

In Defense of the Strategic Perspective of Populism and Its Link to Constitutional Reforms

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Abstract— This article analyzes the dynamics of populism in power from a strategic perspective, examining its direct link with constitutional reform processes. While specialized literature predominantly favors ideational or discursive approaches, this study demonstrates that the strategic framework offers superior empirical value by focusing on concrete actions, personalistic leadership, and power preservation. In contextual environments characterized by weak state capacities and hyper-presidentialism, such as Latin America, populist rulers instrumentally exploit constitutional designs and plebiscitary mechanisms to execute strategies of state capture. Through a sequential process of constructive and restrictive constitutionalism, these regimes systematically dismantle horizontal checks and balances, capture judicial oversight bodies, and neutralize political pluralism. Ultimately, this article concludes that the prolonged deployment of these vertical transformations establishes contemporary forms of authoritarian constitutionalism, wherein elites strategically utilize a formal liberal-democratic façade to disguise and insulate systematically autocratic practices.

Keywords— Populism, constitutional reform, authoritarian constitutionalism, and Latin America.

Introduction

The phenomenon of populism remains one of the most complex and persistent issues in contemporary political science and constitutional law. Specialized literature has predominantly favored ideational or discursive approaches to delineate its scope. The former tends to characterize populism as a thin-centered ideology that dichotomously divides society, whereas the latter identifies it as a framework of political communication grounded in polarization. While both theoretical frameworks are effective in explaining the formation of collective identities, the emergence of new political parties, or the channeling of electoral grievances, they exhibit significant empirical limitations when attempting to examine a subsequent phase: the actual exercise of power and the relationship between populists and democratic institutions.

The strategic perspective emerges as an empirically grounded, analytical, and pragmatic alternative of high conceptual value. This approach does not conceive of populism as a set of abstract beliefs or mere rhetoric, but rather as a set of practical actions, modes of organization, and types of mobilization oriented toward the capture, control, and retention of power. The central

objective of this article is to analyze the dynamics of populism in power from a strategic perspective and to examine its link with processes of constitutional reform. Accordingly, it will be shown how the opportunistic use of constitutional design and the appeal to plebiscitary mechanisms function as key components of a state-capture strategy that erodes democratic checks and balances, political pluralism, and the separation of powers, ultimately giving rise to contemporary forms of authoritarian constitutionalism.

This article is structured into four sections. The first is this introduction, and the second presents the concept of populism and its main characteristics from a strategic perspective. The third analyzes how this approach enables an examination of the tensions between populism and processes of constitutional reform. Finally, the fourth section presents the conclusions.

Populism as a Political Strategy

The historical, theoretical, and empirical foundation of viewing populism as a political strategy is straightforward, there are no institutional guarantees that populist experiences will organically lead to the establishment of a democratic regime or to the improvement of a preexisting one. On the contrary, historical evidence shows that numerous cases of populist mobilization have led, either directly or indirectly, to the establishment of authoritarian regimes. This is because populism in the exercise of political power tends neither to distinguish nor to tolerate adversaries, and forms of mobilization organized strictly along vertical lines do not ensure independent civic participation (Prud'homme, 2001, p. 62).

Unlike the ideational and discursive perspectives, the strategic conception does not examine populism as an intrinsic feature of a political actor's psychology or belief system, but rather as a web of instrumental practices. In the comparative literature, it is variously identified as a strategy of domination, a specific mode of organization, or a distinctive type of political mobilization. The common feature among these definitions is that their focus does not lie in the belief system of populists or in their aesthetic expressions, but in the methods through which they seek and maintain state power, as well as in the principal mechanisms through which an actor captures the

governmental apparatus and makes consequential decisions. This constitutes an eminently pragmatic perspective (Jansen, 2011, p. 75; Moffitt, 2020, p. 25).

From the strategic perspective of populism, the role of the leader acquires a crucial analytical dimension. Whereas the ideational approach assumes, in an abstract manner, that populist notions are adopted horizontally by a wide range of actors, the strategic approach concentrates its attention on the personalistic and individualized character of leadership. This theoretical emphasis on the leader as the central agent of the system makes it possible to explain complex empirical regularities, such as the capacity of certain populist politicians to change their party affiliation or alliances without incurring significant costs or suffering declines in their levels of popular support (Moffitt, 2020, p. 26).

