Codebook

Do Social Rights Affect Social Outcomes?

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Sample

The full sample consists of up to 6338 observations from 158 countries in the period between 1960 and 2010. It is limited only by the availability of national accounts data in the Penn World Tables, mark 7.1, life expectancy data in the World Development Indicators database at the World Bank, and income inequality data from Frederic Solt's SWIID database. This yields a very broad although unbalanced panel ranging from the least developed countries, such as the Democratic Republic of Congo, to the richest countries including Luxembourg and Switzerland. Only very small countries not included in regular national accounts data – examples include Liechtenstein and Monaco – are not included.

Coding procedure

The main variables in the following are two sets of three dummies each that capture whether or not a country has implemented particular social rights. These rights can be implemented either through a new constitution, by constitutional amendment or by constitutional re-interpretation. One dummy in each set measures whether this implementation has in fact happened, while the other is made conditional on this right being made justiciable. Justiciability is defined as a situation in which a constitutional social right can de facto be used in a court of law.

We build this dataset by surveying the constitutions of 188 sovereign states using the website of the World Intellectual Property Organization as our primary source (WIPO, 2012). Mchangama and a research

assistant did the survey with Bjørnskov double-checking the coding. The constitutions identified in the survey were then checked for consistency against the constitutions available via the Constitution Finder maintained by the T.C. Williams School of Law at Richmond University, the Right to Education Project, the International Constitutional Law Project, the Library of Congress, the World Legal Information Institute and the Toronto Initiative for Economic and Social Rights (TIESR). In a limited number of cases, in regard to the content of former versions of constitutions, however, resort was had to simply using web search engines to locate the constitutions. This was particularly the case for the 1960 Constitution of Czechoslovakia, which was not included in any large databases of constitutions.

The actual part of setting up the data and decisions of how to code countries' legal adherence to social rights consisted first of identifying the constitutional provisions and second in ascertaining whether or not the constitutional rights are enforced or enforceable. Whether social rights are justiciable cannot be ascertained simply by resorting to the wording of the relevant rights the identified constitutions, as the issue of justiciability regularly depends on the approach and interpretation of national courts. The basis for our basic coding thus follows the TIESR in that specific social rights need to be mentioned explicitly in the constitution to be counted as a right. As such, assessing the existence of de jure rights is simple in most cases, and the introduction of rights can be precisely coded as it follows other constitutional changes. The Soviet Constitution of 1918 for example included the right to education while the right to health and social security were added in the 1936 amendment. We note that this constitution was de facto effective in all countries emerging from the Soviet Union until they implemented their own constitutions. In all countries emerging from the Soviet Union, we therefore code social rights according to the Soviet Constitution of 1936 until the implementation of a new constitution. Likewise, in formerly Yugoslavian states, we use the Yugoslavian Constitution as basis until a country implemented a new constitution.

In ascertaining the second part of the social rights code, we follow Jung (2011) and Jung and Rosevear (2013) in coding whether or not constitutional provisions for social rights are de facto justiciable or not. Their work is subsumed in the TIESR dataset, which assesses the justiciability of social rights in the constitutions of 136 predominantly non-Western nations and provides the years in which rights become justiciable. As such, we draw a sharp distinction between whether social rights are introduced into the constitution, but not applicable in actual legal cases, or if such rights can be specifically relied on in cases against the state. This can occur either through legislative decision or, as in the case of Portugal, through constitutional re-interpretation, which occurs either in a constitutional court or, if the national institutions do not include a constitutional court, in the relevant Supreme Court.

Data structure

As such, the data are structured as a panel stretching 51 years (1960-2011) for all countries. As most developing countries were not independent at the beginning of the period, they enter the database when they gain their independence. The dataset is therefore an unbalanced annual panel of 158 countries between 1960 and 2011. The data therefore include an annual variable, named "year"

List of variables with sources

Social rights: health rights – "healthright" and "healthright_jur"

Health rights are coded as dummies with "healthright" denoting de jure rights and "healthright_jur" denoting justiciable health rights. "dhealthright" and "djurhealth" denote the year-to-year change in de jure and justiciable rights.

Social rights: education rights – "educationright" and "educationright_jur"

Education rights are coded as dummies with "educationright" denoting de jure rights and "educationright_jur" denoting justiciable education rights. "dhealthright" and "djurhealth" denote the year-to-year change in de jure and justiciable rights.

Social rights: social security rights – "safetyright" and "safetyright_jur"

Social security rights are coded as dummies with "safetyright" denoting de jure rights and "safetyright _jur" denoting justiciable education rights. "dsafetyright" and "dsafetyright_jur" denote the year-to-year change in de jure and justiciable rights.

Social rights: the number of social rights – "sumrights" and "sumrights _jur"

The variable is the simple count of the rights above that are either de jure in "sumrights" or justiciable in "sumrights _jur".

Besides the social rights data, the main dependent variables in the paper are chosen to capture the primary intended consequences of introducing the selected ESCRs: population health, education, and income inequality.

Health – "lifeexpectancyatbirthtotalyears" and "dlife"

To measure health, we follow a long line of literature by using data on life expectancy, as reported in the World Development Indicators (World Bank, 2012). "dlife" denotes the year-to-year change of life expectancy.

Education – "bl_avyearschool" and "davschool"

We proxy education by the average length of schooling among people over the age of 25, which we get from the dataset on comparable educational measures in Barro and Lee (2013).

