

Memo of Revisions

This memo identifies and summarises changes made in the present draft of this essay in response to the comments of assessors.

Suggestions that the number of cases be reduced to China and Russia, that hypotheses be reduced in number and more fully operationalised, and that the literature review argue more fully for inadequacies in the current congressional foreign policy literature, have each been adopted. In response to the assessors' recommendation to engage and critique congressional foreign policy literature more fully, this present draft devotes its first section to reviewing the work of James Lindsay, Robert Dahl, Aaron Wildavsky and similar authors, and presenting and defending a critique of the congressional foreign policy literature as presently being in a pre-empirical and (though to a lesser extent, thanks to Lindsay's efforts) pre-theoretical stage of development. While several recent contributions have addressed this gap in empirical research on congressional foreign policy, these have generally misconceptualised the dependent variable in terms of presidential success in roll call votes rather than congressional influence in foreign policy. Here, the literature review and critique now focus mainly on the narrower topic of predictors of variance in congressional influence in foreign policy, a subject on which the literature suggests a number of still predominantly untested hypotheses, but which remains a fairly fresh subject for theoretical elaboration and systematic empirical evaluation.

In complying with the assessors' recommendation to reduce the number of hypotheses and render each more thoroughly operationalised, the remaining portion of the first chapter presents four hypothesised independent variables to predict variance on the dependent variable of congressional influence in foreign policy. A causal model is developed for each independent variable, showing how the variance in the independent variable might lead to variance in the dependent variable, and falsifiable predictions are drawn from each model. In keeping with the advice of reviewers, the methodological portion follows as closely as possible the example of Walt and Posen in the *Cornell Studies in Security Affairs*.

In keeping with assessors' suggestions, the China case study is now used to assign values on the independent variables and dependent variable for each of seven episodes. The selection of the China case and episodes is now defended explicitly. Finally, the concluding statistical chapter analyses the comparative explanatory power of each model of congressional influence.

I will happily welcome assessors' further comments on this draft into the next revision of this essay, and hope they will see fit to recommend transfer to full D.Phil. status on the basis of the current draft.

Chapter 1: Literature Review, and Theoretical and Methodological Essay

Abstract: The first chapter reviews congressional foreign policy scholarship from the past quarter-century and presents a critique that, though there exist promising exceptions, it suffers from a lack of methodological empiricism, insufficient theoretical development and engagement with other conversations within the discipline, and misspecification of the dependent variable in the empirical work which has been attempted. That said, authors in the field have produced several underexplored hypotheses to explain variable congressional foreign policy influence over time. This chapter selects four promising such hypotheses, and develops them into models corresponding to dynamics of first-mover advantage, issue areas, risk, and interbranch strength. It then identifies and renders operational indicators which correspond to each of the four independent variables, and generates falsifiable predictions for each model on the operationalised dependent variable of congressional influence. Finally, it defends the case study selection of U.S. China and Russia policy from 1989 to 2000, which will further disaggregate into fifteen episodes to generate multiple data points on the independent and dependent variables. Following chapters will then assess the China and Russia cases to assign values on the independent and dependent variables for each episode. The concluding statistical essay then assesses the comparative strength of the four models.

Mundus, mutatio; vita, opinio.

Marcus Aurelius Antoninus, *Meditations*. iv. 3.¹

1. Introduction

Political scientists have expended disquieting effort debating whether Congress is currently ‘resurgent’² or ‘less than meets the eye’³ in the making of American foreign policy, yet have still to provide a compelling account for the more underlying question of why Congress at times appears resurgent, and at others, rather more recumbent. This essay is an attempt to remedy that gap.

Most research on Congress and foreign policy suffers from a number of ailments: a ‘numbers gap’ which separates it from the mainstream of political science; a pre-professional disregard for the systematic testing of hypotheses with evidence; and in the instances not conforming with the previous characterisation, a misspecification of the

¹ The universe is change; our life is what our thoughts make it.

² See, here, the title of Randall B. Ripley and James M. Lindsay’s volume (eds.), *Congress Resurgent: Foreign and Defence Policy on Capitol Hill* (Ann Arbor, Mich.: University of Michigan Press, 1993). See also David W. Rohde, ‘Partisanship, Leadership, and Congressional Assertiveness in Foreign and Defense Policy,’ pp. 76-101 in David A. Deese, ed., *The New Politics of American Foreign Policy* (New York: St Martin’s, 1994); and the contributions in Paul Peterson, ed., *The President, the Congress, and the Making of Foreign Policy* (Norman: University of Oklahoma Press, 1994).

³ Here see the title of Barbara Hinckley’s monograph *Less than Meets the Eye: Foreign Policy Making and the Myth of the Assertive Congress* (Chicago: University of Chicago Press, 1994). See also Harold Hongju Koh, ‘Why the President (Almost) Always Wins in Foreign Affairs,’ *Yale Law Journal* 97 (1986): pp. 1255-1342; Aaron Wildavsky, ‘The Two Presidencies,’ *Trans-Action* 4 (1966): pp. 7-14, especially p. 9; John T. Rourke and Russell Farnen, ‘War, Presidents, and the Constitution,’ *Presidential Studies Quarterly* 18 (1988): pp. 513-22; and Stephen R. Weissman, *A Culture of Deference: Congress’s Failure of Leadership in Foreign Policy* (New York: Basic Books, 1995).

dependent variable it seeks to explain. There are exceptions. James Lindsay and Paul Peterson, in two sweeping books, have accomplished a great deal toward laying foundations for focused programmes of empirical research.⁴ Yet the literature in the field remains littered with assertion rather than tests of claims, unsystematic aggregations of generally anecdotal evidence, and a brahminic reluctance to study congressional influence in the contexts of actual bilateral relationships over periods of history. Still, despite its pre-empirical state, the literature does at least suggest a number of untested hypotheses, which may be tested and explored theoretically.

In an attempt to urge along precisely such a programme of research, this first chapter examines the current literature on congressional foreign policy, devoting special regard to plausible explanations for variation in congressional influence over time. It assesses the state of the discipline and defends its critique of it. It then draws upon suggestions within the congressional foreign policy and relevant other literatures to construct four models, each representing one causal mechanism whereby variance in a stated independent variable might provoke variance in the dependent variable, congressional foreign policy influence. The following section fixes terms and derives from each model a catalogue of operationalised, falsifiable predictions. Finally, the methodological portion of the chapter defends selection of cases (*i.e.*, China and Russia policy from 1989 to 2000), examines data sets from which the case studies draw, and considers methodological issues of validity. Subsequent chapters present the China and Russia cases, and derive values on the independent and dependent variables corresponding to fifteen episodes between the two cases. The statistical chapter then concludes with an assessment of the relative strengths of the four models.

2. Review of the literature

Broader patterns

Modern congressional scholarship begins when the Vietnam War ended, reflecting the surprise of scholars at the dominant role Congress played between 1970 and 1973 in dictating the tempo of American withdrawal from Southeast Asia.⁵ Prior scholarship had

⁴ James M. Lindsay, *Congress and the Politics of U.S. Foreign Policy* (Baltimore: Johns Hopkins University Press, 1994), and Paul E. Peterson, ed., *The President, the Congress, and the Making of Foreign Policy* (Norman: University of Oklahoma Press, 1994). Elsewhere, Lindsay also contributes to the building up of precisely such narrower, deeper theory with systematic empirical research: *Congress and Nuclear Weapons* (Baltimore: Johns Hopkins Press, 1991), in which he argues persuasively for the limited applicability of both conventional ‘electoral connexion’ hypotheses of congressional behaviour as well as hypotheses stressing congressional deference to the executive.

⁵ Namely: the Senate voted to repeal Gulf of Tonkin Resolution, spring 1970; in December, 1970, Congress cut off funding for US military assistance to Cambodia (Supplemental Foreign Assistance Appropriations Act, HR 19911); most significantly, in June 1973, it prohibited the drawing of funds from the treasury to directly or indirectly support any military operations in Southeast Asia after 15 August 1973 (Supplemental Appropriations Act, HR 9055). From 1973-1975, several further resolutions restricted use of troops and airpower in Southeast Asia. Also, in 1973 the War Powers Resolution passed over Nixon veto. For a detailed examination, see Richard F. Grimmett, ‘Congressional Use of Funding Cutoffs Since 1970

taken as a given the deference to the executive characterised in Robert Dahl's 1950 claim that in foreign policy 'the President proposes, and the Congress disposes,'⁶ Congress often not being allowed even that opportunity.

Against this background, Ronald Moe and Steven Teel offered the first 'necessary reappraisal' in 1971, arguing Congress was dominant in immigration, oscillated in its influence in national defence, suffered a secular decline in tariff policy, but was aggregating influence in remaining areas of foreign policy.⁷ The authors reinterpreted earlier critical findings of Chamberlain⁸ to show that even in his sample, the president shaped less than half of legislation on national security. For them, scholars had historically exaggerated congressional impotence, and both president and Congress had recently found their powers and responsibilities increased as well.⁹

The claims of Thomas Franck and Edward Weisband were more sweeping.¹⁰ For Franck and Weisband, the 1970s constituted less the oscillation of a pendulum than a 'revolution that will not be unmade,' institutionalised as it now was by improved capacity in the form of staff and resources, new procedures which mandated a legislative role, and decentralised congressional power complicating presidential leadership of the legislature. Franck and Weisband take however more the position of a Burke than a Jefferson toward this revolution, pointing out legislation typically prevented flexibility and manoeuvre on

Involving U.S. Military Forces and Overseas Deployments,' *CRS Report for Congress* RS20775, 10 January, 2001.

⁶ Robert Dahl, *Congress and Foreign Policy* (New York: Harcourt, Brace, 1950); page 58 is source of quotation. There are exceptions. Largely neglected studies include two Versailles postmortems, Denna Frank Fleming, *The Treaty Veto of the American Senate* (New York and London: G. P. Putnam's Sons, 1930); W. Stull Holt, *Treaties Defeated by the Senate: A Study of the Struggle Between President and Senate over the Conduct of Foreign Relations* (Baltimore: The Johns Hopkins Press, 1933), and several pre-behaviouralist institutional studies of the foreign affairs committees, Albert C. F. Westphal, *The House Committee on Foreign Affairs* (New York: Columbia University Press and London: P.S. King & Staples, 1942); Holbert N. Carroll, *The House of Representatives and Foreign Affairs* (New York: University of Pittsburgh Press, 1958); Malcolm Edwin Jewell, *Senatorial Politics and Foreign Policy* (Lexington: University of Kentucky Press, 1962); Eleanor E. Dennison, *The Senate Foreign Relations Committee* (Stanford Books in World Politics Series; Stanford: Stanford University Press and London: Oxford University Press, 1942). Their influence tended to be transitory compared to the cited study by Dahl. It would further be an oversimplification to claim the period preceding Vietnam was one of unquestioned executive dominance. After 1945, several authors noted rising congressional influence through the appropriations power over foreign aid, atomic power, trade, and cultural exchange with the Communist world during times of détente. Vietnam was the catalyst of the rise of an industry of analyses of congressional foreign policy, but earlier trends did not escape the earlier notice of such authors as Carroll and Jewell.

⁷ Ronald C. Moe and Steven C. Teel, 'Congress as Policy-Maker: A Necessary Reappraisal,' pp. 32-53 in Moe, ed., *Congress and the President* (Pacific Palisades, Calif.: Goodyear, 1971).

⁸ Lawrence H. Chamberlain, *The President, Congress and Legislation* (New York: Columbia University Press, 1946).

⁹ Page 48. Congressional influence in national defence varied markedly depending on the role the Secretary of Defence chose to take (47). In tariff policy, Congress had delegated to the executive while imposing limits on executive discretion (38-39). In immigration, the clear trend of congressional dominance (352-74) continued to the present day (44).

¹⁰ Thomas M. Franck and Edward Weisband, *Foreign Policy by Congress* (New York: Oxford University Press, 1979).

the part of executive branch diplomats.¹¹ In the stead of this partitive concept of a fundamental transformation in the wake of Vietnam, most recent works have followed. Barbara Sinclair exemplifies this literature, portraying the Senate as having undergone a transformation from Vietnam onward into a much more active body than it had been in the two decades prior.¹²

This finding of newfound congressional influence in foreign policy was sufficiently new and prevalent to provoke a rather subversive, interesting response among such dissenters as Barbara Hinckley.¹³ Though not disputing congressional ambition after Vietnam, Hinckley held the reforms of the 1970s actually conspired to weaken Congress's capabilities in foreign policy. Also to be read in this context is the two presidencies literature. Aaron Wildavsky's 'two-presidencies' thesis became a standard footnote in support of the executive dominance argument, less a theory than a description of interbranch relations at a particular point in the early Cold War.¹⁴ (Wildavsky himself later admitted as much with regard to its atheoretic character.¹⁵) Wildavsky contributes the concept of a congressional 'self-denying ordinance,' whereby legislators abstain from exercise of their constitutional powers in foreign policy, out of a belief that deference to presidential leadership in foreign and security policy serves the national interest. Wildavsky also drew attention to the president's greater prestige and respect in foreign affairs, alongside other advantages: how the quick tempo of tactical-level foreign policy decision-making favours the more quickly-moving executive branch; and how the comparatively weak, unstable, and thin interest group structure in foreign affairs impedes congressional activism in foreign policy. The resulting debate for a time provided one of the more fertile battlegrounds between enthusiasts and sceptics of a congressional 'revolution' in foreign affairs.¹⁶

¹¹ Quotation is from page 6. A similar point is made in Robert David Johnson, 'The Unintended Consequences of Congressional Reform: The Clark and Tunney Amendments and U.S. Policy Toward Angola,' *Diplomatic History*, Vol. 27, No. 2 (Spring 2003); see also Hoyt Purvis and Stephen Baker, eds., *Legislating Foreign Policy* (Boulder, Co.: Westview Press, 1984).

¹² Barbara Sinclair, *Transformation of the U.S. Senate* (Baltimore: Johns Hopkins University Press, 1989)

¹³ Barbara Hinckley, *Less than Meets the Eye: Foreign Policy Making and the Myth of the Assertive Congress* (Chicago: University of Chicago Press, 1994).

¹⁴ Aaron Wildavsky, "The Two Presidencies," *Trans-Action* 4 (1966): pp. 7-14, especially page 9.

¹⁵ Duane M. Oldfield and Aaron B. Wildavsky, "Reconsidering the Two Presidencies," *Society* 26 (1989): pp. 54-59.

¹⁶ A cottage industry in political science emerged from studies debating the 'two presidencies'. LeLoup and Shull reject the monolithic presidential dominance implied by Wildavsky to suggest two modes of foreign policymaking: one comprised of issues never submitted to Congress, in which presidents dominate; and a second of foreign aid, trade, and defence and security issues requiring congressional appropriation or carrying domestic implications, which resemble domestic policymaking. LeLoup and Shull also show presidential success declining from 70 percent (1948-64) to 55 percent (1965-75), with the latter becoming 50 percent when extracting defence issues, and little better than presidential success in welfare (50 percent) or agricultural policy (49 percent). Edwards found that presidential success rates were not a constant inherent in the constitutional powers of the presidency, but were a function of a Cold War interbranch policy agreement on a liberal internationalist posture. As such, it suffered unavoidable decline when hawkish Republican presidents parted ways with internationalist northern Democrats. Rourke replicates the 'two presidencies' finding for the first Reagan term, but only when considering all votes on which there is a presidential position; the result vanishes when considering key votes alone. Shull contributed three additional variables (presidential position taking, extent of controversy over votes, and issuance of

A stage of synthesis between these two scholarly traditions appears within the past decade. In a book on nuclear weapons, James Lindsay refutes the earlier hypotheses that Congress is driven by deference to executive and that its decision making is driven primarily by parochial concerns, finding instead that ‘what best explains congressional decision making are the personal policy preferences of individual members.’¹⁷ Lindsay, indeed, is strongest when discussing inadequacies of the perspectives he seeks to refute. He presents a compelling case for rejecting the proposition that Congress wants for impact on policy, and is persuasive on the limitations of pork-barrel analyses of motivation, and the exaggeration of the importance of electoral connexion relative to policy motivations in prior literature. He furthermore provides statistical analysis in the course of presenting these arguments, a rarity within this tradition of scholarship.¹⁸ Conversely, though his contribution is in these respects a beginning point in clearing out undergrowth on the topic, he does not consider role either of public opinion or of international events: the public and international contexts within which Congress acts. He also does not draw on international relations scholarship or other discourses within political science, but only on the rather narrow congressional foreign policy literature.

In a second useful, though less empirical book, Lindsay contributes a number of helpful concepts.¹⁹ Among these are: (1) macromanagement, the congressional use of control over details to affect the substance of broad policy (p. 168); (2) framing, by which with sensitivity to subtle aspects of the congressional role – holding hearings, going on official trips abroad – legislative entrepreneurs might ‘focus the glare of the public spotlight on foreign policy issues and ... sometimes the results matter’ (138); (3) a threat to introduce

executive orders). In 1989, Oldfield and Wildavsky accepted the characterisation of the two-presidencies thesis as temporally- and culturally-bound. Lee Sigelman, ‘A Reassessment of the Two Presidencies Thesis,’ *Journal of Politics* 41(4) (1979): pp. 1195-1205; Lance T. LeLoup and Steven A. Shull, ‘Congress Versus the Executive: The Two Presidencies Revisited,’ *Social Science Quarterly*, vol. 59, no. 4, (March 1979), pp. 704-719; Francis E. Rourke, ‘Executive Responsiveness to Presidential Policies: The Reagan Presidency,’ *Congress & the Presidency* 17 (1990): pp. 1-11; George C. Edwards, ‘The Two Presidencies: A Reevaluation,’ *American Politics Quarterly* 14(3) (1986): 247-63; George C. Edwards, *At the Margins: Presidential Leadership of Congress* (Yale University Press, 1989); Steven. A. Shull, *Presidential-Congressional Relations: Policy and Time Approaches* (Ann Arbor: University of Michigan Press, 1997); Duane M. Oldfield and Aaron B. Wildavsky, “Reconsidering the Two Presidencies,” *Society* 26 (1989): pp. 54-59.

¹⁷ James M. Lindsay, *Congress and Nuclear Weapons* (Baltimore: Johns Hopkins Press, 1991). Cited sentence is found on page xii.

¹⁸ To wit: Lindsay examines as case studies the antisatellite weapons programme and MX, Trident, and Pershing II missile programmes. He does so through three ‘lenses’ or ‘perspectives’: the ‘deferential’ lens, in which legislators obey Wildavsky’s ‘self-abnegating ordinance’ to defer to the preferences of the executive; the ‘parochial’ lens, in which they follow economic interests of their constituents, and the ‘policy’ lens, focusing principally upon the substantive policy preferences and opinions of the member. While the first two result as overrated in prior literature, each explains congressional decision-making on some issues for some time periods.

¹⁹ James M. Lindsay, *Congress and the Politics of U.S. Foreign Policy* (Baltimore: Johns Hopkins University Press, 1994).

legislation, serving as a lever to extract concessions from the president (77); and (4) anticipated reactions, in which presidents have their own ‘self-abnegating ordinance’ by foregoing courses of action which would be greeted in Congress with disfavour. Although Congress lacks *control* over foreign policy-making, it exerts *influence*, particularly in structural policy – though in crisis, and to a great extent also in strategic, policy, this influence lies at the margins, these are frequently the margins that matter.

The post-reform Congress’s resurgent role in foreign policy making might now be safely assumed: the question becomes not ‘whether’ Congress influences foreign policy, but rather ‘how?’ and ‘how much’?²⁰ To this, we might also add, ‘and when?’. To answer this last question, a closer review of literature is in order, to examine causes authors have suggested for the rise or waning they perceive in congressional influence.

Variables

After a brief and unrepeated experiment in its youth, this literature would generally avoid statistical analysis after the swinging-sixties adventure of Robinson (1962). However, with perhaps Proustian nostalgia for variables, scholars have nonetheless permitted themselves to suggest several.

On the congressional sceptics’ side of the ledger, Robert Dahl, in his classic study, implicates the lack of leadership and party unity in Congress, and increases in the resources available to the executive branch.²¹ Rieselbach is one of many citing executive advantage in intelligence and technical proficiency.²² Sundquist, making an argument based on electoral risk, claims members of Congress are unwilling to risk anything going wrong in foreign policy that may redound to their harm in future elections.²³ Shepsle sees a deeper conflict, between ‘representative impulses inside the legislature’ and the legislature’s ‘ability to maintain its separateness, its independence, and hence its influence in the larger political system,’ that is, between representativeness and governance. Congress may indeed succeed in influencing policy, but only, perversely, by doing damage to its constitutional role as an organ of democracy.²⁴ Paul Peterson draws on Peter Gourevitch’s ‘reversed second-image’ exploration of the international system’s effects on domestic politics, to argue that as the world environment becomes more dangerous for the United States, Congress is constrained by fears of damaging the

²⁰ This point is put as well by Christine V. Emery and Christopher J. Deering, ‘Congress and Foreign Policy: Substantive and Procedural Legislation in the Post-War Era,’ paper presented at the annual meeting of the International Studies Association, Chicago, February 1995.

