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ACCOUNTABILITY THROUGH PUBLIC OPINION

From Inertia to Public Action

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Participatory Constitution Making in Uganda

Devra Moehler

In the current wave of democratization, several countries have embarked on innovative constitution-making programs designed to develop democratic norms, in addition to creating formal institutions. The Ugandan process provided for extensive involvement of the general public over an eight-year period. Albania, Eritrea, and South Africa followed with analogous participatory processes. Of late, reformers have advocated for the participatory model of constitutional development in countries as diverse as Iraq and Nigeria.

These and other participatory policies are inspired by a venerable scholarly tradition emphasizing the importance of public involvement in political life. Classical liberal and contemporary participatory theorists optimistically assert that political participation builds democratic attitudes, civic competence, and political legitimacy.¹ In contrast, other scholars are pessimistic about the consequences of extensive citizen involvement in government. They argue that mass participation polarizes the citizenry, frustrates ordinary people, and threatens political stability—particularly during periods of political transition. Although the theoretical literature on the value of participation is extensive, empirical work on its consequences is sparse, especially at the individual level of analysis.² How does political participation affect political culture in hybrid polities? Does mass participation invest or disinvest in democracy? This chapter seeks to answer these questions.

Drawing on survey, interview, and archival data, I identify the individual-level consequences of citizen involvement in the Ugandan constitution-making process. The quantitative and qualitative data indicate that participation was significantly related to attitude formation, but not entirely in the manner or

direction predicted by either the optimists or the pessimists. My central theoretical argument is that participation affects attitudes in two ways: (1) it increases citizen interest in and exposure to political information, and (2) it changes the standards by which citizens evaluate that information. Importantly, the content of the information imparted through participation determines the direction of attitude change; participation can deliver both positive and negative messages about government. Civic activity does not happen in a vacuum, and people do not mechanically transform information into opinions. Participation must be viewed in context, and participation in hybrid systems that combine elements of democratic and authoritarian rule will have different consequences than participation in well-performing consolidated democracies. If scholars and policy makers want to predict how citizen involvement will affect democratization, they must examine how participants obtain and interpret information about the processes in which they are involved.

Research Design and Methodology

This research project responds to the debates about the democratic implications of participation in general—and participatory constitutional reform in particular—by analyzing the individual-level effects of public participation in the Ugandan constitution-making process. The effects of participation are typically small, gradual, and reciprocal, and thus difficult to detect and substantiate with any degree of certainty.³ The Ugandan constitution-making process offers a unique opportunity to observe the typically elusive results of participation in a hybrid regime.⁴ Ugandan officials and civil-society activists mobilized ordinary people to participate in a variety of activities,⁵ over an extended period of time, focused on a highly salient topic—the constitution. Uganda serves as a crucial test case because the effects of participation in the constitution-making process are expected to be more evident than in other instances of public participation.⁶

To examine the effects of citizen participation in constitution making, I employ a multiple methods approach.⁷ The bulk of the evidence comes from two sources: (1) a multistage probability sample survey⁸ and (2) in-depth unstructured interviews with citizens and local elites in the locations where the survey was conducted.⁹ To assess the effects of public participation on civic knowledge and attitudes at the individual level, I rely on statistical analysis of my survey data augmented with qualitative analysis of the in-depth interviews of local elites and citizens from the same locations.¹⁰ The statistical analysis compares individuals with different levels of involvement in the constitution-making process. Although mobilization played a large role in influencing who participated, participation in constitution-making activities was voluntary. Therefore, the initial knowledge, attitudes, and behavior of the citizens who participated are not identical to those of the citizens who did not. I use information on determinants of participation to account for the potential reciprocal effects.

Although I explicitly model reciprocal effects, it is difficult to determine causation from survey data collected at one point in time. Qualitative analysis of in-depth interviews provides additional leverage to untangle the direction of causation and to delineate the causal mechanisms at work.

Participation and Distrusting Democrats

What were the effects of participation on political culture in Uganda? Specifically, did participation increase democratic values, political knowledge, subjective political capabilities, and institutional trust? To answer these questions I use simultaneous equation systems that account for the possibility of reciprocal relationships between participation and attitudes (or knowledge). I first develop a model of the factors that contributed to participation in Uganda;¹¹ the analysis suggests that citizens participated in the constitution-making process more because mobilizing elites drew them into politics and less because of individually held resources or dispositions.¹² This model then serves as the basis for the subsequent analysis of the consequences of participation. Tables 16.1–16.4 show the results of the second-stage equations predicting democratic attitudes, political knowledge, political capabilities, and institutional trust.¹³

The evidence suggests that that participation in constitution making had a positive estimated effect on democratic attitudes and political knowledge—as the optimists would expect—but had no discernable influence on civic competence. Most notably, the data suggest that participation contributed to the erosion of institutional trust, an effect more in keeping with the predictions of the pessimists. It seems that participation helped to create distrusting democrats¹⁴—citizens who are democratic in their attitudes but suspicious of their governmental institutions. This strange mixture of support for two rival perspectives presents us with a puzzle. Why were individuals who got involved in the constitution-making process more likely to emerge as distrusting democrats?

