As this issue of PolicyMatters Journal goes to print, the federal government debates significant legislative reform on issues ranging from health care to climate change to America’s foreign policy. This edition of the Journal represents a cross-section of similarly diverse and complex issues. The authors featured within handle their subjects with expertise and acumen befitting of our nation’s future decision-makers, and PolicyMatters is proud to exhibit their work.

The issue opens with a timely Commentary from Geoffroy Ponte on a nation that has been dogged by rocky relations with the western world. The author examines U.S.-Syria relations from the Syrian perspective and offers insights into the ways Syria’s foreign policy could evolve in the coming years.

The Features section is comprised of three erudite pieces of scholarship. Sara S. Moore introduces her original research and analysis on climate change and its effects on California’s most vulnerable populations. Next, Jonathan D. Rogers highlights the emerging problem of cyberbullying and makes a cogent argument for standardizing and clarifying legal approaches to this new iteration of a timeless scourge. Finally, Nathan Boucher jumps into the health care fray with a sober and learned take on end-of-life planning. This article is a fresh departure from recent politicized snipes at a key aspect of any comprehensive health care policy.

In the Policy in Practice section, Hosung Sohn’s econometric analysis probes the drivers of government competitiveness. Sohn, an MPP student at UC Berkeley, uses rigorous methodologies to arrive at a somewhat surprising conclusion: big government can be highly efficient.

When the former Prime Minister of Malaysia and the current leader of the Opposition Party visited our campus, Michelle Chang sat down with Anwar Ibrahim for a rich conversation about politics and good governance, the role of race in Malaysia’s elections, and the future of the Opposition People’s Coalition. Their discussion brings this issue of the Journal to a close.

We are delighted that PolicyMatters features a new bold look. For this we owe many thanks to our designer Christie Todorovich whose artistry is only outweighed by her professionalism.

This semester’s Executive Board was a well-oiled machine. Managing Editor Sarah Sattelmeyer was able to top even her own sky-high standards, set last semester. Emma Dolan, Business Manager, kept things afloat in tough economic times. Online Editor Omar Aslam continues to expand and improve the website at www.policymatters.net and Rebecca Kleinman as Layout Editor worked to be sure that the Journal looks better than ever. And, as always, Copy Editor Lauren Hengl attended to the finest details with care and skill.

We welcome Dean Henry Brady to the Faculty Advisory Board. Along with Jack Glaser, David Kirp, and Larry Rosenthal, the Board provides invaluable advice and sage guidance. Many thanks to Assistant Dean for Student Affairs Martha Chavez and to the entire Faculty, Staff, and student body of the Goldman School of Public Policy for their continued support.

Finally, this edition marks the end of our tenure as Co-Editors in Chief. We’ve thoroughly enjoyed our two semesters at the helm of the Journal, and we eagerly look forward to being lifetime readers and supporters of PolicyMatters Journal.

Sincerely,
Megan Garcia & Matthew Ingram

Editors in Chief
PolicyMatters

is the student journal of
the Goldman School of Public Policy
University of California, Berkeley

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COMMENTSARY

Adapting Syria’s Foreign Policy to an Increasingly Multipolar World
Geoffroy Ponte

FEATURES

Protecting California’s Vulnerable Population from the Effects of Climate Change
Sara S. Moore

Confronting Bullies on the Digital Schoolyard
Jonathan D. Rogers

End-of-Life Planning: Highlighting a Missing Health Care Policy
Nathan Boucher

POLICY IN PRACTICE

What Drives Government Competitiveness: An Econometric Analysis
Hosung Sobn

CONVERSATION

Interview with Anwar Ibrahim, Malaysian Parliamentary Opposition Leader
Michelle Chang
The ambition to emerge as a Middle Eastern regional power and the desire to be recognized as such by the international community are two of Syria’s main foreign policy goals. These goals, and Syria’s relationship with the Western world, are what shape its current and future foreign policy. The end of the Cold War and collapse of the Soviet Union, a key Syrian ally, in addition to Syria’s rocky relationship with the United States, have helped to create Syrian geopolitical isolation. Since his father’s death in 2000, Syrian leader Bashar al-Assad has worked toward recapturing Syria’s dominant position in the Middle East. The increasingly fragile security situation in the Middle East has worked in Asad’s favor by progressively pushing the West to consider Syria as a “moderate” partner and an essential regional actor. This article discusses next steps in Syria’s foreign policy, given the current state of the international community.

SYRIA’S HISTORICAL BACKGROUND

Syria has both an historic tradition of strong nationalism and an ongoing desire to turn itself into a long-term Middle Eastern regional power. A brief look at the development of modern Syria helps ground thinking about Syria’s current foreign policy options.

Modern Syria declared its independence on April 17, 1946, after twenty years under a quasi-colonial French mandate. From independence to Hafiz al-Asad’s rise to power in the late 1960s, Syria was a weak and poor state, subject to internal divisions and political instability. When Asad overthrew Salah Jadid in 1970 to become Syria’s leader, Syria’s population was approximately 6 million and represented a mosaic of ethnicities and sects. Asad understood the immediate need to build a coalition of the formerly repressed groups, the rural population (notably the rural Sunnis), and the lower classes to focus on Syria’s regional and international environment.

Asad built his foreign policy on two pillars: unconditional opposition to Israel and the promotion of Arab unity. Asad envisioned a Syria positioned to reclaim the glory of the historical “Greater Syria,” covering a significant part of the Middle East. Though uniting the entire Arab world under the Syrian banner was ambitious, Hafiz al-Asad hoped that he could at least spread Syrian influence and power over the Arab Fertile Crescent, composed of Palestine, Jordan, Lebanon, Iraq, and the eastern part of Egypt. Despite his failure to annihilate or even defeat Israel, Asad’s foreign policy succeeded in restoring Syria’s prominence.

SYRIA AND THE UNITED STATES: A ROCKY HISTORY

Syria and the United States’ initially neutral relationship was undermined by both the U.S. recognition and support of the state of Israel and Syria’s use of violence in solving regional conflicts. Meanwhile, the Soviet Union found the socialist regime in Syria to be a reliable partner in the Middle East. Syria relied on this patron and military supplier in the buildup of its forces against Israel. This alliance played a crucial role in Syria’s foreign policy.

Despite the alliance between the Soviet Union and Syria, Asad understood that the United States could not be ignored, especially regarding settlement of the Arab-Israeli conflict. However, between 1967 and 1974, there were no relations between Damascus and Washington. On May 31, 1974, in the
aftermath of the 1973 Arab-Israeli War, U.S. Secretary of State Henry Kissinger succeeded in bringing peace with the Israeli-Syrian Disengagement Agreement. As a result, Kissinger welcomed the Syrian foreign minister Abdul Halim Khaddam to the White House, a diplomatic event that had not occurred during the previous 15 years.[7]

Shortly after Khaddam’s visit to the White House, the U.S. Congress passed two rounds of sanctions against Syria.[8] A byproduct of these pieces of legislation was the creation in 1979 of a “state sponsor of terrorism” designation, which was immediately given to Syria because of its perpetual attempts at destabilizing Lebanon and what Washington viewed as Syria’s support of terrorist organizations such as Palestinian groups and Hezbollah.

In the early 1990s, the collapse of the Soviet Union increased Syria’s geopolitical isolation and caused changes in its foreign policy strategy. Confronted with a new unipolar international order, Hafiz al-Asad lost some of his ability to anticipate events and thereby make accurate calculations about what would advance Syria’s interests. For example, Asad cooperated with the United States and Western countries in the 1990 Gulf War triggered by Iraq’s invasion of Kuwait, whereas Jordan and the Palestinian Liberation Organization (PLO) sided with Iraq. The Syrian leader welcomed the opportunity to inflict a severe blow to Saddam Hussein’s regime and to participate in the U.S.-led international coalition. However, it soon became apparent that Syria’s risky strategy to side against other Arab nations did not bring clear dividends.

Since the end of the Cold War, Syria has attempted to break its isolation and recapture its dominant position in the Middle East. Syria is also searching for international recognition and acknowledgment of its importance in the region. Through its animosity toward the West and its ambivalent relationship with the United States, Syria has attempted to obtain recognition of its influence in the Middle East.
BASHAR AL-ASAD: A NEW SYRIAN LEADER

After Hafiz al-Asad’s death in 2000, Damascus appeared isolated. Consequently, when Bashar al-Asad replaced his father in 2000 as President, experts wondered whether he would significantly shift Syria’s foreign relations strategy.[9]

Foreign policy became even more important as international and regional events unfolded early in Bashar’s presidency. From the intifada in the Palestinian Territories to the Israeli withdrawal from Southern Lebanon, and from the tragic events of September 11, 2001 to the invasions of Afghanistan and Iraq by the United States, the new leader faced many challenges, including balancing alliances with Middle Eastern countries and the West and advancing Syria’s economic and political interests.

BASHAR AL-ASAD AND THE UNITED STATES

Under the leadership of Bashar al-Asad, Syria has tried to improve its ties with the United States several times. The purpose of these endeavors was most likely not to achieve a normalization of the relations between the two states, as Syria has built its legitimacy in the Arab World through its strong opposition toward the West. Instead, Syria has been content with softening U.S. hostility. First, in the fight against al-Qaeda, Syria collaborated with the U.S. in the investigation of the September 11, 2001 attacks. Syria arrested several individuals believed to have links to al-Qaeda, and provided early warnings of a planned al-Qaeda attack on U.S. installations in Bahrain.[10]

Second, in September 2006, Syrian security forces thwarted a terrorist plot against the U.S. embassy in Damascus. Secretary of State Condoleezza Rice and a State Department spokesman thanked Syria and praised its efforts to thwart the terrorist plot.[11] However, the incident did not bolster U.S.-Syrian relations and the tensions between the two countries prevailed in the long term.

Third, Syria attempted to increase its collaboration with the United States on Iraq. Despite U.S. claims that Syria is intentionally leaving its border with Iraq open to enable jihadi militants to enter Iraq, Syria has made efforts to monitor its border. U.S. diplomats in Damascus acknowledged, off the record, that Syria “did what it could” even before the fall of Baghdad.[12]

SYRIA’S FOREIGN POLICY GOALS

Despite these gestures, the mistrust in the U.S.-Syrian relationship has endured. The ambition to emerge as a durable, regional power and the desire to be recognized as such by the international community are Syria’s two main foreign policy goals. These goals, and Syria’s relationship with the Western world, are what shape its current and future foreign policy.

Becoming a Durable, Regional Power

In order to impose its hegemony in the Middle East, Syria has long aimed to preserve and increase its influence within the Fertile Crescent.[13] Syria still aspires to expand or regain its influence there through its relations with various nations and groups in the region. For example, the Palestinian paramilitary group Hamas still has a presence in Damascus, which confers Asad some leverage on the Islamist movement and its actions in the Palestinian Territories. Syria seeks to regain some influence in Lebanon, whether through a direct diplomatic approach or, if that fails, through closer ties with Hezbollah. Syria also wants to take advantage of the ousting of Saddam Hussein, Hafiz al-Asad’s primary rival, to build stronger links between Damascus and Baghdad and expand Syria’s influence in Iraq.

Syria aims to reshape its triangular relationship with Iran and the Shi’a Islamist militia Hezbollah. Hezbollah was created by Iran’s leader, Ayatollah Khomeini, in 1982 in order to export the Islamic Revolution beyond Iran’s borders.[14] From Hezbollah’s emergence, Asad viewed the group with caution and concern because it was sponsored by Iran and had its own ideology and independent resources. However, when confronted with the Israeli presence and the weakening of its influence in Lebanon, Syria came to appreciate Hezbollah’s asymmetric warfare abilities.

The 2006 war in Lebanon between Hezbollah and Israeli forces demonstrated the increasing independence of the Shi’a paramilitary organization from its Iranian and Syrian patrons. Consequently, Hezbollah, which was used by Damascus to justify its presence in Lebanon and deter Israel, is now less dependent on Syria and will be harder for Syria to influence. Similarly, Iran appears to be in a dominant role in its alliance with Syria, especially with the development of its nuclear program. Without damging this triangular alliance, which is vital in order to fulfill Syria’s regional ambitions, Asad seeks to restore Syria’s past dominant status, to be seen as a senior partner in this relationship, and to regain some influence.

