



# JPIA

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Dear Reader,

We are pleased to present the Spring 2024 edition of the Journal of Politics and International Affairs at The Ohio State University. This issue of the Journal features four papers from four excellent young scholars. These papers were chosen out of many of excellent submissions from around the world. We are confident in their quality and in their contribution to the academic literature of international relations, public policy, political theory, economics, and American politics.

Our Journal, revived in 2011 by a group of Ohio State undergraduate students, has continued to flourish thanks to the efforts of our editorial staff and officers. This Journal is the result of hundreds of hours of work by members of JPIA, and we are exceptionally proud for the dedication and passion they have shown during the publication process. We are also grateful and proud of those who have submitted their work to the Journal, as each of these students is contributing meaningfully to their respective fields.

This Journal, like all those before it, would not be possible without the help and support of the Department of Political Science. We would like to especially thank Dr. Jennifer Mitzen, JPIA's faculty advisor. Dr. Mitzen's experience, advice, and wisdom were invaluable. We would also like to thank Ms. Ivy Donelson, without whom this physical copy you're reading would not exist. In addition, we'd like to thank the faculty and staff of the Department for their support of JPIA and of all undergraduate researchers.

Finally, we'd like to thank you, the reader, for your interest in our Journal. We hope that its contents will introduce you to new perspectives and profound ideas; we hope that you find interest in these pages and that our work is meaningful to the development of a broader community of rigorous undergraduate research in the social sciences.

Eleonora Julmy & Corinne Miller

Editors in Chief





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# American Federalism in Iraq: What Might Have Been Different

Reed Eddington

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*The United States' decade of intervention in Iraq offers some timely lessons. This essay examines the structure of the democratic regime, which was established under American auspices after Saddam was ousted. The participatory government unsurprisingly borrowed principles from American federalism. Yet, compromises were made to accommodate the diverging visions of its Iraqi authors, and the result was a federalist government that differed from the U.S. model in significant ways. Even so, this paper argues that American intervention in Iraq was unsuccessful not because of a structurally flawed Iraqi government but because of unfavorable local conditions that were exacerbated by poor policy choices, independent of Iraq's federal structure. Finally, this paper compares the American occupations of Japan and Iraq to distill other factors, besides tailored federalism, which might have been adjusted to yield more success for democracy in Iraq.*

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## Introduction:

In 2005, a diverse coalition of Iraqi leaders came together under American auspices to write a new constitution.<sup>1</sup> This constitution and the government it established, replaced Saddam's Baath government, which had been ousted by the United States and its allies in 2003.<sup>2</sup> Despite virulent domestic turmoil, this government exists today, more than ten years after the United States' withdrawal. From the very beginning of the reconstruction process, the U.S. made its preference for a decentralized government clear. The majority of the Iraqi coalition and United States officials were intent on constructing a federalist government.<sup>3</sup> However, this constitution and the structure of the Republic of Iraq are not consistent with principles of American federalism. Since America's "precipitous" withdrawal from Iraq, the country has "suffered through a civil war, political turmoil, widespread corruption, an extremist insurgency that seized a third of the country,"<sup>4</sup> and it experienced "human suffering on a colossal scale."<sup>5</sup> Despite a decade of U.S. intervention, Iraq is a dangerously unstable state. A better understanding of U.S. political reconstruction efforts in Iraq – particularly the government they helped construct – is critical if America is to avoid

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1 Sean Kane, Joost R. Hiltermann, and Raad Alkadiri, "Iraq's Federalism Quandary," *The National Interest*, no. 118 (2012): 20–30, <https://www.jstor.org/stable/42896437>.

2 "Iraq - Government and Society | Britannica," in *Britannica*, accessed April 6, 2023, <https://www.britannica.com/place/Iraq/Government-and-society>.

3 Kane, Hiltermann, and Alkadiri, "Iraq's Federalism Quandary."

4 Sarhang Hamasaeed and Garrett Nada, "Iraq Timeline: Since the 2003 War | United States Institute of Peace," *United States Institute of Peace*, May 29, 2020, <https://www.usip.org/iraq-timeline-2003-war>.

5 H. R. McMaster, *Battlefields The Fight to Defend the Free World* (William Collins, 2020), 225.

making the same mistakes again and help create a stable, open, and prosperous Middle East. However, American interventionism in Iraq was unsuccessful not because of a structurally flawed Iraqi government, but because of unfavorable local conditions and poor policy decisions. The forces that resulted in over a decade of sectarian conflict, can be found in this interaction between “the underlying traits of the people as shaped by their history and culture,”<sup>6</sup> and American policy in Iraq. Federalism was not doomed to failure, but rather, these other factors are what condemned the United States to lose the peace after its early military victories in the Global War on Terror. This paper will critically analyze the structure of the Iraqi government – explaining why it is not wholly consistent with the principles of American Federalism. It will consider the consequences of those differences and will draw on lessons learned from a comparison between the American occupations of Japan and Iraq, to speculate about what other factors (i.e., decisions and conditions) might have yielded more success in Iraq.

Before cross-examining the Iraqi government with the principles and structural characteristics of American federalism, it is necessary to identify what those are. This paper will first explain what federalism is and then identify the specific characteristics of American Federalism. This will be followed by a description of Iraqi government structure, and then a comparison between the Republic of Iraq’s government to the previously identified characteristics of American federalism. Next, the structure of the Republic of Iraq will be considered within the context of the domestic conflicts that erupted shortly following its inception. It will be demonstrated that the chaos that swept across Iraq was not the result of an inherently flawed governmental structure. Ultimately, a comparison between the American occupation of Japan after World War II and the occupation of Iraq will identify other factors (outside of the scope of governmental institutions) that might have prompted Iraq’s decade of identitarian conflict. Iraq’s possible “futures” will be contemplated: not much would have turned out differently had the Iraqi Constitution perfectly conformed to the principles of American federalism.

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6 Kazuo Kawai, *Japan’s American Interlude* (Chicago: University of Chicago Press, 1960),<sup>3</sup>

## **Principles of American Federalism**

Federalism is a system of government in which there is a “central or federal government and a government of constituent units.”<sup>7</sup> “In a federalist government, the same territory is controlled by two levels of government. Generally, an overarching national government is responsible for broader governance of larger territorial areas, while the smaller subdivisions, states, and cities govern the issues of local concern.”<sup>8</sup> It is a hybrid system that mixes elements of a confederation<sup>9</sup> and its antithesis: a unitary political system in which there is only one central source of authority.<sup>10</sup>

Of course, a single definition of federalism will not perfectly describe every federalist system. After all, there is no a priori formula that outlines the exact structure of a federalist government – for example, which exact powers should be given to the central and constituent governments.<sup>11</sup> Thus despite general similarities, how the general principles of federalism are applied in the American government differs from those of other countries such as Canada, Switzerland, or Spain. There are eight key characteristics of American Federalism:

1. Two orders of government - a robust central government whose laws are the “supreme law of the land” and smaller regional governments<sup>12</sup>
2. Symmetric Federalism
3. Concurrent Powers
4. Areas of exclusive jurisdiction
5. A court to adjudicate the disputes of constituent units (i.e., the Supreme Court and the States)
6. Representation of the regional governments within federal decision-making institutions
7. The power to erect new states is exclusive to the federal government
8. A supreme constitution

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7 Celine Auclair, “Federalism: Its Principles, Flexibility and Limitations,” Forum of Federations, 2005, <https://forumfed.org/document/federalism-its-principles-flexibility-and-limitations/>.

8 Cornell Law School, “Federalism,” LII / Legal Information Institute, accessed April 6, 2023, <https://www.law.cornell.edu/wex/federalism>.

9 Dr. Samuel Finesurrey, Gary Greaves, and Lauren Capellan, U.S. Federalism – U.S. Government and Politics in Principle and Practice, accessed April 6, 2023, <https://usgovtpoli.commons.gc.cuny.edu/chapter-five-federalism-american-style/>.

10 Auclair, “Federalism.”

11 Auclair.

12 “The Constitution of the United States: A Transcription,” National Archives, November 4, 2015, Article VI, <https://www.archives.gov/founding-docs/constitution-transcript>.

The United States has a central, federal government, and constituent, regional state governments. Nowhere is the strength of her central government more evident than in the Supremacy Clause of the Constitution, which states that the U.S. Constitution, federal laws, and treaties made in the federal congress shall be the “supreme law of the land.”<sup>13</sup> “This effectively means that when the laws of the federal government conflict with the laws of a state’s government, the federal law will supersede the state law.”<sup>14</sup> Hamilton and Madison articulated some of the reasons why a strong central government is necessary in the Federalist Papers. For example, in Federalist No. 10, Madison argues that the greatest advantage of a strong central government is its “tendency to break and control the violence of faction.”<sup>15</sup> Critically, in Federalist No. 15, Hamilton argues that a central government must have the authority to create laws and the power to enforce them.<sup>16</sup> Clearly, a key characteristic of American Federalism is a strong central government with the ability to enforce its laws with the constituent states, laws which are “the supreme law of the land.”<sup>17</sup>

The principle of symmetric federalism is also key. This means that no constituent state in the country has greater power than the other. For example, New York does not have a greater degree of autonomy than North Dakota, and structures exist to prevent large states from dominating smaller ones in the legislative process. Concurrent powers are another important structural characteristic. “Concurrent” refers to powers that are shared by both the federal government and state governments. These include the power to tax, build roads, and create lower courts.”<sup>18</sup> Related to the concept of concurrent powers are areas of exclusive jurisdiction. In the United States, certain powers are exclusive to federal and state governments. Article I, Section 8 of the Constitution outlines the exclusive powers of the federal government, and the Tenth Amendment reserves powers not delegated to the federal government to state governments. An example of an exclusive state power is the power to manage intra-state commerce. An example of an exclusive federal power is establishing and maintaining a currency.

The U.S. Supreme Court adjudicates disputes between

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13 Cornell Law School, “Federalism.”

14 Cornell Law School.

15 James Madison, “The Federalist Papers No. 10,” Text, The Avalon Project, December 29, 1998, [https://avalon.law.yale.edu/18th\\_century/fed10.asp](https://avalon.law.yale.edu/18th_century/fed10.asp).

16 Alexander Hamilton, “The Avalon Project : The Federalist Papers : No. 15,” The Avalon Project, accessed April 7, 2023, [https://avalon.law.yale.edu/18th\\_century/fed15.asp](https://avalon.law.yale.edu/18th_century/fed15.asp).

17 “The Constitution of the United States.”

18 Cornell Law School, “Federalism.”

states and between states and the federal government. This structure ensures equity, serves as a glue that holds the Union together, maintains accountability, and establishes the legitimacy of law and government. Representation is of course a key component of any federalist system and in American government, states participate in the legislative process via a bicameral, federal legislature. The seventh characteristic – that only the federal government has the power to establish new States – is not critical in modern America, yet it is essential for two reasons: it maintains symmetrical federalism and the power of the federal government. Madison explains that this provision is necessary to “prevent the junction of two or more States,” the acquisition of more territory by a State, and the establishment of a new State under the jurisdiction of another, which preempts jealousy and hostility between large and small states.<sup>19</sup> If States could partition, consolidate, and multiply at will, it would undermine the balance – the symmetrical nature – of America, as States could gain disproportionate power over one other as well as national influence. Finally, a supreme constitution is an indispensable component of American federalism. The laws of this constitution must have force in every part of the country without exception. Local laws cannot annul or supersede those of this supreme law.

### **Federalism in the New Constitution of Iraq**

Having identified the key characteristics of American federalism, a summary of the cultural and political background of the Iraqi constitution will greatly enhance a subsequent comparison of the Iraqi and American constitutions and governments. Iraq is predominantly Shia Muslim<sup>20</sup> but was ruled by a Sunni government under Saddam Hussein. Iraq also has a large Kurdish population, which mostly lives in its northern provinces. Following the 1991 Gulf War, the Kurds succeeded in establishing a de-facto autonomous region in northern Iraq. With the overthrow of Saddam’s government in 2003, they came to the drawing table in 2005 with the goal of maximizing their autonomy. “A central ally to the Kurds... was a party then known as the Supreme Council for the Islamic Revolution in Iraq (SCIRI). SCIRI was a Shia Islamist party established by the Iranians in 1982 during the Iran-Iraq War that was dedicated to overthrowing Saddam’s regime. It saw decentralization as both the best guarantee against a

<sup>19</sup> James Madison, “The Avalon Project : Federalist No 43,” Avalon Project, accessed April 7, 2023, [https://avalon.law.yale.edu/18th\\_century/fed43.asp](https://avalon.law.yale.edu/18th_century/fed43.asp).

<sup>20</sup> “Religious Politics in Iraq,” United States Institute of Peace, accessed April 8, 2023, <https://www.usip.org/publications/2003/05/religious-politics-iraq>.

return to dictatorship and a good way to protect Shia interests in the new state.”<sup>21</sup> The final critical piece to this story is that following the overthrow of Saddam’s regime, the United States enforced a policy of De-Baathification – barring all high ranking Baath party members and government officials who had served under Saddam from working in government.<sup>22</sup> Thus, nationalist Sunni officials (who favored a strong central government) were largely absent from the drafting table in 2005. Of all the diverse groups that composed the 2005 constitutional coalition, the Kurds and SCIRI were the most well organized. The result was a constitution that established a comparatively weaker central government and institutionalized asymmetrical federalism with the formal establishment of the Kurdish autonomous region.

The Iraqi government is a parliamentary democracy.<sup>23</sup> “The president is the head of state, the prime minister is the head of government, and the constitution provides for two deliberative bodies, the Council of Representatives (Majlis al-Nawwāb) and the Council of Union (Majlis al-Ittihad).”<sup>24</sup> The Constitution establishes a Supreme Court that is free and independent of the executive and the legislature.<sup>25</sup> The government is divided into eighteen governorates, three of which compose the Kurdistan autonomous region.<sup>26</sup> A paper published by the Center for the National Interest identifies two key characteristics of the Iraq federal system that are critical to this analysis. First, the new constitution “hollows out the national government through radical devolution to federal regions that can mostly ignore Baghdad on many key matters, including most importantly oil and gas management and revenue sharing.”<sup>27</sup> Second, it also “provides minimal barriers to prevent the provinces outside of Iraqi Kurdistan from forming new autonomous regions.”<sup>28</sup> Notably absent from the Iraqi constitution is a supremacy clause that declares the laws of the federal legislature and the Iraqi constitution to be the supreme law of the land. Additionally, in contrast to the U.S. Constitution, which enumerates the powers of

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21 Kane, Hiltermann, and Alkadiri, “Iraq’s Federalism Quandary,” 23.

22 James Pfiffner, “US Blunders in Iraq: De-Baathification and Disbanding the Army,” *Intelligence and National Security* 25, no. 1 (February 2010): 76–85, [chrome-extension://efaidnbmninnbpcjpcglclefindmkaj/https://www.gmu.edu/files/pdfs/Articles/CPA%20Orders,%20Iraq%20PDF.pdf](https://www.gmu.edu/files/pdfs/Articles/CPA%20Orders,%20Iraq%20PDF.pdf).

23 “Iraq - Government and Society | Britannica.”

24 “Iraq - Government and Society | Britannica.”

25 “Iraq Constitution” (ConstitutionProject.org, 2005), [chrome-extension://efaidnbmninnbpcjpcglclefindmkaj/https://www.constituteproject.org/constitution/Iraq\\_2005.pdf?lang=en](https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en).

26 “Iraq - Government and Society | Britannica.”

27 Kane, Hiltermann, and Alkadiri, “Iraq’s Federalism Quandary,” 24.

28 Kane, Hiltermann, and Alkadiri, 24.



the Federal government and then reserves the “leftovers” to the States, the Iraqi Constitution only has enumerated governorate and Federal powers – many of which overlap.

It would be an enormous task to identify every single point that distinguishes the Iraqi government from principles of American federalism. Thus, only the most critical will be considered here. The first is the absence of a supremacy clause which explicitly states that the Iraqi constitution and laws passed by the federal legislature are the supreme law of the land. While governorates are stipulated to “adopt a constitution of [their] own...provided that it does not contradict this [the national] Constitution,”<sup>29</sup> the national constitution does not establish one government as superior or subordinate to the other. Thus, one of the first areas in which the Iraqi government is inconsistent with values of American federalism is that it does not provide for a powerful federal congress. In comparing the Iraqi government to the list of key characteristics that was previously identified, its central government is not robust and there is no clear hierarchy with respect to local legislatures. Additional examples, such as the fact that inter-state commerce is a shared power in Iraq, could be provided to illustrate this point.

Another glaring difference between the Iraqi Federalist model and the American is its asymmetrical character. The Iraqi constitution provides for an autonomous Kurdish region which grants certain governorates a disproportionate amount of power and autonomy (a region is a conglomerate of one or more governorates with their constitution). The Iraqi constitution permits the formation of more autonomous regions via either the consolidation or division of multiple governorates. The American Constitution has many structures in place to maintain the symmetric quality of its federalist system – the Iraqi Constitution does quite the opposite.

With respect to criteria three through six, that there are concurrent federal and state powers, areas of exclusive jurisdiction, a court to adjudicate the disputes of constituent units, and regional representation and participation in federal decision-making institutions, Iraq agrees in principle with those of the United States. The final two points – that the power to erect new States is exclusive to the federal government and the existence of a supreme constitution – have already been discussed in connection with points one and two. The Iraqi constitution does not delegate the power to create the Iraqi equivalent of a U.S. state exclusively to the central government. Rather, governorates can consolidate, divide, and thus presumably create new

<sup>29</sup> “Iraq Constitution.” Article 120

governorates by simple referendum.<sup>30</sup> Finally, the Iraqi government does have a national constitution which is not to be “contradicted”<sup>31</sup> by those of constituent governments. However, it does not explicitly state that when federal and governorate laws are in conflict with one another the federal law will supersede that of the governorate. Simply put, the Iraqi constitution does not explicitly establish a hierarchy, with the federal government above those of the governorates.

As stated by former U.S. National Security Advisor H.R. McMaster, “[the Middle East] is important to Americans because problems there do not conform to the city of Las Vegas motto—that is, what happens in the Middle East does not stay in the Middle East.”<sup>32</sup> More than a decade of U.S. intervention in Iraq has not been successful in stabilizing the country or the region. A continued study of U.S. intervention efforts in the Middle East is critical to U.S. policymakers, officials, and military members in order to avoid making the same mistakes in the future.

The United States did successfully establish a federalist government in Iraq – and despite an overwhelming number of existential challenges, it has survived to this day. The Republic of Iraq does not perfectly conform to the principles and structures of American Federalism; yet a “pure” American Federalist model would not have prevented the chaos that followed shortly after its inception. Iraq’s identitarian conflicts, it turns out, were not caused by a structurally flawed government.

## **Japan’s Postwar Experience**

Perhaps the best way to determine if the new Iraqi government could be to blame for those years of violence and conflict is to compare the Iraq case to a similar situation. Wary of the many controversial comparisons that have already been made between recent American interventionism in the Middle East and historic reconstruction efforts – a comparison between the American occupations of Japan and Iraq offers some important lessons about what makes a military occupation and subsequent reconstruction efforts successful. The key assumption that undergirds this discussion is that an American-model government is not necessarily the best option for everyone. This should go without saying but it is important to articulate before discussing American efforts to spread democracy. Leaders must understand that in their efforts to spread democracy abroad,

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30 “Iraq Constitution.” Article 119

31 “Iraq Constitution.” Article 120

32 H. R. McMaster, *Battlegrounds The Fight to Defend the Free World*, 262.

working from an assumption that American-style democracy is the “best democracy,” is flawed. The belief that American-style democracy is the best fit for any country regardless of history or culture is both remarkably egotistical and ignorant. Here, postwar Japan offers an excellent example.

The American Occupation authorities recognized that in the past, “a significant indication of the undemocratic character of the Japanese government had been the relative weakness of the elected representatives of the people. The executive had always been more powerful than the legislative branch of the government.”<sup>33</sup> Thus, the Occupation attempted to remedy the situation by “[going] so far as to sponsor the doctrine of legislative supremacy,” instead of introducing the American system of checks and balances.<sup>34</sup> Thus, the Japanese adopted a parliamentary system that more closely mirrors that of the British. The Japanese Diet (the national legislature of Japan, roughly equivalent to the American Congress) became the “highest organ of state power;”<sup>35</sup> and “represents one of the few occasions when the Occupation recognized that the American model was not appropriate to the Japanese background”<sup>36</sup> and adjusted accordingly. The Diet selected the Prime Minister from among its members, the Cabinet was made completely responsible to the Diet, and the majority of its members were selected from the same.<sup>37</sup> Different forms of democracy are better suited for different peoples, and adjusting accordingly can increase the likelihood that the new government will be successful.

Thus, to say that the Iraqi government caused or was unable to prevent its various civil conflicts just because it was not a truly “American” government (and so intrinsically flawed) is false. Not to belabor the point, but it should also be noted that the United States underwent its civil war and periods of intense sectarian conflict, while Japan has had nothing even remotely comparable since the establishment of her parliamentary democracy in the 40’s. To say that the American model is the best guarantee of stability or prosperity and any deviation from the same will result in violence is clearly false. Even if the new Iraqi government bore more of the structural characteristics of American Federalism, the forces that pushed Iraq into civil war (2006-2008) or created ISIS (2013-2017) for example, were underway before the new constitution was written in 2005. Analyzing all the

33 Kazuo Kawai, *Japan’s American Interlude* (Chicago: University of Chicago Press, 1960), 111.

34 Kawai, 111.

35 Kawai, 111.

36 Kawai, 111.

37 Kawai, 112.

causes of the Iraqi Civil War, ISIS, or any of the various sectarian conflicts with which Iraq was riven is beyond the scope of this essay. However, here, some of the more significant causes of these conflicts as identified by experts will be listed to demonstrate that Iraq's decade of violence was the result of other social, security, economic, religious, and historical factors. Secondly, the reasons for the structural characteristics that distinguish the Iraqi government from the American Federalist model will be discussed. Finally, the "what-ifs" of the Iraqi occupation and reconstruction efforts will be considered – the kinds of things that might have rescued the situation.

### **Causes of Conflict in Iraq**

The disbanding of the Iraqi army in May 2003, is a good place to start a discussion of events that contributed to the eruption of civil conflict in 2006. After two weeks on the job, Paul Bremer, head of the Coalition Provisional Authority in Iraq, signed an order disbanding the Iraqi army and intelligence services. This created an influx of 400,000 thousand newly unemployed and mostly uneducated, armed men on the already insecure streets of Iraq.<sup>38</sup> These former soldiers were angry with the US's "unfulfilled promises and were desperate to locate some form of income to support their families." They held no loyalty to the United States and often very limited loyalty to their national government, and so simply "followed financial opportunities regardless of if they supported or opposed Coalition causes."<sup>39</sup>

The strict policy of De-Baathification is another example of not only a single event but enduring conditions that contributed to the conflict. De-Baathification not only removed all of Iraq's leadership from office but barred just about everyone with any leadership, government, or military experience from those positions. It exacerbated existing tensions between Sunni and Shia Iraqis by largely stripping the Sunnis from their historical grip on power and clearing the way for the empowering of the Shia. The policy of De-Baathification exemplifies the profound demographic change in the balance of power that was created by the ousting of Saddam. The Sunnis who had traditionally held positions of authority and governed Iraq were now unemployed and disempowered. It is not a coincidence that beginning in 2006,

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38 Hamasaeed and Nada, "Iraq Timeline: Since the 2003 War | United States Institute of Peace"; Cherish Zinn, "Consequences of Iraqi De-Baathification," *Cornell International Affairs Review* IX, no. Spring 2016 (n.d.): 89; "The Iraq War," Council on Foreign Relations, accessed August 3, 2023, <https://www.cfr.org/timeline/iraq-war>.

39 Zinn, "Consequences of Iraqi De-Baathification," 90.

the Sunni-dominated, anti-Coalition insurgency progressively turned “overwhelmingly sectarian, leading to a cycle of attack and retaliation between the Sunni and Shia populations.”<sup>40</sup>

In the previous two examples, there are clear historical, religious, economic, and political factors at play – all of which were set in motion before the writing of the 2005 Iraqi Constitution. Additionally, these two examples highlight the dramatic consequences of policy decisions that were distinct from the subsequent establishment of the new Republic of Iraq. Indeed, the tension between Sunni and Shia Muslims, which contributed to the violence, is a factor that had its roots long before the United States ever set foot in Iraq. Ultimately, the legitimacy of a government will always be questioned by the people if it fails to improve the lives of the general population. In Iraq, the government was often seen as incapable because it failed to provide “basic services at levels that significantly exceeded those provided under the previous regime.”<sup>41</sup> Most obviously this was felt in the breakdown of security. The toppling of Saddam created a power vacuum, and the new government was unable to establish domestic security. Thus, the people turned to their own means, coalescing into various factions to protect themselves, and, of course, their clashing interests. The longstanding forces that drove Iraq into civil conflict were unleashed by policy enacted by the Coalition Provisional Authority (CPA) – not the result of structural flaws in the new government.

### **Deliberate Difference in the Iraqi Model**

What might have been different had the Republic of Iraq shared more in common with the American Federalist system? Most likely very little. The decentralized nature of the Iraqi government is the deliberate result of compromise and largely the product of ambiguity within the actual text of the constitution. In 2009, Dr. Haider Hamoudi was invited to Baghdad to work directly with the Constitutional Review Committee, a body that had been tasked with developing amendments to Iraq’s 2005 constitution. Drawing on what he learned during his time in Iraq he explained that “the common description of the Iraq Constitution as one that is deeply ambiguous and leaves contentious matters for future resolution is entirely appropriate, but it is not a cause for criticism. In fact, it is the primary reason for its success.”<sup>42</sup> When the new constitution was being written,

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40 Zinn, 95.

41 Haider Ala Hamoudi, *Negotiating in Civil Conflict: Constitutional Construction and Imperfect Bargaining in Iraq* (Chicago: The University of Chicago Press, 2014), 7.

