penguin.
- North, Douglass C. 1994. "Economic Performance through Time." *American Economic Review* 84(3): 359–68.
- Özbudun, Ergun. 2015. "Turkey's Judiciary and the Drift Toward Competitive Authoritarianism." *The International Spectator* 50(2): 42–55.
- Pappas, Takis S. 2019. "Populists in Power." *Journal of Democracy* 30(2): 70–84.
- Pemstein, Daniel, Kyle L. Marquardt, Eitan Tzelgov, Yi-ting Wang, Juraj Medzihorsky, Joshua Krusell, Farhad Miri, and Johannes von Römer. 2023. "The V–Dem Measurement Model: Latent Variable Analysis for Cross-National and Cross-Temporal Expert-Coded Data." V-Dem Working Paper, 21.
- Persson, Anna, Bo Rothstein, and Jan Teorell. 2013. "Why Anticorruption Reforms Fail—Systemic Corruption as a Collective Action Problem." *Governance* 26(3): 449–71.
- Peters, B. Guy, and Jon Pierre. 2019. "Populism and Public Administration: Confronting the Administrative State." *Administration & Society* 51(10): 1521–45.
- Pierre, Jon, B. Guy Peters, Michael W. Bauer, Stefan Becker, and Kutsal Yesilkagit. 2021. "Conclusions: Public Administration under the Rule of Democratic Backsliders." In *Democratic Backsliding and Public Administration: How Populists in Government Transform State Bureaucracies*, edited by Michael W. Bauer, B. Guy Peters, Jon Pierre, Kutsal Yesilkagit, and Stefan Becker, 267–84. Cambridge: Cambridge University Press.
- Rauch, James E., and Peter B. Evans. 2000. "Bureaucratic Structure and Bureaucratic Performance in Less Developed Countries." *Journal of Public Economics* 75(1): 49–71.
- Rodriguez, Daniel B., Matthew D. McCubbins, and Barry R. Weingast. 2010. "The Rule of Law Unplugged." *Emory Law Journal* 59: 1455–94.
- Rothstein, Bo, and Jan Teorell. 2008. "What Is Quality of Government? A Theory of Impartial Government Institutions." *Governance* 21(2): 165–90.
- Schick, Allen. 1998. "Why Most Developing Countries Should Not Try New Zealand's Reforms." *The World Bank Research Observer* 13(1): 123–31.
- Selçuk, Orçun. 2016. "Strong Presidents and Weak Institutions: Populism in Turkey, Venezuela and Ecuador." *Southeast European and Black Sea Studies* 16(4): 571–89.
- Sheffrin, Steven M., and Robert K. Triest. 1992. "Can Brute Deterrence Backfire? Perceptions and Attitudes in Taxpayer Compliance." In *Why People Pay Taxes: Tax Compliance and Enforcement*, edited by Joel Slemrod, 193–18. Ann Arbor, MI: The University of Michigan Press.
- Tahiroglu, Merve. 2020. "How Turkey's Leaders Dismantled the Rule of Law." *The Fletcher Forum of World Affairs* 44(1): 67–96.
- Taylor, Matthew M. 2014. "The Limits of Judicial Independence: A Model with Illustration from Venezuela Under Chavez." *Journal of Latin American Studies* 46(2): 229–59.
- Vanberg, Georg, Benjamin Broman, and Christopher Ritter. 2023. "The Rise and Protection of Judicial Independence." In *Research Handbook on the Politics of Constitutional Law*, edited by Mar Tushnet and Dimitry Kochenov, 246–61. Cheltenham, UK: Edward Elgar Publishing.
- Versteeg, Mila, and Tom Ginsburg. 2017. "Measuring the Rule of Law: A Comparison of Indicators." *Law & Social Inquiry* 42(1): 100–137.
- Weingast, Barry R. 1997. "The Political Foundations of Democracy and the Rule of the Law." *American Political Science Review* 91(2): 245–63.
- Weyland, Kurt. 2001. "Clarifying a Contested Concept: Populism in the Study of Latin American Politics." *Comparative Politics* 34(1): 1–22.
- Weyland, Kurt. 2013. "Latin America's Authoritarian Drift: The Threat from the Populist Left." *Journal of Democracy* 24(3): 18–32.
- Weyland, Kurt. 2017. "Populism: A Political-strategic Approach." In *The Oxford Handbook of Populism*, edited by Cristóbal Rovira Kaltwasser, Paul Taggart, Paulina Ochoa Espejo, and Pierre Ostiguy, 48–72. Oxford, UK: Oxford University Press.
- Weyland, Kurt. 2020. "Populism's Threat to Democracy: Comparative Lessons for the United States." *Perspectives on Politics* 18(2): 389–406.
- Weyland, Kurt. 2022. "How Populism Dies: Political Weaknesses of Personalistic Plebiscitarian Leadership." *Political Science Quarterly* 137(1): 9–42.
- Weyland, Kurt. 2024. *Democracy's Resilience to Populism's Threat: Countering Global Alarmism*. Cambridge: Cambridge University Press.
- Williamson, Oliver E. 2000. "The New Institutional Economics: Taking Stock, Looking Ahead." *Journal of Economic Literature* 38(3): 595–13.
- Young, H. Peyton. 2015. "The Evolution of Social Norms." *Annual Review of Economics* 7(1): 359–87.
- Zhang, Dong. 2024. "Draining the Swamp? Populist Leadership and Corruption." *Governance* 37(4): 1141–61.

## SUPPORTING INFORMATION

Additional supporting information can be found online in the Supporting Information section at the end of this article.

**How to cite this article:** Kyriacou, Andreas, and Pedro Trivin. 2024. "Populism and the rule of law: The importance of institutional legacies." *American Journal of Political Science* 1–16.  
<https://doi.org/10.1111/ajps.12935>