Likewise, the strategic approach is useful for disentangling the manner in which populists articulate direct and unmediated relationships with “the people”, while simultaneously seeking to limit the functions and relevance of traditional political parties. The aim of this strategy is to capitalize on and expand the support of citizens disillusioned with liberal democratic institutions, while at the same time using formal electoral procedures as a continuous mechanism of legitimation. It is methodologically inaccurate to oppose this personalistic leadership to a complete absence of political institutionalization. Comparative evidence shows that its existence is fully compatible with the creation of tailor-made political organizations, as exemplified by the *Cambio 90* movement founded by Alberto Fujimori or the United Socialist Party of Venezuela (PSUV, for its acronym in Spanish) established by Hugo Chávez (Keane, 2020, p. 29; Aboy, 2004, pp. 94-96; Salmorán, 2021, p. 86; Murillo, 2018, p. 174).

The strategic analysis of populism evaluates asymmetries in the capacities of its leaders to exercise public authority. A political theory oriented under this lens must focus on how such actors control and interpret power, and how they use and transform the rules of representative democracy. The latter is profoundly altered by populist logic, as the essential principles of democratic legitimacy are conferred exclusively upon a particular segment of “the people”, which is embodied by the leader and permanently mobilized against opposing sectors. For this reason, populism is operationally conceptualized as extreme majoritarianism or as a distinct variant of delegative democracy (Urbinati, 2023, pp. 201, 208).

When populist movements and parties emerge, ideational and discursive approaches provide useful analytical tools. Both frameworks make it possible to examine the socio-emotional variables of voters and the ways in which social grievances give rise to new party alternatives; however, they lack explanatory

variables to account for how populist leaders govern once in office, as they focus almost exclusively on the inputs of politics. Nor do they succeed in elucidating the procedural sequences through which populism undermines democracy from within. By contrast, understanding it as a strategic form emphasizes the management and preservation of power (Weyland, 2021, p. 187).

Hence, the strategic perspective on populism provides clear answers as to why the political crises faced by these governments pose highly problematic challenges and explains the drastic changes in the personal trajectories of their leaders. Likewise, it reveals the institutional reasons why such actors rarely return to power in presidential systems after being removed through processes driven by mass protests. By encompassing the entire ideological spectrum, it allows for a comprehensive characterization of the phenomenon. Its underlying aim is to radicalize latent social contradictions between the elite and “the people” through the activation of different cleavages that vary according to context. Social bases, levels of polarization, and macroeconomic conditions differ across historical experiences, generating antagonisms of diverse nature (Weyland, 2021, p. 188; De la Torre, 2008, p. 46; Roberts, 2017, pp. 227-240).

This is essential for the study of populism in Latin America, a region where markedly favorable theoretical approaches to its left-wing variants have been developed. Drawing on the formulations of hegemony theory and radical democracy, this type of populism has been regarded by some academic sectors as a revitalizing political force, capable of incorporating the needs of the popular masses, breaking the hegemony of traditional elites, and deepening the promises of equality and popular sovereignty. Within this perspective, progressive leaders are characterized as catalytic agents capable of displacing oligarchies and establishing a radicalized form of democracy (Weyland, 2024, p. 238; Mouffe, 2018, pp. 23, 39, 67).

Nonetheless, the accumulated empirical evidence shows that extreme polarization, intrinsic to populism of any ideological orientation, inevitably leads to the simplification of the social whole into the “authentic” people and the “others”, a dynamic that runs counter to a fundamental democratic principle, pluralism. By adopting a strictly homogeneous and monolithic conception of “the people”, populists construct a fictitious entity that stands above formal democratic procedures and is projected as a unified moral body, ultimately degenerating into a form of exclusionary identity politics (Aragón, 2022, 42-43).

Thus, populism can be defined as a political strategy implemented by a charismatic leader and their allies to exercise state power with the greatest possible direct support from a large number of followers, in a manner that is neither

mediated nor autonomously institutionalized (Weyland, 2001). Populists employ various mechanisms to stage their closeness to citizens and establish contact with them, most notably the organization of mass rallies (assembly-based democracy) and the periodic use of mechanisms of direct democracy (participatory democracy) (Weyland, 2004, p. 36).

Populism conceived strategically exhibits seven operational characteristics. First, factionalism, or a possessive and exclusionary conception of rights and institutions. Second, the constant invocation of majoritarianism as the sole source of legitimacy. Third, the leader's claim to present themselves as the mystical embodiment of society. Fourth, militant anti-partyism directed against traditional political organizations. Fifth, unconditional support for mechanisms of direct participation. Sixth, a constant and systematic discursive stance against established power groups. Seventh, the compatibility of representative democratic institutions with the dynamics of direct democracy. Within the tension among these very features lie the latent risks of populism's own undoing, as it oscillates between returning to the channels of institutionalized representative democracy or transitioning toward an authoritarian regime (Urbini, 2019, pp. 197-208).

