The Lifespan of Written Constitutions

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I. INTRODUCTION

According to an old joke, a patron goes into a library and asks for a copy of the French Constitution, only to be told that the library does not stock periodicals. The joke captures a typical Anglo-American view of France as a country with suspect democratic credentials, more concerned with fashion and form than substance. Yet France is more typical of national constitutional practice than the United States with its venerable 217-year old constitution. By our estimate, national constitutions have lasted an average of only sixteen years since 1789. This is an unsettling estimate of life expectancy for a document whose basic functions are to express guiding national principles, establish basic rules, and limit the power of government – all of which presuppose constitutional longevity.

Of course, the optimal lifespan of a constitution is not obvious, and in some cases there are very good reasons for a comprehensive review, if not replacement, of such documents. On balance, however, constitutions that endure should be more likely to promote effective, equitable, and stable democracy. With this background assumption, which we examine in more depth below, we explore the constitutional chronologies of nation-states in order to understand the origins and durability of constitutional systems. How durable are constitutions and what factors lead to their demise? In particular, our concern is whether aspects of the design of constitutions have any significant effect on constitutional durability net of other risk factors.

These questions are not merely of academic interest. Recent constitutional drafting exercises in Afghanistan (2003) and Iraq (2004 and 2005) have been central milestones of American foreign policy. Each of these efforts sought to solve particular

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1 This paper is part of a larger project to understand the origins and characteristics of written constitutions, both past and present, for most independent states (http://netfiles.uiuc.edu/zelkins/constitutions). One component of the project is the collection of data on the characteristics of constitutions for most states in the world. The data will be useful in understanding the origins and consequences of constitutions. In particular, we will be able draw inferences about learning and diffusion based on observed similarities across Constitutions. In order to define the sample for this project, we have identified the promulgation dates of all constitutions and major amendments for the countries in the sample. Those constitutional chronologies are our focus in this paper.

2 16.1 to be precise. The median lifespan is only eight years.
institutional problems, with different levels of success. It is, of course, too early to say whether either of these constitutions will survive to adulthood, but circumstances do not appear propitious in either country. In a far less volatile context last month, the 1997 Constitution of Thailand—considered by many a model of institutional design adopted with extensive citizen participation—died a peaceful death in a bloodless coup at the age of nine. Understanding what leads to such instances, and in particular whether design choices matter, has the potential to inform a science of constitutional design (Horowitz 2001).

This paper proceeds as follows. The next section defines constitutions for purposes of our analysis, focusing on written constitutional texts. The definition is necessarily incomplete, but in our view a limited concept is necessary to answer the questions set out above. Next, in Part III, we briefly discuss the normative issues around constitutional longevity. Part IV provides some data on constitutional duration in various countries and identifies regional variation. It also provides some evidence as to the relationship between political and constitutional change. Part V provides a theory of durability, identifying internal and external risk factors for constitutions. Part VI presents an empirical analysis.

II. CONCEPTUALIZING CONSTITUTIONS

What is a Constitution? The flood of institutional research over the last two decades has expanded and diluted the concept somewhat. For many, constitutions have become shorthand for political institutions more generally (e.g., Persson and Tabellini 2004). Recent Constitutions like that of Brazil’s 1988 document, which attempt to

3The particular approach of the Iraqi constitution—postponing most of the crucial decisions until after a post-constitutional election that the Sunni had no hope of winning—may have exacerbated the political conflict there. Meanwhile in Kabul, the new Afghan constitution, adopted in 2003, appeared to be faring much better. Although the security situation is worsening as of this writing, President Karzai has exploited constitutional power to appoint governors to consolidate his hold on power and sideline numerous regional warlords who had been considered the largest threat to the country’s stability. One might see the greatest threat to the Afghan constitution is exogenous to the constitution, while the greatest threat to the Iraqi constitution is endogenous.

constitutionalize nearly every aspect of public life, have not helped to circumscribe their meaning. Other countries such as Britain and, until recently, Saudi Arabia, have unwritten constitutions. To add even more confusion, countries like New Zealand and Canada accumulate a set of important documents over a period of years until at some point, scholars determine that the collection is too important not to be a Constitution (for a catalog of New Zealand’s constitution, see (Palmer 2006)).

Still more confusing, it is the case that in any constitutional system the language of constitutional text is modified and interpreted by political actors. In the United States, for example, judges of the Supreme Court have filled in the details of the vague 18th century document to make it suitable for modern life. They have done so notwithstanding the lack of explicit textual basis for constitutional review. In other countries, political practices may evolve and be accepted as “constitutional” even if never written into law. The scope of the Unwritten Constitution poses daunting challenges to comparative research.

We can move towards a definition by identifying exactly what it is Constitutions do. Arguably, the most important (and defining) attribute of Constitutions is that they limit the behavior of government. That is, they generate a set of inviolable principles to which future law and government activity more generally must conform. This function, often summarized as constitutionalism, is vital to the functioning of democracy. Without a commitment to higher law, the state operates for the short-term benefit of those in power or, at least, for that of the majority. Those who find themselves out of power may find themselves virtually unprotected, which in turn may make them more likely to resort to violence. By limiting the scope of government, constitutions make government possible (see Przeworski 1991 and Weingast 1997 for a broader discussion of this rationale).

A second function that constitutions serve is the symbolic one of defining the

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5 Of course, the vast majority of countries have discrete documents that the average observer would recognize as Constitutions. Our focus is on written constitutions (see also Elster 1995: 365). We undertake this decision for pragmatic reasons, but also because written constitutions are discrete intentional acts of institutional design, and hence of qualitatively different character than gradual interpretive adjustments, even if their formal status and practical impact are identical.

6 Of course, in practice, constitutions can be used more narrowly to announce political programs of the leaders rather than serve as constraints on government (Nathan 1988).
nation and its goals. Constitutions operate as a device that declares the legitimacy of the perhaps fledgling, or otherwise rudderless, state. This function is particularly important for young states whose citizens have strong ethnic or communal identities that may compete with an identity with the state. A third and very practical function of constitutions is that they define patterns of authority and set up government institutions. Even a dictatorship, for example, needs established institutions through which to govern. (While the mere process of defining an institution involves some constraints on its behavior, these are conceptually distinct from substantive limits on government action incorporated into the notion of constitutionalism).

It is this last function of defining authority that creates some confusion. In many countries, a parallel set of “organic laws” or “institutional acts” also define institutions. Are these documents constitutional? In some sense, yes, in that they do share with Constitutions an important function. In a critical sense, however, they are not at all constitutional. For one thing, they are usually not adopted in the formal and often deliberate manner that typically (although certainly not always!) characterizes the process of Constitution making. More importantly, even in those countries where organic lawmaking is entrenched, they can usually be abrogated more easily than can a Constitution. This idea of entrenchment, is an important contributor to its status as higher law. We see Constitutions as not only being higher law (a characteristic that they may share with organic acts and other rules) but of being highest law.

