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CONGRESSIONAL ACTIVISM IN FOREIGN POLICY: THE CASE
OF ECONOMIC SANCTIONS

A Dissertation in
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by
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Abstract

In many democracies, legislatures have increasingly been asserting their preferences in foreign policy decisions. While much ink has been spilt on how legislatures shape the executives' actions in foreign policy, few scholars asked whether and how foreign policy processes differ when legislatures execute foreign policy themselves. My dissertation argues that the institutional framework legislatures operate in impedes effective pursuit of their foreign policy aims. I employ institutionalist and bargaining approaches to derive my hypotheses on how legislative activism affects foreign policy dynamics. Both approaches converge on the same expectation: legislative execution of foreign policy worsens prospects for a state's success in the international arena. Implications are tested in the context of U.S. economic sanctions. Statistical analyses show that sanction threats issued by Congress are less effective than presidential threats. Furthermore, sanctions imposed by Congress tend to last longer.

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Dedication

To my dear parents, Gönül and Kemal Hatipođlu.

Chapter 1

Introduction

Putting an effective end to Iran’s nuclear weapons program has been a U.S. foreign policy priority that the Obama administration inherited from its predecessor. Prior administrations frequently resorted to the threat and use of economic sanctions for achieving this goal. Although Congress attempted to normalize diplomatic relations with Iran through the authorization of a special envoy right before President Obama took office (“Iran Diplomatic Accountability Act” [H.R. 334], introduced on January 9, 2009), a group of bills that opted for coercive measures against Iran brought the issue to the forefront of the U.S. foreign policy agenda after the inauguration. On February 26, 2009, House representative Ileana Ros-Lehtinen introduced the “Iran Threat Reduction Act” (H.R. 1208), which strengthened the provisions included in the then Iran Libya Sanctions (ILSA) Act. On March 5, 2009, House representative Barney Frank introduced “Iran Sanctions Enabling Act” (H.R. 1327) that would allow States and local governments to preclude investment in corporations with substantial investments in Iran’s energy and petroleum sector. The threat to Iran’s *imports* of refined petroleum products was augmented by Representative Mark Kirk’s “Iran Diplomatic Enhancement Act” (H.R. 1985),

introduced on April 21 2009, and Senator Evan Bayh's "Iran Refined Petroleum Sanctions Act" introduced on April 28, 2009. "Comprehensive Iran Sanctions, Accountability, and Divestment Act" (H.R. 2194), introduced on April 30, 2009 by Representative Howard Berman, subsumed most of the content from the aforementioned sanction bills, and became the main workhorse for Congress to influence the behavior of Iran. ¹

The potential international repercussions of new sanctions on Iran have been a challenge that the Obama administration had to address assiduously. While the administration intended to keep the existing sanctions in place, it parted with the Bush administration by showing an interest in direct talks with Iran. Securing Iran's cooperation in Afghanistan was an important drive for this interest. The international community, whose support the administration actively sought for, was also divided on the prospects of new sanctions. Russia and China, two of the permanent members of the U.N. Security Council (UNSC), were not very supportive of the imposition of a new round of sanctions (LaFranchi 2010; TASS 2010). Likewise, Brazil and Turkey, two rotating members of the UNSC expressed their discontent at such prospects (Champion 2010). Some other allies, e.g. Pakistan, were ambivalent toward sanctions against Iran (Mizra 2010). Enacting sanctions ran the risks of alienating these countries as well as causing U.S. businesses to lose market share to other (mostly Russian and Chinese) companies without the U.S. government gaining the ability to put sufficient pressure on Tehran.

Frustrated with its efforts to secure support from a reluctant international community and the domestic pressures to do "something" against a hostile potential nuclear power in the Middle East, the Obama administration acceded to Congress's

¹H.R. 1327, which mostly focuses on sanctions at the subnational levels (i.e. local and state), passed separately in the House and is awaiting a vote in the Senate.

lead for the new set of sanctions on Iran. Kenneth Katzman, an Iran expert at the Congressional Research Service, noted: “[t]he administration ... ha[s] chosen to modify [sanction legislation] rather than to stop a very heavy train that is moving” (Christian Science Monitor 2010). Meanwhile, the administration secured a multilateral sanctions scheme on June 9, 2010 through UNSC Resolution 1929 that included measures against “41 new named and entities and individuals, including one scientist and enterprises linked to the Islamic Revolutionary Guard and the defense industry, as well as banks and the national shipping line (United Nations 2010)”. This measure, however, was not deemed sufficient by Congress. The two houses resolved their differences in H.R. 2194 and sent it to the White House on June 24, 2010. Despite protests from other countries, as well as certain U.S. businesses, that the unilateral sanction measures went “too far” (Wu 2010), Obama signed the bill into law on July 1, 2010.

1.1 Research Question

The result of the U.S.-Iran standoff over nuclear proliferation remains to be seen. The way in which the U.S. sanctioned Iran with new measures, however, highlights an important phenomenon that sanction scholars have inadequately addressed: Congress assumed the leading role in crafting, threatening and imposing coercive measures against Iran after that country announced its intentions to resume its uranium enrichment program. Congress did so in partial defiance of the Obama administration. That Congress has taken the reigns in the stand-off with Iran in 2010 is not a unique incident. Congress has been increasingly initiating economic sanction episodes on its own. The Threat and Imposition of Economic Sanctions (TIES) dataset indicates that out of the 391 sanction episodes the U.S. initiated

between 1971-2000 for which the outcome is known, Congress initiated 62 (Morgan et al. 2009). Figure 1.1 displays the distribution of sanction episodes initiated Congressional and presidential over time, and indicates a clear positive trend of Congressional issuance of sanction threats over time.² While Congress resorted to sanctions five times in the 1970s and 12 times in the 1980s, the 1990s accounts for 45 sanction episodes initiated by U.S. Congress.

While more than half of these sanctions aimed at changing the targeted country's behavior on human rights issues, environmental policies, and trade practices, Congress also executed security policy by issuing sanctions to express discontent with alignment choice and to curb militaristic adventures of the targeted state. Table 1.1 displays a breakdown of issues over which Congress issued a threat in the course of these 30 years. Among the international issues prompting Congress to resort to sanction threats, trade practices, human rights, and environmental concerns occupy the top three spots.

Despite the role Congress has increasingly played as an initiator of economic sanctions, few conceptualized Congress as a distinct foreign policy *executer*. Realizing the difference between influencing and executing foreign policy can render significant leverage for explaining variations observed in U.S. foreign policy behavior. The execution of foreign policy relates to actions taken directly against a target state. In the context of economic sanctions, such actions include the issuing of sanction threats and the impositions of sanctions. A wealth of scholars aptly noted the role Congress played in foreign policy, occasionally at odds with the president (e.g. Dahl 1964; Lindsay 1994; McCormick & Wittkopf 1990; Silverstein 1997); but in doing so, they have mostly emphasized Congress's role in influencing

²Presidential threats also follow a similar trend over time.

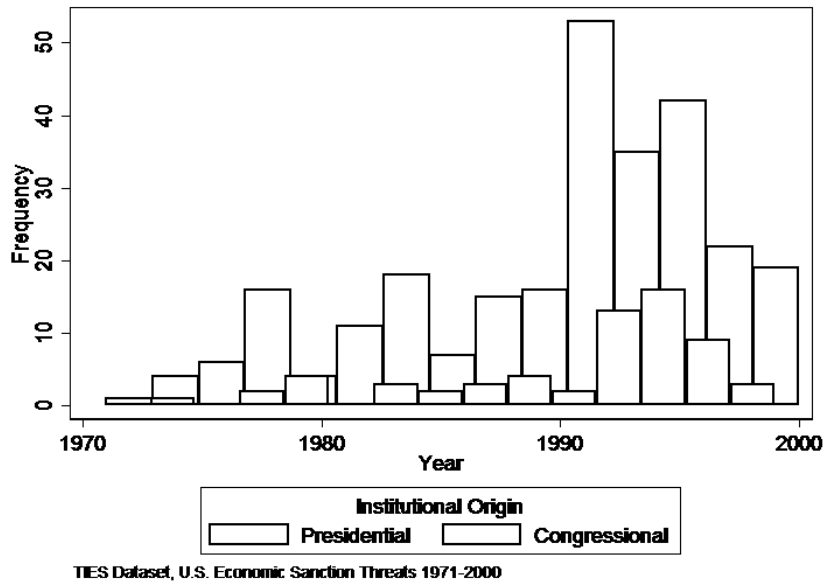


Figure 1.1: Institutional origins of U.S. sanction threats over time

Table 1.1: U.S. Sanction Threats and the Breakdown of Contested Issue Types

Issue Type	<i>Frequency</i>	
	<u>All Threats</u>	<u>Congressional Threats</u>
Contain Political Influence	9	4
Contain Military Behavior	13	4
Destabilize Regime	14	0
Release Citizens, Property or Material	11	4
Solve Territorial Dispute	1	0
Deny Strategic Materials	13	1
Retaliate for Alliance or Alignment Choice	24	6
Improve Human Rights	47	14
End Weapons/Materials Proliferation	11	1
Terminate Support of Non-State Actors	4	2
Deter of Punish Drug Trafficking Practice	17	3
Improve Environmental Policies	36	8
Trade Practices	228	21
Implement Economic Reform	5	1

U.S. Sanctions, 1971-2000. The sumtotal of the issue column may exceed the number of threats issued by the U.S. since a threat may pertain to multiple issues.

the president's actions in the international realm. While some noted that Congress executes foreign policy against another state, especially through the power of the purse (e.g. Abshire 1981), the question of whether or not Congressional execution of foreign policy exhibits a structural difference from that of the administration remains virtually unanswered.

This study aims to fill this gap in U.S. Foreign Policy literature. Noting that both Congress and the president executes sanctions, the study asks: *Do economic sanctions initiated by Congress follow a different pattern compared to economic sanctions initiated by the executive branch of the U.S. government?* In a larger context, elaborating on the notion that multiple foreign policy "leaders" can execute foreign policy within a country constitutes an important extension to the liberal theory of IR.

1.2 Contribution to International Relations Theory

During the last several decades, two main schools of thought have set the theoretical agenda in International Relations (IR) theory. The (neo)realist school focuses on the structural properties within the international system, such as the distribution and changes in the level of power among states, as factors that mainly govern these states' behavior in the international arena (Morgenthau 1978; Waltz 1979). Realist thinking disregards the differences among states, and treats them as identical "billiard balls," subject to the whims of the international order (Morgenthau 1978; Hirschman 1981). The liberal school counters this "billiard-ball" analogy and, for the most part, has replaced the realist perspective during the last couple of

decades by focusing on the impact domestic institutions have on interstate dynamics (Vasquez 1997, 1998). The main theoretical drive of the neoliberal enterprise has been to unpack the "black-box" of the state in numerous ways to better explain variation observed in interstate interactions. The "unwelcome anomalies" in realist thinking, such as "[t]otalitarian, revolutionary, underdeveloped, and unstable states-as well as Small Powers, international organizations, and nongovernmental organizations" became subjects of inquiry for liberal scholars (Rothstein 1972, p. 354). Scholars in this camp showed that, among others, domestic political traits such as regime type (Russett & Oneal 2001; Gleditsch & Ward 2000; Maoz & Abdolali 1989), electoral systems (Leblang & Chan 2003), the composition of the governing party (Prins & Sprecher 1999; Ireland & Gartner 2001), or the government's ideological orientation (Palmer et al. 2004) influence a state's willingness to engage in, and when targeted, the level of its resilience against coercive measures.

More recently, IR scholars have "attempted to build powerful new theories on a solid methodologically individualist basis by focusing on the incentives and constraints of leaders" (Chiozza & Goemans 2004, p. 604). Among these incentives, the incentive to remain in office has received the lion's share of this focus to explain a leader's behavior in the foreign policy realm (Bueno de Mesquita & Siverson 1995; Bueno de Mesquita et al. 1992; Bueno de Mesquita et al. 2005; Downs and Rocke 1994; Fearon 1994, 1997; Goemans 2000; Tarar 2006; Wolford 2007). For instance, Fearon (1994, 1997) argued that the leader (and not the state) is subject to a potentially punishing audience when enacting policy. Smith (1998) pointed out to the possibility that a leader may be motivated to demonstrate her competence through enacting war. More recently, empirical studies lent strong support for this theoretical focus on leader-specific factors. Chiozza & Goemans (2004) provided evidence that leaders are not always punished for losing a war. Leader-

specific variables such as the reputation a leader has built in foreign policy over time (Chiozza & Choi 2003), her age (Horowitz et al. 2005) and the length of her tenure (Gelpi & Grieco 2001; Potter 2007; also see Bak & Palmer 2010 for the effect the interaction between leader age and tenure has on the likelihood of being engaged in a militarized conflict) started to appear as explanatory variables in such studies.

This study contributes to the liberal tradition in IR theory by noting that there may be multiple "leaders" in a country who execute foreign policy, and demonstrating that foreign policy episodes initiated by different leaders within a country tend to follow varying trajectories. The range of loci for foreign policy execution within a country may vary from city-councils to non-governmental organizations. This study is virtually the first empirical inquiry that emanates from this theoretical nuance. Therefore, the study limits itself to one policy tool, employed by one alternative executor of foreign policy, vis-à-vis the national executive branch, in a single country. The economic sanctions employed by the U.S. Congress between the years 1971-2000 will constitute the spatiotemporal domain in this study.

The theoretical contribution this study makes advances the liberal theory of IR. In his epistemological treatise on scientific progress, Lakatos (1970, p. 117-9) set forth three important criteria for an espoused theory to be considered as progressive for the existing paradigm: (1) A new theory should predict novel facts; (2) these novel facts should be corroborated with new evidence; and (3) the new approach should explain content that was previously unaccounted for. The arguments set forth in this study lead to novel predictions; these arguments purport to explain variance in foreign policy outcomes *within* an originator country. These novel predictions stand up to rigorous empirical tests. Finally, accounting for multiple executors of foreign helps explain puzzling phenomena that existing theoretical

approaches are inadequate to explain. For instance, Chapter Four demonstrates that Congressional imposition of economic sanctions partially explains why the U.S. commits to sanction episodes longer than other countries despite the toll it takes on U.S. businesses and public welfare in general.

While suggesting an alternative way to unpack a state's political institutions to study its behavior internationally, the assumptions this study bases its arguments on conform with major assumptions of the liberal school. Like most other studies on domestic politics and IR, this dissertation assumes that each foreign policy "leader" is rational, has her political incentives mostly shaped by reelection concerns, and commands over a specific toolkit for foreign policy execution. As a result, the following chapters extend the validity of canonical theories like the audience-cost theory and the veto-point theory in explaining foreign policy output variation within a state. Congress and the president are two distinct political players. The way IR scholars have explained variation in international behavior among different countries and national leaders proves to be helpful in explaining predicting the difference among the two main executors of U.S. foreign policy as well.

1.3 Overview of the Dissertation

This dissertation is organized into five chapters. Chapter 2 contextualizes Congressional execution of foreign policy within the relevant strands of IR literature. Noting that foreign policy is executed at multiple loci within a country, the chapter surveys the studies that examined the role legislatures play in interstate interactions. This survey highlights the fact that legislatures are seldom conceptualized as foreign policy *executors*. Instead, legislatures - and the U.S. Congress in particular-

are mostly depicted as actors that constrain or otherwise influence the executive branch's actions in foreign policy.

The focus of Chapter 2, then, switches to Congressional activism in U.S. foreign policy. The erosion of Congressional deference to the president in foreign policy is tied to a series of events, such as the Vietnam War and the Iran-hostage rescue crisis in 1970s, the Iran-contra scandal in the 1980s, and the end of Cold War and the increased globalization in the world economy during the decades following these executive blunders. Chapter 2 also provides the motivation for this study's focus on economic sanctions. The use of sanctions has become a commonly employed foreign policy tool by both Congress and the president. The conceptual equivalence across Congressional and presidential sanctions allow the development of nuanced hypotheses regarding institutional origins of this policy tool.

The following two chapters, Chapters 3 and 4 develop and test specific hypotheses relating to Congressional execution of economic sanctions. Chapter 3 concerns the threat stage. It asks whether or not threats of sanctions issued by Congress exhibit different patterns than those issued by the president or his staff. Noting that members of Congress and the president are subject to different audiences, Chapter 3 posits that members of Congress incur a lower cost from -and thus are more likely to withdraw- a sanction threat. This contention is based on two interrelated premises that find considerable support in IR and American Politics literature. First, foreign policy success has a more prominent electoral consequence for the president, vis-à-vis members of Congress. Second, the president has an incentive to maintain a credible reputation in the international arena. The chapter also hypothesizes that targeted countries will note the relative ease with which Congress can withdraw its sanctions, and thus, are less likely to acquiesce to Congressional sanction threats. The results from strategic probit models lend

considerable support to these hypotheses.

Chapter 4 examines the effect Congressional sponsorship has on sanctions that are *imposed*. More specifically, the chapter hypothesizes that Congressional sanctions last longer than sanctions imposed by the president. Two significant motivations exist for this chapter's focus on the duration of sanctions. The studies of sanction duration by others found that sanctions initiated by democratic senders tend to last longer than those initiated by their authoritarian counterparts. This finding contradicts studies that argue democracies are reluctant to engage in costly adventures in foreign policy, and when they engage, democracies are more likely to quit as such endeavors become protracted. Second, the scholarly attention on sanctions altered from studying the correlates of sanction success to studying sanctions' broad (and frequently unintended) effects on the affected parties. Often, sanction duration is highly correlated with these adverse effects.

The theoretical argument presented in Chapter 4 highlights the misfit between the aspirations of Congress as a foreign policy executer and the limited foreign policy toolkit it commands. The chapter demonstrates the adverse manner in which the oft-cited deficiencies of Congress as a foreign policy player reflect in the U.S.'s interactions with other countries. Two complementary explanations establish the link between this institutional misfit and the duration of sanctions. The veto-point explanation emphasizes the status quo-bias legislated sanctions enjoy, and argues that organized interests possess better leverage in ensuring the continuation of sanctions that are executed through legislation. The bargaining-failure explanation, alternatively, gives emphasis to the difficulties the U.S. and the targeted country encounter in reaching a mutually acceptable solution. The results from semi-parametric duration models strongly suggest that Congressional sanctions last significantly longer than sanctions imposed by the Administration.

Chapter 5 concludes this dissertation with a recapitulation of the findings, a discussion of policy implications, and suggestions for further research. The findings especially inform two current policy debates. The first debate concerns Congressional efforts to reform the legislative process for future sanction bills. The findings suggest that proposed reforms to Congressional sanctions promise a significant improvement over the way Congress currently enacts sanction legislation. Streamlining the legislation process of a sanction bill can render more credibility to Congressional threats of sanctions. Likewise, automatically attaching term-limits and presidential waiver authority to future sanction bills may prevent the U.S. from being entangled in sanctions beyond their use in the international arena.

The second policy implication travels outside the U.S. context and relates to the shaping of the European Union's (EU) second pillar - Common Foreign and Security Policy (CFSP). Recent policy debates on the EU's CFSP have revolved around the theme of reducing the "democratic deficit" (i.e. the individual voters not having enough say over EU policy) in the EU's foreign policy making. The policy prescription for reducing this deficit has been to subject the European Commission's sanction decisions to approval by the Council of Europe. The findings in this study suggest that while reducing the democratic deficit can afford more credibility to threats of sanctions issued by the EU, the nascency of CFSP and the increasing number of members in the Council who can veto termination of sanctions may lead to prolonged EU sanctions once they are imposed.

Finally, Chapter 5 suggests three immediate extensions to this study. The first of these extensions point out to the need to move beyond Wildavky's two-presidencies thesis and develop a deeper understanding for patterns of conflict and cooperation between Congress and the president in U.S. foreign policy making. Second, the study suggests a more detailed inquiry into the determinants of the

behavior of members of Congress in the legislation process of sanctions. Finally, one can ask whether or not the nature of the interbranch relations during the sanction episode can constitute a signal to the targeted country regarding the credibility of sanction threats. Recent studies in conflict literature found that the stance that the opposition party takes when the government is engaged in a conflict shapes the targeted country's behavior. Similarly, one can ask whether or not sanction threats issued by Congress with the support of a president are more likely deter the targeted state than threats issued in defiance of the president.

1.4 Limitations

This dissertation operates at the nexus of three interrelated bodies of literature, namely U.S. Foreign Policy, international economic sanctions, and domestic politics and IR. As such, the study renders a relatively cursory analysis within some of these literatures towards mastering the understanding of the implications Congressional execution of sanctions have on interstate relations. Two such limitations are subsequently discussed.

First, this study is not one on Congressional politics of foreign policy. Several excellent studies address that topic at the breadth and the depth it deserves (e.g. Dahl 1964; Ripley & Lindsay 1993; Lindsay 1994; Hinckley 1994; Peterson 1994). Henehan (2000) establishes a theoretical link between Congressional politics and IR literature by looking at how international events affect the level and nature of Congressional activism in U.S. foreign policy. This dissertation reverses the line of causality in Henehan's work, and looks at how Congressional activism in U.S. foreign policy affects episodes of economic coercion between the U.S. and its targets.

Second, while having an exclusive focus on economic sanctions, this dissertation does not address some other questions that have occupied a prominent place in sanction research agenda, such as the relationship between the targeted country's characteristics and the design of effective sanctions. While the subsequent analyses control for some attributes of the targeted state, the theoretical focus of this dissertation is exclusively on the institutional origins of U.S. sanctions.

1.5 Terminology

Some of the terminology in this dissertation may denote different meanings to scholars from various backgrounds. A brief clarification for some of the frequently terms used in this study is provided below.

Congress/Legislature: In this study, "Congress" will interchangeably refer to the either chamber, a group or individual members of the *U.S.* Congress. The term "legislature," on the other hand, will generally refer to the law-making bodies of countries around the world.

Country/State: The terms "country" and "state" both refer to the political entities exercising sovereignty over a marked territory which have been recognized by the United Nations. In Chapter Two, the term "state" occasionally refers to individual states in countries with a federal structure. When the term "state" denotes such a subnational entity, it is explicitly referred to as such.

Sanction Episode: The word "sanction" is an autoantonym; it may either denote commanding or punishing an action. This dissertation, evidently, refers to the coercive measures states employ to alter the behavior of another. A sanction episode entails two stages; if the targeted country remains defiant at the threat stage, the U.S. may choose to escalate the episode to the imposition stage. Unless

specified otherwise, the lone use of "sanctions" refer to a sanction episode regardless of whether or not it escalated to the imposition stage.

Chapter 2

Theoretical Motivation

2.1 Introduction

This chapter's intent is to frame the following two chapters' theoretical and empirical contributions to International Relations (IR) and U.S. Foreign Policy literature. The motivation for the inquiries in this dissertation is based on a stylized fact: Besides creating alternative avenues for influencing the president, Congress also executes foreign policy itself. IR scholars have tended to overlook this phenomenon, and the omission is highlighted in detail in the context of U.S. foreign policy. More specifically, this study demonstrates that Congress has initiated a number of institutional innovations for asserting preferences vis-à-vis the president's foreign policy prerogative. Congress's execution of foreign policy is one of these innovations, and yet, few have asked whether Congressional execution of foreign policy exhibits structural differences from that of the president.

To develop a systematic and in-depth inquiry into this domain, the focus switches to one foreign policy tool: the use of economic sanctions by Congress. That both Congress and the president can execute, oversee, and terminate eco-

economic sanctions in relative insulation from each other provides a unique opportunity to test whether or not Congressional execution leads to discernible differences within U.S. foreign policy. Three important points justify the focus on economic sanctions: First, focusing on sanctions allows comparison of dynamics and outcomes across different executors. Second, the frequency with which Congress has resorted to sanctions makes statistical inference possible. Finally, the reasonably well-contoured stages of a sanction episode allows scholars to develop nuanced hypotheses regarding the potential effect Congressional activism has on the dynamic of such an episode.

The focus on economic sanctions will lead to the identification of three important -and interrelated- concepts, perhaps influenced by who “owns” a sanction: (i) the political incentives underlying use of a sanction; (ii) a sanction’s design, and (iii) the targeted country’s reaction to the sanction. These concepts will constitute the main foundation upon which the following chapters test specific arguments relating to the effect Congressional activism has on economic sanctions.

2.2 Alternative Loci of Foreign Policy Making

In most empirical foreign policy analyses, the executive branch of a government is the default locus of a country’s foreign policy making. This widespread assumption has increasingly drifted from what foreign policy scholars observe in reality. Recent decades are witness to a surge in the salience of foreign policy in domestic politics around the globe. With the eventual dissolution of the Soviet Union, politics have ceased to stop on the water’s edge for many countries (Souva 2005). Interest groups have seized opportunities to mobilize the public on issues related to foreign aid, human rights, environment, and democratization, among others.

Concomitant with this popularization of foreign affairs, political actors other than those in the executive branch of governments have become increasingly active in creating related policy.

Foreign policy arises from all levels of government. For example, in countries with a federal structure, individual states have taken measures to influence foreign governments. Citing a U.S. survey conducted by the Organization of International Investment in 2001, Hufbauer & Oegg (2003, p. 130), identified enactment of 33 state and local selective purchasing laws during the 1990s. Perhaps the best known example of foreign policy activism at the subnational level is Massachusetts' "Burma Law." In 1996, reacting to Myanmar's military junta's repression of the pro-democracy movement, the Massachusetts State Senate passed legislation that barred state agencies from contracting with businesses whose operations included Myanmar (Guay 2006). Besides its symbolic value, state legislators hoped that the Burma Law would force the foreign exchange-deprived Myanmar government to concede to demands for political reform in the country. While many doubted the effectiveness of this sanction, its inspiration arose from a multitude of comprehensive divestment and sanctioning efforts by a number of U.S. states against the apartheid regime in South Africa during the mid 1980s.¹

Foreign policy activism at the subnational level is not unique to the U.S. Swiss cantons have been increasingly petitioning their federal government to adopt actions for issues relating to European Union (EU) integration, global warming, and international trade (Linder & Vatter 2001; Goetschel et al. 2005). Japanese

¹Massachusetts was one of the states that imposed sanctions against South Africa during that time period as well. Interestingly, the sanctions against South Africa and Myanmar originated from two different state institutions. Massachusetts had joined the effort against South Africa "by an executive order signed by then Governor Michael Dukakis, because the sanctions bill never got to the floor of the state Senate" (Guay 2006, p. 355). The sanctions bill against Myanmar, on the other hand, passed through both chambers and was executed into law.

subnational governments have also initiated establishment of trade and cultural relations with their counterparts in China, occasionally against the wishes of the national government (Jain 2004). A number of Chinese provinces have independently promoted their investment zones and established a standing presence in the World Trade Organization (Cheung & Tang 2001). Notably, many of these issues in which subnational governments have become involved occupy a central place in their respective national governments' foreign policy agendas.

International organizations have also been flexing their muscles as independent policy crafters and executers. For instance, the EU and the African Union (AU) have become heavily involved in peacekeeping operations. The EU deployed temporary military forces, EUFOR, to enforce peace agreements in conflict zones such as Bosnia, Democratic Republic of Congo, and Chad as well as to secure sea lanes off the coast of Somalia (Council of the European Union 2010). Also, the AU, in cooperation with the United Nations, established missions in Somalia and the Darfur region in Sudan (Mitchell 2004).

The use of economic sanctions have taken its place as an important tool in international organizations' foreign policy toolkits.² As of March 2009, the EU had sanctions in force against 27 countries (European Commission 2009).³ During the same year, the Economic Community Of West African States (ECOWAS) reiterated its commitment to democratic governance by imposing economic sanctions in addition to diplomatic ones against the governments of Niger and Guinea (BBC 2009; Africa News 2009). The AU recently imposed a travel ban against Madagascar's government after the 2009 coup d'état (The Nation 2010). The Organization

²Unless specified otherwise, the "use" of sanctions will refer to threat and/or imposition of sanctions. A detailed discussion of different stages of sanctions follows in subsequent sections.

³More specifically, these sanctions have their foundations in the EU's Common Foreign and Security Policy framework.

of American States' (OAS) sanctions against the junta regime in Haiti was an important complement to U.S. efforts in restoring the country's democratically elected leader, Aristide, in 1994. When Honduras' Supreme Court and military ousted President Zelaya in 2009, the OAS also resorted to sanctions to curtail the escalating institutional crisis. On the other side of the globe, the last decade recorded numerous sanction threats issued by the Association of Southeast Asian Nations (ASEAN) against Myanmar to change its harsh policies against political dissidents. Clearly, international organizations worldwide have become active foreign policy executors across a number of issue areas, and employed economic sanctions where they deemed appropriate.

At the national level, legislatures of many democracies have noticed the increased salience of foreign policy issues in their domestic agendas. These legislatures have responded to interest groups' pressures for asserting themselves in the conduct of foreign policy. In 2005, interest groups pressured the U.S. Congress to intervene and halt the atrocities in the Darfur region of Sudan. Congress responded by authorizing President Bush to use force, and allocating two \$50 million relief packages within an 18-month period (Uzcinski et al. 2009). When hostilities in the Aegean Sea resumed with the Imia/Kardak crisis, 109 of the 300-member Greek parliament capitalized on its public's anti-Turkish sentiment. These parliamentarians issued a joint letter inviting Abdullah Ocalan, the leader of the separatist Kurdistan's Workers Party (PKK) to Greece (BBC 1997).

Interestingly, foreign policies that legislatures have executed through a variety of tools have occasionally been at odds with the preferences of the executive branch. During the last decade, a number of European legislatures (e.g. France, Sweden) adopted resolutions recognizing the massacre of Armenians in 1915 as a "genocide," thereby placing their respective executives in a difficult position vis-à-

vis the Turkish government (Chrisafis 2006). On March 1, 2003, the Turkish Grand National Assembly demonstrated a rare occasion of defiance against a single-party majority government, and rejected legislation that would otherwise have allowed U.S. troops to transit through Turkey prior to the invasion of Iraq (Pan 2003). That the legislative branch may manifest different foreign policy preferences than its executive counterpart in a government further justifies the need to treat legislatures as distinct foreign policy executors.

2.3 Legislatures and Foreign Policy

The sheer number and variety of the anecdotal evidence, partially presented above, demonstrate how legislatures have been acting as executors of foreign policy. Furthermore, the range of issues over which national legislatures exert their preferences exhibit a large variance. International Relations (IR) scholars have largely overlooked this aspect of legislative involvement in foreign policy. Instead, the literature has almost exclusively focused on a legislature's role in shaping the executive branch's actions.