42 Hamoudi, 7.

three main groups came to the drawing table: the Kurds, Sunnis, and Shiites. Each of these different groups had different conceptions of what the new State should look like, and often these visions were incompatible. The Kurds favored a loose, secular confederation, the Sunnis a centralized nationalist state, and the Shi'a an Islamic one in which, as in the case of neighboring Iran, religious jurists played a significant role in governing.<sup>43</sup> Dr. Hamoudi explained that while in an ideal world, explicit phrasing is the goal in a new constitution, it is often unattainable – especially in a state that is riven by severe identitarian division.<sup>44</sup> Yet, there are many ways to draft a constitution for people who are divided.

1. Create rules that render it relatively simple to amend the constitution as a formal matter.
2. Incorporate in the initial text strategic ambiguity.
3. Permit some level of contradiction to be sorted out through peaceful change.
4. Invite future legislation.
5. Practice aspirational constitutionalism (Constitutional provisions [articulate] values that drafters hope future generations will come to consensus on, implement, and expand through future construction).<sup>45</sup>

If chasing a fantastical ideal prevents even a suboptimal solution from being achieved, a means must be devised to facilitate compromise. This is exactly what the Iraqi drafters did, and it kept the fragile democracy together. Ambiguity was used when necessary, and rules were created that made it possible to formally amend the original constitution (as mentioned earlier with respect to the creation of new Iraqi governorates). Thus, a document was created with text that was sufficiently “capacious” to allow for the different visions of all parties involved. A flexible framework deferred divisive issues for the future and allowed for the “incremental resolution” of the same.<sup>46</sup>

### **Lessons from Reconstruction in Post-War Japan**

But what policy decisions have raised thorny issues for continued US influence? What conditions or actions might have forestalled the chaos that took place in Iraq? In this regard, the American occupation of Japan following World War II offers some

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43 Hamoudi, 225.

44 Hamoudi, 8.

45 Hamoudi, 61.

46 Hamoudi, 224.

possible lessons. Kazuo Kawai, a former reporter for the Tokyo Nippon Times and professor of political science at Stanford University, wrote of the Japanese occupation that “no occupation of an enemy country in all history had turned out to be such a happy surprise as this one for both the conqueror and the conquered.”<sup>47</sup> Similar to Iraq, Japan’s relationship with the United States had been tense for over a decade prior to their occupation and a “bitter war had prepared the Americans to expect treachery and resistance, the Japanese to expect rapine and pillage.”<sup>48</sup> Kawai records that “for policy reasons, both the Occupation authorities and the Japanese government adopted an official line which held that the Japanese people, freed by defeat from their militarist masters, had become genuinely repentant and eager to redeem themselves through democracy.”<sup>49</sup> Kawai argues that while this explanation has a measure of truth, the reaction of the entire nation to “such a complex and comprehensive experience as the Occupation” was necessarily influenced by an “infinite number of factors.” Some of which “were found in the special circumstances of the moment [and] others in the underlying traits of the people as shaped by their history and culture.”<sup>50</sup>

Kawai’s factors can be divided into two categories: the characteristics of the Japanese and the characteristics of The Occupation. Here, two points in each category will be discussed as they relate to Iraq. First, the characteristics of the Japanese:

1. Japan had previous experience with democracy.
2. Japanese society wanted the new government to succeed.

To a large portion of Japanese society, the Occupation represented the fulfillment of long-felt desires to democratize. Although nascent in its development, Japan had been experiencing indigenous democratic growth prior to the militarism of the 1930s. Thus, while some of the Occupation measures were viewed as a “forcible imposition of alien ideas,” enough of the Occupation’s program coincided with what the Japanese people wanted, and historical indigenous trends, that they garnered substantial native support. Additionally, the Occupation program created new “vested interests” in Japanese society that quickly came to have a stake in the new regime. This was especially true of the segments within Japanese society that felt themselves “liberated

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47 Kawai, 1.

48 Kawai, 1.

49 Kawai, 2.

50 Kawai, 3.

and endowed with new power by the Occupation” – i.e., Japan’s middle and lower classes. Although the former ruling class of Japanese society certainly did not support the Occupation, a large portion of Japanese people deeply desired the success of the new Japanese government as constructed under American auspices.<sup>51</sup> These groups came to constitute a supportive constituency of the new regime and indirectly helped “advance the long-range democratic objectives of the Occupation.”<sup>52</sup> Regular Japanese society had “skin in the game” and wanted the new government to thrive.

With respect to these two points, the difference between post-9/11 Iraq and postwar Japan is stark. Prior to 2005, the people of Iraq had virtually no experience with democratic government or even self-rule. In the 16th century, Iraq was conquered by the Ottoman Empire and was held by the Ottomans until it fell under a British mandate following World War I. It was not until the 1930s that Iraq once again became an independent state. However, the governments that were formed after gaining its independence were not truly democratic – whether under the rule of King Faisal (and his successors) or the dictator Saddam Hussein. Thus, one of the principal reasons why the new Iraqi government of 2005 struggled to stand on its own was because it was managing an unfamiliar system based on foreign principles. The new state failed to garner broad indigenous support, in part, because it was easy for the people to construe the new government as an alien imposition, despite the fact that it was largely written by native leaders. Additionally, the legitimacy of the new Republic of Iraq was perpetually undermined because it failed to provide basic services at levels that were significantly better than the previous regime.<sup>53</sup> Had the Iraqi people benefited from previous experience with democratic rule and the new government found ways to make people have a stake in the success of the federal democracy, much might have been different.

With respect to the character of the Japanese Occupation itself, the two points most relevant to this discussion are as follows:

1. The United States had a premade master plan for the occupation and reconstruction of Japan: “United States Initial Post Surrender Policy for Japan.”
2. The Occupation was not a military government and did not assume governmental functions.

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51 Kawai, 9.

52 Kawai, 9.

53 Hamoudi, 7.



From the very early days of its involvement in World War II, the United States began to prepare for the “preponderant” role it would play in the occupation and subsequent reconstruction of the Japanese nation.<sup>54</sup> “Various government agencies in Washington had worked on a variety of plans which, after innumerable conferences, had been coordinated into a master plan.”<sup>55</sup> The plan was implemented immediately upon the surrender of the Japanese and handed over to General MacArthur who was responsible for its execution. “In essence, the policy called for the demilitarization and the democratization of Japan.”<sup>56</sup> These two directives constituted the two distinct phases of the occupation: first clearing of the ground, followed by the positive reconstruction of the nation. From his inauguration of the Occupation, General MacArthur had a concise plan to work with and a concise grand objective: to democratize and reconstruct Japan. For Japan, there was always a plan.

The second critical feature of the American Occupation was that it never took over government functions. “Unlike Germany, where the collapse of the native government had forced the occupation armies to assume governmental functions, Japan had surrendered while her own government was still intact.” The Occupation therefore was “set up merely as a supervisory superstructure over the existing Japanese government, which did the actual work of governing.”<sup>57</sup> The occupation essentially set up a mirror bureaucracy to direct their Japanese counterparts. Specific directives of the Occupation were carried out by Japanese authorities at the local level. In Iraq, this was not the case – an uncompromising policy of purging state officials and dissolving government structures meant that the United States was left with the responsibilities of running many of the day-to-day operations in Iraq. This was a critical error. It meant that the occupation took on a truly militaristic character as the Iraqi people saw themselves being governed by the United States, and it affirmed extremist rhetoric about Western interventionism. The U.S. occupation of Iraq was a form of aggression and imperialism, a Western assault on Islam and Muslim values, an exploitation of the Middle East, etcetera. In Japan, the police were not disbanded during the Occupation but only went through a series of reforms. In Iraq, military and domestic security forces were dissolved,<sup>58</sup> and the U.S. military immediately assumed responsibility

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54 Kawai, 20.

55 Kawai, 20.

56 Kawai, 21.

57 Kawai, 19.

58 James Pfiffner, “US Blunders in Iraq: De-Baathification and Disbanding the Army,” *Intelligence and National Security* 25, no. 1 (February 2010): 80, chrome-extension://efaidnbmnnpbcbajpcglclefindmkaj/https://pfiffner.gmu.edu/files/pdfs/Articles/CPA%20

for maintaining domestic stability. Finding a way to emulate the Japan example of not taking over the actual work of governing would have made governing more effective, may have increased domestic support for the Iraqi federal democracy, and may have preempted the spread of extremist rhetoric against the United States.

A common refrain among U.S. leaders has been frustration about the lack of a post-occupation strategy in Iraq.<sup>59</sup> From the inauguration of the U.S. occupation of Iraq until American withdrawal, military leadership, Congress, and various other experts have been critical of the lack of a coherent post-invasion strategy for Iraq. A “master plan” for the occupation of Iraq would have made an enormous difference in the success of reconstruction efforts and would have preempted experts from describing the situation as degrading from “one of the most brilliant invasion successes in modern military history [into] one of the most incompetently planned occupations.”<sup>60</sup> A concise grand strategy for U.S. intervention in Iraq and a concise occupation plan that could be clearly communicated to American leadership and resonate with the Iraqi people would have made a decisive difference.

It has been said that you cannot teach democracy to hungry people. One of many lessons here is that regardless of the model of government, if the basic needs of a people are not being met, no state, regardless of how robust the outside aid package, can avoid some form of domestic unrest. The United States helped establish and bankroll democratic federalism in Iraq, a form of participatory government that, unsurprisingly, borrowed principles from American Federalism. Compromises were made to accommodate the diverging visions of its authors. Those compromises resulted in an Iraqi constitution that, compared to the U.S. model, significantly weakened the power of the central government. Yet, this central difference is not the reason for Iraq’s domestic turmoil, so damaging to American policy in the Middle East. The broad factor that drove Iraq into civil conflict was poor framing decisions by the American occupiers, which exacerbated identitarian differences between Iraq’s many sects and demanded far too much of Iraq’s anti-democratic political history. Local conditions in post-Saddam Iraq did not set the United States up for success, but

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Orders,%20Iraq%20PDF.pdf.

59 Reem Nadeem, “A Look Back at How Fear and False Beliefs Bolstered U.S. Public Support for War in Iraq,” Pew Research Center - U.S. Politics & Policy (blog), March 14, 2023, <https://www.pewresearch.org/politics/2023/03/14/a-look-back-at-how-fear-and-false-beliefs-bolstered-u-s-public-support-for-war-in-iraq/>; Michael O’Hanlon, “Iraq Without a Plan,” Brookings, accessed August 6, 2023, <https://www.brookings.edu/articles/iraq-without-a-plan/>.

60 O’Hanlon, “Iraq Without a Plan.”

better U.S. policy decisions with respect to the Baath Party, the Shia, and the Kurdish community could have tamped down subsequent violence. In the days ahead, in an increasingly contentious global environment, policymakers ought to carefully weigh lessons in comparative politics learned from Iraq as well as other gambles on American democracy promotion through military intervention.

**About the Author**

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### Works Cited:

- Auclair, Celine. "Federalism: Its Principles, Flexibility and Limitations." Forum of Federations, 2005. <https://forumfed.org/document/federalism-its-principles-flexibility-and-limitations/>.
- Cornell Law School. "Federalism." LII / Legal Information Institute. Accessed April 6, 2023. <https://www.law.cornell.edu/wex/federalism>.
- Council on Foreign Relations. "The Iraq War." Accessed August 3, 2023. <https://www.cfr.org/timeline/iraq-war>.
- Finesurrey, Dr. Samuel, Gary Greaves, and Lauren Capellan. U.S. Federalism – U.S. Government and Politics in Principle and Practice. Accessed April 6, 2023. <https://usgovtpoli.commons.gc.cuny.edu/chapter-five-federalism-american-style/>.
- H. R. McMaster. *Battlegrounds The Fight to Defend the Free World*. William Collins, 2020.
- Hamasaeed, Sarhang, and Garrett Nada. "Iraq Timeline: Since the 2003 War | United States Institute of Peace." United States Institute of Peace, May 29, 2020. <https://www.usip.org/iraq-timeline-2003-war>.
- Hamilton, Alexander. "The Avalon Project : The Federalist Papers : No. 15." The Avalon Project. Accessed April 7, 2023. [https://avalon.law.yale.edu/18th\\_century/fed15.asp](https://avalon.law.yale.edu/18th_century/fed15.asp).
- Hamoudi, Haider Ala. *Negotiating in Civil Conflict: Constitutional Construction and Imperfect Bargaining in Iraq*. Chicago: The University of Chicago Press, 2014.
- "Iraq - Government and Society | Britannica." In Britannica. Accessed April 6, 2023. <https://www.britannica.com/place/Iraq/Government-and-society>.
- "Iraq Constitution." ConstitutionProject.org, 2005. [chrome-extension://efaidnbnmnibpcjpcglclefindmkaj/https://www.constituteproject.org/constitution/Iraq\\_2005.pdf?lang=en](chrome-extension://efaidnbnmnibpcjpcglclefindmkaj/https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en).
- Kane, Sean, Joost R. Hiltermann, and Raad Alkadiri. "Iraq's Federalism Quandary." *The National Interest*, no. 118 (2012): 20–30. <https://www.jstor.org/stable/42896437>.
- Kawai, Kazuo. *Japan's American Interlude*. Chicago: University of Chicago Press, 1960.
- Madison, James. "The Avalon Project : Federalist No 43." Avalon Project. Accessed April 7, 2023. [https://avalon.law.yale.edu/18th\\_century/fed43.asp](https://avalon.law.yale.edu/18th_century/fed43.asp).

- . “The Federalist Papers No. 10.” Text. The Avalon Project, December 29, 1998. [https://avalon.law.yale.edu/18th\\_century/fed10.asp](https://avalon.law.yale.edu/18th_century/fed10.asp).
- Nadeem, Reem. “A Look Back at How Fear and False Beliefs Bolstered U.S. Public Support for War in Iraq.” Pew Research Center - U.S. Politics & Policy (blog), March 14, 2023. <https://www.pewresearch.org/politics/2023/03/14/a-look-back-at-how-fear-and-false-beliefs-bolstered-u-s-public-support-for-war-in-iraq/>.
- National Archives. “The Constitution of the United States: A Transcription,” November 4, 2015. <https://www.archives.gov/founding-docs/constitution-transcript>.
- O’Hanlon, Michael. “Iraq Without a Plan.” Brookings. Accessed August 6, 2023. <https://www.brookings.edu/articles/iraq-without-a-plan/>.
- Pfiffner, James. “US Blunders in Iraq: De-Baathification and Disbanding the Army.” *Intelligence and National Security* 25, no. 1 (February 2010): 76–85. <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://pfiffner.gmu.edu/files/pdfs/Articles/CPA%20Orders,%20Iraq%20PDF.pdf>.
- United States Institute of Peace. “Religious Politics in Iraq.” Accessed April 8, 2023. <https://www.usip.org/publications/2003/05/religious-politics-iraq>.
- Zinn, Cherish. “Consequences of Iraqi De-Baathification.” *Cornell International Affairs Review* IX, no. Spring 2016 (n.d.).







# Canadian Electric Vehicle Incentivization:

Chad Dickson

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*Statistically, the Canadian government's electric vehicle incentivization program has struggled in increasing electric vehicle market penetration. This paper reviews literature related to the American incentivization program as a means of informing the Canadian incentive strategy. The relevance of both financial and non-financial incentives is considered, as this paper specifically reviews literature regarding the use of tax credits, financial subsidies, high occupancy vehicle lane access, improved charging infrastructure, and hybrid policies. This review ultimately finds that a revision of the Canadian incentive program is needed, informed by the experiences of the American incentivization strategy. This paper then concludes with analysis of the policy implications of this review's findings, and recommendations supported by literature which can improve the current Canadian incentive program.*

EV: Electric Vehicle

ICEV: Internal Combustion Engine Vehicle

BEV: Battery Electric Vehicle

PHEV: Plug-In Hybrid Electric Vehicle

HEV: Hybrid Electric Vehicle

PEV: Plug-In Electric Vehicle

HOV Lane: High Occupancy Vehicle Lane

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## **Introduction:**

Canada has a long history of environmental commitments. On December 12, 2015, Canada adopted the Paris Agreement, which involved a legal commitment to social and economic transformation to limit global warming below two degrees Celsius above pre-industrial levels (United Nations Climate Change, n.d.). Additionally, on June 29, 2021, the Canadian Net-Zero Accountability Act became law, creating legislation which outlined Canada's commitment to achieving net-zero emissions by the year 2050 (Government of Canada, 2022). However, it soon became clear that if Canada sought to reduce its impact on climate change, it would have to confront its own transportation sector. In 2019, the transportation sector was second only to the oil and gas industry in Canadian greenhouse gas emissions, accounting for 185.8 megatonnes of carbon dioxide equivalent annually, or 27% of total Canadian emissions (Government of Canada, 2021). Further environmental commitments were made when, on December 17, 2021, the Canadian government committed to ensuring that all new light-duty vehicles sold by the year 2035 are zero-emission vehicles. Additionally, the government set a goal for half of light-duty vehicle sales to be zero-emission vehicles by the year 2030 (Government of Canada, 2021). However, it is clear that if this goal is to be achieved, improved EV incentives are necessary to increase market penetration. In order to

achieve this commitment, the Canadian government again must take action to more effectively encourage EV uptake. In a life assessment of the use of ICEVs and EVs in Hong Kong, ICEVs were found to have a much greater impact on global warming potential (Shafique et al., 2021), as ICEVs are known to emit potent greenhouse gases such as carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons (Fan et al., 2018). However, Bonsu (2020), using the United Kingdom as a case study, found that achieving global net-zero carbon emissions by 2050 can be best achieved through a transition from ICEVs to EVs in the context of a circular economic model. The circular economic model has been proposed as a sustainable alternative to the current linear model of extraction, production, use, and disposal of materials and energy. Instead, the circular economic model involves production and consumption with an emphasis on reuse, repairing, refurbishing, and recycling (Aloini et al., 2020). While no country is currently operating through a circular model, these findings still demonstrate that a transition from ICEV to EV usage will play a crucial role in the Canadian government achieving its net-zero commitments. In response to these commitments, the Canadian government launched its Incentives for Zero-Emission Vehicles Program in May 2019, offering varying financial incentives to purchasers of zero-emission vehicles (Transport Canada, 2020). Through this program, individuals could receive between \$2,500 and \$5,000 CAD purchase subsidies, while businesses could receive a tax write-off of \$50,000 CAD (Transport Canada, 2020). However, these incentives were relatively unsuccessful, as in the year 2020, EVs only accounted for 6% of new motor vehicle registrations (Statistics Canada, 2021).

While there will be a lagged response between incentivization and alteration of consumer behaviours, the ambitious timeline that the Canadian government has committed to necessitates more rapid, drastic changes in consumer behaviour. Thus, although the incentive program is still in its preliminary stages, its results thus far indicate that it may be insufficient in achieving the short timeline put forward by the Canadian government. In this way, increased EV usage is necessary if the Canadian government hopes to achieve its environmental and market commitments. However, current methods are insufficient, and as such this paper seeks to inform future incentive policy through analyzing the efficacy of various EV incentives in the United States. The United States has been chosen as the focus for this literature review as there has been more extensive research conducted on American incentive policy relative to Canadian research. As such, using the United States will allow this review to be more thorough and

provide a more in-depth policy analysis. Moreover, the United States has a complex, diverse incentive system, with incentive strategies that could be imported for use in a Canadian context. Although it is also important to examine Canadian literature in this field, this does not fit within the scope of this literature review and should be considered as an area for future study. This paper will first review literature regarding the efficacy of financial incentives, including tax credits and purchase subsidies. This will be followed by an exploration of literature related to non-financial incentives including HOV lane access and charging infrastructure improvements, along with an exploration of the potential for the implementation of a hybrid policy. Finally, this paper will examine policy implications of this review's findings and propose specific recommendations for future Canadian strategy revisions.

## **Methodology**

The author conducted a comprehensive review of literature relevant to the field of American EV incentive policy. It began with a search of terms relevant to EV incentivization, and developed into searches for more in-depth related phrases including the following:

- Electric Vehicle Incentives USA
- US HOV Lanes for Electric Vehicles
- Electric Vehicle Financial Incentives USA
- HOV Lane Access Incentives USA
- Charging Infrastructure Improvement Electric Vehicles

To ensure a thorough analysis of related research, the citations of analyzed articles were used in the search for additional literature. During the review of literature, Google Scholar and the University of Western Ontario Omni Academic Search Tool were used as search engines. Within the searches, several constraints were imposed to ensure relevance to the review:

- The research must have been published in or after the year 2010.
- The research must be written in English.
- The research must only be related to theoretical policy concepts, or policy data within the United States of America.

## **Review**

### **Financial Incentives**

#### *Tax Credits*

Tax credits are incentives such as income tax credits, which provide a delayed financial benefit which can be applied during tax filings. The academic dialogue surrounding the efficacy of tax credits

is quite complicated. Gallagher and Muehlegger (2011) conducted a statistical analysis of EV incentives through collecting EV sales data from JD Power & Associates and regional EV incentive policies from government officials. The authors find that income tax credits are significantly positive for HEVs, with a \$1,000 credit associated with a 5% increase in sales. Moreover, they found that when increasing the credit value relative to the vehicle's manufacturer's suggested retail price (MSRP), a 1% credit value increase was associated with a 1.2% increase in HEV sales. The authors similarly analyzed the effect of tax credits of standard EV sales, however these findings were far less positive. A \$1,000<sup>1</sup> credit was associated with a 3% increase in EV sales, while a 1% credit increase relative to the vehicle's MSRP was only associated with a 0.6% increase in EV sales (Gallagher & Muehlegger, 2011). The authors note that although tax credits are statistically positive, their efficacy may be undermined by the increased knowledge required to apply an income tax credit, as well as the delayed financial benefit, which is only received during income tax filings.

Other research supports this finding that tax credits are a positive, effective incentive, although the degree of efficacy is widely variable. Clinton et al. (2015) found that a \$1,000 increase in tax credit value is associated with a 2% to 12% increase in non-Tesla BEV registrations. Additionally, Jenn, Azevedo, and Ferreira (2013) used a series of econometric regressions to study the impact of the direct tax credit available under the Energy Policy Act 2005. The authors found that the credits had a significant, positive influence of EV uptake when valued at over \$1,000, at which point the sales rate of HEVs would increase 0.0046% for every dollar increase in credit value beyond the \$1,000 threshold. Meanwhile, Jenn, Springel, and Gopel (2018), using a knowledge-weighted analysis of empirical data, found that a \$1,000 tax credit increase was associated with a 2.6% increase in EV registrations on average in the United States. However, the authors emphasize that this national average is not properly representative when this data is analyzed at a state level. For example, the authors found that the tax credit increase was associated with a 62% increase in EV registration in California, while the same increase had no impact (0%) on EV registration in Montana (Jenn, Springel & Gopel, 2018). This variability across the literature makes it incredibly difficult to definitively pinpoint a degree of tax credit efficacy.

However, academics are not in consensus regarding the efficacy of tax credits. Some authors have found that although tax credits have the potential to be effective, they are being used

<sup>1</sup> All monetary values, unless otherwise specified, are represented in US Dollars (USD).

ineffectively. Egbue and Long (2012) found that the efficacy of tax credits will be significantly reduced unless there is an increase in public awareness of and confidence in EV technology. For this reason, the authors suggest the use of EV education and assurance programs alongside the availability of tax credits to maximize their efficacy. However, it should be noted that the respondent pool of Egbue and Long's research limits the applicability of their findings. Notably, their respondent pool was inordinately young and white, and a disproportionate number of respondents were attending a higher education institution. Thus, while these findings regarding the importance of EV education are important, it is similarly important to note that this respondent pool is likely not representative of the consumer behaviours of the general public.

Meanwhile, other research has found that the application of tax credits themselves have been ineffective. Hardman and Tal (2016) found, through a survey of high-end BEV owners in California, that financial incentives such as tax credits do not have a significant influence over high-end BEV purchase. Approximately 69% of respondents noted that the combined federal and state tax incentives were not significant factors in their purchase. Of these respondents, 26% noted that they could afford the vehicle without the incentives, while another 26% noted that the incentive value seemed insignificant in comparison to the overall vehicle price. Although the average annual income of the respondents was over \$500,000, and thus these findings are not representative of the general public, these findings do have strong implications for the use of incentives for high-income earners. In fact, this lack of efficacy perfectly illustrates the research by the Congressional Budget Office (2012), which found that although tax credits can be an effective EV incentive, they are not cost-effective. The research found that only 30% of current and future EV registrations were attributable to the credit program, and that 70% of registrations would have occurred even in the absence of financial incentives. Li et al. (2015) support the Congressional Budget Office's research through their own similar findings. The authors found that perceptions of tax credits as significant, positive incentives have been inflated by economic feedback loops resulting from indirect network effects. When controlling for these feedback loops in their regression analysis, the authors found that the \$7,500 federal tax credit only accounted for 24.2% of total American EV sales between 2011 and 2013. While this is a significant impact, it is shown to not be cost-effective when considering the \$924.2 million dollars in sacrificed revenue resulting from these credits. As such, it is clear that the availability of high value credits to purchasers

that are not price sensitive contributes to this issue of cost-efficacy. As a remedy to this, Skerlos and Winebrake (2010) proposed applying tax credits through a targeted equity structure, with the credit value determined by the purchaser's income. In this way, higher-income purchasers, who are less price-sensitive can be offered a lower-value tax credit, allowing for lower-income purchasers to be offered a higher-value tax credit, which can offset their price concerns and encourage them to purchase an EV. It is important to note that this proposal is entirely theoretical, and the authors do not support this with any quantifiable evidence. Thus, while these findings are theoretically intriguing, future statistical work demonstrating the efficacy of this strategy would be necessary to increase the validity of these findings.