In short, it is important to distinguish between “Big C” Constitutions and the “little c” constitutional structure of a country. Our focus is on the former. The latter might include rules setting up fundamental political institutions, such as electoral systems, or authoritative interpretations of the written constitution such as supreme court decisions. While in theory these “constitutional” rules ought to be analyzed as well, the conceptual difficulty of determining the precise scope of the small-c constitution, as well as the methodological challenge of identifying and finding the various acts that compose it, argue against using it for comparative analysis at this stage. However, in the empirical analysis that follows, we do attempt to take into account the possibility of judicial amendment of the constitution through interpretation.
We identify Constitutions in the data that follow by a set of three conditions, any one of which is sufficient to qualify the document as a Constitution (see also Elster 1995: 364). Constitutions are those documents that either:

1. are identified explicitly as the “Constitution,” “Fundamental Law,” or “Basic Law” of a country;
2. contain explicit provisions that establish it as highest law, either because it is entrenched or limits future law; OR
3. change the basic pattern of authority by establishing or suspending an executive or legislative branch of government.

This set of conditions helps us to resolve problematic cases. For example, in the Israeli case, we treat the constitution as the series of Basic Laws (condition 1), even though they are passed by ordinary parliamentary majority and thus do not meet condition 2; most of them do not meet condition 3. In the case of Saudi Arabia, the holy Quran is the highest law and there is no formal constitution; however, we treat the three 1992 Royal Decrees establishing the basic system of government, provinces and the consultative majlis (assembly) as constituting the government (Aba-Namay 1993). This is a case that meets condition 3 but not 1 or 2. Fortunately, at least for analytic purposes, formal constitutions are the norm and defining a state’s constitution is largely straightforward.7

To conduct the analysis we have collected data on the constitutional history of every independent state (as identified by Ward and Gleditsch) from 1789 to 2005. For each country, we record the promulgation year of “new” or “interim” constitutions and the year of any amendments. Of course, one should note that “new” constitutions and “amendments” are sometimes only nominal distinctions. Some countries thoroughly revise a Constitution with a set of amendments,8 while others will make minor changes to

7 The United Kingdom is excluded from the scope of this project.
8 An example is South Korea, whose six republics have each involved complete constitutional overhauls adopted through the formal process of amendment of the previous constitution.
a document and then christen a new constitution.⁹ We record the nominal classification of these changes, but we also make a summary judgment of whether the change (however it is classified) constitutes a comprehensive shift to a new constitutional system. Both distinctions will be useful in the analysis that follows.

Reconstructing constitutional chronologies for all independent states is not a simple matter and we rely upon a collection of cross-national, regional, and country-level sources in order to compile the data. The magisterial Constitutions of the Countries of the World (Flanz and Blaustein 1971-present) provides invaluable background information for most countries, but only for recent years. Other useful cross-national and regional sources included Maddex (2001), Fitzgibbon (1948), Peaslee (1950-1971), and the Political Database of the Americas at Georgetown. Of course, country-level studies are at the root of these multi-country sources and we use these more specific studies when possible (available). We record the promulgation year of both “new” constitutions and amendments.¹⁰

Our definition of the lifespan of a constitution is the period of time between its entry into force and either its suspension or its formal replacement by another constitution.¹¹ This definition has the virtue of clarity. Alternatively one could examine when a constitution ceased to be effective as a practical matter. This, however, would require a way to measure consistently the practical impact of constitutional provisions. We might, at some point, be able to obtain data to allow us to make such judgments over all countries since 1789, but at this point prefer the simpler definition as easier to operationalize.

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⁹ Cambodia’s 1989 Constitution adopted after the end of Vietnamese military occupation, may be a good example here.

¹⁰ While we are confident that we have identified nearly all “new” constitutions in the world, it is quite possible that we have overlooked a fair number of amendments, especially older ones, simply because they are documented to a lesser degree.

III. THE MERITS OF CONSTITUTIONAL LONGEVITY

Before examining the causes of constitutional longevity, we must briefly consider the normative question: how long should constitutions last in a democracy? For those who use the American document as the standard, the answer may well be “forever.” Surely, however, longevity is not desirable as an end in and of itself. Constitutions are designed to stabilize and facilitate politics, but there is certainly the possibility that constitutions can outlive their utility and create pathologies in the political process that distort democracy. Such constitutions surely deserve replacement. One can even make a plausible case, as Dahl (2001) and Levinson (2006) have, for a comprehensive review -- if not abrogation -- of the bargains struck in Philadelphia in 1787. Such a move would suit Thomas Jefferson, who famously derided those who “look at constitutions with sanctimonious reverence, and deem them like the arc of the covenant, too sacred to be touched.”12 Indeed, by Jefferson’s standards, our estimate of a life expectancy of sixteen years is hardly troubling.13 Jefferson’s indictment against endurance has a strong basis in democratic theory. To the extent that the will of succeeding generations is checked by the decisions of their predecessors, enduring constitutions come at the expense of representation. Moreover, it is possible that more frequent constitutional turnover would engender greater levels of civic participation and engagement, as citizens are called on to consider fundamental principles more frequently.

What enduring constitutions sacrifice in terms of representation, they more than make for with respect to stability, equality, and governability.14 Indeed, these outputs are, in our mind, of utmost importance for developing democracies. “Contemporary constitutions,” as Giovanni Sartori (1962: 862) somewhat cryptically asserted, “are bad

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12 Letter to Samuel Kercheval, July 12, 1816.

13 Jefferson believed that every constitution expired after nineteen years, a figure he based on when a majority of adults alive at any one time would turn over according to European life expectancies. Thomas Jefferson to James Madison, 1789. ME 7:459, Papers 15:396.

14 Enduring constitutions may well have other benefits. For example, they may encourage foreign investment and facilitate economic stability by providing a secure environment for economic activity. However, our interest in this paper is in their effects on the stability and performance of democracy, effects that we see as quite critical to the survival of nascent democracies.
constitutions.\footnote{Sartori has in mind the trend (from his perspective in 1962) to overload constitutions with excessively aspirational provisions. We extend his charge to include new constitutions of any era.} Sartori’s charge makes sense when we consider the three functions that, in the section above, we ascribe to constitutions: their role in establishing the basic structure and rules of governance, delimiting the powers of the state, and serving as a symbol of national unity and sovereignty. In the first case, it seems quite clear that simply stipulating the organization and relationships among governing institutions is not enough to ensure their implementation. A certain degree of habituation and routinization must occur before the institutions -- whether they be the Central Bank, interest groups, or political parties -- can take shape. Such habituation takes time. The Mexican constitution of 1917, one of the more progressive documents of its time, never matched the \textit{de facto} politics of that country until the 1940’s and did not deliver political competition until amendments in the 1990s. One of the reasons that the US constitution “works” is that American political life has grown around it and adapted to its extremely idiosyncratic edicts. This sort of stability of the rules, as long as they are reasonably democratic, can have a very positive effect on political equality, not to mention rule of law. Periodic changes in the fundamental rules can encourage opportunistic elites to engineer institutions for their short-term benefit. On the other hand, tying actors’ hands with respect to the rules of the game compels them to compete with more democratic methods.