Table 16.1. 2SLS Estimates Predicting Democratic Attitudes

	<i>b</i>	Robust SE	Beta
Participation activities index	0.14	(0.05)	0.23**
Demographics and socioeconomic status			
Male	0.15	(0.08)	0.08 [†]
Urban residence	0.10	(0.11)	0.03
Age	−0.01	(0.00)	−0.12***
Primary school	0.23	(0.09)	0.12*
Secondary school	0.22	(0.13)	0.06 [†]
Initial orientation to democracy			
Interest	0.12	(0.05)	0.10*
Baganda ethnicity	−0.19	(0.08)	−0.09**
Basoga ethnicity	−0.24	(0.10)	−0.08*
Mobility	0.06	(0.03)	0.10*
Constant	2.43	(0.20)	

Source: Author.

Note: *N* = 740; SLS = semiparametric least squares; [†] *p* ≤ 0.10; * *p* ≤ 0.05; ** *p* ≤ 0.01; ****p* ≤ 0.001.

Table 16.2. 2SLS Estimates Predicting Political Knowledge

	<i>b</i>	Robust SE	Beta
Participation activities index	0.48	(0.28)	0.42 [#]
Demographics and socioeconomic status			
Male	0.27	(0.20)	0.08
Urban residence	-0.02	(0.20)	-0.00
Age	-0.01	(0.00)	-0.10**
Primary school	0.38	(0.18)	0.11*
Secondary school	0.58	(0.23)	0.09*
Access to basic needs	0.07	(0.02)	0.13***
Exposure to information			
Interest	0.13	(0.08)	0.06 [#]
Local council position	0.12	(0.09)	0.07
Closeness to higher official	0.26	(0.13)	0.07 [#]
Associational affiliations	0.01	(0.03)	0.02
Exposure to news on radio	0.03	(0.03)	0.03
Exposure to newspapers	0.05	(0.04)	0.04
Exposure to news in meetings	-0.04	(0.07)	-0.02
Road difficulties	-0.68	(0.30)	-0.07*
Mobility	0.12	(0.04)	0.10**
Constant	1.03	(0.38)	**

Source: Author.

Note: $N = 731$; [#] $p \leq 0.10$; * $p \leq 0.05$; ** $p \leq 0.01$; *** $p \leq 0.001$.

Table 16.3. 2SLS Estimates Predicting Political Capabilities

	<i>b</i>	Robust SE	Beta
Participation activities index	0.60	(0.45)	0.29
Demographics and socioeconomic status			
Male	0.93	(0.33)	0.15**
Urban residence	-0.52	(0.32)	0.06 [#]
Age	-0.03	(0.01)	-0.12***
Primary school	0.20	(0.30)	0.03
Access to basic needs	0.04	(0.03)	0.04
Political exposure and experience			
Interest	0.30	(0.14)	0.07*
Local council position	0.40	(0.14)	0.12**
Closeness to higher official	0.54	(0.22)	0.08*
Associational affiliations	0.08	(0.04)	0.09 [#]
Exposure to news on radio	0.19	(0.06)	0.11**
Exposure to newspapers	0.23	(0.07)	0.12**
Exposure to news in meetings	0.18	(0.12)	0.06
Follow public affairs	0.49	(0.12)	0.12***
Support for NRM	0.48	(0.17)	0.08**
Nilotic ethnicity	-0.43	(0.25)	-0.05 [#]
Constant	0.30	(0.74)	

Source: Author.

Note: $N = 737$; [#] $p \leq 0.10$; * $p \leq 0.05$; ** $p \leq 0.01$; *** $p \leq 0.001$.

The solution to the puzzle lies in the context in which participation took place: a hybrid regime with serious democratic and institutional shortcomings. Participation in constitution making increased citizen exposure to information about government and altered the criteria they used to evaluate that information by making democratic standards more salient. The joint effect of

Table 16.4. 2SLS Estimates Predicting Institutional Trust

	<i>b</i>	Robust SE	Beta
Participation activities index	-0.22	(0.12)	-0.34 [#]
Demographics and socioeconomic status			
Male	-0.01	(0.10)	-0.01
Urban residence	0.10	(0.13)	0.04
Age	0.00	(0.00)	0.04
Primary school	0.12	(0.10)	0.06
Access to basic needs	0.04	(0.01)	0.12 ^{**}
Influences on opinion of government			
Interest	0.09	(0.05)	0.07 [#]
Local council position	0.05	(0.05)	0.05
Closeness to higher official	0.06	(0.09)	0.03
Exposure to news on radio	-0.00	(0.02)	-0.01
Exposure to newspapers	-0.06	(0.03)	-0.10 ^{**}
Exposure to news in meetings	0.03	(0.04)	0.03
Mobility	-0.04	(0.03)	-0.06
Generalized trust			
Social trust	0.30	(0.09)	0.12 ^{***}
Exuberant trusting	0.59	(0.07)	0.25 ^{***}
Support for current leadership			
Support for NRM	0.24	(0.07)	0.12 ^{**}
Wealth in consumer goods	-0.04	(0.02)	-0.08 [#]
Improved living conditions	0.10	(0.03)	0.14 ^{***}
Constant	2.30	(0.28)	***

Source: Author.

