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Fourth Branch Agencies: A Silver Bullet for Making Government Accountable?

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Fourth Branch Agencies: A Silver Bullet for Making Government Accountable?

Jerg Gutmann* & Stefan Voigt†

Abstract:

A new consensus appears to have emerged among academics and policy practitioners: Governments can be made to respect constitutional rules by establishing and constitutionally entrenching watchdogs, such as anti-corruption commissions, electoral commissions, or ombudspersons. In this article, we evaluate the consequences of what we propose to call the New York Consensus. We find that fourth branch agencies can increase constitutional compliance, but their effects are largely limited to higher income countries with a democratic political system.

Keywords: New York Consensus; fourth branch; integrity branch; guarantor branch; constitutional compliance; *de jure-de facto* gap; separation of powers.

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1. Introduction

Constitutions serve to enable various actors to provide public goods. At the same time, they also establish constraints on those actors. The question of how best to make governments comply with constitutional constraints has occupied legal philosophers and constitution-drafters for centuries. No single concept has been as dominant in constitutional scholarship as the separation-of-powers trias developed by Montesquieu which remains something akin to a “gold standard”. Over the last couple of decades, however, scholars have suggested to bid farewell to Montesquieu’s approach (e.g., Ackerman 2010) and proposed instead a “new” separation of powers (e.g., Ackerman 2000). Ideas for such a “new” separation of powers tend to be rather broad, comprising central banks, regulatory agencies, antitrust authorities, and other agencies.

In this study, we focus on a narrower proposal: we are interested in constitutionalized agencies created with the intention to make constitutional compliance more likely. Such agencies have been referred to as an “integrity branch” (Ackerman 2000), a “guarantor branch” (Khaitan 2021), or simply a “new fourth branch” (Tushnet 2021). The agencies most frequently named as part of this branch are electoral commissions, human rights commissions, auditors general, and anti-corruption commissions. Brown (2018) points out that of the 100 constitutions promulgated between 1968 and 2017, 93 mentioned at least one out of six fourth branch agencies.

The United Nations has run various programs of constitutional assistance (Lerner et al. 2025). The agencies often referred to as guarantor institutions play a central role in these programs’ recommendations. Also, many academics have come to support these recommendations. That is why we propose to call this emerging position the “New York Consensus”, in analogy to the Washington Consensus of the 1990s, which recommended a blueprint for economic policies and reforms that can promote economic development.

The fact that so many of the more recent constitutions establish fourth branch agencies allows us to conduct a first empirical assessment of their effectiveness. We ask whether constitutionally entrenched fourth branch agencies have been effective in increasing constitutional compliance. We find that the constitutional establishment of ombudspersons and media commissions is associated with higher levels of constitutional compliance. Yet, these results do not apply to low and lower-middle income countries, when studied on their own. In these countries, only electoral courts appear to be conducive to constitutional compliance. In nondemocracies, none of the fourth branch agencies seem able to make a difference. The data does also not support the conjecture that fourth branch agencies could reduce domestic conflict by making government more accountable. The empirical evidence shows that a guarantor branch is no silver bullet. The UN might, thus, have to rethink its promotion of the introduction of fourth branch agencies in lesser developed countries.

This study contributes to three strands of literature: the first consists of previous studies analyzing the effects of guarantor agencies. A considerable number of case studies have been produced. A first quantitative study on the effects of national human rights institutions (NHRI) by Cole and Ramirez (2013) found that, in the long term, they lead to improvements with regard to physical integrity rights but not with regard to civil and political liberties. A more recent and very detailed study by Linos and Pegram (2017) finds that once control variables are included, there is no significant correlation between institutional safeguards regarding NHRIs and their outcome variable. A study on electoral management bodies by Langford et al. (2021) finds that constitutionalizing these bodies is correlated with more electoral violence. These studies focus on a single guarantor agency, recognize institutional detail, and focus on specific dependent variables (such as electoral violence). We are interested in possible effects of these agencies on constitutional compliance.

This study also speaks to the literature on the determinants of constitutional compliance (Voigt 2021 surveys the early literature in this field). We add to this literature by showing that constitutionalizing fourth branch agencies is unlikely to increase constitutional compliance where it matters the most. The third strand of literature that our study speaks to is the one on independent regulatory agencies. Many studies do not separate fourth branch agencies from regulatory agencies and we contribute to establishing criteria to distinguish between the two.

The remainder of the article is structured as follows: In the next section, we introduce the concept of a fourth branch. The third section develops hypotheses linking fourth branch agencies to constitutional compliance. In Section 4, we describe how we measure our central concepts, i.e., constitutional compliance as our main dependent variable and fourth branch agencies as explanatory variables. Section 5 describes the diffusion of fourth branch agencies over time and space. The effects of the various agencies are described in Section 6, while Section 7 provides our conclusions and open questions.

2. Delineating the fourth branch

The rule of law seems to be an almost universally accepted concept. Notwithstanding the fact that definitions of the concept abound, its core seems to be that laws should be general and that everybody ought to be subject to the same rules, the governing included. Without constitutional compliance, the rule of law can hardly be realized in a modern nation-state.

Constitutions are often referred to as the most basic layer of a nation's legal system implying that there is no more basic level and that constitutional rules ought to be self-enforcing if they are to be complied with (e.g., Weingast 1997, 2005). Unfortunately, many constitutional rules are not self-enforcing. Various actors have incentives to make themselves better off by

disregarding constitutional constraints. The separation of powers is conventionally cited as one—if not the—means to induce the relevant actors to play by the rules. If members of one branch overstep their competences, then members of one of the other branches are required to step in. They have an incentive to do so, for example, because overstepping actors reduce the power of others. Yet, in practice this mechanism is not always working, since the interests of some of these actors are too aligned or one actor may have too much control over the other. In that case, there is not enough incentive to step in, even if the constitutional order depends on it. Well-organized and highly disciplined parties or political movements, or the authority of a charismatic political leader may ensure that executives can disregard the constitution and get away with it.

Given that the rule of law is widely accepted as normatively desirable and that the traditional separation of powers concept is insufficient in ensuring constitutional compliance, the search for additional institutions that may increase compliance suggests itself. One of the frequently named institutions used in antique Sparta are the ephores who were guardians over the laws and had the competence to prosecute kings (Bonner and Smith 1942). In his treatise on “The Guardian of the Constitution”, Carl Schmitt (1929) also mentions tribunes (e.g., realized in revolutionary France), censors (used in Pennsylvania), and syndici (proposed by Spinoza) as having been proposed—or implemented—as guardians of the constitution.