²¹ Arguing that ‘the President proposes, and the Congress disposes,’ with Congress often not even having the chance to dispose, Robert Dahl, *Congress and Foreign Policy* (New York: Harcourt, Brace, 1950), see p. 58.

²² Leroy N. Rieselbach, *Congressional Politics* (New York: McGraw-Hill, 1973), p. 179.

²³ James L. Sundquist, *The Decline and Resurgence of Congress* (Washington, D.C.: Brookings Institution, 1981).

²⁴ Kenneth A. Shepsle, “Representation and Governance: The Great Legislative Trade-Off,” *Political Studies Quarterly* 103 (1988), no. 3: 461-84, esp. p. 482.

nation's interests from challenging the president as much as it might otherwise desire.²⁵

From the literature of authors believing Congress's influence in foreign policy is considerable, and perhaps even more than ever, a second set of variables arises. Rohde draws attention to party cohesiveness, speculating that increased partisanship leads (and has led) parties to become internally more homogenous as well as more different from each another; during times of divided government, a more cohesive and partisan congressional majority can then succeed more easily in determining policy over the president's objections.²⁶ Rohde also argues that diverging presidential and congressional electoral coalitions have increased the distance between the two branches, at the same time that congressional reforms during the 1970s increased distance between the committees and the membership on the floor. Thus, with presidents and committees moving farther apart even as the gap widened between committees and backbenchers, committees were both less likely either to support the president, or to be capable of delivering their body's backing to him even when they did.²⁷ An important mechanism for presidential control of the Congress thus largely disappeared. Barbara Sinclair and Steven Smith also explained the effects of party cohesion in determining Congress's influence on the world stage. Sinclair notes party leaders are more active, involved, and visible on foreign policy than their backbenches, but they can only impact national foreign policy to the degree they can generate support among the latter.²⁸ Smith's argument follows similar lines.

Other scholars have proposed hypotheses based on the changing relationships between the president, Congress, and the public. James Robinson gives attention to which branch initiates a policy battle: considering 22 foreign policy decisions from 1933 to 1961, he determines the executive won 16 of the 19 cases it initiated, and Congress all of the three it began.²⁹ Stockman, in the course of a favourable³⁰ assessment of Congress's ability to

²⁵ Peter Gourevitch, "The Second Image Reversed: The International Sources of Domestic Politics," *International Organization* 32 (Autumn 1978): pp. 881-912. Paul E. Peterson, "The International System and Foreign Policy," chapter in Peterson, ed., *The President, the Congress, and the Making of Foreign Policy* (Norman: University of Oklahoma Press, 1994), pp. 3-22. See especially p. 6.

²⁶ David W. Rohde, "Partisanship, Leadership, and Congressional Assertiveness in Foreign and Defense Policy," pp. 76-101 in David A. Deese, ed., *The New Politics of American Foreign Policy* (New York: St Martin's, 1994).

²⁷ Rohde believes the presidential advantage persists but is diminishing with time. David W. Rohde, "Presidential Support in the House of Representatives," in Paul E. Peterson, ed., *The President, the Congress, and the Making of Foreign Policy* (Norman: University of Oklahoma Press, 1994), pp. 101-128, esp. pp. 101-102.

²⁸ Barbara Sinclair, 'Congressional Party Leaders in the Foreign and Defense Policy Arena,' pp. 207-31 in Randall B. Ripley and James M. Lindsay, eds., *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*. Steven S. Smith, 'Congressional Party Leaders,' pp. 129-57 in Paul E. Peterson, ed., *The President, the Congress, and the Making of Foreign Policy*.

²⁹ James A. Robinson, *Congress and Foreign Policy-Making: A Study in Legislative Influence and Initiative* (New York: Dorsey, 1962), pp. 65-68.

³⁰ Thus somewhat heterodox, though he is in Lindsay's company in granting Congress a large role in the fashioning of grand-strategic aims. Paul N. Stockton, 'Congress and Defense Policy-Making for the Post-Cold War Era,' chapter 10 in Ripley and Lindsay, eds., *Congress Resurgent*, pp. 235-259. Also, Rosner has a final category of issues favouring the dominance of the executive, i.e., ones "where the president takes an early and determined stance."

formulate strategic policy, generalises from his case study of the first post-Cold War years that, during times when the international situation has changed but the president has not moved to revise U.S. policy, Congress will be likely to have success in its attempt to fill the resulting policy ‘vacuum.’ Tierney makes a familiar claim that increased interest group activity spurs greater congressional activism.³¹ Also playing upon the public responsiveness theme, Blechman argues Congress will be most assertive when the president is out of step with public opinion, or intransigent in the face of vocal opposition.³² Moe and Teel, in a helpful work written in 1971, argue Congress’s role will be greater in programs that require appropriation, such as foreign aid; by extension, Congress’s position in the foreign policy process will be more important when these programs are more significant.³³

A fourth group of authors, among them James Lindsay, Jerel Rosati, and I.M. Destler, dwell on ways in which subject matter determines the degree of Congressional influence. These scholars tend to offer different typologies of foreign policy, and rank Congress’s influence across them. Rockman, for instance, ranks one typology of issue areas in increasing order of congressional influence—with least influence in intelligence, and incrementally increasing power in strategic policy, trade, foreign aid, ethnic intervention, and issues involving human rights.³⁴

These are, in a more confident decade, perhaps worth returning to. In particular, they may be catalogued, and then sorted into four broad categories.

Synopsis of independent variables various authors have offered to predict change in the dependent variable, congressional influence:

- The quality of leadership available to Congress and the president; the resources each branch can access; party unity in Congress (Dahl)
- Which branch instigates a battle to change the policy status quo (Robinson)
- The balance of access to intelligence and technical proficiency between the branches (Riselbach)
- The amount of risk to members of Congress presented by challenging the President (Sundquist)
- The degree of security threat facing the United States (Peterson)
- Party homogeneity, cohesion, and partisanship (Rohde, Sinclair, Smith)
- The extent of interest group activity (Tierney)

³¹ John T. Tierney, ‘Interest Group Involvement in Congressional Foreign and Defense Policy,’ pp. 89-111 in Ripley and Lindsay, eds., *Congress Resurgent*; also, ‘Congressional Activism in Foreign Policy: Its Varied Forms and Stimuli,’ pp. 102-30 in David A. Deese, ed., *The New Politics of American Foreign Policy*.

³² Barry M. Blechman, ‘The New Congressional Role in Arms Control,’ pp. 109-145 in Thomas E. Mann, ed., *A Question of Balance: The President, the Congress, and Foreign Policy* (Washington, D.C.: Brookings Institution, 1990).

³³ Ronald C. Moe and Steven C. Teel, ‘Congress as Policy-Maker: A Necessary Reappraisal,’ pp. 32-53 in Ronald C. Moe, ed., *Congress and the President* (Pacific Palisades, Ca.: Goodyear, 1971); Lawrence H. Chamberlain, *The President, Congress, and Legislation* (New York: Columbia University Press, 1946).

³⁴ Bert A. Rockman, ‘Presidents, Opinion, and Institutional Leadership,’ pp. 59-74 in David A. Deese, ed., *The New Politics of American Foreign Policy*, see esp. pp. 60-64.

- The degree to which president is out of step with public opinion, or intransigent before vocal opposition (Blechman)
- Issue area (Moe and Teel, Rosner, Rosati, Rockman)
- Whether an issue is critical, strategic, or structural (Lindsay and Ripley)
- A policy vacuum (Stockton)
- The rise of a “critical issue” (Henehan)

Four broad foundational themes which underlie these variables:

Initiative in Modifying Status Quo or Responding to a Changed International Strategic Environment: A first common concept, which may be called initiative, underlies both which branch instigates an effort to modify policy, and congressional advantage when national policy has not changed to reflect an altered international system. Policy vacuums are simply the lack of presidential initiative, at times in which a substantially changing strategic environment creates a widely felt need for policy changes. The ways these two concepts are interlinked will be explored in more detail below.

Issue Areas: Since the concept of issue areas already subsumes a set of categories within it, it thus stands alone. While a number of authors have offered different typologies, the most common components, and natural divisions of substantive policy, are the categories of immigration, budget and appropriations, international economics and trade, diplomatic (split into human rights issues, where Congress enjoys a historical advantage, and other issues), and military policy.³⁵ This essay will also draw on Lindsay’s typology of strategic, structural, or critical (to which it appends tactical) policy, treating it as an orthogonal dimension.³⁶

Comparative Political Strength between Executive and Congress: The concept of comparative political strength between the president and legislature bridges the variables of internal homogeneity, informational resources, quality of leadership, degree of concordance with public opinion, and presence or lack of vocal opposition. The presence in greater quantities of each of the latter, when it makes a congressional majority more likely to challenge the president and carve out a role for itself in foreign policy, does so because it makes Congress stronger relative to the presidency. It is

³⁵ War powers (Rosati) and ethnic intervention (Rockman) are subsumed under military policy. Foreign aid (Moe and Teel, also Rosati) is treated as budget and appropriations. Tariff powers do not figure in this essay but would be subsumed under international economics and trade. Intelligence is not treated in this essay, on the argument that it is an adjunct to policy-making (like the diplomatic activities of the Foreign Service) rather than policy-making itself. (Were covert or deniable paramilitary action to figure in this essay, these would be subsumed under military policy.) The typology is therefore comparatively exhaustive.

³⁶ Thus Henehan’s notion of critical issue will not be treated here since, by its very logic, it cannot be tested against year-to-year foreign policy. It furthermore raises difficulty in testing at all; clearly, definition must reside in the dependent variable, since a critical issue in one which (a) causes Congress to matter a great deal, and (b) constitutes one of the four or five most important foreign-policy controversies of a century. One could conceivably analyse a long period, such as a century, to see whether there were only five or six moments when Congress became greatly important; or one could test to see whether Congress, apart from times it is greatly important, would be largely quiescent in the status quo. Neither very useful for present purposes, given that the present essay is concerned with the reasons Congress becomes more significant at some times than at others, not in se the frequency with which it does so. Therefore, “critical issues” will be discarded for purposes of this essay.

relative political strength, which may be analysed into the above components, that is the key intervening variable through which any of these variables influence the dependent variable, congressional efficacy.

Risk of Assertiveness to the Re-election Efforts of Members of the Congressional Majority: A second intervening variable also may be found between the sundry components of political risk and the degree of security threat facing the nation, since in one important respect they are equivalent from the standpoint of the legislator: risk to members' reelective chances may be raised by opposing the president during times of increased security threat, or intensified in its consequences by proximity to an election. In either case, variance in the level of political risk the legislature perceives to be implied in foreign affairs assertiveness is what affects its likelihood to assert itself in foreign policy. (This standpoint, of aggregate political risk to the members of Congress, would be successfully challenged if it is shown instead that members' willingness to challenge the president varies in opposite directions with the antecedent variables theorised here, security threat and proximity to elections.)

2. Critique of literature

There is a numbers gap in the study of congressional foreign policy, compared with other fields, and the numbers that exist are the wrong numbers. When it becomes empirical, as in the work of Rohde and the chapters in Patterson's volume, the focus is wrongly on roll call votes, which are unfortunately taken rather than influence on policy to be the most important dependent variable to be explained in congressional foreign policy scholarship.³⁷

Secondary drawbacks in this literature relate to the entangling of normative with empirical claims. While not inherently problematic, in this case it has contributed to making the literature in many places more hortative than scientific. The normative cast to the 'Congress resurgent' literature is apparent in its titles—Abshire and Nurnberg's *The Growing Power of Congress* (1981), Jones and Marini's *The Imperial Congress* (1988), Crovitz and Rabkin's *The Fettered Presidency* (1989), Franck's *The Tethered Presidency* (1981b). Their projects are correspondingly often more to warn than to build up edifices of sober generalisations.³⁸ Others are its partisans, directing exhortations at Congress to increase its too-small influence, *e.g.*, in war powers.³⁹

³⁷ For another argument pointing out the flaws in a purely roll-call-driven research programme for studying congressional foreign policy, see James M. Lindsay and Wayne P. Steger, 'The "Two Presidencies" in Future Research: Moving Beyond Roll-Call Analysis,' *Congress and the Presidency* 20 (Autumn 1993), pp. 103-17, and especially pp. 107-113.

³⁸ Lindsay terms these latter 'irreconcilables,' put off by congressional assertiveness and determined to thwart it if possible (pp. 2-3). This is a tradition, oddly populated by former executive branch appointees, which traces back to Kennan, *American Diplomacy*.

³⁹ Here see Wormuth and Firmage, 1986; Rourke, 1993; Glennon, 1990; Katzmann, 1990, Rourke and Farnen, 1988.

As a further critique, the congressional foreign policy literature has generally acted as though the two branches of government were created with the Second World War, and the more recent trend is to further treat them as being of post-Vietnam vintage.⁴⁰ This historical animadversion perhaps also explains the absence of path-tracing, historiographic research such as the case studies proposed here.

The utility of this literature may be regarded as the generation of numerous testable hypotheses rather than tests of the same. Few of these authors have sought to operationalize and test the relationships they put forth, and none of which I am aware have attempted to test competing proposed relationships against one another to judge their relative power. There are four principal broad criticisms may be levelled against this literature: (1) there is an exclusive emphasis on the formal legislative process rather than other manners in which influence is more frequently exercised; (2) it is often difficult to disentangle empirical propositions from normative claims; (3) the literature lacks explicit assertion and systematic testing of hypotheses about congressional action and influence; and (4) of the comparatively few studies have attempted the latter, these have misconceptualised what it sought to study by an unfortunate exclusive emphasis on legislation and parliamentary roll calls.⁴¹ As a result, while scholarly works have told us that at times Congress will matter while at other times it will not; that elected representatives act at various times on the bases of self-interest, ideology, and partisanship; and that representatives will collectively affect foreign policy through framing, anticipated reactions, and procedural and substantive legislation,⁴² we have no empirical findings as to the relative frequency of any of these things compared with the others, or the conditions that making it most likely to occur.

Most common is a ‘textbook approach’ in which anecdotal evidence skips rather suddenly across topics from the Iran-Contra affair to the Jackson-Vanik amendment and over regions from the Middle East to Latin America. An example of a well-informed

⁴⁰ Given this historical shortsightedness, it is useful to note several neglected counterexamples: useful, though dated, historical treatments are Richard W. Leopold, *The Growth of American Foreign Policy: A History* (New York: Knopf, 1965), and other largely neglected studies include two Versailles postmortems, Denna Frank Fleming, *The Treaty Veto of the American Senate* (New York and London: G. P. Putnam’s Sons, 1930); W. Stull Holt, *Treaties Defeated by the Senate: A Study of the Struggle Between President and Senate over the Conduct of Foreign Relations* (Baltimore: The Johns Hopkins Press, 1933), and several pre-behaviouralist institutional studies of the foreign affairs committees, Albert C. F. Westphal, *The House Committee on Foreign Affairs* (New York: Columbia University Press and London: P.S. King & Staples, 1942); Holbert N. Carroll, *The House of Representatives and Foreign Affairs* (New York: University of Pittsburgh Press, 1958); Malcolm Edwin Jewell, *Senatorial Politics and Foreign Policy* (Lexington: University of Kentucky Press, 1962); Eleanor E. Dennison, *The Senate Foreign Relations Committee* (Stanford Books in World Politics Series; Stanford: Stanford University Press and London: Oxford University Press, 1942).

⁴¹ Lindsay’s 1994 *Congress and the Politics of U.S. Foreign Policy* standing out actually as an exception in each respect, but there Lindsay’s broad purview unfortunately precludes him from developing his points to much more detailed a level than broad assertion.

⁴² The second and third representative hypotheses are drawn from the work of McCormack and Wittkopf (1990 and 1998) and Lindsay (1994).

‘textbook’-style book is Thomas Mann’s *A Question of Balance* (1990), in which examples rather than evidence is given to ground authors’ assertions.⁴³ It functions perfectly well to introduce an interested readership to several interesting moments in interbranch relations across different issues; as scholarship, it is ill suited toward the scientific accumulation of tested hypotheses, nor, to its credit, is it intended to. Elsewhere, standard references for the executive dominance brief are either atheoretical, like Wildavsky or Hinckley, or unacademic, such as the work of Destler, Gelb, and Lake.⁴⁴ Also, within the two-presidencies literature, Wildavsky only observed support in roll-call votes for presidential proposals, not taking into account other avenues of congressional influence.

Taken as a whole, the literature in this field generates interesting hypotheses while presenting several disquieting methodological flaws. Authors’ claims are asserted, rather than serially proposed and tested. Evidence is anecdotal and unsystematically selected.⁴⁵ Authors have been reluctant to trace concrete processes by which congressional influence is exerted or investigate its influence within the context of actual bilateral or other relationships, and instead repose in general claims about congressional influence on the totality of American foreign policy. In all but the most modern work, there is not much systematic collection of data, or effort to develop relationships of influence and correlation through articulation and testing of falsifiable statements relating independent and dependent variables (the ‘textbook’ authors being exemplary). There also is not much attention to dynamism – Congress either is or isn’t influential, but, with the issue-area authors excepted, it generally isn’t conceived of as being capable of moving from the one category to the other. Principal attention is to institutional structures, constitutional provisions (which form the preponderance of the ‘textbooks’)— in general, it has much of the character of mainstream political science before the behavioural revolution, without the latter’s historical nuance. We thus have a number of interesting hypotheses but no architectural work underneath them to build our understanding what processes underlie them, nor any empirical testing of them in any fashion more

⁴³ Thomas E. Mann, ed., *A Question of Balance: The President, the Congress, and Foreign Policy* (Washington: The Brookings Institution, 1990).

⁴⁴ Barbara Hinckley, *Less Than Meets the Eye: The Myth of the Assertive Congress* (Chicago: University of Chicago Press, 1994), esp. pp. 13-19. I.M. Destler, Leslie H. Gelb, and Anthony Lake, *Our Own Worst Enemy: The Unmaking of American Foreign Policy* (New York: Simon and Schuster, 1984). Hinckley argues that the post-Vietnam conception of an assertive Congress is a myth; but neither is it the case that an active executive is dominating Congress, most of the time, a “default pattern” takes place in which neither the president nor Congress are innovative and both support past programmes or fail to enact anything. Hinckley sees genuine congressional assertiveness only in the War Powers debate of 1973 and the Lebanon debate of 1983. The 1993 debate over Somalia she is unsure of how to classify, viewing the ground rules as having been set in advance. Other than these, all battles are symbolic, with the two branches colluding in avoiding tough issues. See *Less Than Meets the Eye*, p. 79; also, Stephen R. Weissman, *A Culture of Deference: Congress’s Failure of Leadership in Foreign Policy* (New York: Basic Books, 1995).

Wildavsky found congressional approval of presidential proposals on foreign policy, exclusive of immigration and refugees, was roughly 70 percent compared with 40 percent for domestic proposals during the early Cold War years 1948-65. He is cited below.

⁴⁵ For instance, while most authors have their favourite story about visits to embassies by a particularly ill-spoken, venal, or boondoggle-prone member of Congress, no study of which I am aware has ever sought to measure, say, the effect of congressional delegations on the day-to-day negotiating positions or other routine diplomatic activities of embassy officers.

significant than the compilation of anecdotes.

The exceptions are telling. Though Hinckley's question is different—seeking to argue whether Congress matters, not how – her empiricism is commendable. On the other hand, the measures she selects – legislative productivity, measured by a careful accounting of the number of bills passed by year—are, viewed with the passage of time, really not terribly well-suited from the standpoint of assessing congressional influence, particularly in a world in which legislation often is a raw material leaders use to bargain with the administration, in a bargaining process generally exerted through political rather than legal means.

By further contrast, each of the chapters in Peterson presents evidence in a way familiar to those acquainted with the prose style of social science.⁴⁶ Substantial evidence enters in,⁴⁷ much of it going beyond the familiar fixation with roll-call voting tables.⁴⁸ Unfortunately, studies of committee questioning (as Johnson provides) are only capable of justifying generalisations about congressional committee questioning behaviour, not congressional influence more generally—it may hint at the latter, but how well it approximates it is not known, or it may not be related to it at all. Similarly, while Smith has shown that party leaders appear more frequently in the news now than before, he does not (within the admitted constraints of a book chapter) draw any conclusions or present any research connecting their newfound public role with movement in public opinion, the

⁴⁶ Contributors include Loch K. Johnson, 'Playing Hardball with the CIA', chapter three, pp. 49-73, Paul E. Peterson and Jay P. Greene, 'Questioning by the Foreign Policy Committees', chapter four, pp. 74-97; David W. Rohde, 'Presidential Support in the House of Representatives', chapter five, pp. 101-128; Steven S. Smith, 'Congressional Party Leaders', chapter six, pp. 129-157; Ralph G. Carter, 'Budgeting for Defence', chapter seven, pp. 161-178; Alton Frye, 'Searching for Arms Control', chapter eight, pp. 179-203; Robert A. Pastor, 'Disagreeing on Latin America', chapter nine, pp. 204-227; I. M. Destler, 'Delegating Trade Policy', chapter ten, pp. 228-245.

