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Populism, Constitutional Constraints, and Freedom of Expression

Christian Bjørnskov and Niclas Berggren

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Christian Bjørnskov^{a,b}, Niclas Berggren^{b, c}

^a Department of Economics, Aarhus University, Universitetsbyen 51, 8000 Aarhus C, Denmark; e-mail: cbbj@econ.au.dk

^b Research Institute of Industrial Economics (IFN), Box 55665, 102 15 Stockholm, Sweden; e-mail: niclas.berggren@ifn.se

^c Faculty of Business Administration, Prague University of Economics and Business, Winston Churchill Square 4, 130 67 Prague 3, Czechia

ABSTRACT

Populists typically frame politics as a conflict between a corrupt elite and a virtuous people and are skeptical of institutional constraints, including those protecting freedom of expression, as they seek to control the public narrative. We ask to what extent *de jure* constitutional guarantees of freedom of expression constrain such actors and when speech can be *de facto* curtailed despite formal protections, with a particular focus on emergency derogation clauses. We explore these questions in panel data for 75 countries with multi-party systems between 1970 and 2020. Findings show that right-wing populist representation is associated with lower *de facto* freedom of expression, but mainly where the constitution offers an opt-out in emergencies or fails to impose clear non-emergency limits on restrictions of expression. These findings demonstrate that constitutional design and populist influence jointly determine the extent to which constitutional promises of free expression are honored in practice.

JEL classification: K00, P16, P50

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1. Introduction

The starting point of this paper is the observation that it is one thing to enshrine freedom of expression in a constitution, and quite another to secure it in practice. Hentoff (1992) famously

characterized a recurrent pattern in political life as “free speech for me but not for thee”, where those in power insist on their own expressive rights while restricting speech that threatens their position. In contemporary democracies and multi-party autocracies, populist parties are natural candidates to test the robustness of constitutional protections of speech. They claim to speak for “the people” against “the elite”, and they often display limited respect for institutional constraints that stand between them and what they portray as the popular will. Examples of populists striving to restrict the freedom of expression of opponents range from highly successful political control in Hungary, Turkey, and Venezuela to the frantic attempts of presidents Trump and Kirchner in the United States and Argentina.

Yet, when such actors gain political influence, the question is not only whether freedom of expression declines, but also whether constitutional constraints actually bind. That is the specific question we ask in this paper, where we first explore the effects of populist parties, whether in government or only represented in legislatures. Second, we probe whether clear constitutional protection of the freedom of expression can limit deteriorating effects. We also introduce the particular complication that some constitutions provide politicians with a potentially convenient way around constitutional constraints by using constitutionalized emergency provisions that allow them to ignore regular constraints.

Throughout the paper, we adopt a minimalist or ideational notion of populism. As explained by Hawkins and Rovira Kaltwasser (2017) and Rovira Kaltwasser (2018), this view has two main elements. First, it sees society as divided between “the pure people” and “the corrupt elite” and makes a moral distinction, portraying the people as honest and virtuous and the elite as deceitful. It may therefore appear natural for populists to argue that freedom of expression ought to be “redistributed” from an elite mainly delivering misinformation to the pure people. Second, this view of populism holds that politics should fully reflect the will of the people, making popular sovereignty

the ultimate authority. This conception characterizes populism as a thin-centered ideology that can be combined with more comprehensive ideologies, such as nationalism, socialism, or conservatism (Mudde, 2004). It also implies an inherent tension with liberal democracy, which relies on independent institutions and checks on power. Populists often view these institutions as protecting elite interests and seek to weaken or control them. Populist leaders characteristically deny or downplay institutional and economic constraints and display a marked disregard for expert assessments of the consequences of their policies, and they have a distinct tendency to challenge ordinary rules of the political game and to view constitutional and legal limits as obstacles to be circumvented rather than as binding constraints (Eichengreen, 2018; Rodrik, 2018).

A growing empirical literature documents that populists tend to undermine institutional checks and balances, erode the rule of law, and weaken liberal-democratic safeguards (Alston, 2017; Huber and Schimpf, 2017; Bílková, 2019; Grzymala-Busse, 2019; Krygier, 2019; Lacey, 2019). Existing research indicates that populist incumbents reduce economic freedom, erode legal norms, and diminish civil liberties, particularly in contexts with historically fragile legal institutions (Celico and Rode, 2023; Gründler et al., 2024; Lewkowicz et al., 2024; Kyriacou and Trivin, 2026). Related work shows that populism interacts with ideology to shape broader measures of human freedom (Berggren and Bjørnskov, 2026).

At the same time, outside the specialized literature on populism, constitutional political economy has increasingly focused on the distinction between *de jure* constitutional rules and their *de facto* implementation (Law and Versteeg, 2013; Bjørnskov and Mchangama, 2019; Chilton and Versteeg, 2020; Metelska-Szaniawska and Lewkowicz, 2021). Recent research on “constitutional compliance” measures the extent to which governments honor constitutional commitments in practice and shows that this compliance is far from automatic (Gutmann and Voigt, 2023; Gutmann et al., 2024; Gutmann and Rode, 2025). While there is an ongoing debate about the degree to which

constitutionally defined *de jure* rights affect the *de facto* situation, very few studies have focused specifically on freedom of expression (Chilton and Versteeg, 2020; Bjørnskov and Voigt, 2021). A growing literature explores the institutional consequences of populist politics, but much less is done on the constitutional respect of populists and very little on the interaction between populist political influence and constitutional protection (Sáenz de Viteri and Bjørnskov, 2018; Landau, 2018; Ginsburg et al., 2018; Blokker, 2019). We therefore aim at combining these two emerging fields in order to understand if and when populist politics restricts freedom of expression, and, importantly, how constitutional design conditions that relationship.

A series of recent examples suggests the importance of this question. During his second presidency, Donald Trump repeatedly challenged the division of power in the U.S. Constitution by employing statutory emergency legislation intended for very different purposes and by trying to intimidate critical media outlets, including threats to remove public support and access to the White House. Viktor Orbán's changes to the Hungarian constitution in 2011 suggest a different way of getting around executive constraints by substantially concentrating power in the executive (Bánkuti et al., 2012). Likewise, Sáenz de Viteri and Bjørnskov (2018) indicate that populists in Latin America in recent decades have tended either to ignore constitutional constraints or amend the constitution to remove constraints on executive power, with the strategy depending on their ideological position. A common outcome of these political processes is restrictions on freedom of expression and additional government control of the media. We ask whether these examples generalize to most modern democratic or multi-party societies.

Gutmann and Rode (2025) provide the first global quantitative evidence on how populism interacts with constitutional compliance. They show that the entry of populist parties into government lowers overall compliance with constitutional provisions, especially with respect to political and civil rights, while their mere presence in the legislature cannot be shown to have any

systematic effect. Their findings underline that constitutional texts do not enforce themselves and that the behavior of specific political actors matters for whether the constitution is treated as binding law or flexible guidance.

We build on this insight but shift the focus in two directions. First, we concentrate on one core liberal right, freedom of expression, that is both central to democratic contestation and especially salient for populist politics, given populists' frequent attacks on "biased" media, hostile protests, and critical institutions. Second, instead of modeling constitutional compliance as a separate gap variable, we analyze *de facto* freedom of expression directly as a function of *de jure* constitutional protection and its design, and we study how this relationship varies with the presence of populist parties in legislatures.¹ Weak or conditional correspondence between *de jure* and *de facto* freedom is then interpreted as evidence of a *de jure–de facto* gap.

Our motivating conjecture is that constitutions that protect freedom of expression without exceptions create a relatively clear standard against which governments can be judged, whereas constitutions that contain broadly formulated emergency clauses invite discretion, opportunism, and, ultimately, selective enforcement. As constitutional theory has long recognized, emergency provisions are paradoxical instruments: they are meant to preserve the constitutional order in crisis situations by temporarily suspending parts of it, but in doing so, they empower the executive to redefine what counts as an emergency and to curtail rights when it finds it convenient (Bjørnskov and Voigt, 2024). In such settings, we expect the mapping from *de jure* to *de facto* freedom of expression to be weaker and more sensitive to political composition, particularly to the presence of parties that already display skepticism toward institutional checks.

¹ One advantage of this approach is that we do not have to specify any particular, contestable coding of various combinations of *de jure* and *de facto* factors.

To evaluate these ideas, we bring together data from three sources. First, using the Comparative Constitutions Project, we construct an index of constitutional constraints on restrictions of freedom of expression. The index captures whether the constitution bans censorship outright and, if not, whether it guarantees freedom of opinion, expression, and the press. It also records whether the constitution contains emergency provisions that allow the executive to restrict these rights in situations other than war against foreign powers. This yields two key *de jure* dimensions: the strength of ordinary-time protection of freedom of expression and the availability of emergency derogations. Second, drawing on the Varieties of Democracy dataset, we use ten indicators related to different aspects of expression and media conditions and apply factor analysis. This procedure reveals two distinct *de facto* dimensions: *discussion freedom*, which captures the extent to which individuals can discuss politics and express views in private and academic settings, and *press freedom*, which captures the degree of governmental censorship, harassment, and bias in the media environment. Third, we combine these institutional and outcome data with time-varying measures of populism and party ideology at the legislative level.

Our empirical strategy is to treat populist parties and constitutional design as interacting determinants of *de facto* discussion and press freedom and, by implication, of the *de jure–de facto gap* in freedom of expression. We focus on countries with modern multi-party institutions between 1970 and 2020 and estimate two-way fixed-effects models that relate changes in discussion freedom and press freedom to changes in populist representation, distinguishing between left- and right-wing populism, while allowing effects to vary with the strength of constitutional constraints and the presence of applicable emergency derogation clauses. This design follows earlier work on populism and human freedom that emphasizes the importance of legislative composition and ideological alignment, but here the outcome variables are narrowly defined components of freedom of

expression, and the key institutional variables are constitutional rules that directly target this right (e.g., Berggren and Bjørnskov, 2026).