In Germany, the question who should be the guardian of the constitution was hotly debated between Carl Schmitt (1929), who argued that it should be the president of the republic (or a king), and Hans Kelsen (1931), who proposed the creation of a constitutional court. Kelsen’s suggestion had already been implemented in the Austrian constitution of 1920. The debate between the two leading German-speaking legal scholars of the time confirms how dominant Montesquieu’s idea of the separation of powers was at the time, as Schmitt pushed Kelsen time and again on the question where exactly in the tripartite division of powers constitutional courts

were to be located. Almost a hundred years later, it seems that the dominance of Montesquieu is waning and serious thinking about additional branches has become frequent: parties, regulatory agencies, “the people”, and even the military have all been proposed as additional branches.¹

Here, we are interested in institutional designs that make the relevant actors comply with constitutional constraints. In order to change the behavior of political actors, these institutions should be part of the constitution to be protected against being abolished by those whose behavior they are to supervise. In choosing the concrete institutions, we follow the most relevant publications on the topic (namely Brown 2018; Khaitan 2021; and Tushnet 2021). All three explicitly name auditors, anti-corruption agencies, and electoral commissions. Human Rights commissions and ombudspersons are named by two of them (Khaitan 2021 also includes “knowledge institutions”). Except for auditors, which are not constitutionally protected, we include these agencies in our empirical analysis. In addition, we consider media commissions and judicial councils.

Media commissions play a potentially important role, as free media are crucial for citizens to receive reliable information and form their own opinion. If the media is state-controlled, information on the government overstepping constitutional constraints is unlikely to be reported. To the degree that media commissions contribute to safeguarding journalistic freedom, they should be conducive to constitutional compliance.² Judicial councils were established with the intention of enabling the judicial branch to govern itself. Empirical

¹ Loveman (1993, 6 and 398ff.) describes how Latin American constitutions have incorporated the military as a guardian of the constitution. He locates the origin of this thinking in Spain, argues that it has allowed the military to take over power, and shows that even today some Latin American constitutions name the military as a guarantor of the constitution (e.g., in Bolivia, Colombia, or Paraguay).

² Hayo and Voigt (2023) show that increases in media freedom are followed by increases in de facto judicial independence.

evidence shows that the introduction of judicial councils usually did not bring about the desired effects, but that empirical evidence is largely confined to Europe. Effects on other continents may be more positive, which is why we also include judicial councils in this study (Kosar 2016; Voigt and El Bialy 2016).

Over the last couple of decades, so-called non-majoritarian institutions (Majone 1994) such as central banks, independent regulators, competition agencies, etc. have become prominent (Jordana et al. 2018 is an overview). Some scholars emphasize the commonalities between those bodies and the ones just described as fourth branch agencies. They have some commonalities but also important differences. Vibert (2007) notices that none of them are popularly elected. His long list of unelected governmental organizations includes service providers, risk assessors, boundary watchers, inquisitors, and whistleblowers. It also contains fourth branch agencies, such as auditors (belonging to the inquisitors) or electoral commissions (listed as belonging to whistleblowers). Further commonalities are that they are supposed to be independent and that their decisions are supposed to be based on information and expertise that members of the elected branches are unlikely to possess. Khaitan (2021) tries to separate the members of the fourth branch from the rest of the bunch and proposes constitutional mention as a criterion. This distinction is, however, not convincing as regulators or central banks are also mentioned in constitutions.

To distinguish fourth branch agencies from other unelected bodies, we focus on their functions. The constitution can be read as containing a number of promises to the citizens (with regard to basic human rights, for instance, but also to private property). Since constitutions are not always self-enforcing, these promises are not credible per se. Both independent courts as well as fourth branch agencies can be interpreted as enhancing the credibility of constitutional promises (see, e.g., Voigt and Gutmann 2013). By monitoring members of government and facilitating punishment of their transgressions, these bodies can make the government more accountable.

Regulatory and other independent agencies serve a different purpose. Their task is to define the rules of specific (e.g., financial) markets and to monitor and sanction the behavior of market participants or to independently carry out other tasks of the government (e.g., environmental protection or monetary policy) following predefined objectives.

The two types of agencies also tend to be held accountable in different ways, due to the different functions they fulfill. Representatives of fourth branch agencies are directly accountable to “the people” as it is their role to make the governing comply with the constitution. Representatives of regulatory and other independent agencies, in contrast, are, despite different levels of formal independence, eventually accountable to the government on whose behalf they carry out certain tasks.

3. Effects of fourth branch agencies on compliance

The constitution is the foundation of a nation-state’s legal system. Its contents are more salient and authoritative than statutory law. As fourth branch agencies without constitutional protection will find it difficult to monitor the government against its will, we focus on constitutionally entrenched agencies. This has the disadvantage that not all fourth branch agencies enjoy constitutional protection (e.g., supreme audit institutions systematically do not), but it also makes it easier to find comparable and reliable data on their establishment.

Traditionally, a country’s apex court has been considered the most important guardian of the constitution and—by implication—a watchdog of government (see, e.g., Vanberg 2015). That raises the question why constitutionalized fourth branch agencies could further enhance constitutional compliance. With few exceptions, apex courts do not set their own agenda. Rather, they react to cases submitted to them. For individual citizens, the threshold to take a

case to an apex court can be prohibitively high, which limits the court's ability to react to transgressions. Some fourth branch agencies—such as ombudspersons—can easily be contacted by citizens, which lowers the barrier to holding government accountable.³ Apex courts have neither the competence, nor the resources to continuously monitor government behavior in different policy areas. If fourth branch agencies often have the competences and the means to do so, they may help in improving government accountability. The fact that fourth branch agencies can independently monitor government action and that violations of the constitution can be brought to their attention at a low cost makes it riskier for the government to transgress constitutional rules in their presence.⁴

Hypothesis 1: A fourth branch agency formally protected by the constitution increases constitutional compliance.

Ex ante, the effect of individual fourth branch agencies is unclear (Tushnet 2021). Is it rather the anti-corruption agency or the media commission that is crucial? In any case, it seems likely that fourth branch agencies tend to re-enforce each other. An ombudsperson could register citizen complaints and, if considered interesting to a larger audience, newspapers, whose freedom is secured by a media commission, could spread the information.

³ Reliance on “fire alarm” (as opposed to “police patrol”) procedures has been hailed by McCubbins and Schwartz (1984) as a cost-effective way to use information available to citizens.

⁴ This line of reasoning assumes that governments—even those interested in having the option to transgress constitutional rules—let fourth branch agencies operate independently. Anti-corruption agencies in many countries provide a cautionary tale. Their directors were fired, their competences curtailed, competing agencies were created, and so on. Levitsky and Ziblatt (2018) explain that democratically elected would-be autocrats try to control as many non-majoritarian institutions as possible. Hungary under Victor Orbán is a prime example for the silencing of supreme auditors, the ombudsperson, and the statistical agency.

Hypothesis 2: Increasing the number of fourth branch agencies increases constitutional compliance.

If fourth branch agencies are conducive to constitutional compliance, that may also increase the perceived legitimacy of the government. In that case, both violent and nonviolent social conflict should become less likely.

Hypothesis 3: Increasing the number of fourth branch agencies reduces the level of domestic conflict.

