

Spatial dependence in constitutional constraints: the case of US states

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Published online: 23 March 2012
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Abstract Several theories suggest that states' choices of constitutional rules are at least partially a function of neighboring constitutions. This paper provides the first analysis of spatial dependence of specific provisions within state constitutions in the United States. The analysis effectively makes constitutional rules endogenous, contributing to a relatively underdeveloped branch of constitutional economics. By employing a series of probit estimations of nineteen specific constitutional rules, I find evidence of spatial dependence in state constitutions. Specifically, the presence of specific constitutional constraints pertaining to term limits, supreme court justice selection, recall, home rule, direct democracy, constitutional amendment by convention, balanced budget requirements, tax and expenditure limits, line item veto, victims' bill of rights, health and welfare, right to privacy, environmental protection, sex discrimination, abortion, and official language all exhibit some evidence spatial dependence.

Keywords State constitutions · Spatial dependence · Diffusion

JEL Classification H73 · H10

1 Introduction

Since its inception, the field of constitutional political economy has been concerned with the selection of constitutional constraints on government. From a theoretical standpoint, Buchanan and Tullock (1962) and Buchanan (1975) have sought to explain the origin of constitutional constraints. For the most part, empirical studies

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