

BUYING TREATIES WITH CIGARETTES: INTERNAL SIDE-PAYMENTS IN TWO LEVEL GAMES*

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Two-level games models predict that domestic division within a state can alter the extent to which that state is able to reach agreements with other states, and also alter the content of any agreement that is reached. I extend the model by introducing internal side-payments composed of unrelated domestic issues. Domestic opposition to an international agreement will inhibit cooperation most when the executive and median legislators are in relative agreement about other salient domestic political issues. Domestic opposition to an international agreement will inhibit cooperation least when the executive and median legislators are in relative disagreement about other salient domestic political issues. U.S. ratifications of the NAFTA and the Chemical Weapons Convention illustrate that not all types of domestic division inhibit international cooperation—some can facilitate it.

KEY WORDS: international cooperation, bargaining, two level games, North American Free Trade Agreement, Chemical Weapons Convention

Domestic disputes often influence foreign policy, even when those domestic disputes have seemingly little to do with the foreign policies at stake. Consider two anecdotes. First, in 1993 several members of the U.S. House of Representatives from tobacco-growing regions proclaimed publicly that they would only vote for the North American Free Trade

Agreement if the administration shelved its proposal to expand federal regulations and taxes on cigarettes. This might have seemed like a tempting offer to the President, since at the time the passage of NAFTA was uncertain. However, the President refused to change his plans for tobacco and instead wooed undecided votes in the House by negotiating a series of modifications to the treaty that brought the treaty more in line with the protectionist interests that opposed the agreement, in effect reneging on concessions the U.S. had already made. When the treaty passed, eight of the twelve members who had linked their support for the treaty to tobacco regulations voted for the treaty after all, failing to carry out their threat.

Second, in 1997 several members of the Senate, from the same regions, threatened to vote against the Chemical Weapons Convention unless the administration reduced a further proposed increase on cigarette taxes. Again, this was a tempting offer to the President since the Convention faced an uncertain future in the Senate. Although the President could have reopened the treaty in order to bring it into line with the preferences of members of the Senate who were less disposed to international cooperation, as he had done with the NAFTA, he instead chose not to. Rather, the President moderated his proposed tobacco policies and the Senate ratified the convention.

These two stories illustrate a puzzle for the "two-level games" literature that I address in this paper. Recall that models of two-level games suggest that domestic division within a state alters the extent to which that state is able to reach agreements with other states; domestic division also alters the content of any agreement that is reached (Martin, 2000; Mayer, 1992, p. 795; Milner and Rosendorff, 1997, p. 120; Milner, 1997, p. 82; Mo, 1994, p. 415; Pahre, 1997, p. 148). This follows the intuition, from Thomas Schelling (1960, pp. 29-34), that a hawkish domestic audience that restricts the maneuverability of a diplomat or president can increase the leverage that a state has in bargaining with an adversary, although at the risk of a breakdown in negotiations.

Existing treatments of two-level games discuss the role of internal side-payments (such as changes in tobacco laws) at some length (for example Milner, 1997 and Putnam, 1988; Mayer, 1992 focuses on the issue of side-payments). The theory suggests Presidents have the ability to use side-payments in order to overcome domestic opposition to an international agreement. Many existing models, however, do not explain why it is that sometimes domestic side-payments can be enough to overcome domestic opposition to international cooperation while sometimes domestic side-payments are not enough and therefore international

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cooperation has to be scaled back. As such, they do not have predictive power. How can we know ahead of time when the President will use a side-payment to overcome domestic opposition (as in the case of the Chemical Weapons Convention) instead of accede to domestic opposition and negotiate a less cooperative international agreement (as in the case of the NAFTA)?

I build on existing models to show how the influence of side-payments can be made partly endogenous to the structure of preferences at the domestic level. The refinement to the model that I propose is entirely consistent with conventional models, but it allows for more detailed explanations and predictions about when domestic divisions will inhibit international cooperation.

My argument is that the availability of domestic side-payments depends upon the existence of other, controversial issues. The executive can purchase votes in the legislature only by offering crucial, swing legislators a concession. This concession must be something the swing legislators desire but to which the executive would not otherwise agree. Therefore, side-payments come from issues about which there is domestic division, so that more domestic division can allow for more international cooperation, not less, to the extent that division creates the conditions for internal side-payments.

This leads to a relatively simple hypothesis. Domestic opposition to an international agreement will inhibit cooperation *most* when the President and median legislatures are in relative *agreement* about other salient domestic political issues. Domestic opposition to an international agreement will inhibit cooperation *least* when the President and median legislatures are in relative *disagreement* about other salient domestic political issues.

The first section of this paper contains a descriptive model of a two-level game that incorporates domestic issues. The second section contains a pair of cases, the U.S. ratifications of the North American Free Trade Agreement and of the Chemical Weapons Convention, that demonstrate the plausibility of the model.

TWO LEVEL GAMES AND DOMESTIC DIVISION

In this section, I develop and state the hypothesis that certain types of domestic division can increase international cooperation. I first review some existing two-level game models, second present an alternative, and third discuss some potential limitations to my approach.

Existing Literature

Robert Putnam (1988) imagines an executive who makes one policy for two audiences: one foreign and one domestic. Constraints imposed by the domestic political environment limit what the executive can do in the international environment, and vice versa. The set of possible actions that will be ratified by the legislature constitutes the range of policies to which the executive will be able to commit when bargaining with foreign leaders. This is the "win-set." If one state's win-set contracts as a result of the legislature becoming less willing to make concessions then the range of possible outcomes shifts closer to that state's ideal. In this case, the state benefits as a whole from being more constrained in its actions. If, however, the win-set contracts too far, then no agreement is possible, and the state forgoes whatever benefits it could have gotten from an agreement (Putnam, 1988, p. 441).

Helen Milner (1997) studies the link between international and domestic politics by examining instances of explicitly negotiated cooperation between states. She formalizes the two-level games model with three players: P is the president, prime minister, or proposer; C is the median voter in the legislature or chooser; and F is the foreign state, assumed to be unitary. (Milner also includes domestic interest groups, E, who act to provide information about potential policies. I ignore these since the point I make in this paper does not require imperfect or incomplete information.) Each player in Milner's model has an ideal point in a one-dimensional policy space. There is a status quo policy somewhere in this space, and the players may select a new policy subject to the following game structure: P and F reach an agreement, which is then voted on up or down by C.

Figure 1 shows Milner's model where player C is a "hawk," which is to say that P's ideal point is closer to F's than C's is to F's. Milner focuses on this situation, in which C is a hawk, because this is where the influence of C is most felt. C will veto any proposal that is further away than the status quo from C's ideal point. Therefore, if the status quo is between C and P, any attempt to establish a new policy substantially to the right of the status quo will be vetoed by C. That is, the domestic veto player C will prevent

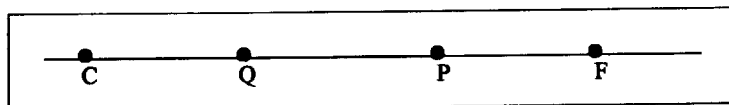


Figure 1 Conventional Two-Level Games Model (Milner, 1997)

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Milner concludes:

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efforts to establish a more cooperative outcome even if the leaders of the two states (P and F) support the change. The two key variables for determining outcomes are, first, the degree of domestic division and, second, the position of the status quo.

Milner concludes:

The more divided the government, the less likely cooperation becomes... As p and c diverge, two consequences emerge. First, the area of no cooperation increases; because the range of $p < q < c$ increases, cooperation thus becomes less likely. Second, the legislature will exercise a greater constraint on the international negotiations... Hence, as domestic divisions grow, international agreement will become less likely, and where it does occur, the terms of the agreement will more likely reflect the parliament's preferences (Milner, 1997, p. 82, italics in original).¹

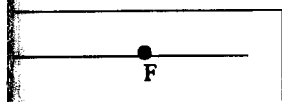
Milner's model fixes the extent of player C's opposition, leaving no way for player P to secure a more favorable outcome (from P's perspective), although she discusses internal side-payments in the text. Frederick Mayer (1992) formally addresses the use of internal side-payments in international bargaining games. He begins with the conventional model, in which if one of a state's two factions has preferences that make it opposed to international cooperation, it may alter the content of any agreement that is reached by threatening to block ratification. Initially assuming that internal side-payments between factions are not possible, Mayer reproduces Putnam's (1988) result. However, Mayer then alters the model to allow one of the factions to make a lump-sum side-payment to the other faction in exchange for support for the international agreement. The availability of such side-payments is advantageous to the home state if there is a high degree of internal conflict, since side-payments allow the state to overcome its internal division and reach a more efficient international outcome. It is, however, disadvantageous to the home state if there is low internal conflict, since an efficient outcome was already being reached and the side-payment merely allows more concessions to be made to the foreign state.

Mayer's model is a genuine advance since he incorporates domestic side payments in a way that adds explanatory power to the model. I propose taking Mayer's suggestions one step further by making side payments endogenous to the structure of preferences. Initially, consider two limitations of Mayer's model, related to the size and cost of the payment, that arise from making the source of side payments exogenous. By exogenous, I mean that the nature and size of the side payment are determined through a process that is not part of the model.