Income Inequality – "gini_net" and "dgininet"

While we cannot get direct measures of redistribution from any reputable source for more than a small subset of rich countries, we capture the intended consequences of rights to social security aimed at increasing the relative position of poor segments of society through the use of net (post-tax, post-transfer) income inequality. We get these data from the large, internationally comparable dataset documented in Solt (2009). The particular inequality measure is a Gini coefficient.

Additional data on main variables: immunization rates – "im_average" and "dimaver"

In the online appendix, we employ a number of additional proxies for the main intended effects. For health, we first use immunization rates. We calculate tidehe average of immunization from measles, diphtheria, BCG and polio, using data from the WHO (2012).

Additional data on main variables: child mortality rates – "under5mortality" and "d5under5"

We add child mortality rates from the World Bank (2014) on a five-year basis. While child mortality is a proxy for the quality of very basic health services, they are also known to correlate strongly with absolute poverty. The particular measure is the percent of children who die before the age of five.

Additional data on main variables: primary and secondary school completion rates – "bl_primarytot", "dblprimtot", "bl_secondarytot" and "dblsectot"

For education, the dataset also includes data on primary and secondary school completion rates instead of average educational attainment. These data are also from the Barro and Lee dataset and are coded for all citizens above the age of 15.

Additional data on main variables: market income inequality – "gini_mark" and *"dginimark"*

As an additional test of rights to social security, we add an indicator of the pre-tax and pre-transfer market income inequality. This indicator is also calculated as a Gini coefficient.

Unintended consequences: government final expenditures – "cg" and *"d5cg"*

We also test whether the introduction of social rights have unintended side effects, where our first dependent variables are government final expenditures. This variable, which includes all government

expenditures but not transfers and subsidies, derives from the Penn World Tables, Mark 7 (Heston et al., 2010) and is measured as a percent of total GDP.

Unintended consequences: inflation rates – "inflation_ppp" and "dinflation"

The second proxy for unintended side effects, is the inflation rate. We infer inflation rates, relative to the US GDP deflator, from the PPP indicator in the Penn World Tables.

Unintended consequences: the protection of property rights and the rule of law – "legalquality" and *"d5legal"*

Our third proxy of unintended side effects is a measure of the quality of the legal system and protection of property rights. We follow a large literature in using the legal quality index from Gwartney et al. (2014). As the education data, the latter variable is only available every five years, which prevents us from estimating very short-run effects.

Control variables: GDP per capita – "lngdp" and *"dlngdp"*

We first include economic development, proxied by the purchasing power adjusted GDP per capita from the Penn World Tables, Mark 7.1 (Heston et al., 2010). The variable is reported in US prices from 2005 and in logarithms. The non-logged variable is called *"rgdpch"*.

Control variables: Population size – "lnpop" and *"dlnpop"*

Population size derives from the Penn World Tables, Mark 7.1 and is reported in logarithms.

Control variables: Openness – "openc" and *"dopen"*

The data include openness to trade, calculated as total exports plus imports as a percent of GDP. The data derive from the Penn World Tables, Mark 7.1.

Control variables: Age dependency – "agedependencyratiooldofworkingag" and "dagedepend"

The data include the age dependency ratio, which is defined as the share of the population outside of the working age. Working age is defined as 16 to 64 years of age. The data derive from the World Development Indicators database (World Bank, 2014). "dagedepend" denotes the year-to-year change the age dependency ratio.

Control variables: Communism – "communist" and "dcommunist"

The data include a dummy for whether or not the incumbent government of a country is either communist or unreformed socialist. This includes all countries within the sphere of influence of the Soviet Union from 1960 to 1990, as well as African and Asian countries strongly associated with either the Soviet Union or communist China, or with governments declaring themselves Marxist, Communist or Socialist in a Marxist-Leninist or Maoist tradition. The data are coded on the basis of the CIA World Factbook and the

Encyclopaedia Britannica. "dcommunist" denotes the year-to-year change, effectively the year the country seizes being communist.

Control variables: Democracy – "polityiv" and "d5polityiv"

In the data, we follow most of the literature by employing the Polity IV measure of democracy (Marshall and Jaggers, 2010). The index is distributed from -10, denoting a full autocracy with no voters, to +10, denoting a fully democratic country with full franchise and no limits on voter participation.

Democracy squared – *"dpolitysq"*

Additional variables: Variables with five-year lags and five-year differences

Health rights with five-year difference – *"d5health"*

Education rights with five-year difference – *"d5eduright"*

Social security rights with five-year difference – *"d5saferight"*

Life expectancy with five-year difference – *"d5life"*

Income inequality net (post-tax, post-transfer) with five-year difference - *"d5gininet"*

Income inequality market (pre-redistribution) with five-year difference – "*dginimark"*

GDP per capita and GDP squared with five-year difference – *"d5lngdp"* and "*d5lnsq"*

Population size with five-year difference – *"d5lnpop"*

Openness with five-year difference – *"d5open"*

Age dependency with five-year difference – *"d5agedep"*

Communism with five-year difference – *"d5commu"*

Democracy and democracy squared with five-year difference – "" and *"d5politysq"*

Inflation with five-year difference – "*d5inflation"*

Variables with longer lags than give years

Health rights introduced more than 10 years ago: *"years15health"*

Education rights introduced more than 10 years ago: *"years15edu"*

Social security rights introduced more than 10 years ago: *"years15safety"*

Health rights introduced more than 15 years ago: "*years15health"*

Education rights introduced 15 years ago: *"years15edu"*

Social security rights introduced 15 years ago: *"years15safety"*