

Appendix

I. Robustness Checks

To ensure that our results are robust to alternative model specifications, we conducted a number of additional tests with different measures of our main explanatory variables and additional relevant control variables. These alternative models reflect the findings in our main models, or produce differences that are explained by differences in the concepts actually measured or coverage of the data, as explained below.

In addition to adding controls and alternative measures of concepts, our models using individual indicators for the Islamic and Shared/Secular features present in the constitution (*Sharia/Islam, Holy Oath, Muslim Head of State, Supremacy of Sharia, Sharia-based Education, Customary Law, Rule of Law, Secular Courts, Women in Judiciary, Peaceful Resolution of Disputes, Education in Constitution*). Again, these findings largely support patterns uncovered in our main models.¹

Finally, we estimated models with individual constitutional court indicators instead of *Constitutional Court* (*Court Presence, Number of Mentions, and Word Count*). Results are similar to our base models, and we continue to find that whether domestic constitutional oversight affects ILS' propensity to accept the ICJ's compulsory jurisdiction depends on judicial independence.

¹ We obtained these data from (Powell 2020). Please refer to this book for additional detail about these variables.

Table A1: Robustness Checks – Compulsory Jurisdiction – Logistic Regressions

| | <i>Estimates</i> | | | | | | | | | | |
|--------------------------------|------------------------|------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|--|
| | Model 1 | Model 2 | Model 5 | Model 6 | Model 7 | Model 8 | Model 9 | Model 10 | Model 11 | Model 12 | |
| Constitutional Court | 0.881** (0.422) | 0.883** (0.448) | 0.963** (0.409) | 1.147*** (0.422) | 0.973** (0.457) | 0.973** (0.455) | 1.128** (0.541) | | | | |
| General Judicial Review | | | | | | | | 0.666* (0.400) | | | |
| Interpretation | | | | | | | | | 0.472 (0.741) | 1.012 (0.698) | |
| High Court Independence | 0.276 (0.472) | 0.307 (0.450) | 0.403 (0.414) | 0.029 (0.426) | 0.580 (0.547) | 0.580 (0.525) | 0.586 (0.541) | 0.021 (0.424) | 1.008 (0.727) | 0.274 (0.512) | |
| Islamic Index | -0.014 (0.454) | -0.029 (0.457) | -0.054 (0.467) | 0.620 (0.626) | -0.178 (0.532) | -0.178 (0.530) | -0.217 (0.546) | -0.309 (0.337) | -0.309 (0.471) | -0.170 (0.435) | |
| Secular/Shared Law Index | -0.465 (0.495) | -0.580 (0.458) | -0.825* (0.453) | -0.854 (0.548) | -0.365 (0.622) | -0.364 (0.604) | -0.504 (0.605) | -0.584 (0.417) | -0.071 (0.662) | 0.052 (0.662) | |
| Capabilities | 449.701*** (87.742) | 470.840*** (90.769) | 530.549*** (108.015) | 691.529*** (138.143) | 552.385*** (115.735) | 552.213*** (108.159) | 545.690*** (110.410) | 301.925*** (113.518) | 422.750*** (156.233) | 358.593*** (147.438) | |
| Electoral Democracy (V-Dem) | -1.838 (2.526) | -0.975 (2.823) | | -2.493 (2.976) | -3.936 (3.171) | -3.938 (3.342) | -3.567 (3.118) | -0.525 (3.330) | -2.413 (3.492) | -2.909 (3.263) | |
| Democracy (Polity) | | | -0.032 (0.128) | | | | | | | | |
| Treaty Commitments | 1.811*** (0.348) | 1.748*** (0.373) | 1.998*** (0.335) | 1.506*** (0.366) | 1.970*** (0.444) | 1.970*** (0.444) | 1.981*** (0.456) | 1.710*** (0.338) | 1.830*** (0.384) | 1.721*** (0.370) | |
| Time | -0.132*** (0.029) | -0.131*** (0.030) | -0.155*** (0.028) | -0.128*** (0.038) | -0.149*** (0.030) | -0.149*** (0.030) | -0.152*** (0.032) | -0.112*** (0.029) | -0.128*** (0.038) | -0.119*** (0.035) | |

