The Institutional Foundations of the Uneven Global Spread of Constitutional Courts

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Perspectives on Politics

Read Me for Replication and Future Research

This document provides an overview of the data, codes, and variable glossary that are needed to replicate all the statistical analyses presented in our article and Supplementary Material. Also, for those who are interested in examining post-creation constitutional court issues for future research, it describes a separate dataset recording the years of operation for all constitutional courts that were established from 1919 until 2019.

I. Replication

The List of Replication Files

Here are the list and descriptions of our replication data and codes.

First, the two files below are needed to replicate the article's Models 1 to 3 in Table 1 and the Supplementary Material's Tables OA1, OA2, OA4, OA5, OA6, OA7, OA8, and OA9. All these statistical analyses are conducted with Stata 16.1.

KimNolettePOPAnalysis1.do
KimNolettePOPAnalysis.dta

Second, the two files below are needed to replicate the article's Models 4 and 5 in Table 1 and the Supplementary Material's Table OA3. All these statistical analyses are conducted with R 4.3.0. You will need R packages haven, survival, cmprsk, crrSC, and aod. The "KimNolettePOPAnalysisStata12.dta" file is the same as the "KimNolettePOPAnalysis.dta" file in the above, except that it is saved as Stata 12.

KimNolettePOPAnalysis2.R
KimNolettePOPAnalysisStata12.dta

Finally, the five files below are needed to replicate the article's Figures 1 to 3. The "KimNolettePOPAnalysis1Figure3.do" file is needed to compute all the explanatory variables'

substantive significance that is based on the article's main model (that is, Model 1 in Table 1) and reported in Figure 3.

KimNolettePOPAnalysis1Figure3.do
KimNolettePOPFigures1-3.do
KimNolettePOPFigure1.dta
KimNolettePOPFigure2.dta
KimNolettePOPFigure3.dta

Variable Glossary

Here are the brief descriptions of all the variables contained in our replication data. Please see the article and the Supplementary Material for the full details on how they are measured.

id	Numeric country codes unique to our data. 172 countries are numbered after being sorted by our modified version of the World Bank's ISO (that is, three-character) codes for countries. Use this "id" variable when using the "cluster" option in Stata or R.
state	Country names
iso2	Our modified version of the World Bank's ISO country codes. Particularly, pay attention to Czechoslovakia (CZS), the Democratic Republic of Congo (ZAR), Romania (ROM), Serbia (formerly, Serbia-Montenegro) (YUG), the Socialist Federal Republic of Yugoslavia (the former Yugoslavia) (YGS), and Timor-Leste (TMP). Note that we do *not* treat Serbia as a successor state of the Socialist Federal Republic of Yugoslavia because when the latter broke up in 1991, Serbia did *not* continue the latter's memberships in the United Nations organs and treaty obligations.
ccode	The Correlates of War (COW) Project's numeric country codes. Recall that we use the "id" variable for our statistical analyses. ccode is provided to facilitate data merging.
year	Recall that all explanatory variables use a one-year lag in our statistical analyses. All explanatory variables are measured at "year," that is, year t.
year1	All dependent variables are measured at "year1," that is, year t+1.
event	Indicator variable for constitutional court creation (actual operation)
istart	Interevent time start (actual operation)
ifinish	Interevent time end (actual operation)
eventnum	Event number (actual operation) for stratification
commonlaw	*Common Law System*
civillaw	*Civil Law System*
VCengage	*Venice Commission Engagement*
Polinsur	*Political Insurance*

