The Lifespan of Written Constitutions

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There is a certain cynicism regarding the value of Constitutions. The cynicism stems, in one part, from the suspicion that Constitutions -- with their lofty ideals and sometimes inscrutable language -- are often at variance with actual political practice. The poster child of this problem (at least in comparative Constitutional texts) is the former Soviet Union, whose Constitution has been lauded as the most democratic ever written (Finer 1995). Enough authoritarian governments have written “democratic” Constitutions, however, that the complaint is by no means limited to the Soviet Union. A second source of cynicism results from the rather ephemeral nature of the documents. Constitutions, by our estimate, last an average of seventeen years. This is an unsettling estimate for those concerned about sustainable democracy.

Constitutions serve the critical function of tying the hands of government, a function that presupposes the document’s endurance. However, if Constitutions are fleeting, leaders feel no obligation to abide by their constraints and citizens, having minimal attachment to a fleeting document, will not punish those who transgress its boundaries. Together, these concerns – which have an unknown basis in fact – lead us to explore the Constitutional chronologies of states in some depth.¹

In particular, the concerns imply two sets of questions regarding the endurance of Constitutions, one functional the other genetic. The first is whether or not Constitutions (as de jure laws and institutions) are relevant to actual practice (de facto laws and institutions). In the larger project (see fn. 1), we will compare the content of Constitutions (e.g., the enumeration of

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¹ This paper is part of a larger project to understand the origins and characteristics of 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.
rights) with data on political practice (e.g., observed rights protection). However, Constitutional chronologies themselves suggest a test of Constitutional relevance. One indicator of their relevance is the degree to which shifts from one Constitutional system to another correspond with actual institutional milestones in a country’s history. We measure this association by comparing our data on Constitutional chronologies to institutional variables in the Polity data (Marshall, Jaggers, and Gurr 2000).

The second, and broader, set of questions concerns the historical origins and endurance of Constitutional systems. That is, how durable are Constitutions and what conditions lead to the demise of one Constitution and the writing of another? Within this historical inquiry, we focus on two questions in particular. First, can states sustain democracy while writing periodic Constitutions, or are the two mutually exclusive? One would expect that if sustainable democracy derives from enduring constitutions, we should not see countries characterized by long-standing democracy cycling through multiple drafts of Constitutions. A second focus of the historical analysis is whether probability of constitutional reform increases when neighboring (defined geographically and culturally) countries engage in reform in recent years (i.e., diffusion). Or, forgetting these more specific channels of influence, are there periods of clustered constitutional reform worldwide? Clearly, we have strong reasons to suspect that constitutional framers learn from Constitutions in other countries. Indeed, such learning should be evident once we compare the content of Constitutions in neighboring countries (thus, one critical motive behind the Constitutions project described in fn. 1). However, the prior question we address here is whether reform (whatever the content) is more likely when other countries have engaged in reform. Domestic conditions would seem almost certain to dominate the decision about when, exactly, to engage in reform. However, there is some anecdotal evidence of contagious
Constitutional reform, and the possibility is worth investigating given the focus of the larger project on diffusion. The results of these analyses help us fill some of the empirical gaps in our understanding of Constitutions and their role in democracies historically.

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 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. Of course, the vast majority of countries have discrete documents that the average observer would recognize as Constitutions. 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. 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 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.

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2 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).
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.

FROM CONCEPT TO MEASUREMENT

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. 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 higher law, either because it is entrenched or limits future law;

(3) change the basic pattern of authority by establishing or suspending an executive or legislative branch of government.

For the analysis that follows, 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” 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, while
others will make minor changes to a document and then christen a new constitution. 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.
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. 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.