| | | | | | | | | | | |
|-----------------------------|-----------|-----------|-----------|------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Africa | | | | | 5.930** | | | | | |
| | | | | | (2.965) | | | | | |
| Asia/Oceania | | | | | 2.044 | | | | | |
| | | | | | (2.567) | | | | | |
| International Law | | | | | -0.423 | | | | | |
| | | | | | (1.172) | | | | | |
| Challenge Post Promulgation | | | | | | | | | | -1.136 |
| | | | | | | | | | | (1.068) |
| Constitutional Court* | 0.306 | | 0.168 | 0.374 | -0.001 | | | | 0.076 | |
| High Court Independence | (0.227) | | (0.171) | (0.248) | (0.198) | | | | (0.191) | |
| General Judicial Review* | | | | | | | | | | -0.210 |
| High Court Independence | | | | | | | | | | (0.245) |
| Interpretation* | | | | | | | | | | -1.095** |
| High Court Independence | | | | | | | | | | (0.543) |
| Constant | -8.159*** | -8.101*** | -9.066*** | -12.126*** | -8.775*** | -8.774*** | -8.686*** | -7.628*** | -8.483*** | -8.331*** |
| | (1.492) | (1.496) | (1.336) | (2.219) | (2.223) | (2.214) | (2.247) | (1.333) | (1.957) | (2.013) |
| Observations | 1,496 | 1,496 | 1,420 | 1,496 | 1,181 | 1,181 | 1,179 | 1,496 | 1,181 | 1,181 |
| Log Likelihood | -386.199 | -393.299 | -347.816 | -292.742 | -246.546 | -246.556 | -243.186 | -401.547 | -258.938 | -268.055 |
| AIC | 792.399 | 804.599 | 715.632 | 609.485 | 515.111 | 513.111 | 508.373 | 823.095 | 537.876 | 554.111 |

Note:

* p<0.1; ** p<0.05; *** p<0.01

In **Table A1**, Models 1 and 2 are the interactive and basic logit models, respectively, found in Table 3 of the manuscript. Model 5 is a reproduction of the interactive Model 1, except that it employs the Polity IV's Institutionalized Democracy scale in lieu of V-Dem's Electoral Democracy Index to measure democracy. Results are substantively similar, but the V-Dem indicator provides better coverage of the ILS case universe. As differences across regions can influence state behavior, Model 6 adds controls for region, (*Middle East, Africa, Asia/Oceania*) to the interactive Model 1 with the Middle East as the reference category. The average marginal effect of the *Constitutional Court Index* on the probability of accepting the ICJ's jurisdiction at different values of *High Court Independence* is similar to Model 1. Models 7 and 8 reproduce Models 1 and 2, respectively, with the addition of *International Law*, a control recognition of international law in the constitution. This is a dichotomous variable based on the Comparative Constitutions Project indicators Elkins, Ginsburg, and Melton (2009; 2016, 137). This is intended to control, however imperfectly, for monism and dualism as distinctions for how international law enters a domestic legal system. Model 9 is also constructed from Comparative Constitutions Project data, and adds to Model 1 *Challenge Post Promulgation*, a dichotomous variable that indicates whether bills can be reviewed for constitutionality post promulgation, to control for the distinction between constitutional courts the practice *a posteriori* as opposed to *a priori* abstract review. Models 11 and 12 reproduce Models 1, and 2, respectively, but employ an alternative, albeit narrower measure of a constitutional court than the *Constitutional Court* index constructed with data from the Comparative Constitutions Project. This variable, *Interpretation* indicates which institution the constitution tasks with the responsibility of interpreting the constitution (constitutional or supreme court). This is an imperfect measure for the concept that we wish to measure, as it refers only to interpretation of the constitution and not review of legislation. It is important to note that a significant number of observations, representing a number of constitution-years are lost when the Comparative Constitutions Data are employed. Finally, Model 10 replicates the main interactive Model 1, with *General Judicial Review*, V-Dem's judicial review indicator (*v2jreview*) as an alternative to the *Constitutional Court Index*. The marginal effect of indicator on accepting the ICJ's jurisdiction is not statistically significant at any level of judicial independence, and interestingly, the substantive effect is slightly negative. However, this finding highlights the importance of our distinction between constitutional courts/equivalent institutions and other court: *General Judicial Review* is a measure of whether any court in the judiciary can conduct judicial review. Moreover, it does not measure whether that authority is formally grounded in the constitution (Coppedge et al 2018a, 164).