Within this framework, two main results emerge. First, conditional on populist representation and other covariates, stronger *de jure* protection of freedom of expression is on average associated with higher *de facto* discussion and press freedom, but this association weakens considerably when constitutions allow freedom of expression and media rights to be suspended during declared emergencies. In these cases, countries with otherwise similar levels of *de jure* protection display markedly lower *de facto* freedom of expression, which we interpret as evidence of a *de jure–de facto* gap. Second, we show that populist representation in the legislature is associated with additional reductions in *de facto* freedom of expression, but only under specific constitutional conditions. Right-wing populists, in particular, are associated with lower press freedom when the constitution allows emergency derogations, whereas strong constitutional protection without such “escape clauses” substantially attenuates their influence. For discussion freedom, by contrast, the moderating role is played primarily by the strength of ordinary-time constraints rather than emergency provisions. Robustness checks using the Comparative Constitutional Compliance Database confirm that these patterns are mirrored in indicators of compliance with constitutional guarantees of media and speech freedom, even though the exact conditionalities differ in detail (Gutmann et al., 2024).

Our contribution is therefore twofold. Substantively, we demonstrate that constitutional constraints on freedom of expression do matter for the actual freedom citizens enjoy, but their effectiveness depends on how they are drafted, particularly whether they contain emergency clauses that can be invoked by governments seeking to silence critics. Methodologically, we combine detailed *de jure* information on rights provisions and emergency derogations with disaggregated *de facto* indicators of freedom of expression and with measures of constitutional compliance, and we

study their interaction with populist party influence in the legislature. In doing so, we link the literature on populism and institutional backsliding with the emerging literature on constitutional compliance and contribute to a more general understanding of when constitutions succeed or fail in constraining governments that are tempted to treat free speech as conditional on political convenience.

2. Theoretical mechanisms

In this section, we outline why populist parties have incentives to restrict freedom of expression, why these incentives are likely to be stronger and more systematic for right-wing than for left-wing populists, and how constitutional design may shape the extent to which such parties can translate their political preferences into *de facto* restrictions.

2.1. Populist incentives to control expression

Given our characterization of populism, populist parties have strong incentives to restrict the freedom of expression to control the public narrative. Liberal-democratic institutions that constrain majorities, such as independent courts, constitutional review, and free media, are easily framed in this view as instruments used by elites to frustrate popular sovereignty and block the will of the people (Eichengreen, 2018; Lacey, 2019).

Freedom of expression is particularly sensitive in this context. Open debate and independent media provide platforms for actors that populists tend to identify with the elite, such as opposition politicians, judges, journalists, academics, and international organizations. They also facilitate the

mobilization of groups that populists typically portray as illegitimate or outside the “pure” people. For populist parties, freedom of expression is therefore a double-edged institution: it can be used to mobilize supporters and bypass established intermediaries, but it also enables criticism and countermobilization. This tension naturally leads to a preference to preserve channels favorable to the populists’ own narrative while constraining critical voices.

Recent work in political economy frames populist politics as involving “off-balance-sheet redistribution” through distortive regulation rather than transparent fiscal measures (Magistro and Menaldo, 2025). Restrictions on media and public debate can be interpreted in this light as regulatory interventions that reallocate agenda-setting power from independent media and civil society to the governing coalition and select interests. By limiting the ability of opponents to criticize policies or expose opportunistic behavior, such restrictions increase the expected political return to populist strategies and help maintain the appearance that the government speaks uniquely for the people.

2.2. Channels of undermining freedom of expression

There are several mechanisms through which populist actors can reduce *de facto* freedom of expression without necessarily abolishing *de jure* guarantees. Empirical studies document how populist governments have placed loyalists in key regulatory and judicial positions, shifted public funding and advertising towards friendly media outlets, used defamation or “fake news” laws selectively, and exerted informal pressure on journalists and editors (Grzymala-Busse, 2019; Bánkuti et al., 2012; Özer et al., 2023). These strategies can coexist with constitutional provisions that formally recognize freedom of expression and media freedom, but they weaken the effective

constraints on government and generate a gap between the text of the constitution and actual practice.

A useful distinction, which informs our empirical work, is between press freedom and discussion freedom. Press freedom relates to the ability of media organizations to operate without censorship, harassment, or capture. It is particularly vulnerable to targeted regulation, selective enforcement, and financial pressure, which can be especially attractive to populists who see mainstream media as part of a hostile elite. Discussion freedom, by contrast, concerns the extent to which individuals can exchange political views in private, academic, and civic settings. It is more diffuse and depends on broader policing practices, norms around dissent, and the general climate of fear or tolerance. Both dimensions can be restricted, but the relevant instruments, and thus the role of constitutional design, differ between public and private expression.

2.3. Right- and left-wing populism

Although left- and right-wing populists share core features, their conceptions of the elite and their policy priorities differ, which in turn shapes their relationship to freedom of expression. Left-wing populists typically define the elite in socioeconomic terms and emphasize distributive conflicts; they tend to target large corporations, financial interests, and “neoliberal” institutions. Right-wing populists, in contrast, define the elite in more cultural and cosmopolitan terms and focus on intellectuals, mainstream media, civil society organizations, and supranational institutions that are perceived as undermining national identity and sovereignty (Rodrik, 2018; Mudde, 2019; Berggren and Bjørnskov, 2025).

These differences generate distinct incentives regarding freedom of expression. For right-wing populists, independent media, critical academics, and activist NGOs are often seen as central

pillars of the hostile elite. Restricting press freedom and narrowing the space for dissenting views directly serves the goal of reasserting a homogeneous national narrative and marginalizing groups that are portrayed as outsiders. Right-wing populist strategies therefore frequently involve attacks on “biased” journalists, attempts to bring public broadcasters under government control, and moral campaigns against allegedly subversive cultural or academic expression (Huber and Schimpf, 2017; Bílková, 2019).

Left-wing populists also have reasons to criticize and intervene in the media sphere, not least where major outlets are owned by economic elites they distrust. However, they often rely on social movements, unions, and activist networks that themselves depend on pluralistic public debate and extensive discussion freedom. Moreover, their primary institutional targets tend to be economic and legal structures that protect markets and property rights, rather than civil liberties as such. Earlier work suggests that left-wing populists are particularly prone to undermining economic freedom and aspects of the rule of law related to security, while right-wing populists are more strongly associated with declines in civil liberties and freedom of expression (Huber and Schimpf, 2017; Gründler et al., 2024).

From this perspective, one should expect systematic negative effects on freedom of expression primarily from right-wing populist parties, especially when they wield substantial influence in the legislature. Left-wing populists may also restrict speech, particularly when confronting media outlets closely linked to economic elites, but their incentives to do so are less central to their political project and may be counterbalanced by reliance on expressive social movements.

2.4. Constitutional constraints, de jure rights, and constitutional compliance

Constitutional rights are *de jure* guarantees that specify what governments may and may not do, and they are intended to constrain political actors by raising the legal and political costs of violating protected liberties (Chilton and Versteeg, 2020). In this sense, constitutional constraints can be understood as specific, formal limitations that the constitutional text and its accepted interpretation place on the exercise of governmental powers, with the aim of ensuring that executive authority is exercised within clearly predefined judicial boundaries and that excessive concentrations of discretionary power are avoided (Buchanan and Tullock, 1962). In practice, however, the effective constitution consists not only of the written text but also of constitutional norms developed by political practice and judicial interpretation – sometimes referred to as the “small-c constitution” – which may reinforce or erode the constraints set out on paper (Vanberg, 2011; Chilton and Versteeg, 2022). Formal guarantees therefore do not automatically translate into *de facto* protection. Governments may disregard constitutional rules, reinterpret them creatively, or exploit ambiguities that allow restrictive policies while claiming to act within the law. The resulting divergence between constitutional text and observed practice is often described as a problem of constitutional compliance (Chilton and Versteeg, 2020; Gutmann et al., 2024). In what follows, we focus empirically on constraints as defined in the constitutional text and interpret variation in enforcement and norms as transmission mechanisms through which populism can affect the *de facto* freedom of expression that citizens actually enjoy.

The nascent literature on constitutional compliance documents substantial variation across countries and over time in the extent to which governments honor their constitutional commitments, and it shows that noncompliance is particularly common with respect to civil and political rights (Gutmann et al., 2024; Gutmann and Rode, 2025). Populist governments appear especially prone to noncompliance, since they often lack the supermajorities needed to rewrite

constitutions in their favor yet have strong incentives to test or transgress constitutional limits (Müller, 2017; Gutmann and Rode, 2025).

Even so, *de jure* rights can matter. Strong and unambiguous constitutional protections can serve as focal points for courts, opposition parties, and civil society, making violations more visible and politically costly. They provide clear standards against which domestic and international audiences can judge government behavior, thereby raising reputational costs for politicians who curtail rights. By contrast, weak or partial provisions leave more room for interpretation and lower the expected sanctions for restrictions on freedom of expression. We therefore expect, all else equal, that stronger *de jure* protections of freedom of expression are associated with higher levels of *de facto* discussion and press freedom, although the strength of this relationship depends on the broader enforcement environment.

2.5. Emergency derogation and “creative” uses of constitutional flexibility

An important element of constitutional design in this context is the treatment of states of emergency. Most modern constitutions contain explicit emergency provisions that allow executives to exercise special powers under specified conditions, such as war, natural disasters, or serious threats to public order (Bjørnskov and Voigt, 2021, 2024). For our purposes, a key dimension is whether these provisions permit derogations from otherwise protected rights to freedom of expression and media freedom. About one third of constitutions allow such derogations when a state of emergency is declared.