⁴⁷ percentages of hardball questions directed toward CIA witnesses in intelligence committee hearings, from 1975-1990 (Johnson), proportion of presidential-position roll calls on initial passage of bills on which president favoured passage and there was a consensual vote in support, by issue, 1953-1988, proportion of presidential-position amendments on which president favoured passage, by issue, 1971-1988, proportion of presidential-position amendments that were republican favoured; proportion of presidential-position amendments on which president's position was supported by a majority; average party difference on presidential-position amendments; average difference in percentage voting age between northern and southern democrats on presidential-position amendments, proportion of presidential-position bills on which president favoured passage, proportion of presidential-position bills that were democrat favoured, average party difference on presidential-position bills (all Rohde); differences in presidential support between democratic and republican leaders, 1955-1988, percentage of *New York Times* stories on foreign policy that mention leaders, 1955-1991, percentage of television news stories on foreign policy that mention leaders, 1968-1991, number of television news stories on foreign policy that mention leaders, 1968-1991 (all Smith), defence spending as a percentage of gnp, growth in congressional staff over time (both Carter)

⁴⁸ Rohde, familiarly, here looks at roll call votes. However, something is new, too. Johnson looks, innovatively, at question and response in committee hearings, and codes responses to generate a data set, permitting him to run multiple regressions. Similarly, Peterson and Greene look at questioning of executive branch officials in foreign policy committee hearings. Also, Smith generates a data set by mentions of party leaders in the *New York Times* and television news, and their frequency of agreement with the president on major foreign policy issues (1955-1987). Carter looks at defence spending across time.

setting of agendas, or other ways of exerting influence more broadly upon policy.⁴⁹

These counterexamples excepted, nearly all empirical literature has been fixated on votes, to the neglect of the more powerful concept, and variable, of influence.⁵⁰ This thesis takes a distinctly different approach.

3. Presentation and defence of research question

Sound research questions are characterised by three attributes: suitability for empirical consideration, theoretical importance, and manageability in scope.⁵¹

The research question taken up in this essay, and defended in this section, is this: What factors are responsible for Congress at some times having great influence in the making of the United States's policies toward the rest of the world, and at others possessing much less influence? This question is for the most part addressed only indirectly in the scholarly literature to date, and chiefly in the context of debate over the *extent* of Congress's influence. The debate therefore having been framed in terms of defending depictions of Congress as 'resurgent' or 'recumbent,' rather than explaining why it may in some instances strike sensible observers as one and in others the latter, neither side has been in a position to contribute much to the building up of grounded answers to this rather more underpinning question.⁵²

⁴⁹ He does, however, present a table on leaders' support for the president over time, which is much more interesting than roll call data for understanding influence discharged through means outside of the formal legislative process.

⁵⁰ Examples of legislative roll-calls not mapping terribly well on to the concept of influence are provided below. Briefly, though, in the China case study, Bush's China policy survives a challenge in terms of the Chinese Immigration Act in the formal roll-call vote, but in order to do so he first adopted the entire substance of the congressionally proposed policy by legislative action; other examples: presidential concessions, during the late years of the Chinese civil war, of aid to the Kuomintang because of successful congressional issue linkage of that to the Marshall Plan, invisible to roll call indication; or more recently, Jesse Helms taking 18 ambassadorial appointments and a pair of important arms control treaties hostage in 1996 until a scaled-down version of his foreign affairs restructuring (merging USIA, ACDA, USAID into state) was included in the State Department authorization bill. Clinton successfully defended his veto of the bill against override, but agreed to restructuring the following year to induce Helms and the GOP leaders to place the 1993 Chemical Weapons Convention on Senate agenda. The reorganisation plan, furthermore, was included in the Omnibus Appropriations Bill of 1998. Congressional disenchantment with Marcos proved a significant factor in the Reagan administration's decision to pressure Marcos to step down; members also pressured the White House to turn up pressure on Manuel Noriega's government in Panama. Each of these instances of substantial congressional influence is invisible from the viewpoint of roll call voting.

⁵¹ These obviously are criteria disputed by postpositivist scholars. One response is that of Lakatos, indicated in the text. For an alternate, more historicist, perspective, see Alasdair MacIntyre's defence of 'tradition-constituted enquiry' within which scientific questions are defended as 'goods internal to practices.' Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, Indiana: University of Notre Dame Press, 1988).

⁵² Henehan understands the problem similarly—in her vocabulary, that no one is treating cyclicity as a dependent variable—but answers it over what I believe to be too long a period, that of decades and longer. She also only considers a limiting number of 'perspectives', in her parlance (executive dominance,

Empirical suitability

There are three immediately intuitive questions raised by congressional influence in foreign affairs, and suitable for a systematic search for predictors and causes of different patterns which may appear over time to answer them: when Congress is influential, and when it is not; when Congress acts through certain instruments, and when it acts through others; and when congressional influence is in favour of particular sets of policy outcomes, and when it is toward others.

Only the first of these is within the purview of this dissertation. The second and third are intended merely to suggest a future research programme. With the other two, this question's empirical suitability lies in its fecundity for yielding alternative answers which are then conducive to operational rendering and testing. Contrast, 'is it good that Congress play such a role?' or 'Suppose that a friend when in his right mind has deposited arms with me and he asks for them when he is not in his right mind, ought I to give them back to him?' Unlike these, the question 'when is Congress influential, and when is it not' lends itself to be answered by proposing discriminating variables δ_n , such that (1) out of the set β constituted by instances of U.S. foreign policy choices being made, Congress will be influential in that subset β_δ of instances in which discriminating variable δ is present, and not influential in that subset $\beta_{\sim\delta}$ in which δ is absent, and (2) the presence or absence of δ may be empirically tested. Examples of appropriate discriminating variables δ_n may thus include presidential popularity of over 50 percent, the presence of a proximate election within six months, or an issue which falls into appropriations rather than war powers. Furthermore, the research question 'when is Congress influential, and when is it not' also lends itself to measuring off various degrees in which the dependent variable of 'influence' is present, in order to test its relationship with various degrees in which a proposed independent variable δ_n is present, by Mill's Method of Concomitant Variation. Thus if δ is taken to be a hypothesised independent variable, and influence is represented by ω , then $\delta_n = c_\delta \omega_n$ for values of n (*correlation*)⁵³, and $\delta_{n-1} < \delta_n < \delta_{n+1}$ iff $\omega_{n-1} < \omega_n < \omega_{n+1}$ (*ordinality*). For example, with δ taken as congressional approval: (1) the independent variable δ is operationalisable and disaggregable into a continuous range of extents to which it is present (i.e., using Gallup poll data and other public opinion research); (2) the same criteria of operationalisability and disaggregability hold for ω ; and (3) if δ is causally related with ω , then (a) there exists some coefficient c_δ relating greater quantities of δ with greater quantities of ω , and (b) higher values of δ cooccur with higher values of ω , and lower values of δ cooccur with lower values of ω . These attributes of operationalisability and disaggregability, at least, are absent in the Socratic question referenced above.

significant congressional influence, cyclicality, and issue areas), neglecting the broader set of independent variables suggested in the table above. Henahan's critique is that the literature takes too narrow a view across time, and suggests (and pursues) a study across decades. Mine is the opposite: to actually examine influence, we rather ought to select a small number of cases over as small a time as possible, to generate a data set from close examination of independent variables which can be closely measured.

⁵³ Of course, the function need not be linear. As a general case, any function of ω_n , $f(\omega_n) = \delta_n$, will do, so long as f is continuous and ascending on values of ω .

Theoretical suitability

Lindsay speaks of seeking to move the study of congressional foreign policy from ‘pre-science’ to normal science.⁵⁴ While rather than relying in this way on the language of Kuhn⁵⁵ (with his problematic views on the incommensurability of rival scientific theories), it may instead be preferable to turn to the somewhat more defensible language of Lakatos⁵⁶ to see this is an initial stage of a ‘research programme,’ the pre-scientific character of research on congressional foreign policy remains beyond dispute.⁵⁷

The research question defended here is on theoretical grounds selected for two reasons: first, it resolves an unsettled question within the prior literature (i.e., whether Congress is in foreign policy ‘resurgent’ or less than meets the eye) by situating both responses within a broader context. The answer to this question is prior to, and partially supposed by, answers to the following two questions outlined above—those of how Congress matters and to what end. Understanding the conditions of Congressional influence—when it exists, and to what extents—represents a first stop along the path of building up empirically grounded theories on other subsidiary aspects of its behaviour.

Second, a further component theoretical suitability may also be taken to reflect engagement with other pockets of discourse and theoretical controversies occurring elsewhere within the discipline. Given the existence of strategic relationships between two actors, a president and a legislative branch, the potential for formalisation in terms of game theory and linkage with that major body of current theoretical development is vast. Also, within the study of international relations, the search for alternatives to billiard-ball and systemic sources of explanation has yielded a resurgent interest in domestic political models of foreign policy choice, a theoretical family into which this research neatly also fits.⁵⁸

Manageability

⁵⁴ James M. Lindsay, *Congress and the Politics of US Foreign Policy* (Baltimore: Johns Hopkins University Press, 1994), page 2.

⁵⁵ Thomas S. Kuhn, *The Structure of Scientific Revolutions* (University of Chicago, 1962).

⁵⁶ Imre Lakatos, ‘Falsification and the Methodology of Scientific Research Programmes’ in Lakatos and Alan Musgrave, eds., *Criticism and the Growth of Knowledge* (Cambridge, 1970) and ‘History of Science and its Rational Reconstructions’ in Colin Howson, ed., *Method and Appraisal in the Physical Sciences: The Critical Background to Modern Science, 1800-1905* (Cambridge, 1976).

⁵⁷ If by ‘scientific’ is meant the Baconian paradigm of fashioning and testing of hypotheses.

For a programme of research in the direction envisaged: its ‘hard core,’ in Lakatosian language, then consists of a willingness, as opposed to some variants of foreign policy realism, to proceed in the belief that domestic politics, and in particular interbranch dynamics, ought be studied empirically. Its principal heuristic lies in the construction and subsequent statistical testing of models causally linking proposed independent and dependent variables.

⁵⁸ For a review of the current state of the literature, see Fareed Zakaria, ‘Realism and Domestic Politics: A Review Essay,’ *International Security*, vol. 17, No. 1, Summer 1992, pp. 177-198.

Given a question which is amenable to empirical investigation and also engages a literature at an appropriate juncture as well as other bodies of theoretical discourse, the remaining question concerns whether it is of manageable scope. A diplomatic history of the congressional involvement in American foreign policy since the inception of the nation, taking also into account the perceptions of international interlocutors of interbranch dynamics and their strategic calculations on that count, would be rather unwieldy as a dissertation. Limiting the analysis in time (to the post-Cold War period) and scope (to relations with China and Russia), permits a workable analysis which is nonetheless representative, for encompassing different partisan configurations (a Republican president and Democratic Congress 1989-1992; a Democratic president and Congress, 1993-95; and a Democratic president and Republican Congress, 1995-2000), different issue types (military, human rights, trade policy, at various junctures), and different levels of tension and amicability (within the Sino-American relationship, ranging from Tiananmen Square versus the warmer relations of decade's end). It also presents a representative sample of U.S. Great Power relations, as it includes both of the remaining other members of the Cold War triad.

It has been asserted that this research question is capable of manageable empirical treatment and is as well theoretically relevant, but the proof remains in the pudding. The ensuing section will then present four independent variables to explain variance in congressional foreign policy influence, and models demonstrating hypothesised causal paths connecting those independent variables with the dependent variable to be explained. Subsequent sections will then operationalise those models, address an assortment of methodological questions, and then finally test each of them through case study analysis.

4. Models

What are models for? Their construction, testing, and refinement has proven a guiding project in the development of political science.

At root, models provide representations of reality, which (1) depict relationships among variables in ways fitting known facts, (2) provide explanatory power and predictive capacity, and (3) do so with parsimony. Put differently, modelling involves the 'heroic simplification' of problems, using a minimum number of variables to assist us in discovering essential correlative and causal relationships.⁵⁹ Viewed from one perspective, political science is the enterprise of fashioning, evaluating, and improving upon these models.

Models of the influence of Congress's rules and institutions on policy have tended to

⁵⁹ See, for instance, John L. Casti, *Alternate Realities: Mathematical Models of Nature and Man* (New York: Wiley, 1989), and Thomas L. Saaty and Joyce M. Alexander, *Thinking with Models: Mathematical Models in the Physical, Biological, and Social Sciences* (Oxford: Pergamon Press, 1981). The four attributes listed are linked: parsimony, for instance, is necessary for improving predictive capability. Quotation is from Saaty and Alexander, page 11.

focus on fiscal and distributive policy⁶⁰ and to be static rather than dynamic⁶¹. The exceptions, such as Keith Krehbiel's *Pivotal Politics*, have emphasised the formal legislative process and its phenomena. That much of policy is made outside of the formal legislative process but rather through influence, threats, and traded horses, and concerns issues which are not distributive or fiscal, has not yet received recognition in the enterprise of modelling.

In a soon future point in this research, these models will be rendered using game theory to produce analytical narratives along the guidelines of Bates et al.'s analytical narratives.⁶² The advantages of formal modelling are three: greater parsimony in modelling strategic interactions, a higher likelihood for producing unexpected, empirically testable results of the models, and bringing a research project more fully into dialogue with the mainstream of political science research at present. Where possible, I have attempted to sketch in the outlines of future formalisation around the margins of the textual models. For present purposes, however, it is quite sufficient to indicate the causal mechanisms posited to be at work with textual models: text models frequently precede more mathematical projects of formalisation,⁶³ they are equally capable of 'heroically simplifying' relationships into stripped-down stories of causation, and they are furthermore capable of doing so with parsimony, as well as with predictive and explanatory potential.

⁶⁰ This is particularly true of interbranch models. (e.g., *inter alia*: R. Douglas Arnold, *Congress and the Bureaucracy: A Theory of Influence* (Yale, 1980), D. Roderick Kiewiet and Mathew D. McCubbins, 'Appropriations Decisions as a Bilateral Bargaining Game Between the President and Congress,' *Legislative Studies Quarterly*, May 1985; Nolan McCarty, 'Presidential Pork: Executive Veto Power and Distributive Politics', *American Political Science Review* 94:1 (2000): 117-130) A second literature observes congressional oversight, e.g., David Epstein and Sharyn O'Halloran, *Delegating Powers* (Cambridge, 1999). An exception is Krehbiel's book on the interbranch legislative process, and its supermajoritarian features (Senate cloture, veto override requirements), *Pivotal Politics: A Theory of U.S. Lawmaking* (University of Chicago, 1998). Emphasis on non-distributive policy areas, such as foreign policy, has been neglected.

⁶¹ This preference for models of stability rather than change is easily explicable in light of the familiar story of scholarship on congressional institutions developing in order to reconcile the puzzling theoretical result of theoretical cycling with empirically observable policy stability. (See, for cycling, Richard D. McKelvey, 'Intransitivities in Multidimensional Voting Models and Some Implications for Agenda Control', *Journal of Economic Theory* 18:1 (1976), pp. 1-22; for the agenda-setting role of institutions in inducing structural equilibria, Kenneth A. Shepsle and Barry R. Weingast, 'Structurally Induced Equilibrium and Legislative Choice', *Public Choice* 37:3 (1981), pp. 503-19; for alternative models of structurally imposed stability, see the distributive 'institutional logroll' model of Weingast and William Marshall, 'The Industrial Organization of Congress', *Journal of Political Economy* 96 (1988): 132-36, as well as the informational approach taken by Keith Krehbiel and Thomas Gilligan in a series of papers culminating in Krehbiel's *Information and Legislative Organization* (Ann Arbor: University of Michigan, 1991). Given this theoretical agenda, it is understandable models of dynamism were more rare. One example of the latter, though, is the cyclical model of congressional change in Larry Dodd, 'Congress and the Quest for Power,' in his and Bruce Oppenheimer's edited *Congress Reconsidered* (New York: Praeger, 1977), driven by the dualism between members' individual desire for power and the policymaking capabilities of the institution.)

⁶² Robert H. Bates, 'Introduction' in Bates, Avner Greif, Margaret Levi, Jean-Laurent Rosenthal, and Barry Weingast, *Analytical Narratives* (Princeton, Princeton University Press, 1998).

⁶³ See, for example, Mayhew 1974.

The four models derived here present hypothesised causal mechanisms linking four independent variables with the study's dependent variable: first-mover advantage, issue area, relative interbranch strength, and political risk. The four independent variables are selected for a combination of two reasons, their visibility in the prior literature, and an initial judgment as to their likelihood in explaining variance in congressional foreign policy influence.

Model 1: First-mover advantage

The first model posits an advantage accruing to the first mover as a predictor of variance in congressional influence in foreign policy. By 'first mover,' this hypothesis denotes either the branch that first acts to change the status quo national policy, or, when that policy has been superseded by events, the first branch that moves to remedy the resulting vacuum. Writing in 1950, Robert Dahl wrote, 'Perhaps the single most important fact about Congress and its role in foreign policy, therefore, is that it rarely provides the initiative. Most often initiative springs from the executive-administrative branch.'⁶⁴ If what Dahl terms 'initiative' (or first-mover status) is indeed a principal intervening variable in the process of both branches' influence on foreign policy, then which branch possesses it in a given episode may provide a powerful predictor of the extent of Congress's resulting influence.

Why would first mover status be such a powerful predictor? There are three possibilities:

(1) Moving first may reflect a strategic calculation by a member of one branch that their branch possesses a structural or political advantage on the issue. (For example, an instance of structural advantage would be applicability of the congressional appropriations power; political advantage might lie contrastingly in a judgment about the likelihood of public opinion or the press to fall more on their own side than their opponent's). An open question, then, will be whether these advantages correspond to dynamics represented in the other three models, and if so, whether this hypothesis confers greater predictive ability than those others.

(2) Moving first may confer an ability to frame the issue to the public and the media, in a way favourable to that branch. Developing this hypothesis requires attention to the existing academic literature on agenda setting.⁶⁵

(3) The branch moving first may also succeed in forcing the other branch into a passive role of suggesting incremental, marginal changes; it may also succeed in cutting off support for an ensuing proposal from the other side, by pre-empting it.

Each ought be discussed in further length.

⁶⁴ *Congress and Foreign Policy*, page 58.

⁶⁵ See, for instance, John Kingdon, *Agendas, Alternatives, and Public Policies* (Boston: Little, Brown, 1984), Frank Baumgartner and Bryan Jones, *Agendas and Instability in American Politics* (Chicago: University of Chicago Press, 1993), and *infra*.

1. *Cherry-picking*. Picking cherries refers to a branch's selecting issues S^* (out of a set S of possible topical issues) for which there is some change from the status quo, $q(S^*)$, which is simultaneously (a) preferred by that branch, and (b) for political or constitutional reasons, more likely to result from a change in the policy, $p(S^*)$, than any alternative to the status quo preferred by the other branch.⁶⁶ That branch then moves first, to secure the lottery of possible outcomes represented by the distribution of likely results of the function $p(S^*)$ represented by the policy process, and to forestall the selection by the opposing branch of an issue S' for which.

Naming the branch in question as B_1 and the opposing branch B_2 , then for the utility function U ,

$$U_{B_1}(p(S^*)) > U_{B_1}(q(S^*)) \text{ and } U_{B_1}(p(S^*)) \geq U_{B_2}(p(S^*))$$

By moving first, B_1 successfully averts selection by B_2 of an issue S' for which

$$U_{B_1}(p(S')) < U_{B_1}(q(S')) \text{ and } U_{B_2}(q(S')) < U_{B_2}(p(S'))$$

2. *Agenda setting*. Agenda setting in turn may be done in three ways: (a) through moving public opinion, generally through the press; (b) through framing—i.e., contrasted with the preceding which changes the set of privileged answers for a question, this denotes the act of defining what that question *is*; and (c) through priority—i.e., determining which out of a number of competing questions is to be taken up for decision. One set, the agenda serves to determine what items are ripe for policy consideration and what items are not up for discussion, thereby structuring subsequent policy choices⁶⁷

The first mode of agenda setting,⁶⁸ that of moving public opinion, consists of a political

⁶⁶ Modelling both branches as unitary actors for purposes of concentrating on interbranch dynamics.

⁶⁷ Roger Cobb and Charles Elder, *Participation in American Politics* (Baltimore: Johns Hopkins University Press, 2nd edition, 1983), page 171.

