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Constitutionalism and Democracy Dataset, Version 1.0

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Constitutionalism and Democracy Dataset (CDD)

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Content of Constitutionalism and Democracy Dataset (CDD)

This codebook describes the data in the Content of Constitutionalism and Democracy Dataset (CDD). The data are available as a STATA 13 data file (CDD Dataset_v1.0_2017.6.1.dta). If you use this dataset in your work, please cite as follows:

Eisenstadt, Todd, A. Carl LeVan, and Tofigh Maboudi. 2017. *Constitutionalism and Democracy Dataset, Version 1.0*. Washington, DC: American University's Digital Research Archive. Last modified: June 1, 2017. Available at: <http://doi.org/10.17606/M63W25>

The main objective of the CDD is to quantify the process of constitution-making since 1974. This is the first public release of any data on the process of constitution-making. This release includes data on 144 national constitutions promulgated in 119 countries from 1974 to 2014. The unit of analysis in the data is national constitutions. The data in this release includes only “new” constitutions and does not include suspended, re-installed, amended, or interim constitutions. In this release, only countries with a population larger than 500,000 are included. The authors intend to update the data by including all countries, expanding the time frame, and adding new variables which record the process of constitution-making.

This dataset contains both originally created variables and estimates retrieved from other datasets. The coding procedure for the originally created variables (*Process variables*) is described in detail below. The authors also compiled several variables that capture the political context of constitution-making around promulgation years from the following datasets:

Alesina, Alberto, Arnaud Devleeschauwer, William Easterly, Sergio Kurlat, and Romain Wacziarg. 2003. “Fractionalization.” *Journal of Economic Growth* 8: 155–194.

Banks, Arthur S. and Kenneth A. Wilson. 2005. Cross-National Time-Series Data Archive, edited by Databanks International. Jerusalem, Israel.

Cheibub, Jose Antonio, Jennifer Gandhi, and James Raymond Vreeland. 2010. Democracy and Dictatorship Revisited. *Public Choice* 143 (1-2): 67-101.

Elkins, Zachary, Tom Ginsburg, and James Melton. 2014. “Characteristics of National Constitutions, Version 2.0.” Comparative Constitutions Project. Last modified: April 18, 2014. Available at: <http://www.comparativeconstitutionsproject.org>.

Freedom House. 2015. Freedom in the World 2015 – Discarding Democracy: Return to the Iron Fist. New York: Freedom House.

Geddes, Barbara, Joseph Wright, and Erica Frantz. 2014. “Autocratic Breakdown and Regime Transitions: A New Data Set.” *Perspectives on Politics* 12 (2):313–31.

Keefer, Philip. 2005. “Database of Political Institutions: Changes and Variable Definitions.” Development Research Group of the World Bank. Available at: www.iadb.org/en/research-and-data/publication-details,3169.html?pub_id=IDB-DB-112

Marshall, Monty G. and Ted R. Gurr. 2016. Polity IV Project: Political Regime Characteristics and Transitions, 1800–2013. Vienna, VA: The Center for Systematic Peace.

Pemstein, Daniel, Stephen A. Meserve, and James Melton. 2010. “Democratic Compromise: A Latent Variable Analysis of Ten Measures of Regime Type.” *Political Analysis* 18 (4): 426–49.

Coding Procedure

To quantify the process of constitution-making, we first divide the constitutional reform processes into three stages: convening, debating, and ratifying.¹ The convening stage includes activities in the constitution-making process related to selecting those actively and directly involved in crafting the constitution’s content. The debate stage explores how decisions were made about content and retentions and omissions from the text. This entailed negotiations and efforts to transform participants’ preferences. The ratification stage entailed procedures for approving the constitution and making it binding for all citizens, including those who did not participate in its creation.

We then gathered information on levels and modalities of citizen input or elite control over constitution-making at each of the three stages. Researchers were instructed to consult the following sources, in order whenever possible:

- (1) Ellicott, K. (Ed.) (2011). *Countries of the World and their Leaders Yearbook: 2012*. Farmington Hills: MI. Gale, Cengage Learning.
- (2) Hein Online
- (3) *CIA World Factbook*, From <https://www.cia.gov/library/publications/the-world-factbook/index.html>
- (4) Constitution Net. From <http://www.constitutionnet.org/country/>
- (5) Widner, J. (2005). Constitution Writing and Conflict Resolution: Data and Summaries. From <http://www.princeton.edu/~pcwcr/country/index.html>
- (6) In cases when the above sources were inadequate, researchers were instructed to consult area studies journals and other specialized area studies sources. All additional sources consulted are cited at the end of this document.