4. Data and estimation approach

To evaluate the effects of fourth branch agencies on constitutional compliance, different data would be desirable. First, it is of interest if fourth branch agencies are established by law or even in the national constitution. Second, the way in which the agencies are organized, their resources are allocated, their independence is guaranteed, the scope of their powers, etc. are important institutional details. Third, we would like to know if these agencies are effectively operating. Are they well-staffed, do they have a sufficient budget, and are they producing relevant output? Unfortunately, comparable data for many countries and covering long periods of time hardly exist for most of these aspects. Thus, we focus on the establishment of fourth branch agencies in the constitution, for which comprehensive and reliable data is available. Data on fourth branch agencies are from the Comparative Constitutions Project (CCP) which is described in detail in Elkins et al. (2009). The CCP contains hundreds of variables and covers all national constitutions and almost all constitutional amendments since the US constitution of 1787. Although some organizational details regarding fourth branch agencies are regulated in constitutions (e.g., who is involved in the nomination and approval of their leadership or what

is the maximum term length), we only rely on the information whether a country's constitution stipulates the existence of a specific agency.⁵ While further institutional details are provided by the CCP, these are insufficient to capture important aspects, such as the resource endowment or independence of the agencies. With regard to electoral commissions, for example, the variable we use is coded based on the question: "Does the constitution provide for an electoral commission or electoral court to oversee the election process?" Other fourth branch agencies covered by the CCP include provisions for human rights commissions, anti-corruption agencies, ombudspersons, media commissions, and judicial councils. The exact coding of these variables is documented in the appendix. Our second hypothesis stipulates that more fourth branch agencies have a stronger effect on constitutional compliance. To test this hypothesis, we create an index that counts the number of agencies and, thus, takes on values between 0 (no fourth branch agencies) and 7 (all agencies taken into consideration in this study are constitutionalized).

Our main dependent variable is an indicator of overall constitutional compliance (CC_total) from version 3.0 of the Comparative Constitutional Compliance Database (CCCD; see Gutmann et al. 2024, 2025). It measures compliance across five legal dimensions: (i) government accountability, (ii) property rights and the rule of law, (iii) civil rights, (iv) political rights, and (v) basic human rights. Gutmann et al. (2024) utilize CCP data to identify the presence of types of constitutional rules in national constitutions. These rules are then matched with corresponding data from the Varieties of Democracy (V-Dem; see Coppedge et al. 2025) to assess whether each de jure constitutional provision is also de facto enforced. Relevant types of constitutional rules are those for which CCP and V-Dem data overlap, ensuring a clear

⁵ This does not guarantee that the agency really exists. For example, Brown (2018, 13) points out that this is, indeed, not always the case. Especially in case of anti-corruption agencies, there are also many documented cases of existing but operationally dysfunctional agencies (e.g., de Sousa 2010).

conceptual match between the written rule and an observable outcome. Although CCP and V-Dem data cover a longer time period, the CCCD data only covers the period from 1900 to 2023, as V-Dem data before 1900 is based on a lower quality standard. While version 2.0 of the CCCD is based on 14 types of constitutional rules, version 3.0 expands this number to 18. These indicators measure the gap between constitutional promises and observed government practices. The 18 constitutional rules are aggregated within the five aforementioned legal categories by calculating the mean value of compliance within each category. The resulting five indicators are then averaged to generate the overall constitutional compliance indicator.

While we focus primarily on the overall constitutional compliance index in our analysis, the five underlying indicators yield a more detailed picture of which types of constitutional rules are complied with. However, these domain-specific indicators are also measured with lower precision than the overall index. Finally, we also employ an alternative version of the overall compliance indicator as a robustness check (`CC_total_lv`). This indicator follows the coding rule proposed by Law and Versteeg (2013) in their seminal contribution on the measurement of “constitutional underperformance,” but it relies on the same underlying data as our main dependent variable. `CC_total_lv` calculates the share of rules present in the constitution that are complied with, whereas `CC_total` assigns a higher compliance score to a constitution that includes and complies with all eighteen rules than to one that includes and complies with only one rule (see Gutmann et al. 2025). In other words, `CC_total_lv` is monotonically increasing (/decreasing) in the number of constitutional rules (not) complied with, whereas `CC_total` is strictly monotonically increasing (/decreasing) in this respect.

To test our third hypothesis, we need a broad indicator of social conflict. We rely on the Weighted Conflict Index as calculated by the Cross-National Time-Series Data Archive (CNTS; see Banks and Wilson 2024), as well as its components. The index is based on the occurrence of eight types of violent and nonviolent conflict events: assassinations, general

strikes, guerrilla warfare, government crises, purges, riots, revolutions, and anti-government demonstrations. To evaluate the relationship between fourth branch agencies and constitutional compliance, we estimate linear regression models based on the following model specification:

$$CC_{i,t} = \beta \times FBA_{i,t} + \gamma \times X_{i,t} + \mu_i + \nu_t + \varepsilon_{i,t} \quad (1)$$

CC represents one of our indicators of constitutional compliance, while *FBA* stands either for seven binary indicators reflecting the constitutional entrenchment of different fourth branch agencies, or for the fourth branch agency index, which is equal to the sum of the seven binary indicators. All regression models control for country (μ) and year (ν) fixed effects and some regression models include additional control variables represented by the vector X . As control variables, we consider the log-income per capita based on version 11.0 of the Penn World Table (Feenstra et al. 2015), a binary indicator of democracy based on version 6.1 of the regime dataset by Bjørnskov and Rode (2020), and an indicator for whether a country has more than one chamber of parliament from the same data source. Income and democracy are standard control variables for a country's economic and political development. Multicameralism (typically in the form of two chambers) is accounted for because it constitutes a higher level of separation of powers than only having a single chamber of parliament. On the other hand, if the executive needs the consent of two chambers instead of one to adopt its preferred policies, the temptation not to comply with the constitution may be greater. In extensions of our analysis, we divide our sample into high- vs. low-income countries (based on the classification of the World Bank) and democracies vs. non-democracies (based on Bjørnskov and Rode 2020) to better understand whether the functioning on fourth branch agencies depends on the political and economic context in which they are adopted. Table 1 provides descriptive statistics of all the variables used in our analysis. Among the fourth branch agencies, judicial councils are the most prevalent, being constitutionally protected in 56% of all country-years. The least common types of agencies are anti-corruption agencies (6%) and human rights commissions (9%).