Consider the second function of constitutions: that of constraining political power. Constitutions, to the extent they are meaningful, restrict sovereign power especially in times of crisis when the incentives for absolute power are strongest. But in the end, constitutions are merely pieces of paper, and their enforceability is of critical concern. What prevents the executive in most constitutional systems, with all of the power vested in that office, from transgressing the formal boundaries of behavior? As Weingast (1997; 2005) and Przeworski (1991) have pointed out, it is ultimately left to citizens – provided that they can act collectively – to guard against the usurpation of power by the sovereign. Ideally, the threat citizens pose renders constitutions self-enforcing (Ordeshook 1992; Weingast 1997, 2005). Solving the collective action problem is of course critical.
Citizens, in the Weingast (1997) and Przeworski (1991) accounts, can only act collectively if they can agree upon what constitutes a violation limits to the sovereign’s power. Constitutions, in this sense, serve as an important coordinating device for citizens but only if constitutional limits are well known and respected.\textsuperscript{16} This sort of familiarity with, and attachment to, founding documents comes only with time. As such, democratic consolidation depends critically on enduring constitutions.

Finally, consider briefly a constitution’s function as national symbol. In democracies without a monarchy to serve as the symbol of the state’s sovereignty and national history, documents such as the constitution are important in that they strengthen national identity. A strong attachment to the state, whatever its pathologies, is critical to democracy. This is especially a concern in multiethnic states in which the state competes with other groups for loyalty. If citizens do not have a commitment to, or cannot agree on, the sovereignty of the state, then the very basis for participation and citizenship unravels (Rustow 1970; Linz and Stepan 1996). As Dahl (1989: 207) puts it, “the criteria of the democratic process presuppose the rightfulness of the unit itself.” In states in which commitment to the state is in question (e.g., Iraq), an enduring constitution can be an important source of national unity.

In making these assertions, it is somewhat embarrassing that we cannot appeal to any systematic evidence from the literature in their favor. Indeed, despite the massive volume of work on the endurance of democratic regimes, the relationship between constitutional duration and democratic stability is virtually undocumented. While it is beyond our mission in this paper to assemble such evidence, it seems worthwhile to establish some of the basic empirical associations between constitutional change and regime change. If our normative intuitions are even remotely sound, one should see a number of empirical patterns. First, from a rather broad perspective we should expect that countries with a high degree of constitutional instability will also display a high degree of democratic instability. Figure X (not shown currently) plots the probability of a new constitution by the probability of a shift of 3 points or more along the 20-point

\textsuperscript{16} This suggests the value of written constitutions: a public document that records expectations of behavior can help to establish focal points for citizen coordination. Carey 2000: 757.
Polity scale of democracy for each of X countries since 1789. The plot shows a strong positive association between constitutional and regime stability.

The strength of this relationship invites the question of whether regime change and constitutional change are one and the same. Are constitutions simply the written reflection of real political change on the ground? If so, then our analysis reduces to one of explaining regime durability. In fact, as will become clear, the two constructs are closely related but not synonymous. Constitutions will often coincide with regime transition. However, it is equally likely that successive authoritarians and democrats will share the same constitution or that the same regime type will be responsible for multiple constitutions. One can begin to understand these dynamics by observing trends in the level of democracy and the incidence of new constitutions within individual countries. Figure 1 presents such data for four countries, Brazil, Chile, Japan, and France. Polity democracy scores are plotted across time and vertical lines mark the promulgation of “new” constitutions.

Figure 1 here

For the most part, new constitutions in these countries correspond with major shifts in the structure of authority (i.e., regime). The dates of each of Brazil’s constitutions, for example, mark the milestones of its democratic history almost perfectly. As one would imagine, however, most countries exhibit exceptions to this rule. Chile’s 1980 constitution, commissioned by Pinochet, dutifully institutionalizes the authoritarian practices initiated by the coup in 1973. Curiously enough, however, the Pinochet document has endured through the transition to democratic rule, albeit with significant amendments. That phenomenon, as we shall see, is fairly uncommon in Latin America, where most major shifts are celebrated with new constitutions. Sometimes constitutions are rearguard actions: the Japanese Constitution of 1889 served to consolidate an authoritarian structure around the Meiji empire in the face of demands for greater democracy. But Japan’s overall history has been one of punctuated equilibrium, with jump-shifts in a democratic direction marked by Constitutional change. French history also shows significant shifts in levels of democracy around the time of constitutional change, but it is not always in a more democratic direction—suggesting some basis for Anglo-American stereotypes.
One aggregate measure of the correspondence democratic and constitutional change is the incidence of “new” constitutions during years of democratic change, those of authoritarian change, and those of no change. We do this, more specifically, by measuring whether a new constitution was promulgated in the year of, the year before, or the year after a change was recorded in the Polity data.\textsuperscript{17} Tables 1 and 2 present these probabilities by era and by region. For each table, we separate significant changes in an authoritarian or democratic direction (a 4-point shift or more on Polity) from more moderate changes (1-3 units).\textsuperscript{18} The three eras in Table 1 follow roughly the three “waves” democracy (Huntington 1991), although each of the second and third periods include the antecedent authoritarian regression. Considering first Table 1, the most immediate impression is that, for most years, authoritarian shifts are just as likely to be coincident with a new Constitution as are democratic shifts. The exception is the post-1964 period, in which nearly half of major democratic shifts were capped by a Constitution. In other years, only a quarter to a third of either democratic or authoritarian shifts were coincident with new constitutions. Although these are likely to be underestimates, it is striking that a clear majority of large-scale shifts are unassociated with new constitutions. Not only can change occur without a Constitution, but Constitutions can appear without altering the institutional landscape: even when authority structures are static, there is about a ten percent chance of a new Constitution being promulgated within a year for any given country.

\textbf{Tables 1 and 2 here}

But can states sustain a high level of democracy while writing periodic Constitutions, or are the two mutually exclusive? If our assertions above are at all correct, France should be an exception in this regard: as a rule, we should not see

\textsuperscript{17} We reason that this three-year range captures most of the new constitutions that would be associated with a shift, although we recognize that some (e.g., Brazil’s 1967 and Chile’s 1980 documents) come several years after the institutional change. Nevertheless, given the prevalence of constitutional change within some countries’ histories, we also wish to avoid the opposite error: picking up constitutions that have nothing to do with past or future events. Thus, a three year span makes sense but one might well view these measures as underestimates of the connection between a new constitution and institutional change.

\textsuperscript{18} As we measure change yearly, large scale changes that occur incrementally show up only as moderate yearly change.
countries characterized by long-standing democracy cycling through multiple drafts of Constitutions. Figure X (not currently shown) suggests that frequent constitution-making is indeed associated with low average levels of democracy. Note that the direction of causation is likely mutual. Serial constitution-making probably leads to historically low levels of democracy (for reasons we stipulate above) just as low levels of democracy inspire attempts to “get the institutions right” again and again and again. Venezuela’s history is illustrative. From the year of its founding until 1961, Venezuela was one of the most prolific producers of constitutions, producing some 25 constitutions. Its commitment to democracy during these years was sporadic, and largely nonexistent. Its constitution of 1961, however, lasted almost 40 years, a period characterized by a high level of institutional democracy (if somewhat exclusive).

