

International Influences on United States Domestic Policy

Victoria A. Rickard
University of Oklahoma

ABSTRACT

In an increasingly internationalized policy environment, determinants of U.S. domestic policy may include factors that are external to the macro-level political setting. The changing context within which domestic policymaking processes operate requires policymakers to be receptive to, or at least aware of, foreign policy models and imported policy ideas. This study examines the extent to which policymakers in the U.S. Congress utilize non-domestic policy relevant information to inform the domestic policymaking process. Employing an original dataset, this study measures if U.S. legislators engage in cross-national lesson-drawing by analyzing both House and Senate committee and subcommittee hearings for contextually relevant questions or statements about policies operating in other countries in four issue areas: agriculture, immigration, LGBT rights, and renewable energy. The analysis suggests that U.S. policymakers not only actively engage in cross-national policy comparisons, but that cross-national lesson-drawing is taking place. Further, policymakers in the U.S. appear to be drawing lessons from countries that can be considered policy exemplars within each of the aforementioned issue areas.

INTRODUCTION

Increasing economic, social, and political pressures from abroad have meant that domestic policymaking processes are no longer considered to be a solely internal affair (Bernstein & Cashore 2010, 212). The twin processes of economic globalization and global interdependence among states are making many policy issues borderless, such as environmental protection, drug regulation, and even health care. As public policy becomes increasingly influenced by global conditions, policymakers may be forced to look to the international context to inform their decision making. As a result, governments may be constrained in their ability to make independent policy decisions. This in turn necessitates that once solely internal, national policymaking processes engage with external international determinants.

Policymakers in the United States may be reluctant, however, to acknowledge that non-domestic factors shape their decision-making processes; this is due, in large part, to the notion of American exceptionalism, which professes that “the United States is unique among all other

nations, and that because of its distinctive history, culture, and values the normal rules and historical forces that apply in other countries do not apply in America” (Kelemen 2015, 5). The underlying claim is that the United States is fundamentally different from all other nations and that the policies, institutions, and values found in other countries neither *can* nor *should* take root in America (Kelemen 2015, 8). Republican politicians invoke American exceptionalism to warn that their Democratic colleagues seek to undermine the very fabric of American society by “turning the United States into a European-style social democracy” (Kelemen 2015, 8). In his 2012 New Hampshire primary victory speech, for example, Mitt Romney accused President Obama of wanting “to turn America into a European-style welfare state” (Fischer 2012). “We want to make sure that we remain a free and prosperous land of opportunity,” continued Romney (Fischer 2012).

Due to the prevailing nationalist ideology of exceptionalism and negative perceptions of foreign, particularly European, policies, electorally-minded politicians may be justifiably reticent to highlight the use of non-domestic factors in informing their policymaking decisions. This may hold true even where experiences of foreign nations are clearly relevant to the policy reforms for which policymakers are advocating. Taking into account the dominant forces of electoral accountability and democratic responsiveness, there is little reason to believe that legislators in the United States would employ international factors to inform their policymaking decisions. Yet, domestic policymaking does not operate independently of isomorphic pressures or commonly faced, and often recurring, policy problems. The coexistence of the seemingly contradictory trends of global policy convergence and obstinate U.S. differentiation is a paradox worthy of study.

Understanding both how policymakers contend with isomorphic pressures in the face of domestic peculiarities, and why inimitable United States policy outcomes are consistently the

norm while public policy becomes increasingly interconnected – particularly in light of growing “transboundary” policy concerns (Boin 2009) – may provide novel insight into theories of the policymaking process as well as the ability of policymakers to timely and effectively respond to contemporary problems facing the U.S.

This study seeks to uncover the extent to which policymakers in the U.S. Congress employ non-domestic factors to inform their policymaking decisions. Specifically, to what extent do international factors influence U.S. domestic policy? If international factors do, in fact, influence U.S. domestic policymaking, under what conditions, or in which issue areas, are they likely to have the greatest impact? Do U.S. policymakers engage in cross-national policy comparisons? And lastly, if U.S. policymakers are engaging in cross-national policy comparisons, is this indicative of lesson-drawing? Using data collected from House and Senate committee and subcommittee hearings in four distinct issue areas, this paper ultimately finds that U.S. policymakers actively engage in cross-national policy comparisons. In addition, the data suggests that cross-national lesson-drawing is, in fact, taking place. Furthermore, policymakers in the U.S. appear to be drawing lessons from countries that can be considered policy exemplars within the four issue areas.

POLICY TRANSFER & LESSON DRAWING

To be sure, scholarly interest in interdependent decision-making and the spread of public policies across international borders is not new (Brooks, 2005, 227). As early as the 1960s, “Rosenau wrote of the ‘shrinking’ of world politics upon viewing the similarity of political conditions across disparate nations” (Brooks 2005, 277). During the late twentieth century, advances in global communication technologies significantly lessened the costs associated with disseminating ideas and policy models across the world (Brooks 2005, 278). Consequently, information networks expanded and economic as well as social interactions across national

borders increased (Brooks 2005). The deepening of what International Relations scholars refer to as “complex interdependence” has influenced how ideas and information, particularly policy models and paradigms, spread transnationally (Brooks 2005, 278). As a result, the context within which domestic policymaking processes operate is changing. Solutions for many of the world’s most important problems cannot be located solely within sovereign states. Public policy, therefore, may progressively be less the outcome of territorially confined domestic politics than it is the outcome of globally shared ideas about which issues are important and how they ought to be effectively dealt with.

The comparative analysis of public policies across countries is a well-developed area in political science. There is a vast body of literature concerned with the study of policy convergence (Esping-Andersen 1990; Bennett 1991; Coleman 1994), policy diffusion (Majone 1991; Simmons & Elkins 2004), policy transfer (Dolowitz & Marsh 1996; Stone 2001), policy learning (May 1992), and lesson drawing (Rose 1991). While, there is no shortage of theoretical concepts associated with this phenomenon, there is, however, some empirical danger in the casual interchangeability of such concepts. There exists a tendency to problematically conflate the *processes* and *outcomes* of the two distinct, yet somewhat overlapping, notions of policy transfer and lesson-drawing.

Policy transfer is understood “as a process by which knowledge about policies, administrative arrangements, institutions, and ideas in one political system (past or present) is used in the development of policies, administrative arrangements, institutions, and ideas in another political system” (Dolowitz & Marsh 1996, 344). Policy transfer is generally more concerned with processes rather than results; “those who adopt the policy transfer framework tend to focus on meso-level processes that lead to policy transfer” (Stone 2001, 16). Moreover, transfer “prescribes a development that might, but need not, lead to cross-national policy

convergence” (Knill 2005, 766). Much of the impetus behind the understanding of policy transfer comes from scholars David Dolowitz and David Marsh (1996; 2000). Dolowitz and Marsh have made great strides in categorizing and evaluating the process of policy transfer. According to Dolowitz and Marsh, “transfer can take place across time, within countries, and across countries. Additionally, there are different degrees of transfer; [t]ransfer can involve straight-forward copying of policy as well as various forms of emulation, synthesis and hybridization” (Dolowitz & Marsh 1996, 351). Importantly, policy transfers can involve processes that are voluntary or coercive, or even a combination of the two.

On the other hand, lesson-drawing (Rose 1991), ‘policy band-wagoning’ (Ikenberry 1990), ‘emulation’ and ‘harmonisation’ (Bennett 1991), and ‘systematically pinching ideas’ (Schneider & Ingram 1988) are terms that convey a sense of voluntaristic activity (Stone 1999). Dolowitz and Marsh treat lesson-drawing as a *type* of voluntary policy transfer as opposed to an independent process involved in policymaking. In effect, Dolowitz and Marsh have “drawn together a general framework of heterogeneous concepts including policy diffusion, policy convergence, policy learning and lesson drawing under the umbrella heading of policy transfer” (Evans & Davies 1999, 363). Thus, policy transfer has come to be understood as a generic concept which encompasses theoretically distinct claims about the nature of policy development (Evans & Davies 1999). Consequently, policy transfer should not be viewed as an explanatory theory in and of itself, but rather as a framework within which the voluntary process of lesson-drawing operates. This distinction is significant insofar that this study seeks to specifically explicate the extent to which U.S. policymakers engage in cross-national lesson-drawing, not the extent to which policy transfer occurs between the U.S. and other countries.

According to Rose’s seminal piece on lesson-drawing, problems that are truly unique to one country are anomalous (1991). Therefore, the first logical response of policymakers in

attempting to deal with a problem will be to look for similar examples elsewhere. As Rose describes it, “[c]onfronted with common problems, policy-makers in cities, regional governments, and nations can learn from how their counterparts elsewhere respond. More than that, it raises the possibility that policy-makers can draw lessons that will help them deal better with their own problems” (Rose 1991, 4). For governments interacting transnationally, “the object of lesson-drawing is to examine a common problem facing two or more governments in order to learn how to develop a program that is applicable to immediate problems at home” (Voegtler, Knill & Dobbins 2011, 82). Within the lesson-drawing literature, “the emphasis is to understand the conditions under which policies or practices operate in exporter jurisdictions and whether and how the conditions which might make them work in a similar way can be created in importer jurisdictions” (Stone 2001, 6). The critical analytical question in lesson-drawing is, therefore, “whether a programme that is successful in one setting can be transferred to another” (Rose 1991, 7). The prime objective of lesson-drawing is to engage in policy transfer by using cross-national experience as a source of policy advice (Page 2000).

It is important to note, however, that while lesson-drawing may lead to policy transfer, it may also produce other policy outcomes or no apparent outcome (Stone 1999). “Lessons do not require change in behaviour as a condition of learning; a programme elsewhere may be evaluated negatively, or the conclusion may be that there is no way in which it could be transferred” (Rose 1991, 7). Thus, lesson-drawing is a necessary, but not sufficient, condition for policy transfer; lesson-drawing may occur without any corresponding change in public policy. As a result, a clear causal nexus between lesson-drawing and policy change may be difficult, if not impossible, to convincingly demonstrate. Any attempt to attribute policy change to cross-national lesson-drawing, must first evince that policymakers in the United States are utilizing information about

policy experiences in other countries when formulating policy choices or defining policy alternatives (Bennett 1991).