Recognition by the International Community

Another specific goal of the Syrian leadership is the return of the Golan Heights. The Golan Heights were captured by Israel over the course of the 1967 Six-Day War and the 1973 Arab-Israeli War. This area was put under military administration and was officially annexed by Israel in 1981 under the Golan Heights Law. However, neither the United Nations nor any country in the world recognizes this annexation, and Syria has claimed the Golan Heights for the past four decades.[15] In Syrian society, this territory has become a symbol of the struggle against Israel. Hafiz al-Asad mentioned the Golan Heights in many speeches, notably declaring that:

“The Arabs, headed by Syria, will never abandon the territory, no matter how many years, decades or generations it will take. Because the territory is the most precious thing—it is the honor, the fatherland.”[16]
Israel: Since Israel’s independence in 1948, Syria has not officially recognized the Jewish state. Syria has tried for decades to achieve military parity with Israel, previously with the support of the Soviet Union. The emergence of a new international order and the staunch desire to recover the Golan Heights are pushing Syria to consider holding peace talks with Israel. However, Syria has built its legitimacy in the Arab World as Israel’s main rival, and signing a peace-for-land agreement could put Syria in a weaker position.

The Golan Heights: Israel and Syria have long contested this strategic plateau on their border. The Golan Heights were captured by Israel on June 9-10, 1967 and were later annexed by Israel in 1981. Currently, Syria controls about thirty percent of the plateau. The recovery of the rest of this disputed territory is one of Syria’s most pressing objectives.

The Fertile Crescent: To impose its hegemony in the Middle East, Syria must assert its power over the Fertile Crescent. Consequently, Syria’s recent strategy has been to maintain its ties with Palestinian groups, to rebuild its influence in Lebanon, and to take advantage of the power vacuum in Iraq to emerge as the main power in the Fertile Crescent.

Source: US Central Intelligence Agency World Factbook and editor’s manipulations.
The return of the Golan Heights would be a tremendous success for Bashar al-Asad.

Beyond the recovery of the Golan Heights, the development of a nuclear program and nuclear weapons may also be a specific goal. The Syrian leadership is believed to have started talks with North Korea in 1997 about developing its own nuclear program.[17] Like Iran and North Korea, Syria has viewed the acquisition of nuclear capabilities as a way to project its power, deter a potential U.S. or Israeli threat, and attract the attention of the international community in order to see its power acknowledged. Syria successfully kept its nuclear program undetected for many years. However, Ali Reza Asghari, a former Iranian deputy defense minister who provided intelligence to the West, revealed in 2007 that Syria had received assistance from Iran and North Korea in efforts to build a plutonium-production reactor. Following these revelations, Western intelligence services confirmed that North Korea had shipped material, including nuclear fuel rods, to Syria between 2002 and 2007.[18] With the international community increasingly focused on Iran's nuclear program, Bashar al-Asad might be tempted to renew Syria's efforts to develop nuclear weapons.

“...[I]n the last few years, the West has seen Syria as a more moderate partner in the region with influence over the more radical actors.”

SYRIA'S NEXT STEPS

Currently, the Iranian regime is widely seen as the most radical player in the Middle East because of its refusal to put an end to its nuclear program and its inflammatory rhetoric against Israel. Similarly, Hezbollah is viewed by the Europeans and the United States as a threat to regional stability, especially since the outbreak of the 2006 war in Lebanon. Consequently, in the last few years, the West has seen Syria as a more moderate partner in the region with influence over the more radical actors. Asad could benefit from this situation if he can successfully portray his country as an intermediary between the international community and Iran or Hezbollah on crucial regional issues such as the future of Iraq, Lebanon, and the Arab-Israeli conflict.

Additionally, Damascus could benefit from the recent indirect talks between Syria and Israel under the mediation of Turkey. Asad entered similar negotiations in 1994 and 1999 that were mediated by the United States, Israel's main ally. Though these previous efforts did not yield a peace-for-land agreement, the situation could develop differently today. Turkey, the current mediator, is one of the few states that have developed good relations with both Syria and Israel. The presence of this new neutral intermediary in the peace talks could dissipate Syria’s fears and give Syrian leadership an incentive to come to an agreement with Israel. Additionally, the regional context has shifted since the 1990s. Hezbollah represents a bigger threat to Israel's security than it did in the 1990s, and Hamas maintains power in the Gaza Strip and could expand its control over the West Bank in the next Palestinian general elections. Israel has, therefore, less leverage in the negotiations with Syria and a greater incentive to give up control of the Golan Heights in order to seal a peace agreement with Syria and neutralize one of its major enemies.

For decades, Hafiz al-Asad understood the necessity of having the support of a superpower. However, because of its rocky relationship with the United States and the collapse of the Soviet Union, Syria became internationally isolated. Bashar al-Asad seems to have learned from the past and now appears ready to take advantage of the new international order and the emergence of a multipolar world. Over the past few years, instead of focusing solely on its relationship with the United States, Syria has tried to improve its ties with several international powers including the European Union, China and Russia.

The election of President Barack Obama in November 2008 and his apparent willingness to engage with Syria are positive signs for Asad. Since his election, President Obama has repeatedly asserted his willingness to modify U.S. policy in the Middle East. On June 23, 2009, less than three weeks after President Obama's address to the Muslim World in Cairo, the Acting Assistant Secretary of State for Near Eastern Affairs, Jeffrey D. Feltman, informed Syria's ambassador to Washington, Imad Mustafa, of Obama's intention to designate a U.S. Ambassador to Damascus, thus breaking a four-year diplomatic hiatus.[19] This initiative demonstrated the Obama administration's willingness to renew dialogue and re-engage with Syria, and has been received very positively in Damascus.

However, based on the objectives of the Syrian leadership, and the regional as well as international context that both countries face, normalization of the relations between the United States and Syria (although more promising now) remains unlikely. Syria feels that its efforts have not been rewarded by the United States and has limited expectations in its relationship with the United States in the future. But faced with a viable and sustained opening by the U.S. administration, the Syrian leadership will most likely respond to the administration's overtures with cautiously supportive steps.

CONCLUSION

Over the past nine years, Bashar al-Asad has been faced with the difficult tasks of succeeding his father, consolidating his power at home, and breaking Syria's isolation on the international stage. The international community has applied immense diplomatic pressure and economic sanctions to force Syria to stop destabilizing and intervening with Lebanon. These measures, combined with the world economic crisis, have further weakened the Syrian economy.
But Bashar al-Assad has also attempted to set a new strategy to achieve Syria's broad foreign policy goals. After years of isolation from the international community, Syria has built strong ties with emerging powers such as China and Russia, while enhancing its influence in the Middle East. Additionally, the Iranian nuclear issue, the fragile security situation in Iraq, and instability in Lebanon and the Palestinian Territories have progressively pushed the West to consider Syria as a “moderate” partner and an essential regional actor.

ENDNOTES

[2] Sunni Arabs accounted for 60 percent of the population; Christians, around 13 percent; the Alawite minority, approximately 12 percent; Druze, 5 percent; and the Kurds and the Turcomans constituted the remaining 10 percent. Alawis, alongside others such as Druze or Isma'ilis, represent offshoots of Shi'a Islam.
[6] Ibid., 188.
[12] Ibid., 57.
[13] The Fertile Crescent slightly differs from the Arab Fertile Crescent, which usually includes all these countries except Iran, where the majority of the population is Persian and not Arab.
[15] A small part of the Golan Heights, known as the Sheba’s Farms, has also been claimed by Lebanon and the position of Syria towards this issue has largely remained unclear.
PROTECTING CALIFORNIA’S VULNERABLE POPULATION FROM THE EFFECTS OF CLIMATE CHANGE

SARA S. MOORE
NATE GOTTfried, JOY BonAguRO, and JOHN MinOt, Editors

Despite efforts to reduce current greenhouse gas emissions, past emissions will inevitably change our climate. Climate change has a disproportionate impact on communities that are geographically exposed and socioeconomically disadvantaged. This paper examines how California is planning to adapt to climate change and makes recommendations about how state planning can best consider vulnerable communities’ needs. It recommends: (a) a localized assessment and planning approach; (b) improved feedback loops linking policymakers and vulnerable populations; and (c) direct assistance to vulnerable communities to increase their adaptive capacity.

INTRODUCTION
Despite efforts to reduce current greenhouse gas emissions, past emissions will inevitably change our climate. Climate change puts some communities more at risk than others, and extreme climate events in communities with inadequate capacity to adapt have deadly consequences, as seen with Hurricane Katrina in 2005.

Thus far, most government agencies working on climate change issues have been trying to reduce greenhouse gas emissions (mitigation planning), rather than preparing for the impacts of climate change (adaptation planning). The professional community of adaptation planners acknowledges the disproportionate impacts of climate change on some communities, but government plans differ in the degree to which they address the needs of vulnerable communities—communities with geographic exposure to climate change impacts combined with a lack of adaptive capacity.

This paper examines the climate change adaptation planning process in California and makes recommendations about how the State plan can best consider vulnerable communities’ needs. The paper is based on a literature review of adaptation and equity issues, as well as 26 interviews with professionals engaged in climate change policy, environmental justice, and disaster preparedness.[1]

INEQUITY IN ADAPTATION PLANNING
When studying how to best help vulnerable communities, the question of equity arises because a solution necessarily involves redistribution of resources. Inequitable distribution of resources increases vulnerability and this vulnerability will have social and economic consequences as climate change advances. Therefore, the State has a compelling interest in ensuring adaptation assistance for vulnerable populations, particularly the poor.

In the planning process, the state must assess the cost of adaptation and how this cost can be equitably distributed. Climate change experts have proposed various ways to fairly distribute climate change costs, but have focused almost exclusively on the cost of greenhouse gas (GHG) emissions reductions. Beyond GHG emission costs, there is an emerging literature that identifies additional costs in terms of loss of life, geographic places, and species.[2,3]

There are also economic and political costs to not sufficiently addressing the adaptation needs of vulnerable populations. These include compensation and other assistance sought by those displaced by climate change, as well as lawsuits challenging the disparate impacts of state policies. One such lawsuit is currently being prepared by environmental justice advocates, challenging potential negative impacts from California’s new low-carbon fuel standard.

However, the need for local evaluation complicates the making of policies that fairly distribute climate change costs. There is inherent difficulty in assessing future costs from climate change or from insufficient adaptation planning. Most adaptation decisions will be made at a microeconomic level by households or private firms. There is a great deal of uncertainty about how climate change impacts will unfold. What we consider an adequate adaptation plan today could become inadequate with new information. Also, there are no accepted
metrics for assessing the effectiveness of adaptation policy. Nevertheless, one recent economic study of climate change adaptation finds shortcomings in private sector adaptation planning, indicating that the government has an important role to play.[3]

The following pervasive issues reduce California’s ability to adapt to climate change:

- Relatively high level of income inequality, which has historically outpaced that of the U.S. as a whole.[4]
- Lack of political will to assess adaptive capacity and address shortcomings, as well as institutional constraints such as legislator term limits, which discourage the long-term thinking needed for adaptation planning.
- Limited financial resources at the state level.
- Economic dependency on natural resources that stand to be damaged by climate change, such as water-intensive agribusiness like beef, rice, and cotton.
- Barriers to social cohesiveness needed for local planning and action, such as demographic heterogeneity, disparities between rich and poor, dispersed population, large enclaves of non-English speakers, and lack of facilities in rural areas for public gatherings.
- Lack of adaptive infrastructure, such as water transportation and treatment facilities, means of direct financial assistance for victims of climate crisis events, and public transportation for urban populations needing to go to cooling centers.[5]

IDENTIFYING THE VULNERABLE

Before the State can plan for assisting vulnerable populations, it must have a clear definition of the vulnerable. It is difficult to assess vulnerability to climate change, especially since vulnerability is a dynamic characteristic with many interacting factors. A community’s vulnerability to climate change is mainly determined by its geographic risks and adaptive capacity. This includes the community’s ability to anticipate, cope with, resist, and recover from climate impacts.[6,7] Individuals not living in vulnerable communities can still be individually vulnerable to climate change if they lack the necessary capacity to cope with the local climate risk. For example, a coastal community with many poor households that is exposed to storm surges is particularly vulnerable, as is a member of a poor household in an otherwise well-off coastal community that is exposed to storm surges.