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(1) Size: The domestic actor that makes a payment to another should be able to choose the amount of the side-payment. For example, Mayer notes that President Nixon bought domestic support for the SALT I treaty from the Joint Chiefs of Staff by offering them the Trident submarine program. The Trident submarine program, big and expensive, may have been more of a concession than the President really needed to make. The president, by Mayer's assumption, is not able to fine-tune the amount of the side-payment in order to get the best possible deal for himself. In this case, if the Trident submarine program truly had been an unnecessarily high price for Nixon to pay for SALT I, he should have either picked a smaller weapons system to give the Joint Chiefs or used the Trident to extract more, unrelated concessions from the military.

(2) Cost: In Mayer's specification, side-payments are not necessarily costly to the domestic faction that makes them. If, however, there are two relevant domestic political factions and one of them wants some policy change about which the other is indifferent (that is, if the policy is costless), then the two sides should be able to implement the change before the international bargaining game is even introduced. The actions of the faction that proposes the international agreement and the side payment are not limited by any constraints that follow from the model. That is, the specification of the type and size of the only side payment that is possible comes exogenously.

In the next section, I propose a revision in which the size of the side-payment that one faction (in my version, the President) can offer is conditioned by the position of the actors' preferences and the status quo along a separate dimension which represents the side-payment. In other words, I suggest a simple way in which side-payments can be made at least partly endogenous. By "partly" I mean that the model I describe can make a prediction about whether domestic division over international cooperation will lead to non-cooperation or to cooperation made possible by internal side-payments, but only given the existence of two issues that have become linked. A model of fully endogenous internal side-payments, which I leave to future work, might take this analysis further by explaining how divisive issues arise and become linked in the first place.

An Alternative Model

Consider Figure 2, in which the three players that Milner uses, P, C, and F, bargain over outcomes in a two-dimensional policy space. Player C is the median or swing voter in the legislature. This is the same model Milner

Domestic Policy

Figure 2 Pl

uses, except that I have introduced a second dimension to call domestic policy. P and C bargain simultaneously with the foreign player over foreign policy.

The spatial model I use in this section is a two-dimensional policy choice along a two-dimensional continuum. The fundamental issue is domestic policy and a foreign policy issue. The two states are bargaining over domestic policy in her one-dimensional policy space. The limitations, control of institutions, control over territory or issues, and an ideal point along this dimension. I assume that each player has a set of preferences over other policies. The one-dimensional policy space is defined by an ideal point with symmetric indifference curves. In the model represents preferences over domestic policy curves representing the set

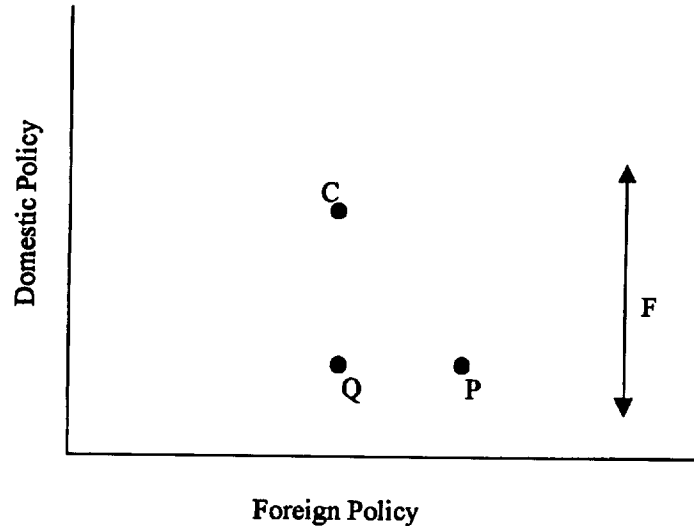


Figure 2 Player Preferences in Two-dimensions

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uses, except that I have introduced a second issue dimension which I will call domestic policy. P and C bargain over domestic policy with each other simultaneous with the three-way bargaining going on among P, C, and F over foreign policy.

The spatial model I use differs from Milner's since mine involves a policy choice along a two-dimensional, rather than one-dimensional, continuum. The fundamental logic, though, is the same. Each dimension represents a particular policy issue, in this case a domestic policy issue and a foreign policy issue. The horizontal axis is the foreign policy issue that the two states are bargaining over, the same dimension that Milner uses in her one-dimensional model. This axis, again, could represent any of a number of political issues, such as differences in tariff rates, arms limitations, control of institutions, or the allocation of residual rights of control over territory or issues. Each of the three players P, C, and F has an ideal point along this axis. As with the one-dimensional model, I assume that each player has an ideal policy, one he or she prefers to all other policies. The one-dimensional spatial model represents preferences by an ideal point with symmetric preferences (the further a policy is from the ideal point, the less it is preferred). The two-dimensional spatial model represents preferences by an ideal point plus a set of indifference curves representing the set of points equally preferred to one another by

the individual (Shepsle and Bonchek, 1997 explain spatial models generally).

The vertical axis represents a domestic political issue within the home state. P and C each have an ideal point along this dimension. F, the foreign state, is indifferent to outcomes along this axis, which is assumed to have implications only for the domestic environment. Hence, in this two-dimensional space, P and C have ideal points and F has an ideal that is represented by a vertical line which reflects F's ideal on the foreign policy axis and indifference along the domestic policy axis.

I assume the status quo, represented by point Q, to lie between P and C along the domestic policy (vertical) axis. The reason for this is straightforward: if the domestic status quo were to lie outside this range, P and C would be able to bring it within this range without the influence of a second policy axis. Similarly, I assume Q on the joint foreign policy (horizontal) axis to lie between the two most extreme ideal points, which are C and F in Figure 2. Thus, while the points P, C, and F each represent a policy that a player would ideally like to see, Q represents the policy as it actually is (in the status quo).

Figure 3 adds two indifference curves, one each around the ideal points P and C, which intersect the status quo Q. In this case, each player's indifference curve represents all of the points that that player likes

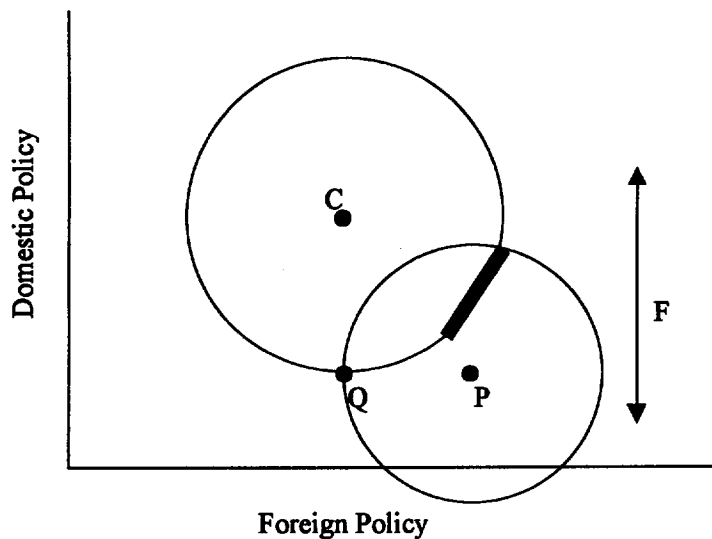


Figure 3 Policy Outcomes

(or dislikes) just as intensely as the status quo. The player would support a proposal to be inside the curve, since a policy closer to the player's ideal than is the status quo is preferred. Any proposal for a new policy outside the curve would be rejected, as it is less preferred than the status quo.

The lens formed by the two indifference curves is an important property, which ensures that both P and C would prefer a proposal that overturns the status quo and moves the policy closer to their ideal. Therefore, if a proposal is made that overturns the status quo and moves the policy closer to the ideal of either P or C, both players will find support from at most one player.

The game has a structure where players move themselves and then jointly decide on a proposal each better off than (or at least as good as) the status quo. C then either ratifies or rejects the proposal if it is equivalent to the status quo or the proposal if it is not. In this case, since all players know the status quo and their own players' ideals, the position of the status quo is determined.

Note that in the model the players' ideal points do not change their ideal points. They simply agree (or not) on a proposal. The model specifies each player's preferences and the payoff to each player. The status quo (the distance between the status quo and the ideal points) is such that policies that are closer to the ideal points are closer.

In Figure 3 and the rest of the model, the status quo is left of the space that I allow for. The foreign policy status quo is at P's ideal. Note that the status quo is at P's ideal in both dimensions. The vertical position of the status quo on the domestic issue (the vertical axis) is such that P, C is more disadvantaged by the status quo than C is by the foreign policy status quo.

(or dislikes) just as intensely as that player likes (or dislikes) the status quo. The player would support any proposal for a new policy that would be inside the curve, since any policy inside the curve would be closer to the player's ideal than is the status quo. Similarly, the player would oppose any proposal for a new policy that would be outside the curve, since any policy outside the curve would be further from the player's ideal than is the status quo.

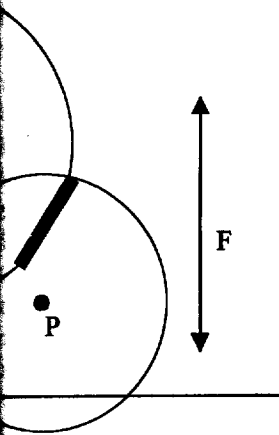
The lens formed by the overlap of P's and C's indifference curves has an important property, which is that the lens contains the set of points that both P and C would prefer to the status quo. A policy proposal that overturns the status quo and replaces it with a point within the lens would therefore find support from both players, while a policy proposal that overturns the status quo and replaces it with a point outside the lens would find support from at most only one of the players.

