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Preventing Civil War: The Role of Independent Courts

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Dedication

This thesis is dedicated to family, friends, and colleagues who have shown endless support over the years. Thank you for all your continuous support.

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by

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One of the primary concerns of political science is to identify how to reduce conflict. Reducing the likelihood of conflict is crucial for the well-being and livelihoods of communities around the world and is a strategic concern for regimes who seek to retain power. A fundamental question is thus: how can regimes promote institutions that reduce the likelihood of conflict like civil wars? Beyond approaches focusing on state-centered monitoring, policing, and military institutions, I examine the role of courts in their capacity to reduce the likelihood of civil war. Specifically, do independent judiciaries prevent civil war? By examining the role of judicial institutions—typically overlooked in conflict studies—I offer a novel theory on how the development and empowerment of judiciaries can offer regimes increased chances of survival and reduce the likelihood of civil wars. High courts can serve as institutional checks that can reduce the possibility of war through their being (seen as) impartial mediators that resolve disputes as well as apply and ensure the rule of law. Independent judiciaries can assist in reducing conflict as the courts can serve as a nonviolent avenue in which grievances can be heard, rights addressed, extreme executive actions deterred, and order and stability sustained. Even in authoritarian regimes, independent courts can serve to mitigate citizen grievances and bolster state capacity to reduce the likelihood of civil war. This thesis thereby expands our understanding of the role of institutions, particularly those beyond the executive branch, in reducing violence and political instability. Few studies examine the relationship between courts and civil conflicts (though see Epperly & Sievert, 2019). Importantly, this thesis hopes to introduce independent judiciaries as a mechanism that can be used to reduce the likelihood of civil war conflicts.

CIVIL WAR

Countries that have experienced the horrors of war witness the devastating impact of warfare on the integrity of the government, its institutions, and the overall stability of the regime. Despite the international community's efforts to reduce war, modern wars have increasingly emerged as civil wars (Szayna et al., 2017). Civil wars have become more frequent than interstate wars (i.e., wars between countries) and have surpassed interstate wars as one of the most destructive forms of warfare (Eriksson et al., 2003; Fearon & Laitin, 2003; Szayna et al., 2017). While not all civil wars are identical (Gersovitz & Kriger, 2013), civil wars are fought within a particular country by its own citizens against the government, such that civil wars are armed conflicts within the boundaries of a recognized sovereign entity between parties subject to a common authority, often between state and non-state actors (Kalyvas, 2001; Sambanis, 2004; Sarkees, Reid, & Wayman, 2010).[1]

The increased occurrence of civil wars has been accompanied with a dramatic increase in the number of studies analyzing civil wars (Dixon, 2009). Importantly, the array of literature on civil war has provided scholars with potential causes of intrastate wars. Kalyvas (2003) points out that the causes of civil wars often fit into one of two categories: greed or grievance. Greed refers to root causes that are derived from political elite incentives to increase power, resources, and wealth. This desire to obtain and control economic resources—and thereby enhance one's political capital and power—is fundamental to civil wars in terms creating grievances that can

[1] While other domestic conflicts can arise in the form of violent political protests, coups, rebellions, and revolutions, and they should all be distinguished from civil wars. Civil wars differ from these internal conflicts in that civil wars require large-scale planning, coordination, and violence—particularly casualties from battle violence (Danziger & Lupo, 2021). However, some scholars argue that it is dangerous to isolate civil wars into their own category as there are potential benefits in combining the analysis of civil wars and interstate wars or replacing the study with a broader study of armed conflicts (see Bøås & Dunn, 2007; Cramer, 2007; Cunningham & Lemke, 2013; Staniland, 2015).

mobilize social groups into violent conflict and by providing the economic means to fund civil wars. For example, control over natural resources is a major motivating factor that can lead to civil wars. Le Billion (2001) argues that natural resources and their scarcity can increase the risk of civil war since they can finance a war and increase fighting between competing groups. Competing groups fight to control the territory in order to have access to the recourses, which represent economic and political power that elevate the status of the group, fund their activities, and increase their personal wealth and influence. These resources such as oil, minerals/gemstones, and drugs, can also turn low-intensity conflicts into high-intensity conflicts or influence the duration of the conflict (Ross, 2004).

Grievances refer to the causes of social conflict due to inequality, poverty, instability, and power disparities that make citizens seek radical change so as to improve their living conditions and livelihood. While some scholars find little evidence of grievance causing civil war (Collier & Hoeffler, 2004), grievances should not be entirely disregarded (Keen, 2012). Dixon (2009) articulates how extreme poverty, low levels of economic growth, poor living conditions, political instability, large populations, control over natural resources, and violations of human rights increase the likelihood of civil war (see also Boix, 2003; Collier & Hoeffler, 1998; Gurr, 1970; Paige, 1978; Russet, 1964; Scott, 1977). Similarly, Gurr (1970) emphasizes how citizens' inability to improve their economic status despite their efforts leads to frustration, which can then turn to aggression and anger, instigating conflict (see also Berkowitz, 1989; Dollard et al., 1939). Thus, poor living conditions and inability to alter these conditions through legitimate political means force citizens to seek alternative means to achieve these goals. Citizen uprisings that can result in civil war reflect the failure of existing political institutions to not meet the demands of groups fighting for change (Huntington, 1993).

A crucial factor that is necessary for these grievances to lead to civil war, however, is the ability of these citizen groups to coordinate, organize, and mobilize. Poverty and daily struggles to survive can reduce the time, resources, and ability to coordinate and mobilize with citizens with similar goals. Coordination and mobilization efforts partially depend upon characteristics of the population and the terrain (Collier & Hoeffler, 2004; Do & Iyer 2010; Fearon & Laitin, 2003; Hegre & Sambanis, 2006). The larger and more dispersed the population, the more difficult to mobilize without the necessary infrastructure for effective communication. However, larger and more dispersed populations also make it more difficult for the regime to control (Herbst, 2000). Populations that are more concentrated, such as in urban areas, facilitate the regime's ability to control them but also allows citizens to maintain a sense of community and coherence as a social group. Indeed, Nedal and Weintraub (2020) show that high levels of urban concentration increase both the likelihood of civil wars and their intensity. Furthermore, Fearon and Laitin (2003) find that mountainous terrain and forest cover benefit citizen mobilization by serving as sanctuaries for the organizational activities, where the regime has little ability to monitor or control the citizen groups (see also, Do & Iyer 2010; Nemeth, Mauslein, & Stapley 2014).

Relatedly, state capacity also plays a fundamental role in civil war onset, where states with little capacity are prone to political instability and lack the resources needed to effectively monitor citizen groups to deter citizen mobilization and effectively quell uprisings. Fearon and Laitin (2003) show that when a state's capacity declines, the political regime destabilizes, which can lead to uprising, insurgency, and civil war. When a regime can no longer maintain social order or hold the monopoly over force, it becomes vulnerable to overthrow and civil war. The lack of an effective central governmental (state) authority creates the need for a "self-help" system between competing citizen groups to ensure their existence (Posen, 1993). In essence, a

self-help system is the need of groups to protect their own interests through the accumulation of power or the forging of alliances since they can rely on no one but themselves for security. By creating a situation where groups perceive the need to compete for survival—or compete to gain control of the government—violence and civil war become increasingly likely. These conditions often create a security dilemma as groups feel increasingly threatened and seek to reduce their vulnerability by building their defensive capacities against one another. This building of defense capacity by one group increasingly threatens other groups, who then build their own capacities in order to reduce their vulnerability as well. Lack of trust, access to weapons, and prioritization of their own survival all exacerbate conditions of instability and social conflict, thereby increasing the chances of civil war.

These events can also exacerbate ethnic, racial, or religious groups tension (Huntington, 1993). While ethnic or religious diversity does not itself make a state more prone to civil war (Collier et al., 2009; Mueller, 2004), competition for resources and political power can exacerbate in-group and out-group perceptions that can fall along racial, ethnic, religious, or other social group lines. In other words, security dilemmas can fuel ethnic conflicts that contribute to civil war occurrence (Cederman, Wilmmer, & Min, 2010; Kaufman, 2011; Posen, 1993;). Indeed, Cederman et al. (2011) explain that marginalized ethnic groups are more likely to engage in conflict with the government if the ethnic group is excluded from state power—especially if they have recently lost power—have the capacity to mobilize and have experienced conflict in the past. Unequal distribution of power and resources leads to factionalism, whether the social cleavages are racial, ethnic, religious, ideological, or class-based (Denny & Walter, 2014; Kaufmann, 2011; Walter, 2022). Factionalism drives identity politics and the political incentives to maintain social group divisions, utilize wedge issues, and use groups as scapegoats

to whom anger can be directed (Allport, 1954; Hammer, 2007). Increased factionalism and division increase the threat of civil war (Cunningham, 2013; Denny & Walter, 2014; Roseller, 2011).

Yet, these two categories of greed or grievance are non-exclusive, as they can interact to generate causes that reflect both categories. For example, the conflicts generated through competition to gain control over natural resources also reflect the "resource curse," where those who control these resources gain financial revenue so as to avoid having to provide the essential public services that contribute to a functioning society in order to stay in power (Ross, 2004). Specifically, if political elites control resources, like oil production, and receive enough money to satisfy their needs and the needs of their supporting coalition, then they do not need to collect taxes and are thereby enabled to not provide any public services for its citizens (Fearon & Laitin, 2003; Ross, 2004). The regime is thereby financed by the natural resources, removing their dependency on citizen support in order to stay in power (Bueno de Mesquita et al., 2003). This lack of reliance on citizen support enables the regime to avoid providing essential services, living conditions, and political institutions that could otherwise reduce citizen grievances. Thus, failure of the regime to provide basic necessities and infrastructure and the failure to improve citizen livelihoods through reducing poverty, disenfranchisement, and inequality cause citizen grievances that can result in mobilization against the regime. In other words, greed can lead to grievance.

Similarly, democratic backsliding, or a state becoming an “anocracy” (Gurr, 1974; Walter, 2022), can increase the likelihood of civil war through both greed and grievance. Democratic backsliding can produce or reflect weakened state capacity. Fearon and Laitin (2003) explain that anocracies are politically weak central governments that have a mix of democratic

and authoritarian institutional characteristics. Lack of state capacity can trigger security dilemmas and exacerbate factionalism, potentially leading to civil war. The weakened state also makes the state more vulnerable to regime turnover (i.e., ousting). Weak regimes are easily threatened and thus are incentivized to use more extreme measures to ensure their political survival. Strategies to ensure political survival include expanding centralized (often executive) power and suspending, limiting, or violating human rights (Englehart, 2009). The reduction of rights, disregard for the rule of law, and consolidation of power to a more limited few create grievances that can generate civil war (Walter, 2015).

These often-interactive combinations of causes generate civil wars that cripple political institutions and infrastructure, exacerbate power struggles and economic competition, promote instability and perceptions of threat, reduce economic welfare, and raze populations and land. These consequences foster the conditions for cycles of repeated violence observed in states caught in a "conflict trap" (Collier & Anke, 2004; Collier & Sambanis, 2002; Walter, 2015, 2022). States caught in the conflict trap experience relapses from prior civil wars due to unsettled grievances that can make the regime frail. Repeated civil wars ultimately make the country poorer and weaker, deepening the divide in an already depleted nation and making them prone to more prolonged civil unrest. States that have experienced prior civil wars are more susceptible of coups, rebellions, or revolts (Fearon, 2004). Thus, the very conditions that generate civil wars perpetuate cycles of violence and increase the likelihood of repeated civil wars, leaving states unable to effectively exit the cycle.

Judicial Independence and the Role of Courts

The cyclical nature of civil war adds increased urgency to identify mechanisms to avoid them. One overlooked mechanism is the role of courts. Courts serve as an essential branch of

government, ensuring social order, maintaining the rule of law, distributing resources, protecting rights, deterring abuses of power, and enforcing laws. I argue that courts that enjoy judicial independence can provide institutional mechanisms that reduce the likelihood of civil war. Judicial independence is defined as courts that are autonomous, able to make decisions independently from external or political pressures, and that the decisions are implemented (Linzer & Station, 2015). This definition of judicial independence combines two distinct concepts: judicial independence, defined as judicial autonomy, and judicial power, defined as power of the court to invoke compliance and ensure implementation of its decisions.

While typically assumed to only exist in democratic regimes, judicial independence occurs in democratic, authoritarian, and hybrid (anocratic) regimes. Rather than being an end onto itself, as often considered in democratic regimes, judicial independence serves as a means to an end and offers benefits in authoritarian regimes. For instance, judicial independence can be granted in authoritarian regimes in order to co-opt judges to ensure they do not get into the pockets of political opposition (Russell & O'Brien, 2001). Judicial independence can also reflect a concession to an opposition group to reduce political competition and maintain regime power and increase legitimacy in the face of opposition (Howard & Roessler, 2006; Russell & O'Brien, 2001; Sievert, 2018). Judicial independence improves the likelihood that a regime can obtain foreign aid or attract foreign direct investment (Feld & Voigt, 2003; Moustafa, 2008; Solomon, 2007) Judicial independence is also provided in hybrid regimes to protect regime policies and protect ousted leaders from potentially deadly consequences once removed from power (Aydın, 2013; Epperly, 2013; Finkel, 2003; Ginsberg, 2003; Ingram, 2012; Randazzo, Gibler, & Reid, 2016). Judicial independence also improves social control and social order in politically non-salient cases (Tate & Vallinder, 1995). Similarly, judicial independence maintains a check on the

other branches of government (Shapiro, 2001), can facilitate coordination across branches (Vanberg, 2015), and can provide information on the quality and effects of laws (Vanberg, 2015). Judicial independence can further maintain cohesion across factions within a ruling elite, strengthen administrative compliance, and even assist in sidelining political opposition though extensive litigation (Ginsburg & Moustafa, 2008; Moustafa, 2014). Finally, judicial independence legitimizes the regime through its ability to claim legal legitimacy through the 'rule of law', as authoritarian legitimacy cannot be derived from popular sovereignty and elections (Ginsburg & Moustafa, 2008). In sum, judicial independence occurs to different extents and for different reasons, across regime types.

Hence, regardless of regime type, judicial independence reduces the likelihood of civil war through multiple mechanisms. I discuss these mechanisms below, across two stages: 1) citizen grievance, a necessary yet insufficient condition where citizens are sufficiently dissatisfied with the regime in power so as to seek radical political change, and 2) state capacity, which informs the degree to which the state regime can effectively identify and squash dissidents or render compromises that alleviate citizen dissatisfaction so as to preclude serious regime threat. In both of these stages, judicial independence is crucial for determining the balance of power and incentives between citizens and the regime's political elite. In the first stage, I argue that judicial independence reduces citizen grievances; while in the second stage, judicial independence can increase state capacity. Both roles of judicial independence reduce the likelihood of civil war.

Citizen Grievance

The first stage to civil war requires citizen grievances due to inequality, poverty, instability, and/or power disparities that make citizens seek radical change to improve their living

conditions and livelihood. Citizen grievance generating a path to civil war depends upon two aspects: a) the severity of dissatisfaction and b) how widespread it is. If citizen grievance is low or isolated to only a small proportion of the population, then it is not sufficient to generate a threat to the regime or pressure the regime into political change. This scenario is ideal for all regimes, authoritarian to democratic, where the political elite are secure in their office. There are obviously several ways to reduce citizen grievance, such as: the provisions of adequate goods and services, political participation, political responsiveness, equitable distribution of resources and power. However, one strategy to reduce grievance that is employed in authoritarian and democratic regimes alike is judicial independence. Specifically, judicial independence reduces citizen grievances in two ways: 1) by serving as a mechanism for citizen venting (i.e., grievance expression to diffuse its severity and potentially alleviate the grievance), and 2) through court (re)distribution of resources.

The first mechanism is that independent courts offer an institutional outlet through which grievances can be expressed, addressed, acknowledged, validated, and/or resolved. Courts serve as venues allowing for the expression of grievances by citizens, where the mere expression and acknowledgement of their concerns can diffuse the severity of the grievance, thereby making it less likely that the citizens will mobilize around the grievance and less likely that citizens will seek more radical ways to address their dissatisfaction. Courts, even regardless of the outcome of the cases, can thereby provide regime-approved spaces through which citizens can express their dissatisfaction. Favorable judicial outcomes can additionally reduce grievances through validating and resolving the grievance. Independent courts are more likely to be used as such avenues of expression because citizens know that there is at least the possibility that their grievance will be resolved. This means that independent courts are perceived as effective spaces

to air grievances because of the possibility of justice and resolution, which incentivizes litigation in the first place. If citizens know that there is no possibility of justice, then they will not litigate and thus seek other modes to address their grievances, such as protests. Thus, independent judicial institutions may subdue violent expressions of dissatisfaction against the regime, thereby reducing the likelihood of civil war.

The second mechanism of judicial independence to reduce citizen grievances is through the (re)distribution of resources. Courts determine the winners and losers of disputes, ultimately deciding who gets what. Resources can be financial (such as payment due to the winner of the suit), material (in terms of access and ownership of land and resources), or normative (as discussed previously in terms of validation and acknowledgement). Courts similarly determine power distributions by upholding individual or collective rights and limiting abuses, exclusion, and disenfranchisement. Judicial distribution of resources and power occur across all regime types because the majority of conflicts are horizontal (i.e., grievances between citizens) rather than vertical (i.e., grievances of citizens against the state). For horizontal conflicts between citizens, courts serve to ensure social order in authoritarian, hybrid, and democratic regimes alike (Shapiro, 1981). Dependent and independent courts generally uphold social order similarly, where the regime usually has little interest in citizen-to-citizen disputes and a strong interest in maintaining peaceful adjudication to reduce violence on the streets. Independent judiciaries can set explicit rules, limit one citizen group from gaining too much power, and facilitate policymaking and coordination between groups (Vanberg, 2015). These actions can reduce (perceptions of) power imbalances associated with factionalism, reducing the disparities between groups, and thereby reducing the political saliences of those social divisions. Hence, courts allocate resources across citizens through their decisions, where courts can reduce perceptions of

inequality between citizens, thereby reducing citizen grievance and factionalism. All regimes benefit from social order and/or perceptions of equality by being legitimated as an effective state with institutions that deter violence, promotes safety and security, and/or does not systematically benefit one group of citizens over another[2]. Similarly, even authoritarian regimes benefit from independent courts that occasionally rule against the regime in vertical cases (i.e., grievances of citizens against the state).

For example, the Supreme Constitutional Court of Egypt (SCC) ruled against the regime in its decision to review the political exclusion of the Wafd opposition party (Ginsburg & Moustafa, 2008; Moustafa, 2007; Sievert, 2018). Despite this SCC ruling against the incumbent regime, Egypt's regime "complied with the SCC ruling and allowed the banned parties and leaders to participate, at least nominally, in political life" (Sievert 2018, 778). While this decision seems undesirable to a non-democratic regime, the incumbent regime actually benefits by the now 1) reduced threat from opposition groups, who have gained political power to appease their grievances (i.e., political power redistribution), and 2) legitimization of regime rule through a 'rule of law' narrative, via regime compliance with an unfavorable decision. Similarly, Tew (2020) shows how the High Court in Malaysia unanimously struck down a land acquisition statute as unconstitutional, striking down a national law while also laying the groundwork to declare constitutional amendments unconstitutional. Hence, even in non-democratic regimes, judicial independence allows for the possibility for political and resource (re)distribution that can alleviate citizen grievances.

[2] It is important to note that perceptions of equality may not be necessary as many people simply want stability, safety, and 'law and order'.

The two mechanisms show how judicial independence can reduce citizen grievances by serving as a venting avenue for aggrieved individuals and (re)distributing resources. Reducing citizen grievances reduces the likelihood of civil war by limiting the severity of the grievance and/or how widespread dissatisfaction becomes.

