

Trust the Process: Procedural Legitimacy and Citizen Participation in Constitutional Change

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Abstract

Procedural legitimacy is a critical component of democratic governance, particularly in the area of constitutional transformation, where lawmakers and citizens seek to create “higher law.” This study tests the impact of citizen inclusion in the constitutional amendment process on the legitimacy of constitutional change through the use of a survey experiment. In doing so, I separate the processes of amendment initiation and ratification, examining the role of legislatures, referendums, and citizens' assemblies in the amendment process. I find that citizen participation in any stage of the amendment process produces higher levels of legitimacy when compared to legislative-only amendment processes. So too, citizens are more likely to expect a participatory process when the amendment represents a significant alteration of the constitutional text. Finally, I find that key social capital indicators – such as social and political trust – mediate perceptions of legitimacy.

1. Introduction

In May 2018, Ireland overwhelmingly ratified an amendment overturning their constitution's decades-long prohibition on abortion. To first consider the repeal of the Eighth Amendment, Ireland convened a Citizens' Assembly comprised of ninety-nine randomly selected citizens. These citizens listened to expert and activist testimony, considered public comment, and deliberated among themselves before making their recommendation to the Oireachtas (Parliament), which then sent the amendment to voters in a public referendum. Thus, repeal was the culmination of a long and carefully considered process that included aspects of representative, direct, and deliberative democracy. Ireland is not alone in its efforts bring citizens into the amendment process. In 2017, the citizens of Turkey voted to establish a new presidential system and in 2016, citizens in the United Kingdom voted to remove their country from the European Union. However, participatory democracy is not the only means by which a state may change its constitution.¹ In the United States, the national and state legislatures are the sole mechanisms through which amendments have been adopted on the national level.

Why did Ireland add an additional veto player to what is already a difficult amendment process? Why have countries given the people the power to ratify constitutional changes? For many,

¹ Alexander Hudson and Zachary Elkins (2018) find that referendums are now the modal ratification mechanism for constitutional amendments.

the answer is legitimacy. Scholars of Western democracy have noted an increasing legitimacy crisis facing representative institutions (Mair 2013). According to many democratic and constitutional theorists, giving the people a more direct role in decision-making should heighten the legitimacy of democratic outputs by making a direct appeal to popular sovereignty. However, there is little empirical evidence for this normative claim in the constitutional arena. So too, it is not clear at which stage of the process direct citizen participation will increase the legitimacy of an amendment, if this relationship is contingent on the type of change being made, or if this relationship is contingent on a citizen's level of social and political trust. While citizens directly participated in both the initiation and ratification stages in Ireland, they only participated in the latter stage in the UK and in neither stage in the United States. So too, while some amendments make only minor textual adjustments, others can revolutionize the system of constitutional justice (Cozza 2021).

This study tests the impact of participatory amendment procedures on the legitimacy of constitutional change through the use of a survey experiment.² In analyzing this question, I explore three amending institutions that correspond with the different normative conceptions of democracy debated in the literature: representative, direct, and deliberative democracy. So too, this study separates the processes of amendment initiation and ratification, examining the interaction between the institutions commonly associated with each process. Finally, this study analyzes these mechanisms with respect to three areas of constitutional change: changes to political institutions, constitutional values, and ordinary governing procedures. Through an examination of these amendment procedures, this study aims to better understand perceptions of citizen participation in constitutional change, shedding new light on a centuries-long debate about the proper role of the citizenry in democratic systems of governance. In doing so, this study focuses on the procedural dimension of democratic legitimacy in order to understand the impact of the decision-making mechanisms themselves. Thus, the goal of this study is to better understand the different models of democracy as they relate to the normative goal of procedural justice. Ultimately, by directly incorporating citizens into the process of constitutional change, participatory processes are expected to increase perceptions of legitimacy when compared to decisions made solely by legislative institutions, the least inclusive mechanism of constitutional revision.

² Public law scholars often distinguish between sociological legitimacy and normative legitimacy (e.g., Fallon 2005; Wells 2007; Cozza 2021). The former “concerns empirical, nonnormative consideration of the attitudes, expectations, and behaviors of citizens toward the institutions that govern them” (Gibson and Nelson 2014, 202).

Indeed, the analysis presented in this study demonstrates that direct citizen participation in the amendment process does increase perceptions of legitimacy. Though the participants in this study found amendments resulting from participatory processes to be more legitimate than those resulting from purely legislative processes, they did not distinguish between citizen participation in the initiation stage, ratification stage, or both stages when assessing the legitimacy of the resulting amendment. This study also finds that citizens are more likely to expect a participatory process when the amendment represents a significant change to the constitutional text and that key social capital indicators – such as social and political trust – mediate perceptions of legitimacy. Finally, this study finds that perceptions of procedural and substantive legitimacy are highly correlated, frustrating our attempts to theoretically and empirically distinguish these two concepts.

The results of this study have significant implications for the way in which democracies approach questions of fundamental constitutional change. If the perception of legitimacy generates political stability (Weber 1978; Kailitz 2013; Rhodes-Purdy 2017), then democracies should seek to maximize this perception by employing the model of democracy that best produces procedural justice. As the process of profound constitutional change unfolds around the world, these findings suggest that democracies should incorporate their citizens into amendment procedures at any stage of the amendment process. This study also finds empirical support for the claim that deliberative bodies composed of ordinary citizens can provide enhanced legitimacy to critical constitutional changes, thus supporting the increasing use of citizens' assemblies in many European democracies.³ Ultimately, societies seeking to make profound changes to their constitutional orders should consider incorporating their citizens into decision-making processes as they seek to increase the legitimacy of these transformations in the eyes of the people.

2. Legitimacy and Decision-Making in Democratic Systems

Political theorists have spent centuries debating the interaction between democratic decision-making, citizen participation, and political legitimacy. While this study analyzes mechanisms of democratic decision-making in the context of constitutional amendment, it focuses exclusively on their relationship with procedural legitimacy.⁴ I limit my focus to procedural legitimacy because I am

³ Several European polities have proposed or established citizens' assemblies to evaluate future constitutional and statutory changes including Ireland, Belgium, France, and Scotland.

⁴ Legitimacy is often divided into *procedural legitimacy*, legitimacy derived from the decision having gone through the proper process, and *substantive legitimacy*, legitimacy derived from the nature of the decision itself (Rhodes-Purdy 2017; Kriesi 2018; Clayton, O'Brien, and Piscopo 2018).

most interested in how citizens evaluate the process through which change occurs rather than the merits of the change itself. Thus, it is important to begin by exploring the nature of procedural legitimacy and the arguments advanced by the various frameworks of democratic decision-making.

In *Economy and Society*, Max Weber (1978) set out three types of legitimate authority. The first type, legal authority, is most relevant to the analysis of regime legitimacy in democratic systems. Modern legal authority, according to Weber, is based on impersonal, intentional, and consistent legal rules applied to and followed by each member of the polity. It is adherence to these rules and the belief that those chosen to govern under them have the right to issue commands that produces legitimacy in systems based on legal authority. Weber's definition of rules-based legitimation can be seen as a precursor to the concept of procedural justice, the belief that fair application of decision-making rules builds legitimacy by engendering trust, ensuring fairness, and minimizing uncertainty (Lind and Taylor 1988).

Beyond this basic understanding of legal legitimacy is the notion of popular sovereignty. Nearly all proponents of democratic theory acknowledge that decisions are legitimate if they embody the will of the people, which comes through "a process of conflict and compromise in which all interested groups have participated" (Huntington 1965). In democracies, citizens recognize the legitimacy of government decisions because they participated in the process in some form, which generates a belief that the institutions of government are acting in their best interest (Lind and Taylor 1988; Hardin 2000; Kailitz 2013; Rhodes-Purdy 2017). This procedural legitimacy is especially important with regards to the writing and altering of a nation's constitution, which produces "higher law" (Hart 2003; Tierney 2009; Saunders 2012; Tushnet 2015; Stacey 2018). In this study, I focus particularly on the process of constitutional amendment, which occurs through pre-prescribed rules set out in the text of the constitution itself.

Thus, citizens should see any alteration to the constitution as more legitimate when it is approved through the proper institutional channels, and when these channels involve some degree of citizen involvement, regardless of their opinion on the substance of the amendment. While there is general agreement that citizen participation is linked to perceptions of procedural legitimacy in democratic systems, the question remains: can different forms of citizen involvement in amendment processes increase perceptions of constitutional legitimacy? If so, at which stage of the constitutional amendment process should we expect citizen participation to increase the legitimacy of the outcome? Finally, are these perceptions contingent on the type of change being made?

Ultimately, citizen involvement is a necessary component of procedural justice in a democratic society. To be truly democratic, a state must be responsive to its citizens' preferences in the formation of constitutional law and public policy and to do so, citizens must be free to express those preferences by participating in the democratic system (Dahl 1971). However, participation can come in various forms. Theories of decision-making in democracies are often divided into two broad frameworks: representative democracy and participatory democracy (Pateman 1970; Acemoglu and Robinson 2005). In representative democracy, citizens participate in free and fair elections to select leaders who make decisions on their behalf. Representative democracy allows citizens to impact policy by choosing between competing elites to defend their interests and by holding these elites accountable at the ballot box (Pitkin 1967; Schumpeter 2008; Rhodes-Purdy 2017). So too, representative democracy is often associated with skepticism toward majoritarian politics (Hobbes 1985; Sartori 1987; Acemoglu and Robinson 2005; Schumpeter 2008; Rhodes-Purdy 2017). As such, systems that emphasize representation often employ mechanisms to check and frustrate the momentary passion of the majority. Thus, according to the theory of representative decision-making, decisions should achieve a sufficient degree of procedural legitimacy, thus embodying the will of the people, if they are made by duly elected representatives following the established constitutional procedures.

