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The Virtues and Vices of Democracy in Conducting Foreign Affairs

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I. GORDON TULLOCK

Public choice says, fairly unambiguously, that democracy has poorly run foreign policy. One of the oldest discoveries made regarding public choice is that voters who give much thought to their political choices will be poorly informed. Anthony Downs, in his book *An Economic Theory of Democracy*,¹ first introduced this problem. In my book, *Toward A Mathematics of Politics*,² I expanded this idea and invented the term “rational-ignorance.”³ Although I will forego the mathematics here, I recommend my book over Downs’ because I use high school algebra, and he uses calculus. Another problem that I will discuss is that the basic motive of most elected people, whether it is the President or a Congressman, is to be re-elected. A famous aphorism correctly observes that in order to be a great Senator, it is first of all necessary to be a Senator. Nobody in either the Legislature or the White House ever forgets that.

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1. A. DOWNS, *AN ECONOMIC THEORY OF DEMOCRACY* 238-59 (1957). A thinking electorate is likely to forego the use of available political information because of strong political preferences. *Id.* at 243.

2. G. TULLOCK, *TOWARD A MATHEMATICS OF POLITICS* (1967).

3. *Id.* at 102.

Since the passage of the twenty-second amendment,⁴ Presidents in their second term are aware that they will not remain in office much longer. Nonetheless, they usually think that somehow they will retain their influence if their party remains in power. Thus, the actual decisions are made by people who are attempting to please a large collection of people who are, themselves, very badly informed. This kind of decisionmaking works out poorly, particularly in foreign affairs. In some domestic areas, however, this kind of decisionmaking works out very well, indeed, because people with specialized knowledge about a particular area are the only ones who are interested in it. Sometimes, however, domestic decisionmaking works out poorly.

It has been observed that people with strong convictions concerning political or international matters are usually not very well informed. A Greek friend of mine was in London during a large street demonstration involving Greek politics. Since people demonstrate about all sorts of things, he saw the event as a research opportunity. He and several assistants went out among the demonstrators and simply asked them questions about Greece, such as, "Where is Athens?" Most of the demonstrators knew where Athens was, but nobody knew where Salonika was. In general, it turned out that these demonstrators were also unknowledgeable about the reasons for which they were demonstrating. For them, demonstrating was a type of entertainment activity.

One mainly observes a tendency towards applying ethical assumptions to the making of foreign policy without realizing that different people have different ethics. As it happens, we have in the world today another country that is very ethical in its foreign policy. In fact, its current ruler is a professor of moral law. This country is making a vigorous effort to expand its moral principles throughout the world. Iran, however, is not popular. In this respect, the United States is similarly unpopular. When I was in the diplomatic service, I happened to go only to places where there were friendly governments in power. These governments regarded the United States as one of their major international allies and one of their major domestic problems. Their realizations of our dislike for their domestic policies led to continuing tension.

I suspect that one of the reasons why the United States is actually unpopular in most of the world is because we are always trying to inflict our moral principles on other people. This approach worked well immediately after World War II; however, it is now working

4. U.S. CONST. amend. XXII, § 1 (limiting election to the Office of the President to two terms).

badly. The reason for the change is that there is no longer any agreement in the United States as to what constitutes good morals. The conservatives and the liberals are attempting to impose our moral system in Nicaragua, yet they disagree as to what that moral system is. The same was true in Vietnam. In Vietnam, there was a bona fide difference of opinion as to what was the morally correct decision. No one became well informed about the matter because there was no political incentive to do otherwise. I assure you of the mathematical proof of this assertion. The empirical evidence overwhelmingly confirms it. Politicians know that they can do some things that they want to do, but if they do not do mostly what the voters want, they will not be with us much longer.