Climate impacts on livelihood systems disproportionately affect the poor.[8] For example, climate change will cause economic shifts such as the substitution away from water-intensive crops, increased prices leading to falling demand and job loss, and the loss of entire sectors, such as recreational skiing after the snow pack disappears. These shifts will push some households into a state of vulnerability.

Any assessment of vulnerable populations must be an iterative process, taking into account climate changes, economic changes, population movement, and other factors affecting adaptive capacity. For example, California may see an influx of climate refugees as rising sea levels make the Pacific Islands less habitable and as drought drives populations north from Mexico and Central America. Such migrations will exacerbate state vulnerabilities by stressing the adaptive systems of urban centers, where new immigrants tend to settle. In addition, increasing food and water scarcity in rural areas will accelerate the existing trend of rural-urban migration.[9]

Factors increasing an individual’s lack of adaptive capacity include chronic medical conditions, low socioeconomic status, old age, and living in isolated or segregated areas (especially in urban heat islands, where people may not have transportation to cooling centers).[6,10] Other factors creating vulnerability are dependence on jobs susceptible to climate change impacts, particularly agricultural jobs and subsistence fishing and farming.[11]

The California Climate Action Team (CAT) study on sea-level rise[12] identifies the need for further research on vulnerable subpopulations, “including children, elderly, homeless, physically disabled, and people with limited mobility (e.g., incarcerated residents and healthcare facility patients).”[13] One researcher who compiled information on vulnerable communities for the CAT report clarified the research team’s choice of the above categories for further study:

We named those subpopulations […] using common sense and anecdotal knowledge of events like [Hurricane] Katrina. […] One first step of such research would be to look at the literature on vulnerabilities to see what groups have been documented as having unique vulnerabilities. […] From my view the burden of proof should be on finding that the group is not vulnerable, so that we don’t assume safety when actually there is just a lack of research.[15]

The CAT report on environmental health affirms that vulnerable communities will see significant health and economic consequences of climate change, and “without proactive policies…, climate change will likely reinforce and amplify current as well as future socioeconomic disparities in
the impacts of climate change and the abilities of different groups to adapt to it.”[6]

**Table 1: Policy Approaches by Benefit to Vulnerable Populations**

<table>
<thead>
<tr>
<th>When the policy action is to…</th>
<th>…limited benefits</th>
<th>…more benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manage risk</td>
<td>Compensate for losses</td>
<td>Prevent or reduce risk through monitoring and early warning systemsa (a, b)</td>
</tr>
<tr>
<td>Define vulnerable populations, State agencies are responsible (exclusively or primarily)</td>
<td>A state-local interagency collaboration, supported by state funds, is responsible (a, b)</td>
<td></td>
</tr>
<tr>
<td>Invest in adaptation measures Focus on technology, investments, capital projects</td>
<td>Focus on livelihood diversification, land reforms, public education (c, a)</td>
<td></td>
</tr>
<tr>
<td>Insure against shocks Insure behaviors that may be maladaptive, e.g., coverage for crops that will not be supported by the land after predicted climate changes</td>
<td>Insure risks that are geographically widespread and cannot be easily eliminated or reduced, e.g., drought insurance based on reduced regional rainfall (a)</td>
<td></td>
</tr>
<tr>
<td>Prioritize outcomes Focus on reducing harm to vulnerable populations (exclusively or primarily)</td>
<td>Focus on reducing harm to vulnerable populations and address the conditions contributing to vulnerability (a)</td>
<td></td>
</tr>
<tr>
<td>Measure fairness Measure outcome fairness, focusing on net loss after climate change impacts (b)</td>
<td>Measure procedural fairness, focusing on institutional factors that limit adaptive capacity and contribute to vulnerability (b)</td>
<td></td>
</tr>
<tr>
<td>Reduce climate impact Focus on business sectors, e.g., agribusiness</td>
<td>Focus on both business and livelihood sectors, e.g., agribusiness and outdoor labor (b)</td>
<td></td>
</tr>
<tr>
<td>Evaluate climate impact Assess long-term impacts</td>
<td>Assess immediate or near-term impacts that increase long-term vulnerability (b)</td>
<td></td>
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</table>

These approaches produce…

**POLICY CHOICES FAVORABLE TO THE VULNERABLE**

Addressing the inequitable distribution of adaptive capacity requires climate adaptation policy that takes equity concerns explicitly into account. The following table portrays a number of common actions within climate adaptation policy, and identifies ways to make these actions more beneficial to vulnerable populations. These options are not mutually exclusive, have different levels of benefits and feasibility, and all carry trade-offs. While each of the options listed can benefit vulnerable populations, options in the right column are designed more explicitly to avoid harm, reduce risks and vulnerability, and support individual and community rights and well-being. The principles in this table should be used to assess California’s current adaptation policy and to plan for the design of future policy.

**Expert Advice on Creating Policy Favorable to the Vulnerable**

Having found only a limited literature on addressing equity and vulnerability in climate change adaptation planning, the author interviewed public and private-sector experts on climate change and state planning, as well as grassroots advocates for vulnerable communities.[14] The interviews were structured around seven main issues: overarching adaptation concerns; the unit of analysis for adaptation planning; comparable international cases; public education ideals; public participation ideals; and the lessons learned from California’s existing environmental justice input process (where relevant).

Most interviewees cited sea-level rise as the most important climate impact for vulnerable communities. Other fre-
Protecting California’s Vulnerable Population from the Effects of Climate Change

Frequently cited impacts included the increased cost of goods and services, heat waves, reduced water quality, and health impacts. Additionally, many interviewees had concerns about the execution of climate adaptation strategies in vulnerable communities, and shortcomings in existing practices and policies, including:

- Lack of access in vulnerable communities to emergency services; emergency workers being less responsive to calls from “bad” neighborhoods.
- Lack of baseline measures, such as the lack of state monitoring of ground water levels.
- Lack of participation by vulnerable communities in planning.
- Lack of knowledge of previously tried adaptation measures (what worked and what did not).
- The state economy’s continued reliance on water-intensive agribusiness, and the impact its downturn could have on the poor.
- Problems associated with identifying “sacrifice zones;” areas that should be abandoned, which are often the sites of low-income housing, while more valuable land and capital (e.g., airports) are saved.
- Lack of sub-county-level analysis of vulnerable populations; inadequacy of existing data for identifying scaled-down “hot spots” of vulnerability.
- Difficulty of scaling down climate change models to inform local planning.

What's Next? Recommendations for California

At this stage of adaptation planning, questions outnumber answers. Where should California go next?

1. Conduct additional research. The most pressing research need is more fine-tuned vulnerability assessments. A research design to more accurately define the profile of a vulnerable population might include the following steps:

   - Establish baseline data for health and other indicators related to climate change impacts in geographically vulnerable areas. Analyze these data along demographic lines to begin identifying populations with starting-point vulnerability.
   - Create panel data sets to follow households in communities with starting-point vulnerability. These households should meet a minimum threshold of starting-point vulnerability, including geographic factors and adaptive capacity.
   - Create a participatory research design to incorporate local knowledge into the process.
   - Create evaluation tools to assess community risks. Evaluation tools should be developed alongside adaptation priorities to improve policy feedback loops.

2. Harmonize adaptation strategies with those of neighboring states and countries. A good plan can be undermined by pressures from across state and national borders.

3. Integrate California’s plan with the national adaptation plan as it emerges (via the U.S. Environmental Protection Agency).

4. Participate in international discussions of climate adaptation. As a state with a substantial immigrant population, it is likely that many climate refugees will migrate to California. International trade can also be used as a climate adaptation measure, for example, by importing water-intensive products from other, less drought-prone parts of the world.

CONCLUSION

An adaptation plan that emphasizes the need for assessing local vulnerabilities is a good start for California, although a fully equitable approach will mean committing state resources to ensure that local assessments actually take place. Unfortunately, such assessments are costly, and California’s adaptation planners currently operate without funding.

Climate adaptation planning can and should take into account the needs of vulnerable communities. Equity issues in adaptation planning have only recently received sustained academic, as State planners have chiefly been engaged in mitigation work. The emerging literature on adaptation planning in addition to input from experts identifies the need for improved feedback loops linking policymakers and vulnerable populations, as well as direct assistance to increase local adaptive capacities. Such policy options can help the State make better adaptation decisions.
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ENDNOTES

[1] On November 14, 2008, Governor Arnold Schwarzenegger issued an executive order directing the California Resources Agency and associated agencies to develop a state adaptation plan for climate change impacts. A draft of the California Climate Change Adaptation Strategy (CAS) was produced for public comment in summer 2009. During the drafting process, the author was enlisted by the CAS working groups to develop an analysis of climate adaptation policy implications for vulnerable communities.


[10] The 2009 CAT report by the California Climate Change Center "A Multi-County Analysis Identifying the Vulnerable Populations for Mortality Associated with High Ambient Temperature in California" presents similar findings, stating that programs for the prevention of mortality associated with ambient temperature should target persons with cardiovascular disease, the elderly, infants, and those racially/ethnically identified as Black, among others. However, the study also emphasizes the need to study subgroups in specific locations, since risk factors vary.

[11] For example, the Laotian community in Richmond, California, relies on subsistence fishing in the San Francisco Bay.

[12] The CAT study analyzes the overlay of climate impact areas with poor households and communities of color at the county level.


[14] Interviewees included Climate Adaptation Strategy Working Group members, other state employees working on climate policy, consultants and academics advising the state on climate policy, campaigners from water advocacy groups and other NGOs working on water issues in California, a consultant on water issues to a State Assembly member, climate change specialists from the Red Cross, and other individuals with key perspectives, including a former California Public Utilities Commission (CPUC) chairperson and a representative of a private water wholesaler.

Policymakers and law enforcement officials at the state and federal levels have taken steps in recent years to address the safety of young people on the Internet. But one area of online safety in which there is a need for greater leadership is cyberbullying. There has been growing public awareness of the dangers of cyberbullying—the use of digital media by young people to harass, bully, or humiliate their peers—but there is no uniformity in how state or federal laws address the problem. Codifying a clear definition of cyberbullying in statute and distinguishing it from other forms of online harassment would go a long way toward helping legislators, law enforcement, schools, parents, and other community members create strategies for responding to such incidents. The response to cyberbullying in Texas illustrates the difficulty of mobilizing state officials to take action. At the federal level, most efforts to promote youth safety online have focused on stopping sexual predators, not bullies.

**INTRODUCTION**

In 2001, Lauren Newby, a sophomore at Lake Highlands High School in Dallas, Texas, was the victim of malicious taunting by current and former classmates. The students ridiculed the young woman about her weight, her disability, and her boyfriend. The incident began with disparaging remarks on a message board, but soon escalated into physical attacks on her home and vehicle. What distinguishes these attacks from traditional bullying incidents is their origin on the Internet instead of school grounds.[1] Like many other young people across the United States, Ms. Newby was the victim of a pervasive and dangerous Internet practice known as cyberbullying.

This article examines efforts to address cyberbullying both in Texas and at the federal level, where officials are struggling with how to define the problem. Ultimately, cyberbullying merits a collaborative strategy among parents, educators, policy makers, and the private sector. Yet, this article explores some of the structural obstacles that have prevented such a strategy from coming to fruition. The example of Texas illustrates that even in a state where law enforcement officials recognize threats to youth safety posed by the Internet, there is a disproportionate focus on adult sexual predators and too little attention paid to youth-on-youth bullying. At the federal level, efforts to address cyberbullying and other forms of cyberharassment have been hampered by concerns about legislation that would curtail civil liberties.