State Capacity

However, when citizen grievance is severe, widespread, and not effectively reduced—then the state is forced to address it. A regime can address dissident threat in two ways: repression or concession. Repression is most effective when the state has high capacity and dissidents are not widespread. Repression requires that the state is able to identify, monitor, and eliminate individual groups of dissidents so as to remove the threat and preclude further mobilization. This requires that the state has informational, economic, and administrative capacity to enact repressive policies. These repressive policies are most effective when they can be targeted to only dissidents. Specifically, repressive policies are most effective when there is only a small proportion of individuals that need to be dealt with so as to make implementation logistically feasible and avoid repressing non-dissident citizens. Repressing non-dissidents delegitimizes the state through validating dissident grievances and creates additional grievances. In other words, widespread repression (i.e., that is not applied only to dissidents) increases existing grievances and their severity, validates grievances, creates new grievances, and thereby helps dissidents recruit and mobilize.

On the other hand, concession occurs when the state compromises or concedes on a policy issue in order to diffuse the situation and reduce citizen dissatisfaction. Unlike repression, which is most likely to occur when the state has hegemony over political and coercive power (relative to citizens), concession is most likely to occur when the state has low capacity and/or is

without political or coercive hegemony. State concessions are always minimal, where the specific level of compromise or concession is determined based upon state power relative to the citizens or opposition. Specifically, state political elites do not want to concede, so they will offer the minimal level of compromise in order to thwart a worse outcome. The less power the state has relative to citizens, the deeper the concessions will likely be—while still seeking to protect state interests. However, citizens have the choice to accept the concession or not. If citizens think they have the same or more power than the state, they will not accept the (minimal) concession, which will trigger civil war. As citizens perceive that they hold equal (or greater) power than the state, their incentive to engage in civil war increases since the need to acquiesce to a weak state is reduced. In essence, why negotiate with a weak state to achieve political goals when it can simply be replaced?

Thus, state capacity is crucial for understanding civil war, determining whether citizen grievance will evolve into civil war by incentivizing particular state responses to citizen grievance. In democracies, citizen grievances are voiced through regular competitive elections. Citizens are able to directly influence who stays in office based upon policy preferences. Thus, concession is the modal response for democratic regimes, where political elite make policy concessions to stay in power (or are replaced by those better reflecting citizen policy preferences). Civil war thus rarely occurs in (functioning) democracies.

Yet, citizens in authoritarian or hybrid regimes have no such (functioning) electoral outlet, thereby increasing the importance of courts for addressing citizen grievance. However, independent courts are also crucial in enabling and increasing state capacity to effectively respond to dissident threat. Independent courts reinforce and enhance state capacity via four mechanisms: 1) providing information about citizen grievances and dissidents, 2) serving as a

scapegoat for unpopular political actions, 3) increasing financial revenue, and 4) preventing regime backsliding.

In the first mechanism, independent courts offer the regime accurate information about citizen grievances to improving state informational capacity. Independent courts make observable and provide formal records of citizen grievances, which the regime can then use in its political decision making. Democratic regimes can use this information to identify policy failure or unanticipated consequences so as to improve policymaking. In democracies, displeased democratic constituents have various means of expressing their complaints by advocating and mobilizing for policy change at the ballot box against the governing party rather than relying on the legal process. Democracies tend to have an inundation of information, where candidates have a wide variety of options to receive information relating to the favorability of the government, but also monitor other possible challengers that can threaten the regimes status quo or legitimacy.

Hybrid regimes (anocracies) and authoritarian regimes, however, can similarly use this information to monitor the extent of citizen grievance and identify specific aggrieved individuals in order to a) monitor (and eliminate) potential political opposition or regime threat and/or b) modify policymaking to curb dissident dissatisfaction or mobilization. For example, hybrid and authoritarian regimes like Egypt, Singapore, Chile, Mexico, Uganda, and Zimbabwe enable courts as avenues where citizens can air their grievances while collecting valuable information (Ginsburg & Moustafa, 2008). Thus, independent courts can provide informational avenues to the regime that could be used to alter their policy and ensure political survival.[3]

[3] Non-democratic regimes often instill independent courts for this purpose, as well as to protect ousted leaders from potentially deadly consequences once removed from power. Epperly (2013) shows that judicial independence is a critical determinant of whether a leader is able to escape legal punishment after he transitions out of power.

Conversely, regime leaders who rely on dependent courts for political survival tend to struggle in obtaining accurate information due to judicial officials' incentives to please the regime political elite to avoid punishment and ensure their career or gain promotion. In other words, judicial dependency reduces the quality and accuracy of information available to regime political elite because that dependency makes judicial officers dependent upon the elite for their very survival, tenure in judicial office, and promotion. Thus, dependent judicial offices are incentivized to *not* convey or record negative information that would enrage or provoke the political elite. In other words, fear of punishment from regime leader(s) persuades judicial officers to only disclose a small portion of 'good' information to the leader since 'bad' or otherwise truthful information regarding the regime may upset the ruling elite, making the official lose their 'good' standing with regime leadership (Ginsburg & Moustafa, 2008). Regime leaders are thus left with an inaccurate, limited reservoir of information.

Combined with other authoritarian policies that obstruct the accurate gathering of information (i.e., free press and elections), regime leaders face a dilemma to trust what is being reported to them or exhaust additional resources to locate accurate information. Independent courts solve this informational problem, enabling regimes to obtain more accurate information and better administrative compliance. Essentially, independent courts act as avenues "for the upward flow of information [and] for the downward flow of command" allowing the regime to also monitor subordinates (Shapiro, 1980: 643). By allowing citizens to air their grievances in independent courts, regimes reveal potential administration corruption and misdeeds. Autocrats turn to courts as a means to monitor lower officials, expose those who do not comply with the

Autocratic officials might use the judiciary to protect themselves if they feel their political fate may be dwindling (Aydın, 2013; Epperly, 2013; Finkel, 2005; Ginsberg, 2003; Ingram, 2012; Randazzo, Gibler, & Reid 2016).

regime, identify complaints, and publicly discloses those who are critical of the regime—all of which the regime can now monitor.

For example, in Egypt, the regimes of Nasser (1956-1970) and his successor Sadat (1970-1981) suffered from corruption as subordinates began to abuse their power, prey on citizens, and took assets from the regime (Ayubi, 1980; Baker, 1978; Ginsburg & Moustafa, 2008; Rosberg, 1995; Zaki, 1999). To remedy this, Sadat (1970-1981) turned to the courts by ensuring his commitment to an independent judiciary to allow for some grievances to come forward, but ultimately was used to monitor and remove potential threats to the regime or its leader. As Moustafa (2008) explains, "judicial institutions provide[d] the Egyptian regime with new tools to monitor and discipline the state's own bureaucratic machinery and shape a new legitimizing ideology around the 'rule of law'" (131). Thus, judicial independence across all regimes allows for more accurate information and checks corruption arising from grievances against bureaucratic misdeeds—thereby strengthening regime informational and administrative capacity.

Therefore, independent courts can strengthen the capability of the regime to eliminate threats, through strategic concessions, cooptation, and sidelining opposition (Ginsburg & Moustafa, 2008; Moustafa, 2014). Regimes leaders can use the courts without relying on other more costly means (such as systemic repression, violence, or creating new monitoring organizations) to monitor and reduce opposition, maintain effective control of state administration, and maintain cohesion of the ruling party.

The second mechanism through which independent courts can improve state capacity is through their serving as scapegoats for unpopular regime policies. This mechanism occurs in all regime types, where democratic regimes rely on judicial policymaking in order to take the blame for contentious policies that would otherwise get an elected leader ousted and replaced.

Essentially, the political elite can "hide" behind the court, forcing them to make policy in areas that would be political suicide for elected lawmakers (Vanberg, 2015). Tate (1995) articulates how majoritarian systems delegate authority to the courts to make decisions when there is a deadlock. In non-democracies, regimes use judicial independence to implement controversial policies that renege on previous political promises, allowing the regime to not provide what it promised while not being perceived as at fault for this failure (Moustafa & Ginsburg 2008). This means that citizen grievances can be deflected from the regime political elite to the courts, thereby reducing grievances associated with the political elite.

For instance, Moustafa (2007) shows how the Egyptian Supreme Constitutional Court reinforced the regime's core economic interests in overturning socialist-oriented legislation without having to face direct opposition from social groups that were threatened by the economic reform. Simply, the regime leaders maneuvered controversial political questions into nonpolitical, legal ones and then stood behind the court's decision claiming that "they were simply respecting an autonomous rule-of-law-system" (Ginsburg & Moustafa, 2008: 10). By hiding behind the SCC decision, Egyptian leaders allowed the perception of respecting the judicial branch as independent and allowed the perception that the regime itself respects and follows the rule of law. It also allowed the regime to not deliver on its political promises without being found at fault, as the court prohibited their ability to fulfill their promise.

The third mechanism is that independent courts can foster economic development through growth and investment, thereby improving state economic capacity to respond to dissident threats. All regimes seek economic development, though they differ in how these economic resources are distributed. Independent courts are often necessary for economic development, in that: a) independent courts are more likely to establish and effectively protect

property rights, b) independent courts attract foreign investment through offering protection from state acquisition, and c) independent courts are usually a requirement for the receipt of foreign aid. For instance, leaders across all regime types can benefit from economic gains, through independent tribunals as the regime, to a certain degree, commits to some rights, such as property and/or political rights to attract and ensure to potential investors. In democracies, leaders face incentives to provide such protections by guaranteeing access "to functioning capital markets, stable monetary policies, nondiscriminatory contract enforcement and regulation, and transparent tax incentives for investment" (Root & May, 2008: 304). Essentially, by granting such guarantees to property rights allows citizens to participate in ownership and control over resources in a free market. Autocratic regimes—like China, Singapore, and Egypt—have similarly benefited from economic investment as a result of committing to a degree of court autonomy and property rights (Ginsburg & Moustafa, 2008; Moustafa, 2007; Solomon, 2015). Feld and Voigt (2003; 2010) demonstrate how independent courts positively effect economic growth through the protection of property rights.

Similarly, independent courts can attract foreign investment through offering protection from state acquisition. Essentially, allowing the courts to serve as independent, autonomous decision makers reassures prospective investors that private investment will be out of the ruler's hands, that there will be fair or equal treatment (Haber et al., 2003), and that there are institutional checks on inconsistent government policies (Henisz, 2000). For instance, Root and May (2008) explain that leaders, especially in authoritarian regimes, can benefit from foreign investors as they may have resources that help rulers' thwart rivals to maintain authority (Ginsburg and Moustafa, 2008). Interestingly, authoritarian regimes such as Egypt, China, and Singapore have successfully utilized independent courts to attract investment and participate in

the world market (Moustafa, 2014). When countries begin to transition to a free market, judiciaries are relied upon to promote stability during an uncertain time of displacement as millions of Chinese citizens experienced (He, 2014; Su & He, 2010). Additionally, Moustafa (2003, 2007, 2014) shows that the Egyptian Supreme Constitutional Court had an extremely autonomous appointment process and the power of judicial review in order to appease investor worries over the security of property rights. Singapore has become something of a model for authoritarian regimes, using law and courts to promote both economic growth and political control (Rajah, 2012; Silverstein, 2008).

Independent courts are often a requirement for the receipt of foreign aid. Ariotti, Dietrich, and Wright (2021) explain how "foreign aid donors embrace judicial autonomy as an important component of advancing and promoting investment abroad" (691). Increasing judicial independence allows outside foreign aid donors to trust the regime, sway political elites' behavior, promote democratic practices, and oversee and influence the recipients' policy and institutions. As Moustafa (2014) reiterates, transformations of the judicial system has been one of the most important institutional improvements needed to assist a functional market economy and competitive investment environment.

Thus, judicial independence facilitates foreign investment, trade, and aid by signaling the protection of property rights, contract rights, protection against nationalization of property and businesses, and state compliance to court adjudication (Barry, Clay, and Flynn, 2013; Moustafa, 2008; Foglesong, 2001). Economic development promotes regime stability (Epstein et al., 2006; Przeworski et al., 2000; Przeworski & Limongi, 1997; Rueschemeyer, Stephens, & Stephens, 1992)

In the final mechanism, independent courts can foster state capacity by reducing the likelihood of regime backsliding (Gibler & Randazzo, 2011). Regime backsliding occurs when regimes move away from democratic governance, falling (further) into anocracy or authoritarianism. Established independent courts can prevent shifts this backsliding and regime collapse through acting as a constraint in the development of legislation (Gibler & Randazzo, 2011). In essence, an independent courts become an institutional veto point, where regime leaders take into account judicial preferences and interests (even when there is no judicial intervention) in order to ensure legislation is not annulled. This preemptive consideration reduces regime leaders' incentives to completely disregard statutory and/or constitutional law and deters state overreach. Thus, established independent courts increases the costs for a state to implement the very policies and actions that are most likely to incite civil war. For example, the Republic of Singapore has a long-established, written constitution that explicitly guarantees fundamental individual rights, holds regular and transparent elections in which opposition candidates often run and sometimes win (Ginsburg & Moustafa, 2008). The Singaporean regime rulers claimed that the court did not have the authority to reviews laws, yet the Singapore High Court held in Chng Suan Tze (1988) that judicial review could and should be triggered when the government behaves in unlawful and irrational behavior "insisting that government action that is arbitrary or irrational must be considered *ultra vires* – an act beyond law and therefore, by definition, an act in violation of Singapore's written constitution" (Silverstein, 2008: 79). Hence, judicial independence reduces regime backsliding by serving as a potential veto point that strategic regime leaders consider in their policymaking. Serving as a veto point deters regime leaders from enacting more extreme policies that can generate grievances and improves state capacity by preventing regime fragmentation (associated with increasingly divided regimes elites during

backsliding) and improves regime resilience and stability. Promoting regime stability allows for consistency in institutional capacity(s) and reduces uncertainty that could otherwise impair state administrative and governance capacity.

In sum, judicial independence reduces the likelihood of civil war by simultaneously reducing citizen grievances and enhancing state capacity, regardless of regime type. Reducing citizen grievance decreases the utility of civil war to achieve political change. Enhancing state capacity strengthens the regime to respond to citizen grievance, so as to avoid civil war. This expectation is delineated in the following hypothesis:

H1*: Higher levels of judicial independences reduces the likelihood of civil war.*

Data and Methods

I obtain all of the variables from two datasets to test my theory. The first dataset I use is the Varieties of Democracy (V-Dem) provided by Coppedge et al. (2022). The second dataset I use is the Quality of Governance (QoG) provided by Teorell et al. (2022). While both datasets offer an array of variables across various countries and cover numerous years, the variables I apply for the following models will only cover a portion of time. More specifically, this analysis explores the relationship between judicial independence and civil war likelihood spanning from 1973-2006 across 121 countries.[4]

[4] Albania , Algeria, Angola, Argentina , Armenia , Australia, Azerbaijan, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cyprus, Czechia, Côte d'Ivoire, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Eswatini, Ethiopia, Fiji, Gabon, Georgia, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Israel, Jamaica, Japan, Jordan, Kazakhstan, Kenya, South Korea, Kuwait, Kyrgyzstan, Lao, Latvia, Lebanon, Lesotho, Lithuania, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Moldova, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, North Macedonia, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russian, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Suriname , Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine , United Arab Emirates, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia, Zimbabwe.

For my dependent variable, I use the variable *Civil War*, provided in Varieties of Democracy (V-Dem) dataset and derived from Haber and Menaldo (2011). This variable codes the "incidence of civil war for each country-year as a dichotomous indicator variable that takes on the value 1 if a country is observed as having at least one intra-state conflict with at least 1,000 battle deaths in a given year and 0 otherwise." This variable is thus binary, covering civil wars between 1816-2006, for a total of 7509 observations where 517 observations are coded as 1 (roughly 7% of the data). It has a mean of 0.069, mode of 0, and standard deviation of 0.253. For my analysis, covering 1973-2006, the total number of observations is 1,375. Of these, 119 observations are coded 1, and 1,256 observations are coded as 0—roughly 9% to 91% ratio. This variable has a mean of 0.087, mode of 0, and a standard deviation of 0.281. The ratio of this variable indicate that a rare events logit model is appropriate (King and Zeng, 2001).

I have three main independent variables of interest: *Judicial Independence*, *Judicial Power*, and *Judicial Independence and Power*. *Judicial Independence* measures high court independence provided in the V-Dem dataset and measures how often the high court makes decisions that reflect government wishes (Coppedge et al., 2022.). The variable is an interval measure covering 1789-2021 with 11,745 observations. It ranges from -3.405 to 3.494, with a mean of 0.130, median of 0.117, and standard deviation of 1.434. For my analysis from 1973-2006, the variable ranges from -2.742 to 2.993, where lower values of this variable reflect less judicial independence and higher values indicate more judicial independence. This variable has a mean of 0.261, a median of 0.501, and a standard deviation of 1.321. There are a total of 1,375 observations, covering 1973-2006. It is important to note that this operationalization measures actual—not potential—independence, thus reflecting *de facto* (actual) independent behavior

rather the *de jure* (potential) independent behavior (that may not be realized in actual court behavior).

Yet, independence alone is not sufficient, as courts need to have power to have their decisions implemented. I therefore also use the variable of compliance with high court provided in V-Dem (Coppedge et al., 2022). This variable measures government compliance with important decisions of the high court with which the government disagrees. By examining compliance to unfavorable decisions allows us to examine the power of the court in acting independently. This interval variable has 11,690 observations, covering 1789-2021. It ranges from -3.627 to 3.104, with a mean of 0.376, median of 0.642, and standard deviation of 1.427. For my analysis, there are 1,375 observations over 1973-2006, and it ranges from -2.573 to 3.104, where lower values indicate lower levels of compliance (and thus less judicial power) (Coppedge et al., 2022). This variable has a mean of 0.568, a median of 0.871, and a standard deviation of 1.191.

My third main independent variable of interest is *Judicial Independence and Power*, generated as the interaction between high court independence and high court compliance. This variable multiplies its constituent variables so that higher values of this variable reflect higher levels of judicial independence and greater judicial power. Conversely, lower values of this variable reflect lower judicial independence and lower judicial power. The variable has 11,690 observations from 1789-2021, and ranges from -4.553 to 11.305, with a mean of 1.566, median of 0.937, and standard deviation of 2.285. For my analysis from 1973-2006, it ranges from -4.553 to 9.290, with a mean of 1.295, median of 0.949, a standard deviation of 1.513 and a total of 1,375 observations. It is important to note that all of the judicial variables are measuring actual human behavior—meaning that they are not measuring the mere potential but rather

measure judges' actual actions reviewing and deciding on cases and actual government responses to unfavorable decisions.

I control for *Regime Type*, where I use the variable Unified Democracy Score Posterior (Mean) provided in QoG and derived from Pemstein, Meserve and Melton (2010). The variable measures how democratic or autocratic a regime is, allowing us to differentiate between the regime types. The variable is an interval measure covering 1946-2012 with a total of 9,279 observations. It ranges from -2.112 to 2.263, with a mean of 0.200, median of -0.062, and a standard deviation of 0.978. For my 1973-2006 analysis, it ranges from -1.908 through 1.998, with a mean of 0.175, a median of 0.295, a standard deviation of 0.732. Lower values represent less democratic regimes, and the higher values represents a country as more democratic. I control for *regime type* as I expect regimes with lower levels of democracy to increase the likelihood of civil war.