#### *Purchase Subsidies*

Purchase subsidies have been considered by many academics to be an effective alternative financial strategy to the tax credit program. These subsidies, such as sales tax waivers, are used to decrease the price of the EV at the point of purchase. Using a stepwise regression analysis, Jin, Searle, and Lutsey (2014) found that purchase subsidies are one of the most effective incentives for increasing EV sales. Gallagher and Muehlegger (2011) found that purchase subsidies tend to have a higher influence over purchasers as they are automatically applied, and thus do not require any additional knowledge, and the resulting financial benefit is immediate. This likely inflates the perceived value of the subsidies, increasing their efficacy. In their study, Gallagher and Muehlegger (2011) found that a \$1,000 sales tax waiver was associated with a 45% increase in EV sales, while a waiver valued at 1% of the vehicle's MSRP was associated with an 8.3% increase in EV sales. Research by Slowik and Lutsey (2017) further corroborates the importance of purchase subsidies in achieving increased EV market penetration. In 2014, when a \$5,000 subsidy was offered in Georgia, EVs accounted for 3.5% of the state's automobile market. This number was incredibly high, considering the nationwide EV market penetration of 0.9%. However, when Georgia discontinued this subsidy and instituted a \$200 annual EV fee to try and recoup lost gas taxes, EV market shares plummeted, only accounting for 0.7% of registrations in 2016. This short, drastic drop associated with the discontinuation of purchase subsidies demonstrates the potent, positive effect of subsidies in EV incentivization, and their important role in increasing EV market share.

However, Helveston et al. (2015) found dire results for the use of purchase subsidies in achieving national EV market share goals. They found that, if subsidies are to be exclusively used for incentivization, a considerable increase in value is required. They

found that current PHEV subsidies will allow for growth up to a ceiling of 41% to 44% market share, while current BEV subsidies will only allow for growth up to a ceiling of 7% to 12% market share. If the government hopes to achieve a 50% market share, a \$9,000 subsidy would be required for low-range PHEVs, while a \$20,000 subsidy would be required for long-range PHEVs and BEVs (Helveston et al., 2015). This research challenges much of the previous dialogue, acknowledging that although there has been success with subsidy use, current subsidy values are unlikely to be an effective means by which to achieve EV market share commitments. In this way, while purchase subsidies are currently quite effective, their introduction into the Canadian strategy may only result in low-level success, with little progress towards achieving higher percentage federal commitments.

### Non-Financial Incentives

#### *HOV Lane Access*

Incentivization has also taken place through giving stickers which allow drivers of EVs to drive in high occupancy vehicle lanes regardless of the number of vehicle occupants. The literature surrounding the efficacy of HOV lane access as an EV incentive is heavily contested. Through a stepwise regression analysis, Jin, Searle, and Lutsey (2014) found that HOV lane access is one of the most effective EV incentives in use in America. Shewmake and Jarvis (2014) noted that the ability to use the less congested HOV lanes without carpooling is considered highly valuable by drivers, and thus increasing the use of HOV lane access could stimulate HEV registration.

Meanwhile, other academics have found mixed results regarding the efficacy of HOV lane access, with a strong geographic association. Chen (2018) found no evidence of a relationship between HOV lane access and EV uptake. Chen's research is unique in its use of three different methods: the Heckman two-step regression model, the ordinary least squares regression model, and the Probit regression model. By determining that the results were the same across all three methods, Chen was able to increase the validity of his findings and demonstrate that his chosen models are reliable determinants for analyzing this economic relationship. Sheldon and DeShazo (2017) found that for households with no HOV lanes within a 30-mile radius of their home, access to these lanes is not a significant incentive. However, for households that do have HOV lanes within this radius, access to these lanes has a significant, positive impact on EV registration. The authors found that having six miles of HOV lanes within the 30-mile radius of given census tract was associated with

one additional cumulative EV registration. This association increases to a ceiling of one hundred miles of HOV lanes in this radius and an additional twelve cumulative EV registrations in a given census tract. While these numbers may seem small at first glance, it is important to note that census tracts are only a few square miles in area, and thus the radius from HOV lanes would likely intersect several census tracts; thus, these findings are statistically positive and significant. It is important to note that these findings were analyzed in California. California is a wealthier state whose inhabitants tend to be more environmentally aware, and thus there is potential that the cumulative EV registration findings were skewed by these factors and may not be entirely representative of other regions. However, this research is still informative, and Sheldon and DeShazo demonstrate that while HOV lane access has the potential to be a strong incentive, its efficacy is entirely location dependent. Gallagher and Muehlegger (2011) found similar trends of this varying efficacy. Although they found that, on a national scale, HOV lane access does not have a significant impact on HEV sales, analysis of state-level incentives complicated this finding. For example, in Virginia, where there are notable traffic congestion issues, HOV lane access was associated with a 92% increase in HEV sales. This highlights the endogenous nature of regional incentives, and the reliance of HOV lane access efficacy upon local conditions. Meanwhile, Wee, Coffman, and La Croix (2018) removed HOV lanes as a variable from their high-dimensional fixed-effect regression model and found that their set's coefficient was not altered. This indicates that HOV lane access is not a significant incentive in EV uptake. However, the authors theorized that this insignificance is a result of a lack of HOV lane infrastructure, and a resulting unavailability to most drivers. Again, this demonstrates the reliance of this incentive's efficacy upon location and the extent of infrastructure. These findings indicate that while HOV lane access is an effective incentive in urban regions and areas with extensive HOV lane infrastructure, it should not be relied upon in areas lacking this infrastructure.

#### *Charging Infrastructure*

Charging infrastructure consists of publicly available charging points and charging stations for EVs. Literature surrounding the improvement of charging structure as an EV incentive is slightly contested, although overall it trends towards a positive association with EV uptake. Lutsey, Slowik and Jin (2016) found that public charging infrastructure is significantly related to growth in the EV market. In their study, they found that although Nashville and Austin are isolated networks with little charging infrastructure built outside of these cities,



both cities had extensive charging networks, and as such had statistically higher rates of EV purchase. Similarly, Javid and Nejat (2017) found that the extent of charging infrastructure is a major variable associated with EV penetration in a region. Additionally, Narrasimhan and Johnson (2018) found that the expansion of the network through the addition of one public charging station per capita is related to a 3% increase in EV purchases, nearly three times greater than a 1% increase in tax incentives, which is only associated with a 1.15% increase in EV purchases. Li et al. (2017) determined that charging infrastructure improvements are positively associated with EV uptake, although the degree of significance was not definitive in this research. Through a general method of movements model, the authors found that a 10% increase in charging stations was associated with an 8.4% increase in EV sales. However, this same increase in charging stations was only associated with 1.8% to 5% EV sales when the data was analyzed through an ordinary least squares regression model. In this way, despite this positive association, the significant variance seen between methods acts as a barrier against developing any definitive conclusions.

Coffman, Bernstein, and Wee (2016) found that the presence of charging infrastructure is significantly related to the rate of EV registration, however they noted that they were unable to establish causality as the due to the preliminary nature of the research. This concept of causality is important to bear in mind when examining these findings. Due to the preliminary nature of many of these studies, and their proximity to the emergence of the EV market, causality is difficult to determine; it cannot be established whether the charging stations are causing EV market growth, or whether market growth occurred independently and charging infrastructure improvement followed to meet these new demands.

At the same time, other academics have pushed back on this concept of charging infrastructure improvement as an effective, adequate incentive. Silvia and Krause (2016) used an agent-based model simulation of various incentive strategies in America to determine efficacy. They found that investments to improve charging infrastructure were quite ineffective. In fact, their simulation showed that after 10 years of charging infrastructure improvement EVs only accounted for 0.74% of total vehicle sales, which was lower than the 0.76% result in the baseline simulation in which no intervention occurred. These findings indicate that not only is charging infrastructure ineffective, but it is actually less effective than a strategy with no incentivization. However, it important to consider these results as the product of a simulation, and not statistical examination. In their

simulation, the authors had to make broad generalizations regarding the demographics of their simulated city. This included a downtown core surrounded by an urban periphery consisting of one-quarter high-income housing, one-quarter low-income housing, and one-half middle-income housing, with each level of income housing clustered in its own distinct district. In this way, these demographic assumptions may detract from the applicability of these findings to real cities in America, which typically have far more complex demographic structures. Additionally, this simulation only considers one city, and thus the applicability of these findings to rural areas is outside the scope of its research. Jin, Searle and Lutsey (2014) also found that public charger availability does not have a strong effect on EV sales. Slowik and Lutsey (2017) support this by finding that improved charging infrastructure alone is an insufficient incentive in influencing EV uptake. To illustrate this, they analyzed Kansas City as a case study. Kansas City has one of the highest rates of public charging points per million. Yet, with low EV-promotion actions and almost non-existent consumer incentives, the city continues to suffer from a relative lack of EV uptake, despite its commitments to charging infrastructure improvement. In this way, although charging infrastructure has the potential to be a positive incentive for EV uptake, this improvement must take place within a broader strategy including more tangible incentives. Some this lack of efficacy can likely be in part explained through the research of Slowik and Lutsey (2017), who found that people most often charge their vehicle at home, followed by the workplace, and lastly public charging stations. Thus, if public charging stations are infrequently used by EV drivers and are considered the least priority, then any improvements to such infrastructure will be ineffectual. As such, this literature illustrates that determining the efficacy of improved charging infrastructure is incredibly difficult. Even among those academics who find it effective, there is great variability in results, and an inability to establish causation, which calls into question the validity of these findings. Meanwhile, other authors find that it is an inadequate incentive unaccompanied, likely due in part to the fact that EV drivers are not very reliant on public charging stations.

### **Policy Implications and Discussion**

There are several lessons that can be considered by Canadian policymakers from the experience of American incentive strategies. First, the role of endogeneity in the efficacy of EV incentivization is an important consideration for policy implementation. In this way, rather than blanket policy strategies, federal-regional cooperation may be

more effective as it will allow incentives to specifically satisfy local needs. Although only an exploration of federal government policy is within the scope of this literature review, this concept of endogeneity supports the concept that the federal government pursuing policy decisions in isolation will reduce efficacy. Instead, the federal government in its incentive strategy should cooperate with provincial and territorial, as well as municipal governments to best address consumer needs and concerns. Additionally, this indicates that provinces such as Alberta and Saskatchewan, which currently do not offer provincial level incentives, must take greater responsibility to cooperate with and build off the federal government's incentive strategy in order to achieve maximum policy efficacy. Meanwhile, rather than a reliance upon individual incentives, a shift should be made towards a hybridization of policy which incorporates multiple incentives within a single overarching strategy to maximize efficacy. As Silvia and Krause (2016) found, a hybrid policy incorporating three incentives yielded 0.41% greater EV uptake than the highest-achieving individual incentive. In this way, the simultaneous use of several incentives can allow for a complementary incentive policy that increases the overall strategy efficacy.

Beyond abstract changes to the overall Canadian incentive strategy, this paper also makes several recommendations for the revision of specific incentives. This literature review has shown that generally, financial incentives are statistically significant in encouraging EV uptake. However, the relative inefficacy of income tax credits has also been demonstrated. The use of income tax credits requires more knowledge about the tax system, and the financial benefit to the consumer is delayed, decreasing the perceived incentive value and consequently decreasing its efficacy. However, this can be remedied through purchase subsidy utilization. The easily understood applicability and immediate financial benefit of these subsidies allows them to be more effective, even at a lower value than income tax credits. In this way, this paper recommends that the Canadian government should maintain its emphasis upon purchase subsidies, and not transition to income tax credits, to ensure maximum cost-efficacy of their incentive program.

Moreover, it has been noted in this literature review that high-income EV owners are not significantly influenced by financial incentives in their purchase decision. Thus, it can be reasoned that incentives for high-income prospective purchasers could be lowered with minimal impact on EV registration rates. As such, it is recommended that the Canadian government adopt a prorated incentive structure based on consumer income. Under this structure,

high-income prospective purchasers would receive lower value incentives, while middle- and low-income prospective purchasers would receive higher value incentives. As high-income consumers tend to be less price sensitive this prorated structure would increase the cost-efficacy of the incentives by reducing the funds directed towards uninfluenced consumers. Meanwhile, this structure also has the potential to increase EV uptake as it would allow more funds to be directed towards more price sensitive low-income earners to increasingly offset price concerns. In this way, a transition to a prorated incentive structure would increase cost-efficacy, and potentially increase overall EV uptake.

The literature surrounding the efficacy of HOV lane access remains in a strong state of disagreement. It should be noted that much of this disagreement comes from the prevalence of HOV lanes in the area of focus. For example, HOV lanes are potent incentives in urban areas with endemic traffic congestion and a high degree of HOV lane infrastructure, while this incentive is entirely insignificant in regions lacking extensive HOV lane networks. It is important to note however, that this HOV lane infrastructure already exists, and is thus a low-cost incentive. As such, this paper recommends that the Canadian government institute a sticker program which grants EVs access to HOV lanes regardless of the number of vehicle occupants. The potential for this incentive to benefit the EV market outweighs the negligible cost of a sticker program. However, due to the contested nature of research, HOV lane access should not be relied upon as a main form of incentivization and should instead be accompanied by the other aforementioned incentives. Similarly, due to the lack of consensus, the Canadian government should only institute a sticker program for access to existing HOV lanes and should not incur any expense to expand HOV lane networks solely for EVs until there are more definitive results. In this way, despite the literature being in disagreement regarding the efficacy of HOV lane access, the insignificant cost of an EV sticker program and its potential benefits outweigh any consequences. As such, this paper believes it would be in the Canadian government's best interests to implement a sticker program granting EVs access to existing HOV lanes.

Similarly, the disagreement of literature regarding the improvement of charging infrastructure complicates policy recommendations. The lack of consensus amongst academics means that there should not be any major commitments by the Canadian government in this area until definitive effects can be determined. However, the potential for improved charging infrastructure to act as

a positive incentive should not be ignored either. As such, this paper recommends that the Canadian government implement several small-scale pilot experiments for improving infrastructure. Through a small diversion of funds from the iZEV purchase subsidy program to an infrastructure fund, these pilot tests can improve charging infrastructure in a few Canadian regions of diverse size and location over the course of 5 years. This will allow the government to determine the efficacy of this incentive in the Canadian context, without incurring additional expenses beyond current EV incentive expenditures. The 5-year duration will also allow the government to examine the impact of this incentive while reducing any significant skewing of results from random, unrelated market movements and consumer behaviours. In this way, the contested research regarding the efficacy of improved charging infrastructure means that the government should not allocate major additional funds towards this incentive strategy, however small pilot programs may help to determine the role of this incentive in future Canadian policy.

In this way, these lessons learned from American incentive strategy experiences can be used to inform Canadian EV incentive policy. A transition to purchase subsidies, a prorated financial incentive structure, a charging infrastructure pilot experiment, and a sticker program for existing HOV lanes could help the in improving EV penetration in the Canadian automobile market and can help the Canadian government to achieve its EV-specific and environmental commitments.

### **Limitations**

It should be noted that there are several limitations to this literature review. First, the findings of American policy research may not be properly representative of Canadian consumer behaviours, and thus it is important to consider that, although these findings are translatable in the Canadian context, they should not be viewed as perfect parallels of the Canadian EV policy experience. However, this does not invalidate the findings of this literature review, and instead, this issue of international differences is mitigated by precedent of Canadian-American policy convergence. Junett-Brailly (2011) found that globalization forces, such as the North American Free Trade Agreement have led to increasing economic integration between Canada and the United States, making the two countries highly independent. Such globalization forces also increase the likelihood of policy convergence between similar, intertwined countries, allowing international policy decisions to influence domestic policy through

diffusion (Busch & Jørgens, 2007). This holds true not only theoretically, but also in practice. Jørgens, Lenschow, and Liefferink (2014) found in a study of the Organisation for Economic Co-operation and Development, of which Canada and the United States are members, there has been increasing policy convergence and homogeneity of environmental policies amongst member states. Additionally, Buhr and Freedman (2001) found that one of the most prominent social similarities between Canada and the United States is environmental values. Thus, the American public's appetite for an EV transition as a means of achieving environmental commitments can be considered to accurately reflect the attitudes of the Canadian public. Due to this similarity, Canada often slightly lags behind the United States in environmental legislation, and then emulates American policy (Buhr and Freedman, 2001). In this way, the study of policy in the United States to inform policy in Canada does pose somewhat of a barrier in determining the applicability of these findings in the Canadian context. However, this limitation is mitigated by a precedent for international policy convergence between Canada and the United States, past Canadian emulation of American environmental policy, and similar environmental values amongst their general publics.

The second potential limitation is the time constraint put on collected literature. This review only collected literature published in or after the year 2010. This constraint was chosen to allow for an extensive and thorough analysis of related literature to best determine the state of consumer behaviour and recommendations for Canadian policy. However, this constraint means that some of the literature collected has the potential to be outdated, and consumer attitudes may have evolved since the publishing of its findings. This paper has attempted to mitigate this limitation by balancing older literature with more recent literature. Moreover, this constraint was informed by relevant research such as that of Cavoli et al. (2017) to determine an appropriate age for collected literature and to balance the necessity for a thorough extensive analysis with a responsibility to ensure that the literature is still relevant.

In this way, there are existing limitations such as international translatability and time constraints relating to this review that should be considered when determining conclusions. However, this paper has taken every step to mitigate these limitations and ensure that the data included remains relevant, accurate, and representative.

## **Conclusion**

This review of literature has demonstrated different consumer behaviours in response to EV incentives in America. Through this analysis, it is clear that there are many lessons from the American incentive strategy that Canada can use to inform and improve its own policy. Research appears to be most in consensus about financial incentives as effective or having the potential to be effective, with purchase subsidies generally considered to be more effective than tax credits. Meanwhile, literature related to non-financial incentives such as HOV lane access and charging infrastructure improvement remain highly contested. The findings of this review suggest that there are adjustments that could be made to improve Canadian EV incentive policy. Financial incentives can be altered through emphasizing purchase subsidies and creating a prorated subsidy structure. Simultaneously, a pilot program can be run to determine the efficacy of improving charging infrastructure, and a sticker program for HOV lane access provides a low-cost potential to encourage EV uptake. In this way, the review of literature related to American EV incentive policies has illustrated several lessons which can serve to inform and improve the Canadian EV incentive strategy.

## **Future Research**

Although analysis of literature relating to current Canadian incentives was not within the scope of this review, future research in this area would strengthen this analysis and provide further insight into the future avenues of Canadian EV policy. A regression analysis focused on the association between Canadian EV incentives and EV uptake would help to give a better understanding of Canadian market trends to inform future government decisions. Moreover, surveys of the general public in Canada would be useful in determining current consumer attitudes towards EVs, as well as determining gaps in EV education and persistent concerns about EV technology. This data could then inform future Canadian awareness and education campaigns to encourage EV uptake. In this way, this literature review serves to act as a base from which future academics can advance research on the EV market in Canada.

**About the Author**

Chad Dickson is a 3rd year undergraduate student studying political science and physical geography at Huron University College. His research interests include public sustainability and environmental policy. He would like to thank Dr. John Hope and Dr. Neil Bradford for their support and guidance on this project.



### Works Cited:

- “Aloini, D., Dulmin, R., Mininno, V., Stefanini, A., and Zerbino, P. (2020) Driving the Transition to a Circular Economic Model: A systematic Review on Drivers and Critical Success Factors in Circular Economy. *Sustainability*, 12(24), 10672. <https://doi.org/10.3390/su122410672>
- Baes, C. F., Goeller, H. E., Olson, J. S., & Rotty, R. M. (1977). Carbon Dioxide and Climate: The Uncontrolled Experiment: Possibly severe consequences of growing CO<sub>2</sub> release from fossil fuels require a much better understanding of the carbon cycle, climate change, and the resulting impacts on the atmosphere. *American Scientist*, 65(3), 310-320. <http://www.jstor.org/stable/27847841>
- Bonsu, N. O. (2020). Towards a circular and low-carbon economy: Insights from the transitioning to electric vehicles and net zero economy. *Journal of Cleaner Production*, 256, 120659. <https://doi.org/https://doi.org/10.1016/j.jclepro.2020.120659>
- Buhr, N., & Freedman, M. (2001). Culture, Institutional Factors and Differences in Environmental Disclosure Between Canada and the United States. *Critical Perspectives on Accounting*, 12: 293-322. <https://doi.org/10.1006/cpac.2000.0435>
- Busch, P.-o., & Jörgens, H. (2005). The international sources of policy convergence: explaining the spread of environmental policy innovations. *Journal of European Public Policy*, 12(5), 860-884. <https://doi.org/10.1080/13501760500161514>
- Brunet-Jailly, E. (2004). Toward a model of border studies: What do we learn from the study of the Canadian-American border? *Journal of Borderlands Studies*, 19(1), 1-12. <https://doi.org/10.1080/08865655.2004.9695613>
- Cavoli, C., Phillips, B., Cohen, T., & Jones, P. (2017). Social and Behavioural questions associated with automated vehicles. A Literature Review. London, Department for Transport. [https://www.researchgate.net/profile/Clemence-Cavoli/publication/317035401\\_Social\\_and\\_behavioural\\_questions\\_associated\\_with\\_Automated\\_Vehicles\\_A\\_Literature\\_Review/links/59207739458515e3d402f721/Social-and-behavioural-questions-associated-with-Automated-Vehicles-A-Literature-Review.pdf](https://www.researchgate.net/profile/Clemence-Cavoli/publication/317035401_Social_and_behavioural_questions_associated_with_Automated_Vehicles_A_Literature_Review/links/59207739458515e3d402f721/Social-and-behavioural-questions-associated-with-Automated-Vehicles-A-Literature-Review.pdf)

- Chen, F. (2018). The Impact of High Occupancy Vehicle (Hov) Lane Access on Hybrid-electric Vehicle Adoption: Evidence from U.S. States (Publication Number 10791531) [M.P.P., Georgetown University]. ProQuest Dissertations & Theses Global. Ann Arbor. <https://www.proquest.com/docview/2038862618/fulltextPDF/44A8993C44E34318PQ/1?accountid=15115#>
- Clinton, B., Brown, A., Davidson, C., & Steinberg, D. (2015). Impact of Direct Financial Incentives in the Emerging Battery Electric Vehicle Market: A Preliminary Analysis. National Renewable Energy Laboratory. <https://www.nrel.gov/docs/fy15osti/63263.pdf>
- Coffman, M., Bernstein, P., & Wee, S. (2017). Electric vehicles revisited: a review of factors that affect adoption. *Transport Reviews*, 37(1), 79-93. <https://doi.org/10.1080/01441647.2016.1217282>
- Congressional Budget Office. (2012). Effects of Federal Tax Credits for the Purchase of Electric Vehicles. <https://www.cbo.gov/sites/default/files/112th-congress-2011-2012/reports/electricvehiclesone-col.pdf>
- Egbue, O., & Long, S. (2012). Barriers to widespread adoption of electric vehicles: An analysis of consumer attitudes and perceptions. *Energy Policy*, 48, 717-729. <https://doi.org/10.1016/j.enpol.2012.06.009>
- Fan, Y. V., Perry, S., Klemeš, J. J., & Lee, C. T. (2018). A review on air emissions assessment: Transportation. *Journal of Cleaner Production*, 194, 673-684. <https://doi.org/10.1016/j.jclepro.2018.05.151>
- Gallagher, K. S., & Muehlegger, E. (2011). Giving green to get green? Incentives and consumer adoption of hybrid vehicle technology. *Journal of Environmental Economics and Management*, 61(1), 1-15. <https://doi.org/https://doi.org/10.1016/j.jeem.2010.05.004>
- Government of Canada. (2021, November 29). Greenhouse gas emissions. <https://www.canada.ca/en/environment-climate-change/services/environmental-indicators/greenhouse-gas-emissions.html>

- Government of Canada. (2021, December 17). Government launches consultations on commitment to require all new cars sold in Canada be zero emission by 2035. <https://www.canada.ca/en/environment-climate-change/news/2021/12/government-launches-consultations-on-commitment-to-require-all-new-cars-sold-in-canada-be-zero-emission-by-2035.html>
- Government of Canada. (2022, January 31). Net-Zero Emissions by 2050. <https://www.canada.ca/en/services/environment/weather/climatechange/climate-plan/net-zero-emissions-2050.html>
- Hardman, S., & Tal, G. (2016). Exploring the Decision to Adopt a High-End Battery Electric Vehicle: Role of Financial and Nonfinancial Motivations. *Transportation Research Record*, 2572(1), 20-27. <https://doi.org/10.3141/2572-03>
- Helveston, J. P., Liu, Y., Feit, E. M., Fuchs, E., Klampfl, E., & Michalek, J. J. (2015). Will subsidies drive electric vehicle adoption? Measuring consumer preferences in the U.S. and China. *Transportation Research Part A: Policy and Practice*, 73, 96-112. <https://doi.org/10.1016/j.tra.2015.01.002>
- Javid, R. J., & Nejat, A. (2017). A comprehensive model of regional electric vehicle adoption and penetration. *Transport Policy*, 54, 30-42. <https://doi.org/10.1016/j.tranpol.2016.11.003>
- Jenn, A., Azevedo, I. L., & Ferreira, P. (2013). The impact of federal incentives on the adoption of hybrid electric vehicles in the United States. *Energy Economics*, 40, 936-942. <https://doi.org/https://doi.org/10.1016/j.eneco.2013.07.025>
- Jenn, A., Springel, K., & Gopal, A. R. (2018). Effectiveness of electric vehicle incentives in the United States. *Energy Policy*, 119, 349-356. <https://doi.org/https://doi.org/10.1016/j.enpol.2018.04.065>
- Jin, L., Searle, S., & Lutsey, N. (2014). Evaluation of State-Level U.S. Electric Vehicle Incentives. The International Council on Clean Transportation. <http://www.a3ps.at/site/sites/default/files/newsletter/2014/no21/ICCT.pdf>
- Jørgens, H., Lenschow, A., & Liefferink, D. (2014). *Understanding Environmental Policy Convergence: The Power of Words, Rules and Money*. Cambridge University Press. <https://books.google>.



# Democratic Performance of CEE Countries: A Function of a State's Bureaucratic Capacity

Arnab Hait

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*Since the fall of the Soviet Union, there has been a broader consensus amongst modernization theorists that capitalism, free markets, and European integration would lead to democratic consolidation in Central and Eastern Europe (CEE). These mechanisms of democratization have been significantly devitalized with the levels of democratic backsliding observed in Hungary, Poland, and Czech Republic. However, the Baltic states have experienced democratic consolidation during the same time period. This paper attempts to ascertain the reason behind the considerable variation in the levels of democracy in CEE states. Using a regression analysis of 15 post-communist countries over a period spanning from 2005 – 2022, the study finds that the existence of an impartial rigorous bureaucracy has a significantly positive relationship with better democratic performance. This study empirically adds to the existing literature on the role of classical Weberian form of bureaucracy in democratic consolidation by corroborating the Weberian theory of democratic consolidation in Central and Eastern Europe and by rejecting the universalization of the modernization theory.*

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## **Introduction:**

“From Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the Continent” – (Winston Churchill, 1946) (from The National Archives UK, 2022).