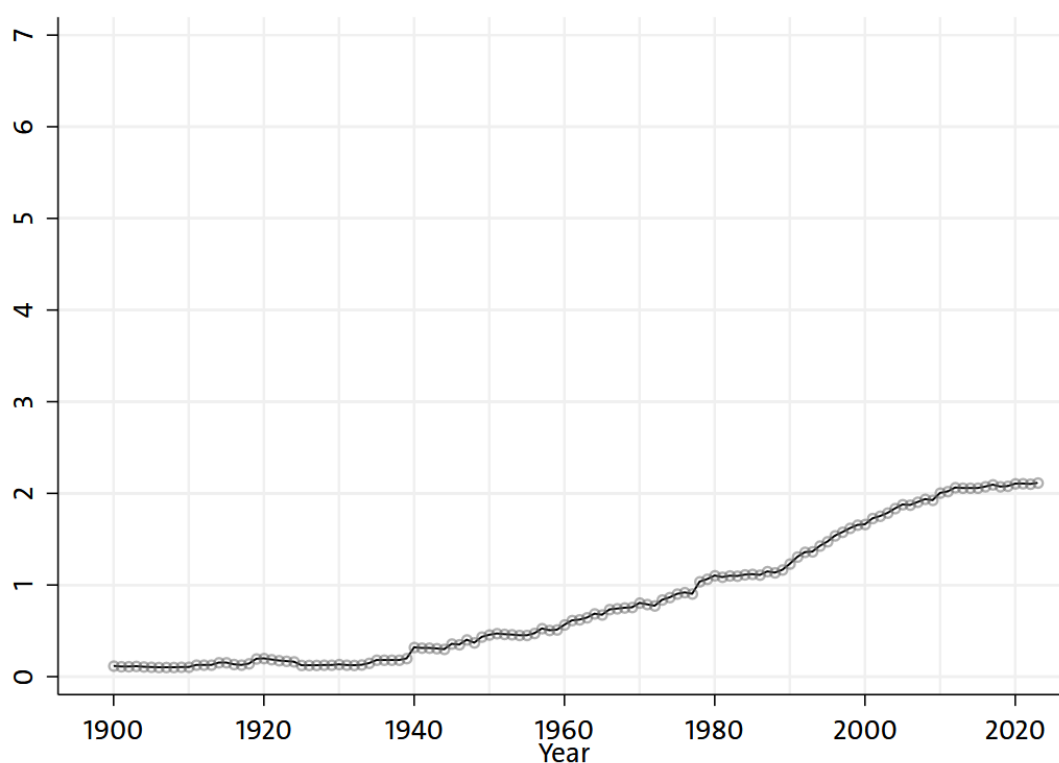
Table 1: Descriptive statistics

	N	Mean	SD	Min	Max
CC: total	8,676	0.56	0.21	0.08	0.94
CC: government accountability	8,676	0.52	0.17	0.00	0.83
CC: property rights and rule of law	8,281	0.50	0.29	0.00	1.00
CC: civil rights	8,620	0.59	0.26	0.00	1.00
CC: political rights	8,281	0.58	0.35	0.00	1.00
CC: basic human rights	8,281	0.60	0.26	0.00	1.00
CC: total (L&V-coding)	8,163	0.58	0.35	0.00	1.00
Electoral commission	8,676	0.36	0.48	0	1
Electoral court	8,676	0.11	0.31	0	1
Ombudsperson	8,676	0.25	0.43	0	1
Media commission	8,676	0.12	0.32	0	1
Judicial council	8,676	0.56	0.50	0	1
Anti-corruption commission	8,676	0.06	0.24	0	1
Human rights commission	8,676	0.09	0.28	0	1
Fourth branch agency index	8,676	1.55	1.29	0	6
Democracy	8,676	0.56	0.50	0	1
Log-income per capita	8,676	9.01	1.19	4.49	12.56
Chambers of parliament > 1	8,676	0.44	0.50	0	1

5. Who has fourth branch agencies?

Figure 1 shows how constitutionalized fourth branch agencies have spread over time. The vertical axis indicates the average number of such agencies per country worldwide. Back in 1900, the average was close to zero, but by now countries have on average a little more than two such agencies entrenched in their constitution.

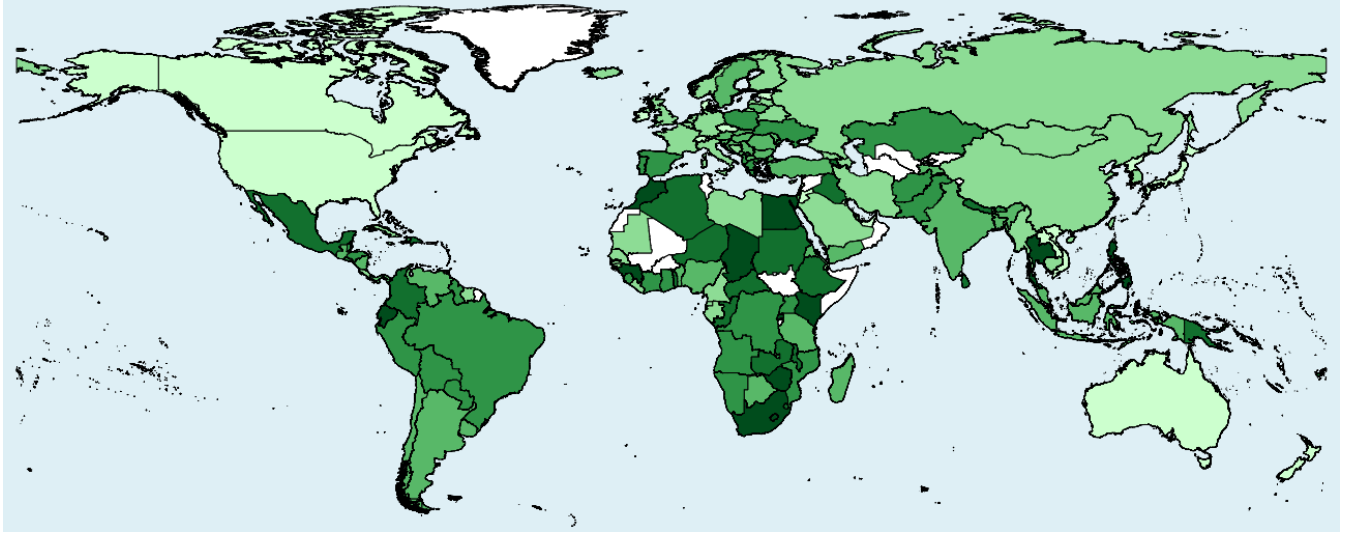
Figure 1: Prevalence of constitutionalized fourth branch agencies over time



Note: Mean number of constitutionalized fourth branch agencies over time. Zero indicates no agencies worldwide; seven indicates complete diffusion.

Figure 2 illustrates the number of constitutionally established fourth branch agencies per country as of 2023. The map covers 183 countries and reveals that African countries rely heavily on fourth branch agencies, whereas Canada, the US, Australia and some Asian and Western European countries have only few fourth branch agencies in their constitutions.

Figure 2: Global distribution of fourth branch agencies in 2023



Note: Darker (green) colors indicate more fourth branch agencies than lighter (green) colors; white indicates missing data.