The game has a structure similar to Milner's. P and F negotiate among themselves and then jointly propose a new policy that makes them each better off than (or at least no worse off than) from the status quo. C then either ratifies or rejects the proposal; I assume that C ratifies the proposal if it is equivalent to or preferred to the status quo, and rejects the proposal if it is not. Information is complete and symmetrical, such that all players know the structure of the moves, the position of all other players' ideals, the position of the policy proposal, and the position of the status quo.

Note that in the model the preferences of the players remain fixed; they do not change their ideal points as a result of any bargaining. Rather, they simply agree (or not) on a new policy to replace the status quo based on whether or not it makes them better off. The spatial model therefore specifies each player's preferences (the ideal point and indifference curve) as well as the payoff to each player of any given policy point, including the status quo (the distance between the policy and the player's ideal point, such that policies that are more distant are less preferred to policies that are closer).

In Figure 3 and the rest of the graphs, I have shown Q to be in the lower left of the space that I allow for it. This represents a case in which the foreign policy status quo is at C's ideal and the domestic policy status quo is at P's ideal. Note that neither player is fully satisfied along both dimensions. The vertical position of Q is determined by the nature of the domestic issue (the vertical axis). In this case, the figure shows that C is disadvantaged by the status quo domestic policy. Specifically, relative to P, C is more disadvantaged by the domestic policy status quo than by the foreign policy status quo. With this situation, where C is more content

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with the current (uncooperative) foreign policy than with the current domestic policy, C would be willing to trade off with P some foreign policy in exchange for some domestic policy.

Specifically, consider what happens when the status quo Q is introduced in Figure 3. C and P both have indifference circles around their ideal points that intersect Q. Inside each of C's and P's circles are all of the policy outcomes that player prefers to the status quo. F prefers any point to the right of Q. The intersection of the circles around P and C, in the shape of a lens, contains all the points that all three players prefer to the status quo. The outcome of negotiations between P and F will therefore be somewhere in this area, since both P and F will anticipate C's preferences and only propose policies that C is willing to ratify.

Given some structure of the game, there can be a more specific prediction. P prefers the point in the lens closest to P, while F prefers the point furthest to the right. The darkened line along the edge of the lens in Figure 3 connects these two points, P's and F's preferred points in the space of possible outcomes. The darkened line is the bargaining space between P and F. While this model does not lead to any predictions about where along this line the final outcome will be, it does allow the prediction that the outcome will be somewhere along this line. Another way to think of the trade-off P makes between domestic and foreign policy is in terms of a price-line. The slope of the shaded line is the rate at which P must exchange losses on domestic policy for gains on foreign policy.

This model does not have a unique solution. Within the lens, for any one point there is at least one other point preferred by at least one other player. The cycling problem, endemic to this type of model (Plott, 1967), can be solved only by making more assumptions about the decision procedure, as in a model of structure-induced equilibrium (Shepsle, 1979). Thus, one way of specifying the model would be to make more assumptions about agenda control and veto points, at both the international and domestic levels. Such an approach would yield a specific solution and allow a formal proof, although at the cost of imposing restrictive conditions and unrealistic premises that would detract from whatever clarity such assumptions could provide. More importantly, the specification of a unique solution is unnecessary for the purposes of my argument, which simply requires that the set of possible outcomes (the lens) include only eventual outcomes that are at least as cooperative (that is, closer to F's ideal) than the outcome predicted by the two-level games model without side-payments. I also include a prediction of a narrower set of outcomes (the dark line) that results from the stronger assumption that

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This policy outcome, in is also consistent with the c importance of domestic sid policy than C would prefer; from P on some domestic along the foreign policy axi along the domestic policy ; policy issue creates resourc outcome on the foreign pol

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P and F set the agenda and all C can do is exercise a veto; this result, too, is unnecessary for my basic results.

This policy outcome, in a two-dimensional policy space, is intuitive. It is also consistent with the conventional view, although it demonstrates the importance of domestic side payments. The outcome is a more "dovish" policy than C would prefer; C recoups this loss by extracting a concession from P on some domestic policy issue. The effect of domestic division along the foreign policy axis is mitigated by the effect of domestic division along the domestic policy axis. Differences in ideal points on a domestic policy issue creates resources for P to make payments to C, and allows an outcome on the foreign policy dimension that is closer to P's ideal.

In this model, information is complete and symmetrical. Milner (1997) extends her model to show the results when C is not fully informed about the position of the proposed policy; she shows that less information may make C more likely to reject the proposal. The results would be similar in my model, since C would be less willing to change from the status quo if there were uncertainty as to whether or not the policy proposal would leave C better off. I do not add problems of incomplete information to this analysis in order to keep the focus on the specific impact of side-payments. While including information problems in future work might produce interesting results, including information here would be additive to the results (as opposed to interactive) and would not change my conclusions.

For the sake of simplicity, I have shown the domestic policy as varying along a single dimension. Player C represents the median voter in the legislature. More broadly, C represents the groups of swing members of the legislature whose agreement is necessary for the treaty to pass—in the examples below I refer to C as a particular bloc of members in the U.S. House and Senate. While I have shown the executive, P, as being able to make one domestic policy concession to C, there is no reason why P could not instead make several concessions on several different domestic policy dimensions. In the extreme, P could offer private goods—that is, pork—to each member of the swing bloc in exchange for a yes vote on the treaty. As long as this distributive pork is costly to the executive, either because the executive is sensitive to the national budget constraint or because the executive loses credibility with either legislators or voters by doling out pork, the same predictions apply. If this assumption were wrong and pork were costless to the executive, the basic prediction would not be undermined since legislators would be able to get pork without having to make a foreign policy concession to the executive. My model of treaty ratification would then only begin after legislators were satiated. Generally, P can use

pork in the same way as any other concession, subject to the same constraints.

The results of the model are most clear when the level and type of domestic division is varied. I therefore consider two variations. These variations will be represented by changes in the position of C. In each case, the positions of the players' preferences and the outcome from Figure 3 will be used as a baseline comparison.

Consider a situation in which the home state has become more divided along the foreign policy (horizontal) axis. In Figure 4, the picture on top is the same as Figure 3. In the picture on the bottom, C has been moved to the left. Along the foreign policy axis, C in the bottom picture is twice as far from P as it is in the top picture. The outcome of the game with these preferences is consistent with Milner's general prediction. The lens (the range of possible outcomes) and the darkened line (the bargaining space) have contracted and moved to the left. This represents the increased cost to P of buying support from C for concessions to F. Put another way, the slope of C's indifference circle is steeper around Q than it was before, meaning that C is more anxious about foreign policy than domestic policy, since it is relatively more unsatisfied about the foreign policy status quo. (In other words, the price-line has become steeper, meaning that the President must make larger domestic policy concessions in order to purchase a cooperative foreign policy.) To move even further from C's foreign policy ideal is costly, especially when P has relatively few resources available for side payments along the domestic policy axis since C is relatively satisfied with the status quo domestic policy.

Figure 5 represents the opposite situation. Again, the top picture is, for comparison, the same as Figure 3. The bottom picture shows a situation in which C has moved up instead of left. That is, C has become more dissatisfied with the status quo domestic policy. Along the domestic policy axis, C in the bottom picture is twice as far from P as it is in the top picture. Here, the outcome shows that the increase in division along the domestic policy axis has benefitted P and F by expanding the range of possible outcomes (the lens) as well as the size of the bargaining space (the darkened line). In addition, both the range of possible outcomes and the bargaining space have been extended to the right, to the benefit of F.