**I**n this rather ominous yet eloquent description of the Iron Curtain, Churchill underscores the uniformity and historic similitude of the nature of the Soviet domination of Central and Eastern Europe (CEE). Following this common communist past, CEE states experienced a shared episode of European integration and free-market style economic development. In spite of these astounding historical commonalities, there exists the divergent tales of Hungary and Slovakia. Despite just being a drive of two hours from each other, Bratislava remains the poster child of the European Union (EU) as a full-fledged democracy while Budapest flounders as an “electoral autocracy” (European Parliament, 2022). Poland, a country often championed as a rising economic star of Eastern Europe, has been experiencing significant democratic backsliding. Recently, the EU had to open a formal infringement procedure against Poland for violating the EU’s “principle of democracy” (European Commission, 2023). Thus, it is intriguing that despite the predictions of the widely acclaimed modernization theory and a common past of communism, countries in CEE have faced differing democratic

trajectories and varied political outcomes. This leads to the research question this paper aims to investigate – Why is there variation in the democratic performances of Central and Eastern European Countries?

In the next section, I will demonstrate how my outcome variable, democratic performance, varies amongst CEE countries. Then, the paper aims to find the factors which could explain this cross-country variation in democratization. I use a simple multivariate OLS regression to determine the statistically significant variables which are correlated with democratic performance. Using evidence from regression analysis, the paper confirms the existing literature on the indispensable role of a Weberian form of bureaucracy in democratization. The empirical analysis of fifteen post-communist countries in CEE demonstrates a statistically significant positive relationship between an impartial and rigorous bureaucracy and better democratic performance.

### **Outcome Variable**

The outcome variable this paper aims to explain is “democratic performance.” There are many ways of defining the democratic performance of a country. In this paper, I conceptualize it as the extent of civil liberties and rule of law. The Schumpeterian notion of democracy revolves around realization of political rights: “The democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote” (Schumpeter, 2010/1943, p. 269). This notion is widely accepted as a means of judging the existence of democracy in a state. But I conceptualize democratic performance as an assessment of the quality of democracy rather than the existence of Schumpeterian political rights because most CEE states have regular and mostly-free elections with universal adult franchise. Fishman uses a simple yet apposite example to illustrate the aforementioned difference between democratic authenticity and quality. There are different types of food providing avenues ranging from soup kitchens, dining halls, to your own home; whether a food providing locale qualifies as a “restaurant” is a different question than “whether a particular restaurant is a high- or low-quality exemplar of the restaurant genus” (Fishman, 2016, p. 296).

In this paper, democratic performance is defined as the extent of “liberalization or public contestation,” which is enshrined through civil liberties and the rule of law (Dahl, 1972, pp. 1-5). Figure 1 demonstrates that this conceptualization is inspired by Robert Dahl’s notion of a regime’s ideal progression towards becoming a polyarchy

(1972, p. 7). For Dahl, democratization of an inclusive hegemony involves progressive improvement in the right of public contestation, which ultimately transforms the regime into a polyarchy (1972, pp. 5-7). Ben-Yishay and Betancourt accentuate that civil liberties are at the core of modern liberal democracies, distinguishing them from just electoral democracies (2014, pp. 552-553). Thus, by conceptualizing my outcome variable, democratic performance, as the extent of civil liberties and rule of law, I aim to explain the variations in the trajectories of post-communist countries towards becoming a liberal democracy or Dahl's polyarchy. Democratic performance is closely connected to democratization. Tilly refers to democratization as "a net movement toward broader, more equal, more protected, and more binding consultation" between the state and its citizens (Tilly, 2007, p. 59). He emphasizes that civil liberties are the "protection" of this consultation, making them the cornerstone of democratization (Tilly, 2007, p. 45).

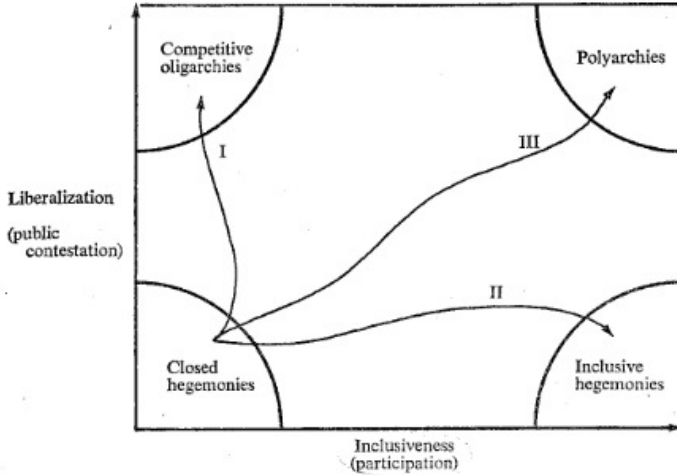


FIGURE 1: CONCEPTUALIZATION OF DEMOCRATIZATION  
(DAHL, 1972, P7)

The variation in democratic performance is captured by figure 2. It shows the civil liberties scores for 15 post-communist countries in CEE for a time period of 2005 to 2022. Even though all 15 countries faced a similar experience of communism and post-1990s liberalization, only some countries saw a stable trajectory of sustained democratization. Hungary, Poland, and Czech Republic witnessed high volatility in their democratic trajectories. Apart from differences in the trajectories of democratization, there are significant cross-country variations in the level

and extent of democratic performance. The graph raises a variety of questions – why have the democratic trajectories of most CEE countries not converged into a higher score by 2022? Why is there a difference in the civil liberties scores of Estonia and Poland despite joining the EU in the same year? Why have some countries seen more democratic volatility than others? All these questions are captured by the central research question of this paper – why is there variation in the democratic performances of CEE states? This variation is best illustrated using figure 3 which shows the civil liberties scores for Scandinavian countries. Unlike CEE, Scandinavia experiences not only the same level of democratic performance, but they also have the same stable democratic trajectory. Thus, the paper tries to examine the factors which could explain the cross-country variation in democratic performance observed in figure 2.

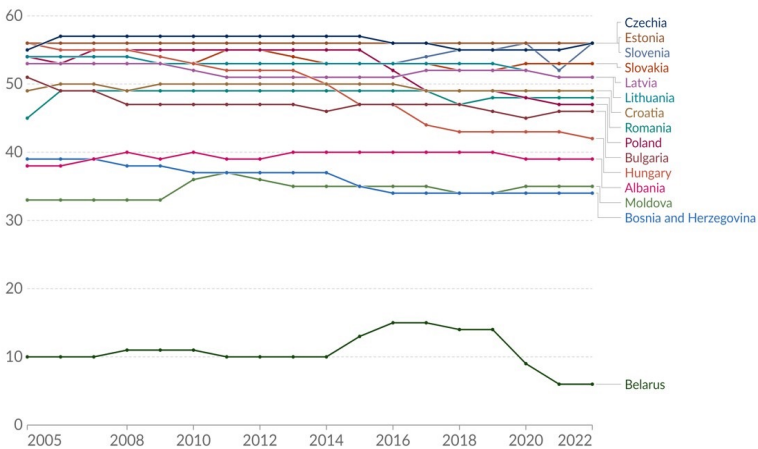


FIGURE 2: CROSS-COUNTRY VARIATION IN FREEDOM HOUSE CIVIL LIBERTIES SCORE IN 15 CEE COUNTRIES (DATA FROM FREEDOM HOUSE, 2023) (GRAPH IMPORTED FROM HERRE, OTIZ-OSPINA, & ROSE, 2023)



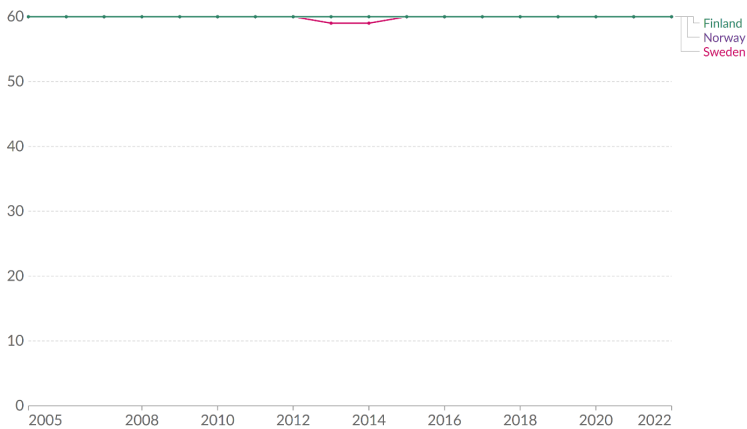


FIGURE 3: CROSS-COUNTRY VARIATION IN FREEDOM HOUSE CIVIL LIBERTIES SCORE IN SCANDINAVIA  
(DATA FROM FREEDOM HOUSE, 2023) (GRAPH IMPORTED FROM HERRE, OTIZ-OSPINA, & ROSE, 2023)

## Literature Review

For explaining the observed variations in democratic performance of CEE states, I investigate four main strands of literature – modernization theory, outside-in school of thought, state capacity theory, and socio-economic structures.

### Modernization Theory

Modernization theory claims that greater levels of economic development correlate with a nation becoming more democratic. Thus, this approach explains the variation in democratic trajectories of countries based on their level of economic development. In his 1959 study of democratic and non-democratic countries in the Americas and Europe, Lipset finds a strong correlation between measures of economic development – urbanization, education attainment, or wealth accumulation – and democracy because “only in a wealthy society in which relatively few citizens lived in real poverty could a situation exist in which the mass of the population could intelligently participate in politics and develop the self-restraint necessary to avoid” hegemonic regimes (Lipset, 1960, p. 75). Some 50 years later, this theory was buttressed by Ronald Inglehart and Christian Welzel, who state that values of self-expression develop much profoundly in countries with economic development (2009, p. 37). They provide examples of Czech Republic and East Germany as countries which developed higher levels

of self-expression much before the fall of the Soviet Union because “the crucial factor was not the political system but the fact that these countries were among the most economically advanced countries in the communist world...” (Inglehart and Welzel, 2009, p. 45). Thus, it can be inferred that countries with a history of economic development have a better chance of favorable democratic performance due to the ingrained values of self-expression (Inglehart and Welzel, 2009, pp. 45-46). This reinforces the main postulation of the modernization theory that “economic development involving industrialization, urbanization, high educational standards, and a steady increase in the overall wealth of the society, is a basic condition sustaining democracy” (Lipset, 1960, p. 86).

There have been several significant studies which corroborate different versions of the modernization theory but there is considerable ambiguity on the nature of causality between economic development and democracy. Robinson observes a strong positive relationship between income per capita and countries becoming more democratic (2006, p. 503). But he acknowledges that there might be no causal effect at all, and these two variables are “positively correlated because countries move along development paths where these two variables are jointly determined” (Robinson, 2006, pp. 522-523). Hence, the paper attempts to investigate if differences in economic development can indeed explain the varying levels of democratic performance in post-communist countries.

### Outside-In School of Thought

One of the cardinal approaches towards understanding the varied political outcomes in Central and Eastern Europe is the role of external agents in influencing domestic democratic performance. Janos provides a framework to understand this approach in which he claims that the transition from communist to post-communist systems is just a change from “one international regime [Soviet domination] to another [Western hegemony]” (Janos, 2001, p. 222). Thus, external agents like the EU play a key role in replacing the domination which was earlier exerted by the USSR and in shaping the trajectories of CEE states. As a result, the varied political outcomes are a function of the differing “needs and resources of the external agent” (Janos, 2001, p. 223). Way and Casey add to the outside-in approach by explaining the diversity in post-communism democratic trajectories as a function of dearth or abundance of the EU’s conditionalities (2018, p. 327). The Baltics developed resilient democracies because “the stimulus of EU democratic conditionality contributed to the rise of a non-communist elite that

confronted serious internal and external pressure to democratize” (Way and Casey, 2018, p. 317). Thus, the paper attempts to investigate the inference based on the literature that those states which did not face any strong pressures from the EU just succumbed to a declining democratic performance.

The mechanism behind external agents causing better democratic outcomes centers around the EU’s accession conditionality. Ladrech explains that the variations in the “specific directions of their [CEE states] political-economic development as well as social welfare provision – both emphasizing market mechanisms – has been inextricably tied to the decision to join the EU, and subsequent efforts to download the EU’s *acquis communautaire*” (2009, p. 218). This accession conditionality was established by the 2001 Laeken declaration:

“The European Union’s one boundary is democracy and human rights.

The Union is open only to countries which uphold basic values such as free elections, respect for minorities and respect for the rule of law”  
(European Council, 2001, p.32).

However, the decision to join the EU kindles varied political outcomes because better democratic performance then becomes a “result of a vertical interaction between the EU and the post-communist states where the latter react in response to the stipulations of the potential EU membership” (Gherghina, 2009, p. 76).

Dimitrova and Pridham add another dimension to the outside-in approach of explaining variations using external agents - the primacy of the EU over other international agents. Dimitrova and Pridham primarily argue that “due to the incremental character of the EU’s democracy promotion, as well as its emphasis on other parallel conditions such as compliance with the *acquis* of the Union, not to mention economic factors, that the problem of the differentiated impact of the EU upon the development of democracy” arises (2004, p. 97). Furthermore, in countries like Bosnia and Herzegovina the lack of state capacity means that EU “cannot yet use the membership-incentive to strengthen conditionality” (Dimitrova and Pridham, 2004, p. 98). This suggests that varied levels of domestic abilities, in the form of state capacity, to respond to the EU membership incentive also cause variations in democratic performances in CEE. The literature lacks evidential analysis of the dual importance of state capacity and the incentives offered by EU membership in enhancing the democratic performance

of a country. This paper attempts to investigate this subsection of the literature by including an interacted variable of administrative capacity and EU membership in the regression analysis.

### State Capacity – Administrative Capacity

State Capacity can be conceptualized as consisting of two main elements – the policy abilities of a state and administrative capacity. The policy capacity of a state refers to the “concepts, strategies, and institutions that inform and shape policy deliberations” (Marsh, 2006, p. 4). Administrative capacity measures the extent to which a state’s “rational bureaucracy recruits and promotes persons on professional grounds, and it applies clear rules for decision making, geared at impartiality, openness, and accountability” (Bäck and Hadenius, 2008, p. 3). For several classical theorists, bureaucracy is not only an element of a functioning democracy but a determinant of democratic consolidation. In his book, *Man and His Government: An Empirical Theory of Politics*, Friedrichs refers to the bureaucratic structures as the “core of modern government” (1963, p. 464). Max Weber establishes the theoretical underpinnings of an ideal bureaucracy: “The more perfectly the bureaucracy is ‘dehumanized,’ the more completely it succeeds in eliminating from official business love, hatred, and all purely personal, irrational, and emotional elements which escape calculation” (Weber, 1978 [1922], p. 975 as cited in Stenner and Andersen, 2020, p. 450). Conostas argues that while Weber had realized two distinct forms of bureaucracy he did not conceptually differentiate between “charismatic bureaucracy and legal-rational bureaucracy” (Conostas, 1958, pp. 400-401). Thus, the theory of legal-rational bureaucracy is based on “a belief in the ‘legality’ of patterns of normative rules and the right of those elevated to authority under such rules to issue commands. ...Obedience is owed to the legally established impersonal order” (Weber, 2009 [1947], p. 328 as cited in Conostas, 1958, p. 401).

Anderson postulates that bureaucratic performance affects democratic stability of a country (2021, p. 535). He connects the weakness and inefficiency of the bureaucratic apparatus as a cause for growing dissatisfaction amongst the voters (2021, p. 539-542). This theory is built on the premise that voters are “often poorly informed about democracy’s and bureaucracy’s true functions” (Anderson, 2021, p. 540). He claims that an ineffective bureaucracy ultimately leads to a democratic breakdown by creating electoral polarization which could lead to an “elite opposition coup... to reclaim what has perceivably been lost through the poor performance of the incumbent” (Anderson, 2021, pp. 540-541). The limitation of Anderson’s theory is that he used just

three countries to build his case. Hence, this paper contributes to the literature by using a regression analysis of 15 post-communist countries to investigate Anderson's theory that "bureaucratic impartiality and effectiveness both increase the performance legitimacy of democracy..." (Anderson, 2021, pp. 540-541). Similar to Anderson, the connection between bureaucracy and civil liberties was underscored by Larry Preston, who argued that "if we are to have substantial freedom in our organizational lives, we need reasonably clear and established rules and jurisdictions, a technical division of labor, and an unambiguous method for making and carrying out policy decisions" (Preston, 1987, p. 791). Based on the Weberian understanding of bureaucracy, Preston further argues that "structure and decision-making process that characterize bureaucracy provide these requirements" (Preston, 1987, p. 790).

The administrative approach in explaining variations democratic performances of countries depends upon certain conditions which foster democratization. Tobin Im provides some functioning conditions for bureaucratic democratization. One of them is the presence of strong and effective bureaucracy because "unorganized bureaucracy in a country run by a dictator cannot democratize the country" (2017, p. 141). Im adds neutral competence as another condition of democratization through bureaucracy (2017, p. 141). Neutral competence refers to the "ability to do the work of government expertly, and to do it according to explicit, objective standards rather than to personal or party or other obligations and loyalties" (Kaufman, 1956, p. 1060 as cited in Im, 2017, p. 141). The limitation in Tobin Im's conditions of bureaucratic democratization is that it lacks empirical evidence and analysis, especially in the context of CEE. Thus, the paper attempts to contribute to the current literature by conducting an empirical analysis of 15 post-communist countries to ascertain if Tobin Im's conditions of bureaucratic democratization or Anderson's theory of democratic stability through effective bureaucracy could be validated in the context of CEE.

### Socio-Economic Structures

The socioeconomic structural school of thought emphasizes the role of income distribution in determining the democratic performance of a state. Based on a cross-national study of 50 countries, Muller postulates an inverse relationship between income inequality and the stability of democracies (1988, p. 50). He finds that "democracies as of 1961 with extremely inegalitarian distributions of income during 1960-80 all experienced a breakdown of democracy, while a breakdown of democracy occurred in only 30 percent of those with intermediate income inequality" (Muller, 1988, p. 66). Several theorists have contributed to

establishing this economic basis of democratic consolidation. Diagram 4 captures the theory of democratization expounded by Acemoglu and Robinson. It explains that higher level of income inequality creates pressures of democratization because it “occurs as a credible commitment to future redistribution” (Acemoglu and Robinson, 2005, p. 36). Democratic consolidation on the other hand is a function of both inequality and the relative cost of a coup to be borne by the elites, who would prefer non-democracy (Acemoglu and Robinson, 2005, p. 37-38). Figure 4 illustrates that as in the case of Argentina, “when inequality is very high, [and] the costs of a coup may be sufficiently low that it is attractive,” democratic consolidation is significantly stymied (Acemoglu and Robinson, 2005, p. 45). It can be inferred from this model that variation in the levels of income inequality is a significant determinant of the democratic trajectory of a country.

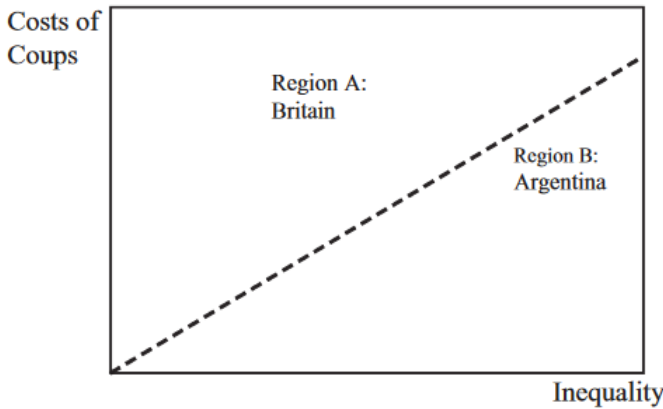


FIGURE 4: CONDITIONS OF DEMOCRATIC CONSOLIDATION  
(ACEMOGLU AND ROBINSON, 2005, P. 44)

Vanhanen Tatu takes a Darwinian angle to explain the role of income distribution in determining the variations in democratization (2003, p. 28). Vanhanen’s resource distribution theory asserts that an egalitarian distribution of income in a society translates into an equitable distribution of political power (2003). Subsequently, in such a society no single group can dominate or suppress the other groups competing for power, leading to democratic stability (Tatu, 2003, pp. 28-29). Hence, the paper attempts to ratify Vanhanen’s resource distribution theory of democratization by including the Gini index and the income share of top 10% in the empirical analysis. Zielonka and Rupnik add a socio-structural explanation to the rise of “illiberal states” in the CEE (2020, p. 1073).

They reason that for the citizens of the new democracies in CEE “the financial, terrorist and migratory ‘shocks’ demonstrated that the politics of open borders and regional integration are not as flawless as claimed by the ruling liberals” (Zielonka and Rupnik, 2020, p. 1077). However, it is still a rather unexplored topic in the literature that migratory changes have significant correlations with democratic performance of CEE states. Thus, this paper contributes to the literature by examining statistical relevance of both income inequality and migration in explaining democratic performance of post-communist states.

### **Argument**

In this paper, I investigate four plausible explanations of the level of variation observed in the democratic performance of CEE countries. Tobin Im had proposed a set of conditions that are necessary for bureaucratic democratization (2017, p. 141). However, his theorization lacked empirical substantiation. Based on my regression analysis, the paper attempts to corroborate two conditions for bureaucratic democratization, originally proposed by Im and Kaufman. First, the existence of a politically autonomous bureaucracy which has effective authority to regulate the private sector is positively associated with better democratic performance. This empirically validates Im’s first condition of bureaucratic democratization about the existence of strong bureaucracy able “to protect themselves from the arbitrary use of political authority” (Im, 2017, p. 142). Second, an impartial bureaucracy that can provide good quality public service is strongly associated with enhanced democratic performance. This corroborates Kaufman’s notion of “neutral competence” (1956, p. 1060 as cited in Im, 2017, p. 141). Thus, this paper primarily supports the classical Weberian strand of literature which underscores the role of legal-rational bureaucracy in enhancing democratic performance of countries.

### **Methodology**

The outcome variable, democratic performance, is measured by Freedom House’s civil liberties score. This score is calculated for each country by asking a set of panelists questions pertaining to civil liberties and rule of law (Freedom House, 2023, pp. 2-3). The questions range from “Are individuals free to express and practice their religious faith or nonbelief in public and private?” to “Do individuals enjoy equality of opportunity and freedom from economic exploitation?” (Freedom House, 2023, pp. 10-17). I am using a panel data set of 15 post-communist countries from 2005 to 2022 to capture both cross-country and over-time variation in democratic performance.

The dependent variable, democratic performance, is measured using Freedom House's civil liberties score. The Freedom House civil liberties score is descriptive of four major arenas of democratization – rule of law, freedom of expression and belief, associational and organizational rights, personal autonomy, and individual rights (Armstrong II, 2011, p. 654). Freedom House asks a panel of analysts to award scores to countries based on a set of questions, centered on assessing the four arenas of civil liberties. Aggregating these question scores ascribes final civil liberties score to each country (Freedom House, 2023, pp. 1-2). This score has a scale of 0 to 60, with 0 being the absence of civil liberties and 60 relating to highest extent of civil liberties (Freedom House, 2023, p. 17). I deliberately did not choose the Freedom House's Freedom Score because it is calculated by coding the final aggregated scores by width-based proportions. For example, a 30 civil liberties score is coded two. If the score jumps up to 34 (10% of the scale) next year, the coded final score remains to be 2. On the other hand, if the score falls to 29 (that is 2.5% of the scale) then the coded Freedom score changes (Armstrong II, 2011, p. 654). Aggregation and scaled coding can obscure significant changes in a particular subcategory score. Thus, I decided against using the aggregate Freedom score. Instead, the outcome variable is measured using the raw civil liberties score to better capture cross-country variations in democratic performance.

My regression analysis employs a fixed-effects model over a random-effects analysis to limit omitted variable bias and endogeneity. CEE states have time-constant unobserved explanatory variables which could potentially explain democratic performance. An example of such an unobserved omitted variable is historical legacy. Kitschelt, Mansfeldova, Markowski, & Toka divide the communist regimes of CEE into three different types – bureaucratic authoritarian, national-accommodative, and patrimonial communism and describe how each kind of communist legacy impacts the current party systems of CEE countries (1999, pp. 23-25). However, it is difficult to measure and operationalize the historic legacy of communism, which is also time-constant. Thus, I use fixed effects regression analysis because it allows to “estimate partial effects in the presence of time-constant omitted variables that can be arbitrarily related to the observables” (Wooldridge, 2002, p. 266). In this case, the communist history and cultural legacies are the unobserved omitted variables. The presence of this precludes the use of random effects models because it assumes “zero correlation between observed explanatory variables and the unobserved effect”



(Wooldridge, 2002, p. 252). Thus, the robustness of a fixed effects model is derived from the fact that it deals with both endogeneity and omitted variable bias.

Based on the literature review, I deduce four main hypotheses to be investigated using empirical analysis.

*H1: Effective and impartial administrative capacity is associated with better democratic performance.*

To investigate the role of administrative capacity, I use three different independent variables. The first explanatory variable is the regulatory quality estimate, which is published by the Worldwide Governance Indicators (WGI) project of the World Bank. This variable measures “the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development” (Kaufmann, Daniel, Kraay and Mastruzzi, 2010, p. 223). It acts as a direct indicator of administrative capacity because it demonstrates how much regulatory authority and power the government and bureaucracy has over private actors like multi-national corporations. Every country gets assigned a score in a range between -2.5 and 2.5 (Kaufmann, Daniel, Kraay and Mastruzzi, 2010, p. 229). The other variable measuring administrative capacity is WGI’s government effectiveness estimate, which measures “the quality of public services, the quality of the civil service and the degree of its independence from political pressures” on a scale of -2.5 to 2.5 (Kaufmann, Daniel, Kraay and Mastruzzi, 2010, pp. 223-229). Lastly, I include a third variable, impartiality and rigor of public administration index, which has a scale of -2 to 4 (Herre, Arriagada, and Roser, 2023) (Vdem, 2023). This index is published by Varieties of Democracy annually and indicates “the extent to which public officials respect the law and administer it without arbitrariness and bias” (Herre, Arriagada, and Roser, 2023) (Vdem, 2023). Thus, I aim to investigate if the extent of this legal-rational bureaucracy could explain the variations in the democratic performance of post-communist countries.

