APPENDIX B: CORE CODEBOOK[1]

This document is a manual to conduct the empirical pillar of the research on each of the 15 jurisdictions, resulting in 16 excel sheets (as from Ecuador we have two samples). Each Excel sheet contain 40 landmark cases selected by the Authors of each Country Chapter following the indications in the CORE Project Guide. We will work with 640 observations in total.

The authors should be able to complete every cell of the Excel Table. If a given argument or concept was explicitly considered or invoked by the judicial opinion, it shall be counted as 'YES'. If the argument or concept was not invoked in a verifiable way, please indicate 'NO'. If the expert cannot fill the cell based on the required information, either because she does not have the information or the requirement does not apply to the realm of her country/case study, she should mark 'NA' or '0' to identify her response as 'missing'.

Almost all the responses are categorical (mostly, they are coded in 'YES' or 'NO'). However, in the case of certain indicators we included different categories of 'YES' by differentiating among options referred to as (1), (2), (3) etc. For the effect of these indicators, if an answer was 'YES', there were consecutively numbered options to choose from. Depending on the nature of the issue, different options could be marked at the same time.

Questions for Overall Identification (Q1–Q8)

Coding	Question or variable label	Conceptualisation	Indicator(s)/ Measurement
Q1 Reference	Reference of the decision?	Please write in English, Spanish or Portuguese the official reference of the decision. If the reference of the decision is in a native language other than the above-mentioned, please write it in English.	Please name of the reference of the decision.
Q2A Year	Year of the decision	Year when the decision was rendered.	Please specify the exact year of the decision.

[1] Updated and edited version of the Questionnaire for the purposes of the present publication. The present structure was borrowed from A Jakab et al, *Comparative Constitutional Reasoning* (Cambridge University Press, 2017). See more about the methodology here, A Jakab, A Dyevre and G Itzkovich, CONREASON – The Comparative Constitutional Reasoning Project. Methodological Dilemmas and Project Design. *MTA Law Working Papers* 2015/9.

Coding	Question or variable label	Conceptualisation	Indicator(s)/ Measurement
Q2B Range	Range of decision's year		2019–2011 = 1 2010–2001 = 2 2000–1991 = 3 1990–1981 = 4 >1980 = 5
Q3 Opinion	Dissenting or concurring opinion in the case?	If the case was adopted unanimously or there is no traceable sign of disagreement, the judgement shall be considered as not containing any minority decisions. Whereas if there is an official record that one or more judges disagreed on the reasoning, but agreed on the decision (to reject or to accept the complaint), it is a 'concurring opinion', and if one or more judge disagreed both on the reasoning and on the decision, it is a 'dissenting opinion'.	Please, indicate if the decision includes minority opinions. Please specify (YES) if you have found either dissenting or concurring opinions, or both, and 'NO' if there's no minority decision. If separate decisions are not allowed, please leave it blank.
Q4 Dispositi on	Case disposition?	The case disposition refers to whether the decision of the Court was favourable for the complainant, or it was rejected. Solely if the judgment prescribes a binding interpretation (of the constitution's statutes), then the question should be left blank. If the Court states an 'unconstitutional omission' or grants a 'preventive control', then the cell should be 'YES'. Acceptability decisions can also be categorised as 'YES', if the acceptability was granted, or as 'NO' if the acceptability was denied. An interim relief is also a 'YES'.	Please indicate 'YES' if the Court found (at least partially) against the challenged law, act, decree or ordinary court decision or 'NO' if the unconstitutionality was rejected.

Coding	Question or variable label	Conceptualisation	Indicator(s)/ Measurement
Q5 **Topic**	General topic?	The general topic refers to whether the case could be considered as a human rights/fundamental rights case, a case of constitutional structure or a case that has procedural aspects at its heart. It is important, that this element (too) shall be evaluated on the substance and not the form only – meaning, however, if the complaint is about the right to housing, but the Court avoids dealing with the substantial aspects of this right and rather deviates from it towards the procedural/due process aspects, this should be considered as the option (3).	Please indicate (1) Fundamental Rights; (2) State Organisation; (3) Procedural, due process; (4) Other. Note: This column also serves to specify if the response is a combination of the above- indicated alternatives.
Q5A		ONLY: 'Fundamental Rights'.	0 = No 1 = Yes
Q5B		ONLY: 'State organisation'.	0 = No 1 = Yes
Q5C		ONLY: 'Procedural, due process'.	0 = No 1 = Yes
Q5D		ONLY: 'Other'	0 = No 1 = Yes
Q6 **Issue**	Concrete issue?	The concrete issue refers to the substantial topic of the case at hand, characterised by the expert's own words.	Please, characterise briefly the issue at hand, using your own words.
Q7 **State**	Top- down/ bottom- up involvement?	Top-down involvement refers to whether any organs or bodies of the government (branches, authorities, offices, ministries, state-owned companies etc.) or the president initiated the constitutional review procedure in the concrete case. Some countries	Please indicate 'YES' if the government or any of its bodies initiated the case at hand. Please indicate 'NO' if a civil society organisation or a (group of) citizen(s) initiated or proposed the case at hand.