**UNDERSTANDING CYBERBULLYING**

Many scholars and child safety advocates have attempted to provide a useful conceptualization of the term cyberbullying; however, no single definition exists to guide parents, educators, and law enforcement officials. For example, John Palfrey and Urs Gasser define cyberbullying as “the intentional use of any digital medium, including text-messaging, pagers, and phone calls, to harm others.”[2] They note that the only difference between bullying on or off the Internet is that cyberbullying is “put on therecord in a more permanent way.”[3] In this regard, cyberbullying, like traditional forms of verbal bullying, has the potential to precipitate actual physical violence. What distinguishes cyberbullying from other forms of bullying is the likelihood of emotional damage caused by the public and lasting nature of the communication by a potentially anonymous attacker.[4]

Although there have been some reports of cyberbullying perpetrated by adults, most definitions of cyberbullying frame the problem as one in which both the victims and the perpetrators are young people.[5] The National Crime Prevention Council (NCPC) applies the term cyberbullying to harmful interactions between young people, with an emphasis on teenagers. NCPC includes in its definition: posting abusive text or images, sending threatening messages, or the use of identity fraud to convince an individual to give up personal information.[6]
As one would expect, lack of a standard definition of cyberbullying has contributed to a failure to create a consistent statutory definition, but the lack of consistent definitions and legal practices does not mean cyberbullying is not a serious problem. In 2006, the Crimes Against Children Research Center (CCRC) estimated the risks for children and teens for certain behavior online. Specifically, CCRC found that one out of every ten young people was in danger of “harassment [through] threatening or other offensive behavior.”[7] Between 2001 and 2006, harassment increased from six to nine percent of all “youth Internet users.”[8] Revisiting this study in 2008, the director of the CCRC noted that a significant amount of the harassment studied likely came from other young people, not “hardened Internet predators.”[9]

**ACTION IN THE STATE OF TEXAS**

Current law and policy priorities in Texas reflect national trends of the response to cyberbullying; as in other states, officials in Texas publicly recognize the problem of cyberbullying, but they have focused law enforcement activities in the digital sphere specifically on the investigation and prosecution of online sexual predators, not on efforts to curb youth-on-youth online bullying.

Under existing law in Texas, a person may be found guilty of harassment (a misdemeanor offense) if he or she uses e-mail, instant messaging, network calls, or other electronic communications to initiate communication with the intent to “harass, annoy, alarm, abuse, torment, or embarrass another” person or household.[10] In this respect, the Texas Penal Code is progressive in its integration of electronic and non-electronic forms of harassment into a single statute with common penalties; there is no discrimination between the physical world and the virtual world. However, the Penal Code statute on harassment is separate from the state’s treatment of bullying, which falls under the state Education Code and deals specifically with victimization on public school property.[11]

During the regular session of the 81st Legislature in Texas, Representative Mark Strama (D-50th District) introduced legislation designed to address the divide between the current reality of online bullying and the legal tools that schools have at their disposal to respond to bullying incidents. As amended and reported out of the Texas House Committee on Public Education, House Bill (H.B.) 1323 would have added “verbal expression through electronic means” to the statutory definition of bullying under the Texas Education Code and would have clarified that bullying may include behavior on or off of school grounds.[12] This legislation would have inextricably linked physical schoolyard behavior with malicious online conduct, and allowed school district boards the authority to pursue transfers of the bully or the victim, depending on verification of the behavior and the request of the victim’s parent or guardian.[13] However, H.B. 1323 was not considered by the full Texas House of Representatives before the conclusion of the regular legislative session.

Legislative progress has been made in Texas. On June 19, 2009, Governor Rick Perry signed H.B. 2003, which amended the Texas Penal Code to create felony and misdemeanor offenses for certain types of online harassment. Under the revised laws, a person may be found guilty of a third-degree felony for using another person’s name or likeness on a social networking site for the purpose of harassing someone else.[14] Also, a person may be punished with a Class A misdemeanor offense (the most serious class of misdemeanor offenses in Texas) if he or she sends electronic communication, including texts, emails, and instant messages, that make reference to a person’s name, Internet domain, or other identifying contact information, provided that the information was referenced without permission and the communication was made with the intention of harming or defrauding another person.[15]

The new law became effective on September 1, 2009, and its impact on Internet safety will be determined in the months ahead.

According to the Office of the Attorney General in Texas (OAG), cyberbullying prevention is currently most effectively treated not as a legal matter, but as a matter of community outreach.[16] The OAG deploys personnel to school districts throughout the state on a weekly basis to discuss Internet safety with parents, students, and educators, focusing especially on the vulnerable online population of 12- to 15-year-olds.[17] While Attorney General Greg Abbott has been aggressive in his efforts to protect children online, the majority of his efforts have focused on the protection of children from sexual predators.[18]

**FEDERAL LEGISLATION**

While some states like Texas now have laws with respect to various forms of cyberharassment, no federal statute or common legal standard has appeared. Federal law does consider threats communicated by the Internet to be criminal actions, punishable by up to five years in prison.[19] However, this law requires the delineation between a threat, meaning “one that a reasonable person would take as a serious expression of an intention to inflict bodily harm and … communicated to effect some change or achieve some goal through intimidation,”[20] and the sort of harassment or annoyance that might occur through electronic communications. Federal law (under the Federal Telephone Harassment Statute, 47 U.S.C. 223) also permits the prosecution of cyberharassment through telephones, telecommunications devices, and email

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**“Federal and state laws need to address physical and electronic bullying and harassment together, with the understanding that the real campus is now integrated with the online world.”**

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communications, provided that the perpetrator remains anonymous.[21] Federal courts have yet to rule specifically on whether Internet chat rooms or bulletin boards are included under this statute.

Similar to state legislation, federal legislation related to protecting children online has typically focused on the prohibition of “child pornography, child luring, and child sexual exploitation” because of the nature of physical harm associated with these three criminal activities.[22] Congress has attempted to “maintain a balance between enacting statutes broad enough to cover undesirable behavior, while simultaneously narrow enough to prevent infringement upon an individual’s right to express oneself under the First Amendment.”[23]

Over the last twelve years, while three enacted federal laws have attempted to prevent young people from accessing sexual materials on the Internet, none have addressed concerns of cyberbullying. The Children’s Internet Protection Act of 2000 (CIPA), the only one of these three laws affirmed as constitutional by the Supreme Court, requires that “a school or library may not use funds it receives under [federal] statutes to purchase computers used to access the Internet, or to pay the direct costs of accessing the Internet” unless the institutions use Internet filters to prevent access to child pornography or other materials that are obscene or (in the case of young users) harmful to minors.[24] The Supreme Court held that users may turn off the filters for research or other legal Internet usage and that the ease of using such a switch guarded against constitutional concerns that users might be blocked from accidentally filtered material.[25]

For advocates of cyberbullying protections, the judicial interpretation of CIPA could mean that filtering or blocking software could be implemented to interpret online conversation and block inappropriate contacts. While parents have the right to use filters at home, the CIPA ruling might allow the extension of filtering technology to protect against cyberbullies during the use of school or library computers.

On April 9, 2009, Representative Linda Sanchez (D-CA) introduced H.R. 1966 that would amend federal law to make cyberbullying a crime, punishable by two years of imprisonment and/or a fine.[26] The bill would make criminal anyone who “transmits in interstate or foreign commerce any communication, with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person, using electronic means to support severe, repeated, and hostile behav-

### Table 1: Selected State Laws Relevant to the Prevention of Cyberbullying of Minors

<table>
<thead>
<tr>
<th>State</th>
<th>State Law</th>
<th>Brief Summary</th>
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<tbody>
<tr>
<td>California</td>
<td>CA Penal Code § 422</td>
<td>Establishes that threats made toward an individual or his or her family through the use of an electronic communication are to be considered as legitimate threats, regardless of whether the threat will be carried out. Sets forth misdemeanor penalties for carrying out specific cyberharassment actions.</td>
</tr>
<tr>
<td>Florida</td>
<td>FL. Stat. § 784.048</td>
<td>Defines cyberstalking to include a pattern of behavior targeting a specific person through electronic mail or communication. Additional penalties exist for cyberstalking of a person under the age of 16.</td>
</tr>
<tr>
<td>Illinois</td>
<td>IL Comp. Stat. 720 § 135 1-2</td>
<td>Specifically defines actions constituting harassment through electronic means of communications, including the harassment of victims under the age of 13 by defendants who are at least 16 years of age.</td>
</tr>
<tr>
<td>Michigan</td>
<td>MI Comp. Laws § 750.411s</td>
<td>Prohibits the posting of threatening or harassing messages through the Internet and computer systems, programs, and networks or by other electronic means.</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>OK Stat. 21 § 1172</td>
<td>Includes conspiracy or concerted action with others among prohibited methods of perpetrating cyberharassment.</td>
</tr>
<tr>
<td>Texas</td>
<td>TX Penal Code § 33.07</td>
<td>Creates felony and misdemeanor penalties for certain actions defined as online harassment, including the use of social networking websites on the Internet.</td>
</tr>
</tbody>
</table>

ior.”[27] H. R. 1966 would include as “electronic means” all email, instant messages, Web sites (including blogs), telephones, and text messages.[28] Similar forms of this legislation were introduced during the 110th Congress; none were passed before the Congress adjourned in December 2008.[29]

COURT ACTION

The American judicial system has established some precedents in the event that parents or students contest disciplinary action on the grounds of cyberbullying or cyberharassment. First, the United States Supreme Court has affirmed that the First Amendment does not provide safe harbor for so-called “offensive speech” that occurs on school campuses.[30] Second, state courts have upheld the right of school districts to punish students for Web-based harassment, particularly in cases in which students create potentially threatening materials, access them at school, and share the content with other students.[31] Courts at the state level have placed the language of cyberbullying outside of First Amendment protections on free speech. Third, however, while the state courts have generally determined that cyberbullying or cyberharassment must constitute legitimate disruption to school operations to justify school disciplinary actions, the courts have not made a clear determination on what materials cross the delicate boundary between harassment and a genuine threat.[32]

RECOMMENDATIONS

Clear evidence exists to demonstrate that cyberbullying exists and is a growing threat to young people. Understandably, both states and the federal government have focused on pursuing legal solutions to the problem of cyberbullying, and many lessons can be learned from the experiences of Texas and the federal government. The solution to this problem requires a multi-faceted collaboration between parents, educators, law enforcement officials, policy makers, and online social networking and communication companies. Recommendations for future action include:

1. Legislators at the state and federal levels should develop clear-cut definitions of cyberbullying and cyberharassment and determine what rules govern the interaction between minors versus the interactions between minors and adults. Consistent statutory definitions of cyberbullying are imperative for the measurement of policy outcomes and the development of prevention strategies for law enforcement officials, educators, and parents. Jurisdictions could benefit from distinguishing between cyberbullying—in which both the victims and the perpetrators are typically minors—and cyberharassment, perpetrated by adults against other adults or children. Such a distinction would frame the response to cyberbullying within the traditional educational understanding of “bullying” as a schoolyard activity, which is a necessary step in developing strategies for combating the phenomenon.

2. Federal and state laws should address physical and electronic bullying and harassment together, with the understanding that the real campus is now integrated with the online world. Crucial to this proposal, cases of cyberbullying should be handled first through the educational system instead of solely through the courts. Certain tragedies may merit criminal investigation and prosecution when serious physical harm occurs with—or is caused by—emotional damage.[33]

Many schools do have safety officers to patrol their campuses for the purpose of observing and preventing criminal behavior; however, a strong law-enforcement-only approach is inappropriate for stopping cyberbullying. While legal measures themselves may be inadequate for protecting children from cyberbullying or inappropriate information online at all times, government entities have an important role to play in producing educational resources on the Internet and working with the private sector to develop protection mechanisms.[34]

3. The education and policy communities should play active, collaborative roles in teaching students about the dangers of cyberbullying. In the digital age, countering bullying must involve understanding and acknowledgement of the fusion of real and online life. Because the anonymity of the Internet presents an extra danger of acting without full appreciation of consequences, educators must be capable of teaching students how to recognize, avoid, and report bullies both at school and on the Internet.[35] As in Texas, it is important for policy makers and law-enforcement officials to be visible classroom participants as young people are educated on the means and consequences of cyberbullying.

4. Parents should actively discuss Internet safety with their children and, to every extent possible, engage them about their own online habits. With effective home monitoring of minors’ computer usage, an effective program of school-based education on cyberbullying, and a program of laws that adequately define and punish cyberbullying and cyberharassment, it may be possible to reduce the emotional harm that continues to spread among current and future generations of Internet users.
CONCLUSION AND NEXT STEPS

Before the public sector considers any change in the legal structure regarding online communication, the private sector of online service providers has a crucial opportunity to demonstrate that they have concerns about protecting young subscribers from potentially harmful situations. MySpace, for example, has reached an agreement with 49 state attorneys general to develop a task force to study the online safety of minors who use its site.[36] Notably, the only office to abstain from this agreement is the Texas OAG. Attorney General Abbott has stated that he believes MySpace provides inadequate protections for minors and that signing the joint statement to establish the task force “would be misperceived as an endorsement of the inadequate safety measures contained therein.”[37] Attorney General Abbott also added: “[The OAG] cannot endorse any initiative that fails to implement a reliable age verification system. Doing so would give Texas parents and their children a false sense of security.”[38]

Mr. Abbott may be commended for standing on principle for age-verification protection, but the sort of public-private partnership created by the MySpace task force remains a potentially valuable tool for understanding and combating cyberbullying through social networking Web sites.