**HOW MEANINGFUL ARE CONSTITUTIONS?**

Thus, if Constitutions do what they are intended to do, they structure and limit political
practice. Actual political practice, however, may be at variance with Constitutional
commitments. Not only may Constitutions be ignored, but they also may be simply scrapped
and re-written at the government’s convenience. The result of the latter may be continuity
between law and practice, but the effect is hardly “constitutionalist,” in the sense of limited
government as defined above. We investigate both of these charges.
One way to determine whether Constitutions are consequential is to compare their written provisions with actual political practice. Indeed, this is one objective motivates the larger project in which we are engaged. However, we can also learn about the efficacy of Constitutions simply by examining the historical circumstances of their adoption and by observing their duration. We begin by asking whether constitutional change corresponds with broader change in the political system, and later discuss the issue of duration.

Specifically, if the promulgation of new Constitutions corresponds with significant shifts in the functioning of a state’s institutions, then we can have some evidence of Constitutional relevance. Fortunately, we do have some historical data that allow us to make such a judgment. Data from Polity (Marshall, Jaggers, and Gurr 2004) allow us to track incremental and substantial changes with respect to the selection procedures for the executive and the legislature, their powers, and their relationship, as well any restrictions on political participation. These elements are summarized in Polity’s overall democracy measure, which runs from -10 to 10 and ranges from 1800 to 2002 for states with over a million citizens. These measures are, for the most part, subjective judgments about the patterns of authority that actually exist, not as inscribed in law. As such, they allow for the de jure versus de facto comparison that we wish to make.

Our event data records the date of promulgation of “new” constitutions as well as the date of subsequent amendments. As we discuss above, the distinction between new Constitutions and amendments can be merely nominal. Nevertheless, a nominal categorization is useful in this endeavor, at least to start. One promising way to start is to observe trends in the level of democracy and the incidence of new constitutions within individual countries. Figure 1 presents

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3 In analyses not reported here, we make use of our own measure of a “new” Constitutional system (that is, whether the Constitutional change – whatever it is called -- constitutes a shift to a new system). Those results, not surprisingly, point to an even tighter connection between de jure and de facto rules.
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.

For the most part, new constitutions in these countries correspond with major shifts in the structure of authority. The dates of each of Brazil’s constitutions, for example, mark the milestones of its political 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.

We should note that any correspondence between these phenomena does not necessarily mean that either the direction or the actual nature of the shift is reflected in or caused by the constitution; we only know, at this point, that the shift was marked by a new constitution.

One aggregate measure of the correspondence between the letter of the law and its practice 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. 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.

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). 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 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.

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4 As we measure change yearly, large scale changes that occur incrementally are recorded only as more moderate change.
Table 2 presents these same probabilities according to region. With the exception of Eastern/Central Europe, countries are significantly more likely to constitutionalize democratic transitions than they are authoritarian transitions, at least if we consider the more significant shifts. The Eastern European difference might be explained by the dominance of ideas of socialist legality in Eastern Europe: unlike some other authoritarian regimes, Soviet communism placed great emphasis on constitutional form and the nominal use of the legal system. Another interesting observation is the regional differences in the baseline probability of constitutional change. In Latin America and Africa, there are relatively high probabilities of new constitutions even without political transition. In Asia, the Middle East, and Western Europe, these probabilities are much lower. Indeed, the Middle East has very low probabilities of any constitutional change unless there is a significant shift in either authoritarian or democratic direction.

Another pattern to note is whether the promulgation of Constitutions follows or precedes a shift in democracy. Substantively, the question is whether Constitutions formalize already effected change, or whether they initiate such change. We measure this by estimating the probability of a constitution within the three years prior, and again within the three years subsequent, to a shift of over 3 points on the Polity scale. For democratic shifts, the probability of a new constitution in the next three years is 0.29 versus 0.20 in the previous three years. Authoritarian shifts show the same pattern: 0.25 and 0.13, respectively. This difference shouldn’t be surprising. The fundamental changes recorded in the Polity data do not wait for Constitutional deliberation: they are adopted quickly, only to be codified later. In short, *constitutional change is more likely to follow political change than it is to lead to political change.*
THE DURATION OF CONSTITUTIONS