POLICY LESSONS & WHY THEY ARE USED

Similar to Rose's conceptualization, a lesson is defined here as an action-oriented conclusion about a policy or policies operating in another country (1991). "Because policymakers are action-oriented, a lesson focuses upon specific programmes that governments have or may adopt" (Rose 1991, 7). Lesson-drawing is distinct from mere information gathering and involves more than an evaluation of a policy in its own context. "A lesson is more than learning for its own sake; it relates actions elsewhere to substantive problems in a government agency...to draw a lesson properly, it is necessary to devote as much care to examining the probability or improbability of transfer as it is to evaluating its initial effect" (Rose 1991, 7). Lesson-drawing involves an assessment of the impact of a policy in the country in which it is operating in addition to an evaluation of its transferability and economic as well as political feasibility. "Only if another country is doing better in handling a specific problem can a positive lesson be drawn. If it is evaluated as doing worse, then any lesson will be about what not to do" (Rose 1991, 19). By examining the policy experiences of other countries, policymakers in the U.S. may glean novel insight about which issues are deserving of their attention and how to most effectively ameliorate any problems arising from such issues.

Lessons from other countries are potentially powerful tools that can be used to shape the policymaking process in the United States. The varied experiences of other countries, particularly economically advanced European democracies, "offer a rich sources of policy lessons – both negative and positive lessons – that provide valuable insights for policymaking in the United States" (Kelemen 2015, 1). The political value of policy lessons from abroad "lies in their power to bias policy choice and to affect the coalition supporting a particular program"

(Robertson 1991, 55). Lessons from other countries affect policy outcomes when they expand or contract the scope of a political conflict (Schattschneider 1960, 2-3). Supporters of a particular policy may attempt to portray a similar program in another country “in attractive terms, emphasizing the extent of its benefits in comparison to the negligibility of its costs in order to persuade allies to rally to the proposal” (Robertson 1991, 57). Conversely, opponents of a policy may “identify a similar policy abroad and emphasize its costs and disadvantages relative to the negligibility of its benefits” (Robertson 1991, 57). Strategically employed policy lessons from abroad have the ability to persuade key participants of a program’s value or its transferability, as a result, they can expand or contract support for a given policy (Robertson 1991, 57).

Bennett opines that policymakers who utilize information about policy experiences in other countries may do so for five different reasons: “to put an issue on an institutional agenda; to mollify political pressure; to emulate the actions of an exemplar; to optimize the search for the best policy; and the legitimate conclusions already reached” (1991, 33). According to Bennett, these different motives determine the timing of the introduction of evidence, the nature of the evidence presented, and the geographical scope of the search for evidence (1991, 33). Similarly, Robertson posits that lessons may play a different political role in different stages of the policy process. “During the agenda-setting process, advocates of change will tend to invoke foreign lessons in an attempt to place an issue on the political agenda” (Robertson 1991, 56). On the other hand, in the policy adoption process, “opponents will more forcefully use negative lessons to emphasize the risks of other polities’ initiatives, to associate these programs with negative consequences, and to highlight the unique features of their political system that make emulation unlikely to succeed” (Robertson 1991, 56). Thus, in the policy adoption phase of the process, opponents’ use of foreign lessons is likely to counterbalance advocates’ similar attempt to use

such lessons. Yet, there remains scant empirical evidence to substantiate these claims about the utilization of foreign policy lessons, particularly in the U.S.

IMPLICATIONS & THEORY

In attempting to discern the extent to which non-domestic factors influence U.S. domestic policy, it is important to remain cognizant of the implications that the constitutionally defined federalist system of governance and the separation of powers have on policymaking processes in the U.S. “Across executive, legislative, and judicial branches of government, as well as between national and state governments, separation of powers provides a degree of institutional friction where sweeping changes across the entire system is unlikely, but changes in parts of the system or subsystems are quite likely” (Weible et al. 2012, 6). This is due to the fact that the federalist political system creates numerous decision-making venues and possible veto points. Thus, “for those wanting to affect the policy process, there are multiple access points and venues where individuals can take their ideas and problems” (Weible et al. 2012, 7). However, these veto points simultaneously “allow opponents to prevent goal achievement or to simply raise transaction costs that any policy issue will actually succeed” (Weible et al. 2012, 7). Robertson contends that since “the American separation of powers makes it easier for a determined opposition to kill legislation than to enact it, constituency mobilization in the U.S. will contribute more to blockage than in other nations, thus biasing American policy *against* lesson-drawing” (1991, 69 emphasis added).

Political constraints may shape the lesson-drawing process as well as lesson-drawing outcomes in the U.S. “Successful lesson-drawing depends on estimating the potential fungibility of a program and anticipating possible systemic, instrumental, or cost obstacles, whether or not they enter into political debate” (Robertson 1991, 68). The degree to which a non-domestic policy is fungible, and thus whether lesson-drawing will ultimately be successful, may be both an

empirical and a normative question. Policymakers are likely to rule out a policy option that is perceived to be normatively unacceptable to their citizens' shared norms and customs even if a similar policy performs effectively in another country (Kingdon 1984). Advocates of lesson-drawing must also demonstrate that the policy's economic consequences are politically acceptable. "Policymakers who are otherwise sympathetic will insist that the program be affordable. They also will insist that the program have a positive, or at least a neutral effect on short-term economic growth, employment, productivity, and performance" (Robertson 1991, 69). Concerns about the economic and technical feasibility, as well as the normative acceptability, of policies operating in other countries are likely to constrain the lesson-drawing process, particularly since policymakers in the U.S. are highly dependent upon the electoral cycle and their constituents' perceptions of the success of policies.

Concomitant normative and economic concerns may also mediate the extent to which policymakers in the U.S. successfully engage in lesson-drawing and, subsequently, the extent to which non-domestic factors influence U.S. policy. In attempting to elucidate under what conditions, or in which issue areas, international factors are more likely to have the greatest impact on domestic policymaking within the U.S., it is constructive to think about the potential impact of the policy (Figure 1). It is hypothesized that international factors are more likely to influence domestic policymaking when the policy in question has a high impact on U.S. economic interests. Conversely, international factors are less likely to influence domestic policymaking when the policy in question has a high impact on citizens' shared norms and customs or, in other words, on U.S. social identity. It is further hypothesized that if the issue area is greatly affected by economic facets of globalization – namely, the deepening integration of markets as a result of heightened trade and investment and enhanced capital mobility (Skogstad 2000, 808) – international factors are more likely to be instructive to domestic policymakers. On

the other hand, internationalization – the process through which policies within a domestic jurisdiction face increased scrutiny, participation, or influence from transnational actors and international institutions, and the rules and norms they embody (Bernstein & Cashore 2000, 72) – will have the opposite effect on U.S. policymakers who, for electoral reasons, must at least appear intent on preserving America’s idiosyncratic norms and customs central to its social identity.

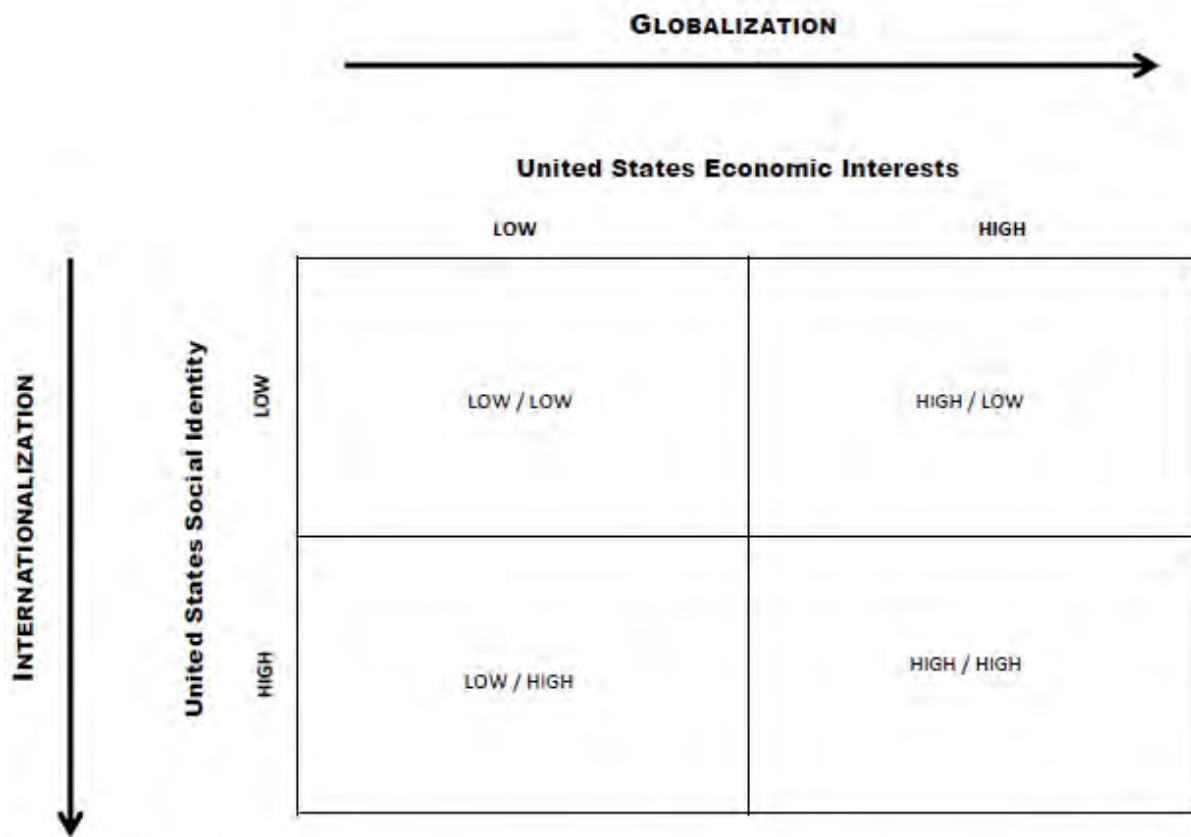


Figure 1: Conditions under which international factors are likely to impact U.S. domestic policy

ISSUE AREAS

In this study, the above framework is applied to four issue areas that differ in their impact on U.S. economic interests and U.S. social identity. Renewable energy is an issue area that has a low impact on both U.S. economic interests and U.S. social identity (LOW/LOW). While the

economic benefits of investing in the development of renewable energy are becoming increasingly apparent, the U.S. lags behind other nations in this regard. The U.S. is “not among the top 10 countries in investment growth rate over the past five years, and it ranks 10th in the world in its installed clean energy capacity growth rate since 2006” (Innovate, Manufacture, Compete: A Clean Energy Action Plan 2012, 20) In addition, the U.S. is “ranked eighth among the G-20 nations in terms of investment intensity, which compares clean energy investments with national economic output” (Innovate, Manufacture, Compete: A Clean Energy Action Plan 2012, 20). Thus, while the potential may exist, the U.S. not yet capitalizing on renewable energy resources and, as a result, it constitutes a relatively insignificant portion of the nation’s economy.