It may well be that, as Jefferson suggested, democratic states can function effectively with a high degree of constitutional turnover. Our data, however, suggests that they cannot, or at least have not. France is one of the few stable democracies to have maintained democracy through periodic revision of its founding document. Moreover, while some countries with strong democratic traditions may be able to withstand a certain degree of revision, fragile democracies in the developing world likely cannot afford such a luxury.

IV. THE DURATION OF CONSTITUTIONS

Epidemiological Patterns

How long do Constitutional systems usually endure? As mentioned in the introduction, their mean lifespan is about sixteen years across the world since 1789. Of course this varies across generations and across regions. For example, Latin American and African countries fit the joke of the French-constitution-as-periodical much better than does France itself. The typical African constitution lasts around ten years. Latin America (source of almost a third of all constitutions) does not much better at 12.4 years. The Dominican Republic and Haiti have even managed to write one every three years or so. Indeed, the island of Hispaniola is home to almost a tenth of the 736 Constitutions written since 1789! Constitutions in Western European and Asia, on the other hand,
typically endure 32 and 19 years, respectively. OECD countries have older constitutions at 32 years on average, suggesting some economic benefits associated with constitutional stability.\textsuperscript{19}

### Table 3 here

Unlike that of natural persons, the life expectancy of constitutions does not seem to be increasing. Through WWI, the median lifespan of a Constitution was 21 years, versus only 12 years in the years since. Of course, the regions of the world are represented in different proportions within these historical eras. Table 4 gives a sense of the distribution of constitutional events across time for each region. As one would suspect, the constitutional history of the Americas and Western Europe goes back considerably longer than does that of Africa and Asia.

### Table 4 here

The central tendency in life expectancy does not tell us much about the variation in mortality across the lifespan. Does the hazard rate (i.e., the probability of death) increase, decrease, or stay the same throughout the lifespan? On the one hand, one might suspect that constitutions are more likely to wither with age as their provisions and proclamations become increasingly out of step with the populace. On the other hand, constitutions may become increasingly invulnerable with time, as they grow in stature and become enmeshed in the national culture and politics of the country. Of course, the effect of time may be non-linear. For example, the hazard rate may increase through the early years before reaching an age at which it crystallizes and becomes relatively invulnerable.\textsuperscript{20} Another intriguing possibility is that there are certain ages or thresholds (corresponding to generational turnover perhaps) that are particularly difficult for constitutions. This sort of periodicity undergirds the critical juncture approach to political and constitutional development (e.g., Burnham 1970; Ackerman 1993).

Figure 2 below presents hazard rates for new constitutions by their age.

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\textsuperscript{19} We do not yet consider the causal question: it is equally plausible that stability is easier to maintain in industrialized economies.

\textsuperscript{20} Negretto (2006:8) provides the example of Uruguay’s 1830 document, which was in force for 77 years. Since then, however, Uruguay has had five different constitutions.
Figure 2 here

The two-humped shape suggests that a constitution is most likely to be replaced in its early forties and again should it make it to about 140 years (although the number of constitutions to have lived past 100 is quite small, so estimates of their vulnerability are somewhat uncertain). Figure 3 gives the density function.

Figure 3 here

Most countries with multiple Constitutions manifest a fair degree of variation in their durations. The most typical pattern is of Constitutions of a shorter duration early in a state’s existence, with longer Constitutional durations as the state ages. Constitutions, it seems, have high infant mortality; once they survive a generation or so, they may be stable for two or three. However, even an established constitution can move out of equilibrium at some point.

V. EXPLAINING CONSTITUTIONAL DURATION

Below we sketch a model of constitutional duration and suggest an analytical strategy that we describe more fully in the next section. Our beginning assumption is that constitutions are bargains among elites that are meant -- at least by many of their authors -- to be more or less permanent. Of course, all bargains may be to some degree unsatisfactory to at least some of the actors involved. Moreover, one need only glimpse at the process of constitution making to understand that the resulting document is rarely the product of careful deliberation and social and political engineering. We are not under the illusion, therefore, that constitutions represent the essential spirit, consensus, or mores of the nation, even at the time of the documents’ promulgation. Nevertheless, these agreements are struck and an equilibrium may result. It follows, then, that these agreements will endure until some shock – typically an international or domestic crisis – disrupts the equilibrium. Upon inspection of political chronologies (see below), these
shocks seem to include wars, regime change, and shifts in the boundaries of the state (but not, at least upon broad inspection, financial crises).

However, linking a precipitating event to the time of death does not constitute a complete autopsy. In retrospect, it is easy to attach too much explanatory power to events simply because of their coincidence. A civil war which seems to have so obviously foretold the end of a constitutional system will seem lethal (to constitutions) only *ex post facto*. Many constitutions may indeed withstand such events while others may fall. Also, some events (e.g., political coup) are unlikely to be *exogenous* to the constitutional system, but rather a result of some underlying instability owing in part to constitutional provisions. These possibilities imply a clear set of theoretical and analytical strategies in assessing cause of death. The first is, rather obviously, to identify and measure the effect of *all* crises, not just those events in periods coinciding with constitutional demise. The second is to investigate the underlying structural causes of constitutional instability. These structural risk factors may be aspects of constitutions that render them more or less resilient than others, or some political, social, or economic conditions of the state that are more hospitable to constitutional survival. Thus, we begin with a very simple model in which we posit that certain precipitating factors (events) will increase the risk of mortality. Some of these factors we assume to be exogenous to the constitutional system, while some are at least to some degree endogenous. We posit a set of structural risk factors that have both direct effects on mortality and indirect effects, via precipitating factors. Below, we identify the precipitating events as well the structural risk factors to constitutional mortality.

**Precipitating Causes of Constitutional Death**

We have rather strong intuitions about what sort of events would destabilize constitutional systems. They should be those that significantly alter the balance of power within either the regime or the state. It is not hard to assemble a list of such events, as they constitute the milestones of a state’s political history. Because we are interested in testing the explanatory power of these events against that of more structural factors, we prefer to err on the inclusive side with respect to such a list. For this reason, and for sheer historical curiosity, it makes sense to read cases. Indeed, a review of the
constititutional histories of major countries gives us a good sense of the immediate factors that lead to a document’s demise. Conceptually, it makes sense to think of precipitating events as one of two basic varieties: those that are exogenous and those that are endogenous to the constitutional system.

**Exogenous Precipitating Factors**

1. Sometimes new constitutions reflect state *birth, death, or merger*. Examples include virtually every country when it gains independence; state mergers in the Arab world (e.g. the United Arab Republic in the 1960s, Iraq and Jordan in 1958, or North and South Yemen in 1991); and breakups of federations such as the Czechoslovakia or the Soviet Union.