Coding	Question or variable label	Conceptualisation	Indicator(s)/ Measurement
		granted fundamental rights protection to the government organs. This means that these bodies could start constitutional review cases before the Courts and they could win them against citizens or private companies. Bottom- up involvement refers to constitutional review cases initiated by citizens or civil society organisation.	
Q8A Length of the judgmen t?	How long is the judgment?	This includes the complete length of the sentence from the very beginning until the end of the concurring and dissenting opinions. Please to count the pages, use the official format of the decision (in the *Gaceta Oficial* or the redaction you find on the official webpage of the Court).	Please indicate the number of pages of the judgment.
Q8B (Range) Length of the judgmen t?	How long is the judgment in range?		1 = 0–49 pages 2 = 50–99 pages 3 = 100–199 pages 4 = ≥ 200 pages

Questions Related to the Interpretive Methods (Q9 – Q26)

Coding	Question or variable label	Conceptualisation	Indicator(s)
Q9	Structure of argument?	By one-line conclusive arguments, we refer to a standalone structure, in which every premise represents a necessary component of the argument. By parallel conclusive arguments, we refer to a cumulative parallel structure, in which two or more divergent and self-sufficient considerations lead to the same conclusion.	Please select (1), if you identify a one-line conclusive argument; (2) if you identify a parallel conclusive argument; and (3) if you find a parallel, individually inconclusive, but together conclusive arguments.

Coding	Question or variable label	Conceptualisation	Indicator(s)
		By individually inconclusive, but together conclusive arguments, we refer to several different arguments that would not be conclusive separately, but together they are sufficient to reach the conclusion.	
Q9A		ONLY: 'one-line conclusive argument'	0 = No 1 = Yes
Q9B		ONLY: 'parallel conclusive argument'	0 = No 1 = Yes
Q9C		ONLY: 'parallel, individually inconclusive, but together conclusive argument'	0 = No 1 = Yes
Q10	Identifying or explicitly discussing the Constitution's text?	Arguments that define the scope of the constitution means to discuss explicitly what counts as part of the constitutional text. These arguments usually emerge when it is not clear whether a norm is part of the supreme law of the land, ie if it's recognised as a constitutional text or not.	Please check 'YES' if the judicial opinion openly discusses what counts as constitutional text; otherwise indicate 'NO'.
Q11	Is the applicability of constitutional law discussed?	This question relies on the applicability *ratione materiae* of the constitution, its binding force, and the constitutional enforceability and justiciability. Statements to illustrate this are eg 'the case at hand has no constitutional relevance; the case falls within the discretion of the legislator [or other non-judicial institution]' Using the doctrine of conventionality control or the concepts like the margin of appreciation would fall under this category as well.	Please check 'YES' if the judicial opinion openly considers whether constitutional law can be applied by the Court or not. Otherwise, check 'NO'.
Q12	Analogy?	Analogy is an argument to fill in gaps and to resolve the case at hand that is not regulated in the constitution by using similar institutions or principles from other fields of jurisprudence.	Please check 'YES' if the judicial opinion explicitly discusses analogy. Otherwise, indicate 'NO'.