Agriculture, particularly agricultural trade, is an issue area that has a high impact on U.S. economic interests, but a low impact on U.S. social identity (HIGH/LOW). In 2012, “the \$141.3 billion of U.S. agricultural exports produced an additional \$179.5 billion in economic activity for a total of \$320.8 billion of economic output” (USDA Economic Research Service 2014) Agricultural exports also generated 929,000 jobs in 2012, including 622,000 jobs in the nonfarm sector (USDA Economic Research Service 2014). The direct contribution of agriculture trade to the U.S. economy rose from \$37.4 billion in 2011 to \$38.4 billion in 2012 (USDA Economic Research Service 2014). The high impact of agricultural trade on the U.S. economy is evident from such figures.

Lesbian, gay, bisexual, and transgender (LGBT) rights constitutes an issue area that has a low impact on U.S. economic interests, yet a high impact on U.S. social identity (LOW/HIGH). Marriage equality for same-sex couples, it is argued, threatens the institution of marriage in the U.S. because it will demoralize and devalue one of the most sacrosanct and fundamental aspects of American society, namely the family. In addition, according to Thomas Messner of *The Heritage Foundation*, redefining marriage to include same-sex unions poses significant threats to

the religious liberties of Americans who believe that marriage is properly confined to a relationship between a man and a woman (Messner 2008).

Lastly, immigration is an issue area that has a high impact on both U.S. economic interests and U.S. social identity (HIGH/HIGH). On one hand, it is argued that “immigrants increase economic efficiency by reducing labor shortages in low- and high- skilled markets because their educational backgrounds fill holes in the native-born labor market” (Furchtgott-Roth 2013). It has been estimated that if no green card or H-1B visa constraints had existed in the U.S. during 2003-2007, “an additional 182,000 foreign graduates in science and technology fields would have remained in the U.S. Their contribution to GDP would have been \$14 billion in 2008, including \$2.7 to \$3.6 billion in tax payments” (Furchtgott-Roth 2013). On the other hand, the extent and nature of contemporary immigration has led others, including former Congressman Tom Tancredo, to argue that the inability or reluctance of immigrants to assimilate into American society is a direct threat to traditional U.S. identity (Furchtgott-Roth 2013).

RESEARCH DESIGN & MEASURES

The content and dissemination of policy-relevant information is the driving force behind the legislative process (Krehbiel 1991; Porter 1974; Bauer, Pool & Dexter 1963, 466-72; March & Simon 1958, 161-69; Mooney 1993; Goggin & Mooney 2001, 130). From defining the range of legitimate policy alternatives to deciding how to vote on legislation, what U.S. legislators know about a policy, in terms of both facts and opinions, ultimately determines the content of law (Goggin and Mooney 2001, 130). Due to a high level of congressional specialization in committees and subcommittees, decisions made by a subset of legislators in the policy design phase both define and limit the impact of the larger legislative body at later phases of the policymaking process (Deering & Smith 1997; Goggin & Mooney 2001; Hall 1998). While less informed rank-and-file members of Congress tend to listen to their partisan colleagues when

voting on legislation developed by committees on which they do not sit, members tend to expand their informational purviews when designing or considering a bill in committee (Goggin & Mooney 2001; Mooney 1991; Kovenock 1973). Thus, legislative information flows in a two-step process in which committee members and other specialists gather policy-relevant information from outside Congress and filter it through to their colleagues (Goggin & Mooney 2001; Porter 1974; Sabatier & Whiteman 1985; Zweir 1979). In this context, the use of information by committee members becomes critical to the development, as well as to the eventual passage, of legislation (Goggin & Mooney 2001, 131). Consequently, the type of policy-relevant information gathered and how such information is utilized in committee and subcommittee hearings will incontrovertibly impact the development of U.S. domestic policy.

If international factors do indeed influence U.S. domestic policy, it is first necessary to empirically demonstrate that policymakers are cognizant of, and utilizing information about, policies operating in other countries. In order to ascertain whether and to what extent policymakers in the U.S. look to non-domestic factors to inform their policymaking decisions, this study specifically measures if U.S. legislators engage in cross-national lesson-drawing by analyzing both House and Senate committee and subcommittee hearings¹ for contextually relevant questions or statements about policies operating in other countries in the aforementioned issue areas.

A random sample of congressional hearings from the 107th Congress through the 113th Congress was selected within each issue area by conducting a search in the U.S. Government Printing Office's Federal Digital System using the following search terms: "renewable energy," "agriculture trade," "same-sex marriage," and "immigration reform." A total sample of 139

¹ Only legislative, oversight, and investigative hearings were included in this analysis. Appropriations and confirmation hearings were purposefully excluded from the analysis due to the fact that they do not involve substantive policymaking.

congressional hearing reports were contextually analyzed by searching for key terms, such as “other countries,” “overseas,” “foreign,” “international,” etc. In addition, the congressional hearing reports were analyzed by searching for specific country and geographic locations such as “Canada,” “Europe,” “Asia,” “China,” etc. After searching for key terms and specific country/geographical locations, a deliberate contextual reading was conducted to ensure that the reference contained within the hearing report was related to a discussion about policies operating in other countries. Appendix materials, such as supplemental reports or additional answers submitted for the record, which were not in searchable format were thoroughly analyzed by carefully reading for relevant content. Hearings were coded dichotomously as either containing contextually relevant questions or statements about policies in other countries (1), or not (0).

A total of 808 contextually relevant questions or statements were identified within the 139 congressional hearing reports analyzed. The specific references were catalogued and subsequently coded into one of the following eight categories depending on the purpose of the specific reference.

1. Specific Inquiry

A reference was coded as a 1 if it constituted a direct question from a committee member about whether a country has formed a policy on an issue, how other countries are dealing with a problem or policy, what the perceived impact of the policy is, or how the U.S. compares to other countries in this regard. This reference category is particularly important because, as Rose indicates, “[a] necessary condition of lesson-drawing is that policymakers want to learn something that they do not already know” (1991, 11). By asking a specific question, policymakers are indicating that they are not only interested in learning something that they do not already know, but that they are attentive to policies in other countries. An example of a

reference that was coded as a 1 is the following question posed by Congressman Eliot Engel sitting on the Select Committee on Energy Independence and Global Warming:

Mr. ENGEL: How about Brazil? Since you mentioned Brazil, I noticed in your testimony, you know, you said that ethanol and nuclear are not a solution. Yet I was just in Brazil and was amazed at the amount of—how much ahead they are of this country in terms of planning for the future and looking at alternative energy and weaning their country away from gasoline and things like that. Do you think we could learn something from Brazil?

Congressman George Holding sitting on the House Subcommittee on Immigration, Citizenship, and Border Security provides another example:

Mr. HOLDING: What are some of the systems in other countries that would be worthy of emulation or further study to see how they are doing it in a way that is productive for their country? And I throw that out to you and then a follow-up to anyone else. So Mr. Garfield.

2. Comparative Inadequacy

References were coded as a 2 if the purpose was to generate a sense that U.S. is a laggard in a particular policy area. This included statements that specifically cited countries as being ahead of the U.S. as well as those that generated a sense of urgency that the U.S. act to “catch up” to the rest of the world. According to Rose, “[k]nowing that one’s country is below-average in a given policy area is sufficient to give critics of government a stick to use to create dissatisfaction with the status quo” (Rose 1991, 9). While referencing a particularly low ranking on the world policy stage may not tell “a harried government what to do,” this reference category is significant because evidence which indicates other countries have formed a policy on an salient issue can have a persuasive impact on policymakers (Bennett 1991). “It can impress activists that the issue should be on the systemic agenda; it can persuade both activists and elites that it should be on the institutional agenda” (Bennett 1991, 34). An example of a reference coded as a 2 is the following statement made by Kate Kendell, Esq., Executive Director of the National Center for Lesbian Rights, who served as a witness on the Senate Judiciary Committee

hearing on “The Uniting American Families Act: Addressing Inequality in Federal Immigration Law”:

Ms. KENDELL: In maintaining the current immigration restrictions that discriminate against same-sex couples, the United States policy is in direct contradiction with many of our closest allies. At least nineteen countries recognize same-sex couples for immigration purposes, affording rights that are the same as or similar to those afforded to different-sex couples. They are Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, the Netherlands, Norway, New Zealand, Portugal, South Africa, Spain, Sweden, Switzerland, and the United Kingdom.