One strand of the IR literature on legislatures and foreign policy focuses on the institutional constraints legislatures impose on the executive's foreign policy actions. Putnam's (1988) seminal work argued that in democratic polities, domestic constituency preferences constrain the executive. Any agreement an executive reaches with other countries should be acceptable to the country's "ratifiers," which are legislatures in most cases. As a result, the range of offers that the executive can extend to another country incurs the boundary of the "win-set" of the legislature to whom the executive must answer. Putnam's argument has given rise to an extensive debate regarding the relationship between the executive and the legisla-

ture as to a country's policy behavior across a number of domains. These domains include trade negotiations (Pahre 2004; Tarar 2005), the country's tendency to use militarized force (Palmer et al. 2004; Howell & Pevehouse 2005; Foster 2006), and asylum policies (Salehyan & Rosenblum 2008).

Other scholars have instead looked at legislatures' roles in foreign policy processes as information-revealing mechanisms. One of the main arguments in this camp has been that legislatures allow the executive to credibly signal resolve to other countries. For example, Schultz (1998, p. 840) demonstrated that an "opposition party can undermine the credibility of some challenges [issued by the executive] by publicly opposing them. Since this strategy threatens to increase the probability of resistance from the rival country, it forces the government to be more selective about making threats." As a result, a leader subject to a legislature has an incentive to engage in coercive foreign policy action only with a willingness to execute threats.

The variation of a country's foreign policy dynamics derives better explanation from accounting for the role of legislatures as executors of foreign policy themselves. Institutional origins of foreign policy execution may have a profound effect on how such variations occur. First, political calculations of legislators may differ from those of the executive when executing foreign policy since the two governmental bodies answer to different constituencies. For instance, a legislator may encounter difficulty for supporting an embargo on a country with which the lawmaker's constituency shares an ethnic tie, or may be more willing to renege on a promise previously made since international reputation is not an immediate concern. Second, the design of a foreign policy tool may be contingent on its executor. Generally, a legislature is confined to legislation and ratification when employing a policy tool, while an executive employs a variety of channels (e.g. statutes, procla-

mations, bureaucracy). The relative inflexibility inherent in the policies enacted by the legislature may also lead to prolonged episodes. In relation with these two points, institutional origins of foreign policy may also condition the targeted country's reactions. In an episode with coercive options on the table, the target country may perceive a legislative threat more (or less) credible, thus having a tendency to acquiesce to (or stand firm against) such a threat. If a threat is executed, the target's expectation for the unfolding of the episode may determine the level of the target's exhibited resilience. To illustrate, a plausible argument is that Omar al-Bashir, the president of Sudan, may expect U.S. financial support for the AU's peacekeeping mission in the Darfur region to last longer since the appropriation was through the U.S. Congress, rather than the U.S. president.

These illustrations are mainly conjectures because little empirical work has examined the role legislatures play as executors of foreign policy. Despite the rising involvement of legislatures around the world in asserting foreign policy goals, existing literature on legislative activism in foreign policy and its consequences is quite limited in scope. These studies almost exclusively focus on the U.S. and point out to the institutional shortcomings of Congress as a foreign policy executor (e.g. Dahl 1964; Weissman 1995; Wittkopf & McCormick 1998). Few have asked whether legislative execution of foreign policy creates a systematic difference in a country's foreign policy dynamics. The current research aims to fill this gap in IR literature by making the first empirical attempt at parsing the effects of legislative activism in foreign policy. The study does so by focusing on a single country, the U.S., and will examine the effect Congressional execution on the dynamics of a single foreign policy tool, namely the use of economic sanctions.

The sharp and precise focus on U.S. economic sanctions allows the development of nuanced hypotheses, valuable for scholars' assessment of whether or not Con-

gressional involvement has a discernible effect on the way an interstate episode unfolds. However, an important question needs to be addressed before the development of such hypotheses: What motivates members of Congress to involve themselves in foreign policy making? Understanding the incentives of these political actors at the outset is critical in explaining the consequences of their actions. To do this, the following section provides a brief historical account of how and why Congressional activism in foreign policy evolved, especially after the Vietnam War.

2.4 Congressional Activism in U.S. Foreign Policy

2.4.1 A Historical Overview of Congress and Foreign Policy

The leadership role the U.S. assumed after World War II brought numerous foreign policy decisions to the U.S. public's attention. Many of these decisions have been "taken in an emotional context of death, destruction, and war, [allowing] interests [to] organize into pressure groups more easily" (Dahl 1964, p. 54). Still, Congress has not always been as responsive to the public's foreign policy mood. The immediate aftermath of the war marked a culture of deference that Congress showed to the president regarding issues relating to foreign policy (Huntington 1961; Wildavsky 1966; Robinson 1967; Cohen 1982; Sullivan 1991; Sorensen 1994; but also see Sigelman 1979). In his "two-presidencies" thesis, Wildavsky (1966) argued that a continuous push and pull characterized a president's relationship with Congress in formulating domestic policy; however, the president enjoyed relative insulation from such political bickering in decisions regarding foreign policy. As Sorensen (1994, p. 517), special counsel to President John F. Kennedy, maintained, this

culture of deference eventually eroded as legislators became more active in the formulation of U.S. foreign policy:

A generation ago and earlier, congressional leaders largely deferred to or worked harmoniously with the president and Secretary of State to advance America's role in the world, even during those periods under Truman and Eisenhower when one or both Houses of Congress were controlled by the opposition party. Even in my days in the White House, Kennedy was able to simply to inform congressional leaders about his responses to the Berlin and Cuban crises. But each of his successors too often found his foreign policy initiatives blocked, undermined, or substantially altered by Congress, even during periods when one or both Houses of Congress were controlled by the president's party."

Two major reasons have been set forth as to why Congress took a backseat in U.S. foreign policy making during the early post-World War II years. First, the president was (and still is) better equipped to handle foreign policy. A vast portfolio of resources needs to be mobilized relatively quickly to address arising foreign policy issues. Compared to Congress, the president's formal and informal powers are significantly greater in foreign policy; therefore, his office can conduct foreign policy more efficiently and effectively (Franck 1991). Furthermore, the president does not need a consensus to mobilize the vast resources he commands. "The crucial difference [between the president and Congress] is that the presidency is a unified institution, in the sense that it has one supreme authority: the president. In determining his own preferences and making his own decisions, the president does not suffer from the collective action problems that plague Congress, and he need not resort to complex structural arrangements for mitigating them" (Moe & Wilson 1990, p. 16). Second, legislators had little political incentive to become involved

in foreign policy decisions during these years. The U.S. public has been portrayed as having little familiarity, and interests groups were "weak, unstable, and thin" on questions regarding foreign policy (Almond 1950; Converse 1964). Parochial interests, to which legislators tend to be most sensitive (Silverstein 1997), had no strong ties to international events.⁴ The Communist threat further "justified strong presidential leadership" in public opinion regarding foreign policy vis-à-vis Congress (Lindsay & Ripley 1992, p. 420). Countering the president in foreign policy could have easily placed a member of Congress in a situation of endangering national security according to voters' perceptions. As a result, members of Congress saw little political benefit in engaging in foreign policy. Even if they wished to, the range of options available to members of Congress to influence foreign policy was quite limited. The lack of opportunity and willingness on behalf of Congress to engage in foreign policy gave the president a de facto prerogative in this realm.

Starting in the 1970s, concomitant developments in domestic politics and the international system gradually eroded this culture of deference, and presented ample opportunities and incentives for members of Congress to assert their preferences in U.S. foreign policy. A series of foreign policy blunders led to the public's disillusionment with the president's role as the commander in chief. The demise of

⁴Reelection is not the only incentive that motivates members of Congress to engage in foreign policy. Previous military and foreign service, the commitment to pursue core values (such as spreading the rule of law around the world), family background, or simply the desire to be taken seriously "inside the Beltway" may also produce "foreign policy entrepreneurs" in Congress (Carter & Scott 2004). The manifestation of non-electoral motivation was rare during the post World War II years with a discernible break in this trend starting in the 1970s, although Bailey (2003) presents some evidence that public opinion did shape voting in the Senate on foreign policy before that break.

the Soviet Union and the democratization wave that followed further contributed to Congressional involvement in foreign policy. Meanwhile, globalization hollowed the meaning of “national interest”; what was once U.S. legislators’ parochial interests became subject to the whims of international events. Members of Congress vigorously capitalized on these opportunities to make Congress more active in U.S. foreign policy formulation and execution.

The way the executive-legislature relationship evolved during the Vietnam War largely foreshadowed the dynamics between the two branches in shaping foreign policy formulation for the coming decades. President Johnson’s pliable interpretation of the Gulf of Tonkin resolution, which gradually pulled the U.S. into an extremely costly war, was a defining moment in the history of executive avoidance of Congressional oversight in foreign affairs.⁵ That U.S. engaged in a bloody and prolonged conflict without explicit Congressional approval engendered the resentment of many in both chambers of Congress. The tangible actions Congress took to manifest this resentment arguably marked the start of a protracted “turf-war” in foreign policy formulation between the legislative and the executive branches in the U.S. The Church Amendment prohibited the use of ground troops in Cambodia and Thailand. The Gulf of Tonkin resolution was repealed in 1971. In 1972,

⁵Presidents surely did not have a completely free hand in foreign policy prior to the Vietnam War. Kennedy, for instance, had a difficult time in convincing a Democratic Party controlled House and Senate to extend foreign aid to newly decolonized countries. However, both anecdotal and empirical evidence identify a structural break in Congressional activism in U.S. foreign policy that roughly corresponds to the enactment of the War Powers Act (Crabb & Holt 1989; Meernik 1993; Prins & Marshall 2001; Melanson 2005; DeLaet & Scott 2006; cf. Hinckley 1994).

Congress imposed further restrictions on military sales to South Vietnam and other allies. A year later, it banned all land, naval or air combat activity in Indochina which effectively ended direct military participation by the U.S. in the region.

The manifestation of this resentment culminated in the War Powers Act of 1973. With this law, Congress' intent was to directly curb the foreign policy powers of the president. The law mandates the president inform Congress within 48 hours when he deploys U.S. combat forces abroad. This notification starts a 60-day calendar (the president can extend the timetable for another 30 days if he deems necessary), at the end of which Congress can terminate the deployment. Interestingly, of the 111 cases in which the president reported a use of U.S. militarized force to Congress between 1974 and 2003, Congress initiated the 60-day calendar only once, in 1983, when U.S. troops were deployed to Lebanon (Grimmet 2004). Moreover, having done so, the calendar encompassed 18 months rather than the provisioned 60 days. Despite its non-occurrence, the legal presence of this Congressional power has shaped the way presidents communicated with Congress when deploying forces abroad (Scott & Carter 2002; Goodman 2009).

This trend of counterbalancing the president's foreign policy agenda by Congress extended beyond the Vietnam War. While trying to improve their position vis-à-vis the president, members of Congress attempted a variety of efforts. Some of these efforts left an institutional legacy that has continued to shape U.S. foreign policy making. For example, the 1974 elections brought more than 70 freshmen

representatives to Congress. This cohort of new generation politicians formed their own caucus to challenge chairmen's positions of some committees that closely related to foreign policy, including the Ways and Means Committee (Whalen 1982). The challenge led to the replacement of three House committee chairmen, and leaving other chairmen feeling powerless to counter, or perhaps, more receptive to, foreign policy entrepreneurs in Congress (Cohen & Nurnberger 1981, pp. 167-170). Meanwhile, Congress also started addressing its institutional shortcomings as an actor in foreign policy by creating organizations like the Congressional Research Service and substantially increasing the number of Congressional staff specializing in foreign policy (Melanson 2005). Such resources further allowed individual members of Congress to engage in foreign policy even when they did not occupy key positions on the related committees (Tierney 1994; Melanson 2005). The effects of this decentralization of committees reverberated in U.S. foreign policy making in the upcoming decades.

The 1970s also documented a number of legislative attempts, varying in success, to establish control over U.S. intelligence operations. In October 1974, Senator Abourezk unsuccessfully suggested to ban all peace-time covert operations. About the same time, Senator Hughes failed in an attempt to have a bill become law that would have required the president to authorize a covert operation only when such an operation was *vital* to U.S. defense, and to notify Congress *prior* as to execution. Eventually, a diluted version of Hughes' initial proposal, the Hughes-Ryan

amendment, gained favor. This amendment required that the president justify that a covert action is *important* for U.S. defense, and inform Congress *in a timely manner*. A few months later, Senators Mansfield and Pastore introduced legislation that provisioned an ad-hoc committee to assess U.S. intelligence operations' compliance with existing laws and provide policy recommendations for reforming practices. Some of these recommendations, instituted with the Foreign Intelligence Surveillance Act of 1978, included, among other provisions, the establishment of a permanent Congressional oversight committee.

The stand-off between President Reagan and Congress on the financing of the anti-government elements in Nicaragua demonstrated how far the turf-war between the two branches of government could reach. A significant segment of Congressional Democrats was unhappy with the president's open support of the Nicaraguan *contras* who aimed to displace the democratically elected Sandinista government. To constrain Reagan's options in pursuing this aim, Congress passed a series of legislations that cut direct funding for CIA operations in Nicaragua. For example, the first Boland amendment -one of the three amendments between 1982 and 1984, attached to the annual Defense Appropriations Act- stated that "[n]one of the funds provided in [the Defense Appropriations] Act may be used by the Central Intelligence Agency or the Department of Defense to furnish military equipment, military training or advice, or other support for military activities, to any group or individuals, not part of a country's armed forces, for the purpose of overthrowing

the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras" (Further Continuing Appropriations Act 1983). The White House did not remain oblivious to Congress's attempts; "[e]ach act by Congress was followed by an administration counteraction to evade law" (Hinckley 1994, p. 157). The cuts in funding for the *contras* were consistently countered by a funding request from the administration in the next budget. As Congress and its related committees maintained their resilience against these demands, the administration resorted to more creative channels, such as appealing to other countries and private donors. For example, the Saudi royal family supplied somewhere between \$10 and \$30 million to Nicaraguan *contras* at the request of White House officials (Hoffman & Woodward 1987).

The tension between Reagan and Congress reached its peak when the president ordered some of the proceeds from U.S. arms sale to Iran, a covert deal that was originally scheduled to secure release of Americans held hostages in Tehran, to be channeled to the *contras*. This order was in clear violation of the existing law. When the Iran-*contra* deal became public, Reagan suffered a 20 point drop in his approval rating. Still, the legal nature of the act allowed Regan to claim deniability, he was not prosecuted (Riesenfeld 1987). Interestingly, Congress did not attempt to convert its moral high ground in the wake of the Iran-*contra* scandal into an institutional advantage as it had done with the War Powers Act during the Vietnam War. Once key figures in the administration admitted their "fault" and others

resigned, key members in the Senate/House committees on Foreign/International Relations embraced the administration in supporting the *contras*. Congress allowed the funding of *contras* with amendments added to the 1987 budget. Ironically, the Sandinistas were democratically removed from power in 1990. Nonetheless, the bitter stand-off, and the ensuing scandal left its mark on U.S. politics and further widened the gap between Congress and the president.

The aforementioned events illustrate the erosion of Congressional deference toward issues relating to security and, as a consequence, the turf-war the two branches have fought as the gravitational center of U.S. foreign policy shifted due to an increasingly assertive Congress. Hinckley (1994), however, challenged this notion of inter-branch conflict in the formulation of U.S. foreign policy. Instead, she argued that the two branches strategically amplify disagreement on selected issues, and Congress's salience in U.S. foreign policy is "less than meets the eye." While Hinckley supports her argument with considerable evidence, she misses an important point: The foreign policy-space that Congress addresses has expanded significantly over the last several decades. Congress has been increasingly active in producing foreign policy legislation. The 1960 edition of *Legislation on Foreign Relations* was 519 pages long; the length of the 1990 version increased more than ten times to 5483 pages, and the length has subsequently hovered around 3500 pages per annum for the remainder of the decade (Committee on Foreign Relations 2001). A large part of these legislations relate to: (i) the use of purse strings, and

(ii) economic issues that directly affect constituents at home. Almost a decade before the end of the Cold War, Abshire (1981, p. 88) noted that “[t]he increasing dominance of economic policy in foreign affairs contributed to the shift in power” towards Congress. Abshire’s observations took on further importance as the end of the Cold War and the globalization of the world economy brought issues with redistributive consequences to the forefront of the U.S. foreign policy agenda.

The end of the Cold War marked an important watershed towards popularization of foreign policy. With the nuclear threat abating, politics ceased to be at the water’s edge for many interest groups and their representatives on Capitol Hill. Wittkopf & McCormick (1998, p. 450) noted that “congressional-executive relations have been marked by greater discord since the Cold War’s end, thus undermining the bipartisanship in the conduct of American foreign policy.” For instance, Congressional scrutiny of foreign policy spending significantly intensified with the demise of the Warsaw Pact (Stockton 1991). Attention of the public shifted from security-related issues to international issues that have a direct electoral consequence for members of Congress (Lindsay 1994a). Issues such as international trade, finance, and immigration became increasingly salient in the Congressional agenda (Marshall & Prins 2002). Interest groups also began to mobilize over non-conventional, post-material issues, such as environmental concerns, religious freedom, and human rights (Keck & Sikkink 1998).⁶ Countries that used to be

⁶One may argue that public opinion is not a necessary condition for legislators to be active in foreign policy. In fact, the lack of domestic attention to foreign policy issues may liberate members of Congress in their foreign policy actions (Lindsay & Ripley 1992). Members of

“bastions” against Communism, such as Turkey, Egypt, and Indonesia, became increasingly subject to intense criticism due to their poor human rights records. Such concerns began to dominate security concerns in relation to dispersion of U.S. foreign aid (Meernik et al. 1998). Blanton (2005) also found that human rights began to play a role in U.S. arms exports after the Cold War.

Globalization of the world economy dealt another significant blow to the culture of Congressional deference to presidential prerogatives in U.S. foreign policy. Legislators tend to be more responsive to parochial issues than they are to the “national interest” (Silverstein 1997; Moe 1990). Globalization, however, “increased the influence of foreign policy dynamics on traditional domestic realms, such as trade, labor, and environment” (Paul & Paul 2008, p. 2). Among these issues, the economy is the most salient for a legislator’s constituency (McKuen et al. 1992). The integration of a large number of countries into the world economy made global development an immediate concern for many legislators. As national economies became more integrated, the American public began to feel the redistributive effects of international events at home. Members of Congress adjusted their stance accordingly. Congressional support for presidential internationalism waned when economic indicators worsened (Fordham 2008; Meernik & Oldmixon 2004). Legislators’ main concerns became whether or not their constituencies largely benefited

Congress may also choose easy cases to demonstrate foreign policy competence for reelection. However, substantial evidence exists for the post-Cold War era indicating that public opinion has shaped Congressional activism in foreign policy in areas such as trade negotiations (Michelson 1998), use of militarized force (Meernik 1995), and international migration (McBride 1999).

from effects of globalization, such as free trade, and this concern became a significant predictor of a legislator's "yea" vote in the ratification of trade agreements (Bailey et al. 1997; Jeong 2009). Foreign policy issues with redistributive consequences became especially contentious after the Cold War; bipartisan support for president in issues relating to trade and foreign aid have decreased during this time period (Prins & Marshall 2001), and redistributive impacts have played a large role in determining whether or not a legislator supports international financial rescue packages (Broz 2005).

Ratification of international trade legislations was not the only action taken by Congress on issues arising from increased economic globalization. Going beyond policy ratification, "Congress acted repeatedly to constrain the executive's independence through legislation and by repeated threats of restrictive legislation" for the president's management of global finance (Broz 2005, p. 481), as well as international trade practices (Epstein & O'Halloran 1999). U.S. presidents attempted to circumvent attacks on executive prerogative through various means including instituting trade promotion (a.k.a. fast-track) authority (Koh 1992), or resorting to executive agreements (Prins & Marshall 2009).⁷

In sum, domestic and international developments have provided the opportunity and incentive for Congress to become more assertive in U.S. foreign policy. U.S. legislators have attempted to seize opportunities in a number of ways: Their

⁷Some of these presidential efforts at circumvention were countered by Congress. For example, Congress allowed the president's trade promotion authority, continuously in place since 1974, to lapse in 1994 (Sek 2002).

responses have varied from Congressional self-endowment of a veto power over the president's foreign policy actions to restructuring committees in Congress to sequester agenda-setting power from the president. Such political battles over formulation of foreign policy eroded the culture of deference that had marked the relationship between Congress and the president in the immediate aftermath of World War II. The institutional legacy of these battles has had a significant impact on the way U.S. foreign policy has been formulated in recent decades. This legacy extends beyond legislation and oversight bodies that aim to situate Congress at a more advantageous position vis-à-vis the president; the picture is more complex than scholars of the neo-institutional revolution in the U.S. foreign policy establishment would have the public believe.⁸ An important point that many U.S. foreign policy scholars have failed to note, however, is that Congress has also evolved into a body that executes foreign policy itself.

2.4.2 Congress as an Executer of Foreign Policy

The way Congress operates reveals a significant range of options through which it can influence foreign policy decisions. Goodman (2009, p. 225), in his Congressional Fellowship Report, eloquently portrays how wide the range of these options is:

Congress' foreign policy weapons run the gamut, starting on one end with something as small as a staffer getting on the phone with a leg-

⁸See Lindsay (1994b) for a review of how the neo-institutional revolution in the U.S. government reflected on U.S. foreign policy making.

islative affairs contact at the U.S. State Department and urging policy change through quiet -or not so quiet- suggestion. On the other end is the weighty arsenal where legislators cut off war funding or pass the ultimate "the president shall..." wording to restrict the administration's foreign policy.

Many of these options help Congress influence the actions of the president. What Goodman and other scholars tended to overlook is that Congress also executes foreign policy itself. Despite its willingness to engage in foreign policy, Congress has a limited portfolio of tools it can directly employ against other countries.⁹

The tools that Congress can directly employ against other countries arise from the power to legislate and to regulate the purse.¹⁰ For example, in 2005, Congress authorized \$100 million assistance fund to be disbursed to the AU for its peacekeeping efforts in the Darfur region of Sudan (Uzcinski et al. 2009). Cohen & Nurnberger (1981) noted how Congress micromanaged foreign aid operations rather than delineate the general strategy for the executive branch. Since the appropri-

⁹A necessary distinction is that between indirect and direct execution of foreign policy. *Indirect execution* refers to cases in which Congress limits or otherwise shapes the actions of another actor, the president in many cases. The authority vested in Congress by the War Powers Act, restriction of arms deals with other countries, or trigger clauses that require the president to assess whether or not certain conditions (e.g. satisfactory human rights practices) are met to utilize carrots and/or sticks fall into this category. While these actions have consequences for the target country, realization of the influence of Congress is indirect. *Direct execution*, on the other hand, refers to actions taken against a target over which Congress has considerable control at each stage. Extending or terminating aid, engaging in direct negotiations, and imposing economic sanctions constitute examples of direct execution of Congressional influence in foreign policy. Since the main research question queries whether or not Congressional activism affects multiple stages of foreign policy execution, this study's focus is on cases of direct execution of foreign policy by Congress.

¹⁰Occasionally, members of Congress also venture into negotiation with leaders of other countries on their own. For example, when visiting General Somoza in June 1979, Lawrence Pezullo, the U.S. ambassador to Nicaragua, was surprised to see Representative John M. Murphy accompanying the General (Lake 1989, p.231). In October and November 1979, Representative George Hansen "visited Tehran in the hope of securing the release of the American hostages held captive there by Iranian militants" (Whalen 1982, p. 7).

ation process of funds falls within Congress' institutional comfort zone, Congress has demonstrated a tendency to be proactively, overtly, and intensely involved in such processes.

The use of sanctions is another foreign policy tool in which Congress exerts the greatest influence while operating within its "institutional comfort zone." For example, in response to Turkey's 1974 invasion of Cyprus, Congress imposed a comprehensive arms embargo on a NATO ally despite the Administration's strong opposition. Not surprisingly, the use of sanctions has become an increasingly popular foreign policy tool for Congress. Among the 86 sanctions that Congress has threatened to employ between 1971 and 2000, five were issued in the 1970s, 19 were issued in the 1980s, and 62 were issued in the 1990s.

Despite the clear trend in Congress's role as an executor of foreign policy, few have asked whether or not the institutional origins of foreign policy execution have a discernible effect on the way it is conducted. In other words, does a tool employed by Congress exhibit a structural difference than the same tool employed by the executive branch? This question is a broad, multi-faceted one. The study of U.S. sanctions renders an excellent opportunity to provide a systematic inquiry to resolve this puzzle.

2.5 Economic Sanctions and U.S. Foreign Policy

2.5.1 The Use of Economic Sanctions as a Tool in U.S. Foreign Policy

Countries employ specific policy tools within their portfolios to assert their preferences in foreign policy. The stronger a country is, the larger the portfolio of foreign policy tools it commands over (Palmer & Morgan 2006). The post-Cold War conjuncture engendered a number of unconventional foreign policy challenges to the U.S. Issues such as global disease, failed states, civil war, velvet revolutions, unification and secession of states, and transnational terrorism replaced containment of communist regimes, arms races, basing rights, and management of military alliances as priorities in the U.S. foreign policy agenda. Against these new challenges, the U.S. could neither employ militarized force with the same effectiveness as it did with the Cold-War issues, nor could it ignore these developments since such a passive stance would significantly endanger the nation's security and welfare.¹¹

Falling somewhere between a diplomatic slap on the wrist and the full scale use of militarized force, the use of sanctions has constituted a viable option for U.S. foreign policy when encountering these unconventional foreign policy challenges. Sanctions were either suggested as an option, or literally imposed in the recent confrontations the U.S. has had with Iran, Libya, Yugoslavia, North Korea, and

¹¹Undoubtedly, the U.S. had a number of successful military operations after the Cold War such as Operation Desert Storm in the Middle East, the Haiti intervention, the enforcement of the no-fly zone in Iraq.

Table 2.1: Use of Alternative Foreign Policy Tools over Time

Time Period	Number of Sanctions Threatened and/or Imposed by the U.S.	Number of Militarized Interstate Disputes Initiated by the U.S.
1971-1980	38	15
1981-1990	107	22
1991-2000	270	21
Source	TIES Dataset	COW Dataset

Sudan, among others. The use of sanctions has not been limited to these high-profile cases either. Table 2.1 demonstrates that the use of sanctions has become an increasingly popular tool in the arsenal of U.S. foreign policy makers, especially after the Cold War. Despite significant changes in the international system, such a trend has been absent in the use of militarized force to change the behavior of other countries over the same time period.

Economic sanctions are foreign policy tools intended to cause an economic shock to the targeted economy, "actions which disrupt aid, finance, currency and assets of the target state" (Kirshner 1997, p. 36). Sanctions generally aim to block trade flow, financial transactions, or both. Regarding trade, the U.S. can choose to impose a partial or comprehensive ban on a targeted country's exports (i.e. export sanctions), on exports *to* the targeted state (i.e. import sanctions), or opt for a total halt of trade between the two countries (i.e. trade embargo). Freezing monetary assets and blocking currency exchange are the two most common actions adopted under the category of financial sanctions. Sanctions can target a whole country (e.g. sanctions against Iraq following the 1990 Gulf War), a special group

within the country (e.g. the restriction of international military education and training funding to the Guatemalan Army by the U.S. in 1998), specific individuals (e.g. the denial of a U.S. student visa to the son of the Chairman of Sherritt Corporation, a Canadian company that had violated the Helms-Burton Act by operating mines and tourism operations in Cuba, in 1996), or any combination of the three.

While U.S. sanctions can originate from a number of institutions, they take their legal standing from the president's legal authority or from legislation voted in Congress. The president is endowed with extensive authority to impose sanctions. He can invoke powers vested in him through the International Emergency Economic Powers Act by declaring a national emergency, or exercise his authority to utilize sanctions stated in a number of other laws (Rennack & Shuey 1998, p. 3). Usually, executive order is the avenue for the practical exercise of these powers. For instance, responding to the civil conflict in Côte d'Ivoire, President Bush issued Executive Order 13396 on February 7, 2006, by which he ordered the freezing of financial property of certain individuals who contributed to the civil conflict there. In doing so, the president cited the authority vested in him by the International Emergency Economic Powers Act, the National Emergencies Act, the United Nations Participation Act, and Section 301 of Title 3 of the United States Code (2006).

Congress can also require the president to execute sanctions "either by confer-

ring new Presidential authority to impose sanctions, or by requiring sanctions to be imposed unless the President determines and certifies that certain conditions have been met" (Rennack & Shuey, p. 4). Historically, the Administration has had considerable leeway in deciding whether a targeted country complies with the standards set forth by Congress. The president or his staff have rarely been challenged by Congress. Therefore, one can conclude that Congressional delegation of power has rendered flexibility, rather than constrained the President, in utilizing economic sanctions.

Finally, Congress can execute sanctions by itself. Congressional sanctions may operate as stand-alone legislation (e.g. the Iran-Libya Sanctions Act of 1996) or amendments to existing law (e.g. Glenn Amendment to the Arms Export Control Act, which mandates sanctions for nuclear testing by nonnuclear countries). Congress can design à-la-carte sanctions that reflect the internal bargaining process as well as an effort to increase effectiveness of sanctions. In 1998, responding to complaints by U.S. investors, Congress decided to withhold 50% of foreign aid extended to Ukraine until the Secretary of State concluded that Ukraine had made satisfactory progress in improving its banking and investment laws. Alternatively, Congress can also pass legislation that automatically triggers "pre-designed" sanctions against a targeted country if certain events occur, such as a *coup d'état* (included in Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1998 ceasing foreign aid), or the conduct of a nuclear test by

a non-nuclear country (e.g. Export-Import Act of 1945, Glenn Amendment).¹² Finally, the bureaucracy (other than the White House staff) and international organizations (IOs) can impose sanctions. Occasionally, Congress or the president delegates the authority to design, impose, oversee, and if necessary, terminate a sanction to agencies like the Department of Commerce, or to IOs such as the International Labor Organization.

2.5.2 Congressional Activism in Foreign Policy in the Context of Sanctions

The presence of parallel avenues for executing U.S. sanctions renders a unique opportunity to test whether or not Congressional execution of foreign policy leads to discernible differences in the outcome. As previously stated, both Congress and the president can execute, oversee, and terminate economic sanctions in relative isolation from each other. U.S. sanctions can originate from a number of institutions within the government. The president issues executive orders, Congress votes legislation, bureaucratic administrators circulate notices, and IGOs issue binding resolutions to change a targeted nation's behavior in a contested issue. Subsequent chapters discuss how the unique institutional configuration of Congress leads

¹²As discussed in detail in succeeding chapters, the inflexibility of Congressional sanctions may be consequential to their execution, once imposed. For instance, Secretary of State Clinton was reluctant to formally declare the removal of President Zelaya of Honduras by the Honduran military a coup, since such a declaration would have automatically triggered a set of sanctions that the Obama Administration did not believe would help to resolve the crisis at the time (Sheridan 2009; Voice of America 2009).

to discernible differences in the dynamics of U.S. sanctions. Despite the various sources of sanctions, the basic mechanism through which sanctions operate remain the same regardless of the institutional origins: severing economic ties with the targeted nation to change its behavior. The *comparability* of sanctions across institutions gives a "cleaner slate" from which to infer whether or not the dynamics of Congressional sanctions differ from sanctions originating from other sources such as the president or the bureaucracy.