Note: $N = 730$; [#] $p \leq 0.10$; * $p \leq 0.05$; ** $p \leq 0.01$; *** $p \leq 0.001$.

higher democratic attitudes and knowledge of the undemocratic actions of the government provoked a gradual erosion of institutional trust. Participants are distrustful because they want full democracy and know that the Ugandan government is not delivering it.

Table 16.5 shows the results of an ordinary least squares regression estimating the joint effect of democratic attitudes and political knowledge on trust. The estimated coefficient on the interaction term is negative, indicating that higher democratic attitudes and knowledge are associated with lower institutional trust. Figure 16.1 depicts the predicted values of institutional trust at different levels of political knowledge when democratic attitudes are low, medium, and high. As individuals with democratic ideals learn more about the actual performance of their government, they are predicted to be less trusting, but this is not the case for individuals who reject or are apathetic about democratic ideals.

A selection of quotations from in-depth interviews helps to illustrate the effect of participation on expectations for, knowledge of, and attitudes about the democratic performance of political institutions. One active participant in the constitution-making process said he did not trust the courts because “They don’t act like they should—like the law says they should. If you have no money you won’t succeed in court” (interview, Sironko District, April 2001). An elderly man (whose signature appeared on his village’s constitutional

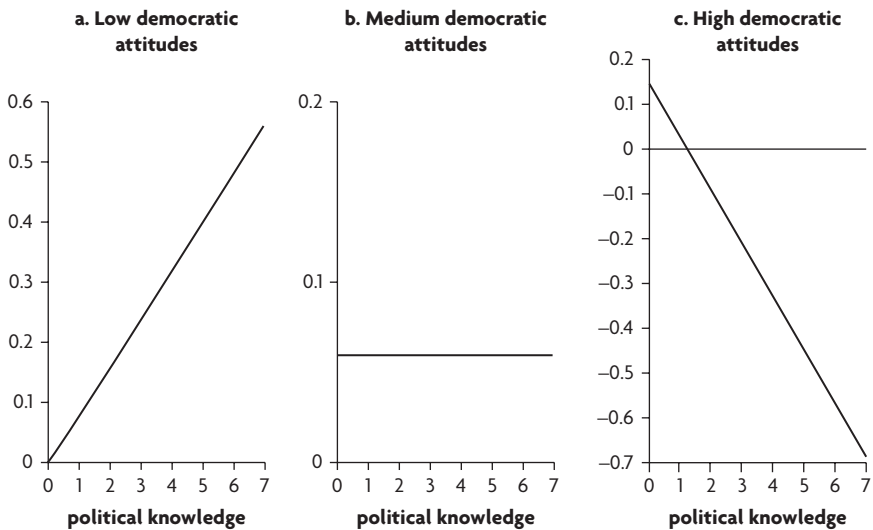
Table 16.5. Ordinary Least Squares Regression Estimates Predicting Institutional Trust

	<i>b</i>	Robust SE	Beta
Democratic attitudes × political knowledge	−0.04	(0.02)	−0.25 [#]
Democratic attitudes	0.03	(0.07)	0.03
Political knowledge	0.08	(0.07)	0.13
Demographics and socioeconomic status			
Male	−0.10	(0.07)	−0.05
Urban residence	0.11	(0.12)	0.04
Age	0.00	(0.00)	0.00
Primary school	0.03	(0.08)	0.02
Access to basic needs	0.03	(0.01)	0.12**
Influence on opinion of government			
Interest	0.06	(0.05)	0.05
Local council position	0.01	(0.05)	0.01
Closeness to higher official	0.03	(0.08)	0.01
Exposure to news on radio	−0.03	(0.02)	−0.05
Exposure to newspapers	−0.07	(0.03)	−0.11*
Exposure to news in meetings	−0.03	(0.04)	−0.03
Mobility	−0.05	(0.03)	−0.07
Generalized trust			
Social trust	0.30	(0.09)	0.12***
Exuberant trusting	0.60	(0.06)	0.25***
Support for current leadership			
Support for NRM	0.21	(0.07)	0.11**
Wealth in consumer goods	−0.04	(0.02)	−0.09*
Improved living conditions	0.11	(0.02)	0.16***
Constant	2.44	(0.30)	***

Source: Author.

Note: *N* = 736; *R*² = 0.24; [#] *p* ≤ 0.10; * *p* ≤ 0.05; ** *p* ≤ 0.01; *** *p* ≤ 0.001.

Figure 16.1. Predicted Values of Institutional Trust



Source: Author.

memoranda) complained that the president was behaving undemocratically: “This isn’t a democracy. I can’t do anything because I don’t have an army. This one [President Museveni] has ruled for 15 years, but he is still going” (interview, Mpigi District, January 2001). Finally, a woman who was active in a women’s association during the process also complained that the government was undemocratic: “We are not equal. This one-sided government is not helping us equally with the people from the other side because of other things. But we were told we would be equal once we had democracy” (interview, Lira District, March 2001). In sum, participation in Uganda contributed to the creation of informed distrustful democrats.