Populism and Constitutional Reforms

Another substantive advantage of the strategic approach is that it facilitates a rigorous analysis of the relationship between populism, constitutional reforms, and political participation. Populists do not object to the value of constitutions in the abstract; they only reject those preexisting constitutional norms that limit, constrain, or fragment their exercise of power. If they manage to accumulate sufficient power, they will implement a constitutional text aligned with their specific interests, understood both as a refoundational socio-political pact and as the establishment of new rules governing political competition. Their constitutions are designed with the purpose of restricting the capacity of action of their opponents, thus operating as a sophisticated instrument of state capture (Müller, 2017, pp. 79-85).

Once in control of the state apparatus, populists tend to abandon their initial skepticism toward constitutionalism and begin to conceive of it as a suitable means to entrench the popular will, which they define on the basis of a moral criterion and subsequently constitutionalize accordingly. To achieve this objective, the process typically unfolds in two sequential stages: first, they develop a form of positive or constructive constitutionalism aimed at building new institutional structures; subsequently, they implement a negative or restrictive constitutionalism designed to close institutional spaces to the opposition. Therefore, populist constitutionalism does not prioritize the

autonomous political participation of citizens, but is instead subordinated to an eminently pragmatic goal: maintaining leaders in power. This purpose is grounded in the need to guarantee their continued tenure without temporal or normative constraints, ultimately reducing the constitution to a mere political façade (Müller, 2017, pp. 79-85).

These dynamics acquire key explanatory relevance in the context of Latin America. The historical structural weaknesses of states in the region severely constrain the effective provision of public goods, which are often instrumentalized as private or partisan resources. Low levels of economic development make control of state power one of the principal avenues for social mobility, while deep inequalities hinder the consolidation of an active and independent citizenry. Moreover, the persistence of strong presidentialism facilitates the recurrent emergence of charismatic leaders who promote plebiscitary forms of democracy. In this way, the relationship between the state and democracy rests on a perverse equilibrium, patrimonial or semi-patrimonial states obstruct the strengthening of democratic institutions, while deficient political regimes impede the development of state capacities (Negretto, 2012, p. 345; Mazzuca and Munck, 2020, p. 48).

In these specific contexts, populist rulers tend to eliminate institutional constraints that hinder the comprehensive transformation of the constitutional framework, designing a new set of rules tailored to their interests. The initial political rupture often leads to the convocation of a constituent assembly which, under conditions of clear populist hegemony, can relatively easily redesign the core institutions of the political regime and drastically expand the constitutional powers of the executive branch. This facilitates the deliberate weakening of horizontal accountability mechanisms (judicial and legislative checks and balances) and the formal introduction of mechanisms of direct democracy designed to implement plebiscitary policies (Weyland, 2024, p. 38).

The creation of a new constitution and the technical design of a plebiscitary democracy constitute integral components of the political renewal project promised by populism in response to the real or perceived failure of the traditional representative regime. A populist constitution must be established as the direct expression of the majority will of "the people", rather than as the outcome of interparty negotiation or pact. Its core contents are grounded in an anti-individualist and communitarian vision of rights, the establishment of a majoritarian electoral system, and a distribution of public power that centrally favors the executive and the national government at the expense of the legislative, judicial, and local authorities (Negretto, 2012, pp. 343-344).

Consistent with the notion of regenerating politics and overcoming the deficiencies of the representative system, populism seeks to enshrine a constitutional order that directly reflects popular sovereignty. For this reason, populists systematically appeal to the original and revolutionary constituent power of “the people”, arguing that it can only be validly expressed through a new constitution drafted by a convention elected specifically and exclusively for that purpose. This process of constitution-making must be tightly controlled by the majority party, an organization that claims to embody, alongside its leader, the will of the nation (Negretto, 2012, pp. 345-346).

The strategy consists in counterposing the liberal form of legitimacy embodied by legislative bodies and traditional political parties with the superior legitimacy generated by the direct intervention of the sovereign. Populism does not conceive the constituent process as a deliberative, rational, and inclusive space, but rather as a pure decisionist act aimed at giving legal form to the political will of “the people”. The new constitution is characterized by organizing an anti-parliamentary democratic structure that rejects the principles of limited government and the classical separation of powers. This enshrines a communitarian vision of individual rights, conditioning their practical recognition and exercise on the achievement of the collective objectives set by the regime. In parallel, the limitation of power through an abstract, anonymous, and general system of norms, designed to divide popular representation, is rejected, as populism instead seeks to unify it by turning the executive leader into the principal and undisputed agent of the state (Negretto, 2012, p. 346).