The sanctions against the apartheid regime in South Africa exemplify the comparability of sanctions across institutions. President Reagan did not share Congress's conviction that sanctions against Pretoria would deliver results in the best interests of the U.S. However, when Congressional action became imminent as a result of immense public pressure, Reagan attempted to preempt Congress by imposing sanctions through executive order. Executive Order 12532, effective October 11, 1985, limited bank loans and the sale of computer-equipped nuclear technology to the government of South Africa. Congress was not content with these measures. U.S. Representative William Gray described the presidential sanction as an "ill-advised attempt to circumvent the overwhelming bi-partisan consensus in the Congress" (Sandler 1985). Congress proceeded to pass the Comprehensive Anti-Apartheid Act of 1986 into law. This law prohibited *all* new U.S. investment and trading activity in, direct air travel to and from, and government assistance in *all* forms to South Africa. An important note is that both sanctions provi-

sioned similar coercive measures; the difference between the two sanctions in this respect was in degree rather than in kind. Likewise, both sanctions delegated the task of implementation and oversight to bureaucratic organizations such as the Department of Commerce and the Department of State. The differences between the two sanctions, however, were rooted in their design (i.e. executive order vs. legislation), and the political will that sponsored them.

Other foreign policy tools through which Congress manifests its preferences do not allow such straightforward comparison. Extension of foreign aid nicely coincides with conventional legislative processes; however, the president does not have a comparable aid budget that he can employ in relative insulation from Congress.¹³ Furthermore, extension of foreign aid is usually employed to achieve change in the behavior of the recipient nation in the longer-term, and is less frequently offered as a carrot to induce immediate, specific policy change (Lindsay & Ripley 1993). Sanctions, on the other hand, are widely utilized in international crises.¹⁴ Other foreign policy tools that are subject to Congressional influence, such as appointment of key personnel or allocation of military appropriations, are neither actions taken directly against a country nor comparable against alternative loci of foreign policy.

The frequency with which Congress resorts to sanctions also allows the em-

¹³The White House has an aid budget under its discretion; however, the size of this budget is miniscule compared to the aid budget subject to Congressional approval.

¹⁴A more direct action with usually a clearer goal, withholding of foreign aid, is included in this study's definition of sanctions.

ployment of statistical inference techniques to compare sanctions with different institutional origins. The threat and use of sanctions is a frequently employed tool in the otherwise quite limited foreign policy toolkit of Congress. Similar to counterparts in U.S. foreign policy execution, Congress threatens and/or imposes sanctions against friend or foe over a wide variety of contested issues. TIES dataset indicates Congress has threatened to use sanctions 86 times between 1971 and 2000. Fifty-five percent of the sanction threats which Congress issued over these three decades have been against allies; 40% have been against democracies, and 29% of these threats were issued due to a security-related event. This variance across major categories allows meaningful comparison of legislative and executive sanctions.

The way a sanction episode unfolds allows scholars to gauge the effects of Congressional execution at different stages of a foreign policy episode. Diehl (2006) maintained that international conflict scholars should take note of different stages within conflict episodes and account for potential interdependence between these stages. Diehl's recommendations for examining militarized conflict episodes can easily be extended to interstate interactions employing alternative policy tools. In this respect, economic sanction episodes show a striking similarity to international conflict dynamics. The general tendency in the sanctions literature is to conceptualize a multi-stage episode in which a targeted country's response follows a threat; if the targeted nation ignores a threat, the sender country decides whether or not

to institute the threatened action by imposing sanctions (e.g. Tsebelis 1990, Smith 1996, Morgan & Schwebach 1997; Lacy & Niou 2004; Hovi et al. 2005; Krustev 2010).

The succeeding chapters demonstrate that Congressional execution of a sanction brings about a difference in sanctions' dynamics. These chapters argue that Congressional execution may have a bearing on three important -and interrelated- concepts of a sanction episode, namely: the underlying political incentives for sponsoring an episode, the design of a sanction, and the targeted country's response to the sanctions imposed. The *political incentives* that motivate the execution of sanctions may differ among different sponsors of sanctions. As discussed earlier, legislators tend to respond to local interests, while the president's actions tend to be shaped by the national interest. A legislator may incur less political risk from issuing a sanction threat than a president. On the other hand, terminating a sanction initiated on a legislator's watch can be costly to the legislator. The legal basis from which policy crafters operate may also dictate the options available when *designing* a sanction. By definition, Congressional sanctions are "pre-designed"; altering the terms of sanctions is quite difficult unless explicitly provisioned at the beginning. This lack of flexibility, too, may prove to be detrimental, if for example, harsh provisions of a sanction create a rally-around-the-flag effect in the targeted country.

Finally, in relation to the two previous points, the *targeted country's response*

may also be conditioned by the institutional origins of a U.S. economic sanction. Existing literature is virtually silent on whether or not, and how, Congressional activism creates a difference in a targeted country's behavior. Whether or not the target responds differently to sanctions originating from Congress is a question that departs from this study's focus from conventional U.S. foreign policy topics. Noting the disconnect between international events and Congressional behavior in foreign policy, Henahan (2000) asked whether or not significant international events have a bearing on how Congress operates in this realm. This study reverses the causal link and seeks to determine how Congressional execution of foreign policy affects U.S. relations with targeted nations.

Looking at the changes in a targeted nation's behavior as a function of the targeting institution in the sender country also opens a strategic dimension in this study. A country may be more likely to stand firm against Congressional sanctions if that country believes that threats from members of Congress are less than genuine, or that such threats will encounter more political resistance within the U.S. political system before becoming law. Also, retreating from sanction threats may inflict less cost to members of Congress than the president, thus making these legislators less selective when issuing such threats. Knowing this, the targeted country may be more likely to resist a sanction from the outset. Alternatively, members of Congress may maintain their support for sanctions regardless of their prospects for success or the costs imposed on the public as a whole. Frequently,

such costs disperse among a large part of the population while benefits concentrate within a single group; arguably that group is the one that motivated Congress to initiate the sanction episode. The targeted country, in turn, may expect the U.S. to commit to such sanctions longer, thus be more inclined to acquiesce at the outset rather than risking escalation to the imposition stage.

2.6 Conclusion

Recent decades have witnessed legislatures' increasing activism in formulating their government's foreign policy. However, the IR literature in general, and U.S. foreign policy literature in particular, has been relatively silent regarding legislatures' roles as foreign policy executors. Accounting for variation in institutional origins of foreign policy tools can help scholars better understand how foreign policy episodes unfold.

This chapter motivates this study's main research question: How does legislative activism affect foreign policy dynamics? In doing so, the previous discussion develops arguments for the main research question in the context of U.S. economic sanctions. U.S. economic sanctions present a unique case: The same foreign policy tool has been employed by different branches of government in relative isolation from each other. Furthermore, the stages of a sanction episode are reasonably identifiable, allowing scholars to inquire into the potential effects congressional activism may have on separate stages of sanctions, as well as on the dynamics of

interdependence between different stages.

The confinement of this study to sanctions employed only by the U.S. can raise some concerns for the generalizability of the findings. Still, the potential benefits from inquiring into this novel question far outweigh these concerns. This study is essentially the first one to address the effect legislative activism has on the dynamics of sanctions. Accounting for the variation in constitutional configurations across different sanctioning countries, at this stage, would be counterproductive for the cumulative research agenda.¹⁵ Last, the U.S. has imposed more than half of the sanctions, worldwide, after World War II. Understanding U.S. sanctions behavior within itself, therefore, is an improvement in IR literature.

Moreover, the potential findings speak to an audience much larger than U.S. foreign policy scholars. One can easily observe a proliferation of threats of sanctions and their imposition by “non-conventional” players around the globe. Legislative sanctions are not unique to the U.S. TIES dataset indicates sanctions have been imposed by the legislatures of Canada, Germany, and Iran from 1971-2000. Actors other than the executives and the legislatures can also impose sanctions: For instance, following recommendations by the U.N., the Reserve Bank of Australia has independently implemented sanctions on certain supporters of the former government of the Federal Republic of Yugoslavia, ministers and senior officials from Zimbabwe, and some individuals associated with the government of Myanmar (Re-

¹⁵On a more practical note, the (in)frequency with which cases of legislative sanctions, employed by other countries, renders the use of country-fixed effects in a statistical model infeasible.

serve Bank of Australia 2009). Developing a better understanding of how actors with limited tools to engage in foreign policy operate in the international realm can help scholars understand these emerging cases as well.

Finally, this study unpacks democracy in an original way. IR literature has considered types of electoral systems (e.g. Kono 2009), the type of government in place (e.g. Prins & Sprecher 1999; Brule & Williams 2009), the ideological composition of the government (e.g. Palmer et al. 2004) as possible sources of variations in a country's behavior, internationally. Potential findings from this study could justify further research to distinguish between different executors of foreign policy within democracies.

The succeeding two chapters will focus on the effect Congressional execution has on two separate stages of episodes of sanctions. Chapter 3 considers whether or not Congressional sponsorship affects the efficacy of threats of sanctions and the willingness of the U.S. execute a threat when faced with a resilient target. Chapter 4 focuses on imposed sanctions, and tests whether or not Congressional activism can explain the variations observed in the duration of U.S. sanctions.

Chapter 3

Congressional Threats and U.S. Sanction Dynamics

3.1 Introduction

The main research question this chapter seeks to answer is whether or not Congressional sanction threats follow a different dynamic from presidential sanction threats. Two outcomes are of special interest in this study. First, this chapter considers whether or not Congress is as likely to stay committed to the threat it makes as the president. Second, it questions whether or not a target's strategic response when faced with a sanction threat is sensitive to the threat's institutional origin. The analysis, herein, rests on an important observation: a member of Congress and the president are two different political animals. Noting that domestic political ambitions are an important driving force for these actors in the international

arena creates a strong theoretical drive to ask whether or not the actions of these two political players follow a different dynamic. More specifically, the theoretical expectations will build on the “audience-cost” argument, an argument widely used to analyze interstate bargaining dynamics.

This chapter contributes to the understanding of international relations in a number of ways. First, this study is among the few that analyzes the efficacy of sanction threats in a large-N setting. In doing so, it establishes an explicit link between institutional origins of a sanction threat and the level of resolve the U.S. shows when bargaining with another country in the shadow of economic sanctions. Second, the analysis extends the audience-cost argument, an important theme within bargaining literature, to the case of economic sanctions. Corroboration with novel empirical evidence from economic sanctions bolsters the audience-cost argument’s theoretical standing in IR literature. Third, the arguments developed in this chapter contribute to the literature on Congress and U.S. Foreign Policy. Showing that Congress’s execution of foreign policy has consequences for interstate relations may constitute an important lynchpin connecting two important bodies of literature, namely the IR and U.S. Foreign Policy literatures.¹

The next section formalizes the interaction between the U.S. and the targeted country in a simple game theoretical setting. The insights from the formal game then leads to the theoretical development of Congressional-presidential threat di-

¹The other lynchpin, the effect of international events on Congressional involvement in foreign policy has been addressed in detail by Henahan (2000).

chotomy in the context of signaling, with a specific focus on audience-costs. Section 3 recasts the argument with a random utility model and develops an appropriate statistical test. Section 4 presents an overview of the data and the variables employed, followed by presentation of results from the estimation of the random utility model, and discussion of these findings within the context of existing literature on sanctions and international conflict in general. Section 6 concludes by discussing possible extensions to the findings presented in this chapter.

3.2 Strategic Interaction in U.S. Sanction Threats

3.2.1 The Formal Model

How can the institutional origin of a U.S. sanction threat affect the sanction episode's dynamics? The conventional approach in sanctions literature has been to conceptualize a sanction episode consisting of a threat and an imposition stage (e.g. Tsebelis 1990; Lacy & Niou 2004). When a dispute arises between the targeted country and the sender (which is the U.S. in this study), the latter decides whether or not to issue a threat. Once threatened with sanctions, the targeted country can either remain resilient or acquiesce to the threat.² If the target state remains resilient in the face of a threat, the U.S. can choose to impose sanctions or

²In reality, these choices correspond to a point within a continuum of a possible set of actions. For instance, a target may partially acquiesce, or reach a mutual compromise with the U.S. For simplicity, the outcomes are dichotomized in the analysis below. See Beladi & Oladi (2009) for a discussion on partial compliance by a target country and mild sanctioning by a sender country.

back down. Figure 3.1 illustrates this process in a simple formal setting in which the interaction begins when a target decides to acquiesce or not given it is facing a U.S. threat.³

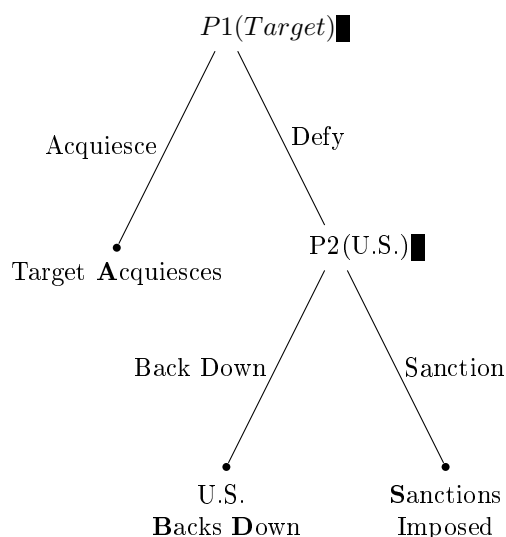


Figure 3.1: The strategic game between the target and the U.S.

Effective threats change the targeted country's behavior without escalating the episode to the imposition stage. A number of political and economic factors

³One can certainly conceptualize a prior stage in which the U.S. chooses to threaten the target or not. As a matter of fact, a number of formal studies begin their games with the sender state deciding to start a sanction episode with a threat or not (e.g. Lacy & Niou 2004; Verdier 2009; Krustev 2010). Some studies add another prior stage at the threat level, namely the target's decision to violate a norm or not (e.g. van Bergeijk 1987; Hovi et al. 2005). While including these previous stages may add more reality to the proposed model, such an inclusion provides little theoretical benefit to this chapter's inquiry. First, little theoretical basis exists to define the "non-event" population of U.S. economic sanctions. In other words, distinguishing cases in which potential targets do not disturb the (old) status quo from those cases in which U.S. chooses not to threaten potential targets that do disturb the status quo is difficult. Occasionally, exogenous events may render a status quo no longer acceptable to U.S. (e.g. the election of a more protectionist House threatening trade partners with sanctions). Finally, the research strategy employed here chooses to model strategic interdependence over selection effects, thus assumes that the errors are i.i.d. (the motivation for this assumption is provided below). In modeling this interdependence, a full structural estimation model is utilized to estimate the utilities of players. The full structural estimation model has been shown to be equivalent to a recursive system of logits (Carruba et al., 2006; Bas et al. 2007). Thus, the coefficients for the utility of a player at a stage of the game are not affected by what happens in previous stages.

(discussed in detail later) can influence the target's utility for acquiescing (and thus its eventual decision to acquiesce) to the U.S.'s demand. Acquiescing to sanction threats usually entails carrots; by succumbing to such demands, the target ensures that the trade and/or financial flows with the world's largest economy are not disrupted.⁴ In many cases, U.S. sanctions also act as a signal to the potential use of militarized force against the target in later stages (Lekztian & Sprecher 2007; Venteicher 2009). Despite the costs entailed in such sanctions, some causes are worth a determined stand. The disputed issue may be sufficiently salient to risk being imposed with sanctions for the target state (e.g. holding on to a newly claimed territory, as was the case with Turkey when faced with U.S. sanctions after the former's invasion of Cyprus), or the issue at hand may relate to the very survival of the political regime in the targeted country (e.g. U.S. sanction attempts at destabilizing the apartheid regime in South Africa). In such cases, standing firm and testing the resolve of the U.S. may also be the politically expedient thing to do at home for the targeted country. Furthermore, the target may consider the possibility that the U.S. is bluffing, or otherwise will be restrained from carrying out its threat. This calculation constitutes the core of strategic interaction between the two parties; the target conditions its actions on its belief about how the U.S. will react to defiance.

Why does the U.S. choose to back down from some threats while remaining committed to others? Like the targeted country, both international and domestic

⁴Whether sanction threats disrupt trade and financial flows is a topic for further inquiry.

factors may affect the U.S.'s utility for backing down. The potential benefits of changing target behavior and/or building a reputation against other potential targets may outweigh the cost of sanctions that the U.S. may incur, making the imposition of the sanctions a viable foreign policy choice. Equally importantly, backing down from sanction threats may have political implications for the U.S. While bluffing and brinksmanship are in the essence of diplomacy, backing down may signal foreign policy incompetence to the selectorate of a politician. Likewise, giving in to a defiant target may cause the sponsors of sanctions to lose political influence in the international arena.

Figure 3.2 recasts the interaction between the target and the U.S. as a random utility model. In this model, the players' "true" utilities $u_i^*(k)$ consist of two components: (1) the observable component of Player i 's utility by others, $u_i(k)$, and (2) the private component that is unobservable to others, e_{ik} , where the subscripts i and k refer to the players and the outcomes, respectively. The individual private information errors at each node are assumed to be i.i.d. with $N(0, \sigma^2)$.⁵

The solution to this game can be attained by backwards induction. The U.S. (Player **2**) imposes sanctions against the target (Player **1**) when $u_2(\mathbf{Sanction}) + e_{2S} >$ $u_2(\mathbf{Back Down}) + e_{2BD}$. If we let G to be the cumulative density function (CDF) of $e_{2BD} - e_{2S}$, then the probability of the U.S. imposing against a defiant target can be defined as $\Theta \equiv G[u_2(S) - u_2(BD)]$. The target, in turn, prefers to remain defiant when the expected utility from entering a sanction episode is greater than

⁵Later, in the statistical analyses, the variance term σ^2 is normalized to 1.

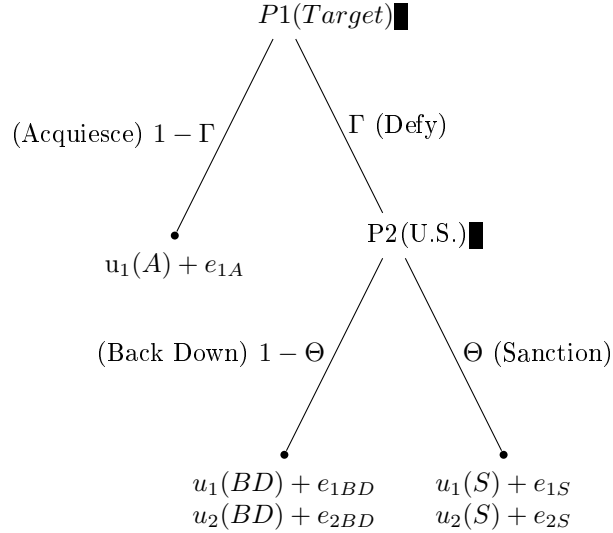


Figure 3.2: Utilities associated with outcomes

acquiescing; i.e. when $E[u_1(\underline{\mathbf{D}}efiant)] = \Theta \times [u_1(S) + e_{1S}] + (1 - \Theta) \times [u_1(BD) + e_{1BD}] > u_1(\underline{\mathbf{A}}cquiesce) + e_{1A}$. In other words, the target remains defiant when $e_{1A} - \Theta e_{1S} - (1 - \Theta)e_{1BD} < \Theta \times u_1(S) + (1 - \Theta) \times u_1(BD) - u_1(A)$. If we let F denote the CDF of $e_{1A} - \Theta e_{1S} - (1 - \Theta)e_{1BD}$, then the probability of a target defying a U.S. threat can be expressed as $\Gamma \equiv F\{u_1(BD) + \Theta(u_1(S) - u_1(BD)) - u_1(A)\}$. Alternatively, this probability can also be expressed as $\Gamma \equiv F\{u_1(BD) + G[u_2(S) - u_2(BD)][u_1(S) - u_1(BD)] - u_1(A)\}$.

Θ and Γ denote the equilibrium action probabilities of the game. Taking the first derivative of these probabilities with respect to parameters of interest renders the comparative statics in equations (1)-(6).

$$\frac{\partial \Theta}{\partial u_2(S)} = g[u_2(S) - u_2(BD)] \geq 0, \quad (3.1)$$

$$\frac{\partial \Theta}{\partial u_2(BD)} = -g[u_2(S) - u_2(BD)] \leq 0, \quad (3.2)$$

$$\frac{\partial \Gamma}{\partial u_1(S)} = G[u_2(S) - u_2(BD)] \times f\{.\} \geq 0, \quad (3.3)$$

$$\frac{\partial \Gamma}{\partial u_1(BD)} = [1 - G[u_2(S) - u_2(BD)]] \times f\{.\} \geq 0, \quad (3.4)$$

$$\frac{\partial \Gamma}{\partial u_2(S)} = g[u_2(S) - u_2(BD)] \times [u_1(S) - u_1(BD)] \times f\{.\}, \quad (3.5)$$

$$\frac{\partial \Gamma}{\partial u_2(BD)} = g[u_2(S) - u_2(BD)] \times [u_1(BD) - u_1(S)] \times f\{.\}, \quad (3.6)$$

where g and f stand for the probability density functions of G and F , respectively, and $f\{.\}$ denotes $f\{u_1(BD) + G[u_2(S) - u_2(BD)][u_1(S) - u_1(BD)] - u_1(A)\}$.

Easily discernible is that the expressions in Equations (1), (2), (3) and (4) are positive since density functions are limited to $[0,1]$. The substantive interpretations of the comparative statics are also straightforward. The more the U.S. values the imposition of sanctions over backing down, the more likely that the U.S. will escalate the episode to the imposition stage when faced with a defiant target. Similarly, the more the targeted country values the imposition of sanctions or the U.S. backing down from its threat, the more likely that the targeted country

will remain defiant; these are the only possible outcomes if the target ignores the U.S.'s threat. The effects U.S.'s valuation of imposing sanctions and backing down have on the target's likelihood of defiance depends on the relative values of $u_1(S)$ and $u_1(BD)$. If $u_1(BD) > u_1(S)$, i.e. the target prefers the U.S. to back down rather than to impose, then an increase in the U.S.'s valuation of escalating to the imposition stage decreases the chances that the target will remain defiant to a threat (i.e. decreases Γ). In other words, when $u_1(BD) > u_1(S)$, the effectiveness of a U.S. sanction threat will positively correlate with the probability that the U.S. will impose sanctions if a target defies the threat. Equivalently, the higher the expected utility the U.S. is "subject to" from backing down, the less credible its sanction threat becomes. Alternatively put, when the U.S. incurs little cost from backing down from a threat, the target is more likely to defy since the "risk" of being sanctioned is low in such cases.

3.2.2 Institutional Origins of Sanction Threats and the Relative Valuation of Outcomes

This chapter argues and purports to show that members of Congress incur a lower cost (i.e. have a higher utility) for backing down from sanction threats. More specifically, the assertion is that the audience to whom members of Congress are liable is not as "punishing" for backing down from a threat as the audience for the president. In turn, having an audience that punishes a leader for backing down

allows the sender to “credibly signal” its resolve to the target; the sender is less likely to issue threats from which it prefers to back down if the target proves to be resilient and the target will be more likely to acquiesce to such credible threats (Schelling 1960; Fearon 1994). The audience-cost argument, therefore, implies that Congress is at a disadvantage in credibly signalling commitment due to the nature of its audience and that targets will be more resilient to Congressional sanction threats.

IR scholars have long argued whether or not audience-costs exist. One camp of scholars maintained that a leader’s constituency punishes the leader for backing down from threats she issued (Fearon 1994; Smith 1998; Guisinger & Smith 2002). These scholars have argued that a leader’s constituency may perceive backing down as a sign of incompetence, or punish the leader for “violating the national honor” (Fearon 1994, p. 587). Therefore, these researchers concluded that countries, in which the constituency can (electorally) punish leaders for backing down from threats (i.e. democracies), can more credibly signal resolve since such countries have an incentive select themselves only into cases that they are willing to pursue. Indeed, a number of empirical analyses showed that threats to use militarized force issued by countries that can “create” larger audience-costs such as democracies (Eyerman & Hart, 1996; Partell & Palmer 1999), or regimes in which the executive is constrained in general (Partell & Palmer 1999; Weeks 2008), are less likely to be reciprocated. Others countered the claim that backing down from threats is costly

to the leader. These scholars noted that a leader's constituency may not necessarily punish the leader for rationally bluffing a target, or may wait for the outcome of the crisis rather than punishing the leader for diplomatic maneuvers (Brody 1994, p. 210; Gowa 1999; Schultz 1999; Desch 2002; Ramsay 2004; Slantchev 2006). Walt (1999, p. 34) further argued for the existence of "audience-benefits." In other words, issuing an empty threat may be preferable to ignoring the target's disputed behavior without raising rhetorical objections.

Recent studies presented further evidence that audience-costs exist for democratic leaders. Baum (2004, p. 608), for instance, draws an analogy between "a skilled poker player," and a competent leader; the bluffs of both are seldom called. Thus, he argued, "[i]f a president's bluff is called, voters are likely to interpret this as a sign of incompetence." His analysis shows that the U.S. president is reluctant to prime the public on potential conflicts unless he is "quite confident of success if a fight ensues" (ibid, p. 603). Conducting experiments with U.S. voters (2007) and surveys with members of the British parliament (2009), Tomz found evidence that audience-costs exist; these individuals tend to negatively view the executive when she backs down from a threat in the international arena.

Having established the existence of multiple loci of foreign policy execution, the ensuing question is whether or not these loci are subject to same audience-costs. This chapter argues that the president and members of Congress are subject to differing levels of audience-costs. This argument rests on two points: The first point

notes that members of Congress and the president answer to different electorates at home, and that foreign policy performance tends to be a more salient issue for the president's evaluation by his electorate. The second point highlights the possibility that presidents may also be subject to international audience-costs.

Scholars of U.S. politics overwhelmingly depicted the president being more responsive than Congress to the national needs of the country and following a more stable course in executing policies, since (1) his electorate is geographically and demographically larger, and (2) the short electoral time horizon most members of Congress render their policy making susceptible to interest group influence (Weingast & Marshall 1988; Silverstein 1997; Miller 1993; Moe 1990; cf. Lindsay 1991; Nzelibe 2005/2006). As Elena Kagan (2001, p. 2335) noted, "because the President has a national constituency, he is likely to consider, in setting the direction of administrative policy on an ongoing basis, the preferences of the general public, rather than merely parochial interests." Being motivated by different electoral incentives, members of Congress and the president may follow different priorities when executing foreign policy. Partell & Palmer (1999, p. 395) argued that "[t]o truly measure audience-costs one would need to measure the likelihood that a leader will be removed from office in the event that she fails in foreign-policy arena." Case-specific data on the likelihood of leadership's removal has not been readily available for IR scholars. Instead, such likelihood has been proxied by contrasting regime types and the institutional "punishment mechanisms" inherent across regimes.⁶ In the

⁶See Eyerman & Hart (1996) and Partell & Palmer (1999) for a comparison between demo-

U.S. case, the logic of “electoral prospects” as audience-costs can be extended to the case of Congressional sanction threats.

Since foreign policy tends to be seen as his prerogative, the president’s performance in the foreign policy realm has electoral consequences (Aldrich et al. 1989; Marra et al. 1990; McAvoy 2006; Karol & Miguel 2007). Often, a candidate’s competence in foreign policy becomes main topic of debate in presidential elections. A president concerned about foreign policy performance, then, would be more reluctant to back down from threats he issued since such an action would signal incompetence to the voters.

While the president is associated with the country’s overall foreign policy performance, the public at large still tends to put less emphasis on foreign policy than on issues relating to domestic politics. This imbalance of interest between the two realms gives members of Congress, who should satisfy to a plethora of interests domestically to secure reelection, a freer hand in devising foreign policy. Since voters tend to have weak preferences regarding international issues (Almond 1950; Converse 1964; Hughes 1978; cf. Aldrich et al. 1989), reelection seeking legislators may be more likely to assert their personal agendas in the foreign policy realm (Rosenau 1961; Miller & Stokes 1963; Light & Lake 1985). In other words, members of Congress can perform their delegative “political elite” functions more easily in foreign policy.⁷ Empirical evidence indeed shows that individual-level factors, cratic and authoritarian regimes, and Weeks (2008) for an assessment of the level of audience-costs within different types of authoritarian regimes.

⁷On a related note, Richardson & Munger (1990) argue that since Senators have a lower

such as ideology (Kastner & Grob 2009) and religion (Rosenson et al. 2009), seem to be important determinants of foreign policy actions of U.S. legislators. If members of Congress have a freer hand and act as delegates rather than representatives of their constituencies in foreign policy, then backing down from a sanction threat should not be as politically costly as a similar action would be in the domestic arena. Observing this, members of Congress can adopt "risky" behavior and also gain more visibility. Such visibility is attainable by "symbolic" threats, i.e. threats unlikely to be consummated.

Two well-known counterexamples in which members of Congress persistently followed their threats further strengthens the electoral connection between sanction threats and the likelihood of backing down. The Helms-Burton Act of 1996 targeted Cuba and the third parties that conducted business with or in that country, and the Iran Missile Proliferation Sanctions Act of 1998, aimed at Iran's nuclear efforts, had a specific focus on stopping third parties (mainly Russian companies) from transferring missile technology to Iran. These sanction threats raised serious complications with a close ally, Canada, and the Yeltsin government in Russia whose cooperation was critical for a number of other international issues (e.g. North Korea and Yugoslavia). Furthermore, Cuba and Iran had been showing high levels of resilience to the existing sanctions. In addition, President Clinton was not supportive of such harsh and inflexible measures, and instead championed diplomatic

level of electoral accountability than Representatives do, they tend to "vote [more] with their conscience."

efforts. Meanwhile, U.S. businesses were also garnering support to terminate, if not ease, the existing sanctions against the two countries (Eizenstat 2004). Despite the conjunctural disadvantages the political landscape for these sanctions presented, members of Congress who sponsored the bills demonstrated considerable resolve. Interestingly, the political demand for the two bills mainly arose from perhaps two of the strongest ethnic lobbies in the U.S., namely the Jewish-American and Cuban-American lobbies (Haney & Vanderbush 1999; Nathan & Oliver 1994, ch. 11; Paul & Paul 2008). These lobbies, and their political arms like the the American Israel Public Affairs Committee (AIPAC) and the Cuban-American National Foundation, had the power to extend political carrots or sticks, such as campaign contributions, and quick and effective mobilization of voters in the constituencies of the influential and interested members of Congress. In other words, backing down from these sanction threats had a direct and considerable political cost for the members of Congress who sponsored the related bills.