6. Effects of Fourth Branch Agencies

Our baseline results of estimating the relationship between fourth branch agencies and constitutional compliance, as described in Equation (1), are presented in Table 2. The first two columns depict the association between the constitutional entrenchment of fourth branch agencies and the level of overall constitutional compliance, after controlling for country and year fixed effects. Whereas Column 1 depicts the association with all fourth branch agencies individually, the model underlying Column 2 contains the fourth branch agency index, which is constructed by counting the number of fourth branch agencies in a country's constitution. Columns 3 and 4 are identical to Columns 1 and 2, except that they contain the control variables democracy, income per capita, and multicameralism. In the absence of convincing instrumental variables for the constitutionalization of fourth branch agencies, our regression results should only be understood as a first attempt to understand whether fourth branch agencies have causal effects. Naturally, fourth branch agencies may be introduced particularly to address already existing problems, such as corruption and human rights violations. At the same time, fourth

branch agencies may often not be introduced into the constitution when the current government is not willing to be held accountable.⁶

The results in Table 2 indicate that among the control variables, democracy is the most relevant predictor of constitutional compliance. Among the individual fourth branch agencies, we find that the constitutional protection of ombudspersons and media commissions is robustly related to increased compliance. We also find significantly positive coefficients for electoral courts and judicial councils, but these are not robust to the inclusion of control variables. The same holds for the fourth branch agency index, which measures if fourth branch agencies are in general conducive to compliance: The coefficient estimate is statistically significant, but not after control variables are added to the model in Column 4. Together, these results indicate that specific fourth branch agencies, specifically ombudspersons and media commissions, can successfully monitor constitutional compliance. However, this finding appears not to be generalizable to other agencies.

⁶ We have tested several potential instrumental variables related to the mode of constitution-making, but all of them lacked sufficient explanatory power in the first-stage regression to explain fourth branch agency constitutionalization. We have evaluated data on the actors involved in constitution-making from Eisenstadt et al. (2017) and Negretto and Sánchez-Talanquer (2021), data on the use of public consultations (Martin 2025), and data on international constitutional advising (Lerner et al. 2025). Given the weakness of these potential IVs, our analysis is limited to OLS estimation.

Table 2: Baseline results

	(1)	(2)	(3)	(4)
Electoral commission	-0.038 (0.029)		-0.040 ⁺ (0.024)	
Electoral court	0.078* (0.039)		0.022 (0.031)	
Ombudsperson	0.051* (0.026)		0.041* (0.020)	
Media commission	0.089* (0.035)		0.081** (0.028)	
Judicial council	0.069* (0.028)		0.029 (0.020)	
Anti-corruption commission	-0.002 (0.029)		-0.015 (0.023)	
Human rights commission	-0.045 (0.033)		-0.035 (0.027)	
Fourth branch agency index		0.027** (0.009)		0.013 (0.008)
Democracy			0.208*** (0.020)	0.214*** (0.021)
Log-Income per capita			0.018 (0.012)	0.022 ⁺ (0.013)
Chambers of parliament > 1			-0.026 (0.019)	-0.023 (0.021)
R^2	0.776	0.759	0.839	0.829
Countries	172	172	172	172
Observations	8,676	8,676	8,676	8,676

Note: OLS coefficient estimates with country-clustered standard errors in parentheses. Dependent variable: overall constitutional compliance. All models include country and year fixed effects. ⁺ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

In the next step, we ask whether the effectiveness of fourth branch agencies differs depending on whether they are introduced in countries with different income levels or political systems. This question is, on the one hand, theoretically justified by the possible need for resources and complementary political institutions to make fourth branch agencies effective. On the other hand, it is practically important to know if there are preconditions for the success of fourth branch agencies, as they are recommended to particular types of countries as part of the New York Consensus, possibly based on the experiences of countries at a very different stage of economic and political development. The constitutional assistance offered by the United

Nations is clearly targeted at lower-income—and often nondemocratic—countries, supposedly with the aim to help them develop faster.

Table 3: Only high and upper-middle income countries

	(1)	(2)	(3)	(4)
Electoral commission	-0.056 (0.040)		-0.065* (0.032)	
Electoral court	0.045 (0.046)		-0.016 (0.036)	
Ombudsperson	0.081* (0.031)		0.059* (0.023)	
Media commission	0.153*** (0.044)		0.131*** (0.037)	
Judicial council	0.097* (0.039)		0.050* (0.024)	
Anti-corruption commission	-0.032 (0.046)		-0.040 (0.040)	
Human rights commission	-0.016 (0.054)		0.001 (0.055)	
Fourth branch agency index		0.050*** (0.011)		0.027** (0.010)
Democracy			0.232*** (0.026)	0.242*** (0.029)
Log-Income per capita			0.022 (0.017)	0.019 (0.018)
Chambers of parliament > 1			-0.022 (0.022)	-0.026 (0.027)
R^2	0.803	0.774	0.869	0.849
Countries	106	106	106	106
Observations	5,609	5,609	5,609	5,609

Note: OLS coefficient estimates with country-clustered standard errors in parentheses. Dependent variable: overall constitutional compliance. All models include country and year fixed effects. ⁺ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Tables 3 and 4 display the results of estimating the same model as in Table 2, after splitting the sample by income groups based on the current World Bank classification of countries. The results in Table 3 are based on 106 high and upper-middle income countries. We find that ombudspersons, media commissions, and now also judicial councils are robustly associated with increased constitutional compliance. In higher income countries, also the fourth branch

agency index predicts increased levels of compliance. Substantively, the measured effect of constitutionally protecting one more fourth branch agency is equivalent to 10% of the difference between democracy and nondemocracy.

The results in Table 4 look very different: Low and lower-middle income countries hardly seem to benefit from fourth branch agencies. Only electoral courts are apparently conducive to constitutional compliance. In Tables OA.1 and OA.2 in the Online Appendix, we split the sample between democracies and nondemocracies. The time-varying categorization is based on the data by Bjørnskov and Rode (2020). For democracies, we find that fourth branch agencies in general—and specifically media commissions—are associated with higher levels of constitutional compliance. In nondemocracies, none of the fourth branch agencies seem to make any difference. It is important to note that income levels and democracy are strongly correlated and it is not our goal to disentangle their effects as facilitators of fourth branch agency effectiveness. To sum up, our results indicate that fourth branch agencies can increase constitutional compliance, but their effects are largely limited to higher income countries with a democratic political system (although based on a minimalist definition of democracy). Hypotheses 1 and 2 are, therefore, only partially supported by the data. The advice by the United Nations and other experts to introduce fourth branch agencies also in lower income countries and nondemocracies may be based on their theoretical plausibility or the experiences of more developed countries, but our correlational evidence suggests that one should not be optimistic that they will be able to hold governments accountable.

Table 4: Only low and lower-middle income countries

	(1)	(2)	(3)	(4)
Electoral commission	0.020 (0.037)		0.009 (0.035)	
Electoral court	0.130* (0.049)		0.095** (0.035)	
Ombudsperson	-0.008 (0.040)		0.003 (0.034)	
Media commission	-0.016 (0.044)		-0.012 (0.037)	
Judicial council	-0.006 (0.035)		-0.024 (0.031)	
Anti-corruption commission	0.004 (0.040)		-0.001 (0.036)	
Human rights commission	0.002 (0.038)		-0.010 (0.031)	
Fourth branch agency index		0.004 (0.013)		-0.003 (0.012)
Democracy			0.155*** (0.027)	0.161*** (0.026)
Log-Income per capita			-0.020 (0.020)	-0.016 (0.020)
Chambers of parliament > 1			-0.039 (0.024)	-0.030 (0.024)
R^2	0.695	0.686	0.760	0.755
Countries	64	64	64	64
Observations	2,945	2,945	2,945	2,945

Note: OLS coefficient estimates with country-clustered standard errors in parentheses. Dependent variable: overall constitutional compliance. All models include country and year fixed effects. ⁺ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

An important follow-up question concerns whether it is compliance with specific categories of constitutional rules that benefits from constitutionally protected fourth branch agencies. Therefore, we evaluate constitutional compliance separately in the five legal categories distinguished by Gutmann et al. (2025): government accountability, property rights and the rule of law, civil rights, political rights, and basic human rights. The results are presented in Tables OA.3 to OA.7 in the Online Appendix. The fourth branch agency index is significantly correlated only with compliance in one domain—political rights. That relationship is driven by

the effects of ombudspersons, media commissions, and judicial councils. Media commissions are also the type of agency that matters most systematically across the different legal domains.