*H2: Being an EU member or candidate is positively associated with better democratic performance.*

To operationalize EU membership, I construct a simple binary variable to capture the absence or presence of membership for each country between 2005 – 2022. This construction implies that those years a country was a member will have a score of “1” and other years would get “0.” A similar binary variable is constructed to measure candidacy to the EU. The years after a country was accepted as a viable EU candidate

until it receives membership get a score of “1.” The rest of the years are awarded “0.” These two variables are used to test the hypothesis that being a candidate, or a member of the European Union is correlated with better democratic performance. It is important to accept that binary variables like these do not measure the level or extent of European integration, which could possibly explain post-membership variations in democratic performance. I also construct an interaction variable between regulatory quality estimate and EU membership to assess if having both a strong administrative capacity and being a EU member has a joint significance in explaining democratic performance. I did not construct an interaction variable using EU candidacy because the limited number of years of candidate cases limits the objective effectiveness of such an interacted variable when multiplied with the regulatory quality estimate.

*H3: Based on the Modernization theory, economic development is correlated with better democratic performance.*

To measure economic development, I use the classical economic measure of gross domestic product per capita annual growth rate. This measures the growth in a country’s output with respect to their populations. In his historic study of modernization, Lipset used industrialization and urbanization as indicators of economic development (1960, p. 75). Hence, I investigate the same theory in the case of CEE states using the percentage of the total population living in urban areas as one of my explanatory variables. I also use the percentage of service sector’s value added to the GDP as well as the manufacturing sector’s value add to the total output. To capture the effect of economic liberalization and free capital movements, I use foreign direct investment as one of my explanatory variables. All the data for the aforementioned variables is obtained from the World Bank datasets.

*H4: Socio-economic structures are correlated with democratic performance.*

The next set of explanatory variables I will use in my regression analysis include the Gini index, income share of the top 10%, and net migration. The Gini index measures the distribution of income in each country. A score of 0 on the Gini index refers to perfect equality while a score of 100 indicates perfect inequality. I also use the income share of the top 10% of the wealthiest income distribution. Both of these variables attempt to capture if income distribution could explain the variations observed in the outcome variable. Social structures are difficult to operationalize. I use net migration as an independent variable to measure a form of demographic change happening at the social level.

Net migration for a country is obtained by subtracting the number of emigrants from immigrants for a given year. All of the data is obtained from the World Bank.

I use a simple multivariate OLS regression analysis to investigate the statistical validity of the four main hypothesis. The model is represented by the following equation:

$$\begin{aligned} \text{Democratic Performance}_{i,t} = & \beta_0 + \beta_1(\text{Regulatory Quality}_{i,t}) + \\ & \beta_2(\text{Government Effectiveness}_{i,t}) + \beta_3(\text{Impartiality and Rigor of Public} \\ & \text{Administration}_{i,t}) + \beta_4(\text{EU candidacy}_{i,t}) + \beta_4(\text{EU membership}_{i,t}) + \beta_4(\text{Regulatory} \\ & \text{Quality * EU membership}_{i,t}) + \beta_4(\text{FDI}_{i,t}) + \beta_4(\text{GDP per capita growth}_{i,t}) + \\ & \beta_4(\text{Percentage of population in urban areas}_{i,t}) + \beta_4(\text{Services value add to GDP}_{i,t}) \\ & + \beta_4(\text{Manufacturing value add to GDP}_{i,t}) + \beta_4(\text{Gini Index}_{i,t}) + \beta_4(\text{Top 10\%} \\ & \text{income share}_{i,t}) + \beta_4(\text{Net Migration}_{i,t}) + \varepsilon \end{aligned}$$

### Empirical Analysis

In this section, I interpret the results of my OLS regression analysis. My model has 14 independent variables, out of which 5 variables turned out to be statistically significant at the 1% significance level. Positive coefficient of a variable demonstrates that an increase in the respective variable has an effect of increasing the Freedom House civil liberties score. On the other hand, a negative coefficient depicts an inverse relationship between a particular independent variable and democratic performance, other things kept constant.

**Table 1: Estimating Effects on Freedom House Civil Rights Index**

<b>Variable</b>	<b>Coefficient (Standard Error)</b>	<b>P &gt;  t </b>
Regulatory Quality	2.1335 (0.7648)	0.006***
Government Effectiveness	1.8434 (0.7172)	0.011***
Rigorous and impartial public administration index	2.4791 (0.2443)	0.000***
EU Candidacy	0.1821 (0.7269)	0.802
EU Membership	-0.1410 (0.9494)	0.882
Regulatory Quality and Membership	1.3226 (0.4784)	0.006***
GDP per capita growth	-0.0018 (0.0298)	0.951
FDI	-0.0142 (0.0089)	0.114
Services % value add to GDP	0.1298 (0.0611)	0.035**
Manufacturing % value add to GDP	0.0355 (0.0990)	0.720
% of population in Urban areas	-0.0154 (0.0768)	0.841
Gini	0.0380 (0.1147)	0.741
Top 10% income share	-0.0067 (0.1487)	0.964
Net migration	-0.0000156(5.54e-06)	0.005***
Number of Observations	270	
R-squared	0.3978	

*Note: significance at the  $p < 1\%$  level indicated by \*\*\*, at the  $p < 5\%$  level indicated by \*\**

## **Interpretation**

The results of the empirical analysis suggest a highly significant relationship between administrative capacity and democratic performance. Regulatory quality, government effectiveness, and the impartiality and rigor of public administration are statistically significant at 1% level. One unit increase in regulatory quality estimate is associated with a 2.13 unit increase in the Freedom House civil liberties score, other things kept constant. In terms of the quality of public service and policy-making, a unit increase in government effectiveness estimate is associated with 1.83 unit increase in the civil liberties score. Furthermore, one unit increase in the impartiality and rigor of the bureaucracy is positively associated with a 2.47 unit increase in the civil liberties score. EU

membership and candidacy are both statistically insignificant. However, a unit increase in the regulatory quality in an EU member state is associated with 1.32 unit increase in the outcome variable. This demonstrates the joint statistical significance of strong administrative capacity in an EU member in determining democratic performance. With respect to the modernization theory, all the independent variables turned out to be statistically insignificant except service sector's value add to the GDP. For every 1 unit increase in the service sector's value addition to the GDP, the civil liberties score increases by 0.12 units. The Gini index and the top 10% income share do not seem to hold a significant relationship with democratic performance. Lastly, the analysis finds a negative relationship between net migration and democratic performance. However, the magnitude of the change is miniscule – a unit increase in net migrations is related to a 0.0000156 unit decline in the civil liberties score.

## **Discussion**

The results demonstrate a robust positive relationship between a country's administrative capacity and the democratic performance of that given nation. This administrative capacity is reflective of the ability to regulate the activities of the private sector, the quality of public services, and the impartiality of bureaucracy. One of the strongest coefficients, that is significant at the 1% level, is that of an impartial and rigorous bureaucracy in determining democratic performance. This conceptualization of bureaucracy, which is strongly associated with enhanced civil liberties, connects with Weber's idea of legal-rational bureaucracy. The paper provides empirical evidence to support Tobin Im's conditions of bureaucratic democratization. The ability to constrain the private sector and the impartiality of bureaucracy is correlated with enhanced civil liberties score. This directly corroborates Im's first condition of bureaucratic democratization that bureaucracy must be strong enough to protect itself from political pressures (Im, 2017, p. 141). Government effectiveness, which measures quality of public services and public administration, is strongly associated with better democratic performance in CEE countries. This finding substantiates Kaufman's notion of "neutral competence" and Im's postulation of its role as a pre-condition to democratization (Kaufman, 1956, p. 1060 as cited in Im, 2017, p. 141). Ultimately, the paper's correlation results are consistent with the broader literature which emphasizes the causal relationship between impartial bureaucracy and democratization. Suleiman connects administrative capacity to individual rights - "state authority requires state capacities which assure state legitimacy. All this is merely a means to the protection of individual rights" (Suleiman, 1999, p. 144 in L. Anderson

(Ed.), *Transitions to democracy*). Hence, the empirical findings of this paper corroborate the existing classical literature on the importance of a Weberian bureaucracy in democratization.

The results of the empirical analysis are significant in clarifying the ambiguity on the importance of the modernization theory in explaining variations in democratization. The classical historic assumption of the modernization theorists that greater levels of economic development would bring all post-communist CEE nations towards a common path of democratic consolidation was faulty. The statistical insignificance of most of the variables measuring economic development – FDI, GDP per capita growth, urbanization, and percentage of manufacturing sector’s value add to the GDP – nullifies the modernization hypothesis that increased economic prosperity leads to democratization. It is important to acknowledge that the paper finds a positive relationship between service sector’s value added to the GDP and democratic performance. But this correlation alone cannot corroborate the modernization theory in the context of CEE. This is vividly delineated by the case of Hungary – despite an impressive economic record it has witnessed steep decline in its civil liberties score. This is explained by the fact that Victor Orbán’s government embraced “clearly neoliberal policies such as the flat income tax, which replaced progressive taxation reaching up to 32 percent with a 16 percent flat tax from 2012 onward” (Dąbrowska, Buzogány, and Varga, 2018, p. 183). Thus, Victor Orbán fashioned undemocratic conservatism on the political and social front, while simultaneously championing neoliberal reforms to boost stable FDI-induced growth, as evidenced by the figure 5 which demonstrates the stability of German FDI in Hungary. The implication of my empirical analysis is not to reject the modernization theory as a whole, but the paper simply fails to confirm this theory at the regional level of Central and Eastern Europe. This supports Landman’s central claim that “the universal aspirations of modernization theory are very limited indeed” (Landman, 1999, p. 624).

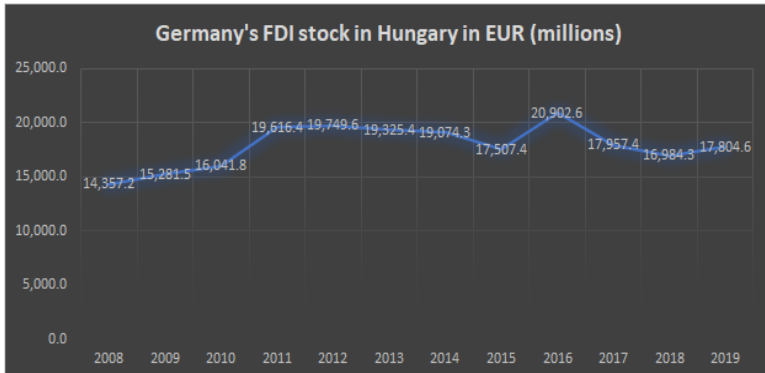


FIGURE 5: GERMAN FDI STOCK IN HUNGARY  
(IN MILLIONS OF EUR)

(GRAPH IMPORTED FROM IITL GROUP, 2021) (DATA FROM CENTRAL BANK OF HUNGARY - MAGYAR NEMZETI BANK, 2023)

The empirical analysis also demonstrates the lack of statistical significance of EU candidacy or membership in determining the democratic performances of CEE states. Contrary to the expectations that EU membership would lead to democratic consolidation, the paper finds no significant relationship between having an EU membership and better performance on the Freedom House civil liberties score. This lack of correlation can be understood in conjunction with the causation Mueller provides about the rise of illiberal democracies within the EU (2013). He reasons that the EU lacks an efficient toolkit to deal with belligerent members because “the idea of sanctions goes against the ethos of respectful compromise, mutual accommodation, and deference to national understandings of political values” (Mueller, 2013, pp. 146-147). Article 7, often considered as the “nuclear option,” allows for the suspension of membership but it requires the consent of all EU members, deeming it rather inconceivable (Mueller, 2013, pp. 146-148). In addition to EU membership, the paper also finds no correlation between EU candidacy and democratization. It is important to acknowledge that my dataset only captures the candidacy years of countries from 2005-2022. This omits the candidacy period of a sizeable portion of countries which became members during the 2004 EU expansion. Hence, my data analysis fails to capture any democratic progress, if at all, that might have occurred due to a candidacy incentive during the period of 1990-2005.

Socioeconomic structures are broadly irrelevant in explaining the differing democratic trajectories of CEE countries. Democratic performance has no statistically significant relationship with the Gini index and the income of the top 10% of the distribution. If a better

Gini score would mean a higher democratic performance, then why would Hungary and Estonia have an almost identical score of 29.7 for Hungary and 30.7 for Estonia in 2020. Net migration is statistically significant; however, its coefficient is nearly zero indicating a negligible effect on democratic performance. Santana, Zagórski & Rama, in their study of CEE populist parties, find a positive relationship between anti-immigration sentiments and the vote share of populist radical right parties in three out of six major cases evaluated (2020, p. 296). This could explain to an extent why a higher proportion of immigration is correlated with lower democratic performance. However, any inference of this sort would have to assume that higher immigration causes a jump in the vote share of radical right-wing parties, which in turn are able to erode the civil liberties of the citizens. It is beyond the scope of this paper to establish such an inference because that requires much deeper empirical analysis of the ethno-demographic profiles of both immigrants and emigrants. The main conclusion of testing the socio-economic structural hypothesis is that there exists a statistically significant negative association between net migration and democratic performance of CEE states.

## **Conclusion**

The paper demonstrates that effective administrative capacity in the form of stronger regulatory powers, impartiality, and rigor of the bureaucracy along with the quality of public services and administration is significantly correlated with better democratic performance. The paper contributes to the literature by ratifying classical Weberian theories of the role of legal-rational bureaucracy in democratization. It provides empirical evidence to Tobin Im's conditions of bureaucratic democratization. However, there are some inherent limitations in the data and empirical analysis of this paper. Firstly, the paper only covers the data of 15 CEE countries from the time period of 2005 to 2022. This omits any significant explanation offered by the data from 1990-2005. For example, the incentives offered by EU candidacy to around 8 countries of the dataset are not captured because they became members in 2004. Secondly, fixed panel regression allows historical legacies to act as a time-constant unobserved variable. Yet, the analysis omits the explanatory significance of pre-Leninist and communist legacies of CEE states because of difficulties in operationalizing these variables. Thirdly, lack of data on country-specific immigration prevents a deeper analysis of the negative relationship between net migration and democratic performance.



The empirical results of this paper have some broader implications. As shown in the case of the widely acclaimed modernization theory, universalization is rather difficult. Economic development fails to explain variations in the democratic performance of Central and Eastern European countries. This has wider implications for the countries in South Asia, West Africa, or Latin America, where there has been a growing consensus that more investments, free trade, and development would lead to democratic consolidation. The lack of correlation between EU membership and stronger democratic performance reflects the concerns of scholars like Jan-Werner Mueller that the current policy toolkit of the EU to prevent and reprimand members from transgressing their democratic commitments is rather ineffective. The results could indicate that Mueller's idea of a "Copenhagen Commission," as an organization to "sound a Europe-wide alarm about deteriorations in the rule of law and democracy" is indispensable (2013, p. 139). Furthermore, the joint statistical significance of the interacted variable, regulatory quality and EU membership, implies that such a "Copenhagen Commission" should also assist and direct new EU members to develop an efficient and impartial bureaucracy. The empirical findings also underscore that not every kind of bureaucracy is associated with better democratic performance. Since the aim of this paper is not to offer prescription, the study reservedly suggests that establishing a Weberian legal-rational bureaucracy, which can effectively regulate the private sector and administer impartially with rigor, could be the key to improving democratic performance of a state. However, future research and analysis is required to ascertain the causal mechanisms behind a positive relationship between effective bureaucracy and better democratic performance.

**About the Author**

Arnab Hait is a senior studying Economics and International Relations at Colgate University. Having spent a semester abroad at Geneva, Switzerland studying at the The Graduate Institute of International and Development Studies my research interests focus on Central and Eastern Europe and democratization. I would like to acknowledge the guidance of Professor Edward Fogarty in advising me through my research project.

### Works Cited:

- Acemoglu, D., & Robinson, J. A. (2005;2012). *Economic origins of dictatorship and democracy*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511510809>
- Andersen, D. D. E. (2021). The limits of meritocracy in stabilizing democracy and the twin importance of bureaucratic impartiality and effectiveness. *Social Science History*, 45(3), 535-559. <https://doi.org/10.1017/ssh.2021.15>
- Armstrong, D. A. (2011). Stability and change in the Freedom House political rights and civil liberties measures. *Journal of Peace Research*, 48(5), 653-662. <https://doi.org/10.1177/002234331141>
- Bäck, H., & Hadenius, A. (2008). Democracy and state capacity: Exploring a J-shaped relationship. *Governance (Oxford)*, 21(1), 1-24. <https://doi.org/10.1111/j.1468-0491.2007.00383.x>
- Ben-Yishay, A., & Betancourt, R. (2014). Unbundling democracy: Political rights and civil liberties. *Journal of Comparative Economics*, 42(3), 552-568. <https://doi.org/10.1016/j.jce.2014.06.001>
- Churchill, W. (2022, July 4). "Iron curtain" speech [speech transcript]. The National Archives. [https://www.nationalarchives.gov.uk/education/resources/cold-war-on-file/iron-curtain-speech/\(Original speech 1946\)](https://www.nationalarchives.gov.uk/education/resources/cold-war-on-file/iron-curtain-speech/(Original%20speech%201946))
- Constas, H. (1958). Max weber's two conceptions of bureaucracy. *The American Journal of Sociology*, 63(4), 400-409. <https://doi.org/10.1086/222263>
- Dąbrowska, E., Buzogány, A., & Varga, M. (2018). The "Budapest–Warsaw Express": Conservatism and the diffusion of economic policies in Poland and Hungary. In *New Conservatives in Russia and East Central Europe* (pp. 178-197). Routledge.
- Dahl, R. A. (1971). *Polyarchy: Participation and opposition*. Yale University Press.
- Dimitrova, A., & Pridham, G. (2004). International actors and democracy promotion in Central and Eastern Europe: The integration model and its limits. *Democratization*, 11(5), 91-112. <https://doi.org/10.1080=13510340412331304606>
- European Commission. (2023, June 8). Press corner: Rule of Law: Commission launches infringement procedure against POLAND for violating EU law with the new law establishing a special committee. European Commission - Press Release. <https://ec.europa.eu/commission/presscorner/detail/en/>

ip\_23\_3134/

- European Council. (2001). Presidency conclusions European Council meeting in Laeken - Concilium. PRESIDENCY CONCLUSIONS. <https://www.consilium.europa.eu/media/20950/68827.pdf>
- European Parliament. (2022, September 15). MEPs: Hungary can no longer be considered a full democracy: News: European parliament. European Parliament - Press Release. <https://www.europarl.europa.eu/news/en/press-room/20220909IPR40137/meps-hungary-can-no-longer-be-considered-a-full-democracy/>
- Fishman, R. M. (2016). Rethinking dimensions of democracy for empirical analysis: Authenticity, quality, depth, and consolidation. *Annual Review of Political Science*, 19(1), 289-309. <https://doi.org/10.1146/annurev-polisci-042114-015910>
- Freedom House. (2023). Freedom House Methodology. [https://freedomhouse.org/sites/default/files/2023-03/FITW\\_2023%20MethodologyPDF.pdf](https://freedomhouse.org/sites/default/files/2023-03/FITW_2023%20MethodologyPDF.pdf)
- Freedom House. (2023). Freedom in the world. <https://freedomhouse.org/report/freedom-world/>
- Friedrich, C. J. (1963). *Man and his government: An empirical theory of politics*. McGraw-Hill.
- Gherghina, S. (2009). The helping hand: The role of the EU in the democratization of post-communist europe. *Romanian Journal of Political Science*, 9(2), 65-79. [https://link.gale.com/apps/doc/A234054242/AONE?u=nysl\\_cc\\_colgul&sid=summon&xid=af755be7](https://link.gale.com/apps/doc/A234054242/AONE?u=nysl_cc_colgul&sid=summon&xid=af755be7)
- Herre, B., Arriagada, P., & Roser, M. (2023, December 9). State Capacity. *Our World in Data*. <https://ourworldindata.org/state-capacity>
- Herre, B., Ortiz-Ospina, E., & Roser, M. (2023, September 25). Democracy. *Our World in Data*. <https://ourworldindata.org/democracy/>
- Im, T. (2017). Revisiting bureaucratic dysfunction: The role of bureaucracy in democratization. *The experience of democracy and bureaucracy in south korea* (pp. 1-21). Emerald Publishing Limited. <https://doi.org/10.1108/S2053-769720170000028001>
- IMF. (2023, July 6). IMF data. IMF Databank. <https://www.imf.org/en/Data/>

- Inglehart, R., & Welzel, C. (2009). How development leads to democracy. *Foreign Affairs*, 88(2), 33-48. <https://www.jstor.org/stable/20699492/>
- ITL Group. (2021, December 31). German and Austrian foreign direct investment in Hungary. <https://itlgroup.hu/german-and-austrian-fdi-in-hungary/>
- Janos, A. C. (2001). From eastern empire to western hegemony: East central europe under two international regimes. *East European Politics and Societies*, 15(2), 221-249. <https://doi.org/10.1177/088832501766276380>
- Kaufman, H. (1956). Emerging conflicts in the doctrines of public administration. *The American Political Science Review*, 50(4), 1057-1073. <https://doi.org/10.2307/1951335>
- Kaufmann, D., Kraay, A., & Mastruzzi, M. (2011). The worldwide governance indicators: Methodology and analytical issues. *Hague Journal on the Rule of Law : HJRL*, 3(2), 220-246. <https://doi.org/10.1017/S1876404511200046>
- Kitschelt H, Mansfeldova Z, Markowski R, Toka G. *Post-Communist Party Systems: Competition, Representation, and Inter-Party Cooperation*. Cambridge: Cambridge University Press; 1999. <https://doi.org/10.1017/CBO9781139175173/>
- Ladrech, R. (2009). (Shallow) Europeanization and Party System Instability in Post-communist States: How Changing Constraints Undermine the Development of Stable Partisan Linkages. Keele University, School of Politics, International Relations and Philosophy (SPIRE).
- Landman, T. (1999). Economic development and democracy: The view from latin america. *Political Studies*, 47(4), 607-626. <https://doi.org/10.1111/1467-9248.00220>
- Lipset, S. M. (1959). Some social requisites of democracy: Economic development and political Legitimacy<sup>1</sup>. *The American Political Science Review*, 53(1), 69-105. <https://doi.org/10.2307/1951731>
- Magyar Nemzeti Bank. (2023). FDI flows broken down by countries and economic activity. Data according to BPM6 methodology. <https://www.mnb.hu/en/statistics/statistical-data-and-information/statistical-time-series/viii-balance-of-payments-foreign-direct-investment-international-investment-position/foreign-direct-investments/data-according-to-bpm6-methodology/>

- Marsh, I. (2006). Democratization and state capacity in east and southeast asia. *Taiwan Journal of Democracy*, 2(2), 69-91. <https://doi.org/10.29654/TJD.200612.0004>
- Mueller, J. (2013). Defending democracy within the EU. *Journal of Democracy*, 24(2), 138-149. <https://doi.org/10.1353/jod.2013.0023>
- Muller, E. N. (1988). Democracy, economic development, and income inequality. *American Sociological Review*, 53(1), 50-68. <https://doi.org/10.2307/2095732>
- Preston, L. M. (1987). Freedom and bureaucracy. *American Journal of Political Science*, 31(4), 773-795. <https://doi.org/10.2307/2111224>
- Robinson, J. A. (2006). economic development and democracy. *Annual Review of Political Science*, 9(1), 503-527. <https://doi.org/10.1146/annurev.polisci.9.092704.171256>
- Santana, A., Zagórski, P., & Rama, J. (2020). At odds with europe: Explaining populist radical right voting in central and eastern europe. *East European Politics*, 36(2), 288-309. <https://doi.org/10.1080/21599165.2020.1737523>
- Schumpeter, J. A. (2010). *Capitalism, socialism and democracy*. Routledge. <https://doi.org/10.4324/9780203857090> (Original work published 1943)
- Stenner, P., & Andersen, N. Å. (2020). The emotional organization and the problem of authenticity: The romantic, the pedagogic, the therapeutic and the ludic as liminal media of transition. *Systems research and behavioral science*, 37(3), 450-466. <https://doi.org/10.1002/sres.2687>
- Suleiman, E. (2015). Bureaucracy and democratic consolidation: Lessons from eastern europe. In L. Anderson (Ed.), *Transitions to democracy* (pp. 141-167). Columbia University Press. <https://doi.org/10.7312/ande11590-009>
- Tilly, C. (2007). *Democracy*. Cambridge University Press.
- United Nations Population Division. (2023). *World urbanization prospects - un*. <https://population.un.org/wup/Publications/Files/WUP2018-Report.pdf/>
- Vanhanen, T. (2003;2004;). *Democratization: A comparative analysis of 170 countries* (1st ed.). Routledge. <https://doi.org/10.4324/9780203614501>
- Vdem. (2023). *The V-dem dataset*. <https://v-dem.net/data/the-v-dem-dataset/>

- Way, L. A., & Casey, A. (2018). The structural sources of postcommunist regime trajectories. *Post-Soviet Affairs*, 34(5), 317-332. <https://doi.org/10.1080/1060586X.2018.1494959>
- Weber, M. (1978 [1922]). *Economy and Society*. London: University of California Press. (org. *Wirtschaft und Gesellschaft*, 1922)
- Weber, M. (2009). *The theory of social and economic organization*. Simon and Schuster. (Original work published 1947)
- Wooldridge, J. M. (2002). *Econometric analysis of cross section and panel data*. MIT Press.
- World Bank. (2023). *World development indicators*. World Bank DataBank. <https://databank.worldbank.org/source/world-development-indicators/>
- Zielonka, J., & Rupnik, J. (2020). From revolution to 'counter-revolution': Democracy in central and eastern europe 30 years on. *Europe-Asia Studies*, 72(6), 1073-1099. <https://doi.org/10.1080/09668136.2020.1784394>