We turn now to what we have described as the second point of cynicism regarding Constitutions: their apparently ephemeral nature. Our normative background assumption, for the constitutionalist reasons we describe above, is that durable Constitutions are important for the maintenance of democracy. We stress that our preference for endurance should not construed as trumping otherwise legitimate reasons for change. Certainly, some Constitutions should be rewritten. Nonetheless, notwithstanding an appropriate degree of tinkering, stability in the rules of the game is an important component to democratic rule. Not only does stability promote limits on government that become self-enforcing once they are consolidated, but a stable set of rules allows institutions (most importantly, parties) to develop. With these normative preferences in mind, we can begin to investigate some of the empirical patterns underlying Constitutional duration as well as the conditions under which Constitutions come and go.

Average Lifespans

How long do Constitutional systems usually endure? According to our data, their median lifespan is about 17 years across the world since 1789. Of course this varies across generations and across regions. For example, Latin American countries fit the joke of the French-constitution-as-periodical much better than does France itself.\(^5\) The typical Latin American constitution lasts 6.5 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! For that matter, about one third of the world’s Constitutions come out of Latin America. Constitutions in Western European and Asia, on the other hand, typically endure 28 and 15 years, respectively. Africa’s Constitutions are as fragile as those of

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\(^5\) As the joke typically goes, a library patron enters the library seeking a copy of the French Constitution only to be told that the library does not stock periodicals.
Latin America, lasting 7 years. Has this state of affairs changed over time? Any change, it seems, has been towards shorter lifespans. Through WWI, the median lifespan of a Constitution was 21 years, versus only 12 years in the years since.

Are Constitutional shifts periodic affairs, or does their duration and frequency vary throughout a country’s history? The idea of regular turnover makes some sense. Constitutions may gain legitimacy over time, but they may also grow to be outdated and tiresome. Frustration with a Constitution may accumulate over the years, only to be “solved” by periodic movements for change once actors (perhaps those of a new generation) decide that “change” of some sort is needed. This sort of periodicity, indeed, undergirds the critical juncture approach to political and Constitutional development (e.g., Burnham 1970; Ackerman 1993). While we intend to pursue this question in more detail in subsequent versions, any clear pattern is not immediately obvious across the entire set of cases. 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.

**Explaining Constitutional Duration**

Below we sketch a preliminary model of Constitutional endurance. Ultimately, this model will include attributes of Constitutions – drawn from the data that we are currently collecting in our larger project – which will allow us to identify the characteristics that make for self-enforcing Constitutions. For example, the scope of the document and the ease of its amendment procedure are two provisions that should affect duration. Meanwhile, it is instructive to build a baseline model that includes the various domestic and international conditions and events that would trigger Constitutional reform. Importantly, we can also test the background assumption that countries with democratic histories tend to have enduring
Constitutions as well as answer some questions about the possibility of diffusion in Constitutional reform.

**Democratic Tradition.** Enduring Constitutions and a strong democratic tradition should, almost by definition, go together. If that relationship does not hold, then we might question our background assumption that a commitment to higher law (i.e., a Constitution) sustains democracy. A cursory look at the evidence suggests that, in fact, countries that have experienced long periods of democracy write fewer Constitutions whereas more democratically-troubled countries such as Haiti and the Dominican Republic shift constitutions frequently. Note that the direction of causation is likely mutual. Serial constitution-making probably leads to historically low levels of democracy just as low levels of democracy inspire attempts to “get the institutions right” again and again and again. Our measure of democratic experience is the sum of a country’s Polity scores across years. Since we reason that more recent values should matter more than older ones, the summed democracy scores are first weighted by a factor that discounts older values by an exponential rate of decay with a half-life of 30 years.

**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. Santa Ana in 1836 in Mexico, the Brazilian military in 1967, and Pinochet (albeit belatedly) in 1980 are but several examples. Our measure of coups is from Banks (2005).

