Nordic CONREASON collection of data on constitutional reasoning in the Nordic Supreme Courts

Associated documentation

Nordic CONREASON Codebook 1.7.pdf *(344.69 KB)*

Citation

Kelemen, K. (2024) Nordic CONREASON collection of data on constitutional reasoning in the Nordic Supreme Courts (Version 1) [Data set]. Örebro University. Available at: https://doi.org/10.60689/zmk7-0z14

Alternative title

Nordic CONREASON dataset

Creator/Principal investigator(s)

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Principal's reference number

ORU 2020/04204

Description

The Nordic CONREASON project applies a comprehensive and systematic analysis of constitutional reasoning in the supreme courts of the five Nordic countries (Denmark, Finland, Iceland, Norway, and Sweden). The data documents the argumentative practice of the seven Nordic supreme courts in their leading constitutional cases. The project used the methodology of the CONREASON-project (http://real.mtak.hu/36806/1/2015_09_jakab.pdf), which ran between 2011-2016, led by Andras Jakab, Arthur Dyevre and Giulio Itzcovich, adapting it to the Nordic context. The dataset contains data concerning 53 variables, including information on the general characteristics of the cases, types of arguments and key constitutional concepts that appear in the judgments.

Data contains personal data

Yes

Type of personal data

Reference to person through court order

Language

English

Unit of analysis

Other

Population

The 40 leading constitutional cases of the seven Nordic supreme courts (280 observations in total)

Time Method

Cross-section

Sampling procedure

Non-probability: Purposive

The project participants analyse the 40 leading judgments of each of the 7 Nordic supreme courts. We limited the number of analysed judgments in order to be able to require the project participants to deliver an in-depth quantitative and qualitative analysis of the judgments. The project participants have been instructed to use the 'expert method' for the selection of leading cases, a method often applied in social sciences. By leading cases we mean the 'canon of cases' that they consider to be the 'most well-known' or 'most important' within the legal (scholarly and/or judicial) community. Thus, the project participants are supposed to guess about the general (mainstream) scholarly opinion on the list of 40 leading judgments. Possible proxies for the selection are: (1) cases that are typically included in a textbook on domestic constitutional law, (2) cases that are frequently cited in scholarly literature, and (3) cases that are often relied upon as precedents by the analysed court itself. None of these three proxies is, however, decisive in itself. The selection shall take into careful consideration a combination of all three factors. There is no time frame, so as a rule even very old cases may be included in the list, if they are still considered to be relevant and influential today. We assume that a relative consensus usually exists as to what decisions constitute leading judgments. To enhance the list's accuracy, each project participant was also required to designate five constitutional law scholars of their own jurisdiction to review her choice of cases.

The texts of the judgment were retrieved from official domestic databases of case-law. They have not been downloaded or stored by the project participants.

Time period(s) investigated

1921 – 2022

Variables

53

Number of individuals/objects

280

Data format / data structure

Numeric

Text

Data collection 1

- Mode of collection: Content coding
- Description of the mode of collection: Each project participant encoded information on a number of characteristics (53 variables in total), repeating this for every case in her set of cases. The coding was done in an Excel sheet, which were then object of aggregate analysis by a statistician.
- Time period(s) for data collection: 2022-06-01 – 2023-04-15
- Instrument: Microsoft Excel (Technical instrument(s))

- Sample size: 280
- Source of the data: Registers/Records/Accounts: Legal, Registers/Records/Accounts

Geographic spread

Geographic location: Northern Europe

Geographic description: Denmark, Finland, Iceland, Norway, Sweden

Lowest geographic unit

Country

Highest geographic unit

Country

Responsible department/unit

School of Behavioural, Social and Legal Sciences - Legal Science

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Funding

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- Funding agency's reference number: P20-0110
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Research area

Legislation and legal systems (CESSDA Topic Classification)

Law (excluding law and society) (Standard för svensk indelning av forskningsämnen 2011)

Keywords

Reasoning, Constitutions, Human rights, Supreme courts, Judgments (law), Constitutional law, Legal reasoning, Constitutional reasoning, Argumentation, Constitutional concepts

Accessibility level

Access to data through SND
Access to data is restricted

Use of data

Things to consider when using data shared through SND

License

[CC BY 4.0](#)

Versions

Version 1. 2024-02-06

Homepage

[Nordic CONREASON Project](#)

Contact for questions about the data

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