In populist constitutions, a majoritarian electoral system is established and the design of the separation of powers is altered. The explicit objective of these changes is to mitigate or nullify the checks exercised by the legislative and judicial branches over executive action, while simultaneously strengthening the central government over local and decentralized authorities. In sum, populist constitutional design enshrines a political regime based on a plebiscitary form of legitimacy that emanates from the election of a leader, whose primary political responsibility consists in translating the popular will of the majority into effective public policies (Negretto, 2012, p. 346).

This understanding of constitutional populism emphasizes both the forms and the specific contents of the changes promoted by populists, as well as their marked opportunism toward the constitutional text. In terms of form, the constitutional transformations advanced by populism are verticalist in nature. Although action is discursively justified in the name of popular sovereignty, the direct and independent participation of citizens in the substantive discussion of normative content is largely bypassed, with participation instead being skewed to benefit sectors aligned with the ruling coalition. When other actors

do take part, dissenting opinions are often silenced, their contributions disregarded in the final outcome, or the agenda remains under strict control of the executive branch. This reflects a plebiscitarian conception of political participation (Alterio, 2016, p. 79).

An empirically significant aspect is the degree of respect that populists themselves display toward their constitution once it enters into force, which becomes evident in the successive amendments they introduce when the text begins to impose constraints on their power, even when such provisions were originally promoted by their own government. For instance, if the existing constitution does not allow for the immediate continuation of a president in office, it is common practice for the leader to attempt to amend it in order to extend the duration of their mandate or to enable schemes of indefinite reelection. A final relevant feature is the marked propensity to remove or replace judges of constitutional oversight bodies (constitutional courts or tribunals) when the government fails to amend the constitution through ordinary procedures or when such judges interpret the norms in a manner adverse to the political interests of the executive (Negretto, 2015, p. 17; Alterio, 2016, pp. 79-80).

This strategic opportunism toward the foundational norms of the state is vividly illustrated by the constitutional trajectories of the Andean region during the early 21st century. In Venezuela under Hugo Chávez (1999), Ecuador under Rafael Correa (2008), and Bolivia under Evo Morales (2006-2009), the convocation of hegemonic constituent assemblies served as the primary legal mechanism to bypass traditional legislative bodies and thoroughly redesign the institutional architecture. Once these new constitutional frameworks were enacted, these leaders repeatedly pursued subsequent amendments or judicial maneuvers specifically engineered to eliminate term limits and permit continuous executive reelection. Furthermore, when independent oversight posed a threat to these personalization strategies, these regimes systematically captured or packed their respective highest judicial bodies, such as the structural restructuring of the Supreme Tribunal of Justice in Venezuela or the controversial adjudication of the Bolivian Constitutional Tribunal regarding indefinite reelection as a human right, thereby neutralizing the courts’ capacity to exercise horizontal accountability.

Regarding their content, constitutions of a populist nature incorporate a set of typical clauses. These formally express the relaxation of constraints on government, disproportionately expand executive power, enable recurrent reelection, and neutralize the opposition’s capacity for action through indirect control of the media or direct intervention in autonomous public entities. Indeed, in the specialized literature, constitutional populism is defined as encompassing those deep and

multiple reforms that disproportionately favor “the power of the president of the republic in countries where the preexisting constitutional design already allowed for an excessive use of public prerogatives by the head of government” (Alterio, 2016, p. 80; Sarmiento, 2013, p. 572).

Other clauses characteristic of constitutional populism regulates decision-making processes. These deliberately omit provisions of a deliberative, horizontal, and reflective nature, emphasizing instead a plebiscitarian, centralist, and anti-parliamentary form of democracy. Finally, populist constitutions do not entirely dispense with liberal-democratic clauses; on the contrary, they formally require them as indispensable mechanisms for legitimizing power in the international order. Populism employs its constitutions in a discretionary manner, assuming that they are malleable instruments subject to the permanently active exercise of popular sovereignty (Alterio, 2016, p. 81).

Based on these arguments, it is possible to maintain that the constitutionalization of the populist perspective on how power should be exercised entails a structural risk for democracy and carries the latent potential to erode it to the point of establishing an authoritarian regime. The adoption of a new constitution and its subsequent transformations, or the partial reform of a preexisting constitutional charter in accordance with the contingent interests of a populist government, constitute necessary, though not sufficient, conditions for the erosion of democratic institutions. Thus, a populist constitutional text that is deliberately employed for autocratizing purposes becomes part of what is referred to as authoritarian constitutionalism.

