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Editor's Preface to the Spring 2006 Edition

I am happy to present the Spring 2006 edition of *The Pi Sigma Alpha Undergraduate Journal of Politics*. Over the last year, and with the support of Pi Sigma Alpha, the National Political Science Honor Society, the *Journal* has reached new heights of recognition and accomplishment.

Though this is only my first edition as Editor-in-Chief, I have known from the beginning of my involvement with the *Journal* that this publication is something special. Political Science undergraduates across the country have no better opportunity to publish their work. All undergraduates should be so fortunate. Indeed, it is my challenge to disciplines across the board to create an outlet like the one Pi Sigma Alpha has been so generous to develop. The experience gained from having a paper published is unequalled by any course or classroom activity.

There are several people I wish to acknowledge. First, I would like to thank the Pi Sigma Alpha Executive Council and the Executive Committee, particularly President Christopher J. Bosso, Executive Director James I. Lengle, and Administrator Nancy McManus. The *Journal* would not be possible without these dedicated individuals. Next, the guidance and expertise of the *Journal's* Faculty Advisor, Rosalee A. Clawson, is essential to its success. Furthermore, I appreciate the outstanding work done by the Advisory Board and the Editorial Board members. I am grateful for the support from Purdue University's Political Science Department and its head, Bert A. Rockman. Last, but certainly not least, I am forever indebted to the *Journal's* outgoing Editor-in-Chief, Clifford C. Pederson. I have thoroughly enjoyed working with him and learning from him. It is my earnest desire to continue the high quality and high level of success that the *Journal* enjoyed under his leadership.

It is my sincerest hope that you enjoy the following manuscripts, each one written by – I am both proud and humbled to say – my peers across the country.

Thank you.

Allison O. Rahrig
Editor-in-Chief

Submission of Manuscripts

The *Journal* welcomes submissions from undergraduates of any class or major; submissions from Pi Sigma Alpha members are especially encouraged. Our goal is to publish manuscripts of the highest quality. In general, papers selected for publication have been well-written with a well-developed thesis, compelling argument, and original analysis. We typically publish papers 15-35 pages in length that have been written for an upper level course. Manuscripts should include an abstract of roughly 150 words. Citations and references should follow the American Political Science Association *Style Manual for Political Science*. Please be sure references are complete and accurate. Students may be asked to revise their manuscript before it is accepted for publication. Submissions must be in the form of a Microsoft Word document and should be e-mailed to **journal@polsci.purdue.edu**. Please include name, university, and contact details (i.e., mailing address, e-mail address, and phone number).

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A First Amendment Analysis of Hate Crime Laws: Revisiting *Wisconsin* v. *Mitchell* and Recommending Change

Nathan R. Sellers
Gustavus Adolphus College

The Supreme Court's 1993 Wisconsin *v.* Mitchell *decision upheld a state statute that increased the penalty for hate crimes. While most social advocacy groups hailed the decision, I find it unconstitutional. By targeting a defendant's motive, and thereby his or her speech and thoughts, this law violates the First Amendment guarantee of freedom of speech and expression. I will analyze and evaluate various ways in which hate crimes can be punished. After considering all of those options, I offer my own alternative: legislation that would criminalize intent – not motive – is not only consistent with U.S. legal tradition and precedent, but would punish those who intend to intimidate minority communities without infringing on the defendant's First Amendment rights.*

Introduction

In 1993, the Supreme Court of the United States upheld a Wisconsin state statute that enhanced the penalty for the conviction of a crime that was committed "because of" the "race, religion, color, disability, sexual orientation, national origin or ancestry" of the victim (*Wisconsin* v. *Mitchell* 1993). The Court's opinion in *Wisconsin* v. *Mitchell* was initially hailed by the media, politicians, and legal scholars and has received little criticism since then (Gey 1997, 1014).

This paper will challenge the Court's decision in *Mitchell* and will show that the Court erroneously upheld the Wisconsin statute, and thus set a precedent for the constitutionality of similar laws throughout the United States. Penalty-enhancement hate crime laws are unconstitutional because they criminalize motive, and the only way to prove motive is to use a defendant's speech, thought, and associations. All of these are forms of expression that have been traditionally protected by the Supreme Court. As long as hate crime laws criminalize motive – the reason an individual commits a criminal act – they will necessarily criminalize constitutionally protected forms of expression. Under

current penalty-enhancement hate crime laws, criminals are punished for their prejudicial or bigoted thoughts. This country has long held that even the most objectionable beliefs are constitutionally allowable.

In place of existing penalty-enhancement hate crime legislation, this paper will propose a new approach to hate crime statutes. Under this proposal, the intent of the perpetrator of hate crimes will be criminalized. Intent, which is different from motive, is the desired result for a given action. States are constitutionally allowed to more severely criminalize the intention of a criminal, if that intention causes a greater harm than a crime committed with a less harmful intent. This is not the case with motive. By criminalizing intent, and not motive, hate crime laws would avoid many of the current challenges against them. Hate crime laws would no longer specifically target First Amendment-protected expression and they would more successfully punish criminals that intend to intimidate, harass, or target a victim's membership in a group or community.

Part I: A Description of Hate Crime Legislation and its History

Before one can understand why it is important to change penalty-enhancement hate crime legislation, one must understand the history of hate crimes, hate crime laws, and the constitutional challenges against current hate crime statutes. Generally, crimes that are motivated primarily by bigotry or prejudice are considered hate crimes. Many states have enacted laws that criminalize these types of crimes. Yet, as this section will show, determining what crimes are hate crimes involves a level of ambiguity, because it is often difficult to determine the primary motivations of a crime.

Hate crime legislation has a short but controversial history. This controversy is the result of poorly worded laws, created by a legislative response to an alleged increase in bias-motivated crime. While proponents of hate crime legislation – such as minority advocacy groups and liberal lobbyist organizations – have argued that the incidence of hate crimes is increasing, there is little empirical evidence to support this claim. Extensive research that would support their assertion has either been inconclusive or has simply not been conducted. What many have perceived as an increase in hate crimes is likely the result of growing social intolerance toward prejudice and bigotry. Nevertheless, in their attempt to satisfy the social desire for a solution to the perceived problem of a

rising-tide of hate crimes, many states employ poorly worded hate crime statutes that raise a series of potential constitutional problems.

The Supreme Court of the United States has thrice ruled on the constitutionality of hate crime laws. The Court contributed to the controversy surrounding hate crime laws with its seemingly contradictory rulings in *R.A.V.* v. *St. Paul* (1992), *Wisconsin* v. *Mitchell* (1993) and *Virginia* v. *Black* (2003). In 1992, it invalidated a St. Paul, Minnesota, ordinance that made it a violation to knowingly commit an act of vandalism (or the like) that a "reasonable" person knows or should know would arouse anger or resentment in others on the basis of race, religion, or gender (*R.A.V.* v. *St. Paul* 1992). The following year, the Court upheld Wisconsin's "hate crimes" statute in *Wisconsin* v. *Mitchell.* The Wisconsin statute was a penalty-enhancement statute that provided a more severe punishment for crimes motivated by race and other classifications. In 2003, the Court upheld a Virginia "cross-burning" statute that punished the intentions, not the expression or the motive, of criminal perpetrators.

A Description of Current Hate Crime Legislation

Legally speaking, hate crimes are crimes that demonstrate a perpetrator's prejudice, or crimes that evidence prejudice against an individual or individuals that have membership (or are perceived to have membership) in groups that the state has deemed worthy of protection. (Hate crime is also known as "hate-motivated crime," "bias-motivated crime," and "discrimination crime." For purposes of this paper, the term "hate crime" will generally encompass each of these terms.). Hate crime legislation, which varies extensively, can be generalized into four categories: sentence (penalty) enhancements; substantive crimes; civil rights statutes; and hate crime reporting statutes (Franklin 2004, 79; Jacobs and Potter 1998, 29). Sentence-enhancements either increase the level of a hate crime to a more serious category, or assign a hate crime to a higher sentencing range. Penalty-enhancement legislation is the type of hate crime law this paper will challenge as unconstitutional. The U.S. Supreme Court effectively deemed "substantive" hate crime statutes unconstitutional in its *R.A.V.* decision, and this paper will not directly address the constitutionality of civil rights statutes or hate crime reporting statutes.

Penalty-enhancement statutes are the most widespread but also the most controversial of the growing number of hate crime laws. The wording of these

laws varies from state to state. In general, these statutes enhance the penalty for crimes in which a defendant intentionally selects his victim "because of" or "by reason of" his or her actual or perceived membership in certain categories (Franklin 2004, 80). Hate crime legislation may also criminalize or enhance the penalty for crimes in which a defendant was "motivated by" or had "prejudice based on" the actual or perceived membership of their victim in certain categories ("Ark. Stat Ann. § 16-123-106" 2005; "D.C. Code § 22-3701" 2005). These categories vary widely across states, but some commonly protected categories are race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, physical handicap, ethnicity, and ancestry ("D.C. Code § 22-3701" 2005; "720 ILCS 5/12-7.1" 2005).

The History of Hate Crime Legislation

In *Hate Crimes: Criminal Law and Identity Politics* (1998), James B. Jacobs and Kimberly Potter advance the view that hate crime legislation was created due to pressure from social activist groups, not from an actual increase in the number of hate crimes in this country. In their opinion, the so-called "hate crime epidemic" widely reported in the 1980s was a socially constructed fallacy. As is often the case with interest groups, social advocacy groups convinced the media, academic scholars, law enforcement, and eventually politicians to buy into the claims that the incidence of bias-motivated crime was rising (Jacobs and Potter 1998, 46-59; Boyd, Berk, and Hamner 1996, 824). The social pressure, combined with a problematic hate crime law model produced by the Anti-Defamation League (Anti-Defamation League 2001), caused many states to construct and pass hate crime laws that were immediately subject to challenges of unconstitutionality.

The ADL has been the leading advocate of hate crime legislation. Its recommendation for wording hate crime laws, which is a penalty-enhancement design, is the basis for most hate crime statutes in the United States. The ADL model provides:

> A) A person commits the crime of intimidation if, by reason of the actual or perceived race, color, religion, national origin, or sexual orientation of another individual or group of individuals, he violates Section ---

of the Penal Code (insert code provisions for criminal trespass, criminal mischief, menacing, assault, and/or other appropriate statutorily proscribed criminal conduct). B) Intimidation is a --- misdemeanor/felony (The degree of the criminal liability should be at least one degree more serious than the imposed for commission of the offense) (Anti-Defamation League 2001).