¹ In an earlier publication, the authors used the term “drafting,” instead of “convening.”

We coded each of three stages of constitution-making into three ordered categories (i.e. popular, mixed, and imposed).² First, “imposed” indicates elite control of a non-transparent process through a strong executive, a committee appointed by the executive with no meaningful external consultation, or a party acting as a central committee. Second, “mixed modalities” captures cases with overlap or tension between elite and bottom up influences, but we sought to avoid generating a residual category. Third, “popular” participation refers to extensive and meaningful opportunities for broad sections of the public to directly shape constitution-making processes.

To increase the reliability of the data, we separated the data collection process from the coding of the cases. Three researchers working independently collected data on the constitution-making process of the cases. Using that data, two coders working independently carried out the coding. Finally, each of the authors checked ten cases randomly to ensure the accuracy of the coding. A full list of coders is presented at the end of this document.

The coders used the following table to code each case.

Table 1: Coding Criteria

		STAGE OF PROCESS		
		Convening	Debating	Ratifying
LEVEL OF PARTICIPATION	Imposed	Strong executive OR exec appointed committee OR party as central committee	Strong executive OR exec appointed committee OR party as central committee. Debated in camera.	No referendum OR decree by executive body
	Mixed	Strong elite influence AND (existing legislature OR specially elected body, but elites exercised some control over candidates / electoral process)	Strong elite influence AND (existing legislature OR specially elected body) a debate at least partially open but that failed to overrule any elite preferences	Strong elite influence AND ratification by elected body OR ratification by a referendum with notable irregularities
	Popular	Systematic civil society input OR strong transparency OR specially-elected drafters “freely and fairly” elected	Public debate, with civil society, that visibly influenced draft content	Generally “free and fair” referendum

After coding each stage, we aggregated the three stages and created “aggregated process” variable. The “aggregated process” variable ranges from (0) indicating imposed processes in all

² In an earlier publication, the authors used the terms “polyarchy” and “decree” instead of “popular” and “imposed,” respectively.

three stages of convening, debating, and ratifying to (6) indicating popular processes in all three stages.

Coding Sample

For a coding sample of a few cases we refer the users to the following works by the authors:

Eisenstadt, Todd, A. Carl LeVan, and Tofigh Maboudi. 2017. *Constituents before Assembly: Participation, Deliberation, and Representation in the Crafting of New Constitutions*. New York, NY: Cambridge University Press

Eisenstadt, Todd, A. Carl LeVan, and Tofigh Maboudi. 2015. “When Talk Trumps Text: The Democratizing Effects of Deliberation during Constitution-Making, 1974-2011.” *American Political Science Review* 109 (3): 592-612.

Errors and Omission

Constitution-making is a very tedious, difficult, and complicated process. Quantifying constitution-making processes can be as difficult as the constitutional reform processes themselves. We have endeavored to ensure that the data in this release are reliable. Nonetheless, encoding constitution-making processes, the degree to which citizens were allowed to participated meaningfully, and the degree to which the processes are representative will inevitably suffer from some errors and omissions, as they lend themselves to different interpretations. We acknowledge that any potential error in that regard is ours.

List of Variables

The variables included in this release are listed below. For the convenience of users, the order of variables is the same in both the codebook and the STATA data file.

Identification Variables

COUNTRY: Country name.

CCODE: Country code.

YEAR: Year of promulgation of the Constitution.

Democracy Variables

Polityafter: Polity IV score, average of three years after constitution promulgation (t+1 to t+3).

Polityafter456: Polity IV score, average of three years after constitution promulgation (t+4 to t+6).

Polityafter8910: Polity IV score, average of three years after constitution promulgation (t+8 to t+10).

Polityafter5: Polity IV score, average of five years after constitution promulgation (t+1 to t+5).

Polityafter10: Polity IV score, average of ten years after constitution promulgation (t+1 to t+10).

Comparafter: Polity IV's Competitiveness of Participation score, average of three years after constitution promulgation (t+1 to t+3).

Exconstafter: Polity IV's Executive Constraints score, average of three years after constitution promulgation (t+1 to t+3).

LagPolityafter: One-year lag of "Polityafter" variable.

LagPolityafter456: One-year lag of "Polityafter456" variable.

LagPolityafter8910: One-year lag of "Polityafter8910" variable.

LagPolityafter5: One-year lag of "Polityafter5" variable.

LagPolityafter10: One-year lag of "Polityafter10" variable.

UDSafter: Unified Democracy Scores (Pemstein et al. 2010), average of three years after constitution promulgation (t+1 to t+3).