International audience-costs may also motivate a president to sanction a defiant target. Notwithstanding extreme events such as large scale wars, a president's evaluation by his electorate extends over his portfolio of foreign policy issues rather than on a single issue among these. However, events in international relations are not isolated from each other. To improve the country's overall performance in the realm of foreign policy, a president may find benefit in establishing credibility over a series of cases. In other words, the president may enjoy a higher utility for

“punishing” defiant targets to deter other potential targets in the future, *ceteris paribus*.

U.S. presidents have explicitly emphasized the role of maintaining a strong reputation to deter further challenges to U.S. interests. For instance, Truman maintained that leaving Korea to Communist forces “would be an open invitation to new acts of aggression elsewhere” (Gaddis 2005, p. 107). Later, Nixon rationalized the U.S. presence in Vietnam despite mounting losses by stating that “[i]f we abandon our effort in Vietnam, the cause of peace might not survive the damage that would be done to other nations’ confidence in our reliability ... [Abandoning South Vietnam] would bring peace now but it would enormously increase the danger of a bigger war later” (Lewis 2007, p. 285). Reagan’s emphasis on continuing U.S. operations in Central America coincided with the same line of reasoning regarding the U.S. strategy of containment against Communism. He maintained that if the U.S. were unsuccessful in keeping the El Salvadorian government and toppling the Sandinistas in Nicaragua, “[U.S.] credibility would collapse and [its] alliances would crumble” (Mercer 1996, p. 2).

Several IR scholars have likewise argued that if a country develops a reputation as a soft bargainer, i.e. one that backs down from threats, then this country is likely to be challenged often by other countries (Schelling 1966, p. 124-125; Snyder 1984; Jervis 1988; Huth 1988). Later studies reformulated the problem as one of uncertainty, and argued that establishing a favorable reputation reduces the noise

in interstate bargaining, and allows countries to achieve more favorable outcomes (Alt et al. 1988; Guisinger & Smith 2002; Sartori 2005). Such arguments for the role of reputation in international relations have empirical verification in the context of international conflict (Sartori 2005; Crescenzi 2007) and alliance formation (Gibler 2008). Following the same line of logic, the president may enhance his political interest by developing a reputation for "honesty" in his sanctions policy. Doing this would require the president to threaten sanctions only in cases in which he is sufficiently resolute to impose these sanctions if necessary.

Members of Congress, on the other hand, do not necessarily carry the same imperative to build a reputation for honesty and credibility in foreign policy actions. While some try to establish themselves as "foreign policy entrepreneurs," the involvement of members of Congress in foreign policy tends to be issue-based (Carter & Scott 2004). "Reputation" from issue-based involvement (such as engaging in backdoor diplomacy) seldom transfers to other foreign policy actions for Representatives and Senators.

In sum, reinterpreting the audience-costs approach in the U.S. foreign policy context strongly suggests that presidents are subject to (a higher level of) audience-costs in their sanctions policy. For members of Congress, on the other hand, satisfying these interests do not seem to place a premium on executing a sanction threat *relative* to the president. This study's formal model shows how actors incurring a higher cost for disengaging from a threat are more likely to impose

sanctions against a defiant target, and the targets, in turn, would be more likely to acquiesce to such threats. More specifically, Equations (2) and (6) laid the formal argument for audience-costs. Equation (2) establishes the simple, inverse relationship between the utility U.S. derives from backing down from a threat and the probability that it will choose to impose sanctions against a defiant target:

Hypothesis 3.1: *When faced with a defiant target, the U.S. is more likely to back down from a sanction threat if the threat originates in Congress.*

In turn, Equation (6) demonstrates that if the targeted country prefers the U.S. to back down from its threat of sanctions rather than being subject to U.S. sanctions, the country's tendency to remain defiant will positively correlate with the U.S.'s proclivity for backing down. In other words, such targets are more likely to test the resolve of the U.S. when backing down is less costly (more valuable) for the latter:

Hypothesis 3.2: *Targets are more likely to remain defiant against Congressional sanction threats.*

The difference in the level of audience-costs between Congressional and presidential threats may not be the only factor that accounts for the potential effect institutional origins have on U.S. sanction dynamics. *Regardless of the political costs of backing down for their issuer*, the path sanction threats follow before they escalate into impositions may also affect the likelihood of escalation. The institutional paths Congressional and presidential threats follow are different from

each other. Congressional sanction threats may suffer from an intrinsic credibility problem due to the obstacles members of Congress face when they try to transform threats into tangible policy outcomes. More specifically, the initiatives of the members of Congress may be relatively prone to frustration from institutional obstacles on the way to becoming law.

A sanction initiative by a member of Congress must transit a number of stages; political bickering can kill such an initiative at each of these stages. Often, such sanction bills become "pawn[s] in turf struggles among various congressional committees" (Weissman 1995, p. 11). An equally, if not more, difficult hurdle awaits the sanction initiative at the voting stage. Consequently, only one in ten foreign policy bills are enacted as "numerous obstacles in a fragmented Congress need to be surmounted for any legislator's initiative to evolve into law" (Loomis 1998). For example, the 1993 Pelosi-Mitchell bill that proposed to link the continuation of China's most-favored-nation status to improvements in its human rights practices was heavily criticized by several members of Congress and eventually defeated on the House floor. The president may also encounter resistance from Congress in his foreign policy actions. However, he can circumvent such opposition through executive orders and other forms of administrative prerogatives. The target state, in turn, may be more inclined to "risk" defiance when threatened by Congress since these threats are less likely to substantiate into policy.

The institutional hurdle approach generates hypotheses similar to that of the

audience-cost approach: Congressional threats are less likely to escalate into impositions in both approaches, and the strategic target is more likely to remain defiant against such threats. One way to assess the explanatory power of the two approaches vis-à-vis each other is consider the resolution of Congressional and presidential threats when the domestic political environment is favorable to their respective issuers. By favorable, the implication is that the political environment is forgiving and facilitative; actions taken by a politician are less likely to be punished, and these actions enjoy a higher level of facilitation by others in government. The audience-cost argument focuses on the political costs of backing down from a threat; politically favorable environments may mitigate such costs. If such costs are mitigated, the politician can more readily back down from threats. The institutional hurdle approach, on the other hand, predicts the contrary. If the political environment is favorable for a prospective issuer of a threat, her initiatives are less likely to encounter obstacles. Thus, retreating from a threat becomes less likely.

In the U.S., unified governments (i.e. governments in which the president and the majority in both chambers of Congress belong to the same party) may proxy for "favorable political environment." The previous chapter discussed in detail the "politicization" of U.S. foreign policy beginning in the 1970s. Chapter Two argued that such "discord" seriously undermines "bipartisan conduct of American foreign policy," and that foreign policy actions of the president are increasingly subject to domestic opposition (Wittkopf & McCormick 1998, p. 450). It was previously

posited that audience-cost should primarily act as a constraint for the president for sanction threats. Arguably then, the prospects of such opposition can render backing down from threats more costly for a president. On the other hand, backing down from threats are less likely to be "punished" by policy retaliation through other legislations or through Congress imposing its own sanctions instead when the majority in both the Senate and the House are from the president's party. Despite its increasing activism, Congress still suffers from "electoral disincentives for confronting the president over foreign policy" (Auerswald 2006, p. 85; Auerswald & Cowhey 1997, p. 510-11; Kellerman & Barilleaux 1991). Such disincentives could be more significant if a member of Congress challenges a president who is of the same party. In other words, unified governments may be more forgiving for risky presidential probes in foreign policy.

A further argument is that Congressional threats are most likely to encounter institutional obstacles. When the key position holders such as the chairs of related subcommittees, the speaker of the House and the president are from the same party as the sponsor of the Congressional threat, the likelihood that a legislative initiative becomes mired in the process should decrease substantially. The two approaches suggest two contrasting sets of hypotheses for sanction threats issued under favorable political conditions:

Hypothesis 3.3 *Audience-Cost*: *Sanction threats (especially issued by the president) are more likely to be drawn back against a defiant target when the U.S. government*

is unified.

Hypothesis 3.3*Institutional Hurdle*: *Sanction threats (especially issued by Congress) are more likely to be imposed against a defiant target when the government is unified.*

Hypothesis 3.4*Audience-Cost*: *Target states are more likely to defy sanction threats (especially issued by the president) when the government is unified.*

Hypothesis 3.4*Institutional Hurdle*: *Target states are more likely to defy sanction threats (especially issued by Congress) when the government is unified.*

Having derived hypotheses regarding how Congressional threats should differ from presidential ones, empirical evidence becomes the next subject for discussion.

3.3 Research Design

3.3.1 Structural Estimation of the Model

To test the hypotheses presented earlier, this study employs a “fully structural estimation model” (FSEM) that derives its likelihood function from the equilibrium probabilities Θ and Γ (Signorino 1999, 2003; Lewis & Schultz 2003; Carrson 2003; Bas et al. 2008; Esarey et al. 2008). FSEM accounts for the strategic dynamic between the targeted country and the U.S. born out of the latter’s sanction threats. As such, FSEM holds a number of advantages over conventional estimators like the multinomial logit or the sequential non-strategic discrete choice models such as

a Heckman two-step estimator. Switching the focus from outcomes to individual choices the players make allows for “a better understanding of the micro-level causal mechanisms that generated the observed outcomes” (McLean & Whang 2010). In other words, the probabilities FSEM derives map, one to one, onto each choice depicted in the underlying theoretical story. Equally important, FSEM incorporates the strategic calculations of each player based on the belief the players hold about the other’s actions. Conventional techniques do not take this strategic calculation of players into account, thus have been shown to be prone to model misspecification and omitted variable bias, raising serious validity concerns about the findings based on these models (Signorino & Yilmaz 2003).

Previous sections depicted the theoretic model and derived the equilibrium action probabilities. Since statistical methods cannot be employed in deterministic models due to the zero-likelihood problem, “some form of uncertainty on the part of the players and/or analyst” must be introduced (Bas et al. 2008, p. 23). To subject the model to statistical analysis, “payoff perturbations” in the form of private information errors (i.e. the e_{ik} terms) are introduced to the payoff functions.⁸ These error terms are assumed to be i.i.d. $N(0, \sigma^2)$, therefore, the

⁸Signorino (2003) identifies three different sources of uncertainty: The countries may have *private information* that is unobservable to the other parties and the analyst, the *agents* of a player may make mistakes in executing their decisions (i.e. agent error), or the analyst may be unable to measure or specify *regressors*. The private information model leads to the Nash Equilibrium solution (Signorino 1999, 2003), while the agency error assumption leads to the Quantal Response Equilibrium solution (McKelvey & Palfrey 1995). In simple models like the one utilized here, “the equilibrium probabilities for the private information and agent error models will be almost identical” (Signorino 2007, p. 486). See Signorino (2003) for a comprehensive treatise on this issue.

equilibrium action probabilities Θ and Γ can be expressed as⁹:

$$\Theta = \Phi \left[\frac{u_2(S) - u_2(BD)}{\sqrt{2\sigma^2}} \right], \quad (3.7)$$

$$\Gamma = \Phi \left[\frac{\Theta \cdot u_1(S) + (1 - \Theta) \cdot u_1(BD) - u_1(A)}{\sqrt{\sigma^2(\Theta^2 + (1 - \Theta)^2 + 1)}} \right], \quad (3.8)$$

where $\Phi(\cdot)$ denotes the standard normal c.d.f. Since the errors are independent, the equilibrium probability for each *outcome* is simply the product of each action probability along the path, i.e.

$$Pr(A) = 1 - \Gamma,$$

$$Pr(BD) = \Gamma \cdot (1 - \Theta),$$

$$Pr(S) = \Gamma \cdot \Theta.$$

Figure 4 illustrates the last step before estimating the FSEM model by replacing the observable parts of the utility functions with a corresponding linear combination of regressors. To illustrate, the observable component of the U.S.'s utility for imposing sanctions, $u_2(S)$ is replaced with $X_{2s}\beta_{2s}$ providing the utility function $u_2^*(S) = X_{2s}\beta_{2s} + e_{2s}$.¹⁰ For simplicity, and without loss of generalization, the target's utility for U.S. backing down, $u_1^*(BD)$ is normalized to 0. Once

⁹See Signorino (2002) for a formal derivation of these expressions

¹⁰The errors terms are omitted from Figure 3 to simplify the diagram.

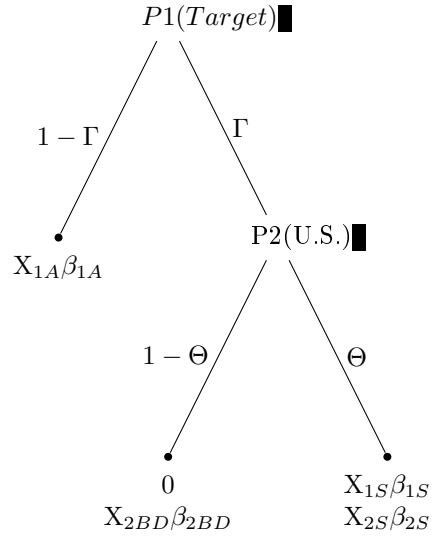


Figure 3.3: Regressors assigned to the utilities

the outcomes of a sanction threat episode are identified, the equilibrium probabilities for the *outcomes* are determined, and regressors to the outcome variables are assigned, the following likelihood function can estimate the coefficients for the regressors using maximum likelihood estimation (MLE):

$$L = \prod_{i=1}^N [y_{A,i} Pr(A)_i \cdot y_{BD,i} Pr(BD)_i \cdot y_{S,i} Pr(S)_i], \quad (3.9)$$

where $y_{A,i}$, $y_{BD,i}$ and $y_{S,i}$ denote outcome variables for Acquiescence, Back Down and Sanction, respectively and assume a value of 1 if the corresponding outcome occurs.

3.3.2 Data

The lack of data on sanction threats that have deescalated or otherwise ended before escalating into impositions has been an important reason for the dearth of studies that address the role threats play in economic sanctions. The major dataset employed in virtually every study on sanctions that utilized statistical methods, the Hufbauer, Schott & Elliott (HSE) dataset, does not include sanction episodes that did not escalate to the imposition stage. The HSE dataset includes 203 high-profile sanction cases *imposed* around the world between 1914 and 2000 (Hufbauer et al. 1990, 2007). Threats and Imposition of Economic Sanctions (TIES) dataset, recently released by Morgan, Bapat & Krustev (2009), is the first large scale dataset that addresses this gap in sanctions studies by including *threats* of sanctions. While covering a shorter time span (1971-2000), the dataset identifies 888 cases in which a target country was threatened with and/or subjected to economic sanctions.¹¹

The U.S. is the main sanctioner in 419 of the cases coded in the TIES dataset. Among the 419 cases, seven instances in which the U.S. was one of the initiators but was not the primary sender are omitted from the sample. Data availability for certain variables within the TIES dataset used in the statistical analyses further restricts the sample to 351 cases (of which 59 remain as legislative threats). The unit of analysis in the subsequent tests, therefore, is the sanction episode between the U.S. and the a targeted state.

¹¹See *ibid.* for a systematic comparison of the two datasets.

3.3.3 Variables

Dependent Variable: The dependent variable for the subsequent analyses is the outcome of a sanction episode initiated by the U.S. The TIES dataset indicates several categories, identifying the ends of sanction episodes: (1) The target can partially or completely acquiesce to a sanction threat, (2) the two parties can reach a negotiated settlement prior to imposition of sanctions, (3) the sender can explicitly back down from its threat, (4) the threat may gradually deflate without any of the parties taking any further action, or (5) the episode may escalate to the imposition stage.

In this study, these five categories are collapsed into three outcomes reflecting the three end nodes in the game trees presented in Figures 2-4. Target acquiescence and negotiated settlements group into the *Target Acquiesces* outcome. Acquiescence and negotiated settlements are quite similar in nature. International interactions usually involve the exchange of carrots and sticks. Private or public, such exchanges signify a de facto negotiation. For example, reaching a mutually acceptable solution with Iran on nuclear proliferation under the shadow of sanction threats would be considered a success by many. The U.S. would be considered to have backed down if an official figure issues a formal statement stating that the U.S. is withdrawing its threat or a threat deescalates without such a formal statement to the effect. Imposed threats comprise the final category. Of the 351 sanction threats that enter the sample, about 20% end up with target acquiescence

or the U.S. backing down each (N=70 and 72, respectively). The remaining 60% (N=209) escalate to the imposition stage. Table 3.1 shows the breakdown of sanction episode outcomes (i.e. the dependent variable) by institutional origin:

Table 3.1: U.S. Sanction Threat Outcomes by Institutional Origin

Outcome	Congressional Threats	Presidential Threats	Total
<i>Target Acquiesces</i>	17	53	70
<i>U.S. Backs Down</i>	19	53	72
<i>U.S. Imposes</i>	23	186	209

TIES Dataset, U.S. Sanction Threats 1971-2000

3.3.3.1 Variables that Affect U.S.'s Outcome Utilities

Congressional Threat: The TIES dataset identifies a number of institutions from which a sanction threat can originate, namely the bureaucracy, the legislature, the executive branch, the government (i.e. unspecified), or through an international institution. *Congressional Threat* dummy variable takes on a value of 1 if a sanction threat originates from an individual legislator or either chamber as a whole. Congressional threats constitute 17% of the sample (N=59).

Threats that have been issued by the president's office, rest of the bureaucracy, or through an international organization constitute the excluded category. While the next chapter distinguishes between specific institutional origins of imposed sanctions, the following analysis tests whether or not Congressional sanctions ex-

hibit a structural difference from the remainder as a whole. This is done to achieve parsimony in the models presented. The theory developed earlier does not necessarily foresee a differential in threat efficacy or the willingness to pursue sanctions when faced with a resilient target within different organs of an administration. Threats issued by a high level bureaucrat or a Secretary are likely to be perceived as equivalent to a threat by the office of the President. The likelihood that a bureaucrat would devise major policy such as issuing a sanction threat without the approval of the White House is small. Finally, creating a separate dummy variable for presidential threats does not have a discernible effect on the findings subsequently presented.

Unified Government: The *Unified Government* variable takes on a value of 1 if the president and the majority in both houses of Congress belong to the same party during the quarter of the year the sanction threat was issued, and 0 otherwise. Interestingly, all of the unified years denote Democratic governments, namely the Carter presidency and the first two years of Clinton's first term.¹²

3.3.3.2 Variables that Affect the Sender's and the Target's Outcome Utilities

Issue Type: What states contend over may have a profound impact on how these states interact (Keohane & Nye 1977; Vasquez & Mansbach 1984; Hensel 1996; Gibler 2007). Several scholars argued for the need to include issue types in analyses

¹²A more detailed discussion on this note will be provided in the Results section.

of international conflict (Holsti 1991; Diehl 1992; Goertz & Diehl 1992). Brecher (1993), for instance, maintained that when the contested issue is of high salience to a country in an international crisis, it will exhibit a higher level of resolve and resort to militarized measures, if necessary. On a similar note, Vasquez (1993, p. 75) conceptualized interstate rivalry as a series of repeated militarized disputes between two countries that are largely fueled by “an issue that is of highest salience to them.” The theoretical framework developed by these scholars was validated with empirical findings (e.g. Gochman & Leng 1983; Goertz & Diehl 1992; Senese 1996, 2005; Hensel 2001; Gelpi & Gersdorf 2001). Gochman & Leng (1983) found that disputes arising from issues relating to “vital interests” and physical security of states are more likely to escalate to militarized confrontations. Likewise, Senese (1996, 2005) established an empirical link between the value two states put on a contested territory, the likelihood of a militarized dispute onset and of the dispute escalating to war. Gelpi & Gersdorf (2001), instead, drew attention to the relative valuation of the contested issue at hand, and demonstrated that the higher a state’s relative interest for an issue, the more likely that state will have a favorable outcome from a crisis, vis-à-vis, other states.

Several scholars argued that the salience of an issue closely relates to the involved parties’ resolve, thus their willingness to stand firm in a sanction stand-off (Hufbauer et al 1990; Tsebelis 1990; Morgan & Schwebach 1997; Lacy & Niou 2004). Sanction threats relating to a security issue may exhibit a different dy-

namic; targets may be more resilient when they are forced to roll back their political influence than when they are threatened over their environmental practices. Nevertheless, the findings for the relationship between issues types and sanction dynamics are inconclusive. Noouriddin (2002) and Hart (2000) were unable to discern a significant effect of the “seriousness” of an issue or pursuing a “major goal” on sanction success, respectively. Allen (2008), however, demonstrated that demands that entail major military concessions from the target decreases the chances of success for imposed sanctions. U-Jin Ang & Peksen (2007) also noted that the relative salience of issues for the parties involved matter as well. Extending Gelpi & Gersdorf’s asymmetric salience argument to cases of economic sanctions, their findings indicated that the more a state valued the contested issue vis-à-vis the other party in a sanctions episode, the more likely that state would achieve a favorable outcome in economic sanction episodes.

The test employed in this chapter adds to the understanding of the role issues play in sanctions dynamics in two ways: First, the role issue-types play in sanction dynamics is tested in the context of sanction threats. As such, this study fills an important gap between canonical formal studies of economic sanctions and the empirical studies undertaken to understand sanction dynamics, since the latter almost exclusively addressed imposed sanctions. Second, FSEM allows the analyst to test the effect issue-types have on each actor’s utilities separately. This is a major improvement over existing work that addresses joint evaluations of issue

salience (e.g. U-Jin Ang & Peksen 2007), since the strategic interaction between the two players is not collapsed on a single outcome.

The *Security Related Issue* dummy variable takes the value of 1 when the disputed issue that the U.S. threatens over is related to "high-politics," i.e. if the contested issue is security-related such as nuclear proliferation, punishment for territory acquisition or alliance choices of the targeted state. "Low-politics" issues such as environmental, trade, or human rights practices take the value of 0.¹³ A full list of individual issue types included in the TIES dataset, as well as their coding scheme for the Security Related Issue variable appear in Appendix B.¹⁴

¹³A lengthy debate focused on whether or not sanctions relating to trade disputes (thus a "low-politics" issue) are analytically equivalent to those related to "high-politics" issues. In their canonical dataset, Hufbauer et al. purposefully omitted sanctions relating to trade disputes. Pape (1997, pp. 95-97) set forth four main reasons for the trade sanctions not being pooled with others in empirical analyses: (1) States try to maximize wealth in one, and political power in the other; (2) the demands are too small for typical interstate bargaining processes to occur; (3) other coercive options such as the use of militarized force are thus not a complementary possibility in trade sanctions, and (4) including such cases expands the universe of sanctions virtually to infinity since every trade dispute threat should be counted. In contrast, Odell (2000, p. 11-12) argued that the sanction processes in both cases operate similarly, thus no "a priori" reason exists to expect trade sanctions to operate differently. Likewise, Baldwin (1999/2000, p. 82) maintained that "[s]etting economic sanctions in the context of choice . . . requires that they be defined in terms of means rather than ends. As tools of foreign policy, they are presumably available to policymakers for a variety of purposes and not restricted to particular foreign policy goals." Also see Drezner (2001, pp. 386-389) for a theoretical refutation of Pape's claims.

¹⁴Occasionally, the disputed issue type can be perceived differently by the targeted and the sender country. The threat and eventual imposition of sanctions against China following the Tiananmen Square incident illustrate this point. During the crisis, the U.S. focused on the human rights aspects of the issue, whereas the Communist Party in China perceived the threat and the eventual imposition of sanctions as a challenge to the stability of its regime. Morgan (1995) explained Clinton's quick reversal of sanctions after coming to power with the difference in levels of salience each party assigned to the disputed issue during the crisis. While the TIES dataset identifies up to three issues that may have initiated the sanction episode, it does not indicate which issue is the most salient for the sender versus the target. Therefore, the episode is coded as relating to a security related event if at least one of the contested issues is security related.

3.3.3.3 Variables that Affect the Target's Utilities

Alliance: The U.S. threatens sanctions against its allies frequently; 61% of the sanction threats and 62% of sanction impositions that the U.S. employed between 1971-2000 have been against its allies.¹⁵ Scholars have set forth two competing approaches to account for the U.S.'s tendency to employ sanctions against its allies this frequently. The first approach highlights the lack of substitutes that a sender state can employ against an ally. Since sender states are reluctant to threaten or use militarized force against allies, sanctions remain a viable coercive foreign policy tool that the U.S. can employ against such targets. Indeed, Cox & Drury (2006) found that the U.S. allies run a higher risk than non-allies of being sanctioned by the U.S. Still, one would not necessarily expect higher rates of deterrence when sanctions are utilized as a "second-best" tool to achieve policy change. If sanctions tend to be "second-best" options against allies, then the targeted country would derive a higher utility from risking imposition by being defiant to a sanction threat if it is allied with the U.S.

Alternatively, alliance ties may allow countries to overcome their security dilemma with each other, thus making compromise more likely (Herz 1951; Jervis 1978; Snyder 1984). Targets that expect frequent conflict with the sender in the future may be more resilient when facing economic sanctions. Even if the costs incurred by

¹⁵During the same time period, the COW Formal Alliances dataset indicates that the percentage of states belonging to the interstate system with whom the U.S. was allied hovered between 28% and 33%.

being imposed with sanctions is higher than the value a targeted country derives from maintaining its position on the contested issue, the prospects of acquiescing to a potential military adversary can make the targeted country reluctant to comply (Drezner 1999). Since allies run a lower risk of militarized confrontation with each other, targets allied with the U.S. may be more likely to acquiesce to sender's demands when threatened with sanctions. Drezner (ibid.) tested this claim in the context of *imposed* sanctions, and found that allied targets are more likely to comply with the sanctioners' demands.

The two approaches render two contrasting expectations with regard to how alliances affect a target's utility for acquiescing to a sanction threat.¹⁶ The two countries are coded as allied if they had a formal alliance (defensive, nonaggression or entente) when the threat was issued. The data is obtained from the COW Formal Alliances dataset (Gibler & Sarkees 2004).

Target Regime: Economic costs imposed on a targeted country do not necessarily translate into political pressure of the same magnitude (Blanchard & Ripsman 1999; Kirshner 1997). The political regime of the target state plays an important role for distributing the economic costs of sanctions among its populace. The general understanding is that democratic states are more sensitive to costs of sanctions

¹⁶One can here ask why the *Allied* variable is omitted as a regressor for U.S.'s utility function sanctioning, $u_2^*(S)$. Existing alliance ties may enter the U.S.'s calculation when deciding to probe the target with a threat of sanction. After issuing a threat, whether or not a defiant targeted country is an ally should have little effect on the U.S. calculation to pursue or retract its threat. Also, when included as a regressor in U.S.'s utility function for imposing sanctions, the coefficient for *Allied* is insignificant and does not change the findings for the other variables.

since sanctions generally affect the society at large, and democratic leaders rely on the support of the public to keep office (Bueno de Mesquita & Siverson 1995). Quantitative studies confirmed this expectation; sanctions against democratic targets tend to be more successful (Hart 2000; Hafner-Burton & Mongtgomery 2008), and tend to last shorter (Allen 2005; Bolks & Al-Sowayel 2000, also see Chapter 4 of this study). If democratic regimes are harmed more by sanctions, leaders of these regimes may be less willing to risk escalation. Moreover, since democratic states tend to adhere to norms that promote peaceful resolution of conflicts (Maoz & Russett 1993), democratic targets may enjoy a higher utility for acquiescing to a threat. The *Target Democracy* dummy variable is constructed from the "Polity" score which is obtained from the Polity IV dataset (Marshall & Jaggers 2002). The Polity score is an additive index that aggregates a number of institutional qualities that relate to democratic governance. The index ranges from -10 to 10 with higher scores associated with more democratic institutions. Targeted countries that score higher than six on the Polity Score at the year the sanction threat was issued are coded as democracies.

Target Dependence on Bilateral Trade: Sanctions utilize economic costs to achieve political ends. While economic costs do not directly translate into political pressure on a targeted country, controlling for the potential disruption the country may experience due to sanctions is warranted. To control for the *anticipated* costs to the target if sanctions are imposed requires constructing a variable that measures

the target state's dependence on bilateral trade with the U.S. *Target's Dependence on Bilateral Trade* is operationalized as the sum of exports to and imports from the U.S. as a percentage of the target's overall foreign trade. This variable aims to capture how disruptive sanctions would be if an episode escalated into the imposition stage. The variable is lagged by a year since sanction threats can alter trade patterns between the U.S. and the target themselves, and logged to correct for skewness. The bilateral and country-level trade data are from Correlates of War International Trade dataset (Barbieri et al. 2009).

Ongoing Militarized Dispute: Countries simultaneously pursue a number of goals in their foreign policy portfolios. A targeted country's utility for acquiescing to a sanction threat may be higher if the country is already involved in another high-stakes crisis. One such case would be the presence of an ongoing militarized interstate dispute, either with the U.S. or with another state. *Ongoing MID* variable is coded as 1 if the targeted country had an ongoing war during the year that the threat took place. The variable is constructed with data taken from the Correlates of War dataset (Ghosn et al. 2004).

3.4 Results

Table 3.2 illustrates the results for the FSEM (strategic probit model). The columns in Table display the estimated coefficients for the regressors assigned to the utilities of the players as illustrated in Figure 3.3. There is no column for

Target's utility for "Back Down" since the corresponding utility is normalized to 0.¹⁷ A cursory examination of these results suggests that institutional origins of sanction threats matter, and they do so mostly in agreement with the hypotheses developed earlier. Briefly put, the U.S. is more likely to back down from Congressional sanction threats, and the targets seem to account for this tendency of U.S. when faced with a threat, although the effect of institutional origin of threats on targeted countries' behavior is relatively small. While unified government does not influence the efficacy of Congressional threats, presidential threats in a unified government seems to be the least credible of the four possible types. The target's political regime and the nature of the disputed issue also seem to have a significant effect on the dynamics of U.S. sanction threats.