Consequently, this system of decisionmaking does not conduct foreign policy very well. This conclusion is readily observable if one reviews American history. For example, our history teachers tell us about the Tripolitanian War.⁵ They do not, however, mention the fact that we lost it. "Millions for defence but not a cent for tribute" was our slogan.⁶ We ended up paying a ransom, which, nevertheless, included paying tribute.⁷

Our remaining war record reads as follows: We lost the War of 1812. We won the Indian Wars because we outnumbered our opponents. We won in Mexico because our adversary was such a small country. We defeated the Spaniards. In World War I and World War II, we were victorious due to our immense numerical superiority. And in Korea and Vietnam, we lost two conflicts that ended in compromise. The explanation for the last two losses was simply bad management. In each of these two wars we were infinitely more powerful than our opponents, but the muddled effort to apply moral principles led to very unfortunate outcomes. In the case of Vietnam, the aftermath was the death of approximately three million people.

Applying morality in the conduct of foreign affairs produces a depressing problem. I regret to say that I do not offer any solution. The alternative form of government, namely despotism, undoubtedly carries out its foreign policy better than we do. Its objectives, however, are rarely anything that we would regard as desirable. Despot-

5. Acts of aggression and piracy against American merchant ships by the Barbary States in the late 1700's sparked the Tripolitanian War. See 1 AMERICAN STATE PAPERS 104-08 (1832). See also M. SMELSER, *THE DEMOCRATIC REPUBLIC* 57-61 (1968) (discussing the history and conduct of the Tripolitanian War).

6. THE OXFORD DICTIONARY OF QUOTATIONS 238:4 (2d ed. 1953).

7. According to Thomas Jefferson, the choice rested with Congress whether to re-establish commerce in the Mediterranean region by the use of war, tribute, or ransom. See AMERICAN STATE PAPERS, *supra* note 5, at 105.

ism, then, is more efficient than democracy in carrying out unreasonable and unwanted policies. I have devoted most of my career to the problem of domestic democracy. I have tried to work out ways of improving the internal structure of government and, in turn, our performance in international affairs. I certainly have not yet succeeded in solving these seemingly intractable problems.

II. GODFREY HODGSON

In every democracy, there is tension between the people who subjectively see the international scene in terms of their own emotions, wishes, and interests, and the people who confront the constraints of reality. The latter group knows more of the world because they are the ones who are called upon to execute foreign policy.

In the United States, the doctrine of separation of powers adds an additional dimension to this tension. There has always been what I might call a tug-of-war. In fact, one could almost call it a "pull devil pull Baker"⁸ between the Executive and the Legislature. From 1900 until the 1960s, it was generally conceded that it was the function of the Executive to take the initiative in both foreign policy and national security. The Executive was subject only to the rather loosely interpreted constraints in the Constitution. In the late 1960's, however, there was an intellectual assault on the notion of the primacy of the Executive. This assault took place in the context of a general concern about an overmighty Presidency and a specific concern about the Vietnam War in Southeast Asia. The challenge was rather like Dunning's resolution in the House of Commons in the 18th century. The resolution stated: "The power of the Crown has increased, is increasing, and ought to be diminished."⁹ In the late 1960's, the Congress began to similarly say that the power of the President had increased, was increasing, and ought to be diminished.

Since 1981, the Executive has fought back. The question now, however, is whether the Iran-Contra affair represents another stopping point against which the pendulum will butt and swing back, or whether it represents only a brief interruption in that movement. This tension is important to understanding that presently this conflict is not merely binary, a tug-of-war, or a zero-sum game. Rather, it exists within an extremely complex equilibrium of multiple forces that

8. B. WHITING, *EARLY AMERICAN PROVERBS AND PROVERBIAL PHRASES* 105:D140 (1977). The reference, of course, is to Senator Howard Baker—the only man in history who has been both Senate Majority Leader and White House Chief of Staff.

9. *THE OXFORD DICTIONARY OF QUOTATIONS* 20:24 (2d ed. 1953).

is not unlike a special version of the old game musical chairs. In this version, every time the music stops, another player joins the game.