2. Defeat in war or takeover by an outside power can lead to *occupation-imposed constitutions*. Well known cases include Japan’s 1946 Constitution and Iraq’s 2005 Constitution. Less well known cases include Afghanistan 1979, Cuba 1901, Dominican Republic 1907, 1908 and 1924 and Haiti 1918. Cambodia 1981 was such a case; one might more broadly consider Cambodia’s UNTAC-drafted constitution of 1993 as a case of multilateral occupation, when the UN Transitional Government helped ease the country’s end of the long civil war. Afghanistan 2003 was not a formal occupation, but had elements of heavy foreign advice. A special case of this circumstance may be a crisis after a loss in war, even if not direct occupation, as in Paraguay 1940.

3. A small number of constitutions may be adopted simply because of diffusion effects, meaning that their timing and pattern reflects external modeling more than internal pressures. New constitutions tend to be written in waves (Elster 1995: 368), typically following the end of great conflicts like World War II and the Cold War. There is some anecdotal evidence of a diffusion process at work. For example, the motivation for the Chavez-led Venezuelan reform in 1999 stemmed from the 1990-91 reform in Colombia. The Venezuelan constitution has since inspired reform in Bolivia. In a recent interview, Chavez recalls:

> We discussed how to break with the past, how to overcome this type of democracy that only responds to the interests of the oligarchical sectors; how to get rid of the corruption. We had always rejected the idea of a traditional military coup, of a military
dictatorship, or of a military governing junta. We were very aware of what happened in Colombia, in the years of 1990-1991, when there was a constitutional assembly – of course! – it was very limited because in the end it was subordinated to the existing powers. It was the existing powers that designed Colombia’s constitutional assembly and got it going and, therefore, it could not transform the situation because it was a prisoner of the existing powers. [Venezuelan President Hugo Chavez in an interview with Marta Harnecker (2002)]

**Figure 3 here**

*Endogenous Precipitating Factors*

4. The most common reason for new constitutions is some form of *regime change*, such as democratization, military coups, or the death of monarchies. Regime change may be accompanied by a social revolution that fundamentally changes the organization of society and the economy (Iran 1979; Mexico 1917). Sometimes such constitutional change is accomplished through extra-constitutional mechanisms; other times it may be accomplished relying on internally legal constitutional means. When it leads to a new constitution, however, the old one certainly dies.

5. *Ideological, programmatic and leadership transitions*, following constitutional changes in government, are responsible for a number of constitutional deaths. For example, the various Socialist constitutions seem to follow the installation of new leaders in the Soviet Union (1936, 1977) and China (1982). The alternation of power between liberals and conservatives in many Latin American countries triggered frequent constitutional change in the 19th century. Jordan’s 1951 Constitution, passed after the assassination of King Abdullah by his son and successor, really reflect a personnel shift.

6. Another *internal* factor is major institutional crisis, irrespective of any ideological, leadership or regime change. The United States case is instructive here. As is well-known, the Articles of Confederation suffered from a number of defects that hastened their demise. These concerned public finance, by which the national government could not raise taxes to provide for the common defense and
other public goods; the inability to overcome internal barriers to trade; and the inability to issue currency. Without a strong central government, the Articles did not provide for public good generation, and provoked the writing of the Constitution to remedy these defects. From the point of view of this paper, this solution was the most successful ever crafted—the oldest and longest lasting Constitution in the world. Another example of an internal institutional reform was the demise of Indonesia’s 1949 post-independence Constitution, federal in character, which was discarded in favor of a unitary constitution in 1955. Besides center-periphery disputes, there are cases of revision of the political system, for example from parliamentary to presidential (Philippines 1973 and France 1958).

**Structural Sources of Constitutional Resiliency**

The shocks that we describe above threaten the existing political order, and it is no surprise that the subsequent order is often marked by a new set of basic laws. Some aspects of the constitution, however, may render the document more stable. We focus below on aspects of legitimacy and adaptive mechanisms of the document itself. One might also speculate that the design of institutions may be predictive as well. For example, a large debate concerns the relative merits of presidentialism and parliamentarism, and the chief measure of success if drawn from constitutional survival.\(^2^1\) Electoral systems, though rarely constitutionalized with great detail, certainly have an impact on selection of leaders. Constitutions with divided powers may prevent internal threats to liberty but hinder the ability or emergence of leaders to respond quickly to external threats. Some have suggested that consensual democratic structures will be

\(^{21}\) For example, Stepan and Skach (1993) found that, of non-OECD countries, none of the 36 new countries that emerged after World War II that adopted presidentialism were continuously democratic between 1980 and 1989, while 14 of 41 of such countries that adopted parliamentary systems were democratic during that period. (Cheibub and Limongi 2002) note that one out of every 23 presidential regimes died between 1946 and 1999, whereas only one in every 58 parliamentary regimes died. A recent paper by Boix seems to provide further support for the proposition that parliamentary systems are better for democratic survival (Boix 2005). The logic of the argument is that presidential systems tend to lead to minority executives and government gridlock; this in turn can encourage actors to take extra-constitutional steps to gain power, leading to political instability and eventually the death of democracy.
longer lasting than majoritarian ones, particularly in ethnically divided polities.\textsuperscript{22} In sum, certain kinds of institutional configurations may have an impact on risk factors for constitutional death. We thus want to consider whether certain provisions of constitutions or mechanisms of constitutional adoption lead to a greater probability of survival.\textsuperscript{23}

Later iterations of this paper will test the various propositions about presidential versus parliamentary systems and electoral systems. At this stage, we consider two crucial factors concerning the constitution: legitimacy of adoption and optimal adaptation. There are, of course, myriad other factors from comparative politics that we can test.

**Legitimacy of adoption.** First of all, the circumstances of a constitution’s adoption may be important. The fact that constitutions are typically adopted after crises suggests a fundamental paradox of constitution-making, identified by Elster (1995). On the one hand, the sense of crisis may facilitate effective bargaining, since the alternative of no bargain may carry with it significant risks. On the other hand, the crisis situation may hinder rational consideration of optimal institutions. We should not expect, and do not seem to observe, perfect tailoring of constitutional design to local conditions (see also Horowitz 2001). This provides some insight into why so many constitutions fail to take hold.

Regardless of what institutions are chosen, then, the manner in which they are selected may be important. We believe that, ceteris paribus, constitutions adopted with public input or blessing are more likely to survive. Such constitutions have a large endowment of legitimacy at the outset, which may prevent significant groups of citizens or elites from coordinating to disrupt the constitutional scheme. Public involvement in the adoption process provides information to potential opponents about the (poor) likelihood of coordination against the constitution, making it more difficult to overturn.

\textsuperscript{22} Lijphardt; Negretto (2006: 11); but see Horowitz 2001.

\textsuperscript{23} It is also difficult to untangle whether particular events that precipitate constitutional death are the result of internal and external factors. Economic crises and coups, for example, may result from internal political weakness or wholly exogenous conditions, and sorting out the connections is a highly context-specific endeavor.
Constitutions with wide public support thus may be more easily self-enforcing (Weingast 2005) and also better able to withstand exogenous threats.