3.4.1 Institutional Origins of Sanction Threats

The positive and significant coefficient for the *Congressional Threat* variable lends credence to the argument that members of Congress enjoy a higher utility (incur a lower cost) for backing down from threats, compared to the president. This finding is consistent with *Hypothesis 3.1*. U.S. legislators seem to be less reluctant to rescind threats. Thus, a reasonable conclusion is that members of Congress have a freer hand in "economic statecraft adventurism."

¹⁷To reiterate, one can easily observe that regressors are assigned selectively to outcomes. The choice of selectively assigning regressors to outcomes is motivated on two fronts. Theoretically, the a-priori expectation of a causal link between an outcome and a regressor is not warranted in every case. On a more practical note, including all of the regressors discussed above for each outcome leads to multicollinearity problems.

Table 3.2: Strategic Probit Results

Model 1	U.S. Utility for Backing Down	U.S. Utility for Imposition	Target Utility for Acquiescing	Target Utility for Imposition
Congressional Threat	1.094 0.396[0.006]			
Unified Government	1.781 0.351[0.000]			
Congressional Threat * Unified Government	-1.629 0.623[0.009]			
Security Related Issue		0.678 0.346[0.050]		0.806 0.392[0.040]
Allied with the U.S.			-0.201 0.236[0.393]	
Target Dependence on Bilateral Trade (log)				-0.118 0.109[0.279]
Target Has Ongoing MID			0.221 0.456[0.629]	
Target A Democracy			-0.607 0.220[0.006]	
Constant		1.128 0.185[0.000]	-0.668 0.455[0.142]	-1.727 1.237[0.163]

$N = 351$. Standard errors and p -values [in brackets] are shown below the coefficients. The maximum likelihood estimates of the coefficients are derived from a strategic probit regression based on the regressors in Figure 3.3. The coefficients in each column are the estimates of the related regressors on each outcome. The model was estimated in Strat 1.4 (Signorino 2001).

The presence of institutional hurdles against Congressional threats to materialize into impositions may also account for the higher probability associated with the U.S. backing down from Congressional threats. One way to test the validity of this proposition is to determine if these threats follow a different dynamic when they are issued via a unified government. A sanction bill proposed in either house may be voted down by the other or vetoed by the president. The findings for the *Unified Government* variable and its interaction with Congressional threats, however, add more weight to the audience-cost argument. The estimated coefficient for *Unified Government* is statistically significant and positive, suggesting that the issuers U.S. of sanctions threats are less reluctant to back down when the president and the majority in both houses are from the same party. However, interacting this term with Congressional Threat renders a statistically significant negative coefficient with a magnitude that practically nullifies the effect of *Unified Government* on sanctions issued by Congress. Alternatively put, unified governments tend to decrease the cost of backing down only for the president.

One possible explanation for unified governments' having no effect on Congressional sanction threats could relate to the institutional resistance Congress shows to different sponsors of such threats. On one hand, sponsors of Congressional sanctions from the majority party may enjoy a relative advantage in having their law approved by the legislative process with relative ease under unified government. On the other hand, sanction bills from minority members in Congress under a

unified government may encounter a higher risk of being quarantined in Congress. As a result, minority members may be deterred from issuing a threat, unless they are doing so for rhetorical purposes - with eventual backing down for the U.S. being almost assured. These two opposite effects may cancel each other, hence the nullifying effect of the interaction term.¹⁸

Unlike Congressional threats, a unified government has a substantial effect on the likelihood that the U.S. will back down from a presidential threat. Presidents seem to incur a higher utility from backing down when the government is unified. In other words, when the government is "split," the president seems to be more vulnerable to foreign policy failures, thus has an incentive to prosecute threats. This legislative vulnerability may arise due to a number of factors. Backing down from a sanction threat may create friction between the president and members of Congress. Such friction can create "agenda space" in prominent media outlets and prime political elites from which voters get their cues on foreign policy (Entman 2004; Souva & Rhode 2007). The president, in turn, may be more willing to confront sanction resilient targets rather than signal incompetence in foreign policy to voters.

Congress can also take the lead and impose sanctions if the president is hesitant to pursue a threat. Such resurgence in Congress is more likely when either chamber

¹⁸Data availability prevents further inquiry into whether or not members of Congress from the minority party are deterred from threatening or whether they are more likely to back down against a defiant target. Future research may look into the relationship between the characteristics of the sponsor of a sanction threat and that episode's outcome.

is controlled by a different party than that of the president. For instance, Reagan's hesitance in sanctioning the apartheid regime in South Africa was countered by the Democrats in Congress with the introduction of a sanction bill. Congressional sanctions may put the president in a difficult situation internationally since such legislation tends to be blunt, over-encompassing instruments. As Lindsay (1994) stated, "[r]esorting to legislation may mean taking a sledgehammer to a problem that requires a scalpel." Likewise, in his veto message regarding the "Iran Missile Proliferation Sanctions Act of 1998" (H.R. 2709), Clinton dubbed the legislation, "indiscriminate, inflexible, and prejudicial," thus "undermin[ing] the national security objectives of the United States" (Clinton 1998). Thus, the president may find expedience in preempting Congressional sanctions by imposing sanctions that are relatively better crafted for his administration's foreign policy endeavors.¹⁹

How substantial is the effect institutional origins have on the predicted probabilities of the three possible outcomes of the game? This effect is demonstrated through simulated probabilities of representative cases in Table 3.3. The marginal effect of a covariate is conditional on the value of others, necessitating the con-

¹⁹An alternative explanation that drives the positive significant coefficient for *Unified Government* could be that most of these cases coincide with Clinton's first two years in office. A disproportionate number of sanction threats of the overall sample covering 30 years (53/351=15%), and of the overall unified cases covering six years (53/77 = 69%) has been issued during the first two years of the Clinton administration. This two-year period coincides with the height of nation-building efforts following the Cold War as well as the U.S.'s adjustment to its role as the lone superpower in the world. Accordingly, one could argue that Clinton could have resorted to sanction threats liberally in such tumultuous times. A χ^2 test to see if the U.S. was more likely to back down during the first two years of the Clinton presidency compared to the Carter's presidency fails to lend preliminary support to this argument (p=0.865). A second χ^2 test also indicates that Clinton was less inclined to back down from his sanction threats after the Democratic Party lost its majority in both houses in 1995 (p-value=0.021).

struction of two separate cases for better illustration: the *friend* and the *foe* cases. The friend case assumes the U.S. unilaterally threatens a democratic ally with no ongoing militarized disputes in its foreign policy agenda, and the dispute constitutes a non-security related issue. Incidentally, the default values assigned to the independent variables in the friend case coincide with the values for the sample median. The foe case, on the other hand, represents a dispute involving a security related issue in which the U.S. has issued a multilateral threat to a nondemocratic, non-ally target. The target's dependence on bilateral trade is set to the sample mean in both scenarios.

Table 3.3: Institutional Origins and U.S. Sanction Threats: Predicted Probabilities for Outcomes

Friend (Sample Median)			
	p(T Defies)	p(US Backs Down T Defies)	p(US Imposes T Defies)
Presidential, Not Unified	0.792	0.212	0.788
Congressional, Not Unified	0.837	0.490	0.510
Congressional, Unified	0.841	0.533	0.467
Presidential, Unified	0.851	0.678	0.322
Foe			
	p(T Defies)	p(US Backs Down T Defies)	p(US Imposes T Defies)
Presidential, Not Unified	0.695	0.101	0.899
Congressional, Not Unified	0.693	0.307	0.693
Congressional, Unified	0.692	0.345	0.655
Presidential, Unified	0.683	0.492	0.508

The first column in Table 3.3 displays the estimated probability that the target remains defiant when faced with a threat, $\hat{\Gamma}$. The probabilities for U.S. backing

down and imposing sanctions *conditional* on the target being defiant are shown in the second and the third columns, respectively. The simulated probabilities suggest that while institutional origins of sanction threats have a substantial effect on the probability of U.S. backing down, the target seems to be minimally affected from the credibility of these threats.

When faced with a *friendly* defiant state on a nonsecurity-related issue, there is a 21% chance that the president will back down from a sanction threat if the majority in either chamber in Congress is from the other party. This probability increases to about 50% for Congressional threats regardless of the composition of the party lines in the government. The probability that the president will back down from the same sanction threat more than triples to 68% if both the House and the Senate are controlled by his party.

Sanction threats against defiant foes are more likely to escalate compared to those against defiant friends, although the effect of institutions on escalation dynamics is still discernible. A president working with a divided Congress incurs a high audience-cost from backing down against a defiant foe; the model suggests that the executive is more than twice as likely to pursue such threats with a chance of backing down of 10%. Members of Congress, on the other hand, are slightly more than three times as likely to back down from sanction threats against "non-friendly" targets. Finally, when the president enjoys a unified government, the chances of his retreat shows a substantial increase to 49%. In sum, when the rela-

tionship between the U.S. and the target is marked by a conflictual relationship, institutional origins of sanction threats have a smaller but still significant effect on the likelihood that the U.S. will sanction a defiant target.

Do more credible sanction threats have a deterrent effect on the target's behavior? The comparative statics of the model suggested that the likelihood of target acquiescence is higher if the target faces a credible threat *and* it values a U.S. withdraw more than reaching the imposition stage, i.e. $u_2(S) > u_2(BD)$ *and* $u_1(BD) > u_1(S)$. The negative sign for $Constant_S$ (significant at $p = 0.08$; *one-tailed*) suggests that the utility the targeted country places on U.S. backing down is higher than the utility the country places on being sanctioned, *ceteris paribus*.

As stated earlier, the first column of Table 3.3 lists the estimated probabilities of a target remaining defiant against a U.S. sanction threat conditional on the threat's institutional origin. In line with the expectation set forth in *Hypothesis 3.2*, threats subject to lower audience costs, i.e. Congressional threats and presidential threats issued under a unified government, are weaker deterrents when applied to friendly targets. This effect, however, is marginal. The results indicate a 79% probability that a target will remain defiant against a threat issued by the president working with a divided government. The chances that the target will defy a threat, if the threat originates from Congress, increase about five points to 84%. A president enjoying a unified government causes another point increase in the likelihood of target defiance to 85%.²⁰

²⁰Interestingly, the foe case shows a miniscule decrease in the probability of target defiance

A number of factors could explain the relatively small effect the “credibility” of U.S. sanction threats have on the target’s decision to acquiesce. The condition $u_1(BD) > u_1(S)$ (i.e. the target values U.S. backing down more than the U.S. imposing sanctions) holds at a relatively lenient statistical significance threshold. In other words, *ceteris paribus*, the targeted country values being sanctioned slightly less than the country values U.S. backing down. As Equation (6) and Equation (7) show, the closer these two terms are, the less weight the credibility of the U.S. threat will have on the target’s decision to acquiesce to or defy a threat.

A possible reason for the small utility difference target has between U.S. backing down and imposing sanctions could be that the population of targeted countries may contain two different types. While some target states would prefer their positions to be maintained without being punished with sanctions, others -especially certain authoritarian leaders- may prefer the U.S. to impose sanctions. Sanctions usually act as artificial trade barriers (Eyler 2007), thereby creating “rent-seeking” opportunities for holders of scarce factors and import-substituting industries (Dorussen & Mo 2007). Leaders who (can) collude with these sectors at the

for presidential threats, vis-à-vis, other types. While initially appearing counter-intuitive, this outcome is not surprising. Equation (6) indicates that the positive correlation between $u_2(BD)$ and Γ is conditional on the target’s putting more value on U.S. backing down, i.e. $u_1(BD) > u_1(S)$. However, the foe case assigns a value of 1 to *Security Related Issue*. This value, combined with an imputed value of -10.1 for *Target Dependence on Bilateral Trade*, renders a slightly positive linear combination, XB for $u_1(S)$ that enters the probit function for Γ . One can also theoretically argue that the utility the target derives from demonstrating its resolve to third parties (or to the U.S. for future encounters) when the disputed issue is a salient one. Notably important is that only states that fall below roughly the sample *mean* of dependence on bilateral trade with the U.S. tend to enjoy a higher utility for imposition compared to the U.S.’s backing down.

expense of the public at large tend to strengthen their hold on power (Kaempfer et al. 2004; Wintrobe 1998). Long-lasting sanctions can also debilitate the domestic political opposition in the target state (Kaempfer & Lowenberg 1992).

For instance, the oil embargo against Yugoslavia during the Bosnian war benefited the Milosevic government for a considerable time. Given that Yugoslavia was able to produce its own oil for military and other strategic needs, Milosevic and his cronies commanded over half-a-million Deutsche Mark a day black market for oil in the country (Selden 1999). Only after reaching the pockets of the ruling elite, i.e. after the imposition of financial sanctions following the Kosovo Conflict in 1998 that froze the assets of key figures in the Milosevic regime, did sanctions begin to have a real bite on the ruling regime. "The [denial of] access to hard currency and trading and [inability] to travel to conduct business or engage in professional activities" to these individuals, "[c]ombined with incentives and aid provided to opposition groups" eventually led to Milosevic's fall from power (Cortright & Lopez 2002, p. 101).

3.4.2 Control Variables

Among the control variables included in the model, *Security Related Issue* and *Target Democracy* turned out to be significant predictors of sanction threat efficacy with *Security Related Issue* also having a substantial impact on whether sanction threats escalate into impositions. Whether or not the target is allied with the U.S.,

occupied with an ongoing militarized interstate dispute, or highly dependent on its trade with U.S. do not seem to have a significant effect on a target's actions in sanction episodes. Table 3.4 displays the first differences for *Security Related Issue* and *Target Democracy* in the "friend" and "foe" scenarios. The top portion of the table presents the first differences when the threat is issued by the president, while the bottom portion presents the results when Congress has issued the threat.

The types of issues U.S. and the target state contend over seem to have a significant effect for both players at the threat stage. Alternatively put, both parties apparently retrench when the issue in question is of "high-politics." The probability that a friend defies a presidential sanction threat increases by about 11% when the issue becomes one related to security. Likewise, the probability that a foe defies a presidential threat increases by a marked 19% when the issue under contention is security related. The U.S.'s resolve is also high when confronting a target over a security related issue, thus increasing the likelihood that the episode will escalate to the imposition stage. The *conditional* probability that the U.S. backs down decreases substantially, about 11% in presidential threats and 18% for Congressional threats, when the issue variable switches from a non-security to a security related issue, given the target has remained defiant.²¹ These results strongly confirm the existing arguments about sanctions being less effective for

²¹The *unconditional* probability for the U.S. imposing a sanction, $Pr(S)$ (where $Pr(A) + Pr(BD) + Pr(S) = 1$), varies substantially over the cases presented in Table 3. For instance, focusing on the top portion of Table 3, changing an issue to security-related in the friend scenario increases $Pr(S)$ by 29% from 52% to 81%. A similar change in the foe scenario increases $Pr(S)$ by 13%, from 50% to 63%.

Table 3.4: Marginal Effects of Other Significant Variables on U.S. Sanction Dynamics

<i>Presidential Threats</i> (<i>Divided Government</i>)						
	Friend/Sample Median			Foe		
	$p(T \text{ Defies})$			$p(US \text{ Backs Down} T \text{ Defies})$		
	No	Yes	Δ	No	Yes	Δ
Security Related Issue	0.792	0.898	0.106	0.212	0.100	-0.112
Target a Democracy?	0.634	0.792	0.158	0.212	0.212	0.000
	$p(T \text{ Defies})$			$p(US \text{ Backs Down} T \text{ Defies})$		
	No	Yes	Δ	No	Yes	Δ
Security Related Issue	0.507	0.695	0.188	0.213	0.100	-0.112
Target a Democracy?	0.695	0.831	0.136	0.100	0.100	0.000
<i>Congressional Threats</i> (<i>Divided Government</i>)						
	Friend/Sample Median			Foe		
	$p(T \text{ Defies})$			$p(US \text{ Backs Down} T \text{ Defies})$		
	No	Yes	Δ	No	Yes	Δ
Security Related Issue	0.837	0.907	0.070	0.490	0.307	-0.183
Target a Democracy?	0.686	0.837	0.151	0.490	0.490	0.000
	$p(T \text{ Defies})$			$p(US \text{ Backs Down} T \text{ Defies})$		
	No	Yes	Δ	No	Yes	Δ
Security Related Issue	0.556	0.693	0.137	0.490	0.307	-0.183
Target a Democracy?	0.693	0.838	0.145	0.307	0.307	0.000

The figures denote the marginal effects control variables have on the probabilities of the three possible sanction episode outcomes. The marginal effects are calculated from the strategic probit results presented in Table 3.2. The friend scenario fixes the covariates at their sample median while the foe scenario sets Ongoing MID and Security-Related Issue to 1, and the rest to 0. Target Dependence on Trade is set at the sample mean in both scenarios. The marginal effects were calculated using Strat 1.4.

security-related issues and echo the empirical finding that symmetric issue salience leads to cases of deadlock in sanction processes (U-Jin Ang & Peksen 2007).

As the disputed issue becomes salient, the nature of the domestic signals originating from the U.S. seems to matter less. To illustrate, a 5% increase exists for the probability that a friendly target will defy a Congressional threat on a non-security related issue compared to a presidential threat on a similar issue (from 79% to 84%). When the contested issue is security related, this increase is reduced to 1% (from 90% to 91%). The same pattern is observed when foes are targeted as well, with the difference for non-security related issues being 5% (from 51% to 56%) and for security related issues being effectively null (from 69.5% to 69.3%). This result is intuitive. To give a hypothetical example, China would “care” more about the origins of a sanction threat when such a threat concerns its use of coal powered plants as compared to one on the use of its Navy around Spratly’s islands.

The findings of the conditioning of a target’s sensitivity on the disputed issue also extends the “inherent credibility” debate originally developed among conflict deterrence scholars to the cases of economic sanctions (Jervis 1970; George & Smoke 1974; Snyder & Diesing 1977; Huth & Russett 1984). This debate highlighted the role of issue salience in deterrence dynamics; scholars suggested Schelling’s (1960) notion of credible commitment signaled by costly actions should be confined to cases of lower salience. In an early study, Maxwell (1968, p. 19) maintained that “if interest is substituted for ‘commitment,’ the argument for in-

terdependence immediately becomes less plausible." George & Smoke (1974, p. 559) reiterated this idea by stating "[t]he task of achieving credibility is secondary to and dependent upon the more fundamental question regarding the nature and valuation of interests." Danilovic (2001) empirically demonstrated that the more that is at stake in a region of potential conflict, the less signals matter in escalation dynamics between an aggressor and a deterring country. The results discussed above nicely fit with these arguments.

Finally, contrary to expectations, democratic targets seem to be more resilient when faced with a sanction threat. Simulated probabilities in Table 3.4 indicate that democratic targets are about 15% more likely to defy sanction threats, presidential and Congressional sanctions alike, than their nondemocratic counterparts. A number of factors could account for this finding. First, since democratic dyads are less likely to resort to militarized force, democratic targets can "risk" imposition of sanctions if the issue is salient enough. Second, democratic targets tend to have larger and more advanced economies than their authoritarian counterparts (Przeworski et al. 2000). Advanced economies may incur lower costs of adjustment due to their diversified industrial bases (Cuberes & Jerzmanowski 2009) and higher debt raising capacities (Stasavage 2003). In contrast, a country that is highly dependent on the export receipts of a commodity, like timber in the case of the Democratic Republic of Congo, may be more susceptible to a threat that would disrupt its sales of that commodity.

A third possible explanation relates to the role the “rally-around-the-flag effect” plays in determining a target’s resilience for a sanction threat. If democratic leaders are more likely to stir nationalistic sentiment among the public, democracies should prove to be more resilient when threatened. Why would a democratic leader resort to this tactic? Democratic governments tends to enjoy high levels of legitimacy in their polities (Lipset 1958). This high level of legitimacy may allow a leader to ask for “sacrifices” during foreign policy crises. Democratic leaders, in turn, may find politically expediency in standing firm against sanction threats; rallying the public against sanction threats may substantially boost the leader’s political support. However, rally-around-the-flag effects are not sustainable, and the political capital they create tends to be volatile (Baker & O’Neal 2001; O’Neal & Bryan 1995).²²

Indeed, democratic targets are more likely to defy U.S. sanction threats, but they tend to acquiesce sooner than their authoritarian counterparts once sanctions are imposed (Bolks & Al-Sowayel 2000; Dorussen & Mo 2001; McGillivray & Stam 2004; Allen 2005; also see Chapter 4 in this study for cases limited to the U.S. as the initiator). This apparently contradicting set of findings falls well in line with the rally-around-the-flag argument. Once sanctions are imposed, the society as a whole begins to suffer. As the political support for the target’s leader begin to decline once sanctions are imposed, democratic leaders may find it more politically

²²Other research on rally-around-the-flag effect, predominantly done in the case of the U.S., supports these assumptions. For instance, Norrander & Wilcox (1993) find that the “rally-around-the-flag” effect lasts about six months for the U.S. in militarized crises. Geys (2010) finds that the pecuniary costs of wars are negatively associated with presidential support for the U.S.

expedient to give in instead of pursuing her foreign policy goal at the cost of the public's general welfare.

3.4.3 Robustness Checks

This chapter presents a novel theory which has led to substantive findings with regard to sanction threats. In doing so, it "controls for" a limited number of the major variables discussed in sanctions literature. Inevitably, it excludes others; employing "garbage can" models that control for a large list of control variables may lead to inferential problems (Achen 2005). This section conducts further robustness checks by controlling for some of these other variables which have a strong theoretical grounding in sanctions literature. The variables subsequently discussed are added to the statistical model presented earlier to see if they are significant and/or change the findings for other variables included in the model. Table 3.5 displays the results for these robustness checks. None of the variables discussed below change the substantial findings for Congressional threats. The findings for the other covariates also remain essentially the same, barring a few small changes when the model controls for multilateral threats and relative military capabilities. The additional control variables and their impact on the findings are discussed in detail below.

Multilateral Threats: The U.S. has actively sought to secure the cooperation of other countries when employing sanctions, by emphasizing the mutuality of in-

Table 3.5: Robustness Checks

Mean Payoff	Variables	Model 2	Model 3	Model 4	Model 5	Model 6
$u_1(A)$	<i>Target Utility for Acquiescence</i>					
	Allied with the U.S.	-0.18 (0.24)	-0.24 (0.24)	0.12 (0.26)	-0.167 (0.23)	-0.20 (0.24)
	Target Has Ongoing MID	0.23 (0.47)	0.23 (0.46)	0.11 (0.47)	0.17 (0.46)	0.22 (0.46)
	Target a Democracy	-0.60***(0.22)	-0.57*(0.22)	-0.78***(0.26)	-0.68***(0.22)	-0.59***(0.22)
$u_1(S)$	Relative Capability of Target					
	Constant	-0.77†(0.47)	-0.70‡(0.45)	-0.81‡(0.57)	0.14*(0.07)	-0.67‡(0.45)
$u_1(S)$	<i>Target Utility for Sanctions</i>					
	Security Related Issue	0.82*(0.39)	0.81*(0.39)	0.95*(0.45)	0.66†(0.40)	0.75†(0.40)
	ln(Trade with US/Total Int'l Trade)	-0.09 (0.10)			-0.15‡(0.11)	-0.12(11)
	ln(Trade with US/Target GDP)					
$u_2(BD)$	Anticipated Target Costs					
	Cold War					
$u_2(S)$	Constant	-1.56‡(1.19)	-0.96‡(0.69)	0.03 (0.80)	-1.93‡(1.26)	-0.35 (0.35)
	<i>U.S. Utility for Back Down</i>					
	Congressional Threat	1.11**(0.41)	1.10**(0.39)	1.18**(0.42)	1.12**(0.38)	1.07**(0.40)
	Unified	1.74**(0.35)	1.76**(0.35)	1.55**(0.39)	1.79**(0.36)	1.81**(0.35)
$u_2(S)$	Cong'l Threat * Unif'd Gov't	1.64**(0.62)	-1.60***(0.62)	-1.35***(0.67)	-1.67***(0.62)	1.61***(0.62)
	Multilateral Threats	-1.23†(0.63)				
$u_2(S)$	<i>U.S. Utility for Sanctions</i>					
	Security Related Issue	0.40 (0.38)	1.12***(0.19)	1.28***(0.20)	1.13***(0.19)	1.13***(0.19)
$u_2(S)$	Constant	1.09***(0.19)	0.72*(0.34)	0.80*(0.39)	0.67†(0.35)	0.67†(0.35)
	Mean Log Likelihood	N 351	351	292	351	351
		-0.698	-0.703	-0.576	-0.699	-0.702

** $p < 0.01$, * $p < 0.05$, † $p < 0.10$, two - tailed; ‡ $p < 0.10$, one - tailed. Standard errors in parentheses. Strategic Probit results estimated with Strat v1.4. U.S. Sanction Threats, 1971-2000

terests with the U.S. or by various means of diplomatic and economic coercion (Martin 1992). While securing the support of other countries has been prescribed by many for successful sanctions (Doxey 1987; Gilpin 1984; Mayall 1984), the theoretical foundations of this claim (Miers & Morgan 2002), and the empirical findings for the effect multilateralism has on sanction success is inconclusive at best (Hufbauer et al. 1990, p. 95-96; van Bergeijk 1994; Bonnetti 1997; Drezner 1999, 2000). Drezner (2000) suggested the enforceability issues and free-riding problems inherent in multilateral sanctions could explain this discrepancy between policy prescription and empirical findings. A possible way to overcome compliance problems in multilateral sanctions, he argued, could be to use international organizations (IOs) to enhance oversight mechanisms in the execution of sanctions. While his analysis did not render support for institutionalized sanctions designed to overcome cooperation problems are more effective, others argued and showed that multilateral sanctions, institutionalized through an IO, are more effective (Drury 1998; Miers & Morgan 2002). Otherwise, Early (2009) also showed that allies of the sender state are more likely to bust sanctions than others.

The effect of multilateral *threats* on sanction dynamics has not been addressed by sanction scholars at length. One can draw a parallel with the audience-cost argument developed earlier at the international level. Leaders tend to be constrained by reputational concerns in the international arena (Sartori 2005). At the threat level, the U.S. may incur a higher cost from backing down from a mul-

tilateral threat since such an action would entail international reputation costs and hurt U.S. credibility in future diplomatic endeavors. In an interesting debate on whether or not the "hegemonic decline of the U.S." led to unilateral action in the Soviet pipeline sanctions case, Jentleson (1986) argued that securing multilateral action with U.S.'s multilateral allies was becoming prohibitively expensive. Rodman (1995) argued the contrary. He maintained that Washington was able to commit sufficient resources to alter the risk perceptions of prospective joiners. Both, however, identified the fact that securing multilateral threats is costly to the U.S., by risking political capital and jeopardizing reputation in such cases.

If the U.S. indeed tends to risk its reputation and credibility with multilateral threats, one can hypothesize that multilateral threats signal a higher cost from backing down. To test this hypothesis, the analysis presented earlier is replicated with a dummy variable, indicating whether or not another sender country besides the U.S. was involved in a sanction episode, added as a regressor to the U.S.'s utility for backing down, $u_2^*(BD)$. The data for *Multilateral Threat* is obtained from the TIES dataset. The results in Table 3.5 confirm this expectation while other findings remain largely robust. The only notable difference is that the *Security Related Issue* dummy's coefficient for U.S.'s utility for sanctioning is no longer significant. The U.S. incurs a higher cost for backing down from multilateral threats; the probability that the U.S. backs down from a presidential threat is reduced by 17 percentage points to 5% against a defiant friend, and by 12 percentage points

to 3% against a defiant foe.²³ These findings on multilateral sanction threats may explain the dissonance between what policy makers suggest and what the empirical evidence states. Countries may incur significant costs to retreat from multilateral threats; such sender countries may rather prefer sanctions to dissipate once imposed. Knowing this, the target may not be “sufficiently” deterred either. As a result, “lemon” sanctions may escalate due to reputation concerns sender countries have in the international realm.

These results, however, should be taken with a grain of caution due to a significant operationalization problem. The TIES dataset does not distinguish senders that joined at the threat stage from those joined after imposition of a sanction. Therefore, the reduced probability of the U.S. backing down, associated with multilateral threats, may also be an artifact of those cases in which other states found “convenience” in joining after the U.S. escalated an episode to the imposition stage.²⁴

Alternative Measures of Trade Dependence: To see if the nonsignificant finding of trade dependence is due to the idiosyncrasy of the measure utilized, two other measures are employed as proxies for a target’s dependence on bilateral trade with the U.S. First, the target’s bilateral trade with the U.S. is divided by the

²³Notably, Congress is as likely to employ multilateral sanction threats as the president. The ratio of U.S. threats that were joined by other states is 19% for both types of threats. To determine if multilateralism has a different effect on Congressional threats, *Multilateral Threat* was interacted with *Congressional Threat*. The results (not shown) indicated that multilateral threats issued by Congress do not show a structural difference from multilateral threats issued by the president.

²⁴Hence, the omission of this variable as a regressor in the original model.

target's *GNP* instead of its total trade with the rest of the world. The new results replicated the previous findings with the new variable being negative and significant as a regressor for $u_1(S)$. In other words, the more dependent a target's economy is on its bilateral trade with the U.S., the more deterrent U.S. sanction threats become. Nooruddin (2002) found that a target's dependence on trade with the U.S. decreases the likelihood of sanction onset, but has no effect on sanction success. To explain this, Nooruddin posited two explanations. First, following Morgan & Miers (1999), he pointed out the possibility that "trade dependent states are more likely concede to the mere threat of sanctions once sanctions are imposed, and therefore we do not observe sanctions in those cases" (p. 72). Alternatively, he also argued that "[target states highly dependent on their trade with the U.S.] are too valuable to the U.S. economy, therefore less likely to be punished." While the findings of this study do not negate the possibility that the U.S. is less likely to sanction states with which it has a deeper trade relationship, they certainly render strong evidence to the former argument: targets dependent on bilateral trade with the U.S. tend to acquiesce to U.S. economic coercion at the threat stage, thus are less likely to experience sanction impositions.

As a second robustness check for trade dependence on sanction dynamics, *Anticipated Target Costs*, an ordinal variable available in the TIES dataset, was employed. This variable ranges from 1 (little anticipated cost to the target) to 3 (severe anticipated cost to the target).²⁵ This measure frees the analyst from the

²⁵TIES dataset codes 223 cases for little, 43 for moderate and seven for severe anticipated costs

concern of developing the best proxy for sensitivity to trade disruptions as multiple coders have already converged on a value within this measure while taking idiosyncrasies of each case into account (Morgan et al. 2009). However, including this variable reduces the sample size substantially, more specifically, a loss of 59 cases from the original sample of 351. Adding the anticipated cost variable did not change any of the substantial findings, and that the results hold for a smaller sample adds further robustness to the original results.