If participation in the constitution-making process generated distrust, then reformers elsewhere might be wary of copying the Ugandan experience. However, I argue that the participatory process provided citizens with new tools to critically evaluate the performance of their government institutions. In Uganda, as with most states undergoing transition, infant democratic institutions are imperfectly functioning and incomplete; participation seems to have raised democratic expectations and alerted citizens to existing democratic deficits. I contend that political distrust can facilitate democratization, especially when paired with civic engagement and democratic preferences, as appears to be the case in Uganda. The implications for other constitution-building countries are evident: short-term risks of disillusionment and instability and long-term advantages from a more sophisticated citizenry with the capacity to monitor leaders and promote democratic governance.

Elites and Support for the Constitution

Did participation generate dissatisfaction with the fundamental rules of the game, or just disappointment with the way the game is being played? How did participation in the Ugandan constitution-making process affect public support for the constitution? Again I found that participation furnished Ugandan citizens with additional information and changed the criteria by which citizens evaluate that information. The evidence indicates that participation contributed to the overall support for the constitution by creating a new class of opinionated citizens, most of whom are supportive. In addition, participation seems to have increased the durability of existing support for the constitution by inducing citizens to evaluate the constitution based on procedural fairness rather than on fluctuating personal fortunes (for a discussion of the evidence supporting these claims, see Moehler 2006, 2008). However, among those citizens with opinions, participants were no more likely to support the constitution than were nonparticipants. Table 16.6 shows the effects of participation on four different measures of constitutional support and an index variable. The relationship between participation and support for the constitution is weak, inconsistent, fragile, and often indistinguishable from zero. As the level

Table 16.6. Ordered Probit and Ordinary Least Squares Estimates Predicting Support for the Constitution

	Individual inclusion (Ordered probit)	National aspiration (Ordered probit)	Compliance (Ordered probit)	Attachment (Ordered probit)	Constitutional support Index (OLS regression)
Participation activities index	0.13 (0.04)***	-0.03 (0.04)	0.08 (0.04)*	0.02 (0.04)	0.05 (0.03) [#]
Demographics and socioeconomic status					
Male	-0.04 (0.11)	0.00 (0.11)	0.04 (0.10)	-0.02 (0.10)	-0.07 (0.08)
Urban residence	0.01 (0.17)	0.21 (0.18)	0.21 (0.17)	0.27 (0.17)	0.18 (0.13)
Age	0.00 (0.00)	-0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)
Primary school completed	0.05 (0.12)	0.01 (0.12)	0.17 (0.12)	-0.17 (0.12)	0.01 (0.09)
Wealth in consumer goods	-0.06 (0.02)*	0.03 (0.03)	0.04 (0.03)	0.04 (0.03)	0.02 (0.02)
Political exposure					
Following of public affairs	0.18 (0.08)*	0.39 (0.07)***	0.17 (0.06)**	0.25 (0.06)***	0.25 (0.05)***
Exposure to news on radio	0.03 (0.04)	-0.01 (0.03)	-0.04 (0.03)	-0.00 (0.03)	-0.01 (0.02)
Exposure to newspapers	0.01 (0.04)	-0.12 (0.04)**	-0.06 (0.04)	-0.07 (0.04)*	-0.06 (0.03) [#]
Exposure to news meetings	0.02 (0.06)	0.06 (0.06)	-0.03 (0.05)	0.05 (0.05)	0.04 (0.04)
Mobility	-0.04 (0.04)	-0.05 (0.04)	-0.00 (0.04)	-0.11 (0.04)*	-0.06 (0.03)*
Associational affiliations	0.04 (0.02)**	-0.01 (0.02)	-0.04 (0.02)*	0.03 (0.02)	0.01 (0.01)
Local council position	-0.13 (0.05)**	0.06 (0.06)	0.05 (0.05)	0.07 (0.06)	-0.02 (0.04)
Closeness to higher official	0.07 (0.11)	0.28 (0.12)*	0.41 (0.11)***	0.08 (0.12)	0.20 (0.08)**
Support for current leadership					
Support NRM	0.36 (0.10)***	0.20 (0.10)*	0.07 (0.09)	0.43 (0.10)***	0.29 (0.07)***
Improved living conditions	0.02 (0.04)	0.08 (0.04)*	0.07 (0.03)*	0.10 (0.04)**	0.07 (0.02)**
District of residence					
Mpigi	-0.68 (0.15)***	-0.55 (0.13)***	-0.18 (0.13)	-0.33 (0.13)*	-0.38 (0.10)***
Luwero	-0.70 (0.20)***	-0.45 (0.16)**	-0.38 (0.15)*	-0.34 (0.17)*	-0.39 (0.13)**
Nakasongola	-0.61 (0.29)*	-0.42 (0.18)*	-0.12 (0.14)	-0.57 (0.18)***	-0.31 (0.14)*
Lira	-0.34 (0.14)*	-0.18 (0.17)	-0.92 (0.14)***	-0.30 (0.17) [#]	-0.47 (0.13)***
Intercepts (robust se)					
	0.13 (0.33)	-0.91 (0.29)	-0.85 (0.27)	-0.19 (0.27)	1.62 (0.23)
	1.37 (0.34)	-0.31 (0.28)	-0.22 (0.26)	0.13 (0.27)	
	1.98 (0.33)	0.15 (0.28)	0.05 (0.27)	0.25 (0.27)	
		1.30 (0.28)	1.00 (0.27)	0.97 (0.28)	
N	526	607	669	667	458
Pseudo R ² or R ²	0.08	0.07	0.06	0.06	0.25

Source: Author.