3. Encourage Emulation

References were coded as a 3 if the purpose was to encourage U.S. policymakers to emulate a policy in existence in another country. This included statements that suggested the U.S. needs to adopt a similar policy or that a particular policy serves as an exemplar worthy of emulation. Encouraging emulation is an important part of lesson-drawing because, while emulation accepts that a particular policy elsewhere provides the best standard for designing legislation at home, it also requires adaptation to take different national circumstances into consideration (Rose 1991, 21). “There is a distinction between slavish imitation and the borrowing and adaptation of a program because it provides a model, exemplar or blueprint which may be improved on” (Bennett 1991, 36). Considerations of how to adapt or improve upon policies in other countries requires an action-oriented assessment of the policy in its own context as well as the conditions in the importer country that may make it similarly successful. An example of a reference coded as a 3 includes the following statement made by Joshua Bar-Lev, Vice President of Regulatory Affairs, BrightSource Energy, who served as a witness on the House Energy and Mineral Resources Subcommittee hearing on “Renewable Energy Opportunities and Issue on Federal Lands”:

Mr. BAR-LEV: So that is the best example but I think the real lesson to be learned from Spain is that if we were to set aside some Federal land, identify the optimal solar zones, and set aside a bunch of BLM land, say enough for four gigawatts which is what the Western Governors are recommending, you would bring the cost down of solar dramatically. You

would have competition among the different technologies, and if you build transmission out to those, that would benefit everybody. That would be a great win-win, and that is what we are recommending. We are recommending a program that is not that different from what Spain did.

Another example comes from a statement made by David Hallberg, Biofuels Representative, who served as a witness on the House Agriculture Committee hearing to “Review U.S. Agriculture Policy in Advance of the 2012 Farm Bill”:

Mr. HALLBERG: I think you have an open fuel standards bill in the House, Mr. Engel. I’ve referred to that in my testimony. But the bottom line is we need to drive our system to emulate the Brazilian model.

4. U.S. Exceptionalism

References were coded as a 4 if the purpose was to point out that the U.S. is exceptional. This included statements about how policies operating within the U.S. are either superior to policies elsewhere or simply not in need of reform. References were also coded as a 4 if they included statements about the uniqueness of the U.S. context that might prevent policy solutions in other countries from having any similar effect. This reference category is important because it is indicative of a strategy used by opponents of emulating policies from another country. “Opponents will tend to use theories grounded in history, institutions, and culture and claim that the relevant problem is grounded in a unique configuration of characteristics specific to a particular time and place” (Robertson 1991, 61). An example of a reference coded as a 4 includes the following statement from Barbara Dafoe Whitehead of the National Marriage Project at Rutgers University, who served as a witness on the Senate Children and Families Subcommittee hearing on “Healthy Marriage: What Is It and Why Should We Promote It?”:

Ms. WHITEHEAD: But also, one of the exceptionally—one of the differences between our society and many of the—Canada and some of the Western European nations is that we are a more religious society, and some scholars believe that that is an advantage in sustaining or giving us at least a chance at renewing our family life. So, though we are increasingly secular, but still, compared to the other nations and societies, more religious.

5. *Politically Neutral Truth*

References were coded as a 5 if the purpose was merely to offer a matter of fact statement about the existence of a policy in another country with no accompanying normative assessment about its impact or feasibility. As Robertson notes, “[p]olicy lessons from abroad often are put forward as politically neutral truths” (1991, 55). This serves as evidence that policymakers are, at minimum, aware of the existence of policies in other countries. An example of a reference coded as a 5 includes the following statement by Lisa White, LL.M., Senior Foreign Law Specialist, Law Library of Congress, who served as a witness on the House Immigration, Citizenship, and Border Security Subcommittee hearing on “An Examination of Point Systems as a Method for Selecting Immigrants”:

Ms. WHITE: Currently, the United Kingdom only has one points-based immigration system, the Highly Skilled Migrant Program. This was established in 2002 as a pilot scheme and ran for 1 year.

6. *Technical Mechanisms of Policy*

References were coded as a 6 if the purpose was to offer a description of the technical mechanisms of a policy operating in another country. This included statements about the policy design and its operating procedures. This also included references to the verbatim text of another country’s legislation. As the literature indicates, policy design is less a matter of invention than of selection. “Designers search through large stores of information, make comparisons, find analogies, and combine elements cafeteria-style to create proposed policies” (Schneider & Ingram 1988, 63). This reference category is intended to measure the extent to which policymakers are engaging in this “cafeteria-style” selection process. In addition, according to Robertson, the political uses of policy lessons result in a bias among issue-experts toward narrow, descriptive and technical assessments of foreign lessons in order to maximize their credibility (1991, 56). This reference category is also intended to assess the extent to which

Robertson's claim holds true. An example of a reference coded as a 6 includes the following statement by Stephen Clark, Senior Foreign Law Specialist, Law Library of Congress who served as a witness on the Senate Health, Education, Labor, and Pensions Committee hearing on "Employment-Based Permanent Immigration: Examining the Value of a Skills-Based Points System":

Mr. CLARK: In New Zealand, the selection point is revised every 2 weeks. The most recent selection point was 140 points. Persons scoring between 100–140 points may apply for residence permits not claimed by persons who have scored more than 140 points. The selection criteria are job opportunities, relevant work experience, qualifications, age, and family relations.

7. Impact of Policy/Assessment of Efficacy & Feasibility

References were coded as a 7 if the purpose was to offer a statement about the potential impact of the policy in the U.S. or an assessment of the impact of the policy in the country in which it is operating. This included statements about a policy's efficacy, feasibility, or transferability. This reference category is particularly important for the purposes of this study, since, in essence, this is what Rose describes as lesson-drawing. According to Rose, "[e]valuation and lesson-drawing are inextricably linked. A lesson includes a judgement about a programme in effect elsewhere and the position of a potential user" (1991, 19). Rose goes on to state that "[l]esson-drawing goes well beyond post hoc evaluation research about a particular programme in a single country. It is also concerned with the prospective question: Can a programme now operating in country X be put into effect in country Y in future?" (1991, 19). If a reference was coded as a 7, it was then subsequently coded as (1) positive, (2) negative, or (3) neutral. Positive assessments of policy impacts, efficacy, feasibility or transferability included statements offering a conclusion that a policy operating in another country could have similarly positive effects in the U.S. They also included statements about the desirability of the program based on its positive impacts elsewhere. Negative assessments included statements offering a

conclusion that a policy operating in another country is ineffective, costly, and undesirable in the U.S. Neutral assessments included statements that discussed the impact of a policy in its own context, including its outcomes and effects, but which were not accompanied by any normative judgment about its potential impact in the U.S. An example of a reference coded as a 7 includes the following statement by Stanley Kurtz from the Hoover Institution at Harvard University, who served as a witness on the House Constitution Subcommittee hearing on “Legal Threats to Traditional Marriage: Implications for Public Policy”:

Mr. KURTZ: The best way to judge the effects of gay marriage is to look at the countries where it already exists. Scandinavia has had a system of marriage-like same-sex registered partnership for over a decade now. The Netherlands has had a system of registered partnerships for 8 years, and full and formal gay marriage for 3 years. And in every one of these countries, marriage is in crisis. In Scandinavia, marriage is dying. A majority of children in Sweden and Norway are now born out of wedlock. Sixty percent of first-born children in Denmark have unmarried parents. Particularly in the parts of Scandinavia where gay marriage is most fully accepted, marriage itself has almost completely disappeared.

8. International Obligation

References were coded as an 8 if the purpose was merely to draw attention to an existing international obligation or existing international standards as codified in bi- or multi- lateral agreements, international law, or the United Nations. This reference category was included to measure the extent to which policymakers in the U.S. feel constrained by international obligations. An example of a reference coded as an 8 includes the following statement by Frank Lee, Corn, Cotton, Wheat, Soybean, and Beef Cattle Producer from Norwood, North Carolina, who served as a witness on the House Agriculture Committee hearing “To Review U.S. Agriculture Policy in Advance of the 2012 Farm Bill”:

Mr. LEE: We need to comply with our international trade agreements, but it is vital to give strong consideration and support to any programs, such as the Market Access Program, that assists with increasing agriculture exports as we move forward.

FINDINGS & ANALYSIS

Figure 2 displays the percentage of congressional hearings analyzed within each of the four issue areas that contained contextually relevant questions or statements about policies that exist in other countries. Seventy-seven percent of the hearings pertaining to LGBT rights, 86 percent of the hearings pertaining to renewable energy, 58 percent of the hearings pertaining to immigration, and 76 percent of the hearings pertaining to agriculture contained such references. This suggests that cross-national policy comparisons are taking place in legislative hearings in the U.S.

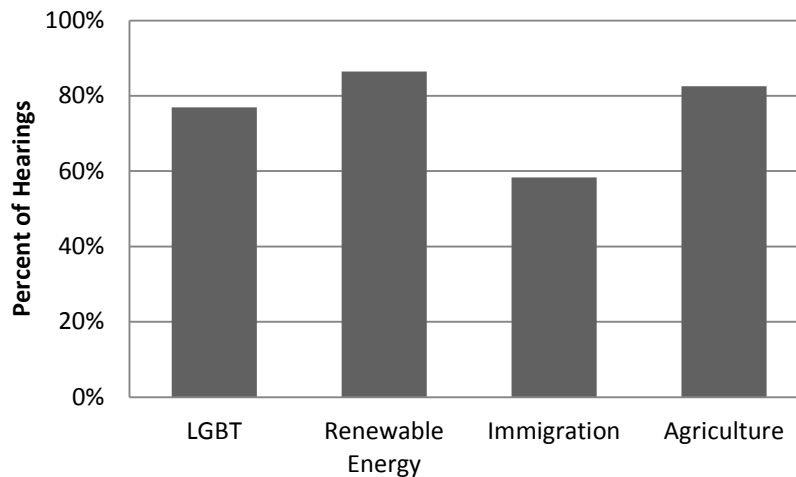


Figure 2: Congressional Hearings Containing Explicit References to Non-Domestic Factors

RENEWABLE ENERGY

A total of 261 contextually relevant questions and/or statements were identified in the 37 congressional hearings analyzed pertaining to renewable energy. Figure 3.0 displays the frequency distribution of the references within each coding category. One hundred and nineteen (46 percent) of the references identified were offered for the purpose of either assessing the potential impact of the policy in the U.S. or assessing the impact of the policy in the country in

which it is operating (reference category 7). Figure 3.1 displays the breakdown of such policy assessments.

