Supplementary Material for 'A Constitution Am I Used to? Constitutional Endurance and Replacement in Democratic Latin America'

Lucas Couto, Amanda Lopes, and Adrián Albala

July 31, 2023

1 Complementary Material for the Analysis of Constitutional Endurance

Table A.1: Complete Results for the Analysis of Necessary Conditions

Condition	Consistency	Coverage	RoN
POS	0.3077	0.8000	0.9231
AME	0.4615	1.0000	1.0000
LEG	0.2308	0.5000	0.7857
MOB	0.6154	0.7273	0.6667
RIG	0.9231	0.8571	0.6000
ACO	0.4615	0.6667	0.7273
∼POS	0.6923	0.7500	0.6250
∼AME	0.5385	0.6364	0.6000
∼LEG	0.7692	0.9091	0.8571
∼MOB	0.3846	0.8333	0.9167
∼RIG	0.0769	0.3333	0.8750
∼ACO	0.5385	0.8750	0.9000

2x2 Tables report whether there are deviant cases in csQCA analysis. For necessary subset relations, deviant cases are located in the upper-left quadrant, where cases are part of the outcome without displaying the necessary condition (or combinations thereof) (Mello, 2022, Chap. 3). Table A.2, Table A.3, and Table A.4 showcase the distribution of cases among quadrants for each necessary pathway found in the necessity test.

Table A.2: 2x2 Table for the Necessary Subset Relation between RIG and OUT

		RIG	
		0	1
OUT	1	CL	AR, BR, CR, SV, GT, HN, MX, NI, PA, PY, PE, and UY
	0	CO and VE	BO and EC

Table A.3: 2x2 Table for the Necessary Subset Relation between AME + ∼LEG and OUT

		AME + ∼LEG	
		0	1
OUT	1	HN	AR, BR, CL, CR, SV, GT, MX, NI, PA, PY, PE, and UY
	0	BO, EC, and VE	CO

Table A.4: 2x2 Table for the Necessary Subset Relation between ∼LEG + ∼ACO and OUT

		∼LEG + ∼ACO	
		0	1
OUT	1	PE	AR, BR, CL, CR, SV, GT, HN, MX, NI, PA, PY, and UY
	0	BO and EC	CO and VE

Table A.5: Conservative Solution for Constitutional Endurance

	Consistency	PRI	covS	covU	Cases
~POS∗~AME∗~LEG∗MOB∗RIG	1	1	0.231	0	AR; SV,MX
~POS∗AME∗LEG∗MOB∗RIG	1	1	0.154	0.154	NI; PE
~POS∗~LEG∗~MOB∗RIG∗ACO	1	1	0.154	0	GT; PA
~AME∗~LEG∗MOB∗RIG∗~ACO	1	1	0.231	0.154	AR; CR,UY
AME∗~LEG∗~MOB∗RIG∗~ACO	1	1	0.154	0.077	PY; BR
~POS∗~AME∗LEG∗~MOB∗RIG∗~ACO	1	1	0.077	0.077	HN
POS∗AME∗~LEG∗MOB∗~RIG∗ACO	1	1	0.077	0.077	CL
Solution	1	1	1		

Table A.6: Enhanced Parsimonious Solution for Constitutional Endurance

	Consistency	PRI	covS	covU	Cases
AME∗RIG	1	1	0.385	0.077	PY, PA, NI, PE, BR
˜LEG∗RIG	1	1	0.692	0.231	GT, AR, SV, MX, PY, PA, CR, UY, BR
RIG∗˜ACO	1	1	0.538	0.077	AR, HN, PY, NI, CR, UY, BR
POS∗AME∗˜LEG∗MOB∗ACO	1	1	0.077	0.077	CL
Solution	1	1	1		

2 Complementary Material for the Analysis of Constitutional Replacement

Table A.7: Necessity Test for Constitutional Replacement

Path	**Consistency**	**Coverage**	**RoN**
LEG + ∼RIG	1.000	0.500	0.692

Table A.8: Complete Results for the Necessity Test for Constitutional Replacement

Condition	**Consistency**	**Coverage**	**RoN**
POS	0.25	0.2000	0.7500
AME	0.00	0.0000	0.6471
LEG	0.75	0.5000	0.7857
MOB	0.75	0.2727	0.4286
RIG	0.50	0.1429	0.2000
ACO	0.75	0.3333	0.5714
∼POS	0.75	0.2500	0.3571
∼AME	1.00	0.3636	0.4615
∼LEG	0.25	0.0909	0.3750
∼MOB	0.25	0.1667	0.6875
∼RIG	0.50	0.6667	0.9333
∼ACO	0.25	0.1250	0.5625