**Optimal Adaptation.** A well-adapted constitution is suited to the political environment at the time of its adoption. Societies do not, however, remain constant. Exogenous technological changes occur; different international configurations develop; and institutions alter the political makeup of the societies they inhabit. Even a self-enforcing constitution can fall into disequilibrium if the distributional benefits that it produces among groups change over time (Ordeshook 1992). We should thus expect that the constitution as written at T1 will be optimally suited at T2. All constitutions must adjust as their societies change.

There are two primary mechanisms by which constitutional change occurs: formal amendments to the text, and informal amendment that results from interpretive changes. To a certain extent, these mechanisms are substitutes. If the methods of securing formal amendment are difficult (as in the United States, with its requirements of ratification by ¾ of state legislatures) there may be pressures to adapt the constitution through judicial interpretation. Ackerman’s famous account of constitutional change in the 1930s in the United States draws on such logic (Ackerman 1992). If, on the other hand, constitutional amendment is relatively simple, there may be less need for judicial reinterpretation of the constitution.

Optimal adaptation thus results from the interaction of amendment rigidity and the possibility of judicial reinterpretation of the constitution. The optimal level of flexibility is not universal for all countries, but determined in any particular constitutional situation by both exogenous factors (such as the rate of technological or environmental change) and endogenous factors (such as the level of responsiveness of political institutions under the constitution, and the endowment of legitimacy at the outset of the constitution scheme.) A rigid constitution that fits its society well at the outset may be suitable if the rate of technological or environmental change is low. But the same constitution may perform poorly if change is rapid.

Constitutions that lack either flexible formal amendments or effective mechanisms of informal reinterpretation may not adapt to changing environmental conditions. We predict that such constitutions will force actors to take extra-
constitutional action to secure changes and will thus die young. On the other hand, constitutions that are too easy to amend are of little value in providing stable rules for political action. These constitutions may also die young because they do not serve one of the essential purposes of constitutions. We believe there is an optimal level of adaptability in any given situation that is neither too flexible or too rigid.

Another factor that may be relevant to the need for adaptation is the initial specificity of the constitution. Constitutions vary systematically in their level of detail. Brazil’s constitution is famous for having constitutionalized nearly everything; Thailand’s recently deceased constitution may have been even longer, with 336 articles and 142 pages in English translation. The American constitution, at around 7900 words, is roughly one-sixth the length of that of Brazil, and is seen as providing a framework for politics rather than a repository of policies. Some have hypothesized that specificity will lead to frequent amendments. (Berkowitz and Clay 2005) show that American states that were initially colonized by civil law countries provide far more level of detail than those colonized by common law countries and that these states also have more constitutional instability. They connect these two points with the idea that constitutions with a good deal of detail invite frequent amendment and risk exit over relatively minor issues. Constitutions that are more general may allow more flexible adaptation over time.

**Hypotheses and Data**

To summarize, we expect that constitutions that have a greater stock of legitimacy at the outset and provide for some flexibility (either through amendment processes or judicial interpretation) will be better able to withstand exogenous shocks. To test these hypotheses we introduce as independent variables some internal features of constitutions that may predict constitutional stability. For each independent variable we add a predicted sign in parentheses. (Because the dependent variable we are interested in is constitutional death, these predictions are framed in terms of likelihood of death. A factor that produces constitutional resilience will thus be represented by a negative sign.)

**Structural Factors**

**Public Involvement (-):** We assume that public involvement in the process of ratification of the constitution will increase its lifespan. This variable is a dummy for
whether or not there is public promulgation OR a constitutional convention with publicly elected representatives to draft the constitution.

Constitutional Flexibility(-): To operationalize this concept in the empirical analysis we drew on the small literature on indices of constitutional rigidity. The initial contribution by Lutz (1994) developed an index of constitutional rigidity, constructed from observed amendment rates of American states. He then tested this cross-nationally to learn if formal rigidity of the amendment process was negatively correlated with observed amendment rates. We are somewhat skeptical about his index, particularly because we do not believe U.S. state constitutional processes are analogous to those governing national constitutions. There is, quite simply, very little cost to amending or rewriting state constitutions when there is a national constitutional guarantee of a republican form of government—that is no risk of regime change. In a national context, exiting an old equilibrium may create risks of serious instability and fundamental regime change. Lorenz (2005) criticizes Lutz’ measure on different grounds and develops her own index. We are in the process of constructing our own index. In the analysis that follows in this iteration of the paper, we used observed amendment rates as a proxy for the difficulty of the amendment process.

Judicial Review(-): The primary mechanism for interpretive flexibility is the presence of a court to conduct constitutional review. Courts can and do re-interpret texts in quite profound ways: our assumption is that this can provide for needed flexibility in the face of exogenous shocks. We utilize a dummy variable from our own data as to whether there is any body entitled to conduct constitutional interpretation.24

Specificity(+): We use the length of the constitution in words at its initial promulgation to capture the level of detail in the constitution.

State Age(-): Because of instability and growing pains in the early stages of a state’s founding, we expect constitutions of older states to have longer lifespans. We use a dummy variable for an infant constitution (one less than five years old) to determine if there is a special form of “infant mortality” at work in constitution-making.

24 An alternative, more refined variable might consider the presence of a designated constitutional court, although we have no theory that suggests designated bodies will be systematically better interpreters than unified supreme courts.
**Economic Development(-)**. Countries characterized by stable industrialized economies will be more likely to weather crises. We use GDP/Capita here; an alternative specification might use a measure of energy consumption per capita to capture wealth.

**Democracy(-)**: We use the mean score for the country in the widely utilized Polity database to measure democracy levels. Our assumption is that democracies will be better able to withstand crises.

**Common Law(-)**: Finally, we introduce a common law dummy. Berkowitz and Clay provided suggestive evidence that constitutions with civil law origins were less stable and would die younger. Their data, however, was drawn exclusively from US States. We wish to examine whether their findings hold in the broader universe of national constitutions.

**Precipitating Factors**

**Defeat in War(+)**: States that have suffered military defeat will be more likely to write new constitutions. Data are from the Correlates of War project.

**Imposed Settlement(+)**: States that have not suffered a full military defeat can nevertheless be coerced into an imposed settlement on unfavorable terms. The Correlates of War project records these separately and we include them as a separate variable.

**Regime Transition(+)**: A regime transition, as measured by a shift of three or more points on the Polity democracy scale, will increase the probability of constitutional demise.

**Occupation(+)**: Occupation by a foreign power typically follows defeat in war and almost always reflects a fundamental crisis to state institutions. We thus predict that this would be a precipitating factor for state death.

**Coups(+)**: Coups are quite likely the most lethal risk factor for Constitutions. Governments that come to power by extra-constitutional means -- that is, by coup -- are by definition less committed to the standing Constitution. Not surprisingly, their first act is often to abrogate the Constitution and commission a new version. Such a move serves to legitimate an otherwise illegal (unconstitutional) transfer of power. Our measure of coups is from Banks (2005).
Executive Change: To determine if there is a relationship between leadership change and new constitutions, we introduce a variable to capture whether the head of state changed. By including this variable as well as regime change, we are controlling for the effect of the latter and examining executive change within a single regime. The data are from Arthur Banks.