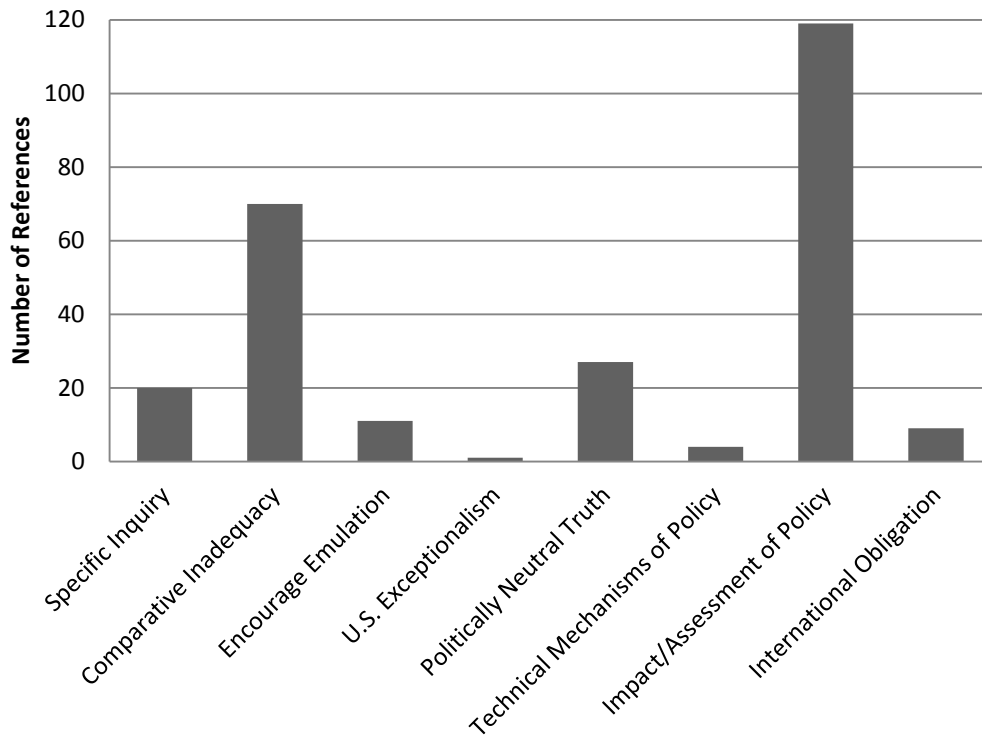


Figure 3.0: Renewable Energy: Purpose of Reference

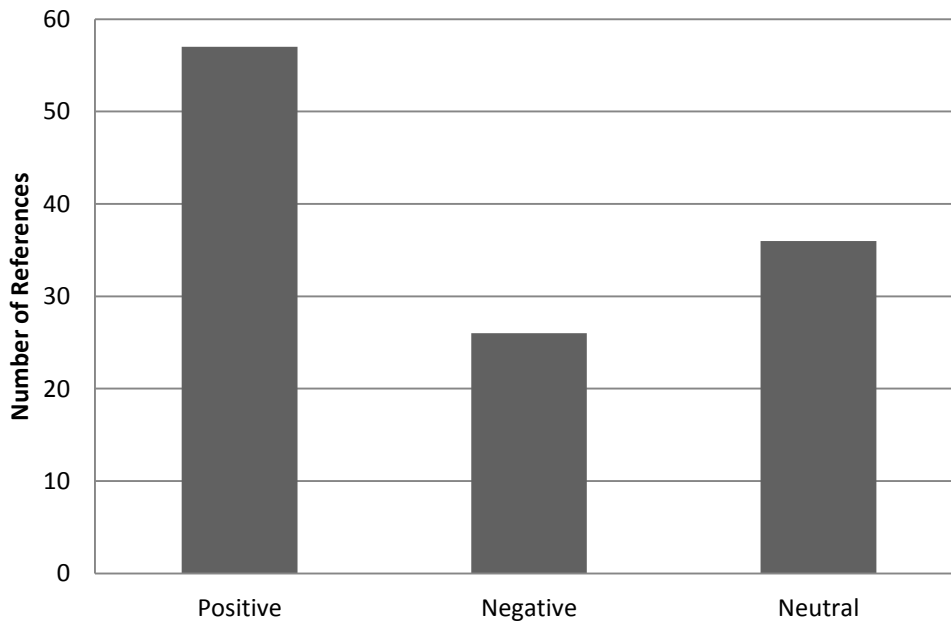


Figure 3.1: Renewable Energy: Assessment of Policies

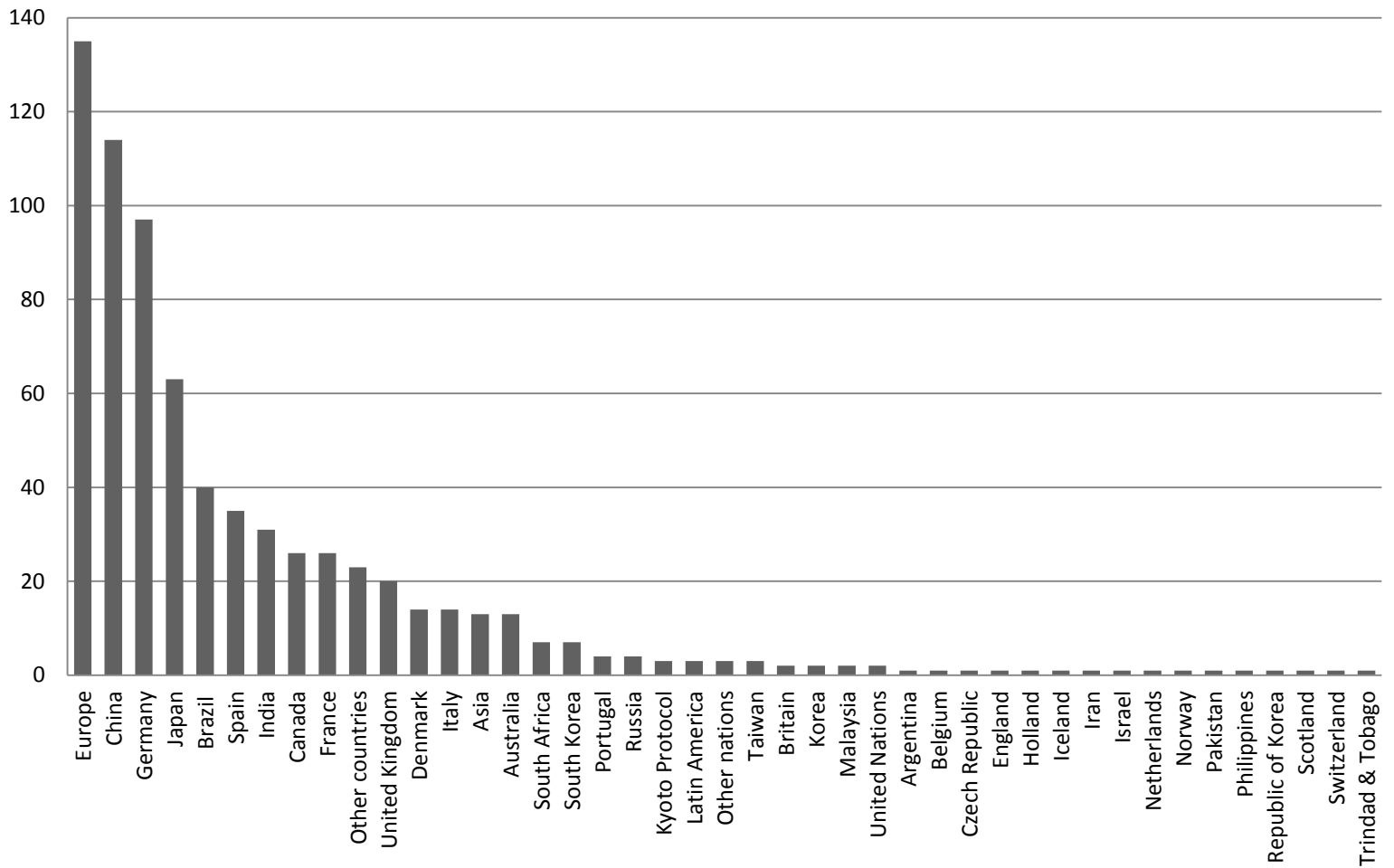


Figure 3.2: Renewable Energy: Country References

Figure 3.2 displays the frequency with which specific countries or geographical areas were referred to in the congressional hearings analyzed pertaining to renewable energy. In assessing where U.S. policymakers are looking in order to draw foreign lessons about renewable energy policies, Europe, China, and Germany are the frontrunners. China is widely recognized as a leader in investing in renewable energy sources. China leads the world in the number of hydroelectric generators, and researchers have suggested that China could meet all of its electricity demands from wind power by 2030 (Fairley 2009). Similarly, in 2011, 20 percent of Germany’s electricity supply was produced from renewable energy sources (Sawin 2014). Clearly, China and Germany stand out as policy innovators in this issue area.

AGRICULTURE

A total of 248 contextually relevant questions and/or statements were identified in the 40 congressional hearings analyzed pertaining to agriculture. Figure 4.0 displays the frequency distribution of the references within each coding category. One hundred and twenty-seven (51 percent) of the references identified were offered for the purpose of either assessing the potential impact of the policy in the U.S. or assessing the impact of the policy in the country in which it is operating (reference category 7). Figure 4.1 displays the breakdown of such policy assessments.