I recently spoke to a Democratic Congressman who was making some capital of the fact that the House had managed to intrude into the discussion concerning a possible arms control treaty by using its financial authority. It then occurred to me that we now had 535 players on the Hill confronting at last eight executive agencies, not all of them, by any means, united. In many cases, individual staff members, as well as individual members of the Congress, have their own foreign policies and are taking a hand in the Washington foreign policy game. The result is a game that is increasingly neither consultative, nor hierarchical, in structure. Thus, the foreign policy game is essentially transactional. All the players enter the market to transact business and attempt to increase their transferable political capital by the way the game is carried out.

Most foreign policy issues in the United States are closed political issues. These issues are like the iron triangles of political science theory. They are small matters that most people can afford to leave to others, such as small groups of Congressmen and their staffs, a handful of people in the executive branch who are directly concerned, and American interest groups and foreign countries that are directly affected.

A crucial dimension in policymaking is measured in the process whereby small, closed political issues become major national issues, upon which Congress must take a stand and that demand attention from the White House. There are only a small number of issues at any one time that make that transition from the closed rock pool of closed politics to the stormy ocean of a national issue. The longest journey is not from Brooklyn to Manhattan, but from the back burner to the front burner. The crucial agent in sending closed issues on the journey to national attention is the media. In this context, it is not necessarily the opinions of any particular part of the media that matter, but rather, the fact that this game has come to be played out in the forum of the media.

As a result, we are in a situation in which there are alternative temptations. One is the Bismarckian temptation, and the other is the neo-populist temptation. The Bismarckians are those, metaphorically speaking, who would like to clothe themselves in long, fur-collared overcoats and make cold pragmatic decisions on the basis of power and secrecy.¹⁰ The problem with the Bismarckians is that they risk

10. See generally B. WALLER, *BISMARCK* 18, 75-83 (1985) (characterizing Bismarck's

the danger of failing to carry public opinion with them. On the other hand, the populists, who are able to generate the steam of public engagement and commitment, very often risk the opposite danger of aiming at the wrong target, or at a vanishing target that has already ceased to exist. Popular emotion is a better cartridge than it is a foresight.

The manner of addressing these foreign policy issues should not be to attempt a structural change. Rather, both the Executive and the Congress should be persuaded to divide the issue between them in the way that the Constitution provides. It is quite clear that the Executive was intended to act, and the Congress was intended to scrutinize. It seems to me that the solution must lie within this structure. Mr. Sam Rayburn, a Democrat who took the highest view of the powers of the Congress, once spoke about where the balance between the Executive and the Congress ought to lie. He said:

When the nation is in danger, you have to follow your leader
The man in the White House is the only leader the nation has; if he doesn't lead or can't lead, then the country has no leader. Although we may disagree with him, we must follow our President in times of peril, regardless of which party he belongs to.¹¹

There is something that every successful President has instinctively felt: It is not only the President's job to take the initiative in foreign policy; rather, it is also his duty to do so in a manner that carries Congress along with him. He must do this before the point at which policy turns into action. It is, after all, a government of shared, not separate, powers. Finally, the President ought to make sure that he gains the initiative in a manner that withstands careful Congressional scrutiny.

III. IRVING KRISTOL

Four forces shape American foreign policy, and I do not think that the media is one of them. Impotency strikes the media when foreign policy succeeds. When foreign policy fails, however, the media crucifies people and subverts institutions in order to demonstrate its power over the world. That is the nature of the media, and it is not going to change.

When America successfully executes a foreign policy, the media may dislike it, but they have nothing to say. For example, the media did not like the military invasion of Grenada. Afterwards, there were

view of politics as being a power struggle and describing his realistic and practical approach to politics).

11. D. HARDEMAN & D. BACON, *RAYBURN* 100-01 (1987).

a few stories about how “bollixed up” the invasion was, as if there had ever been a military invasion that wasn’t an absolute, chaotic mess. The American people, however, paid no attention to the media. I, therefore, exclude the media from a major role in the making of foreign policy.

