

Codebook of the Veil of Ignorance Project (VOIP)

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Introduction

The objective of the Veil of Ignorance Project is to make an empirical test of the «Veil of Ignorance» hypothesis suggested by Buchanan and Tullock (1962) through a content analysis of national Constitutions along the lines developed by Imbeau (2009). Several national teams (so far, we have gathered 14 teams – Belgium, Cameroon, Canada, Chad, Denmark, Estonia, European community, France, Germany, Greece, Italy, Switzerland, Turkey, USA – and we plan to add several more) will perform a content analysis of «their» Constitution so as to generate the data necessary for an empirical test. To insure comparability among national analyses – i.e., data reliability – it is necessary to develop a set of explicit rules that must be strictly applied and to make reliability tests before launching national analyses. This is the object of this codebook.

Content analysis is a data generating technique involving two steps: *unitizing* and *coding*. Each step has its own rules. The strict observance of these rules is essential to the reliability of the results of the analysis and therefore to the validity of the conclusions of the study. These rules are given in the following two sections on unitizing and coding. The third section provides details about the inter-coder reliability tests that are to be performed. A fourth section gives a glance at future steps.

Unitizing: identifying the units of analysis

The first step of the analysis consists in extracting meaningful contents from the constitutional document. The «walk-talk» perspective adopted here considers a constitutional document as a *discourse* rather than as a contract or a legal document. This means that we are not interested in the legal or contractual implications of the document but in its literal content. Following the conceptual framework provided in Imbeau (2009), we are looking for «Power relations» defined as:

The description of the relationship between an *agent* and a *capacity* such that: 1- an agent has the capacity to do something (or is prevented from doing something), or 2- an agent has the capacity to make another agent do something or to prevent another agent from doing something (or is denied such capacity).

In terms of the literal content of a constitutional document, we are looking for this particular discursive structure:

An explicit agent (individual or collective)	Has the capacity to do something or is denied the capacity to do something (instrumental power or social power ¹)
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Each time we find this type of discursive structure, we have a «*power relation*» and we create a unit of analysis. Hence our first unitizing rule:

Unitizing rule 1: A unit of analysis is created when a discursive structure of the type: “Agent / Capacity to do something (or is denied the capacity to do something)”. Only the «Agents» and the «Capacities» *explicitly* identified in a paragraph are considered for a unit to be extracted.

An agent or actor is an individual or an organisation who can act (the King, the President, the Legislature, the party, a citizen, a voter, etc.). An agent is recognized (and extracted) only if explicitly identified in the text. General expressions like «None», «nobody», «no one», etc., are also considered as denoting an agent.

Example:

If there should be occasion for it, the territory may be divided by law into greater number of provinces.

Here we find no explicit agent («law» is not an agent even though we know that it implies the intervention of «the legislature» which is an agent). Therefore, no unit is extracted.

The term «capacity» refers either to a physical capacity of action or to a legal capacity of action. The expression «to do something» refers to a directly observable action or behaviour. A capacity is generally recognized in the presence of a verb of action (like «give», «nominate», «appoint», «vote», «declare», «do», «authorise», «impose», «receive», «supervise», «adopt», «represent», etc.). Verb-forms, verb expressions, or substantives that are directly transposable into a verb of action are also considered as denoting a capacity (v.g. «By authorisation of the Queen» is equivalent to «The Queen has the capacity to authorise»). A passive form denotes a capacity if it is directly transposable into active form with a verb of action (v.g. «Naturalization may be granted by the legislature» is equivalent to «The legislature has the capacity to grant naturalization»). The attribution of a quality (generally with the verb «have» or with a passive verb like «be», «remain», «seem», etc.) is not unitized as denoting a capacity unless there is an explicit verb of action (or verb-form). For example, neither one of these clauses are considered as denoting a capacity: «The office of member of Government shall be incompatible with that of member of Parliament»; «The Supreme Court shall be the highest court of the state». Therefore no unit is created in these instances.

Let’s look at an extended example. Consider the 1982 Constitution Act of Canada (*Canada Act 1982*)². The first paragraph reads:

¹ **Instrumental power** is the ability of an actor to act on events or things to bring about or help bring about outcomes. **Social power** is the ability of an actor deliberately to change the incentive structure of another actor or actors to bring about, or help bring about outcomes (Dowding 1991: 48, quoted in Imbeau and Jacob, forthcoming).

² Note that this act actually is a law adopted by the Parliament of the United Kingdom, like every other act making up the Canadian Constitution between 1867 and 1982.

