

Why Constitutionalism Erodes: Lessons from Slovakia

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11 MAY, 2026

- *Political party leaders engage in constitutional entrepreneurship, trying to change the constitution so that it aligns more with their preferences.*
- *Several successful attempts of constitutional entrepreneurship by Slovak partisans pushed the constitution in an illiberal direction.*
- *Illiberal changes become possible through ad hoc partisan deals, keeping short-term interests in mind.*
- *Slovakia's constitutionalism has been eroding due to these deals and illustrates the general danger of such erosion.*

The decade since 2014 has been a trying time for constitutionalism and democracy in Slovakia. [Constitutional entrepreneurship](#)—the use of opportunities provided by a volatile political context to change constitutional norms—flourished and was often steered by Robert Fico. This self-interested, but skilled party politician [won](#) the Slovak premiership for the fourth time in 2023, embracing [radicalized](#) attitudes.

While in neighbouring Hungary, [autocratizing](#) PM Viktor Orbán easily [pushed](#) a new constitution thanks to the two-thirds super-majority, Fico did not possess enough votes in Slovakia's parliament to push through changes to Slovakia's Constitution, originally enacted in 1992.

In need of some opposition MPs' support, Fico was able to tap into the illiberal reservoirs in the parliament, represented by strands of (especially Catholic) Christian partisans who align with restrictive [readings](#) of the family and personal freedom. Although the Constitution defines the Slovak Republic as a secular state, the Roman Catholic Church still [exerts](#) substantial influence over national policies and leading politicians.

Hence, in 2014, Fico [supported](#) the change in the wording of the definition of marriage to mean a union between 'a man and a woman', in exchange for the Christian Democrats' support of changes in the organization of Slovakia's judiciary.

In 2025, he [succeeded](#) with getting these—just the bare minimum of 90 out of 150 votes, resulting 23rd amendment to the text of Slovakia’s Constitution. The amendment was [criticized](#) due to its anti-European and anti-minority sentiments, and followed similar changes to the 1992 text adopted without a stable illiberal majority. How did Fico win these votes, when the parliamentary opposition verbally keeps presenting a united front against him?

A TOXIC COMBINATION

We argue that the illiberal changes to constitutions can be fueled by constitutional entrepreneurship combined with ad hoc deals with illiberal partisans. Ad hoc deals are momentary agreements between partisans to form coalitions to achieve a change to the constitution that is beneficial to them. When coupled with favorable contextual conditions and illiberal partisan motivations, ad hoc deals pave constitutionalism’s [road to hell](#).

In Slovakia, such deals are facilitated by a relatively flexible constitution: a three-fifth majority in a unicameral legislature of 150 deputies—the National Council of the Slovak Republic—can enact a legally valid change to the text. Whilst the Constitutional Court [could](#) in principle subsequently review such a change, there is nothing formally stopping 90 deputies from making radical changes to substantive constitutional provisions.

The weak institutionalisation of Slovakia’s political parties aids ad hoc deals as well. There are no formal requirements for the internal party organization, and the general elections unfold in a single electoral district. Consequently, individual party leaders [dominate](#) the system, and most parties are typically born and die with the same person. The party leaders are motivated to stay in office for as long as possible, for which they need continuous voter support. Achieving changes to the ‘basic law of the land’ is a promising communication strategy, even without a long-term plan to do so presented to the public via party manifestos or electoral campaign communication.

TAKING POLITICAL PARTIES SERIOUSLY IN CONSTITUTIONAL ANALYSIS

The Slovak case demonstrates the risks for constitutionalism stemming from partisans who are [motivated](#) to weaken constitutionalism understood as preventing a dominant centre of power and guaranteeing fundamental rights. Centralised parties allow leaders to commit their MPs to far-reaching deals, while the lack of internal democracy reduces the likelihood that illiberal proposals will be checked from within.

Thus, when Fico initiated the illiberal changes to the Slovak Constitution in January 2025, he could tap into the volatile party system and build on previous experience with successful illiberal changes: the greed of individual opposition partisans who could have hoped of an electoral boost in the short run stemming from their support of the changes. The anti-LGBTIQ agenda, under the pretext of protecting children and ‘proper’ married couples of a man and a woman, was in the [repertoire](#) of most members of one of the opposition parties, the Christian Democrats. There were further individual partisans in another party with similar inclinations.

Fico mastered the strategy of ‘ad hoc deals’. In exchange for the support, he [pretended](#) to make a compromise: rewording a provision or supporting an opposition proposal that brought no harm to him in exchange. For example, in 2025, Christian Democrat MPs argued that they achieved Fico’s support for banning surrogacy in the constitution, which he

otherwise would not have done, and reduced the confrontational wording of the provision regulating the relationship between Slovakia and the broader EU legal order.

This party-centred lens complements existing accounts that focus on formal amendment rules or judicial review, and speaks directly to broader debates on how political parties can facilitate the collapse of democracy.

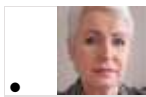
EROSION BEYOND ILLIBERALISATION

The Slovak case shows that erosion of constitutionalism can proceed through “everyday” politics of bargaining in parliaments, not only through spectacular (à la Orbán) replacement of the constitution. Where constitutions are easy to amend and party systems are dominated by centralised entrepreneurial parties, ad hoc cross-party coalitions may repeatedly instrumentalise the constitution to solve short-term strategic problems.

Over time, this dynamic makes constitutions appear “up for grabs”, encourages further entrepreneurial behaviour and weakens the belief that constitutions are meant to constrain winners rather than express their transient will. By illuminating this pathway to erosion through the Slovak case, it is important to look beyond Hungary and closer to Poland and to scrutinise how routine partisan bargains can hollow out constitutionalism from within.

Digested read created by the authors with editorial support from Anya Pearson.

This contribution was funded by the Slovak Research and Development Agency [APVV-24-0238].



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