In this case, domestic division has made the home state more cooperative in the international game (that is, more disposed to make concessions to F). Domestic division has also lessened the influence of C's preferences on the position of the final agreement. The intuition is, again, straightforward. By moving away from P's preferences on the domestic

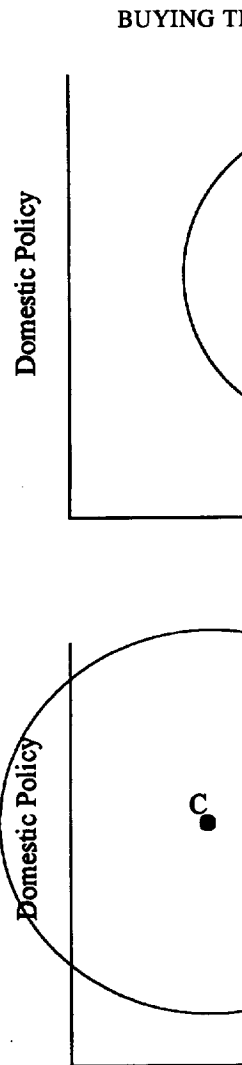


Figure 4 The Effect

policy axis, C has become more dissatisfied with the status quo foreign policy. Concessions to F therefore go a long way to satisfy C. In other words, political su

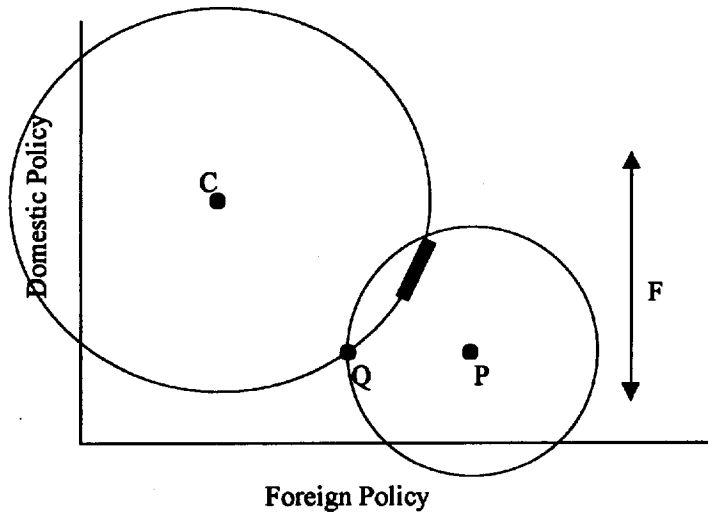
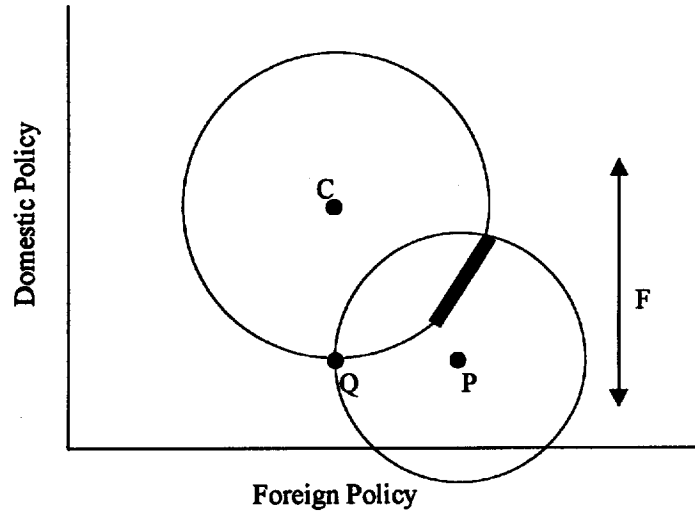


Figure 4 The Effects of Increased Division over Foreign Policy

policy axis, C has become more anxious about domestic policy than about foreign policy. Concessions that P makes to C on the domestic policy axis therefore go a long way toward buying support on the foreign policy axis. In other words, political support for an international agreement is cheap.

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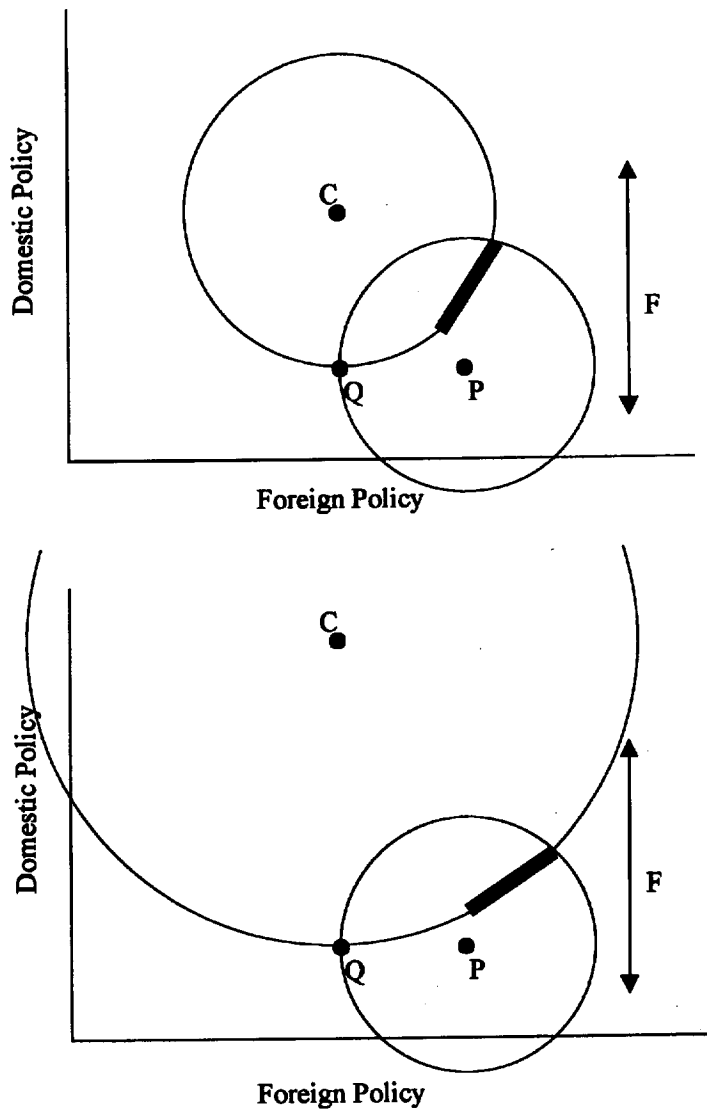


Figure 5 The Effects of Increased Division over Domestic Policy

(Note that the price-line, the darkened line, has become flatter, indicating that a small domestic policy concession can buy the President a great deal of foreign policy latitude.) Domestic division on domestic issues coun-

teracts the effects of domestic division on domestic issues and domestic division on foreign policy.

The results of this model suggest that the interaction of models of two-level games. The conventional view is, *ceteris paribus*, that domestic division over a foreign policy issue will lead to make concessions in order to get the President out the possibility for some concessions that are necessarily closer to the President's position. However, this view can be substantially different, however, can be substantially different. A domestic actor (such as the President) can use its leverage in the domestic arena to gain concessions across multiple issues. This is a status quo position that leads to a different division does not necessarily lead to a different increasing the divided status quo position. This can predict, and may even have

Hypothesis: Domestic division can inhibit cooperation between legislators and the President on domestic policy. This is a national agreement between the President and Congress about the

Some Limitations

The general predictions of this model are based on the assumptions, and the general predictions of the executive branch can in fact be different. I first address the implications of this model and address some of the restrictions of this model.

Consider the assumption that the President can play or the process of ratification of a treaty. This model uses a simple and complete model. The President proposes alternatives to Congress. Neither player is able to propose its own

teracts the effects of domestic division on foreign policy issues; more domestic division on domestic issues counteracts the effects of domestic division on foreign policy issues even more.

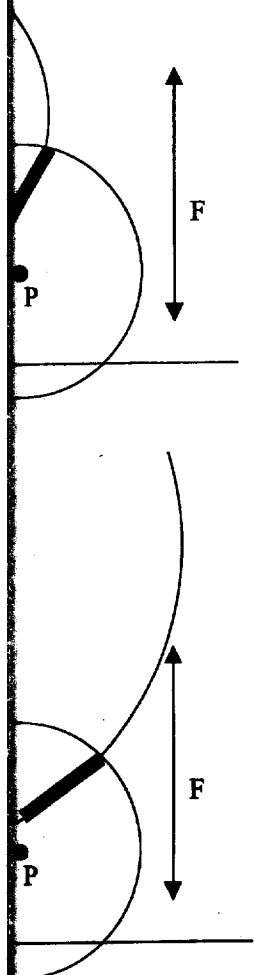
The results of this model suggest a modification to the general prediction of models of two-level games. It follows from my argument that the conventional view is, *ceteris paribus*, correct. An increase in the domestic division over a foreign policy issue decreases the willingness of a state to make concessions in order to secure international cooperation, thus ruling out the possibility for some international agreements and making others necessarily closer to the preferences of the legislature. These effects, however, can be substantially mitigated by the ability of one domestic actor (such as the President) to use unrelated domestic divisions as leverage in the domestic ratification game. When there is domestic division across multiple issues (when there is a difference in ideal points and a status quo position that leaves no one actor completely satisfied) then division does not necessarily alter the international bargaining game by increasing the divided state's leverage in the way conventional models predict, and may even have the opposite effect.

Hypothesis: Domestic opposition to an international agreement will inhibit cooperation *most* when the President and median legislators are in relative *agreement* about other salient domestic political issues. Domestic opposition to an international agreement will inhibit cooperation *least* when the President and median legislators are in relative *disagreement* about other salient domestic political issues.

Some Limitations

The general predictions I make are not driven by any idiosyncratic assumptions, and the general point holds even if there are other ways that the executive branch can influence votes in the legislature. In this section I first address the implications of some specific assumptions, and second address some of the restrictive *ceteris paribus* conditions.

Consider the assumptions of the model first. Changes in the order of play or the process of ratification would not change the basic results. The model uses a simple and constrained domestic political process, in which P proposes alternatives to the status quo and C either ratifies or rejects them. Neither player is able to unilaterally alter the status quo and C is unable to propose its own alternatives. This is true of other models that



in over Domestic Policy

as become flatter, indicating
by the President a great deal
on domestic issues coun-

treat decision-making institutions as exogenous (Mayer, 1992; Milner, 1997; Pahre, 1997 treats institutions as endogenous).