While representative democracy often ascribes a more passive role to citizens in the decision-making process, participatory democracy grants them a direct voice in policy formation or ratification. According to Matthew Rhodes-Purdy, participatory democracy refers to “an institutional granting of decision-making authority to those who will be governed by the decision” (2017, 71). Participatory democracy follows classical democratic theory, emphasizing the citizens' desire for autonomy and self-governance, which comes through an active role in political decision-making (Aristotle 1959; Huntington 1965; Pateman 1970; Barber 1984; Rousseau 2002). These theorists argue that by providing citizens with greater autonomy, participatory democracy best binds political decisions to the popular will and thus better contributes to sociological perceptions of legitimacy (Tierney 2012; Rhodes-Purdy 2017).

This category of decision-making includes mechanisms of direct democracy, such as referendums and initiatives, and deliberative democracy. While both fit this classical democratic definition, they are not equal in their relationship to democratic legitimacy. Referendums have become the most common mechanism for ratifying constitutional changes (Elkins and Hudson 2018) and allow citizens to directly express their opinions on a constitutional amendment by voting to either

ratify or not ratify the amendment in question.⁵ These referendums are typically held at the very end of the process and are usually binding, ensuring that the people are the final veto player in the process. Though many referendums can pass with a simple majority, some polities create super-majoritarian, sub-national/regional, or turnout thresholds to ensure an amendment has a sufficient degree of popular support before being incorporated into the constitution (Tierney 2012).

In a 2018 working paper, however, Richard Stacey argues that direct democracy is fundamentally insufficient to ensure a claim to popular sovereignty, and thus, on its own, is not a normatively legitimate vehicle through which a state can adopt a new constitution. Instead, Stacey argues that the process of constitution-*making* is at least as important as the process of constitutional *ratification*.⁶ In this way, political processes that allow for citizen input in the development of constitutional amendments, such as mini-publics or citizens' assemblies, may better enhance the legitimacy of democratic outputs because they allow for direct citizens input in the constitution-making process, thus better representing citizen preferences (Habermas 1992; Dryzek 2002; Cozza 2021; King 2018). While the exact composition and mandate of these deliberative bodies can vary, mini-publics often rely on some form of random sampling to select citizen participants. These citizens are then provided with expert testimony and public input before being asked to deliberate with one another for a set amount of time. After deliberation, the body is expected to deliver its recommendation for policy or constitutional change (see Gastil 2019). These bodies rely on citizen deliberation to overcome the limits of ordinary legislative or referendum processes and heighten the legitimacy of the resulting recommendation, allowing for a more accurate expression of informed public opinion (Fishkin and Luskin 2005; Sustain 2006; Pateman 2012). According to John Dryzek, "the essence of democratic legitimacy should be sought...in the ability of all individuals subject to a collective decision to engage in authentic deliberation about that decision" (quoted in Tierney 2012).

Increasingly, theories of participatory democracy have emphasized the need to analyze the degree of deliberation between institutions and actors within the political system, rather than within any

⁵ Though some referendums may contain more than two options, a Yes/No option is largely seen as the standard design (Tierney 2012).

⁶ Stacey makes the claim that referenda are neither necessary nor sufficient for popular sovereignty claiming "popular sovereignty and referendum thus offer two quite distinct routes to constitutional legitimacy, but this does not establish any necessary connection between popular sovereignty and referendum. The failure of a constitution to win approval from the voting public at referendum means only that it cannot claim the legitimacy of social acceptance, but here is nothing in that failure that undermines its claim to authorship by the people" (28).

one institution or political process (Bächtiger and Parkinson 2019; el-Wakil 2020; Landemore 2020). At the same time, constitutional theorists such as Stephen Tierney (2012) have argued that, when analyzing constitutional referendums, scholars must separate the processes of amendment initiation and amendment ratification as these processes often involve distinct institutional logics. For example, while a referendum may be suitable for the ratification of a constitutional amendment, it is rarely used to initiate one. So too, a deliberative body may be best suited for the initiation of a constitutional amendment but would likely be ill-suited for its ratification. Finally, while a referendum alone may not produce a sufficient degree of societal deliberation (Tierney 2012; Cozza, Elkins, and Hudson 2021), pairing a referendum process with citizen deliberation in the initiation stage may enhance the deliberative capacity of voters at the ratification stage. In analyzing the legitimacy of amendment processes, then, it is important to look at how institutions at both stages of the amendment process interact with one another to either heighten or dampen the legitimacy of the eventual result.

3. Putting Normative Claims to the Test

Thus, there is a tension in the normative literature between representative democracy and participatory democracy – as well as a tension within participatory democracy – as to which mechanism of democratic decision-making produces the strongest claim to procedural legitimacy. If participatory democratic theorists are correct, direct and deliberative procedures should produce more legitimacy than purely representative processes because they allow for greater and more direct citizen input, better linking the process of constitutional reform to the principle of popular sovereignty. This appears to be the logic behind the increasing use of referendums to ratify constitutional amendments around the world (Elkins and Hudson 2018). Outside of legal and constitutional theory, however, there is little empirical evidence that popular participation actually increases the legitimacy of constitutional amendments, and at which stage of the process. Outside of the constitutional arena, the findings we do have are mixed.

While research has shown that representatives may be more tolerant than average citizens (Sullivan et al 1993), citizens often associate these processes with conflict, inefficiency, and personal interest (Hibbing and Theiss-Morse 2002). Public distrust of politicians and political parties, the main vehicles of democratic representation, has also grown in recent years, generating renewed skepticism towards representative democracy (Mair 2013). In the face of this legitimacy crisis, studies have found that, by giving voters a direct say in the important decisions facing the polity, direct democracy can increase government support and enhance the perceived legitimacy of democratic decisions (Gash and

Murakami 2009; Olken 2010; Esaiasson, Gilljam, and Persson 2012; Rhodes-Perdy 2017). The literature is not univocal, however. Recent research has demonstrated that amendments subjected to a popular referendum face a yea-saying bias (Elkins and Hudson 2018) and can be confusing to voters, particularly when not enough attention is paid to voter education (Cozza, Elkins, and Hudson 2021). These questions can also be subject to elite manipulation and often limit voting options, diminishing the capacity of citizens to arrive at optimal decisions and potentially diluting the perceived legitimacy of the outcome (Tierney 2012; El-Wakil and Spencer 2020).

There are also mixed findings with regards to deliberative mechanisms. Though more work is needed to determine the effects of mini-publics on those outside the body, recent survey and experimental analysis has shown that these institutions can increase political knowledge and efficacy, altering the way citizens vote (Boulianne 2018; Gastil 2019; Knobloch et al 2019; Suiter et al 2020). The downside of these deliberative bodies, however, is that very few citizens have an opportunity to participate. There can also be an inherent gender bias if not designed properly (Karpowitz et al 2012) and these mechanisms can fan emotional flames and enhance power differentials (Hibbing and Theiss-Morse 2002). Thus, some studies have found that deliberative bodies often fail to provide the benefits that normative theorists claim (Mendelberg and Oleski 2000; Conover and Searing 2005; Rosenberg 2007) and that mechanisms of direct democracy produce more sociological legitimacy than deliberative mechanisms (Esaiasson, Gilljam, and Persson 2012).

While there have been empirical studies analyzing the relationship between these decision-making mechanisms and procedural legitimacy, there has yet to be a study that empirically tests this relationship in the area of constitutional change, where decisions can be seen as more impactful and more enduring. So too, empirical studies have yet to separate the process of amendment initiation from the process of amendment ratification when assessing questions of legitimacy. Thus, I aim to fill this gap in the literature. In assessing the legitimacy of amendment procedures, this study looks at how different combinations of institutions at the different stages of the amendment process interact to produce citizen perceptions of amendment legitimacy. In doing so, I examine amendments initiated by either a legislature (representative democracy) or a citizens' assembly (deliberative democracy) and ratified by either a legislature (representative democracy) or a referendum (direct democracy). Doing so will allow me to test whether citizen participation is a critical element of procedural legitimacy in amendment processes, and at which stage.

Given the increasing legitimacy crisis facing representative institutions, the frequent use of referendums in amendment ratification, and the findings discussed above, I expect participatory

constitutional amendment processes will produce stronger views of procedural legitimacy than a purely representative process (**H₁**). The question remains, however, will participants distinguish between processes in which citizens are involved in both the amendment initiation and amendment ratifications stages, such as when an amendment is proposed by a deliberative citizens' assembly and ratified by the voters in a referendum, and processes in which the public is only involved in either initiating the amendment, typically through a mini-public, or ratifying an amendment, typically via referendum? As stated above, pairing a referendum process with a deliberative mini-public can enhance the deliberative capacity of citizens and overcome issues of elite manipulation while ensuring that all citizens have the ability to participate in the process. So too, having citizens involved in both stages gives the people ownership over the entire amendment process, establishing a genuine connection between the constitutional amendment and the people. Thus, I expect citizen involvement in both stages to produce the strongest perception of legitimacy (**H₂**). I further hypothesize that purely legislative processes will produce the lowest perception of legitimacy as they involve the least direct input from citizens (**H₃**).

However, all constitutional changes are not created equal, and different forms of constitutional change may evoke different perceptions of procedural legitimacy. While some constitutional amendments make minor adjustments that are in keeping with the larger framework and identity of the constitutional order, what I call *ordinary amendments*, others can profoundly alter the experience of constitutionalism within the state, producing a constitutional revolution (Jacobsohn and Raznai 2020; Cozza 2021). These *revolutionary amendments* can either restructure the delegation of sovereignty within the polity (*institutional amendment*) or radically alter the core values and commitments of the constitutional system (*sociological amendment*).⁷

In addressing the relationship between democratic decision-making and procedural legitimacy, then, it is also important to distinguish between these three types of constitutional change as perceptions might differ depending on the salience and impact of the proposed alteration. The literature presented above has yet to fully address this question. Thus, in this study I analyze changes made to central legislative institutions, social identity provisions, and ordinary policy procedures to determine if citizens alter their perceptions of procedural legitimacy based on the type of change being made to the constitution and if these perceptions change based on the type of amendment process.

⁷ See Cozza (2021) for a more detailed account of the distinction between ordinary and revolutionary amendments.