Constitutional emergency clauses are inherently paradoxical. They aim to safeguard the constitutional order in extraordinary situations by temporarily suspending parts of it, but in doing so they also empower the executive to redefine what counts as an emergency and to curtail rights when

it finds it politically convenient. When emergency derogations are broad or vaguely formulated, they create significant scope for “creative” compliance: governments can formally claim to respect the constitution while invoking emergency provisions to justify restrictions that would otherwise be unconstitutional. Politicians can thus argue that they are not violating *de jure* rights, only applying the exceptions that the constitution itself provides. This narrows the gap between their actions and the letter of the law, while potentially widening the gap between *de jure* rights and the underlying liberal principles those rights were intended to embody.

For populist actors, such flexibility is particularly attractive. They can depict critical media, mass protests, or alleged disinformation campaigns as threats to public order or national security and use emergency powers to censor, harass, or marginalize opponents. The costs of doing so are lower when restrictive measures can be framed as constitutionally authorized responses to exceptional circumstances. By contrast, in constitutions that protect freedom of expression without emergency derogations, direct attempts to silence critics are more clearly in conflict with *de jure* rights. This increases the likelihood of judicial resistance, domestic and international criticism, and electoral punishment, even when populists claim to represent the people. We therefore expect emergency derogations that cover speech and media rights to weaken the association between *de jure* and *de facto* freedom of expression and to increase the sensitivity of *de facto* outcomes to the political composition of the legislature.

The impact of emergency provisions is likely to differ across dimensions of freedom of expression. For press freedom, constitutions often specify in some detail whether censorship is allowed and under what conditions media rights can be suspended. Emergency derogations that explicitly cover the press therefore provide a direct legal pathway for governments to intervene in the media sphere while maintaining a façade of constitutional compliance. For discussion freedom, which concerns interpersonal and academic communication, the connection to emergency

provisions is less direct. Here, ordinary-time protections of expression and association may matter more, since restrictions often take the form of policing demonstrations, regulating universities, or tolerating informal harassment. The political cost of infringing on these freedoms is likely to be higher when the constitution articulates strong *de jure* protections and does not provide an easy formal escape route, not least because effective infringement requires more visible and direct repression of ordinary citizens.

2.6. Theoretical expectations

Taken together, these considerations yield a set of expectations for our empirical analysis, in which *de facto* discussion freedom and press freedom are modeled as functions of constitutional design, populist representation, and their interaction. First, we expect stronger *de jure* constitutional protections of freedom of expression to be associated, *ceteris paribus*, with higher *de facto* levels of both discussion and press freedom. Second, we anticipate that constitutions that include emergency derogations for speech and media rights will exhibit weaker constitutional compliance in this domain, which can be interpreted as the *de jure–de facto* gap being larger and more responsive to political incentives. Third, we expect populist representation in the legislature, especially by right-wing parties, to be associated with reductions in *de facto* freedom of expression, since these actors have strong ideological incentives to control the public narrative and to limit critical voices. Fourth, we expect these negative effects of populist influence to be attenuated where constitutional protections are strong and unconditional and amplified where emergency clauses provide convenient “ways out” of *de jure* constraints. Finally, we expect press freedom to be more directly affected by the interaction of populism and emergency derogations, whereas discussion freedom is more closely tied to the overall strength of ordinary-time constitutional protections.

These theoretical mechanisms provide, we suggest, a coherent account of how populist politics and constitutional design jointly shape constitutional compliance in the area of freedom of expression and motivate the empirical tests that follow.

3. Data and empirical strategies

3.1. Freedom of expression and populism

We begin by employing data from the Varieties of Democracy (V-Dem) (2025) database that is the only source of information with substantial country coverage that goes far back in time. V-Dem includes an overall measure of freedom of expression and alternative sources of information, which have been used in recent research (e.g., Solis and Zvobgo, 2023; Bjørnskov, 2024; Lewis and Ives, 2025). However, we prefer to take a step further and instead use the feature that the overall index is composed of a set of primary variables. V-Dem includes ten such variables capturing different aspects of the freedom of expression: 1) freedom of discussion for men; 2) freedom of discussion for women; 3) freedom of academic and cultural expression; 4) freedom of academic exchange and dissemination; 5) government censorship efforts; 6) if print and broadcast media are critical; 7) if print and broadcast media offer different perspectives; 8) harassment of journalists; 9) the degree of media self-censorship; and 10) the degree of media bias.

In order not to report results with ten different dependent variables, we apply exploratory factor analysis to reduce the dimensionality of the dataset. Across the 3,337 observations in the data that are not single-party regimes, the data lend themselves excellently to factor analysis, as indicated by the Kaiser-Meyer-Olkin test. Further, the results of the factor analytical solution, obliquely

rotated by Promax, which allows the factors to be correlated, provide a strong indication that the ten variables contain two clearly defined dimensions.² We report the results of the analysis in Table 1; their correlation is illustrated in Figure A1 in the Appendix. For interpretation, one should note that the two indicators are distributed around 0 with a standard deviation of 1.

Table 1. Factor analysis

	Factor 1	Factor 2	Uniqueness
Freedom of discussion, men	.087	.876	.052
Freedom of discussion, women	.121	.892	.076
Freedom of ac. and cult. expression	.375	.487	.104
Freedom of ac. exchange and dissemination	.359	.420	.208
Government censorship	.713	.218	.130
Print and broadcast media critical	.903	.045	.139
Print and broadcast media perspectives	.796	.138	.175
Harassment of journalists	.723	.256	.204
Media self-censorship	.790	.137	.145
Media bias	.694	.229	.161
Observations	3337		
Kaiser-Meyer-Olkin test	.949		

Note: the correlation between the two factors is .845.

The first factor has strong loadings on all six components capturing aspects of press and media freedom and medium loadings on two variables capturing the freedom of academic and cultural dissemination, exchange and expression. The second factor contains strong loadings on the freedom of discussion for men and women, as well as medium loadings on the two academic aspects. Given the nature of the data, and particularly the somewhat intermediate position of freedom of academic expression that may be both private and public, we consider the separation of the two factors intuitively appealing. We interpret factor 1 as capturing press freedom, i.e. the public

² We prefer a solution that is obliquely rotated over the more standard orthogonal rotation. While the two-factor solutions are highly correlated, the obliquely rotated factor solution minimizes the problem of cross-loadings across factors, which proves to be a significant issue. Using orthogonal rotation, we find that the third factor has an eigenvalue of just 0.05, contrary to the eigenvalues of 4.5 and 3.9 of the first factors that also explain virtually all of the variation in the data.

manifestation of overall freedom of expression, and factor 2 as capturing discussion freedom, the private manifestation of such rights. Throughout the rest of the paper, we employ these factor scores instead of the primary data.

We combine these data with newly developed data on the degree to which political parties are populist, as well as data on their ideological position. Our populism data derive from the database developed in Celico et al. (2024), which provides an index of populism based on machine learning. The data are time-varying scores between 0 (no populism) and 10 (extreme populism) available at the party level for 169 countries in the period 1970–2020. Celico et al. (2024) note that the scores capture a “supply side” of populism among parties that voters can vote for in a given election; the populism scores therefore only change in election years. They are based on a concept of ideational populism, which treats it as a “thin-centered ideology” framing politics as a Manichean struggle between a virtuous and uniform people and a corrupt elite. The authors began scoring using the POPPA survey and subsequently used a Random Forest Regression algorithm to capture relational patterns between party characteristics and their populism scores as measured by these expert surveys. Training their machine-learning model using the POPPA data, Celico et al. (2024) expanded the dataset to include populism scores for a large set of parties across many countries and years.

We follow recent research in Berggren and Bjørnskov (2026) in matching the parties’ populism scores to data on the political ideology of parties in 75 countries. The ideology data derive from a recent update of Berggren and Bjørnskov (2017) and allow us to calculate the average degree of populism among parties represented in the legislature, separated in left- and right-wing parties and weighted with their share of seats in the legislature. The ideology data are coded explicitly on party placement on economic policies and institutions, and sort parties into five categories: communist and unreformed socialist parties (with a value -1), reformed socialist parties (-0.5), modern social democratic parties (0), conservative parties (+0.5), and parties with a foundation in

some form of classical liberalism (+1). We use these ideological distinctions to sort all parties into two blocs: a left-wing bloc consisting of parties with scores -1, -0.5 and 0, and right-wing parties with scores of +0.5 and +1. This yields both a simple ideology measure, defined as the seat share of left-wing parties minus the seat share of right-wing parties, as well as an average populism score for both left-wing and right-wing parties represented at any time in the legislature. In an Appendix test, we use the same approach to calculate the average degree of populism in left-wing and right-wing governments. As such, we throughout distinguish between left- and right-wing populism.

3.2. Measuring constitutional constraints

In order to answer the research question, we need a measure of constitutional constraints on the infringement of freedom of expression. The challenge is that there are no standard measures and no established method for doing so (cf. Bjørnskov and Voigt, 2021). We follow most of the recent literature by relying on information from the Comparative Constitutions Project (CCP), which enables us to develop a measure applicable to all countries in our sample for the years 1970–2020 (Elkins et al., 2009).