Relative Military Capabilities: Realists emphasize the centrality of military capabilities in determining how a state pursues its objectives through various means of statecraft (Doyle 1997). Morgenthau (1967, pp. 539-540), for instance, argued that “[d]iplomacy must determine its objectives in light of the power actually and potentially available for the pursuit of these objectives.” To determine if military power has an effect on U.S. sanction threat dynamics, *Relative Military Capability of the Target* variable is created by calculating the target’s military power as a ratio of the dyad’s total military power. The Composite Index of National Capabilities (CINC) score from the COW dataset is used as a proxy for a state’s power (Singer 1987; Singer et al. 1972). This variable is lagged by one year and logged. The variable, added to the target’s utility function for acquiescence, produced a positive coefficient significant at p-value=0.06. In other words, targets that are stronger enjoy a higher utility from acquiescing to a threat from the U.S. This is a counter-intuitive finding. A second model tested whether or not the target’s

to the target.

relative capability had an effect on U.S. utility. The results for this second model (not displayed) are insignificant. Further research is needed to elaborate on this point.

Cold War: When targeted, a state can try to circumvent sanctions by diverting trade to other states. The presence of readily available alternative trading partners can increase a targeted country's resilience to sanctions. Indeed, McLean & Whang (2010) showed that increased support by major nonsanctioning trading partners increases the resilience of the target when subjected to sanctions and the probability of failure for imposed sanctions. The bipolar system during the Cold War allowed targeted states to readily divert trade with the U.S. to members of the Communist Bloc. For instance, Cuba was able to direct virtually almost all of its sugar exports to the Soviet Union after the U.S. sanctions (Renwick 1981). The end of Cold War and the demise of the Soviet Union may have made target states more vulnerable to trade disruptions with the U.S. Coincidentally, the end of Cold War defined a remarkable increase in the use of economic sanctions, which led some to name the 1990s "the sanctions decade" (Cortright & Lopez 2000). The TIES dataset indicates that about two thirds of the U.S. sanction threats have been issued in the 1990s, the last decade of the three decades that the dataset covers. Adding this variable as a regressor to the target's utility for being sanctioned, however, does not change the results ($p - value = 0.306$).²⁶

²⁶ Adding this variable to U.S. utility for imposing sanctions does not change the results either.

3.5 Conclusion

This chapter presents the first large-N study of whether or not legislative sanctions differ from those of the president. Building on the audience-cost argument, the chapter posits that Congressional threats are less likely to be pursued when the target remains defiant. A number of tests robustly confirm these expectations. While these findings strongly suggest that who issues sanction threats for the U.S. matters, the underlying theoretical argument can be elaborated in a number of ways.

An important follow up to this study would inquire further into the “institutional path” that Congressional sanctions follow. The TIES dataset codes what the final outcome is in an episode; little information exists about *why* a threat dies against a defiant target. Having a better understanding of how Congressional threats end can improve the understanding of U.S. sanction dynamics. As mentioned previously, a legislative sanction threat may not make its way into the Congressional agenda, become detained at the subcommittee level, be defeated at either house of Congress, not be reintroduced if not legislated during a Congressional session, or be vetoed by the president. The findings for the unified government variable fail to render evidence to support the claim that institutional hurdles at the macro level prevent escalation of Congressional threats. Still, this variable does not address the individual-level and case-specific variables that motivate members of Congress to follow through their threats. Existing studies sug-

gested that individual level traits such as constituency demography, ideology and personal interest in foreign policy issues have a significant effect on membership in foreign-policy related caucuses (Kastner & Gron 2009), sponsorship/cosponsorship decisions on foreign policy legislations (Rosenson et al. 2009), and international treaty-ratification (DeLaet & Scott 2006).

Incorporating case-specific factors into the analyses presented in this study can also further the understanding of Congressional sanction threats. To illustrate, members of Congress responding to demands from ethnic lobbies that can effectively mobilize voter support may be more insistent on their sanction threats. Such was the case for the "Iran Missile Proliferation Sanctions Act" (H.R. 2709), introduced on November 8, 1997. This sanction bill mainly targeted Russian companies and individuals, and was aimed at stopping transfer of Russian missile technology to Iran. President Clinton was not content with the provisions of the bill; his concern mainly laid with the adverse effects this would pose in the international arena. In his veto message, Clinton noted that the sanctions would actually "undermine the national security objectives of the United States," and that "sweeping application" of these sanctions would "diminish vital international cooperation across the range of policy areas-military, political, and economic-on which U.S. security and leadership depend" (Clinton 1998). Congress, however, was adamant in enacting this law. As Dorf (1998), a reporter for the *Jewish Telegraphic Agency* stated, "[s]o successful was the Jewish community's yearlong lobbying campaign

that only 26 members of the House and Senate combined against the measure, all but guaranteeing that Clinton's veto would be overridden." The imminent nature of a legislative override pushed the White House to pull an "11th hour" maneuver, in which it convinced the Yeltsin government to take additional measures to control Russian companies' transactions with their Iranian counterparts (*ibid*).

The temporal domain of the data may also raise some external validity issues for the findings for unified governments in the U.S. As mentioned earlier, the two presidents that operated with unified governments in the data sample were both Democrats. Since Democratic members of Congress tend to be more dovish (Russett 1990) and more deferential in foreign policy to the president (Wittkopf & McCormick 1998), both Carter and Clinton did not need to expend as much political capital when backing down from threats. Republican presidents may not, however, enjoy the same latitude. Legislative opposition to the president's foreign policy choices may transcend party lines more often for Republican presidents; Republican members of Congress may "protest" a Republican president for dovish actions, such as backing down from a sanction threat (Mayhew 2000; Foster 2008).

While unified governments seem to motivate the president to threaten sanctions liberally, members of Congress may still electorally suffer from unsatisfactory performance of the executive in the foreign policy realm. Such electoral implications, if true and taken note of, may also motivate members of Congress from the president's party to constrain "risky" behavior by the president. Still, an important to

note is that such a causal mechanism rests on the assumption that foreign policy is an important determinant of voting behavior; an assumption that is often strong, and occasionally heroic. Some indirect evidence exists that suggests the president's performance in foreign policy effects the electoral chances of prospective members of Congress from the same party. For instance, Kriner & Shen (2007) showed that Republican senate candidates lost significantly more votes in communities that bared the human life costs of the second Iraq war, a war that was executed under a Republican president. Still, such evidence is sparse and these effects are dwarfed by comparison to those of the main determinants of voting behavior, such as level of unemployment within a constituency. On a related note, future research can also address whether or not backing down from sanction threats has electoral consequences for sponsoring members of Congress.

Findings from this study speak to policy makers as well. That democratic targets tend to be resilient to sanction threats indicate a potential shift that U.S. foreign policy makers may witness in the near future. Many democratic allies of, or otherwise friendly countries to, the U.S., like India, Brazil and Turkey, have been increasingly asserting their foreign policy preferences in their prospective regions. The latter two's efforts -against firm U.S. opposition- at reaching a uranium exchange deal with Iran also illustrates these ambitions can also assume a global character. Likewise, Japan, a committed ally of the U.S. after World War II, has started to manifest its intentions to pursue a more independent foreign policy.

Ichiro Ozawa, former secretary-general of the Democratic Party of Japan (DPJ), the party that replaced the Liberal Democratic Party (LDP) in the 2009 elections, said, “[i]n the future . . . Japan should pursue its own path when its interests diverge from America’s” (The Economist 2009a). The DPJ had already voted against a number of security agreements with the (second) Bush administration and expressed dissent with the Iraqi War in the Japanese *diet* before coming to power; this defiant stance mobilized significant support among Japanese voters before the elections (The Economist 2009b).

One can reasonably argue that the U.S. would be reluctant to threaten these countries with use of militarized force. If threats of other coercive policies like economic sanctions are less effective against such regional democratic powerhouses, the U.S. foreign policy makers may instead need to rely on policies of positive incentives and compromise. This need has been previously noted by “hegemonic decline” scholars who argued that the U.S. administration quite often “favored discreet compromise over unilateral enforcement” to preserve the “larger architecture of interests and institutions the United States sought to construct and preserve in the world” (Rodman 2001, p. 13; Mastanduno 1988; Baldwin 1979). The novel empirical evidence on sanction threats presented in this chapter motivates further research on this topic.

Chapter 4

Congress and the Duration of U.S. Economic Sanctions

4.1 Introduction

The U.S. imposed sanctions on Cambodia for 17 years (1975-1992), on Iraq for 13 years (1990-2002), against Guatemala for almost seven years (1977-1983), and has been enforcing its strict embargo on Cuba for more than four decades.¹ Impositions of sanctions come at a considerable cost to the U.S. economy (Selden 1999), and a considerable proportion of these sanctions achieve little change in the targeted state's disputed behavior (Pape 1997).² Nonetheless, the U.S. seems to commit to the sanctions it imposed longer than other sender countries (McGillivray & Stam

¹The duration for these sanction episodes except Cuba are calculations from the dates recorded in the TIES dataset.

²For the sake of brevity, "sanctions" will refer to imposed economic sanctions unless specified otherwise in this chapter.

2004). Why, then, does the U.S. remain committed certain sanctions while releasing others more easily? While the determinants of sanction onset and success have been addressed in detail (*inter alia* Galtung 1967; Hufbauer et al. 1990; Lam 1990; Elliott 1998; Bonetti 1998; Hart 2000; Drury 1998; Cox & Drury 2006; Dashti-Gibson & Radcliff 1997; Goenner 2007), the variation observed in the duration of sanctions (and U.S. sanctions in particular) has not received comparable attention in sanctions literature.

Recent developments in IR theory and practice engendered a multi-faceted motivation to better understand the duration of sanctions. In terms of IR theory, that U.S. maintains sanctions longer than other sender states seems to contradict the recent findings from research on foreign policy behavior of democratic states. In terms of policy-making, the emergence of organized interests against prolonged sanctions highlights politicians' needs for a more solid understanding of the dynamics of U.S. sanctions. Finally, the immense cost such sanctions impose on the targeted society bestows a normative motivation for understanding why some sanctions last longer than the others.

As a sender, the U.S. has been involved in some of the most persistent sanction episodes in the modern era. The resolve that U.S. demonstrated in these cases, for many of which the chances of success were quite low, is at odds with recent research on regime type and foreign policy choices of states. These studies showed that democratic leaders are reluctant to engage in foreign policy actions

that reduce "butter" for their domestic constituencies (Bueno de Mesquita et al. 2005; Reiter & Stam 2002). Scholars in this camp argued that the leader of a democratic country is more likely to engage in activities that divert resources from domestic consumption to foreign policy when the expected duration of such an engagement is short and the chance of success is high. For instance, being engaged in a protracted international militarized dispute significantly decreases a democratic leader's chances of reelection (Bueno de Mesquita & Siverson 1995; Meernik & Brown 2007). As a result, such protracted conflicts make democracies more likely to "quit" and "settle for draws or losses" (Bennett & Stam 1998, p. 344).

Similarly, sanctions scholars showed that leaders in democratic targets tend to prefer conceding to the sender sooner rather than causing their domestic constituencies economic hardship for long periods of time (Bolks & Al-Sowayel 2000; Dorussen & Mo 2001; McGillivray & Stam 2004; Allen 2005). However, some of these studies of economic sanctions also found that democratic senders are as likely to pursue sanctions that they initiate as their authoritarian counterparts (Bolks & Al-Sowayel 2000). Moreover, McGillivray & Stam (2004) specifically indicated that economic sanctions initiated by the U.S. tend to last longer. This empirical regularity creates a puzzle. Sanctions are costly to the sender state's economy (Eyler 2007; Hufbauer et al. 2000). The economy is a (if not the) major concern of the U.S. public when electing the U.S. president (Erikson 1989; Fair 1988; Nadeau & Lewis-Beck 2001). Why would the U.S. president, then, maintain U.S.'s

engagement in such costly endeavors when they risk his political survival?

The conventional explanation regarding the popularity of sanctions as a foreign policy tool among democracies, and the U.S. in particular, has been that resorting to sanctions may be politically expedient when its alternative, the use of militarized force, is costlier (Cox & Drury 2006; Goenner 2007). Lektzian & Sprecher (2007), however, found that sanctions complement rather than substitute for the use of militarized force. One can also reasonably expect that the costs of sanctions for the sender state to increase as sanctions prolong. Unless multilateral sanctions are secured and sustained (which in itself is a major challenge that the U.S. rarely fails to overcome), targeted regimes have proved themselves to be quite apt at securing alternative suppliers and/or markets when targeted with U.S. economic sanctions. When President Carter restricted U.S. grain exports to the Soviet Union in 1979 to punish the latter's invasion of Afghanistan, the Soviets quickly secured additional grain imports from Argentina, Brazil and Canada (Paarlberg 1987). As a result, the U.S. share of Soviet grain imports fell from 74% to 19% during the following four years (U.S. Department of Agriculture, quoted in Carter 1987). In a report released in the mid 1990s, the Atlantic Council estimated that the U.S. exports to Cuba would increase by \$2 billion per annum after removal of sanctions (Atlantic Council 1994). On a similar note, reducing foreign aid assistance as a form of sanctions leads to considerable revenue loss for manufacturers and service providers within the U.S. As former Under-Secretary of State Michael Armacost

(quoted in Carter 1987, ft. note 68) said, "70% of the money appropriated for foreign assistance is spent in the United States, not abroad."

Prolonged sanctions can disrupt trade patterns beyond the sanction episode itself. Targeted states may restructure their trade patterns to minimize long-term dependence on trade with the U.S. Reverting to the grain embargo example; the Soviets also signed five year supply contracts with the other states a year after the imposition of U.S. sanctions. Longer periods of sanctions increase the opportunity costs to U.S. businesses, as well. For instance, being "the odd nation out in the rapidly opening Vietnamese economic relationship" due to U.S. government's insistence on sanctions cost U.S. businesses the opportunity to influence Vietnamese "industry standards" in sectors such as aviation, telecommunications and power utilities; establishing the infrastructure in these sectors gave European firms a permanent advantage in future procurements of the Vietnamese government (Preeg 1999, pp. 89, 99).

Long lasting sanctions can also lead to adverse consequences for U.S. foreign policy. To illustrate, the sanctions imposed against Azerbaijan after the Nagorno-Karabakh conflict pushed the Azeris closer to Russia and risked Western companies' strategic access to Caspian oil and gas. Only after the Caspian region gained further salience in the immediate aftermath of the 9/11 attacks was President Bush able to exploit a political split in the two major Armenian-American organizations, the Armenian National Committee of America and the Armenian Assembly of

America, and convince Congress to resume aid to Azerbaijan (Larrabee & Lesser 2003, p. 116).

Reactions against the costs of economic sanctions have found a political voice through a number of interest groups. Business groups became more active in influencing Congress following the involuntary annulment of contracts with the Soviets due to the embargoes during the early 1980s. These business groups secured amendments in the 1985 Export Administration Act that provisioned for the protection of "contract sanctity" in future sanctions enacted by the president (Harris & Bialos 1985). The surge in the use of economic sanctions in the 1990s led to the foundation of USA ENGAGE, a powerful business organization that lobbies for restrained use of unilateral economic sanctions by the U.S. The organization, arguably, has a consequential presence in Washington's policy circles. The founding members include U.S. Senators, U.S. Representatives, the CEOs and Chairmen of major corporations (e.g. Caterpillar and Ingersoll-Rand), and presidents of other NGOs such as American Farm Bureau Federation and National Foreign Trade Council (USA ENGAGE 2010).

The adverse consequences economic sanctions for the targeted country's population at large also renders a normative motivation for this chapter. Having addressed "correlates of sanction success and failure" at length, the main focus of studies of sanctions shifted to adverse consequences of economic sanctions (Weiss et al. 1997; Lopez & Cortright 1997; Weiss 1999; Simons 1999). This shift accom-

panied a debate on the design of "smart sanctions" (i.e. sanctions that directly aim at sponsors of the disputed issue in the targeted country while minimizing collateral damage for the rest of the population) (Cortright & Lopez 2002; Wallensteen et al. 2003). This new approach in studies of sanctions argues for the explicit recognition of the costs imposed on the "innocent bystanders" and for the negative externalities sanctions create in interstate relations.

Assuming that longer sanction episodes exacerbate the toll sanctions exact on the population, understanding factors that affect a sanction's duration gains further salience. Quality-of-life indicators such as infant mortality rates (Ascheiro et al. 1992; Daponte & Garfield 2000) and spending on education (Santisteban 2005) seem to absorb significant impact from sustained economic sanctions. Meanwhile, leaders in such countries may skim sanctions' rents, thereby tightening their hold on power (Kaempfer et al. 2004; Wintrobe 1999). For instance, while trade sanctions virtually decimated the apparel industry jobs in Myanmar, a major source of income for workers who migrated from the country-side to the cities, the members of the ruling junta, who "enjoyed privileged access to [consumer] goods," also enjoyed soaring black market profits (Seekins 2005, p. 444). Such metamorphosis of the state apparatus into a (at times gigantic) quasi-illegal establishment usually accompanies an increased level of oppression and systemic human rights abuses in the targeted country (Wood 2008; Peksen 2009). The costs on society can be very high; Simons (1999, *xi*) argued that rather than being a "legal remedy," sanctions

often constitute a “genocidal tool.”

In addition, longer durations may worsen temporal and spatial externalities of sanctions. Sustained sanctions may deprive a country of its human capital. These sanctions may reduce the chances of reverse migration for many of the academics, engineers, doctors, and other individuals key to post-sanction recovery. Ossification of sanction-induced informal and quasi-legal structures in the target society, over time, can also render post-sanction recovery very difficult. Civil-society and its underlying “social-contract” may permanently accede to widely accepted norms of “illicit transactions.” Analyzing the damaging legacies of sanctions on former Yugoslavia, Andreas (2005, pp. 350-351) argues that “those who made their fortunes from sanctions busting and other illicit activities Ë have gone legitimate by becoming dominant players in the legal sectors of the economy, but the manner in which many conduct business continues to blur the distinction between legality and illegality.” Such extra-legal conduct tends to encroach spatially as well. The Yugoslav smuggling networks co-opted many individuals and firms in the neighboring countries, especially Macedonia and Romania (ibid.). The illicit drug and oil trading network in the de-facto independent Kurdish zone in Iraq after the first Gulf War established organic ties with both the Kurdish insurgents in southeastern Turkey and elements within the Turkish paramilitary and military forces. In a worst case scenario, sanctions can lead to the failure of a state. Such international costs arising from sustained sanctions are self-evident. Yet, conventional

datasets tend to focus on the immediate success of sanctions, and tend to omit a more detailed calculus of a sanction's "success." Understanding determinants of sanction duration may help scholars and policy makers in addressing these larger implications.

In developing the theoretical framework to explain the variation observed in U.S. sanctions, this chapter parts from theories of sanction duration that focus on the traits of the targeted state. Instead, the focus is on the institutions from which U.S. sanctions originate. The main theoretical contribution this chapter makes to the literature on international economic sanctions is noting that there are two major executors of economic sanctions, namely the president and Congress. More specifically, the chapter hypothesizes, and presents robust evidence, that Congressional execution of sanctions may lead to prolonged episodes since execution of sanctions through law-making renders their termination difficult. Two interrelated explanations will delineate the underlying causal mechanism that prolong U.S. sanctions enacted into law by Congress. The veto-point explanation posits that the ability of interest groups to influence Congress results in the U.S. becoming mired in some sanctions, beyond their benefit in the international arena. The bargaining approach argues that Congress lacks the flexibility to effectively conduct interstate negotiations; as a result, creating a feasible bargaining set for the resolution of a sanction becomes more challenging.

The next section develops a theory of legislative execution of foreign policy in

the context of U.S. sanctions and derives the hypotheses to be tested. Section 3 presents the research design. The presentation and the discussion of the results constitutes Section 4. Section 5 ends the chapter with concluding statements and an elaboration of the findings' policy implications.

4.2 U.S. Congress and Sanctions: A Story of Institutional Misfit

In the U.S. government, the ability to employ sanctions in pursuit of foreign policy goals is not exclusive to the president. Congress resorted to the threat and imposition of sanctions on a number of issues ranging from efforts at destabilizing a regime to enforcing stricter environmental practices. Yet, this surge in Congressional activism in foreign policy has also highlighted its institutional shortcomings as a foreign policy executer (Eizenstat 2004). Lindsay (1994, p. 7) summarizes these shortcomings succinctly:

Legislation almost by necessity is rigid, but diplomacy usually requires flexibility. Congress acts slowly, but issues can change rapidly. In some cases, resorting to legislation may mean taking a sledgehammer to a problem that requires a scalpel.

Besides not being the best tool for the issue at hand, foreign policy legislation can also restrict foreign policy makers' options in the future. Reacting to the conference agreement on the Helms-Burton Bill that tightened legislative sanctions against Cuba, Senator Chris Dodd claimed that "[t]he most serious and trouble-

some provision in this bill is the codification into law of all existing sanctions and regulations against Cuba. This totally ties the hands of this President and future presidents to respond flexibly to change in Cuba when it comes" (quoted in Roy 2000, p. 58). How do the institutional shortcomings of Congress influence the dynamics of the sanctions it executes? This chapter hypothesizes that economic sanctions enacted through Congress will last longer than those initiated by the executive branch. Two related arguments underpin this hypothesis: (1) Enacting a sanction as law provides vested interests a chance to undermine the repeal process of such law, and (2) the rigidity of legislated sanctions makes the creation of a viable bargaining space with the targeted country more difficult.

4.2.1 Mobilized Interests, Veto Points and U.S. Congress

The veto-point approach focuses on how the incentives and the tools Congress has as a foreign policy executor may prolong some episodes of U.S. sanctions. Groups who seek to shape U.S. foreign policy can either resort to members of Congress or the president and his administration. Congress is more responsive than the president to the preferences of these groups. While Congress has quite a few options to influence the decision-making of the president (e.g. through committee hearings, establishing reporting requirements, or leaking sensitive information to the media), it can execute foreign policy itself only through legislation. When a sanction becomes law, it becomes the new status-quo. Compared to presidential

sanctions, a larger number of veto-points need to be convinced to put an end to Congressional sanctions. When subject to interest group pressure, members of Congress have more leverage to ensure the continuation of a sanction if it has been enacted as law. The institutional inertia embedded in economic sanctions as laws may explain why the U.S. remains committed to certain sanctions for extended periods, even when the prospects of success are not high.

While sanctions are costly to the general welfare, they create winners within the sender country (Shambaugh 1999; Schwebach 2000). In the U.S., these winners have been quite influential in promoting and shaping a number of sanctions imposed on other countries, occasionally at the expense of the "national interest." The last phase of U.S. sanctions against Vietnam illustrates how specific interests can lead to foreign policy choices that do not necessarily serve general U.S. interests abroad. From a foreign policy perspective, little benefit accrued to the U.S. from these sanctions during the last several years, and ultimately led to their abandonment in 1994. Beginning in the mid 1980s, Vietnam initiated substantial steps to become a cooperating member of international community. The country began its economic liberalization program, *doi moi*, in 1986. Vietnam withdrew its forces from Cambodia in 1989, and convened peace talks with Laos in 1990. These developments were noticed by the countries in the region, and Vietnam was invited to membership talks negotiations with the Association of Southeast Asian Nations in 1991.

Despite Vietnam's alignment with U.S. allies in the region, U.S. sanctions against Vietnam maintained a significant symbolic value for Vietnamese-Americans, a sizeable group in the U.S., most of whom had fled the country during or after the war between the two countries (Loewenberg 1993). Sanctions can be also be of instrumental value to their supporters. Larry Rivers, then-executive director of the organization Veterans of Foreign Wars, emphasized this aspect of sanctions against Vietnam by indicating that his organization "opposed lifting the 19-year-old embargo because the sanctions gave the United States leverage in getting information [on MIA soldiers]" (United Press International 1994).

Israeli-Americans, a group self-evidently interested in ensuring the security of Israel, derived considerable instrumental value from ongoing and proposed sanctions against Iran's nuclear program. Likewise, sanctions may carry economic value for some interest groups. For instance, trade protectionists, and the U.S. steel industry in particular, benefited from the brief suspension of China's most favored nation (MFN) status due to the Tiananmen Square Incident of 1989.

Such winners from sanctions often exert organized pressure on members of Congress to ensure these sanctions remain in effect. For instance, several organizations including Vietnam Veterans of America and the National League of Families allied with some members of Congress, such as Senators Bob Dole and Hank Brown, and sought to reverse Clinton's decision to lift U.S. trade embargo against Vietnam (Murray 1994). Drury and Li (2006, p. 310) contended that in the after-

math of the Tiananmen Square Incident, “[t]he debates about China’s MFN status became a real issue in 1990, when they became an annual congressional event.” Chan (2000, p. 117) illustrated the range of interest groups that had a stake in coercing change in China’s policy through withholding its MFN status:

The political pluralism and institutional competition characteristics of the U.S. almost ensure that many multiple voices will be heard on this issue. Labor organizations use this debate to voice their concerns with ‘unfair trade,’ church groups use it to demonstrate support for their co-religionists in China, right-to-life advocates use it to condemn China’s policy on population control, pro-Tibet and pro-Taiwan groups use it to lobby for the independence to these territories, and anti-proliferationists use it to criticize Beijing’s arms transfers . . .

The results of organized pressure from this plethora of interest groups have been quite visible. Members of Congress responded to such pressure by proposing legislation aimed at continuing the suspension of China’s MFN status in ten separate occasions (Drury & Li 2006). Two of these reached the House floor for a vote, but were eventually vetoed by the president (Pregejl 1996).

While these pressure groups can appeal to any part of the U.S. government to ensure the continuation of such sanctions, the groups have been shown to be more influential when interacting with Congress to shape policy making (Skidmore 1993). U.S foreign policy establishment has demonstrated “a built-in reluctance to give a really concrete role in policy making to the variety of groups that press for the professionals’ attention” (Garrett 1978, p. 308). For instance, when surveyed, high ranking Department of State officials indicated that they preferred to neutralize interest groups rather than allowing their demands a serious place in

the Department's agenda (Cohen 1973). This reluctance has partly stemmed from the belief among foreign policy professionals that "national interest" could only be pursued by an elite cadre that remain oblivious to the parochial interests of these groups.³ Dean Acheson (1958, p. 28) reflected this suspicion about the adverse role interest groups could potentially play in foreign policy when he noted that "there are so many opportunities for special interest groups to profit at the general expense that we cannot expect concern for the public welfare to be sufficient as the sole restraint upon them."

Members of Congress, on the other hand, tend to respond to "parochial interests," thus are more susceptible to organized interests. In such cases, the costs are dispersed but the benefits are localized. Congress is structurally inclined to reflect the preferences of interest groups that "ha[d] successfully overcome problems inherent in taking collective action" (Bailey 2003; Lake 1988, p. 70; Krasner 1978, p. 64). As a result, "[l]obbies [have been] more effective in influencing foreign policy through Congress" (Abshire 1981, pp. 94-95). For example, Ferguson (1995) and Fordham (1998) showed that members of Congress pursued interests of the business world relating to trade *and security* in foreign policy. Likewise, Frieden (1996) indicated that business groups have been more influential when they pursued their agendas through Congress. On a similar note, Paul and Paul (2008) demonstrated

³Undoubtedly, the executive branch does not always give the best decision in U.S. foreign policy. For instance, Sorensen (1994, p. 224) argued that Congress occasionally "assessed more correctly the national interest than did the executive," such as its refusing to fund Reagan's SDI initiative and curbing defense expenditures in the decade prior to the fall of the Berlin Wall.

that ethnic lobbies predominantly utilize their access to members of Congress to further their causes relating to foreign policy.

"Foreign policy entrepreneurs" in Congress, in turn, can also benefit from associating themselves with sanctions (Carter & Scott 2004). Such ownership can help these members of Congress signal competence to their constituencies. To illustrate, Senator Edward Kennedy's leadership in imposing the 1974 arms embargo against Turkey, and Senator Jesse Helm's association with sanctions against Cuba helped these politicians consolidate their images as foreign policy experts.

When Congress seeks to impose a sanction, it can employ a single tool: legislation. Enacting sanctions into laws affords specialized interests considerable leverage in ensuring sanctions' continuation. Once enacted as law, a sanction becomes the new status quo. Institutional inertia begins and favors the continuation of this status quo. Even when the prospects of sanctions do not fare well for the general welfare of the U.S. public, those opposing such a sanction carry the burden of reversing the status quo. In Tsebelis' (2002) terms, reverting a legislated sanction is more difficult than reversing a sanction carried by executive order or bureaucratic authority since reversion of a law is subject to more veto points. A proposal to repeal or amend a sanction needs a place on legislative agenda, must traverse related committees before Congress takes a vote, and occasionally muster a super majority to evade a presidential veto. Groups favoring the continuation of a sanction can pressure members of Congress to halt such attempts at each stage.⁴

⁴Anecdotal evidence indicates this "status quo bias" works against legislation of sanctions as

The passage of the Helms-Burton Act of 1996 which tightened existing legislative sanctions against Cuba demonstrated how Congressional activism affects the dynamics of such episodes once imposed. The Act, drafted by Senator Jesse Helms and Representative Dan Burton, apparently was a response to the downing of a "Brothers to the Rescue" plane by a Cuban MIG over international waters. The law was designed as an "extra-territorial" sanction; it "provide[d] for sanctions against foreign companies investing in illegally expropriated U.S. property in Cuba" (Eizenstat 2004, p. 5). The extra-territorial nature of this law drew heavy criticism from business circles within the U.S. as well as from abroad. The multi-

well. Loomis (1998) maintained that "numerous obstacles in a fragmented Congress need to be surmounted for any legislator's initiative to evolve into law," and only one in ten bills relating to foreign policy become law. More specifically, sanction bills with considerable redistributive consequences may be more likely to be defeated at the committee level before coming to a vote in either chamber of Congress. Often, such bills become "pawn[s] in turf struggles among various congressional committees" (Weissman 1995, p. 11). For instance, the Pelosi and Mitchell Bill of 1993, which had tougher requirements than Clinton's executive order for linking China's most-favored-nation status to its improvement in human rights practices, was heavily criticized by several members of Congress and eventually defeated on the House floor. Rodman (2001, p. 96) highlighted the multi-tiered nature of the barriers that prevented the extension of Soviet pipeline sanctions in early 1980s in a similar manner:

Given the severity of the recession in 1982 and the economic problems confronting U.S. manufacturing firms, the decision to expand the sanctions aroused strong congressional criticism. The House on Committee on Foreign Affairs voted 22 to 12 to lift the pipeline sanctions. Half of the committee's Republicans voted with the majority. . . the House as a whole fell three votes short of passing the bill. . . Had the bill passed, the Senate was unlikely to follow suit. Even if it did, a presidential veto would almost certainly have been sustained.