Challenges to Hate Crime Legislation

The wording of the ADL model is problematic and has led to a variety of challenges against hate crime legislation in state courts. According to Valarie Jenness and Ryken Grattet (2001, 106), courts have considered five types of challenges to hate crime statutes:

> •Vagueness (Fourteenth Amendment): The statute does not clearly define what is allowed and what is not allowed.
> •Punishment of speech (First Amendment): The statute punishes motives or thoughts.
> •Overbreadth (First Amendment): Regulations have a "chilling effect" on the exercise of constitutional rights.
> •Content Discrimination (First Amendment): The statute regulates speech based on the content or viewpoint of the speech.
> •Denial of equal protection (Fourteenth Amendment): Statutes grant preferential treatment to minorities.

Challenges to hate crime laws have had limited success. The only time that the U.S. Supreme Court invalidated a hate crime law was in *R.A.V.* v. *St. Paul* because of that law's content discrimination. Lower courts decided 36 cases on hate crime laws between 1991 and early 1999. A defendant successfully challenged hate crime legislation in only eight of them (Jenness and Grattet 2001, 105).

The U.S. Supreme Court has reviewed three types of hate crime laws. The first was a law that targeted expressive conduct. The second was a penalty-enhancement law. The third was a law that targeted the malicious intentions behind certain forms of expressive conduct.

In 1992, in the case *R.A.V.* v. *St. Paul*, the U.S. Supreme Court held a St. Paul, Minnesota, hate crime ordinance facially invalid. In that case, several teenagers burned a cross on the lawn of a black family who lived in their neighborhood. The city charged them under an ordinance that provided:

> Whoever places on public or private property a symbol, object, appellation, characterization or graffiti, including, but not limited to a burning cross or Nazi swastika, which one knows or has reasonable ground to know arouses anger, alarm, resentment in others on the basis of race, color, creed, religion, or gender, commits disorderly conduct and shall be guilty of a misdemeanor (*R.A.V.* v. *St. Paul* 1992).

R.A.V., one of the defendants, challenged the law on the grounds that it was overly broad and could infringe on free speech rights. The trial court agreed (Levin and McDevitt 2002, 174). The Minnesota Supreme Court overturned the decision of the trial court, finding that a narrow interpretation of the ordinance was possible, and it was thus constitutionally allowable. The Supreme Court reversed. In a unanimous decision, the Court held the ordinance invalid because "it prohibits otherwise permitted speech solely on the basis of the subjects the speech addresses" (*R.A.V.* v. *St. Paul* 1992). The ordinance, according to the Court, was unconstitutional because it selectively chose which types of messages are tolerated, and which are not. For example, it "did not cover actions intended to arouse anger, alarm, or resentment based on sexual orientation" (Grattet, Jenness, and Curry 1998, 175). In the opinion of the Court, Justice Scalia wrote, "St. Paul…has proscribed fighting words of whatever manner that communicate messages of racial, gender, or religious intolerance. Selectivity of this sort creates the possibility that the city is seeking to handicap the expression of particular ideas" (*R.A.V.* v. *St. Paul* 1992).

In the Court's very next term, it upheld a penalty-enhancement hate crime statute in *Wisconsin* v. *Mitchell*. In that case, the defendant, Todd

Mitchell, requested that the group of black men he was with attack a white boy who was walking nearby. His aggravated assault conviction was increased from the maximum of two years to four years under Wisconsin's "hate crimes" statute. Mitchell appealed, contending that the penalty-enhancement statute violated the First Amendment. The Wisconsin Supreme Court agreed with Mitchell, but the U.S. Supreme Court unanimously reversed this decision. In its decision, which this paper will show was constructed on a faulty foundation, the Court ruled that motive plays the same role under penalty-enhancement statutes as it does under federal and state anti-discrimination laws, which have long been supported by the Court. The Court said that the statute targeted conduct, not expression. This, according to the opinion of the Court, was its distinction from the St. Paul ordinance invalidated in *R.A.V.* v. *St. Paul.*

These two cases initially set precedent for how state courts dealt with challenges to hate crime legislation. Following the Supreme Court's rulings in *R.A.V.* and *Mitchell*, lower courts consistently held that laws using language like the Wisconsin statute were acceptable, while laws using language like the St. Paul ordinance were unlawful. Then, in 2003, the Supreme Court reviewed another hate crime-type law. In the case of *Virginia* v. *Black*, a group of defendants challenged a Virginia law that made it a felony "for any person…, with the intent of intimidating any person or group…, to burn…a cross on the property of another, a highway, or other public place" ("Va. Code Ann. § 18.2-423.01" 2005). The Court held that this part of the statute did not violate the First Amendment, and because "cross burning was a particularly virulent form of intimidation" left unprotected by the First Amendment, states could ban cross burning that was carried out with the intent to intimidate (*Virginia* v. *Black* 2003). The Court was correct in upholding this law, because it targets the criminal intent of the perpetrator and not the expression (the St. Paul ordinance) or the motivation (Wisconsin statute). This paper will argue that the Virginia law, instead of the penalty-enhancement law in Mitchell, should be the model for hate crime legislation.

Part II: Traditional Hate Crime Legislation is Unconstitutional

Despite the fact that the Supreme Court upheld Wisconsin's penalty-enhancement statute, this section makes the case that the law is unconstitutional.

Penalty-enhancement laws are an unusual breed of criminal statute. Unlike ordinary criminal laws, which criminalize a specific act or harm, penalty-enhancement hate crime laws target the motivation of a criminal act. These laws therefore require a prosecutor to prove motive, which traditionally is not required under criminal law. Criminalizing motive is problematic because motive is not only difficult to identify, but difficult to prove. It is often impossible to discern motivation or distinguish between the perceived and the actual motivations of a criminal perpetrator.

Furthermore, proving motive requires the use of a defendant's speech, thoughts, and associations. The Court has long held that, in most instances, the First Amendment protects individuals from the criminalization of these and other forms of expression. Finally, penalty-enhancement hate crime laws re-criminalize acts that generic statutes already punish. Typical penalty-enhancement law is engaged only after a defendant has been convicted of another crime. Hate crime trials involving penalty-enhancement are completed in two phases. First, a defendant has to be convicted of a statutorily criminal act. If he or she is found guilty, then a prosecutor must prove that the crime was committed with a hateful motive. Hate crimes are thus thought crimes since penalty-enhancement can only be invoked because of the defendant's unpopular motive. Penalty-enhancement hate crime legislation, as it is statutorily written in most states, is fraught with defects and is unconstitutional.

The Difference between Hate Crime Legislation and Generic Criminal Statutes and the Problem with Criminalizing Motive

Hate crime laws are the only kind of laws "for which the motive is an element of the crime" (Gerstenfeld 2004, 37). In all other crimes, purpose, not motive, is criminalized. Purpose, the conscious intent, is the definitive result that an individual is seeking through a particular action. Motive, on the other hand, is the "cause or moving power which impels" that action (Morsch 1991, 665). Motive is the reason that a crime is committed. Traditionally, criminal law focuses on the *mens rea* aspects of a crime in assessing criminal culpability. According to James Morsch, author of "The Problem of Motivation in Hate Crimes," *mens rea* elements consist of "purpose, knowledge, recklessness, or criminal negligence" (1991, 664). The trouble with hate crime penalty-enhancement laws is that they criminalize motive, which does not fall under any

of these categories. As the Ohio Supreme Court stated in 1992 when it overturned Ohio's 'Ethnic Intimidation Law' – a penalty-enhancement law – "motive, in criminal law, is not an element of crime" (*State* v. *Wyant* 1992). The following table displays this difference:

Term	Definition	Example	*Mens rea* elements?
Motive, reason	The cause or the moving power which impels a criminal to action; the reason a crime is committed	Prejudice; bigotry; hatred	No
Intent, purpose	The definitive result an individual is seeking though a particular action	Desire to intimidate or incite fear in victim and community; desire to intimidate a specific group or class of individuals	Yes
Harm, conduct	Specific criminal action; effect of criminal action	Assault; creation additional fear in victim and community; targeting of specific group or class of individuals	Yes

Allowing or forcing prosecutors to prove motive in a criminal trial prolongs and complicates the judicial process because motive is difficult to determine and prove (Franklin 2004, 81). This is one reason why prosecutors have never been required to provide evidence of motive (Fleisher 1994, 3-4). As Phyllis Gerstenfeld (1992) points out, determining motive requires a prosecutor, judge, and jury to somehow read a defendant's mind. She writes, "the defendant himself may not know his true motive" (269).

All crimes are committed for a set of complex and intertwined motives. Hate crimes are no different. In her study of case reports from Baltimore County, Maryland, in 1995, Susan E. Martin found that in most of the cases that were classified as hate crimes, bias was either a "secondary motivation" (e.g. one victim is selected from several available in a crime that would almost certainly have been committed anyway), an "additional motivation" (e.g. the offender

seeks to belittle a victim by using racial slurs), or even an afterthought (e.g. the offender yells racial slurs during the heat of an argument or fight). James Morsch reinforces Martin's point: "Discerning which motive caused an individual to commit a criminal act may be genuinely problematic" (1991, 668). Thus, with crimes that are thought to be motivated by bigotry, "proving the exact point at which an individual's motive became racist…is an impossible task given the nature of motive" (Morsch 1991, 669).

Prejudice or bigotry is usually the motivation behind hate crimes. Like motive, prejudice is difficult to discern and prove. If the perpetrator of a crime shouts a racial epithet during an assault, does this reveal "bias" or "hate?" Furthermore, could this bias be a trivial factor relevant to other reasons the crime took place (Jenness and Grattet 2001, 117)? These questions display the complex nature of motive and highlight the reason that motivation is not typically criminalized. The waters are further muddied when considering whether a defendant could successfully defend himself against penalty-enhancement by admitting that he was prejudiced against the victim, but that "he would have committed the crime anyway because, for example, he needed the money" (Jacobs 1998, 161). In this case, the symbolic characteristic of the victim – whatever that symbolic attribute may be – is a secondary motivation of the criminal act.

Hate crime legislation is in place to penalize perpetrators who select their victim because of an animus toward one or more of that victim's symbolic traits, such as being black, being a woman, or being gay. Images of hatred, bigotry, and racism are often conjured by hate crime legislation, which is traditionally thought to target perpetrators who select their victim through prejudice against that victim; Richard A. Berk, Elizabeth A. Boyd, and Karl M. Hamner write that this is not always the case. In "Think More Clearly About Hate-Motivated Crimes" (1992), they draw a distinction between the actuarial and the symbolic status of the victims of bias-motivated crimes. In their example, a group of street-thugs chooses to mug a gay man because of his perceived upper-middle-class income and reluctance to fight back. His "symbolic" status as a member of the gay community is irrelevant. His "actuarial" status as a gay man is what motivated the crime (128). The same situation may take place when the victim is a woman, or disabled (Franklin 2004, 81-82). Crimes that appear to be motivated by the victim's symbolic status may in fact reflect "use of the victim's actuarial status as a means to some non-symbolic end" (Martin 1995, 317). Crimes based on an

actuarial status are not really *hate*-motivated. Nevertheless, if the definition of hate crime continues to depend on the motivation of the offender, than a defendant who selects his victim "because of" that individual's status as a gay person can be convicted of a hate crime even if the crime was in no way motivated by *hate* (Berk, Boyd and Hamner 1992, 128). Some proponents of hate crime legislation may argue that it does not matter why a criminal attacks a member of a protected class, but the act should be criminalized simply because the victim was the member of a protected class. This element of hate crime legislation has been challenged using the Fourteenth Amendment's guarantee of equal protection. For purposes of this paper, however, the distinction between a victim's actuarial and symbolic status is used to underscore the problem with criminalizing motivations such as hate.