Changing the assumptions about the domestic political process may change the shape of the range of possible outcomes (the lens) and may eliminate the well-defined bargaining space (the darkened line). Such a change, though, will not change the comparative statics results of different levels and types of domestic division as long as both of the domestic players C and P have some interest in the outcome and both have either some say in the process or some means of credibly retaliating against one another.

The assumption about the structure of the game could lead to a related criticism: P's promise to C of the domestic policy side-payment in exchange for foreign policy concessions to F is not credible. That is, nothing prevents P from renegeing on the promise to link domestic and foreign policies. One possible answer to this is that the two policies are actually bundled together as one, and that the final linked policy compromise represents one policy change that both P and C simultaneously accept. This would be the case if the legislature put the two otherwise unrelated policies into one omnibus bill. A more general answer is that domestic institutions have evolved to facilitate credible issue-linkage and trade-offs, enforced through parties or legislative committees who have long-term reputation interests. Thus, while the model simplifies this process into what may be interpreted as a cooperative game-theoretic assumption of credibility, this does not fundamentally undermine the prediction. At worst, it introduces a transaction cost into the linkage of the foreign and domestic issues—this would contract the lens. Unless the transaction cost is extremely large, however, there will still be some cooperative outcome that the three players can coordinate on.

Another assumption the model makes concerns the shape of the players' indifference functions, since the illustrations and explanations assume that they are circles around an ideal point. If P and C weight the two policy dimensions differently, then circles would be inaccurate. For example, if player P is interested in both foreign and domestic policy while player C is interested in domestic policy but is relatively less interested in foreign policy, one of the player's indifference functions would be an ellipse. As before, however, while relaxing this assumption changes the shape of the range of possible outcomes and the bargaining space, it does not change the comparative statics. As long as the relative weights of foreign and domestic policy in each player's utility function are fixed, changes in preferences will not change the process by which political conflict is resolved.

The hypothesis I set out assumes a state in which the executive and legislative branches are already in disagreement about an international

treaty. I argue that the extent to which a policy issue may influence so that if they are relatively, will be a more cooperative if unified over some domestic equal. In practice, differences in disagreement between the executive by other differences, such as the extent of inter-branch conflict.

If the executive and legislature on issues it may be because the executive and legislature have may be because they are in government may alter the may be able to get member might not otherwise through support an executive on a they generally wish to support pass legislation; they may support a party if they believe that the behavior such as favorable

Although this dynamic model, it would not completely and discipline is probably more treaty that legislators dislike in the House of Representatives unified government early in a higher proportion (by party opposition than from the Democrats more general point, which is initial domestic division of side-payments is felt, there that party loyalty or discipline

EXAMPLES: NORTH AMERICA AND CHEMICAL WEAPONS

In the model, the Congress is in equilibrium. This is because the executive proposes agreements that the

implications of the model would therefore require information on cases in which international cooperation might have occurred but was never even attempted due to anticipated Congressional rejection. It may be possible to select such cases in principle, but in practice such a research design is problematic, since such a test would involve, at a minimum, a comparison of one treaty that was proposed and ratified and another treaty that was never proposed and therefore was not ratified.

For similar reasons, I do not attempt to test a version of the model that includes incomplete or imperfect information. There are, of course, cases of treaty ratification failure such as the League of Nations or the Comprehensive Test Ban. These are presumably "mistakes" by the executive that involved imperfect information about the legislature's ultimate preferences. Directly measuring the model's parameters (preferences, information) would be tricky in these instances. Fortunately, such additional assumptions about information are not necessary to make the point about side-payments.

Instead, I use examples of international agreements that show an indirect implication of the role of side-payments. Although I use two international agreements that were both ultimately ratified, the process of eventual ratification differed between the two agreements in a way that is consistent with the model. Thus, even though there is no variation between NAFTA and the CWC in the sense that each was eventually ratified, they are ideal cases to show an indirect observable implication of the model. This is because the actors who negotiated the treaties did not anticipate the nature of the domestic ratification phase of the game, and the implications of the ratification environment can be directly observed. The variation between the two is that while the NAFTA was only ratified when the Clinton administration went back to Mexico to renegotiate a treaty more favorable to the U.S. (this is analogous to a ratification failure of the original treaty), the CWC was ratified in its original form.

These two cases were each highly visible international agreements ratified during two different periods in the Clinton administration (one was a period of unified government, the other was a period of divided government). Since an earlier President under different political circumstances negotiated each treaty, the process of winning Congressional support can be observed separately from the process of negotiating the treaty itself. This allows me to exclude from the analysis the political calculations that went in to the negotiations concerning the original provisions of the agreements and instead focus entirely on the process of ratification. In other words, each agreement had two distinct time periods: in the first, the agreement was negotiated with foreign states and a deal was reached,

in the second, the agreement was controversial that final passage to deploy a great deal of political capital.

Political actors in the second period are on a different foreign policy axis. The political actors in the second period are different points of the political axis and known. Given that the ratification for both agreements was of the Congress? My model shows a division with respect to domestic hawkish domestic veto power concessions to foreign states. Information can only be secured by renegotiating making it more favorable to the U.S. 4, is what happened with the Clinton administration. President chose to sacrifice his domestic policy. Congressional domestic division with respect to hawkish domestic veto power making internal side-payments. In the latter case, ratification of the renegotiating the treaty in the hawkish. This, represented by Clinton. With a much flatter price-likelihood treaty with domestic policy.

Despite the similarity in the process between the ratification of the two degrees of domestic division. In the NAFTA States. The NAFTA was ratified controlled the Congress and moderate House Democrat agreement's passage tended similar ideologically to the Clinton bought "yes" vote of the NAFTA itself to maximize U.S. interests. These changes negotiated additional agreements with both Canada and Mexico. Clinton negotiated separate import-competing American

require information on cases in which a treaty was rejected but was never even rejected. It may be possible to design such a research design in which, at a minimum, a comparison is made between a treaty that was rejected and another treaty that was ratified.

Test a version of the model that predicts that where there is little domestic division with respect to domestic issues a state is more constrained by hawkish domestic veto players, and is therefore less able to make concessions to foreign states. In this case, ratification of an existing agreement can only be secured by reopening negotiations to alter the agreement, making it more favorable to the divided state. This, represented by Figure 4, is what happened with the NAFTA. Given the steep price-line, the President chose to sacrifice some foreign policy goals in order to maintain his domestic policy. Conversely, where there is a greater degree of domestic division with respect to domestic issues a state is less constrained by hawkish domestic veto players and is able to ratify agreements by making internal side-payments over those divisive domestic issues. In this latter case, ratification of an existing agreement can be secured without renegotiating the treaty in order to make it more palatable to domestic hawks. This, represented by Figure 5, is what happened with the CWC. With a much flatter price-line, the President could purchase support for the treaty with domestic policy concessions relatively cheaply.

Despite the similarity in outcomes there were two related differences between the ratification of the NAFTA and the CWC: there were different degrees of domestic division over unrelated domestic issues, and ultimately there were different degrees of cooperative behavior by the United States. The NAFTA was ratified during a period in which the same party controlled the Congress and the Presidency. Furthermore, the group of moderate House Democrats who provided the swing votes crucial for the agreement's passage tended to be hawks on trade but were otherwise very similar ideologically to the President, also a moderate Democrat. President Clinton bought "yes" votes from these swing voters by altering the terms of the NAFTA itself to make it more protectionist and more favorable to U.S. interests. These changes took place in two stages: first, the President negotiated additional agreements on labor and environmental protections with both Canada and Mexico; second, as the ratification vote in Congress neared he negotiated separate agreements with Mexico to protect certain import-competing American goods such as tomatoes and textiles.

in the second, the agreement was ratified. Each treaty was sufficiently controversial that final passage was not assured and the administration had to deploy a great deal of political resources and attention to the treaty.

Political actors in the second time period inherited a proposal along the foreign policy axis. The positions of the proposals relative to the ideal points of the political actors and the status quo were largely observable and known. Given that the Clinton Administration valued and sought ratification for both agreements, how did it go about securing the consent of the Congress? My model predicts that where there is little domestic division with respect to domestic issues a state is more constrained by hawkish domestic veto players, and is therefore less able to make concessions to foreign states. In this case, ratification of an existing agreement can only be secured by reopening negotiations to alter the agreement, making it more favorable to the divided state. This, represented by Figure 4, is what happened with the NAFTA. Given the steep price-line, the President chose to sacrifice some foreign policy goals in order to maintain his domestic policy. Conversely, where there is a greater degree of domestic division with respect to domestic issues a state is less constrained by hawkish domestic veto players and is able to ratify agreements by making internal side-payments over those divisive domestic issues. In this latter case, ratification of an existing agreement can be secured without renegotiating the treaty in order to make it more palatable to domestic hawks. This, represented by Figure 5, is what happened with the CWC. With a much flatter price-line, the President could purchase support for the treaty with domestic policy concessions relatively cheaply.