In separating these types of amendments, I hypothesize that participants will be more likely to take procedure into account when assessing the legitimacy of revolutionary amendments as compared to ordinary amendments, requiring a more participatory process. Thus, participants will view ordinary amendments as more legitimate, regardless of the amendment process (**H₄**), and will expect a more participatory process for revolutionary amendments (**H₅**).

Table 1: Main Hypotheses

Hypothesis 1	Participatory amendment processes will produce stronger views of procedural legitimacy than a purely representative process
Hypothesis 2	Citizen involvement in both stages of the process will produce the highest perception of sociological legitimacy
Hypothesis 3	Purely legislative processes will produce the lowest perception of legitimacy
Hypothesis 4	Participants will view ordinary amendments as more legitimate, regardless of the amendment process
Hypothesis 5	Participants will see revolutionary amendments as more legitimate when they result from a participatory process

4. Research Design

To test these hypotheses, I implemented a survey experiment that captures participant evaluations of different mechanisms of constitutional change. The survey instrument contained a series of vignettes that vary both the amendment process and type of constitutional change. This design allowed me to better control and manipulate the types of decision-making mechanisms and constitutional changes participants encountered than either a field or natural experiment or a study based on observational data.

To begin the experiment, participants were given a very brief, one sentence explanation of each type of decision-making mechanism and whether that mechanism is typically involved in amendment initiation, amendment ratification, or both. The goal of this explainer is to ensure each participant is aware of the institutions that are generally involved in proposing a constitutional amendment (legislatures or citizens' assemblies) and ratifying an amendment (legislatures or

referendums).⁸ The full text of this explainer can be found in Appendix 1.1. After reading the explainer, participants were randomly assigned into one of twelve groups associated with the different treatment conditions. Each participant then received a brief except that replicated a local newspaper article detailing a constitutional change instituting an independent redistricting commission (ordinary amendment), establishing English as the official state language (sociological amendment), or abolishing the state senate (institutional amendment) in the Commonwealth of Pennsylvania⁹. The vignettes also varied the institution responsible for proposing the amendment (legislature or citizens' assembly) and the institution responsible for ratifying the amendment (legislature or referendum).

Pennsylvania was chosen because it is considered a “swing-state” where both Democrats and Republicans have a say in governance. So too, participants are unlikely to have a detailed knowledge of the Pennsylvania state constitution. In so far as changes made to state constitutions are likely to have a lower salience, the results presented in this study will be more conservative than if participants were evaluating changes to a national constitution. As for the constitutional changes explored in this study, the first and last scenario should be perceived to be relatively non-partisan constitutional questions. For example, both strong Democratic and strong Republican states, such as California and Idaho, use independent or bipartisan redistricting commissions to set new district lines after each census. Establishing English as an official state language, however, will likely skew more Republican. Asking about participant partisanship will allow me to explore any between-group differences. Finally, all three scenarios were derived from constitutional changes implemented in states across the country or in other democratic countries.

Thus, each participant read a single article that described one of the proposed changes (institutional, sociological, and ordinary) enacted through one of four decision-making combinations described above (a 4x3 experimental design). For example, participants in the “Legislature/Referendum – Institutional” treatment group read an article describing an amendment abolishing the state senate proposed by the state legislature and ratified via referendum. Prompts avoided any partisan language with regard to elected officials and did not indicate any vote totals that could bias perceptions. The excerpts also gave a very brief overview of the arguments for and against

⁸ Though providing this information does generate a priming concern, the goal of this study is to have participants implicitly compare different decision-making mechanisms. Thus, providing this information helps ensure that all participants are engaging in similar comparisons. So too, many participants are likely to be unaware of deliberative bodies such as citizens' assemblies.

⁹ To avoid bias in the results, participants from Pennsylvania were excluded from the study.

each change. The full text provided to participants can be found in Appendix 1.2. These groups allowed me to isolate the impact of each process of constitutional change on participant perceptions of procedural legitimacy. Additionally, this design allowed me to determine if perceptions change based on the type of constitutional change enacted. Since a constitutional change must be made through one of these four processes, I chose not to include a control condition, a decision that is not uncommon in the experimental literature (Clayton, O'Brien, and Piscopo 2018). Thus, the responses from participants in each group were compared to one another.

To measure perceptions of legitimacy, I ask a series of questions that will allow me to measure both procedural and substantive legitimacy. While I am most interested in procedural legitimacy for the theoretical reasons outline above, inquiring about substantive legitimacy allows me to analyze if there is a relationship between these two concepts. Theoretically, perceptions of substantive legitimacy should not change between the four decision-making groups. The questions and statements provided to participants were derived from Amanda Clayton, Diana O'Brien, and Jennifer Piscopo's 2018 study on gender representation and democratic legitimacy. For procedural legitimacy, participants will be asked to evaluate:

1. How fair is the decision-making process?
2. The amendment should be implemented.
3. The amendment processes described in the excerpt can be trusted to make decisions that are right for the citizens.

For substantive legitimacy, participants will be asked to evaluate:

1. I would support this amendment in my state.
2. The amendment is right for that state.
3. The amendment is fair to the citizens of that state.

The responses to these questions and statements were placed on a four-point Likert scale and used to generate composite scores of both procedural and substantive legitimacy.¹⁰ These scores were then standardized and compared between the twelve groups in order to determine the amount of variation in participants' perceptions of legitimacy.¹¹ Participants were also asked political and social trust batteries derived from the World Values Survey. The social trust battery consisted of three questions

¹⁰ Cronbach tests were conducted, with all α scores between .83 and .91 for the procedural legitimacy batter and between .88 and .96 for the substantive legitimacy battery, providing confidence that these questions were measuring the same concept for both procedural and substantive legitimacy. The results of these tests can be found in Appendix 4.1.

¹¹ Original scores ranged from 3 to 12. Standardization involved subtracting 3 from each observation and dividing by 9 to get a composite score that ranged between 0 and 1.

and the political trust battery consisted of four questions. These scores were standardized and compared between the treatment groups.¹² Full question details can be found in Appendix 1.4. Finally, demographic and partisan information were collected to facilitate subgroup analysis and to check for proper randomization.

The experiment was fielded on Amazon’s Mechanical Turk (MTurk) from January 17 – January 18, 2022. Overall, 2,005 participants completed the study, of which 853 passed the manipulation check.¹³ A full breakdown of each treatment group, including the number of participants in each group, can be found in Table 2. A multinomial logistic regression found that treatment groups were largely balanced on key demographic variables. The result of this test can be found in Appendix 3. Unsurprisingly, however, the MTurk sample skewed more Democratic (57% with independent leaners), more white (85.7%) and more male (55% male and 44% female), than a truly representative sample. However, the sample contained a good degree of variation with regards to income, and, to a lesser degree, educational achievement. Overall, the sample mean with regards to income was around \$50,000 to \$60,000 per year and the average participant had completed some years of college education. Full demographics can be found in Appendix 2. Though MTurk does not recruit a truly representative sample, several studies have found that experimental findings that rely on these samples tend to be sufficiently representative and their results tend to replicate when using a more traditional sampling strategy (Berinsky et al 2012; Mullinix et al. 2015; Clayton et al 2018).

5. Results

The results of the experimental analysis suggest that the public does perceive differences in the procedural legitimacy of different decision-making processes. So too, these perceptions differ based on the type of revision being made to the constitutional text. Finally, the results suggest that perceptions of procedural legitimacy and substantive legitimacy are linked, frustrating attempts to theoretically and empirically distinguish between these two core concepts. Table 2 presents the number of participants in each treatment group as well as the mean of each group’s composite procedural and substantive legitimacy scores. These scores can range from 0 (low levels of legitimacy)

¹² To mitigate any priming concerns or concerns that the treatment may affect a participant’s level of social or political trust, participants were randomly assigned to receive these questions before or after being exposed to the treatment.

¹³ This is a large drop off but is not surprising given that the respondents had to answer the manipulation question after answering 27 questions following the experimental condition. Full text of the manipulation check can be found in Appendix 1.3.

to 1 (high levels of legitimacy). Additionally, these scores are presented visually in Figures 1 and 2. Figure 1 separates the data by decision-type and Figure 2 separates the data by decision-making body. Both figures contain error bars reflecting the standard error estimates. The first aspect of the results to note is that legitimacy scores are relatively high, with the mean procedural legitimacy score for nearly every group above .5.