# Appendix

## Stata Output Results

```

Fixed-effects (within) regression              Number of obs   =       270
Group variable: country_id                   Number of groups =       15

R-squared:                                   Obs per group:
  Within = 0.6306                             min =          18
  Between = 0.3941                            avg =         18.0
  Overall = 0.3978                             max =          18

                                           F(31,224)      =       12.33
corr(u_i, Xb) = 0.2192                       Prob > F        =       0.0000
  
```

CivilLiberty	Coefficient	Std. err.	t	P> t	[95% conf. interval]	
regulatoryquality	2.133544	.7648411	2.79	0.006	.6263396	3.640748
Govteffectiveness	1.843445	.7172014	2.57	0.011	.43012	3.25677
public_admin_impartial_vdem	2.479196	.2443169	10.15	0.000	1.997743	2.96065
Candidate	.1821214	.7269455	0.25	0.802	-1.250405	1.614648
Membership	-.1410496	.9494408	-0.15	0.882	-2.012028	1.729929
regquality_membership	1.322624	.4784686	2.76	0.006	.3797488	2.2655
GDPpercapitagrowth	-.0018291	.0298851	-0.06	0.951	-.060721	.0570628
FDI	-.0142677	.0089804	-1.59	0.114	-.0319646	.0034291
servicesgdp	.1298529	.0611515	2.12	0.035	.0093471	.2503588
manufacturinggdp	.0355175	.0990969	0.36	0.720	-.1597639	.2307989
urbanpopulation	-.0154667	.0768108	-0.20	0.841	-.1668309	.1358975
Gini	.0380206	.1147943	0.33	0.741	-.1881943	.2642354
income10top	-.0067586	.1487889	-0.05	0.964	-.2999636	.2864464
netmigration	-.0000156	5.54e-06	-2.82	0.005	-.0000265	-4.69e-06
YR						
2006	.038259	.4665761	0.08	0.935	-.881181	.957699
2007	.3277924	.4847997	0.68	0.500	-.6275592	1.283144
2008	-.3091467	.4932216	-0.63	0.531	-1.281095	.6628013
2009	-.9898762	.6101465	-1.62	0.106	-2.192238	.2124852
2010	-.957367	.5143869	-1.86	0.064	-1.971023	.0562894
2011	-.7904074	.5011221	-1.58	0.116	-1.777924	.1971093
2012	-1.078601	.5175281	-2.08	0.038	-2.098447	-.0587541
2013	-1.193841	.5201547	-2.30	0.023	-2.218063	-.1688183
2014	-1.698896	.5145764	-3.30	0.001	-2.712926	-.6848659
2015	-1.587064	.5129137	-3.09	0.002	-2.597818	-.576311
2016	-1.600163	.5104296	-3.13	0.002	-2.606021	-.5943053
2017	-1.835743	.5140965	-3.57	0.000	-2.848827	-.8226591
2018	-2.198802	.5225187	-4.21	0.000	-3.228483	-1.169121
2019	-2.433448	.5380154	-4.52	0.000	-3.493667	-1.373229
2020	-1.752212	.6141451	-2.85	0.005	-2.962453	-.5419711
2021	-1.625535	.6551722	-2.48	0.014	-2.916625	-.3344456
2022	-1.769364	.6661675	-2.66	0.008	-3.082121	-.4566075
_cons	34.16616	5.626516	6.07	0.000	23.07849	45.25384
sigma_u	9.5067777					
sigma_e	1.265705					
rho	.98258323	(fraction of variance due to u_i)				

```

F test that all u_i=0: F(14, 224) = 169.03          Prob > F = 0.0000
  
```







# A Judicial Extension of the Comparative Agendas Project and the Supreme Court Database:

Varun Thotli

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*This paper summarizes the objective of establishing a relationship between the issues most important to the federal judicial, executive, and legislative branches, adding to this by comparing issues from writ petitions from the Department of Justice to the issues in the writs granted and cases taken by the Supreme Court. It will also look at another project with topics for congressional hearing data, State of the Union addresses, and Supreme Court decisions. Each of these will be categorized into topics from a guided Latent Dirichlet Allocation (LDA) model, with trends then being mapped to conclude which issues showed relatively more positive correlation during the same period. We also add a time-lagged variable for each of the three branches to compare the effects of the previous year of one variable to the current year for another. Over time, we found that many of the 21 issues in Comparative Agendas saw minimal longitudinal changes in all three branches. Meanwhile, the initial sample of writ petitions has been categorized into 12 topics including a miscellaneous topic, and further comparisons will be made after reapplication. Overall, this two-part study establishes correlations between issues in the three branches of government, introduces a field of exploration concerning the action and reaction relationship between the Department of Justice and the Court itself, and presents the ongoing efforts made to merge the two projects.*

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## **Introduction:**

The U.S. Supreme Court, the highest court of law in America, receives thousands of petitions for writs of certiorari every year, with petitioners hoping that the Court may grant these petitions. Writs of certiorari are a powerful tool utilized by the Court to select certain cases of constitutional or federal legal significance, or for original jurisdiction in cases of interstate conflicts and/or cases related to ambassadors and foreign officials. A writ issued by the Supreme Court means their decision on that case will be final and is not subject to appeal by any measure. Writs, as we know them today, were most recently refined in their definition by the Judiciary Act of 1891, the Judiciary Act of 1925, and the Supreme Court Case Selections Act of 1988, all of which took much of the caseload off of the Supreme Court hearing appealed cases as a matter of right and sent them to circuit courts which would typically have finality in their decisions as well. Notably, the Court itself had a role in lobbying for at least some of these laws,<sup>1</sup> which allowed the justices to gain more control over their caseload and have greater authority over which issues they preferred to hear over others.

1 Jeremy Buchman, "Judicial Lobbying and the Politics of Judicial Structure: An Examination of the Judiciary Act of 1925." *The Justice System Journal* 24, no. 1 (2003): 1-22. <http://www.jstor.org/stable/27977128>.

Writing this petition is a critical step; it outlines the reasons why the case should be heard by the Supreme Court, emphasizing its constitutional or federal legal significance, or the existence of conflicts among lower courts on the legal issues involved that must be resolved by a higher court. The Supreme Court receives thousands of these petitions annually, but it only can hear a small fraction of them. Thus, the process of selecting cases to review is crucial. The justices, through their law clerks and legal staff, carefully comb through the petitions and supporting documents, considering various factors such as the justiciability of the case by the Court, the legal importance of the issues presented, whether there are conflicting decisions among lower courts (creating a circuit split), and the potential impact of the case on society and law. Once the justices have reviewed the petitions, they discuss them during their weekly conferences. During these conferences, justices advocate for the cases they believe should be granted certiorari. Ultimately, four justices must agree to grant certiorari for a case to be heard, commonly referred to as the “rule of the four.”

Recent literature has attempted to establish the specific factors that have influenced the Court in their decision-making process the most over time, largely basing their evidence on data from the Supreme Court Database (SCD). These issues have ranged from voting differences based on gender,<sup>2</sup> the influence of the number and source of amicus briefs,<sup>3</sup> to the effect of litigants that have more resources before the Court on their decisions.<sup>4</sup> As for the SCD, established by Harold J. Spaeth in the 1980s, it is considered the benchmark for much of the existing legal scholarship on judicial behavior, having been cited extensively since its introduction. The SCD utilizes a substantive analysis of 14 different issue areas, noted as the “issue” variable in the dataset, as well as a legal analysis of eight different legal categories to examine the types of cases studied most by the Supreme Court as its composition and the pressing issues of the times have changed. The focus of this study is on the substantive set of issues, which include attorneys, civil rights, criminal procedure, due process, economic activity, federal taxation, federalism, First Amendment,

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2 Tonja Jacobi and Dylan Schweers, “Justice, Interrupted: The Effect of Gender, Ideology, and Seniority at Supreme Court Oral Arguments.” *Virginia Law Review* 103, no. 7 (2017): 1379–1485. <http://www.jstor.org/stable/26401668>.

3 Janet M. Box-Steffensmeier et al., “Quality Over Quantity: Amici Influence and Judicial Decision Making.” *American Political Science Review* 107, no. 3 (2013): 446–60. <https://doi.org/10.1017/S000305541300021X>.

4 Donald R. Songer et al., “Do the ‘Haves’ Come out Ahead over Time? Applying Galanter’s Framework to Decisions of the U.S. Courts of Appeals, 1925–1988.” *Law & Society Review* 33, no. 4 (1999): 811–32. <https://doi.org/10.2307/3115151>.

interstate relations, judicial power, privacy, private action, unions, and miscellaneous. The site notes that the variables are very generalized due to more specific topics only being relevant in certain periods. For example, segregation and Jim Crow laws would fall under the civil rights topic, as would voting rights cases.

Understanding the nuances of the Justice Department's petitions for writs of certiorari for cases as a party and as an amicus curia illuminates the core issues shaping the Department's agenda, potentially mirroring the most pertinent issues of the executive branch. The Justice Department houses the solicitor general and roughly 20 other lawyers in their office to either send amicus briefs as an interest group or as a direct litigant in a case for the Court.<sup>5</sup> Moreover, this exploration ventures into uncharted territory, focusing on the petitions preceding the Court's decisions, thereby providing a fresh perspective on the dynamics of case selection, a facet rarely explored in existing literature. In this endeavor, this study draws upon a rich tapestry of existing research, leveraging literature on the SCD in works such as Epstein and Segal's exploration of salience in Supreme Court decisions (2000) and insightful analyses by scholars like Gibson and Caldeira (1992) on attitudinal and strategic factors influencing judicial decisions.<sup>6</sup> These studies were some of the first to utilize the Supreme Court Database and analyzed the database with several methods. This paper advances the existing scholarship, which primarily focuses on the Court's likelihood of taking a case based on the salience of the issues. It will instead run a comparative analysis of petitions from the Department of Justice and accepted cases by the Court. This study offers a unique vantage point into the intricacies of case selection by bridging gaps in our understanding of the Court's decision-making process and offering a well-rounded perspective on the interplay between legal, political, and societal factors that shape the highest level of American jurisprudence.

Agenda-setting has been another critical facet of analyzing policymaking and issue prioritization by all three branches of government, public opinion, and the media for decades. With the Comparative Agendas Project, 21 issue topics are outlined. These are agriculture, civil rights, defense, domestic commerce, education, energy, environment, foreign trade, government operations, health, housing, immigration, international affairs, labor, law and crime,

<sup>5</sup> Lawrence Baum, *The Supreme Court*. (Thousand Oaks, California: Cq Press, A Division Of Sage, 2019), 89.

<sup>6</sup> Gregory A. Caldeira and James L. Gibson, "The Etiology of Public Support for the Supreme Court." *American Journal of Political Science* 36, no. 3 (1992): 635-64. <https://doi.org/10.2307/2111585>.

macroeconomics, public lands, social welfare, technology, and transportation. Similar to the Spaeth dataset, each of these issue topics is essentially an umbrella for more specific topics. For example, international affairs encompass general, foreign aid, resource exploitation, developing countries, international finance, Western Europe, specific countries, human rights, organizations, terrorism, diplomats, and others. Much of the existing judicial literature has focused on the results of the Supreme Court Database and how justices have come to their decisions after cases have been granted writs of certiorari. The existing literature on comparisons between different branches of government has not compared these specific issue topics between State of the Union speeches from presidents,<sup>7</sup> congressional hearings,<sup>8</sup> and Supreme Court decisions.<sup>9</sup> This study takes a step back to, not only underscore and contextualize the relations and similarities between branches of government over more than half a century, but also examine a newly constructed dataset on the petitions for writs of certiorari involving the U.S. Department of Justice (a department within the executive branch of the federal government that deals with statutory laws and administration of America's legal system). We add these petitions to the overall comparison of numerous branches of government to see if there is a correlation between the agenda of the Department of Justice and the executive branch, along with other branches of government. With the petitions for writs of certiorari from the Department of Justice, we scrape and compile the data, refine any miscellaneous entries, and create seed words that provide us with a new set of topics. These 11 key issues prioritized by the department will then be compared to the ideological trends of the cases in which the Supreme Court granted certiorari, the most prevalent issues addressed by presidents in their State of the Union speeches, and by Congress in the issues behind the legislation they passed. The 21 issue topics from Comparative Agendas will be utilized for all three measures for the branches of government in comparisons between the Court decisions and State of the Union addresses, and Court decisions and congressional hearings, as well as time-lagged comparisons for each of those to determine longitudinal effects of time on the issues that dominate each branch of government.

The process of petitioning for writs serves as a cornerstone in the American legal system, allowing individuals and entities to seek justice and redress grievances that have lasting impacts

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7 Bryan D. Jones et al., 2023. Policy Agendas Project: State of the Union Speeches.

8 Bryan D. Jones et al., 2021. Policy Agendas Project: Congressional Hearings.

9 Bryan D. Jones et al., 2009. Policy Agendas Project: Supreme Court Cases.

on constitutional and statutory law. This paper embarks on a comprehensive analysis of the issues raised in petitions of writs from the Department of Justice (DOJ) to those taken up by the Supreme Court<sup>10</sup> and establishes visualizations to compare and provide context for similarities in the three branches of the Comparative Agendas Project.

## Literature Review

This review of existing literature on the decision-making of the Supreme Court aims to provide a nuanced understanding of the evolution, challenges, and patterns prevalent in this crucial legal mechanism. The importance of Harold Spaeth's work as the foundation of all subsequent literature must be emphasized first and foremost. The Supreme Court Database was heavily utilized for some of the earliest works in the field. It continues to be relied on with thousands of citations and references, and this research leverages existing literature by including variables determined to be correlated to the likelihood of the Court taking up a case as a part of the regression model to determine correlation during each period between the Justice Department and the Court. This paper shows the first steps in the process to implement the data from the Justice Department into a comparison to the Spaeth database.

Many of the initial studies that this project is based on consisted of analyses of the emergence of issue salience as well as previous topic modeling within the political science and legal fields. Lee Epstein and Jeffrey Segal kicked off a wave of publications on issue salience in 2000. The topic of salience in the Supreme Court, they argued, was originally split into two categories: retrospective, where we take issues we consider to be salient in the present day and analyze them, regardless of whether the justices at the time considered them to be salient, and contemporaneous, where we consider whether the justices found issues to be salient at their respective timeframes.<sup>11</sup> These categories of salience laid the foundation for interpretations of issue salience in the modern day. One key factor of the article was that the authors mention that contemporaneous salience is cited as a more reliable category of salience measuring. Clark et al. (2015) took this suggestion a step further, expanding on this conclusion and establishing a tripartite mechanism of using newspapers to establish salience. They followed Epstein and Segal in their use of the New York Times and

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10 U.S. Government Publishing Office. "Govinfo | U.S. Government Publishing Office." [www.govinfo.gov](http://www.govinfo.gov), n.d. <http://govinfo.gov>.

11 Lee Epstein and Jeffrey A. Segal, "Measuring Issue Salience." *American Journal of Political Science* 44, no. 1 (2000): 66–83. <https://doi.org/10.2307/2669293>.

front-cover news as a measure of contemporary salience and took stories from the three major national newspapers including the New York Times to determine the salience of a case.<sup>12</sup> In this paper, the contemporary salience of cases by the Department of Justice will be crucial in comparing and contrasting those cases with those taken up by the Supreme Court. Measures of contemporary salience such as the one introduced in Epstein and Segal are inherently important in determining whether the Court agreed with the Justice Department on the constitutional importance and the issue salience of the case.

It is important to note the significance of the literature on this study. Issue salience is key to understanding the topics most integral to the Justice Department as it transitioned through multiple administrations and prioritized different issues in accordance with the times. Furthermore, understanding the other factors influencing the Supreme Court's odds of deciding on a case is equally as important when drawing comparisons, notably considering external factors such as the agenda-setting of certain justices when they enter the Court. In their study, Ryan Black and Ryan Owens employed the SCD to investigate the role of social and institutional factors in shaping judicial outcomes. Their analyses have highlighted the impact of external factors such as public opinion, interest groups, and legal precedents on the decisions made by the Court and its justices.<sup>13</sup> This is important to the research being conducted here as the work done on the database will play a pivotal role in understanding and interpreting results that come out of that eventual comparison to the petitions for writs of certiorari.

Regarding various forms of topic modeling and their usage in the social sciences as a whole, we turn to a relatively newer set of literature on the many advances made in this subfield of data analysis. Early literature explored Wordscore results for select topics within political science, replacing the standard hand-coding method used before and during the advancement of computer processing. These results would then be compared to one another while being compared to hand-coded results, which took a much longer time to produce, and significant similarities were found with slight errors<sup>14</sup>. Further research

12 Tom S. Clark et al., "Measuring the Political Salience of Supreme Court Cases." *Journal of Law and Courts* 3, no. 1 (March 2015): 37–65. <https://doi.org/10.1086/679111>.

13 Ryan C. Black and Ryan J. Owens, "Agenda Setting in the Supreme Court: The Collision of Policy and Jurisprudence." *The Journal of Politics* 71, no. 3 (2009): 1062–75. <https://doi.org/10.1017/s0022381609090884>.

14 Michael Laver, Kenneth Benoit, and John Garry, "Extracting Policy Positions from Political Texts Using Words as Data," *American Political Science Review* 97, no. 02 (May 2003), <https://doi.org/10.1017/s0003055403000698>.



took these errors and attempted to mitigate them as much as possible, leading to the innovation and use of structural topic modeling, one of the earliest forms of topic modeling. With a 14-topic model to analyze various issue groups, Douglas Rice finds related issues, groups of similar topics, and similar trends and creates heatmaps of correlation. Rice also looks at the complexity of cases, whether they analyze multiple issue groups in one case. Finally, Rice looks at the robustness of cases using the structural topic model to analyze lags between the political prioritization of cases and the salience of cases, using Epstein and Segal's pioneering work.<sup>15</sup> The work done with this data aims to reaffirm and expand upon these findings by applying the same forms of data analysis to the writ petitions and eventually comparing it to the existing analysis done on the Supreme Court Database. More recently, we have seen newer topic models being utilized in this field. The Bayesian hierarchical topic model was used on a set of press releases from Senators in 2007 to analyze how effectively they communicate certain topics to their constituents from the Hill. For this author, Justin Grimmer, it was also a work in progress at the time to get the results finished and put into a package in R.<sup>16</sup> Finally, we look at another publication that utilized LDA topic modeling in the field of communications. The steps taken to clean sample data in that paper are similar to what was used to preprocess the writ petition data in this paper, so it is critical that we give strong importance to their work in another field of social sciences.<sup>17</sup>

By examining various contextual factors, these studies contribute to a nuanced understanding of the multifaceted influences that shape Supreme Court rulings and the methods to analyze them. However, this study is a derivative of much of the existing literature on the substantive side, focusing on an entirely new facet of the Supreme Court's decision-making process. To my knowledge, there is no mention in the existing literature of petitions for writs of certiorari relevant to the objective of this study, let alone the use of petitions from the Department of Justice, which highlights the agenda of the executive branch. There is also no mention of the use of LDA topic modeling in the fields of political science and legal research. This study will

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15 Douglas Rice, "Measuring the Issue Content of Supreme Court Opinions." *Journal of Law and Courts* 7, no. 1 (2019): 107–27. <https://doi.org/10.1086/701130>.

16 Justin Grimmer, "A Bayesian Hierarchical Topic Model for Political Texts: Measuring Expressed Agendas in Senate Press Releases," *Political Analysis* 18, no. 1 (2010): 1–35, <https://doi.org/10.1093/pan/mpp034>.

17 Daniel Maier et al., "Applying LDA Topic Modeling in Communication Research: Toward a Valid and Reliable Methodology," *Communication Methods and Measures* 12, no. 2-3 (February 16, 2018): 93–118, <https://doi.org/10.1080/19312458.2018.1430754>.

examine the processes before the writ of certiorari is granted, and with preliminary results on a new set of data gathered on the Department of Justice's petitions, a new avenue of legal research is being explored and analyzed; the relations between issues most important to the executive and judicial aspects of the highest levels of American government.

With regards to the Comparative Agendas Project, much of the existing literature in that sector is focused on the impact of interest groups, and studies have been done comparing interest groups to virtually every sector of government.<sup>18</sup> Comparing the three branches of government to one another is an undertaking that dates back to the late 20th century, with a study from Frank Baumgartner and Bryan Jones on agenda setting for multiple facets of the federal government. *Agenda and Instability in American Politics* was their seminal publication, which analyzed how issues rose and fell on the agenda of various branches of the federal government. A key feature of the fluctuations of the issues in agenda setting was the concept of punctuated equilibrium, marked by a relatively stable trend for all issues up to a point of a sudden shift in the agenda, where an event or situation results in issue prioritization shifts.<sup>19</sup> The idea of punctuated equilibrium, also explored in this paper, was pursued by Baumgartner and Jones in a larger article in 2009, utilizing measures of kurtosis, or the relative difference in peaks of a distribution chart compared to a normally distributed chart. The higher the level of kurtosis, the higher the punctuation and the higher the stability of issues on the agenda. Although kurtosis is not used in this paper, understanding the impact this measure had on analyzing the stability of issues over time gives beneficial insight into how issue stability and prioritization have been measured over time and provides ideas for future research.

In this study, one of the main objectives of the Comparative Agendas visualizations is to see the trend of issue similarity over time between different branches of government. Punctuated equilibrium and policy diffusion are two key concepts to keep in mind during this process as this team seeks to leverage these concepts to find out how issues in one branch have affected the issues prevalent in another branch over time, and whether similarities between two branches of government have remained the same or had a sudden shift in equilibrium throughout numerous presidential administrations. For the

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18 Sahar Abi-Hassan et al., "The Ideologies of Organized Interests and Amicus Curiae Briefs: Large-Scale, Social Network Imputation of Ideal Points." *Political Analysis* 31, no. 3 (2023): 396–413. <https://doi.org/10.1017/pan.2022.34>.

19 Frank R. Baumgartner and Bryan D. Jones. *Agendas and Instability in American Politics*. Chicago: The University Of Chicago Press, 1993.

Department of Justice and Supreme Court Database comparison, still an ongoing project, the objective is to present the most recent findings and updates in our endeavors to merge both projects.

## **Data**

Data for this project is split into four categories to give an in-depth understanding of what went into each part of the process. Considering that, at least on the writ petition end, an entirely new dataset has been constructed for this analysis, it is important to break down each stage of the construction and utilization of the dataset for future reference.

For the Department of Justice, we will utilize a set of variables drawing upon the findings of the existing literature in terms of relevance to the questions proposed in this study. Firstly, we utilize the number of amicus curiae briefs for certain issues put forth by the Department of Justice as an indicator of the likelihood that the Court will take it. Existing literature has concluded the statistical significance of a greater number of amicus briefs on the decisions made by the Court, so this will be a reliable variable to include in the regression.<sup>20</sup> We also use a time variable to see the changes in how previous years influence future years for the substantive categories analyzed in this study.

## Data Collection

The data collection process for this research was a two-pronged process of collecting data for writ petitions from the Department of Justice while simultaneously processing three different datasets from the Comparative Agendas Project.

With the writ petitions from the Department of Justice, the initial steps that the data team took to find this data and gather it was to look on govinfo.gov and scrape the data from the site itself. A sample of the writ petitions was used for this study, and each writ petition document was limited to 10,000 words to ensure consistency in the number of topics and amount of information gathered in each document while collecting all relevant words. Over 15 years, 439 documents of writ petitions were compiled for the sample, representative of a portion of each year in the dataset. On the side of the Supreme Court writs of certiorari, the Spaeth dataset is directly utilized with the 14 different substantive topics assigned to every writ. Furthermore, each writ is given a primary and secondary category; this

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20 Paul M. Collins, "Lobbyists before the U.S. Supreme Court: Investigating the Influence of Amicus Curiae Briefs." *Political Research Quarterly* 60, no. 1 (2007): 55–70. <http://www.jstor.org/stable/4623807>.

allows for the visualizations to capture writs that address more than one issue of substance from the Spaeth dataset. This data provides us with a wealth of information, including case number, date filed, length of petition, access number, brief filing date, case, petitioner, respondent, court of origin, term, status, and question(s) presented. This paper will break down the process for topic modeling of these writ petitions, as the reapplication of the topics to all words in all writs will be a forthcoming process in the project.

For the latter portion, the data were sourced and scraped directly from the Comparative Agendas Database, under the “Datasets/Codebooks” section. Under the “Parliamentary & Legislative” section, we find the Congressional Hearings dataset, with 103,077 observations from 1946 to 2021. From the “Prime Minister & Executive” section, we get the State of the Union Speeches dataset with 25,369 observations from 1946 to 2023. Finally, under the “Judiciary” section, we scraped the Supreme Court Cases dataset with 9,179 observations from 1944 to 2009.

### Preprocessing

Preprocessing for the Department of Justice petitions and the Comparative Agendas datasets was the most complex and time-consuming process out of the entire data section. With data coming from a variety of online sources being compiled into multiple cohesive datasets, preprocessing was crucial to ensure the accuracy, consistency, and reliability of the information. The process involved several steps, including data cleaning to remove any inconsistencies or errors. The PySpellChecker library on Python was able to check the spelling for all words and entries in the dataset for English words and remove proper nouns, numbers, misspelled words, special characters, and stop words. The only types of words that did not have a library were words that were split in two or more, so the library puts it together by utilizing the misspelled words library to see if the “misspelled” word is part of a larger word that is classified as a correctly spelled word. If it is, then it is automatically corrected to that full word. An example of this is “immi” and “grate,” which would be part of immigrate, so “immi” is reclassified to immigrate, and “grate” is also reclassified to immigrate rather than combining the two words. This procedure is called containment which can duplicate the words. To ensure the dataset does not have duplicated words, those words are coded by hand to combine the parts of one word. In converse situations, WordNinja splits concatenated words that are erroneously combined and splits them into correctly classified words. This converted what would have been

thousands of hours of manual efforts into an automated preprocessing system to clean the sample data and then the entirety of the dataset in preparation for the reapplication of the topics. This process took an extremely long time to run on the writ petitions side, so the team decided to do parallel processing of the data on multiple CPU cores, which would allow for multiple writs to be processed simultaneously.