Note: OLS = ordinary least squares. Entries are ordered probit or unstandardized OLS coefficients with robust standard errors in parentheses. [#] $p \leq 0.10$; * $p \leq 0.05$; ** $p \leq 0.01$; *** $p \leq 0.001$.

of participation increases, Ugandans are not significantly more supportive of their constitution.

If participation is not a good predictor of constitutional support at the individual level, what is? The variable measuring the extent to which individuals follow public affairs, the measures of support for the government, and the respondent's location of residence all have consistent and significant effects on attitudes about the constitution. According to qualitative analysis of in-depth interviews, it appears that the views of leaders active in a given area shaped citizen evaluations of both the constitution-making process and the constitution. In Uganda, as elsewhere, the constitution-making process and the constitution itself are difficult for ordinary people to evaluate. Ugandan citizens looked to political elites for cues. Elites also made concerted efforts to influence public opinion on constitutional issues. Both active and inactive citizens seem to have been highly influenced by elite rhetoric. So, although participation may have helped citizens form opinions about the constitution and made those opinions more durable, it appears that the leaders in the area (and not participation) influenced whether citizens came to view the constitution as legitimate or illegitimate.

In Uganda, leaders were polarized in their views of the constitution-making process and the constitution. Most were supportive, but opposition leaders felt deeply alienated by the constitution-making process and excluded from the institutions resulting from the constitution. Elite polarization is reflected in citizen sentiments about the process and the constitution. For instance, my discussion with a 40-year-old man from Mpigi district is representative of citizens in opposition-dominated areas:

Interviewer: Why did you choose statement B: "Our constitution hinders development so we should abandon it completely and design another"?

Respondent: There is a lot left to be desired for it to be a good constitution. It is a biased constitution. It is not a fair constitution. Although we were told we were going to elect people to make the constitution, there was a game behind it. In the elections, some people were put there by the government to run for the Constituent Assembly [CA]. The majority of the people who went through were from the government.

Interviewer: Was your CA delegate put there by the government?

Respondent: It was not here that the government pushed through their candidates, but elsewhere. In this place it was okay for the CA elections. Our CA delegate took our views, but he couldn't win because the government side beat him. It wasn't fair. That is what he told us when he came back. (interview, Mpigi District, January 2001)

This man's perception of the fairness of the elections was based on what he was told by his CA delegate, not on his personal experience. His

view contrasts sharply with the views of a school headmaster in Bushenyi district:

The constitution is based on most of the views we gave. It was the first time for our people to make a constitution for ourselves. We sent there our Constituent Assembly delegates to work on it—not by their own views but by the views of the people. Everyone had a chance to give ideas. (interview, Bushenyi District, April 2001)

In sum, public involvement in the making of a new constitution can have important benefits: It may make citizens more democratic, knowledgeable, discerning, engaged, and attached to the constitution. However, participation has the potential to increase public acceptance of the new constitutional rules only when opposition elites feel included and supportive (or are too weak to influence citizens). Where the process and outcome leave elites feeling polarized and antagonistic, participatory constitution making can exacerbate rather than heal mass divisions and reduce rather than enhance constitutional support. Citizen polarization, rather than distrust, is a serious threat to democratic development.

Theoretical and Policy Implications

The research described in this chapter has theoretical implications for four key fields of inquiry: comparative democratization, political participation, institutional trust, and constitution making. It also offers lessons on “best practices” for policy makers involved in these spheres of activity.

For scholars of democratization, this work demonstrates that political attitudes are subject to short-term influences and are not solely the product of long-term socialization.¹⁵ However, it also warns that political culture is not easily crafted. Democracy promoters seek to simultaneously raise democratic norms and institutional trust—making new democracies both more democratic and more stable. Scholars of democratization similarly assume that advances in one attitude will spill over into the other: Higher trust in government will build support for system norms and greater attachment to democratic attitudes will foster trust in the new institutions.¹⁶ My research indicates that, initially, these goals may be incompatible. During transitions, when institutional performance is low, increases in democratic attitudes are likely to create expectations that undermine institutional trust. Only when institutional performance improves will increases in democratic attitudes and knowledge be accompanied by higher trust.

Moreover, elevating political trust may be not only difficult to achieve in new democracies, but also undesirable. This research calls into question previous assumptions about the constellation of attitudes that are conducive to democratic development. Although most scholars presume that distrust threatens the democratic project, I argue that the development of critical capacity is

advantageous for democratization, especially in the medium and long term. In the current wave of transitions from authoritarian rule, regimes are less likely to experience dramatic breakdowns that reinstate dictatorships and more likely to stabilize under hybrid systems that fall short of liberal democracy (Bratton, Mattes, and Gyimah-Boadi 2005; Bratton and van de Walle 1997; Diamond 2002; Levitsky and Way 2002). Transitioning polities are not well served by naive publics who overestimate the quality of democratic governance.¹⁷ In Uganda, active citizens are seemingly more attached to democratic principles and constitutional rules, and simultaneously more attentive to the flawed democratic performance of their political institutions. Uganda's informed distrusting democrats are thus more inclined to hold their leaders accountable to constitutional standards and to push for democratic improvements. Institutional distrust, combined with civic engagement, democratic attitudes, and support for fundamental rules, seems to offer the best recipe for furthering democratization, although individual-level attitudes alone are not sufficient to guarantee progress.