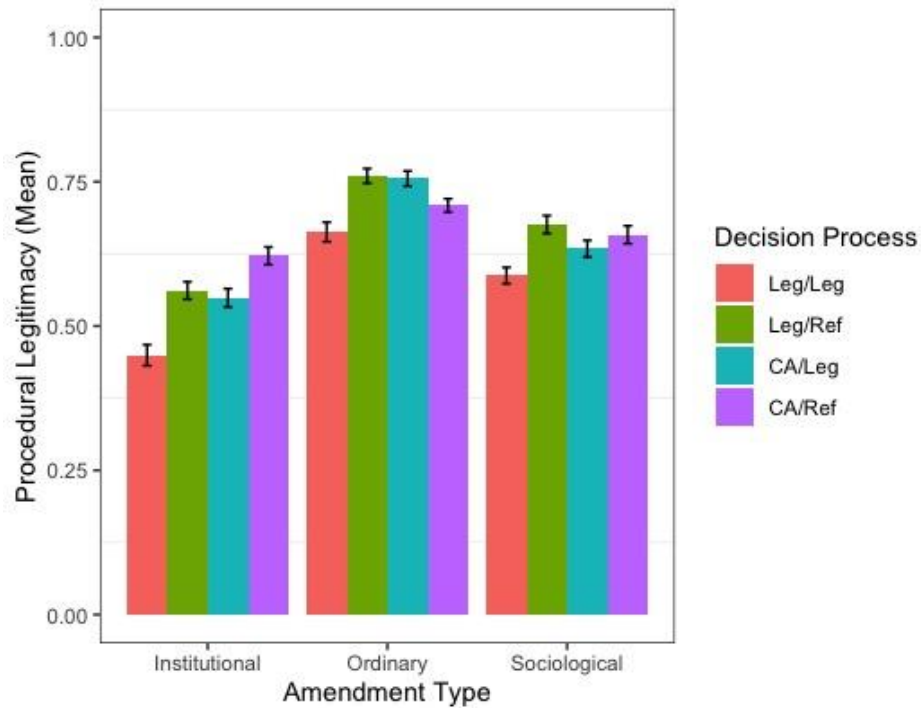
Table 2: Experimental Results

	N	Mean Procedural (sd)	Mean Substantive (sd)
Institutional (Senate Abolition)			
Legislature/Legislature	67	.45 (.31)	.40 (.35)
Legislature/Referendum	74	.56 (.28)	.45 (.35)
Citizens' Assembly/Legislature	83	.55 (.33)	.53 (.37)
Citizens' Assembly/Referendum	74	.62 (.29)	.55 (.33)
Sociological (English as Official Language)			
Legislature/Legislature	73	.59 (.26)	.53 (.34)
Legislature/Referendum	73	.68 (.29)	.60 (.34)
Citizens' Assembly/Legislature	75	.63 (.29)	.62 (.33)
Citizens' Assembly/Referendum	66	.66 (.26)	.59 (.34)
Ordinary (Redistricting Commission)			
Legislature/Legislature	60	.66 (.25)	.68 (.30)
Legislature/Referendum	69	.76 (.22)	.76 (.22)
Citizens' Assembly/Legislature	65	.76 (.21)	.73 (.24)
Citizens' Assembly/Referendum	71	.71 (.21)	.72 (.25)

Procedural Legitimacy

In this section, I will focus solely on the procedural legitimacy scores highlighted above, as they are the main focus of this study. I will begin by discussing the relationship between each type of decision-making body in regard to the type of change being made (Figure 1). As demonstrated in both Table 2 and Figure 1, the institutional amendment – abolishing the Pennsylvania Senate – received the weakest mean procedural legitimacy scores whereas the ordinary amendment – establishing an independent redistricting commission – received the strongest. Additionally, across all types of constitutional changes, participatory democratic processes were seen as more legitimate than the elite-driven, legislative-only process. To determine if there were any statistically significant differences in participant perceptions of these various decision-making processes, I conducted a series of ANOVA tests. The results demonstrated that there were significant levels of variation within the institutional amendment group ($p < .01$) and the ordinary amendment group ($p < .05$), but no significant variation within the sociological amendment group ($p = .23$). The lack of significant variation overall, however, may be masking significant dyadic differences.

Figure 1: Decision-Making and Procedural Legitimacy



Thus, as demonstrated by Figure 1, participants have significantly different perceptions of the procedural legitimacy produced by various decision-making process with regards to constitutional change. To determine how participants distinguished between the four decision-making bodies within the three types of constitutional change, I conducted a series of difference-of-means tests (t-tests).¹⁴ In comparison to the Legislature/Legislature treatment, the mean procedural legitimacy scores among participants receiving the Institutional Amendment treatment were significantly higher for participants who received the Citizens' Assembly/Legislature treatment ($p < .1$), Legislature/Referendum treatment ($p < .05$), and Citizens' Assembly/Referendum treatment ($p < .01$). Thus, for those who received the Institutional Amendment treatment, participants viewed all forms of citizen participation in the amendment process as more legitimate than a legislature-only amendment procedure.

Though the ANOVA test was not initially significant for the Sociological Amendment treatment group, the above findings largely hold. Again, in comparison to the Legislature/Legislature treatment, procedural legitimacy scores among those receiving the Institutional Amendment treatment were significantly higher for participants who received the Legislature/Referendum treatment ($p < .05$), and Citizens' Assembly/Referendum treatment ($p < .1$). However, while the mean procedural

¹⁴ All t-test results can be found in Appendix 4.2.

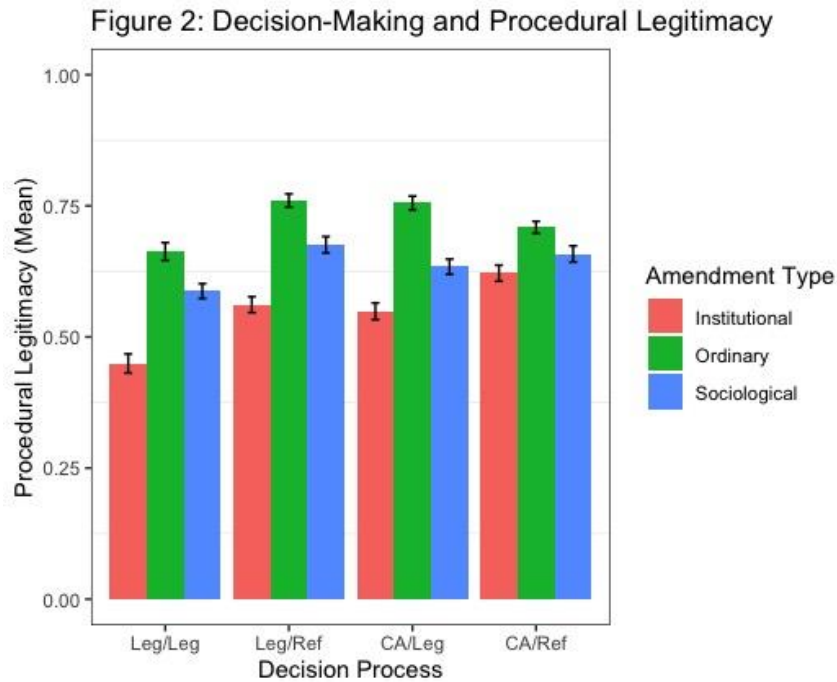
legitimacy score for Legislature/Legislature treatment is the lowest among the Sociological Amendment treatment groups, there is no statistically significant difference between the mean procedural legitimacy scores of those in the Legislature/Legislature treatment group and those in the Citizens' Assembly/Legislature treatment group ($p = .3$). As with the Institutional Amendment treatment, participants exposed to the Sociological Amendment treatment demonstrated a strong preference for citizen participation in the amendment process.

As anticipated, procedural legitimacy scores were higher, on average, among participants exposed to the Ordinary Amendment treatment as compared to either the Institutional or Sociological treatments. However, contrary to Hypothesis 5, participants exposed to the Ordinary Amendment treatment *did* distinguish between amendment processes when assessing procedural legitimacy. Participants exposed to this treatment were more likely to rate the legitimacy of the Legislature/Referendum process and the Citizens' Assembly/Legislature process as more legitimate than the Legislature/Legislature process ($p < .05$ for both). These were the only comparisons to reach a conventional level of statistical significance. Thus, participants exposed to this treatment expressed a preference for citizen participation only when paired with a representative process.

Additionally, unlike the finding for participants exposed to the Institutional Amendment treatment, participants shown the Sociological Amendment treatment and Ordinary Amendment treatment did not give the Citizens' Assembly/Referendum process the highest mean legitimacy scores. However, in all cases, the difference between the three participatory processes did not reach a conventional level of statistical significance. Thus, while participants expressed a preference for citizen participation, they did not distinguish between citizen participation at the initiation stage, citizen participation at the ratification stage, and citizen participation at both stages at a statically significant level when assessing the procedural legitimacy of the amendment process.

When separating the data by procedure, depicted in Figure 2, participants made meaningful distinctions between amendment type for three out of the four processes. Within the Legislature/Legislature, Legislature/Referendum, and Citizens' Assembly/Legislature treatment groups, the mean procedural legitimacy scores for the ordinary amendment were significantly higher than for the institutional amendment (all p -values $< .001$) and sociological amendment (all p -values $< .1$). The mean procedural legitimacy scores for the sociological amendment were also significantly higher than those for the institutional amendment (p -values all $< .1$). Thus, the differences between these treatment groups demonstrate that procedural legitimacy scores are higher for less-significant amendments, regardless of the process. Participants within the Citizens' Assembly/Referendum

treatment groups, however, did not distinguish between amendment types at the same rate as those in the other treatment groups. While the mean procedural legitimacy scores of participants in these groups were significantly higher for ordinary amendments as compared to institutional amendments ($p < .05$), no other t-test reached a conventional level of statistical significance. Thus, though this process may not produce the highest legitimacy scores across amendment types, this finding suggests that it does provide strong and consistent legitimacy scores.



Overall, these findings provide support for **H₁**, as mean procedural legitimacy scores were higher for participants within the participatory amendment process treatment groups as compared to the legislature only treatment groups. The findings also provide support for **H₃**. With a few exceptions, the mean procedural legitimacy scores among participants exposed to the Legislature/Legislature treatment were significantly lower than the mean procedural legitimacy scores of participants in more participatory treatment groups. Comparisons between the legitimacy scores of participants exposed to participatory process treatments and those exposed to the legislative-only treatment are depicted in Figure 3. Additionally, while the Ordinary Amendment treatment groups provided the strongest mean procedural legitimacy scores, providing support for **H₄**, participants still distinguished between amendment processes at a significant level, indicating a preference for citizen participation in either the initiation or ratification stages (but not both). This finding also holds for revolutionary amendments, providing support for **H₅**.

However, the data do not provide sufficient support for H_2 . While citizen involvement in both the initiation and ratification stages received the highest mean procedural legitimacy score among participants in the Institutional Amendment groups, the difference was not statistically significant when compared to the other participatory processes and did not hold among the Sociological and Ordinary Amendment groups. It is worth noting, however, that within the amendment group with the lowest average procedural legitimacy scores, the Institutional Amendment group, citizen participation in both stages was seen as the most legitimate amendment process (though, again, not at a traditional level of statistical significance). Overall, participants expressed a clear preference for citizen participation, at all stages of the amendment process, across amendment types.