The Additional Problem: The First Amendment Protects Speech and Expression

The First Amendment of the United States Constitution reads:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The Supreme Court has repeatedly protected many unpopular forms of expression because of the protection provided by the First Amendment. This is significant because, as this section will establish, the only way to establish motive is to produce evidence of a defendant's speech and associations, which are traditionally protected forms of expression.

In the 1949 case, *Terminiello* v. *Chicago*, the Court ruled that a Chicago ordinance that criminalized a "breach of peace" unconstitutionally infringed on freedom of speech. The defendant, Father Arthur Terminiello, had given an impassioned speech in which he criticized various political and racial groups. At trial, the judge instructed the jury that any "misbehavior that stirs the public to anger, invites dispute, brings about a condition of unrest, or creates a disturbance" constitutes a "breach of peace" (*Terminiello* v. *Chicago* 1949). In a

split decision, the Court held that, interpreted in such a manner, the ordinance violated Terminiello's right to free speech. In the majority opinion, Justice Douglas famously wrote, "A function of free speech under our system of government is to invite dispute. It may best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger" (*Terminiello* v. *Chicago* 1949). Then, in 1971, the Court invalidated a California statute that prohibited "maliciously and willfully disturbing the peace…[by] offensive conduct" (*Cohen* v. *California* 1971). In that case, the defendant was convicted of disturbing the peace by offensive conduct for wearing a shirt in a county courthouse that said "Fuck the Draft." The U.S. Supreme Court overturned his conviction.

In a more recent case, *Texas* v. *Johnson* (1989), the Court held that a Texas law banning flag-burning was unconstitutional. After burning a flag outside of the 1984 Democratic National Convention in Dallas, Gregory L. Johnson was convicted of violating a state statute that prohibited "desecrating a venerated object…or otherwise physically mistreat[ing] in a way that the actor knows will seriously offend one or more persons likely to observe or discover his action" (*Texas* v. *Johnson* 1989). The Court found that the statute violated the First Amendment. In the majority decision, Justice Brennan wrote that "Johnson's burning of the flag was conduct 'sufficiently imbued with elements of communication'" (*Texas* v. *Johnson* 1989). He went on to write, "The government…may not proscribe particular conduct because it has expressive elements" (*Texas* v. *Johnson* 1989). Even in *Virginia* v. *Black*, Justice O'Connor wrote in the majority opinion that "The hallmark of the protection of free speech is to allow 'free trade of ideas' – even ideas that the overwhelming majority of people might find distasteful or discomforting" (2003).

By upholding the Wisconsin penalty-enhancement statute, however, the Court went against these precedents and withheld First Amendment protection from Todd Mitchell's antisocial ideas simply because they represented a viewpoint with which the state disagreed. This is something that the Court has done only reluctantly in the most extreme situations. According to Justice Douglas of the Ohio Supreme Court, withholding protection for objectionable opinions is dangerous because if constitutionally allowable, then:

> The legislative majority can punish virtually any viewpoint which it deems politically undesirable….

> [Therefore], if the legislature can enhance a penalty for crimes committed "by reason of" racial bigotry, why not "by reason of" opposition to abortion, war…or any other political viewpoint (*State* v. *Wyant* 1992).

When the constitutionality of penalty-enhancement hate crime legislation was first challenged in the mid-1980s, lower courts seemed much more concerned with potential First Amendment infringements than the Supreme Court was in its Mitchell decision. According to Jenness and Grattet, "earlier courts envisioned hate crimes as...[being] evidenced by speech and other kinds of expression" (1998, 114). Legal scholars also seem more skeptical than the Mitchell Court. Phyllis Gerstenfeld states, "the problem with hate crimes is that their motives are proven almost exclusively by the defendant's speech and [associations]" (2004, 43). Stephen Gey adds that the evidence pertaining to penalty-enhancement will always be "in the form of some communication prior to the act of criminal violence" (1997, 1025-26). Part Three of this paper will explain that police and prosecutors are allowed to use speech to prove elements of a crime, such as premeditation or harmful intentions. Motive, however, is not traditionally an element of a crime.

The Final Problem: Hate Crimes Amount to 'Thought Crimes'

States already have statutes that criminalize every crime that can be enhanced by hate crime legislation. Under the ADL model, penalty-enhancement laws can only be enacted when the defendant is already in violation of "statutorily proscribed criminal conduct." Thus, states already have in place the means to criminalize the original criminal act that may induce penalty enhancement. Since the criminal conduct involved in hate crime law is already punished under existing statutory law, penalty enhancement can only be applied because of the defendant's unwelcome motive, or thoughts (*State* v. *Wyant* 1992). These laws, then, re-criminalize – enhance the penalty – for the same criminal act simply because the crime is motivated by "values, beliefs, and opinions that the government deems abhorrent" (Jacobs and Potter 1998, 121).

While the Constitution does not explicitly protect opinions and beliefs, as early as 1929 the Supreme Court established that the provisions of the First Amendment protect freedom of thought (See *United States* v. *Schwimmer* 1929;

Abood v. *Detroit Board of Education* 1977; and *Texas* v. *Johnson* 1989). In his commentary on the Constitutionality of hate crime legislation, Craig Gaumer writes, "the United States Supreme Court has suggested that freedom of belief – freedom of thought – is as integral a part of the free speech right protected by the First Amendment as it is part of the free exercise right" (1994, 30). Hate crimes, however, amount to thought crimes because generic criminal statutes already punish the criminal acts for which penalty enhancements punish motivation (thought). As Jacobs and Potter (1998) write, "The heavy punishment [Todd] Mitchell received is accounted for solely because of his racist belie fs or motive" (112). Stephen Gey put it more bluntly when he wrote, "Todd Mitchell was charged with aggravated battery and racism" (1997, 1018). States should not be allowed to punish detested motives. As Justice Scalia wrote in *R.A.V.*, "Let there be no mistake about our belief that burning a cross in someone's front yard is reprehensible. But St. Paul has sufficient means at its disposal to prevent such behavior without adding the First Amendment into the fire" (1992).

Penalty enhancement in current hate crime legislation depends not on what any defendant does, but rather why he or she does it. It is for this reason that, in 1992, the Wisconsin Supreme Court overturned the state's 'hate crimes' statute because it "without doubt…punishe[d] hate" (*State* v. *Mitchell* 1992). Penalty-enhancement statutes will always be based on evidence that is irrelevant to the initial criminal act (Gey 1997, 1025-26). The penalty-enhancement phase of a trial is separate from the criminal-action phase of the trial. Once a defendant has been convicted of a statutorily proscribed crime, then the prosecutor may attempt to prove a bias motivation. When viewed this way, "the enhancement of Mitchell's sentence for aggravated battery conflicts directly with the basic principle that a criminal conviction may not be based on offensive expression alone" (Gey 1997, 1022). Courts have held that it is unconstitutional to re-criminalize thought or motivation. The Court set a precedent in *Brandenburg* v. *Ohio* (1969), that while a court can punish criminal actions incited by speech, a court cannot punish the speech itself because this would be punishing protected expression, and "the punishment of the defendant's bigoted motive by…hate crimes statute[s] directly implicates and encroaches upon [this principle]" (*State* v. *Mitchell* 1992).

Part III: Policy Recommendations

There are a number of solutions that have been proposed in response to the dispute over the constitutionality of hate-crime legislation. Jacobs and Potter (1998) suggest that states already have criminal statutes that can successfully fight all types of crime, regardless of motivation, and that hate crime laws should simply be wiped off the books. They see no reason why the perpetrators of bias-motivated crimes could not be punished severely enough under generic criminal statutes. This, however, is an undesirable resolution to the constitutionality debate surrounding hate crime laws. There are too many reasons that hate crime laws serve a legitimate state interest. Hate crime legislation is important because it sends a political and symbolic message that bias crime, and implicitly bias, is wrong.

Yet, states could better protect their interests and avoid constitutional challenges by using a hate crime law that punished intent, and not motive. States often make distinctions between the levels of 'harm' caused by different intentions behind crimes. Crimes that are committed with the intention of creating an increased level of harm are therefore classified as a more severe type of crime. Proponents of hate crime legislation and even some courts have argued that hate crime victims suffer a greater level of psychological and emotional injury than victims of ordinary crimes, so the perpetrators of these types of crimes should be punished more severely (Jacobs and Potter 1998, 82). Boyd, Berk, and Hamner (1996) assert that bias-motivated crimes are "particularly vile" because of their symbolic nature. They emphasize that these types of crimes instill higher levels of fear in the victim, the victim's immediate contacts, and any member of similar ethnic, racial, or protected classes than non-hate crimes (820). Chief Justice Rehnquist, in his *Mitchell* opinion, wrote that hate crimes are "thought to be more likely to provoke retaliatory crimes, inflict distinct emotional harm on their victims and incite community unrest" (1993). Why not create laws that punish these potential harms, rather than laws that punish the motivation behind them?

States are afforded the right to punish some crimes more severely than others. Penalties are enhanced under dozens of circumstances. Penalties for crimes may be enhanced if the crime was committed near or on school property, was committed for hire, was committed because the perpetrator belongs to a criminal gang, was committed by a habitual offender, or if the crime is killing a

police officer or other public official (Pryor 2001; "Revised Code of Washington 9.92.090" 2005). For example, in its criminal statutes, Ohio lists a whole set of reasons for why a criminal may be given the death penalty, a sentence the U.S. Supreme Court has called "the most severe 'enhancement' of all" (*Wisconsin* v. *Mitchell* 1993). In every situation that a penalty may be increased, though, the perpetrator's motivation is not at issue for criminal culpability. These sentence enhancements do not have the same implications as hate crime penalty enhancements because they are "content or viewpoint neutral" (Jacobs and Potter 1998, 122). The reason the crime was committed is not in question.

Traditionally, states punish *criminal conduct* because it violates state interests. States punish this conduct more severely when a greater state interest is at stake, not when a perpetrator has a 'worse motive.' As the Ohio Supreme Court noted in its original decision in *State* v. *Wyant* (1992), "there is a significant difference between why a person commits a crime and whether a person has intentionally done the acts which are made criminal." What is implied by this is that states are allowed to punish aggravating criminal acts, or additional criminal intentions.