This work also has implications for the study of political participation in both hybrid systems and consolidated democracies. It revises our understanding of political participation by highlighting the critical role that context plays in conditioning the influence of participation on citizen attitudes.¹⁸ By comparing the results in Uganda with the existing studies of developed democracies, I highlight the importance of institutional performance and information environments.¹⁹ In addition, the Ugandan case holds lessons for practitioners seeking to use participation to foster democratic culture. First, much of the participation in the Ugandan process was organized by appointed officials and civic groups rather than by politicians seeking votes. These officials had an interest in mobilizing a broad section of the population to become involved, and the evidence shows that they were successful. In contrast, politicians typically aim to mobilize only those supporters who are already likely to vote. Second, the architects of the Ugandan constitution-making process designed their participatory activities with the goals of educating the public and building democratic attitudes. Programs are more likely to alter political culture when those goals are explicit and programs are designed accordingly. Third, the Ugandan process failed to increase feelings of political efficacy because of lack of sufficient follow-up. It is crucial to continue constitutional education and dissemination of constitutional materials following the promulgation of the constitution. Citizens are likely to conclude that their involvement was efficacious only if they receive detailed feedback about the results of their efforts.

The research contributes to the growing new institutionalist literature on political trust. The influence of participation on trust is undertheorized and inadequately tested. This chapter outlines a comprehensive theory linking participation, institutional performance, and trust that is relevant beyond the specific case.²⁰ In addition, most of the literature on trust focuses on what makes institutions trustworthy. This research focuses on the two understudied

components in the new institutionalist perspective: (1) access to information on institutional trustworthiness and (2) evaluation of that information (Hardin 1998; Levi 1998; Norris 1999; Putnam, Pharr, and Dalton 2000). It provides empirical evidence that participation is associated with those two components. Moreover, the evidence indicates that both citizens' knowledge of institutional performance and their criteria for evaluating performance predict institutional trust.

Finally, this research effort engages the debate between proponents of the traditional elite model of constitution making and advocates of the new participatory approach.²¹ The participatory model has the potential to advance a culture of democratic constitutionalism that will support the new system. Citizens who are involved in constitution making are more likely to know and care about the constitution. Importantly, however, participation does not automatically confer constitutional legitimacy as advocates have assumed. Most citizens lack the information and skills to evaluate the fairness of the constitution-making process on their own, and they turn to local leaders for guidance. As a result, elites mediate between participation and constitutional legitimacy, especially in places where citizens lack independent sources of information about the constitution. If the elites are divided and debates are antagonistic, as they were in Uganda, then citizens are likely to develop polarized views of the process and the constitution. In a polity with a robust opposition and no consensus, participatory constitution making can reduce constitutional legitimacy among key sectors of society.

It would be a mistake to assume that any constitution-making process (participatory or otherwise) would be free from the influences of societal cleavages and political differences. However, when the outcome of the process depends on political participation, leaders have a greater interest in mobilizing the public to share their views on the constitution and to support certain provisions. Political wrangles and accusations that might otherwise remain at the elite level are more likely to be passed on to the general public. Furthermore, leaders will find it more difficult to make concessions and build a consensus when negotiations occur under the watch of a mobilized and passionate public. As a result, public participation in constitution making has the potential to make the resolution of societal and political conflicts more difficult by expanding the number of interests that must be considered and by intensifying citizens' preferences.

The analysis of Uganda suggests a number of steps that can be taken to minimize the politicization of the process and the corresponding polarization of public views of the constitution, while still allowing for public involvement. First, leaders should strive to reach some degree of consensus on the constitution-making process and on the final constitutional arrangement before involving the public.²² Such preparation will prevent a group of elites from rejecting outright the process and the constitution and from convincing the public to do

likewise. Reaching a consensus also allows leaders to make necessary concessions before going public with their platforms. Furthermore, a fundamental consensus and commitment to the process must be maintained throughout the time needed to create the constitution.

Second, attempts should be made to insulate the constitution-making process and the constitution makers from the ongoing political process and political leaders. Constitution makers should be prevented from holding political positions at the same time or in the immediate aftermath of the constitution-making process, and government leaders should face sanctions for interfering in the process.

Third, the time allowed for public input should be well defined and limited. In Uganda, the period allotted for constitution making was extended several times. After nearly a decade of organizing to secure constitutional issues, organizations found it very difficult to reorient their programs to deal with non-constitutional issues after promulgation. Furthermore, leaders who began with magnanimous goals became more concerned with maintaining power as time went on. In addition, citizens found it hard to distinguish the constitutional issues about which they had for so long been hearing from broader political issues. Participation takes time to organize, but a year or two of formal public input should be sufficient.