Table A2: Robustness Checks – Compromissory Jurisdiction – Negative Binomial Regressions

| | <i>Estimates</i> | | | | | | | | | |
|--------------------------------|---------------------|---------------------|--------------------|----------------------|---------------------|---------------------|--------------------|----------------------|---------------------|---------------------|
| | Model 3 | Model 4 | Model 13 | Model 14 | Model 15 | Model 16 | Model 17 | Model 18 | Model 19 | Model 20 |
| Constitutional Court | -0.026 (0.276) | -0.043 (0.291) | -0.044 (0.295) | -0.140 (0.313) | -0.230 (0.44) | -0.198 (0.353) | 0.344 (0.291) | | | |
| General Judicial Review | | | | | | | | 0.225 (0.207) | | |
| Interpretation | | | | | | | | | 0.413** (0.428) | 0.214 (0.309) |
| High Court Independence | -0.512** (0.243) | -0.487** (0.226) | -0.464* (0.239) | -0.779*** (0.205) | -0.521** (0.242) | -0.527** (0.231) | -0.410 (0.282) | -0.560*** (0.217) | -0.715** (0.284) | -0.550** (0.238) |
| Islamic Index | -0.231 (0.157) | -0.244 (0.168) | -0.084 (0.162) | -0.062 (0.180) | -0.048 (0.187) | -0.089 (0.194) | -0.116 (0.212) | -0.392** (0.185) | -0.169 (0.203) | -0.177 (0.208) |
| Secular/Shared Law Index | 0.178 (0.197) | 0.122 (0.187) | 0.353* (0.212) | 0.237 (0.196) | 0.220 (0.225) | 0.185 (0.214) | 0.152 (0.221) | 0.050 (0.152) | 0.072 (0.197) | 0.053 (0.207) |
| Capabilities | 90.429 (58.119) | 99.994* (58.892) | 9.746 (55.567) | 87.322 (72.529) | 29.135 (51.978) | 27.243 (55.456) | 10.453 (49.500) | 86.427 (53.909) | 48.779 (57.956) | 54.288 (56.350) |
| Electoral Democracy (V-Dem) | 3.887*** (1.467) | 4.355*** (1.410) | | 4.843** (1.897) | 3.106* (1.601) | 3.300** (1.596) | 3.677** (1.620) | 3.957* (2.062) | 2.995* (1.789) | 3.133* (1.801) |
| Democracy (Polity) | | | 0.076 (0.064) | | | | | | | |
| Treaty Commitments | 0.248 (0.182) | 0.235 (0.184) | 0.328* (0.180) | -0.106 (0.155) | 0.249 (0.167) | 0.237 (0.167) | 0.239 (0.164) | 0.154 (0.172) | 0.171 (0.161) | 0.185 (0.160) |
| Time | 0.007 (0.016) | 0.007 (0.016) | 0.012 (0.015) | 0.024 (0.016) | 0.002 (0.016) | 0.002 (0.016) | -0.004 (0.015) | 0.008 (0.014) | 0.005 (0.014) | 0.004 (0.014) |

| | | | | | | | | | | |
|-----------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Africa | | | | 2.087*** | | | | | | |
| | | | | (0.540) | | | | | | |
| Asia/Oceania | | | | 0.674 | | | | | | |
| | | | | (0.687) | | | | | | |
| International Law | | | | | -0.196 | -0.263 | | | | |
| | | | | | (0.532) | (0.559) | | | | |
| Challenge Post Promulgation | | | | | | | | -2.489*** | | |
| | | | | | | | | (0.588) | | |
| Constitutional Court* | 0.120 | | 0.193 | 0.228* | 0.036 | | | 0.421* | | |
| High Court Independence | (0.127) | | (0.156) | (0.130) | (0.188) | | | (0.219) | | |
| General Judicial Review* | | | | | | | | -0.228* | | |
| High Court Independence | | | | | | | | (0.136) | | |
| Interpretation* | | | | | | | | | 0.234 | |
| High Court Independence | | | | | | | | | (0.320) | |
| Constant | -1.863** | -1.886** | -1.356** | -2.306*** | -1.363* | -1.364* | -0.922 | -1.381* | -1.462** | -1.363* |
| | (0.789) | (0.776) | (0.664) | (0.660) | (0.800) | (0.798) | (0.814) | (0.769) | (0.786) | (0.789) |
| Observations | 1,356 | 1,356 | 1,285 | 1,356 | 1,046 | 1,046 | 1,046 | 1,356 | 1,046 | 1,046 |
| Log Likelihood | - | - | - | -2,554.091 | - | -2,055.617 | 2,014.611 | -2,611.459 | - | -2,059.294 |
| | 2,649.718 | 2,653.971 | 2,545.803 | | 2,057.564 | | | | 2,057.583 | |
| theta | 0.415*** (0.024) | 0.409*** (0.024) | 0.406*** (0.024) | 0.515*** (0.031) | 0.423*** (0.028) | 0.425*** (0.032) | 0.478*** (0.032) | 0.468*** (0.028) | 0.420*** (0.028) | 0.420*** (0.028) |
| AIC | 5,319.435 | 5,325.942 | 5,111.606 | 5,132.181 | 4,137.127 | 4,117.980 | 4,051.221 | 5,242.917 | 4,135.073 | 4,136.001 |