The CCP contains information on whether the constitution provides protection of freedom of opinion, freedom of expression, and freedom of the press, and whether it directly bans the use of censorship. In addition, it includes information on whether the constitution contains provisions for a state of emergency and whether any rights can be derogated in such situations (cf. Bjørnskov and Voigt, 2024). In particular, we code if censorship is allowed during states of emergency (other than wars against foreign nations) and use detailed information in the CCP commenting on implied restrictions on the three freedoms to code if any of these freedoms can be limited during emergencies. We use this information to code two indices: one capturing freedom of expression

during regular times, and another measuring the extent to which emergencies allow the derogation of such freedom.

For our purposes, we begin by asking if the constitution prohibits censorship. If it does, we count this as full protection of citizens' freedom of expression, based on the notion that a ban on censorship implies that government has no constitutional means of restricting the right to express oneself freely, or the right to media freedom. If such a ban is not present in the constitution, we explore if it: 1) provides a right to having and voicing one's opinion; 2) if it provides a right to freedom of expression; and 3) if it provides for full press and media freedom. We count which, if any, of these three types of constitutional constraints are present. As such, the full index runs from 0, in which there is no formal protection of the freedom of expression, to 1 in which censorship is banned without exceptions or where all three other constraints are in place, with $1/3$ and $2/3$ as middle values in which some but not all aspects are protected.

3.3. Control variables and empirical strategy

Apart from populism and our two indicators of constitutional constraints, we add a parsimonious specification in order not to include bad controls. First, the specification includes a dummy for electoral democracies from the Bjørnskov and Rode (2020) regime dataset; the comparison group is therefore multi-party autocracies as we exclude single-party regimes for practical reasons. From the same source, we also add a dummy capturing if a year includes an election. Second, we add three economic variables: the logarithm of real purchasing-power adjusted GDP per capita, trade volumes as a share of GDP, and the relative price of investment, all from the Penn World Tables, version 10 (Feenstra et al., 2015). The economic data, as well as our ideology and populism data, are all lagged one year in order to avoid simultaneity bias.

Table 2. Descriptive statistics

Variable	Mean	Standard deviation	Observations
Freedom of discussion, men	3.368	.776	3359
Freedom of discussion, women	3.345	.739	3359
Freedom of ac. and cult. expression	3.118	.887	3358
Freedom of ac. exchange and dissemination	3.309	.678	3337
Government censorship	2.936	1.010	3359
Print and broadcast media critical	2.418	.554	3359
Print and broadcast media perspectives	2.449	.629	3359
Harassment of journalists	2.633	.775	3359
Media self-censorship	2.210	.599	3359
Media bias	3.166	.745	3359
Factor 1	.196	.743	3337
Factor 2	.192	.758	3337
Log GDP per capita	9.752	.757	3191
Trade volume	.667	.521	3191
Investment price	1.089	.627	3191
Electoral democracy	.853	.354	3422
Election year	.269	.443	3414
Ideology, legislature	.092	.461	3214
Left populism (legislature)	4.288	1.702	3095
Right populism (legislature)	3.644	1.772	3095
Left populism (government)	1.831	2.518	3095
Right populism (government)	2.144	2.255	3095
Constitutional constraints	.781	.343	3341
Emergency exception	.629	.483	3341
Constitutional compliance, civil liberties	.755	.761	3155
Constitutional compliance, media	.429	.425	3155
Constitutional compliance, speech	.221	.379	3155
Constitutional compliance, media + speech	.651	.681	3155

In a set of additional tests, we use four measures of constitutional compliance from the dataset developed by Gutmann et al. (2024). We use the overall index, which captures compliance with civil liberties, as well as two measures that assess the absence of compliance with media freedom and freedom of speech, given that the constitution protects these rights. We also add the latter indices to obtain a combined measure (media + speech). The civil liberties index is distributed between 0 and 1, whereas the two specific indices are categorical variables with 0 denoting compliance, 1 denoting a compliance gap, and 0.5 an uncertain situation. All variables, including those on freedom of expression, constitutional constraints, and populism, are summarized in Table 2.

We estimate this specification using ordinary least squares with two-way fixed effects for years and countries. This last choice implies that we are unlikely to capture joint global changes, stable national features such as culture and policy traditions, and approximately time-invariant constitutional norms. We therefore think of the estimates as reflections of medium-run effects, as they capture the effects of changes to populism that typically occur every four years. However, changes in ideology and the degree of populism may arguably be caused by voters' dissatisfaction with their freedom of expression, by politicians' reactions to consequences of such changes, or in principle also by media campaigning against restrictions. In order to assess the degree to which our estimates are subject to endogeneity bias, we therefore borrow a method from recent research (e.g., Berggren and Bjørnskov, 2025). We note that all reverse causality must materialize in election years, as, by definition, neither populism nor the ideological composition of the legislature changes outside of elections.³ In the Appendix, we therefore provide a full set of estimates in which we simply exclude all observations from election years from our sample. The difference between the main estimates and the estimates without election years will, by this argument, be informative of how severe a problem endogeneity bias is. In addition, we also provide a set of estimates in which we vary the lag length of populism effects and focus only on populism within government.

4. Empirical patterns and results

4.1. Empirical patterns

³ It is worth noting that Berggren and Bjørnskov (2026) stress that the approach may back out causal estimates under a specific condition: that populism does not affect the *timing* of elections. They show that the condition is likely to hold in their sample, and we likewise find no indications that more populism in legislatures affects the likelihood of early elections, in the countries in which it is a constitutional option.

Before turning to the estimates, we provide some first indications of the structure of our data and basic patterns in them. Exploring the 75 countries in our sample, in 2019 – the latest year before the 2020-21 pandemic – democracies score more than one point higher than autocracies on both measures of freedom of expression, while we see no substantial differences in constitutional constraints or emergency exceptions. The highest discussion freedom in recent years is found in Denmark, while Czechia has the highest press freedom index. However, the two countries are not close to the top on the other freedom indicator, with Denmark number 19 on press freedom and Czechia number 39 on discussion freedom. The raw data thus illustrate the potential importance of separating discussion freedom and press freedom. Conversely, the weakest discussion freedom is found in Azerbaijan while Nicaragua has the weakest press freedom; both countries are close to the bottom on the alternative index. Over the last 20 years in the dataset, the worst declines in freedom of expression have (not surprisingly) occurred in Venezuela. The largest improvements were in Peru for both indicators.

The patterns in the data to a large extent resemble those in earlier research in, for example, Bjørnskov and Voigt (2021). In countries without full constitutional protection, the averages of discussion freedom and press freedom in recent years are 0.28 and 0.38, respectively. In other countries with full constitutional protection, but no emergency provisions that allow the state to derogate such rights, the comparable averages are 0.29 and 0.21; none of these differences are statistically significant. In comparison, for countries with constitutional protection of freedom of expression but also the option to derogate these rights during emergencies, the comparable averages are only -0.22 for discussion freedom and -0.05 for press freedom. This may suggest an independent role for the particular emergency provisions, but not necessarily a clear effect – or absence thereof – of the moderating effects that we aim to explore.

Focusing instead on patterns in populism, we observe that countries with relatively less populist parties, which we define as an average of all parties in the legislature below 4 (on a 10-scale) appear less likely to restrict freedom of expression. The averages of discussion freedom and press freedom are 0.17 and 0.26, respectively, while the corresponding averages among more populist countries are -0.23 and 0.02. Perhaps informative for our estimates in the following, we also find that the more populist societies tend both to have stronger constitutional constraints (averages of 0.93 versus 0.81) and are more likely to have emergency provisions that allow restrictions on the freedom of expression: 56% of those with relatively little populism allow the derogation of freedom of expression during emergencies, while 80% of the more populist societies do so. As such, the estimates in the following may be interpreted on the background of what appears as a populist clash between formal constitutional constraints and the *de facto* status of civil rights.

4.2. Main results

We report the main estimates in Table 3 where factor 1 – press freedom – is the dependent variable in columns 1 and 2, and factor 2 – discussion freedom – is the dependent variable in columns 3 and 4. Odd-numbered columns report the basic estimates without taking constitutional constraints into account, while the results in even-numbered columns include a full set of interactions between left- and right-wing populism, legislature ideology, and the variables capturing constitutional constraints and emergency exceptions. As the interactions cannot be interpreted *per se*, we plot the marginal conditional effects of populism and ideology in Figures 1–3.