Hate crimes could legitimately fall under the category of crimes that pose a greater threat to state interest. According to Jenness and Grattet (1998), state and federal courts have consistently argued that states have a compelling interest in curbing hate crime, which "justifies limited infringements on First Amendment protections of speech" (112). These state interests are: that hate crimes produce a greater level of psychological damage to victims and communities; that hate crimes are more likely to provoke retaliatory crimes; and that hate crime legislation sends a message that hate is wrong. But, the current hate crime laws do not accomplish these goals in a constitutional manner. They target victim selection, motivation, and protected thoughts rather than additional criminal harm. Proponents of hate crime legislation have long argued that penalty-enhancement statutes punish conduct, not expression, or thoughts. Yet, the ADL model for penalty-enhancement doesn't match this ideal (Anti-Defamation League 2005). As long as the words "because of," "by reason of," or "motivated by" remain in hate crime legislation, the statutes will punish motive and not conduct and will run the risk of punishing crimes that were not actually committed with hateful or malicious intention. Hate crime laws will be more effective and constitutional only when they punish or re-criminalize additional *intent* or *harm* but not *motive* or *reason*.

The Court's Decision in R.A.V. *and its Implications for Hate Crime Legislation*

As mentioned in Part I of this paper, the Supreme Court, in a 9-0 decision, invalidated a St. Paul ordinance because it punished only certain types of expression. The unanimity of this decision, however, is somewhat misleading. Only five of the justices joined Justice Scalia in his majority opinion that the ordinance should be struck down because it selectively proscribed communication. Four of the justices struck down the ordinance because it prohibited constitutionally protected speech, and was thus overbroad. As Justice White wrote in his concurrence, the Court should have invalidated the law because of its overbreadth. According to Jack Levin and Jack McDevitt, authors of *Hate Crimes Revisited: America's War Against Those who are Different* (2002), the law easily could have been interpreted to infringe upon a "broad range of activities historically protected by our First Amendment" (176). The Court could have set a precedent in R.A.V. that would have made most penalty-enhancement hate crime legislation unconstitutional because of its potential infringement on free speech. That the Court did not strike down the St. Paul ordinance because of its proscription of speech left the door open for the Court to uphold laws that targeted speech and thought, like the Wisconsin state statute.

Nevertheless, the Court still could have used the majority opinion in R.A.V. – that the ordinance's content discrimination violated the First Amendment – to invalidate the Wisconsin statute at issue in *Mitchell*. In the majority opinion of *Mitchell*, however, Chief Justice Rehnquist stated,

> Nothing in our decision last term in R.A.V. compels [us to invalidate the Wisconsin statute]… Whereas the ordinance struck down in R.A.V. was explicitly directed at expression the statute in this case is aimed at conduct unprotected by the First Amendment   (*Wisconsin*   v. *Mitchell* 1993).

Yet, penalty-enhancement does punish expression and not conduct. Furthermore, in the majority opinion in *R.A.V.* v. *St. Paul*, Justice Scalia wrote:

> [The St. Paul ordinance] proscribed fighting words of whatever manner that communicate messages of racial, gender, or religious intolerance. Selectivity of this sort creates the possibility that the city is seeking to handicap the expression of particular ideas (1992).

If one were to substitute "fighting words" with "motive," the same precedent could apply to penalty-enhancement hate crime laws. The Wisconsin and Ohio Supreme Courts, in striking down penalty-enhancement hate crime laws, made quite compelling arguments for this. In the decision handed down by the Wisconsin Supreme Court in *State* v. *Mitchell*, the opinion asserts, "merely because the statute refers in a literal sense to the intentional "conduct" of selecting, does not mean that the court must turn a blind eye to the intent and practical effect of the law – punishment of offensive motive or thought" (1992). This punishment of motive is selective and proscribing of a particular set of ideas, unless every motive – not just those listed in a particular statute – is criminalized.

The Court Should Have Ruled Differently in Mitchell

In its *Mitchell* ruling, the Court attempted to skirt the issue of First Amendment infringement by implying that Todd Mitchell's speech was "so closely tied to his illegal action that there was no independent regulation of speech at all" (Gey 1997, 1020). This argument is not compelling. The Court provided no justification for overturning the Wisconsin Supreme Court's ruling that the statute criminalizes *thought* and not *conduct*, other than to say, "A physical assault is not by any stretch of the imagination expressive conduct protected by the First Amendment" (*Wisconsin* v. *Mitchell* 1993). The main problem with this assumption – that in the case of bias-motivated crime, conduct and motive are so intertwined that they are in fact one single act – is that the penalty-enhancement statute treated the words spoken by Mitchell as a separate part of the sentencing scheme from the aggravated assault for which he was initially convicted. The Court wants to interpret the law in both ways. At the time of the criminal action, it sees the conduct and motive as inseparable acts. Yet, at the time of trial, the two can be separated for purpose of punishment. If

this is the case, as Todd Mitchell argued that it is, then the Wisconsin statute actually punishes his bigoted beliefs.

The Court next addressed Todd Mitchell's argument that the penalty-enhancement statute would have a 'chilling effect' on speech. The Court conceded that in order to prove the motivation of a particular crime, prosecutors need to introduce evidence of a defendant's prior statements or associations. They went on to say, however, that the First Amendment "does not prohibit the evidentiary use of speech to establish the elements of a crime or to prove motive or intent" (*Wisconsin* v. *Mitchell* 1993). Yet, this means that prosecutors will use a defendant's prior speech to establish an ability or willingness to commit a crime, not to establish motive. For example, it would be tough for a person who states, "I'm going to kill you" to argue later that they committed involuntary manslaughter. This type of speech is evidence of *purpose* or *intent* to harm, and so it is admissible.

Furthermore, in the explanation that Rehnquist gave, he confused "intent" and "motive." The case that Rehnquist cited as precedent for the admissibility of speech to "prove motive or intent" does not address the issue of whether it is legal to criminalize thought. Rehnquist cited a 1947 case, *Haupt* v. *United States*, in which Hans Max Haupt, the defendant, was convicted of treason. Haupt argued that the trial court impermissibly allowed evidence pertaining to his "sympathy with Germany and Hitler and hostility towards the United States" (*Wisconsin* v. *Mitchell* 1993). Rehnquist writes that the evidence, which typically would be protected by the First Amendment, was permissible in that case because it proved "intent" and "adherence to the enemy," which were both components of the charge of treason (*Wisconsin* v. *Mitchell* 1993). The "intent" of treason is thus defined as a desire to harm the State and the adherence to the enemy is an element of that intent. However, these are not motives, as Rehnquist mistakenly claims. Haupt's motive in this scenario is irrelevant. The Court therefore could use Haupt to support a law that criminalized "intent," "purpose," "effect," or "harm," but not motive or reason. This is an important distinction. Although Chief Justice Rehnquist uses the terms interchangeably, as the following table illustrates, the terms are not transposable:

Motive and reason	Intent and purpose
Thought	Action
Not traditionally criminalized	A traditional element of criminal culpability
Protected by the First Amendment	Supreme Court has ruled that speech and associations can be used to prove elements of a crime, so not protected by the First Amendment
Need to use prior speech and associations to prove	Use of prior speech and associations not necessary to prove
Supreme Court has ruled that even objectionable thoughts cannot be criminalized	Considered harm by the state, so it can be criminalized

While the law traditionally establishes criminal liability in the purpose or purposes of an action, it usually ignores the "good" or "bad" motives behind that intent (Morsch 1991, 665). It doesn't matter why a defendant committed a criminal act other than the specific purpose. The purpose of a bank robber is to get money. This purpose is the robber's intent. The law criminalizes the intention to steal. The law doesn't care why the robber needed the money. It does not deal out a larger punishment if the robbery was committed to pay for an alcohol addiction than if the robbery was committed so that the bank robber could give money to his sick grandmother. According to Jacobs and Potter (1998), hate crime laws, on the other hand, are specifically designed to punish a criminal's motivation (30). Hate crime laws are the only laws that allow prosecutors to criminalize motive.

Finally, in its support of Wisconsin's penalty-enhancement law, the Court compared hate crime legislation with anti-discrimination laws. The Court compared the Wisconsin statute at issue in *Mitchell* to Title VII of the Civil Rights Act of 1964. It concluded that since Title VII is constitutional, Wisconsin's statute should be as well (*Wisconsin* v. *Mitchell* 1993; Jacobs and Potter 1998, 127). This is problematic because it confuses bigotry with discrimination (Gey 1997, 1038-1039). With anti-discrimination laws, the words "because of" are integral to the description of the conduct the state is attempting to regulate. In fact, the phrase "because of" is used in nearly every section of Title VII. With hate crime law, the words "because of" are irrelevant to the

ultimate act that triggers legal sanction. Unlike employment or housing discrimination, the state can punish statutory crime regardless of the motivation (Gey 1997, 1038-1039). In its *State* v. *Wyant* (1992) decision, the Ohio Supreme Court points out that in anti-discrimination laws, unlike in hate crime laws, "it is the act of discrimination that is targeted, not the motive…It is discriminatory treatment that is the object of punishment, not the bigoted attitude."

The Solution

The question is, what approach to hate crime laws could be used to allow states to protect their interests in punishing hate crime more heavily, without criminalizing thoughts or motivations? The most important feature of any hate crime legislation that is constitutional is that it criminalizes *intent* and not *motive*. Intent has long been criminalized in this country. The additional or even the potential for additional harm is often used as a basis for enhanced penalty, or a separate, more serious crime. For example, in Ohio, an individual can be convicted of criminal trespass, a fourth degree misdemeanor, for "knowingly enter[ing] or remain[ing] on the land or premises of another" ("Ohio Revised Code Ann. 2911.21" 2005). Yet, if that same person is convicted of entering or remaining on "the land or premises of another with purpose to commit on that land or those premises a misdemeanor" (such as assault or battery), the defendant is guilty of aggravated trespass, a first-degree misdemeanor ("Ohio Revised Code Ann. 2911.211" 2005). The state has thus established that the additional intent – the desire to assault another person – makes the latter crime worse than the former and therefore classifies the two separately. States often make such distinctions. Hate crime legislation could easily be constructed in a similar fashion, and in fact, some hate-crime laws nearly are. The Virginia law upheld in *Virginia* v. *Black* (2003) has become two different sections of code: Va. Code Ann. § 18.2-423.01 and Va. Code Ann. § 18.2-423.1. These two laws state:

> •§ 18.2-423.01: A. Any person who, with the intent of intimidating any person or group of persons, burns an object on the private property of another without permission, is guilty of a Class 6 felony. B. Any person who, with the intent of intimidating any person or group of persons, burns an object on a highway or other public

place in a manner having a direct tendency to place another person in reasonable fear or of death or bodily injury is guilty of a Class 6 felony (2005);

•§ 18.2-423.1: It shall be unlawful for any person or persons, with the intent of intimidating another person or group of persons, to place or cause to be placed a swastika on any church, synagogue or other building or place used for religious worship, or on any school, educational facility or community center owned or operated by a church or religious body (2005).