UDSafter456: Unified Democracy Scores, average of three years after constitution promulgation (t+4 to t+6).

UDSafter8910: Unified Democracy Scores, average of three years after constitution promulgation (t+8 to t+10).

UDSafter5: Unified Democracy Scores, average of five years after constitution promulgation (t+1 to t+5).

UDSafter10: Unified Democracy Scores, average of ten years after constitution promulgation (t+1 to t+10).

LagUDSafter: One-year lag of “UDSafter” variable.

LagUDSafter456: One-year lag of “UDSafter456” variable.

LagUDSafter8910: One-year lag of “UDSafter8910” variable.

LagUDSafter5: One-year lag of “UDSafter5” variable.

LagUDSafter10: One-year lag of “UDSafter10” variable.

PRafter: Freedom House’s Political Rights score, average of three years after constitution promulgation (t+1 to t+3).

PRafter5: Freedom House’s Political Rights score, average of five years after constitution promulgation (t+1 to t+5).

PRafter10: Freedom House’s Political Rights score, average of ten years after constitution promulgation (t+1 to t+10).

LagPRafter: One-year lag of “PRafter” variable.

LagPRafter5: One-year lag of “PRafter5” variable.

CLafter: Freedom House’s Civil Liberties score, average of three years after constitution promulgation (t+1 to t+3).

CLafter5: Freedom House’s Civil Liberties score, average of five years after constitution promulgation (t+1 to t+5).

CLafter10: Freedom House’s Civil Liberties score, average of ten years after constitution promulgation (t+1 to t+10).

LagCLafter: One-year lag of “CLafter” variable.

LagCLafter5: One-year lag of “CLafter5” variable.

Politybefore: Polity IV score, average of three years before constitution promulgation (t-1 to t-3).

UDSbefore: Unified Democracy Scores, average of three years before constitution promulgation (t-1 to t-3).

PRbefore: Freedom House’s Political Rights score, average of three years before constitution promulgation (t-1 to t-3).

CLbefore: Freedom House’s Civil Liberties score, average of three years before constitution promulgation (t-1 to t-3).

Politychange: Change in Polity IV score from average of three years before constitution promulgation to average of three years after constitution promulgation.

UDSchange: Change in Unified Democracy Scores from average of three years before constitution promulgation to average of three years after constitution promulgation.

PRchange: Change in Freedom House’s Political Rights score from average of three years before constitution promulgation to average of three years after constitution promulgation.

CLchange: Change in Freedom House’s Civil Liberties score from average of three years before constitution promulgation to average of three years after constitution promulgation.

Constitution-Making Process

Process_Convening: Level of participation in the Convening Stage of constitution-making.

0= Imposed process

1= Mixed process

2= Popular process

Process_Debating: Level of participation in the Debating Stage of constitution-making.

0= Imposed process

1= Mixed process

2= Popular process

Process_Ratifying: Level of participation in the Ratifying Stage of constitution-making.

0= Imposed process

1= Mixed process

2= Popular process

Process_aggregate: Level of participation in the overall process of constitution-making. This is an aggregation of “Process_Convening,” “Process_Debating,” and “Process_Ratifying” variables. It ranges from 0 (Imposed process in all three stages of constitution-making) to 6 (Popular process in all three stages of constitution-making).

Process_weightedaggregate: Weighted level of participation in the overall process of constitution-making. This variable is calculated in the following way: $(\text{Process_Convening} * 3) + (\text{Process_Debating} * 2) + (\text{Process_Ratifying} * 1)$. It ranges from 0 (Imposed process in all three stages of constitution-making) to 12 (Popular process in all three stages of constitution-making).

Content of Constitutions

Hosdec: Binary variable to measure content of constitutions for the decree power of the head of state: Does the head of state have decree power? (Elkins, et al. 2014).

Hr: Binary variable to measure content of constitutions for human rights commission: Does the constitution contain provisions for a human rights commission? (Elkins, et al. 2014).

Oversight: Binary variable to measure content of constitutions for independent electoral commission: Does the constitution contain provisions for independent electoral commission? (Elkins, et al. 2014).

Voterres: Binary variable to measure content of constitutions for vote restrictions: Does the constitution place any restrictions on the right to vote? (Elkins, et al. 2014).

Political Events

Conflictafter: Banks and Wilson’s (2016) Weighted Conflict Index, average of three years after constitution promulgation (t+1 to t+3).

Conflictbefore: Banks and Wilson’s (2016) Weighted Conflict Index, average of three years before constitution promulgation (t-1 to t-3).