RoverG	*Regional Contagion* per Neumayer's (2008, 256) operationalization
Rpct	*Regional Adoptions* per Simmons' (2009, 384) operationalization
dt3yrs	*Recent Democratic Transition*
dt1yr	*Democratic Transition within 1 Year*
dt5yrs	*Democratic Transition within 5 Years*
dt10yrs	*Democratic Transition within 10 Years*
v2xnp_pres12	*Presidentialism*
lnlatent_gdppcWB22	*GDP per capita*
europe	Dummy variable for Europe
soviet	Dummy variable for the former Soviet Union
event_ccpcncyr1	Indicator variable for constitutional legislation for the Kelsenian model of judicial review (constitutional legislation)
istart_ccpcnc	Interevent time start (constitutional legislation)
ifinish_ccpcnc	Interevent time end (constitutional legislation)
eventnum_ccpcnc	Event number (constitutional legislation) for stratification
event_CR_ccpcncyr1	"CR" stands for competing risks. Constitutional legislation for the Kelsenian model of judicial review as the event of interest (2); constitutional legislation for the American model of judicial review as the competing event (1); non-event (0)
time_CR_ccpcnc	Failure time for competing-risks models
m_VCengage	*Mean.Venice Commission Engagement*
d_VCengage	*Deviation.Venice Commission Engagement*
m_polinsur	*Mean.Political Insurance*
d_polinsur	*Deviation.Political Insurance*
m_RoverG	*Mean.Regional Contagion*
d_RoverG	*Deviation.Regional Contagion*
m_dt3yrs	*Mean.Recent Democratic Transition*
d_dt3yrs	*Deviation.Recent Democratic Transition*
m_v2xnp_pres12	*Mean.Presidentialism*
d_v2xnp_pres12	*Deviation.Presidentialism*
m_lnlatent_gdppcWB22	*Mean.GDP per capita*
d_lnlatent_gdppcWB22	*Deviation.GDP per capita*
t1, t2, t3	*Time*, *Time*^{2}, and *Time*^{3}
upopfixpct	*Urbanization*
islmsunpct	*Sunni Population*
VCleaderlji17join	*Venice Commission Judicial Independence Density*
ihs_distWashDCkm	*Distance from the US*
ABAengage	*American Bar Association Assistance*
federal_polcon	*Federalism*
lji20170321	*Judicial Independence*
v2x_polyarchy12	*Polyarchy*
KOFCuGI	*Cultural Globalization*
agreeRUS	*Foreign Policy Similarity to Russia*
agreeCHN	*Foreign Policy Similarity to China*
Rdictpct	*Regional Dictatorial Neighbors*

Rrvse_poly	*Regional Reversed Polyarchy*
Rrvse_jucon	*Regional Reversed Judicial Constraint*
Rrvse_rule	*Regional Reversed Rule of Law*
Rrvse_lji	*Regional Reverse Judicial Independence*
_st, _d, _t, _t0	Stata's internal variables for event history data

II. Future Research

In addition to making our replication files publicly available, we share a separate dataset recording the year of operation for all constitutional courts that were established from 1919 until 2019: that is, KimNolettePOP_ConstitutionalCourtCreation1919-2019.xls.

Here are the brief descriptions of all the variables contained in the EXCEL data.

state	Country names
iso2	Our modified version of the World Bank's ISO country codes
ccode	COW numeric country codes
begin	Our observation start year: either 1946 or the year of independence
end	Our observation end year: either the start year of a constitutional court's operation for constitutional court adopters or 2019 (or the year in which a given country ceased to exist) for non-adopters
event	Indicator variable for constitutional court creation (actual operation). "1" means that each country's constitutional court began its operation in a given year and, if both "1stcourt" and "begin2" are blank, remained alive and operative until the end of 2019 (or the year in which a given country ceased to exist). "0" means no constitutional court creation until the end of 2019 (or the year in which a given country ceased to exist).
1stcourt	Note that six countries—namely, Burundi, the Central African Republic, the Republic of Congo, Czechoslovakia, Spain, and Kyrgyzstan—have established, abolished, and then re-established a Kelsenian constitutional court, although Kyrgyzstan re-created its constitutional court in 2021 after the end of our observation period. "1stcourt" denotes the start year of operation for these six countries' first-time constitutional courts.
begin2	"begin2" means the year of those six countries' re-entry into the risk set for a second-time constitutional court creation. In other words, it captures the year of those six countries' disestablishing the first-time constitutional courts. Take Spain for example. Spain had created its constitutional court for the first time in 1933 ("1stcourt"=1933) and abolished it in 1939 ("begin2"=1939), both of which had occurred before our observation begins in 1946 ("begin"=1946). Since 1939 ("begin2"=1939), Spain had remained at risk of (that is, eligible for) a second-time constitutional court adoption. Then, the Spanish government re-established its constitutional court in 1980 ("end"=1980), and the Constitutional Court of Spain remained alive and operative from 1980 until the end of 2019.