This paper seeks to propose a wording for hate crime legislation that punishes any crime that is an intentional act of intimidation more severely than any crime that is not. The motivation is irrelevant. This model provides:

A) A person is guilty of 'Malicious Intimidation' if he violates Section -- of the penal code with the intent to incite fear, anger, or conflict through ethnic, racial, religious, or gender intimidation, or intimidation of another person or group of persons.

B) Malicious Intimidation is a misdemeanor or felony where the degree of the criminal liability should be at least two degrees more serious than the penalty imposed for violation Section -- of the penal code.

This Policy will Combat Hate Crime but Does Not Violate the Constitution

By establishing hate crime as a statutorily criminal act, the proposed hate crime policy would not re-criminalize the motive of the criminal act, as current hate crime laws do. The "reason" that the crime was committed – the motive – is no longer an aspect of the crime. While a prosecutor could introduce motive as evidence in the trial, as one could for any other criminal act, motive is not criminalized using this policy. This policy would criminalize intent – satisfying the *mens rea* requirement of "purpose" and "knowledge" that is an integral part of traditional criminal statutes – and not thoughts.

Unlike the proposal that Jacobs and Potter (1998) make – that is, to remove all hate-crime legislation – this proposal provides a solution that would satisfy proponents of hate-crime laws and would allow states to *constitutionally* protect their interests. There is no logical reason why states could not write laws that punish malevolent intent, instead of prejudiced motive. Using the proposed wording, states would still be able to more heavily punish crimes that are more harmful because of their symbolic nature. Furthermore, states could still send a message that bigotry is wrong without directly punishing that bigotry.

While it is true that the intent to intimidate would often result from prejudiced beliefs, those prejudiced beliefs will not themselves be criminalized under this proposal. The Court has established that it is constitutional to enhance penalties for an additional intent even when that intent is caused by bigotry or hatred. In the 1983 case, *Barclay* v. *Florida*, the Court upheld the decision of a judge to use racial animus that was displayed through harmful intentions as an aggravating factor when considering sentencing. In that case, the defendant, a black man, killed a white hitchhiker. The Court allowed the sentencing judge to take into account "aggravating factors" behind the murder, such as the defendant's desire to start a "race war" against whites (*Barclay* v. *Florida* 1983). In terms of the additional intention of hate crimes, there is probably not one that would be more harmful than to start a "war" between classes or groups of individuals.

In punishing cases of Malicious Intimidation, prosecutors would be able to use a defendant's prior speech and associations to obtain a conviction. The Court has consistently held that use of a defendant's speech during, before, or after a crime is not a First Amendment violation if it is used to prove intent or some other element of a crime. For example, detectives and prosecutors may use a defendant's diary to prove premeditation of a crime. Premeditation has always been considered an aggravating criminal offense. *Motive*, on the other hand, has not. Furthermore, unlike with motivation, proving intent does not require the use of past speech, thoughts, or associations. If a defendant has repeatedly targeted a specific group or class of individuals, or if a defendant victimizes an individual belonging to a protected class in the commission of a crime that would not have happened for any other reason, the intention of the defendant can be proven without using evidence of speech or thought.

Punishing Intent

Laws that punish intent are less likely to criminalize thoughts and do not run the risk of enhancing the penalty for a crime that was committed because of the actuarial status of a victim. The penalty-enhancement imbedded in current hate crime statutes punishes a criminal directly for the motivation for that crime. This is why the Wisconsin Supreme Court believed that hate crime laws undoubtedly punish hate. Using the proposed policy, however, criminals could only be punished for what they do. There is no re-criminalization of thought or motive. Additionally, the proposed wording does not allow prosecutors to enhance penalties for crimes that are not associated with symbolic hatred. From the example above, if a gay person is attacked because it is perceived that he will be reluctant to fight back, but without any intention of causing intimidation or fear because of his sexual orientation, then that person's attackers cannot have their punishment enhanced for hatefulness.

Court's routinely dismiss challenges to current hate crime legislation because the laws cover conduct, not protected speech or thought (Jenness and Grattet 2001, 109). Yet, current hate crime laws do criminalize thought because only the reason that an individual acts is criminalized. For current hate crime laws, the desired outcome of the defendant is not even addressed. This is dangerous because the First Amendment – as well the liberal ideals that are the backbone of democracy – protects an individual's right to freely think and believe whatever they chose. Punishing the reason that a criminal acts is a violation of First Amendment rights. Conversely, the First Amendment does not protect all forms of expression. If a criminal wishes to express hatred or bigotry through intimidation, the state has the right to criminalize this intention. It cannot be the case that allowing states to police intent also allows them to punish reprehensible beliefs. In the majority opinion of *Texas* v. *Johnson* (1989), Justice Brennan wrote that it is "the governmental interest at stake that helps to determine whether a restriction on that expression is valid." For precisely this reason, states are allowed to punish bigoted expression that is in the form of intimidation. Regulating the reason that criminals act, however, is not constitutionally allowable.

Moving Forward

In the Supreme Court decision for *Tison* v. *Arizona* (1987), Justice O'Connor wrote, "deeply ingrained in our legal tradition is the idea that the more purposeful is the criminal conduct, the more serious is the offense, and, therefore, the more severely it ought to be punished." This is an important and affirmable principle. Nevertheless, the Court, while attempting to affirm the precedent of *Tison*, overstepped Constitutional bounds by upholding Wisconsin's hate crime statute. In *Wisconsin* v. *Mitchell* (1993), Chief Justice Rehnquist misinterpreted the difference between intent and motive and used the Court's support for punishing the former to allow prosecution of the latter.

In offering a solution to the constitutional dilemma of hate crime laws, this paper can be used to reinforce the concept that hate crimes should not be tolerated. Hate crimes are a particularly vile and heinous type of crime and pose a grave harm to our society. Punishing the speech, thoughts, and expression associated with prejudice, however, may be an even greater threat to the political ideals that make this country's foundation. The Constitution does not allow the government to proscribe the thoughts and beliefs of individuals. As Justice Scalia wrote in the *R.A.V.* v. *St. Paul* (1992) decision of the Court:

> One must wholeheartedly agree with the Minnesota Supreme Court that it is the responsibility, even the obligation, of diverse communities to confront [hate crimes] in whatever form they appear, but the manner of that confrontation cannot consist of selective limitations on speech.

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Candidates' Use of the Media in the Most Recent Elections in Canada, Great Britain and the United States

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In today's political landscape, the media plays an increasingly important role in political campaigns and elections. The different types of stories published by newspapers and on the Internet, combined with television coverage, can shape campaigns. In this paper, I study the relationship between candidates and the media by examining newspaper coverage from the United States, Great Britain, and Canada, in the weeks leading up to each country's most recent election. I divided the stories into several categories, per earlier literature on this topic, and discovered that the type of government – presidential or parliamentary – in a country will influence the type of electoral coverage. From my findings, I draw conclusions about more effective ways in which the media could cover political campaigns and elections.[29]

Introduction

If a candidate falls in the forest, and no one is there to report it, does it make a campaign scandal? Today's political campaigns have become media-focused and media-fueled spectacles. Candidates frame their campaigns so as to garner the most attention from potential voters and now every whistle-stop tour, every factory visit, every handshake and baby kissing can be instantly reproduced on a 24-hour news network or the Internet. On the flip side, every misspeak or misstep on the part of the candidate can now be thrust into the forefront of the voter's mind. In effect, the media plays a more important role in the campaign process than the candidates themselves. Politicians and the media have the definitive love-hate relationship. They rely on one another and they manipulate one another in ways that have serious repercussions for the entire political process. At no other time are those repercussions more felt than during elections.

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I aim to study the relationship between candidates for political office and the media by looking at the nature of coverage garnered by candidates during an election cycle. Additionally, I want to determine if political coverage is consistent across other English-speaking democracies or whether it is unique in character to the United States. I will analyze the coverage to see if the type of government impacts the relationship between politicians and the media. The literature suggests that the parliamentary system will produce fewer candidate-centered stories in newspapers than their American counterparts. I will explore ways in which the media can do a better job of reporting in the weeks leading up to elections in order to create a more informed voting public.

Literature Review

Today's voters have access to more sources of information concerning campaigns and candidates than ever before. Between newspapers, evening news programs, 24-hour news networks, talk radio, public affairs magazines and the Internet, it would seem that voters should be able to access stories on issues that give them a variety of different angles and viewpoints on candidates, political parties and the issues important to both. Increasingly, however, the abundance of news sources available seems to have fostered more conformity in news coverage throughout the different journalistic media (Davis and Owen 1998, 205). The changing nature of the press and the campaigns' understanding of how to manipulate the media to their advantage have changed the landscape of political reporting, and thus have fundamentally altered the information available to the voting public.

The media has been described as the ultimate interest group (Seaton 1998, 53). Media outlets have the dual responsibility of both participating in the political process and evaluating it. In the United States, the media is characterized as the fourth branch of government because of their importance to our system of checks and balances. No other interest group penetrates all areas of public discourse as completely as the media. And just like any other interest group, the media's influence is most apparent during the election season.

The press plays a crucial role in the election process. Journalists, through their coverage in newspapers, television, radio and increasingly the Internet, have the power to decide whether a campaign or a candidate is newsworthy. Thus, the media acts as a kind of kingmaker, especially in the early

stages of campaigns (Graber 1993, 253). In deciding who and what to cover, journalists are deciding who and what is important, and the public takes those cues. Once newsworthiness is established, the same journalists assign themes to campaigns to make them easier for the average consumer of news to digest and understand (Joslyn 1984, 100). All coverage that subsequently follows is shaped by these themes. For example, in the 2000 American presidential election, each Gore fact discrepancy and each Bush speaking faux pas played into some of the themes that had been established for the candidates – dishonesty and stupidity, respectively – by the press corps.

The changing newsgathering values of the press have contributed to its increased importance in the political process. Larry Sabato notes three distinct phases of press history in the United States that demonstrate an evolution from government-friendly to government-hostile media (Davis and Owen 1998, 201). According to Sabato, from 1941 to 1966, the press was dominated by a "lapdog" mentality. In this era, reporters simply served and reinforced the status quo, and avoided prying into the private lives of public figures. The second phase, from 1966 to 1974, was triggered by the Vietnam War and the Watergate scandal and involved increased attention to investigatory journalism. The press saw itself as a "watchdog" and thus made it a priority to uncover the public transgressions of elected officials. Private lives still remained private however. Sabato calls the last phase, which began in 1974 and continues to this day, "junkyard dog journalism." He argues that journalists now have an "anything goes" mentality when it comes to reporting about politicians, regardless of whether or not what they are reporting has any impact on the governing ability of those politicians. The result, he argues, is an adversarial relationship between the press and politicians in which the overwhelming focus on image and personality proves detrimental to real issues.