VI. RESULTS AND DISCUSSION

Below we sketch some preliminary results of tests of the hypotheses above. We stress the exploratory nature of these results since we are in the process of reevaluating the model specification and sharpening our measures. Nonetheless, the results provide a rough sense of the role of the factors we mention above.

We test the hypotheses using an event history (or survival) model, a useful method for estimating duration as it explicitly incorporates time-dependence in the analysis. The estimates in Table 5 are from a Cox Proportional Hazard model, although the parametric models (such as the Weibull) that we tested deliver approximately the same results.

Table 5 here

Several results stand out. First, richer countries and those with a strong democratic legacy are more likely to have enduring Constitutions, but the results do not exhibit statistical significance. In terms of our primary hypotheses, initial public legitimacy does seem to predict longevity, controlling for other factors. Flexibility also appears to be a crucial feature of constitutional longevity. Constitutions that allow amendment more easily are more able to withstand exogenous shocks associated with coups, wars and crises. Rigid constitutions are risky constitutions.

Formal rigidity can be overcome, of course, through flexible interpretation, but interesting our dummy variable for judicial review (any explicit mechanism of constitutional interpretation) produced a positive sign, indicating correlation with constitutional death. Our interpretation is that there may be significant period effects causing this result. Constitutional review has become much more popular in recent waves of constitution-drafting (Ginsburg 2003). No doubt our dummy variable is also
insufficient to capture the presence of effective reinterpretation, since it conflates very active constitutional courts with very inactive ones.

Interestingly, our model provides counterevidence to that of Berkowitz and Clay, who argue that shorter, framework constitutions and common law heritage will correlate with legal and constitutional stability. We find the opposite in both cases. One reason specificity may matter is because specificity indicates investment in the document (Cooter and Ginsburg 2003). When parties to a constitutional agreement take the time to negotiate and specify detail, they are indicating a belief that the agreement is worth investing in, and sinking costs into the document. This may mean they are less likely to scrap it and start anew.

With respect to the specific factors that lead to the demise of Constitutions, we can report minimal support for several of our independent variables. Imposed solutions, executive change, and defeat in war are insignificantly associated with constitutional death. Interestingly, regime change does not have an independent effect in the predicted direction—but many of the factor which do lead to constitutional death are also accompanied by regime change, so the results here may be sensitive to the specification. The only variable that indicate significant risk factor, controlling for the others, are military coups.

In subsequent versions of this paper, we will develop a more refined model, sharpen our measures, and test the robustness of the effects described above. However, the results do establish some of the basic contours of constitutional transition that we will build upon in future analyses. At this point, we can make four general claims about constitutional reform and constitutional duration. First, constitutions track institutional changes with some level of fidelity. Second, long-term democracy and constitutional turnover do not appear to be compatible. Third, constitutions are fragile and major “life” events are likely to induce constitutional transition. Finally, public promulgation and flexible amendment procedures seem to be a crucial factor in predicting whether a constitution can survive exogenous shocks.

VII. CONCLUSION
Constitutions are meant to underpin democratic politics by providing a stable environment for political interaction. Yet establishing a stable constitutional scheme appears to quite difficult, particularly in new democracies outside Western Europe and North America. This paper has set out to begin identifying internal features that can immunize constitutions from exogenous shocks. Our conclusion, that some internal features matter, opens up an important research agenda for our broader project of understanding written constitutions.
Figure 1. New Constitutions and Shifts in Authority Structure

- Brazil
- Chile
- Japan
- France
Table 1  Probability of a New Constitution Given a Shift in Authority Structure, by Era

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant Authoritarian Shift</td>
<td>0.31</td>
<td>0.39</td>
<td>0.24</td>
</tr>
<tr>
<td></td>
<td>36</td>
<td>51</td>
<td>87</td>
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<tr>
<td>Moderate Authoritarian Shift</td>
<td>0.18</td>
<td>0.37</td>
<td>0.23</td>
</tr>
<tr>
<td></td>
<td>65</td>
<td>82</td>
<td>123</td>
</tr>
<tr>
<td>No Change</td>
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<td>0.10</td>
</tr>
<tr>
<td></td>
<td>5,726</td>
<td>2,338</td>
<td>4,899</td>
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<tr>
<td>Moderate Democratic Shift</td>
<td>0.25</td>
<td>0.36</td>
<td>0.25</td>
</tr>
<tr>
<td></td>
<td>155</td>
<td>66</td>
<td>221</td>
</tr>
<tr>
<td>Significant Democratic Shift</td>
<td>0.25</td>
<td>0.39</td>
<td>0.48</td>
</tr>
<tr>
<td></td>
<td>48</td>
<td>44</td>
<td>149</td>
</tr>
</tbody>
</table>

*Probability of new constitution in upper cell; number of observations is in lower cell
Table 2. Probability of a New Constitution Given a Shift in Authority Structure, by Region

<table>
<thead>
<tr>
<th>Institutional Change</th>
<th>Africa</th>
<th>Asia/Pacific</th>
<th>Central/Eastern Europe</th>
<th>Middle East</th>
<th>Latin America</th>
<th>Western Europe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant Authoritarian Shift</td>
<td>0.27</td>
<td>0.21</td>
<td>0.42</td>
<td>0.40</td>
<td>0.29</td>
<td>0.35</td>
</tr>
<tr>
<td></td>
<td>41</td>
<td>24</td>
<td>24</td>
<td>15</td>
<td>49</td>
<td>17</td>
</tr>
<tr>
<td>Moderate Authoritarian Shift</td>
<td>0.39</td>
<td>0.18</td>
<td>0.42</td>
<td>0.11</td>
<td>0.34</td>
<td>0.12</td>
</tr>
<tr>
<td></td>
<td>46</td>
<td>33</td>
<td>31</td>
<td>35</td>
<td>73</td>
<td>34</td>
</tr>
<tr>
<td>No Change</td>
<td>0.15</td>
<td>0.06</td>
<td>0.12</td>
<td>0.05</td>
<td>0.16</td>
<td>0.04</td>
</tr>
<tr>
<td></td>
<td>1,699</td>
<td>1,862</td>
<td>987</td>
<td>1,501</td>
<td>2,998</td>
<td>2,476</td>
</tr>
<tr>
<td>Moderate Democratic Shift</td>
<td>0.36</td>
<td>0.21</td>
<td>0.14</td>
<td>0.17</td>
<td>0.36</td>
<td>0.21</td>
</tr>
<tr>
<td></td>
<td>80</td>
<td>67</td>
<td>28</td>
<td>29</td>
<td>113</td>
<td>94</td>
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<tr>
<td>Significant Democratic Shift</td>
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<td>0.50</td>
<td>0.15</td>
<td>0.50</td>
<td>0.42</td>
<td>0.40</td>
</tr>
<tr>
<td></td>
<td>54</td>
<td>34</td>
<td>26</td>
<td>16</td>
<td>57</td>
<td>42</td>
</tr>
</tbody>
</table>

*Probability of new constitution in upper cell; number of observations is in lower cell.
Table 3: Average and Median Lifespans