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The politics of the CWC ratification were different. The treaty was ratified during a period of divided government. The swing voters were a group of conservative Republican Senators who were hawkish on defense issues and skeptical of the treaty's value. This group also represented domestic interests and ideologies that were substantially different from those represented by the President. While President Clinton secured passage of the NAFTA by altering the treaty to make it more palatable to the swing voters, he did not secure passage of the CWC by altering the terms of that agreement. Instead, he informally negotiated a package of domestic policy changes as side-payments to these swing votes. The side payments primarily involved tobacco regulation, but also included several other concessions on issues unrelated to the CWC such as the organization of the State Department.

The NAFTA

In terms of the domestic politics of the United States, the North American Free Trade Agreement was negotiated in one time period (the Bush administration) and ratified in a second (the Clinton administration). These two time periods had different configurations of executive and legislative preferences.

The preferences of the two domestic actors, the President and the Congress, can be estimated by referring both to actions taken by the actors themselves and by assessments made by contemporary political analysts. Consider the first time period. By 1991, the Bush administration had committed to the addition of Mexico to the existing U.S.-Canada free trade area. On May 23, 1991, the House of Representatives approved by a 231 to 192 margin, and on May 24 the Senate approved by a 59 to 36 margin, the continuation of "fast track" authority for the administration to negotiate a trade deal with Mexico.

As negotiations began, most observers predicted that the domestic political climate was favorable to the approval of a treaty. One review from late June, 1991, noted in the wake of the fast-track vote that the administration had a "strong commitment" to NAFTA, the Congress had a "moderate commitment," and that the overall probability of the treaty's eventual signing and ratification was 80 percent. I use probability estimates by the Salomon Brothers Sovereign Assessment Group (1991, p. 2) and expect that they represent the best information that was available at the time, since they were presumably used as a basis for making decisions about large financial transactions.

In the second time period, Clinton's election and first term saw that the probability of ratification after Clinton's inauguration was high. By August it put the chance that the treaty was ratified, it estimated at 65 percent (Salomon Brothers, 1991).

Why the drop in NAFTA support, readily dismissed, is a change in the political process. In the House of Representatives, a Democratic President in 1992, the discussion on the House passed by a simple majority of votes in the House of Congress shifted slightly in favor of protection, since Republican interests that benefited from the treaty were not as strong as in the first period.

A second possible explanation concerns a change in the trade policy preferences of a Democrat, may have been a Republican, would have been a Democrat, the party labels that Clinton inherited from his predecessor.

Did Clinton prefer a more protectionist trade policy? If so, did the difference could not be explained by the trade in general and the NAFTA. Clinton's candidacy, and throughout his presidency, for the treaty. Clinton's support for NAFTA, as a running mate of a "New Democrat" strategy and the Democratic platform of liberalization packages such as the provisions that labor and domestic labor should be protected. Clinton's came to opposition was a result of agreements to cover labor and domestic labor as an agreement (already passed) to cover sudden import surges (GATT). Clinton continued to support the passage was perceived as a change in agenda (Salomon Brothers, 1991).

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In the second time period, after the treaty signing and President Clinton's election and first year in office, Salomon Brothers predicted that the probability of ratification had fallen. While as of March 1993 (just after Clinton's inauguration) it put the chances of ratification at 85 percent, by August it put the chances at 75 percent. In November, the week before the treaty was ratified, it estimated the probability of success to be only 65 percent (Salomon Brothers, 1993, p. 2).

Why the drop in NAFTA's prospects? One possibility, which can be readily dismissed, is a change in the trade policy preferences of the Congress. In the House of Representatives, despite the election of a Democratic President in 1992, the Republicans gained 10 seats. I will focus the discussion on the House passage, since passage in the Senate was assured (the treaty affected tariffs, a revenue measure, and therefore required a simple majority of votes in the House). If anything, the median preference of Congress shifted slightly further in favor of free trade and against protection, since Republicans were more disposed to ally with business interests that benefited from trade liberalization.

A second possible explanation for the difference between time-periods concerns a change in the trade-policy preferences of the President. Clinton, a Democrat, may have been less likely to pass the treaty than Bush, a Republican, would have been (had he remained in office) if we infer from the party labels that Clinton preferred a higher level of protection than his predecessor.

Did Clinton prefer a more protectionist policy than Bush? Even if he did, the difference could not have been large. Clinton's support for free-trade in general and the NAFTA in particular pre-dated his Presidential candidacy, and throughout the primary season Clinton expressed support for the treaty. Clinton's selection of Al Gore, an avowed supporter of NAFTA, as a running mate also signaled his intentions. Bill Clinton's "New Democrat" strategy consciously adopted a pro-business approach, and the Democratic platform specifically advocated the passage of trade liberalization packages such as the GATT and the NAFTA, albeit with the provisions that labor and environmental concerns should be addressed and domestic labor should receive adjustment assistance. The closest he came to opposition was a campaign promise to negotiate supplemental agreements to cover labor standards and environmental protection as well as an agreement (already part of the treaty) allowing for protection against sudden import surges (Grayson, 1995, pp. 117-122). After his election, Clinton continued to support NAFTA, and by the fall of 1993, NAFTA passage was perceived as a central component of the administration's agenda (Salomon Brothers, 1993, p. 9).

Helen Milner and Peter Rosendorf (1997, p. 119) analyze the case of NAFTA and argue that passage of the treaty was difficult because President Clinton had more protectionist preferences than President Bush. They conclude that "during the NAFTA negotiations, if Bush had correctly anticipated the 1992 election, he would have negotiated an agreement that was more protectionist than he desired so that he could obtain a legislative majority. Failure to do so would have led to either renegotiation or legislative rejection of NAFTA in 1993." According to this interpretation, it was President Clinton's protectionist trade preferences that led to the decrease in the probability of NAFTA's passage following the 1992 election. If Milner and Rosendorf are correct, then Congressional acceptance of NAFTA in 1993 was assured, even without the Clinton administration's side-agreements with Mexico. After all, Bush had designed a treaty to pass the more protectionist Congress of 1991 than the less protectionist Congress of 1993 that Clinton faced.

Their interpretation, however, is inconsistent with most accounts of the political history of the agreement. Even after the administration wholeheartedly endorsed the treaty, and after the first set of side-agreements had been concluded, passage in the House was still uncertain. The House of Representatives, not the President, was the largest obstacle.²

The labor and environment side-agreements were made not only to accord with the President's preferences, but also in response to pressure from the House. From the beginning of the Clinton administration's tenure, executive branch officials knew that the side-agreements would be crucial for buying undecided votes in the House (Lynch, 1995, p. 149; Salomon Brothers, 1993, p. 5). While the side-agreements may have been made in order to meet the President's ideal (as Milner and Rosendorff argue), they were certainly also made so as to make passage by the House possible.

The importance of House preferences is reinforced by the fact that even after Clinton made the initial protectionist side-agreements with Mexico over labor and environment, he made the second set of protectionist side-agreements with Mexico over issues that had not been a part of his original agenda. In the months running up to the NAFTA vote, separate agreements were concluded with Mexico that granted partial exemptions from the free-trade provisions of the treaty for some goods which competed with those made by U.S. producers in a variety of sectors, mostly agricultural goods including peanuts, cotton, sugar, tomatoes, wheat, and citrus fruit, and also some textiles and light manufactured goods. These additional concessions by Mexico were specifically targeted by the administration to industries in regions whose Congressional delegations were undecided; in

other words the renegotiated the treaty just protectionist House (on specific details, renegotiations most likely self wanted protectionist renegotiations happened by side-agreements, the treaty House approval.

The second set of side-agreements of the treaty. Mayer (Kantor, the United States which Kantor attributes growth from Mexico. Without the would have lost 26 votes in ment passed the House by c

...bewildering series of side of them unabashedly protection barriers were built to protect producers, among many other free as it might have been up ... As far as could be learned (November 18, 1993, A21).

Other accounts support involved trade-policy model concessions on unrelated issues lashed out against the side-agally protectionist deals. See "the President cut a deal with peanuts ... a protectionist 19, 1993, p. S16341). Specifically referenced some is giving glass and appliances swayed to change their votes tricts of specific industries, p. H9822).

Why did President Clinton buy votes in the House? Why The model I present in this NAFTA that Clinton had to domestic policies and side-

7, p. 119) analyze the case of treaty was difficult because preferences than President FTA negotiations, if Bush had he would have negotiated an he desired so that he could so would have led to either AFTA in 1993." According to on's protectionist trade probability of NAFTA's passage and Rosendorf are correct, then 93 was assured, even without s with Mexico. After all, Bush ctionist Congress of 1991 than Clinton faced.

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other words the renegotiations with Mexico were aimed toward making the treaty just protectionist enough to win over key swing votes in the House (on specific details, see Lynch, 1995, p. 153). This second set of renegotiations most likely did not happen because the President himself wanted protectionist measures for selected industries. Rather, the renegotiations happened because, *even after* the labor and environment side-agreements, the treaty was still not protectionist enough to meet with House approval.

The second set of side-agreements with Mexico was critical to the passage of the treaty. Mayer (1998, p. 317) reports an interview with Mickey Kantor, the United States Trade Representative and Clinton strategist, in which Kantor attributes great importance to these last-minute concessions from Mexico. Without the deal, Kantor estimates that the administration would have lost 26 votes in the House, a crucial difference as the agreement passed the House by only 16 votes.³ The *New York Times* describes a

...bewildering series of side deals that were made to win votes this week, some of them unabashedly protectionist corollaries to a free-trade theorem. Tariff barriers were built to protect peanut growers and wheat farmers and orange juice producers, among many others. They meant that free trade would not be quite so free as it might have been, but more walls came down this week than went up... As far as could be learned, all the deals involved trade and border projects (November 18, 1993, A21).