While this may be true, politicians have learned how to manipulate the press to meet their campaigning needs, despite of, and perhaps because of, an atmosphere of "junkyard dog journalism." The evolution of the media itself has changed the ways in which campaigns are run today and has played into the hands of political consultants tasked with packaging and promoting a candidate as an image. The advent of television, and more recently the Internet, has created an environment in which a candidate's image is often more important than his stance on a given issue.

Graber writes that the rise of media politics as a result of the increased importance of television has marked a fundamental shift in the election landscape of the United States (Graber 1993, 249). She argues that the evolution of media has led to a decline in party influence because of the increased visibility of the candidate as an individual. She also argues that both candidates and campaigns must be media-friendly in order to have a legitimate chance of being elected. Negrine notes that campaigns attach an increased importance in their media and marketing strategies "to the personalization of politics on the grounds that the medium (television) cannot easily cope with the abstract and functions best with personalities" (Negrine 1996, 158).

In other words, the increased reliance of voters on television to get their news has led to television-friendly campaigns that boil issues down to fifteen-second sound bites and place a premium on candidate coverage of any kind. This has led to the rise of "pseudo-events," events which exist solely for the purpose of being covered by the media (Croteau and Hoynes 1994, 20). Candidates stage these events and thereby determine the kind of coverage they get. In doing so, they are able to bypass the old gate-keeping aspects of journalism and present themselves in the ways in which they want to be viewed by the public (Jamieson and Waldman 2003, 71).

This candidate-centered approach to campaigns is not unique to the United States, however. Even in parliamentary systems such as those in Great Britain and Canada where parties play a more important role than individual candidates, elections have become more candidate-centered and media coverage has gradually shifted away from issues. Fletcher (1987) argues that in Canada:

> Modern national elections are essentially mass media exercises in which the political parties compete for attention and favorable coverage and comment. Even in parliamentary systems where there is, in a legal sense, no national election, the campaign fought among the party leaders had dominated both media coverage and voter attention (342).

While Fletcher argues that the change is due to American influence, Graber (1993, 161) posits that a similar trend in Great Britain campaigns may be the result of the evolution of the democratic process. Graber argues that the

change in political communication, specifically the direct appeal of the candidate to his constituency via the media, is a result of post-modernist thought. She says that the social fragmentation and continuous change associated with post-modernism has eroded traditional values and allegiances, such as class loyalty, that were often closely linked to party affiliation. This has caused candidates to make direct appeals to a broader constituency through the media.

Trent and Friedenberg detail the findings of a 1976 survey in the United States that illustrates the growing interdependence of media and political campaigns and candidates. The study, conducted by Thomas Patterson, found that:

> •Although the media do not change attitudes, they do influence because people rely on them for information, thereby placing media in a position to influence perceptions.
> •The stories that voters see in newspapers and watch on television 'affect what they perceive to be important events, critical issues, and serious contenders: [media] will affect what they learn about the candidates' personalities and issue positions.'
> •Thus, the power of the press 'rests largely on its ability to select what will be covered and to decide the context in which these events will be placed' (Trent and Friedenberg 2004, 139).

Trent and Friedenberg argue that those findings have affected the ways in which candidates for public office deal with the media because of its importance in the electoral process.

Political Systems

Central to the relationship between the media and the political process is the nature of the electoral process itself in each of the three countries. It is necessary to understand that process in order to trace how candidates in different countries interact with the media and how that may be related to an evolution of the democratic process. The type of government dictates the shape that the

electoral process takes. Ronald Landes presents two sets of typologies for classifying governments. He describes governments as either federal or unitary, and either parliamentary or presidential. A federal government is based on the idea of division of power between levels of government, such as the divisions that exist between the national government and states in the United States, and the national government and provinces in Canada (Landes 1983, 24). Federal systems allow for a certain amount of autonomy in that intermediate level between local and national units. Because it is based on principles of power sharing and cooperation, such a system means that regionalism plays a factor in the government, and thus in the electoral process and candidate strategies. In contrast, unitary systems, of which Great Britain is an example, cut out the intermediate level of government and instead consist of a central government with local units. Because there is a more direct relationship between governmental units on the national and local level, national parties do not have to change their strategies to adapt to varying regional conditions as is often the case in federal systems.

Landes also classifies governments as either parliamentary or presidential. One of the most salient features of parliamentary governments, like those found in Canada and Great Britain, is the fusion between the legislative and executive branches. The executive branch in parliamentary systems, the prime minister and his cabinet, is composed of the leaders of the party in control of the majority of the seats in the legislature (Landes 1983, 25). Thus, the legislative and executive branches are united under a common party platform. This is not always the case in presidential systems, like that of the United States. Such a system allows for divided government and the check and balances inherent in it mean that the legislature and president have their own mechanisms for controlling the power of one another, creating less efficient policy-making, but largely insulating the government from a tyranny of the majority. Additionally, the president is specifically chosen and must appeal to his entire constituency, in this case the entire United States. This shapes his entire campaign strategy and thus how he presents himself to the media because he must appeal to a nationwide spectrum of interests. Increasingly however, Landes notes that prime ministers are becoming the key actors in parliamentary systems, much like their counterparts in presidential systems. This change, which he refers to as the "presidentializing" of parliamentary government, represents a shift in the way in which the executive branch is perceived in a parliamentary system and manifests

itself in the media by an increasing focus on party leaders and their agendas as opposed to more generic party stories (Landes 1983, 111).

One of the fundamental differences between the parliamentary systems of Canada and Great Britain and the United States is the timing of the elections. In the United States, presidential elections must be held every four years, regardless of the circumstances. In contrast, the British and Canadian parliamentary systems require that general elections be held within five years of the previous election, which allows the incumbent government to select a time that would be most favorable to their reelection chances (Blumler and Semetko 1987, 416). Or, the election can be forced by a vote of "No Confidence" from the parliament. The net result of these two methods of determining election coverage is intuitive: typically, if a government calls for an election, the administration thinks it has a good chance of picking up some additional seats. The opposite is true if a vote of "No Confidence" is passed. Either way, when an election is called, Canadian and British elections are short, intense and party-driven, thus costing the candidate very little money. Additionally, because of the importance of alliances in parliamentary systems and the potentially volatile nature of those relationships, the makeup of the government can potentially evolve after an election if a coalition government is formed.

Comparatively, every political eye in the United States turns to making predictions about the next elections just months after an election's outcome is determined. Today's presidential campaigns are often years-long circuses of campaign events and speeches. They are expensive and can be characterized as anti-climactic because the drama is dragged out over the course of months. These differences potentially impact the ways in which the media focus their coverage on the electoral process, and how candidates in turn manipulate that coverage.

Research Design

The idea behind this thesis is to explore the complex relationship between the media and political campaigns to determine if voters are getting a complete picture going into Election Day or just the image that the candidates wish to convey. In order to do this, I will look at media coverage in the last four weeks before the most recent elections in Canada, Great Britain and the United States. Beyond the obvious convenience of all three being English-language

sources, these countries are particularly interesting to compare because of their relationship to one another. Because they all used to be a part of the British Empire, they share a historical link that makes their similarities understandable and highlights their differences. Because of this shared history, it is easier to make direct connections between the political systems within the countries and the ways in which their media cover those systems.

Rather than look at all aspects of the media, I decided to focus on newspapers because of their historical and ongoing importance to the political process. Newspapers once served as the only link between citizens and their elected officials. Citizens used papers to help them make informed choices and politicians used them to present their messages to voters. Newspapers still act in this capacity, though the rise of television and the Internet tempers the extent to which the public and politicians must rely on them. I will be looking at two newspapers from each country in order to determine if there is a difference in election coverage between the countries and if that coverage is consistent within each country. I chose papers based on their circulations, reputations and the extent of their national coverage. I will classify each election story based on theme using a methodology influenced by Doris Graber in order to get a better understanding of the type of election coverage present in the given newspapers (Graber 1993, 270). Stories will be categorized as follows:

> •Horse race (e.g., stories involving winning and losing, polls, contested regions)
> •Campaign events (e.g., stories involving the campaign trail, debates)
> •Issues (e.g., stories involving domestic and foreign policy, the economy)
> •Campaign strategy (e.g., stories involving campaign tactics, fundraising, appeals to specific demographics, scandals, party unity)
> •Candidates (e.g., stories involving candidates, their stances on particular issues, their personalities, their families)
> •Media (e.g., stories involving the media and its participation in and effect on the electoral process)

•Voting (e.g., stories involving voting procedure, campaigns' targeting of particular voter demographic, voting fraud and contentions)

•Third parties (e.g., stories involving smaller, or fringe, political parties)

•Incumbents (e.g., stories involving parties running for reelection and the importance of their records)

•Post-election predictions (e.g., stories involving post-election predictions)

It is important to note that most of the stories contained a number of the thematic categories described above. Ultimately, however, it was possible to characterize each story based on its central focus.

Content Analysis

Canada held its last election, which was marked by a focus on social policy issues and voter apathy, on June 28, 2004. I looked at newspaper coverage from June 1 through June 28. I used *The Toronto Star* and *The Globe and Mail* as sources. *The Toronto Star* entered the crowded Toronto newspaper market in 1892 as a self-styled "Paper of the People" ("History of the Toronto Star" 2005). It reaches 1.2 million readers daily and 1.7 million on Sunday and is circulated throughout Canada ("The Newspaper" 2005). *The Globe and Mail*, also circulated nationally, was founded in 1844 as a political vehicle ("The Globe and Mail: History" 2005). Since then, it has retreated from its original focus and has transformed into one of the papers of record in Canada. It has a national readership of 977,000 daily and 1,080,000 on Saturdays ("The Globe and Mail: Circulation/Readers" 2005).

As can be seen in the following table, the Canadian papers both featured more campaign strategy stories than any other type. *The Toronto Star* ran 69 such stories, accounting for 21.2% of their total election coverage. *The Globe and Mail* ran 102 strategy stories, or 21.7% of their coverage. The extent of their coverage varies across the other election themes. *The Globe and Mail* had 82 issue stories (17.5%), 63 vote-related stories (13.4%) and 53 candidate stories (11.3%). It gave the least amount of coverage to third-party and issue stories, running 16 third party stories (3.4%) and only five incumbent stories (1.1%).

The Toronto Star ran 67 vote-related stories (20.6%), 59 candidate stories (18.2%) and 47 issue stories (14.5%). Like its counterpart, it also devoted the least amount of print to third parties and incumbent-centered stories, running three third party stories (0.9%) and three incumbent stories (0.9%). The numbers below represent the number of stories run in each category, with the percentage of total campaign coverage per paper devoted to each category in parentheses.