Coding	Question or variable label	Conceptualisation	Indicator(s)
Q13	Ordinary meaning of words?	By ordinary meaning of words, we refer to the grammatical-literal interpretation of the words/phrases/ articles of the constitution, following its everyday or professional meaning.	Please check (1) if the judicial opinion openly refers to the ordinary meaning of the text of the constitution in the majority decision. Please, check (2) if the ordinary meaning method is openly referred in dissenting or concurrent opinions. Otherwise, indicate 'NO'.
Q13A		ONLY: 'ordinary meaning of the text of the constitution in the majority decision'	0 = No 1 = Yes
Q13B		ONLY: 'dissenting or concurrent opinions'	0 = No 1 = Yes
Q13C		BINARY AGGREGATION: '(Q13A+Q13B)'	0 = No 1 = Yes
Q14	Domestic harmonising arguments?	This method refers to those types of arguments that interpret different articles, sections or provisions of the same constitution in harmony with each other. It can also be called 'integrative' method. This only applies at the domestic level, meaning with respect to the national constitution.	Please check 'YES' if the judicial opinion expressively refers to domestic harmonising arguments. Otherwise, indicate 'NO'.
Q15	Harmonising with international law requirements?	This question assumes that international law and domestic law can concur each other. This method refers to the use of international legal instruments in order to interpret the constitution. While deciding about this component, the universally accepted sources of international law shall serve as guidance.	Please check (1) if the judicial opinion openly refers to international legal instruments from the Inter-American system. Please, check (2) if the judicial opinion openly refers to any other binding sources of international law; (3) if the judicial opinion openly refers to sources of international soft law. Otherwise, please check 'NO'.

Coding	Question or variable label	Conceptualisation	Indicator(s)
Q15A		ONLY: 'international legal instruments from the Inter-American system'	0 = No 1 = Yes
Q15B		ONLY: 'other binding sources of international law'	0 = No 1 = Yes
Q15C		ONLY: 'sources of international soft law'	0 = No 1 = Yes
Q15D		BINARY AGGREGATION: (Q15A+Q15B+Q15C)	0 = No 1 = Yes
Q16	Precedent-based arguments?	A precedent-based argument means the use of previous judgements or preliminary rulings of the same court, already resolved, in order to interpret the text of the constitution.	Please check 'YES' whether the judicial opinion explicitly precedent-based arguments. Otherwise indicate 'NO'.
Q17	Invokes a concept or a principle not mentioned in the constitutional text?	This method means the application of those principles and concepts that are not mentioned or defined explicitly in the text of the constitution, but courts can employ them to interpret the constitution.	Please check 'YES' if the judicial opinion invokes a concept or a principle not specified expressively in the constitutional text. Otherwise indicate 'NO'.
Q18	Argument from silence?	An argument from silence (*argumentum ex silentio)* is based on the omission or lack of expressive reference to something to interpret the constitution.	Please indicate 'YES' if the judicial opinion considers argument from silence. Otherwise indicate 'NO'.
Q19	Teleological (textual) arguments?	This type of teleological argument refers to the purpose or aim of the provision in question that has expressive textual basis in the constitution (therefore, it is 'objective').	Please indicate 'YES' if the judicial opinion explicitly invokes the supposed purpose of the constitutional provision (or part thereof). Otherwise indicate 'NO'.
Q20	Teleological (historical-intentional) arguments?	This kind of teleological argument (often denominated as subjective teleological argument) considers the constitution-maker's purpose or intention to interpret the constitution. It might take the form of a reference to a work-in- progress or *travaux préparatoires*.	Please check (1) if the judicial opinion openly refers to the intention of the constitution-maker in the majority decision. Please, check (2) if it is used in dissenting or concurrent opinions. Otherwise indicate 'NO'.

Coding	Question or variable label	Conceptualisation	Indicator(s)
Q20A		ONLY: 'intention of the constitution-maker in the majority decision'.	0 = No 1 = Yes
Q20B		ONLY: 'dissenting or concurrent opinions.'	0 = No 1 = Yes
Q20C		BINARY AGGREGATION: (Q20A+Q20B)	0 = No 1 = Yes
Q21	Non-legal arguments?	Non-legal arguments are explicitly moral/religious, economic, scientific/medical or sociological arguments (ie arguments that are clearly grounded on externalities to the legal process or the law) during constitutional interpretation.	Please indicate if the judicial opinion invokes or considers: (1) Economic, (2) Sociological, (3) Moral/Religious; (4) Scientific/Medical. Otherwise indicate 'NO'.
Q21A		ONLY: 'Economic'	0 = No 1 = Yes
Q21B		ONLY: 'Sociological'	0 = No 1 = Yes
Q21C		ONLY: 'Moral/Religious'	0 = No 1 = Yes
Q21D		ONLY 'Scientific/Medical'	0 = No 1 = Yes
Q21E		BINARY AGGREGATION: (Q21A+Q21B+Q21C+Q21D)	0 = No 1 = Yes
Q22	Reference to scholarly work?	Both concrete or generic references such as 'dominant doctrine' or 'authoritative doctrine' should be considered as scholarly contributions. The use of concepts and theories associate with academic origins should not count as scholarly contributions if no explicit references to legal-constitutional scholarship is emitted. Foreign or national scholarly sources are equally treated as scholarly work.	Please check 'YES' if the judicial opinion explicitly invokes scholarly contributions. Otherwise indicate 'NO'.