Finally, we test our third hypotheses based on a set of conflict indicators as dependent variables. The conflict data by Banks captures high-intensity violent conflict events, such as terrorism and revolutions, but also lower-intensity peaceful conflict events, such as anti-government demonstrations (of at least 100 people), general strikes (of at least 1,000 people), and government crises that threaten the regime's survival. The fourth branch agency index is not associated with decreased conflict in any of these dimensions or with the weighted index composed of the eight conflict dimensions. We, therefore, reject our third hypothesis.

7. Conclusion

The introduction of fourth branch agencies has been motivated and accompanied by the hope of making governments more accountable to the law—and maybe even to reduce conflict in society. The theoretical arguments suggested by proponents of these agencies seem convincing, but only systematic empirical evidence can tell whether fourth branch agencies are up to this challenging task.

Based on the seven fourth branch agencies often found in countries' national constitutions, we test whether constitutionally establishing fourth branch agencies has any of the conjectured effects. We find evidence that certain fourth branch agencies, specifically ombudspersons and media commissions, enhance governments' compliance with constitutional rules, especially with the political rights of citizens. However, these systematic positive effects are limited to higher-income countries and democracies. The lower-income and nondemocratic countries, to which actors like the United Nations are primarily recommending the introduction of fourth

branch agencies, do not appear to systematically benefit from them. This finding suggests at least two potential risks: First, fourth branch agencies may consume resources that could be invested into more effective accountability mechanisms, such as an independent judiciary. Second, if fourth branch agencies are indeed frequently not able to hold the government to account, their introduction may serve as window-dressing and distract policymakers and interest groups from the search for more successful political and legal recipes. Before the New York Consensus continues to establish itself, its proponents will need to provide evidence that and under what conditions their proposals can deliver.

This article has been painted with a broad brush. Those convinced that fourth branch agencies are conducive to constitutional compliance may point out that our brush was too broad as we only coded the presence of fourth branch agencies according to constitutional text. It may, indeed, be the case that organizational details, e.g., regarding the nomination and appointment procedure, the term length, the extent of competences and resources, etc. matter for the outcomes one can expect.⁷ Additionally, agencies that exist but are not constitutionalized may also have to be taken into account. Furthermore, future studies on fourth branch agencies should find ways to address the identification of causal effects more rigorously and they may study a broader set of dependent variables, especially when focusing on a subset of fourth branch agencies from which more specific political effects can be expected.

⁷ With regard to NHRIs, Sundström (2022) also argues that differences in competences, organizational structure, etc. may be crucial in explaining their (non-)success.

Appendix

Definition of the Variables from the CCP:

v431 [OVERSGHT]: Does the constitution provide for an electoral commission or electoral court to oversee the election process? (Electoral Commission/Electoral Court/Both)

v451 [OMBUDS]: Does the constitution provide for an Ombudsman? (Yes/No)

v466 [MEDCOM]: Does the constitution mention a special regulatory body/institution to oversee the media market? (Yes/No)

v469 [JC]: Does the constitution contain provisions for a Judicial Council/Commission? (Yes/No)

v472 [CC]: Does the constitution contain provisions for a counter corruption commission? (Yes/No)

v476 [HR]: Does the constitution provisions for a human rights commission? (Yes/No)

References

- Ackerman, B. (2000). The new separation of powers. *Harvard Law Review*, 633-729.
- Ackerman, B. (2010). Good-bye Montesquieu. In *Comparative administrative law*. Edward Elgar Publishing.
- Banks, A. S., & Wilson, K. A. (2024). Cross-national time-series data (CNTS). Databanks International. Available at: <https://www.cntsdata.com/>
- Bjørnskov, C., & Rode, M. (2020). Regime types and regime change: A new dataset on democracy, coups, and political institutions. *The Review of International Organizations*, 15(2), 531-551.
- Bonner, R. J., & Smith, G. (1942). Administration of justice in Sparta. *Classical Philology*, 37(2), 113-129.
- Brown, A. (2018). The fourth, integrity branch of government: Resolving a contested idea. In *World Congress of Political Science*. Australian Political Studies Association.
- Cole, W. M., & Ramirez, F. O. (2013). Conditional decoupling: Assessing the impact of national human rights institutions, 1981 to 2004. *American Sociological Review*, 78(4), 702-725.
- Coppedge, M., Gerring, J., Knutsen, C. H., Lindberg, S. I., Teorell, J., Altman, D., Angiolillo, F., Bernhard, M., Cornell, A., Fish, M. S., Fox, L., Gastaldi, L., Gjerløw, H., Glynn, A., Good God, A., Grahn, S., Hicken, A., Kinzelbach, K., Marquardt, K. L., McMann, K., Mechkova, V., Neundorff, A., Paxton, P., Pemstein, D., von Römer, J., Seim, B., Sigman, R., Skaaning, S.-E., Staton, J., Sundström, A., Tannenber, M., Tzelgov, E., Wang, Y.-T., Wiebrecht, F., Wig, T., & Ziblatt, D. (2025). V-Dem Dataset, v15. Available at: <https://www.v-dem.net/data/the-v-dem-dataset/>
- de Sousa, L. (2010). Anti-corruption agencies: Between empowerment and irrelevance. *Crime, Law and Social Change*, 53(1), 5-22.
- Eisenstadt, T. A., LeVan, C., & Maboudi, T. (2017). Constitutionalism and democracy dataset, version 1.0. Available at: <http://doi.org/10.17606/M63W25>.
- Gutmann, J., Metelska-Szaniawska, K., & Voigt, S. (2024). The comparative constitutional compliance database. *The Review of International Organizations*, 19(1), 95-115.