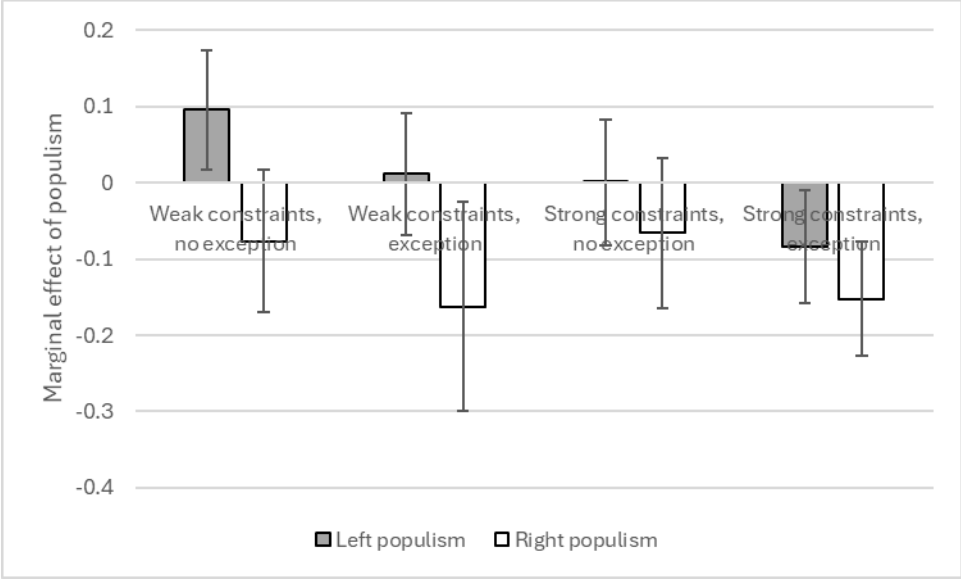
Table 3. Main results

	Factor 1		Factor 2	
	1	2	3	4
Log GDP per capita	-0.110	-0.092	-0.105	-0.109

	(.097)	(.103)	(.161)	(.165)
Trade volume	-.083	-.064	-.015	-.009
	(.069)	(.068)	(.075)	(.076)
Investment price	.010	.010	.013	.012
	(.009)	(.010)	(.017)	(.017)
Electoral democracy	1.386***	1.393***	1.358***	1.370***
	(.204)	(.203)	(.235)	(.236)
Election year	-.001	-.003	-.013	-.013
	(.009)	(.009)	(.011)	(.010)
Ideology, legislature	-.082	-.438	.038	-.142
	(.161)	(.572)	(.231)	(.559)
Left populism	-.036	.090**	.029	.084**
	(.024)	(.037)	(.037)	(.041)
Right populism	-.112***	-.047	-.096***	-.110**
	(.024)	(.034)	(.027)	(.044)
Ideology * left populism	-.099**	.026	-.096**	-.028
	(.038)	(.097)	(.043)	(.090)
Ideology * right populism	.118***	.148	.119***	.226
	(.036)	(.099)	(.041)	(.104)
Constitutional constraints	.058	.372	.339**	.199
	(.114)	(.336)	(.161)	(.415)
Emergency exception	-.244	.456**	-.052	.390
	(.279)	(.223)	(.261)	(.319)
Ideology * constraint		1.262*		.670
		(.661)		(.658)
Ideology * exception		-1.017**		-.598
		(.394)		(.385)
Left populism * constraint		-.047		-.012
		(.036)		(.048)
Right populism * constraint		-.018		.051
		(.053)		(.056)
Left populism * exception		-.109**		-.061
		(.048)		(.066)
Right populism * exception		-.059		-.039
		(.044)		(.053)
Ideology * left * constraint		-.241**		-.071
		(.109)		(.106)
Ideology * left * exception		.124*		.003
		(.071)		(.065)
Ideology * right * constraint		-.142		-.232*
		(.124)		(.128)
Ideology * right * exception		.133**		.138**
		(.063)		(.062)
Country FE	Yes	Yes	Yes	Yes
Annual FE	Yes	Yes	Yes	Yes
Observations	2860	2860	2860	2860
Countries	75	75	75	75
Within R squared	.572	.595	.521	.531
F statistic	34.81	195.88	33.59	215.35

Note: *** (**) [*] denote significance at $p < .01$ ($p < .05$) [$p < .10$].

Figure 1. Effects of populism on factor 1



Beginning with the control variables, we note that only whether the country is an electoral democracy has any significant influence; GDP, trade, the investment price, and election years exert no statistically significant influence in the medium term. On average, ideology is also not associated with freedom of expression, nor is it related to populism; see Figure 3. However, we must emphasize that democracy is very strongly associated with both factors as the estimates indicate that moving to full democracy is associated with a long-run gain of almost 140 percent of a standard deviation.

Figure 2. Effects of populism on factor 2

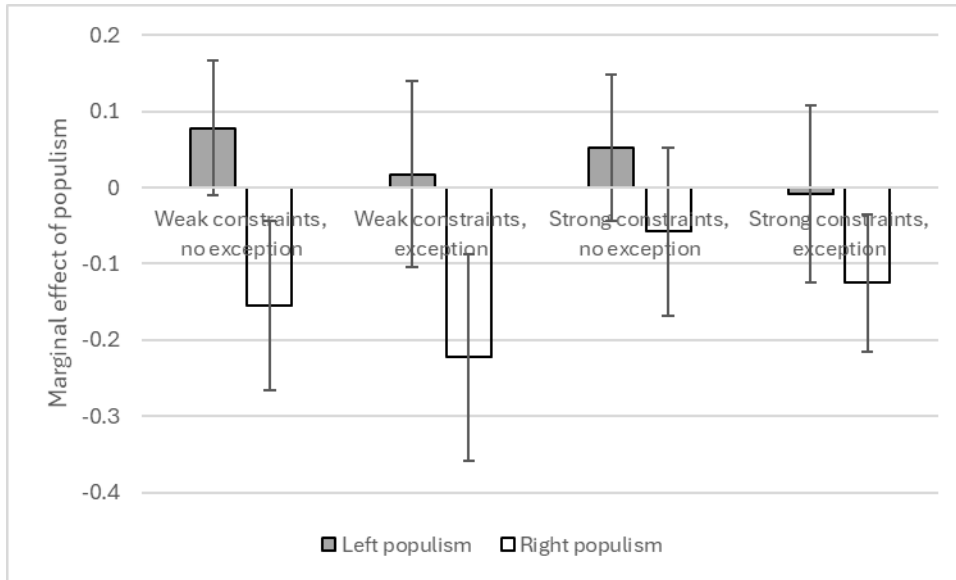
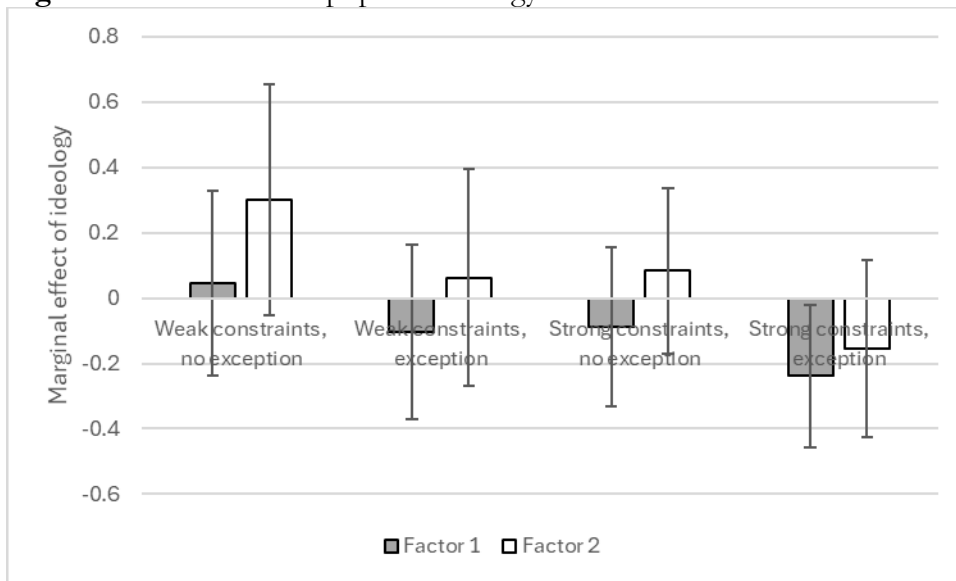


Figure 3. Effects of non-populist ideology



Turning to the populism measures, we find a clear effect on press freedom of both left- and right-wing populism when their bloc dominates the legislature. The estimate of left populism becomes significant when the left bloc holds about 55–60% of the seats in the legislature. Apart from situations in which the left holds more than 80% of seats, we also find a strong influence of right-wing populism, which is increasing in the seat share held by the right bloc. We nevertheless

warn against overinterpreting this finding, as it may be a consequence of necessarily assuming approximately linear moderation of effects. The same is probably the case for the positive effects of left-wing populism on discussion freedom when the legislature is dominated by the right as well as the negative influence of right-wing populism even when the majority of the legislature is firmly left-wing. However, our findings overall suggest a significant average influence of left-wing populism on press freedom and a significant influence of right-wing populism on both aspects of freedom of expression when populists are associated with the dominant ideological bloc in the legislature.

Our main aim in this paper is nevertheless to go a step further and explore if these average influences are effectively mitigated by constitutional constraints on restricting freedom. We do so in columns 2 and 4, in which we estimate the effects of populism while allowing for mitigating constitutional influence. These effects are illustrated in Figures 1 and 2, which depict marginal effects as evaluated at a legislative majority of 60 % for either the left or right bloc.

For factor 1, which captures press freedom, we find that what moderates the influence of right-wing populism is the emergency exception to constraints: Regardless of the strength of the constitutional constraints, we find consistent and substantial effects of right-wing populism when the emergency provisions open the possibility of restricting freedom of expression. For left-wing populism, we only find a significant effect in the case where the constitution, to some extent, constrains restrictions but allows them during emergencies. At first glance, it appears that both left- and right-wing populists may exploit emergency exceptions to restrict expression and press reporting.

For factor 2, which captures discussion freedom and thus a more private component of the freedom of expression, we find a somewhat different picture. Here, consistent with the non-findings in column 3, left-wing populism fails to exert any influence regardless of the constitutional status. Conversely, we find that right-wing populists also restrict discussion freedom, but only when the

constitution does not place constraints on policies that do so. In other words, while the moderating factor for populist influence on press freedom appears to be emergency exceptions, the moderating influence for right-wing populist influence on discussion freedom is the degree to which the constitution restricts such policy during normal times.

4.3. Causality and robustness

Although the results are clear and interpretable, we need to tackle the perennial problem of causality. As noted above, ideological changes and changes in the degree of populism when people vote for consistently different parties than in a previous election may be caused by their dissatisfaction with their freedom of expression or by politicians' reactions to media campaigning against restrictions. While interaction terms can provide causal identification under specific conditions, this is not the case here because the estimated degree of moderation itself may be subject to endogeneity bias (see Nizalova and Murtazashvili, 2016). This problem comes about because voters may arguably react more strongly to changes in their freedom of expression when it ought to be protected by the constitution but is not.