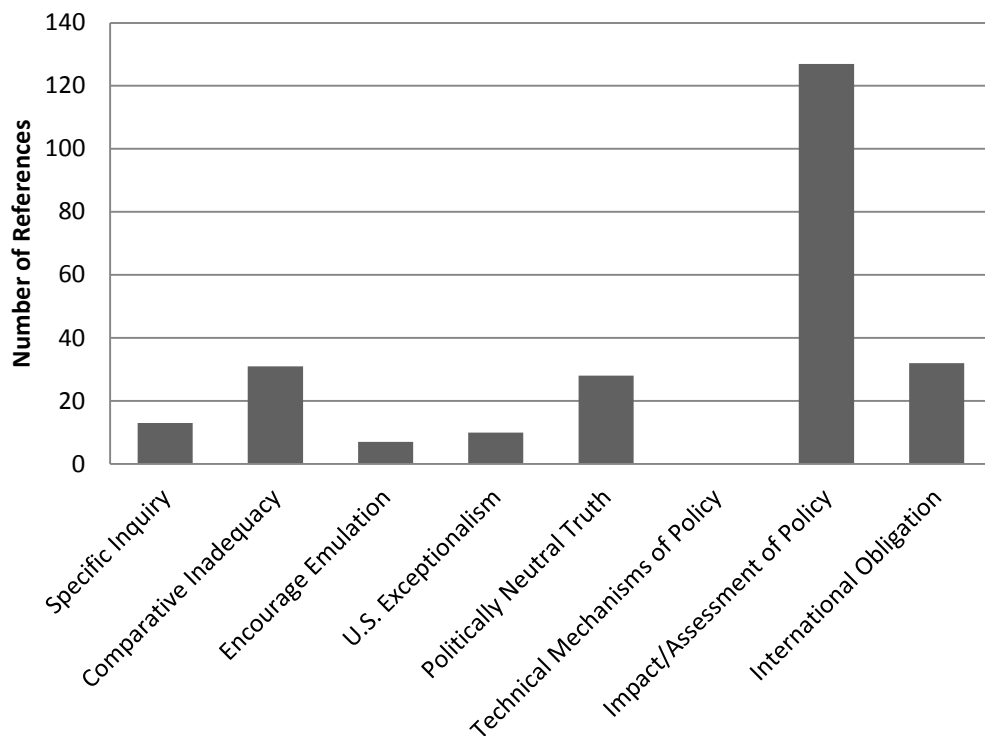


Figure 4.0: Agriculture: Purpose of Reference

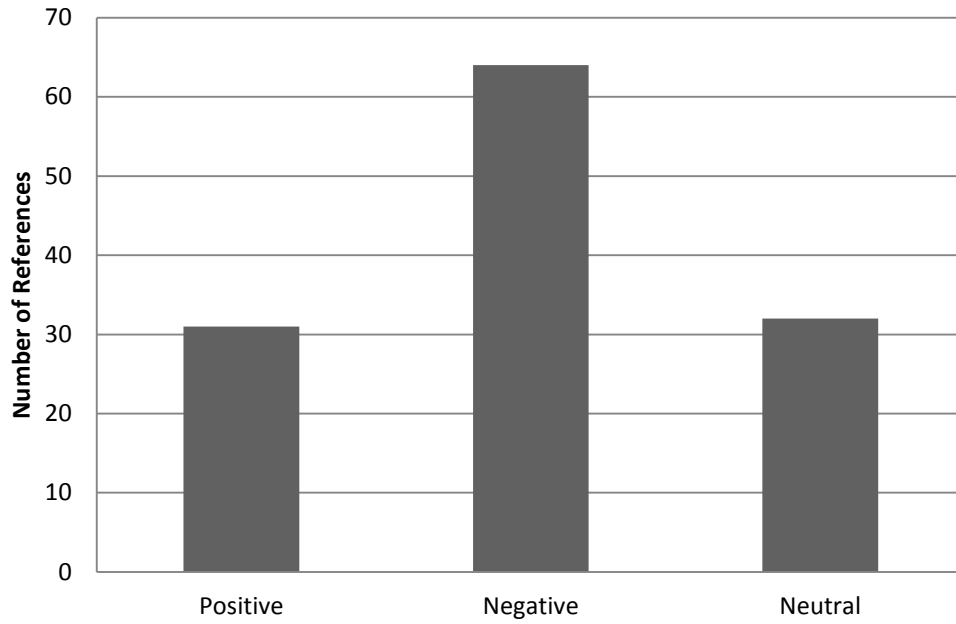


Figure 4.1: Agriculture: Assessment of Policies

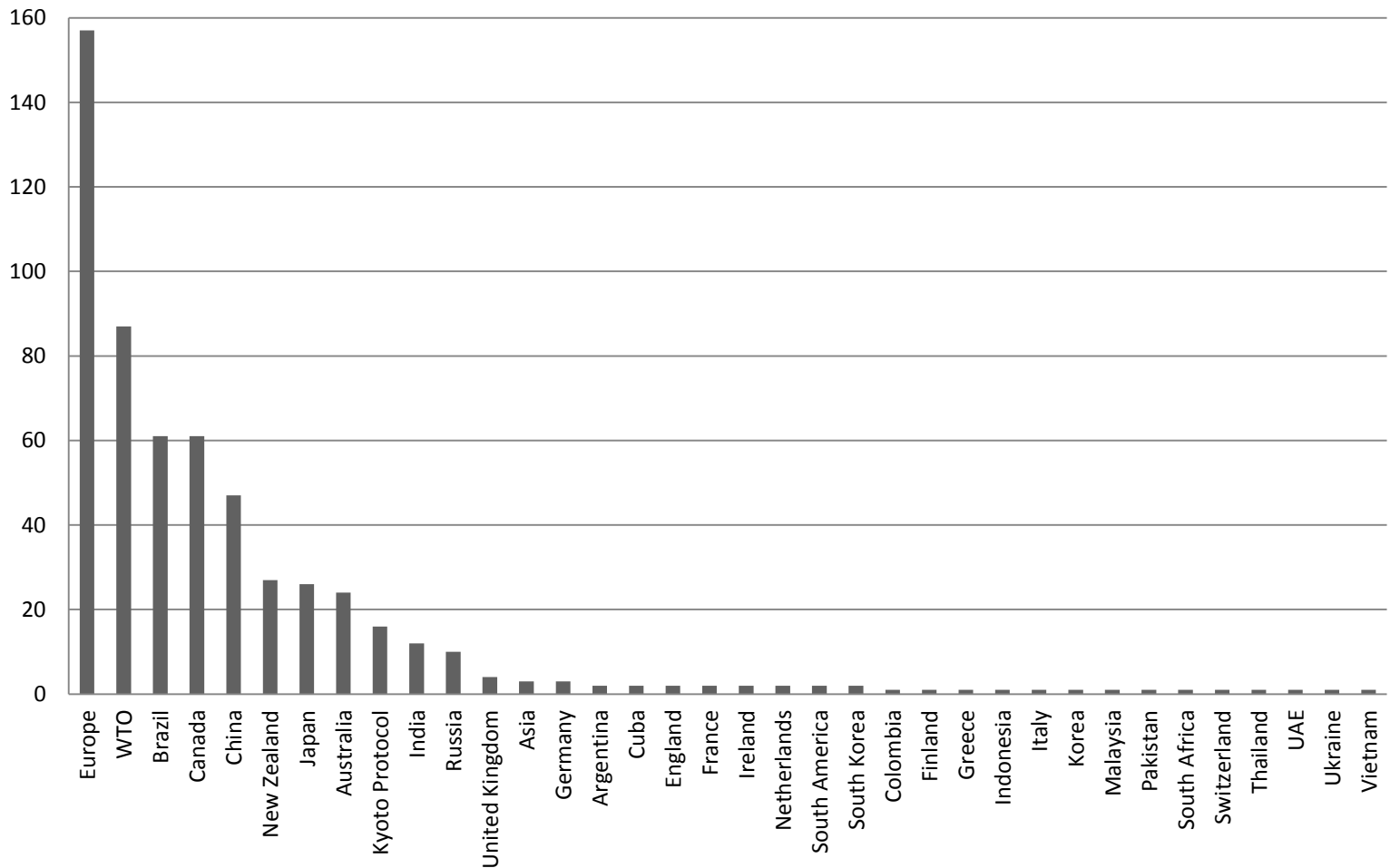


Figure 4.2: Agriculture: Country References

Figure 4.2 displays the frequency with which specific countries or geographical areas were referred to in the congressional hearings analyzed pertaining to agriculture. In assessing where U.S. policymakers are looking in order to draw foreign lessons about agricultural policies, Europe is the frontrunner, followed by Brazil and Canada. References to the World Trade Organization were frequent in congressional hearings pertaining to agriculture policy due to the fact that domestic policies are constrained to some extent by standards set by the international organization. Europe can be considered a policy innovator within this issue area because of its Common Agriculture Policy (CAP) as well as its regulatory policies concerning country of origin labeling and genetically modified organisms (EUROPA 2014).

LGBT RIGHTS

A total of 129 contextually relevant questions and/or statements were identified in the 26 congressional hearings analyzed pertaining to LGBT rights. Figure 5.0 displays the frequency distribution of the references in each coding category. Fifty-six (43 percent) of the references identified were offered for the purpose of either assessing the potential impact of the policy in the U.S. or assessing the impact of the policy in the country in which it is operating (reference category 7). Figure 5.1 displays the breakdown of such policy assessments.