Finally, constitutional education and dissemination of constitutional materials after the promulgation will dampen elites' influence on citizen attitudes. My research shows that having been denied access to neutral information on the constitution, citizens depended on elites' political agendas for information. Continuing civic education will not only raise knowledge and efficacy (as suggested previously), but also counteract the polarization of citizen opinions of the constitution.

In sum, my research warns policy makers against completely abandoning the traditional approach to constitution making, with its emphasis on elite negotiations and inclusive institutions. Mass citizen participation during the constitution-writing process cannot substitute for agreement among leaders about the institutional outcomes. It is not possible to bypass opposing elites and build constitutional support from the ground up, as some might hope.

Notes

1. This article employs the commonly used definition of political participation: "those legal activities by private citizens that are more or less directly aimed at influencing the selection of government personnel and/or the actions they take" (Verba, Nie, and Kim 1978).
2. For theoretical accounts of the consequences of participation, see Almond and Verba (1963); Barber (1984); Berman (1997); de Tocqueville (1945); Finkel (1987, 2003); Hirschman (1970); Huntington (1991); Kasfir (1976); Jane Mansbridge, "Does Participation Make Better Citizens?" <http://www.cpn.org/crm/contemporary/participation.html>; Mill (1948); Mutz (2002); Pateman (1970); Radcliff and Wingenbach (2000);

Rosenstone and Hansen (1993); Rousseau (1968); Salisbury (1975); Scaff (1975); and Verba, Schlozman, and Brady (1995). For reviews of literature on participation, see Nelson (1987); Salisbury (1975); and Thompson (1970).

3. Jane Mansbridge, "Does Participation Make Better Citizens?" <http://www.cpn.org/crm/contemporary/participation.html>.
4. Uganda is not a democracy. It is a hybrid system that combines considerable amounts of democratic political competition (between individuals not parties) and public participation with elements of authoritarian rule. Ultimately, citizens who participated in the constitution-making process seem to be especially sensitive to their government's democratic shortcomings.
5. Ugandans engaged in standard activities that are part of the democratic repertoire. As part of the constitution-making process, they attended local government meetings, contacted government officials, wrote editorials, called in to radio-talk-show programs, planned activities with their local associations, campaigned for their favorite candidates, attended rallies, voted, and lobbied government officials.
6. The difference between participation in the Ugandan process and participation in other programs is a difference in magnitude, not a difference in kind. Although the consequences of participation are magnified in the Ugandan case, I expect my analysis to be relevant to other participatory programs.
7. The research data were collected during two visits to Uganda—the first in June and July 1999, and the second from October 2000 through September 2001. In addition to the survey and citizen interviews, data were collected from in-depth interviews with elites, focus groups with ordinary citizens, primary materials from public and private archives, case studies of local nongovernmental organizations, and an analysis of media content.
8. The survey, which I designed and managed, is based on a national probability sample whereby each eligible Ugandan had an equal chance of being included in the sample. The resulting sample comprises 820 adult Ugandans aged twenty-six and older (individuals of voting age during the constitution-making period). Nine districts in the north and west (Bundibugyo, Gulu, Hoima, Kabalore, Kasese, Kibaale, Kitgum, Kotido, and Moroto) were excluded from the sampling frame because of instability and rebel attacks. Therefore, the resulting data are not representative of these troubled areas. I employed a clustered, stratified, multistage, area probability sampling design. After stratifying by urban or rural localities and region (north, east, center, and west), a probability proportionate to population size method was used to randomly select districts, subcounties, and parishes in successive stages. A single primary sampling unit (PSU) was randomly selected from each parish (population data did not exist at the PSU level). The randomly selected PSUs included six urban and 62 rural sites within 13 districts: Apac, Bushenyi, Iganga, Jinja, Kampala, Lira, Luwero, Mayuge, Mbale, Mbarara, Mpigi, Nakasongola, and Sironko. Working with the local council officials, our research teams compiled lists of all the households in each selected PSU. We randomly selected a sample of 16 households from each PSU list. After the households were identified, an interviewer visited each household and listed, by first name, all the citizens aged 26 and older who lived in each household, including those away from home at that time. A single individual was randomly selected from the list of household members through blind selection from a pack of numbered cards. The interview was conducted only with the selected individual. When return calls were unsuccessful, then another randomly selected household (not another individual from the same household) was substituted, and the process of listing and randomly selecting household members was repeated. The survey instrument was a questionnaire containing 92 items based on other surveys, in-depth interviews, and focus-group discussions with a variety of Ugandans. We pretested the instrument in rural and urban locations. The questionnaire was translated into the five languages of