As outlined in the description of our empirical approach, we borrow a trick from recent research that utilizes a practical regularity in the data (e.g. Berggren and Bjørnskov, 2025): neither populism scores nor the ideological composition of the legislature is likely to change outside of elections. This implies that practically all reverse causality must materialize in election years. By adding a set of interactions between our main variables of interest and a dummy for election years, we can ensure that most of the endogeneity bias will be reflected in the interacted estimates, while those not interacted with the election year dummy are likely to reflect an approximately causal

medium-run effect. Hence, this approach handles direct reverse causality, although it does not inform about any endogeneity bias arising from omitted variables.

However, comparing the main results in Table 3 with those in Table A1 in the Appendix, in which we exclude all election years, reveals that the differences are small and far from significance; these differences are also visible by comparing Figures 1 and 2 with Figures A2 and A3. The only difference is that the significantly positive effect of left populism on press freedom becomes entirely insignificant. Based on the logic in these tests, it appears that endogeneity bias is not a substantial issue and that our findings may be interpreted causally.

We also explore another way of establishing causality in Table A3 and the accompanying Figures A3 and A4, in which we vary the lag length of our populism and ideology variables. Overall, the estimates for left-wing populists are small and insignificant throughout. Conversely, we find that longer lags result in slightly smaller but more precisely identified effects of right-wing populism on press freedom, and indicate that the constraining effects of constitutional limits mainly work in the short run. With two and three-year lags, the negative effects of right-wing populism in the legislature become very similar regardless of the constitutional situation.

While the estimates of right-wing populism on discussion freedom – factor 2 – also exhibit slightly smaller but more precisely estimated size, we continue to find that having constitutional provisions that protect freedom of expression is effective in limiting populist effects. As such, these additional tests indicate that constitutional restrictions protecting press freedom may mainly postpone populist effects instead of limiting them.

Next, we explore a complementary approach that both tests the robustness of our findings and helps to interpret them. Specifically, we repeat the estimates in columns 2 and 4 of Table 3 but replace our factor-based measures of press freedom and discussion freedom with four indicators from the Comparative Constitutional Compliance Database (CCCD) (Gutmann et al., 2024):

compliance with civil liberties, compliance with media freedom, compliance with speech freedom, and a combined media-and-speech index. These indicators are constructed by matching CCP rules on the presence of specific rights with corresponding V-Dem outcomes and coding whether governments comply with the constitutional provisions in practice. We use them here to ask whether the patterns documented above are simply reflections of more general declines in constitutional compliance, or whether they are specific to broader practice-based measures of freedom of expression.⁴ The results are reported in Table A2, and Figure A2 summarizes the implied marginal effects of populist representation on the combined media-and-speech compliance index for different combinations of constitutional constraints and emergency exceptions.

The CCCD-based estimates do *not* replicate our baseline pattern. Using the compliance measures, right-wing populism is associated with significantly lower constitutional compliance with media and speech rights when constitutional constraints on freedom of expression are strong and not subject to an emergency exception, whereas left-wing populism is associated with higher compliance under the same conditions (Table A2, column 4; Figure A2). For other configurations of constraints and emergency clauses, the marginal effects of populism on these compliance outcomes are generally small and imprecisely estimated. Taken at face value, the CCCD results suggest that, when constitutions impose strong, non-derogable obligations, right-wing populists are more likely than other actors to adopt policies that conflict with the formal guarantees, while left-wing populists may be somewhat more inclined to comply. At the same time, the divergence between these patterns and those obtained using the V-Dem-based *de facto* indicators indicates that the two sets of measures capture different aspects of the *de jure–de facto* relationship. The CCCD indices reflect rule-specific

⁴ The CCCD indicators are based on the same CCP and V-Dem sources that underlie our *de jure* constraints index and our *de facto* freedom measures. Our compliance-based robustness checks should therefore be interpreted as using an alternative aggregation of the same underlying information, rather than as relying on entirely independent data.

assessments of whether behavior matches the constitutional text conditional on the presence of particular rights, whereas our baseline factor measures track broader levels of discussion and press freedom in practice. We therefore interpret this exercise not as an independent validation, but as evidence that our main results are not mechanically driven by general constitutional compliance scores and that the interaction of populist influence and constitutional design matters both for explicit compliance with speech-related clauses and for the effective level of freedom of expression captured by V-Dem.

Finally, we provide tests in Table A4 where we replace the measures of left-wing and right-wing populism in the legislature with the populism score for left-wing and right-wing governments (calculated in the same way for coalition governments). While we find no clear effects of populism in government for factor 1 – press freedom – our additional tests for factor 2 – discussion freedom – mimic those for populism in the legislature. For populism in government, the effects are also approximately twice as large for right-wing populism as for left-wing populism. These effects are nevertheless substantially smaller than those for populism in the legislature, providing a final indication that our focus on the phenomenon as a characteristic of the political system as a whole yields additional insights.

5. Concluding remarks

This paper has examined how constitutional design and populist politics jointly shape the *de facto* protection of freedom of expression. Motivated by the observation that it is one thing to enshrine freedom of expression in a constitution and quite another to secure it in practice, we have focused on the relationship between *de jure* constitutional guarantees and *de facto* levels of discussion

and press freedom. We have interpreted weak or conditional correspondence between the two as a *de jure–de facto* gap and asked how this correspondence varies with the presence of populist parties in legislatures and with the specific design of constitutional constraints, in particular the presence of emergency derogation clauses.

Empirically, we have combined three sources of information. From the Comparative Constitutions Project, we have constructed an index of constitutional constraints on restrictions of freedom of expression, distinguishing between ordinary-time protection and the possibility of derogations during states of emergency. From the Varieties of Democracy dataset, we have used ten primary indicators to extract two factors that capture distinct dimensions of *de facto* freedom of expression. These factors are interpreted as press freedom and discussion freedom, representing the public and private manifestations, respectively, of freedom of expression. From party-level data, we have derived time-varying measures of left- and right-wing populism and the ideological composition of legislatures. Our main specification relates the two *de facto* freedom measures to constitutional design, populist representation, and their interaction in a two-way fixed-effects framework, and is complemented by robustness checks that exclude election years and by an alternative exercise using constitutional compliance indices from the Comparative Constitutional Compliance Database.

Three main conclusions emerge. First, conditional on populist representation and other covariates, stronger *de jure* protection of freedom of expression is on average associated with higher *de facto* levels of both discussion and press freedom. This indicates that constitutional constraints are not mere window dressing; they do provide some effective protection. However, this association weakens substantially when constitutions allow freedom of expression and media rights to be suspended during declared emergencies. In such cases, countries with similar levels of *de jure* protection display markedly lower *de facto* freedom of expression, which we interpret as evidence of a

de jure–de facto gap that is facilitated by emergency derogations. Second, populist representation in the legislature is associated with additional reductions in *de facto* freedom of expression, but in a differentiated manner. The presence of right-wing populists in the legislature is linked to lower press freedom when emergency clauses permit derogations, and to lower discussion freedom when the constitution fails to impose ordinary-time constraints on restrictions. However, when we lag effects and thereby allow for some negotiation and implementation period of policies before they enter force, we find that constitutional protection mainly postpones the effects of right-wing populism on press freedom. Left-wing populists have weaker and less systematic effects. Third, the complementary analysis using CCCD indices suggests that right- and left-wing populists also differ in their propensity to comply with strong, non-derogable constitutional guarantees, but that these compliance assessments capture a different aspect of the *de jure–de facto* relationship than our practice-based V-Dem measures.

Our contribution is therefore threefold. In terms of results, we show that the effectiveness of constitutional protections of freedom of expression depends on how they are drafted and on the political environment in which they operate. Strong, unconditional protections are associated with higher *de facto* freedom and appear to constrain populist actors, at least for a while, whereas emergency clauses provide “ways out” that can be exploited to restrict critical media and public debate while maintaining a façade of constitutional compliance. In doing so, we bring together the literatures on populism, human freedom, and constitutional compliance and demonstrate the value of treating *de facto* freedom of expression as an outcome of both constitutional design and populist influence, rather than studying these elements in isolation.

Several avenues for future research follow. One natural extension is to examine in more detail the mechanisms through which emergency provisions are activated and used in practice, for example, by linking our cross-country evidence to case studies of specific episodes in which populist

governments have declared or prolonged states of emergency. Another is to explore how the interaction between populism and constitutional design plays out in other rights domains, such as freedom of association or judicial independence, where the structure of constitutional constraints and derogations differs. Further work could also investigate how media ownership structures, the strength of informal constitutional norms, and the independence of courts and regulatory agencies condition the effectiveness of *de jure* guarantees and the strategies available to populist actors. Additionally, one could ask the same questions in the context of new online media, social media, and other modern communication, for which far less research exists.

Finally, our findings raise normative questions for constitutional design: if constitutional protections of freedom of expression are to be robust to populist challenges, it appears important not only to specify the right itself but also to limit the scope for emergency-based derogations and to strengthen the institutional and societal actors that can defend *de facto* freedom when it is put under pressure.