One of the problems that we have in Washington is that people do not exclude the media when they contemplate making foreign policy decisions. They worry about what *The Washington Post* and NBC will say. The truth is that if one knows what to do, does it well, and articulates what one did, then criticisms by the media will be immaterial.

I will explore the four actors that shape American foreign policy: the President, the Congress, the State Department, and the American people. The President is supposed to be essentially in charge of foreign policy. The Founding Fathers understood that tyrannies enjoyed certain advantages over democracies when it came to foreign policy: Tyrants can move quickly, can suddenly switch allies without any tedious explanation, do not have to cope with popular scruples, and are far more agile, supple, and ruthless than democracies.

The advantages that dictatorships or tyrannies have over democracies are all real. The Founders of this republic responded to this reality by allowing a strong President who would effectively shape and control foreign policy, with Congress simply “kibitzing” and blaming the President if things go wrong. In a sense, the function of Congress is to be present should things go wrong, and hopefully, to then take the proper corrective action.

Congress, the second actor, is obviously incompetent to cope with foreign policy. Former Speaker of the House Tip O’Neill said, quite correctly, that “all politics is local [politics].”¹² That is a Congressman speaking. He is stating a congressional viewpoint. Congressmen do not see the world; rather, they see their own restricted, parochial interests. They respond to what they see. It is not that Congressmen do not know enough. Some of them know an awful lot, but they disregard that knowledge because their perception and responsiveness is to local stimuli. Congress should, therefore, act mostly as a back-seat driver in conducting foreign policy. As a back-seat driver, Congress can play a useful role, such as supplying advice when a wrong turn is taken. It remains, however, that it is not the essential role of Congress to shape foreign policy, and it is certainly

12. T. O’NEILL, JR., *MAN OF THE HOUSE* 26 (1987).

not its role to conduct the kind of detailed foreign policy through which it now exercises its sovereignty.

The third actor that shapes American foreign policy is the State Department. It is very difficult for people in the Foreign Service to understand foreign policy. For example, Gordon Tullock, a former Foreign Service Officer, has never recovered a normal vision of the world. The reason lies in their training as diplomats. The State Department is not in the foreign policy business; rather, it is in the diplomacy business. Although the two functions are related, they are very different in a crucial respect.

The first rule of foreign policy is to know your friends and your enemies. Any state department in a democracy has great difficulty following this rule because any state department, and most certainly ours, believes that the goal of diplomacy is to keep friends as friends and to make enemies into friends. They further believe that such a goal is achievable only if the task is left to the experts in diplomacy. It is very rare for a state department in any democracy to say: "You know, diplomacy is hopeless here. We are going to have to go and beat the [heck] out of this guy." There may be such instances, but that is not the State Department's normal temper.

The State Department conducts diplomacy reasonably well. I am impressed with the people I have met in the State Department. These people are very well informed, very hard working, and sincerely committed to their job, a job that must be accomplished. We need diplomacy. The problem, however, is that we now have a huge State Department with some thousands of people comprising a large bureaucracy. This bureaucracy engages in the business of diplomacy, not in the business of foreign policy. It is always seeking ways to give priority to diplomacy over foreign policy. Thus, the State Department is a permanent problem in American foreign policy. It is not going to be reformed. One may, therefore, do what Henry Kissinger did: Simply leave the diplomats alone, let the Department continue, and do not attend to it in making foreign policy.