⁶⁸ A number of these terms, such as indeed agenda-setting, derive from the literature on the textbook model of policymaking- the process by which items become part of the institutional agenda, thereby selecting those as issues from out of the set of all possible issues as those on which action may be taken, and then proceed to the stage of institutional choice. (Cobb and Elder 1984, Kingdon 1984, Cobb, Ross, and Ross 1976) Agenda setting also encompasses the subsequent step of problem definition (Dery 1984) – i.e., in what terms and with respect to which goods a solution is to be proposed. (Note in contrast the garbage-can model of Cohen, March, and Olsen 1972, which posits against this rational approach one in which goals are discovered by acting, action precedes intent, and solutions search for problems). The 'stages' heuristic originates with Lasswell (1956); for popularizations of the stages heuristic into the 'textbook model' for policymaking, see subsequently Jones (1970), Anderson (1975), and Brewer and deLeon (1983, the former Lasswell's student at Yale). But see criticisms of the stages heuristic (for lack of causation, nonfalsifiability, temporally serial inaccuracy, and lack of emphasis on learning) in Nakamura (1987) and Jenkins-Smith and Sabatier (1993). *Quae vide*: Roger W. Cobb and Charles D. Elder, *Participation in American Politics: The Dynamics of Agenda Building* (Baltimore: John Hopkins Press, 1984), John Kingdon, *Agendas, Alternatives and Public Policy* (Boston: Little, Brown & Co, 1984); Roger Cobb, Jennie-Keith Ross, and Marc Ross, 'Agenda Building as a Comparative Political Process,' *American Political Science Review* 70 (March 1976): 126-38. David Dery, *Problem Definition in Policy Analysis*, Lawrence: University of Kansas Press, 1984). Michael D. Cohen, James G. March, and Johan P. Olsen, 'A Garbage-Can Model of Organizational Choice', *Administrative Science Quarterly* 11:1-250, 1972. Harold D. Lasswell, *The Decision Process*, College Park: University of Maryland Press, 1956. Charles Jones, *An*

actor imparting their own preferences to the public as a whole, typically through the press. Both Page Shapiro and Dempsey⁶⁹ and Behr and Iyengar⁷⁰ have found that when presidents, at least, deliver major speeches dedicated to a particular policy problem, the public responds. In leading public opinion they are able to enjoy the resources of access to the media, the attention and interest of the public, and the stature of their office. They may engage in publicity-seeking actions, such as speech giving, foreign travel, and symbolically wrought events contributing fresh images to the communal repertory surrounding politics. Much of the same can be hypothesised to be true as well for Congress, though there is less research on congressional leadership of public opinion.

The ability of the president or Congress to sway public opinion by driving attention in the press relies upon the assumption that they themselves are not in turn driven by comparatively more autonomous media. Contrasting empirical evidence comes from Wood and Peake, who show media attention as provoking presidential attention to foreign policy issues, but not vice versa.⁷¹ Less than a third of the 31 presidential events examined by Peake led to a significant change in media attention beyond the week of the event.⁷² The reactive nature of foreign policy also mitigates the ability of president and legislators to successfully focus attention on their preferred issues.⁷³

Suggesting further limitations to the ability of politicians to lead public opinion on specific policies, Page and Shapiro have found only popular presidents able to lead public opinion.⁷⁴ Unpopular presidents possess little influence, and may even repel public opinion.⁷⁵ This research has not, to my knowledge, been replicated on Congress. Also, segments of the population which are most attentive to politics also may be expected to have the most hardened pre-existing attitudes. Further, public opinion may be led less by

Introduction to the Study of Public Policy Belmont, Calif: Wadsworth (1970), James E. Anderson, *Public Policy Making*, New Holt, Rinehart, & Winston (1975) and Garry D. Brewer and Peter deLeon, *The Foundations of Policy Analysis* (Monterrey, Calif.: Brooks/Cole, 1983). Robert Nakamura, 'The Textbook Policy Process and Implementation Research,' *Policy Studies Review* 7(2) Autumn 1987: 142-154. Hank C. Jenkins-Smith and Paul A. Sabatier, 'The Study of the Public Process,' in Sabatier and Jenkin-Smith, eds., *Policy Change and Learning: An Advocacy Coalition Approach*, Boulder: Westview Press, 1993

⁶⁹ Benjamin I. Page, Robert Y. Shapiro, and Glenn R. Dempsey, 'What Moves Public Opinion?', *American Political Science Review*, 81 (March 1987), pp. 123-43.

⁷⁰ Roy L. Behr and Shanto Iyengar, 'Television News, Real-World Cues, and Changes in the Public Agenda', *Public Opinion Quarterly* 49 (1985):38-57.

⁷¹ B. Dan Wood and Jeffrey S. Peake, 'The Dynamics of Foreign Policy Agenda Setting,' *American Political Science Review* 92:1 (March 1998), 173-184.

⁷² Jeffrey S. Peake, *Presidential Agenda Setting in Foreign Policy* (unpublished Ph.D. dissertation, Department of Political Science, Texas A&M University, 1999).

⁷³ George Edwards and B. Dan Wood, 'Who Influences Whom? The President, the Media, and the Public Agenda,' *American Political Science Review* 93 (1999): 327-344. Jeffrey S. Peake, 'Presidential Agenda Setting in Foreign Policy,' *Political Research Quarterly* 54 (2001): 69-86. B. Dan Wood and Jeffrey S. Peake, 'The Dynamics of Foreign Policy Agenda Setting,' *American Political Science Review* 92 (1998): 173-184.

⁷⁴ Benjamin I. Page and Robert Y. Shapiro, 'Presidents as Opinion Leaders: Some New Evidence,' *Policy Studies Journal* 12 (1984): 649-61; and *The Rational Public: Fifty Years of Trends in Americans' Policy Preferences* (Chicago: University of Chicago Press), 1992.

⁷⁵ A future elaboration of this model for this reason is likely to incorporate presidential popularity. Lee Sigelman and Carol K. Sigelman, 'Presidential Leadership of Public Opinion: From "Benevolent Leader" to "Kiss of Death?"' *Experimental Study of Politics* 7 (1981): 1-22.

either politicians or media and more by the outbursts contemplated in the punctuated equilibrium theory of Baumgartner and Jones.⁷⁶ In these, periods of stasis yield to ones of major policy disruption and innovation less because of the intention of political or media actors, and more because of the interaction of images and institutions at a macrosocietal level.

The second mode of agenda setting consists in framing terms and contexts in which an issue is defined, and the appropriate criteria to be used in evaluating and selecting among options. For instance, by reframing issues framed by the executive as technical matters in terms of moral concerns or important symbols in national politics, opposition parties may change the focus of debate entirely and appeal for new supporters.⁷⁷ In partisan contestation, party leaders will attempt to cast issues on the agenda in terms of considerations and language on which their party enjoys popular support; for instance, in the 1996 education reform, Republicans found from public opinion studies that Democrats enjoyed an advantage on higher federal education funding, school modernisation, and school construction, but that they held an advantage on accountability, flexibility and parental choice, which in turn resonated well with their core political and ideological identity. As a result, beginning in the 106th Congress the Republicans began to introduce legislation and messaging campaigns centred on accountability, flexibility, and choice. The issue had risen to the agenda outside the control of any politician, but once there Republicans sought to yoke it to language and concepts advantaging them.⁷⁸ Shanto Iyengar sets forth further examples.⁷⁹

The third component of agenda setting involves determinations of the priority of an issue. The motivating assumption here is that attention to issues is severely limited by time and institutional resources, in what Wood and Peake label the 'economy of attention.'⁸⁰ Attention is a necessary precondition for choice processes. If political attention (by politicians, media, or public) is finite, then attention to one issue

⁷⁶ Frank Baumgartner and Bryan Jones, *Agendas and Instability in American Politics* (Chicago: University of Chicago Press, 1993).

⁷⁷ See, for comparative context, Frank Baumgartner, 'Parliament's Capacity to Expand Political Controversy in France', *Legislative Studies Quarterly* 12 (1987): 33-54.

⁷⁸ C. Lawrence Evans and Mark J. Oleszek, 'Message Politics and Partisan Theories of Congress,' paper presented at the annual meeting of the Midwest Political Science Association, Chicago, 19-22 April, 2001.

⁷⁹ 'Framing' denotes subtle alterations in the statement or presentation of judgment and choice problems, and the term 'framing effects' refers to changes in decision outcomes resulting from these alterations. Iyengar investigates a number of framing phenomena, e.g., in broadcast news coverage, viewers encountering reports framed in an episodic manner are more likely to consider individuals responsible for the event, while viewers shown reports framed thematically are more likely to perceive responsibility as more diffuse throughout society. Shanto Iyengar, *Is Anyone Responsible? How Television Frames Political Issues* (Chicago: University of Chicago Press, 1991), p. 11. Also Iyengar, 'Framing Responsibility for Political Issues: the Case of Poverty,' *Political Behavior*, 12 (1990):19-40.

⁸⁰ B. Dan Wood and Jeffrey S. Peake, 'The Dynamics of Foreign Policy Agenda Setting,' *American Political Science Review* 92 (1998): 173-184. Also Jeffrey Cohen, *Presidential Responsiveness and Public Policy-Making: The Public and the Policies That Presidents Choose* (Ann Arbor, MI: University of Michigan Press, 1997). Bryan Jones, *Reconceiving Decision-Making in Democratic Politics: Attention, Choice, and Public Policy* (Chicago: University of Chicago Press, 1994). Paul Light, *The President's Agenda*, 3rd Edition (Baltimore, MD: The Johns Hopkins University Press, 1999).

necessitates inattention to others, and the attention cycles of issues are, as for Downs (1972), co-dependent.⁸¹ Flemming, Wood, and Bohte⁸² analyse interbranch dynamics involved in priority setting, finding support for a top-down model of selection of issues for government policy choice. March and Olsen⁸³ urged the attention of agenda theorists to these processes of ‘who is attending to what and when.’ Cobb, Ross, and Ross (1976) identify three processes of ‘shifts in collective attention in policy-making bodies from one constellation of policy issues to another’:⁸⁴ the outside-initiative model, the mobilisation model, and the inside-initiative model.⁸⁵ While this may include a component of public opinion, the public does not necessarily need to be involved at all. It is most likely in this sense that Kingdon (1995) found 94% of his beltway interview subjects to judge ‘the administration’ an important agenda setter, 91% attributed the same to Congress, and 82% gave a similar evaluation to ‘political appointees.’

In contrast, Wood and Peake have argued that in intentionally selecting the priority of an issue, domestic politics models of agenda setting have limited applicability to foreign policy, on account of the proclivity of foreign policy issues to burst onto the agenda as crises or emergencies.⁸⁶ With Wittkopf, they argue that public attention to particular issues tends to be slight and deteriorates quickly.⁸⁷ Exceptions to their maxim appear to be plentiful, however. For example, the 1995 extension of a visa to President L_ of Taiwan, for instance, constituted precisely such an instance of congressionally driven agenda setting, absent any element of reaction to immediate external events or presidential actions.

3. *Forcing the other branch into a reactive posture.* The third possibility is best described with reference to chess. A first mover has entire freedom to select its opening gambit, congruent with the rules of the game. By contrast, a second mover is left with a field of play changed by virtue of the other player’s preceding move. A second mover is free to attempt to coopt the advantage by skilful play, but structurally nonetheless remains stuck with the first move. Given this ability to fashion the structure of payoffs, a first-moving player B₁ may have greater ability to increase its payoffs by either maximin or some other decision rule, and B₂ thus does not receive its most preferred outcome (N.B. dominant strategies are indicated with emphasis on the arrows; payoffs are

⁸¹ Anthony Downs, ‘Up and Down with Ecology—The Issue-Attention Cycle,’ *Public Interest* 28 (1972): 38-50.

⁸² Roy B. Flemming, B. Dan Wood, John Bohte, ‘Attention to Issues in a System of Separated Powers: The Macrodynamics of American Policy Agendas,’ *Journal of Politics* 61:1 (February 1999), pp. 76-108.

⁸³ James G. March and Johan P. Olsen, *Ambiguity and Choice in Organizations* (Bergen: Universitetsforlaget, 1976).

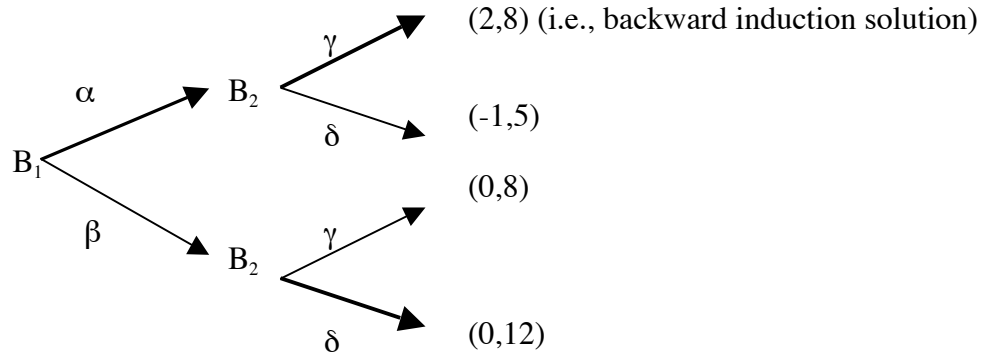
⁸⁴ The phrase’s provenance is from Bryan Jones, *Reconceiving Decision-Making in Democratic Politics: Attention, Choice, and Public Policy* (Chicago: University of Chicago Press, 1994), p. 19.

⁸⁵ Roger W. Cobb, Jeannie-Keith Ross, and Marc Howard Ross, ‘Agenda Building as a Comparative Political Process,’ *American Political Science Review* 70 (1976): pp. 126-38. See also on this point Jeffrey E. Cohen, ‘Presidential Rhetoric and the Public Agenda,’ *American Journal of Political Science*, 39:1 (Feb., 1995), pp. 87-107.

⁸⁶ B. Dan Wood and Jeffrey S. Peake, ‘The Dynamics of Foreign Policy Agenda Setting,’ *The American Political Science Review*, 92:1, March, 1998, pp. 173-184.

⁸⁷ Eugene R. Wittkopf, *Faces of Internationalism, Public Opinion, and American Foreign Policy* (Durham, N.C.: Duke University Press, 1990).

representative).



Whereas if the two players were permitted to move simultaneously, there would be no institutional mechanism to impose a unique selection between the two Nash equilibria:

| | | B_2 | |
|-------|----------|--------------|---------------|
| | | γ | δ |
| B_1 | α | (2,8) | (-1,5) |
| | β | (0,8) | (0,12) |

Finally, a note about prior literature. Classical studies indicate—or rather, assert—the importance of initiative, but rarely set forth the reasons lying behind its importance. Edward Corwin in one such classic study⁸⁸ has, with language echoing Dahl’s, made the claim that initiative typically resides in the President who proposes, rather than the Congress which for its part is left to dispose: ‘actual *practice* under the Constitution has shown that, while the President is usually in a position to *propose*, the Senate and the Congress are often in a technical position at least to *dispose*. The verdict of history, in short, is that the power to determine the substantive content of American foreign policy is a *divided* power, with the lion’s share falling usually, though by no means always, to the President.’ But again, why one branch’s proposing would reduce the other to disposing rather than counterproposing; why these two processes of proposing and disposing are separable and, indeed, the relevant categories at all; and precisely what sorts of advantage inhere in the former and for which reasons, are all questions which these prior studies have, it seems, not thought to pose.⁸⁹

⁸⁸ Edward S. Corwin, *The President, Office and Powers, 1787-1957* (New York, New York University Press, 1957), page 171 (emphases in original). Compare Dahl, 1950, page 58. With reference to the alluded to ‘man proposes, God disposes,’ see Proverbs 16:9, and subsequently Thomas à Kempis, *De Imitatione Christi* [ca. 1418] Book i., Chap. 19.

⁸⁹ Though he does not delve into these last questions, one empirical precedent at least dates from 1962 and James A. Robinson’s study of 22 cases of foreign policy making from the three decades prior, in which he found in his sample precisely three instances of congressional initiative: the 1943 repeal of the Chinese exclusion laws, the 1943 Fulbright resolution calling for postwar participation in an envisaged international organisation, and the 1958 Monroney resolution proposing the International Development Association. James A. Robinson, *Congress and Foreign Policy-Making* (Homewood, Ill., Dorsey Press, 1967), page 66.

Therefore, this model is in summary one which confers an advantage accruing to the branch to move first to modify the status quo, or to fashion in a new one where the prior had been overtaken by events, as a result of any of the following three dynamics or their combination: cherry picking with regard to issues, framing and generating public attention, and forcing other branch into a reactive posture with different moves available to it than had it moved first. Should the model prove to have predictive and explanatory potential, further research may then seek to determine the relative strength of these three components of the model.

Model 2: Issue Areas

The second model suggests variations in structural advantages coterminous with different issue areas as the principal mode of explaining differential congressional influence across instances. I draw on Lindsay's as the latest and most advanced model of issue areas in the context of congressional foreign policy, and suggest a refinement, the 'chessboard' model.

The origins of the issue-area perspective lie in the work of Robert Dahl and Theodore Lowi.⁹⁰ Dahl provided early evidence that political behaviour varies by issue area in his (1961) study of New Haven politics, in which he showed that different elites arose for each of three municipal issue areas. Writing three years later, Lowi presented his tripartite division of politics into distributive, regulatory, and redistributive issues—depending on how disaggregatable are the stakes involved, these would produce different and predictable policy processes.⁹¹ Lowi further sought to 'destroy any claim that foreign policy-making is a fundamentally different policy-making system, or one that is in any considerable way insulated from domestic political forces.' Rosenau contemporaneously argued that an important variable which distinguishes issue areas from each other is their tangibility—i.e., whether what is at stake can be photographed, and the means of acquiring it can be purchased.⁹²

⁹⁰ Robert A. Dahl, *Who Governs? Democracy and Power in an American City* (New Haven: Yale University Press, 1961). Theodore Lowi, 'American Business, Public Policy, Case-Studies, and Political Theory,' *World Politics* 16 (July 1964), pp. 677-715, and 'Making Democracy Safe for the World: National Politics and Foreign Policy,' in James N. Rosenau, ed., *Domestic Sources of Foreign Policy* (New York: Free Press, 1967), p. 314. James R. Kurth attempted to apply Lowi's category of distributive politics to weapons procurement. 'A Widening Gyre: The Logic of American Weapons Procurement,' *Public Policy* 19 (Summer 1971), pp. 373-304.

⁹¹ For instance, in the related typology of Ripley and Franklin (1991), the authors find that redistributive policymaking tends to exhibit greater balance of policy formulation and legislative activity between the executive and legislative branches. Randall B. Ripley and Grace A. Franklin, *Congress, The Bureaucracy and Public Policy*, 5th ed. (Pacific Grove, Calif: Brooks/Cole).

⁹² Henahan finds tangibility to be a stronger predictor of cooperative or conflictive behaviour than Lowi's (of disaggregatability). Marie Henahan, 'A Data-Based Evaluation of Issue Typologies in the Comparative Study of Foreign Policy,' presented to the annual meeting of the International Studies Association, Philadelphia, March 1981. Familiarly, issue areas form one dimension in Rosenau's pre-theory of foreign policy (alongside levels of analysis and types of society). James N. Rosenau, 'Pre-Theories and Theories of Foreign Policy,' in R. Barry Farrell, ed., *Approaches to Comparative and International Politics* (Evanston, IL: Northwestern University Press, 1966), pages 27-92; *Domestic Sources of Foreign Policy* (New York:

Earlier researchers positing issue areas as a key predictor of congressional influence have included Ripley and Franklin (1991), Ripley and Lindsay (1993), and Lindsay (1994), among the more notable.⁹³ The logic underpinning these classifications, developed at greater length below, is that different constitutional or historical advantages in each area confer advantages or disadvantages in turn responsible for the variance in congressional power. The powers conferred Congress in Article I, Section 8 of the Constitution reach their strongest in issues relating to money and immigration, as well as issues which lend themselves to redefinition in those terms. These overlap, though in a more subtle fashion with Katzenstein's distinction between 'high politics' of security, adequately explicable at the international level of analysis, with the 'low politics' of economics, demanding analysis of domestic structure.⁹⁴ Data-based findings are rather scarcer than assertions that behaviour varies by issue.