### LDA Model Creation

The guided LDA model utilized to determine a correlation between our variables was initially done by proposing a hypothetical question for the models. The primary question in this study looks at how the topics in this study change longitudinally; that is, how the topics are influenced by their meaning or frequent use in prior years. In addition to the identifying variables mentioned, the analysis may also incorporate factors such as the legal significance of the issues raised in the petition, the presence of circuit splits or conflicts among lower courts, and the ideological composition of the Supreme Court at the time of the decision. These variables provide valuable insights into the considerations that influence the Court's decision to accept or deny a petition for writ of certiorari. For Comparative Agendas, examining how topics change longitudinally requires a comprehensive understanding of the evolving political landscape and societal trends. A guided LDA model was performed on Python, with an initial seed list constructed from the Comparative Agendas Project topics. This provided output words representative of each of those seed categories. These groups of words were then quantified as vectors. This allowed for cosine similarity to be utilized to find the true similarity between different groups of words based on how close certain word groups were to one another. Cosine similarity takes two vectors and analyzes how similar two vectors are based on the angle between them. A cosine similarity value of 0 means the two vectors are perpendicular on a traditional graph, while 1 means they are pointed in the same direction. For example, if the angle between two vectors was 10 degrees, the cosine of 10 degrees would be taken and the resulting value would be the cosine similarity, in this case roughly 0.98, meaning the two vectors are 98% similar. For the model, lagged variables for each branch of government were also created to answer the question mentioned above regarding longitudinal variation.

For the writ petition data, another guided LDA topic model was performed and established 12 topics, one of which was miscellaneous and left out of the study. Creating these topics with 25 seed words each is as far as we were able to get to date with this dataset.

The next step to apply this data will be to reapply them to the entirety of the writ petitions and categorize all documents into primary and secondary classifications.

### Methods

Typically utilized for measurement and analysis in social science research, these models are especially useful in comparative analyses between multiple datasets and populations.<sup>21</sup> One of the advantages of the LDA model is the ability for multi-topic attributions, meaning each document or each writ can be assigned to more than one topic, which is critical in documenting cases where more than one issue is present. Utilizing qualitative data, as is done here by sorting words into topics based on their frequencies, makes establishing results and drawing conclusions from the data easier. The data acquired for this review was put through a systematic process of spell-checking words to ensure accuracy in topic modeling, then segmenting those words to determine which words commonly came up in certain cases; by using the Polars Python library, we were able to fully vet and establish dominant words to form into topics for similar groups of cases. Cosine similarity and a Pearson correlation coefficient were used as correlation indicators for Comparative Agendas. Both were used because of their ability to convert words into quantifiable vectors which could then be applied back to the words of the documents to make the topics for the issues. In the end, cosine similarity was used for this study as we found it to be the more advantageous of the two methods. The Pearson correlation coefficient generated similar results to cosine similarity, but the latter is preferential due to its use of directional similarity of the vectors instead of the strength of the linear relationships between the vectors.<sup>22</sup>

### **Results and Analysis**

The first four visualizations that were created through the Comparative Agendas datasets encompassed a comparison of the Supreme Court cases to both the State of the Union addresses and congressional bills from each administration since Truman. Each of these figures is accompanied by a time-lagged figure to examine the

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21 Justin Grimmer and Brandon M. Stewart, "Text as Data: The Promise and Pitfalls of Automatic Content Analysis Methods for Political Texts." *Political Analysis* 21, no. 3 (2013): 267–97. <https://doi.org/10.1093/pan/mps028>.

22 Suja Cherukullapurath Mana and T. Sasipraba. "Research on Cosine Similarity and Pearson Correlation Based Recommendation Models." *Journal of Physics: Conference Series* 1770, no. 1 (March 1, 2021): 012014. <https://doi.org/10.1088/1742-6596/1770/1/012014>.

difference that preceding years can have on current years of analysis. The y-axis on these one-on-one comparisons delineates cosine similarity, a range between 0 and 1. Higher cosine similarity translates to higher overall topic similarity between both branches of government. The x-axis depicts all presidential administrations since Truman took office in 1945, upon the death of Roosevelt. Figures 5, 6, and 7 are bar graphs showing the frequency of each of the topics for every year as a fraction of 1. Figures 8, 9, and 10 depict the raw number of addresses, hearings, or cases separated by the 21 topics from each year. Figure 11 is a table of the topic modeling from the writ petition sample from the Department of Justice.

Upon analysis of Figure 1, we find that certain administrations in topics of their State of the Union addresses generally deviated more than 60 degrees from the topics taken up by the Supreme Court, as most administrations besides the start of the Clinton administration registered a cosine similarity below 0.5. Notably, the 1977 Ford speech and 1993 Clinton speech saw the lowest and highest similarity to the Supreme Court decisions at the time, under the Warren Court and the Burger Court, respectively. In Gerald Ford's final State of the Union address, much of the speech consisted of what America should do in the face of inaction, coming out of a chaotic and turbulent period for domestic and foreign policy. Ford heavily leaned on economic successes during his presidency, calling to increase domestic production and, notably, talking at length about improving America's economic independence.<sup>23</sup> This is supported by the bar graph in Figure 4, showing Ford with the highest frequency of energy references of all presidents. In the Burger Court during the 1976-77 term, a majority of the cases were First Amendment cases coming off of the landmark *New York Times Co. v. United States* case in 1971, which expanded freedom of the press rights under executive authority claims.<sup>24</sup> *Federal Communications Commission v. Pacifica Foundation* in 1978 found that obscene language in radio broadcasts could be limited and affirmed that government protections could be placed on indecent mass media communications, a limitation to the holding of the *New York Times* case.<sup>25</sup> Again, this was a case of domestic, constitutional issues dominating the Court's cases while State of the Union topics were focused on energy and domestic production, which is why the cosine

23 Carter Presidential Library & Museum, "Jimmy Carter State of the Union Address 1978 | Jimmy Carter Library," [www.jimmycarterlibrary.gov](http://www.jimmycarterlibrary.gov), accessed April 2, 2024, <https://www.jimmycarterlibrary.gov/the-carters/selected-speeches/jimmy-carter-state-of-the-union-address-1978>.

24 403 U.S. 713 (1971)

25 438 U.S. 726 (1978)

similarity is at 0.13. Meanwhile, Clinton's 1994 address was largely about his four-part economic plan regarding reversing the increasing deficit, cutting government spending while raising taxes, improving the private sector, and pushing a \$30 billion job creation package to Congress. He also touched on foreign trade with his push for NAFTA, which would easily be enacted later that same year with a Democratic trifecta in the presidency, House, and Senate, also shown in the figure. For the rest of the address, Clinton went in-depth on social issues, including crime, healthcare, and welfare. This is where the similarities to the Court's decisions came in, as they took in a relatively higher share of health and welfare cases as depicted in Figure 6.

Upon analysis of Figure 2, which is similar to Figure 1 but utilizes a time-lagged State of the Union variable to account for the effect of the preceding year's State of the Union address on the observed year's topics within Supreme Court decisions, we can find answers to the primary question mentioned earlier. Compared to the results of Figure 1 without the time lag, results are largely similar with greater volatility and changes in similarity up until around the late 1960s. Considering that law/crime and civil rights cases took up much of the Court's docket during this period, the addresses during this time also increasingly consisted of social issues up until around the early 1970s as shown in Figure 6. Overall, it appears that, when comparing the present similarity to the time-lagged similarity, there is little difference between the two for a large part of the timeframe after 1960.

Figure 3 depicts the cosine similarity between Supreme Court decision topics and congressional hearing topics. On average, it is evident that the similarity between the two variables over this timespan is greater than that of the similarity between the Supreme Court decision topics and the State of the Union address topics. When looking at the year with the highest cosine similarity, 1952, it had much lower levels of government operations and defense hearings from Congress, and was distributed more evenly amongst the topics, allowing for the similarity to jump in that year, resulting in a value of 0.73. The lowest cosine similarity occurred in 1961, with relatively lower levels of civil rights, domestic commerce, labor, and law/crime hearings in Congress yielding a 0.28 cosine similarity value. Notably, a majority of the peaks and troughs in Figure 3 occurred in years where the control of Congress and the presidency changed, either to a trifecta or a difference between both branches or one branch of Congress and the president.

Figure 4 represents the time-lagged variable for congressional hearings compared to the Supreme Court case topics. Overall, it appears that when compared to Figure 3, the time-lagged comparison



expands the volatility of the graph, narrowing the cosine similarity range from [0.28, 0.73] to [0.22, 0.74]. However, as was apparent in the State of the Union comparisons, this volatility is truncated after the 1960s, going from [0.36, 0.68] to [0.38, 0.64]. This signifies that the time effect was more important in the mid-20th century as opposed to the more contemporary era, a similar finding to the Court cases and State of the Union addresses time comparison.

With the Department of Justice's writ petitions, we classified the words in the 439 writ petition sample into the 12 topics to be reapplied to the entire dataset in the future. The 12 topics are as follows: criminal procedure, civil rights, First Amendment, due process, privacy, attorneys, unions, economic activity, judicial power, federalism, interstate relations, and miscellaneous. This draws upon all topics from the Spaeth dataset except for federal taxation and private action due to the lack of relevant topic words. One drawback to these results is the sporadic inclusion of proper nouns, which still need to be cleaned and refined before applying these words back into the dataset. However, certain words that are included are relevant to the topic, indicating the accuracy and reliability of the topic modeling.

## **Conclusion**

Comparing the issue prioritizations of various parts of the federal government and undertaking an effort to add to it with two more datasets is a complicated task and requires a great deal of manual labor. All these efforts are put into asking questions that will push the agenda-setting literature forward. On the question of whether there is longitudinal variance in the similarities of issues between branches of government, we find results similar to the concept of punctuated equilibrium. All comparisons had little change up until around the late 1960s and early 1970s, where it appears that societal factors such as the civil rights movement and dovish resistance to the war effort may have played a role in the changes to issue prioritization. Regarding narrowing down the topics and seed words for the writ petitions, we established a comprehensive list of seed words in their topics from the sample set of writ petitions. The latter is an ongoing process by our research team and will see more results in the future reapplication and reestablishment of topics representative of the entire dataset from the writ petitions. This will then be compared to the findings from the Spaeth dataset and the Comparative Agendas Project, with subsequent visualizations and correlations being drawn. The contributions this study makes are through establishing correlations between issues in Comparative Agendas through cosine similarity measures and

presenting our initial findings of a novel Department of Justice writ petitions dataset. Future research can explore differences within the numerous datasets that the Comparative Agendas website offers for all branches of government; for example, this study focused on the State of the Union addresses from the executive branch when there are datasets for executive orders and congressional veto rhetoric. This study can also be expanded to the effects of media and public opinion, a topic studied more frequently in modern times, with the development of social media and quicker access to news.<sup>26,27</sup> Douglas Rice concluded in his 2019 article that “moving forward, research might look to build on the approach identified here to construct increasingly sophisticated indicators of the content of legal documents.”<sup>28</sup> This project has aimed to build upon Rice’s relatively recent findings and utilization of STMs to effectively create topics. We instead utilize LDA and contend that it is a more advanced version of reading legal or other complex texts and deciphering issue categorization for the relevant documents. This study makes strides in the well-developed field of policymaking and issue salience in political science while also opening the door to further analysis of the federal judicial system through the categorization of petitions for writs of certiorari.

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26 Yunjuan Luo et al., “A Meta-Analysis of News Media’s Public Agenda-Setting Effects, 1972-2015.” *Journalism & Mass Communication Quarterly* 96, no. 1 (November 12, 2018): 150–72. <https://doi.org/10.1177/1077699018804500>.

27 Emiliano Grossman, “Media and Policy Making in the Digital Age.” *Annual Review of Political Science* 25, no. 1 (February 3, 2022): 443–61. <https://doi.org/10.1146/annurev-polisci-051120-103422>.

28 Rice, 2019.

## Appendix

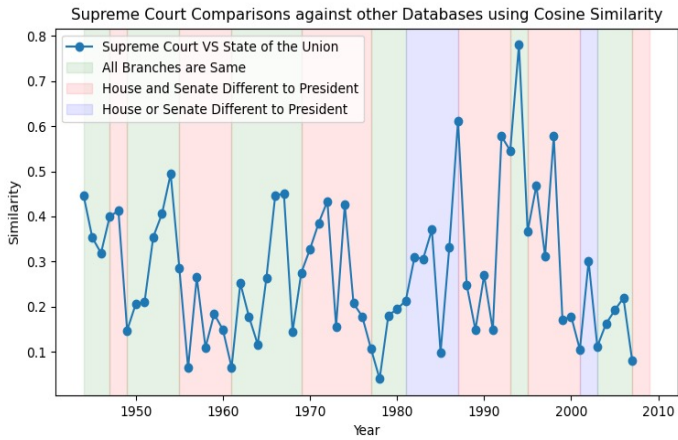


FIGURE 1

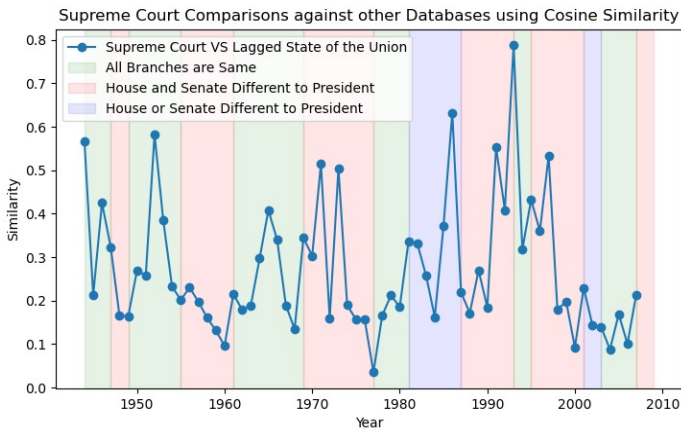


FIGURE 2

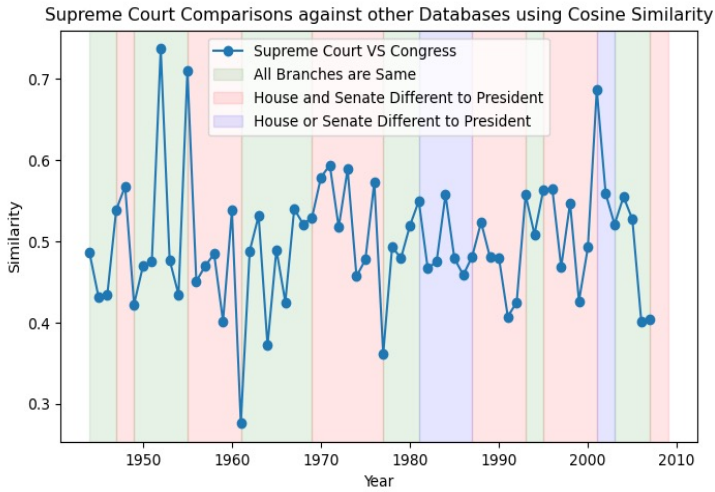


FIGURE 3

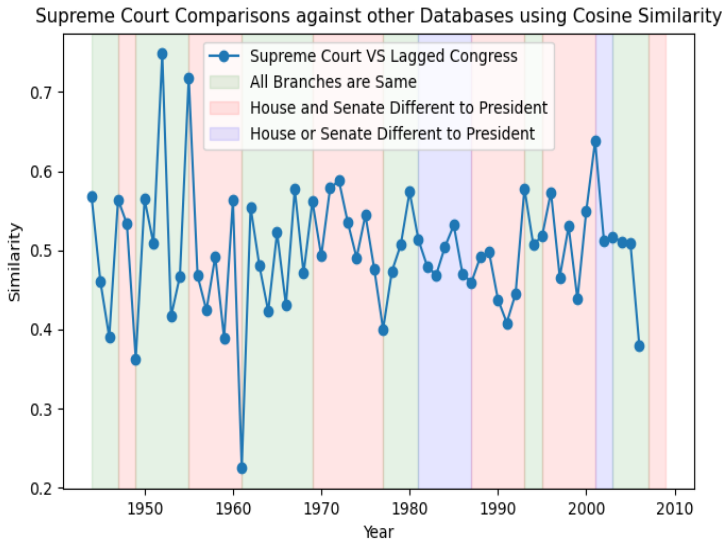


FIGURE 4

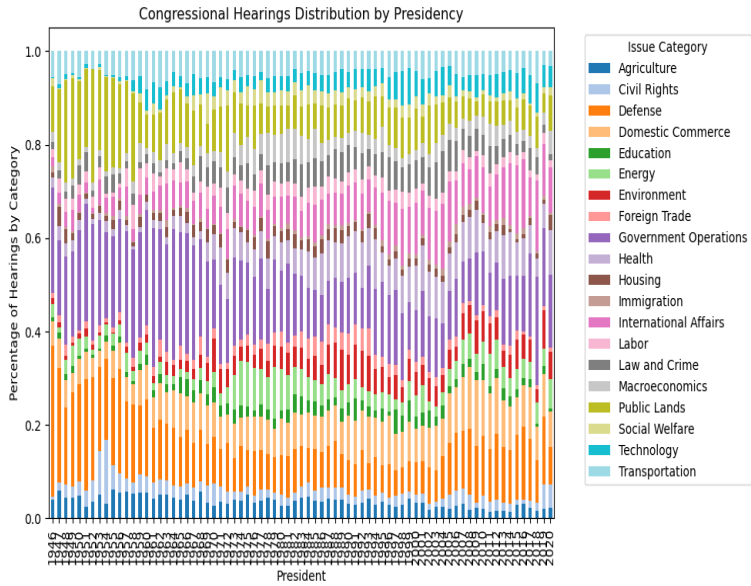


FIGURE 5

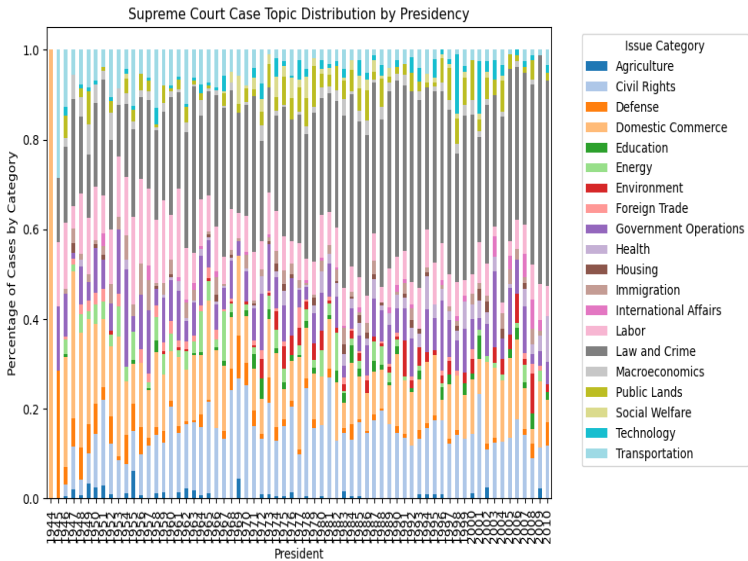


FIGURE 6

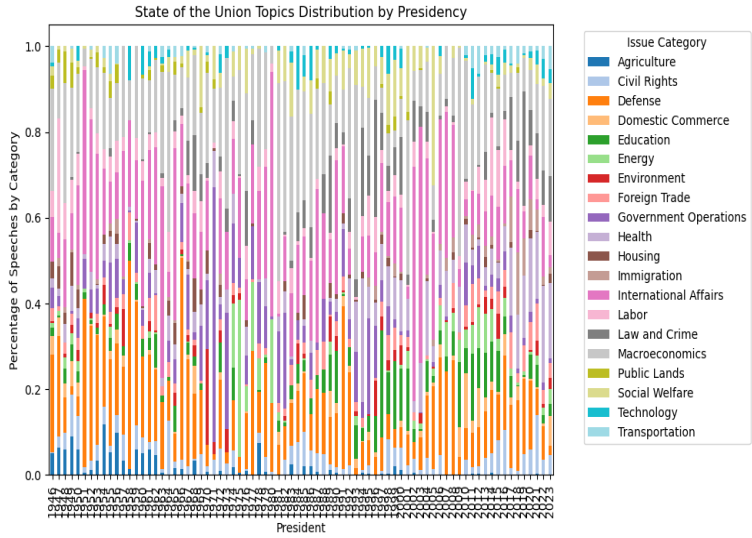


FIGURE 7

State of the Union Topics Distribution by Year

Year	Agriculture	Civil Rights	Defense	Domestic Commerce	Education	Energy	Environment	Foreign Trade	Government Operations	Health	Housing	Immigration	International Affairs	Labor	Law and Crime	Macroeconomics	Public Lands	Social Welfare	Technology	Transportation
1946	61	1	270	30	24	12	7	34	57	26	46	1	123	71	0	253	36	24	12	44
1947	17	7	63	12	1	3	0	3	6	5	14	5	16	72	0	35	8	2	0	0
1948	14	9	19	8	8	6	2	6	0	10	6	3	37	20	0	65	17	3	0	0
1949	14	15	3	9	6	4	3	4	1	9	12	1	13	12	1	32	9	5	0	1
1950	12	16	9	7	5	5	5	6	9	5	9	2	47	15	1	37	3	3	7	0
1951	1	3	84	0	3	2	0	0	15	2	0	0	92	2	0	9	0	1	0	0
1952	3	5	76	1	2	1	3	0	13	10	0	0	86	6	0	26	1	4	0	2
1953	23	23	175	1	11	0	7	13	40	6	1	8	199	32	1	154	24	10	0	7
1954	31	11	55	1	6	0	12	5	10	10	6	0	40	12	0	47	3	6	0	0
1955	16	5	62	6	9	8	2	9	25	19	4	5	35	18	6	36	12	5	0	20
1956	35	14	59	12	13	0	5	8	32	12	9	12	36	26	0	48	16	1	0	14
1957	5	9	23	4	3	0	13	5	5	0	0	1	43	5	0	31	0	0	0	0
1958	3	0	104	0	9	1	0	14	1	2	0	0	43	0	0	20	0	0	0	17
1959	14	13	67	1	9	1	0	5	27	1	1	0	32	12	0	50	0	0	0	0
1960	12	9	45	0	10	0	0	7	9	1	1	0	70	11	1	45	2	0	0	16
1961	26	8	86	5	12	6	10	23	25	14	15	4	86	16	2	61	10	4	16	5
1962	12	8	43	1	20	1	1	21	1	14	3	0	70	9	0	43	1	0	7	0
1963	1	2	31	0	3	0	0	4	0	4	0	0	89	4	2	47	3	1	3	5
1964	0	13	11	0	1	0	0	4	6	7	4	1	7	11	0	44	0	4	7	1
1965	3	4	13	1	12	0	0	4	11	7	10	1	70	8	5	21	6	2	6	5
1966	3	9	104	1	1	0	2	4	20	5	4	0	52	4	1	21	2	4	0	5
1967	0	7	81	4	9	1	5	4	42	4	6	1	42	7	26	48	0	21	3	0
1968	8	1	35	15	5	0	0	3	4	11	16	0	35	12	30	43	0	3	1	1
1969	0	7	21	0	2	0	0	1	16	7	5	0	19	10	9	20	2	20	0	0
1970	1	2	7	0	0	0	0	0	23	2	8	0	23	1	5	30	4	2	1	2
1971	0	5	2	0	0	0	4	0	85	12	1	0	0	2	0	18	3	11	0	0
1972	1	6	16	2	6	0	3	3	4	3	3	3	20	7	4	18	0	4	5	2
1973	0	1	1	0	0	0	2	0	10	2	0	0	5	0	2	13	0	0	1	0
1974	3	7	20	0	13	26	3	5	24	12	0	0	22	7	8	10	0	10	0	2
1975	1	0	8	0	0	39	3	3	15	0	0	0	40	1	1	59	0	12	0	0
1976	2	1	27	1	0	12	0	1	14	14	3	0	20	16	27	47	0	22	0	1
1977	0	0	47	0	0	26	0	1	20	0	1	0	30	0	9	25	0	2	0	1
1978	15	5	19	0	1	15	0	7	29	1	0	0	42	11	0	56	0	1	0	0
1979	1	5	31	0	2	1	0	2	14	9	0	0	37	6	0	32	0	0	0	2
1980	0	1	24	0	0	29	0	0	1	0	0	0	86	3	0	6	0	0	0	0
1981	0	0	14	6	5	4	0	4	33	7	0	0	1	15	0	61	0	15	2	0
1982	0	8	17	0	2	1	2	4	49	11	5	0	23	1	1	77	0	18	0	0
1983	6	10	24	2	8	0	0	11	3	2	0	0	55	14	4	60	0	20	6	3
1984	0	18	28	4	11	0	11	2	11	0	4	0	37	2	16	67	0	0	24	0
1985	4	16	27	1	5	1	2	5	8	3	11	0	27	4	13	50	0	7	10	4
1986	3	5	12	0	5	0	0	6	9	4	0	0	26	1	10	37	0	11	11	0
1987	1	5	18	0	4	0	0	7	2	0	0	0	43	3	0	25	3	8	1	0
1988	0	9	27	0	10	0	0	12	19	0	0	0	37	0	17	40	0	16	0	0
1989	3	3	26	14	20	7	14	1	7	2	8	0	24	4	47	26	7	16	7	0
1990	1	2	22	4	21	0	6	6	4	5	2	0	54	5	10	19	0	9	3	0
1991	0	3	83	5	1	1	1	7	24	3	5	0	34	1	6	22	0	20	1	1
1992	0	6	56	4	11	0	0	5	12	25	2	0	16	10	20	79	0	8	3	2
1993	0	0	3	4	15	4	2	4	22	22	1	0	0	1	8	85	0	15	0	2
1994	2	2	24	1	11	1	0	8	14	106	6	0	30	18	76	35	0	33	2	0
1995	1	7	22	7	13	0	2	0	81	27	0	0	36	24	34	49	0	43	1	0
1996	0	0	13	3	26	0	25	2	37	19	2	10	24	25	83	24	0	14	0	0
1997	1	2	22	0	70	0	9	10	14	24	6	2	45	9	24	17	2	18	7	0
1998	1	29	21	0	35	1	9	21	24	33	7	2	45	9	21	27	7	43	23	0
1999	7	13	15	0	50	0	9	16	7	34	1	10	54	18	22	14	11	46	11	0
2000	5	20	19	6	46	4	16	9	4	47	6	2	58	17	53	35	3	26	16	2
2001	0	5	15	2	31	9	2	5	3	16	0	0	9	1	5	71	4	33	0	0
2002	1	5	9	0	5	3	0	3	0	4	0	0	80	9	15	11	0	9	0	0
2003	0	3	71	4	1	4	6	0	1	31	0	0	103	0	13	23	1	14	0	0
2004	0	10	36	2	18	1	0	2	0	43	2	2	67	10	17	29	0	8	0	1
2005	0	3	41	2	3	4	1	0	2	8	0	3	53	1	6	17	0	69	0	0
2006	0	12	37	8	6	15	0	4	9	20	0	4	73	0	2	25	0	10	6	0
2007	0	4	35	0	6	18	1	0	2	24	0	7	77	3	4	38	0	0	0	0
2008	0	0	76	3	16	12	3	17	0	15	5	10	74	2	4	28	0	8	0	0
2009	0	0	10	16	36	12	0	4	0	25	0	0	10	7	0	114	0	1	0	0
2010	0	11	22	39	18	13	2	15	30	27	4	2	12	12	2	84	0	2	2	6
2011	1	5	25	9	50	21	2	28	14	12	1	10	32	1	0	63	0	4	23	16
2012	1	6	33	32	34	34	2	22	27	5	2	11	25	23	1	74	0	0	2	23
2013	0	11	30	9	29	25	11	4	3	12	7	7	22	21	18	56	0	2	4	6
2014	1	10	31	4	20	16	5	6	6	13	2	4	20	39	2	20	1	3	5	4
2015	0	22	29	2	25	8	16	14	8	10	1	1	34	36	2	37	1	8	11	7
2016	0	27	45	13	11	11	7	10	11	15	0	2	35	28	5	22	0	7	8	2
2017	0	3	26	3	9	3	0	15	7	28	2	19	15	4	22	10	0	3	1	7
2018	0	3	48	9	1	2	0	6	3	37	0	42	43	5	26	46	4	2	0	12
2019	0	11	40	1	1	2	0	14	4	33	0	20	14	3	61	18	0	1	1	4
2020	0	15	40	1	14	2	1	16	6	43	5	18	25	6	21	23	0	7	4	3
2021	1	64	29	2	24	10	16	41	5	73	1	23	11	23	49	54	0	21	15	5
2022	0	11	24	2	6	5	3	10	5	69	1	6	42	9	24	61	0	5	14	9
2023	0	19	8	28	11	14	10	14	5	70	8	6	12	31	42	72	0	15	13	21