Authoritarian constitutionalism is theoretically defined as a highly sophisticated mode of exercising power by authoritarian elites in states with weak democratic development. The behavior of the political elite and the regime’s democratic fragility are grounded in a constitution that retains a formally liberal character but is systematically employed for authoritarian purposes. Accordingly, this type of constitutionalism emphasizes the tensions between two interrelated phenomena. On the one hand, the exercise of power within a framework of poorly defined constitutional constraints, the absence of genuine accountability of rulers to citizens, and the ways in which elites exercise coercion while concealing it behind a constitutional façade. On the other hand, the normative ideal of liberal and democratic constitutionalism. Contemporary authoritarian regimes make use of the legal mechanisms available in democratic systems to conceal and disguise their authoritarian practices, thereby avoiding the costs and sanctions that may be imposed by domestic and international actors (Niembro, 2016, p. 224-225).

Two of these legal mechanisms are constitutional reforms and instruments of direct democracy, as evidenced in Latin America.

Several Latin American populist leaders have implemented constitutional reforms grounded in plebiscitarianism. This approach is characterized by its verticality and by the absence of autonomous institutional mediations, which fosters among followers the perception of a direct and personal relationship with the leader. Such a bond generates interactive linkages that constitute the channels through which political actors and voters exchange political support and influence, manifesting themselves in both formal and informal institutions. In formal plebiscites, citizens limit their participation to voting in favor of or against a specific issue, typically presented as a closed and pre-formulated option by the central authority (Barr, 2017, 46).

Finally, it should be noted that distinguishing between constitutional reforms derived from constituent assemblies and those carried out through less far-reaching mechanisms (such as legislative acts or partial amendments) is crucial for determining the specific consequences of the process of democratic erosion, particularly when severe power asymmetries exist between the government and the opposition. Whereas constituent assemblies entail a comprehensive institutional readjustment at the formal level that facilitates the total capture of the state, less profound reforms allow for the temporary persistence of certain independent oversight bodies that may restrain direct attacks on democracy. It is also necessary to distinguish between the drafting and adoption of a constitution *ex novo*, considered the starting point of democratic erosion, and subsequent transformations aimed at legitimizing an autocratization process that had already been set in motion.

The distinction between constituent processes and constitutional transformations carried out through other mechanisms has clear methodological value for identifying both the initial radicalness of democratic erosion and its temporal duration. In any case, it cannot be ruled out that institutional changes produced by other types of reforms may revert the political regime toward some form of authoritarianism. If a populist leader remains in power long enough and possesses the appropriate political and institutional conditions to modify the constitution, whether gradually or rapidly, they will do so until a formal authoritarian regime is established.

Final Thoughts

The adoption of the strategic perspective on populism offers a clear analytical advantage over ideational and discursive approaches when examining the governmental phase of the phenomenon. By focusing pragmatically on concrete actions, the personalistic nature of leadership, and the management of power, this approach is able to accurately decipher the real mechanisms through which rulers capture the state apparatus

and make decisions, thereby overcoming the limitations of those theoretical frameworks that remain confined to the ideological or discursive inputs of the pre-electoral stage.

Populism, regardless of whether it is associated with a left-wing or right-wing ideological orientation, entails an intrinsic risk of institutional degradation that undermines the foundations of representative democracy. Its insistence on extreme majoritarianism and its monolithic and moral conception of “the people” inevitably lead to the exclusionary simplification of the social whole and to systematic polarization, dynamics that are both theoretically and empirically incompatible with political pluralism, which constitutes an essential and indispensable principle for democratic coexistence.

Populist constitutionalism operates primarily as a tactical instrument for state capture and the vertical preservation of power. Accordingly, processes of constitutional reform driven under this logic do not genuinely seek to expand rational deliberation or to consolidate independent channels of civic participation; rather, they instrumentalize the formal legitimacy of constituent assemblies and mechanisms of direct democracy to weaken the separation of powers, neutralize horizontal checks and balances, and entrench the leader’s tenure in office without temporal constraints.

From a methodological standpoint, there exists a critical difference in the impact on the political regime depending on the pathway of constitutional transformation that is implemented. Whereas the convocation of a constituent assembly under populist hegemony enables a comprehensive formal restructuring that rapidly dismantles democratic safeguards, partial reforms or other legislative avenues create temporal margins of resistance by allowing the survival of certain autonomous oversight bodies, thereby conditioning the speed and radicalism of the process of institutional erosion.

The ultimate outcome of a prolonged populist experience that enjoys the political conditions necessary to shape the constitutional text is the establishment of authoritarian constitutionalism, a sophisticated model of autocratization in which governing elites use existing legal mechanisms and a liberal constitutional façade to conceal, simulate, and disguise overtly authoritarian practices. In doing so, they succeed in neutralizing internal checks and balances and in evading the political costs or sanctions that the international community typically imposes in response to explicit democratic breakdowns.

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