The disjunction between LEG and ∼RIG fulfills all the requisites to be considered a necessary statement towards producing constitutional replacements. It simultaneously achieves empirical consistency (as shown by a consistency score of 1.000), empirical relevance (as evidenced by the fact that half of the instances that display either one of these factors ultimately have their constitutions replaced, RoN greater than 0.600, and the absence of deviant cases), and conceptual meaningfulness (as displayed by the fact

Table A.9: 2x2 Table for the Necessary Subset Relation between LEG + ∼RIG and ∼OUT

		LEG + ∼RIG	
		0	1
∼OUT	1		BO, CO, EC, VE
	0	AR, BR, CR, SV, GT, MX, PA, PY, UY	CL, HN, NI, PE

that either legacy of substituting constitutions or the absence of a considerable number of rights might represent a part of the process by which 'Bolivarian' governments succeed in replacing the basis of the legal system (Elkins, 2017)). Hence, the subsequent intermediate (in the main text) and parsimonious (Table A.12) solutions for Constitutional Replacement exclude logical remainders based on the negation of the necessary combination so as to not include any incoherent counterfactual in the analysis (Schneider and Wagemann, 2012).

Table A.10: Truth Table for Constitutional Replacement

POS	AME	LEG	MOB	RIG	ACO	∼OUT	n	incl.	Cases
0	0	0	1	0	1	1	1	1.000	CO
0	0	1	0	1	1	1	1	1.000	EC
0	0	1	1	1	1	1	1	1.000	BO
1	0	1	1	0	0	1	1	1.000	VE
0	0	0	0	1	1	0	1	0.000	GT
0	0	0	1	1	0	0	1	0.000	AR
0	0	1	0	1	0	0	1	0.000	HN
0	1	0	0	1	0	0	1	0.000	PY
0	1	0	0	1	1	0	1	0.000	PA
0	1	1	1	1	0	0	1	0.000	NI
0	1	1	1	1	1	0	1	0.000	PE
1	1	0	0	1	0	0	1	0.000	BR
1	1	0	1	0	1	0	1	0.000	CL
0	0	0	1	1	1	0	2	0.000	MX, SV
1	0	0	1	1	0	0	2	0.000	CR, UY

Note: Truth table rows without empirical instances omitted for the sake of better visualization.

Table A.11: Conservative Solution for Constitutional Replacement

	Consistency	PRI	covS	covU	Cases
~POS∗~AME∗LEG∗RIG∗ACO	1	1	0.500	0.500	EC; BO
POS∗~AME∗LEG∗MOB∗~RIG∗~ACO	1	1	0.250	0.250	VE
~POS∗~AME∗~LEG∗MOB∗~RIG∗ACO	1	1	0.250	0.250	CO
Solution	1	1	1		

Table A.12: Enhanced Parsimonious Solution for Constitutional Replacement

	Consistency	PRI	covS	covU	Cases
~AME∗~RIG	1	1	0.500	0.500	CO; VE
~AME∗LEG∗ACO	1	1	0.500	0.500	EC; BO
Solution	1	1	1		

3 Complementary Material for Robustness Tests

Table A.13: Enhanced Intermediate Solution for Constitutional Endurance - Changing Case Selection

	Consistency	PRI	covS	covU	Cases
AME∗RIG	1	1	0.417	0.167	PY, PA, NI, PE, BR
~LEG∗RIG	1	1	0.750	0.500	GT, AR, SV, MX, PY, PA, CR, UY, BR
~MOB∗RIG∗~ACO	1	1	0.250	0.083	HN; PY; BR
Solution	1	1	1		

Table A.14: Enhanced Intermediate Solution for Constitutional Replacement - Changing Case Selection

	Consistency	PRI	covS	covU	Cases
MOB∗~RIG	1	1	0.667	0.667	CO, DO, VE, CL
~POS∗~AME∗LEG∗RIG∗ACO	1	1	0.333	0.333	EC, BO
Solution	1	1	1		

Changes in the calibration process result in model ambiguity in both models for constitutional endurance and replacement, in which QCA returned two solution formulas to explain each. Even if model ambiguity is troublesome (Oana, Schneider and Thomann, 2021, p. 119), the differences are relatively small between the two formulas, thus not compromising the overall findings of the paper. In any case, we report both below.