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Appendix

Figure A1. Correlation of factors, 2017-2020

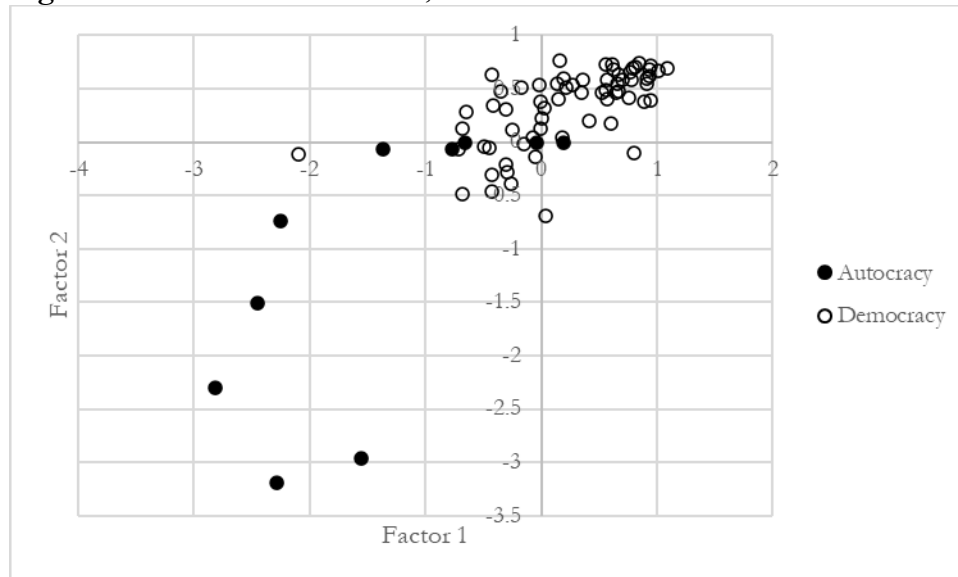


Table A1. Main results, no election years

	Factor 1		Factor 2	
	1	2	3	4
Log GDP per capita	-.106 (.099)	-.04 (.103)	-.071 (.164)	-.082 (.166)
Trade volume	-.083 (.070)	-.071 (.069)	-.003 (.072)	.000 (.072)
Investment price	.008 (.006)	.008 (.008)	.009 (.012)	.007 (.012)
Electoral democracy	1.425*** (.214)	1.424*** (.214)	1.431*** (.249)	1.435*** (.249)
Ideology, legislature	-.151 (.172)	-.725 (.649)	.046 (.245)	-.564 (.577)
Left populism	-.046 (.024)	.072* (.042)	.017 (.037)	.062 (.044)
Right populism	-.119*** (.025)	-.034 (.039)	-.095*** (.028)	-.110*** (.041)
Ideology * left populism	-.105*** (.039)	.001 (.107)	-.101** (.046)	-.025 (.092)
Ideology * right populism	.140*** (.040)	.256** (.127)	.127*** (.044)	.331*** (.122)
Constitutional constraints	.135 (.139)	.395 (.374)	.391** (.179)	.119 (.432)
Emergency exception	-.220 (.296)	.483** (.223)	-.017 (.265)	.429 (.275)
Ideology * constraint		1.537** (.771)		1.137 (.693)
Ideology * exception		-1.080** (.442)		-.591 (.399)

Left populism * constraint		-0.034 (.037)		-0.004 (.046)
Right populism * constraint		-0.036 (.061)		.062 (.056)
Left populism * exception		-.110** (.051)		-.057 (.063)
Right populism * exception		-.062 (.047)		-.049 (.054)
Ideology * left * constraint		-.209* (.123)		-.058 (.113)
Ideology * left * exception		.117 (.077)		-.028 (.065)
Ideology * right * constraint		-.251 (.158)		-.351** (.153)
Ideology * right * exception		.152** (.071)		.157** (.066)
Country FE	Yes	Yes	Yes	Yes
Annual FE	Yes	Yes	Yes	Yes
Observations	2102	2102	2102	2102
Countries	75	75	75	75
Within R squared	.588	.610	.538	.549
F statistic	25.97	88.54	45.68	200.55

Note: *** (**) [*] denote significance at $p < .01$ ($p < .05$) [$p < .10$].

Figure A2. Effects of populism on constitutional compliance (media + speech)

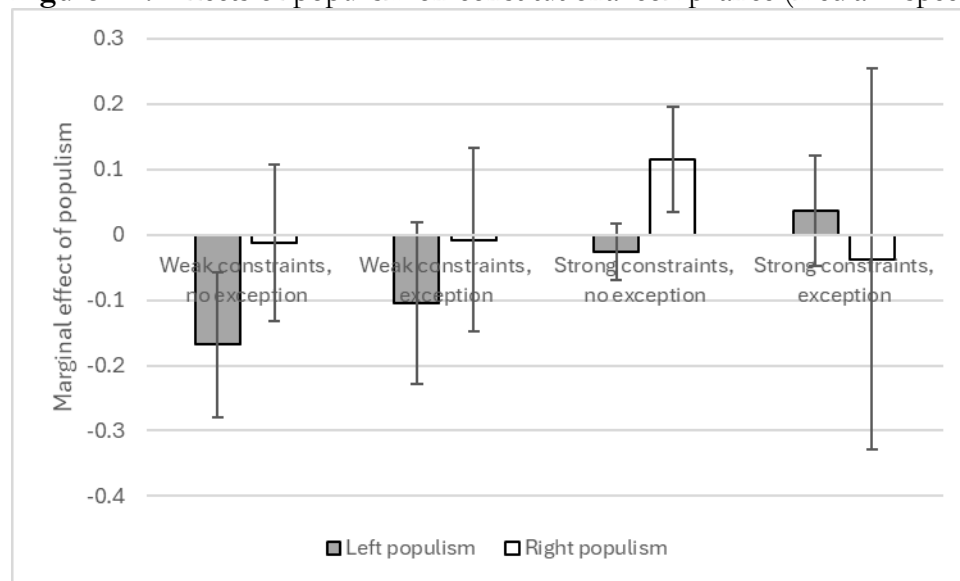


Table A2. Results using constitutional compliance

	Civil liberties 1	Media 2	Speech 3	Media + speech 4
Log GDP per capita	-.061 (.145)	.049 (.069)	-.099 (.079)	-.049 (.101)
Trade volume	-.064 (.066)	.061 (.059)	.027 (.046)	.088 (.065)
Investment price	.005 (.011)	.002 (.009)	-.002 (.006)	.001 (.011)
Electoral democracy	.918*** (.211)	-.185** (.086)	-.543*** (.081)	-.728*** (.121)
Election year	-.001 (.008)	-.001 (.007)	.001 (.005)	.000 (.008)
Ideology, legislature	-1.303*** (.379)	.583* (.307)	.559*** (.181)	1.143*** (.360)
Left populism	.139*** (.037)	-.049* (.029)	.083*** (.024)	-.132*** (.047)
Right populism	.003 (.045)	-.062 (.047)	.019 (.021)	-.043 (.051)
Ideology * left populism	.188*** (.060)	-.115** (.045)	-.068** (.031)	-.183*** (.063)
Ideology * right populism	.179** (.082)	-.057 (.073)	-.098** (.038)	-.155* (.089)
Constitutional constraints	1.084** (.509)	-.606** (.279)	-.656*** (.243)	-1.262*** (.429)
Emergency exception	.358* (.205)	-.289** (.143)	-.043 (.158)	-.332 (.265)
Ideology * constraint	1.582*** (.542)	-1.016** (.449)	-.341 (.285)	-1.357** (.572)
Ideology * exception	-.183 (.353)	.329 (.229)	-.169 (.218)	.159 (.349)
Left populism * constraint	-.065 (.052)	.027 (.033)	.054* (.029)	.081 (.049)
Right populism * constraint	-.026 (.059)	.107* (.055)	.031 (.031)	.138** (.066)
Left populism * exception	-.058 (.049)	.026 (.019)	.038 (.024)	.064* (.035)
Right populism * exception	-.044 (.043)	.011 (.028)	-.010 (.024)	.001 (.043)
Ideology * left * constraint	-.272*** (.090)	.219*** (.062)	.086* (.051)	.304*** (.095)
Ideology * left * exception	-.028 (.054)	-.035 (.037)	.029 (.037)	-.005 (.064)
Ideology * right * constraint	-.204* (.111)	.024 (.094)	.055 (.053)	.079 (.114)
Ideology * right * exception	.103 (.063)	-.012 (.046)	-.008 (.033)	-.020 (.065)
Country FE	Yes	Yes	Yes	Yes
Annual FE	Yes	Yes	Yes	Yes
Observations	2764	2764	2764	2764
Countries	74	74	74	74
Within R squared	.400	.153	.368	.336
F statistic	1191.90	23.28	1050.83	999.08

Note: *** (**) [*] denote significance at $p < .01$ ($p < .05$) [$p < .10$].