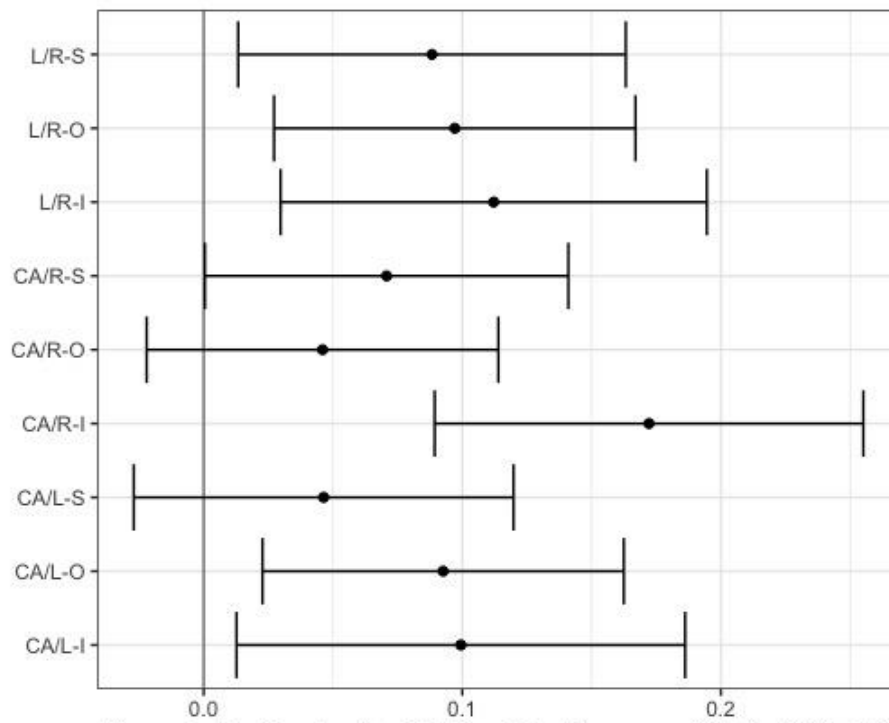


Figure 3: Participatory/Legislative Only Processes ATE (w/90% CIs)

Procedural versus Substantive Legitimacy

The analysis offered above focuses solely on the procedural legitimacy scores for each decision-making body and each type of constitutional change as this study seeks to evaluate perceptions of procedural justice. However, it is both theoretically and empirically important to analyze whether views of substantive legitimacy are distinct from views of procedural legitimacy. Theoretically, substantive legitimacy scores should not change between decision-making bodies as the constitutional outcome remains constant regardless of the decision-making mechanism.

The mean substantive legitimacy score for each treatment group can be found in Table 2. In looking at the mean legitimacy scores, the mean substantive legitimacy score is lower than the mean procedural legitimacy score for 9 out of the 12 treatment groups. However, the scores are similar enough to warrant testing for statistical significance. To begin, I conducted a series of ANOVA tests to determine whether there was significant variation in the substantive legitimacy scores of the decision-making mechanisms with regard to each type of constitutional change. The results showed no statistically significant variation with regard to the Sociological Amendment treatment ($p = .41$) or Ordinary Amendment treatment ($p = .35$). However, there was statistically significant variation in substantive legitimacy scores among participants exposed to the Institutional Amendment treatment ($p < .05$). To determine which mechanisms were driving this variation, I conducted a series of t-tests. The results demonstrated significantly higher procedural legitimacy scores than substantive legitimacy scores within the Legislature/Referendum – Institutional group, suggesting that those exposed to this treatment found the process to be procedurally legitimate, though they had greater disagreements with the substance of the amendment.

To further compare procedural and substantive legitimacy scores, I conducted t-tests comparing these scores for each of the twelve treatment groups. With the exception of the Legislature/Referendum – Institutional treatment, discussed above, the results were statistically insignificant for all treatment groups (p -values ranging from .14 to .75).¹⁵ Thus, though the mean substantive legitimacy scores are lower than the mean procedural legitimacy scores for 9 out of the 12 treatment groups, these differences are not statistically significant for all but one of the treatment groups. Overall, there appears to be evidence that perceptions of procedural and substantive legitimacy are linked, though this study cannot determine the nature of this relationship. It is certainly plausible that perceptions of procedural legitimacy are mediated through perceptions of substantive legitimacy, thus making it empirically challenging to disentangle these two concepts.

6. Mediator Analysis: Social and Political Trust

In their working paper on the relationship between social capital, institutional rules, and constitutional amendment rates, William Blake, Joseph Cozza, and Amanda Friesen (2021) find that amendment frequency is a product of amendment rules, group participation rates, and levels of social and political trust. The study finds that levels of social and political trust can facilitate the amendment

¹⁵ Full results can be found in Appendix 4.3.

process by lowering the associated transaction costs, helping legislators, social movements, and citizens overcome the often-burdensome institutional barriers to constitutional change. Thus, perceptions of citizen participation and procedural legitimacy may vary between citizens with higher and lower levels of social and political trust. However, this study did not analyze how these social capital indicators interact with the different institutions involved in the amendment process.

In analyzing the potential mediating effects of social and political trust, I test whether citizens with higher levels of political trust view a legislature-only amendment process as more legitimate than those with low levels of political trust and whether individuals with higher levels of social trust see participatory processes as more legitimate than those with low levels of social trust. In doing so, I hypothesize that citizens with higher levels of political trust will view purely legislative amendment processes as more legitimate than citizens with lower levels of political trust (**H₆**). Additionally, citizens with lower levels of social trust should view participatory processes as less legitimate than citizens with higher levels of social trust (**H₇**). Finally, higher levels of social and political trust should increase perceptions of procedural legitimacy, regardless of the amendment process (**H₈**). The results of this analysis will be critically important to understanding how democracies should engage in the process of constitutional change in a way that engenders the most legitimacy.

I put these questions to the test in two ways. First, I separate the data for each treatment into participants with levels of social and political trust above and below the sample mean. As noted above, the social and political trust batteries were derived from the World Value Survey and the scores were aggregated and standardized to range from 0-1. The sample mean for social trust is .62 and the sample mean for political trust is .51. Thus, participants in the experiment had a higher degree of trust in their fellow citizens than in politicians and political institutions. To address Hypothesis 6, regarding political trust, I conduct a series of pairwise t-tests comparing the procedural legitimacy scores for high and low trusting participants exposed to the Legislature/Legislature treatment. Across all three amendment types, the mean procedural legitimacy score for high trusting participants is significantly higher than the mean legitimacy score for low trusting participants ($p < .1$ - $p < .001$). Due to the small number of participants per treatment group, I also analyzed the difference between high and low trusters among all participants receiving the Legislature/Legislature treatment group and this finding holds. Full results can be found in Table 3. This finding provides strong support for **H₆**, demonstrating that individuals high in political trust will see a legislature-only amendment process as more legitimate than individuals with low levels of political trust.

Table 3: Political Trust: Legislature/Legislature

Treatment Group	ATE
Institutional	.25***
Sociological	.24***
Ordinary	.11*
All Groups	.20***

Note: t-tests, high v. low political trust *p<0.1; **p<0.05; ***p<0.01

To assess Hypothesis 7, regarding social trust, I conduct a series of pairwise t-tests comparing the procedural legitimacy scores for high and low trusting participants exposed to the participatory amendment process treatments across all amendment types (Legislature/Referendum, Citizens’ Assembly/Legislature, and Citizens’ Assembly/Referendum). In addition to separately comparing high and low trusters exposed to each process, I also combine all participants exposed to the participatory process treatments due to the low number of participants in each group. Results can be found in Table 4. Overall, the mean procedural legitimacy scores for high trusting individuals exposed to the participatory process treatments were significantly higher than the scores for low trusting participants ($p < .001$ for all groups). These findings provide strong support for **H**₇. Overall, social trust significantly alters perceptions of procedural legitimacy when citizens are involved in any stage – or both stages – of the amendment process.¹⁶

Table 4: Social Trust

Treatment Group	ATE
Legislature/Referendum	.15***
Citizens’ Assembly/Legislature	.28***
Citizens’ Assembly/Referendum	.17***
All Groups	.22***

Note: t-tests, high v. low social trust *p<0.1; **p<0.05; ***p<0.01

Beyond pairwise t-tests, I also analyze the interaction between social and political trust by separating those participants with high scores on both measures (General Trusters), low scores on both measures (General Distrusters), high social trust scores but low political trust scores (Social

¹⁶ These findings were also confirmed using OLS regressions that separate the data by the level of citizen participation (No Participation, Some Participation, and Full Participation). Regression results can be found in Appendix 4.4.

Trusters), and high political trust scores but low social trust scores (Political Trusters).¹⁷ To further assess the mediating effects of social and political trust, I then run separate OLS models for each of the four decision-making processes with the four trust categories listed above as the IVs and procedural legitimacy as the DV. General Distrusters serves as the reference category in all models.

Results can be found in Table 5 and demonstrate that while higher levels of political trust are almost uniformly associated with higher levels of legitimacy (regardless of one's level of social trust), this is not always the case with social trust. Most interestingly, Social Trusters found citizen participation in the initiation stage only (Citizens' Assembly/Legislature) increased the legitimacy of an amendment versus those with low levels of both ($p < .05$). This is not the case when citizens are involved only in the ratification stage or in both stages. The results suggest that referendums require more political trust than deliberative mechanisms to be seen as fully legitimate. The results also demonstrate that the findings highlighted in Table 4 are largely driven by those participants high in both trust indicators. These findings provide mixed support for H_8 while lending support to the argument that social capital can have a positive effect on the amendment process (Blake et al 2021).

Table 5: Social and Political Trust

	<i>Dependent variable:</i>			
	Procedural Legitimacy			
	(CA/R)	(CA/L)	(L/R)	(L/L)
General Trusters	0.166*** (0.041)	0.335*** (0.041)	0.221*** (0.045)	0.258*** (0.048)
Social Trusters	-0.081 (0.045)	0.146* (0.057)	0.055 (0.049)	0.074 (0.051)
Political Trusters	0.069 (0.055)	0.216*** (0.052)	0.112* (0.056)	0.164** (0.062)
Constant	0.625*** (0.025)	0.470*** (0.029)	0.581*** (0.028)	0.465*** (0.029)
Observations	211	226	216	200
R ²	0.123	0.233	0.104	0.135
Adjusted R ²	0.110	0.223	0.092	0.121

Note: * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$

¹⁷ High trust is again measured as those participants with levels of social or political trust above the sample mean. Each category is dichotomous. For example, if a participant is a High Truster, she receives a 1 for that category and a 0 for all other categories.