I control for *Exclusion by Social Group*, using the variable exclusion by social group provided in V-Dem and derived from Sigman and Lindberg (2015). This variable measures if "basic public services, such as order and security, primary education, clean water, and healthcare, [are] distributed equally across social groups" (Coppedge et al., 2022; Sigman and Lindberg, 2015). The interval variable covers 1900-2021, with a total of 11,702 observations that range from -3.042 to 3.425, with a mean of 0.456, median of 0.493, and standard deviation of 1.444. For my 1973-2006 analysis, the variable ranges from -2.045 to 3.349, with a mean of 0.730, a median of 0.742, a standard deviation if 1.209, and a total of 1,375 observations. Higher values reflect the more equal distribution of basic public services across social groups. *Exclusion by social group* captures citizen grievance, as exclusion from public services and lack of access to basic necessities for survival can increase frustration and dissatisfaction with ruling

elites, especially if lack of access is determined by or unequitable across social groups. Thus, I expect higher levels of exclusions of social groups to public services increases the likelihood of civil war.

I control for *Unemployment*, provided in QoG, and derived from The World Bank (2021). The variable measures the share of the labor force in a country that is without work but is seeking employment (Teorell et al., 2022; World Bank, 2021). The variable is an interval measure, covering 1960-2020, ranging from 0.060 to 38.800, with a mean of 7.897, median of 6.590, standard deviation of 5.713, and totaling 4,052 observations. For my 1973-2006 analysis, the variable ranges from 0.180 to 38.800, where higher values reflect higher levels of unemployment. Overall, my unemployment variable has a mean of 8.828, a median of 7.520, a standard deviation of 6.356, and a total of 1,375 observations covering 1973-2006. I control for *Unemployment* because high level of unemployment means individuals are more likely to experience poverty, making them dissatisfied with regime policies and seek radical change. Thus, I expect higher levels of unemployment to increase the likelihood of civil war.

I also control for *GDP per capita*, provided in QoG and derived from The World Bank (2021). GDP per capita is the gross domestic product divided by midyear population. According to the QoG codebook, GDP "is the sum of gross value added by all resident producers in the economy plus any product taxes and minus any subsidies not included in the value of the products" (Teorell et al., 2022; World Bank, 2021). I control for *GDP per capita* to capture state economic capacity. The variable spans 1960-2020, with a total of 8,947 observations that ranges from 22.795 to 190,512.700 current US dollars. For my 1973-2006 analysis, *GDP per capita* shows that the range is from 101.165 to 38,023.160 in current U.S. dollars. Since this variable has a wide range and is skewed, I use a log of *GDP Per Capita* as my variable. It is important to

note that this variable does not take into account inflation, as it is not constant over the time. The logged variable ranges from 4.617 to 10.546 for my analysis, with a mean of 7.480, a median of 7.515, standard deviation of 1.073, and a total of 1,375 observations covering 1973-2006.[5] I control for this variable to show how much the average wealth is in a country. Wealth allows leaders to pursue policy goals, but also countries with higher GDP per capita tend to have the monetary and resources to ensure the regimes survival. I control for *GDP per capita* because low levels of wealth mean individuals are more likely to experience economic hardship, making them dissatisfied with regime policies and seek extreme change. Additionally, with lower levels of wealth constricts the rulers from pursuing and implementing policies and economic capacity to ensure their political survival. Thus, I expect lower economic capacity (i.e., lower GDP per capita) to increase the likelihood of civil war.

I also control for *Equal Distribution Index* of Resources provided in V-Dem from project Sigman and Lindberg (2015). The variable measures "How equal is the distribution of resources? (Coppedge et al., 2022; Sigman and Lindberg, 2015). More specifically, the variable measures both tangible and intangible resources and if they are distributed in society equally, including whether welfare programs benefit everyone or target the "poor, needy, or otherwise underprivileged", educational equality, and high-quality basic health equality (Coppedge et al., 2022); Pemstein et al. 2022). The variable is interval measure where low values represent less equal distribution of resources and higher values reflect more equal distribution of resources. The variable covers 1900-2021, with a mean of 0.520, median of 0.527, standard deviation of 0.30, and 11,802 observations. For my analysis from 1973-2006, the variable ranges from 0.079 to

[5] The logged variable for 1960-2020 ranges from 3.624 to 12.157, with a mean of 7.649, median of 7.540, and standard deviation of 1.699.

0.981, has a mean of 0.567, median 0.623, standard deviation of 0.253, with 1,375 observations. I control for *Equal Distribution of Resources Index to* capture citizen grievance in terms of relative lack of access or inequity in access to these resources. Thus, I expect lower levels of equal distribution to increase the likelihood of civil war.

I also control for *Population Density*, provided in QoG and derived from World Development Index. The variable measures population density by a country's "midyear population divided by land area in square kilometers counting all residents regardless of legal status or citizenship, except for refugees not permanently settled in the country of asylum, who are generally considered part of the population of their country of origin. Land area is a country's total area, excluding area under inland water bodies, national claims to continental shelf, and exclusive economic zones" (Teorell et al., 2022; World Bank, 2021). The variable covers 1961-2020, ranging from 0.632 to 19,360.630, with a mean of 236.470, median of 60.577, standard deviation of 1239.648, and totaling 9,789 observations. For my 1973-2006 analysis, *Population Density* ranges from 1.369 to 5,861.512. The variable has a mean of 147.955, median of 65.987, standard deviation of 424.299, and 1,375 observations from 1973-2006. I control for *population density* to capture state capacity, where capacity is more constrained/costly as population increases. More populated states require more economic and administrative capacities to monitor and control the population as well as requires more state capacity to implement policies and distribute resources. Additionally, low levels of dispersion, or the more concentrated the population, means the regime is more likely able to control the population within a given area, while higher levels of dispersion mean the regime is less likely to easily control all parts of the state. Thus, higher levels of population dispersion imply that the regime may lack the ability to effectively monitor and patrol dissidents making them less capable to quell opposition

movements. Thus, I expect higher levels of population density to increase the likelihood of civil war.

I also control for *Physical Violence Index*, which I derive from V-Dem variable from Skaaning (2022) measuring freedom from political killings and torture committed by government actors and not "directly referring to elections" (Coppedge et al., 2022). The variable is an interval measure where lower values represent fewer instances of political killings and torture (i.e., these rights are fully respected by public authorities), and higher values represent more frequent political killings and torture (i.e., these rights are not fully respected by public authorities) (Skaaning, 2022). The variable covers 1789-2021, with 11,802 observations ranging from 0.014 to 0.990, with a mean of 0.571, median of 0.611, and standard deviation of 0.317. For my 1973-2006 analysis, *Physical Violence Index* ranges from 0.019 to 0.982, has a mean of 0.612, a median of 0.691, a standard deviation of 0.300, and a total of 1,375 observations. I control for physical violence because increased political killings and/or torture can deter citizens from voicing opposition or mobilizing against the regime. However, regimes that engage in these activities can create or exacerbate potential mobilization against the regime, which can then increase the potential of civil war. Thus, I expect higher ratings on the physical violence index increases the likelihood of civil war.

I also control for *Natural Resources*, measuring the real value of state wealth from petroleum, coal, natural gas, and metals produced per capita derived from Haber and Menaldo (2011) and provided in V-Dem (Coppedge et al., 2022). I control for natural resources to capture state economic and resource capacity. If countries have an abundance of resources that can be excavated, then countries have means to sell and gain financial revenue. This interval measure covers 1900-2006, ranging from 0 to 81,161.850, with a mean of 803.417, median of 46.335,

standard deviation of 3790.996, and with a total of 7,590 observations. For my analysis of 1973-2006, this variable ranges from 0 to 17,331.340, where the higher the value indicates the more real value of a country's natural resources per capita. For my analysis, *Natural Resources* has a mean of 416.338, a median of 99.72, a standard deviation of 1,264.182, and total of 1,375 observations, covering 1973-2006. I control for natural resources because they can be a competing factor for leaders who want to remain in power by exploiting all the resources for personal gains. Additionally, natural resources are attractive to rebel groups as they can excavate the resources to increase and mobilize against the status quo or other rebel groups. Thus, I expect regimes with more natural resources increases the state's capacity and reduces the likelihood of civil war.

I control for *Foreign Direct Investment* to capture foreign direct investment (FDI) inflows provided in QoG and derived from World Development Index (World Bank, 2016). Foreign direct investment inflows measure "Foreign direct investment are the net inflows of investment to acquire a lasting management interest (10 percent or more of voting stock) in an enterprise operating in an economy other than that of the investor" (Teorell et al., 2022; World Bank 2016). I control for foreign direct investment to account for state economic and administrative capacity. The variable takes into account equity capital, reinvestment of earnings, other long-term capital, and short-term capital showing net inflows (new investment inflows less disinvestment) in the reporting economy from foreign investors, and is divided by GDP (World Bank, 2016). The variable covers 1970-2019, with 7,566 observations, ranging from -1275.190 to 1282.633, a mean of 4.644, median on 1.558, and standard deviation of 36.258. For my analysis of 1973-2006, this variable ranges from -55.234 to 55.070, has a mean of 2.601, a median of 1.514, a

standard deviation of 4.429, and a total of 1,375 observations. Thus, I expect states with higher levels of foreign direct investment decreases the likelihood of civil war.

In order to account for foreign aid, I combine two variables from QoG (provided by AidData (2017) and Tierney et al., (2011)). I created *Foreign Aid* as the sum of foreign aid commitments received from donors (not including international organizations), plus the sum of commitments received from international organizations (Tierney et al., 2011; Teorell et al., 2022). The variables take into account "commitment information for over 1.5 million development finance activities funded between 1947 and 2013, covers 96 donors, and includes ODA, OOF flows, Equity Investments, and Export Credits where available" (Tierney et al., 2011; Teorell et al., 2022). I control for foreign aid to control for state economic capacity. The summed Foreign Aid variable covers years 1947-2013, ranges from 412,074 to 6.32e+10 in US dollars, has a mean of 1.113e+09, a median of 3.97e+08, standard deviation of 2.53e+09, and a total of 5,207 observations. For my 1973-2006 analysis, this variable ranges from 1,036,017.000 to 6.32e+10 in US dollars, has a mean 1.94e+09, a median of 8.30e+08, a standard deviation of 3.79e+09, and a total of 1,375 observations [6] In order to control for skewness, I logged the variable, which now ranges from a minimum of 13.850 to a maximum of 24.870, has a mean of 20.394 in USD, a median of 20.537 USD, and a standard deviation of 1.589. There are a total of 1,375 observations, covering the years 1973-2006. I control for foreign aid as it increases the economic capacity of the state, thereby decreasing the likelihood of civil war.

[6] The descriptive statistics for sum of commitments received from donors (not including international organizations) ranges from a minimum of 2,898.000 to a maximum of 1.15e+10. The variable has a mean of 6.87e+08, a median of 2.77e+08, a standard deviation of 1.13e+09 with 1,375 observations covering the years from 1973-2006. The descriptive statistics for sum of commitments received from international organizations ranges from a minimum of 6,533.000 to a maximum of 6.17e+10. The variable has a mean of 1.25e+09, a median of 4.42e+08, a standard deviation of 3.34e+09 with 1.375 observations while coving the years from 1973-2006.

I also control if a regime has experienced a civil war in the past. I generate a series of lagged dummy variables using my dependent variable civil war. I generated three lagged dummy variables that capture if a regime experienced a civil war in the past year, in the past three years, and in the past five years. *Previous Conflict in Past Year* ranges from 0, where there was no previous civil war within the past one year, to 1, signifying a civil war has occurred within one year. For my analysis of 1973-2006, *Previous Conflict in Past Year* as a mean of 0.081, a median and mode of 0.000, a standard deviation of 0.272, with 905 observations.[7] *Previous Conflict 3 Years* is coded where 0 signifies that there was no previous civil war within the past three years, and 1 signifying a civil war has occurred within last three years. *Previous Conflict 3 Years* as a mean of 0.085, a median and mode of 0.000, a standard deviation of 0.279, and 892 observations across 1973-2006.[8] Finally, *Previous Conflict 5 Years*, ranges from 0, where there was no previous civil war within the past five years, to 1 signifying a civil war has occurred within last five years. *Previous Conflict 5 Years* has a mean of 0.074, a median and mode of 0.000, a standard deviation of 0.262, and 919 observations across 1973-2006.[9] I control for these dummy variables, because as I have shown in the literature that civil wars are often relapses of prior civil wars (Walter, 2014; 2022). Countries that also experience continued civil wars are often weaker, and less forces for wealth, power, and control. Thus, I expect regimes who experience a previous past conflict to increase the likelihood of civil war.

[7] For the full dataset, the variable has 7,509 observations, ranges from 0 to 1, with a mean of 0.069, a median of 0, a standard deviation of 0.252, covering the years 1946-2021.
[8] For the full dataset, the variable has 7,509 observations, ranges from 0 to 1, with a mean of 0.069, a median of 0, a standard deviation of 0.252, covering the years 1946-2021.
[9] For the full dataset, the variable has 7,509 observations, ranges from 0 to 1, with a mean of 0.069, a median of 0, a standard deviation of 0.252, covering the years 1946-2021.

Results

Before conducting the analysis, I tested for multicollinearity between my variables. To do this, I first ran a correlation analysis with all my explanatory variables. For all other variables, no correlation is greater than 0.762, and occurs were expected, but all different concepts. The variables with moderate to high correlations are *High Court Judicial Independence*, *Lower Court Independence*, *Lower Court Judicial Power*, *Lower Court Judicial Independence and Power*, *Regime Type*, *Equal Distribution of Resources*, *Physical Violence Index*, and *Log GDP Per Capita*.

Because civil wars are rare events (as demonstrated in the descriptive statistics above), I use rare events logistic regression models with robust clustered standard errors that account for different across states and years. The results for these rare events logit models are presented in Table 1.1. Model 1 is a baseline model that omits previous conflict years controls to preserve my number of observations. Model 2 includes the variable for previous conflict in last year, Model 3 includes previous conflict experienced in the previous 3 years, and Model 4 includes previous conflict in the previous 5 years. Robust standard errors are clustered by state-year. The results for Table 1.1 indicate that none of my main explanatory variables achieve statistical significance. Similarly, several grievance variables fail to reach statistical significance as well (*Exclusion by Social Group*, *Equal Distribution of Resources*). *Population Density* also does not achieve statistical significance in any of the models. However, *Regime Type* is statistically significant and has a positive effect, suggesting that increase in regime type (i.e., movement away from authoritarianism) increases the likelihood of civil war. While counterintuitive, this may be because of the censored nature of my Regime Type variable. Increases in regime type in my data reflect anocracies (where autocratic regimes become anocratic—not democracies).

Table 1.1: Rare Events Logit of Effects of Judicial Independence on the Likelihood of Civil War

	Model 1	Model 2	Model 3	Model 4
Judicial Independence and Power	0.060 (0.094)	0.024 (0.118)	0.021 (0.111)	-0.065 (0.124)
Judicial Independence	-0.165 (0.139)	0.114 (0.163)	-0.048 (0.156)	-0.005 (0.159)
Judicial Power	0.037 (0.139)	-0.048 (0.162)	0.002 (0.160)	0.001 (0.171)
Regime Type	1.735*** (0.280)	1.811*** (0.348)	1.690*** (0.347)	1.788*** (0.343)
Exclusion by Social Group	-0.093 (0.124)	0.087 (0.151)	-0.024 (0.153)	-0.082 (0.158)
Unemployment	0.078*** (0.019)	0.088*** (0.263)	0.741*** (0.025)	0.113*** (0.022)
Equal Distribution of Resources	0.365 (0.678)	0.099 (0.891)	0.566 (0.870)	0.191 (0.904)
Population Density	0.000 (0.001)	0.000 (0.001)	0.000 (0.001)	0.001 (0.001)
Physical Violence Index	-5.980*** (0.676)	-5.493*** (0.817)	-5.045** (0.798)	-5.903*** (0.814)
Natural Resources	0.000*** (0.000)	0.001*** (0.000)	0.000** (0.001)	0.000*** (0.000)
Foreign Direct Investment	-0.067** (0.028)	-0.136** (0.064)	-0.207** (0.045)	-0.206*** (0.055)
Log GDP Per Capita	-0.582*** (0.133)	-0.669*** (0.168)	-0.510* (0.170)	-0.400** (0.172)
Log Foreign Aid	0.373*** (0.120)	0.493*** (0.128)	0.421** (0.129	0.368*** (0.121)
Previous Conflict in Past Year	--	1.223*** (0.333)	-	-
Previous Conflict 3 Years	--	-	1.241** (0.338)	-
Previous Conflict 5 Years	--	-	-	1.145*** (0.365)
Y-Linear Prediction	-3.270	-3.191	-2.978	-3.271
Number of Observations	1,375	905	892	919

*p< 0.10 **p< 0.05 ***p< 0.01
Note: Robust standard errors clustered by state-year are in parenthesis.

Unemployment is statistically significant and has a positive effect, as expected, indicating that higher unemployment rates increase the civil war likelihood. *Physical Violence Index* is also statistically significant and has a negative effect, such that regime protection from physical violence decreases the likelihood of civil war. *Natural Resources* is also statistically significant,

with a very small positive effect on civil war likelihood. Additionally, *Foreign Direct Investment* is statistically significant with a negative effect, suggesting that the more a regime receives FDI the less likely civil war becomes. This is consistent with the notion of state capacity, where the regime gains economic resources and capacity. Similarly, the *Log GDP Per Capita* is statistically significant with a negative effect on civil war, where higher GDP decreases civil war likelihood. Lastly*, Foreign Aid* is statistically significant but has a positive effect such that increased foreign aid from state and IO donors increases civil war likelihood. This may be due to the underlying domestic factors that promote a regime's interest in obtaining foreign aid rather than the foreign aid itself, and/or instability produced from tied aid that may enable foreign intervention in domestic politics.

In Model 2, *Previous Conflict in Past Year* is statistically significant with a positive effect, indicating that if the regime has experienced a civil war in the past year the likelihood of civil wars increases. For Model 3, *Previous Conflict 3 Years* is statistically significant and positive, similarly suggesting that if the regime has experienced a civil war in the past three years, then the likelihood of civil wars increases. Finally in Model 4, *Previous Conflict 5 Yea*rs is statistically significant and positive, suggesting that if the regime has experienced a civil war in the past five years, the likelihood of civil wars increases.

Conclusion

These results do not support my hypothesis. Grievance-related variables have mixed support, where only unemployment rate systematically increases the likelihood of civil war while protections from physical violence decreases civil war likelihood. State economic capacity variables and regime type show the strongest support in these models, where increases economic development and capacity generally reduces the likelihood of civil war. Foreign aid is the

exception, where it increases the likelihood of civil war—which is likely due to the underlying factors that enable states to seek and receive aid and/or the reforms generated and required by the aid. For instance, foreign aid can allow donors to become involved and intervene in regime politics, such as instilling or requiring reforms (Ariotti et al., 2021). Regime type has a positive effect, indicating that democratization, moving from fully autocratic regimes toward hybrid regimes can increase the possibility of civil wars. Finally, these models support the expectation that previous conflicts increase the possibility of civil war likelihood.

In the following chapters, I take a deeper dive into empirically testing my hypothesis by distinguishing the two distinct stages that lead up to civil war. Specifically, Chapter 2 examines the effects of judicial independence on reducing citizen grievances, which reduces their desire to mobilize against the regime by joining opposition groups. Chapter 3 then examines the separate effect of judicial independence and state capacity in predicting civil war.

Chapter 2: Judicial Independence and Grievance Theory

In this chapter, I disentangle my results presented in the previous chapter. Since I suspect that there are two stages in creating the conditions for civil war, where judicial independence has in influence in both stages, the previous results may show null results due to the conflation of the two stages. In this chapter, I explore how judicial independence affects the grievance stage. Specifically, I examine whether judicial independence reduces citizen grievances in a way that systematically reduces regime opposition.