Other accounts support my contention that the President's deals involved trade-policy modifications to the agreement itself rather than concessions on unrelated issues. Congressional opponents of the NAFTA lashed out against the side-deals made to secure votes referring to specifically protectionist deals. Senator Barbara Mikulski (MD) pointed out that "the President cut a deal with everybody... with sugar, with tomatoes, with peanuts... a protectionist deal," (*Congressional Record*, November 19, 1993, p. S16341). Similarly, Representative Helen Bentley (MD) specifically referenced some of her colleagues' deals. "The White House is giving glass and appliances protection... some Congressmen have been swayed to change their vote today by promises of protection in their districts of specific industries," (*Congressional Record*, November 16, 1993, p. H9822).

Why did President Clinton have to renegotiate with Mexico in order to buy votes in the House? Why didn't he use domestic policy side-payments? The model I present in this paper suggests an answer: for the votes on NAFTA that Clinton had to buy, he had relatively little to offer in the way of domestic policies and side-payments. This is because the key swing votes

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ratified during Bill Clinton's second term as President. As with the NAFTA, the domestic political environment changed between negotiation and ratification. Specifically, the President became more dovish while the Congress became more hawkish. In the second time period, ratification required a much greater political struggle than the Bush administration had anticipated (Moodie, 1996, p. 3).

Specifically, the CWC faced opposition from a coalition of Republican Senators led by Jesse Helms which objected to the loss of American freedom of action and the intrusion by international inspectors into domestic chemical manufacturing plants that would be the result of the treaty. They were also concerned that treaty provisions calling for international inspections and the sharing of some technologies would actually increase the potential for rogue states or terrorists to acquire chemical arms. Amid this opposition, the treaty was passed by the Senate on April 24, 1997, by all 45 Democratic and 29 of the 55 Republican Senators (67 votes were required for the treaty to pass; it received 74).

Republicans related to cigar- ayments, since they are costly y when they are necessary to ican House delegation from NAFTA to a scale-back of the refused to accept the deal. The ers would vote for the treaty *nal Quarterly*, 1993, p. 3174). ng this same organized inter- in proposed tobacco taxes in Weapons Convention. In the voted for NAFTA, but they ut one. Thus, they got their VC debate, and not during the

The passage came 41 months after the Clinton administration submitted the treaty to the Senate; in that time, 14 complete sets of hearings were held on the CWC. The amount of time it took the Senate to ratify the Convention underscores the political battles fought around it. In April 1996, one year before the treaty was ultimately ratified, it was brought to the Senate floor for consideration. At the request of the Clinton administration, the treaty was withdrawn from Senate consideration in September of that year when proponents calculated that they did not have enough votes to ensure passage. The treaty was resubmitted early in the following session of Congress, and came to the floor again in April, 1997. As with the NAFTA, passage was uncertain until the final vote. The week before the April 24 vote in which the Convention was ratified, supporters of the treaty estimated the chances of passage to be 50-50.⁴

Why was ratification more difficult than anticipated? According to both conventional models (Putnam, 1988; Milner, 1997, p. 79) and the model I present here, an increase in the dovish tendencies of the President does not make ratification any less likely, given that the President is faced with a hawkish Congress. An increase in the hawkishness of Congressional preferences, however, is consistent with ratification becoming more problematic. The move to the right in the 1994 Congressional midterm election made it more likely that there would be 34 Senators (the minimum number needed to prevent ratification) who opposed the treaty. The conventional view therefore would have predicted a ratification failure.

To gain support from the Congressional "hawks" and secure ratification of the treaty, the administration had two options. First, the President

party who shared his domestic Clinton could offer them that they y. Had Bush been reelected in Clinton actually faced, he could voters something like: "If you welfare policy you desire." improvement for these moderate have accepted a trade agreement ve liked in order to get a social ave gotten. Clinton, actually fer that Bush could have been erate Democrats would have n, also want the same social ou will give it to us anyway Clinton, lacking any leverage ound that the swing votes he ore concessions from Mexico ements. Mexico, in turn, knew erwise, the House would reject

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Bush administrations, signed the Bush administration, and

could have renegotiated the treaty with Russia, or reinterpreted U.S. obligations under the treaty, to bring it closer to the preferences of the hawks. Second, the President could have made side-payments to the hawks, consisting of concessions on some unrelated issue. My hypothesis predicts that the President's concessions would have come mostly in the form of unrelated concessions to Senators on domestic issues rather than treaty renegotiations. This is because there was a great deal of domestic division between the President and the conservative Republican Senators on many other issues beyond the CWC.

First, consider possible amendments to the treaty, which were effectively reinterpretations of the treaty that were more in line with the preferences of pivotal Senators. These amendments, had they been adopted, would have resulted in less international cooperation than the treaty had initially called for. Formally, the Senate considered the CWC along with 33 additional resolutions, proposed by Senate Foreign Relations Committee Chair Jesse Helms, which amended the bill ratifying the treaty. Twenty-eight of the resolutions were supported by the administration and agreed to by the Democratic minority; the administration opposed the remaining five, which it labeled "killer" amendments, on the grounds that they were inconsistent with the obligations of the treaty.

The 28 treaty-related resolutions agreed to by the administration did not substantially change the Convention, and they passed the Senate by large majorities.⁵ All five of the killer amendments, which would have effectively led to a new round of international negotiations, were defeated.⁶ Clearly, then, the President did not secure ratification by changing the nature of the treaty itself.

Second, consider domestic side payments. Informally, the CWC was linked to otherwise unrelated initiatives supported by Republicans in the Senate and opposed by the White House. These included a reduction in the President's proposed tobacco tax and a proposal to reorganize and reduce funding for the State Department. This informal deal made between the administration and the group of Republican Senators, which provided the crucial swing votes, became an open secret. The Convention would be passed in exchange for a promise to reorganize the State Department and to reduce the proposed tobacco tax. On the same day that Helms announced his acceptance of a Senate vote on the treaty, Clinton's National Security Advisor Sandy Berger announced that Clinton had decided to reorganize the executive branch's foreign policy bureaucracy. Both sides denied publicly but confirmed privately that the two issues had been linked. That month, the Arms Control and Disarmament Agency lost its independence and was folded into the State Department. Later that

month the administration's back.⁷

The ability of the opposition to force the administration came in part from Helms' position on the Senate Foreign Relations Committee. Helms won the vote by refusing to schedule the bill for debate on the floor. However, the opposition's strategy cannot account for the deal. Helms' resignation from the Convention was reported to Trent Lott, the Majority Leader and Senate Foreign Relations committee chair and brought Helms back. Helms came, Helms still voted against the bill. Helms' side-payments he still preferred to the administration as committee chair could have swung the vote around the margin, but even without that evidence that he would have

Helms' influence was felt because of his preferences. Helms was a hawkish Senator who were hawkish. Helms' side-payments from tobacco producing states to the administration the two-thirds majority required in the absence of a side-payment

The payoff could have been to force the administration to have renegotiated the treaty. Helms' side-payments to Helms' opponents in renegotiating parts of the treaty. Helms' side-payments to Helms' opponents in international politics of renegotiating parts of the treaty. Helms' side-payments to Helms' opponents in difficult than reopening the treaty. Helms' side-payments to Helms' opponents in the way of negotiating separately. Helms' side-payments to Helms' opponents in faced the most opposition. Helms' side-payments to Helms' opponents in commercially or militarily. Helms' side-payments to Helms' opponents in during inspections and the treaty. Helms' side-payments to Helms' opponents in nologies and chemicals with. Helms' side-payments to Helms' opponents in of the highest importance. Helms' side-payments to Helms' opponents in interested in finding ways. Helms' side-payments to Helms' opponents in own stockpiles under the treaty. Helms' side-payments to Helms' opponents in agreement that would be binding. Helms' side-payments to Helms' opponents in p. 8).

Even if renegotiating the treaty, Helms' side-payments to Helms' opponents in tion probably would have. Helms' side-payments to Helms' opponents in a party at all. The NAFTA. Helms' side-payments to Helms' opponents in to reopen international ne

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month the administration's proposed tobacco tax increase was scaled back.⁷

The ability of the opponents of the treaty to extract concessions from the administration came in part from Senator Helms' position of influence on the Senate Foreign Relations Committee, since Helms was able to delay the vote by refusing to schedule hearings and refusing to report the bill to the floor. However, the specific institutions of the committee structure cannot account for the deal that was eventually made. In April of 1996 the Convention was reported to the Senate for debate after the intervention of Trent Lott, the Majority Leader, who circumvented Helms' authority as committee chair and brought the treaty up for a vote. When the final vote came, Helms still voted against it, indicating that even with a package of side-payments he still preferred the status quo. Helms' institutional position as committee chair could increase the costs to the administration around the margin, but even he could not stop it by himself despite evidence that he would have liked to do so.

Helms' influence was felt not because of his institutional resources but because of his preferences and the fact that he represented a group of Senators who were hawkish on defense issues and who also happened to be from tobacco producing states. This group was large enough to deny the administration the two-thirds majority it needed to ratify the CWC in the absence of a side-payment from the administration.