An Act to give effect to a request by the Senate and House of Commons of Canada

This paragraph identifies two agents, the Senate of Canada and the House of Commons of Canada. In the phrase «a request by the Senate and House of Commons» we have a substantive («request») that is directly transposable into a verb of action: «the Senate and the House have the capacity to make a request». Therefore the two agents have the capacity to make a request. We create *two* units because there are two agents having a capacity to act:

	An agent (individual or collective)	Capacity
1	The Senate of Canada	May make a request
2	The House of Commons of Canada	May make a request

And we formulate our second unitizing rule:

Unitizing rule 2: A separate unit is created for each combination of «Agent» and «Capacity» found in a paragraph.

The second paragraph of the same act states:

Whereas Canada has requested and consented to the enactment of an Act of the Parliament of the United Kingdom to give effect to the provisions hereinafter set forth and the Senate and the House of Commons of Canada in Parliament assembled have submitted an address to Her Majesty requesting that Her Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for that purpose.

In this paragraph we find five «agents»: Canada, the Parliament of the UK, the Senate of Canada, the House of Commons of Canada, and «Her Majesty».

Let's look at the first part of the paragraph: «Canada has requested and consented to the enactment of an Act of the Parliament of the United Kingdom to give effect to the provisions hereinafter set forth». We have two agents here: «Canada» and «the Parliament of the UK». They both have instrumental power, i.e., they have the capacity to do things: «Canada» has the capacity to send a request and the capacity to give its consent; «the Parliament of the UK» has the capacity to enact an act that gives effect to certain provisions. Therefore, we should create three units:

	An agent (individual or collective)	Capacity
3	Canada	May request the enactment of an act
4	Canada	May consent to the enactment of an act
5	Parliament of the UK	May enact an Act that gives effect to certain provisions

Turning to the second part of the paragraph we read: «the Senate and the House of Commons of Canada in Parliament assembled have submitted an address to Her Majesty requesting that Her Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for that purpose». Here we have four agents: The Senate of Canada, the House of Commons of Canada, Her Majesty, and the Parliament of the UK. The text describes the instrumental powers of the first three agents: The Senate and the House of Commons may assemble in Parliament, may submit an address to Her Majesty and may request Her Majesty to cause a Bill; Her Majesty can cause a Bill to be laid before the Parliament of the UK. But the text does not assign any «capacity to do something» to the Parliament of the UK. Hence seven more units are added.

	An agent (individual or collective)	Capacity
3	Canada	May request the enactment of an act
4	Canada	May consent to the enactment of an act
5	Parliament of the UK	May enact an Act that gives effect to certain provisions
6	The Senate of Canada	May assemble in Parliament
7	The House of Commons of Canada	May assemble in Parliament
8	The Senate of Canada	May submit an address
9	The House of Commons of Canada	May submit an address
10	The Senate of Canada	May request that Her Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom
11	The House of Commons of Canada	May request that Her Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom
12	Her Majesty	May cause a Bill to be laid before the Parliament of the UK

In summary, the unitizing process implies that we read the whole text, paragraph by paragraph, noting, for each paragraph, the discursive structures corresponding to our definition of a power relation. These «notes» are to be reported in an «Excel» sheet like the one provided in table 1 where we report the analysis of the first 11 paragraphs of *Canada Act 1982*. The careful reading of the content of this table should suffice precisely to convey what is meant by a «power relation» in a constitutional text and how to go about creating the units of analysis. Note that the sheet should have 9 columns at this stage, with these headings:

- 1- Country Code
- 2- Text code
- 3- Year of adoption
- 4- Year of end of consolidation
- 5- Paragraph code
- 6- Text of the Paragraph
- 7- Unit code
- 8- Agent
- 9- Capacity

Summary of unitizing definitions and rules

Definitions:

1. **Unit of analysis:** a power relation

Power relation:

An **agent**

Has the **capacity to do** (or is denied this capacity)

2. **Agent** = individual or collective

- Explicitly identified agent

Or

- General expression (everyone, none, etc.)

3. **Capacity:**

- Verb of action

- Verb form / verb expression / substantive directly transposable into a verb of action

N.B. If the substantive is the complement of a verb of action, then only one capacity is extracted (Ex : The Queen declares by proclamation; The President sends a request)

- Passive form if directly transposable into active form with verb of action

Rules:

1. A unit of analysis is created when a discursive structure of the type: "Agent / Capacity to do something (or is denied the capacity to do something)" is found. Only the «Agents» and the «Capacities» *explicitly* identified in a clause are considered for a unit to be extracted.

2. A separate unit is created for each combination of «Agent» and «Capacity» found in a clause.

3. In case of doubt, abstain! If, after a reasonable time of thinking, there is still doubt about the existence of a specific power relation, do not unitize it and pass on to the next segment of text.