Arguments can be made for why potential selection effects emanating from status-quo bias at the legislation stage should not affect the findings. First, the selection process introduces a conservative bias for empirical tests. Less controversial bills are often designed to satisfy the "need-to-do-something," without giving due attention to their efficacy (Preeg 1999). One may argue that such symbolic sanctions would enjoy less political support later. Furthermore, the sponsors of legislated sanctions may allow some weak ones die, if the imposition of such watered-down versions of sanctions would not deliver the desired results for these members of Congress. Second, running the set of covariates in the analyses later in a separate duration model that takes such a selection process into account did not change the main results (see Boehmke et al. 2006).

national corporations first pressured President Clinton to veto the Helms-Burton Act, and later intensively lobbied in Congress for repeal of this law.

The Cuban-American community, however, was mostly in favor of the continuation of this law, especially so as long as the expropriation issue was not adequately addressed by the Castro government. Constituting a sizeable group within their electoral districts, Cuban-Americans pressured their members in Congress to counter multinational corporations' efforts to repeal the Helms-Burton Act (Haney & Vanderbush 1999). The next major bill that addressed the issue, the 2000 Trade Sanctions Reform Act (TSRA), significantly catered to the preferences of the Cuban-American community. While the new act allowed export of food and medicine to Cuba by other countries, it strictly prohibited U.S. financing for any trading related to Cuba. Furthermore, TSRA codified the travel ban to Cuba, a policy that had been enforced by executive order until then. In short, the Cuban-American community was successful in pressuring members of Congress to ensure the continuation -and enhancement- of ongoing sanctions against Cuba, even when the chances of changing Cuban behavior were quite small.

The incentives that lead the president to employ sanctions, and the authority with which he is endowed when doing so makes presidential sanctions a more flexible tool in U.S. foreign policy. The president tends to emphasize his autonomy over specialized interests in foreign policy. This emphasis "presidents place on autonomy is a major threat to most organized groups that animate the legislative

politics of structural choice" (Moe & Wilson 1994, p. 12). While a member of Congress tends to respond to a local set of interests, the president answers to a national constituency. Answering to a broader audience forces the president to have a broader view of U.S. foreign policy (Schattschneider 1935; Lohmann & O'Halloran 1994; Destler 2005). The concern with success at the national level gives the president less incentive to maintain policies that do not deliver results. For instance, despite continuous pressure from organized protectionist interests, presidents have traditionally promoted free-trade policies (Schattschneider 1935; Lohmann & O'Halloran 1994; Ehrlich 2006).

Surely, the president or his administration are not insulated from interest group pressure, and occasionally respond to the "need to do something" by imposing sanctions. Still, when such pressure results in the imposition of sanctions, the institutional medium through which the president imposes sanctions creates relatively little inertia. The president can rescind or amend his orders with relative ease (Krause & Cohen 2000; Marshall & Pacelle 2005). For example, eight months after his executive order provisioning sanctions against China, Clinton admitted that the sanctions simply did not work and rescinded his order. While this decision drew wide ranging protests from a number of groups in the U.S., these groups had little influence Clinton to reverse the decision.

The termination of the grain embargo imposed against the Soviet Union is another example that contrasts the president's relative freedom to reverse a sanction

compared to Congress. Similar to the sanctions on Cuba, the grain embargo of 1980 was in response to a security-related event, namely to the Soviet invasion of Afghanistan. The sanction was, however, initiated by an executive order from President Carter. The embargo created a political backlash from U.S. farmers against the Carter administration (Paarlberg 1987). The Republican presidential candidate, Ronald Reagan, was quick to appeal to the concerns of U.S. farmers by dubbing the embargo as "inefficient" and "silly" (Holt 1981). Not surprisingly, ending this embargo was one of Reagan's first moves after his election. Little, if any, concern existed for Reagan to consider when terminating this ineffective sanction.

4.2.2 Congress and Bargaining Failure in U.S. Economic Sanctions

Congressional execution of sanctions may also influence bargaining dynamics between the U.S. and the targeted state. Generally, sanction scholars tried to explain the duration of sanctions as a function of who can suffer more once negotiations fail and sanctions are imposed. In other words, sanctions have been portrayed as a war of attrition, in which one side eventually gives up. However, episodes of coercion in IR can be seen as the continuation of the bargaining process in which each party updates its belief about the other's resolve (Schelling 1957; Wagner 2000; for formal applications to economic sanctions, see Dorussen & Mo 2001; van Bergeijk

& van Marrewijk 1994; Hovi et al. 2005). Thus, the “breakout” of coercive episodes does not necessarily denote a failure of negotiations, but rather the continuation of them (von Clausewitz 1976). As such, longer durations of sanctions can be associated with failure to reach a solution that is beneficial to both parties. What, then, prevents two parties from reaching a mutually acceptable solution when the status quo is costly to both of them? The design of a sanction -a consequence of its institutional origins- can dictate the options available to parties in negotiations later during the episode.

Fearon (1995) identified three major reasons for bargaining failure in interstate negotiations; namely information asymmetry, issue indivisibility and inability of parties to credibly commit to each other. Among these three, Congressional sanctions tend to place the U.S. at a disadvantage in linking issues and credibly commit to a proposed solution.⁵

Breaking the deadlock on certain issues may be difficult in interstate negotiations. States may prefer the continuation of conflict to a resolution if partial compromises regarding the contested issue are unlikely (Fearon 1995). Such an issue could pertain to the control of a small island that both parties value highly;

⁵Imperfect information on the other party’s level of resolve may motivate a country to bluff. When a country bluffs, and the other party calls on this bluff, conflict ensues (Fearon 1995; Lacy & Niou 2004). Powell (2006; cf. Smith & Stam 2004; Slantchev 2004) recently argued that while this may explain the outbreak of coercive episodes, it really does not explain variation in duration: states tend to update their beliefs relatively quickly. In addition, no a priori expectations exist for a potential differential between Congress and the president regarding the speed with which the U.S. and the targeted state converge on the same expectations. As a result, the theoretical link between Congressional execution of foreign policy and problems relating to information asymmetry will be ignored in this analysis.

dividing the island in half may not make sense to either party. States usually circumvent such problems by bringing additional carrots and sticks to the negotiation table, in other words, linking seemingly unrelated issues, with the aim of creating a feasible set of solutions that is acceptable to both parties (Keohane & Nye 1977; Haas 1980; McGinnis 1986; Morgan 1990; Davis 2004). Enacting sanctions as laws decreases the ability of the U.S. to link issues. When such opportunities arise, Congress is at a considerable disadvantage in seizing them, vis-à-vis the president. The inadequacy of the portfolio of foreign policy tools Congress commands limits the extension of additional carrot and sticks.⁶ Even if such linkage is possible, the time frame in which Congress can employ alternative tools does not create a viable option. "The constitutional powers of Congress are often too blunt, reactive, and slow for the complicated trade-offs of diplomacy, trade, and security" (Chollet et al. 2008). Furthermore, any promise of amendment or additional policy may suffer from credibility problems. This potential shortcoming stemming from Congressional execution of sanctions is discussed in detail subsequently.

The targeted country may be reluctant to adopt further steps during negotiations if it believes that the U.S. may renege on its promises later on. Due to the fractured nature of Congressional players in foreign policy, whom the target state deals with in Congress may be quite vague. "The crucial difference [between the president and Congress] is that the presidency is a unified institution, in the

⁶One can identify two additional policy tools besides sanctions that Congress can directly employ against a country: foreign aid legislation and trade legislation.

sense that it has one supreme authority: the president. In determining his own preferences and making his own decisions, the president does not suffer from the collective action problems that plague Congress, and he need not resort to complex structural arrangements for mitigating them" (Moe & Wilson 1990, p. 16). This difference regarding the locus of decision making among the two institutions may influence how Congress bargains with a targeted state over a disputed issue. Since subject to organized interests (and less concerned with U.S.'s reputation internationally), Congress is at a disadvantage in issuing a credibly "promising" a solution to another state. Quite a few actors participate in the process that leads to Congressional sanctions. Many of these actors possess the capacity to alter the deal reached with the targeted state at the negotiation table, ex-post. Furthermore, renegeing on an international promise has less political costs for a member of Congress compared to the president. Woodrow Wilson took notice of this shortcoming when he dubbed Congress as "unpredictable" and "unaccountable" in foreign policy (Abshire 1981, p. 31). Even if the president initiates involvement for a solution, political accidents such as veto overrides or the implementation of "poison pills" in alternative legislation can undermine the bargaining process.

The target state may also be reluctant to engage in negotiations at the outset if the U.S. is likely to take advantage of any step it takes towards a solution. Occasionally, the U.S. moves the baseline expectations when imposing sanctions. For instance, Thailand was reluctant to acquiesce to U.S. sanctions and strengthen its

intellectual property rights enforcement in 1992. A major reason behind Thailand's reluctance was its fear that once committed to the proposed bilateral investment treaties with the U.S., the latter would not be content with the protection of U.S. video and music cassettes in the Thai market (Cooke 1993). Indeed, once Thailand committed itself to bilateral investment treaties, Congress lost little time pressuring on the Thai government to change its copyright law to include pharmaceutical and software products.

Unlike Congress, the president commands a vast portfolio of negotiation tools ranging from extending the target state's leaders diplomatic prestige to renegotiating basing rights. The expanded menu of options the president has allows linking contested issues and increases the chances that a sanction episode will have rapid resolution. Furthermore, the authority vested in the president (such as the ability to issue executive orders and his command over the bureaucracy) renders presidential "promises" more credible. For instance, the U.S. often relies on bilateral executive agreements to regulate fishing rights, rights to access U.S. ports, and use of U.S. airspace. These frequently became bargaining chips in trade negotiations. The president has the authority to "terminate" or "suspend" these agreements at his discretion (Leich 1982).

4.2.3 Consolidating the Two Approaches

The veto-point and the bargaining-failure approaches highlight two complementary avenues in which Congressional sanctions are institutionally geared towards prolonging sanction episodes. The veto-point argument mostly emphasizes the benefit a legislator may derive from the continuation of sanctions. When sanctions are legislated, this legislator has more leverage to ensure the continuation of sanctions unless a favorable outcome is attained. As a result, one can expect the U.S. to be more insistent and have a higher capacity to incur costs when faced with a resilient target. The bargaining-failure approach, on the other hand, highlights the difficulty the two parties experience in reaching a mutually acceptable solution after sanctions are implemented through law.

The two approaches are not necessarily exclusive. The political motivation that counters a sanction repeal process can also shift the baseline expectations from the target to terminate the ongoing sanctions. A reexamination of the process that led to the legislation of the Helms-Burton Act against Cuba illustrates how Congress, subject to intense pressure by the Cuban-American community, concomitantly increased its expectations from the Cuban government while nullifying efforts aimed at terminating the sanctions.

The initial sanctions against Cuba were authorized through the Cuban Assets Control Regulations of 1963 enacted by President Kennedy's Proclamation 3447 (Dunning 1998). Later, Congress codified the sanctions through the Cuban Adjust-

ment Act of 1966, which focused mostly on the compensation to U.S. companies and individuals whose property was expropriated during the Cuban revolution (Sullivan 2010). With the dissolution of the USSR, Cuba was forced to partially liberalize its economy to secure hard currency. Some of the limited market-oriented reforms included the liberalization of the agricultural sector in 1993, and allowing, in 1995, fully owned foreign firms to operate in all sectors of the economy except defense, education and health. These reforms were seen by some as a preamble to settling the expropriation issue that would allow Cuba to integrate its economy into the global markets.⁷

Congress did not respond positively to these reforms in Cuba. Instead, it countered the steps Cuban government took by reframing the issue under dispute from one of expropriation to one of democratization and human rights. The Cuban Democracy Act of 1992 and -more importantly- the Helms-Burton Act of 1996 introduced new requirements that Cuba had to satisfy for the U.S. to terminate its embargo.⁸ Some of these requirements left little possibility for mutual compromise. For instance, the Helms-Burton Act conditioned the end of the embargo on the formation of a "transition" government that Congress recognized as such. The

⁷Cuba also took deescalatory measures on the military front by withdrawing its forces from Ethiopia and Angola as well as support for the insurgency movements in Central America (Renack & Sullivan 1996, p.4).

⁸Some argued that the Cuban fighter jets' downing of two planes operated by Brothers to the Rescue, a U.S. NGO involved in anti-Castro propaganda, provoked the enactment of sanctions on February 24, 1996. In reality, the law was already in the making; the related bill was introduced about a year before the planes were shot down. The downing of the planes rather decreased the chances of a veto by Clinton and "resulted in the President working with Congress to secure the passage of the Cuban Liberty and Solidarity [i.e. Helms-Burton] Act (Dunning 1998, p.8).

Act explicitly defined eight conditions for a government to be recognized as a transition government. Among these conditions are “(1) legaliz[ing] all political activity; Æ (4) ma[king] public commitments to organizing free and fair elections for a new government; Æ (7) not includ[ing] Fidel Castro or Raul Castro; and (8) giv[ing] adequate assurances that [the transition government] will allow the speedy and efficient distribution of assistance to the Cuban people” (Helms-Burton Act 1996; see Dunning 1998 for a detailed analysis of provisions included in the Helms-Burton Act). One could reasonably argue that the direct targeting of the regime leaves few options for the Cuban government’s negotiating positions barring unexpected changes among the ruling elite. Raul Castro’s consolidation of his leadership after succeeding his brother, Fidel Castro, suggests such a change may not be forthcoming in the near future.

While Congress became more hostile towards Cuba, few prospects remained for a mutual compromise, despite attempts by some U.S. legislators to terminate sanctions. These members were mostly responding to business interests, a group that would benefit immensely from the resumption of trade with Cuba. For example, roughly coinciding with the introduction of the Helms-Burton Act, Congressman Charles Rangel introduced the Free Trade with Cuba Act that provisioned for the termination of the trade embargo and travel restrictions, and encouraged normalization of trade relation as a step toward compensating expropriated U.S. nationals by the Castro government. Meanwhile, Representative Rangel became more vocal

in his opposition to the Helms-Burton bill. For instance, on June 30, 1995, Rangel “co-chaired a 10-hour session [in Congress] that for the first time attracted representatives of U.S. business to speak out openly in support of lifting the U.S. embargo” (Congressional Press Release 1995). Later in the year, Rangel attempted to garner public support against the embargo by issuing joint statements with Cuba’s religious leaders (New York Times 1995). Other members of Congress such as Senators Jack Reed and Chris Dodd, and Representatives Jim McDermott and Sam Farr also joined ranks with Rangel for ending sanctions against Cuba.

The attempts at terminating the sanctions against Cuba were overwhelmed by the pressure on other U.S. legislators from the Cuban-American interest groups. The most tangible of these attempts, the Free Trade with Cuba Act, became mired in the subcommittee on the Western Hemisphere.⁹ Members of Congress from important swing states, such as Bob Menendez, a Cuban-American representative from New Jersey, was especially instrumental in garnering the necessary votes in Congress for the passage of the Helms-Burton Act. Robert Torricelli, another representative from New Jersey and the sponsor of the Cuban Democracy Act of 1992, was also a prominent figure in promoting the Helms-Burton Act in Congress and to public. Quite a few members of Congress from Florida (e.g. Representatives Clay Shaw, Ileana Ros-Lehtinen, Lincoln Diaz-Balart), a state whose legislators are even more responsive to demands from Cuban-American groups, also responded

⁹Ironically, the chairman of the subcommittee at the time was Representative Dan Burton.

positively to the call for continued sanctions against Cuba.¹⁰

In sum, the additional legislative sanctions imposed against Cuba in 1996 illustrate how Congress simultaneously “vetoed” efforts to end these sanctions and took steps that made reaching a mutually acceptable solution more difficult. As elaborated earlier, both approaches converge on the same expectation which constitutes the main hypothesis for this chapter:

Hypothesis 4.1: Congressional sanctions should last longer than sanctions imposed by other branches of the U.S. government.

4.3 Research Design

4.3.1 Data

The recently released TIES dataset allows construction of a sample of sanctions imposed by the U.S. between 1971-2000 (Morgan, Bapat & Krustev 2009). The dataset defines sanctions “as actions that one or more countries take to limit or end their economic relations with a target country in an effort to persuade that country to change its policies” (ibid, p. 94). The TIES dataset is a substantial improvement over the Hufbauer, Schott & Elliott (1990, 2007) dataset. Although the TIES dataset’s temporal domain is shorter, it codes significantly more cases.

¹⁰Also, an important note is that the divide over continued sanctions closely followed party lines with Democrats mostly against the sanctions. All of the aforementioned names as well as Peter Deutsch, a Representative from Florida, in favor of ending the trade embargo were democrats. A major exception, of course, was Representative Toricelli from New Jersey.

The dataset identifies 209 sanctions imposed by the U.S. About half of these cases are eliminated due to missing data, leaving 99 cases with five of the cases being right-censored.¹¹ The dependent variable, the duration of an imposed sanction episode, measures the number of days elapsed during the imposition stage.¹² An episode is considered as to have ended regardless of which party “gives up.”¹³ The covariates of the model are discussed subsequently below. The descriptive statistics for the dependent variable and the covariates are given in Appendix A.

4.3.2 Variables

Institutional Origin: The TIES dataset allows identification of four major categories pertaining to the institutions that impose US economic sanctions. Legislated sanctions are those that the U.S. Congress voted and are standing law. Presidential sanctions, imposed through the president or his staff, are put into effect usually through executive orders.¹⁴ A sanction threat issued by the U.S. can also be fol-

¹¹TIES dataset severely suffers from missing data, especially with respect to start and end dates of episodes. Still, one has no reason to believe that data is missing in a nonrandom way, especially since there is a single sender, the U.S.

¹²If the day of the start or the end date are missing, a value of “15” (i.e. the middle of the month) is imputed for the missing value. If the start and the end of an episode are in the same month, and the day-value for either date were missing, a default value of fifteen days is assigned to the duration of the episode. Fifteen days is a plausible value for a sanction episode. Regardless of the institutional origin of the sanction, the bureaucratic processes to initiate and end a sanction takes time. Imputing such an average value adds considerably more cases to the analyses while giving us no a priori reason to believe that bias is introduced to the results. The cases in which the month or the year was also missing are omitted from the statistical analyses.

¹³The results discussed subsequently are replicated if the cases in which the target acquiesces are treated as right-censored cases. This further strengthens the arguments presented above; Congress seems to pursue the cases with little prospect for success internationally more vigorously.

¹⁴Occasionally, the president and Congress jointly sanction a country. These cases are coded as legislated sanctions since the theoretical argument posits that legislation introduces a status quo bias regardless of supplementary actions. However, when Congress authorizes the president

lowed by an imposition accomplished by an international organization. Finally, a sanction can be imposed through the bureaucracy, i.e. executive agencies besides the president's office, such as sanctions imposed by the Department of Agriculture or the Department of Commerce. Bureaucratic sanctions also constitute the omitted category in the statistical analyses.¹⁵

Contested Issue: The issues over which countries contend have a profound impact on how these countries interact (Vasquez & Mansbach 1984; Hensel 1996; Gibler 2007). Sanctions relating to a security issue may exhibit a different dynamic; targets may be more resilient when forced to roll back their political influence than when sanctioned for their environmental practices. The *Issue* dummy variable takes the value of 1 when the contested issue relates to "high-politics", i.e. if the contested issue is security-related such as nuclear proliferation, or alliance choices of the targeted state. Low-politics issues such as environmental, trade or human rights practices take the value of 0.¹⁶

Relative Power: The use of sanctions is one tool among many that a state can impose a sanction, and the president uses this authority at his discretion, the episode is coded as a presidential sanction. The TIES dataset identifies legislated sanctions as those executed through the national legislature or the judiciary.

¹⁵The substantive distinction between presidential and bureaucratic sanctions is not always clear. For instance, in his Executive Order 12851, President Clinton delegated the authority to impose sanctions to prevent proliferation of chemical and biological weapons vested in him by the Arms Control Export Act to the Secretary of State. The results remain robust to alternative categorizations of institutional origin vis-à-vis Congressional sanctions.

¹⁶Note that the salience of an issue type may change over time and across different targets. For instance, some have argued that China has begun to increasingly perceive sanction attempts to improve its human rights practices as a "security threat" to itself (Morgan 1995; Roy 1996), hence, the evolution of a traditional "low-politics" issue into a "high politics" issue. A full list of individual issue types included in the TIES dataset, as well as their coding for the Issue variable appear in Appendix A.

employ in its foreign policy portfolio. One could argue that the shadow of military power can affect duration and eventual success of economic sanctions. It could also be that the more powerful the U.S. is, the longer it can sustain the sanctions against a resilient target. Alternatively, stronger targets can resist for longer periods of time. The “relative power” variable measures the natural logarithm of US military capability’s share in the joint capability of the dyad.¹⁷ Composite National Index of National Capability scores from the Correlates of War (COW) dataset are used to measure states’ power at the first year of the imposition (Singer et al. 1972; Singer 1988). Incidentally, this variable is significantly correlated with the GDP of a country, thus can also be seen as a control for the relative size of target’s economy to that of US.

Alliance: Targets that expect frequent conflict with the sender in the future may be more resilient when facing economic sanctions. Drezner (1999) argued that even if the costs incurred by being targeted by sanctions is higher than the value a target derives from maintaining the status quo of the contested issue, the prospects of capitulating to a future military adversary can make a target reluctant to do so. Since alliances significantly decrease the chances of conflict between two states, targeted countries allied with the sender are more likely to capitulate to sender’s demands when sanctioned. An auxiliary to Drezner’s argument posits that when a target state is allied with the U.S. and the value of the contested good is less

¹⁷This variable is calculated with the following formula: $\ln\left(\frac{\text{US power}}{\text{US power} + \text{Target power}}\right)$.

than the cost of being targeted by sanctions, the targeted state acquiesces sooner. Indeed, Drezner (2000) has found that higher levels of cordiality between two states lead to shorter sanction episodes. The two countries are coded as allied if they have a formal alliance at the outset of the imposition. The data is from the COW Formal Alliances dataset (Gibler & Sarkees 2004).

Target/Joint Democracy: An increasing interest has arisen for the role sanctions play as an alternative to militarized conflict for democracies to resolve their differences. Most of these studies consider whether or not democracies are more likely to employ sanctions as a substitute for the use of militarized force against other democracies (Cox & Drury 2006; Hafner-Burton & Montgomery 2008; Goenner 2007). International conflict scholars suggested that democratic norms make peaceful resolution of a dispute, as well as de-escalation of a militarized crisis, more likely in a democratic dyad (Maoz & Russett 1993; Mousseau 2003; Dixon 1994; for the monadic effects of democracy on sanction duration, see McGillivray & Stam 2004; Allen 2005). On a similar note, one can hypothesize that democratic norms and the ability of democracies to signal their preferences credibly upon imposition of a sanction will allow jointly democratic dyads to update their beliefs and reach a common ground more quickly.¹⁸ The Polity score taken from the POLITY IV dataset determines whether or not a target is a democracy (Marshall & Jaggers 2002). This score is a composite index which sums scores from individual dimen-

¹⁸Obviously, since the US is a democracy, a democratic target renders a jointly democratic dyad for the sanction episode under analysis.

sions relating to democratic qualities of a state's political institutions such as the level of political competition allowed or the institutionalized constraints on the executive branch of government. The resulting aggregate score places countries on a continuum which ranges from -10 (completely autocratic) to 10 (completely democratic). A target is coded as a democracy if its Polity score at the outset of imposition is greater than six.

Finally, an important note is that sanctions literature suggests a wealth of variables that may influence the duration of sanctions. Due to the exploratory nature of this study, and the limited number of observations in the sample, the study refrains from presenting kitchen-sink style models. Still, accounting for the U.S.'s and a target's dependence on trade, whether or not the dyad recently experienced a militarized interstate dispute, and whether or not the target engaged in any militarized conflict at the outset of a sanction episode did not change the substantive results.

4.3.3 Model

Semi-parametric Cox duration models test the hypotheses developed above. The Cox duration technique is an appropriate technique to use for a number of reasons. First, duration cannot assume negative values. Second, several right censored cases exist (i.e. episodes coded as ongoing by the end of 2000). Duration models allow these cases to inform the likelihood function instead of being omitted from the

sample. Finally, little scholarly work exists to form a priori expectations of the nature of duration dependency. The Cox model makes no assumptions regarding the shape of the baseline hazard function (Box-Steffensmeier & Zorn 2001). The model is a proportional hazards model; it assumes equal proportionate hazard shifts over time. The Schoenfeld residual tests indicate that this assumption is not violated in the estimated models.

The subsequent analyses are based on two sets of models. The first set (Models 1 & 2), displayed in Table 4.1 focuses on the effect institutions have on the duration of all U.S. sanction episodes. The second set (Models 3, 4, & 5), displayed in Table 4.2 extends the sample to sanctions imposed by all countries, and asks if Congressional activism in U.S. foreign policy explains the “democratic puzzle” (i.e. why democratic senders insist on sanctions as long as if not longer than authoritarian senders).

4.4 Results

The results lend strong evidence to the claim that legislative activism prolongs U.S. sanctions’ duration. The coefficients in Table 4.1 are in exponentiated (hazard-ratio) format.¹⁹ Coefficients less than one indicate a lower relative-risk of hazard (i.e. longer duration); whereas, coefficients greater than one indicate a higher

¹⁹All models presented in this chapter are estimated with Stata 11. The baseline hazard is estimated with the *basehr* option. The ties in the dependent variable are addressed by the Breslow method; the results remain robust when alternative methods are used for tied events.

relative-risk of an episode ending (i.e. shorter duration). Model 2 indicates that a Congressional sanction experiences a 70% reduced risk of termination compared a presidential sanction during any point in its course, given the episode has not ended until that point.²⁰

Figure 4.1 demonstrates the cumulative survival function for the unrestricted model (i.e. Model 2). The two lines contrast the effect of a sanction's origin on the probability that the sanction episode will survive after a given number of days when the target is a democracy, not allied with the U.S., the two countries' contention is a non-security related issue, and the U.S.' relative power is set at the sample mean. Sanctions imposed through the president's office are twice as likely to end after the first year (21%) compared to those imposed through legislation (10%). The gap between the likelihood for survival increases with time. After about five years, the likelihood that a legislated sanction remains in place is twice as likely (62%) when compared to a presidential sanction (30%).

The coefficients for the control variables in the first two models exhibit interesting results as well. Issues relating to national security do not have a statically discernible effect on sanction duration. The result for the relative power of the U.S. is somewhat unexpected. Sanctions imposed on weaker targets last longer. One explanation for this outcome could be that the U.S. may benefit from a cost-effective demonstration of resolve to third parties when sanctioning a weaker state. The

²⁰The figure is calculated by subtracting the relative (exponentiated) risk of termination for presidential sanctions from that of Congressional sanctions: $1.03-0.63=0.70$.

Table 4.1: The Effect of Institutional Origin on U.S. Sanction Duration

	<i>Model 1</i>	<i>Model 2</i>
Sanctions through Congress	0.40 (0.14)*	0.32 (0.12)**
Sanctions through President	0.72 (0.21)	1.03 (0.34)
Sanctions through IOs	0.63 (0.36)	1.58 (1.02)
Security Related Issue?		0.91 (0.25)
Relative Capability of US		0.17 (0.12)*
Target Allied with US?		2.10 (0.58)**
Target a Democracy?		1.90 (0.47)†
N	99	99
N (censored)	5	5
Log Likelihood	-336.71	-325.08

** $p < 0.01$, * $p < 0.05$, † < 0.10 , two-tailed; standard errors in parentheses. U.S. Economic Sanctions, 1971-2000. Variables from the Cox Proportional Hazards Model presented in hazard ratio format, $\beta < 1$ indicates longer sanction duration.

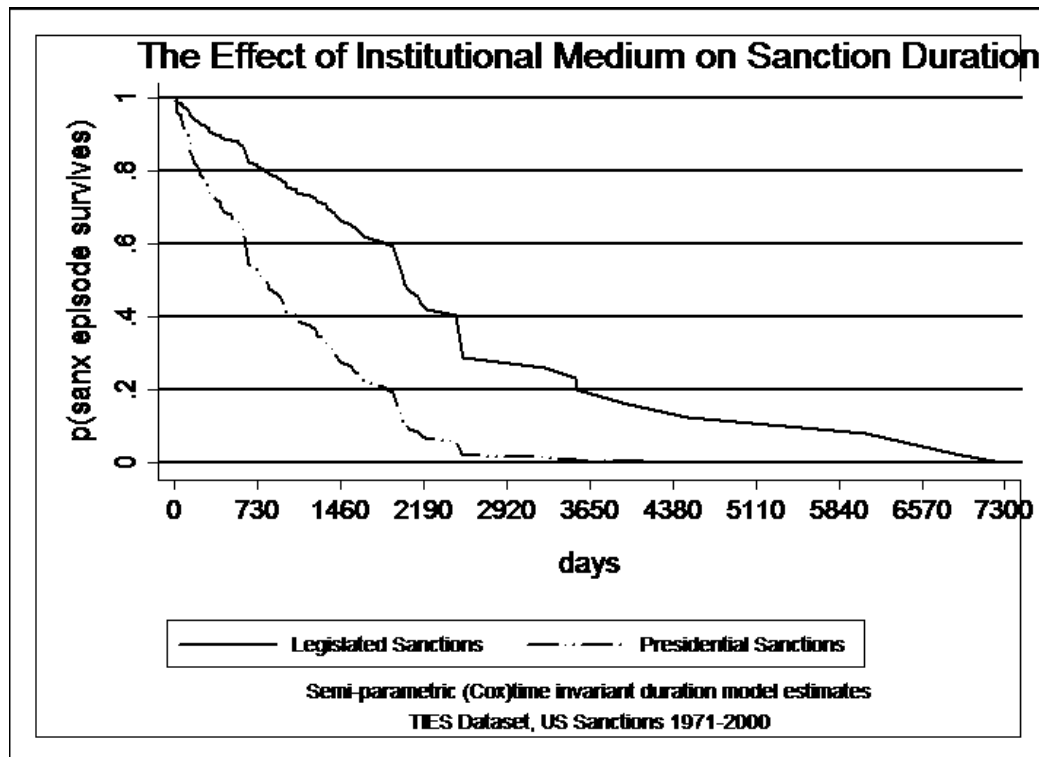


Figure 4.1: Risk of episode termination over time (by institutional origin)

results point to another interesting finding: U.S. imposes shorter sanctions against allies. This finding complements Drezner's assertion that sanctions are effective against targets which believe future conflict with the U.S. is unlikely. A related - but separate- finding indicates that the U.S. reaches a resolution more quickly with democratic targets. This result replicates previous studies' findings (McGillivray & Stam 2004; Allen 2005). The substantive interpretation falls well within existing literature; internalized democratic norms help a democratic dyad overcome a security dilemma and reach a resolution more quickly (Maoz & Russett 1993). Furthermore, democracies are more sensitive to economic costs their publics incur (Bueno de Mesquita et al. 2005); therefore, a democratic target may have an incentive to resolve the crisis as quickly as possible.