The payoff could have taken two forms. First, the administration could have renegotiated the treaty to make it less objectionable to its opponents. Renegotiating parts of the treaty would have been difficult in terms of the international politics of reopening a deal, but might not have been more difficult than reopening the NAFTA accord as Clinton did after 1992 by way of negotiating separate side-agreements. The parts of the treaty that faced the most opposition domestically were the lack of safeguards on commercially or militarily sensitive information that might be revealed during inspections and the obligations of treaty members to share technologies and chemicals with each other. Neither of these provisions were of the highest importance to the Russian government, which was mainly interested in finding ways to secure foreign assistance in eradicating its own stockpiles under the political cover provided by an international agreement that would be binding on other states as well (Moodie, 1996, p. 8).

Even if renegotiating the CWC might have been risky, the administration probably would have preferred renegotiating the CWC to not being a party at all. The NAFTA example shows that Presidents are willing to reopen international negotiations even at the risk of having foreign

negotiating partners walk out. Following the 1993 national elections, the Canadian parliament was much less receptive to the NAFTA accord than its predecessor. Clinton's first set of changes to the treaty involved the creation of a supranational environmental regulatory authority, as part of the environmental side-agreement—this almost led to Canadian rejection of the treaty. The later tomato and sugar deal with Mexico, coming at a time when Canadian parliamentary approval of the NAFTA was uncertain, only made Canada more likely to walk out since it signaled a weak U.S. commitment to genuine liberalization (Grayson, 1995; Mayer, 1998, pp. 300–301).⁸ While, on balance, the United States probably had an easier time reopening the negotiations on NAFTA than it would have had reopening the negotiations on the CWC, it is unclear that the difference in the costs and risks involved were so great as to be able to explain the difference in outcome.

Clinton did not renegotiate the CWC. Rather, he made a side-payment along a second dimension of policy conflict. This is consistent with the predictions of the model: the policy point chosen by the Bush administration was one that fell outside of the Congress' win-set (recall that Bush faced a Democratic Congress and hence may have calculated that he could afford to design a treaty that would not pass muster with hawkish Senators), meaning that during the Clinton administration there was a high degree of domestic division about the treaty. Models of two-level games that do not incorporate side-payments along second issue dimensions, such as Milner (1997), would predict a ratification failure in the case of the CWC. However, due to the high degree of domestic division over secondary policy dimensions, State Department organization, ABM deployment, and tobacco taxes, the President could make a side-payment allowing the treaty to be ratified without renegotiations. The CWC example shows that, all else equal, an increase in domestic division over secondary issues made the United States more cooperative than it otherwise would have been.

CONCLUSION

Traditional models of two-level games argue that domestic division over international agreements makes states less cooperative. I argued here that, while the traditional view is correct *ceteris paribus*, other types of domestic division can conversely make states more cooperative. The deals made in order to secure U.S. ratification of the NAFTA and the CWC suggest the plausibility of this revised model.

The model I present lacks any predictive power to the extent that it does not specify which domestic issue is relevant. Issues get linked in the first

One possible answer has to do with, for example, the CWC was in the purview of the State Department and Foreign Relations. The nature of the issue to be enforced was through the State Department and reorganization was within the State Department and the issue that was about to come up in the international arrangement led to the

Institutions do not fully control the process; they can be circumvented when they are not the preferences of political actors. As points out, institutions that are not the choice. Jesse Helms sought to block the Convention, but an agreement was reached. Majority Leader brought the treaty to a vote anyway.

A second possible reason is that the CWC was a common attribute unit in the context of tobacco taxes. Since the CWC was nearly entirely overlapping with the CWC, the two sets of issues were nearly as the basis for a trade agreement. The most efficient possible side-payment was the specific votes he needed to get the CWC through too many critical Senators. Helms made a bad deal for himself by paying the CWC.

The use of internal side-payments is a matter of attention; I suggest here that the CWC was explaining and predicting the CWC. How and under what conditions the CWC domestic policies in order to get the CWC with one another in the face of the CWC.

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The model I present leaves at least one question unanswered. Is there any predictive power to the model without knowing in advance either which domestic issue is relevant for side payments or, failing that, how issues get linked in the first place?

One possible answer has to do with specific institutional structures. For example, the CWC was introduced through the Senate Committee on Foreign Relations. The natural place to create an issue linkage that could be enforced was through the same committee. State Department funding and reorganization was within the committee's jurisdiction and was an issue that was about to come up on Senator Helms' agenda. The institutional arrangement led to the link between the two issues.

Institutions do not fully explain the link, however, since institutions can be circumvented when they lead to outcomes that are not in accord with the preferences of politically relevant actors. As William Riker (1980) points out, institutions that constrain choice are themselves the result of choice. Jesse Helms sought to permanently scuttle the Chemical Weapons Convention, but an agreement between the President and the Senate Majority Leader brought the Convention to the Senate for a floor vote anyway.

A second possible reason for the linkage might be preferences alone. One common attribute uniting opponents of the CWC was their opposition to tobacco taxes. Since the set of Senators opposed to the CWC was nearly entirely overlapping with the set of Senators in favor of tobacco decontrol, the two sets of policies naturally complemented one another as the basis for a trade across issues. The President wanted to use the most efficient possible side-payment; that is, one which targeted the specific votes he needed without either giving too little, thereby missing too many critical Senators, or giving too much, thereby getting a bad deal for himself by paying an unnecessarily high price.

The use of internal side-payments in international agreements merits attention; I suggest here that it may be an important phenomenon for explaining and predicting outcomes. Future work should try to identify how and under what conditions international agreements get linked to domestic policies in order to understand how states are able to cooperate with one another in the face of domestic opposition.

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NOTES

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1. This result is consistent with earlier findings. For example, Keisuke Iida (1993) develops a game in which, in the complete information version, the player that is severely constrained at home has a bargaining advantage, although in this version some agreement is always reached since both players are assumed to prefer even a poor agreement to the status quo.
2. In the floor debates, House members who voted against the treaty explained their votes in traditional protectionist language—none argued against the treaty on the grounds that it was too protectionist. David Karol (2000, p. 834) finds that party affiliation was a good predictor of treaty support, with Republicans more likely than Democrats to support it.
3. Mayer himself, however, is skeptical of Kantor's assessment of the importance of the last-minute treaty renegotiations. His argument is instead that administration efforts to use persuasion were critical to the passage of the agreement.
4. These estimates came from sources that may have had an incentive to downplay the chances of passage, since they were at the time trying to persuade uncommitted Senators that their votes were necessary. However, no one at the time disputed the 50-50 estimate. *The New York Times* on the day before and the day of the treaty passage (April 23, 1997, p. A10, and April 24, 1997, p. A1) was unable to make a prediction either way.
5. For example, one of the resolutions stated that U.S. forces abroad could use tear gas as a riot control agent, while another provided that any inspection of a privately-owned chemical plant in the United States must be made with a search warrant.
6. One of the resolutions, for example, would have allowed the U.S. to join the treaty only if it was first ratified by all state sponsors of terrorism and all known chemical weapons states. Among these states were North Korea and Iraq, which were expected not to join. Another resolution called for the renegotiation of treaty provisions which obligated states to continue to trade in industrial chemicals; these treaty provisions were seen as a way that the Convention might perversely aid states in acquiring chemical weapons by reducing the ability of member states to apply unilateral sanctions. The fifth resolution, which would not have prevented ratification but which the administration opposed nonetheless, stated that the U.S. would not permit inspections in the United States by inspectors who were nationals of certain rogue states. Although this was not inconsistent with the terms of the Convention, the administration opposed the resolution on the grounds that it would open the United States to retaliation from these states which would deny access by American inspectors to those foreign sites that would be of special interest.
7. The linkage between the passage of the CWC and State Department reorganization and tobacco taxes was a poorly kept secret. The *New York Times* reported the connection on its front page the day before, the day of, and the day after the treaty's ratification. National Security Advisor Sandy Berger asserted in a press conference that it was merely a coincidence that the treaty had been ratified on the same day that Clinton had approved the reorganization of the foreign policy bureaucracy, but added to reporters "If I were sitting where you are, I wouldn't believe it." The linkage was reported by the *Congressional Quarterly* (April 29, 1997), *Arms Control Today* (April 1997, p. 2), and *The New York Times* (April 23, 24, and 25, 1997).
8. Canada ratified the NAFTA after the United States, but Canadian ratification was not assured. Furthermore, it was widely reported that the U.S. side-deals with Mexico made Canadian ratification less likely. In a widely reprinted editorial written after the U.S. but

before the Canadian ratification act like a wet noodle in order Ottawa would still proclaim N tectonism at the border" (*The*

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before the Canadian ratification, the *Toronto Star* noted "Apparently, Clinton is willing to act like a wet noodle in order to placate the U.S. pasta lobby... It's hard to see why Ottawa would still proclaim NAFTA into law if the price of free trade were pasta protectionism at the border" (*The Washington Post*, November 18, 1993, p. A10).

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TURNING DOWN ON CONFLICT M ENDURING RIVA

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KEY WORDS: *enduring rivalry,
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