Note:

*p<0.1; **p<0.05; ***p<0.01

In **Table A2**, Models 3 and 4 are the interactive and basic negative binomial models, respectively, found in Table 4 of the manuscript (compromissory models 1 and 2). Model 13 is a reproduction of the interactive Model 3, except that it employs the Polity IV's Institutionalized Democracy scale in lieu of V-Dem's Electoral Democracy Index to measure democracy. Model 14 adds controls for region, (*Middle East, Africa, Asia/Oceania*) to the interactive Model 1 with the Middle East as the reference category. Models 15 and 16 reproduce Models 3 and 4, respectively, with the addition of *International Law*. Model 17 is also constructed from Comparative Constitutions Project data, and adds *Challenge Post Promulgation* to Model 3. Models 19 and 20 reproduce Models 3, and 4, respectively, but employ the narrower *Interpretation* variable, as in Models 11 and 12 in Table A1 above. Model 18 replicates the main interactive Model 1, with *General Judicial Review*. Although the marginal effect of indicator on accepting the ICJ's jurisdiction is significant at some levels of judicial independence, the substantive difference between this indicator and the core concept we seek to measure remains true. As with the main Models 3 and 4, most variables of interest are not significant, and most substantive findings hold, with similar caveats to those discussed with reference to Table A1 regarding measurement and data limitations.

Table A3: Islamic Law and Secular/Shared Law Indicators – Compulsory Jurisdiction – Logistic Regressions

| | <i>Estimates</i> | | | |
|---------------------------------|------------------------|------------------------|-------------------------|-------------------------|
| | Model 1 | Model 2 | Model 21 | Model 22 |
| Constitutional Court | 0.881** (0.422) | 0.883** (0.448) | 0.759* (0.388) | 0.828* (0.441) |
| High Court Independence | 0.276 (0.472) | 0.307 (0.450) | 0.454 (0.322) | 0.262 (0.426) |
| Islamic Index | -0.014 (0.454) | -0.029 (0.457) | | |
| Secular/Shared Law Index | -0.465 (0.495) | -0.580 (0.458) | | |
| Sharia/Islam | | | 0.032* (0.019) | 0.036** (0.017) |
| Holy Oath | | | 1.333** (0.662) | 0.650 (0.708) |
| Muslim Head of State | | | -4.764*** (1.257) | -4.790*** (1.232) |
| Supremacy of Sharia | | | 3.752*** (1.091) | 4.259*** (1.135) |
| Sharia-Based Education | | | -51.165*** (10.358) | -43.591*** (10.730) |
| Customary Law | | | 2.415* (1.350) | 2.126* (1.200) |
| Rule of Law | | | 0.295 (0.920) | 0.442 (0.814) |
| Peaceful Resolution of Disputes | | | 2.420*** (0.881) | 1.314* (0.764) |
| Secular Courts | | | 2.052** (0.897) | 1.856** (0.942) |
| Women in Judiciary | | | 1.239 (0.890) | 1.158 (0.817) |
| Education in Constitution | | | -3.549*** (0.740) | -3.479*** (0.910) |
| Capabilities | 449.701*** (87.742) | 470.840*** (90.769) | 387.911*** (118.827) | 403.411*** (141.365) |

| | | | | |
|-------------------------|----------------------|----------------------|----------------------|----------------------|
| Electoral Democracy | -1.838 (2.526) | -0.975 (2.823) | -7.184*** (2.418) | -3.847* (2.204) |
| Treaty Commitments | 1.811*** (0.348) | 1.748*** (0.373) | 2.114*** (0.526) | 1.777*** (0.485) |
| Time | -0.132*** (0.029) | -0.131*** (0.030) | -0.191*** (0.052) | -0.176*** (0.051) |
| Constitutional Court* | 0.306 (0.227) | | 0.641** (0.311) | |
| High Court Independence | | | | |
| Constant | -8.159*** (1.492) | -8.101*** (1.496) | -8.352*** (2.438) | -7.387*** (2.006) |
| Observations | 1,496 | 1,496 | 1,496 | 1,496 |
| Log Likelihood | -386.199 | -393.299 | -193.565 | -203.155 |
| AIC | 792.399 | 804.599 | 425.129 | 442.310 |