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ENDNOTES

[3] Ibid., 93.
[5] Ibid., 94. NOTE: The authors specifically cite the suicide of Megan Meier in Dardenne Prairie, Missouri. Meier was deceived by the false online persona of a romantically interested boy created by a pair of girls and their parents. Meier discovered the hoax before taking her own life.
[8] Ibid., 1.
[10] Texas Penal Code Annotated, Title 9, Chapter 42, Sections 42.07a-42.07c.
[13] Ibid.
[15] Ibid.
[17] Ibid.
[20] Ibid.
[21] Ibid., 7.
Recent legislative proposals have sparked conversations and debate regarding end-of-life decision-making. Advance care plans provide potential benefits to society and the individual, in both cost savings and enhanced quality of care at the end of life. End-of-life care planning can be encouraged through enhanced reimbursement for patient counseling, interstate portability of advanced care plans, and a requirement that health care providers and insurance plans offer advance care planning information. Health care policies would do well to encourage a model that empowers individuals to develop instructions for their end-of-life care in concert with their loved ones and personal health care providers.

INTRODUCTION

At the time of the writing of this piece, health care reform proposals, including H.R. 3200, America’s Affordable Health Choices Act of 2009, have placed a national spotlight on end-of-life decision-making. H.R. 3200 proposes that Americans be counseled periodically on “advance care planning” and the care options available to them at the end of life.[1] These proposals are motivated by concerns about high-cost end-of-life care that is not necessarily guaranteed to improve patient quality of life.[2] While professional medical organizations and practitioners have concluded that advance care planning should be encouraged among physicians and patients alike, this health care reform provision has been erroneously described as “death panels” for seniors, and some argue that it would ration health care for the elderly and allow government to play a role in a private decision-making process.[3,4]

This article examines how advance care planning encourages ethical decision-making, improves health care quality, and reduces medical costs. The author discusses barriers to public policy in promoting advance care planning and suggests policy solutions including improving Medicare reimbursement, enhancing interstate recognition of advance care plans, and mandating advance care plan discussions as a requirement of physician participation in Medicare.

What is Advance Care Planning?

Advance care planning is a largely self-directed process which allows an individual to identify and communicate, in advance, the types of medical treatment and interventions he or she desires at the end of life in the event of a situation in which he or she cannot directly make those wishes known. The result of the planning process is often a written document called an advance directive or an advance care plan; this written document directs medical professionals’ actions at the end of a patient’s life and prevents unilateral, end-of-life decision-making by physicians and the government. Advance directives also serve to ease decision-making for family members who otherwise might find themselves called upon to make difficult choices about continuing or stopping care for a loved one.

Advance directives typically include a proxy designation or durable power of attorney, which specifies a surrogate who will speak for the patient when he or she cannot. In U.S. hospitals, a health care provider is required to provide “informed consent,” adequately informing a patient or surrogate of the risks and benefits of any proposed treatment or procedure.[7] An incapacitated individual without a surrogate to make decisions for him or her is not able to refuse treatment if a health care provider believes the treatment to be beneficial to the patient.[8]

Advance directives also include a living will or health care directive, a written declaration specifying what types of treatments may be given to the patient in the event of a debilitating illness.[5,6] Even if a surrogate has been designated, determining a patient’s wishes without a prior written declaration is complicated at best. The combination of a designated surrogate and a written health care directive is the most effective way to ensure one’s end-of-life wishes are fulfilled.
Box 1: An Advance Care Plan in Action

The following example illustrates how an Advance Care Plan can improve end-of-life decision-making as well as patient and family outcomes.

The Difficult End-of-Life Decision
Seventy-seven-year-old Mr. Smith has lung disease and dementia. He is admitted to the intensive-care unit (ICU) following surgery for suspected colon cancer. However, doctors find that the cancer had spread throughout his colon, leaving no hope of a medical or surgical cure. Mr. Smith is on a ventilator due to his chronic lung disease and has been given less than two months to live. He is unable to make decisions for himself and his remaining family cannot agree on a course of action.

The Outcome without an Advance Care Plan
Since his family cannot agree and his wishes are not known, Mr. Smith remains in the ICU on a ventilator. His other body systems start to fail and he contracts a severe pneumonia. He continues to live in the ICU for the next month. He finally has a cardiac arrest from which he is unable to be resuscitated.

The Importance of an Advance Care Plan
With an Advance Care Plan, Mr. Smith has previously, clearly stated that he does not want to be sustained on life support equipment should he be diagnosed with a terminal illness and unable to make decisions for himself. His breathing tube and ventilator are discontinued and he is moved to hospice care. His pain is controlled and he dies within a week. His family is able to spend his last moments with him without disagreement and does not bear the pain and responsibility of making end-of-life decisions.
cost savings, but these plans, if delayed until the end of life in the hospital, have little effect on cost.[23]

GUIDANCE FOR POLICY

Advance care planning and thoughtful end-of-life decision-making can have a substantial impact on patients, families and our health care system.[24] Barriers to the proliferation of advance care planning certainly exist. As mentioned above, current popular characterization of advance care planning is that government policy would create “death panels,” or committees tasked with judging an individual's worthiness to live.[25] In fact, H.R. 3200 states only that planning should be periodically offered to patients by their health care provider and is not mandated. Furthermore, under this proposal no panel is formed; interactions occur among the health care provider, the patient, and the patient's family if the patient so wishes.[1] Opponents of H.R. 3200 capitalize on the fear that government will be granted the discretion to step in and make end-of-life decisions in place of patient or family wishes. However, the goal of creating an advance care plan is to preserve patient autonomy, making clear a patient's wishes for end-of-life treatment. The best policy approach to advance care planning will strongly encourage participation of health care providers, patients, and families in the creation of advance care plans. Some methods to achieve these results include:

1. Medicare should reimburse health care providers for time taken to assist patients with advance care planning. Currently, Medicare does not reimburse physicians who provide information or counsel their patients on advance care planning. Billing and service codes to indicate whether or not a patient has an advance care plan exist, but are not currently utilized to bill for physician time spent counseling on advance care planning.[26] To encourage advance care planning, Medicare and all third party payers must financially recognize these important sessions between patient and health care provider. There is concern that such reimbursement from the government, through Medicare, will result in government control of the outcome of the advance care planning process. However, the cost savings and enhanced quality of end-of-life care associated with implementation of advance care planning likely outweigh these concerns.

2. Federal legislation should provide for interstate recognition of patients’ advance directives and current wishes. At present, all 50 states and the District of Columbia have written legislation regarding advance directives.[27] However, only 42 states recognize advance directives from other states, and interpretation of those directives may differ by state, jeopardizing patients’ ability to have their wishes carried out at the end of life.[28] In cases where directives are not available, patients’ stated wishes, clearly documented in the medical record, may serve to direct care at the end of life. At present, only 14 states consider documentation in the medical record a valid directive.[29] This standard is too limited and jeopardizes adherence to patients’ wishes.

3. Health policy should require that advance care options be discussed as a requirement for patient or physician participation in insurance programs, particularly Medicare. One approach would involve counseling all patients who qualify for Medicare—those over 65 or with other specific conditions—on advanced care plans either upon enrollment, or within six months of the first visit to a primary care provider. Another approach would require participating health care providers to offer advance care planning guidance to every patient unless refused by the patient. This information would be offered alongside currently accepted patient education, such as nutrition and smoking cessation. Health plans would not require a patient to produce an advance care plan, but the guidance provided would create a mechanism by which every patient with insurance would be exposed to the importance of end-of-life planning.

CONCLUSION

Fostering discussions about the end of life between the patient and health care provider will both strengthen that relationship and plant the seed for popular support of legislation to promote end-of-life care. Policy alone will not overcome society’s fear of death, but encouraging discussions between patients and health care providers about advance care will help patients and their families plan for the end-of-life process.

Federal policy to ensure that patients maintain their autonomy through the end of life, while simultaneously making the best use of finite health care resources and providing humane care, will not be simple to achieve or easy to enforce. Prior policies (both enacted and suggested), such as H.R. 3200 have laid the groundwork, but further efforts should focus on creating a model of decision-making for patients and families that encourages the participation of personal health care providers.[30] The federal government, physicians, and society as a whole are doing a disservice to the medical system and individual patients if they do not strongly encourage those patients to provide clear instructions for their own care at the end of life.
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ENDNOTES


WHAT DRIVES GOVERNMENT COMPETITIVENESS:
AN ECONOMETRIC ANALYSIS

HOSUNG SOHN
ALEX POLTA AND JONATHAN STEIN, EDITORS

INTRODUCTION

Government competitiveness is an important topic for students who major in public administration, public policy, and other branches of the social sciences. As with any organization or institution, proper management and governance is critical to a nation’s prosperity. History provides many examples of nations that have seen rapid economic growth as a result of strong government leadership. South Korea has experienced phenomenal economic growth due to the government policy aimed at improving industrial growth and export promotion. These policies helped increase the country’s per capita gross domestic product (GDP) from $291 in 1970 to $6,193 by 1990, an increase of more than 2,000 percent. On the other hand, in 1970, Argentina’s GDP per capita was $1,295—five times more than that of South Korea—but by 1990 it had only grown to $4,339.[1]

There is a strong correlation between the role of government and a nation’s economic growth, but exogenous factors also affect an economy’s course and outcome. Though these variables are important, the government’s direct impact on a country’s economic development is significant. In order to gain a greater understanding of the role of government, a great deal of research has been conducted by scholars, resulting in numerous theories on efficient governance. However, few studies have empirically analyzed the determinants of government ratings, especially global rankings. What can be measured can be managed, and this paper tracks efforts to quantitatively determine which policies promote open markets, free trade, accountability and efficiency, and good governance.

LITERATURE REVIEW

Since David Osborne and Ted Gaebler wrote Reinventing Government, much research has been undertaken to explicate the factors that determine government performance.[2] In 2000, T. W. Rice analyzed whether there was a link between social capital and government performance among Iowa communities.[3] Rice defined social capital as interpersonal trust, political equality, civic engagement, and networks. He hypothesized that social capital served as “public infrastructure” that allowed government to quickly and effectively respond to the demands of a people. Using a unique data set consisting of the opinions of 100 people from each of 114 Iowa communities, he found that local governments are viewed as more responsive and effective in towns described as high in social capital by their citizens. In addition to this finding, his analysis revealed that social capital is correlated with the upkeep of public streets and parks in the communities.

Similar to Rice’s work, S. Knack studied the impact of various forms of social capital on government performance in the United States by comparing states’ social capital to their Pew Center government performance rating. According to his research, demonstrations of social capital such as social trust, volunteering, and census responses are associated with better...
governmental performance as measured by ratings constructed by the Government Performance Project.[4]

Recently, D. A. Carroll and J. Marlowe examined the determinants of state government performance. They used an ordered probit model to examine state performance grades awarded by the Government Performance Project. Their analysis indicated that structural characteristics and institutional factors significantly affect state government grades.[5] Racial diversity, fiscal flexibility, business training, electoral competition, and administrative professionalism all affect government competitiveness.