Category	Times (GB)	Guardian (GB)	Star (C)	Globe (C)	USA TODAY(US)	NYT (US)
Campaign strategy	71 (21.6%)	111 (20.4%)	69 (21.2%)	102 (21.7%)	15 (11.9%)	59 (13.9%)
Campaign event	41 (12.5%)	51 (9.4%)	36 (11.1%)	48 (10.2%)	29 (23%)	62 (14.7%)
Horse race	11 (3.4%)	42 (7.8%)	18 (5.5%)	38 (5.1%)	10 (7.9%)	36 (8.5%)
Candidate	42 (12.8%)	61 (11.2%)	59 (18.2%)	53 (11.3%)	7 (5.5%)	32 (7.6%)
Issues	67 (20.4%)	96 (17.7%)	47 (14.5%)	82 (17.5%)	9 (7.1%)	70 (16.5%)
Media	29 (8.8%)	67 (12.3%)	18 (5.5%)	32 (6.8%)	9 (7.1%)	47 (11.1%)
Voting	49 (14.9%)	71 (13.1%)	67 (20.6%)	63 (13.4%)	39 (30.9%)	79 (18.7)
3rd Parties	3 (.9%)	25 (4.6%)	5 (1.1%)	16 (3.4%)	4 (3.2%)	8 (1.9%)
Incumbent	1 (.3%)	8 (1.5%)	3 (.9%)	5 (1.1%)	3 (2.4%)	20 (4.7%)
Post-election	15 (4.6%)	11 (2%)	3 (.9%)	30 (6.4%)	1 (.8%)	10 (2.4%)

Great Britain's most recent elections occurred on June 7, 2001 and were viewed as a referendum on a Labour government under Tony Blair that had so decisively won the previous election. I looked at coverage from May 11 through June 7 in *The* (London) *Times* and *The Guardian*. *The Times*, one of the world's

most famous papers, was first published in 1785 ("Brands – The Times" 2005). It is sold across the globe and averages around 680,000 daily readers domestically. *The Guardian* is relatively young by comparison, having been first published in 1821 ("History" 2005). It has a circulation of more than 370,000 readers daily ("Circulation and Readership" 2005).

Looking again at Table 1, it is clear that, collectively, the British newspapers featured the most election coverage overall. In the 28 days before the election, *The Times* had 329 election-related articles and *The Guardian* had 543. In both of those papers, campaign strategy emerged as the dominant theme in their election coverage. *The Times* ran 71 articles related to campaign strategy, accounting for 21.6 % of their total election coverage. *The Guardian* ran 111 articles in the same time span, or 20.4% of their election coverage. Over the course of the four weeks, campaign strategy stories appeared less frequently than in the beginning of the campaigns, which is not a surprising trend.

Both papers also focused considerably on issues, both domestic and foreign. *The Guardian* ran 96 issue stories, or 17.7% of their coverage, and *The Times* ran 67, or 20.4% of their coverage. Stories related to voting ranked third in both papers as well. *The Times* featured 49 such stories, or 14.9%, and *The Guardian* featured 71, or 13.1%. Like the Canadian newspapers, *The Times* devoted far less print to third parties and incumbents, running three third party stories (0.9%) and only one incumbent story (0.3%). *The Guardian* featured stories related to post-election predictions and incumbent performance the least, running 11 post-election stories (2%) and eight incumbent stories (1.5%).

The United States' recent presidential election, held on November 2, 2004, essentially centered on the war in Iraq. Issues of *The New York Times* and *USA TODAY* between October 6 and November 2 served as my American press sources. *The New York Times,* founded in 1851, has the distinction of being the country's most honored newspaper with 90 Pulitzer Prizes to its credit ("The New York Times" 2005). It caters to a national audience, but is primarily focused on the New York City region. It has a national circulation of more than 1.1 million readers daily and 1.7 million on Sundays, giving it the highest circulation of any seven-day newspaper in America. *USA TODAY*, the newcomer to the press world having been started comparatively recently in 1982, is the only paper in this study with an explicitly national focus. Published Monday through Friday, *USA TODAY* boasts the largest readership in the United

States, circulating 2.2 million copies daily and almost 2.7 million on Fridays ("A Brief Company History" 2005).

One more look at Table 1 shows that stories related to voting dominated the election coverage in the United States. *The New York Times* ran 79 stories on the topic, or 18.7% of their total election coverage, and USA TODAY ran 39 such stories, or 30.9% of their campaign coverage. Similarities in coverage between the two papers end there, however. *The New York Times* featured 70 issue stories (16.5%), 62 campaign event stories (14.7%) and 59 campaign strategy stories (13.9%), but their coverage of post-election predictions and their parties was lacking. It ran only 10 post-election stories (2.4%) and eight third party stories (1.9%). *USA TODAY*, which featured the fewest number of election stories of any of the newspapers observed, ran 29 campaign event stories (23%), 15 campaign strategy stories (11.9%) and 10 horse race stories (7.9%). The least amount of coverage was found in the incumbent performance and post-election prediction areas, with three incumbent stories (2.4%) and one post-election story (0.8%).

Findings

What all of those numbers represent is the importance placed on a certain facet of the campaign as determined by the journalists who decide about what to write. It would follow that the more coverage a certain area gets, the more important it is in the minds of the journalistic and editorial powers that be. It seems that within each country, those minds think alike. And given the governmental structures and political circumstances of the given countries, that makes perfect sense. In the United States, the leading newspapers gave the plurality of their coverage to issues surrounding voting – voter registration, vote reforms, suspected voter fraud, voter indecision – and following the voting debacle that was the 2000 election, this is no surprise. The close margin of the 2000 election showed the importance of every vote and the prevalence of problems associated with some voting procedures highlighted an issue that has often been overlooked by the average citizen. Thus, the press catered to issues that the American public found important in the wake of the 2000 election.

Campaign strategy proved to be the largest category in Great Britain and Canada and I suspect that this has to do with their style of government. A parliamentary system requires that an entire party act in unison in order to

achieve the common goal of obtaining or staying in power. In order to do that, a clear-cut strategy must be in place and that strategy must be articulated down the party line to the voters themselves. Any deviation from that line and there are consequences. Many of the campaign strategy stories centered on either Labour, the Tories or the Liberal Democrats in Great Britain and the Conservatives or Liberals in Canada regrouping after a particularly brutal attack from the other side. Success in a parliamentary system rests on a unified party front, and campaign events often necessitate shoring up that front, thus drawing press attention. Along those lines, defections from parties create a whole other element of political drama, and the press feeds off of these displays of party disunity. Additionally, parliamentary government often relies on alliances between parties, thus generating another source of election fodder for the media.

However, while the press is responsible for deciding what it will cover and what it will ignore, it is the candidates and the parties who actually create the news that makes it into the papers of these countries. This corresponds to the idea that campaigns in all of the democracies studied are trending toward a more candidate-centered format, thus generating more candidate-specific coverage. This campaign strategy appeared so frequently in the pages of Canadian and British newspapers that it attests to the ability of politicians within those countries to create situations that bring the kind of widespread public attention necessary to win an election. Most of the stories in this category stemmed from some sort of official statement or memo released to the public. Thus, they appear to be calculated attempts to generate press coverage. Additionally, when the spokesman for a particular party releases a statement about that party's strategy on attracting young voters for instance, the rival party feels compelled to respond accordingly creating a kind of self-perpetuating cycle of party-generated news.

The same idea can be found in the way in which the American press tends to cover the campaign season. Newspapers in the United States featured campaign events such as stump speeches, rallies and debates more frequently than did their Canadian or British counterparts and I think that this is also indicative of the ways in which our political system separates us from those countries. Candidates in the United States sweep the country not only to meet those crucial voters in swing states like Florida but also so every voter in the country will wake up the next day and see a picture of them shaking hands with Joe Orange in a citrus grove in Clearwater. And after he shakes a few hands, he will get up and make a speech, slightly different from the one he made yesterday

in Iowa in order to engage the audience, and portions of that speech will be printed right underneath his picture.

So many of these stops could be classified as pseudo-events as defined by Croteau and Hoynes (1994, 20). Thus, these stops along the campaign trail serve in almost the same capacity as the political parties in countries with parliamentary systems. Where parties in Great Britain and Canada would shoulder the burden of getting out the party line to the voting public, American politicians tend to bypass our parties in favor of appealing directly to voters through the media. Candidates get to spread their message and newspapers have the perfect photo opportunity, creating a recipe for candidate manipulation and journalistic apathy.

Despite the lack of real reporting present in such stories, all of the papers examined appeared balanced in their coverage of election issues. Editorials are a different matter entirely, but straight reporting appeared to be the norm in every country studied. Across the board, election stories fit into a standard framework of statement and rebuttal. A candidate or spokesman says something, the other party responds and the reporter abstains from trying to interpret what such an exchange might mean. Such formulaic reporting prevents a reader from gaining any further insight into the substance of the campaigns because it involves simply rehashing statements made any number of times at a number of different campaign stops.

One of the most interesting aspects of this analysis was the frequency with which the press criticized itself for its coverage of the elections, not just in prediction-happy America but in Canada and Great Britain as well. All of the papers ran stories about the media's propensity to predict the winning horse before the race had even properly begun. Some of the papers even included a special "media watch" section in their election coverage. Also, all six papers contained articles that questioned how they were being used in the course of the campaigns in order to convey a particular message to the public. That the press recognizes these flaws in its coverage of elections proves that there is room for improvement in how it presents elections to the public.

Conclusions/Implications

The press has a responsibility in democratic societies to hold their governments accountable in the court of public opinion. The only way they can

fulfill this duty is to accurately and fairly report all of the relevant information about the campaigns. But such reporting would necessitate important changes in the way in which elections are covered. First, the press need not follow candidates around in packs every time they shake a hand or open their mouths. Save coverage for events that actually matter and speeches that do not simply repeat the same message that has been regurgitated throughout the campaign. This would decrease campaign coverage most likely, but it would also end the dilution that characterizes that coverage today.

Secondly, journalists cannot be content to be guided by the political masterminds behind the campaigns. Press releases and debates with hundreds of rule and stipulations make for easy reporting, but they also create a situation in which the candidate has the upper hand and the press is left begging for any scraps they might be able to get from the electoral table. Simply reprinting excerpts of speeches made by candidates without putting it into any kind of meaningful context is essentially free political advertising. Even if coverage is balanced among the parties, it still means that voters are being left with a candidate-constructed picture of the electoral landscape.