The typologies most frequently appearing in works on congressional foreign policy tend to include categories for immigration, budget and appropriations, international economics and trade, diplomatic or political relations, and military policy. Other authors might append war powers (Rosati) and ethnic intervention (Rockman), though both can for present purposes be more easily subsumed under the broader category of military policy. Also, foreign aid (for which see Moe and Teel, and also Rosati) can here be treated as a category of budget and appropriations policy. Conversely, we might consider dividing the category of political relations into human rights and non-human rights issues, given that in the former category Congress enjoys an historical advantage which it does not in the latter. The most recent innovation in this tradition of research is Lindsay's typology of strategic, structural, and critical (or tactical) policy tempos. In order to draw upon these, we could incorporate Lindsay's categories alongside the preceding substantive typologies by treating these latter categories as an orthogonal dimension.⁹⁵

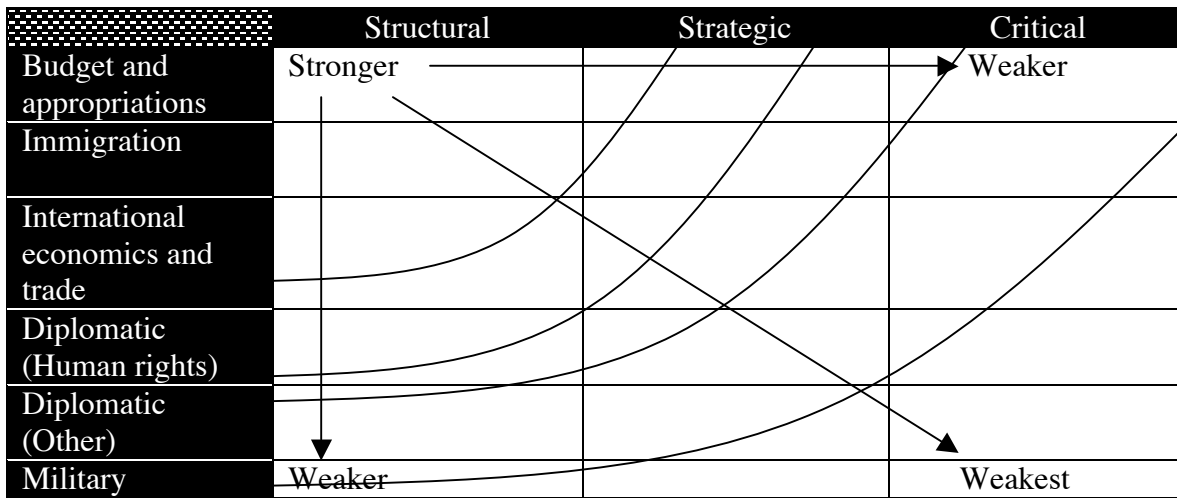
Free Press, 1967). *The Attentive Public and Foreign Policy: A Theory of Growth and Some New Evidence* (Princeton, N.J.: Center of International Studies, Princeton University, 1968). In the latter, see page 146 for referenced passage on tangibility. Randall B. Ripley and Grace N. Franklin, *Congress, the Bureaucracy and Public Policy* (Homewood, IL: Dorsey, 1991). Other research worth noting on the subject includes John A. Vasquez, 'The Tangibility of Issues and Global Conflict: A Test of Rosenau's Issue Area Typology', *Journal of Peace Research* 20:2 (1983), which confirms the importance of tangibility and suggests it can be made more powerful a predictor of cooperative or conflict-driven behaviour when combined with several additional variables (among them cost, number of actors, resources employed). Tantalisingly, tangibility has not to my knowledge been applied as a predictor to interbranch dynamics in foreign policy, and may reward treatment as a further refinement of the present model.

⁹³ Randall B. Ripley and Grace A. Franklin, *Congress, the Bureaucracy, and Public Policy*, 5th ed., (Pacific Grove, California: Brooks-Cole, 1991). Randall B. Ripley and James M. Lindsay, 'How Congress Influences Foreign and Defence Policy,' chapter 2 in Ripley and Lindsay, eds., *Congress Resurgent: Foreign and Defence Policy on Capitol Hill* (Ann Arbor: University of Michigan Press, 1993). James M. Lindsay, *Congress and the Politics of U.S. Foreign Policy* (Baltimore, MD: Johns Hopkins Press, 1994), see chapter 7.

⁹⁴ Peter J. Katzenstein, 'International Relations and Domestic Structures: Foreign Economic Policies of Advanced Industrial States,' *International Organization* 30 (Winter 1976), p. 2.

⁹⁵ This is, I believe, a new contribution.

I model these two sets of categories continuously, as a two-dimensional graph.



Isobars
(representative)

As indicated by isobars, the effects on congressional influence of motion rightward through the table is much stronger than the effect caused by downward motion. On structural military matters, the bottom-left cell, Congress is still hypothesised to be quite strong. By way of example, at the time of the Goldwater-Nichols Department of Defence Reorganisation Act of 1986, it was Congress which was responsible for the structural division the U.S. military into the present structure of unified warfighting commands under the direction of regional commanders-in-chief.

Why? What is it about issue areas that shapes the relative advantage of the two branches? At the heart of the second model is the suggestion that different constitutional or historically-determined ‘rules of the game’ represented by each cell are responsible for the variance in congressional power. At times, such as with regard to the money and immigration powers clearly conferred in Article I, Section 8, these rules derive from the Constitution. At others, such as congressional dominance of human rights, it is path dependency and history which is responsible, as that accumulated through Congress’s several-decade history of engaging in ‘structural’ policy such as the creation of the State Department’s Bureau of Democracy, Human Rights, and Labour, and economic legislation such as the Jackson-Vanik amendment to the Trade Act of 1974. In still another set of cases, Congress’s dominance of structural matters and weakness in critical ones is due mostly to practical rather than constitutional or historical factors—strategic policy highlight’s Congress’s strengths, its public nature and closer ties to public opinion and organised interest groups—whereas crisis or tactical policy-making confer advantage on the possessors of attributes Congress lacks, such as quickness of action and access to quickly-perishable information. When policy is performed at *Allegro* tempo, it is easy

for the executive to present the legislature with tactical *faits accomplis*, but in more prolonged struggles, the legislature's strengths outweigh its weaknesses and make it a formidable body for creating national consensus and moulding executive-branch opinion through a continual barrage of slow pressure. As would be expected, in nearly all cells historical, constitutional, and practical considerations elide: structural policy also favours Congress because of its formal powers of appropriating, budgeting, and shaping the landscape of the bureaucracy through legislation.

To examine several areas of the chart more carefully, why is congressional strength particularly marked in appropriations and immigration—but not in war powers, which are conferred with equal explicitness in the Constitution? There are two reasons: first, in appropriations, agencies are remarkably sensitive to the preferences of overseers who annually authorise and appropriate their budget (*political self-interest*),⁹⁶ and second, purse and immigration powers are each uncontested powers of Congress, whereas over history presidents have contested the war power (*contestedness*). It is difficult for the president to curb the strongly historically established exercise of the powers of purse and border; whereas Congress's enforcement of its own war powers, when presented with a *fait accompli*, is politically difficult both because of the rally around the flag effect⁹⁷ and

⁹⁶ There is a substantial formal literature on the point, of which Mathew McCubbins and Thomas Schwartz, 'Congressional Oversight Overlooked: Police Patrols and Fire Alarms,' *American Journal of Political Science* 28 (1) (1984):165-79; Randall Calvert, Mark Moran, and Barry Weingast. 1987 'Congressional Influence over Policymaking: The Case of the FTC,' in Mathew McCubbins and Terry Sullivan, eds., *Theories of Congress: The New Institutionalism* (Cambridge University Press, 1987); and Terry Moe, 'An Assessment of the Positive Theory of Congressional Dominance', *Legislative Studies Quarterly*, 79 (1985):1094-1116; Barry Weingast and Mark Moran, 'Bureaucratic Discretion or Congressional Control?' *Journal of Political Economy* 91 (1983):765-800, are representative.

⁹⁷ The cells corresponding to military policy in this model require a footnote to the 'rally around the flag' literature. See, for instance, John Mueller's landmark *War, Presidents, and Public Opinion* (1973), and cottage industry of research following upon it (notably Bowen (1989); Brody and Shapiro (1991); Callaghan and Vertanen (1993); Edwards and Swenson (1997); Kernell (1978, 1993); Krosnick and Brannon (1993); MacKuen (1983); and Sigelman and Conover (1981)). Mueller defines rallies as being associated with an event which is (1) international, (2) involves the United States and particularly the president directly; and (3) must be specific, dramatic, and sharply focused (p. 208). Drawing on the Truman through Johnson administrations, Mueller arrived at five categories of events inducing rallies around the president in times of foreign policy crisis: 1) sudden U.S. military intervention, such as that in Korea and the Bay of Pigs (1950 and 1961); 2) major diplomatic actions, such as announcement of the Truman Doctrine (1947); 3) dramatic technological developments such as the launch of Sputnik launch (1957); 4) major bilateral summit meetings, such as at Potsdam and Glassboro (1945 and 1967); and 5) major military developments in ongoing wars, such as the Inchon landing and Tet offensive (1950 and 1968). Most provocatively, Mueller found the public to seem to react to positive and negative events with surges of heightened presidential approval (212).

The subsequent literature, seeking to explain why precisely this takes place, may be analysed into 'patriotism' and 'public opinion leadership' schools. The roots of the first school are reflected in Mueller's coined term 'rally-round-the-flag,' and holds Americans rally during crisis to the president as an anthropomorphic instantiation of national unity and, as it were, living flag. The second view accords greater agency to Congressional leadership, whose deliberate decision it is to rally: according to the opinion leadership school, opposition leaders' unwillingness to criticise the president in times of urgent crisis therefore leaves journalists nothing to report—and citizens nothing to read or hear—not supportive of the president. Brody (1991, 66) gives a classic statement: "when [opinion leaders] rally to the president or run for cover, the public will be given the implied or explicit message, "appearances to the contrary

the reluctance of the Supreme Court⁹⁸ to step in to the fray. The war powers, when successfully exercised, thus tend to be applied through appropriations.

Even where it is weak, Congress retains influence. Howell and Pevehouse have written about the role of Congress in use of force decisions, finding it to be substantial.⁹⁹ Further, while tactical policy represents an area of weakness, Congress's hand is felt indirectly by its setting more general strategy beforehand and by determining which bureaucratic actors will participate in the making the tactical decision.¹⁰⁰ The strength of this classificatory framework in determining Congress's foreign policy influence can be tested by seeking a tight fit between the matrix presented in the figure above and congressional influence in real foreign-policy struggles.¹⁰¹

notwithstanding, the president is doing his job well.” The patriotism school has enjoyed greater success in explaining the origin of the rally effect, and the opinion leadership school in explaining its duration. See Marc J. Hetherington and Michael Nelson, ‘Anatomy of a Rally Effect: George W. Bush and the War on Terrorism,’ *PS: Political Science and Politics*, January 2003. Also, John E. Mueller, *War, Presidents, and Public Opinion* (New York: Wiley, 1973). Jong Lee, ‘Rally 'Round the Flag: Foreign Policy Events and Presidential Popularity,’ *Presidential Studies Quarterly* 76 (1977): 252-255. Gordon L. Bowen, ‘Presidential Action and Public Opinion about U.S. Nicaraguan Policy: Limits to the “Rally 'Round the Flag” Syndrome,’ *PS: Political Science and Politics* 22 (1989): 793-800. Richard A. Brody with Catherine R. Shapiro, ‘The Rally Phenomenon in Public Opinion,’ in Brody, ed., *Assessing the President: The Media, Elite Opinion, and Public Support* (Stanford: Stanford University Press, 1991). Karen J. Callaghan and Simon Virtanen, ‘Revised Models of the “Rally Phenomenon”: The Case of the Carter Presidency,’ *Journal of Politics* 55 (1993): 756-764. George C. Edwards and Tami Swenson, ‘Who Rallies? The Anatomy of a Rally Event,’ *Journal of Politics* 59 (1997): 200-212. Samuel Kernell, ‘Explaining Presidential Popularity,’ *American Political Science Review* 72 (1978): 506-522, and his *Going Public: New Strategies of Presidential Leadership* (Washington, DC: CQ Press, 1993). Jon A. Krosnick and Laura A. Brannon, ‘The Impact of the Gulf War on the Ingredients of Presidential Evaluations: Multidimensional Effects of Political Involvement,’ *American Political Science Review* 87 (1993): 963-975. Michael B. MacKuen, ‘Political Drama, Economic Conditions, and the Dynamics of Presidential Popularity,’ *American Journal of Political Science* 27 (1983): 165-192. Lee Sigelman and Patricia Johnston Conover, ‘The Dynamics of Presidential Support During International Conflict Situations,’ *Political Behavior* 3 (1981): 303-318.

⁹⁸ Thomas M. Franck, *Political Questions/Judicial Answers: Does the Rule of Law Apply to Foreign Affairs?* (Princeton: Princeton University Press, 1992).

⁹⁹ On the nontrivial role of Congress in critical military policy, see an excellent forthcoming paper by William Howell and Jon Pevehouse, Harvard University, on ‘Presidents, Congress, and the Use of Force.’

¹⁰⁰ Outside of course of the executive office, which by convention is unlike the executive departments fairly immune to such tampering.

¹⁰¹ To note one possible source of criticism, following upon Rosenau several subsequent researchers have not received the project favourably. Launching a postpositivist critique, Jim George has labelled it a ‘mission impossible’ for seeking analytic foundations in categories which are sociolinguistically constructed. Working rather closer to a positivist research paradigm, Walter Carlsnaes decried such searches for universals, saying ‘it is from this world we have to extrapolate theoretically, not to it that we can wilfully impute our theoretical constructs.’ Conversely, though, if issue areas predict differential outcomes empirically in the way that Lindsay, Lowi, Rosenau, and other authors believe them to, then Carlsnaes’s criticism ceases to apply. Jim George, *Discourses of Global Politics: a Critical (Re)introduction to International Relations* (Lynne Rienner, Boulder, 1994), at page 29. Walter Carlsnaes, *Ideology and Foreign Policy: Problems of Comparative Conceptualization* (Oxford: Basil Blackwell, 1986), pages 41 and 245-70. There are also empirical sceptics, but they are less troubling; their only concern lies in whether issue areas do indeed provide predictive and explanatory power. See Matthew Evangelista, ‘Issue-Area and Foreign Policy Revisited’, *International Organization* 43:1 (Winter, 1989), pp. 147-171.

Two qualifications to the preceding discussion. First, the figure above should not be read as destiny, but rather as a chessboard. Shrewd strategists in the legislative branch will play a game of redefining an issue in an area that disadvantages Congress (like tactical military policy) to one that favours it (such as appropriations or immigration). This can be done through gambits of redefinition, or through hostage-taking, the pawn promotion equivalent of forging links between disparate issues by holding up something of value to the executive in order to force a concession on an unrelated issue of concern.

Second, over time the boundaries of each square changes over time, as what is subsumed by an issue such as defence grows or shrinks in line with external threat, and new issues arise to augment the congressional role in human rights.¹⁰² A final note is that even in times of crisis, congressional influence can affect decision making when congressional preferences are sufficiently strong. So vast are Congress's theoretical powers that it can, in the rare instances when it arouses the political will, as in Vietnam, dictate tactical policy to the executive virtually moment to moment.¹⁰³

Model 3: Interbranch Strength

The third model, comparative interbranch strength, places asymmetries of political resource endowments as central in explaining variations over time in the congressional influence on policy outcomes. Those outcomes then reflect the primary preferences of the actor with the greater resources, in proportion to the ratio between the two actors' allotment of political resources.

Assume three axioms about strength:

1. greater popularity among the public, both in general and specifically of their foreign policy positions, confers strength upon the branch possessing it;
2. a larger Δ_{pop} (equal to Positive opinion (branch B_x) – Negative opinion (branch B_x)), which takes into account the distinction between neutral and averse segments of the public, also confers strength upon the branch possessing it;
3. a greater degree of ideological homogeneity in the majority caucus in each house also confers strength upon the legislature.

Strength is, for present purposes, defined as the sum of these three dimensions,

¹⁰² Also note the distinction to be drawn between a fit between an issue and a privileged cell on its face, and the separate property of susceptibility for redefinition as an issue favouring Congress. (i.e., there may not be equal fungibility between all horse trades; it may be easier to trade a Lipizzan with an Irish Draught Horse, not terribly difficult with a Dartmoor Pony, and rather unwieldy for a copy of Aristotle's *Politics*.)

¹⁰³ When this is done, though, it is frequently formally through the appropriations power. In the congressional revolution against the Nixon, Ford, and Carter administrations from 1971 to 1978, the repeal of the Gulf of Tonkin Resolution (1971) took the form of the formal legislative process, but congressional moment-to-moment dictating of U.S. disengagement from Vietnam (1973), cutting off of military aid to Turkey (1974), covert involvement in the Angolan civil war (1975-6), and trade with Idi Amin's Uganda (1978) all fell under exercise of the appropriations power. See on this point David M. Abshire and Ralph D. Numberger, *The Growing Power of Congress* (Thousand Oaks, Calif.: Sage, 1981), pages 9 and 10.

$$\sum_{i=1\dots 3} u_i$$

And relative strength, then

$$\Delta \sum_{i=1\dots 3} u_i = \sum_{i=1\dots 3} u_{B1i} - \sum_{i=1\dots 3} u_{B2i}$$

Which is, incidentally, the name of a fraternity at my first university.¹⁰⁴

We start from the hypothesis that the stronger Congress is politically compared with the president, the more assertive it will be in foreign policy, as well as vice versa. The causal logic is that a congressional majority can be expected to exercise its powers most at the times it is: (a) most self-confident, (b) when its popularity is greatest relative to the president, (c) when its majorities are most ideologically homogeneous, or (d) when the president appears most vulnerable. This would be equally true whether Congress's preferences to affect foreign policy are fairly constant, and the rise and decline in its political capabilities determine the extent it can impose these preferences on foreign policy; or if weaker congressional majorities possess less defined foreign-policy preferences, and gain preferences about foreign policy once they achieve strength and opportunity to affect it. Absent a causal pathway specifying how these resources may be brought to bear on a given specific issue, this hypothesis might not be impervious to criticism for equating correlation with causality. A response might suggest the effect of possession of political resources upon the will to utilise them is mediated by greater confidence and political will of the majority, in a causal chain that runs through the press and leaders' and Beltway elite perceptions of strength, thereby to political will, and thence to influence.

As historical instances in which congressional majorities came into power with great confidence and strength and then proved effectual in modifying foreign policy, one might look to the 1994 takeover of both chambers of the U.S. Congress by Republican majorities, or to the more gradual takeover of the United States Senate by antiwar candidates from 1968 to 1972.¹⁰⁵ In both instances, Congress's effectiveness in modifying American foreign policy was marked: thus Senator Fulbright's Vietnam hearings and Democratic Leader Mansfield's open break with the administration over Vietnam, and in Speaker Gingrich's commitment to promote missile defence, stronger American support for Israel and Taiwan, and calls for a policy of regime change toward Tehran.

¹⁰⁴ This sentence, naturally, to be redacted before submission.

¹⁰⁵ Floyd Haskell's (D-Col.) election as an antiwar candidate in 1972 is representative. In 1970, Democratic Leader Michael Mansfield dropped pretensions of support for the war and began to search for legislative instruments to oppose it. Mark Hatfield (D-Or) and George McGovern (D-SD) pushed for amendments to cut off military authorisations for Cambodia and South Vietnam. The Fulbright hearings were held in the Foreign Relations Committee between 20 April and 27 May, 1971, succeeding others held under Fulbright's chairmanship in 1966.

A related body of research is the debate on the impact of presidential popularity on legislative success. Unfortunately, the dependent variable in this literature has been roll call votes rather than ultimate policy, and analyses with more nuanced measures of policy influence than roll-call data have not been attempted. Bond and Fleisher (1990) and Edwards (1989) find no impact at all of popularity on presidential success in roll-call votes, but Brace and Hinckley (1992), Ostrom and Simon (1985) and Rivers and Rose (1985), by contrast, using annual and aggregate data do find such an impact.¹⁰⁶ The state of the discipline upon the question is thus controverted, and, in this as in other literatures substituting ease of operationalisation for ability to cut nature at the joints, relies like most empirical research solely on the highly problematic indicator of roll call votes, not more sophisticated indicators of influence.

Divergences from the outcomes expected on the basis of this model might then be expected based on the stronger actor's secondary preferences, its unwillingness to expend the political costs necessary to enforce compliance, traded horses for gains on a second issue, or a perception of some political benefit from tolerating divergence in areas of secondary importance to it.

Model 4: Risk

Risk is a perception, but to sidestep questions of states of consciousness, we can have recourse for the purposes of modelling to a rational majority-party median legislator and party leader.

Thus assume, as above, three axioms about risk:

1. a closer proximity of the next election either increases risk entailed in foreign policy activism, or the aversion to it, or both;
2. a greater likelihood of the use of force, because of the 'rally around the flag' phenomenon, also increases the risk of foreign policy assertiveness;
3. a higher level of security threat in the international system also increases the risk of congressional foreign policy activism.

Risk is, for present purposes, therefore defined as the sum of these dimensions,

¹⁰⁶ Jon R. Bond and Richard Fleisher, *The President in the Legislative Arena* (Chicago: University of Chicago Press, 1990). George C. Edwards III, *At The Margins: Presidential Leadership of Congress* (New Haven: Yale University Press, 1989). Paul Brace and Barbara Hinckley, 'Presidential Activities from Truman through Reagan: Timing and Impact,' *Journal of Politics* 55 (1993): 382-98. Charles W. Ostrom, Jr., and Dennis M. Simon, 'Promise and Performance: A Dynamic Model of Presidential Popularity,' *American Political Science Review* 79 (1985), pp. 334-58. Douglas Rivers and Nancy L. Rose, 'Passing the President's Program: Public Opinion and Presidential Influence in Congress,' *American Journal of Political Science* 29 (1985): pp. 183-96.

$$\sigma = \sum_{i=1 \dots 3} \sigma_i$$

When are risks of confronting the president greatest? Drawing upon the rally around the flag literature, opposing the president certainly becomes a risky proposition when use of force issues are involved.¹⁰⁷ When are they least? Most likely, when elections are far off, when security threats facing the country are in general low, and perhaps as well when presidential leadership in foreign policy is unpopular. From a theoretical vantage point, we may notice that this model combines previously mentioned aspects of issue area and presidential popularity with a new variable of degree of security threat facing the nation, yoking them together *from the standpoint of the legislator*: risk to members' reelective chances may be raised by opposing the president during times of increased security threat or during likelihood of the use of force, diminished by public opposition to presidential foreign policy, or intensified in its consequences by proximity to an election.