6. Conclusion and Discussion

This study sought to empirically test the relationship between mechanisms of democratic decision-making and procedural legitimacy, addressing fundamental questions that go to the very heart of the centuries-long debate between different models of democracy. So too, this study explores this relationship with regard to constitutional change, where decisions are likely to be more impactful and more enduring. By isolating and testing the impact of representative democracy, direct democracy, and deliberative democracy on the normative goal of procedural justice, this study sought to understand how democracies can maximize the legitimacy of profound constitutional change in the eyes of their citizens. This study also separated the processes of amendment initiation and amendment ratification in order to examine how institutions at both stages of the amendment process interact with one another to either heighten or dampen the legitimacy of the eventual result.

The results of the experimental analysis paint a nuanced portrait of procedural legitimacy in democratic decision-making and provide mixed-results relative to the hypotheses outlined above. When looking at the procedural legitimacy of amendment processes, participants in the study saw participatory amendment processes, where citizens participated in the initiation stage, ratification stage, or both stages, as more legitimate than the elite-driven, legislature-only process. Contrary to expectations, however, participants did not view citizen involvement in both stages of the amendment processes as any more legitimate than citizen involvement in either the initiation or ratification stages. Only participants exposed to the Institutional Amendment treatment gave the Citizens' Assembly/Referendum process the highest procedural legitimacy scores. While this difference did not reach a conventional level of statistical significance when compared to other participatory processes, it is important to note that the Institutional Amendment treatment received the lowest mean procedural legitimacy scores among the amendment types analyzed in this study. This difference may suggest that citizens see highly controversial amendments as more legitimate when there is more citizen involvement across the amendment stages.

In continuing to analyze the distinction between amendment types, I find that participants rated the procedural legitimacy of the ordinary amendment higher than the procedural legitimacy of either the institutional or sociological amendments. Despite the higher procedural legitimacy scores, however, participants still distinguished between amendment processes, preferring more citizen involvement at either the initiation or ratification stages (but not both). Though the data do not provide clear answers as to why citizen involvement in both stages does not significantly increase legitimacy scores, it is possible that, for these more ordinary and technical amendments, citizens prefer

some evaluation by “experts” such as legislators. Overall, there is initial support for the theory that the nature and significance of constitutional amendments mediate citizen evaluations of their legitimacy. The more controversial the amendment, the more citizens prefer to be involved in the various stages of the amendment process. Future research is needed to fully evaluate this theory.

Finally, I find that key social capital indicators influence perceptions of the procedural legitimacy of amendment processes. Participants with higher levels of political trust rated the legitimacy of a legislature-only process – the process that generated the lowest procedural legitimacy scores in the study – significantly higher than participants with lower levels of political trust. So too, participants with higher levels of social trust rated the legitimacy of all three participatory processes examined in this study significantly higher than participants with lower levels of social trust, though this finding is largely driven by participants high in both trust indicators. Across the board, this study finds that higher levels of political trust are associated with higher procedural legitimacy scores. Thus, this study provides support for Blake et al’s (2021) finding that social capital can facilitate the amendment process by reducing the transaction costs imposed by amendment rules.

Overall, the results of this study provide support for the argument that representative democracy produces results considered to be less legitimate than participatory mechanisms (Gibson et al. 2005; Gash & Murakami 2009; Rhodes-Purdy 2017). Thus, there is merit to the claim that representative democracy may be facing a legitimacy crisis (Mair 2013). In attempting to overcome this crisis of legitimacy facing representative institutions, states have begun incorporating citizens into political process in a more direct and meaningful fashion. This study ultimately provides support for the theory that these direct and deliberative mechanisms enhance the legitimacy of democratic decision-making. The production of legitimacy is especially important in the constitutional arena, where citizens and lawmakers work to great higher law that is meant to be enduring.

This study provides a good look at how citizens evaluate the legitimacy of constitutional change, however, more work is necessary to fully address this fundamental question. First, the vignettes offered in this study explored the legitimacy of constitutional change on the state level. While states are responsible for a good deal of democratic decision-making, these decisions are often lower in salience than decisions made on the national level. Citizens are also much more likely to have a stronger attachment to and knowledge of the national constitution than state-level constitutions. Thus, future studies should seek to understand how these relationships operate on the national level. Additionally, the relationships explored here could be contingent on the degree of consensus surrounding the various constitutional alterations as well as the level of deliberation that went into the

amendment process. Constitutional changes that are supported by bi-partisan majorities, receive overwhelming support, and are the result of robust elite and societal deliberation may be more likely to engender the trust of citizens regardless of the decision-making process. The relationships explored here may also be context dependent. Many societies are more reliant on referendums for constitutional and policy change, such as Switzerland. While citizens' assemblies have been implemented in several states across the world, there is likely to be much less knowledge of these deliberative bodies than the other decision-making mechanisms explored in this study. Exploring these relationships in other contexts is critical to understanding how context mediates perceptions of procedural legitimacy. Finally, more work is needed to understand the relationship and interaction between substantive and procedural legitimacy, core concepts in our understanding of democratic decision-making.

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Appendix

Appendix 1: Experimental Design

Appendix 1.1: Explainer

There are three mechanisms involved in proposing and ratifying (approving) a change to a state's constitution. Below is a brief description of each mechanism.

1. **Legislature:** The state legislature debates and votes to propose and/or ratify an amendment to the constitution.
2. **Citizens' Assembly:** A randomly selected, representative group of citizens debates and votes to propose an amendment to the constitution.
3. **Referendum:** Voters in the state vote to approve an amendment to the constitution.

Appendix 1.2: Treatments

Legislature/Referendum – Institutional

Last week, Pennsylvania adopted a new amendment to their state constitution. The details of the new amendment and the amendment process can be found below.

The Amendment

The constitutional amendment abolishes the upper chamber of the Pennsylvania state legislature, the Senate. The House of Representatives will now be the sole legislative body for the state.

The Amendment Process

The constitutional amendment was first proposed by the Pennsylvania Legislature in August and was then approved by voters in a state-wide referendum last Tuesday.

The Arguments

While supporters argue that abolishing the Senate would save taxpayers a significant amount of money, opponents believe that the Senate provides an important check on the governing majority.

Citizens' Assembly/Referendum – Institutional

Last week, Pennsylvania adopted a new amendment to their state constitution. The details of the new amendment and the amendment process can be found below.

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The constitutional amendment abolishes the upper chamber of the Pennsylvania state legislature, the Senate. The House of Representatives will now be the sole legislative body for the state.

The Amendment Process

The constitutional amendment was first proposed by the Pennsylvania Citizens' Assembly, comprised of 99 randomly selected citizens, in August and was then approved by voters in a state-wide referendum last Tuesday.

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The Arguments

While supporters argue that abolishing the Senate would save taxpayers a significant amount of money, opponents believe that the Senate provides an important check on the governing majority.

Legislature/Referendum – Sociological

Last week, Pennsylvania adopted a new amendment to their state constitution. The details of the new amendment and the amendment process can be found below.

The Amendment

The constitutional amendment establishes English as the official language of the Commonwealth of Pennsylvania.

The Amendment Process

The constitutional amendment was first proposed by the Pennsylvania Legislature in August and was then approved by voters in a state-wide referendum last Tuesday.

The Arguments

While opponents believe that the amendment is unnecessary and discriminates against non-native English speakers, supporters argue that the amendment will protect the state's cultural tradition while encouraging immigrant assimilation.

Citizens' Assembly/Referendum – Sociological

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The constitutional amendment was first proposed by the Pennsylvania Legislature in August and was then approved by the state's Legislature in an afternoon session last Tuesday.

The Arguments

While opponents believe that the amendment is unnecessary and discriminates against non-native English speakers, supporters argue that the amendment will protect the state's cultural tradition while encouraging immigrant assimilation.

Citizens' Assembly/Legislature – Sociological

Last week, Pennsylvania adopted a new amendment to their state constitution. The details of the new amendment and the amendment process can be found below.

The Amendment

The constitutional amendment establishes English as the official language of the Commonwealth of Pennsylvania.

The Amendment Process

The constitutional amendment was first proposed by the Pennsylvania Citizens' Assembly, comprised of 99 randomly selected citizens, in August and was then approved by the state's Legislature in an afternoon session last Tuesday.

The Arguments

While opponents believe that the amendment is unnecessary and discriminates against non-native English speakers, supporters argue that the amendment will protect the state's cultural tradition while encouraging immigrant assimilation.

Legislature/Referendum – Ordinary

Last week, Pennsylvania adopted a new amendment to their state constitution. The details of the new amendment and the amendment process can be found below.

The Amendment

The amendment establishes an independent and bipartisan redistricting commission to draw new district lines (the geographical area from which members of Congress are elected) for federal elections after every census.

The Amendment Process

The constitutional amendment was first proposed by the Pennsylvania Legislature in August and was then approved by voters in a state-wide referendum last Tuesday.

The Arguments

While supporters argue that the new system is the fairest way to ensure citizens are properly

represented, opponents believe that these decisions are best left in the hands of the state Legislature, which was elected by the people themselves.

Citizens' Assembly/Referendum – Ordinary

Last week, Pennsylvania adopted a new amendment to their state constitution. The details of the new amendment and the amendment process can be found below.

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The Arguments

While supporters argue that the new system is the fairest way to ensure citizens are properly represented, opponents believe that these decisions are best left in the hands of the state Legislature, which was elected by the people themselves.

Appendix 1.3: Manipulation Check

Do you remember how the amendment mentioned in the article was passed?