- the sampled regions (Luganda, Lugisu, Luo, Lusoga, and Runyankole) using the technique of translation/back-translation. The survey was administered face to face by five teams of trained native-speaking interviewers.
9. I conducted open-ended interviews with three types of Ugandan citizens. First, I selected local elites based on their positions and the likelihood that they would know about the constitution-making activities that took place in their area. Second, at the Electoral Commission Archive in Kampala, I copied the attendance and signature lists from the memoranda, meeting notes, and seminar transcripts that were available from each of the sites. Where possible, I conducted in-depth interviews with citizens identified on these lists to obtain a higher proportion of known participants. Third, I conducted in-depth interviews with randomly sampled individuals.
 10. I used the Nvivo qualitative data-analysis program to code and retrieve sections of the interview transcripts. I read through the full transcripts several times and assigned codes to key themes. I then reviewed all passages coded on a given theme, or at the intersection of two themes. This was done in a reiterative process with the quantitative analysis.
 11. The measures of participation rely on the respondent's self-report of his or her participation in constitution-making activities before the promulgation of the constitution. I use two different measures to check that the findings are robust to question wording. The primary measure of participation, *the participation activities index*, is an index variable created from the sum of six separate survey questions that ask whether the respondent participated in a specific constitution-making activity. The alternative measure of participation, *respondent-identified participation*, comes from an open-ended question that was asked earlier in the survey: "Between 1988 and 1995, how did you participate in the constitution-making process?" Up to three activities mentioned by the respondent were recorded as open-ended answers and then post-coded. The findings discussed here are robust to both measures of participation. The tables and figures record the results using the participation activities index.
 12. For detailed analysis of the relative influences on participation, see Moehler (2007) .
 13. *Democratic attitudes* is a multi-item index constructed from five questions designed to measure the respondent's valuation of the attitude dimensions: tolerance, equality, individual rights, public involvement in government, and freedom of speech. *Political knowledge* was measured with an index of general knowledge of government (results shown here) as well as with an index of constitutional knowledge. The results are generally similar for both measures of knowledge. *Political capabilities* is an index variable constructed from five questions asking respondents to give self-assessments of their ability to perform a range of political activities: public speaking, leading groups, influencing others, understanding government, and serving on a local council. *Institutional trust* is a measure of citizen faith in four government institutions; citizens were asked how much they trusted (1) the police, (2) the courts of law, (3) the local council (at the village or neighborhood level), and (4) the Electoral Commission. For additional information about variables, the first-stage equations, and the second-stage equations predicting participation, see Moehler (2008).
 14. The term "distrusting democrats" is similar to Pippa Norris's (1999) use of "critical citizens" and "disenchanted democrats." It is also similar to Pharr and Putnam's (2000) term "disaffected democracies."
 15. This research compliments several recent works on democratization, including Bermeo (2003); Bratton, Mattes, and Gyimah-Boadi (2005); Bratton and van de Walle (1997); Carothers (1999); Diamond (1999); Gibson and Gouws (2003); Howard (2003); Reynolds (1999); Rose, Mishler, and Haerpfer (1998); and Schaffer (1998).
 16. Scholars often conflate different types of political support, but it is important to recognize that democratic attitudes and institutional trust have different referents and they

need not co-vary. Democratic attitudes refer to support for the political regime or rules of the game, whereas institutional trust refers to support for the existing structures of the state.

17. Bratton, Mattes, and Gyimah-Boadi (2005) also suggest that lowered trust might benefit Africa. After noting that the average level of institutional trust in 12 African countries is similar to that of Organisation for Economic Co-operation and Development countries, they write: "But, given that the institutions in question often perform abysmally in Africa, one is forced to consider whether Africans are perhaps *too* trusting, or whether they lack the experience or information necessary to arrive at more critical judgments" (229; emphasis in original).
18. Numerous theoretical accounts address the individual-level consequences of participation. For examples, see Almond and Verba (1963); Barber (1984); de Tocqueville (1945); Huntington (1968); Huntington and Nelson (1976); Mill (1948); Pateman (1970); Radcliff and Wingenbach (2000); Rousseau (1968); Scaff (1975); and Verba, Schlozman, and Brady (1995). For reviews of literature on participation, see Jane Mansbridge, "Does Participation Make Better Citizens?" <http://www.cpn.org/crm/contemporary/participation.html>; Nelson (1987); Salisbury (1975); and Thompson (1970).
19. For empirical research on participatory consequences in developed democracies, see Almond and Verba (1963); Brehm and Rahn (1997); Clarke and Acock (1989); Finkel (1985, 1987); Jackman (1972); Muller, Seligson, and Turan (1987); Pateman (1970); Rahn, Brehm, and Carlson (1999); Sullivan, Piereson, and Marcus (1982); and Verba, Schlozman, and Brady (1995).
20. For example, to explain the decline in institutional trust in the United States, scholars often argue that an expansion of government in the post-World War II period raised citizen expectations (Norris 1999, 22). My theory suggests that participation could also have been responsible for raising expectations. It is possible that new forms of participation that emerged in the 1960s altered participants' ideas about how government should be performing (Tarrow 2000). Furthermore, new information technologies expanded the information on government performance that was available to active citizens. In short, changes in citizen engagement with government might have contributed to the decline in political trust in the United States.
21. Some of the more comprehensive and up-to-date examinations of comparative constitution making include Elster, Offe, and Preuss (1998); Greenberg and others (1993); Hart (2003); Howard (1993); Hyden and Venter (2001); United States Institute of Peace (2005); and Widner (2005a, 2005b).
22. For example, the formal multiparty negotiations of the Convention for a Democratic South Africa established the formula for the constitution-making process and for the basic constitutional principles that had to be respected.

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