Note that it is not an understatement to highlight the fact that both formulas are very similar to each other. The key distinction lies in the third pathway. In A.15, the lack of power-sharing institutions is present in the path, whereas it is absent in A.16. On theoretical grounds, the absence of power-sharing should not weigh in the decision to stick with the current constitution, thereby lending credence to the alternative explanation. In fact, the third path of the main text's findings is precisely that of the second formula.

Table A.15: Enhanced Intermediate Solution for Constitutional Endurance - Changing Calibration - 1st Formula

	Consistency	PRI	covS	covU	Cases
~LEG∗RIG	1	1	0.769	0.538	GT, AR, SV, MX, NI, PY, CR, UY, BR
AME∗RIG∗ACO	1	1	0.154	0.077	PA; PE
~POS∗~MOB∗RIG∗~ACO	1	1	0.231	0.077	HN; NI,PY
POS∗AME∗~LEG∗~MOB∗ACO	1	1	0.077	0.077	CL
Solution	1	1	1		

Table A.16: Enhanced Intermediate Solution for Constitutional Endurance - Changing Calibration - 2nd Formula

	Consistency	PRI	covS	covU	Cases
~LEG∗RIG	1	1	0.769	0.462	GT, AR, SV, MX, NI, PY, CR, UY, BR
AME∗RIG∗ACO	1	1	0.154	0.077	PA, PE
~MOB∗RIG∗~ACO	1	1	0.308	0.077	HN, NI, PY, BR
POS∗AME∗~LEG∗~MOB∗ACO	1	1	0.077	0.077	CL
Solution	1	1	1		

The most glaring change brought forth by altering the calibration process is the replacement of AME∗RIG for AME∗RIG ∗ACO. However, this difference arose much more from a stricter approach in relation to the calibration of Legacy of Replacement than from the heightened importance of constitutions' autocratic origins to engendering constitutional endurance. To support this interpretation, note that Nicaragua, the other uniquely covered case for AME∗RIG in the main text beyond Peru, migrated to ~LEG∗RIG in A.15 and A.16, besides also being present in the third path.

The differences between the solutions aimed at revealing the conditions under which countries change their constitutions are subtler. Coincidentally, the only inconsistency is once again in the third path. Specifically, POS appears in A.17 but does not in A.18. Nevertheless, the overall interpretation remains the same as that of the main text. Overall, the results are complex and particularistic. The only shared pattern in the cross-case analysis is the emergence of ~AME among the four instances of Latin American countries that replaced their constitutions under democratic rule. Thus, soundness tests based on changing calibration are consistent with the main text's findings and subsequent discussion.

Table A.17: Enhanced Intermediate Solution for Constitutional Replacement - Changing Calibration - 1st Formula

	Consistency	PRI	covS	covU	Cases
~POS∗~AME∗MOB∗~RIG	1	1	0.250	0.250	CO
~POS∗~AME∗LEG∗RIG∗ACO	1	1	0.500	0.500	EC; BO
POS∗~AME∗LEG∗MOB∗RIG∗~ACO	1	1	0.250	0.250	VE
Solution	1	1	1		

Table A.18: Enhanced Intermediate Solution for Constitutional Replacement - Changing Calibration - 2nd Formula

	Consistency	PRI	covS	covU	Cases
~POS∗~AME∗MOB∗~RIG	1	1	0.250	0.250	CO
~POS∗~AME∗LEG∗RIG∗ACO	1	1	0.500	0.500	EC; BO
~AME∗LEG∗MOB∗RIG∗~ACO	1	1	0.250	0.250	VE
Solution	1	1	1		

References

Elkins, Zachary. 2017. Constitutional revolution in the Andes? In *Comparative Constitutional Law in Latin America*, ed. Rosalind Dixon and Tom Ginsburg. Edward Elgar Publishing pp. 108–125.

Mello, Patrick A. 2022. *Qualitative Comparative Analysis: An Introduction to Research Design and Application.* Washington, DC: Georgetown University Press.

Oana, Ioana-Elena, Carsten Q. Schneider and Eva Thomann. 2021. *Qualitative Comparative Analysis Using R: A Beginner's Guide.* Cambridge: Cambridge University Press.

Schneider, Carsten Q and Claudius Wagemann. 2012. *Set-theoretic methods for the social sciences: a guide to qualitative comparative analysis.* Cambridge: Cambridge University Press.