Recall that grievance theory posits that civil war is caused by citizen grievances due to inequality, poverty, instability, and/or power disparities that make citizens seek radical change to improve their living conditions and livelihood. Judicial independence can reduce citizen grievances in two ways by serving as a mechanism for citizen venting and by (re)distributing resources. Independent courts offer an institutional outlet through which grievances can be expressed, addressed, acknowledged, validated, and/or resolved. Courts serve as venues allowing for the expression of grievances by citizens, where the mere expression and acknowledgement of their concerns can diffuse the severity of the grievance, thereby making it less likely that the citizens will mobilize around the grievance and less likely that citizens will seek more radical ways to address their dissatisfaction. Courts, even regardless of the outcome of the cases, can thereby provide regime-approved spaces through which citizens can express their dissatisfaction. Favorable judicial outcomes can additionally reduce grievances through validating and resolving the grievance. Favorable decisions can also entail the redistribution of resources, like political power, rights, access to resources, and financial or material gains. This redistribution alters the material and/or political power disparities between citizens, or between citizens and the state, that can alleviate grievances.

To test this model, I examine whether judicial independence reduces regime opposition size. Intuitively, if independent courts reduce grievances, then people should be less likely to mobilize in opposition groups against the regime.

Data and Methods

I use the same two datasets to test my theory: the Varieties of Democracy (V-Dem) provided by Coppedge et al. (2022) and the Quality of Governance (QoG) provided by Teorell et al. (2022). My analysis explores the relationship between judicial independence and regime opposition spanning from 1960-2012 across 158 countries.[10]

My dependent variable for the grievance model is *Regime Opposition Size*. The variable measures the total number of the actors that oppose the regime and pose a threat to the incumbent regime (Coppedge et al., 2022). The interval variable covers 1900-2020, with 11,498 observations ranging from -3.670 to 3.094, with a mean of -0.312, median of -0.362, and standard deviation of 1.499. For my analysis from 1960-2012, the variable ranges from minimum of -3.670 to 2.802, where low values represent lower numbers of and threat from regime opposition and higher values represent greater numbers and threat from regime opposition. The

[10] Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus , Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi , Cabo Verde, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Côte d'Ivoire, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Eswatini , Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, South Korea, Kuwait , Kyrgyzstan, Lao, Latvia, Lebanon, Lesotho, Liberia, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, North Macedonia, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russia, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syria, Tajikistan, Tanzania, the United Republic of, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, Great Britain, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia, Zimbabwe.

variable has a mean of -0.773, median of -0.990, standard deviation of 1.477, and 2,982 observations covering the years from 1960-2012.

My main independent variables of interest remain *High Court Judicial Independence*, *High Court Judicial Power*, and *High Court Judicial Independence and Power* (the interaction between high court independence and high court compliance) All are measured as discussed in Chapter 1. For the new analysis timeframe of 1960-2012, judicial independence ranges from -2.742 to 3.350, has a mean of 0.763, a median of 1.021, a standard deviation of 1.429, and a total of 2,982 observations. Lower values of this variable reflect less judicial independence while higher values indicate more judicial independence. For judicial power from 1960-2012, the variable ranges from -2.969 to 3.104, has a mean of 1.011, a median of 1.215, a standard deviation of 1.268, and a total of 2,982 observations. Again, lower values indicate lower levels of compliance (and thus less judicial power), and higher values reflect higher levels of judicial power, as the government complies more frequently with decisions even when it is not in their favor. My interaction variable *Judicial Independence and Power* has 2,982 observations and ranges from -4.553 to 10.398, with a mean of 2.224, median of 1.622, and a standard deviation of 2.338 covering the years 1960-2012.

I control for *Regime Type* as in Chapter 1, which ranges from -1.997 to 2.263, has a mean of 0.585, a median of -0.673, a standard deviation of 0.931, and a total of 2,982 observations covering 1960-2012. Lower values represent less democratic regimes, and the higher values represents a country as more democratic.

Exclusion by Social Group, for 1960-2012, ranges from -2.087 to 3.425, has a mean of1.333, a median of 1.511, a standard deviation if 1.297, and a total of 2,982 observations. The higher the value, the more equally social groups have access to basic public services.

I control for *Unemployment*, ranging from 0.170 to 38.8000, has a mean of 7.838, a median of 6.645, a standard deviation of 5.683, and a total of 2,982 observations covering 1960-2012. Higher values reflect higher levels of unemployment.

Equal Distribution of Resources Index ranges from 0.079 to 0.986, has a mean of 0693, median 0.768, a standard deviation of 0.268 with 2,982 observations covering the years 1960-2012. Lower values represent less equal distribution of resources, while higher values reflect more equal distribution of resources.

The *Physical Violence Index*, ranges from 0.019 to 0.990, has a mean of 0.734, a median of 0.870, a standard deviation of 0.286 and a total of 2,982 observations for the years 1960-2012. Lower values reflect fewer instances of political killings and/or torture, while increasing values reflect more instances of these forms of violence.

Results

Because my dependent variable or regime opposition size is continuous, I use an OLS regression with robust stand errors clustered by state-year. The results are presented in Table 2.1. Interestingly, all except one of the control variables are statistically significant. *High Court Independence and Power* is statistically significant and has a negative effect on the dependent variable, indicating that increases in both high court independence and power, there is a reduction in the regime opposition size. This supports my hypothesis that judicial independence reduces citizen grievances as more judicial independence (and implementation of their decisions) reduces regime opposition. *High Court Independence* has a significant, positive effect indicating that increases in judicial independence without the corresponding court power (maintained at its mean) increases regime opposition. *High Court Power* has a significant, negative effect, where increases in court power without associated judicial independence (held at its mean) leads to

reduced regime opposition. These results support my hypotheses of the role of courts in reducing citizen grievance so reduce regime opposition.

Table 2.1: The Effect of High Court Judicial Independence on Regime Opposition Size

	Grievance Model
High Court Judicial Independence and Power	-0.217*** (0.138)
High Court Independence	0.283*** (0.038)
High Court Power	-0.335*** (0.033)
Regime Type	-0.212*** (0.053)
Exclusion by Social Group	0.011 (0.031)
Equal Distribution of Resources	-0.520*** (0.507)
Unemployment	0.048*** (0.004)
Physical Violence Index	-0.743*** (0.097)
Number of Observations F (8, 2978) Prob > F R-Squared Root MSE	2,982 337.520 0.000 0.399 1.146

*p< 0.10 **p< 0.05 ***p< 0.01
Note: Robust standard errors clustered by state-year are in parenthesis.

Interestingly, however, court power with average judicial independence reduces regime opposition while increases in judicial independence with average court power actually increases regime opposition. Hence, weak but independent courts are insufficient to reduce opposition, through increases both judicial independence and power reduces opposition. Powerful courts seem to have the strongest effect in reducing opposition (where judicial independence is at its mean).

Regime Type is also statistically significant and has a negative effect, meaning that democratization reduces regime opposition, holding all else constant. *Equal Distribution of*

Resources is statistically significant and negative, indicating that more equal distribution of resources reduces regime opposition size, holding all else constant. As expected, *Unemployment* is statistically significant and positive to reflect that increases in unemployment rates increase regime opposition, holding all else constant. Lastly, *Physical Violence Index* is statistically significant and negative, indicating that increases in political killings and/or torture reduces regime opposition. This is capturing the deterrence effect of physical integrity right violations, where increases repression can reduce citizen mobilization against the regime.

In order to evaluate these effects across regime types, I subset the data and rerun the models. Subsetting is preferable over several interaction terms for ease of interpretation. To subset by regime type, I utilize the variable *Electoral Democracy Index* from the V-Dem dataset and derived from Lindberg (2016). I created three subsets to account for democracies, autocracies, and anocracies. Specifically, I use the *_4C* version of the variable provided in V-Dem which offers cutoff points for each regime type: 0.0 as (Full) Autocratic, 0.33 as Electoral Authoritarian, 0.67 as Minimally Democratic and 1.0 as (Consolidated) Democratic (Coppedge et al., 2022). Increases values indicate greater democracy-ness, but these cutoff points provided by the data allow me the decision rule to subset the data into these regime types. Since I am interested in only 3 subsets, I combine "Electoral Authoritarian" and "Minimally Democratic" to generate the Anocracies subset while leaving the same measure for autocracies and democracies.

I employ an OLS regression analysis with robust clustered standard errors by state-year. The results are presented in Table 2.2. In the first column of Table 2.2 shows the results for the grievance model for democracies only. Interestingly, all of the main explanatory variables are statistically significant. *High Court Independence and Power* is statistically significant and

negative, indicating that increases in high court independence and power, reduces regime opposition size in democracies, holding all else constant.

Table 2.2: The Effect of High Court Judicial Independence on Regime Opposition Subset by Regime Type

	Democracies	Autocracies	Anocracies
High Court Judicial Independence and Power	-0.222*** (0.032)	-0.018 (0.037)	0.284*** (0.044)
High Court Independence	0.476*** (0.065)	0.192*** (0.050)	-0.146* (0.076)
High Court Power	-0.344*** (0.067)	-0.128*** (0.049)	-0.045 (0.083)
Regime Type	-0.803*** (0.085)	0.685*** (0.077)	0.121 (0.158)
Exclusion by Social Group	-0.043 (0.043)	0.122*** (0.041)	-0.134** (0.058)
Equal Distribution of Resources	0.012 (0.214)	-0.152 (0.187)	0.494** (0.244)
Unemployment	0.035*** (0.005)	0.034*** (0.006)	0.036*** (0.008)
Physical Violence Index	0.184 (0.260)	-1.578*** (0.192)	-0.978*** (0.266)
Number of Observations	1,928	1,054	488
F(8, 2978)	223.030	27.790	17.230
Prob > F	0.000	0.000	0.000
R-Squared	0.410	0.191	0.206
Root MSE	1.069	1.152	1.043

*p< 0.10 **p< 0.05 ***p< 0.01
Note: Robust standard errors clustered by state-year are in parenthesis.

High Court Independence has a positive, significant effect, meaning that increases in judicial independence without government adherence to court decisions increases regime opposition in democracies. *High Court Power* has a negative, significant effect, indicating that increases high court power with mean (or no changes in) judicial independence reduces regime opposition in democracies. The control variable, *Regime Type*, is also statistically significant and has a negative effect, meaning that regime opposition size decreases as countries become more consolidated democracies, holding all else constant. Lastly, *Unemployment* is statistically

significant and has a positive effect, where increases in unemployment rates increases regime opposition even in democracies, holding all else constant.

In the second column of Table 2.2 shows the results for the grievance model for autocracies. *High Court Independence and Power* is no longer statistically significant, but the effects of *High Court Independence* and *High Court Power* remain the same. *High Court Independence* has a positive, significant effect, where increases in judicial independence without government adherence to court decisions increases regime opposition in autocracies. *High Court Power* has a negative, significant effect, indicating that increases high court power with mean (or no changes in) judicial independence reduces regime opposition in autocracies. Hence, the significant effects of these variables hold for autocracies as well democracies. *Regime Type* is statistically significant and has a positive effect, where democratization (away from full autocracy towards anocracy) increases regime opposition, holding all else constant. This is likely capturing how reduction in fully autocratic governance and may create opportunities for citizens to voice and mobilize around dissatisfaction. Democratization thus creates instability and opportunities for political opposition that can undermine the democratic process by invoking the possibility of civil war. *Exclusion by Social Group* is statistically significant and positive, signifying more equal distribution of public services across social groups increases corresponds to an increase in regime opposition in autocracies, holding all else constant. *Unemployment* is statistically significant and positive, meaning increases in unemployment rates lead to increases in regime opposition in autocracies. Lastly, *Physical Violence Index* is statistically significant and has a negative effect, indicating that increases in physical violence reduces regime opposition in autocracies, holding all else constant.

In the third column of Table 2.2 shows the results for the grievance model for anocracies. *High Court Independence and Power* is statistically significant yet positive effect, indicating that joint increases in high court independence and power actually increases regime opposition size in anocracies, holding all else constant. *High Court Independence* has a significant, negative effect, meaning increases in judicial independence (without corresponding changes in court power) decreases regime opposition size in anocracies. *High Court Power* does not have a statistically significant relationship with regime opposition size for anocracies. Thus, the results for anocracies are substantively different than for democracies or autocracies. *Exclusion by Social Group* is statistically significant and has a negative effect, signifying that more equal distribution of public services by social group decreases regime opposition, holding all else constant. At the same time, *Equal Distribution of Resources* is statistically significant and positive, indicating that more equal distribution of resources leads to increases in regime opposition for anocracies, holding all else constant. *Unemployment* has a significant, positive effect where increase in unemployment rates increases regime opposition in anocracies (just as autocracies and democracies). *Physical Violence Index* is statistically significant with a negative effect where increased political killings and torture reduces regime opposition in anocracies (by deterring opposition through increased repression).

The Effect of Low Court Judicial Independence on Regime Opposition Size

Because citizens usually do not engage or interact with national high courts, I rerun the same models with lower court variables. These variables are from the same sources and use the same coding and metrics as the previous high court variables but for lower national court systems. Indeed, the high court and low court versions of the same variables are highly correlated. *Lower Court Independence* and *High Court Independence* are correlated with a

Pearson's correlation coefficient of 0.873, and *Lower Court Judicial Power* and *High Court Judicial Power* are correlated at 0.837.

Lower Court Independence measures "When judges not on the high court are ruling in cases that are salient to the government, how often would you say that their decisions merely reflect government wishes regardless of their sincere view of the legal record?" (Coppedge et al., 2022). As before, *Lower Court Independence* is measuring actual judicial behavior, where lower values indicate less lower court independence while higher values indicate greater lower court independence. For my 1960-2012 analysis, this interval measure ranges from -2.934 to 3.210, has a mean of 0.841, median of 0.924, a standard deviation of 1.356, and 2,982 observations.

Lower Court Power measures "How often would you say the government complies with important decisions by other courts with which it disagrees?" (Coppedge et al., 2022). This variable reflects expert summary judgments for the entire judiciary, excluding the high court.[11] For my 1960-2012 analysis, the ranges from -3.347 to 3.334, where lower values indicate less compliance with the judiciary, while higher values indicate greater compliance with the judiciary. *Lower Court Power* has a mean of 0.890, median of 1.139, a standard deviation of 1.405, with 2,982 observations covering the years 1960-2012.

I also include the interaction term *Lower Court Independence and Power*, as the interaction between lower court independence and compliance with judiciary. *Lower Court Independence and Power* ranges from -3.178 to 10.503, has a mean of 2.273, median of 1.407, a standard deviation of 2.590, and 2,982 observations covering the years from 1960-2012.

All other variables remain the same. I employ an OLS regression analysis presented in Table 2.3 to test the grievance model accounting for lower court independence and power.

[11] Ordinary courts and specialized courts should also be considered in this measure.

Table 2.3: The Effect of Low Court Judicial Independence on Regime Opposition

	Grievance Model
Low Court Judicial Independence and Power	-0.188*** (0.011)
Low Court Independence	0.083** (0.034)
Low Court Power	-0.119*** (0.029)
Regime Type	-0.168*** (0.050)
Exclusion by Social Group	0.014 (0.030)
Equal Distribution of Resources	-0.528*** (0.153)
Unemployment	0.051*** (0.004)
Physical Violence Index	-0.785*** (0.143)
Number of Observations F(8, 2978) Prob > F R-Squared Root MSE	2,982 297.640 0.000 0.385 1.157

*p< 0.10 **p< 0.05 ***p< 0.01
Note: Robust standard errors clustered by state-year are in parenthesis.

The results presented in Table 2.3 are substantively the same as those in Table 2.1 for high court independence and power. This is expected due to the high theoretical and empirical correlation between high court judicial independence and power with low court independence and power.

I similarly test via subsetted data using lower court judicial independence and power, where all the remaining variables remain the same. The OLS regression analysis is presented in Table 2.4 for democracies, autocracies, and anocracies. The results of these models are substantively similar as the high court iterations in Table 2.2. For democracies, the only difference is the newly significant effect of *Exclusion by Social Group*, where more equal access to public services across social groups leads to a reduction in regime opposition. Otherwise,

these results match those for high court judicial independence and power. For autocracies, *Low Court Independence and Power* is now statistically significant, unlike the high court iteration, with a negative effect. Hence, increases in joint low court independence and power reduces regime opposition in autocracies, holding all else constant. This supports my hypothesis. However, the constituent terms, *Low Court Independence* and *Low Court Power*, are no longer significant. All other effects remain substantively the same.

Table 2.4: The Effect of Low Court Judicial Independence on Regime Opposition Subset by Regime Type

	Democracies	Autocracies	Anocracies
Low Court Judicial Independence and Power	-0.228*** (0.027)	-0.108*** (0.028)	0.238*** (0.055)
Low Court Independence	0.474*** (0.059)	0.001 (0.049)	-0.102 (0.066)
Low Court Power	-0.192*** (0.054)	-0.055 (0.036)	-0.127** (0.055)
Regime Type	-0.750*** (0.082)	0.730*** (0.079)	0.089 (0.152)
Exclusion by Social Group	-0.070* (0.042)	0.120*** (0.434)	-0.102* (0.062)
Equal Distribution of Resources	0.086 (0.201)	-0.235 (0.184)	0.483** (0.242)
Unemployment	0.038*** (0.005)	0.034*** (0.006)	0.030*** (0.008)
Physical Violence index	-0.144 (0.244)	-1.491*** (0.192)	-0.079*** (0.277)
Number of Observations	1,928	1,054	488
F(8, 2978)	229.240	30.130	10.160
Prob > F	0.000	0.000	0.000
R-Squared	0.391	0.191	0.183
Root MSE	1.085	1.152	1.058

*p< 0.10 **p< 0.05 ***p< 0.01
Note: Robust standard errors clustered by state-year are in parenthesis.

For anocracies, *Low Court Judicial Independence and Power* remains significant with the positive effect, same as for the high court iteration. However, *Low Court Independence* is no longer statistically significant, and *Low Court Power* is significant and negative to imply that increases in lower court judicial power (without corresponding increase in low court judicial

independence) reduces regime opposition in anocracies. All other effects remain the same as high court model iterations.

Conclusions

These results show mixed support for my hypothesis. Several grievance-related variables across all models reach levels of significance but have mixed support. To reiterate, this chapter tested the grievance theory accounting for both high court and low court judicial independence and power on regime opposition size. Both versions of the model yielded similar results.

When testing the effects of judicial independence and power indicates that increases in (both high and low) court independence and power, there is a reduction in the regime opposition size. This supports my hypothesis that judicial independence reduces citizen grievances as more judicial independence (and implementation of their decisions) reduces regime opposition. Similar results are shown just for the implementation of the courts decisions (judicial power). Additionally, high and low court independence without the corresponding court power increases regime opposition when not subset by regime type. The results for the remainder of the control variables were expected and supports previous. For instance, increases towards democratization and the equal distribution of resources across regimes reduces regime opposition whereas higher rates of unemployment increase citizen grievances and thus increases regime opposition size.

However, when subset by regime type the primary variables has mixed results. For democracies, both high and low court judicial independence and power, that is a courts autonomy and implementation of their decisions, reduces regime opposition. Supporting the hypothesis that courts act as venues for reducing citizen grievance. Similar results are shown just the implementation of the courts decisions, rather than autonomy, for democratic regimes. The control variables show consistent effects on regime opposition size for both high and low court models,

where the only difference is the exclusion by social groups. Where more equal access to public services across social groups leads to a reduction in regime opposition only in the lower court model. Otherwise, these results match those for high court judicial independence and power.