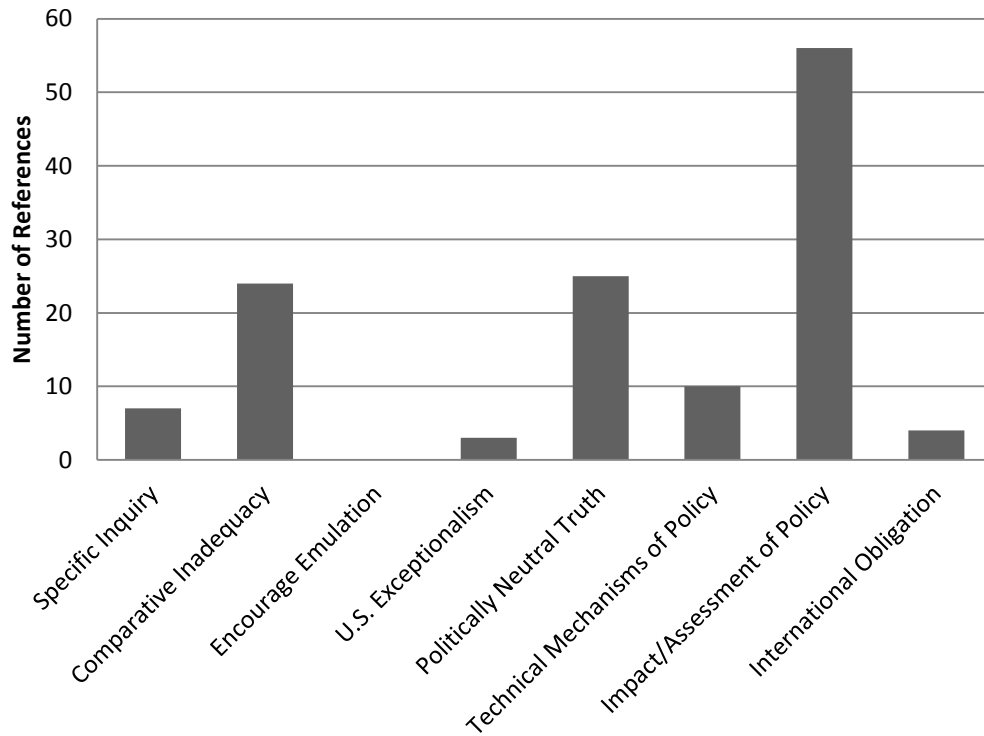


Figure 5.0: LGBT Rights: Purpose of Reference

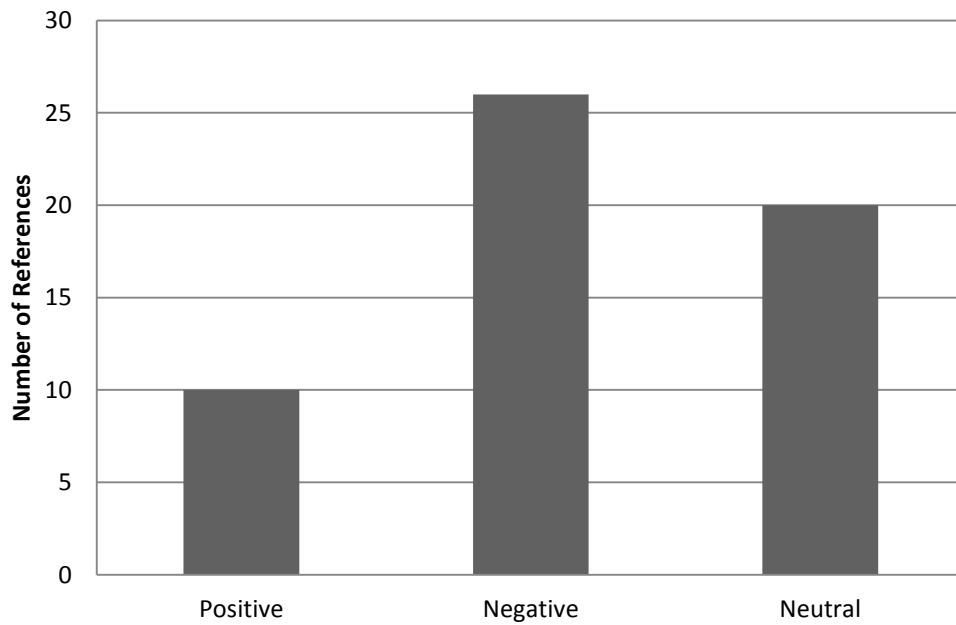


Figure 5.1: LGBT Rights: Assessment of Policies

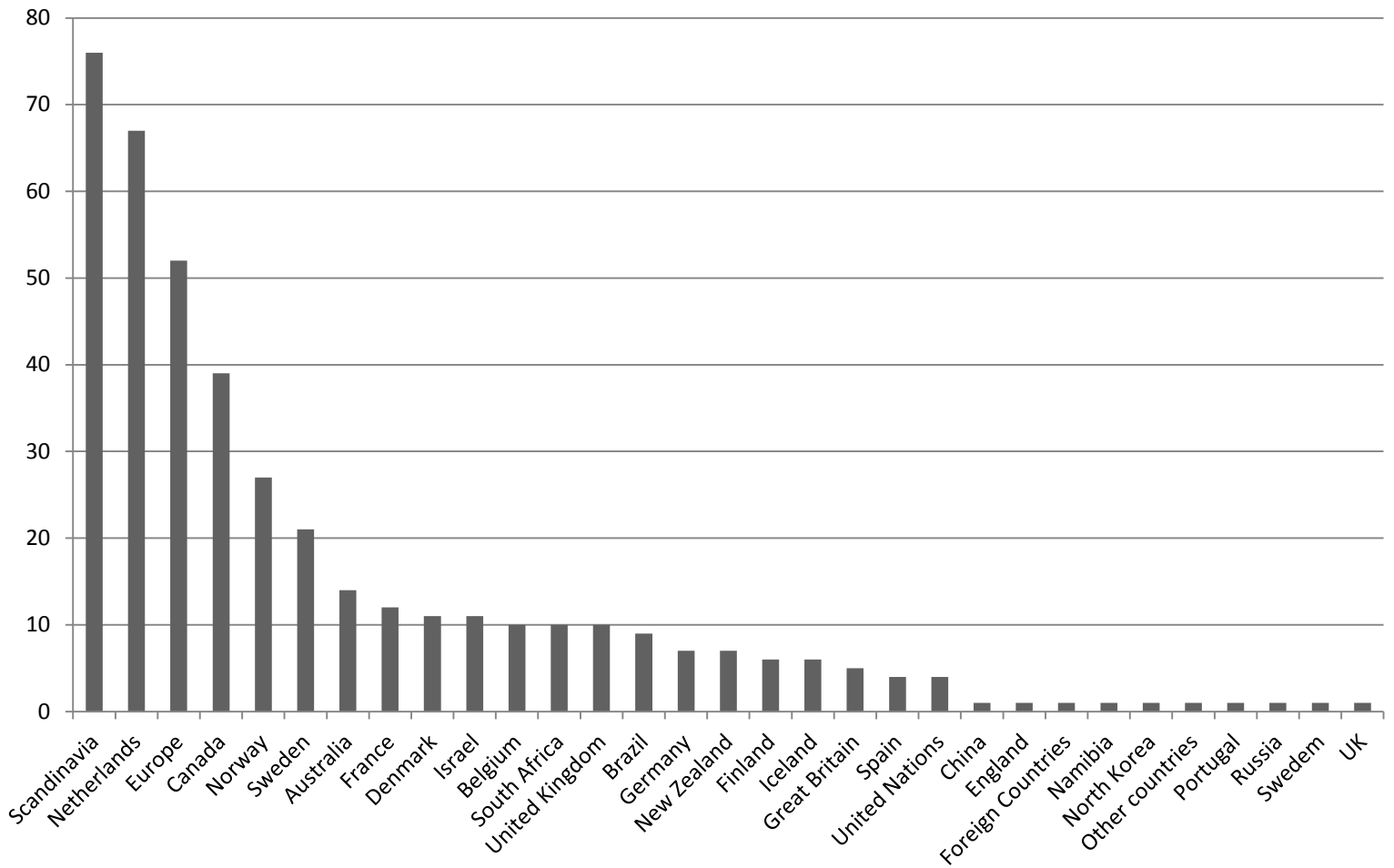


Figure 5.2: LGBT Rights: Country References

Figure 5.2 displays the frequency with which specific countries or geographical areas were referred to in the congressional hearings analyzed pertaining to LGBT rights. In assessing where U.S. policymakers are looking in order to draw foreign lessons about LGBT policies, Scandinavian countries, including the Netherlands, Norway, and Sweden are the frontrunners. Scandinavian countries were the first to legalize same-sex marriage or a similar type of domestic partnership arrangements. In 2001, the Netherlands became the first country in the world to give same-sex couples the full equivalent of rights of civil marriage available to opposite-sex couples (Wojcik 2003). Canada became one of the first non-European governments to propose a same-

sex union law at the national level, and in 2005, Canada joined the Netherlands and Belgium in legally recognizing LGBT marriages (Kollman 2007).

IMMIGRATION

A total of 170 contextually relevant questions and/or statements were identified in the 36 congressional hearings analyzed pertaining to immigration. Figure 6.0 displays the frequency distribution of the references in each coding category. Sixty-six (39 percent) of the references identified were offered for the purpose of either assessing the potential impact of the policy in the U.S. or assessing the impact of the policy in the country in which it is operating (reference category 7). Figure 6.1 displays the breakdown of such policy assessments.