To take each in turn,

Systemic risk This argument proceeds from the assumption that during times of great international risk the political opposition, like Cicero's laws, are silent.¹⁰⁸ A fairly radical view would attribute this silence to governments wilfully suppressing dissent during times of elevated security threat.¹⁰⁹ More sophisticated explanations would hold that propaganda¹¹⁰ and deal-making¹¹¹ and, still more plausibly, subtler self-negation, patriotic, and normative mechanisms are instead at play. Though the effects of international tension on the willingness of political elites to take issue with the government have not been adequately researched, Prins and Marshall have found international threat to be related to foreign policy and defence bipartisanship, though congressional motivations lay beyond their research.¹¹² Representative moments of

¹⁰⁷ See review of 'rally around the flag' literature in footnote to issues-area model, *supra*.

¹⁰⁸ *Oratio Pro Annio Milone* (IV)

¹⁰⁹ But nonetheless widespread. See David Cole, *The New McCarthyism: Repeating History in the War on Terrorism*, 38 *Harvard Civil Rights-Civil Liberties Law Review* 1 (2003); Emanuel Gross, 'Legal Aspects of Tackling Terrorism: The Balance between the Right of a Democracy to Defend Itself and the Protection of Human Rights,' 6 *UCLA Journal of International Law and Foreign Affairs* 89 (2001); Jordan J. Paust, 'Political Oppression in the Name of National Security: Authority, Participation, and the Necessity within Democratic Limits Test,' 9 *Yale Journal of World Public Order* 178 (1982-1983); William C. Banks & M.E. Bowman, 'Executive Authority for National Security Surveillance,' 50 *American University Law Review*, 1 (2000); for comparative context Herbert Marx, *The Emergency Power and Civil Liberties in Canada*, 16 *McGill Law Journal* 39 (1970).

¹¹⁰ Nancy E. Bernhard, *U.S. Television News and Cold War Propaganda, 1947-1960* (Cambridge University Press, 1999), J. Michael Sproule, *Propaganda and Democracy: The American Experience of Media and Mass Persuasion* (Cambridge University Press, 1997).

¹¹¹ Benjamin O. Fordham, *Building the Cold War Consensus: The Political Economy of U.S. National Security Policy, 1949-51* (Michigan, 1998). Fordham's argument is that Truman secured the support of isolationist labour lobbies for his internationalist agenda by linking it to domestic policies which those sectors favoured.

¹¹² Though for comparative context see Ulf Bjereld and Marie Demker, 'Foreign Policy as Battlefield: A Study of National Interest and Party Motives,' *Scandinavian Political Studies* 23:1 (March 2000), pp. 17-36, where the authors show that the presence or absence of tension in the international system did not (1945-1993) affect the inclination of parties to take issue with the government on matters of foreign policy.

bipartisan consensus at times of international threat would clearly include the early years of Cold War as well as the period following 11th September, 2001.

One counterargument to this hypothesis is at the level of public opinion. Though comparable public opinion research was not conducted in the early Cold War period, several studies of the end of the Cold War and immediate aftermath have found that dramatic changes in the international system, and the level of risk presented within it, did not give rise to equally dramatic changes in public opinion.¹¹³ Conversely, in distinction to the elected opposition the risk they face is diffuse, remote, and communal, not electoral. A second is presented below.

Use of force The ‘rally around the flag’ effect has been noted above. The counterargument on this point and the preceding is that Congress may be more, not less, assertive at times when the level of threat to the country is higher. First, foreign policy is more important during those times, and for that reason may attract, and more handsomely reward, greater congressional attention. This argument is partially borne out by Paul Peterson and Jay Greene, who find congressional committees’ questioning of executive branch officials becomes more conflictual when levels of security threat to the nation are higher.¹¹⁴ We might call this the ‘jaw jaw in times of war war,’ or *contra* Churchill, hypothesis.¹¹⁵ Second, the opportunity to appear statesmanlike in time of great national crisis may also curry reelective rewards; the question is simply whether it is more statesmanlike to rally behind the flag or to be seen to provide alternative policy leadership to the president. Third, a Congress driven by strong ideological or policy beliefs may disregard or discount electoral risk, with the first two of Fenno’s tripartite congressional motivators—personal policy preferences, prestige and influence within congress, and reelection¹¹⁶—coming to outweigh the third, either for some significant set

Brandon C. Prins and Bryan Marshall, ‘Congressional Support of the President: A Comparison of Foreign, Defense, and Domestic Policy Decision-making During and After the Cold War,’ *Presidential Studies Quarterly* 31:4 (2001), 660-679.

¹¹³ Here see principally Shoon Murray, *Anchors Against Change: American Opinion Leaders’ Beliefs After the Cold War* (Ann Arbor: University of Michigan Press, 1996); Eugene R. Wittkopf, ‘The Faces of Internationalism Revisited,’ paper presented at the annual meeting of the American Political Science Association, Chicago, 1995; and Ole R. Holsti, *Public Opinion and American Foreign Policy* (Ann Arbor: University of Michigan Press, 1996), principally his chapter four.

In context, Benjamin I. Page and Robert Y. Shapiro, *The Rational Public: Fifty Years of Trends in Americans’ Policy Preferences* (Chicago: University of Chicago Press, 1992) find public opinion on foreign policy to be fairly stable in its guiding values and rational in its capacity to assimilate new information, an assessment which Ole Holsti shares. This is in opposition to the earlier Almond-Lippmann consensus which portrayed the public as generally ill informed, irrelevant for policy determination, and lacking any structured belief system. See Gabriel A. Almond, *The American People and Foreign Policy* (New York: Holt, Rinehart & Winston, 1950) and Walter Lippmann, *Public Opinion* (New York: Macmillan, 1922). Also, Ole R. Holsti, ‘Public Opinion and Foreign Policy: Challenges to the Almond-Lippmann Consensus,’ *International Studies Quarterly* 36 (1992): 439-66.

¹¹⁴ See pp. 86-87 in Paul E. Peterson and Jay P. Greene, ‘Questioning by the Foreign Policy Committees,’ chapter 4 in Peterson, ed., *The President, the Congress, and the Making of Foreign Policy*.

¹¹⁵ i.e., rather than the asymmetrical relationship between jaw and war hypothesised by Churchill, this posits a positive correlation, such that as war war increases, jaw jaw may be expected to increase as well. Speech at White House, 26 June, 1954, and cited in *New York Times*, 27 June 1954, p. 1.

¹¹⁶ Richard F. Fenno, *Congressmen in Committees* (Boston: Little, Brown, 1973).

of legislators (such as congressional leaders, or those who have chosen to serve on foreign policy committees) or at some significant set of times (such as when the ideological commitments of a majority of members are sufficiently at stake to justify assuming additional reelective risk).

Proximity to elections It is difficult to come up with examples of times when members of Congress were clearly deterred from acting in foreign policy when they otherwise would have on account of an approaching election; though in other respects a publicity-seeking institution, Congress generally does not tend to advertise such things. On the other hand, there are at least several instances of congressional bipartisan support for military action satisfying both the conditions (a) that support was unusual in magnitude, and (b) the action took place close to a congressional election. In particular: (1) Operation El Dorado Canyon (15 April, 1986), a bombing of Tripoli which proceeded with little non-Commonwealth support, seven months prior to congressional elections; (2) Operation Uphold Democracy (September 1994), in which the United States occupied Haiti, took place two months before midterm elections; (3) Operation Infinite Reach (20 August, 1998), cruise missile strike on terrorist targets in Afghanistan and Sudan, two months preceding congressional elections. This correlation does not prove a causal linkage, but at least hints at the possibility of congressional reluctance to oppose the president in foreign and military policy with elections too close on the horizon.

Presidential approval A further elaboration of this model may attempt as well to incorporate presidential popularity. Viewed from the standpoint of a rational legislator, there is certainly less risk entailed in opposing President Johnson in 1968 or Nixon in 1974 over the war in Vietnam than in the second President Bush in October 2001 over the war in Afghanistan.¹¹⁷ The role of presidential popularity in the president's success in Congress is controverted in the literature, but borne out by several recent studies; it may well be that this success is mediated by congressional evaluations of risk in taking on a popular president.¹¹⁸ Since political popularity lies closer to the heart of the concept of political resources, for now we will exempt it from the model of risk, though as a further elaboration it may be reintroduced later.¹¹⁹

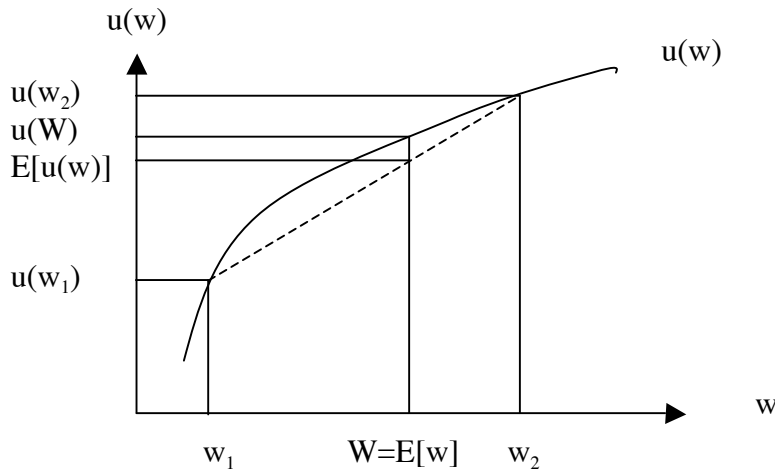
Finally, the algebra of aversion. An agent is risk averse if and only if his or her von Neumann-Morgenstern utility function u is concave. (Linearity in a utility function in turn denotes risk neutrality, and convexity indicates risk-seeking behaviour.) We may

¹¹⁷ See the compilation of historical Gallup Poll data at the website of the Roper Centre of the University of Connecticut, <http://www.ropercenter.uconn.edu>. Nixon's approval rating was 24 percent in two consecutive polls, 12-15 July 1974 and 2-5 August 1974. Johnson's was 35 percent from 7-12 August, 1968. The latter President Bush's was 89 percent from 11-14 October, 2001. The invasion of Afghanistan began on 7 October, excluding earlier denied covert action reported in the media in the weeks preceding.

¹¹⁸ Paul Brace and Barbara Hinckley, 'Presidential Activities from Truman through Reagan: Timing and Impact,' *Journal of Politics* 55 (1993): 382-98. Charles W. Ostrom, Jr., and Dennis M. Simon, 'Promise and Performance: A Dynamic Model of Presidential Popularity,' *American Political Science Review* 79 (1985), pp. 334-58. Douglas Rivers and Nancy L. Rose, 'Passing the President's Program: Public Opinion and Presidential Influence in Congress,' *American Journal of Political Science* 29 (1985): pp. 183-96.

¹¹⁹ Methodologically, it is not problematic if one model were to share predictions on particular indicators with other models, so long as in each the pattern of their co-occurrence is unique.

assume that most members of Congress are risk averse with regards to their electoral prospects. In the language of Jensen's inequality¹²⁰, then, $U(E[w]) > E[U(w)]$,



The conventional approach to analysing decision-making in the presence of risk¹²¹ is the state-dependent approach of Arrow, Debreu, and Hirschliefer.¹²² There are two dominant measures at present, the absolute Arrow-Pratt risk aversion coefficient, and the relative risk aversion coefficient of the same two authors.¹²³ Both take the form of recourse to a 'risk premium' which an actor would pay to ensure more certain returns.¹²⁴

¹²⁰ Which actually *does* serve as the emblem of the maths department at Copenhagen University, where Børge Jensen spent his academic career. In this context, this indicates that when faced with two choices yielding comparable returns, agents select the less-risky alternative, a construction we owe to Milton Friedman and Leonard J. Savage, 'Utility Analysis of Choices Involving Risk,' *Journal of Political Economy* 56:4 (1948), 279-304.

¹²¹ In Knight's (1921) celebrated distinction between risk and uncertainty, 'risk' refers to situations where the decision-maker can assign mathematical probabilities to the randomness which he is faced with, while 'uncertainty' refers to situations when this randomness cannot be expressed in terms of specific mathematical probabilities. Frank H. Knight. *Risk, Uncertainty, and Profit*, Hart, Schaffner, and Marx Prize Essays, no. 31 (Boston and New York: Houghton Mifflin, 1921), passage referenced is at p. 20, ch. 7. Due to the von Neumann-Morgenstern axiom of substitutability, the certain equivalent can always be substituted for the lottery and vice versa. Furthermore, due to decomposability, compound lotteries (a lottery composed of other lotteries) can be reduced to simple lotteries with identical distributions over the final outcomes. This has been dubbed the 'no fun in gambling' axiom. Ronald A. Howard, 'Risk Preference,' in Howard and James E. Matheson, eds., *Readings in Decision Analysis* (Menlo Park, California: SRI International, 1977).

¹²² Kenneth J. Arrow, 'The Role of Securities in the Optimal Allocation of Risk-Bearing,' *Review of Economic Studies* 31 (1964): 91-96. Gerard Debreu, *Theory of Value: An Axiomatic Analysis of Economic Equilibrium* (New York: Wiley, 1959). Jack Hirschliefer, 'Investment Decision under Uncertainty: Choice-Theoretic Approaches,' *Quarterly Journal of Economics* 74 (1965): 509 - 536

¹²³ John W. Pratt, 'Risk Aversion in the Small and in the Large,' *Econometrica* 32 (1964), 122-136. Kenneth J. Arrow, *Essays in the Theory of Risk-Bearing* (London and Amsterdam, North Holland Publishing, 1970).

¹²⁴ The risk premium $\pi(x,z)$ is the certain payment which leaves the decision maker indifferent between the lottery and the risk-free outcome. The premium is defined as $u(x+E(z)-\pi(x,z))=E\{u(x+z)\}$. $\pi_a(x,z)$ is called

Taking the case of the curve above, the returns from risky behaviour for members of Congress may well take the form of media coverage, an increased reputation as a policymaker, and perhaps campaign contributions from an interest group who would view their activism favourably.¹²⁵

To sum up this modelling section and make a final note, structural explanations such as the four presented here leave out process and negotiation; instead, they seek to identify the bargaining advantages of partners and hypothesise outcomes according to these initial structural advantages. To borrow a metaphor of Robert Keohane and Joseph Nye, this is analogous to predicting who will win a card game by looking at what cards were dealt at the outset.¹²⁶ Structural explanations such as those modelled here do not take into account how well actors play the cards they are dealt; through the political adeptness of either side at making appeals to the public, press, or other side, or strengthening a weak hand by linking the issue to policies in another. To do otherwise would be to do something other than constructing generalisations which are both causally rigorous and hold empirically across instances.

Each model, furthermore, may be rendered as a hypothesis. Doing so, we may summarise the section, as well as prepare toward the following step of recasting these statements into operational and testable form:

Four hypotheses to explain variance in congressional foreign policy influence

Hypothesis 1. *The branch to move first to modify the status quo, or to fashion in a new one where the prior had been overtaken by events, enjoys an advantage in impressing its preferences onto resulting policy. This is because of three dynamics: cherry picking with regard to issues, framing and generating public attention, and forcing other branch into a reactive posture with different moves available to it than had it moved first. (IV: assignment of first mover status)*

Hypothesis 2. *Congress's influence in subdomains of foreign policy varies according to issue type and tempo. It is strongest in structural and strategic policy, weakest in tactical policy. It enjoys a relative advantage in appropriations, immigration, and human rights policy, and a disadvantage in military policy. Juxtaposed, issue type and tempo predict congressional influence. (IV: issue area)*

Hypothesis 3. *Changes in symmetries of political resource endowments explain variations in congressional influence on policy outcomes. Policy outcomes reflect the primary preferences of the actor with the greater resources, in direct proportion to the*

the certainty equivalent of the gamble. The certainty equivalent is defined by $u(x + \pi_a(x,z)) = E\{u(x+z)\}$, and local risk aversion by $r(x) = -u''(x)/u'(x) = -d(\ln(u'(x)))/dx$. From this last formulation, the relationship between the concavity of the utility function and relative risk aversion becomes clear.

Stephen Ross has suggested that risk premiums are only local measures, and calculating the risk aversion of the entire utility function requires different measures. Ross, 'Some Stronger Measures of Risk Aversion in the Small and in the Large with Applications,' *Econometrica*, 49:3 (1981), pp. 621-39.

¹²⁵ As with the other formalisations in this section, the application to this case will be developed more extensively in future drafts.

¹²⁶ *Power and Interdependence: World Politics in Transition* (Little, Brown, 1977), p. 21.

ratio between the two actors' allotment of political resources. The resources in question are relative public support, both in general and in foreign policy, and low ideological heterogeneity in the majority caucuses in each chamber of Congress. (IV: strength in political resource endowments)

Hypothesis 4. *Changes in the amount of risk entailed by foreign policy assertiveness explain variations in congressional influence. Risk increases with increasing proximity of the nearest election, likelihood of use of force, and generalised risk in the international system. (IV: risk)*

Rendered formally, variance in each of the four independent variables put forth in these preceding models predicts variance in the dependent variable of congressional foreign policy influence:

H1: Δ (First mover) = $c_1\Delta$ (Influence)

H2: Δ (Issue type and tempo) = $c_2\Delta$ (Influence)

H3: Δ (Political resource endowments) = $c_3\Delta$ (Influence)

H4: Δ (Risk) = $c_4\Delta$ (Influence)

The next step is to say more precisely what all of these terms mean. As this section has developed the independent variables in some detail, the next will perform the same task with the dependent variable.

5. Specification and fixing of terms

This section fixes the meaning of terms occurring in the dependent variable, to facilitate more precise operationalisation below.

To begin, it is useful to say precisely what this essay will mean by 'Congress,' a term which understandably occurs rather frequently in it. In ordinary speech, the term may be used in two principal ways: to refer to both chambers when jointly engaged in the act of passing legislation; and to refer to any individual, whether elected member or staff, impacting upon the policy process whose institutional location resides in one of the two legislative chambers.¹²⁷ It is not entirely clear common usage ought be improved upon here. In this research when an individual associated by membership or employment with one of the two chambers of Congress does anything to make national policy reliably different from what it otherwise would have been, whether through engaging in the legislative process or less formal modes of influence-wielding, it will be taken as an instance of congressional influence.

Moving further down the list of terms encompassed by the dependent variable of 'congressional influence in foreign policy', we come to influence. Political science at the

¹²⁷ See, for instance, Ralph G. Carter, James M. Scott, and Charles M. Rowling, 'Setting a Course: Congressional Foreign Policy Entrepreneurs in Post-World War II U.S. Foreign Policy,' *International Studies Perspectives* 5:3 (August 2004), pages 278-299.

moment has three dominant understandings of influence.¹²⁸ The first is the causal model appearing in a series of writers from Hobbes to Dahl, while the second and third derive from recent work in post-structural and critical theory.¹²⁹

In the first, classical model, the concept of influence is one which explicitly links causality and an atomistic ontology of social relations with an empiricist, covering law model of scientific explanation. Thus Hume, ‘the idea of power is relative as much as that of cause; and both of reference to an effect, or some other event constantly conjoined with the former.’¹³⁰ Weber adds to these elements of causality and atomism a

¹²⁸ There are also, less usefully for this essay, Marxian influenced structuralist understandings of the concept. See Émile Durkheim, *Les Règles de la Méthode Sociologique* ([Paris: F. Alcan, 1895, see p. 52], most recent authoritative French edition is Presses Universitaires de France, 2004). The definitive expression is Lukes (1974), wherein power is not reducible to either structure or agent, but variously mediated by both (Steven Lukes, *Power: A Radical View* (London: Macmillan, p. 54). Also *Das Kapital* ([1867, vol. 1], English Penguin ed. is 1992; see e.g., ch. 15 (on Machinery and Modern Industry); but of course *moi, je ne suis pas Marxiste* (Marx, 2 November 1880, to Jules Guesde and Paul Lafargue, and *Werke* vol. 35, p. 388)).

¹²⁹ As will become apparent in this discussion, I take ‘power’ and ‘influence’ to be sufficiently closely related as to be interchangeable, in accordance with both common usage and academic tradition. (Interestingly, ‘influence’ shares a common etymology with ‘influenza’, through *in + fluere* (c.f. fluid); power more familiarly derives from *potere*, to be able.)