For autocracies, high court independence and power has no effect, however, the autonomy of lower courts and the implementation of their decisions decreases regime opposition size. However, low court independence and low court power have no significance in reducing regime opposition size. While high court independence without the implementation of the high courts' decisions increases regime opposition size, whereas just the implementation of high court decisions decreases regime opposition size. While the results offer mixed support it is important to. The results justify that weaker courts, although they are independent may not have the capacity to check and deter atrocities by regime leaders. Whereas high courts who have greater power, rather than autonomy, can implement decisions obeyed by individuals and regime leaders. Across both models, shifts towards democracy (increases in regime type), the more equal distribution of resources increases, and high rates of unemployment increases regime opposition size in autocracies. Consolidating democratic values in autocracies increases competition and the participation from once excluded social groups. At the same time, the more equal allocation of resources between new and existing groups may cause increase sentiment of marginalization among the competing groups. Similarly, autocratic regime with high levels of unemployment rates increases the citizen dissatisfaction against the regime and actively mobilize to improve their livelihoods.

Lastly, for anocracies, similar results are found for both high and low court models but has a stark difference compared to democracies and autocracies. High and low court independence and power now increases regime opposition size in anocracies, while only high court independence

without the implementation of their decisions now decreases regime opposition size. High court power has no effect for anocracies, while lower courts implementation of their decisions decreases regime opposition size. Regime type, or the shift towards democratization, for the first time becomes insignificant for the first time. While the equal distribution of resources when subsetting by regime type, is only statistically significant for anocracies, meaning the more equal distribution of resources increases regime opposition size. While this result is counterintuitive, the equal distribution of resources in anocracies may be due to the reallocation of resources from one prime social group to other smaller minority groups therefore increasing tension between competing groups. Most notably from the results, higher unemployment rates have a systematic positive effect all models presented in this chapter. Supporting the notion that higher rates of unemployment increase citizen grievance and increases regime opposition size.

In the next chapter, I take a deeper dive into empirically testing my hypothesis of how judicial independence can reduce civil war at the state capacity stage. Specifically, Chapter 3 examines the effects of judicial independence on the likelihood of civil war through state response to existing regime opposition.

Chapter 3: State Capacity and Civil War

This chapter explores how judicial independence affects civil war likelihood at the state capacity stage. Recall the state capacity theory posits that regimes with higher state capacity can better manage or quell any potential threats from regime opposition. Judicial independence can increase state capacity in four ways. First, independent courts provide information about citizen grievances and dissidents and thus improve the state's informational capacity. Second, independent courts can take the blame and serve as "scapegoats" for unpopular political actions from political elites. Third, autonomous courts increase financial revenue by establishing (and protecting) property rights and contract rights, as well as attract foreign investment and foreign aid. Lastly, independent judiciaries can act as a constraint to preventing regime backsliding and collapse.

Data and Methods

I use the same datasets as previous chapters: Varieties of Democracy (V-Dem) (Coppedge et al., 2022) and the Quality of Governance (QoG) (Teorell et al., 2022). The analysis covers 143 countries, from 1971-2006.[12]

[12] Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cyprus, Czechia, Côte d'Ivoire, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Georgia, Ghana, Greece, Guatemala, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Israel, Jamaica, Japan, Jordan, Kazakhstan, Kenya, South Korea, Kuwait, Kyrgyzstan, Lao, Latvia, Lebanon, Lesotho, Liberia, Libya, Lithuania, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Moldova, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, North Macedonia, Oman, Pakistan, Panama, Papa New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russia, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Sri Lanka, Suriname, Syria, Tajikistan, Tanzania, the United Republic of, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia, Zimbabwe.

For my dependent variable, I use the variable *Civil War*, as used in Chapter 1 (provided in Varieties of Democracy (V-Dem) dataset and derived from Haber and Menaldo (2011). This variable codes the "incidence of civil war for each country-year as a dichotomous indicator variable that takes on the value 1 if a country is observed as having at least one intra-state conflict with at least 1,000 battle deaths in a given year and 0 otherwise." For my analysis from 1971-2006, it has 3,319 observations. Of these, 262 observations are coded 1, and 3,057 observations are coded as 0—roughly 8% to 92% ratio. This variable has a mean of 0.078, mode of 0, and a standard deviation of 0.270. The ratio of this variable indicate that a rare events logit model is appropriate (King and Zeng, 2001).

As with previous chapters, my main independent variables are *High Court Judicial Independence, High Court Power,* and *High Court Judicial Independence and Power*. For my 1971-2006 analysis, *High Court Judicial Independence* ranges from -3.025 to 2.993, has a mean of -0.062, a median of -0.144, and a standard deviation of 1.238. There are a total of 3,319 observations, covering 1971-2006. *High Court Power* ranges from -2.885 to 3.104, has a mean of 0.216, a median of 0.469, a standard deviation of 1.256, and 3,319 observations, covering the years 1971-2006. *High Court Judicial Independence and Power* has 3,319 observations, ranges from -4.553 to 9.290, with a mean of 0.979, median of 0.673, and a standard deviation of 1.561, covering the years 1971-2006.

Regime Opposition Size measures the total number of the actors that oppose the regime and pose a threat to the regime maintaining power (Coppedge et al. 2022), as used in Chapter 2. For 1971-2006, the variable ranges from -3.551 to 3.047, has a mean of 0.091, a median of -0.248, a standard deviation of 1.266, and 3,319 observations.

I also control for *Regime Duration* from V-Dem (Coppedge et al. 2022). The variable measures "How many days have passed since the current regime started?" (Djuve, Knutsen, & Wig, 2020). The measure is an interval variable ranging from 0 (days have passed since the current regime start) to 93,866 (days have passed since the current regime started). *Regime Duration* has a mean of 5,245.983, a median of 3,216.000, a standard deviation of 8,987.202, with 3,319 observations covering the years 1971-2006. I control for regime duration because new regimes are less stable, organized, entrenched/ established, and may be less able to effectively govern compared to older, more established regimes with more entrenched mechanisms to effectively control and monitor the regime. Thus, I expect regimes with lower regime durations to increase the likelihood of civil war.

I control for *Regime Type*, using the Unified Democracy Score Posterior (Mean) provided in QoG (Teorell et al., 2022) and derived from Pemstein, Meserve, and Melton (2010). For my 1971-2006 analysis, the variable ranges from -1.908 to 1.998, has a mean of -0.173, a median of -0.240, a standard deviation of 0.737, and a total of 3,319 observations.

I control for *State Capacity*, using the Hanson and Sigman State Capacity Index (2021) provided in QoG (Teorell et al., 2022). The state capacity measure relies on "extractive capacity, coercive capacity, and administrative capacity" and measures how well the regimes raise revenue through taxes (extraction), maintain order and enforce compliance (coercive), and regulate economic activity (administration) (Hanson & Sigman, 2021). I control state capacity because a regime with higher levels of state capacity can monitor and thwart opposition that can lead to civil war. For the 1971-2006 analysis, the variable ranges from -1.826 to 2.395, has a mean of -0.019, a median of -0.096, a standard deviation of 0.689, and a total of 3,319 observations

covering the years 1971-2006. Thus, I expect regimes with higher levels of state capacity to decrease the likelihood of civil war.

I control for (logged) *GDP per capita* as in previous chapters, where for 1971-2006 it ranges from 4.260 to 10.546, has a mean of 6.832, a median of 6.740, a standard deviation of 1.153, and a total of 3,319 observations. Similarly, I include *Population Density*, with a range of 1.217 to 5,861.512, a mean of 100.949, median of 43.525, a standard deviation of 287.688, and 3,319 observations from 1971-2006. I also control for *Natural Resources*, measuring the real value of petroleum, coal, natural gas, and metals produced per capita; it ranges from 0 to 20,277.830, has a mean of 4333.395, a median of 37.800, a standard deviation 1,422.359, and total of 3,319 observations, covering the years 1971-2006. *Foreign Direct Investment* captures FDI inflows, ranging from -55.234 to 161.824, with a mean of 2.141, a median of 0.995, a standard deviation of 5.360, and 3,319 observations, covering the years 1971-2006. *Foreign Aid* reflects total foreign aid inflows from state and international organization donors (logged), ranging from 13.215 to 24.870, with a mean of 20.020, a median of 20.067, a standard deviation of 1.464, and a total of 3,319 observations, covering the years 1971-2006. Finally, I include the series of lagged dummy variables for previous conflict in the previous year, three years, and five years (as in Chapter 1).

Results

The results for these rare events logit models are presented in Table 3.1. Model 1 is a baseline model that omits previous conflict years controls. Model 2 includes the variable for previous conflict in last year, Model 3 includes previous conflict experienced in the previous 3 years, and Model 4 includes previous conflict in the previous 5 years. Robust standard errors are clustered by state-year.

Table 3.1: The Effect Judicial Independence on Civil War

	Model 1	Model 2	Model 3	Model 4
Regime Opposition Group Size	0.019 (0.061)	0.057 (0.076)	0.145* (0.079)	0.097 (0.081)
Regime Duration	0.000*** (0.000)	0.000*** (0.000)	0.000*** (0.000)	0.000*** (0.000)
High Court Independence and Power	0.099*** (0.038)	0.123*** (0.046)	0.115*** (0.043)	0.122** (0.048)
High Court Independence	0.075 (0.081)	0.094 (0.096)	0.537 (0.091)	0.030 (0.096)
High Court Power	-0.092 (0.077)	-0.082 (0.096)	-0.095 (0.095)	-0.013 (0.097)
Regime Type	0.010 (0.152)	0.158 (0.187)	0.072 (0.181)	0.081 (0.179)
Population Density	0.000 (0.000)	0.001** (0.000)	0.001** (0.000)	0.001*** (0.000)
Natural Resources	8.01e-06 (0.000)	0.000 (0.000)	-2.70e-06 (0.000)	0.000 (0.000)
Foreign Direct Investment	-0.054* (0.028)	-0.155*** (0.057)	-0.138*** (0.032)	-0.104 (0.064)
Log Foreign Aid	0.499*** (0.059)	0.438*** (0.071)	0.457*** (0.071)	0.425*** (0.070)
Log GDP Per Capita	0.017 (0.106)	0.051 (0.122)	0.107 (0.123)	0.112 (0.126)
State Capacity	-1.094*** (0.161)	-0.860*** (0.194)	-0.838*** (0.186)	-1.036*** (0.219)
Previous Conflict in Past Year	--	1.438*** (0.219)	--	--
Previous Conflict 3 Years	--	--	1.418*** (0.195)	--
Previous Conflict 5 Years	--	--	--	1.172*** (0.219)
Y-Linear Prediction	-2.892	-2.799	-2.838	-2.818
Number of Observations	3,319	2,113	2,114	2,083

*p< 0.10 **p< 0.05 ***p< 0.01

Note: Robust standard errors clustered by state-year are in parenthesis.

High Court Independence and Power is statistically significant and has a positive effect across all four models, suggesting that increases in both high court independence and power

increases the likelihood of civil war. This result does not support my theory. *High Court Judicial Independence* and *High Court Power* both fail to achieve statistical significance, also contrary to my hypothesis. *Regime Type* is not statistically significant, while *Regime Duration* is statistically significant and positive to show that more established regimes have a very small effect to increase civil war likelihood. *Population Density* is statistically significant when controlling previous year conflicts and has a small positive effect, such that higher levels of population density increase the likelihood of civil war. Both *Foreign Direct Investment* and *Foreign Aid* variables are statistically significant. However, *Foreign Direct Investment* has a negative effect across all models, suggesting that the more a regime receives FDI the less likely civil war becomes. *Foreign Aid* is statistically significant such that increased foreign aid increases civil war likelihood. *State Capacity* is statistically significant and has a negative effect across all models, suggesting that higher levels of state capacity decrease the likelihood of civil war. Finally, previous conflict is significant across Models 2-4, where civil war likelihood increases when there is a civil war in previous year, 3 years, and 5 years.

The results for these rare events logit models, subset by regime type, are presented in Table 3.2. Model 1 includes democracies, Model 2 consists of autocracies, and Model 3 includes for anocracies. Robust standard errors are clustered by state-year. Table 3.2 reveals starkly different results across regime types.

High Court Independence and Power is statistically significant and has a negative effect, suggesting that increases in high court independence and power decreases the likelihood of civil war for democracies. It has no effect for autocracies and anocracies. *High Court Independence* is significant but has a positive effect for democracies, where increases in high court independence in democracies increases the likelihood of civil war. However, *High Court Independence* has a

statistically significant, negative effect for autocracies; here, increases in high court independence (holding power at its mean) decrease the likelihood of civil war in autocracies.

Table 3.2: The Effect of Judicial Independence on Civil War by Regime Type

	Model 1: Democracies Only	Model 2: Autocracies Only	Model 3: Anocracies Only
Regime Opposition Group Size	-0.068 (0.126)	0.110 (0.078)	-0.123 0.165
Regime Duration	0.000 (0.000)	0.000*** (0.000)	0.000 (0.000)
High Court Independence and Power	-1.693* (0.950)	-0.066 (0.051)	0.751 (0.174)
High Court Independence	3.428*** (1.243)	-0.285*** (0.895)	-0.013 (0.220)
High Court Power	0.668 (1.186)	-0.140 (0.090)	-0.402 (0.256)
Regime Type	-1.587*** (0.575)	0.291 (0.193)	0.502 (0.550)
Population Density	0.000 (0.001)	0.000 (0.000)	0.000 (0.001)
Natural Resources	-0.005*** (0.001)	0.000 (0.000)	0.000 (0.000)
Foreign Direct Investment	-0.069*** (0.0254)	-0.047 (0.037)	-0.157 (0.067)
Log Foreign Aid	1.068*** (0.124)	0.273*** (0.063)	0.861 (0.166)
Log GDP Per Capita	0.335* (0.179)	0.014 (0.128)	0.565 (0.250)
State Capacity	-1.226*** (0.407)	-0.997*** (0.179)	-1.589 (-0.402)
Y-Linear Prediction	-5.141	-2.929	-3.496
Number of Observations	1,070	2,249	709

*p< 0.10 **p< 0.05 ***p< 0.01
Note: Robust standard errors clustered by state-year are in parenthesis.

High Court Independence fail to achieve significance for anocracies. *Regime Type* is statistically significant only for democracies, where increased democratic consolidation decreases the likelihood of civil war. *Natural Resources* is statistically significant only for

democracies, such that higher revenue from natural resources decreases the likelihood of civil war. *Foreign Direct Investment* has a negative, significant effect for democracies, suggesting that the more a democracy receives FDI the less likely civil war becomes. *Foreign Aid* is significant and positive for democracies and autocracies (but not anocracies). Increases in foreign aid for democracies and autocracies increase the likelihood of civil war. *GDP Per Capita* is statistically significant and positive effect for democracies only, increasing civil war likelihood. *State Capacity* is statistically significant and negative effect for democracies and autocracies, suggesting that higher levels of state capacity decrease the likelihood of civil war for these (more consolidated, less hybrid) regimes. *Regime Opposition Size* and *Population Density* are not significant in any regime type.

I rerun the state capacity model subset by regime type, including controls for previous conflicts. The results for these rare events logit models for democracies are presented in Table 3.3. Model 1 accounts for conflict in the last year, Model 2 accounts previous conflict in the past three years, and Model 3 accounts for a previous conflict in the past five years. Robust standard errors are clustered by state-year.

Table 3.3 shows that *High Court Independence and Power* is significant and negative only when controlling for previous 3 years of conflict (Model 2). *High Court Independence* has systematic significant, positive effects across all three models such that increases in high court independence in democracies increases the likelihood of civil war. *High Court Power* does not obtain significance in any of the three models. These results do not support my theory, with the exception of *High Court Independence and Power* in Model 2. *Regime Type* is significant and negative, where increasing consolidation of democracy reduces the likelihood of civil war.

Table 3.3: The Effect of Judicial Independence on Civil War for Democracies

	Model 1	Model 2	Model 3
Regime Opposition Group Size	-0.188 (0.150)	-0.016 (0.139)	0.070 (0.168)
Regime Duration	0.000 (0.000)	0.000 (0.000)	0.000 (0.000)
High Court Independence and Power	-1.063 (0.936)	-2.429*** (0.682)	-1.103 (0.832)
High Court Independence	2.750** (1.215)	4.088*** (0.927)	2.508** (1.086)
High Court Power	-0.205 (1.046)	1.008 (0.767)	-0.132 (1.007)
Regime Type	-2.389*** (0.738)	-2.367*** (0.695)	-1.848*** (0.618)
Population Density	-0.001 (0.001)	0.001 (0.002)	0.000 (0.001)
Natural Resources	-0.004*** (0.001)	-0.004** (0.002)	-0.003** (0.001)
Foreign Direct Investment	-0.186*** (0.057)	-0.149*** (0.446)	-0.138*** (0.048)
Log Foreign Aid	0.781*** (0.152)	0.886*** (0.157)	0.772*** (0.134)
Log GDP Per Capita	0.383* (0.209)	0.519*** (0.191)	0.289 (0.215)
State Capacity	-1.023** (0.468)	-1.000** (0.476)	-0.762 (0.516)
Previous Conflict in Past Year	1.059* (0.555)	-	-
Previous Conflict 3 Years	-	0.684 (0.468)	-
Previous Conflict 5 Years	-	-	0.745 (0.544)
Y-Linear Prediction	-4.528	-4.935	-4.321
Number of Observations	680	679	681

*p< 0.10 **p< 0.05 ***p< 0.01

Note: Robust standard errors clustered by state-year are in parenthesis. These results include only democratic countries.

Natural Resources is also statistically significant and has a small negative effect, such that higher levels of natural resource revenue decrease the likelihood of civil war for

democracies. *Foreign Direct Investment* has a significant, negative effect across all models, suggesting that the more a democracy receives FDI the less likely civil war becomes. *Foreign Aid* is statistically significant but with a positive effect in all models, where democracies receiving increased foreign aid experience higher chances of civil war. *GDP Per Capita* has similar effects, but only in Model 1 and Model 2. Lastly, *State Capacity* is statistically significant and negative in Model 1 and Model 2, suggesting that higher levels of state capacity decrease the likelihood of civil war when controlling for conflict in the previous year and 3 years.

Table 3.4 runs the state capacity model only accounting for autocracies. Model 1 accounts for conflict in the last year, Model 2 accounts previous conflict in the past three years, and Model 3 accounts for a previous conflict in the past five years. Robust standard errors are clustered by state-year.

Table 3.4 shows that *High Court Independence and Power* fails to achieve any level of significance in any of the models. *High Court Independence* has systematic significant, negative effects across all three models indicating that increases in judicial independence without the corresponding court power in autocracies decreases the likelihood of civil war. *High Court Power* does not obtain significance in any of the three models. These results do not support my theory, except for *High Court Independence* across all three autocracy models. *Regime Type* is significant and positive, where increasing democratization increases the likelihood of civil war. *Foreign Direct Investment* has a significant, negative effect across two models, when controlling for previous conflict in last year and three years (Model 1 and Model 2), suggesting that the more an autocracy receives FDI the less likely civil war becomes. *Foreign Aid* is statistically significant but with a positive effect again in Model 1 and Model 2.