Note:

*p<0.1; **p<0.05; ***p<0.01

Table A3 presents the results of the interactive and basic logit Models 1 and 2 from Table 3 of the manuscript, and compares them with two models that employ individual indicators of the Islamic Law and Secular/Shared law indices. Model 21 includes interaction term between *Constitutional Court* and *High Court Independence*, whereas Model 22 does not. In Both Model 21 and Model 22, several Islamic indicators are statistically significant in the expected (negative) direction. These indicators include Muslim Head of State and Sharia Education for both the interactive model (Model 21) and basic model (Model 22), though it is important to note that Sharia Education has very large standard errors. Several indicators are also statistically significant and positive, meaning that certain Islamic law indicators are associated with states being more, not less likely to accept the ICJ's compulsory jurisdiction. These indicators include Holy Oath (interactive model only), Islam in the Constitution, and Supremacy of Sharia. With the exception of constitutional references to Rule of Law and Women in the Judiciary, the Secular/Shared Law indicators are mostly significant in the expected (positive) direction. As with Model 2, in Model 22, the *Constitutional Court* variable is statistically significant, suggesting that by itself, a constitutionally-embedded constitutional court is has an effect on an ILS accepting the ICJ's compulsory jurisdiction. **Figure A3** (below) demonstrates that the marginal effect of *Constitutional Court* is conditional on the level of *High Court Independence* in Model 21 – as it is in Model 1. Models 21 and 22 are informative in that they provide insight into which characteristics of the *Islamic Law* and *Secular/Shared Law* indices are associated with acceptance of the ICJ's compulsory jurisdiction. However, we maintain that the index provides a fuller picture of the aggregate effect of these types of constitutional characteristics.

Figure A3: Average Marginal Effect of Constitutional Court, Conditional on High Court Independence, With Individual Indicators

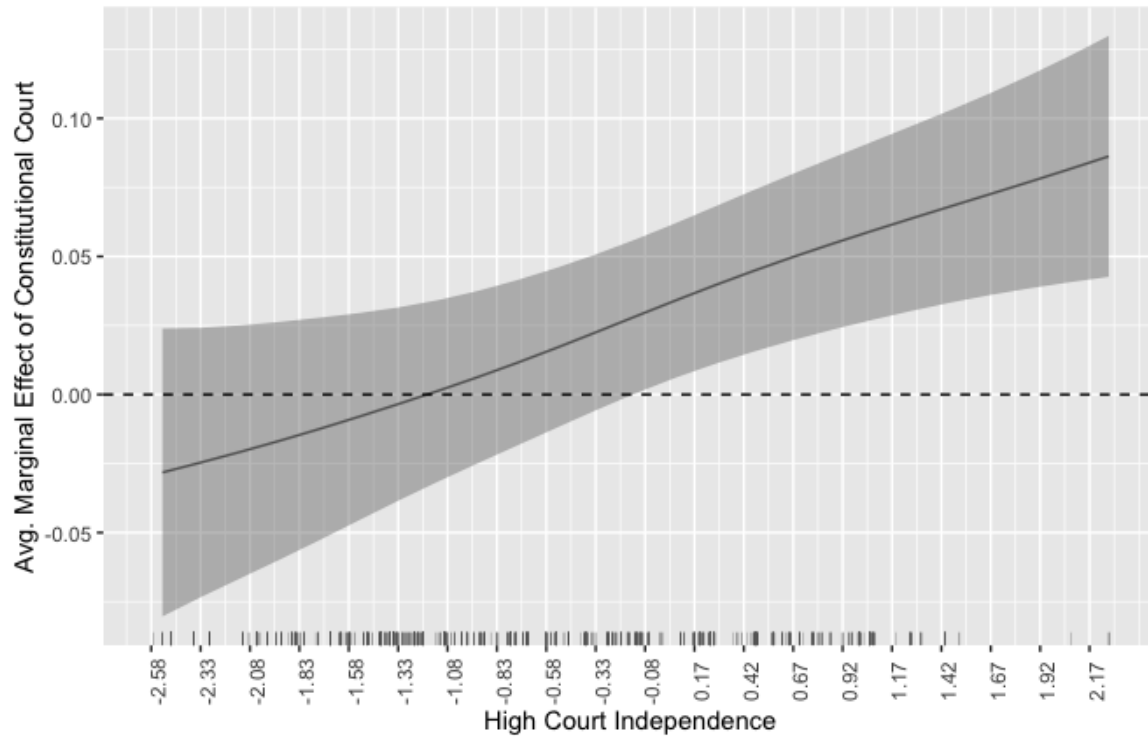


Table A4: Islamic Law and Secular/Shared Law Indicators – Compromissory Jurisdiction – Negative Binomial Regressions