Demonstrations: Banks and Wilson’s (2016) sum of demonstrations, average of three years before constitution promulgation (t-1 to t-3). The Demonstrations variable measures “any peaceful public gathering of at least 100 people for the primary purpose of displaying or voicing their opposition to government policies or authority, excluding demonstrations of a distinctly anti-foreign nature.”

Ethnolinguistic: Alesina et al.’s (2003) ethnic ratio variable measuring ethno-linguistic diversity using data, with “0” indicating ethnic homogeneity and “1” representing significant fractionalization.

Revolts: Banks and Wilson’s (2016) sum of revolts, average of three years before constitution promulgation (t-1 to t-3).

Riots: Banks and Wilson’s sum of riots, average of three years before constitution promulgation (t-1 to t-3). The Riots variable is a measure of “any violent demonstration or clash of more than 100 citizens involving the use of physical force.”

Strikes: Banks and Wilson’s (2016) sum of major national strikes, average of three years before constitution promulgation (t-1 to t-3). The Strikes variable measures “any strike of 1,000 or more industrial or service workers that involves more than one employer and that is aimed at national government policies or authority.”

Political Events

Checks: Keefer’s (2005) variable which measures the level of checks and balances in both presidential and parliamentary systems and ranges from 1 (lowest) to 18 (highest).

Finit: Keefer’s (2005) binary variable determining whether the executive has a term limit (1) or not (0).

Opvot: The “Vote Share of Opposition Parties” variable from the Database of Political Institutions (DPI), average of three years before constitution promulgation (t-1 to t-3). The variable ranges from 0 to 100 percent of the votes (Keefer 2005).

Partyc coal: Banks and Wilson’s (2016) “Party Coalition” variable, average of three years before constitution promulgation (t-1 to t-3). The variable ranges from 0 (closed political system with no coalition and no opposition party existing) to 3 (open political system with multiple parties including opposition parties with no coalition).

Regime Type

Cheibub: Democracy-Dictatorship binary variable (Cheibub et al. 2010), average of three years after constitution promulgation (t-1 to t-3).

LagCheibub: One-year lag of “**Cheibub**” variable.

Geddes_dem: Binary variable for Democracy regime type using Geddes et al. (2014) dataset.

Geddes_pers: Binary variable for Personalist regime type using Geddes et al. (2014) dataset.

Geddes_party: Binary variable for Single Party regime type using Geddes et al. (2014) dataset.

Geddes_milit: Binary variable for Military regime type using Geddes et al. (2014) dataset.

Geddes_monar: Binary variable for Monarchy regime type using Geddes et al. (2014) dataset.

Geddes_hybr: Binary variable for non-democratic mixed regime type using Geddes et al. (2014) dataset, for example military-personalist regimes.

Geddes_other: Binary variable for all other regime types using Geddes et al. (2014) dataset, including foreign occupation, warlords, and provisional.

Country Demographics

GDPpc: Per capita GDP, average of three years before constitution promulgation (t-1 to t-3).

Population: Country population, average of three years before constitution promulgation (t-1 to t-3).

Resources: Natural resources rents as a percentage of GDP, average of three years before constitution promulgation (t-1 to t-3). Source: The World Bank's World Development Indicators (2013).

ODA: Net Official Development Assistance (ODA) received as a percentage of GNI, average of three years before constitution promulgation (t-1 to t-3). Source: The World Bank's World Development Indicators (2013).

Political History and Geography

Newstate: Binary variable for newly created states.

Africa: Binary variable for Africa.

Asia: Binary variable for Asia.

CEurope: Binary variable for Central Europe.

MiddleEast: Binary variable for the Middle East.

NAmerica: Binary variable for North America.

SAmerica: Binary variable for South America.

Scandinavia: Binary variable for Scandinavia.

WEurope: Binary variable for Western Europe.

Britishcolon: Binary variable for former colonies of Great Britain.

Frenchcolon: Binary variable for former colonies of France.

Portugcolon: Binary variable for former colonies of Portugal.

Sovietcolon: Binary variable for former colonies of Soviet Union/Russia.

Spaincolon: Binary variable for former colonies of Spain.

Othercolon: Binary variable for all other former colonies.

Nocolon: Binary variable for countries that were not colonies of any power.

List of Coders

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Additional Sources for *Process* Variable:

- AFP. 2013. *Guinea union leader to head transition council*. Agence France-Presse 2010 [cited July 11 2013]. Available from <http://www.google.com/hostednews/afp/article/ALeqM5jtpdCRVFDsNu7nE1Wfl2WrTsVryg>.
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