- Gutmann, J., Metelska-Szaniawska, K., & Voigt, S. (2025). Comparative constitutional compliance: New evidence. Mimeo.
- Gutmann, J., & Voigt, S. (2023). Militant constitutionalism: a promising concept to make constitutional backsliding less likely? *Public Choice*, 195(3-4), 377-404.
- Hamilton, A., Madison, J. and Jay, J. (1788/1961); *The Federalist Papers*, with an introduction by C. Rossiter, New York: Mentor.
- Hayo, B., & Voigt, S. (2023). Judicial independence: Why does de facto diverge from de jure? *European Journal of Political Economy*, 79, 102454.
- Jordana, J., Fernández-i-Marín, X., & Bianculli, A. C. (2018). Agency proliferation and the globalization of the regulatory state: Introducing a data set on the institutional features of regulatory agencies. *Regulation & Governance*, 12(4), 524-540.
- Kelsen, H. (1931). *Wer soll der Hüter der Verfassung sein?* Berlin: W. Rothschild.
- Khaitan, T. (2021). Guarantor institutions. *Asian Journal of Comparative Law*, 16(S1), S40-S59.
- Kosař, D. (2016). *Perils of Judicial Self-government in Transitional Societies*. Cambridge University Press.
- Langford, M., Schiel, R., & Wilson, B. M. (2021). The rise of electoral management bodies: Diffusion and effects. *Asian Journal of Comparative Law*, 16(S1), S60-S84.
- Law, D. S., & Versteeg, M. (2013). Sham constitutions. *California Law Review*, 101(4), 863-952.
- Lerner, H., Futscher Pereira, D., & Schlager, N. (2025). International constitutional advising: Introducing a new dataset. *The Review of International Organizations*, 20(3), 669-699.
- Levitsky, S., & Ziblatt, D. (2018). *How Democracies Die*. Crown.
- Linos, K., & Pegram, T. (2017). What works in human rights institutions? *American Journal of International Law*, 111(3), 628-688.
- Loveman, B. (1993). *The Constitution of Tyranny: Regimes of Exception in Spanish America*. University of Pittsburgh Press.

- Majone, G. (1994). Independence vs. accountability? Non-majoritarian institutions and democratic government in Europe. European University Institute, Florence. EUI Working Paper SPS No. 94/3
- Martin, M. (2025). Elite fractures, public capture: The strategic use of public consultation in global constitution-making. *Journal of Law and Courts*, 13(1), 1-34.
- McCubbins, M. D., & Schwartz, T. (1984). Congressional oversight overlooked: Police patrols versus fire alarms. *American Journal of Political Science*, 165-179.
- Negretto, G. L., & Sánchez-Talanquer, M. (2021). Constitutional origins and liberal democracy: A global analysis, 1900-2015. *American Political Science Review*, 115(2), 522-536.
- Schmitt, C. (1929). Der Hüter der Verfassung. *Archiv des öffentlichen Rechts*, 55(2), 161-237.
- Sundström, K. (2022). *Watchdogs Or Lapdogs? National Human Rights Institutions in Africa*, Department of Political Science, Stockholm University.
- Tushnet, M. (2021). *The New Fourth Branch: Institutions for Protecting Constitutional Democracy*. Cambridge University Press.
- Vanberg, G. (2015). Constitutional courts in comparative perspective: A theoretical assessment. *Annual Review of Political Science*, 18(1), 167-185.
- Vibert, F. (2007). *The Rise of the Unelected: Democracy and the New Separation of Powers*. Cambridge University Press.
- Voigt, S. (2021). Mind the gap: Analyzing the divergence between constitutional text and constitutional reality; *International Journal of Constitutional Law*, 19(5):1778-1809.
- Voigt, S., & El-Bialy, N. (2016). Identifying the determinants of aggregate judicial performance: taxpayers' money well spent? *European Journal of Law and Economics*, 41, 283-319.
- Voigt, S., & Gutmann, J. (2013). Turning cheap talk into economic growth: On the relationship between property rights and judicial independence. *Journal of Comparative Economics*, 41(1), 66-73.

Weingast, B. R. (1997). The political foundations of democracy and the rule of the law. *American Political Science Review*, 91(2), 245-263.

Weingast, B. R. (2005). The constitutional dilemma of economic liberty. *Journal of Economic Perspectives*, 19(3), 89-108.

Online Appendix

Table OA.1: Only democracies

	(1)	(2)	(3)	(4)
Electoral commission	-0.059 (0.040)		-0.060 (0.040)	
Electoral court	0.017 (0.039)		0.015 (0.039)	
Ombudsperson	0.017 (0.025)		0.015 (0.025)	
Media commission	0.150*** (0.041)		0.151*** (0.041)	
Judicial council	0.061* (0.031)		0.064* (0.031)	
Anti-corruption commission	0.022 (0.035)		0.023 (0.034)	
Human rights commission	0.019 (0.046)		0.017 (0.047)	
Fourth branch agency index		0.032*** (0.008)		0.033*** (0.008)
Log-Income per capita			0.007 (0.015)	0.014 (0.017)
Chambers of parliament > 1			-0.028 (0.036)	-0.014 (0.042)
R^2	0.819	0.800	0.819	0.800
Countries	122	122	122	122
Observations	4,840	4,840	4,840	4,840

Note: OLS coefficient estimates with country-clustered standard errors in parentheses. Dependent variable: overall constitutional compliance. All models include country and year fixed effects. ⁺ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Table OA.2: Only non-democracies

	(1)	(2)	(3)	(4)
Electoral commission	-0.002 (0.027)		-0.001 (0.026)	
Electoral court	0.082 (0.051)		0.083 (0.051)	
Ombudsperson	0.039 (0.033)		0.040 (0.033)	
Media commission	0.037 (0.039)		0.037 (0.039)	
Judicial council	-0.015 (0.026)		-0.015 (0.026)	
Anti-corruption commission	-0.028 (0.029)		-0.028 (0.029)	
Human rights commission	-0.032 (0.039)		-0.032 (0.039)	
Fourth branch agency index		0.003 (0.011)		0.002 (0.012)
Log-Income per capita			-0.002 (0.015)	-0.003 (0.015)
Chambers of parliament > 1			-0.004 (0.022)	0.007 (0.024)
R^2	0.743	0.734	0.743	0.734
Countries	119	119	119	119
Observations	3,833	3,833	3,833	3,833

Note: OLS coefficient estimates with country-clustered standard errors in parentheses. Dependent variable: overall constitutional compliance. All models include country and year fixed effects. ⁺ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Table OA.3: Government accountability

	(1)	(2)	(3)	(4)
Electoral commission	-0.062*		-0.066*	
	(0.027)		(0.026)	
Electoral court	0.035		0.006	
	(0.046)		(0.044)	
Ombudsperson	0.001		-0.004	
	(0.026)		(0.024)	
Media commission	0.083*		0.076*	
	(0.032)		(0.030)	
Judicial council	0.038 ⁺		0.019	
	(0.023)		(0.021)	
Anti-corruption commission	-0.031		-0.038	
	(0.035)		(0.034)	
Human rights commission	-0.065*		-0.061*	
	(0.033)		(0.030)	
Fourth branch agency index		-0.002		-0.010
		(0.009)		(0.009)
Democracy			0.097***	0.105***
			(0.020)	(0.021)
Log-Income per capita			0.001	0.005
			(0.014)	(0.013)
Chambers of parliament > 1			0.002	0.007
			(0.022)	(0.023)
R^2	0.638	0.613	0.660	0.640
Countries	172	172	172	172
Observations	8,676	8,676	8,676	8,676

Note: OLS coefficient estimates with country-clustered standard errors in parentheses. Dependent variable: constitutional compliance in government accountability. All models include country and year fixed effects. ⁺ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Table OA.4: Property rights and rule of law