Although not employed in this research, these two principal alternative models to the approach taken here are the hermeneutic model developed by writers following in the tradition of Hegel’s section on ‘Lordship and Bondage’ in the *Phenomenology of Mind*, and the Foucauldian analysis under which the only undistorted analyses of power can be at the microlevels. Both alternative traditions share a rejection of methodological individualism (under which all social propositions may be reduced to ones about individual persons) and the central roles of intention and agency in the classical model of power and influence. They diverge in that where postmoderns such as Foucault believe scientific discourse possess no distinctive epistemic validity (Foucault’s genealogical analyses of power, conversely, are ‘anti-sciences’), the hermeneutic school is less radical in its critique and merely rejects the universality of instrumental rationality. In its place, the hermeneutic analysis begins with the shared meanings of given social communities and appreciation of their norms; in place of methodological individualism is substituted the ontological belief that humans are by nature linguistic beings, and in language the character of a society, including its forms of power, are found. Thus Hannah Arendt, ‘power is never the property of the individual; it belongs to a group and remains in existence only so long as the group keeps together’ See for the above, Bryan R. Wilson, ed., *Rationality* (Oxford: Basil Blackwell, 1970), both for his own contribution there and for Ernest Gellner’s ‘Concepts and Society’, C. Wright Mills, *The Sociological Imagination* (Oxford, 1959), Charles Taylor, *Hegel and Modern Society*, (Cambridge, 1979), Hannah Arendt, ‘On Violence’, in *Crises of the Republic* (New York: Harcourt Brace Jovanovich, 1972; quotation is at p. 143). Jürgen Habermas, ‘Hannah Arendt on the Concept of Power’, in *Philosophical-Political Profiles* (Cambridge, Mass: MIT Press, 1983). Hegel’s section on ‘Lordship and Bondage’ in the *Phenomenology of Mind* (Baillie edition, Harper & Row 1967). For methodological individualism, see Roy Bhaskar, *The Possibility of Naturalism*, Atlantic Highlands, NJ: Humanities Press, 1979. For the poststructuralist model of power and influence, the seminal contribution here is clearly Michel Foucault, *Surveiller et Punir: Naissance de la Prison* (Paris: Gallimard, 1975). The production of truth through the operations of power, with the human subject as an important locus of both becoming manifest, is traceable by genealogy in Foucault’s earlier works (maintaining the connection with Nietzsche) and by archaeology in his later.

¹³⁰ David Hume, *A Treatise of Human Nature*, book one ([1739], passage occurs in p. 77 in the London: Collins/Fontana edition of 1962). As Isaac notes, Hume thus makes explicit components of his conception which become implicit in more contemporary formulations. (Jeffrey C. Isaac, ‘Conceptions of Power,’ pp. 58ff in Mary Hawkesworth and Maurice Kogan, eds., *Routledge Encyclopaedia of Government and Politics* (London: Routledge, Chapman and Hall, Ltd., 1992). The causal tradition antedates Hume among epistemologists of the Scottish Enlightenment: it is clearly the understanding of Hobbes in *Leviathan*, X;

phenomenological emphasis upon intentionality; this yields his voluntarist definition as ‘the probability that one actor in a social relationship will...carry out his own will’, in preference to, and against resistance from, those of others.¹³¹ Similar conceptions occur in Laswell and Kaplan (1950), March (1953), and Simon (1953), all stressing the nature of influence as a species of empirical causation, wherein one agent prevails over another in a conflict of some sort or other; even critics such as Nagel acknowledge its prevalence and continue to labour within its boundaries.¹³²

This essay adopts for its purposes the Humean definition of influence, though conventional, as the most suitable for present purposes. As such, influence is here treated as explicitly causal: A influences B, where A causes B to do something B would not otherwise have done. Thus the influence of Congress is its capacity to cause the executive (as ultimate implementer of foreign policy, however arrived upon) to take actions at the level of policy which it would not otherwise take.¹³³ The definition thus conveniently encompasses two concepts which may be operationalised: ‘cause’ indicates a process of causation which careful research may trace, and ‘otherwise’ indicates a divergence in prior preferences regarding an area of policy.¹³⁴

This understanding of influence is chosen in preference to the alternatives for the reason that, in the context of a positivist research programme seeking to enunciate and test competing causal statements, a definition which explicitly incorporates causality is most appropriate as most congruent with the premises underlying the analysis. While both the definition and those analytical premises may possess shortcomings, they both share the redeeming feature, together with their promise of scientific clarity, of at minimum never

although the often-used quotation ‘Power and Cause are the same thing’ is unfortunately too good to be true, and occurs nowhere in the *Leviathan*. (Author text search on electronic text at <http://darkwing.uoregon.edu/~rbear/hobbes> and at <http://oregonstate.edu/instruct/phl302/texts/hobbes>. Quoted as academic urban legend by a series of scholars who should know better, to include Terence Ball, ‘The Changing Face of Power’, in Ball, ed., *Transforming Political Discourse*, Oxford: Basil Blackwell (1988), 80-105, see p. 83, Stewart R. Clegg, *Frameworks of Power*, London: Sage (1989), p. 26, and the previously cited Isaac (1992)).

¹³¹ Max Weber, *Economy and Society* ([1914] see p. 53 in Berkeley edition, 1968).

¹³² Harold D. Laswell and Abraham Kaplan, *Power and Society: A Framework for Political Inquiry* (Yale, 1950), James G. March, ‘An Introduction to the Theory and Measurement of Influence,’ *American Political Science Review* 49 (1953): 431-51, Herbert A. Simon, ‘Notes on the Observation and Measurement of Power’, *Journal of Politics* 15 (1953): 500-16. Jack H. Nagel, *The Descriptive Analysis of Power*, (Yale, 1975), p. 11 (‘the causal version of power has achieved widespread acceptance’).

¹³³ c.f., for instance, Dahl’s 1968 definition ‘a capacity to get others to do what they would not otherwise do - to set things in motion and “change the order of events.”’ He later also describes them in terms of causal relationships: ‘subsets of relations among social units such that the behavior of one or more units (the response units, R) depend in some circumstances on the behavior of other units (the controlling units, C). Robert A. Dahl, ‘The Concept of Power’, *Behavioural Science* 2 (1957): 201-15. ‘Cause and Effect in the Study of Politics,’ in Daniel Lerner, ed., *Cause and Effect* (New York: The Free Press, 1965. ‘Power’, in David L. Sills, ed., *International Encyclopaedia of the Social Sciences*, (London: Cromwell Collier & Macmillan, 1968), vol. 12, pp. 405-15. It is perhaps worth noting this is the same scholar who contributed the *Congress and Foreign Policy* (New York: W.M. Norton, 1950) referenced at the beginning of this essay, along with seminal work in many other fields of study.

¹³⁴ which in an ideal situation would be expressed by the actors before or after the process of influence, and otherwise may perhaps be inferred from a body of evidence

having been systematically applied to this topic.¹³⁵

Three examples drawn from history may serve to illustrate this understanding of influence, along with the subsidiary elements of causal process, divergent prior preferences, and methodological counterfactuality. The first is drawn from the summer of 1949, when the China Aid Act of 1948 was scheduled to expire. The Act, providing American military assistance to China's Nationalists, enjoyed widespread bipartisan support in Congress, where the China bloc was quite strong—the latter an informal caucus of former missionaries and other legislators with sentimental attachments to China, and led by Senator William Knowland (a Republican from California, who briefly served as majority leader). There are indications Secretary Acheson was prepared to recognise the Maoist government; he at any rate publicly held that further government aid to Jiang Jièshí's Nationalists would be ineffectual.¹³⁶ In March 1949, Acheson informed the members of the Senate Foreign Relations Committee that the administration would not be requesting additional funds for China in fiscal year 1950. The administration, however, required congressional support for the linchpins of its postwar grand strategy—the Europe Recovery Program, the North Atlantic Treaty, and the Military Assistance Program.

In August, the House took the administration's proposed \$1.5 billion European aid programme hostage by voting to cut the proposed appropriation in half. Also that summer, twenty senators led by Arthur Vandenberg (a Republican internationalist who chaired the Committee on Foreign Relations) wrote to President Truman to press him for a public clarification that recognition of Mao's People's Liberation Army as the

¹³⁵ i.e., both are empiricist in their view of causality and scientific explanation. A further objection, that of Isaac (1987), faults the classical model of influence for failing to distinguish between its possession and its successful exercise, conceiving of it uniquely in terms of contingent successes of agents in securing their purposes. We might note that this objection is particularly easy to demonstrate as nonproblematic in this research, given the character of the dependent variable, as developed below. The extent of Congress's constitutional grants of influence over foreign policy is a subject for juridical, rather than political science, research (q.v. David Gray Adler's excellent treatment 'Court, Constitution, and Foreign Affairs,' in his and Larry N. George's *The Constitution and the Conduct of Foreign Policy* (Univ. of Kansas, 2000) and Dahl's observation 'Constitutional prerogative is not the equivalent of power' (1950, p.5)); our concern is with empirical use of that theoretically vast power. Thus a definition which privileges the latter over the former is precisely suited to this project.

More provocative for the current analysis are the prospect of non-decisions raised by Peter Bachrach and Morton S. Baratz in *Power and Poverty: Theory and Practice* (Oxford, 1970), p. 44: 'to the extent that a person or group—consciously or unconsciously—creates or reinforces barriers to the public airing of political conflicts, that person or group has power'. Though these may be taken to fall within the classical paradigm as a valid extension of decisions as 'actions related to and including the choice of one alternative rather than another' (their formulation, p.8), the analytical possibility of power being exercised by either the Congress or President through rendering of certain possibilities potentially desirable to the other as subrationally unthinkable is worthy of further exploration. Given the diverse constituencies and ideological backgrounds of members, together with the weakness of parties in the American legislature, it seems rather unlikely that there would be no legislator who would attempt to curry favour with some constituency or donor organisation by expressing a 'subrationally unthinkable' option; still, the possibility is worth bearing in mind.

¹³⁶ Thomas J. Christensen, *Useful Adversaries: Grand Strategy, Domestic Mobilization, and Sino-American Conflict, 1947-1958* (Princeton, New Jersey: Princeton University Press, 1996), page 97.

government of China was not forthcoming. Bending to the preferences of Congress and prioritising its Europe policy over its Asia policy, the State Department released a statement making it ‘unequivocally clear’ that the United States would not recognise the Communist movement without prior consultation, and in October went so far as to say that the President had no intention even to consider diplomatic recognition of the movement headed by Mao.¹³⁷

In this example, a marked divergence of prior preferences about China policy is provided in the historical record by strongly divergent public (and, in the case of Acheson, private) statements about the desirability of continued U.S. government aid to the Guómíndang and whether U.S. recognition ought to be withdrawn from Jiang Jièshí’s government and extended to Mao’s; causal process is provided by the China bloc’s act of taking funding for the Marshall Plan hostage, thereby inducing the administration to act in a way it would not otherwise have done; and the relevant counterfactual lies in what U.S. policy would likely have been without the intervention of the Nationalists’ advocates in Congress (in the judgement of Rourke, ‘The gulf [separating Washington from Mao] might not have been so wide; the road to reconciliation might have been shorter.’¹³⁸)

The second and third examples derive from subsequent points in the course of post-war involvement of Congress in Sino-American relations. The first is quite brief; taking office, both President Kennedy and Ambassador to the United Nations Adlai Stevenson believed the state of U.S.-China relations to be ‘irrational’, but the senator-turned-president was restrained from proposing overtures toward Beijing by congressional sentiment. Kennedy remarked to Stevenson: ‘if Red China comes into the U.N. during our first year in town...they’ll run us both out.’¹³⁹ Finally, there is the Taiwan Relations

¹³⁷ Christensen and Kraft are the two principal historians on this point. Christensen assigns greater responsibility to Congress in rendering China policy a political expedient conceded to guarantee the approval of the administration’s broader grand strategy. Kraft, whose survey of sources is more narrow, believes the China bloc forced several concessions on economic assistance but did not succeed in rewriting policy wholesale. Christensen, *Useful Adversaries*, and Victoria Marie Kraft, *The U.S. Constitution and Foreign Policy: Terminating the Taiwan Treaty* (New York: Greenwood Press, 1991). Several doctoral dissertations have been written on the point: Fenton Babcock, *Issues of China Policy before Congress, September 1945 to September 1949* (Ph.D. thesis, Yale University, 1956), James Alan Fetzer, *Congress and China, 1941-1950* (Ph.D. thesis, Michigan State University, 1969), Ena Chao, *The China Bloc: Congress and the Making of Foreign Policy, 1947-1952* (Ph.D. thesis, University of North Carolina at Chapel Hill, 1990), Xiaochuan Xie, *Congressional Voting and Foreign Policy: Domestic Factors in Sino-U.S. Relations, 1949-1990* (Ph.D. thesis, University of Oregon, 1993). Finkelstein points also to Secretary of Defence Louis Johnson, who remained an advocate of the Nationalists from within the administration, and in particular when NSC-48 was being drafted in December 1949. David M. Finkelstein, *Washington’s Taiwan Dilemma, 1949-1950: From Abandonment to Salvation* (George Mason University Press, 1993). Knowland was known as the ‘Senator from Formosa’.

¹³⁸ John T. Rourke, *Congress and the Presidency in US Foreign Policymaking* (Boulder, Colorado: Westview Press, 1983), p. 131.

¹³⁹ Kraft, page 27. Far from disappearing in the course of the Nixon-Kissinger rapprochement, congressional influence remained by: (1) indeed permitting the détente, by the centre of congressional gravity having shifted from the earlier China bloc, with its base amongst conservative Republicans, and toward the more moderate Democratic position of Senate Foreign Relations chair J. William Fulbright; (2) by dictating its pace and secrecy, through residual opposition to normalisation; and (3) by ultimately

Act, enacted 10 April 1979. Proposed by the Carter administration in January of that year to create the American Institute on Taiwan and provide a legislative basis for unofficial U.S.-Taiwan relations after the withdrawal of recognition from the Taipei government, Carter handled Congress with amazing ineptness. Submitting the legislation, Carter warned to veto any legislation which ‘would contradict or that would violate the agreements’ with China. Congressional sentiment had moved sufficiently since the zenith of the China lobby’s influence to permit normalisation of ties with Beijing, but it was unwilling to contemplate a reduced American commitment to the defence of Taiwan (a nation owing its independent existence largely to the U.S. Congress). Offended both by the administration’s maladroitness and by its threat to permit unofficial relations to cease if its preferences were not instantiated in law, congressional drafters then proceeded to entirely rewrite the Act so that rather than merely establishing a nongovernmental organ for conducting unofficial relations with Taiwan, it codified comprehensive American commitments to Taiwanese security, including supplying Taiwan with arms necessary to protect itself, and required the President by law to jointly determine with Congress both arms sales to Taiwan and American responses to be taken in the event of threats to Taiwan’s security.¹⁴⁰ In these two instances, congressional influence takes the causal process of anticipated responses (Kennedy) and formal legislation (Taiwan Relations Act); preferences diverged between the branches regarding recognition of the Beijing government (Kennedy) and the extent of American commitment to Taiwan (TRA); and counterfactual executive branch policy absent congressional influence takes the form of a Kennedy rapprochement to Beijing in 1961 and the absence of legal strictures on the president imposing a robust defence commitment to Taiwan in 1979.

Influence thus dealt with, we may move finally to the final term in the dependent variable. ‘Foreign policy’ shall also be understood conventionally,¹⁴¹ with the proviso

forestalling official restoration of ties during the Nixon administration, due to the feared repercussions in Congress.

¹⁴⁰ The defence commitment is established by the act’s section three, which reads ‘(a) In furtherance of the policy set forth in section 2 of this Act, the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability. (b) The President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan, in accordance with procedures established by law. Such determination of Taiwan’s defense needs shall include review by United States military authorities in connection with recommendations to the President and the Congress. (c) The President is directed to inform the Congress promptly of any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom. The President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger.’

¹⁴¹ Which is to say, as the domain of governmental activity reaching beyond the boundaries of the state. Along these lines we could note Wallace’s definition, the area of politics bridging ‘the all-important boundary between the nation-state and its international environment’, or Frankel’s of decisions and actions involving ‘to some appreciable extent’ relations between one state and another. Frankel’s implies intentionality and consistency. William Wallace, *Foreign Policy and the Political Process* (London: Macmillan, 1971), page 7; Joseph Frankel, *The Making of Foreign Policy* (London: Oxford University Press, 1963), page 1.

Put slightly differently, an old Whitehall expression maintains ‘once is a cock-up, twice is a coincidence, three times and it’s a policy’.

noted that policy shall be delineated from diplomacy. Not every démarche, note, or intervention at a conference constitutes an instance of foreign policy, and in the majority of cases these comprise rather its implementation. As a constituent element in the dependent variable, change in foreign policy will be used to denote fairly marked shifts in national aims and methods aimed at furthering them, or conversely and perhaps somewhat more frequently, to denote attempts to formulate new solutions to those problems in response to a changed international situation. The episodic framework of analysis used in both case studies reflects this definition, with episodes corresponding to novel junctures in the relationship antiquating prior assumptions.

As a final note, we may observe that the dependent variable, variance in congressional influence in foreign policy, is essentially an expression of political will and variations in the latter. Congress's constitutional powers, should the branch choose to exercise them, are quite supreme – the branch can, both by law and by use of the appropriations power, dictate U.S. policy in external conflicts and peacetime relations quite precisely if it so chooses, as it did in the mid-1970s with regard to the dénouement of American involvement in South Vietnam and with respect to U.S. clandestine involvement in Laos and Angola. Congressional majorities are limited only by their members' desire to influence policy, their concern for their own electoral futures, or their unwillingness to embarrass the president.

The constituent terms of the dependent variable thus rendered more precisely, we may now move on to operationalising the four models.

6. Predictions and operationalisation of predictions

Operationalisation is the process of converting concepts into specific observable behaviours which may be measured through research.¹⁴² In Baconian method, it is a

¹⁴² The term traces to the 1927 work of Percy Bridgman, a noted high-pressure physicist who would go on to receive the Nobel prize in 1946, and who in the earlier year published *The Logic of Modern Physics*. In it, he proposed operational analysis as a safeguard against the sorts of errors which, in his estimation, had led to the collapse of Newtonian physics. Operationism has often erroneously been taken either to be strongly related to or identical with logical positivism, where in fact they diverged over the social or public nature of science (see, e.g., Langfeld, 1945).

With behaviourism it subsequently came to figure prominently in research manuals. See, for instance, Bachrach (1965) who wrote: 'fundamental to all scientific method is the operational definition' (p. 74). Its behaviorist ontological overtones, though, had eroded. Thus Bridgman by 1954, in a symposium in *Scientific Monthly*: 'I feel as if I have created a Frankenstein, which has certainly gotten away from me. I abhor the word *operationalism* or *operationism* which seems to imply a dogma, or at least a thesis of some kind. The thing I have envisaged is too simple to be dignified by so pretentious a name' (1954/1961, p. 76).

Cited here are Percy W. Bridgman, *The Logic of Modern Physics* (New York: Macmillan, 1927). Herbert S. Langfeld, 'Introduction to symposium on operationism,' *Psychological Review*, 52 (1945), pp. 241-248. Arthur J. Bachrach, *Psychological Research* (New York: Random House, 1965). See also Bridgman's 'Operational analysis,' *Philosophy of Science* 5 (1938), 11. Percy W. Bridgman, 'The Present State of Operationism,' in Philip Frank (ed.), *The Validation of Scientific Theories* (pp. 75-80) (New York: Collier, 1961; original work published in *Scientific Monthly*, 1954). For a contemporary discussion, see George C. Rosenwald, 'Why Operationism Won't Go Away: Extra-Scientific Incentives of Social-Psychological Research,' *Philosophy of the Social Sciences*, 16 (1986), 303-330.

search for observable implications of the theories reviewed, for the topic under consideration.

Values are assigned on indicators of the four independent variable and on the dependent variable for each episode in the case study portion; in the China case, there are seven episodes, and therefore seven sets of readings on the indicators of the five variables in question.

Operationalisations

Each of the four models may be operationalised as follows,

The first model has a unique indicator, which branch moves first in a given episode to modify the *status quo* or present a new policy to replace one which has been superseded:

Model 1: Indicators of independent variable in first-mover model:

Assignment of first mover status: to Congress (assign a value of 1) or president (2)

In the second model, indicators will be assigned to reflect the area and tempo of the issue at hand at each juncture in the case study:

Model 2: Indicators of independent variable in issue area model:

Assignment of substantive issue area: as budget and appropriations (1), immigration (2), international economics and trade (3), human rights (4), political other than human rights (5), or military (6).

Assignment of policy tempo: as strategic (1), structural (2), and tactical or crisis (3)

In the third model, the five indicators of public approval are to be assessed through polling data, as described in the second chapter. The sixth and seventh indicators will reflect the frequency of party-line voting within the majority caucus, and the eighth indicator is coded to indicate whether the president and both chambers of Congress come from the same party, a president faces two chambers of the opposing party, or there is mixed control of the two legislative chambers.

