

# The Political Life of Constitutional Amendments: Legal Change in Populist Regimes

Bálint Tóth<sup>1</sup>, Aleksandra Nowak<sup>2\*</sup>, Ayşe Demir<sup>3</sup>, Rafael González<sup>4</sup>

<sup>1</sup> Department of Criminal Law, Eötvös Loránd University, Budapest, Hungary

<sup>2</sup> Department of Criminal Law, University of Warsaw, Warsaw, Poland

<sup>3</sup> Department of Law, Ankara University, Ankara, Türkiye

<sup>4</sup> Department of Public Law, Universidad Central de Venezuela, Caracas, Venezuela

\* Corresponding author email address: aleksandra.nowak@uw.edu.pl

Received: 2025-01-29	Revised: 2025-03-22	Accepted: 2025-04-02	Published: 2025-04-10
<b>EDITOR:</b> Cavid Qasimov <sup>id</sup> Prof, Faculty of Letters Department of History, Van Yuzuncu Yıl University, Van, Türkiye. Email: cavidqasimov@yyu.edu.tr			
<b>REVIEWER 1:</b> Zeynep Karal <sup>id</sup> Department of Computer and Instructional Technologies Education, Trabzon University, Trabzon, Türkiye. Email: zeynepkaral@trabzon.edu.tr			
<b>REVIEWER 2:</b> Mustafa Kaan Tuysuz <sup>id</sup> Institute of Social Sciences, Siirt University, Siirt, Turkey. Email: AhmetKılıç@siirt.edu.tr			

## 1. Round 1

### 1.1. Reviewer 1

Reviewer:

The sentence “Populism, broadly defined, operates on the ideological axis that valorizes the ‘will of the people’ against a perceived corrupt elite” could benefit from a clearer delineation between populism as an ideology and as a political strategy. Consider expanding this paragraph to integrate more theoretical nuance from Cas Mudde’s “thin-centered ideology” model.

The mention of “autocratic legalism” and “abusive constitutionalism” is appropriate, but the article should briefly contrast these concepts or discuss how they interact in hybrid regimes.

The reference to Venezuela’s use of symbolic constitutional change is compelling. Consider elaborating further on how symbolism operates differently in presidential vs. parliamentary systems, as this may affect the performative aspects of amendments.

The phrase “tools for undermining liberal democratic values while preserving a façade of legality” is strong but vague. Consider citing specific legal instruments (e.g., Article 198A of Hungary’s constitution) to ground the analysis.

The article states, “amendments are marketed as victories for the people...” A more robust exploration of populist communication strategies (e.g., state media narratives or campaign rhetoric) would enhance this section.

In describing Hungary’s 2011 constitutional changes, the article should mention the Fundamental Law’s preamble (“National Avowal”) as an ideological tool of legal entrenchment. This adds depth to the legal-political linkage.

The phrase “legal innovation that disguises autocratic ambitions” is powerful. However, it would be beneficial to briefly compare with liberal constitutional innovations (e.g., South Africa’s post-apartheid constitution) to better illustrate the contrast.

Consider clarifying the point about “institutional history” with a concrete comparison. For instance, contrast Poland’s post-1989 constitutional legacy with Hungary’s legal continuity from the socialist era.

Authors revised the manuscript and uploaded the document.

## 1.2. Reviewer 2

Reviewer:

The statement “Studying this phenomenon is essential not only for understanding contemporary democratic backsliding...” would be strengthened by briefly referencing key global events (e.g., constitutional changes in Tunisia or India) to frame the research relevance more expansively.

While the article defines its scope well, it would be useful to justify the case selection (Hungary, Poland, Turkey, Venezuela) beyond stating they are “significant.” Include a sentence that addresses why these represent distinct trajectories or typologies within populist regimes.

The citation of Tushnet’s “constitutional hardball” is apt but would benefit from a clearer explanation of how this concept differs from outright legal violations or coup-like behaviors. Some readers may conflate the terms.

The sentence “In Hungary, the constitution now defines marriage exclusively as a union between a man and a woman...” would benefit from contextualizing this within the broader “illiberal democracy” paradigm promoted by Orbán.

The authors rightly discuss emergency decrees but should also address the normative implications. What happens when informalism becomes institutionalized over time?

Authors revised the manuscript and uploaded the document.

## 2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.