Coding	Question or variable label	Conceptualisation	Indicator(s)
Q23	Reference to foreign law?	By referring to foreign law, we allude to arguments that explicitly invoke or consider foreign legal sources (foreign countries' legal norms, foreign courts' sentences or 'the results of comparative law', meaning the experience of foreign legal institutions). Neither words nor expressions in other languages count as a positive response.	Please mark (1) if the judicial opinion invokes or consider foreign laws from Latin American countries. Please check (2), if the judicial opinion invokes or considers foreign laws of other regions. Otherwise indicate 'NO'.
Q23A		ONLY: 'foreign laws from Latin American countries'	0 = No 1 = Yes
Q23B		ONLY 'foreign laws of other regions'	0 = No 1 = Yes
Q23C		BINARY AGGREGATION: (Q23A+Q23B)	0 = No 1 = Yes
Q24	Pro homine or Pro persona principles	This is an interpretive principle that aims at maximising the protection of human rights and at the same time, minimalise restrictions pertaining to them. It has an interpretive aspect and an aspect of application of the law. The first means an extensive interpretation or a restrictive interpretation depending on which one is more in favour of the effective protection of rights, while the other aspect means the preference of norms that are more favourable to the effective protection of human rights.	Please check 'YES' if the judicial opinion explicitly uses *pro homine* or *pro persona* principles of interpretation. Otherwise indicate 'NO'.
Q25	Other types of argument or method?	Including references to all the other types of arguments that cannot be fitted to any of the previous categories.	Please check 'YES' if the judicial opinion invokes other type of arguments that could not be specified as any of the previous ones. Otherwise indicate 'NO'.

Questions Related to Key Concepts Used in the Argumentation (Q26 – Q49)

Coding	Question or variable label	Conceptualisation	Indicator(s)
Q26	The rule of law invoked as an argument?	We can differentiate between the 'thin' and the 'thick' version of rule of law. The former refers to the basic formal requirements of law (ie general, universally applicable laws, publicity, equality under the law, clear, understandable, coherent laws, prohibition of retroactive laws, judicial review, separation of powers). The 'thick' version basically refers to the proper implementation and well-functioning of these rules, such as foreseeability, legal security, accountability, stability, judicial accountability, judicial independence, fair trial. (Voigt 2009. Also see, World Justice Project, 2019, 9.). In Latin America there seems to exist a slightly different conceptualisation of rule of law. 'Estado de derecho', or 'Estado social de derecho' is the one that is the most similar to 'rule of law' and refers to a certain quality of the state. Besides this, we can find 'el principio de legalidad' more related to the thin version of rule law, while 'seguridad jurídica' is limited to legal certainty.	Please check (1) if the judicial opinion expressively invokes or considers the concept of 'estado de derecho' or rule of law. Please check (2) if the judicial opinion invokes 'el principio de legalidad' or 'legalidad' or legality. Please check (3) if you find an expressive reference to 'seguridad jurídica' or legal security. Otherwise indicate 'NO'.
Q26A		ONLY: 'concept of '*estado de derecho*' or rule of law'	0 = No 1 = Yes
Q26B		ONLY: 'concept '*el principio de legalidad*' or '*legalidad*' or legality.	0 = No 1 = Yes
Q26C		ONLY: 'concept 'seguridad jurídica' or legal security'	0 = No 1 = Yes
Q26D		BINARY AGGREGATION: (Q26A+Q26B+Q26C)	0 = No 1 = Yes