The findings presented clearly indicate legislated sanctions last longer than presidential sanctions in the U.S. Does accounting for Congressional sanctions, however, help explain the "democratic puzzle" (i.e. why do sanctions imposed by democratic senders last as long as -if not longer than- those imposed by nondemocratic states)? Both the HSE and TIES datasets indicate that about half of the sanctions in the world originated from the U.S. That Congressional sanctions last significantly longer than other types of U.S. sanctions may explain the statistical findings that suggest sanction episodes initiated by democratic senders do not have a shorter time span than those initiated by non-democratic senders. To determine if this is the case, Models 3-5 extend the sample to sanctions imposed by

all countries.²¹ The results, presented in Table 4.2, indicate that while Congressional activism partially explains why certain U.S. sanctions last longer, they do not solve the “democratic puzzle.” Regardless of institutional origin, U.S. sanctions tend to last longer than sanctions imposed by other countries. Moreover, sanctions initiated by democratic countries other than the U.S. are expected to last as long as those imposed by nondemocratic countries.

Table 4.2: Do U.S. Congressional Sanctions Explain Why Democracies Impose Longer?

	<i>Model 3</i>	<i>Model 4</i>	<i>Model 5</i>
Sender Democracy?	0.59 (0.12)*	1.00 (0.23)	0.94 (0.22)
U.S. Dummy		0.48 (0.10)**	
U.S. Legislated Sanctions			0.24 (0.08)**
Other U.S. Sanctions			0.56 (0.12)**
Security-related issue?	0.78 (0.16)	0.87 (0.18)	0.75 (0.15)‡
Target Allied with US?	1.06 (0.20)	1.21 (0.23)	1.28 (0.24)‡
Target a Democracy?	1.88 (0.31)**	1.84 (0.31)**	1.98 (0.34)**
N	190	190	190
N (censored)	11	11	11
Log Likelihood	-750.47	-742.99	-737.64

** $p < 0.01$, * $p < 0.05$, † < 0.10 , two-tailed; ‡ < 0.10 , one tailed; standard errors in parentheses. Economic Sanctions Imposed by All Countries, 1971-2000. Variables from the Cox Proportional Hazards Model presented in hazard ratio format, $\beta < 1$ indicates longer sanction duration.

Similar to previous models, Models 3-5 employ the Cox proportional hazards method. The results appear in hazard ratio format. Model 3 replicates the democratic puzzle from sanctions’ literature with the TIES dataset. The model indicates

²¹The relative capability variable is omitted since it highly correlates with the U.S. dummy variable.

that episodes of sanctions initiated by democratic senders enjoy a lower relative risk of termination compared to episodes of sanctions initiated by authoritarian senders, *ceteris paribus*. Model 4, however, shows this finding is an artifact of U.S. economic sanctions.²² Given that a sanction has not ended, it enjoys a 52% lower relative risk of termination if initiated by the U.S. rather than by another democratic country or by a nondemocratic country. Expected duration for sanctions imposed by other democratic countries, however, is not significantly different from nondemocratic countries. Model 5 distinguishes U.S. sanctions originating from Congress from U.S. sanctions originating elsewhere. Legislated sanctions enjoy a significantly lower relative risk of termination than other types of U.S. sanctions.²³ Still, accounting for Congressional activism does not explain the democratic puzzle. The hazard ratios for both types of U.S. sanctions turn out to be significantly less than one, denoting a longer duration than those imposed by nondemocratic countries. U.S. sanctions seem to be structurally different; regardless of their institutional origins, the U.S. tends to impose sanctions for longer periods than other states. Further research is needed to account for this persistent finding.

The coefficients for the control variables echo the findings from previous analyses. In accordance with the literature on leadership survival and foreign policy choices, results indicate that democratic leaders tend to capitulate more quickly or otherwise terminate sanctions when targeted, compared to their authoritarian

²²The *Sender Democracy?* variable in Models 4 and 5 is coded as 1 for all democratic senders other than the U.S.

²³ H_{null} : Congressional Sanctions = Other U.S. Sanctions rejected at $p = 0.002$.

counterparts. While not attaining traditional levels of statistical significance, allied states also seem to resolve their differences more quickly. Model 5 also indicates that sanctions imposed over a security related issue tend to have shorter duration. This finding may initially seem counterintuitive. A possible explanation could supplement Lektzian & Sprecher's findings: Sender states could be more willing to resort to the use of force when the issue at stake is salient for national security. These questions suggest fecund areas for further academic inquiry.

In sum, the analyses presented above indicate legislative activism explains a significant part of the variation observed in the duration of economic sanctions imposed by the U.S. Accounting for legislative activism, however, is insufficient for explaining the democratic puzzle. Regardless of their institutional origin, U.S. sanctions seem to last longer than sanctions imposed by other countries. Sanctions imposed by other democratic states tend to last as long as those imposed by authoritarian regimes.

4.5 Conclusion

This chapter's purpose is to provide an explanation for why the U.S. cannot terminate certain sanctions. In doing so, the study adopts a novel perspective and focuses on institutional origins of sanctions within the U.S. government. Specifically, this discussion notes that while Congress has been a frequent imposer of economic sanctions, Congressional execution of economic sanctions has been rel-

atively undertheorized by IR scholars. Application of canonical institutionalist and bargaining theories to U.S. sanction dynamics highlights different areas in which Congress is at a disadvantage, vis-à-vis the president in effective execution of economic sanctions. Both approaches have, however, converged to the same expectation: Sanctions originating from the U.S. Congress should last longer.

Institutional shortcomings of Congress as a foreign policy executer largely stem from the fact that Congress can only execute policy through law. Once a sanction is enacted as law, interest groups more easily “veto” efforts to end the sanction. Even when the presence of such veto groups are inconsequential, Congress does not have the policy leverage to link seemingly unrelated issues to institute a resolution with the targeted country to end a sanction. In other words, an institutional misfit exists between the aims of Congress and the tools with which it is endowed. Statistical evidence indicates that a major manifestation of this institutional misfit is the increase in the expected duration of sanctions when Congress imposes sanctions rather than the president.

Congress has adopted innovative measures to alleviate the adverse consequences born of its structural deficiency when drafting sanctions. One such innovation is including “performance benchmarks” that allow for a partial rollback of sanctions when certain conditions are met by the target. For instance, the 2009 Omnibus Appropriations Act foresees a partial rollback of the sanctions against Cuba if certain democratization goals are met. A tendency also exists to give the president

waiving rights to enhance flexibility in interstate negotiations. Such legislative sanctions allow Congress to manifest its stance in foreign policy and mandate U.S. action while allowing the president and his staff to finetune the execution of these sanctions, thereby increasing the chances of achieving a quick resolution to the disputed issue. Senator Lugar made a more radical suggestion in 2005 when he introduced the Sanctions Reform Bill. Besides its provisions for devising targeted sanctions whenever possible, the bill proposes a two-year effective limit for a legislated sanction. Despite these innovative attempts, notably, the underlying deficiency of Congressional execution of sanctions remains: These laws have to be designed beforehand; once enacted, amending or repealing becomes difficult.

Conclusion

5.1 Summary

This study attempts to determine whether or not U.S. economic sanctions executed by Congress exhibit discernible differences from those executed by the president. The research presents ample and robust evidence that the dynamics of Congressional sanctions indeed differ from those of presidential sanctions. In a larger context, this study contributes to IR literature by presenting a novel way to unpack a domestic regime to better explain the variation observed in its foreign policy behavior. The study does so namely by distinguishing foreign policy execution between the legislative and the executive branches within a country.

As stated earlier, this study elaborates on one stylized fact: Besides creating alternative avenues for influencing a president's foreign policy decisions, Congress also executes foreign policy itself. Chapter 2 contextualizes this stylized fact within

three strands of international relations (IR) literature, namely domestic politics and IR, U.S. foreign policy, and international economic sanctions. An examination of IR literature indicates that among those who considered domestic sources of interstate relations, few have conceptualized legislatures as distinct foreign policy executers. Instead, legislatures -and the U.S. Congress in particular - have mainly been portrayed as institutions that influence preferences or otherwise shape the executive branch's actions in foreign policy.

This chapter contends that a number of domestic and international developments promoted the demand for Congressional activism in foreign policy. In the 1970s, a series of executive blunders such as the misconduct of the Vietnam War and the Watergate scandal began to erode the culture of deference which had characterized Congress' relationship with the president. members of Congress. Initially, in the late 1980s, globalization and growing interdependence of economic (and cultural) relations between states linked foreign policy to otherwise parochial economic and cultural interests. Finally, the end of Cold War created the permissible environment for such interests to trump the concerns of "high-politics."

An explanation of the motivation to focus on a single foreign policy tool, namely, economic sanctions also appears in Chapter 2. The threat and use of sanctions became an increasingly prominent tool in the foreign policy portfolio of U.S. presidents and Congress, especially during the last two decades. Focusing on economic sanctions establishes conceptual equivalence across their "executers,"

allows for the development of nuanced hypotheses among different stages of a sanction episode, and for statistical inference techniques applicable for testing the validity of these nuanced hypotheses.

The following two chapters, Chapters 3 and 4, develop and test specific hypotheses relating to Congressional execution of U.S. economic sanctions. Chapter 3 focuses on the threat stage of economic sanctions and seeks to determine whether or not Congressional sanction threats exhibit a different dynamic from those issued by the president. The chapter also constitutes one of the very first studies that test the determinants of effective sanction threats. The formal model developed in this chapter derives two important associations: The higher the cost the U.S. incurs when backing down from a sanction threat, (1) the less likely that the U.S. will back down against a defiant target, and in turn, (2) the more likely that the targeted state will acquiesce to a sanction threat at the outset.

Noting that members of Congress and the president are evaluated differently by their domestic and international audiences when executing foreign policy, Chapter 3 argues that members of Congress incur a lower cost when backing down from a sanction threat. This assertion bases itself on two interrelated premises that have extensive support in IR and American Politics literature. First, foreign policy success is electorally more consequential for the president than for members of Congress. Second, the president is also concerned with maintaining intact the U.S.'s reputation abroad. The leniency the U.S. public shows to members of

Congress at home when evaluating its foreign policy performance evolves into a liability abroad when Congress threatens a country with sanctions. The relative lack of punishment Congress incurs for backing down from a sanction threat, vis-à-vis the president, creates difficulty for members of Congress to credibly signal their resolve. Due to this difficulty Congress suffers in signaling its resolve, targeted countries are deterred less by Congressional threats of sanctions. As such, Chapter 3 hypothesizes that the U.S. will be more likely back down from, and targeted countries, as a result, will be less likely to acquiesce to Congressional threats.

The hypotheses presented in Chapter 3 garner considerable empirical support. The results from the strategic probit model, a maximum likelihood estimation method that takes the strategic interaction between the U.S. and the targeted state into account, indicate that, between the years 1971-2000, the Congress is about twice as likely to back down from its sanctions threats compared to the president. Likewise, targeted countries are less likely to acquiesce when a U.S. sanction threat originates from Congress. The effect institutional origins of U.S. sanctions have on target behavior, however, is less pronounced. Unified governments (i.e. governments where the president and the majority in both chambers of Congress belong to the same party) make presidents less selective when issuing sanction threats; the favorable political climate due to a friendly Congress seems to allow presidents flexibility for maneuvering in "rhetorical" diplomacy. Targeted countries also seem to note the free-hand a unified government allows the U.S.

president and are more defiant against such presidents.

Chapter 4 changes the focus to the effect Congressional sponsorship has on U.S. economic sanctions that are *imposed*. More specifically, the chapter attempts to explain why the U.S. commits to some sanctions it imposes beyond their use in the international arena. The motivation for this chapter is two-fold: First, previous scholars found that democratic states in general, and the U.S. in particular, tend to impose sanctions longer than their authoritarian counterparts. This finding is puzzling with respect to recent groundbreaking work by Bueno de Mesquita et al. (2005), Reiter & Stam (2002) and Bennett & Stam (1998) regarding foreign policy choices of democratic states. These scholars argue that democracies are reluctant to engage in costly endeavors in foreign policy, and when they do so, democracies are more likely to quit if such endeavors become protracted. Chapter 4 posits that Congressional execution of sanctions can account for this "democratic puzzle." Second, sanctions scholars shifted their interest from correlates of sanction success to sanctions' broad (and frequently unintended) effects on the public in the target and the sender countries. Understanding the determinants of sanction duration gains further significance from in light of this burgeoning strand of literature.

The theoretical argument presented in Chapter 4 is a story of institutional misfit arising from executing foreign policy by enacting legislation. Almost uniformly, scholars of Congress have pointed out to the deficiencies Congress experiences when pursuing foreign policy goals. This chapter elaborates on these disadvantages in the

IR context. Two complementary explanations establish the link between this institutional misfit and the duration of sanctions. The first explanation, the veto-point approach, emphasizes the status quo-advantage legislated sanctions enjoy. The veto-point approach re-highlights Congress's proclivity for attending to parochial interests, and suggests that the institutional requirements for amending or repealing law allows these interest groups to project veto power through members of Congress against such efforts to repeal sanction laws.

The second explanation, the bargaining-failure approach, draws attention to two difficulties Congress encounters in reaching a mutually acceptable solution with the targeted country. Countries often tend add additional carrots and sticks in negotiations, i.e. link seemingly unrelated issues to reach a mutual compromise. Congress' limited foreign policy toolkit and the slow speed with which it enacts laws put Congress at a disadvantage, vis-à-vis the president, regarding its ability to offer additional carrots and sticks to the targeted country. Also, members of Congress tend to shift their baseline expectations from the target state more often than the president. Observing this, targeted countries may be less likely to gravitate toward a solution during an episode of a sanction.

The veto-point and bargaining-failure approaches are not mutually exclusive; interest groups that ensure the continuation of sanctions through their lobbying power can also force Congress to raise the bar for the targeted country. The veto-point and bargaining-failure approaches, then, converge on one hypothesis:

Congressional sanctions should last longer than sanctions imposed through other means such as an executive order or a mandate by an International Organization. The results from semi-parametric duration models strongly confirm this expectation. Legislated sanctions have a significantly lower risk of termination. Further analyses, however, demonstrate that accounting for Congressional sanctions does not explain away the democratic puzzle. While Congressional sanctions last longer than other types of U.S. sanctions, these other U.S. sanctions still tend to last longer than sanctions imposed by other countries. Having controlled for U.S. sanctions, no significant difference emerges between authoritarian regimes and other democratic regimes with regard to the length of sanctions they impose.

5.2 Policy Implications

The findings of this research offer valuable insights from which policy-makers can make informed decisions on the use of economic sanctions. This section considers two cases which exemplify the immediate usefulness of these insights, and offers suggestions for further research on these topics. The first case elaborates on Congressional members' recognition of the shortcomings of legislative execution of sanctions. The second case discusses the Common Foreign and Security Policy of the European Union (EU). More specifically, it addresses the applicability of the findings of the current research to the supranational European context.

5.2.1 The Future of Congressional Sanctions in the U.S.

As the use of militarized force becomes a decreasingly viable option, U.S. policy makers have placed greater emphasis on employing sanctions as a foreign policy tool. This emphasis is most notable in the U.S.' recent stance toward Iran's and North Korea's breaches of the Nuclear Nonproliferation Treaty. The resurgence of global nuclear proliferation concerns at a time of the U.S. military's thinly spread deployments casts the spotlight on the use of sanctions as an alternative policy tool. Sanctions on other issues such as human rights (e.g. Kyrgyzstan), political containment (e.g. Venezuela) and regime destabilization (e.g. Honduras) are also looming on the horizon for the next decade. Understanding the determinants of sanction dynamics, therefore, has gained unprecedented salience.

As the recapitulation of recent sanctions against Iran illustrated in Chapter 4, future sanctions can advance the legislature-executive tension to the forefront of U.S. foreign policy. The findings in this research highlight the risks associated with "popularizing" the execution of sanctions in foreign policy through legislative action. Due to the relative lack of inherent punishment mechanisms for backing down, threats of sanctions issued by Congress carry less credibility, thus are less effective. If imposed, these sanctions tend to last longer as both the U.S. and the targeted country tend to entrench. The increasing role of Congress as an executor of foreign policy operating would, in former Secretary of Defense James R. Schlesinger's words, "satisfy the demands of the ever growing number of single-issue

domestic interest groups" while "undermining America's ability to lead internationally" (Schlesinger 1998).

The potential and realized shortcomings of Congressional action in foreign policy are not obscured from U.S. lawmakers. During his final year at the Senate, Senator Hamilton criticized the "rigidity" of sanction laws, and the collateral damage they caused for friendly third parties. He also specifically warned against Congressional sanctions automatically triggered by certain events, and warned against the possibility that these laws could jeopardize U.S. interests in "unknowable future circumstances" (Hamilton 1998). To address these concerns, Senator Hamilton co-sponsored a sanctions reform bill with Senator Richard Lugar. The Sanctions Reform Act of 1998 provisioned formal assessments of the effects sanctions would have on specific sectors of the U.S. economy and the protection of existing contracts U.S. businesses may have in a targeted country after sanctions are enacted.

In 2005, Senator Richard Lugar re-introduced a more comprehensive Sanctions Policy Reform Act intended to restructure the decision-making processes pertaining to U.S. sanctions. Although not exiting from committee, this bill explicitly recognized the propensity for Congressional sanctions to serve parochial interests and to persevere as the status quo at the expense of the national interest. The legislation provisioned "procedural requirements would apply to any Congressional Committee which reports out a sanctions bill for consideration by the House or Senate and to any unilateral sanction imposed by the President under existing

sanctions authorities" (USA ENGAGE 2010). Among these requirements was the "require[ment of] Congress [to] consider findings by executive branch officials that evaluate the impact of the proposed sanctions on American agriculture, energy requirements and capital markets before imposing unilateral sanctions" (Congressional Press Releases 2005). Other requirements included an automatic presidential waiver clause to be appended to any U.S. sanction signed into law, and a standard two-year limit on sanctions if imposed (*ibid.*).

The findings in this study provide empirical support for the changes suggested in these sanction reform efforts. The development of a tacit interbranch understanding prior to issuance of Congressional sanction threats could prevent these threats to be perceived as knee-jerk reactions of Congress by the targeted countries. The development of such an interbranch cooperation, in turn, could add more credibility to Congressional sanction threats. Term limits and presidential waiver authority could prevent the U.S. from getting mired in sanctions that it imposes beyond their shelf-life in the international arena.

5.2.2 The European Union and International Economic Sanctions

The arguments developed in this research can also be applied at the supranational level. Specifically, they can contribute to the ongoing debate on the Common Foreign and Security Policy (CFSP) of the EU. The main feature of the debate on

the CFSP strikes a close resemblance to this study's central concerns in the context of U.S. foreign policy making, namely the potential for the legislative branch to influence the EU's foreign policy dynamics. The political bickering between the executive branch, (i.e. the European Commission [composed of non-elected technocrats]), and the legislative branch (i.e. the Council of the European Union [composed of heads of state] and to a lesser extent the European Parliament [elected officials with little effective legislative power]), encompasses two main ideas concerning the formulation and execution of the EU's foreign policy. On one hand, EU policy makers debated ways to institutionalize the CFSP establishment so that it can swiftly enact coercive measures against targeted countries and effectively monitor the execution of these measures. The European Commission has been a main proponent of enhancing the powers vested in the High Representative for the CFSP to ensure a more effective conduct of foreign policy. On the other, the Council of the European Union identified the danger of exacerbating the "democratic deficit," (i.e. strengthening the Commission's power without securing commensurate input and oversight by the elected organs of the EU). Thus, the Council (and to a certain extent the European Parliament) has attempted to secure stronger influence for execution of EU foreign policy.

In particular, the tension between the executive and legislative branches may have a discernible effect on the EU's sanctions policies. The threat and imposition of economic sanctions constitute a major policy arm for the CFSP: As of March

2009, the EU had 27 ongoing sanctions through the CFSP (European Commission 2009). Despite the frequency with which the EU resorted to sanctions, some of the implications of the design of the CFSP as an executor of sanctions in the international realm have not attracted sufficient attention. While technical details on the enactment, enforcement, and monitoring of such sanctions have been debated at length by scholars and policy makers, conferring credibility to sanctions at the threat level seem to be subservient in these discussions.¹

The findings of this study suggest that addressing the democratic deficit problem (i.e. absence of actors that are subject to electoral concerns), in the EU foreign policy making processes may enhance the credibility of EU sanctions. Supranational policy makers in the EU are more isolated from voters than their counterparts in the U.S. The absence of an audience that would punish incompetent execution of foreign policy by these actors could deprive the EU of the ability to credibly signal resolve when it is seriously attempting to change a targeted state's disputed behavior.

Another solid consequence of the tension between the EU's executive and legislative branches has been the adoption of the requirement that the Commission's suggestions for sanctions be approved and legislated in the Council, rather than carried out as executive mandates by the Commission (Eriksson 2005, p. 109). Since amendments to these laws require unanimity, a single country can veto a

¹See de Vries & Hazelzet (2005) for an overview of the literature on EU sanctions.

repeal process.² While members of the EU with outlying preferences on a foreign policy issue have tended to adapt their positions rather than veto the process due to a self-reinforcing “common identity” (M. Smith 2004), the recent quagmire regarding maintaining fiscal discipline among the EU states may negate this “constructivist paradise.” As such, an unintended consequence of the legislative mandate on imposed sanctions could be prolonging them beyond their shelf-life in the international arena. This research warns against a potential lock-in effect that may arise from the institutionalization of sanctions through legislation.

5.3 Avenues for Future Research

Beyond the two cases with immediate policy relevance discussed in the preceding section, this dissertation raises a number of other questions that constitute potential research projects. Some of these possible extensions, discussed below, highlight the need for a more in-depth understanding of how Congress operates and the implications of these nuances of how Congress operates for the IR and U.S. foreign policy literature.

5.3.1 Beyond the Two-Presidencies Thesis

This study primarily operates on the limiting assumption that Congress and the president act in relative insulation from each other when imposing economic sanc-

²Needless to say a single country’s veto is the only requirement for disallowing enactment of a sanction’s legislation.

tions. Relaxing this assumption may open a novel research topic to scholarly inquiry and help U.S. Foreign Policy scholars move beyond the two-presidencies debate. In concluding his 1994 *Political Science Quarterly* article titled "The President's Dominance in Foreign Policy Making," Paul Peterson maintained that "[i]f a leader is not to be found in the executive branch of government, one will emerge in the legislative." Peterson's conclusion begets an important question: When does a leader in the executive branch decide to let the legislative branch take the lead?

Almost exclusively, the debate on Congressional involvement in U.S. foreign policy revolved around the question of the extent to which Congress defies the president in its foreign policy actions (e.g. Wildavsky 1966; LeLoup & Shull 1979; Fleisher & Bond 1988). The conclusions of the debate are mixed. Some argued that the president enjoys higher levels of success in garnering support for foreign policy choices in Congress. Hinckley (1994), for instance, argued that the amount of friction between Congress and the president when crafting foreign policy is "less than meets the eye." She showed that Congress continues to defer to most of the president's foreign policy decisions. Fleisher & Bond (1988) qualified such presidential success for Republican presidents only. In contrast, several studies indicated that the friction between the two branches regarding foreign policy became increasingly visible (Fleisher et al. 2000; Schraufnagel & Shellman 2001). A fruitful way to reconcile the two approaches would be to suspend the search for an empirically validated point on the conflict-deference continuum, but instead seek the conditions

characterizing Congressional and presidential cooperation or obstruction.

Congress may have a tendency to be involved in tough cases at the outset. The benefits of satisfying "the need to do something" may outweigh the costs a failed policy imposes on members of Congress. If a president is more accountable to the electorate for foreign policy outcomes than Congress, this difference in electoral accountability may motivate a division of labor between the two branches. Such cooperation may yield political dividends for both Congress and the president.

Two sanctions cases mentioned in the preceding chapters jointly illustrate how Congress and the president can cooperate with or impede each other when imposing sanctions. In 1985, the two branches of the U.S. government cooperated when New Zealand announced that it would no longer permit U.S. nuclear vessels to visit its ports. While the Reagan administration publicly stated that "punitive measures against New Zealand would *not* be instituted in nonmilitary relations between the two countries" (Thakur 1989, p. 924, emphasis original), the U.S. president privately asked "a high ranking member of Congress" to take the lead in preparing a Congressional response to New Zealand's actions (Lindsay 1994, p. 77). The U.S. may have benefited more from Congress taking on the "coercive blame" when expressing discontent with an ally. The imposition of Congressional sanctions against Turkey, on the other hand, exemplifies a case of conflict. Even three years after the Turkish invasion of Cyprus, President Carter and Congress were still in disagreement over the continuation of sanctions with the former, adamantly

opposing these coercive measures.

Future research on this subject should focus on discerning patterns of cooperation and conflict between Congress and the president, and on identifying the type of issues, domestic political conditions, and international conjunctures as possible explanatory variables. For instance, a preliminary plausibility probe into the idea of considering international factors as determinants of division of labor between the two branches renders interesting results. Of 18 sanctions imposed by Congress, 15 (83%) were against U.S. allies. In contrast, of the 56 sanctions imposed through the president's office, only 27 (47%) were directed against U.S. allies, roughly equal to the proportion in the overall sample mean. One possible explanation is that, concerned with maintaining his political capital in the international realm, the president may prompt Congress to take the lead in sanctioning allies. On a similar note, while only four (22%) Congressional sanctions relate to "high-politics" issues, the president resorted to imposition of sanctions in 33 (59%) cases when a "high-politics" issue was at stake.

5.3.2 Voting Behavior in Congress

Future research may also conduct a more in-depth inquiry into the workings of Congress after issuance of a sanction. Congress can withdraw its threats in a number of ways; specifically, two interrelated questions are of immediate interest. First, future studies can address where the Congressional threats of sanctions die along

the legislation process. Second, for sanction bills that eventually reach the stage of a floor vote, these studies can investigate the determinants for a “yea” vote at the legislator’s level. The question on “legislative graves” has rarely been addressed in foreign policy literature in general. On the contrary, the determinants of roll-call votes on issues relating to foreign policy, such as votes on international trade (e.g. Ladewig 2006), arms transfer (e.g. McCormick & Wittkopf 1992) and foreign aid (e.g. Fleck & Kilby 2001, 2006), have been examined in depth. Interestingly, a similar study for economic sanctions remains unaccomplished. Research addressing both of these questions will improve understanding of the micro-level determinants of support for sanction initiatives originating in Congress. This improvement, in turn, can nuance the arguments developed in this chapter.

5.3.3 Domestic Politics and Signaling at the International Stage

Patterns of conflict and cooperation, apparent and real, between the president and Congress constitute important signals for the targeted state on the level of U.S.’s resolve. Analyzing the domestic signals on a case-by-case basis renders significant leverage for explaining episodes of interstate conflict. Schultz (1998) considered whether or not the opposition party’s stance on the governing party’s decision to engage in militarized conflict has a deterrent effect on the targeted state’s behavior. Arena (2008) recast Schultz’s framework in a dynamic setting

by allowing the stance of the opposition party to change during the course of a militarized conflict. Foster (2008) highlighted that, in the U.S., opposition to the president can transcend party lines.

This study uses a relatively crude measure, namely whether or not the government is unified, as a proxy for the level of "conflict" within the U.S. government. The results suggest that unified governments make (Democratic) presidents less reluctant to back down from threats. While this finding corroborates research affirming only Congresses controlled by the Democratic Party tend to defer to the president in issues regarding foreign policy (Fleisher & Bond 1988), the question of unified governments' having no significant effect on dynamics of Congressional sanction threats remains as a puzzle.

A follow-up project to this study could encompass the extension of the TIES dataset by collecting variables such as the level of Congressional opposition to the president besides the crude unified government variable, and whether or not a president opposes sanctions initiated in Congress. Such a project could also account for time-variant factors such as changes in Congressional composition. Better specification of these domestic-level variables can lead to better inferences and possibly account for the low levels of deterrence credible threats seem to have on a target's behavior.

Issue Types

A.1 Classification of Issue Types

Table A.1: Low-Politics versus High-Politics Issues

Security Related Issue	Non-Security Related Issue
Contain Military Behavior	Improve Environmental Practices
Contain Political Influence	Improve Human Rights
Solve Territorial Dispute	Implement Economic Reform
Retaliate for Alliance or Alignment Choice	Deter or Punish Drug Trafficking
Destabilize Regime	Trade Practices
End Weapons/Materials Proliferation	Release Citizens or Property
Deny Strategic Materials	

Appendix **B**

Descriptives

B.1 Descriptives for Chapter Three: Congressional Sanction Threats

Table B.1: Covariates Utilized in Chapter 3

Variable	Min	Mean	Max	Std. Dev.
Congressional Threat	0	0.19	1	0.39
Unified Government	0	0.21	1	0.41
Multilateral Threat	0	0.10	1	0.30
Anticipated Target Cost	1	1.22	3	0.49
ln(Target Dependence on Bilateral Trade)	-8.29	-1.79	-0.10	1.04
Target Democracy	0	0.54	1	0.50
Security Related Issue	0	0.21	1	0.41
Target Allied with U.S.	0	0.62	1	0.49
ln(Relative Capability of Target)	-10.22	-2.72	0.22	1.61
Target Has Ongoing MID	0	0.05	1	0.21
Post Cold War	0	0.65	1	0.48

B.2 Descriptives for Chapter Four: Duration of Sanctions

B.2.1 Descriptives of Variables Employed in Models 1-2

Table B.2: Covarites Employed in Chapter 4

	Median	Mean	Min	Max	St. Dev.
Sanction Duration (in days)	831	1288.92	8	7266	1379.26
ln(Relative Capability of U.S.)	-0.08	-0.14	-0.81	0.00	0.16
Security Related Issue?	0	0.21	0	1	
Target Allied with U.S.	1	0.62	0	1	
Target a Democracy?	1	0.54	0	1	

B.2.2 Descriptives for the Dependent Variable: Duration of Sanctions Imposed by the U.S.

Mean Duration by Imposing Institution

		Mean Duration
Institutional Origin	N	(in days)
Congressional	18	2042
Presidential	56	1271
Bureaucratic	19	745
IO	6	901

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