The fourth actor that shapes American foreign policy is the people. This is certainly true in our nation's foreign policy, since ours is such a democratic democracy. I was greatly amused by Gordon Tullock's story about his friend's attendance at a demonstration in London, in which the protesters knew very little about what they were protesting against. It does not matter, however, what such demonstrators know or don't know. They know what they know. Most people know that their world is full of people who may not like them. The world is full of friends and enemies, and friends should be treated

as friends, and enemies should be treated as enemies. There is also a large neutral group comprising "second cousins." How they treat you conditions how you treat them in return. Anyone who has been raised in a family, particularly in a large family, has a basic intuitive understanding of foreign policy that is uncolored and uncorrupted by the kind of training one gets in the State Department, or in schools of international affairs. When it comes to foreign policy, these very powerful simplicities are the strength of the American people. In my view, therefore, the question in American foreign policy is always whether a President knows how to rely on these simplicities.

The dynamism in American foreign policy emerges when the President and the people decide together what is to be done. The emergence of this dynamism is very simple. The President decides what must be done, and he relates it to the people along with his reasons for his actions. If, however, the President simply says what must be done and then opens a debate, forget it. There are always a million arguments against doing anything in any situation in foreign policy. Therefore, the President must decide, then act, since the people rally behind action.

Everyone thinks of World War II as a popular war. Initially, however, the American people had absolutely no desire to become involved in it. If the Japanese and the Germans had not been foolish enough to attack us, we never would have entered World War II. Contrastingly, the initial response to the Korean War was positive. As the war continued, however, people found it difficult to understand our involvement and our goals. We found it our duty to stop at something called the Yalu River, but no one knew where the Yalu River was. People did understand, however, that it was not the kind of war in which we ought to be involved. Likewise, in Vietnam, the instincts of the American people were absolutely right again. They supported the war in Vietnam, until it became clear that the war was stagnant and those in charge of the conduct of the war were pursuing an absolutely insane military strategy of gradual escalation or graduated response. Such a strategy put us permanently on the defensive. One does not win wars that way.

The notion of graduated response haunts us today in the Persian Gulf. What did we do when the Iranians shot at a boat with an American flag? We destroyed two empty oil platforms out in the middle of the ocean—two empty platforms! We want to conduct war without losing any of our soldiers, sometimes called "boys" and "girls," and without hurting any of their soldiers, or, God forbid, their civilians. We acted in a similarly ridiculous way in the bombing

of Libya. If one is going to bomb, then bomb. Do not send over just a few planes and drop just a few bombs. As it happened, those few bombs seemed to have had a considerable effect. I really do believe, however, that twice as many would have had a greater effect.

Presidential action in foreign policy is the key to a successful policy. We must, however, make allowances for circumstances. We have had, in my opinion, only two Presidents in this century who have been successful in foreign policy. They were both Roosevelts: Theodore and Franklin. Franklin Roosevelt served during a particularly difficult period of history. As a President of a basically isolationist country, he wanted to get us into World War II in support of Britain and the West. Franklin lied, deceived, and was utterly Machiavellian as he maneuvered us into a position that invited Japan to attack us and provoked Hitler. That is not a normal state of affairs. I do not like what Franklin Roosevelt did, but he acted for good reason. I am not sure that the goal was achievable by any other means. Theodore Roosevelt, however, is a much better and more timely model of a successful foreign policy actor. Theodore Roosevelt waved a big stick but never invaded anything. It was never necessary precisely because everyone understood that he would if he had to.

It is important for a President to understand that we have a country that is divided. All democracies are divided. We are divided by regions, economics, ethnicity, religion, and race. An active foreign policy is the one thing that is always capable of uniting the people, and therefore, it is very important. It is especially important today that we once again achieve an active foreign policy. If we are to pursue such a policy, we must persuade the Pentagon that its job is to sometimes fight, rather than to just glower. Ten years ago, I urged the Defense Department to change its name back to the War Department, so they would have some notion of their mission. For a similar reason, I dislike the isolationist phrase "national security." In any case, I hope we will soon have a President who understands that the dynamics of American foreign policy are between the President and the American people, and that the other actors that shape foreign policy do not matter when these dynamics are correct.