	(1)	(2)	(3)	(4)
Electoral commission	-0.052 (0.040)		-0.052 (0.036)	
Electoral court	-0.056 (0.041)		-0.100* (0.039)	
Ombudsperson	0.035 (0.032)		0.027 (0.028)	
Media commission	0.132** (0.045)		0.129** (0.042)	
Judicial council	0.047 (0.035)		0.013 (0.030)	
Anti-corruption commission	0.015 (0.048)		0.002 (0.039)	
Human rights commission	-0.055 (0.044)		-0.039 (0.038)	
Fourth branch agency index		0.017 (0.013)		0.008 (0.013)
Democracy			0.163*** (0.028)	0.159*** (0.029)
Log-Income per capita			0.035* (0.016)	0.037* (0.016)
Chambers of parliament > 1			-0.014 (0.024)	-0.010 (0.029)
R^2	0.794	0.781	0.818	0.805
Countries	163	163	163	163
Observations	8,281	8,281	8,281	8,281

Note: OLS coefficient estimates with country-clustered standard errors in parentheses. Dependent variable: constitutional compliance with property rights and the rule of law. All models include country and year fixed effects. ⁺ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Table OA.5: Civil rights

	(1)	(2)	(3)	(4)
Electoral commission	-0.036 (0.036)		-0.037 (0.031)	
Electoral court	0.107 ⁺ (0.058)		0.047 (0.051)	
Ombudsperson	0.045 (0.029)		0.034 (0.026)	
Media commission	0.060 ⁺ (0.036)		0.053 ⁺ (0.031)	
Judicial council	0.085 ^{**} (0.031)		0.042 (0.025)	
Anti-corruption commission	-0.026 (0.037)		-0.041 (0.038)	
Human rights commission	-0.036 (0.037)		-0.025 (0.035)	
Fourth branch agency index		0.026 [*] (0.011)		0.011 (0.009)
Democracy			0.227 ^{***} (0.025)	0.236 ^{***} (0.025)
Log-Income per capita			0.023 (0.015)	0.027 (0.016)
Chambers of parliament > 1			-0.036 (0.026)	-0.034 (0.028)
R^2	0.737	0.725	0.788	0.782
Countries	171	171	171	171
Observations	8,620	8,620	8,620	8,620

Note: OLS coefficient estimates with country-clustered standard errors in parentheses. Dependent variable: constitutional compliance with civil rights. All models include country and year fixed effects. ⁺ $p < 0.10$, ^{*} $p < 0.05$, ^{**} $p < 0.01$, ^{***} $p < 0.001$.

Table OA.6: Political rights

	(1)	(2)	(3)	(4)
Electoral commission	-0.055 (0.049)		-0.062 (0.044)	
Electoral court	0.160* (0.078)		0.063 (0.066)	
Ombudsperson	0.097* (0.047)		0.080* (0.039)	
Media commission	0.147** (0.057)		0.130** (0.047)	
Judicial council	0.147** (0.050)		0.077* (0.038)	
Anti-corruption commission	0.072 (0.067)		0.046 (0.059)	
Human rights commission	-0.012 (0.059)		0.005 (0.052)	
Fourth branch agency index		0.071*** (0.016)		0.045*** (0.013)
Democracy			0.354*** (0.032)	0.365*** (0.033)
Log-Income per capita			0.019 (0.020)	0.025 (0.022)
Chambers of parliament > 1			-0.017 (0.034)	-0.016 (0.037)
R^2	0.704	0.689	0.775	0.766
Countries	163	163	163	163
Observations	8,281	8,281	8,281	8,281

Note: OLS coefficient estimates with country-clustered standard errors in parentheses. Dependent variable: constitutional compliance with political rights. All models include country and year fixed effects. ⁺ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Table OA.7: Basic human rights

	(1)	(2)	(3)	(4)
Electoral commission	0.002 (0.038)		0.004 (0.036)	
Electoral court	0.156** (0.049)		0.111* (0.046)	
Ombudsperson	0.091* (0.042)		0.081* (0.039)	
Media commission	0.014 (0.050)		0.012 (0.044)	
Judicial council	0.032 (0.033)		-0.003 (0.029)	
Anti-corruption commission	-0.014 (0.041)		-0.023 (0.041)	
Human rights commission	-0.069 (0.055)		-0.066 (0.050)	
Fourth branch agency index		0.020 (0.014)		0.008 (0.013)
Democracy			0.194*** (0.030)	0.204*** (0.030)
Log-Income per capita			0.006 (0.019)	0.012 (0.020)
Chambers of parliament > 1			-0.067* (0.031)	-0.065* (0.033)
R^2	0.668	0.654	0.708	0.699
Countries	163	163	163	163
Observations	8,281	8,281	8,281	8,281

Note: OLS coefficient estimates with country-clustered standard errors in parentheses. Dependent variable: constitutional compliance with basic human rights. All models include country and year fixed effects. ⁺ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Table OA.8: Conflict

	(1)	(2)	(3)	(4)	(5)
Fourth branch agency index	0.061 ⁺ (0.034)	0.004 (0.020)	1.468 (1.442)	0.009 (0.013)	-0.020 (0.014)
Democracy	0.026 (0.043)	-0.003 (0.055)	-1.472 (1.285)	0.098 ^{***} (0.026)	-0.138 ^{**} (0.047)
Log-Income per capita	-0.043 ⁺ (0.026)	0.007 (0.052)	0.612 (0.943)	-0.044 [*] (0.019)	-0.047 (0.029)
Chambers of parliament > 1	0.080 (0.061)	-0.015 (0.038)	0.814 (1.695)	0.003 (0.034)	0.033 (0.028)
R^2	0.137	0.246	0.158	0.196	0.123
Countries	172	172	172	172	172
Observations	8,375	8,375	8,375	8,375	8,375

	(6)	(7)	(8)	(9)
Fourth branch agency index	0.048 (0.113)	0.004 (0.016)	-1.007 (0.916)	1745.683 (1836.715)
Democracy	-0.386 [*] (0.175)	-0.034 (0.030)	-1.200 ⁺ (0.655)	-2173.674 (1658.886)
Log-Income per capita	-0.053 (0.227)	-0.069 ^{***} (0.020)	-0.284 (1.129)	551.796 (1207.874)
Chambers of parliament > 1	0.093 (0.190)	-0.065 (0.042)	-0.055 (0.484)	973.422 (2145.617)
R^2	0.196	0.169	0.039	0.165
Countries	172	172	172	172
Observations	8,375	8,375	8,375	8,375

Note: OLS coefficient estimates with country-clustered standard errors in parentheses. Dependent variables: (1) assassinations, (2) general strikes, (3) terrorism / guerilla warfare, (4) major government crises, (5) purges, (6) riots, (7) revolutions, (8) anti-government demonstrations, and (9) weighted conflict index based on the eight categories of domestic conflict. All models include country and year fixed effects. ⁺ $p < 0.10$, ^{*} $p < 0.05$, ^{**} $p < 0.01$, ^{***} $p < 0.001$.