<table>
<thead>
<tr>
<th>Sample</th>
<th>Median</th>
<th>Mean</th>
<th>St. Dev</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALL</td>
<td>8</td>
<td>16.1</td>
<td>24.7</td>
</tr>
<tr>
<td>Non-OECD</td>
<td>7</td>
<td>13.8</td>
<td>20.5</td>
</tr>
<tr>
<td>OECD</td>
<td>14</td>
<td>32.3</td>
<td>40.7</td>
</tr>
<tr>
<td>Africa</td>
<td>6</td>
<td>10.5</td>
<td>14.3</td>
</tr>
<tr>
<td>Asia</td>
<td>11</td>
<td>19.4</td>
<td>25.6</td>
</tr>
<tr>
<td>Central and Eastern Europe</td>
<td>6.5</td>
<td>9.9</td>
<td>12.1</td>
</tr>
<tr>
<td>Middle East</td>
<td>9</td>
<td>22.2</td>
<td>29.5</td>
</tr>
<tr>
<td>North America</td>
<td>9.5</td>
<td>42.4</td>
<td>63.1</td>
</tr>
<tr>
<td>South America</td>
<td>7</td>
<td>12.4</td>
<td>16.6</td>
</tr>
<tr>
<td>Western Europe</td>
<td>16</td>
<td>32.3</td>
<td>39.7</td>
</tr>
</tbody>
</table>

Table 4: Distribution of Events Across Time

<table>
<thead>
<tr>
<th>Sample</th>
<th>25% of Events</th>
<th>50% of Events</th>
<th>75% of Events</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALL</td>
<td>1923</td>
<td>1961</td>
<td>1981</td>
</tr>
<tr>
<td>Non-OECD</td>
<td>1929</td>
<td>1964</td>
<td>1982</td>
</tr>
<tr>
<td>OECD</td>
<td>1867</td>
<td>1930</td>
<td>1961</td>
</tr>
<tr>
<td>Africa</td>
<td>1967</td>
<td>1979</td>
<td>1992</td>
</tr>
<tr>
<td>Asia</td>
<td>1959</td>
<td>1973</td>
<td>1987</td>
</tr>
<tr>
<td>Central and Eastern Europe</td>
<td>1935</td>
<td>1952</td>
<td>1992</td>
</tr>
<tr>
<td>Middle East</td>
<td>1956</td>
<td>1965</td>
<td>1981</td>
</tr>
<tr>
<td>North America</td>
<td>1836</td>
<td>1851</td>
<td>1867</td>
</tr>
<tr>
<td>South America</td>
<td>1867</td>
<td>1921</td>
<td>1957</td>
</tr>
<tr>
<td>Western Europe</td>
<td>1864</td>
<td>1926</td>
<td>1953</td>
</tr>
</tbody>
</table>
Figure 2: Probability of a New Constitution by Age
Figure 3. Baseline Hazard by Age of Constitution
Figure 4. Temporal Clustering and Constitution Making
# Table 5: Predicting Constitutional Transition

Cox Proportional Hazard Models – Mean Imputation for Missing Data

<table>
<thead>
<tr>
<th>Variable</th>
<th>Only External Variables</th>
<th>Only Internal Variables</th>
<th>Both Internal and External Variables</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendment Rate (ln)</td>
<td>-</td>
<td>-0.03***</td>
<td>-0.03***</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2.36 x 10^{-3})</td>
<td>(2.52 x 10^{-3})</td>
</tr>
<tr>
<td>Length (ln)</td>
<td>-</td>
<td>-0.07</td>
<td>-0.18**</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.07)</td>
<td>(0.07)</td>
</tr>
<tr>
<td>Public Promulgation</td>
<td>-</td>
<td>-0.11</td>
<td>-0.19*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.09)</td>
<td>(0.10)</td>
</tr>
<tr>
<td>Judicial Review</td>
<td>-</td>
<td>0.25***</td>
<td>0.22**</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.10)</td>
<td>(0.11)</td>
</tr>
<tr>
<td>Infant (5 Years Old)</td>
<td>0.26</td>
<td></td>
<td>0.20</td>
</tr>
<tr>
<td></td>
<td>(0.25)</td>
<td></td>
<td>(0.26)</td>
</tr>
<tr>
<td>State Age</td>
<td>2.34 x 10^{-4}</td>
<td></td>
<td>-1.27 x 10^{-3}***</td>
</tr>
<tr>
<td></td>
<td>(1.28 x 10^{-3})</td>
<td></td>
<td>(1.36 x 10^{-3})</td>
</tr>
<tr>
<td>GDP/Capita</td>
<td>-8.34 x 10^{-5}***</td>
<td></td>
<td>-8.7 x 10^{-3}</td>
</tr>
<tr>
<td></td>
<td>(1.14 x 10^{-5})</td>
<td></td>
<td>(1.41 x 10^{-5})</td>
</tr>
<tr>
<td>Polity</td>
<td>-6.78 x 10^{-4}</td>
<td></td>
<td>-1.41 x 10^{-3}</td>
</tr>
<tr>
<td></td>
<td>(9.69 x 10^{-4})</td>
<td></td>
<td>(1.27 x 10^{-3})</td>
</tr>
<tr>
<td>Common Law</td>
<td>-0.20*</td>
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<td>0.23*</td>
</tr>
<tr>
<td></td>
<td>(0.11)</td>
<td></td>
<td>(0.13)</td>
</tr>
<tr>
<td>Defeat in War</td>
<td>0.23</td>
<td></td>
<td>0.12</td>
</tr>
<tr>
<td></td>
<td>(0.23)</td>
<td></td>
<td>(0.24)</td>
</tr>
<tr>
<td>Imposed Settlement</td>
<td>0.18</td>
<td></td>
<td>0.11</td>
</tr>
<tr>
<td></td>
<td>(0.16)</td>
<td></td>
<td>(0.16)</td>
</tr>
<tr>
<td>Regime Transition</td>
<td>-4.07 x 10^{-5}**</td>
<td></td>
<td>-2.67 x 10^{-3}</td>
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<tr>
<td></td>
<td>(1.80 x 10^{-3})</td>
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<td>(2.04 x 10^{-3})</td>
</tr>
<tr>
<td>Coup</td>
<td>0.87***</td>
<td></td>
<td>0.56***</td>
</tr>
<tr>
<td></td>
<td>(0.15)</td>
<td></td>
<td>(0.16)</td>
</tr>
<tr>
<td>Change in Executive</td>
<td>0.21*</td>
<td></td>
<td>0.19</td>
</tr>
<tr>
<td></td>
<td>(0.11)</td>
<td></td>
<td>(0.12)</td>
</tr>
<tr>
<td>Log Likelihood</td>
<td>-2477.6</td>
<td>-2231.3</td>
<td>-1915.8</td>
</tr>
<tr>
<td>N</td>
<td>10731</td>
<td>8926</td>
<td>7746</td>
</tr>
</tbody>
</table>

*p<0.10  
**p<0.05  
***p<0.01
References


Ackerman, Bruce. 1993. *We the People*. Harvard University Press.