4. Examples of verbs of action: give, nominate, appoint, vote, declare, do, authorise, impose, receive, supervise, adopt, represent.

5. «Want» and «desire» are not verbs of action.

Coding

The second step in the content analysis procedure is the coding of the units of analysis on various dimensions (variables) identified in the conceptualisation. Each unit of analysis is to be coded on four variables:

- V1: Source
- V2: Type
- V3: Direction

V1- The *source* of the power relation: Which resource would the influencing «Agent» use to perform the action he has the capacity to perform or to make another perform an action?

1- Authority/Force

2- Wealth/Things of value

3- Knowledge/Information and rhetoric

8- Indeterminate (when the information contained in the text is not sufficient to make a precise coding)

N.B. If the answer is 1 and/or 2, code 2

1 and/or 3, code 3

2 and/or 3, code the most important one, otherwise, code 8

Remember that the conceptual framework on which this study is based conceives of power as a *capacity* linked to the control of three types of resource: Authority or force, wealth or things of value, knowledge or information and rhetoric. Each of these resources is associated with a method: Authority with threat and coercion, wealth with exchange, knowledge with persuasion. Thus, one can use authority to do something, or one can use a thing of value through exchange, or one can use knowledge through persuasion. In V1, you are asked to identify the *resource* that the source-agent would use if he were to exercise his capacity. **Consider only the action, not the identity of the agent, when coding a unit on V1.**

To help identify the resource used by the influencing agent, here is a non-exhaustive list of verbs that may most often be associated with each power resource:

Authority / Force	Wealth / Things of value	Knowledge / Information & rhetoric
Consent Authorize Request Exercise Appoint Perform duties Adopt a law Limit Legislate Preside Decide Demand Vote Enact Sign a petition Agree Assent Concur Regulate Make treaty Recognize Ensure Refer matters Give instructions Give orders Preserve, protect institutions, territory, etc. Declare war Enforce Choose policy Claim right Etc.	Pay Buy Spend Sell Subsidize Borrow Loan Exchange Trade Give / grant money Etc.	Advise Address Counsel Express opinion Teach Instruct (= teach) Give speech Give advice Publish Write Communicate information Inform Study Investigate Declare (except «declare war») Affirm Practice religion Join in worship Judge Estimate Evaluate Think fit Etc.
If the resource is not clear and if the verb of action cannot be associated with one of the verbs given above, code 8 . For example: respect the law, respect the constitution, swear, pledge fidelity, etc.		
Verbs that are not considered as verbs of action: Own Have Be Enjoy Want Desire In general, verbs that denote a quality		

To illustrate the process, let's return to the first paragraph of *Canada Act 1982* and its two power relations. We easily infer that the resource that members of the «Senate» and the «House of Commons» would use to «make a request» is Authority, i.e., their position in an authoritative body. Therefore, the first and second units are to be coded «1» on **V1**. Note the correspondence between the phrase «make a request» in the unitizing and the verb «request» in the list of verbs associated with the use of Authority. On the other hand, the 8th and 9th units, the primary resource used in the capacity of submitting an address in order to convince the Queen is knowledge/rhetoric and not authority, which means V1 should be coded 3 in these cases.

V2- The *type* of the power relation (instrumental vs social power): Could this action add or remove a possibility of choice in the choice set of another agent explicitly identified?

1- Yes

2- No

8- Indeterminate (when the information contained in the text is not sufficient to make a precise coding)

This step aims at qualifying the instrumental or social nature of the extracted capacity. Let us go back to the units we previously extracted. In units 1, 2, and 3, the Senate, the House of Commons, and «Canada», by requesting the enactment of a particular act, *add* a possibility of choice to the choice set of the Parliament of the United Kingdom: whether or not to consider the request. Hence, V2 on these units would be coded 1. The fourth unit would also be coded 1 on V2 because by consenting (or by refusing to consent), Canada may add or remove a possibility of choice to the choice set of the Parliament of the UK (whether or not to consider the request and whether or not to enact an act). Concerning the 6th and 7th units, there is no clue as to the effect of the capacity of the Senate and the House of Commons to "assemble in Parliament": does this capacity add or remove a possibility of choice from the choice set of another *explicitly* identified agents in the paragraph. V2 is then coded 2 in both instances.

V3- *Direction* of the power relation:

1- Positive (the «Agent» has the capacity to do something)

2- Negative (the «Agent» is denied the capacity to do something)

8- Indeterminate (when the information contained in the text is not sufficient to make a precise coding)

Finally, coding on **V3** is quite straightforward. A power relation is positive when it ascribes a capacity to an agent; it is negative when it *explicitly* denies a capacity. Units 1 and 2 state that the Senate and the House of Commons do have the capacity to make a request. Therefore, they should be coded «1» on **V3**.