**DATA**

Data for testing the determinants of government competitiveness came from five primary sources: 1) the World Bank Database; 2) United Nation Statistics Division and United Nations Annual Reports; 3) World Economic Forum Yearbook; 4) The Organisation for Economic Co-operation

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Scale</th>
<th>Survey Year(s)</th>
<th>Source(s)</th>
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<tr>
<td>Macroeconomics &amp; financials</td>
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<tr>
<td>Government expenditure % of GDP</td>
<td>% of GDP</td>
<td>1999-2003</td>
<td>World Bank, IMF; OECD</td>
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<td>Government debts % of GDP</td>
<td>% of GDP</td>
<td>2003</td>
<td>World Bank</td>
</tr>
<tr>
<td>ln GDP per capita US $</td>
<td>US $</td>
<td>2003</td>
<td>UN</td>
</tr>
<tr>
<td>ln GNI per capita US $</td>
<td>US $</td>
<td>2003</td>
<td>World Bank</td>
</tr>
<tr>
<td>Health expenditures % of GDP</td>
<td>% of GDP</td>
<td>2002</td>
<td>World Bank</td>
</tr>
<tr>
<td>Inflation rate percentage</td>
<td>percentage</td>
<td>2000-2003</td>
<td>World Bank</td>
</tr>
<tr>
<td>Sovereign credit ratings points</td>
<td>points</td>
<td>2001, 2003</td>
<td>Fitch, Moody’s, S&amp;P</td>
</tr>
<tr>
<td>Labor market health</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relative wage points</td>
<td>points</td>
<td>1990-2000</td>
<td>World Bank, IMF</td>
</tr>
<tr>
<td>Unemployment rate percentage</td>
<td>percentage</td>
<td>2000-2002</td>
<td>World Bank</td>
</tr>
<tr>
<td>Working adults % of adult pop</td>
<td>% of adult pop</td>
<td>2003</td>
<td>World Bank</td>
</tr>
<tr>
<td>Female labor force participation rate</td>
<td>percentage</td>
<td>2003</td>
<td>World Bank</td>
</tr>
<tr>
<td>Employment rigidity points</td>
<td>points</td>
<td>2003</td>
<td>World Bank</td>
</tr>
<tr>
<td>Equity &amp; civic engagement</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Gini coefficient points</td>
<td>points</td>
<td>2003</td>
<td>World Bank</td>
</tr>
<tr>
<td>Women in Parliament percentage</td>
<td>percentage</td>
<td>2003</td>
<td>UN</td>
</tr>
<tr>
<td>Press freedom index points</td>
<td>points</td>
<td>2003</td>
<td>Reports Without Borders</td>
</tr>
<tr>
<td>Political rights index points</td>
<td>points</td>
<td>2003</td>
<td>Freedom House</td>
</tr>
<tr>
<td>Citizen liberties index points</td>
<td>points</td>
<td>2003</td>
<td>Freedom House</td>
</tr>
<tr>
<td>Political stability index points</td>
<td>points</td>
<td>2002</td>
<td>World Bank</td>
</tr>
<tr>
<td>Regulatory quality index points</td>
<td>points</td>
<td>2002</td>
<td>World Bank</td>
</tr>
<tr>
<td>Rule of law index points</td>
<td>points</td>
<td>2002</td>
<td>World Bank</td>
</tr>
<tr>
<td>Government effectiveness</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public servants % of population</td>
<td>% of population</td>
<td>2000</td>
<td>World Bank</td>
</tr>
<tr>
<td>Electronic government readiness index</td>
<td>points</td>
<td>2003</td>
<td>UN</td>
</tr>
<tr>
<td>Business start-up procedures cases</td>
<td>cases</td>
<td>2003</td>
<td>World Bank</td>
</tr>
<tr>
<td>Procedures to register properties cases</td>
<td>cases</td>
<td>2003</td>
<td>World Bank</td>
</tr>
<tr>
<td>Time required to start businesses days</td>
<td>days</td>
<td>2003</td>
<td>World Bank</td>
</tr>
<tr>
<td>Time required to register properties days</td>
<td>days</td>
<td>2003</td>
<td>World Bank</td>
</tr>
<tr>
<td>Time required to close business days</td>
<td>days</td>
<td>2003</td>
<td>World Bank</td>
</tr>
<tr>
<td>Corruption perception index points</td>
<td>points</td>
<td>2003</td>
<td>Transparency International</td>
</tr>
<tr>
<td>Demography</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ln population persons</td>
<td>persons</td>
<td>2003</td>
<td>World Bank</td>
</tr>
</tbody>
</table>
and Development (OECD) Database; and 5) related data from non-governmental organizations.

**Dependent Variables**

The definition of government competitiveness varies among researchers, and there are few variables that explicitly account for the competitiveness of government. This study relies on the 2004 and 2005 rankings of government competitiveness given by the World Economic Forum (WEF) and the International Institute for Management Development (IMD). These reports use an explicitly normative definition of government competitiveness that rewards countries that respect private ownership, increase transparency, and act equitably and efficiently. The number of countries that have been rated were 102 and 104 for WEF data.[6]

The second IMD dataset ranked 60 samples.[7] Of these, 80 countries from the WEF sample and 50 countries from the IMD sample will be used for the analysis—lower-ranked countries lack necessary data to be included as independent variables.

**Explanatory Variables**

There are initially 30 independent variables in my multivariate analysis, but this is condensed to seven using a factoring method. Most data come from the World Bank Database and United Nation Statistics Division. Data insufficiencies were supplemented with data from the OECD databank and other publications from non-governmental organizations and related databases.

Table 1 briefly shows the variables that will be used in this study. Two problems must be addressed before moving on to the empirical analysis. The first problem is that the data sets contain missing values. Most of the statistical analyses models used in the social sciences and elsewhere assume complete data sets. Missing data, however, almost always exist in real-world data sets. The second problem arises from the drawbacks of having too many independent variables. This methodology attempts to correct for these by imputing missing values and using principle component analysis to reduce the number of independent variables.

**EMPIRICAL METHODS**

The purpose of this study is to examine what determines government competitiveness. This study uses cross-country data from many organizations and thus, the problem of incomplete data arises. An imputation method called an expectation-maximization (EM) algorithm has been applied for those missing values.[8] This approach iterates through a process of estimating missing data and then estimating parameters. Typically, the first iteration estimates maximum likelihoods based on the actual data as well as missing data estimates. The second iteration would require re-estimating the missing data based on the new parameter estimates and then recalculating the new parameter estimates based on actual and re-estimated missing data. In this analysis, data were imputed for 21 variables, a sum of 115 observations that account for 4.6 percent of total observations.

To combat “noise” from too many independent variables, many of the previous studies used principal component analysis (PCA) for data reduction and identification of variables with the highest explanatory power. PCA is a statistical technique that linearly transforms an original set of variables into a substantially smaller set of uncorrelated variables that represents most of the information in the original set of variables. Since this study uses 30 variables, it is worthwhile to reduce this number as much as possible. Moreover, since the data seem to be highly correlated, PCA will help negate collinearity among independent variables. Regression analysis assumes independent variables and PCA delivers them. With the factors derived from PCA, an ordered logit analysis can be carried out to examine the determinants of government competitiveness.

**Application of Principal Component Analysis (PCA)**

In this study, 25 explanatory variables will be used for the PCA (five other variables are excluded). Since there are many variables, it is likely that there are problems of multicollinearity. For example, a correlation of the rule of law index and the regulatory quality index is 0.95. This suggests that they are highly correlated and that both can be expressed by one variable. This problem can be eliminated by applying PCA.

The next step is to find out the eigenvalues and eigenvectors.[9] In order to calculate them, the correlation matrix will be used since the units of each variable are different from one another. Table 2 shows the eigenvalues of the correlation matrix. In Table 2, seven principal components have been abstracted since they have eigenvalues of more than one. In practice, practitioners use principal components that have eigenvalues of more than one. The total variance explained by these principal components is 78.06 percent. The next step is to name each principal component so that it can be used in the empirical analysis. Table 3 shows the eigenvectors. In the first principal component, the variables that have high eigenvectors are natural logarithm of gross national income per capita (0.920), political stability indices (0.850), regulatory qualities (0.950), rule of law indices (0.949), sovereign credit ratings (0.872), citizen liberty indices (–0.828), and corruption indices (0.913). These variables can be expressed as the degree of reliance upon one’s government by people within and outside of the country. If citizens think that their country is politically stable, has fair regulatory qualities, conforms to the rule of law, promotes citizen liberties, and suppresses corruption, they will trust their government. On the other hand, if sovereign credit ratings are low, people outside of country do not trust that country. If government is viewed as trustworthy, it is likely that the government will be ranked higher in the survey, a hypothesis consistent with previous literature.
### Table 2: Eigenvalues of the Correlation of Matrix

<table>
<thead>
<tr>
<th>Principal Component</th>
<th>Initial Eigenvalues</th>
<th>Total Variance Explained</th>
<th>Extraction Sums of Squared Loadings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Variance</td>
<td>% of Variance</td>
<td>Cumulative %</td>
</tr>
<tr>
<td>PRIM 1</td>
<td>9.93</td>
<td>39.73</td>
<td>39.73</td>
</tr>
<tr>
<td>PRIM 2</td>
<td>2.62</td>
<td>10.50</td>
<td>50.22</td>
</tr>
<tr>
<td>PRIM 3</td>
<td>1.87</td>
<td>7.49</td>
<td>57.72</td>
</tr>
<tr>
<td>PRIM 4</td>
<td>1.47</td>
<td>5.86</td>
<td>63.58</td>
</tr>
<tr>
<td>PRIM 5</td>
<td>1.38</td>
<td>5.52</td>
<td>69.10</td>
</tr>
<tr>
<td>PRIM 6</td>
<td>1.23</td>
<td>4.93</td>
<td>74.03</td>
</tr>
<tr>
<td>PRIM 7</td>
<td>1.01</td>
<td>4.03</td>
<td>78.06</td>
</tr>
</tbody>
</table>

### Table 3: Eigenvectors

<table>
<thead>
<tr>
<th>Variable</th>
<th>PRIN 1</th>
<th>PRIN 2</th>
<th>PRIN 3</th>
<th>PRIN 4</th>
<th>PRIN 5</th>
<th>PRIN 6</th>
<th>PRIN 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>grev</td>
<td>0.612</td>
<td>-0.334</td>
<td>0.096</td>
<td>0.371</td>
<td>-0.270</td>
<td>0.303</td>
<td>0.067</td>
</tr>
<tr>
<td>gdebt</td>
<td>-0.098</td>
<td>-0.089</td>
<td>0.095</td>
<td><strong>0.803</strong></td>
<td>0.138</td>
<td>-0.083</td>
<td>0.288</td>
</tr>
<tr>
<td>bproc</td>
<td>-0.724</td>
<td>-0.257</td>
<td>0.243</td>
<td>-0.107</td>
<td>0.028</td>
<td>-0.030</td>
<td>0.056</td>
</tr>
<tr>
<td>bdays</td>
<td>-0.557</td>
<td>-0.276</td>
<td>0.105</td>
<td>-0.384</td>
<td>0.053</td>
<td>0.178</td>
<td>0.353</td>
</tr>
<tr>
<td>rproc</td>
<td>-0.483</td>
<td>-0.323</td>
<td>0.390</td>
<td>0.248</td>
<td>-0.040</td>
<td>-0.116</td>
<td>-0.120</td>
</tr>
<tr>
<td>rdays</td>
<td>-0.807</td>
<td>-0.268</td>
<td>0.064</td>
<td>0.050</td>
<td>-0.705</td>
<td>0.135</td>
<td>0.005</td>
</tr>
<tr>
<td>rigid</td>
<td>-0.312</td>
<td>-0.317</td>
<td><strong>0.493</strong></td>
<td>0.035</td>
<td>-0.253</td>
<td>0.025</td>
<td>-0.191</td>
</tr>
<tr>
<td>bclose</td>
<td>-0.472</td>
<td>0.021</td>
<td>0.348</td>
<td>-0.432</td>
<td>-0.075</td>
<td>0.085</td>
<td>0.392</td>
</tr>
<tr>
<td>hexpend</td>
<td>0.501</td>
<td>-0.048</td>
<td>0.201</td>
<td>0.096</td>
<td>0.365</td>
<td><strong>0.443</strong></td>
<td>0.147</td>
</tr>
<tr>
<td>unemploy</td>
<td>-0.209</td>
<td>-0.540</td>
<td>-0.049</td>
<td>0.149</td>
<td>0.183</td>
<td>0.285</td>
<td><strong>-0.553</strong></td>
</tr>
<tr>
<td>lnngnic</td>
<td>0.920</td>
<td>0.051</td>
<td>0.110</td>
<td>0.095</td>
<td>0.095</td>
<td>0.000</td>
<td>0.086</td>
</tr>
<tr>
<td>pstab</td>
<td>0.850</td>
<td>-0.023</td>
<td>-0.046</td>
<td>-0.176</td>
<td>-0.116</td>
<td>-0.150</td>
<td>-0.036</td>
</tr>
<tr>
<td>equality</td>
<td>0.949</td>
<td>0.018</td>
<td>0.084</td>
<td>-0.041</td>
<td>0.074</td>
<td>-0.157</td>
<td>0.033</td>
</tr>
<tr>
<td>rule</td>
<td>0.949</td>
<td>0.123</td>
<td>0.047</td>
<td>0.017</td>
<td>0.038</td>
<td>-0.105</td>
<td>0.039</td>
</tr>
<tr>
<td>winparlia</td>
<td>0.610</td>
<td>0.012</td>
<td>-0.065</td>
<td>-0.258</td>
<td>0.115</td>
<td>0.319</td>
<td>-0.285</td>
</tr>
<tr>
<td>fpart</td>
<td>0.419</td>
<td>0.382</td>
<td>-0.212</td>
<td>-0.143</td>
<td>-0.316</td>
<td><strong>0.446</strong></td>
<td><strong>-0.128</strong></td>
</tr>
<tr>
<td>gini</td>
<td>-0.575</td>
<td>-0.249</td>
<td>-0.124</td>
<td>-0.175</td>
<td>0.565</td>
<td>-0.034</td>
<td>-0.134</td>
</tr>
<tr>
<td>lnipop</td>
<td>-0.404</td>
<td>0.651</td>
<td>0.574</td>
<td>0.081</td>
<td>0.108</td>
<td>0.151</td>
<td>-0.118</td>
</tr>
<tr>
<td>lnwpop</td>
<td>-0.379</td>
<td>0.662</td>
<td>0.580</td>
<td>0.079</td>
<td>0.095</td>
<td>0.149</td>
<td>-0.122</td>
</tr>
<tr>
<td>aveinf</td>
<td>-0.343</td>
<td>-0.017</td>
<td>-0.329</td>
<td>0.152</td>
<td>0.109</td>
<td><strong>0.611</strong></td>
<td>0.290</td>
</tr>
<tr>
<td>freedom</td>
<td>-0.657</td>
<td>0.578</td>
<td>-0.188</td>
<td>0.077</td>
<td>-0.140</td>
<td>0.000</td>
<td>-0.124</td>
</tr>
<tr>
<td>sovereign</td>
<td>0.872</td>
<td>0.325</td>
<td>0.185</td>
<td>0.003</td>
<td>-0.036</td>
<td>-0.005</td>
<td>-0.013</td>
</tr>
<tr>
<td>political</td>
<td>-0.687</td>
<td>0.397</td>
<td>-0.418</td>
<td>0.114</td>
<td>-0.041</td>
<td>-0.073</td>
<td>-0.007</td>
</tr>
<tr>
<td>citizen</td>
<td>-0.828</td>
<td>0.287</td>
<td>-0.335</td>
<td>0.159</td>
<td>-0.076</td>
<td>-0.019</td>
<td>0.001</td>
</tr>
<tr>
<td>corrupt</td>
<td>0.913</td>
<td>0.153</td>
<td>-0.059</td>
<td>0.030</td>
<td>0.160</td>
<td>-0.038</td>
<td>0.075</td>
</tr>
</tbody>
</table>