| | <i>Estimates</i> | | | |
|---------------------------------|---------------------|---------------------|----------------------|----------------------|
| | Model 3 | Model 4 | Model 23 | Model 24 |
| Constitutional Court | -0.026 (0.276) | -0.043 (0.291) | -0.038 (0.260) | -0.030 (0.243) |
| High Court Independence | -0.512** (0.243) | -0.487** (0.226) | -0.520** (0.213) | -0.524** (0.210) |
| Islamic Index | -0.231 (0.157) | -0.244 (0.168) | | |
| Secular/Shared Law Index | 0.178 (0.197) | 0.122 (0.187) | | |
| Sharia/Islam | | | 0.016*** (0.006) | 0.017*** (0.006) |
| Holy Oath | | | -0.946** (0.403) | -1.002** (0.355) |
| Muslim Head of State | | | -1.196*** (0.449) | -1.211*** (0.445) |
| Supremacy of Sharia | | | 1.190*** (0.375) | 1.239*** (0.357) |
| Sharia-Based Education | | | -6.450** (2.930) | -6.449** (3.026) |
| Customary Law | | | -0.084 (0.536) | -0.046 (0.532) |
| Rule of Law | | | -0.125 (0.348) | -0.154 (0.349) |
| Peaceful Resolution of Disputes | | | -0.295 (0.439) | -0.340 (0.379) |
| Secular Courts | | | 0.636 (0.473) | 0.646 (0.461) |
| Women in Judiciary | | | -0.179 (0.397) | -0.169 (0.402) |
| Education in Constitution | | | 0.633 (0.638) | 0.621 (0.644) |
| Capabilities | 90.429 (58.119) | 99.994* (58.892) | 3.421 (58.840) | 0.860 (58.392) |

| | | | | |
|-------------------------|---------------------|---------------------|---------------------|---------------------|
| Electoral Democracy | 3.887*** (1.467) | 4.355*** (1.410) | 4.044*** (1.546) | 4.171*** (1.476) |
| Treaty Commitments | 0.248 (0.182) | 0.235 (0.184) | 0.108 (0.145) | 0.102 (0.148) |
| Time | 0.007 (0.016) | 0.007 (0.016) | 0.012 (0.014) | 0.013 (0.014) |
| Constitutional Court* | 0.120 (0.127) | | 0.053 (0.123) | |
| High Court Independence | | | | |
| Constant | -1.863** (0.789) | -1.886** (0.776) | -1.444* (0.775) | -1.424* (0.773) |
| Observations | 1,356 | 1,356 | 1,356 | 1,356 |
| Log Likelihood | -2,649.718 | -2,653.971 | -2,547.037 | -2,547.068 |
| theta | 0.415*** (0.024) | 0.409*** (0.024) | 0.569*** (0.037) | 0.566*** (0.036) |
| AIC | 5,319.435 | 5,325.942 | 5,132.074 | 5,130.136 |

Note:

*p<0.1; **p<0.05; ***p<0.01

Table A4 presents the results of the interactive and basic negative binomial Models 3 and 4 from Table 4 of the manuscript, and compares them with Models 23 and 24 – two models that employ individual indicators of the Islamic Law and Secular/Shared law indices. As in the main models that employ the indices, the effect of the *Constitutional Court* is not statistically significant at any value of *High Court Independence*. Interestingly, as in the compulsory jurisdiction models, the *Muslim Head of State* indicator is negative and statistically significant for both models. The *Supremacy of Sharia* indicator is positive and statistically significant for both models. In these two models, none of the control variables have a statistically significant effect on the number of compromissory treaties except for *Electoral Democracy*. Our results further support the conclusion that an independent constitutional court does not affect states' willingness to acceptance the ICJ's compromissory jurisdiction.

