



## Trump and the Institutional Quandary

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Not yet 100 days into his administration, President Donald Trump has bypassed traditional government protocols and doled out executive orders in relatively quick succession. To date, he has issued 13 orders and 12 memoranda since taking office. His order placing travel restrictions on immigrants and refugees, in particular, proved poorly thought out. It was reactionary rather than rational or substantive. The order met significant backlash, and states are pushing back through the legal system.

For those familiar with political science, and with institutional theory in particular, Trump could be considered something of an anomaly. Institutional theory holds that institutions over time will help shape a politician's preferences, agenda, or actions. In other words, a politician might come into office with his or her own expectations and agenda, but the construct and constraints of government -- including partisan divisions, bureaucratic encumbrances, constitutional limitations, and even shared norms and values -- will likely alter their capacity to push through a political agenda.

President Trump is putting this theory to the test. The rapidity of his issuance of executive orders, coupled with an insular policymaking process confined largely to his inner circle, allows little room for institutional settings and norms to come into play. Trump seems intent on writing the institutional rules as he goes rather than having them written for him.

However, even GOP aides have expressed concerns that the administration is "moving too swiftly and without respect for critical protocol for vetting executive actions that have been in place for decades." As for these executive orders, Trump's decisions, according to Politico, are made "without the necessary review from agency experts and lawmakers who will bear the burden of actually carrying them out." In the case of Trump's recent executive order on immigration and refugees, his own party's Senate majority whip, the chairman of the Senate Foreign Relations Committee, and at least a dozen other GOP lawmakers and aides were "taken by surprise," stating that they were neither briefed nor consulted prior to the signing of the order.

Sen. Rob Portman (R-OH) even urged the president to “slow down” and work with lawmakers, especially considering the immigration ban was “an extreme vetting proposal that didn't get the vetting it should have had.”

What is likely to follow is a trial-and-error method of governance, pushing the boundaries of institutional and international norms until the boundaries push back.

Indeed, Trump's executive order on immigration is already receiving pushback from the courts, demonstrating that -- in the parlance of political science scholars -- institutions do matter. On Feb. 9, three judges from the U.S. Court of appeals for the 9th Circuit unanimously rejected the government's call to lift the suspension of the immigration order. It is becoming ever clearer that an effective method of curtailing Trump's haphazardness will largely depend on the United States' system of checks and balances.

Yet what can this system do when it comes to U.S. foreign policy?

In light of the president's many reckless and bellicose statements toward other nations, scholars and policy experts alike have been scrambling to decipher where executive powers over foreign policy begin and end. In recent weeks, Trump has clashed with Australia's prime minister during his self-professed “worst call by far” with a foreign leader; questioned America's long-standing One China policy (which Trump only recently acknowledged); and committed several other foreign policy faux pas. It is little wonder that European Council President Donald Tusk recently wrote that Trump's “worrying declarations” had “put into question the last 70 years of American foreign policy.”

Adding to concerns over how Trump might deal with critical foreign-policy issues is the fact that since the end of the Second World War, presidents have been increasingly cavalier about their capacity to wage war. As Louis Fisher, scholar-in-residence at the Constitution Project, notes, “the president has been commander in chief since 1789, but this notion that they can go to war whenever they want, and [ignore] Congress, that's a post-World War II attitude.”

With comparatively few institutional barriers checking the president's foreign policy decision-making powers -- especially compared to the more stringent institutional checks built into in domestic policymaking -- the United Nations might have provided an additional institutional “check,” particularly on interventionist foreign policies. However, Trump has made clear his disdain for the international body, even reportedly drafting an executive order to cut U.S. funding for the United Nations by at least 40 percent.

The Wall Street Journal recently described Trump's approach to foreign policy as a “win-the-deal” style -- or what game theorists call a zero-sum approach. Some argue that Trump's cabinet officials will act to soften his harsh foreign-policy rhetoric. Because the White House holds the power of final say in foreign-policy matters, this would make little difference if the president's overarching foreign-policy goals are geared toward zero-sum outcomes. Former Australian national security adviser Andrew Shearer recently pointed out that this “win-the-deal” style is not how the world of foreign policy actually operates. He added, “that approach might work in business, but as someone who's been around foreign policy for a long time, I just don't see how it's going to work internationally.”

Due to the substantial foreign-policy powers afforded to Trump through his office, all methods of formal and informal institutional checks will need to be present and accounted for over the course of his administration, to ensure prudence and restraint -- and not haphazard chaos -- characterize his decision-making.

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