- a. Citizens' Assembly proposed, Legislature approved
- b. Citizens' Assembly proposed, Referendum approved
- c. Legislature proposed, Legislature approved
- d. Legislature proposed, Referendum approved

Appendix 1.4: Social and Political Trust Batteries

Social Trust

1. Generally speaking, how often can you trust other people?
 - a. Always
 - b. Most of the Time
 - c. About Half the Time
 - d. Sometimes
 - e. Never

I'd like to ask you how much you trust people from various groups. Could you tell me for each whether you trust people from this group completely, somewhat, not very much, or not at all?

2. Your neighborhood
 - a. Completely
 - b. Somewhat
 - c. Not very much
 - d. Not at all
3. People from another religions.

- a. Completely
- b. Somewhat
- c. Not very much
- d. Not at all

Political Trust

The next few questions will list a number of organizations. For each one, could you tell me how much confidence you have in them: is it a great deal of confidence, quite a lot of confidence, not very much confidence or none at all?

- 1. The government in Washington, DC
 - a. A great deal of confidence
 - b. Quite a lot of confidence
 - c. Not very much confidence
 - d. No confidence at all

- 2. Political Parties
 - a. A great deal of confidence
 - b. Quite a lot of confidence
 - c. Not very much confidence
 - d. No confidence at all

- 3. The courts
 - a. A great deal of confidence
 - b. Quite a lot of confidence
 - c. Not very much confidence
 - d. No confidence at all

- 4. Your state government
 - a. A great deal of confidence
 - b. Quite a lot of confidence
 - c. Not very much confidence
 - d. No confidence at all

Appendix 2: Sample Demographics

Table A2.1: Demographics: Gender

	N	Percent
Women	376	44.1%
Men	473	55.5%
Other/No Response	4	.00%

Table A2.2: Demographics: Partisanship

	N	Percent
Democrat (with leaners)	489	57.3%
Independent	82	9.6%
Republican (with leaners)	268	31.4%

Table A2.3: Demographics: Education

	N	Percent
Less than high school degree	4	57.3%
High school graduate (high school diploma or equivalent including GED)	72	8.4%
Some college but no degree	110	12.9%
Associate degree in college (2-year)	73	8.6%
Bachelor's degree in college (4-year)	410	48.1%
Master's degree	159	18.6%
Doctoral degree	13	1.5%
Professional degree (JD, MD)	12	1.4%

Table A2.4: Demographics: Income

	N	Percent
Less than \$10,000	25	2.9%
\$10,000 to \$19,999	62	7.2%
\$20,000 to \$29,999	103	12.1%
\$30,000 to \$39,999	119	14.0%
\$40,000 to \$49,999	104	12.2%
\$50,000 to \$59,999	103	12.1%
\$60,000 to \$69,999	60	7.0%
\$70,000 to \$79,999	73	8.6%
\$80,000 to \$89,999	52	6.1%
\$90,000 to \$99,999	49	5.7%
\$100,000 to \$149,999	71	8.3%
\$150,000 or more	32	3.8%

Table A2.5: Demographics: Race/Ethnicity

	N	Percent
White	731	85.7%
Black or African American	80	9.4%
American Indian or Alaska Native	9	.01%
Asian	38	.04%
Hispanic or Latinx	20	2.3%

Appendix 3: Randomization Check

Table A3.1: Randomization Check

	<i>Dependent variable:</i>										
	CLO (1)	CLS (2)	CRI (3)	CRO (4)	CRS (5)	LLI (6)	LLO (7)	LLS (8)	LRI (9)	LRO (10)	LRS (11)
Sex	-0.025 (0.358)	0.168 (0.348)	-0.112 (0.347)	-0.308 (0.360)	-0.245 (0.364)	-0.070 (0.358)	-0.187 (0.376)	0.795** (0.356)	-0.215 (0.353)	-0.331 (0.351)	0.157 (0.343)
Party ID	-0.253 (0.367)	0.501 (0.384)	-0.159 (0.357)	-0.631* (0.359)	-0.142 (0.372)	0.084 (0.378)	0.197 (0.400)	0.023 (0.371)	-0.309 (0.359)	0.212 (0.370)	0.571 (0.383)
Non-white	-0.005 (0.495)	-0.229 (0.487)	0.088 (0.474)	0.538 (0.473)	-0.501 (0.506)	-0.417 (0.506)	-0.606 (0.535)	-0.434 (0.495)	0.034 (0.485)	-0.545 (0.495)	-0.218 (0.485)
Income	-0.064 (0.064)	0.029 (0.062)	0.001 (0.061)	-0.019 (0.062)	0.070 (0.063)	-0.033 (0.063)	-0.053 (0.066)	-0.054 (0.064)	-0.063 (0.062)	0.037 (0.061)	-0.060 (0.062)
Education	-0.009 (0.155)	-0.154 (0.150)	-0.160 (0.146)	-0.233 (0.146)	-0.054 (0.155)	-0.081 (0.153)	0.004 (0.161)	-0.114 (0.151)	-0.113 (0.148)	-0.062 (0.149)	-0.190 (0.145)
Constant	-0.005 (0.495)	-0.229 (0.487)	0.088 (0.474)	0.538 (0.473)	-0.501 (0.506)	-0.417 (0.506)	-0.606 (0.535)	-0.434 (0.495)	0.034 (0.485)	-0.545 (0.495)	-0.218 (0.485)
Akaike Inf. Crit.	3,755.732	3,755.732	3,755.732	3,755.732	3,755.732	3,755.732	3,755.732	3,755.732	3,755.732	3,755.732	3,755.732

Note: *p<0.1; **p<0.05; ***p<0.01

Appendix 4: Additional Results

Appendix 4.1: Cronbach Tests

Table A4.1.1: Chronbac Tests

	α Procedural	α Substantive
Legislature/Referendum - Institutional	.83	.93
Citizens' Assembly/Referendum - Institutional	.85	.91
Legislature/Legislature - Institutional	.91	.95
Citizens' Assembly/Legislature - Institutional	.91	.95
Legislature/Referendum - Sociological	.86	.93
Citizens' Assembly/Referendum - Sociological	.86	.95
Legislature/Legislature - Sociological	.87	.96
Citizens' Assembly/Legislature - Sociological	.90	.92
Legislature/Referendum - Ordinary	.90	.88
Citizens' Assembly/Referendum - Ordinary	.86	.91
Legislature/Legislature - Ordinary	.88	.93
Citizens' Assembly/Legislature - Ordinary	.83	.91

Appendix 4.2: Procedural Legitimacy T-tests

Table A4.2.1: Institutional Amendment Treatment

T-Test	ATE
Legislature/Referendum — Legislature/Legislature	.11*
Legislature/Referendum — Citizens' Assembly/Referendum	-.06
Legislature/Referendum — Citizens' Assembly/Legislature	.01
Citizens' Assembly/Referendum — Legislature/Legislature	.17*
Citizens' Assembly/Referendum — Citizens' Assembly/Legislature	.07
Legislature/Legislature — Citizens' Assembly/Legislature	-.10*

Note: *p<0.1

Table A4.2.2: Sociological Amendment Treatment

T-Test	ATE
Legislature/Referendum — Legislature/Legislature	.09*
Legislature/Referendum — Citizens' Assembly/Referendum	.02
Legislature/Referendum — Citizens' Assembly/Legislature	.04
Citizens' Assembly/Referendum — Legislature/Legislature	.07*
Citizens' Assembly/Referendum — Citizens' Assembly/Legislature	.02
Legislature/Legislature — Citizens' Assembly/Legislature	-.05
<i>Note:</i>	*p<0.1

Table A4.2.3: Ordinary Amendment Treatment

T-Test	ATE
Legislature/Referendum — Legislature/Legislature	.10*
Legislature/Referendum — Citizens' Assembly/Referendum	.05
Legislature/Referendum — Citizens' Assembly/Legislature	.005
Citizens' Assembly/Referendum — Legislature/Legislature	.05
Citizens' Assembly/Referendum — Citizens' Assembly/Legislature	-.05
Legislature/Legislature — Citizens' Assembly/Legislature	-.10*
<i>Note:</i>	*p<0.1

Appendix 4.3: Procedural v. Substantive Legitimacy T-tests

Table A4.3.1: Procedural v. Substantive Legitimacy

T-Test	ATE
Legislature/Legislature - Institutional	.06
Legislature/Legislature - Sociological	.06
Legislature/Legislature - Ordinary	-.02
Legislature/Referendum - Institutional	.12*
Legislature/Referendum - Sociological	.08
Legislature/Referendum - Ordinary	.00
Citizens' Assembly/Legislature - Institutional	.02
Citizens' Assembly/Legislature - Sociological	.02
Citizens' Assembly/Legislature - Ordinary	.02
Citizens' Assembly/Referendum - Institutional	.07
Citizens' Assembly/Referendum - Sociological	.07
Citizens' Assembly/Referendum - Ordinary	-.01
<i>Note:</i>	*p<0.1

Appendix 4.4: Social and Political Trust OLS

Beyond the mediator tests discussed in Section 6, I also separate the data into those participants exposed to a treatment with no direct citizen participation (Legislature/Legislature treatment), those exposed to a treatment with citizen participation in either the initiation or ratification processes (Legislature/Referendum and Citizens' Assembly/Legislature treatments), and those exposed to a treatment where citizens directly participated in both stages of the amendment process (Citizens' Assembly/Referendum treatment). To assess the impact of social and political trust, and for ease of interpretation, I then run separate OLS regression models for each of these three subgroups with separate models for social and political trust. In these models, procedural legitimacy is the dependent variable and either social or political trust is the independent variable. I also add dichotomous controls for amendment type, with ordinary amendment serving as the reference category.

The results of this analysis are presented in Tables 4.4.1 and 4.4.2 and marginal effects plots for each model can be found in Figures 4.4.1 – 4.4.6. Overall, the results demonstrate that, regardless of the level of citizen participation, higher levels of political and social trust are associated with higher procedural legitimacy scores ($p < .01$ for all models). However, the effects of political and social trust on procedural legitimacy are substantively weakest when citizens participate in both the amendment initiation and amendment ratification processes. These findings provide strong support for **H₈** and provide support for the argument that social capital can have a positive effect on the amendment process (Blake et al 2021).