Table 3.4: The Effect of Judicial Independence on Civil War for Autocracies

	Model 1	Model 2	Model 3
Regime Opposition Group Size	0.165 (0.101)	0.263** (0.103)	0.184* (0.103)
Regime Duration	0.000*** (0.000)	0.000*** (0.000)	0.000*** (0.000)
High Court Independence and Power	-0.038 (0.060)	-0.022 (0.061)	-0.019 (0.065)
High Court Independence	-0.339*** (0.107)	-0.335*** (0.109)	-0.376*** (0.111)
High Court Power	-0.083 (0.112)	-0.097 (0.113)	0.004 (0.114)
Regime Type	0.557** (0.250)	0.358 (0.240)	0.447* (0.239)
Population Density	0.000 (0.001)	0.000 (0.001)	0.000 (0.001)
Natural Resources	0.000 (0.000)	0.000 (0.000)	0.000 (0.000)
Foreign Direct Investment	-0.106* 0.059	-0.102*** (0.035)	-0.052 0.080
Log Foreign Aid	0.193** 0.080	0.257*** (0.085)	0.223 (0.081)
Log GDP Per Capita	0.042 (0.155)	0.097 0.158	0.099*** (0.160)
State Capacity	-0.692*** (0.210)	-0.780*** (0.213)	-0.961*** (0.226)
Previous Conflict in Past Year	1.405*** (0.257)	-	-
Previous Conflict 3 Years	-	1.389*** (0.235)	-
Previous Conflict 5 Years	-	-	1.077*** (0.246)
Y-Linear Prediction	-3.002	-3.060	-2.966
Number of Observations	1,433	1,435	1,402

*p< 0.10 **p< 0.05 ***p< 0.01

Note: Robust standard errors clustered by state-year are in parenthesis. These results include only autocratic countries.

Where increases in foreign aid for autocracies increase the likelihood of civil war when controlling for previous conflicts in the past year and three years. *GDP Per Capita* has similar

effects, but only in Model 3. Lastly, *State Capacity* is statistically significant and negative in all three models, suggesting that higher levels of state capacity decrease the likelihood of civil war when controlling for past previous conflicts.

Table 3.5 runs the state capacity model only accounting for anocracies. Model 1 accounts for conflict in the last year, Model 2 accounts previous conflict in the past three years, and Model 3 accounts for a previous conflict in the past five years. Robust standard errors are clustered by state-year.

Table 3.5 shows that *High Court Independence and Power* has systematic significant, positive effect across all three models such that increases in high court independence and power in anocracies increases the likelihood of civil war. *High Court Independence* fails to achieve any level of significance in any of the models. *High Court Power* only obtains significance and has negative effects in Model 2, when controlling for previous conflict in past three years. These results do not support my theory, with the exception of *High Court Power* in Model 2.

Natural Resources is statistically significant in Model 3 and has a small negative effect, such that higher levels of natural resource revenue decrease the likelihood of civil war for anocracies. *Foreign Direct Investment* has inconsistent results where it is significant in two models. The variable has negative effect when controlling for previous conflict is past three years (Model 2), suggesting that the more an anocracy receives FDI the less likely civil war becomes. While the variable has a positive effect when controlling for previous conflict in past five years (Model 3) suggesting that the more an anocracy receives FDI the more likely civil war becomes. *Foreign Aid* is statistically significant but with a positive effect in all models, where anocracies receiving increased foreign aid experience higher chances of civil war.

Table 3.5: The Effect of Judicial Independence on Civil War for Anocracies

	Model 1	Model 2	Model 3
Regime Opposition Group Size	-0.228 (0.183)	-0.005 (0.217)	-0.031 (0.206)
Regime Duration	0.000*** (0.000)	0.000** (0.000)	0.000*** (0.000)
High Court Independence and Power	0.575*** (0.174)	0.722*** (0.203)	0.713*** (0.185)
High Court Independence	0.125 (0.238)	0.043 (0.263)	0.120 (0.243)
High Court Power	-0.389 (0.276)	-0.573** (0.284)	-0.245 (0.301)
Regime Type	0.168 (0.660)	0.588 (0.597)	0.120 (0.686)
Population Density	0.000 (0.001)	0.000 (0.001)	0.000 (0.000)
Natural Resources	0.000 (0.000)	0.000 (0.001)	0.001* (0.000)
Foreign Direct Investment	-0.110 0.086	-0.226** (0.096)	0.167** (0.069)
Log Foreign Aid	0.697*** (0.188)	0.854*** (0.177)	0.745*** (0.191)
Log GDP Per Capita	0.419 (0.293)	0.586* (0.322)	0.371 (0.304)
State Capacity	-1.280*** 0.497	-1.326*** (0.476)	-1.307*** (0.484)
Previous Conflict in Past Year	0.327 (0.605)	-	-
Previous Conflict 3 Years	-	0.408 (0.515)	-
Previous Conflict 5 Years	-	-	0.535 (0.484)
Y-Linear Prediction	464	442	436
Number of Observations	-2.925	-3.231	-3.122

*p< 0.10 **p< 0.05 ***p< 0.01

Note: Robust standard errors clustered by state-year are in parenthesis. These results include only anocratic countries.

GDP Per Capita has similar effects, but only in Model 2. Lastly, *State Capacity* is statistically significant and negative across all models suggesting that higher levels of state capacity decrease the likelihood of civil war when controlling for conflict in the previous years.

Conclusion

These results generally do not support my hypothesis. To reiterate, this chapter tested the state capacity model testing the effects of judicial independence and power on reducing civil war likelihood while accounting for other forms of state capacity. Interestingly, the primary interactive variable measuring judicial autonomy and power in all versions of the models offer mixed results.

When not subset by regime type and controlling for previous past conflicts, only judicial independence and power is significant but increases civil war likelihood. In contrast, judicial independence and judicial power individually do not reach statistical significance when not subset by regime type. However, regime duration has systematic positive effects across all models, indicating newly created regimes or regimes with shorter durations increase the likelihood of civil war. Newly created regimes may not have some of the institutional structures and protections that regimes with more expansive, stable, and consistent electoral and governing systems. Additionally, population density has a small positive effect across the three models controlling for previous conflicts in the last year, three, and five years. Similarly, foreign aid increases civil war likelihood when not subset by regime type. Also, the results support the theory that regimes that experienced conflict in the past are more likely to increase civil war likelihood.

The results offer a stark difference when subsetting by regime type and not considering past conflicts. Noticeably, none of the explanatory or control variables reaches any level of statistical significance for anocracies. However, the results do not support my theory, except for judicial independence and power in democracies decreases civil war likelihood and has no effect

on autocracies and anocracies. High court power without the implementation of the courts' decisions positively affects democracies, increasing civil war likelihood. In contrast, judicial autonomy reduces the likelihood of civil war in autocracies but has no effect on anocracies. The rest of the control variables, where increases towards democracy, natural resources, foreign direct investment, and state capacity, show robust support for democracies decreasing the likelihood of civil war, where foreign aid and GDP per capita increase civil war likelihood. Only foreign aid and state capacity has similar effects when accounting for autocracies.

When subsetting by regime type and controlling for previous past conflicts, judicial independence and power and judicial power (without judicial autonomy) do not reach statistical significance, except for judicial independence and power for democracies with previous conflict in the past three years reduces civil war likelihood. The most robust significance in the explanatory variables is that judicial independence alone increases the likelihood of civil war in democracies. Similarly, increases in regime type (consolidating democracy), natural resources, and foreign direct investment all have robust systematic results decreasing the likelihood of civil war in democracies. Supporting the state capacity theory where judicial independence reduces civil war likelihood

For autocracies while controlling for previous conflicts, only judicial independence has systematic adverse effects on civil war, indicating that judicial autonomy reduces the civil war likelihood for autocracies. The interactive variable and judicial power (without judicial autonomy) do not reach statistical significance; this result can be due to weak independent courts without the power to compel their decision reducing state capacity and increasing civil war likelihood. Regime opposition size is only significant and positively affects civil war likelihood for autocracies with previous three and five-year conflicts. Additionally, shorter regime duration in autocracies

increases civil war likelihood. A new autocratic regime may face fierce backlash from the public or other political challenges. It may not have the institutional structure to repress dissidents or the state capacity to offer concessions. Notably, increases in state capacity has a systematic negative impact on the likelihood of civil war in all models for autocracies when controlling for previous conflicts. Regimes with internalized institutions can effectively monitor, control, and provide social order within the state. Additionally, the previous conflict increases civil war likelihood if an autocratic regime has experienced a past conflict in the last year, three, and five years where previous unresolved conflicts contribute to increases in civil war likelihood.

Lastly, increases in judicial independence and power jointly increase the likelihood of civil war for anocracies when controlling for the previous conflict in the last year, three, and five years. Judicial power (without judicial autonomy) has no significance for anocracies. In contrast, judicial independence (without the implementation of their decision) has a negative effect when controlling for previous conflicts in the past three years. Anocractic regimes with less regime duration and higher levels of foreign aid show robust positive effects increasing civil war likelihood. At the same time, strong support for increases in state capacity for anocracies reduces the likelihood of civil war.

In the following chapter, I examine the effects of judicial independence on reducing civil war onset through a modified version of the dependent variable.

Chapter 4: Civil War Onset

In this final chapter, I further test the theory to now account for civil war onset. I use a modified dependent variable: *Start of Civil War*. This variable is a generated from the binary *Civil War* variable used in previous chapters but is recoded to reflect only the start year(s) of a civil war in a particular country. Thus, a state-year is coded 1 when a civil war started, and subsequent years as 0. Hence this iteration of my dependent variable captures only start dates, or onset, of civil war.

To replicate my Chapter 1 results, the binary *Start of Civil War* variable has a mean of 0.009, a median and mode of 0, a standard deviation of 0.0971, and a total of 1,375 observations covering 1973-2006. Still, the main explanatory variables are the interactive *Judicial Independence and Power* variable, as well as the *Judicial Independence* and *Judicial Power* variables. Similarly, all the same explanatory control variables found in this thesis are included in the models for this chapter. The results for this model are presented below on Table 4.1.

Results

The results for these rare events logit models are presented in Table 4.1. Model 1 is a baseline model that omits previous conflict years controls. Model 2 includes the variable for previous conflict in last year, Model 3 includes previous conflict experienced in the previous 3 years, and Model 4 includes previous conflict in the previous 5 years. Robust standard errors are clustered by state-year. The results for Table 4.1 indicate that the main interactive independent variable (*Judicial Independence and Power*) does not achieve statistical significance. While *Judicial Power* is statistically significant and has a negative effect in only one model (Model 3). Notably *Judicial Independence*, has mixed results and positive effects in only Model 3 when controlling for previous past conflict in past three years, and Model 4 controlling for previous conflict in past five years.

Table 4.1: The Effects of Judicial Independence on the Onset of Civil War

	Model 1	Model 2	Model 3	Model 4
Judicial Independence and Power	-0.254 (0.322)	-0.575 (0.435)	-0.148 (0.332)	-0.488 (0.314)
Judicial Independence	0.391 (0.247)	0.394 (0.246)	0.628** (0.305)	0.693*** (0.254)
Judicial Power	-0.354 (0.313)	0.118 (0.365)	-0.598* (0.350)	-0.298 (0.398)
Regime Type	1.361** (0.663)	0.680 (0.663)	2.059** (0.902)	0.465 (0.706)
Exclusion by Social Group	0.058 (0.388)	-0.033 (0.576)	-0.113 (0.477)	0.115 (0.559)
Unemployment	0.051 (0.053)	0.116** (0.050)	0.026 (0.058)	0.086** (0.036)
Equal Distribution of Resources	1.780 (1.865)	1.653 (2.942)	2.437 (2.647)	0.925 (2.939)
Population Density	0.001 (0.002)	0.003*** (0.001)	0.001 (0.002)	0.002 (0.002)
Physical Violence Index	-4.756*** (1.143)	-3.470*** (0.991)	-3.400*** (1.250)	-3.084*** (1.072)
Natural Resources	0.001*** (0.000)	0.001*** (0.000)	0.002*** (0.000)	0.001*** (0.000)
Foreign Direct Investment	-0.100*** (0.024)	-0.205** (0.100)	-0.226* (0.137)	-0.322*** (0.078)
Log GDP Per Capita	-0.636* (0.357)	-0.252 (0.334)	-1.098** (0.444)	-0.234 (0.413)
Log Foreign Aid	0.377 (0.453)	0.579 (0.377)	0.763** (0.356)	0.630* (0.346)
Previous Conflict in Past Year	--	0.341 (0.951)	--	--
Previous Conflict 3 Years	--	--	0.912 (0.697)	--
Previous Conflict 5 Years	--	--	--	0.954 (0.874)
Y-Linear Prediction	-4.932	-4.628	-4.871	-4.852
Number of Observations	1,375	905	892	919

*p< 0.10 **p< 0.05 ***p< 0.01

Note: Robust standard errors clustered by state-year are in parenthesis.

The results indicate that increases in high court independence increases the onset of civil war. These results do not support my theory. *Regime Type* is significant and positive in Model 1

(base model) and Model 3, where increasing consolidation of democracy increases civil war onset. Similarly, *Unemployment* is also statistically significant and has a positive effect in Model 2 and Model 4 when controlling for previous conflict in last year and five years such that higher levels of unemployment increase the onset of civil war. *Population Density* is only statistically significant and has a positive effect in one model (Model 2) when controlling for past conflict in the last year. Notably, *Physical Violence Index* is systematic significant, negative effects across all models such that regime protection from physical violence decreases the onset of civil war. *Natural* Resources is statistically significant across all models and has a small positive effect suggesting that higher levels of natural resource revenue increase civil war onset. Similarly, *Foreign Direct Investment* has a significant, negative effect across all models, suggesting that the more a democracy receives FDI the less likely civil war onset becomes. Similarly, *GDP Per Capita* is statistically significant and has a negative effect in the base model (Model 1) and when controlling for conflict in the 3 years. *Foreign Aid* is statistically significant but with a positive effect when controlling for previous conflict in the past three and five years (Model 3 and Model 4) where regimes receiving increased foreign aid experience higher chances of civil war.

To replicate my results from Chapter 3, I run similar models texting the state capacity model but now on civil war onset. The results for these rare events logit models are presented in Table 4.2. Model 1 is a baseline model that omits previous conflict years controls. Model 2 includes the variable for previous conflict in last year, Model 3 includes previous conflict experienced in the previous 3 years, and Model 4 includes previous conflict in the previous 5 years. Robust standard errors are clustered by state-year. Table 4.2 shows that all of the primary judicial explanatory variables fail to achieve statistical significance. Only *Judicial* Power is

significant and negative only when controlling for previous 3 years of conflict (Model 3). These results generally do not support my theory, with the exception of *High Court Power* in Model 3.

Table 4.2: The Effect of Judicial Independence on Civil War Onset

	Model 1	Model 2	Model 3	Model 4
Regime Opposition Group Size	0.221 (0.155)	0.175 (0.183)	0.277 (0.204)	0.437 (0.178)
Regime Duration	0.000 (0.000)	0.000 (0.000)	0.000 (0.000)	0.000 (0.000)
High Court Independence and Power	0.066 (0.085)	0.077 (0.099)	0.152 (0.094)	-0.007 (0.114)
High Court Independence	0.169 (0.171)	0.116 (0.191)	0.362 (0.218)	0.304 (0.189)
High Court Power	-0.224 (0.197)	-0.106 (0.228)	-0.392** (0.260)	-0.210 (0.252)
Regime Type	0.083 (0.417)	-0.035 (0.437)	0.698 (0.460)	-0.275 (0.474)
Population Density	0.001 (0.001)	0.002*** (0.001)	0.000 (0.001)	0.000 (0.002)
Natural Resources	0.000* (0.000)	0.000** (0.000)	0.001 (0.000)	0.000 (0.000)
Foreign Direct Investment	-0.060** (0.026)	-0.104** (0.042)	-0.119*** 0.032	-0.098 (0.137)
Log Foreign Aid	0.242* (0.137)	0.238 (0.148)	0.359* (0.195)	0.275 (0.160)
Log GDP Per Capita	-0.140 (0.106)	0.064 (0.280)	-0.368 (0.308)	0.062 (0.269)
State Capacity	-0.824*** (0.309)	-0.759** (0.355)	-0.631 (0.412)	-0.481 0.375
Previous Conflict in Past Year	--	0.846 (0.519)	--	--
Previous Conflict 3 Years	--	--	0.815 (0.499)	--
Previous Conflict 5 Years	--	--	--	1.340 (0.484)
Y-Linear Prediction	-4.666	-4.400	-4.698	-4.708
Number of Observations	3,319	2,113	2,114	2,083

*p< 0.10 **p< 0.05 ***p< 0.01

Note: Robust standard errors clustered by state-year are in parenthesis.

Population Density is significant only in one model and has a small positive effect, when controlling for previous conflict in the last year (Model 2). Similarly, *Natural Resources* is also statistically significant in Model 2 and has a small positive effect, such that higher levels of natural resource revenue increase the onset of civil war for. *Foreign Direct Investment* has a significant, negative effect across all models, with Model 4 the exception, suggesting that the more a democracy receives FDI the less likely civil war becomes. *Foreign Aid* is statistically significant but with a positive effect in two models (Model 1 and Model 3) where regimes receiving increased foreign aid experience higher chances of civil war onset. *GDP Per Capita* is also statistically significant and has negative effects in Model 1 (base model) and Model 3 (previous conflict 3 years). Lastly, *State Capacity* is statistically significant and negative in Model 1 and Model 3, suggesting that higher levels of state capacity decrease the onset of civil war.

Table 4.3 runs the state capacity model while subsetting by regime type. Model 1 only accounts for democracies, Model 2 accounts for autocracies, and Model 3 accounts for anocracies. Robust standard errors are clustered by state-year.

Table 4.3 *High Court Independence and Power* is only statistically significant in Model 3 and has a positive effect, suggesting that increases in high court independence and power increases the onset of civil war for anocracies. It has no effect for democracies and autocracies. *High Court Independence* is significant but has a positive effect for democracies, where increases in high court independence in democracies increases civil war onset. However, *High Court Power* fails to achieve any level of significance in any of the models. *Regime Type* is only statistically significant only for anocracies (Model 3), where increased democratic consolidation increases the onset of civil war.

Table 4.3: The Effect of Judicial Independence on Civil War Onset by Regime Type

	Democracies	Autocracies	Anocracies
Regime Opposition Group Size	0.391 (0.359)	0.320 (0.197)	0.055 (0.409)
Regime Duration	2.37e-06 (0.000)	0.000 (0.000)	0.000 (0.000)
High Court Independence and Power	-1.062 (0.695)	-0.008 (0.102)	0.967** (0.422)
High Court Independence	1.877*** (0.699)	-0.040 (0.152)	-0.359 (0.582)
High Court Power	1.164 (1.623)	-0.183 (0.209)	-0.439 (0.647)
Regime Type	-1.171 (1.538)	0.380 (0.512)	2.033* (1.194)
Population Density	0.002 (0.002)	0.000 (0.001)	0.000 (0.001)
Natural Resources	0.001 (0.004)	0.000* (0.000)	-0.001 (0.001)
Foreign Direct Investment	-0.198*** (0.027)	-0.076 (0.062)	-0.375* (0.201)
Log Foreign Aid	0.302 (0.333)	0.109 (0.141)	1.102*** (0.332)
Log GDP Per Capita	-0.029 (0.401)	-0.106 (0.293)	0.515 (0.909)
State Capacity	0.118 (0.837)	-0.809** (0.357)	-2.183*** (0.625)
Y-Linear Prediction	-4.492	-4.424	-5.257
Number of Observations	1,070	2,249	709

*p< 0.10 **p< 0.05 ***p< 0.01
Note: Robust standard errors clustered by state-year are in parenthesis.

Natural Resources is statistically significant and has a small positive effect only for autocracies, such that higher revenue from natural resources decreases the onset of civil war. *Foreign Direct Investment* has a negative, significant effect for democracies and anocracies, suggesting that the more a democracy receives FDI the less likely civil war becomes. *Foreign Aid* is significant and positive for anocracies (but not democracies or autocracies). Increases in foreign aid for democracies and autocracies increase the likelihood of civil war. *GDP Per Capita*

is statistically significant and positive effect for democracies only, increasing civil war likelihood. *State Capacity* is statistically significant and negative effect for autocracies and anocracies (but not democracies), suggesting that higher levels of state capacity decrease the likelihood of civil war for these (more consolidated, less hybrid) regimes. *Regime Opposition Size* and *Population Density* are not significant in any regime type.

