

conventional wisdom regarding the impact of neopatrimonialism on government behavior. The authors make clear at the outset that they seek to “challenge the dominant view that portrays African governments as inevitably anti-developmental or as driven by innate conditions to act in neo-patrimonial ways” (p. 14). Nevertheless, the neopatrimonial logic creeps into the narrative of each of their weak cases, but such references are notably absent from their stronger cases. In Ghana, for instance, they find that politicians are driven by an “imperative to deliver visible goods and services,” which provides “a strong incentive to go along with donor initiatives” (p. 188). The authors may consider neopatrimonialism to be a facile explanation, yet the negotiations they delineate in each of their weak cases are somehow influenced by it. If this is the case, then the claim that recipient control over aid policy is largely undermined by donor impositions becomes more difficult to uphold.

Treaty Politics and the Rise of Executive Agreements: International Commitments in a System of Shared Powers. By Glen S. Krutz and Jeffrey S. Peake. Ann Arbor: University of Michigan Press, 2009. 264p. \$75.00 cloth, \$28.95 paper. doi:10.1017/S1537592711001332

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One of the most striking developments in U.S. foreign policymaking over the last century is the extraordinary rise of executive agreements. Whereas presidents issued tens of executive agreements per year as recently as the Franklin Roosevelt administration, they now regularly issue hundreds. Today, executive agreements outnumber formal treaties by more than 10 to one. Moreover, there exist few formal requirements that international agreements be inscribed as either treaties or executive agreements, leaving presidents with substantial discretion to decide whether Congress shall be granted the opportunity, *ex ante*, to amend and then vote on the terms of interstate negotiations over topics ranging from arms control to fishing rights.

It would be tempting to argue, then, that executive agreements are just another contributor to the rise of an imperial presidency, one wherein Congress is shunted to the sidelines of public policymaking and presidents regularly achieve most every element of their policy agenda. Tempting, but wrong. As Glen Krutz and Jeffrey Peake argue in this provocative volume, Congress plays an important role in the construction of foreign policy even when presidents go it alone. Should the president issue an especially objectionable executive agreement, members of Congress need not acquiesce. Indeed, in the aftermath of an executive agreement's issuance, members of Congress have ample opportunities to decide whether to appropriate the funds or enact the statutes needed to implement its contents. Members of Congress may formally repudiate an

executive agreement. Going even further, they may limit the president's very ability to issue executive agreements, about which Article II of the Constitution offers nary a mention.

According to Krutz and Peake, the rise of executive agreements has less to do with a more powerful, modern presidency and more to do with a systemic response to a complex international system in which the United States, particularly after World War II, plays an increasingly prominent role. If every single international agreement had to go through the treaty ratification process, the authors argue, then neither the president nor Congress could accomplish much of anything outside of foreign policymaking. To make their case, they track trends in the issuance of executive agreements, offer case studies of particular international agreements, and examine the partisan politics that so often prolong the ratification of treaties. The result is the single most comprehensive analysis of executive agreements written to date.

As something of a foil, Krutz and Peake invoke the unilateral politics literature, which emphasizes the efforts of presidents to use executive orders, proclamations, and the like to accomplish policy objectives that would not survive the traditional legislative process. According to the authors, such observations say precious little of relevance about the rise of executive agreements. For Krutz and Peake, the rise of executive agreements reflects the interests of Congress as much as those of the president. The president and Congress have entered an “institutional bargain,” we are told, wherein presidents issue executive agreements that reflect legislators' broad interests, while continuing to submit the most significant agreements as treaties. The Senate, in this account, is a “willing partner” in the emergence of executive agreements, having as much to gain as the presidents who issue them. Rather than using executive agreements to advance policy initiatives that would not make it through Congress, presidents, sharing power with Congress as they do, consistently abide by Congress's interests.

Krutz and Peake further argue that the use of executive agreements has little to do with modern presidents seizing power and more to do with the federal government as a whole adapting to an increasingly volatile and fast-paced international system. Executive agreements, they say, represent an “evolutionary response” to material changes beyond U.S. borders. By this account, the emergent structures of foreign policymaking have little to do with either partisan politics or interbranch struggles. Rather, they reflect the collective, rational deliberations of an entire federal government intent upon efficiently meeting contemporary challenges from abroad.