Table A4.4.1: Political Trust (OLS)

	<i>Dependent variable:</i>		
	Procedural Legitimacy		
	(No Participation)	(Some Participation)	(Full Participation)
Political Trust	0.495*** (0.071)	0.433*** (0.047)	0.389*** (0.064)
Institutional	-0.218*** (0.044)	-0.185*** (0.030)	-0.111*** (0.039)
Sociological	-0.078* (0.043)	-0.083*** (0.030)	-0.050 (0.040)
Constant	0.420*** (0.047)	0.517*** (0.034)	0.528*** (0.041)
Observations	200	442	211
R ²	0.273	0.233	0.169
Adjusted R ²	0.262	0.228	0.157

Note:

*p<0.1; **p<0.05; ***p<0.01

Table A4.4.2: Social Trust (OLS)

	<i>Dependent variable:</i>		
	Procedural Legitimacy		
	(No Participation)	(Some Participation)	(Full Participation)
Social Trust	0.397*** (0.093)	0.517*** (0.063)	0.250*** (0.094)
Institutional	-0.217*** (0.047)	-0.186*** (0.030)	-0.094** (0.041)
Sociological	-0.070 (0.046)	-0.086*** (0.031)	-0.052 (0.042)
Constant	0.421*** (0.066)	0.423*** (0.047)	0.559*** (0.064)
Observations	200	442	211
R ²	0.170	0.203	0.053
Adjusted R ²	0.157	0.198	0.039

Note:

*p<0.1; **p<0.05; ***p<0.01

Table A4.4.1: Marginal Effect of Political Trust on Legitimacy

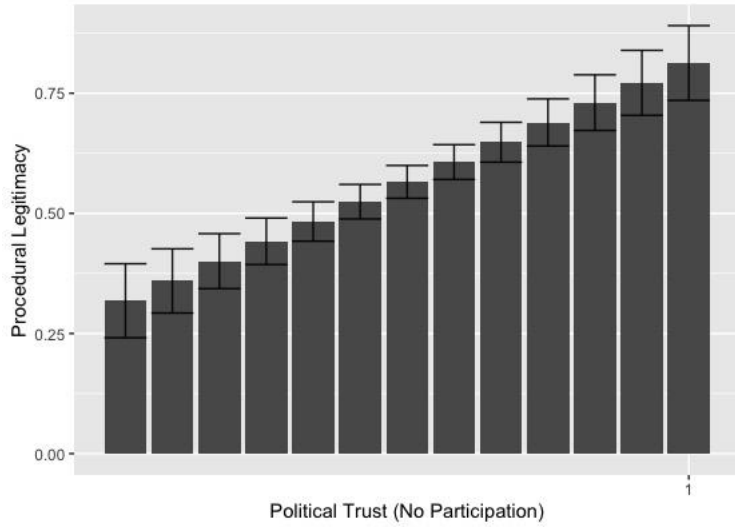


Table A4.4.2: Marginal Effect of Political Trust on Legitimacy

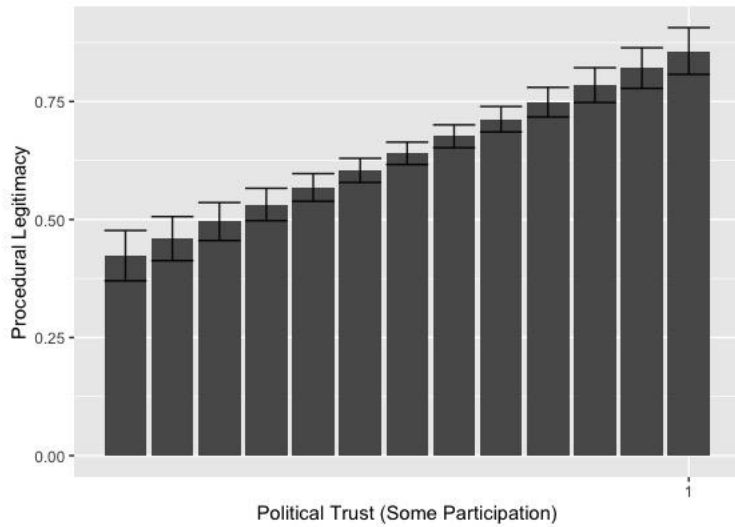


Table A4.4.3: Marginal Effect of Political Trust on Legitimacy

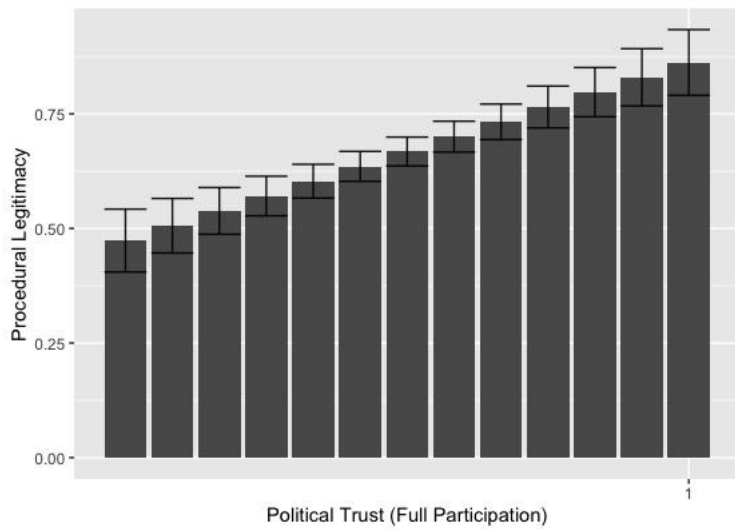


Table A4.4.4: Marginal Effect of Social Trust on Legitimacy

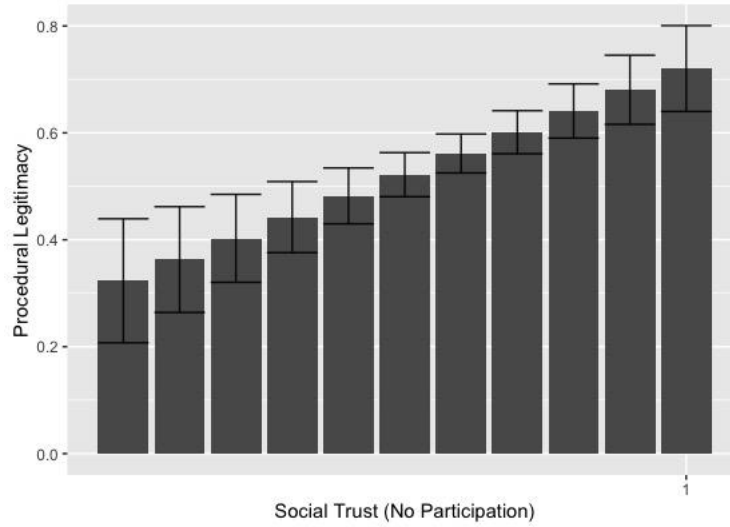


Table A4.4.6: Marginal Effect of Social Trust on Legitimacy

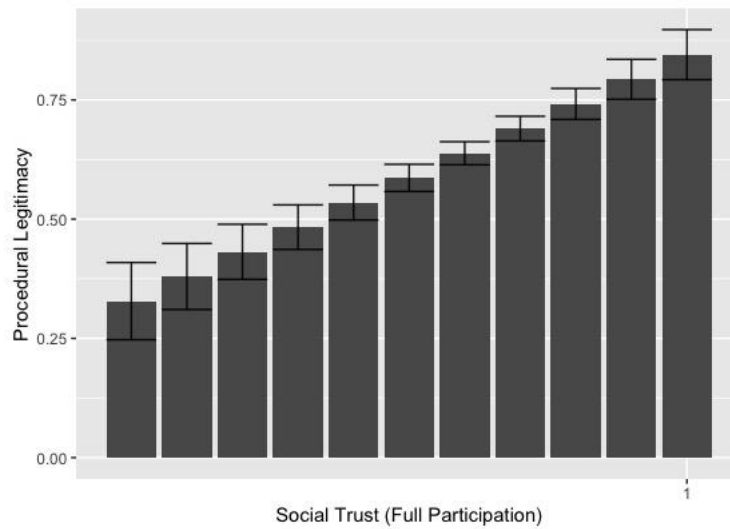
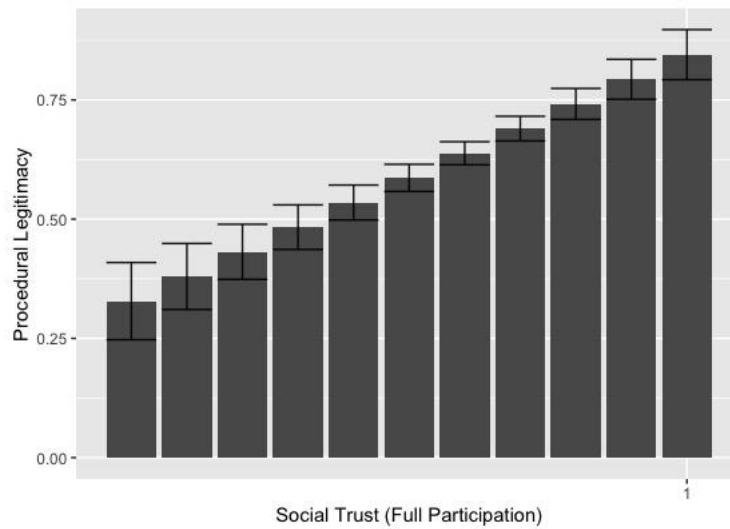


Table A4.4.6: Marginal Effect of Social Trust on Legitimacy



If social trust is low, citizens may not accept the results of participatory processes – the most commonly used method of amendment ratification (Elkins and Hudson 2018) – as readily. Additionally, if political trust is low, citizens may not accept the legitimacy of amendments that result from elite-driven or referendum processes.