I now rerun the state capacity model subset by regime type, and now controls for past previous conflicts on civil war onset presented below. The results for these rare events logit models are presented in Table 4.4 runs the state capacity model only accounting for democracies. Model 1 accounts for conflict in the last year. Model 2 accounts previous conflict in the past three years, and Model 3 accounts for a previous conflict in the past five years. Robust standard errors are clustered by state-year.

he results show that High *Court Independence and Power* is only statistically significant in Model 2 and has a negative effect, suggesting that increases in high court independence and power decreases the onset of civil war for democracies with past conflict in 3 years. Again, in Model 2, *High Court Independence* is significant but has a positive effect for democracies, where increases in high court independence in democracies increases civil war onset. *High Court Power* is statistically significant and has a positive effect for democracies and when controlling for previous conflict in past 3 years.

Regime Type statistically significant only for democracies (Model 2), where increased democratic consolidation decreases the onset of civil war. *Natural Resources* is statistically significant and has a small positive effect only for democracies, such that higher revenue from natural resources increases the onset of civil war.

Table 4.4: The Effect of Judicial Independence on Civil War Onset for Democracies

	Model 1	Model 2	Model 3
Regime Opposition Group Size	--	0.058 (0.310)	0.366 (0.567)
Regime Duration	--	7.98e-06 (0.000)	0.000 (0.000)
High Court Independence and Power	--	-1.803*** (0.501)	-0.607 (0.773)
High Court Independence	--	1.854*** (0.691)	0.172 (0.789)
High Court Power	--	1.791** (0.836)	0.001 (1.671)
Regime Type	--	-3.388** (1.670)	-2.512 (1.800)
Population Density	--	0.006*** (0.002)	0.002 (0.003)
Natural Resources	--	0.006*** (0.001)	0.005 (0.002)
Foreign Direct Investment	--	-0.148** (0.066)	-0.059 (0.080)
Log Foreign Aid	--	0.043 (0.364)	0.294 (0.456)
Log GDP Per Capita	--	-0.473 (0.325)	0.425 (0.828)
State Capacity	--	1.378* (0.814)	-0.029 (0.907)
Previous Conflict in Past Year	--	--	--
Previous Conflict 3 Years	--	2.644** (1.140)	--
Previous Conflict 5 Years	--	_	1.860 (0.953)
Y-Linear Prediction	--	-4.223	-4.223
Number of Observations	--	679	681

*p< 0.10 **p< 0.05 ***p< 0.01

Note: Robust standard errors clustered by state-year are in parenthesis. These results include only democratic countries. Model 1 does not present any results, indicating that there may not be enough observable observations for democracies with a conflict in the last year.

Foreign Direct Investment has a negative, significant effect for democracies with past conflict in past 3 years, suggesting that the more a democracy receives FDI the less likely civil war becomes. *State Capacity* is statistically significant and negative effect for autocracies and anocracies (but not democracies), suggesting that higher levels of state capacity decrease the likelihood of civil war for these (more consolidated, less hybrid) regimes. Lastly, when controlling for *Previous Conflict 3 Years* is statistically significant suggesting that democracies that experience a conflict in the past three years increases the onset of civil war. *Regime Opposition Size* and *Population Density* are not significant in any model.

Table 4.5 runs the state capacity model only accounting for autocracies. Model 1 accounts for conflict in the last year. Model 2 accounts previous conflict in the past three years, and Model 3 accounts for a previous conflict in the past five years. Robust standard errors are clustered by state-year.

Table 4.5 indicates that none of the primary judicial explanatory variables achieve any level of significance in any of the models when analyzing autocracies. These results do not support my theory. *Regime Type* is significant and positive in Model 2 when controlling for past conflict in 3 years, where increasing democratization increases the onset of civil war. *Natural Resources* is statistically significant and has a small positive effect when controlling for conflict in the last year and three years (Model 1 and Model 2). Additionally, *Foreign Direct Investment* has a significant, negative effect across two models (Model 1 and Model 2) suggesting that the more an autocracy receives FDI the less likely civil war becomes. *Foreign Aid* is statistically significant but with a positive effect again in Model1 and Model 2, where autocracies receiving increased foreign aid experience higher chances of civil war. *GDP Per Capita* has similar effects, but only in Model 3.

Table 4.5: The Effect of Judicial Independence on Civil War Onset for Autocracies

	Model 1	Model 2	Model 3
Regime Opposition Group Size	0.334 (0.240)	0.381 (0.269)	0.539 (0.224)
Regime Duration	0.000 (0.000)	0.000 (0.000)	3.66e-06 (0.000)
High Court Independence and Power	0.005 (0.111)	0.129 (0.124)	-0.142 (0.123)
High Court Independence	0.121 (0.170)	0.136 (0.231)	0.038 (0.174)
High Court Power	-0.038 (0.234)	-0.281 (0.264)	-0.181 (0.257)
Regime Type	0.297 (0.561)	1.170* (0.632)	0.013 (0.655)
Population Density	0.002 (0.001)	0.000 (0.002)	0.000 (0.002)
Natural Resources	0.000** (0.000)	0.000*** (0.000)	0.000 (0.000)
Foreign Direct Investment	-0.086** 0.043	-0.096*** (0.036)	-0.051 (0.242)
Log Foreign Aid	0.111 (0.159)	0.251 (0.239)	0.210 (0.173)
Log GDP Per Capita	0.164 (0.312)	-0.488 (0.397)	-0.107 (0.313)
State Capacity	-0.586 (0.418)	-0.679 (0.168)	-0.505 (0.403)
Previous Conflict in Past Year	1.097** (0.532)	-	-
Previous Conflict 3 Years	-	-0.157 (0.771)	-
Previous Conflict 5 Years	-	-	1.113 (0.530)
Y-Linear Prediction	-4.195	-4.458	-4.169
Number of Observations	1,433	1,435	1,402

*p< 0.10 **p< 0.05 ***p< 0.01

Note: Robust standard errors clustered by state-year are in parenthesis. These results include only autocratic countries.

Lastly, *Previous Conflict in Past Year* is statistically significant and positive for autocracies who experienced a conflict in the last year increases civil war onset. Notably, several

control variables fail to achieve statistical significance across all models such as *Regime Opposition Size, Regime Duration, Population Density, Foreign Aid, GDP Per Capita,* and *State Capacity.*

I now rerun the state capacity model for anocracies. Model 1 accounts for conflict in the last year. Model 2 accounts previous conflict in the past three years, and Model 3 accounts for a previous conflict in the past five years. Robust standard errors are clustered by state-year.

Table 4.6 indicates that the interactive variable *High Court Independence and Power* is statistically significant and has a positive effect in two models when controlling for previous conflict in last year and three years for anocracies (Model 1 and Model 2). These results suggest that increases in judicial independence and power increases the onset of civil war for anocracies. However, the other main explanatory variables fail to achieve significance in any of the models. These results do not support my theory, with the exception of the interactive variable in Model 1 and Model 2. Additionally, *Foreign Direct Investment* has a significant, negative effect in only one models (Model 1) suggesting that the more an anocracy with previous conflict in the last year receives in FDI the less likely civil war becomes. *Foreign Aid* is statistically significant but with a positive effect again in Model 1 and Model 2, where anocracies receiving increased foreign aid experience higher chances of civil war. *State Capacity* is statistically significant and has a negative effect in Model 1 and Model 2 when controlling for anocracies with previous conflict in last year and three years. Notably, several control variables fail to achieve statistical significance across all models such as *Regime Opposition Size, Regime Duration, Regime Type Population Density, Natural Resources*. Additionally, none of the previous conflict control variables reach statistical significance when analyzing anocracies.

Table 4.6: The Effect of Judicial Independence on Civil War Onset for Anocracies

	Model 1	Model 2	Model 3
Regime Opposition Group Size	-0.043 (0.500)	0.0287 (0.4205)	0.386 (0.376)
Regime Duration	0.000 (0.000)	0.000 (0.000)	0.000 (0.000)
High Court Independence and Power	1.069*** (0.404)	0.827** (0.398)	-0.173 (0.603)
High Court Independence	-0.450 (0.525)	-0.373 (0.554)	0.402 (1.260)
High Court Power	-0.527 (0.758)	-0.428 (0.592)	0.199 (1.071)
Regime Type	2.104 (1.836)	1.796 (1.186)	1.144 (1.252)
Population Density	0.001 (0.002)	0.001 (0.002)	0.000 (0.002)
Natural Resources	-0.001 (0.001)	-0.001 (0.001)	0.001 (0.003)
Foreign Direct Investment	-0.540* (0.304)	-0.375 (0.257)	-0.216 (0.382)
Log Foreign Aid	1.211** (0.548)	1.020*** (0.343)	1.250 (1.153)
Log GDP Per Capita	0.620 (1.215)	0.412 (0.843)	-0.430 (1.076)
State Capacity	-2.319*** (0.787)	-1.904*** (0.732)	-0.725 (1.858)
Previous Conflict in Past Year	0.492 (0.975)	-	-
Previous Conflict 3 Years	-	-0.174 (1.082)	-
Previous Conflict 5 Years	-	-	-0.106 (1.267)
Y-Linear Prediction	-4.857	-4.857	-3.463
Number of Observations	464	442	436

*p< 0.10 **p< 0.05 ***p< 0.01

Note: Robust standard errors clustered by state-year are in parenthesis. These results include only anocratic countries.

Conclusions

These results generally do not support my hypothesis. This chapter reexamines the full model presented in Chapter 1 and the state capacity models presented in Chapter 3 with civil war onset rather than likelihood. The primary variable of interest in judicial independence and power is not statistically significant in the full model and across various state capacity models. Only in the state capacity models judicial independence and power appears to be significant but increases the onset of civil war for anocracies (not controlling for previous conflict years), and anocracies with previous conflict in the last year, and three years. Yet, it has a negative effect when subset into democracies and controlling for previous conflict in the past three years.

Judicial independence without corresponding power in the full model is statistically significant when controlling for previous conflict in the past three and five years across regimes without regime type subset. In the state capacity models, higher levels of judicial independence (without corresponding power) has no effect on when not subset by regime type and not controlling for previous past conflict years. Once subset, only democracies without controlling for previous conflict years, and democracies who experienced a past conflict in the last three years increase civil war onset, while has no effect for autocracies and anocracies. Higher levels of judicial power (without judicial independence) across regime types, not subset, and not controlling for previous conflict years is only significant and reduces civil war onset for states who have experienced a past conflict in the last three years. Notably, higher levels of judicial power is not significant for autocracies and anocracies, but only has a positive effect on democracies who experienced a previous conflict in the past three years. Again, these results do not support my theory.

However, in the full model, protections from torture and higher levels of foreign direct investment have systematic negative effects and reduce the onset of civil war. Natural resources increase civil war onset in the full and in the state capacity models analyzing across regimes without the subset, controlling for only the base model and previous conflict in the last year. Similarly, democracies with previous conflict in the past three years and autocracies with previous conflict in the last year and three years with high levels of natural resources increase civil war onset while it has no effect on anocracies—which opposes my original hypothesis where wealth from natural resources increases state capacity.

However, in the state capacity model, when controlling for state capacity reduce civil war onset for regimes when not subset and for controlling for previous past conflicts. Similarly, when subset by regime type and without controlling for previous conflict years, higher levels of state capacity in autocracies and anocracies decrease civil war onset, while there is no effect for democracies. When subset by regime type and controlling for previous conflict years, increases in state capacity for only democracies with previous conflict in the last three years sees an increase in civil war onset. Anocracies who experienced a past conflict in the last year and three years and have higher levels of state capacity reduces civil war onset.

Chapter 5: Conclusions

Independent judiciaries are typically overlooked in conflict studies. In this thesis, I offer a theory exploring if regimes with higher levels of judicial independence reduces the likelihood of civil war. I argue that courts that enjoy judicial independence can provide institutional mechanisms that reduce the likelihood of civil war. The full model results presented in Chapter 1 (on civil war likelihood) and in Chapter 4 (on civil war onset) generally do not support my hypothesis. Rather, state economic capacity variables and regime type show the strongest support in these models. However, judicial independence and judicial power have inconsistent and mixed results. Table 5.1 shows the summary of results for effects on civil war in comparison.

Table 5.1: Judicial Independence on Civil War

	Civil War	Civil War in Democracies	Civil War in Autocracies	Civil War in Anocracies
Judicial Independence and Power	No effect/ Increase	Decrease/ No effect	No effect	Increase
Judicial Independence	No effect	Increase	Decrease	No effect
Judicial Power	No effect	No effect	No effect	No effect

Table 5.1 shows a condensed version of my models examining the likelihood of civil war. The first column accounts for the full model presented in Chapter 1 and Chapter 3 (state capacity model not subset by regime type). Judicial independence and power jointly demonstrate mixed results across these models, where it has no effect in the full model in Chapter 1 but has an increasingly positive effect in the state capacity model (when not subset by regime type). These mixed effects may be due to potential curvilinear effects between the grievance and state capacity variables. Overall, judicial independence alone has no effect on civil war likelihood, and judicial power has no effect either.

The judicial explanatory variables again offer mixed results when subset by regime type. For instance, democracies with higher levels of judicial independence and power, with previous conflicts in the past three years, experience civil war likelihood decreases. Conversely, judicial independence, without the power of implementing of their decisions, increases civil war likelihood for democracies. The results can be due to weak independent judiciaries in democracies without the power to compel their decisions cannot compel government compliance to reduce conflict. For autocracies and anocracies, judicial independence and power has no effect for autocracies but increases the likelihood of civil war for anocracies. This result can be due to weakened institutions in anocracies plagued by high turnover rates, subordination, and increased competition between groups. However, judicial independence without the corresponding power reduces civil war likelihood in autocracies while having no effect for anocracies. Notably, across all models, high court power without the corresponding independence has no effect across regimes.

However, once I disentangled the full model and state capacity to test the grievance models separately, the results offer a stark contrast. Table 5.2 shows a summary of my results focusing on the three main judicial explanatory variables' effect in grievance, as measured by regime opposition size.

Table 5.2: Judicial Independence on Regime Opposition

	Regime Opposition Size	Regime Opposition Size in Democracies	Regime Opposition Size in Autocracies	Regime Opposition Size in Anocracies
Judicial Independence and Power	Decrease	Decrease	No effect	Increase
Judicial Independence	Increase	Increase	Increase	Decrease
Judicial Power	Decrease	Decrease	Decrease	No effect

In short, there is stronger support for the role of judicial independence for the grievance mechanisms, though also some counterintuitive results for anocracies and judicial independence alone (without judicial power). Chapter 2 shows greater support for my theory, where increases in judicial independence and power and judicial power itself reduce regime opposition size in most models. In the baseline model, not subset by regime type, states with higher levels of both judicial independence and judicial power experience decreases in civil war likelihood. Similarly, regimes with higher levels of judicial power (without corresponding independence) experience decreased likelihood of civil war. Conversely, judicial independence (without the implementation of their decisions) increases civil war likelihood across regimes. The result may be due to having observable (*de jure*) judicial independence, such as tenure and salary, but may lack (de facto) judicial independence where judges may resist checking regime leaders and their policy.

When subset by regime type, the judicial explanatory variables in democracies yielded the exact same effects and directions as the base model. Autocracies with higher levels of judicial independence with corresponding power has no effect, while anocracies with increased judicial independence and power sees an upturn in the likelihood of civil war. Court systems in anocracies may be independent and have some of their decisions implemented but are weak institutions challenged by regime leaders and the public. Similarly, higher levels of judicial independence without corresponding power in autocracies increases civil war, and anocracies with higher levels of judicial independence (without power) experience decreased civil war likelihood. Lastly, autocracies with higher levels of judicial power without corresponding independence reduces the likelihood of civil war, while judicial power in anocracies has no effect.

Other interesting findings include some counterintuitive results. For example, shifts towards democracy increases civil war likelihood and onset across regime types in the full model.

Suggesting that as regimes move towards democracy increases both civil war likelihood due to potential increase in competition in the electoral process and increased uncertainty or instability. This may be due to where anocracies are overrepresented in the regime type variable. Additionally, higher levels of natural resources may increase fighting between groups and thus increases civil war likelihood and onset, unlike my original hypothesis that it would enhance state capacity and thus reduce civil war likelihood.

Other key takeaways from the analysis give support to where higher levels of unemployment and foreign aid increases civil war likelihood and onset. Additionally, several models support the notion that regimes with prior conflict increases the chances of civil war. Regime with lower regime duration, or newly created states, increases the likelihood and onset of civil war as they may lack stable institutional structures that monitor, report, or thwart regime opposition. However, regimes with protections against torture, are more reliant on foreign direct investment, and have more state capacity shows promising results for reducing civil war likelihood and onset.

Although the results were not what I had hoped for, this analysis contributes to future research on independent judiciary and conflicts. While the results do highlight essential findings, future analysis can be conducted to address some of the limitations found in this thesis. For instance, focusing solely on civil wars limited the availability of my data. While civil wars have become more common and has increased over time, many observable internal conflicts do not fit the measure and requirement (the number of battle deaths) to be classified as a civil war. Expanding internal conflicts would increase the amount of data one could use to examine the effects of courts on internal conflicts. In addition, future research can examine how lagged judicial independence variables impact the likelihood of civil war or internal conflict. Future research can

also investigate temporal effects more directly, accounting for the Cold War, eras of democratization, foreign intervention, and similar issues. Additional research can use the state capacity as a dependent variable to directly test if judicial independence increases state capacity.

Similarly, future research can examine the possibility of curvilinear or threshold relationships for these and other explanatory variable. Population density, regime type, natural resources, and physical integrity rights all may have nonlinear relationships with civil war and opposite effects on the grievance and capacity stages. For example, the natural resource curse is an excellent example of potentially opposite expectations, where more resources can enhance state economic capacity but can also make political office more attractive so as to incentivize civil wars to control those resources. Increased repression can also generate nonlinear effects, where increased repression can exacerbate grievance to increase civil war likelihood but can also generate effective fear mechanisms to deter citizens from opposing the regime. Population density can have opposing effects between the two stages as well, where it increases citizen coordination, interaction, and opportunities to mobilize against a regime (to increase civil war likelihood) but can also enable enhanced state capacity to monitor and squash such mobilization since these groups are located within specific areas (rather than spread across the territory).

Nonetheless, this thesis offers a significant contribution by examining an overlooked institutional mechanism through which to reduce the likelihood of civil wars: courts.

References

AidData. 2017. Washington, DC: AidData.

Allport, G. W., Clark, K., & Pettigrew, T. 1954. The nature of prejudice.

Ariotti, M., Dietrich, S., & Wright, J. 2022. Foreign Aid and Judicial Autonomy. *Review of International Organizations*, *17*(4), 691–715. https://doi.org/10.1007/s11558-021-09439-9

Aydın, A. 2013. Judicial Independence across Democratic Regimes: Understanding the Varying Impact of Political Competition: Judicial Independence across Democratic Regimes. *Law & Society Review, 47*(1), 105–134. https://doi.org/10.1111/lasr.12003

Ayubi, Nazih 1980. *Bureaucracy and Politics in Contemporary Egypt*. London: Ithaca Press.

Baker, Raymond 1978. *Egypt's Uncertain Revolution under Nassir and Sadat*. Cambridge, MA: Harvard University Press.