Coding	Question or variable label	Conceptualisation	Indicator(s)
Q27	Judicial independence invoked as an argument?	The concept of judicial independence means that no other state function can interfere with the judicial branch, as it shall enjoy independence from the interventions of other branches. The judges while interpreting and applying the laws shall only be subjected to the constitution and the laws. Judicial independence has a structural aspect, according to which the judicial branch shall have an independent organisation, and a financial one which refers to the budgetary independence that this branch shall enjoy.	Please check 'YES' if the judicial opinion expressively invokes the concept of judicial independence. Otherwise indicate 'NO'.
Q28	Democracy invoked as an argument?	Following the conceptualisation offered by Dahl (1971), a substantive perspective of democracy categorises political regimes in relation to the outcomes that they generate. A minimalist, or procedural, perspective of democracy refers to political regimes in relation to their institutions and procedures. In this regard, democracy can be conceptualised and measured into two dimensions: (1) contestation or the extent to which the demos are free to create political organisations in order to channel the social demands into decision-making process; and (2) inclusion or the degree of participation in the democratic process.	Please check 'YES' if the judicial opinion invokes or considers the concept of democracy. Otherwise indicate 'NO'.
Q29	Sovereignty invoked as an argument?	According to the Westphalia Pax, sovereignty means state authority (Krasner, 2001). Following Thomas Hobbes, sovereignty relapses on the ultimate decision unit. Sovereignty within a state comprises a permanent population, a geographically defined territory, and a government with the capacity to establish (cooperative) relations with other sovereign states.	Please check 'YES' if the judicial opinion invokes or considers the concept of sovereignty. Otherwise indicate 'NO'.

Coding	Question or variable label	Conceptualisation	Indicator(s)
Q30	State form invoked as an argument?	The form of the state can be basically (constitutional) monarchy or republic.	Please check 'YES' if the judicial opinion expressively invokes the concept of the state form. Otherwise, please, mark 'NO'.
Q31	Government system by procedural structure invoked as an argument?	Government system by procedural structure could be classified in three different clusters: parliamentarian system (whether in a monarchy or in a republic); presidential systems (whether with a prime- minister or with a president as the head of state); and semi- presidential system (whether as premier- presidential system or presidential- parliamentary system). Yet, as of Latin America largely has presidential systems, we suggest indicating the nuances of different sub-types of presidentialism.	Please check (1) if the judicial opinion invokes the concept of hyper-presidential system. Mark (2) if the judicial opinion considers presidential emergency power. Indicate (3) if the judicial opinion refers to presidential term/ decision. Please indicate (4) if the judicial opinion invokes other forms of government systems such as parliamentarism or semi/presidentialism. Otherwise indicate 'NO'.
Q31A		ONLY: 'concept of hyper-presidential system'	0 = No 1 = Yes
Q31B		ONLY: 'concept of presidential emergency power'	0 = No 1 = Yes
Q31C		ONLY: 'concept of presidential term/ decision'.	0 = No 1 = Yes
Q31D		ONLY: 'other forms of government systems such as parliamentarism or semi/presidentialism'	0 = No 1 = Yes
Q31E		BINARY AGGREGATION: (Q31A+Q31B+Q31C+Q31D)	0 = No 1 = Yes
Q32	Government system by power structure invoked as an argument?	Government system by power structure could be understood as unitary or federal systems. The concept includes references to 'regionalism', 'autonomous regions', or 'autonomy of local governments'.	Please check 'YES' if the judicial opinion invokes or considers the concept of federalism. Otherwise indicate 'NO'.

Coding	Question or variable label	Conceptualisation	Indicator(s)
Q33	Secularism invoked as an argument?	Following Max Weber (1905), secularism could be defined as the way in which government remain objective or neutral regarding any religious affair, and neither enforce, nor forbid the freedom of cult, religion, or the religious choice to the citizenry. We count references to the concept of laic state as well. This includes references to 'secularism', 'the separation of church and state', 'the state neutrality in religious affairs' or to 'laic state'.	Please check 'YES' if the judicial opinion invokes or considers arguments regarding the state-religion separation. Otherwise indicate 'NO'.
Q34	Nation invoked as an argument?	By the term of nation we refer to the concept of nation- state, which is a sovereign territory whereby the vast majority of inhabitant shares a similar culture and identity. We also mean to include the competing notions of nation, such as 'plurinationality'.	Please check 'YES' if the judicial opinion invokes or considers the different concepts of nation. Otherwise indicate 'NO'.
Q35	Proportionality invoked as argument?	Proportionality is a legal construct used to adjudicate human rights disputes, ie to resolve collisions between colliding values and rights. There are different versions of the test, but usually the model includes the following steps: legitimate aim, suitability of the aim, suitability of the restriction, proportionality of the restriction. We mean to include all versions of the test, such as plain 'balancing' and 'scrutiny', as well as the different versions of the proportionality test.	Please check 'YES' if the judicial opinion invokes or considers the concept of proportionality or similar means-end test. Otherwise indicate 'NO'.
Q36	Core of constitutional rights or competences?	The legal construct of 'core content of rights' *(Wesensgehalt)* that refers to the unchangeable or inviolable essential origin of all fundamental and human rights.	Please check 'YES' if the judicial opinion invokes or considers doctrines of the core content of either fundamental rights or of competences. Otherwise indicate 'NO'.