Model 3: Indicators of independent variable in political resources model:

1. Public approval of president

2. Public approval of Congress

3. Public approval of president – specific to foreign policy

4. Presidential approval minus disapproval

5. Presidential foreign policy approval minus disapproval

6. Ideological heterogeneity of House majority

7. Ideological heterogeneity of Senate majority

8. Divided government

Note that in the fourth model, variance in the level of threat facing the United States

within the international system is operationalised by increments in the defence budget. This follows the lead of Morgan and Palmer (1997).¹⁴³ The remaining indicators are self-explanatory.

| Model 4: Indicators of independent variable in political risk model: | |
|---|---|
| 1. | Proximity of nearest election |
| 2. | House margin |
| 3. | Senate margin |
| 4. | Joint congressional margin |
| 5. | Divided government index |
| 6. | Increase in defence budget |
| 7. | Increase in defence budget as percentage of GNP |

In turn, the dependent variable is to be measured on a five-point Likert scale.¹⁴⁴ Values are assigned to congressional influence for each episode in the case study component according to the following grid. Assignment of values on the dependent variable is through case method, by making note of the prior preferences of president and congressional leadership through public speeches and archival records, and then comparing the resulting policy to the stated prior preferences of each branch.

| Operationalisation of the dependent variable: | |
|--|--|
| 1 | Presidential unadulterated prior preferences become U.S. policy |
| 2 | Final U.S. policy lies closer to presidential than congressional prior preferences |
| 3 | U.S. policy is equidistant to the initial preferences of president and Congress |
| 4 | U.S. policy is closer to Congress's than the president's prior preferences |
| 5 | Congressional prior preferences become U.S. policy |

Predictions

Predictions reflect a methodology in assessing causation of Concomitant Variation, Mill's fifth canon.¹⁴⁵ Thus greater quantities of the independent variable are predicted to

¹⁴³ Morgan T. Clifton and Glenn Palmer, 'A Two-Good Theory of Dramatic Shifts in Foreign Policy: The United States, Brest-Litovsk, and New Zealand,' paper presented at the Annual Meeting of the International Studies Association, Toronto, 1997.

¹⁴⁴ Developed for attitudinal assessment surveys by Renis Likert in 1932, and first proposed in his 'A Technique for the Measurement of Attitudes,' *Archives of Psychology*, No.140, 1932, p.55.

¹⁴⁵ One of Mill's Methods, and the last of the five. In it, if an antecedent circumstance is observed to change proportionally with the occurrence of a phenomenon, it may be inferred to be the cause of that phenomenon. That it would adequately demonstrate causation for there to be evidence of a direct correlation between the degree to which the putative cause occurred and the degree to which the putative effect occurred, reflects a view of nature under which effects are typically proportional to their causes. It is in effect a sophisticated version of the Joint Method (i.e., of Agreement and Differences), in which the methodology takes account not only of the occurrence or non-occurrence of the causal terms, but also the

bring about greater quantities of the dependent variable, and vice versa. (In some instances, due to artefacts of coding, this is reflected in a negative correlation.) In each instance the correlations hypothesised follow in a straightforward fashion from the models, and prediction takes the form of correlation with the dependent variable as measured on a five-point Likert scale. The direction of the correlation is indicated in each instance:

Model 1: Predictions of first-mover model for indicator:

Assignment of first mover status: *Negative correlation with IV*

Model 2: Predictors of issue area model for indicators:

Assignment of substantive issue area: *Negative correlation with IV*

Assignment of policy tempo: *Negative correlation with IV*

Model 3: Predictions of political resources model for indicators:

Public approval of president: *Negative correlation with IV*

Public approval of Congress: *Positive correlation with IV*

Public approval of president, specific to foreign policy: *Negative correlation with IV*

Presidential (approval less disapproval): *Negative correlation with IV*

Presidential foreign policy (approval less disapproval): *Negative correlation with IV*

Ideological homogeneity of House majority: *Positive correlation with IV*

Ideological homogeneity of Senate majority: *Positive correlation with IV*

Divided government: *Positive correlation with IV*¹⁴⁶

Model 4: Predictions of political risk model for indicators:

Proximity of nearest election: *Negative correlation with IV*

House margin: *Positive correlation with IV*

Senate margin: *Positive correlation with IV*

Joint congressional margin: *Positive correlation with IV*

Increase in defence budget: *Negative correlation with IV*

Increase in defence budget as percentage of GNP: *Negative correlation with IV*

These indicators may be assessed separately for their strength relative to other indicators drawn from the same model as well as indicators of separate hypotheses, but the principal comparison between the four models will take place on the basis of how well indicators

extent to which each of them took place. Thus Mill: ‘Whatever phenomenon varies in any manner, whenever another phenomenon varies in some particular manner, is either a cause or an effect of that phenomenon, or is connected with it through some fact of causation.’ Book III, Chapter VIII of *A System of Logic* (1843); definitive UK edition is Routledge *Collected Works*, vols. 7 and 8 (1996), J. M. Robson, ed.

C.f. also Émile Durkheim, *The Rules of Sociological Method* (1895: pp. 152-153) for whom concomitant variations was preferable to the Method of Agreement and Differences, on the grounds of it being a more parsimonious methodology. Concomitant variation alone, so long as variations were serial and systematic rather than isolated or sporadic, would unaccompanied always be sufficient to ground a sociological law.

¹⁴⁶ i.e., though tangential to the model, the assumption here is that in a situation of divided government, Congress will be more likely to be assertive and deploy its other political endowments.

within a given model taken jointly perform in explaining variation in the dependent variable.

7. Defence of case selection

Prevalent social scientific criteria governing the selection of cases suggest the following guidelines: (1) that they include variation on the dependent variable,¹⁴⁷ (2) that selection is not on the dependent variable,¹⁴⁸ (3) that regard is given to ‘critical’ or ‘limiting’ cases,¹⁴⁹ and (4) that sufficient degrees of freedom are generated to permit the number of observations to exceed the number of variables under investigation.¹⁵⁰ In addition to these, Van Evera suggests additional criteria of extreme values, data availability, and intrinsic importance (though each criterion possesses limitations), as well as outlier cases, cases with large within-case variance, ones about which competing theories make opposite and unique predictions, cases which are well-matched for controlled comparisons, and ones whose results can be replicated.¹⁵¹ It is unlikely that any given research design will simultaneously satisfy each of these criteria, but a design will become increasingly sound with the satisfaction of more of them.

Selection in this dissertation of the instances of U.S. policy toward Russia and China from the years 1989 to 2000 as cases may be defended on the following grounds. In each, every independent variable displays variance (as the treatment below of independent variables demonstrates), as does the dependent variable (as is evident in the results section). Selection is not made on the dependent variable of congressional influence, but rather on a time period and set of episodes which are of intrinsic interest,

¹⁴⁷ Without variation on the dependent variable, the possibility of generating causal inferences is precluded. See, for instance, Theda Skocpol, *States and Revolutions* (Cambridge, 1979).

¹⁴⁸ An artificially restricted range on the dependent variable misestimates the effect of independent variables. (See, e.g., Achen and Snidal on rational deterrence theory, Christopher Achen and Duncan Snidal, ‘Rational Deterrence Theory and Comparative Case Studies,’ *World Politics* 41 (January 1989): 143-69.)

¹⁴⁹ Namely, cases which on theoretical grounds offer particularly propitious settings for testing hypothesised causal relationships. Such a case could test whether even under the most favourable circumstances the events or processes in question failed to occur (thereby refuting the hypothesised relationship), or alternatively, selecting a particularly unlikely setting and proving that even there the relationship is observed (thereby confirming the hypothesis). See, for example, Robert K. Yin, *Case Study Research: Design and Methods*, 2nd ed. (Newbury Park, Sage Publications, 1994).

¹⁵⁰ Research design is said to be indeterminate when the number of observations is less than the number of variables under investigation. See Donald Campbell, ‘Degrees of Freedom and the Case Study,’ *Comparative Political Studies*, Volume 8, Number 2, 1975, pp. 178-193. This is due to the statistical logic of the currently dominant Neyman-Rubin-Holland theory of causal inference. In such a design, insufficient observations are available to test counterfactual hypotheses and consequently causal effects cannot be estimated. For a comprehensive review of these issues, see David Dahua Yang, ‘Empirical Social Inquiry and Models of Causal Inference’, paper presented at Northeastern Political Science Association Conference, Political Methodology Section, Philadelphia (U.S.), November 2003.

¹⁵¹ Stephen Van Evera, *Guide to Methodology for Students of Political Science* (Cambridge, Mass.: Defense and Arms Control Studies program, M.I.T., 1996), pp. 42-49.

though for reasons separable from the hypotheses under scrutiny.¹⁵²

We could also note that, given the significance from the standpoint of American policy of the U.S. relationships with Russia and China, both cases may be considered as ‘critical’ or ‘limiting’ with regard to the ‘null’ hypothesis that in ‘high’ as opposed to ‘low’ politics, domestic politics has only a marginal effect.¹⁵³ That they also possess intrinsic importance is due to three reasons, that both China and, arguably, Russia continue to be great powers; that the time period selected permits the case studies chosen to cast light on role of domestic politics on American foreign policy since the end of the Cold War; and that due to the disproportionate state strength of the remaining members of the Cold War triangle, and above all of the United States at present, the ramifications of domestic politics in the structure of international system which all nations inhabit are likely to be greatest in these two cases.

From the perspective of degrees of freedom, a total of fifteen episodes, and therefore observations, from the two cases to test four hypotheses falls well within the acceptable range. Considered jointly, the two cases are well-matched from a standpoint of control, as they occur over the same time period, with the same variance taking place over time on the independent variables and external influences thus held constant in comparison between the two.¹⁵⁴ Data are readily available,¹⁵⁵ a consequence of members of Congress doing most things, which is not to say everything, in public; and those things they do in public possess real significance. There is no reason to believe *ex ante* that either case represents an outlier with respect to the hypotheses, except in the sense that as significant relationships within the domain of ‘high politics’, they represent particular challenges to hypotheses of congressional influence. Given the number of observations and variance in

¹⁵² Random selection is not practicable for small-*n* studies. By following two relationships over a period, rather than selecting particular cases of greater or lesser influence, selection on the dependent variable is avoided.

¹⁵³ With military and alliance issues taken as exemplary of ‘high’ politics, and trade issues grounding the ‘low’ dimension. For the case for a strong theoretical separation between the two sets of issues, see Stephen M. Walt, ‘The Renaissance of Security Studies,’ *Mershon International Studies Review*, vol. 41, no. 2 (Summer 1991), pp. 211-39. For the converse argument that concept of security must be broadened to include broader sources of threat, including economic and environmental ones, see Thomas F. Homer Dixon, ‘Environmental Scarcities and Violent Conflict: Evidence from Cases,’ *International Security*, vol. 19, no. 1 (Spring 1994), pp. 5-40; Mohammed Ayoob, ‘Defining Security: A Subaltern Realist Perspective,’ pp. 121-146 in Keith Krause and Michael C. Williams, eds., *Critical Security Studies* (Minneapolis: University of Minnesota Press, 1997); and Michael T. Klare and Daniel C. Thomas, eds., *World Security: Challenges for a New Century* (New York: St. Martin's Press, 1994). For an assessment of the comparative merits of the two approaches, see Sarah Tarry, “‘Deepening’ and ‘Widening’: An Analysis of Security Definitions in the 1990s,” *Journal of Military and Strategic Studies*, vol. 1, no. 1 (Autumn 1999).

¹⁵⁴ This corresponds to the ‘Most Similar’ research design (searching for differences in similar cases) in Andrew M. Faure’s ‘Some Methodological Problems in Comparative Politics’, as well as Mill’s Method of Concomitant Variation. Faure, *Journal of Theoretical Politics*, Vol. 6, No. 3, 1994, pages 307-22, especially 310-18. John Stuart Mill, *A System of Logic* (New York, Harper & Row, 1888), pp. 278-83. On this and other issues, Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* is illuminating (Belfer Centre for Science and International Affairs, Studies in International Security, MIT Press: in manuscript, forthcoming 2005).

¹⁵⁵ i.e., from congressional statements on the floor and questions in committee, all as a matter of public record, as well as media archives and interviews with participants.

the independent and dependent variables, there is every reason to believe (as is indeed the case) that there exist episodes within the two cases for which competing hypotheses pose competing predictions. Considerations of validity will be taken up below, in the following section.

8. Other methodological considerations: internal and external validity, relationship between domestic, foreign policy analysis, and international relations literatures

Validity is, in its internal variant, the degree of confidence with which we may infer a relationship between two variables is causal; in its external, the degree to which we may generalise the presumed causal relationship to alternate settings and times.¹⁵⁶ It is alternatively, for King, Keohane, and Verba, 'measuring what we think we are measuring'.¹⁵⁷

Steps taken to raise the likelihood of an hypothesised causal relationship being, in fact, causal may involve either increasing the rigour with which the research design is constructed (e.g., its methodology, care taken in assigning measurements, and decisions concerning what is and is not measured), or making additional account for alternative explanations for the hypothesised causal relationships under study.

In the first instance, this research has attempted to achieve rigour in its design by (1) quantification of influence and the predictors posited to cause variation it, (2) the selection of readily observable corollaries of each, and (3) the use of statistical analysis to weigh the comparative success of the four predictors. In the second, this research has selected four alternative causal models to test against one another. These four are not jointly exhaustive, but represent perhaps the most likely explanations for variance in congressional influence in foreign policy, and those most referenced in the prior literature. More alternative causal models than these could not reliably be tested in the present research due to considerations of degrees of freedom. However, inclusion of four competing causal models provides considerable assurance against the second point of internal validity. Any future research attempts to better their predictive and explanatory strength may in turn treat these as benchmarks to be improved upon.

In assessing external validity, builders of research designs must judge the representativeness of the cases they have selected, compared with the universe of cases their hypotheses seek to explain. The two cases of the United States's Russia and China policy are sufficiently different that different coalitions and interest groups within the United States are implicated in each. China, for instance, possesses strong ethnic lobbies

¹⁵⁶ See, e.g., Cook and Campbell (1979), page 37. Campbell has, unsuccessfully, attempted to revise his earlier terms to 'local molar causal' and 'proximal' validity, to reflect his personal evolution toward a critical realist epistemology. Donald T. Campbell and Julian C. Stanley, *Experimental and Quasi-Experimental Designs for Research* (Skokie, IL: Rand McNally, 1966). Thomas Cook and Donald T. Campbell, *Quasi-experimentation: Design and Analysis Issues for Field Settings* (Boston: Houghton Mifflin, 1979). Donald T. Campbell, 'Relabelling Internal and External Validity for Applied Social Scientists', in William M. K. Trochim (ed.), *Advances in Quasi-Experimental Design and Analysis*, New Directions for Program Evaluation, no 31 (San Francisco: Jossey-Bass, 1986).

¹⁵⁷ *Designing Social Inquiry*, page 25.

which Russia does not. It also represents an export market, trade competitor, and rising great power, each in contradistinction to Russia. Temporally, the period under study provides periods of Republican (1989-1992) and Democratic (1993-2000) presidential control, as well as periods of Democratic (1989-1994) and Republican (1995-2000) control of Congress.¹⁵⁸ Were generalisation to be made to a universe constituted by significant great power relationships for the United States, in a variety of regions, with a variety of degrees of domestic interest group involvement and a variety of patterns of political control, then these two cases can indeed be said to be representative.

By way of stating limitations of this research design, selection has however been made in this research in favour of significant events within significant relationships. Results gained here must be read accordingly, and indeed they may not be fully generalisable beyond great-power relations to bilateral relationships of less widespread public interest proceeding largely outside the eye of all but a small segment of both policymakers and the attentive public—cotton subsidies to Mali, say.¹⁵⁹ Whether patterns in policy gained from analysing great powers policy may or may not be fully applicable to the manner in which the United States fashions its policy toward Mali and countries like it, rather unfortunately, only further research can tell. However, given the preponderant salience for both political scientists and other observers of great-power relations and foreign policy issues which receive the widespread attention of policymakers and the public, the limits this poses on inference are generally acceptable.

Relationship of this research with academic literature

Though principally a work of foreign policy analysis,¹⁶⁰ as the dependent variable it

¹⁵⁸ Furthermore, it provides instances of unified (1993-94) and split (1989-1992 and 1995-2000) party control.

¹⁵⁹ Cotton is, incidentally, the principal product of the Malian economy, supporting 80 percent of its labour force, with agricultural activity largely confined to the riverine area irrigated by the Niger. Mali's economy is highly vulnerable in fluctuations in world cotton prices, though an IMF-recommended structural adjustment programme is attempting to diversify the economy. 70 percent of the nation's rural population exists below the poverty line. See *CIA World Factbook* (as updated electronically on 14 September, 2004), as well as Joan Baxter, 'Cotton Subsidies Squeeze Mali', BBC World Service, Monday 19 May, 2003.

¹⁶⁰ That is, while several of its four independent variables are solidly within the scope of domestic politics (considerations of interbranch strength and first mover advantages, along with considerations of electoral risk), the dependent variable resides in the field of international relations (foreign policy actions of a great power). As a work dedicated principally to domestic-level explanations of foreign policy actions, this project falls into the genre of foreign policy analysis. Contrasting with both the systemic explanations of Waltz and Walt and the comparativist analyses of the democratic peace literature developed by Doyle and Russett, foreign policy analysis makes recourse in explanation to structures, sociological norms, and psychological factors within a single state. The field is exemplified by the familiar work of Khong; Neack, Hey, and Haney; Smith; Jervis; and their colleagues. Yuen Foong Khong, *Analogies at War: Korea, Munich, Dien Bien Phu, and the Vietnam Decisions of 1965* (Princeton: Princeton University Press, 1992). Laura Neack, Jeanne A. K. Hey, and Patrick J. Haney, eds., *Foreign Policy Analysis: Continuity and Change in Its Second Generation* (Englewood Cliffs, NJ: Prentice-Hall, 1995). Steve M. Smith, 'Foreign Policy Analysis: British and American Orientations and Methodologies,' *Political Studies* 31 (1983), pp. 556-565. Kenneth Waltz, *Theory of International Politics* (Reading, Mass.: Addison-Wesley, 1979). Stephen Walt, 'Alliance Formation and the Balance of World Power', *International Security* 9.4 (1985), and *Origin of Alliances* (Ithaca: Cornell Press, 1987). Michael W. Doyle, 'Liberalism and World Politics',

seeks to explain is an increment in US foreign policy (though one attributable to Congress), this research exists at the conjunction of two disciplines, international relations and political science. It engages both; to do otherwise would be to reflect something other than the state of the art bearing upon the question at the moment. However, clear specification is necessary of how the two ordinarily separate domains of theory relate to one another in this project, to avoid risking confusion between disparate literatures engaged in different elements of this research.

This project engages primarily the American foreign policy literature, as represented by the congressional foreign policy subfield characterised by Lindsay, Peterson, Franck and Weisband, Robinson, Dahl, Henehan, and the remaining works referenced in the literature review. Its engagement with this literature is principally in the form of critiquing and attempting to offer a refinement of a central question this literature has glossed but not studied in a systematic fashion; that refinement takes the form here of both theoretical elaboration and the reporting of results from empirical work. The domestic politics literature relates to this project principally in enhancing its contribution to greater theoretical sophistication, by providing analogues for processes connecting independent variables lying principally in that literature's domain with a dependent variable residing properly within foreign policy scholarship. The domestic literature is therefore primarily treated as a resource from which to draw in making a contribution to the foreign policy literature this research principally engages.

With these methodological notes thus made, chapter two will present the data sets corresponding to operationalisations of the study's independent variables and comment upon points of relevance in the data. Chapter three will present the China case study, and derive values on the independent variable for each of the seven episodes in that case. Chapter four gives a statistical analysis of the performance of the four models in

in *American Political Science Review*, 80 (1986):1151-1169. Bruce M. Russett, 'The Democratic Peace: "And Yet It Moves"', in *International Security* 19(4) (1995): 164-175.

An example of the application of political psychology to decisionmaking is Robert Jervis, *Perception and Misperception in International Politics* (Princeton, NJ: Princeton University Press, 1976). For examples of use of public opinion as a source of explanation, Bradley Lian and John Oneal, 'Presidents, the Use of Military Force, and Public Opinion', *Journal of Conflict Resolution* 37(2) (1993): 277-300. For the role of parties, see H. Bradford Westerfield, *Foreign Policy and Party Politics: Pearl Harbor to Korea* (Yale University Press, 1955). For the role of presidential campaign and governing cycles, and an example of Russett's work which falls in the category of domestic-level explanation, see *Controlling the Sword: The Democratic Governance of National Security* (Harvard University Press, 1990). Attempts at integrating domestic and systemic explanation include Rosenau and the two-level games research programme of Putnam et al. James N. Rosenau, *The Scientific Study of Foreign Policy* (New York: Free Press, 1979), Robert Putnam, 'Diplomacy and Domestic Politics: The Logic of Two Level Games', *International Organization* 42 (Summer 1988): 427-460; Andrew Moravcsik, 'Integrating International and Domestic Theories of International Bargaining,' and Peter Evans, 'Building an Integrative Approach to International and Domestic Politics: Reflections and Projections' in Peter B. Evans, Harold K. Jacobson, and Putnam, eds., *Double-Edged Diplomacy* (Berkeley: University of California Press, 1993).

In the works cited, the predominant analytic focus is on instances involving actual or threatened use of force, and to some extent on highly visible bargaining. In this literature, case selection has in general tended more toward pivotal episodes than long-term bilateral relationships of interest over time.

predicting variance in the independent variable in the China case. Chapter five then assesses and concludes.