Barry, C. M., Chad Clay, K., & Flynn, M. E. 2013. Avoiding the Spotlight: Human Rights Shaming and Foreign Direct Investment. *International Studies Quarterly*, *57*(3), 532–544. https://doi.org/10.1111/isqu.12039

Berkowitz, L. 1989. Frustration-Aggression Hypothesis: Examination and Reformulation. *Psychological Bulletin, 106*(1), 59–73. https://doi.org/10.1037/0033-2909.106.1.59

Bøaˆs, M., and Dunn, K. C. 2007. "Introduction." In African Guerrillas: Raging Against the Machine. eds. M. Bøaˆs, and K. C. Dunn, 1–8. Boulder, CO: Lynne Rienner.

Boix, C. (2003). Democracy and redistribution. Cambridge University Press.

Bueno de Mesquita, B., Smith, A., Siverson, R., & Morrow, J. 2003. The Logic of Political Survival. Cambridge, MA: MIT Press.

Cederman, L.-E., Weidmann, N. B., & Gleditsch, K. S. 2011. Horizontal Inequalities and Ethnonationalist Civil War: A Global Comparison. *The American Political Science Review, 105*(3), 478–495. https://doi.org/10.1017/S0003055411000207

Cederman, L.-E., Wimmer, A., & Min, B. 2010. Why Do Ethnic Groups Rebel? New Data and Analysis. *World Politics, 62*(1), 87–119.https://doi.org/10.1017/S0043887109990219

Chng Suan Tze v. Minister for Home Affairs [1988] SGCA 16, [1988] 2 S.L.R.(R.) [Singapore Law Reports (Reissue)] 525, Court of Appeal (Singapore)

Collier, P., & Hoeffler, A. 1998. On Economic Causes of Civil War. *Oxford Economic Papers, 50*(4), 563–573. https://doi.org/10.1093/oep/50.4.563

Collier, P., & Hoeffler, A. 2004. Greed and Grievance in Civil War. *Oxford Economic Papers, 56*(4), 563–595. https://doi.org/10.1093/oep/gpf064

Collier, P., & Sambanis, N. 2002. Understanding Civil War: A New Agenda. *The Journal of Conflict Resolution, 46*(1), 3-12. https://doi.org/10.1177/0022002702046001001

Collier, P., Hoeffler, A., & Rohner, D. 2009. Beyond Greed and Grievance: Feasibility and Civil War. *Oxford Economic Papers*, *61*(1), 1-27.

Coppedge, Michael, John Gerring, Carl Henrik Knutsen, Staffan I. Lindberg, Jan Teorell, David Altman, Michael Bernhard, Agnes Cornell, M. Steven Fish, Lisa Gastaldi, Haakon Gjerløw, Adam Glynn, Allen Hicken, Anna Lührmann, Seraphine F. Maerz, Kyle L. Marquardt, Kelly McMann, Valeriya Mechkova, Pamela Paxton, Daniel Pemstein, Johannes von Römer, Brigitte Seim, Rachel Sigman, Svend-Erik Skaaning, Jeffrey Staton, Aksel Sundtröm, Eitan Tzelgov, Luca Uberti, Yi-ting Wang, Tore Wig, and Daniel Ziblatt. 2021. "V-Dem Codebook v12.1" Varieties of Democracy (V-Dem) Project.

Cramer, C. 2007. *Violence in Developing Countries: War, Memory, Progress*. Indiana University Press.

Cunningham, D. E., & Lemke, D. 2013. Combining Civil and Interstate Wars. *International Organization*, *67*(3), 609-627. https://doi.org/10.1017/S0020818313000167

Cunningham, K. G. 2013. Actor Fragmentation and Civil War Bargaining: How Internal Divisions Generate Civil Conflict. American Journal of Political Science, 57(3), 659–672. https://doi.org/10.1111/ajps.12003

Danziger, J. N.; Lupo, L. 2021 Understanding the Political World: A Comparative Introduction to Political Science; (13th ed.). Pearson Longman.

Denny, E. K., & Walter, B. F. 2014. Ethnicity and Civil War. *Journal of Peace Research, 51*(2), 199–212. https://doi.org/10.1177/0022343313512853

Dixon, J. 2009. What Causes Civil Wars? Integrating Quantitative Research Findings. *International Studies Review*, *11*(4), 707–735. https://doi.org/10.1111/j.1468-2486.2009.00892.x

Djuve, V. L., Knutsen, C. H., & Wig, T. (2020). Patterns of Regime Breakdown Since the French Revolution. *Comparative Political Studies, 53(6),* 923–958. https://doi.org/10.1177/0010414019879953

Do, Q.-T., & Iyer, L. 2010. Geography, Poverty and Conflict in Nepal. *Journal of Peace Research, 47*(6), 735–748. https://doi.org/10.1177/0022343310386175

Dollard J, Doob L, Miller N, Mowrer O, Sears R. 1939. *Frustration and Aggression*. Yale University Press.

Englehart, N. A. 2009. State Capacity, State Failure, and Human Rights. *Journal of Peace Research, 46*(2), 163–180. https://doi.org/10.1177/0022343308100713

Epperly, B. 2013. The Provision of Insurance?: Judicial Independence and the Post-tenure Fate of Leaders. *Journal of Law and Courts, 1*(2), 247-278. https://doi.org/10.1086/671163

Epperly, B., & Sievert, J. 2019. Conflict and Courts: Civil War and Judicial Independence across Democracies. *Political Research Quarterly, 72*(3), 700-713. https://doi.org/10.1177/1065912918803200

Epstein, L., Lindstädt, R., Segal, J. A., & Westerland, C. 2006. The Changing Dynamics of Senate Voting on Supreme Court Nominees. *The Journal of Politics*, *68*(2), 296–307. https://doi.org/10.1111/j.1468-2508.2006.00407.x

Eriksson, M., Wallensteen, P., & Sollenberg, M. 2003. Armed Conflict, 1989-2002. *Journal of Peace Research*, *40*(5), 593–607. https://doi.org/10.1177/00223433030405006

Fearon, J. D. 2004. Why Do Some Civil Wars Last so Much Longer than Others? *Journal of Peace Research*, *41*(3), 275–301 https://doi.org/10.1177/0022343304043770

Fearon, J. D., & Laitin, D. D. 2003. Ethnicity, Insurgency, and Civil War. *The American Political Science Review*, *97*(1), 75–90. https://doi.org/10.1017/S0003055403000534

Feld, L. P., & Voigt, S. 2003. Economic growth and judicial independence: cross-country evidence using a new set of indicators. *European Journal of Political Economy, 19*(3), 497–527. https://doi.org/10.1016/S0176-2680(03)00017-X

Finkel, J. 2005. Judicial Reform as Insurance Policy: Mexico in the 1990s. Latin American Politics and Society, 47(1), 87–113. https://doi.org/10.1111/j.1548-2456.2005.tb00302.x

Foglesong, T. S. (2001). *Crime, criminal justice and criminology in post-Soviet Ukraine* (Vol. 1). US Department of Justice, Office of Justice Programs, National Institute of Justice.

Gersovitz, M., & Kriger, N. 2013. What Is a Civil War? A Critical Review of Its Definition and (Econometric) Consequences. *The World Bank Research Observer, 28*(2), 159–190. https://doi.org/10.1093/wbro/lkt005

Gibler, D. M., & Randazzo, K. A. 2011. Testing the Effects of Independent Judiciaries on the Likelihood of Democratic Backsliding. *American Journal of Political Science, 55*(3), 696–709. https://doi.org/10.1111/j.1540-5907.2010.00504.x

Ginsburg, T. 2003. Judicial Review in New Democracies: Constitutional Courts in Asian Cases. *Cambridge University Press.*

Ginsburg, T., & Moustafa, T. 2008. Rule by Law: The Politics of Courts in Authoritarian Regimes. Cambridge*: Cambridge University Press*. doi:10.1017/CBO9780511814822

Gurr, T. R. 1974. Persistence and Change in Political Systems, 1800-1971. *The American Political Science Review*, *68*(4), 1482–1504. https://doi.org/10.2307/1959937

Gurr, Ted Robert. 1970. Why Men Rebel. Princeton, NJ: Princeton University Press.

Haber, S. H., Maurer, N., & Razo, A. 2003. *The Politics of Property Rights: Political Instability, Credible Commitments, and Economic Growth in Mexico, 1876-1929.* Cambridge University Press.

Haber, Stephen, and Victor Menaldo. 2011. "Do Natural Resources Fuel Authoritarianism? A Reappraisal of the Resource Curse. *The American Political Science Review*, *105*(1), 1–26. https://doi.org/10.1017/S0003055410000584

Hammer, E. D., Baumeister, R., & Vohs, K. 2007. Scapegoat theory. *Encyclopedia of Social Psychology*. Sage publications, Los Angeles, CA.

He, X. 2014. Maintaining Stability by Law: Protest-Supported Housing Demolition Litigation and Social Change in China. *Law & Social Inquiry*, *39*(4), 849–873. https://doi.org/10.1111/lsi.12064

Hegre, H., & Sambanis, N. 2006. Sensitivity Analysis of Empirical Results on Civil War Onset. *The Journal of Conflict Resolution, 50*(4), 508–535. https://doi.org/10.1177/0022002706289303

Henisz, W. (2000). The institutional environment for multinational investment. Journal of Law, Economics, & Organization, 16(2), 334–364. https://doi.org/10.1093/jleo/16.2.334

Herbst, J. 2000. Economic Incentives, Natural Resources and Conflict in Africa. *Journal of African Economies*, *9*(3), 270-294. https://doi.org/10.1093/jae/9.3.270

Howard, M. M., & Roessler, P. G. 2006. Liberalizing Electoral Outcomes in Competitive Authoritarian Regimes. *American Journal of Political Science, 50*(2), 365–381. https://doi.org/10.1111/j.1540-5907.2006.00189.x

Huntington, S. P. 1993. The Third Wave : Democratization in the Late Twentieth Century. University of Oklahoma Press.

Ingram, M. 2012. Crafting Courts in New Democracies: Ideology and Judicial Council Reforms in Three Mexican States. *Comparative Politics, 44*(4), 439-458. https://doi.org/10.5129/001041512801282988

Kalyvas, S. N. 2001. "New" and "Old" Civil Wars: A Valid Distinction? *World Politics*, *54*(1), 99–118 https://doi.org/10.1353/wp.2001.0022

Kalyvas, S. N. 2003. The Ontology of "Political Violence": Action and Identity in Civil Wars. *Perspectives on Politics*, *1*(3), 475–494. https://doi.org/10.1017/S1537592703000355

Kaufman, S. J. 2011. Symbols, Frames, and Violence: Studying Ethnic War in the Philippines. International Studies Quarterly, 55(4), 937–958. https://doi.org/10.1111/j.1468-2478.2011.00689.x

Keen, D. 2012. Greed and Grievance in Civil War. *International Affairs (Royal Institute of International Affairs 1944-)*, *88*(4), 757–777. https://doi.org/10.1111/j.1468-2346.2012.01100.x

King, G., & Zeng, L. 2001. Explaining Rare Events in International Relations. *International Organization, 55*(3), 693–715. https://doi.org/10.1162/00208180152507597

Le Billon, P. 2001. The political ecology of war: natural resources and armed conflicts. Political Geography, 20(5), 561–584. https://doi.org/10.1016/S0962-6298(01)00015-

Linzer, D., & Staton, J. 2015. A Global Measure of Judicial Independence, 1948–2012. Journal of Law and Courts, 3(2), 223-256. https://doi.org/10.1086/682150

Moustafa, T. 2007. The Struggle for Constitutional Power : Law, Politics, and Economic Development in Egypt. Cambridge University Press.

Moustafa, T. 2014. Law and Courts in Authoritarian Regimes. Annual Review of Law and Social Science, 10(1), 281–299. https://doi.org/10.1146/annurev-lawsocsci-110413-030532

Moustafa, T. 2003. Law versus the State: The Judicialization of Politics in Egypt. *Law & Social Inquiry, 28*(4), 883–930. https://doi.org/10.1111/j.1747-4469.2003.tb00826.x

Moustafa, T. 2008. Law and Resistance in Authoritarian States: The Judicialization of Politics in Egypt. In Rule By Law (pp. 132–155). Cambridge University Press. https://doi.org/10.1017/CBO9780511814822.006

Mueller, John. 2004. *The Remnants of War*. Cornell University Press.

Nedal, D., Stewart, M., & Weintraub, M. 2020. Urban Concentration and Civil War. *The Journal of Conflict Resolution, 64*(6), 1146–1171. https://doi.org/10.1177/0022002719892054

Nemeth, S. C., Mauslein, J. A., & Stapley, C. 2014. The Primacy of the Local: Identifying Terrorist Hot Spots Using Geographic Information Systems. *The Journal of Politics*, *76*(2), 304–317. https://doi.org/10.1017/S0022381613001333

Paige, J. M. 1978. *Agrarian Revolution*. New York: Free Press.

Pemstein, D., Meserve, S. A., & Melton, J. 2010. Democratic Compromise: A Latent Variable Analysis of Ten Measures of Regime Type. Political Analysis, 18(4), 426–449. https://doi.org/10.1093/pan/mpq020

Pemstein, D., Marquardt, K. L., Tzelgov, E., Wang, Y., Medzihorsky, J., Krusell, J., Miri, F., Römer, J. 2022. The V–Dem Measurement Model: Latent Variable Analysis for Cross-National and Cross-Temporal Expert-Coded Data. The Varieties of Democracy Institute. University of Gothenburg.

Posen, B. R. 1993. The security dilemma and ethnic conflict. Survival (London), 35(1), 27–47. https://doi.org/10.1080/00396339308442672

Przeworski, A., & Limongi, F. 1997. Modernization: Theories and Facts. *World Politics, 49*(2), 155–183. https://doi.org/10.1353/wp.1997.0004

Przeworski, A., Alvarez, R. M., Alvarez, M. E., Cheibub, J. A., Limongi, F., & Neto, F. P. L. 2000. *Democracy and Development: Political Institutions and Well-being in the World, 1950-1990* (No. 3). Cambridge University Press.

Rajah, J. 2012. Authoritarian Rule of Law: Legislation, Discourse and Legitimacy in Singapore. Cambridge University Press. https://doi.org/10.1017/CBO9780511998201

Randazzo, K., Gibier, D., & Reid, R. 2016. Examining the Development of Judicial Independence. *Political Research Quarterly, 69(*3), 583-593. https://doi.org/10.1177/1065912916656277

Root, H. L., & May, K. 2008. Judicial Systems and Economic Development. In Rule By Law (pp. 304–325). Cambridge University Press. https://doi.org/10.1017/CBO9780511814822.013

Rosberg, J. 1995. *Roads to the Rule of Law: The Emergence of an Independent Judiciary in Contemporary Egypt*. PhD diss., Massachusetts Institute of Technology, Cambridge, MA.

Roseller, P. 2011. The Enemy Within: Personal Rule, Coups, and Civil War in Africa. *World Politics, 63*(2), 300–346. https://doi.org/10.1017/S0043887111000049

Ross, M. L. 2004. How Do Natural Resources Influence Civil War? Evidence from Thirteen Cases. *International Organization*, *58*(1), 35–67. https://doi.org/10.1017/S002081830458102X

Ross, M., & Mahdavi, P. 2015. Oil and gas data, 1932-2014. Harvard Dataverse. http://dx.doi.org/10.7910/DVN/ZTPW0Y

Rueschemeyer, D., Huber, E., & Stephens, J. D. 1992. Capitalist development and democracy. University of Chicago Press.

Russell, P. H., and O'Brien, D. M. eds. 2001. *Judicial independence in the age of democracy: Critical perspectives from around the world*. Charlottesville: University Press of Virginia.

Russett, B. M. 1964. Inequality and Instability: The Relation of Land Tenure to Politics. *World Politics 16*(3): 442-454. https://doi.org/10.2307/2009581

Sambanis, N. 2004. What Is Civil War? Conceptual and Empirical Complexities of an Operational Definition. *The Journal of Conflict Resolution*, *48*(6), 814–858. https://doi.org/10.1177/0022002704269355

Sarkees, Meredith Reid and Frank Wayman 2010. *Resort to War: 1816 - 2007*. CQ Press.

Scott, J. C. 1977. *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia.* Yale University Press.

Shapiro, M. 1980. Islam and Appeal*. California Law Review, 68*(2), 350–381. https://doi.org/10.2307/3479990

Shapiro, M. 1981. Courts, a Comparative and Political Analysis. University of Chicago Press.

Shapiro, M. 2001. Administrative Law Unbounded: Reflections on Government and Governance. *Indiana Journal of Global Legal Studies, 8*(2), 369–377.

Sievert, J. M. 2018. The Case for Courts: Resolving Information Problems in Authoritarian Regimes. *Journal of Peace Research*, *55*(6), 774–786. https://doi.org/10.1177/0022343318770236

Sigman, R., & Lindberg, S. I. 2015. The Index of Egalitarian Democracy and Its Components: V-Dem's Conceptualization and Measurement. *V-Dem Working Paper*, *22*.

Silverstein, G. 2008. Singapore: The Exception That Proves Rules Matter. In Rule By Law (pp. 73–101). Cambridge University Press. https://doi.org/10.1017/CBO9780511814822.004

Solomon, P. H. 2007. Courts and Judges in Authoritarian Regimes. World Politics, 60(1), 122–145. https://doi.org/10.1353/wp.0.0004

Staniland, P. 2015. Armed Groups and Militarized Elections. *International Studies Quarterly*, *59*(4), 694–705. https://doi.org/10.1111/isqu.12195

Su, Y., & He, X. 2010. Street as Courtroom: State Accommodation of Labor Protest in South China. *Law & Society Review*, *44*(1), 157–184. https://doi.org/10.1111/j.1540-5893.2010.00399.x

Szayna, T. S., O'Mahony, A., Kavanagh, J., Watts, S., Frederick, B., Norlen, T. C., & Voorhies, P. 2017. *Conflict Trends and Conflict Drivers: An Empirical Assessment of Historical Conflict Patterns and Future Conflict Projections*. RAND Corporation.

Tate, C. N. 1995. Why the expansion of judicial power. *The Global Expansion of Judicial Power*, *27*, 28-33.

Tate, C. N., Vallinder, T., & Tate, C. N. (Chester N. (1995). The Global Expansion of Judicial Power. New York University Press.

Teorell, Jan, Aksel Sundström, Sören Holmberg, Bo Rothstein, Natalia Alvarado Pachon & Cem Mert Dalli. 2022. The Quality of Government Standard Dataset, version jan22. University of Gothenburg: The Quality of Government Institute, https://www.gu.se/en/quality-government doi:10.18157/qogstdjan22

Tew, Y. 2020. *Constitutional Statecraft in Asian Courts*. Oxford University Press.

Tierney, Michael J., Daniel L. Nielson, Darren G. Hawkins, J. Timmons Roberts, Michael G. Findley, Ryan M. Powers, Bradley Parks, Sven E. Wilson, and Robert L. Hicks. 2011. More Dollars than Sense: Refining Our Knowledge of Development Finance Using AidData. World Development 39 (11): 1891-1906.

Vanberg, G. 2015. Constitutional courts in comparative perspective: A theoretical assessment. *Annual Review of Political Science*, *18*, 167-185. https://doi.org/10.1146/annurev-polisci-040113-161150

Walter, B. F. 2015. Why Bad Governance Leads to Repeat Civil War. *The Journal of Conflict Resolution, 59*(7), 1242–1272. https://doi.org/10.1177/0022002714528006

Walter, B. F. 2022. *How Civil Wars Start: and How to Stop Them*. Crown.

World Bank. 2016. World Development Indicators. The World Bank Washington DC.

World Bank. 2021. World Development Indicators. The World Bank Washington DC.

Zaki, Moheb 1999. *Egyptian Business Elites: Their Visions and Investment Behavior.* Cairo: Konrad-Adenauer-Stiftung.

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