The coding of the units found in the first 11 paragraphs of the *Canada Act 1982* is reported in table 1. A careful reading of this coding should suffice to clarify any ambiguity.

Summary of coding rules

V1- The *source* of the power relation: Which resource would the influencing «Agent» use to perform the action he has the capacity to perform or to make another perform an action?

1- Authority/Force

2- Wealth/Things of value

3- Knowledge/Information and rhetoric

8- Indeterminate (when the information contained in the text is not sufficient to make a precise coding)

N.B. If the answer is 1 and/or 2, code 2

1 and/or 3, code 3

2 and/or 3, code the most important one, otherwise, code 8.

Consider only the action, not the identity of the agent, when coding a unit on V1.

V2- The *type* of the power relation: Could this action add or remove a possibility of choice in the choice set of another agent explicitly identified?

1- Yes

2- No

8- Indeterminate (when the information contained in the text is not sufficient to make a precise coding)

V3- *Direction* of the power relation:

1- Positive (the «Agent» has the capacity to do something)

2- Negative (the «Agent» is denied the capacity to do something)

8- Indeterminate (when the information contained in the text is not sufficient to make a precise coding)

Reliability tests (agreement among coders)

Krippendorff (2004: 215) identifies three types of reliability in content analysis. *Stability* refers to the degree a unitizing or coding process is unchanging over time, or yields the same results on repeated trials. Instability is caused by intra-observer inconsistencies which «may be due to insecurity, carelessness, openness to distractions, difficulties in comprehending written instructions, or the tendency to relax performance standards when tired» (*Ibid.*). Measuring stability implies that coders reread and recode the same text after some time has elapsed (a test-retest process). *Reproducibility* «is the degree to which a process can be replicated by different analysts» (*Ibid.*). In other words, can different coders working in different locations with similar instruments come to the same results? Reproducibility is assessed through a test-test process. For Krippendorff, reproducibility is a stronger measure of reliability than stability. But *accuracy* is the strongest form of reliability. It measures «the degree to which a process conforms to its specification and yields what it is designed to yield» (*Ibid.*). Accuracy is assessed through a test-standard process in which the tested coding is compared to a coding that is taken to be correct.

Three reliability tests will be performed to measure all three forms of reliability.

Stability test. Each member, individually, is first to *unitize* and then to *code* a constitutional text that the convenors will provide. Then, seven to ten days later, the same text is re-unitized and re-coded by the same persons in the same conditions. The results are to be sent to the convenors who will perform a Krippendorff's alpha test, comparing, for each coder, the first unitizing and coding to the second ones. If data are stable, we proceed to the reproducibility test.

Reproducibility test. Using the same data, a Krippendorff's alpha statistic will be computed on all unitizing and coding to measure inter-coder agreement.

Accuracy test. A Krippendorff's alpha statistic will be computed to compare all unitizing and coding to the unitizing and coding made by the convenors.

Note that, in its simplest form, Krippendorff's alpha is defined by

$$\alpha = 1 - (D_o / D_e)$$

where D_o is the observed disagreement and D_e the expected disagreement under pure chance. The statistic can be adapted for any number of coders and values and for any measurement level³.

³ For an extended description with computing formulas, see Krippendorff 2004: 221-241. Andrew Hayes provides an SPSS macro for computing a Krippendorff alpha on his web site <http://www.comm.ohio-state.edu/ahayes/>. For details about the working of this macro, see Hayes & Krippendorff 2007.

Our reliability tests will imply several steps:

1- Careful reading of the conceptual article (Imbeau, 2009) and of the codebook, and discussion over internet about any ambiguity.

2- Reliability tests on unitizing:

2.1 Convenors provide a constitutional text to analysts.

2.2 Analysts unitize the text twice with 7 to 10 days separating the two analyses.

2.3 Analysts send results in an excel file to convenors who perform reliability tests.

2.4 If reliability results are not satisfactory, there is a discussion on the sources of unreliability (stability, reproducibility and accuracy) and a return to step 2.2. When unitizing results are reliable, we proceed to step 3.

3- Reliability tests on coding:

3.1 Convenors provide a «proper» unitization of the same text to analysts.

3.2 Analysts code the text twice with 7 to 10 days separating the two analyses.

3.3 Analysts send results in an excel file to convenors who perform reliability tests.

3.4 If reliability results are not satisfactory, there is a discussion on the sources of unreliability (stability, reproducibility and accuracy) and a return to step 3.2. When unitizing results are reliable, we proceed to step 4.