Note: PRIN 1 corresponds to the first principal component. Black shading indicates variables that comprise significant, unique factors, identified here as principal components.
In the second principal component, natural logarithm of populations (0.651) and natural logarithm of populations of ages between 15 and 64 (0.662) have high eigenvectors. This principal component reflects the size of the population and the components of the working population in a country and represents a structure of the population. The third principal component, degree of labor rigidity, is comprised of rigidity of labor (0.493), natural logarithm of populations (0.574), and natural logarithm of population of ages between 15 and 64 (0.580), which possess higher estimates in the third principal component rigidity.

For the fourth principal component, only government debt has high eigenvectors. Its estimate is 0.803, which is high compared to other variables; therefore government debt would be the appropriate name for this principal component.

The amount of time that one needs to register has the highest eigenvector for the fifth principal component. Its estimate is -0.705, so this principal component will be known as a degree of red tape.

The ratio of health expenditures to GDP (0.443), female labor participation rate (0.446), and the inflation rate (0.611) are important variables in the sixth principal component. These variables can express the ability of a country to act in the interest of people’s welfare.

Finally, the unemployment rate is the only variable that has high eigenvectors (-0.553) for the seventh principal component, so it can be given the name unemployment rate.

### Ordered Logit Model

The statistical techniques employed are those of ordered logit analysis. This approach explicitly allows for the discreteness of possible ranking data but also for the fact that rankings possess a natural ordering from high to low positions. In this study, a value of $y_2$, an ordinal dependent variable for the WEF samples will be as follows:

$$
y_1 = 1; \text{ ranking from 1 to 8}$$
$$
y_2 = 2; \text{ ranking from 9 to 16 …}$$
$$
y_{10} = 10; \text{ ranking from 73 to 80}$$

A value of $y_1$ for the IMD samples will be given similarly. The determining variables used to explain a ranking of the country were: (1) internal and external reliance on government (PRIN 1); (2) structure of populations (PRIN 2); (3) labor rigidities: 0 for the lowest rigidity, 1 for the highest rigidity (PRIN 3); (4) government debt (PRIN 4); (5) degree of red tape (PRIN 5); (6) ability of a country to act in the interest of people’s welfare. (PRIN 6); and (7) unemployment rates (PRIN 7).

In addition to these variables, it is possible that the level of ranking might depend on the number of public servants, the relative size of wages received by public sector, electronic government readiness, government expenditure, and GDP per capita. To account for this, five other variables were considered: (8) number of public servants, measured as the ratio of total populations; (9) relative wage; (10) electronic government (e-government) readiness: 0 for the least developed and 1 for the mostly developed; (11) ratio of government expenditures to total GDP; and (12) logarithm of GDP per capita.

### RESULTS

#### WEF Samples

Table 4 shows the parameter estimates for WEF samples from 2004. According to the results in Table 5, the probability of having higher-ranking public sector competitiveness is significantly influenced by seven variables. In column two, it is observed that higher-ranking nations have a significantly positive coefficient with respect to the ratio of the number of public servants per capita. When the number of public servants account for a relatively large part of the total population, the government will be more likely to be highly ranked. The variable NPS (Number of Public Servants) is significant at the one percent level. However, relative wages allotted to the public sector do not have a significant effect on public sector competitiveness.

As the theories of the e-government predict, the coefficient of e-government readiness has significance in regard to competitiveness. This variable is significant at the five percent level. Internal and external reliance upon government (IERG), the name given to the first principal component, has a significant effect on public sector competitiveness. The coefficient is positive, which indicates that a government considered more trustworthy from inside and outside of the nations will be more likely to be given a high ranking.

A country’s public sector competitiveness is negatively impacted by very inflexible labor mobility. A reason for labor rigidity’s significant effects on government competitiveness might be its relation to the state of unemployment rates. Many scholars argue that labor rigidity is related to elevated unemployment rates; therefore, governments that take extreme stances toward labor rigidity are likely to be placed in a higher ranking since their nations will be less likely to suffer from mass unemployment.

The results of the estimates show that contrary to the usual thinking, public sector competitiveness is not high for small governments, even controlling for smaller population. Indeed, there is a weak relationship between government size and government competitiveness because the coefficient of government size, the third principal component, is not significant. Moreover, government debt and the unemployment rate do not have any particular relationship with respect to the data of WEF 2004 samples. They are not significant at the ten percent level. Remarkably, there is no significant relationship between the natural logarithm of GDP per capita and the government rankings. The coefficient of the natural logarithm of GDP per capita is not significant at the ten percent level.
The degree of red tape has a very significant effect on the ranking of public sector competitiveness. A positive relationship between the degree of red tape and public sector competitiveness has been observed to be significant at the one percent level.

**IMD Samples**

The ordered logistic regression results of IMD samples are displayed in Table 5. It shows that the probability of being evaluated at a higher ranking of public sector competitiveness is significantly influenced by seven variables: the number of public servants, the natural logarithm of GDP per capita, internal and external reliance upon governments, structure of populations, labor rigidities, the degree of red tape, and the welfare state.

Echoing WEF 2004 samples, the ratio of the number of public servants to the total population showed a positive relationship to government effectiveness ranking. In terms of human resources, big governments are assessed as more competitive when compared to small governments, controlling for population. In addition to the number of public servants per population...
capita, the estimate of internal and IERG was also the same as that of the WEF 2004 samples. The estimate was significant at the one percent level. Furthermore, the labor rigidities variable had the same effect upon government competitiveness as the 2004 WEF samples. As previously estimated, the country with higher labor rigidities tended to place lower in the rankings. The degree of red tape was also significant in the 2004 IMD samples. In a similar manner as before, the coefficient was positive, which means that as the degree of red tape increases, it is likely that the government will be considered less competitive. The difference between the WEF and IMD samples is the significance level of the degree of red tape. In IMD samples, the degree of red tape was significant at the ten percent level, whereas in WEF samples, it was the one percent level.

There are significant differences between samples, however. The e-government readiness index is significant in WEF samples, but not IMD 2004 samples; however, the natural logarithm of GDP per capita is significant in IMD 2004 samples. Strangely, the relationship was negative with respect to the ranking, indicating that higher ranked groups are not the wealthiest.

Table 5: Analysis of Maximum Likelihood Estimates (IMD Samples)

<table>
<thead>
<tr>
<th>Variable</th>
<th>Year 2004</th>
<th>Year 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimate</td>
<td>Wald $\chi^2$</td>
</tr>
<tr>
<td>Number of public servants per population</td>
<td>0.35 ***</td>
<td>6.32</td>
</tr>
<tr>
<td><em>(standard error)</em></td>
<td>(0.14)</td>
<td>-(0.13)</td>
</tr>
<tr>
<td>Electronic Government readiness index</td>
<td>4.19</td>
<td>0.69</td>
</tr>
<tr>
<td>*(5.04)</td>
<td>-(5.04)</td>
<td></td>
</tr>
<tr>
<td>Relative wages</td>
<td>0.00</td>
<td>0.28</td>
</tr>
<tr>
<td>*(0.00)</td>
<td>(0.00)</td>
<td></td>
</tr>
<tr>
<td>Government expenditures as a proportion of GDP</td>
<td>-0.02</td>
<td>0.09</td>
</tr>
<tr>
<td>*(0.05)</td>
<td>-(0.06)</td>
<td></td>
</tr>
<tr>
<td>ln GDP per capita</td>
<td>-2.11 **</td>
<td>5.14</td>
</tr>
<tr>
<td>*(0.93)</td>
<td>-(0.92)</td>
<td></td>
</tr>
<tr>
<td>Internal &amp; external reliance on government (PRIN 1)</td>
<td>1.11 ***</td>
<td>9.44</td>
</tr>
<tr>
<td>*(0.36)</td>
<td>-(0.39)</td>
<td></td>
</tr>
<tr>
<td>Structure of populations (PRIN 2)</td>
<td>0.59 **</td>
<td>5.77</td>
</tr>
<tr>
<td>*(0.25)</td>
<td>-(0.26)</td>
<td></td>
</tr>
<tr>
<td>Labor rigidities (PRIN 3)</td>
<td>-0.79 ***</td>
<td>8.82</td>
</tr>
<tr>
<td>*(0.27)</td>
<td>-(0.28)</td>
<td></td>
</tr>
<tr>
<td>Government debt (PRIN 4)</td>
<td>-0.32</td>
<td>0.81</td>
</tr>
<tr>
<td>*(0.35)</td>
<td>-(0.36)</td>
<td></td>
</tr>
<tr>
<td>Degree of red tape (PRIN 5)</td>
<td>0.71 *</td>
<td>3.33</td>
</tr>
<tr>
<td>*(0.39)</td>
<td>-(0.41)</td>
<td></td>
</tr>
<tr>
<td>Welfare state (PRIN 6)</td>
<td>-1.07 ***</td>
<td>7.10</td>
</tr>
<tr>
<td>*(0.40)</td>
<td>-(0.41)</td>
<td></td>
</tr>
<tr>
<td>Unemployment rate (PRIN 7)</td>
<td>-0.24</td>
<td>0.42</td>
</tr>
<tr>
<td>*(0.37)</td>
<td>-(0.37)</td>
<td></td>
</tr>
<tr>
<td>Sample size</td>
<td>50</td>
<td>50</td>
</tr>
</tbody>
</table>

Note: Standard errors are shown in parentheses below the estimates. "***" denotes significance at the 1% level, "**" denotes significance at the 5% level, and "*" denotes significance at the 10% level.
The ordered logistic regressions of the 2005 data are also shown in Table 5. Compared to the 2004 data, all variables retained their significance in 2005 data, but differed in the level of significance. The significance level for the variable number of public servants had decreased.