On both accounts, the authors are on to something. Precisely because the Senate has not forbidden presidents from issuing executive agreements, its members might be characterized as “willing partners” in their utilization. And

it is difficult to see how America's emergence as a world superpower does not bear, in important ways, on the domestic structures of foreign policymaking.

The question, then, is not whether Krutz and Peake are wrong but whether they take their argument too far. Nothing in their book belies the possibility that presidents enjoy a residuum of discretion that would predictably elude them if treaties constituted the only way in which international agreements could be formed. Indeed, to say that the existence of executive agreements serves some broader interests—be it efficiency or anything else besides—does not require that all branches of government benefit equally in the arrangement. However, the authors go out of their way to minimize the very politics of unilateral action about which scholars have written for decades. Where the unilateral politics literature sees interbranch contestation, they see cooperation; and where the unilateral politics literature recognizes the directives that lack sufficient support to become law and sufficient opposition to be overturned, they see the continued assertion of mutual interests.

This is curious, first because Krutz and Peake mischaracterize the central arguments of the unilateral politics, and second, because the evidence they offer about “institutional efficiency” is so weak. The existing literature on unilateral politics does not argue that legislative (or judicial) checks are irrelevant; for such extreme views, one must venture outside the academy, which Krutz and Peake do. Rather, the unilateral politics literature suggests that presidents go it alone when Congress remains mired in gridlock, when the alternative to a unilateral directive is no action whatsoever. Hence, this literature emphasizes Congress's capacity to govern, rather than the level of congressional opposition to the president, as the core predictor of unilateral activity. When they face off against a large and unified opposition within Congress, presidents recognize that their preferred executive agreements are more likely to be amended or overturned; and when they enjoy broad support within Congress, they would just as soon include Congress in the policy-formation process and thereby ensure their longer-term viability. The unilateral politics literature, therefore, casts our attention on the spaces in between, where governing coalitions in Congress are not sufficiently large to either amend the president's unilateral directive *ex post* or gather the supermajorities needed to enact the same policy statutorily.

None of this is to say that the lessons of the existing unilateral politics literature carry over in full to executive agreements. They do not. Because Congress does not have an outside option of forging international agreements without the president, the politics of preemption—wherein presidents unilaterally issue modest policy changes in order to ward off more extreme congressional lawmaking—do not come into play. When considering whether to amend or overturn an executive agreement, unlike an executive

order, members of Congress must ponder not only the contents of the agreement itself but also the possible damage done to the nation's reputation abroad, which may undercut the president's ability to negotiate future agreements. And with executive agreements, unlike executive orders, both the president and Congress must gauge the possibility that other signatories might not abide by the terms of the agreement.

Krutz and Peake, however, say very little about these material differences in the politics of executive agreements and executive orders. Instead, they posit the promotion of “efficiency” as an altogether different explanation for the president's reliance upon executive agreements. But in the empirical models they present, clear evidence of efficiency runs in short supply. The most direct evidence comes in the form of testimonials from State Department officials who insist that their work transcends politics. Cognizant of the problems of assessing such claims, the authors investigate trends in the issuance of executive agreements. Lacking any metric that defines the amount of exogenously determined business in the international arena that requires attention, Krutz and Peake instead show that the proportion of international agreements that assume the form of executive agreements correlates with indicators for the Cold War, the number of member states in the United Nations, and the ideology of the head of the Senate Foreign Relations Committee. Wanting a clear theory that explains how presidents respond to material changes in the international arena, we find it difficult to know what to make of such findings.

This volume, however, is not without its merits, and significant ones at that. It serves as a useful reminder that the mere incidence of unilateral activity is not, in itself, evidence of presidential influence. It offers a long overdue assessment of executive agreements. And perhaps most importantly, Krutz and Peake encourage scholars of unilateral politics to consider how factors that operate outside of the political system might influence the behavior of those who work within it.

Forbidden Fruit: Counterfactuals and International Relations. By Richard Ned Lebow. Princeton: Princeton University Press, 2010. 348p. \$70.00 cloth, \$27.95 paper. doi:10.1017/S1537592711001344

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This book, a combination of original chapters and reprints of some earlier material, represents a summary of the author's current thinking on the use of counterfactuals in international relations. It is a very rewarding book to read for anyone who prizes breadth and erudition. It constitutes a valuable and quite unusual addition to the methodological literature in international relations, though many scholars will have considerable difficulty understanding how best to utilize it.