Table A5: Individual Constitutional Court Indicators – Compulsory Jurisdiction – Logistic Regressions

| | <i>Estimates</i> | | | |
|--------------------------|------------------------|-------------------------|------------------------|------------------------|
| | Model 1 | Model 25 | Model 26 | Model 27 |
| Constitutional Court | 0.881** (0.422) | | | |
| Court Presence | | 1.013 (0.735) | | |
| Number of Mentions | | | 0.058** (0.029) | |
| Word Count | | | | 0.003** (0.002) |
| High Court Independence | 0.276 (0.472) | -0.079 (0.607) | 0.185 (0.531) | 0.091 (0.527) |
| Islamic Index | -0.014 (0.454) | -0.062 (0.484) | 0.009 (0.428) | 0.009 (0.431) |
| Secular/Shared Law Index | -0.465 (0.495) | -0.316 (0.500) | -0.499 (0.495) | -0.435 (0.480) |
| Capabilities | 449.701*** (87.742) | 342.445*** (114.861) | 453.466*** (89.110) | 443.027*** (83.051) |
| Electoral Democracy | -1.838 (2.526) | 0.383 (2.996) | -2.284 (2.634) | -2.023 (2.462) |
| Treaty Commitments | 1.811*** (0.348) | 1.688*** (0.313) | 1.836*** (0.381) | 1.840*** (0.353) |
| Time | -0.132*** (0.029) | -0.122*** (0.025) | -0.132*** (0.034) | -0.130*** (0.029) |
| Constitutional Court* | 0.306 (0.227) | | | |
| High Court Independence | | 0.633 (0.732) | | |
| Court Presence* | | | | |
| High Court Independence | | | | |
| Number of Mentions* | | | 0.017 (0.012) | |
| High Court Independence | | | | |
| Word Count* | | | | 0.001** (0.001) |
| High Court Independence | | | | |
| Constant | -8.159*** (1.492) | -8.157*** (1.338) | -8.627*** (1.613) | -8.771*** (1.535) |

| | | | | |
|----------------|----------|----------|----------|----------|
| Observations | 1,496 | 1,496 | 1,496 | 1,496 |
| Log Likelihood | -386.199 | -418.903 | -379.065 | -385.996 |
| AIC | 792.399 | 857.806 | 778.129 | 791.992 |

Note: *p<0.1; **p<0.05; ***p<0.01

Table A5 presents results of Model 1 from Table 3 of the manuscript compared with three logit models disaggregating the *Constitutional Court Index*. Models 25, 26, and 27 take *Court Presence*, *Number of Mentions*, and *Word Count*, respectively, as the key independent variables to measure Constitutional Court. These results reflect the fact that each of these individual indicators only captures one aspect of formal constitutional embeddedness of a constitutional court, whereas the *Constitutional Court* index aggregates these three indicators to capture the magnitude of constitutional regulation devoted to the court. This also may explain why *Court Presence*, a much coarser variable that does not capture this degree of regulation, is not significant at any level of *High Court Independence*. The results for control variables are also largely consistent with the findings for the interactive model using the *Constitutional Court* variable. **Figure A5** (below) illustrate the degrees of correlation between the indicators prior to the construction of *Constitutional Court* and the index itself.

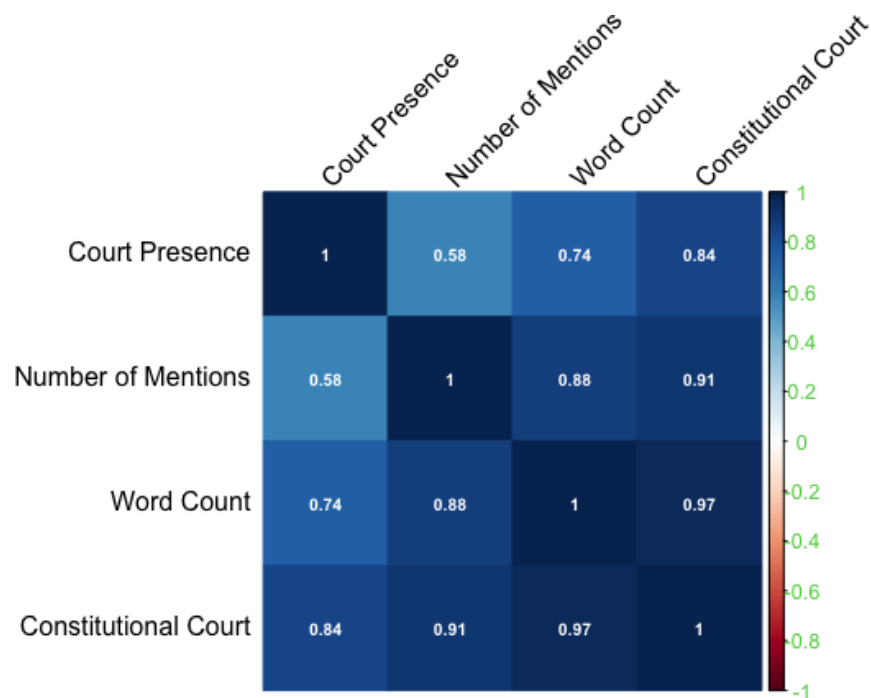


Figure A5: Correlation Matrix of *Constitutional Court* and indicators

Table A6: Individual Constitutional Court Indicators – Compromissory Jurisdiction – Negative Binomial Regressions

