

A Short Insight between Social System and Inspection of the Foreign Agents Registration Act (FARA)

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Abstract

The introduction rationale of the Foreign Agents Registration Act of 1938, which aims to disclose activities carried out by individuals or entities acting on behalf of foreign interests, aligns with my perspective on how the social system should operate. I believe in recognizing and acknowledging the instincts of human self-interest, and that the social system must be constructed by acknowledging these human instincts to transform various behaviors and customs currently existing in the negative realm to the positive realm. This journal will bind the gap between FARA, the social system, and human nature. It aims to connect these three elements that were not previously explored in past papers or journals. The study primarily focuses on societal advancement by examining the introduction rationale of the FARA system, deepening into both the motivations and psychological factors driving its implementation, while connecting this rationale to a shift in leadership perspectives to abandon utopian ideas about humanity and acknowledging human instincts, moving towards a healthier society.

Keywords

Governance, Geopolitics, Legislation, Legal, Insight, Structure

1. Introduction

Could increased transparency of information, coupled with the relaxation of anti-corruption regulations, serve as a key to addressing corruption by acknowledging humans' self-interested instincts? This matter aligns with the topic of Foreign Agents Registration Act of 1938 (FARA) in the United States. FARA, a United States law, mandates individuals to disclose their afflictions publicly and

to submit records to the Department of Justice to ensure transparency in their representation during lobbying activities associated with a group's interests. According to 22 U.S. Code § 611, "an agent is defined as any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control of a foreign principal." While FARA does not prohibit lobbying itself nor external influence, it imposes a public disclosure obligation of its activity. The roots of FARA trace back to 1938, emerging during the Second World War with the primary purpose of preventing undue influence from foreign principals (O'Hara, 1965). Deviating from focusing solely on foreign principals, the policy encompasses matters that impact U.S. policies. While FARA registrations are uncommon due to exemptions, the journal will focus on FARA's introduction rationale. The study seeks to establish a link between this rationale and a fundamental shift in leadership perspective, especially on examining how to guide society to increase transparency. Specifically, it advocates for abandoning utopian notions about humanity and emphasizes acknowledging human instincts as a fundamental aspect of the transition towards fostering a healthier society.

2. Historical Context of Foreign Agents Registration Act of 1938

During the Second World War in the United States, there were significant concerns about the introduction of harmful ideological influences, including Nazi propaganda and communism from the Soviet Union, into the states. Nazi Germany engaged in propaganda warfare to secure favorable public opinion during the war, and the Soviet Union prepared for territorial expansion and ideological struggles immediately after the war. Similar endeavors were also undertaken by the United States in the realms of propaganda and power projection during this period of ideological and geopolitical context. In response to these concerns, legislative action was initiated in 1934 by John W. McCormack Committee, which was a special committee made to counteract these inflows. This marked a crucial step in addressing the challenges. "The Congress should enact a statute requiring all publicity, propaganda, or public relations agents or other agents or agencies, who represent in this country any foreign government or foreign political party or foreign industrial or commercial organization, to register with the Secretary of State of the United States." (O'Hara, 1965) The quote manifests both the purpose and historical context underlying the establishment of this committee following the subsequent enactment of the legislation and establishment of Foreign Agents Registration Act. The most recent introduction of this Act pertaining to successors can be seen around the World such as the United Kingdom's Foreign Influence Registration Scheme and Australia's Foreign Influence Transparency Scheme (Giarretto, 2019). As of July 11, 2023, modeled after the United States' FARA, the United Kingdom inaugurated its own regulatory initiative titled the Foreign Influence Registration Scheme (FIRS). In Australia also,

on June 28, 2018, Foreign Influence Transparency Scheme Act was enacted. If the introduction of the United States' FARA was aimed at countering Nazi propaganda, the enactment or amendments in Australia and the UK were made to prevent unhealthy political interference or influence from Anti-First World nations such as Russia and China (Ng & Draffen, 2020). The only difference lies in the timeline. The introduction of all these seemingly parallel policies, albeit with distinct timelines has evoked extensive debates across various aspects of society. By delving into these discussions, I will examine the intricate ties between the transparency of a leader by implying through the introduction rationale of the Foreign Agents Registration Act. Additionally, I will present my own insights into the dynamics of an effective social system or leadership within the implication of FARA, which is the main focus of the journal.