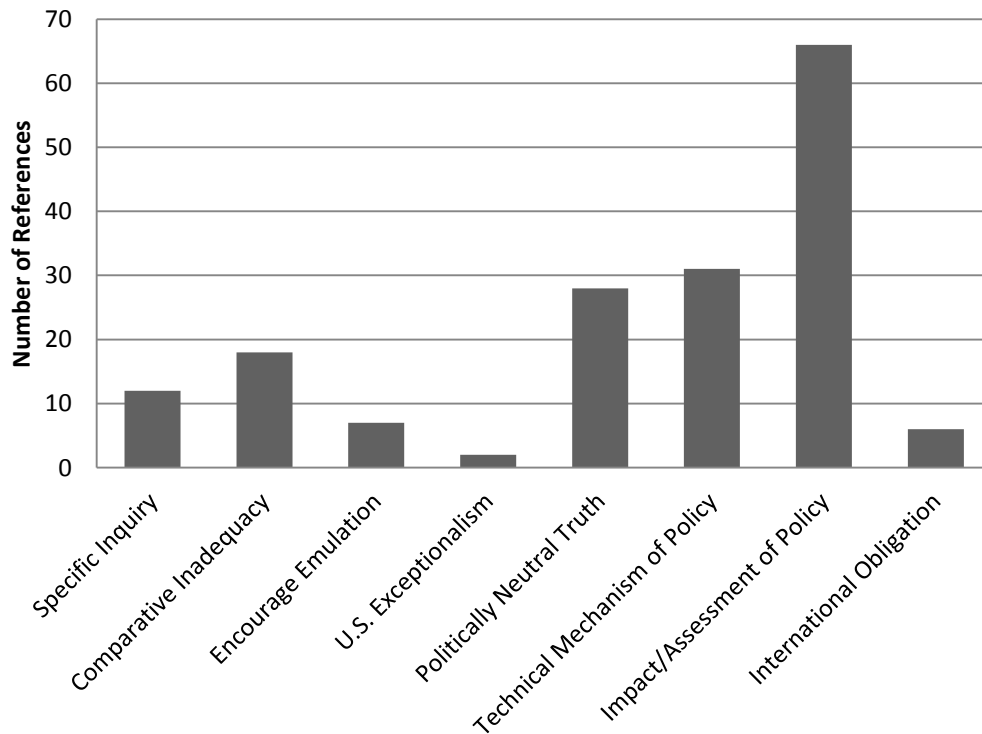


Figure 6.0: Immigration: Purpose of Reference

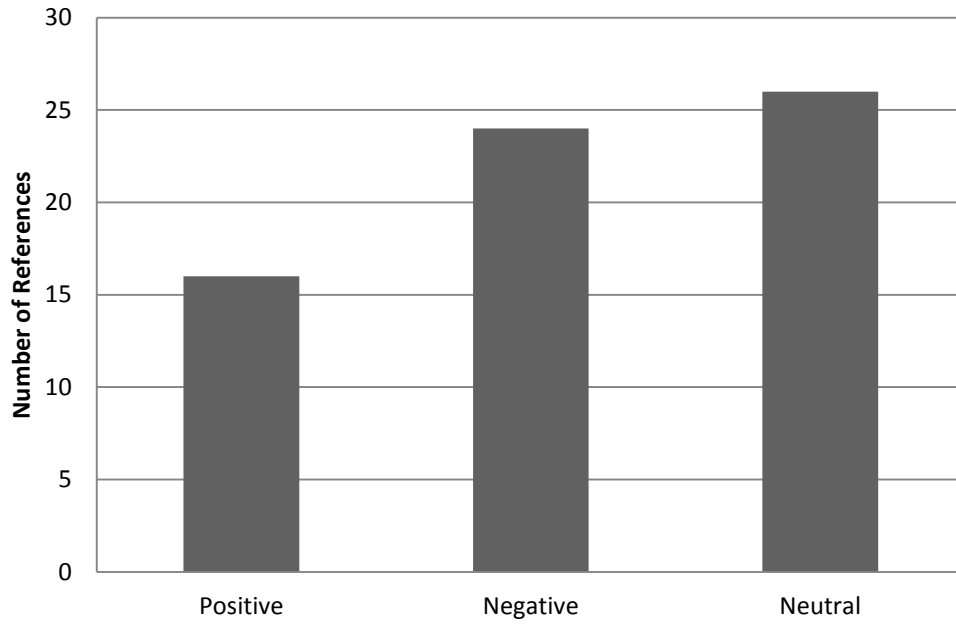


Figure 6.1: Immigration: Assessment of Policies

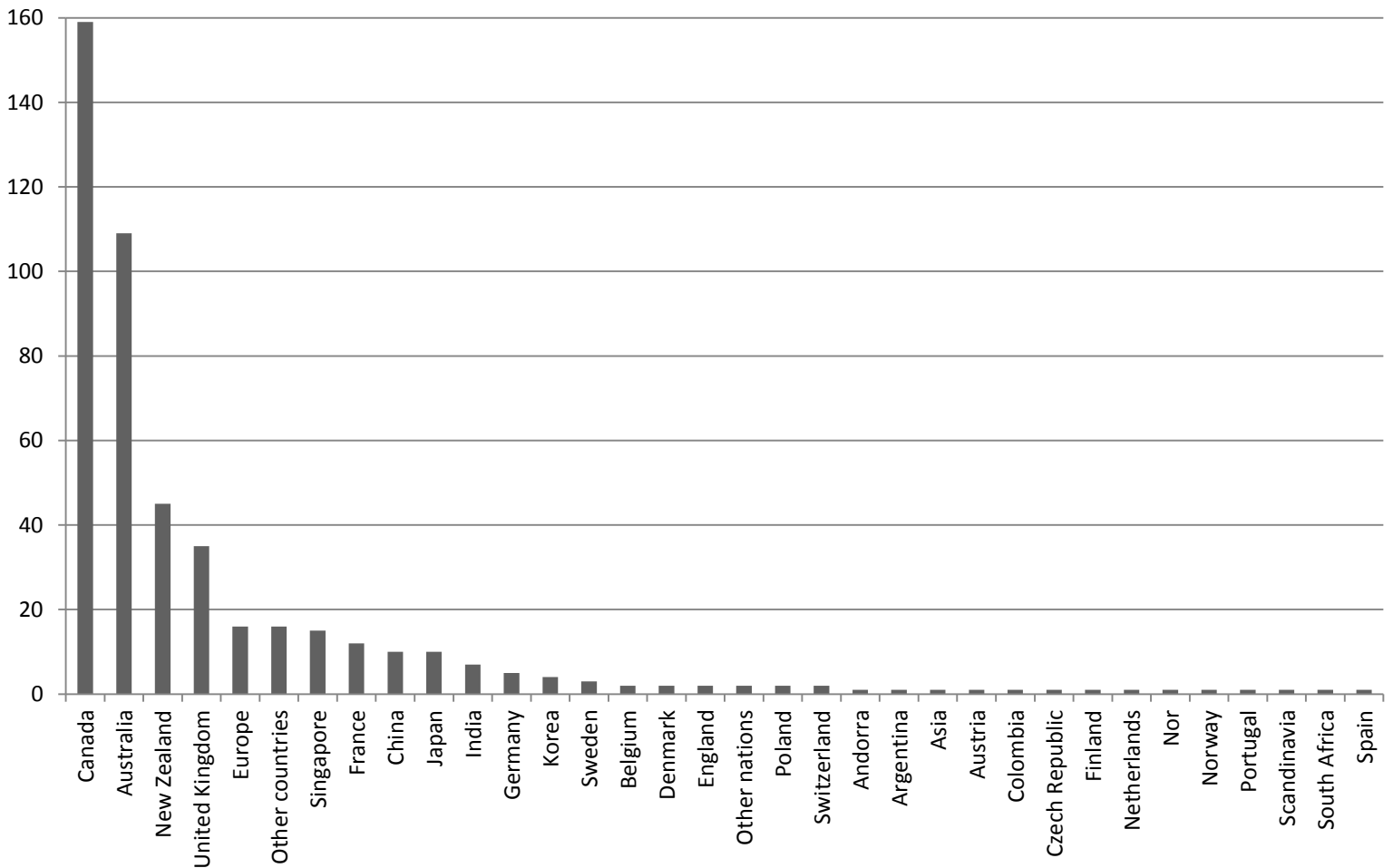


Figure 6.2: Immigration: Country References

Figure 6.2 displays the frequency with which specific countries or geographical areas were referred to in the congressional hearings analyzed pertaining to immigration. In assessing where U.S. policymakers are looking in order to draw foreign lessons about immigration policies, Canada, Australia, New Zealand, and the United Kingdom are the frontrunners. All four of these countries have some sort of points-based immigration as a means of regulating immigration. Congressional hearings in the issue area of immigration focused heavily on assessing points-systems in these countries. In fact, two hearings, one House and one Senate, were devoted specifically to examining the value of implementing a points-system in the U.S. Both hearings drew heavily from the policies and experiences of these four countries.

CONCLUSION

A clear causal nexus between policy change in the U.S. and cross-national lesson-drawing by policymakers remains to be evinced. This study has demonstrated, however, that U.S. policymakers are engaging in cross-national policy comparisons. Of the total number of congressional hearings analyzed, 76 percent contained explicit references to policies operating in foreign countries. By operationalizing Rose's conceptualization of lesson-drawing into reference categories, this study has also found evidence to support the claim that U.S. policymakers are actively engaged in cross-national lesson-drawing. By assessing the impact of a policy in its own context and evaluating its efficacy, feasibility, and transferability, U.S. policymakers are drawing valuable lessons which may shape the policymaking process regardless of whether or not such lessons translate into cognizable policy change. Policy lessons drawn from other countries can influence the agenda-setting process, bias policy choice, expand or contract the scope of political conflict, and affect the coalition supporting a particular policy.

The extent to which international factors influence U.S. domestic policy is an area ripe for further research. As shown by the frequency with which the WTO was referred to in congressional hearings pertaining to agriculture, other international factors such as international organizations, transnational non-state actors, and trans-governmental networks may serve as additional or intervening variables in understanding the non-domestic influences on U.S. policy. To be sure, moving beyond methodological nationalism is bound to be challenging due to the tendency to conflate lesson-drawing with policy transfer, which directs the analytical focus toward the nation-state. Important empirical work about the effects of cross-national lesson-drawing on the U.S. domestic policymaking process can aid in more clearly demarcating the distinctions between these two seemingly interconnected concepts.

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