**Domestic Crisis.** Constitutions are, by design, somewhat static. Laws, policies, and institutions are intended to conform to Constitutions, not the reverse. But, of course,
Constitutions do not anticipate or accommodate all political change that may arise. When they do, Constitutions seem remarkably prescient; when they do not, they seem outdated. Ideally, constitutions have some level of flexibility, providing for an amendment process that is difficult enough to entrench fundamental policies, but not so rigid as to prevent change. (We will test the effects of different amendment procedures in future analyses). It may be, however, that new Constitutions follow pressure for change within the country. Evidence of such pressure may come in the form of protests, strikes, or violent conflict with government forces. Ecuador in the latter half of the 19th century seems to demonstrate this trend. Liberal and Conservative factions struggled over the period to define the principles of the state, only to be contested at every turn by the opposition. We measure such phenomenon with a general measure of internal conflict recorded by Banks (2005).

**Diffusion.** A motivating idea behind this paper is that governments write new constitutions because other governments do so. We can summarize this phenomenon generally as *diffusion*, or actor A’s action altering the probability of actor B acting similarly (Elkins and Simmons 2005). Diffusion with respect to Constitution making manifests in several ways. That a Constitution’s authors would use other constitutions as models is, perhaps, to state the obvious. Designing government institutions is not easy and an appropriate amount of learning (in the sense of Meseguer 2005) is to be expected. But which Constitutions serve as models for others? What are the implications for institutional performance of such imitation? Answers to these questions are only anecdotal, but these anecdotes are enough to whet the appetite for the more systematic analysis that motivates the authors’ constitutional project.

Can it be, however, that not only do ideas flow from one Constitution to another, but also that the drafting of new constitutions in one country inspires the drafting of new constitutions (of
whatever form) in others? There is some anecdotal evidence of this process at work. For example, it bears reminding that Hugo Chavez primary motivation in seeking power (albeit extra-constitutionally through a coup at first!) was to re-write the Venezuelan Constitution. Constitutional reform was arguably the only consistent theme during his presidential campaign and indeed his first act upon assuming office was to call a referendum on a new Constitution. Most interesting, however, was that his motivation for Constitutional reform stemmed from the 1990-91 reform in Colombia. 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)]

These sort of diffusion effects would suggest the clustering of new constitutions in time and space: that is, highly active Constitutional eras and hotspots. “Space,” we should stress, refers to not only geographical distance, but also social, economic, and cultural distance. The networks through which Constitutional ideas and inspiration might spread are many (see Elkins and Simmons 2005). We limit ourselves here to two reasonable sources of constitutional influence: geographic and cultural neighbors. By cultural neighbors, we mean those countries that practice the same religion, speak the same language, or share the same colonial history. Language, in particular, is a potentially powerful mechanism of constitutional diffusion since it links countries with a similar colonial (and, thus, institutional) heritage. Moreover, countries of a similar language can share Constitutions without the hindrance of translation.
Operationally, we can test whether Constitution-making neighbors trigger similar actions among their neighbors through the use of spatial lags or, more accurately, spatial/temporal lags (Elkins and Simmons 2004). Essentially, these are variables that lag the dependent variable one (or more) units in space and time. In our case, the variables score the number of new constitutions within the last three years among a country’s immediate neighbors, those in its “region,” and those who speak a similar language.

Figure 2 gives us a preliminary sense of whether constitutional reform clusters in time. It plots the number of new Constitutions by year, with a median-spline fit to the distribution in order to identify periods of high and low activity. Clearly there are short periods of very active Constitution-making, some of which may correspond to international shocks or other factors such as state births that are concentrated in time. Some, however, may result from diffusion. We can test these possibilities in the model with spatial lags.

**State Age and Boundaries.** We expect constitutions of older states to have longer lifespans. It is likely that leaders will experiment with various rules and institutional structures in the years following the state’s founding. In federal states, for example, the first years are often characterized by a cycling between more and less centralized arrangements before an equilibrium obtains. Even the United States’ otherwise stable constitutional system erupted occasionally over these issues. Colombia’s Constitutions in the 1800’s also demonstrate this back and forth between federal and unitary government.