Coding	Question or variable label	Conceptualisation	Indicator(s)
Q37	Human dignity invoked as an argument?	According to Steinmann (2016), 'human dignity' is a contested concept. At the ontological level, the author defined 'human dignity' as a value or a right, directly associated with the unique qualities of every individual and the recognition of the second-generation social and economic human rights.	Please check 'YES' if the judicial opinion invokes or considers the concept of human dignity. Otherwise indicate 'NO'.
Q38	Equality invoked as an argument?	By the concept of equality, we mean both general legal and political equality, in which all citizens in a given state are of equal standing before the law, and the equal treatment in terms of (human) rights (prohibition of unjustified discrimination).	Please check 'YES' if the judicial opinion invokes or considers the concept of equality. This includes references to non- discrimination too. Otherwise indicate 'NO'.
Q39	Basic procedural rights invoked as an argument?	The concept of 'basic procedural rights' includes references to procedural due process, right to effective judicial review, adversarial principle, rights of the defence, right to be heard, *ne bis in idem*, principle of the legality of criminal offences and penalties, presumption of innocence. However, it excludes references to the constitutional requirements of the legislative and constitution-making procedures.	Please check 'YES' if the judicial opinion invokes or considers the concept of basic procedural rights. Otherwise indicate 'NO'.
Q40	Freedom of expression as an argument?	The freedom of expression is the right of every individual to manifest her/his opinion through any means of the public discourse.	Please check 'YES' if the judicial opinion invokes or considers the concept of freedom of expression. Otherwise indicate 'NO'.
Q41	Rights to privacy as an argument?	Privacy refers to protection of the private sphere, family, home or correspondence, as well as the person's honour and reputation. This concept also includes references to data protection and copyrights.	Please check 'YES' if the judicial opinion invokes or considers the concept of privacy rights. Otherwise indicate 'NO'.

Coding	Question or variable label	Conceptualisation	Indicator(s)
Q42	Post-material values as an argument?	Post-material values highlight self-expression and quality of life over economic and physical security (Inglehart, 1977). According to Inglehart and Welzel (2005), post-material values trigger individuals' demand for freedom and provide a new type of civic culture, which shifts political institutions making them more efficient and responsive. These values include happiness, trust, pro-social norms and principles, ecology, social capital, social ties, civil culture, and civil engagement. Mentions to '*buen vivir*', '*Pacha Mama*' or similar indigenous concepts that refer to the harmony with nature shall be considered here as well.	Please check 'YES' if the judicial opinion invokes expressively post-material values. Otherwise indicate 'NO'.
Q43	Justice as an argument?	We consider here the material concept of justice (both in the corrective and distributive sense). Justice has three basic elements: it is interpersonal, meaning that it can only exist in relation to another person(s), it involves a duty, meaning there is something that is owed to another person, and it implies equality, meaning an equilibrium or balance in relation to what is owed.	Please check 'YES' if the judicial opinion invokes or considers the concept of justice. Otherwise indicate 'NO'.
Q44	Custom as an argument?	Custom refers to the legal tradition on a national level, either with or without an explicit mention of a concrete source from the domestic legal history. On a high level of generality, references to the 'constitutional tradition', 'customs of law' or the like should be included in this category. It applies only if one cannot qualify it as subjective teleological argument.	Please check 'YES' if the judicial opinion invokes or considers the concept of custom. Otherwise indicate 'NO'.
Q45	Family as an argument?	References to family in general, or specifically to the social, legal and cultural aspects, conditions or values of family shall be considered here.	Please check 'YES' if the judicial opinion invokes or considers the concept of family. Otherwise indicate 'NO'.