FIGURE 8

Congress Topics Distribution by Year

Year	Agriculture	Civil Rights	Defense	Domestic Commerce	Education	Energy	Environment	Foreign Trade	Government Operations	Health	Immigration	International Affairs	Labor	Law and Crime	Macroeconomics	Public Lands	Social Welfare	Technology	Transportation	
1946	30	6	248	39	7	22	9	8	173	17	8	11	15	13	11	17	75	12	3	42
1947	90	27	307	96	21	16	15	23	243	44	65	8	37	44	26	27	236	4	11	108
1948	53	33	197	71	17	34	12	29	226	33	37	3	43	35	17	23	263	3	11	60
1949	57	31	209	53	19	57	8	17	234	31	19	6	59	31	37	17	278	7	6	61
1950	50	30	213	56	6	36	9	7	219	21	17	2	36	23	42	13	170	5	4	56
1951	26	35	243	58	8	26	16	16	254	11	11	3	22	24	42	12	169	2	15	27
1952	29	29	182	36	5	9	9	7	206	9	10	1	9	21	10	15	200	0	1	31
1953	61	114	219	43	5	35	7	18	277	17	18	4	68	30	30	17	307	8	8	34
1954	41	182	228	51	16	30	6	14	243	32	14	9	42	11	49	18	286	2	4	67
1955	77	66	235	73	14	32	5	13	245	19	26	9	52	12	50	19	259	3	5	65
1956	71	55	289	72	16	35	12	22	269	25	26	5	32	12	27	15	293	8	11	72
1957	74	35	238	67	13	53	16	12	304	16	15	11	70	50	19	23	194	2	11	69
1958	66	31	217	56	11	27	10	26	303	6	12	4	32	69	32	34	243	6	31	81
1959	56	39	146	75	14	28	17	11	224	12	21	7	41	56	13	42	85	19	38	53
1960	41	25	123	56	16	18	13	15	194	12	11	0	23	29	14	9	54	6	54	60
1961	41	32	113	62	14	14	15	19	284	16	16	6	37	38	21	21	77	24	44	63
1962	44	29	113	69	17	22	10	32	208	14	16	6	45	19	6	23	69	7	41	68
1963	52	32	123	69	18	20	28	24	236	14	23	16	83	32	19	34	66	9	32	65
1964	39	13	84	54	9	12	18	7	190	19	8	4	39	18	9	13	66	9	20	31
1965	41	29	106	94	26	18	25	30	248	26	18	3	61	44	23	19	116	6	23	54
1966	46	23	106	66	33	14	22	14	207	20	20	7	62	26	21	23	66	13	26	63
1967	39	30	101	90	28	25	23	22	280	18	27	3	61	20	37	24	124	36	47	53
1968	49	20	95	67	24	23	25	32	191	14	19	6	40	21	40	19	77	20	30	49
1969	50	37	134	123	38	42	59	20	307	63	41	4	62	72	63	43	96	96	53	84
1970	29	49	103	76	33	34	73	24	152	56	19	2	94	27	40	23	92	30	31	68
1971	48	40	106	90	30	33	68	16	220	65	37	3	71	54	56	42	130	52	30	72
1972	30	26	108	63	25	36	42	12	143	57	30	3	65	36	57	36	146	36	24	62
1973	60	28	108	112	48	119	62	34	267	94	22	8	112	34	57	81	132	40	31	62
1974	51	28	135	85	35	130	44	20	234	83	15	2	98	37	46	59	123	30	46	77
1975	90	25	138	131	42	170	65	42	277	78	47	6	129	46	96	102	123	71	46	91
1976	50	25	144	114	19	141	42	34	222	89	41	4	94	53	57	85	141	56	43	80
1977	74	48	162	140	48	149	64	38	332	114	54	6	136	56	68	82	126	97	35	85
1978	76	28	131	126	34	116	61	61	201	110	61	8	100	56	107	119	96	53	51	97
1979	89	37	111	132	58	251	98	68	349	111	48	13	130	71	93	131	141	67	76	120
1980	45	39	138	129	31	146	79	51	219	101	38	11	113	46	70	105	100	52	51	88
1981	55	37	180	145	57	148	66	45	343	101	47	27	119	63	81	147	102	60	65	109
1982	67	31	160	140	66	104	76	39	254	93	65	15	123	51	91	114	123	49	52	68
1983	89	50	172	136	79	115	93	68	240	113	38	13	112	63	139	122	125	70	72	96
1984	77	49	150	123	43	94	63	71	178	128	43	10	117	33	89	80	120	69	50	69
1985	71	39	163	129	54	83	68	73	182	129	41	19	145	71	112	113	99	50	68	85
1986	50	45	110	109	33	69	57	73	146	128	43	15	109	40	80	56	115	44	51	75
1987	86	44	176	151	49	107	125	86	189	171	47	20	132	71	90	66	138	62	76	102
1988	65	41	157	123	25	65	123	50	170	121	48	13	109	49	99	44	108	49	63	71
1989	81	58	146	142	59	79	117	77	220	169	60	23	137	51	130	62	143	59	100	79
1990	58	28	143	182	52	73	122	86	229	168	42	10	155	25	110	51	138	46	64	84
1991	62	25	145	194	96	89	149	92	228	186	39	11	165	68	102	72	136	49	89	79
1992	54	42	143	139	36	44	126	77	143	157	39	8	123	52	89	73	121	36	61	64
1993	81	35	165	187	42	62	141	109	282	149	57	11	131	52	70	57	123	41	60	70
1994	52	33	147	147	29	59	96	54	248	184	44	13	143	45	81	55	160	41	64	67
1995	52	31	87	138	39	52	82	32	237	91	21	20	151	47	80	79	99	42	46	54
1996	32	15	79	111	9	41	40	29	160	67	15	11	125	22	79	28	88	19	50	61
1997	37	35	77	114	73	33	74	34	200	100	20	20	132	41	87	42	123	26	65	65
1998	36	30	71	95	42	36	40	21	179	98	17	12	153	46	67	25	108	32	62	53
1999	69	25	107	136	76	66	78	33	164	125	25	20	159	48	99	38	125	46	128	59
2000	45	25	95	98	37	62	68	30	152	130	22	12	151	42	85	27	124	36	74	59
2001	47	28	98	107	41	81	62	25	200	138	21	11	135	19	80	45	80	37	75	85
2002	26	20	112	122	53	28	72	18	172	138	21	15	159	39	87	42	150	35	49	62
2003	38	17	99	144	29	33	66	29	190	136	24	15	172	39	119	60	125	25	81	65
2004	31	23	117	103	37	38	45	21	123	115	16	20	179	30	116	43	90	21	76	45
2005	33	49	177	171	34	59	66	33	188	129	19	21	208	23	109	54	93	40	67	50
2006	41	50	192	152	25	62	44	38	190	120	27	34	145	28	101	43	89	17	71	77
2007	63	67	207	233	58	107	118	42	183	175	30	37	191	68	93	46	96	26	58	118
2008	28	47	208	197	26	79	80	14	136	131	23	16	111	39	65	51	69	24	51	75
2009	37	19	201	203	29	61	120	18	221	153	30	11	147	19	79	45	50	15	77	86
2010	27	37	173	161	48	60	88	19	152	83	22	7	129	38	60	52	64	12	44	67
2011	17	30	148	155	23	93	66	19	123	94	20	17	113	37	76	62	64	17	56	68
2012	19	29	169	144	25	75	57	19	121	82	17	11	117	27	47	51	63	12	58	60
2013	23	25	173	148	38	65	49	19	208	136	29	24	156	34	55	46	75	22	65	66
2014	19	20	148	117	27	49	62	26	187	118	7	12	166	31	46	38	54	24	57	52
2015	41	18	199	113	26	63	91	26	168	103	10	20	206	32	36	37	75	26	79	69
2016	33	11	169	96	17	45	56	9	128	87	10	14	160	17	26	26	10	15	59	39
2017	21	15	129	107	16	37	45	7	172	60	14	5	80	14	49	25	63	4	66	49
2018	7	7	39	30	3	19	12	4	98	17	4	2	65	5	15	8	29	3	27	29
2019	12	29	81	52	13	20	46	5	94	30	4	5	62	14	10	14	23	7	27	17
2020	6	11	18	17	1	14	13	2	35	21	7	1	22	3	3	11	17	4	19	7

FIGURE 9



Supreme Court Topics Distribution by Year

Year	Agriculture	Civil Rights	Defense	Domestic Commerce	Education	Energy	Environment	Foreign Trade	Government Operations	Health	Housing	Immigration	International Affairs	Law and Crime	Macroeconomics	Public Lands	Social Welfare	Technology	Transportation
1944	0	0	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1946	0	0	2	0	0	0	0	0	0	1	0	0	0	0	1	1	0	0	0
1947	1	4	6	30	1	5	0	1	15	0	0	2	0	23	27	3	8	0	3
1948	3	14	9	48	0	2	0	2	2	0	3	5	0	7	35	8	0	0	8
1949	1	5	10	36	0	6	0	3	12	2	0	2	0	19	24	6	3	0	1
1949	4	8	8	28	0	2	0	3	5	0	0	2	0	15	17	8	9	0	1
1950	3	14	8	21	0	5	0	3	12	0	1	1	0	14	22	5	0	0	1
1951	3	20	3	16	0	4	0	3	7	0	1	2	0	3	9	27	1	1	0
1952	1	13	7	18	0	3	1	0	7	0	0	5	0	14	25	7	3	0	1
1953	0	9	1	28	0	7	0	3	15	0	0	3	0	14	12	4	0	0	9
1954	1	6	6	11	0	3	0	0	29	2	0	5	0	12	15	2	3	1	1
1955	7	19	7	10	1	7	0	0	4	0	0	3	0	22	22	2	3	0	1
1956	1	12	8	19	0	0	0	4	16	0	0	9	0	25	24	2	5	0	0
1957	0	19	3	17	1	2	0	3	23	0	0	11	5	28	32	3	4	0	1
1958	2	20	3	26	4	8	0	4	6	0	1	1	0	22	31	1	1	0	6
1959	2	17	4	19	0	7	1	3	15	1	0	4	0	28	30	3	6	0	0
1960	0	31	2	17	0	6	0	4	14	1	1	5	0	15	40	2	1	0	1
1961	2	18	2	21	0	2	1	2	15	3	0	0	1	27	29	1	3	0	1
1962	4	25	1	20	0	7	1	3	8	1	0	6	1	20	45	4	6	0	1
1963	4	31	1	30	1	5	0	3	15	1	0	5	3	14	78	1	2	0	1
1964	1	23	4	19	1	13	0	2	16	2	0	0	1	15	27	5	2	0	3
1965	2	33	1	36	0	7	1	4	10	1	1	1	0	13	38	1	1	0	1
1966	0	28	0	31	1	3	0	4	19	1	3	7	2	18	52	3	0	0	1
1967	0	33	4	36	3	27	0	1	12	1	0	1	0	15	62	1	7	1	9
1968	0	49	6	19	2	3	1	1	14	1	1	2	0	15	44	3	0	4	0
1969	7	35	15	28	0	0	0	0	5	0	0	1	0	9	35	0	3	10	0
1970	0	41	8	17	2	2	1	0	11	1	0	5	1	13	40	1	5	1	0
1971	0	31	7	18	6	3	1	2	14	1	1	1	0	21	67	0	3	5	4
1972	2	25	2	16	9	0	9	4	25	8	0	3	0	13	45	7	6	6	7
1973	2	39	11	25	4	6	1	1	20	0	1	2	1	18	45	9	10	4	0
1974	1	21	5	28	2	7	7	1	12	2	3	5	0	15	36	2	5	8	7
1975	1	31	3	13	3	6	10	2	16	6	3	6	0	15	57	1	12	5	2
1976	3	39	3	18	3	0	9	0	26	0	2	5	0	19	56	0	10	9	1
1977	0	18	2	37	1	4	7	8	7	1	0	3	0	19	52	1	10	3	8
1978	1	45	4	21	3	5	3	1	5	1	0	1	1	9	52	3	12	9	3
1979	0	26	3	17	2	3	6	0	11	3	3	1	0	12	55	2	15	3	0
1980	1	26	0	18	0	10	7	0	14	8	0	4	1	16	43	4	5	2	3
1981	0	59	4	24	2	6	1	2	16	5	0	4	0	16	58	3	6	3	2
1982	0	26	0	26	5	17	2	0	14	6	1	5	1	16	56	5	11	0	2
1983	3	25	2	11	3	1	3	3	5	5	4	7	1	16	75	7	8	1	4
1984	1	23	6	25	7	3	3	1	8	4	1	2	0	10	70	1	9	4	0
1985	1	29	1	17	3	3	3	1	6	5	3	1	2	12	61	4	9	5	6
1986	0	26	1	15	0	0	5	2	12	3	2	4	0	11	64	6	12	4	3
1987	0	29	2	16	4	7	2	0	14	7	2	5	0	10	56	1	3	4	2
1988	0	34	1	13	2	7	1	1	12	2	1	0	0	6	65	5	11	1	4
1989	0	25	0	13	1	3	2	1	13	4	0	0	2	13	58	3	2	3	0
1990	0	19	2	21	2	2	1	1	7	4	0	1	2	8	51	2	2	0	2
1991	0	17	1	15	0	1	10	0	9	3	1	3	1	8	46	3	3	0	0
1992	0	14	0	14	1	0	2	1	10	3	2	3	1	6	50	0	5	0	4
1993	1	12	2	11	2	1	4	0	0	3	1	0	0	9	41	2	2	0	3
1994	1	14	1	13	0	0	2	0	9	7	1	1	0	8	30	0	1	2	0
1995	1	16	1	13	0	0	1	0	7	3	0	0	0	9	37	1	1	1	4
1996	1	18	0	5	3	1	2	1	17	3	0	1	1	8	37	2	6	1	1
1997	0	12	1	12	2	0	3	1	8	2	0	1	0	7	36	2	7	1	1
1998	0	13	1	11	0	0	0	1	6	2	1	1	1	7	26	2	5	1	12
1999	0	11	0	8	2	0	2	0	8	5	0	0	1	3	30	2	5	1	1
2000	1	12	0	11	1	0	3	2	6	3	0	2	0	4	32	3	8	0	2
2001	0	18	0	6	4	1	0	0	2	3	2	1	0	7	18	1	2	1	9
2002	2	7	1	15	0	1	0	0	6	2	2	1	0	6	29	1	4	1	2
2003	0	11	1	14	0	1	3	0	15	3	0	0	4	2	26	0	3	0	4
2004	0	11	0	12	0	1	3	0	4	0	2	3	0	2	36	1	6	1	2
2005	0	13	0	17	2	0	3	0	10	1	0	3	3	5	37	0	3	0	0
2006	0	13	0	14	2	1	5	0	6	0	0	2	0	5	28	1	1	0	1
2007	0	11	1	7	1	3	1	1	9	3	1	0	4	5	26	0	1	0	2
2008	0	11	3	4	4	0	8	2	1	2	0	3	3	7	35	1	4	0	1
2009	2	7	0	13	0	2	0	1	3	4	0	0	2	7	46	0	0	0	1
2010	0	6	3	2	1	0	2	0	4	5	0	1	0	4	26	0	2	0	1

FIGURE 10



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### Works Cited:

- <sup>1</sup>Buchman, Jeremy. "Judicial Lobbying and the Politics of Judicial Structure: An Examination of the Judiciary Act of 1925." *The Justice System Journal* 24, no. 1 (2003): 1–22. <http://www.jstor.org/stable/27977128>.
- <sup>2</sup>Jacobi, Tonja, and Dylan Schweers. "Justice, Interrupted: The Effect of Gender, Ideology, and Seniority at Supreme Court Oral Arguments." *Virginia Law Review* 103, no. 7 (2017): 1379–1485.
- <sup>3</sup>Box-Steffensmeier, Janet M., Dino P. Christenson, and Matthew P. Hitt. "Quality Over Quantity: Amici Influence and Judicial Decision Making." *American Political Science Review* 107, no. 3 (2013): 446–60. <https://doi.org/10.1017/S000305541300021X>.
- <sup>4</sup>Songer, Donald R., Reginald S. Sheehan, and Susan B. Haire. "Do the 'Haves' Come out Ahead over Time? Applying Galanter's Framework to Decisions of the U.S. Courts of Appeals, 1925-1988." *Law & Society Review* 33, no. 4 (1999): 811–32. <https://doi.org/10.2307/3115151>.
- <sup>5</sup>Baum, Lawrence. *The Supreme Court*. Thousands Oaks, California: Cq Press, A Division Of Sage, 2019.
- <sup>6</sup>Caldeira, Gregory A., and James L. Gibson. "The Etiology of Public Support for the Supreme Court." *American Journal of Political Science* 36, no. 3 (1992): 635–64. <https://doi.org/10.2307/2111585>.
- <sup>7</sup>Jones, Bryan D., Frank R. Baumgartner, Sean M. Theriault, Derek A. Epp, Rebecca Eissler, Cheyenne Lee, Miranda E. Sullivan. 2023. *Policy Agendas Project: State of the Union Speeches*.
- <sup>8</sup>Jones, Bryan D., Frank R. Baumgartner, Sean M. Theriault, Derek A. Epp, Cheyenne Lee, Miranda E. Sullivan. 2023. *Policy Agendas Project: Congressional Hearings*.
- <sup>9</sup>Bird, Christine, Michelle Whyman, Bryan D. Jones, Frank R. Baumgartner, Sean M. Theriault, Derek A. Epp, Cheyenne Lee, Miranda E. Sullivan. 2009. *Policy Agendas Project: Supreme Court Cases*.
- <sup>10</sup>U.S. Government Publishing Office. "Govinfo | U.S. Government Publishing Office." [www.govinfo.gov](http://govinfo.gov), n.d. <http://govinfo.gov>.
- <sup>11</sup>Epstein, Lee, and Jeffrey A. Segal. "Measuring Issue Salience." *American Journal of Political Science* 44, no. 1 (2000): 66–83. <https://doi.org/10.2307/2669293>.

- <sup>12</sup>Clark, Tom S., Jeffrey R. Lax, and Douglas Rice. "Measuring the Political Salience of Supreme Court Cases." *Journal of Law and Courts* 3, no. 1 (March 2015): 37–65. <https://doi.org/10.1086/679111>.
- <sup>13</sup>Black, Ryan C., and Ryan J. Owens. "Agenda Setting in the Supreme Court: The Collision of Policy and Jurisprudence." *The Journal of Politics* 71, no. 3 (2009): 1062–75. <https://doi.org/10.1017/s0022381609090884>.
- <sup>14</sup>Laver, Michael, Kenneth Benoit, and John Garry. "Extracting Policy Positions from Political Texts Using Words as Data." *American Political Science Review* 97, no. 02 (May 2003). <https://doi.org/10.1017/s0003055403000698>.
- <sup>15</sup>Rice, Douglas. "Measuring the Issue Content of Supreme Court Opinions." *Journal of Law and Courts* 7, no. 1 (2019): 107–27. <https://doi.org/10.1086/701130>.
- <sup>16</sup>Grimmer, Justin. "A Bayesian Hierarchical Topic Model for Political Texts: Measuring Expressed Agendas in Senate Press Releases." *Political Analysis* 18, no. 1 (2010): 1–35. <https://doi.org/10.1093/pan/mpp034>.
- <sup>17</sup>Maier, Daniel, A. Waldherr, P. Miltner, G. Wiedemann, A. Niekler, A. Keinert, B. Pfetsch, et al. "Applying LDA Topic Modeling in Communication Research: Toward a Valid and Reliable Methodology." *Communication Methods and Measures* 12, no. 2-3 (February 16, 2018): 93–118. <https://doi.org/10.1080/19312458.2018.1430754>.
- <sup>18</sup>Abi-Hassan, Sahar, Janet M. Box-Steffensmeier, Dino P. Christenson, Aaron R. Kaufman, and Brian Libgober. "The Ideologies of Organized Interests and Amicus Curiae Briefs: Large-Scale, Social Network Imputation of Ideal Points." *Political Analysis* 31, no. 3 (2023): 396–413. <https://doi.org/10.1017/pan.2022.34>.
- <sup>19</sup>Baumgartner, Frank R., and Bryan D. Jones. *Agendas and Instability in American Politics*. Chicago: The University Of Chicago Press, 1993.
- <sup>20</sup>Collins, Paul M. "Lobbyists before the U.S. Supreme Court: Investigating the Influence of Amicus Curiae Briefs." *Political Research Quarterly* 60, no. 1 (2007): 55–70. <http://www.jstor.org/stable/4623807>.
- <sup>21</sup>Grimmer, Justin, and Brandon M. Stewart. "Text as Data: The Promise and Pitfalls of Automatic Content Analysis Methods for Political Texts." *Political Analysis* 21, no. 3 (2013): 267–97. <https://doi.org/10.1093/pan/mps028>.

- <sup>22</sup>Mana, Suja Cherukullapurath, and T. Sasipraba. “Research on Cosine Similarity and Pearson Correlation Based Recommendation Models.” *Journal of Physics: Conference Series* 1770, no. 1 (March 1, 2021): 012014. <https://doi.org/10.1088/1742-6596/1770/1/012014>.
- <sup>23</sup>Carter Presidential Library & Museum, “Jimmy Carter State of the Union Address 1978 | Jimmy Carter Library,” [www.jimmycarterlibrary.gov](http://www.jimmycarterlibrary.gov), accessed April 2, 2024, <https://www.jimmycarterlibrary.gov/the-carters/selected-speeches/jimmy-carter-state-of-the-union-address-1978>.
- <sup>24</sup>403 U.S. 713 (1971)
- <sup>25</sup>438 U.S. 726 (1978)
- <sup>26</sup>Luo, Yunjuan, Hansel Burley, Alexander Moe, and Mingxiao Sui. “A Meta-Analysis of News Media’s Public Agenda-Setting Effects, 1972-2015.” *Journalism & Mass Communication Quarterly* 96, no. 1 (November 12, 2018): 150–72. <https://doi.org/10.1177/1077699018804500>.
- <sup>27</sup>Grossman, Emiliano. “Media and Policy Making in the Digital Age.” *Annual Review of Political Science* 25, no. 1 (February 3, 2022): 443–61. [https://doi.org/10.1146/annurev-polisci-051120-103422src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1336700175763566595%7Ctwgr%5E%7Ctwcon%5Es1\\_c10&ref\\_url=https%3A%2F%2Fpublish.twitter.com%2F%3Fquery%3Dhttps3A2F2Ftwitter.com2FKaeliiKo2Fstatus2F1336700175763566595widget%3DTweet](https://doi.org/10.1146/annurev-polisci-051120-103422src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1336700175763566595%7Ctwgr%5E%7Ctwcon%5Es1_c10&ref_url=https%3A%2F%2Fpublish.twitter.com%2F%3Fquery%3Dhttps3A2F2Ftwitter.com2FKaeliiKo2Fstatus2F1336700175763566595widget%3DTweet)

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