3. Reflecting on FARA's Impact and Exploring the Relevance of Its Introduction Rationale in Contemporary Society

Ethical paradigm contingent is upon subjective values. Leaders who arrogantly believe in their moral supremacy are prone to making misguided decisions. It is essential to be aware of this fact. It does not mean to abandon one's convictions, but rather, means to avoid teaching others with a sense of superiority. The culture of discussion between different ideologies is failing. Especially with the advent of social media, the phenomenon of "cancel culture" is currently on the rise. Cancel culture frequently manifests in public shaming and online boycotts as a means to assert their own moral superiority and promote their own set of beliefs. However, canceling culture, in its attempt to impart its beliefs onto others, may inadvertently foster a closed-minded trend (Velasco, 2020). An extreme ideologist or extreme atheist with such a mindset, convinced of their own omniscience, may fall into the misconception of themselves being perfectly rational and objective, limiting their beliefs to only what they think they know. How can the topic of FARA be linked to the abandonment of an ethical preeminence? Applying the high standard judgment to the ethics of others, leading to judgmental attitudes, permeates politics, the pursuit of moral perfection and utopian ideals may paradoxically create flaws in the legal system, potentially undermining societal well-being. However, laws inspired by the principles similar to FARA, as I refer to here, acknowledge the potential for moral corruption in others and, instead, utilize it to create positive outcomes. The introduction rationale of FARA aligns with reflections on offering comprehensive insights that resolve the complexities surrounding ethical contemplation. This statement is claimed on the premise from papers that every agent or individual pursues personal interests/gain (Rose, 2000). It is stated that individuals' pursuit of profit can be anthropomorphized in the behaviors exhibited by companies or agents (Sari et al., 2015). Acknowledging this instinct for self-interest must be deemed natural. Through this acknowledgment, rather than diminishing moral perceptions of individuals, greater transparency can be achieved, thereby enhancing trust. Re-

cognizing the innate self-interest of every individual and constructing a society based on transparency may contribute to establishing a more mature and reliable social network. In other words, a social system should not be constructed based on utopian ideals but based on recognition of fundamental human nature. And I believe this acknowledgment can find application in the legal industry, particularly in the context of discussing FARA. Between legally lobbying with a small budget and illegally lobbying with a large budget but a low probability of detection, individuals (agents) are likely to choose the latter. However, if given the choice between legally lobbying with a large budget and transparently informing the public about it, versus not disclosing and facing punishment, individuals would choose the former. However, if someone questions why this journal does not address crimes such as violent offenses for acknowledging human instincts, I would say that violent crimes have high clearance rates, whereas economic crimes have low clearance rates. The lower clearance rates for economic crimes imply a more lenient view towards human instincts, as it essentially entrusts human judgment, high clearance rates for violent crimes, on the other hand, suggest a more negative perception of human instincts, aligning with the perspective presented in this paper. Therefore, I believe there must be some changes to lower clearance rate crimes. Moreover, in a democratic nation, when lobbying is connected to politicians, as the citizens are well-informed through media and have the power to vote, there is a potential deterrent effect. Paradoxically, accordingly, in a democratic nation, lobbying should be encouraged to foster transparency and engagement. This is because there are individuals capable of scrutinizing all lobbying activities, thanks to the presence of a press in a country with low market barriers. The press actively competes for news coverage, enhancing the overall scrutiny and public awareness.

Taking the example of the economic legacy preference policy in university admissions, while it may initially appear to have inequality, acknowledging the innate nature of profit aspirations of individuals could, in fact, result in the creation of additional university admission quotas for other students according to [MIT Sloan \(2023\)](#). Moreover, investments in universities due to these economic legacy preferences can lead to a win-win situation, benefiting everyone in the long run. In parallel, FARA effectively aligns with human instincts, contributing to the construction of a beloved constructive and transparent foundation.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

References

- Giaretto, L. (2019). The Foreign Influence Transparency Scheme Act: What's It about?
- MIT Sloan (2023). *Analyzing the Dynamics of Legacy Preferences in College Admissions: Institute for Work and Employment Research*.

<https://mitsloan.mit.edu/centers-initiatives/institute-work-and-employment-research/analyzing-dynamics-legacy-preferences-college-admissions>

Ng, Y. F., & Draffen, C. (2020). Foreign Agent Registration Schemes in Australia and the United States: The Scope, Risks and Limitations of Transparency. *The University of New South Wales Law Journal*, *43*, 1101-1136.

<https://doi.org/10.53637/PFTH6729>

O'Hara, F. R. (1965). The Foreign Agents Registration Act—The Spotlight of Pitiless Publicity. *Villanova Law Review*, *10*, 435-456.

Rose, D. C. (2000). *Teams, Firms, and the Evolution of Profit-Seeking Behavior*.

<https://doi.org/10.2139/ssrn.224438>

Sari, D. P., Triyuwono, I., Rosidi, & Kamayanti, A. (2015). Human's Behavior towards Income in the Perspective of Mother Teresa. *Procedia—Social and Behavioral Sciences*, *211*, 977-983. <https://doi.org/10.1016/j.sbspro.2015.11.130>

Velasco, J. C. (2020). You Are Canceled: Virtual Collective Consciousness and the Emergence of Cancel Culture as Ideological Purging. *Rupkatha Journal on Interdisciplinary Studies in Humanities*, *12*, 1-7. <https://doi.org/10.21659/rupkatha.v12n5.rioc1s21n2>