

Database constitutional codification political parties: methodology

The database of the constitutional codification of political parties covers the 19 countries commonly included in comparative studies of Latin American politics.¹ The period under investigation ranges from the first reference to political parties in the 1886 Colombian Constitution to the present. In line with van Biezen and Borz (2009, 4–5), the database contains all textual references to the term ‘political party/parties’.² The database uses the official version of legal texts, which were obtained from the countries’ governmental websites in their original language only. Nevertheless, the individual articles have been coded in English to increase the databases’ accessibility.

This study broadly applies the deductive-inductive constitutional coding scheme developed by van Biezen and Borz (2009).³ This coding scheme contains four broad elements: 1) principles and values; 2) rights and duties; 3) the structure of the political system, and 4) ‘meta-rules’ or rules of constitutional interpretation. The table below provides an overview of the 11 categories within these areas: democratic principles, rights and freedoms, duties and obligations, extra-parliamentary party, electoral party, parliamentary party, governmental party, party finance, media access, external oversight, and secondary legislation.⁴ To ensure internal reliability, I applied an iterative coding process. After coding each article, I checked for consistency with similar articles

¹ These countries are: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Nicaragua, and Venezuela.

² One minor distinction is that I also code references to ‘political organizations’ as textual references to political parties. For the purpose of this study, including this broader category of references allows for a better identification of shifts between the recognition, embrace, and rejection of the institution ‘political parties’ throughout Latin American history.

³ Dichotomous coding ensured mutual exclusiveness. This means that an article either contains a specific provision on political parties or it does not. The possibility to assign multiple codes to a single data entry ensured exhaustiveness. This means that each data entry was coded at least once, but that it could also pertain to several relevant categories (see Riffe, Lacy, and Fico 1998, 75–76).

⁴ For simplicity purposes I collapsed van Biezen and Borz’s distinction between the regulation of political parties’ ‘activity and behavior’ and their ‘identity and programme’ into a single category: ‘duties and obligations’. In practice, it often proved difficult to distinguish between the two categories. I also split their ‘public resources’ category into two: ‘party finance’ and ‘media access’. In practice, regulation on these two categories proved so elaborate as to require further specification.

adopted by the same country at earlier points in time. After coding all articles, I checked for consistency in the articles across each sub-category.

Area	Principles and values	Rights and duties	Political system	Meta-rules
Category	Democratic principles	Rights and freedoms	Extra-parliamentary party	External oversight
		Duties and obligations	Electoral party	Secondary legislation
			Parliamentary party	
			Governmental party	
			Party finance	
			Media access	

In line with van Biezen and Borz's coding scheme (2009, 6–8), 'democratic principles' define the democratic system and/or key democratic principles and values in terms of political parties. 'Rights and freedoms' associate political parties with fundamental democratic rights and liberties, such as the freedom of speech or association. 'Rights and duties' specify conditions for permissible forms of party activity, behavior, and identity. In my analysis of the constitutional references, I have used these sub-categories as indicators of the normative appreciation of political parties as institutions.

The other categories all relate to the more procedural position awarded to political parties within the broader system of governance. Constitutional references to the 'extra-parliamentary party' address political parties in the extra-parliamentary domain, such as by focusing on their internal structure or their function as a membership organization. References to the 'electoral party', 'legislative party', and 'governing party' similarly apply to political party organization in these various domains. Articles listed under 'political finance' and 'media access' regulate political parties' access to, and dependence on, public resources. The categories 'external oversight' and 'secondary

legislation', lastly, contain references to external control over political parties' upholding of these constitutional provisions as well the delegation of the legal development of other rules and norms to further legislation.

Bibliography

van Biezen, Ingrid, and Gabriela Borz. 2009. "The Place of Political Parties in National Constitutions: A European Overview." Working Paper Series On The Legal Regulation Of Political Parties, No. 1. Leiden: Leiden University.