4- National teams proceed to the unitizing and coding of national Constitutions.

A glance at future steps

Here is a calendar which we think is realistic:

Fall 2010: Completion of the Codebook
Building of a web site for the project
Contact with new prospective collaborators

Winter-Spring 2011: Reliability tests

27 April 2011: Workshop at the Maison des sciences économiques in Paris

Summer 2011: Launching of content analysis of national Constitutions

Fall 2011: National data to be sent to convenors
Writing of national analyses (case studies)

Spring 2012: Presentation of results at the World Public Choice meeting in Florida (deadline for submission to the conference committee: 15 November 2011)

Final chapters for case studies due by December 2012

Spring 2013: Publication of an edited volume

References

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Krippendorf, K. (2004). Content Analysis: An Introduction to Its Methodology. Thousand Oaks, CA, Sage Publications.

Country code	Text Code	Year of adoption	Year of end of consolidation	Parag Code	Text of Paragraph	Unit code	Agent	Capacity	V1	V2	V3	Coder
1	31	1982	1982	P1	An Act to give effect to a request by the Senate and House of Commons of Canada	1	The Senate	May request	1	1	1	Coder
1	31	1982		P1		2	The House of Commons of Canada	May request	1	1	1	Coder
1	31	1982	1982	P2	Whereas Canada has requested and consented to the enactment of an Act of the Parliament of the United Kingdom to give effect to the provisions hereinafter set forth and the Senate and the House of Commons of Canada in Parliament assembled have submitted an address to Her Majesty requesting that Her Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for that purpose	1	Canada	May request the enactment of an act	1	1	1	Coder
1	31	1982	1982	P2		2	Canada	May consent to the enactment of an act	1	1	1	Coder
1	31	1982	1982	P2		3	The Parliament of the U.K.	May enact an Act that gives effect to certain provisions	1	1	1	Coder
1	31	1982	1982	P2		4	The Senate	May assemble in Parliament	1	2	1	Coder
1	31	1982	1982	P2		5	The House of Commons of Canada	May assemble in Parliament	1	2	1	Coder
1	31	1982	1982	P2		6	The Senate	May submit an address	3	1	1	Coder
1	31	1982	1982	P2		7	The House of Commons of Canada	May submit an address	3	1	1	Coder
1	31	1982	1982	P2		8	The Senate	May request that Her Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom	1	1	1	Coder
1	31	1982	1982	P2		9	The House of Commons of Canada	May request that Her Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom	1	1	1	Coder
1	31	1982	1982	P2		10	Her Majesty	May cause a Bill to be laid before the Parliament of the UK	1	1	1	Coder

1	31	1982	1982	P3	Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:	1	Her Majesty	May enact different decisions	1	1	1	Coder
1	31	1982	1982	P3		2	The Lords Spiritual and Temporal	May advise Her Majesty	3	1	1	Coder
1	31	1982	1982	P3		3	The Lords Spiritual and Temporal	May consent to Her Majesty	1	1	1	Coder
1	31	1982	1982	P3		4	Commons	May advise Her Majesty	3	1	1	Coder
1	31	1982	1982	P3		5	Commons	May consent to Her Majesty	1	1	1	Coder
1	31	1982	1982	P3		6	The Lords Spiritual and Temporal	May assemble in Parliament	1	2	1	Coder
1	31	1982	1982	P3		7	Commons	May assemble in Parliament	1	2	1	Coder
1	31	1982	1982	P4	1- The Constitution Act, 1982 set out in Schedule B to this Act is hereby enacted for and shall have the force of law in Canada and shall come into force as provided in that Act.	0						Coder
1	31	1982	1982	P5	2- No Act of the Parliament of the United Kingdom passed after the <i>Constitution Act, 1982</i> comes into force shall extend to Canada as part of its law.	0						Coder
1	31	1982	1982	P6	3- So far as it is not contained in Schedule B, the French version of this Act is set out in Schedule A to this Act and has the same authority in Canada as the English version thereof.	0						Coder
1	31	1982	1982	P7	4- This Act may be cited as the <i>Canada Act 1982</i>	0						Coder
1	31	1982	1982	P8	Schedule B Constitution Act, 1982 Part 1 Canadian Charter of Rights and	0						Coder

					Freedoms Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:							
1	31	1982	1982	P9	Guarantees of Rights and Freedoms 1. The <i>Canadian Charter of Rights and Freedoms</i> guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.	0						Coder
1	31	1982	1982	P10	Fundamental Freedoms 2. Everyone has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association.	0						Coder
1	31	1982	1982	P11	Democratic rights Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.	1	Every citizen	May vote	1	1	1	Coder