IV. QUESTIONS AND ANSWERS

SPEAKER: I agree with Irving Kristol that in military actions, such as the bombing raid on Libya, one acts and then accepts the consequence of public reaction to the policy. There are policy areas,

however, such as Nicaragua, disarmament, the INF treaty,¹³ and the space shield, that involve more protracted conflicts. It is very difficult for the Executive to act quickly in these areas and, thereby, marshal public support. The fact that our negotiating adversaries have access to the American and allied media and we cannot wage war in the Soviet media compounds this difficulty. Notwithstanding the protracted time line on which these particular matters are taking place, is there an appropriate way that the President can pursue Mr. Kristol's suggestion of acting first and gaining public support afterwards as a consequence of the action?

MR. KRISTOL: Obviously, there are times when the need to act does not warrant military action, but action is required nevertheless. With regard to the Soviet Union, I have always been very simple-minded. The American people are correctly simple-minded to the degree that they believe nasty behavior by the Soviet Union toward us deserves nasty behavior in response. Unfortunately, there is no department in government that figures out how to behave nastily toward the Soviet Union.

We should behave nicely toward the Soviets to the degree that they behave nicely toward us. We live in a nuclear age, and we want to avoid going to war with the Soviet Union. I assume that the Soviets do not want to go to war with us. The need to act, therefore, is simply a matter of finding an appropriate response in our relations with them. An appropriate response to an enemy is usually an over-response. If the Soviets are nasty, we should be nasty-plus. If they are nice—well, we should be nice.

Nicaragua is a different case. In Nicaragua, we should have taken military action, but did not. This period of inaction is a mistake going back many years. We simply should have told the Nicaraguans that their desire to have socialism in their country is their affair and that they would be let alone, even if they have communism in their miserable little country. We should have told them, however, that they could not accept Soviet military assistance, Soviet or East European or Cuban technicians, Soviet bases, or a Soviet alliance. We should have told the Nicaraguans to isolate themselves from the Soviet Union and to "Finlandize"¹⁴ themselves, vis-a-vis the United States. In such a case, we would not intervene militarily. Insisting,

13. US-USSR Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles, Dec. 8, 1987, S. EX. REP. NO. 15, 100th Cong., 1st Sess. (1987).

14. See Garfinkle, "Finlandization": *A Map to a Metaphor*, 24 FOREIGN POL'Y RES. INST. 5 (1978). Finlandization refers to "the label given to the inchoate process whereby the countries of Western Europe—including members of NATO—gradually lose their military capabilities, economic vitality and political will-power and, stripped of allies, are slowly

however, on existing as a client state of the Soviet Union would require American military intervention. All of the foregoing should have been declared and done openly, instead of establishing the Contras and placing ourselves in this very complex and drawnout crisis. The President could have acted on his own if military intervention was necessary. The intervention would have taken maybe one or two weeks. Now, such a policy would probably be more difficult to implement.

There was a strong case for giving the Nicaraguan government an ultimatum, followed if necessary by military action. There are other cases, however, of neither war nor peace. Characterizations of other nations' regimes are really immaterial, as long as people and nations understand that if they behave well towards us, we will respond with good behavior toward them. The problem of a proper response is thus easily solved if nations behave well towards us. We only have problems when nations behave nastily towards us, such as when they vote against us at the United Nations. It was difficult, to say the least, for Jeanne Kirkpatrick and her staff to attempt to persuade the State Department to tell countries voting against us on important issues that we would insist that those countries pay a price on some other issue. The State Department adamantly refused to accept such a conception of its role. Therefore, we come once again to the simplicities in viewing relationships that can be very helpful in guiding us in most of these areas.

SPEAKER: What can be done about nipping in the bud the growing tendency, not only among Congressmen, but among Governors and Mayors to interfere in issues of foreign policy?

MR. HODGSON: Anyone running for office in our transactional world, whether he is a Congressman, Governor, or Mayor, will address any foreign policy issue when they see any advantage for themselves in doing so.