As policy analysts, we are concerned with opportunities for impact, and so marginal differences are key. The marginal effect tells us the change in the probability of a certain variable with respect to the additional increase in its unit, holding all other variables constant. For example, a marginal effect of number of public servants on the probability of being at y=4 is 0.054. This means that when the number of public servants increases one percentage point, the probability of being at the ranking level 4 increases 5.4 percent. Since the estimates of the table have been calculated from the mean of the determining variables, all estimates of the number of public servants show the change of probability when that number increases one percent. The biggest effect with respect to these changes can be found in the first principal component. The marginal effect of the IERG for y=4 is 0.136, a 13:1 yield.

CONCLUSION

Empirical findings of this analysis have several implications for policy. First, the results of this analysis suggest that increasing social capital, defined as IERG in this study, is the most important determinant of public sector competitiveness. Since IERG covers a wide range of the social capital defined in terms of peoples’ values, the results of the analysis strongly indicate that governments should endeavor to increase their social capital. Second, governments should persevere in their efforts to reduce red-tape. The empirical results show a strong negative relationship between degree of red tape and government competitiveness.

Government size in terms of the number of public servants and government expenditures is positively related to the rankings; big governments are assessed as more competitive when compared to small governments. This analysis also indicates that reducing personnel is not an appropriate course of action for improving competitiveness, since the variable for public servants is more significant than the variable for government expenditures. Big government and civil servants are not the problem, onerous regulations are.

Some analysts have noted the role of e-government in improving the efficiency and effectiveness of public administration. Indeed, e-government readiness has been found to be positively associated with competitiveness; however, the significance is only apparent in the WEF samples. Even so, the potential of e-government readiness to make governments more competitive and to enable them to face the challenges of the information and communication age should not be overlooked.

LIMITATIONS

This study clearly has some limitations and needs further testing. The first problem is incomplete data. Although this paper managed missing values in the samples by conducting imputation with the EM algorithm, the results would be much more unbiased with complete data. Second, principal components might be mislabeled. Since naming principal components is subjective, even comparisons between authors utilizing the same data can be complicated. Third, since it uses cross-country data, it is clear that some data are not comparable on an international level. This analysis attempted to minimize this problem using real exchange rates, world price indices, and derived relative wages. Unfortunately, the data remains imprecise, and little can be done until substantial resources are devoted to developing internationally comparable data. Fourth, this study uses rankings ordered in scale, rather than a specific estimate of competitiveness. This provides a broader perspective on public sector competitiveness, but leaves scope for concretization. Analyzing the ranking data is still worthwhile as there are no other options to make use of the data that characterize government competitiveness. Lastly, the study excludes countries from analysis on a nonrandom basis, reducing the external validity of the findings.

Acknowledging these limitations, this analysis suggests that several constraining maxims concerning the size and scope of government are myths. Governments in this sample that desire to become more competitive should pursue strategies that eliminate red tape, increase social capital, build trust with their populace, and increase the footprint of governance. Further research should be conducted with an emphasis in standardizing measures of competitiveness so that academics and managers can refine the roots of effective governance.

Hosung Sohn is a Master of Public Policy student at the Goldman School of Public Policy at the University of California, Berkeley.
ENDNOTES
[1] Data from World Bank's World Development Indicators.
[9] In the following linear system, the eigenvalues are the values of lamda for which the system has a nontrivial solution. Eigenvectors are the nontrivial solutions of the system corresponding to lamda.

\[(\lambda I - AX) = 0\]

Eigenvectors and eigenvalues are essential for extracting principal components (PCs). Eigenvalues identify unique factors within groups of variables, allowing an analyst to reduce the number of variables without losing important sources of variation.

[10] E-government refers to the use of information and communication technology to provide and improve government services.
Interview with Anwar Ibrahim, Malaysian Parliamentary Opposition Leader

An Interview with Michelle Chang

Politics and Good Governance in Malaysia

Malaysia is a constitutional monarchy, where the Monarch holds the position of head of state and the Prime Minister is head of government. Executive power lies within the government, while the legislative powers reside in two parliamentary bodies: the Senate, or Dewan Negara, and the House of Representatives, also known as Dewan Rakyat. The judiciary system is independent of the two legislative branches. Malaysia’s multi-party system—consisting mainly of the Alliance Party and Barisan Nasional (which includes the United Malaysia National Organization [UMNO], Malaysia’s right-wing and largest political party)—follows the United Kingdom’s Westminster system. The Opposition in Malaysia consists of political parties that are seen as alternative governments not belonging to a governing coalition. The Leader of the Opposition is selected from the political party that secures the most number of seats in the Dewan Rakyat. The person holding this title is often seen as the “Prime Minister in waiting.”

Often interviewed by news agencies such as the BBC, CNN, and ABC, Ibrahim took time to sit down with PolicyMatters to discuss the current political climate in Malaysia and his role as the Opposition Leader.

PolicyMatters Journal (PMJ): You say that Malaysia needs to "put its house in order" before it can fortify and strengthen its economic and political role within the Asia-Pacific region; what do you mean by this?

Anwar Ibrahim (AI): In the early and mid-1990s, prior to the Asian Financial Crisis, Malaysia led Southeast Asia in terms of its attractiveness as a destination for foreign direct investment and as a source of financial capital with the Kuala Lumpur Stock Exchange having the largest market capitalization in the region. However, in the decade after the crisis, Malaysia has steadily lost competitiveness relative to other regional emerging economies such as China and Vietnam. We are no longer deemed attractive as a destination for foreign direct investment.

We do not have to look beyond the domestic sphere to understand the loss of competitiveness and the steps that need to be taken to arrest and reverse the slide. There is an urgent need to liberalize the economy and open up markets to competi-
tion, both domestic and foreign. Obsolete and inefficient policies that restrict business ownership and other economic activity on the basis of race have to be dismantled. Corruption is endemic with contracts and licenses awarded to the politically connected.

Another key thrust of the reform agenda is strengthening the rule of law such that investors have confidence that they will be treated fairly by the courts, contracts will be enforced in a timely and efficient manner, and businesses are able to compete on a level playing field without fear of favoritism or interference by the government. For example, foreign investors prefer to have agreements and contracts subject to Singapore or Hong Kong law, even in cases where the agreements relate to activities that are wholly carried out in Malaysia. This is a damning indictment of the level of confidence that the international business community has in the impartiality and efficiency of the Malaysian courts.

Until these economic and governance issues are addressed, Malaysia will not be able to regain the leadership position, both in the economic and strategic arena, that it once held in the region.

**PMJ:** Speaking of good governance, can you comment on the differences between the approach of Prime Minister Najib Razak (and the United Malays National Organization [UMNO] party that he leads) and your own political coalition? What are the key elements that effective governance requires in Malaysia?

**AI:** The UMNO party led by Prime Minister Najib Razak is defined by race-based politics. The party’s basic philosophy is that as the dominant majority and indigenous people of Malaysia, Malays should receive special political and economic rights to compensate for the wealth disparity amongst the different races that can be traced back to British colonial policy of “divide-and-rule.” However, the minority races—the Chinese and Indians—have been in Malaysia for generations and have the same rights of citizenship as all Malaysians. While affirmative action policies instituted in the early 1970s had a vital role to play in addressing the economic inequality between the races, we have to recognize that these policies, which were intended to be temporary, do more harm than good in terms of promoting social harmony and boosting economic competitiveness. The position of the People’s Coalition, which I lead, on this issue is clear: we believe that any system of social welfare should be needs- rather than race-based.

A half-century since independence, one would expect that the country would have strengthened its institutions of governance and democracy including an independent judiciary to ensure the rule of law, a free press, and so on. We have seen the opposite take place in Malaysia. These institutions need to be revived. There needs to be a firm commitment to fight the endemic corruption that has become part of the political culture of the ruling coalition.

**PMJ:** As a former senior member of the administration, can you relate your current position against corruption to the role you played in the administration?

**AI:** It is understandable for people to be skeptical about my current stance against corruption, given that I was formerly a member of the ruling regime. However, I would bring attention to the anti-corruption legislation I sponsored, as well as my position against the “bailing out” of politically connected individuals and companies in 1997, which ultimately led to the crisis between me and then Prime Minister Dr. Mahathir Mohamad. The ruling clique depends on cronyism and corruption to sustain its economic and political power base. Without it they would not survive. Similarly, I had made my position publicly known on the issue of media freedom and rule of law. In hindsight, perhaps I was too outspoken, as these positions ultimately provoked the regime to jail me.

**PMJ:** As you know, GSPP students have a strong interest in improving the lives of the vulnerable and marginalized. As the leader of the Opposition Party, what policies need to be implemented in order to address growing income inequality?

**AI:** There is a need for social welfare to address poverty as well as public sector investments in housing, health care services, and education that will benefit the poor and marginalized communities in Malaysia. Our economic agenda is focused on promoting economic growth, but not at the expense of justice.

In the area of housing, we find that it is not sufficient to simply leave it to the market to provide adequate housing. Private sector developers focus on projects catering to middle and upper classes given the substantially higher profit margins to be earned.

Developments targeted at lower income populations are not pursued. Consequently, there are a large number of households in the cities that lack proper and sustainable lodging. This is an area where government intervention has a clear role to play, possibly by entering into creative partnerships with the private sector.

We also need to significantly increase the resources devoted to public education in Malaysia. The University of Malaya used to be one of the premier higher education institutions in the region, on par with the top universities in Tokyo, Beijing, and
Bangkok. Now it struggles to score in the top 200 of the global university rankings. There is an insufficient focus and emphasis on education, academic excellence, and quality. This has clear repercussions for our economic competitiveness. The fact that there are more unemployed graduates in Malaysia now than ever before is not only a symptom of the recession. It is well known that the universities in Malaysia are not training students to excel in the fields where they would find gainful employment.

The problem of leakages in government spending needs to be resolved for these programs to be effective. For example, you can allocate one billion ringgit [the ringgit is the currency of Malaysia; one ringgit equals about 30 cents] for textbooks and see that while 800 million is spent appropriately, the remaining 200 million is unaccounted for. If we can ensure accountability in the system then we are actually causing a dramatic increase in the level of spending that actually reaches the people who need it the most.

**PMJ:** How can the Malaysian political landscape and government be more inclusive of the various ethnic groups that make up the population of Malaysia?

**AI:** Traditionally, from the time of independence in 1957 up to the most recent elections in 2008, race-based politics has been the foundation of Malaysia’s political landscape. The ruling coalition is comprised of an alliance between separate Malay, Chinese, and Indian political parties, with voting patterns closely linked to ethnic identity. Despite being a multi-cultural society, in many respects there has always been separation along ethnic lines in the political realm.

The elections in 2008 marked a clear break from this pattern with voting across ethnic lines in support of the Opposition People’s Coalition, and the rise of multi-ethnic parties such as the People’s Justice Party that I currently lead. In the past, people have been apprehensive about whether such a change would be possible and whether Malaysians are ready to move away from race-based politics.

I cannot claim credit as my colleagues who worked tirelessly during the period that I was incarcerated carried out a lot of the foundational work to make this possible. However, the Opposition still faces significant challenges in our ability to communicate effectively with the voting public. The mainstream media is controlled by the government and we cannot freely publish and distribute information about our policies and proposals.

For example, while I am free to give lectures and interact with students here at Berkeley, and next week at Georgetown and Johns Hopkins, I do not have the same freedom in Malaysia. There I am restricted from physically entering the local universities, despite being a Member of Parliament. In fact, even my blog is blocked by university firewalls put in place by administrators acting on the direction of senior government officials.

Despite these real challenges, we have to continue our efforts to appeal to the Malay, Chinese, Indian, and other ethnic communities that the future of the country depends on a multi-ethnic approach to politics.

*Anwar Ibrahim told PolicyMatters that he has hopes to run for the position of Prime Minister of Malaysia in the near future. Following his lecture at UC Berkeley, Anwar also visited Johns Hopkins’ School of Advanced International Studies and Georgetown University, where he previously taught.*
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