| | <i>Estimates</i> | | | |
|--------------------------|---------------------|---------------------|----------------------|----------------------|
| | Model 3 | Model 28 | Model 29 | Model 30 |
| Constitutional Court | -0.026 (0.276) | | | |
| Court Presence | | -0.929* (0.481) | | |
| Number of Mentions | | | 0.006 (0.017) | |
| Word Count | | | | 0.0002 (0.001) |
| High Court Independence | -0.512** (0.243) | -0.509* (0.271) | -0.576** (0.256) | -0.580** (0.247) |
| Islamic Index | -0.231 (0.157) | -0.192 (0.146) | -0.247 (0.157) | -0.239 (0.156) |
| Secular/Shared Law Index | 0.178 (0.197) | 0.214 (0.200) | 0.142 (0.189) | 0.147 (0.197) |
| Capabilities | 90.429 (58.119) | 57.445 (60.390) | 109.342* (59.882) | 101.123* (58.649) |
| Electoral Democracy | 3.887*** (1.467) | 4.995*** (1.403) | 3.515** (1.567) | 3.782** (1.542) |
| Treaty Commitments | 0.248 (0.182) | 0.270 (0.170) | 0.228 (0.190) | 0.237 (0.186) |
| Time | 0.007 (0.016) | 0.009 (0.016) | 0.008 (0.017) | 0.007 (0.017) |
| Constitutional Court* | 0.120 | | | |
| High Court Independence | (0.127) | | | |
| Court Presence* | | 0.040 | | |
| High Court Independence | | (0.398) | | |
| Number of Mentions* | | | 0.008 | |
| High Court Independence | | | (0.008) | |
| Word Count* | | | | 0.0004 |
| High Court Independence | | | | (0.0005) |
| Constant | -1.863** (0.789) | -1.791** (0.771) | -1.850** (0.815) | -1.858** (0.828) |

| | | | | |
|----------------|------------------|------------------|------------------|------------------|
| Observations | 1,356 | 1,356 | 1,356 | 1,356 |
| Log Likelihood | -2,649.718 | -2,627.282 | -2,649.288 | -2,651.192 |
| theta | 0.415*** (0.024) | 0.438*** (0.026) | 0.416*** (0.024) | 0.413*** (0.024) |
| AIC | 5,319.435 | 5,274.565 | 5,318.575 | 5,322.385 |

Note:

*p<0.1; **p<0.05; ***p<0.01

Table A6 presents results of Model 3 from Table 4 of the manuscript compared with three negative binomial models disaggregating the *Constitutional Court Index*. Models 28, 29, and 30 take *Court Presence*, *Number of Mentions*, and *Word Count*, respectively, as the key independent variables to measure Constitutional Court. Similar to the models presented in Table A5 in comparison with Model 1, results of the models in Table A6 are similar to Model 3, again with the dichotomous *Court Presence* variable as an outlier.

II. Coding Rules

The following are the coding rules for the constitutional court variables. We reviewed each ILS constitution for references to a constitutional court or equivalent institution explicitly tasked with checking the constitutionality of laws of lower status. Where such an institution exists, we coded both the number of times it was mentioned and the word count of sections devoted to the constitutional court.

Court Presence Variable: Constitutional court is mentioned

- constitutional court mentioned, 0/1
- Coded 1 if the constitution mentions constitutional court OR when there is a judicial organ charged with checking the constitutionality of laws of lower status.
- Coded 0 where there is a court within the judiciary (such as a Supreme Court) but there is not a separate section or article that addresses its function of checking the constitutionality of laws of lower status
- Where the court is to be created by a future law, coded 0 before the law and 1 after the law comes into force

Number of Mentions: Number of times Constitutional court mentioned in the constitution

- Excludes headings and table of contents
- Where the court is to be created by a future law and it is named, word count is included

Word Count: Word counts for part of constitution devoted to a constitutional court

- Excludes headers and article numbers
- Where there is not a separate section addressing the constitutional court, and the court is discussed in the judiciary section, only articles that mention the constitutional court are counted
- Where there is a separate section for constitutional *and other courts*, only the articles that address the constitutional court are counted
- Where the court is to be created by a future law, the word count for the article or section that describes it is included even if *Court Presence* is 0 because there is no law