Of course, other aspects affecting the state as it is defined should affect the duration of the document that defines it. In particular, we expect that any changes in the territorial boundaries (i.e., mergers or splits) of the state will provoke a new Constitution since such events effectively produce a new entity.
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 3 are from a Cox Proportional Hazard model, although the parametric models (such as the Weibull) that we tested deliver approximately the same results. Several results stand out. First, countries with a strong democratic legacy are significantly more likely to have enduring Constitutions. In fact, countries with the most amount of democratic experience have Constitutions that last five times as long as do those countries with the least democratic experience. This finding provides some support for the idea that enduring Constitutions and sustainable democracy are mutually supportive. With respect to the specific factors that lead to the demise of Constitutions, we can report preliminary support for each of our hypotheses except for that concerning generalized conflict. Strikes, protests, and violent conflict do not seem to be coincident with the writing of new Constitutions.

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, there is some evidence that Constitutional turnover is contagious, although it is certainly not strongly so. To the degree that diffusion plays a role in Constitutional reform, our energy should still be focused on learning mechanisms and external modeling processes that come in to play on states’ domestic schedule.
Table 1. Probability of a New Constitution Given a Shift in Authority Structure, by Era

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<thead>
<tr>
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<td>51</td>
<td>87</td>
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<td>0.23</td>
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<td></td>
<td>65</td>
<td>82</td>
<td>123</td>
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<td>5,726</td>
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<td>4,899</td>
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<tr>
<td>Significant Democratic Shift</td>
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<td></td>
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*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

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<th>Africa</th>
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<th>Central/Eastern Europe</th>
<th>Middle East</th>
<th>Latin America</th>
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<td>0.40</td>
<td>0.29</td>
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<tr>
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<td>Significant Democratic Shift</td>
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<td>16</td>
<td>57</td>
<td>42</td>
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*Probability of new constitution in upper cell; number of observations is in lower cell.
Figure 1. New Constitutions and Shifts in Authority Structure
Figure 2. Temporal Clustering and Constitution Making
Table 3. Predicting Constitutional Transition  
(Hazard ratios from Cox Proportional Hazard model)

<table>
<thead>
<tr>
<th>Independent variable</th>
<th>(1)</th>
<th>(2)</th>
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<tr>
<td>Democratic legacy</td>
<td>0.95***</td>
<td>0.96***</td>
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<td></td>
<td>(0.00)</td>
<td>(0.00)</td>
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<td>Coups</td>
<td>1.03***</td>
<td>1.04***</td>
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<td></td>
<td>(0.00)</td>
<td>(0.00)</td>
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<tr>
<td>State creation</td>
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<td>1.61**</td>
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<td></td>
<td>(0.31)</td>
<td>(0.28)</td>
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<tr>
<td>GDP per capita</td>
<td>0.98**</td>
<td>0.99</td>
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<td></td>
<td>(0.00)</td>
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<td>Internal Conflict</td>
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<tr>
<td>State Age</td>
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<td>0.95**</td>
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<td></td>
<td>(0.03)</td>
<td>(0.01)</td>
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<tr>
<td>Reform among geographic neighbors (within 3 yrs.)</td>
<td>1.04***</td>
<td>1.02**</td>
</tr>
<tr>
<td></td>
<td>(0.00)</td>
<td>(0.00)</td>
</tr>
<tr>
<td>Reform among language neighbors (within 3 yrs.)</td>
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<td>1.00</td>
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<td>Number of Transitions</td>
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<tr>
<td>Log Likelihood</td>
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<td>-2736.398</td>
</tr>
</tbody>
</table>

Standard errors in parentheses
* significant at 10%; ** significant at 5%; *** significant at 1%
Works Cited

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


Boston, MA: MIT Press.