Table A3. Main results with various lags

	Factor 1				Factor 2			
	No lag 1	1 yr 2	2 yrs 3	3 yrs 4	No lag 5	1 yr 6	2 yrs 7	3 yrs 8
Log GDP per capita	-.117 (.094)	-.092 (.103)	-.086 (.109)	-.078 (.115)	-.129 (.158)	-.109 (.165)	-.116 (.171)	-.100 (.178)
Trade volume	-.068 (.074)	-.064 (.068)	-.045 (.065)	-.013 (.061)	-.012 (.076)	-.009 (.076)	.012 (.079)	.044 (.080)
Investment price	.008 (.009)	.010 (.010)	.010 (.009)	.011 (.009)	.013 (.017)	.012 (.017)	.012 (.015)	.012 (.014)
Electoral democracy	1.395*** (.205)	1.393*** (.203)	1.394*** (.209)	1.391*** (.212)	1.411*** (.232)	1.370*** (.236)	1.377*** (.239)	1.372*** (.243)
Election year	.015* (.009)	-.003 (.009)	-.002 (.009)	-.000 (.009)	.001 (.009)	-.013 (.010)	-.012 (.010)	-.006 (.011)
Ideology, legislature	-.601 (.574)	-.438 (.572)	-.606 (.501)	-.744 (.491)	-.576 (.550)	-.142 (.559)	-.341 (.483)	-.469 (.503)
Left populism	.069* (.036)	.090** (.037)	.065** (.031)	.036 (.035)	.053 (.042)	.084** (.041)	.065* (.039)	.038 (.044)
Right populism	-.032 (.037)	-.047 (.034)	-.054 (.036)	-.059 (.037)	-.117** (.046)	-.110** (.044)	-.114** (.044)	-.123*** (.044)
Ideology * left populism	.013 (.093)	.026 (.097)	.059 (.077)	.104 (.074)	-.019 (.081)	-.028 (.090)	.023 (.071)	.066 (.075)
Ideology * right populism	.224* (.119)	.148 (.099)	.154 (.098)	.139 (.101)	.351** (.135)	.226 (.104)	.218** (.100)	.199* (.104)
Constitutional constraints	.406 (.341)	.372 (.336)	.207 (.352)	.085 (.362)	.067 (.422)	.199 (.415)	.179 (.453)	.142 (.499)
Emergency exception	.433* (.228)	.456** (.223)	.416** (.205)	.305 (.194)	.381 (.300)	.390 (.319)	.351 (.310)	.286 (.300)
Ideology * constraint	1.390* (.711)	1.262* (.661)	1.460** (.642)	1.734** (.682)	1.129* (.674)	.670 (.658)	.882 (.645)	1.077 (.722)
Ideology * exception	-1.103** (.423)	-1.017** (.394)	-.978** (.385)	-1.053*** (.396)	-.545 (.399)	-.598 (.385)	-.649 (.391)	-.741* (.411)
Left populism * constraint	-.026 (.035)	-.047 (.036)	-.099** (.047)	.005 (.043)	.012 (.052)	-.012 (.048)	.012 (.055)	.041 (.068)
Right populism * constraint	-.045 (.057)	-.018 (.053)	.002 (.056)	.011 (.055)	.058 (.058)	.051 (.056)	.053 (.056)	.058 (.052)
Left populism * exception	-.107** (.049)	-.109** (.048)	-.099** (.047)	-.084* (.046)	-.056 (.061)	-.061 (.066)	-.058 (.069)	-.056 (.070)
Right populism * exception	-.056 (.045)	-.059 (.044)	-.062 (.045)	-.053 (.044)	-.048 (.055)	-.039 (.053)	-.033 (.051)	-.021 (.047)
Ideology * left * constraint	-.231** (.110)	-.241** (.109)	-.275*** (.098)	-.337*** (.107)	-.068 (.105)	-.071 (.106)	-.136 (.099)	-.213* (.117)
Ideology * left * exception	.137* (.072)	.124* (.071)	.126* (.073)	.147* (.076)	-.031 (.064)	.003 (.065)	.030 (.068)	.076 (.074)
Ideology * right * constraint	-.207 (.149)	-.142 (.124)	-.161 (.129)	-.168 (.132)	-.369** (.163)	-.232* (.128)	-.225* (.127)	-.204 (.132)
Ideology * right * exception	.139** (.069)	.133** (.063)	.128** (.062)	.134 (.060)	.159** (.069)	.138** (.062)	.129** (.062)	.118* (.063)
Country FE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Annual FE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Observations	2849	2860	2798	2738	2849	2860	2798	2738
Countries	75	75	75	75	75	75	75	75

Within R squared	.608	.595	.579	.563	.557	.531	.520	.513
F statistic	886.80	195.88	194.62	40.10	745.56	215.35	109.46	130.88

Note: *** (**) [*] denote significance at p<.01 (p<.05) [p<.10].

Table A4. Main results, government populism

	Factor 1		Factor 2	
	1	2	3	4
Log GDP per capita	-.161 (.101)	-.135 (.107)	-.143 (.155)	-.114 (.157)
Trade volume	-.152** (.074)	-.161** (.070)	-.062 (.073)	-.065 (.069)
Investment price	.007 (.009)	.007 (.009)	.011 (.016)	.012 (.016)
Electoral democracy	1.423*** (.209)	1.430*** (.214)	1.426*** (.227)	1.429*** (.231)
Election year	-.007 (.010)	-.008 (.009)	-.026** (.011)	-.025** (.011)
Ideology, legislature	.266* (.138)	.148 (.372)	.455*** (.132)	.489 (.371)
Left populism	-.024* (.014)	.015 (.035)	-.012 (.014)	-.077* (.047)
Right populism	-.024*** (.013)	.005 (.030)	-.011 (.017)	-.105** (.042)
Ideology * left populism	-.080* (.041)	-.074 (.090)	-.066** (.037)	-.019 (.081)
Ideology * right populism	-.000 (.039)	.128 (.149)	.015* (.036)	.143 (.139)
Constitutional constraints	.127 (.127)	-.194 (.199)	.169 (.171)	-.242 (.282)
Emergency exception	-.173 (.243)	-.009 (.217)	-.136 (.233)	.035 (.215)
Ideology * constraint		-.057 (.406)		-.154 (.509)
Ideology * exception		.205 (.279)		.059 (.283)
Left populism * constraint		-.016 (.037)		.084* (.049)
Right populism * constraint		-.009 (.029)		.128*** (.043)
Left populism * exception		-.036 (.033)		-.019 (.039)
Right populism * exception		-.029 (.033)		-.028 (.048)
Ideology * left * constraint		.037 (.102)		-.007 (.097)
Ideology * left * exception		-.056 (.065)		-.065 (.060)
Ideology * right * constraint		-.153 (.108)		-.142 (.165)
Ideology * right * exception		.016 (.085)		.013 (.062)
Country FE	Yes	Yes	Yes	Yes

Annual FE	Yes	Yes	Yes	Yes
Observations	2857	2857	2857	2857
Countries	75	75	75	75
Within R squared	.548	.558	.501	.518
F statistic	37.25	68.06	47.65	589.18

Note: *** (**) [*] denote significance at $p < .01$ ($p < .05$) [$p < .10$].

Figure A3. Effects of populism on factor 1, varying lag length

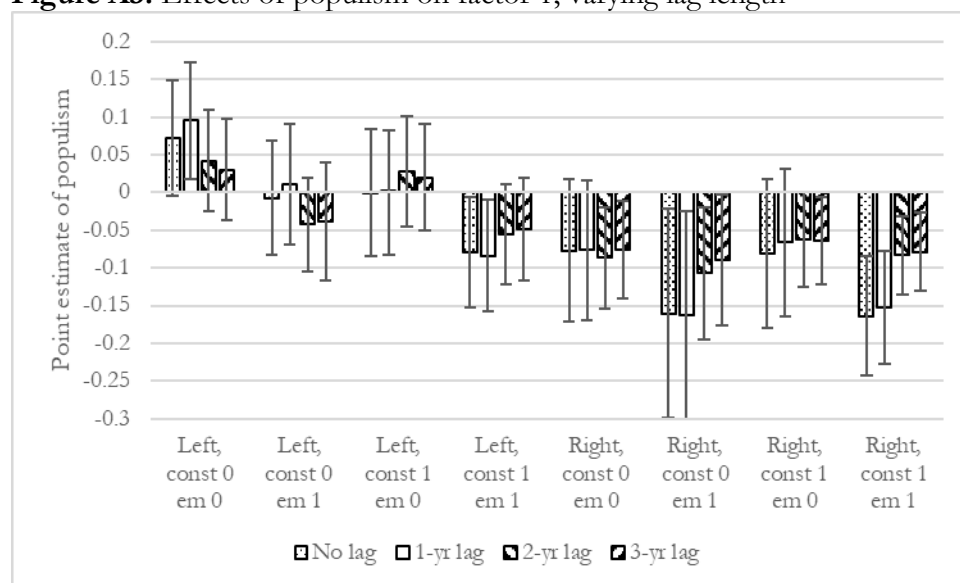
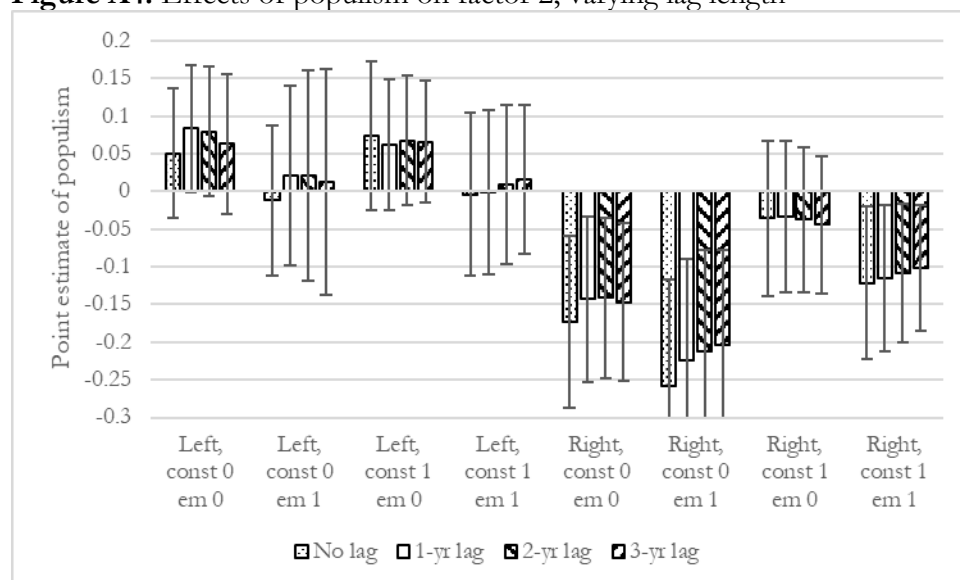


Figure A4. Effects of populism on factor 2, varying lag length



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