Coding	Question or variable label	Conceptualisation	Indicator(s)
Q46	Transition as an argument	References to transition, as a legal, cultural and institutional phenomena that involves change on a structural level. In the original, strict sense, transition is understood as a process of transformation from an authoritarian regime to democracy. However, recently it has been used to refer to transition from a democracy to an authoritarian regime too, as well as to allude to the process of remodelling of social and cultural institutions.	Please check 'YES' if the judicial opinion invokes or considers the concept of transition. Otherwise indicate 'NO'.
Q47	Economic, social, cultural and environmental rights as an argument?	Economic, social, cultural and environmental rights incorporate the rights to adequate food, housing, education, health, social security, as well as to take part in cultural life, to adequate water and sanitation, and to work. Lately, the jurisprudence of the IACHR has included environmental rights under this category as well.	Please check 'YES' if the judicial opinion invokes or considers social, economic and cultural rights. Otherwise indicate 'NO'.
Q48	Mechanisms of political control as an argument?	By mechanism of political control, we refer to constitutional mechanisms to make politicians accountable to citizens as Adserá, Boix & Payne (2003) suggested. Mainly these types of mechanisms occur in relation to corruption cases or issues of good government and efficiency.	Please check 'YES' if the judicial opinion invokes or considers control mechanism. Otherwise indicate 'NO'.
Q49	Judicial activism as an argument?	By the concept judicial activism, we refer to following features of the judicial decision: (1) extend or amplify the scope of the court's competences of constitutional review compared to what is expressively given by law; (2) derive completely new powers that are/were not written explicitly in the Constitution; (3) amplify or create a new remedy not included in law; (4) create new constitutional norms or interpret them in a evolutive/extensive way. For our present purposes, the expressive use of the concept of (judicial) activism would count here.	Please check 'YES' if the judicial opinion invokes or considers the concept of (judicial) activism. Otherwise indicate 'NO'.

Question Related to Overall Weight of the Arguments (Q50)

Q50	Overall weight of the arguments	The overall weight of the arguments refers to the ratio between those arguments that were mentioned but not taken into consideration, and those that in fact contributed to conclusion of the issue at hand (on 'conclusion' we mean the Case Disposition in Q4). Arguments could be categorised based on their weight as follows: conclusive (*ratio decidendi)* arguments are the ones that determine the conclusion. Supportive arguments (*obiter dictum)* are those that are not conclusive, but they support the conclusion. Finally, *decorative or rhetorical arguments* are those that do not have any persuasive effect from a conceptual/legal point of view, but only from a political-communication point of view. Also, you might find *pseudo arguments or inappropriate arguments* that are not even arguments, because the Court does not express the logical connection between its assertions and the conclusion. First you need to identify the arguments mentioned by the Court (this is what you have been doing already by filling out the previous rubrics of the Excel) and then experiment by imagining deleting them one by one. If by deleting an argument, the conclusion would be different, you have found the conclusive argument. If by deleting an argument, the final decision would still be the same, but less persuasive, you have found the supportive argument. If the deleted argument does not affect at all the conclusion, you might have found a decorative or rhetorical argument.	Please check (1) if most of the arguments mentioned in the judicial opinion were conclusive or supportive arguments. Please check (2) if the proportion between the conclusive and supportive arguments on the one hand, and the decorative, rhetorical, or deceptive arguments were equal. Please, check (3) if the majority the judicial opinion used rhetorical, or deceptive arguments.
Q50A		ONLY: 'ratio decidendi or obiter dictum arguments'	0 = No 1 = Yes

Q50B		ONLY: 'if the proportion between the ratio decidendi and obiter dictum arguments on the one hand, and the decorative, rhetorical or deceptive use of arguments were practically equal'	0 = No 1 = Yes
Q50C		ONLY: 'rhetorical, or deceptive arguments'.	0 = No 1 = Yes
Q51	Classical Formalistic Methods	BINARY AGGREGATION: (Q13C+Q20C)	Scale 0-1
Q52	Creative, Anti-Formalistic Methods	BINARY AGGREGATION: (Q15D+Q17+Q21E+Q22+Q23C+Q24)	Scale 0-1
Region			Southern Cone (ie, Argentina, Brazil, Chile, Paraguay and Uruguay) = '1'; Andean Region (ie, Bolivia, Colombia, Ecuador, Peru, and Venezuela) = '2'; Central America (Costa Rica, Guatemala and Mexico) = '3' Other (ie, Commonwealth Caribbean and Inter-American Court) = '4'.