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Fighting Terrorism in the Middle East: A Cultural Evaluation of the *National Strategy for Combating Terrorism*

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Following the September 11, 2001, terrorist attacks, the Bush administration created the National Strategy for Combating Terrorism to diminish conditions worldwide that may spawn terrorism – conditions such as poverty and oppression. This paper will analyze the effectiveness of the strategy in the Middle East, the base of the September 11th terrorists. First, this paper argues that previous techniques used by the United States in the Middle East may not have been successful, due in part to the United States' use of gesellschaft techniques in the gemeinschaft culture of the Middle East. A gesellschaft culture is one that emphasizes individualism and the use of facts and reason to evaluate a situation. In contrast, a gemeinschaft culture is one that emphasizes community and the consideration of the context, including history, emotions, and religion as a whole to evaluate a situation. After analyzing its strategy, this paper concludes that the National Strategy for Combating Terrorism may fail in the Middle East because it too uses gesellschaft techniques.

Introduction

The September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon drew the attention of the United States and the world to the Middle East. Counterterrorism suddenly became the focal point of national security priorities in this region in hopes of preventing another tragedy. Yet, how does one go about preventing an act in which the participants care not about punishment or death? The Bush administration's response to this problem was the *National Strategy for Combating Terrorism*, officially announced to the public in 2003 (National Security Council 2003). The new strategy proposes to combat terrorism by utilizing a variety of tools including military, economic, political, and social methods. The basic rationale for using non-military tools developed from the administration's belief that conditions such as poverty,

oppression, and a low respect for human rights spawn terrorism (National Security Council 2003).

However, similar programs were set up after World War II to correct many of these same conditions in the hopes of containing the spread of communism. Though communism did not spread to the Middle East, the methods used by the United States were unable to correct these conditions. Will the methods used by the *National Strategy for Combating Terrorism* succeed where similar programs in the past have not? This study proposes that the *National Strategy for Combating Terrorism* may not be successful due to cultural differences in identity and thought between the United States, a gesellschaft culture, and the Middle East, a gemeinschaft culture (Bennett and Stewart 1991). In other words, the *National Strategy for Combating Terrorism* may not succeed since it attempts to use gesellschaft methods in a gemeinschaft culture, the Middle East.

The study of culture and its effect on domestic and foreign policy has grown into a major research area. "One of the most surprising aspects of the renaissance of scholarly interest in culture has been the emerging consensus in national security policy studies that culture may significantly affect grand strategy and state behavior," states researcher Jeffrey Lantis said in his study "Strategic Culture and National Security Policy" (2002, 87). Likewise, studies on terrorism have also grown, especially following September 11, 2001. Many studies have explained the rise of terrorism in non-culture terms, such as the United States' intervention overseas (Eland 1998). Some studies, though, have analyzed the importance of culture on the increase in terrorist organizations. The study "X + 911" by Robert Hutchings (2004) explains the rise of terrorism in part as a reaction both to the spread of American culture, and the terrorists' fear that it threatens their own culture. Similarly, both "Effects Based Operations for Transnational Terrorist Organizations: Assessing Alternatives Courses of Action to Mitigate Terrorist Threats" by Lee Wagennhals and Larry Wentz (2004) and "While America Slept: Understanding Terrorism and Counterterrorism" by Ellen Liapson (2003) discuss the importance culture plays in motivating the violence of terrorists.

Few studies, however, have yet analyzed the *National Strategy for Combating Terrorism* and its effectiveness in the culture of the Middle East. The article "Mishandling Suicide Terrorism" by Scott Atran (2004), for example, does discuss the importance of group orientation in Middle Eastern culture and

its effect on the *National Strategy for Combating Terrorism.* Yet, this study does not look further than identity into Middle Eastern culture.

This paper, therefore, will delve further than past studies into the analysis of culture, its effect on terrorism, and the success of the *National Strategy for Combating Terrorism.* First, this study will go beyond past research on culture to analyze the effect of not only identity, but also thought on the effectiveness of policies. In addition, the *National Strategy for Combating Terrorism* will be examined differently from past studies. Instead of identifying the underlying causes of terrorism, this paper will consider if the methods put forth by this policy will be effective in a culture that differs from the United States not only in identity but also in thought.

To evaluate the cultural effectiveness of the *National Strategy for Combating Terrorism*, this paper will first analyze previous United States' policies in the Middle East. A history of the past policies will be outlined, along with the successfulness of the techniques. Then, the faults of the methods will be explained using the cultural factors of identity and thought. The goal of this first section is to demonstrate that one reason past policies may not have been completely successful was because the United States used gesellschaft methods in a gemeinschaft culture, the Middle East. Then, the *National Strategy for Combating Terrorism* will be described and analyzed to determine if it too uses gesellschaft methods, which may also hinder its effectiveness in the Middle East. Last, possible reforms will be discussed and evaluated.

The History of Previous Middle East Policies

Increased United States involvement in the Middle East began following World War II as the other major powers in the area, Britain and France, became too weakened by the war to aid in the reconstruction of the Arab states (Bargeron 2003). Though terrorism was not a major issue at the time, the beginning of the Cold War centered the United States' foreign policy on containing the spread of communism. To block the spread of communism to the Middle East, the United States government created policies to bring peace, encourage democracy, and establish good relations in the weak or underdeveloped Middle Eastern states. Though the United States government did inhibit the spread of communism to the Middle East through economic, political, and military tools, the government did

not completely succeed in bringing peace, democracy, and a pro-American sentiment.

Economic

The first decade of American foreign policies in the Middle East employed economic tools like financial aid to block the spread of communism, but did not succeed in establishing democracy or good relations. Political scientists of the time favored a socio-political model to explain the behavior of countries (Bargeron 2003). This model argued that the nature of a country's society and government influenced political actions. Applying this model, the American government decided that the non-democratic nature of Middle Eastern society and its political systems made these states susceptible to communism. Therefore, the American government of the 1950s manipulated money and other economic resources in an attempt to change the values, practices, and institutions of the Middle East (Bargeron 2003).

President Harry Truman set the precedent for this model through his Four-Point Plan of 1949, which offered financial aid to impoverished nations of the world. Truman believed that poverty led to political instability and totalitarianism, so financial aid should bring about their opposites: stability and democracy (Bargeron 2003). Since the United States feared the Middle East might turn to communism, it was one area that received such funds. President Eisenhower followed suit with the Eisenhower Doctrine in 1957, which also gave discretionary funds to underdeveloped nations, including the Middle Eastern governments (Bargeron 2003). Though communism did not spread, the United States government was unable to persuade many Middle Eastern countries, including Saudi Arabia, Iran, and Syria, to accept democracy.

In fact, instead of improving relations, some economic tools used by the United States may have encouraged hostility in the Middle East. America and Britain, for example, used financial aid as a political tool when they withdrew promised funds from the Egyptian Aswan Dam project. The United States' fear of the spread of communism to the Middle East had increased as President Nasser increased ties with the Soviet Union (Cleveland 2000). When the United States withdrew its support to discourage the relationship between Egypt and the Soviet Union, so did Britain. This withdrawal, however, succeeded in generating hostility towards the United States without causing Nasser to break ties with the

Soviet Union. Instead, Nasser nationalized the Suez Canal in 1956, leading to the Suez Crisis and continued Arab anger towards the United States (Cleveland 2000). Thus, though some United States economic policies may have potentially benefited the Middle East, these techniques did not successfully encourage the establishment of democracy or improve relations. In some cases, the use of financial aid as a tool also created resentment towards the United States.

Political

Past American policies in the Middle East also used political tools to block the spread of communism through encouraging peace and stability. However, these political methods may have increased Arab hostility towards America. The three main ways the American government set about creating this stability was through increasing allies, serving as a mediator, and actively changing the Middle East (Bargeron 2003). The goal of the American government was to prevent the spread of communism through improving relations with Arab countries. The American government hoped increased relations would allow the Middle East to see the benefits of living in a democracy, not communism (Bargeron 2003). To gain allies, the United States attempted to resolve the conflict between the Palestinians and Israelis. The creation of the Israeli state in 1948 led to increased tension and violence between the two cultures that have not yet been resolved (Cleveland 2000). The failure to reach a solution between Israel and the Palestinians has made it difficult for the United States to gain allies. Saudi Arabia, for instance, vowed to stop selling oil and end relations with the United States over the lack of a solution in the Israeli-Palestinian conflict in 1971 (Richman 1991). Despite the United States' continued attempts to resolve the tensions, the Israeli-Palestinian conflict remains an issue that hinders good relations with the Middle East.

Similarly, the United States played an important role in the Middle East during this time as a mediator. In 1967, Israel preemptively attacked Egypt, Jordan, and Syria in fear of the troops massing in each Arab state (Bargeron 2003). The fighting ended with the devastation of Egypt and the loss of Arab territory to Israel. Fighting between Egypt and Israel erupted once again during the Yom Kippur War in 1973. This time, the United States played a significant role in ending the hostilities between the two nations. The President of Egypt and Prime Minister of Israel agreed to journey to Camp David, Maryland, to

work out a peace agreement with the help of President Carter (Cleveland 2000). In 1978, Egyptian President Anwar al-Sadat and Israeli Prime Minister Menachem Begin signed the Camp David Accords, which returned land to Egypt lost in 1967 and developed a plan to create a Palestinian state. Despite the United States' attempts to serve as a mediator, relations with the Middle East did not significantly improve (Waterbury 2003).

The United States government also used political tools to actively change the Middle East, though the actions added to a growing anti-American sentiment. President Eisenhower, for example, authorized a coup d'etat in Iran in 1953 since he felt internal changes were not occurring as quickly as needed to block the spread of communism (Bargeron 2003). The coup d'etat replaced the popularly elected Prime Minister Mohammed Mossadegh of Iran with the Shah Mohammed Reza Pahlavi, the previous ruler supported by the United States, much to the dismay of the Iranians and the Arab world. The anger towards the United States built until the 1970s. In 1979, the Iranians physically replaced the shah with Ayatollah Khomenei and took Americans hostage (Bargeron 2003). Though the hostages were eventually returned, relations with the United States have remained tense until today. Thus, the United States' use of political tools to stop the spread of communism, even when they seemed positive, may have contributed to anti-American sentiments in the Middle East that remain today.

Military

As violence erupted in Middle Eastern countries – including Iran and Afghanistan – in the late 1970s, the American government's policies shifted once again to primarily using military tools to block the spread of communism through improving relations with the Arab countries. In 1980, for example, the United States supported Iraq in the Iran-Iraq War (Richman 1991). The government provided Iraq with intelligence and economic aid to buy food and purchase technology. By 1982, the United States was providing support to the mujahideen in Afghanistan to fight the Soviets (Post 2004, 8). The United States became involved in another war in the Middle East in 1990. However, this time the United States aided Iran and Syria militarily against Iraq during the Gulf War (Richman, 1991).

Military action in the region, though it kept out the Soviet Union, did not improve American relations with the Middle East. Though the United States

aided Al Qaeda in Afghanistan, the organization began to target the United States in the 1990s, starting with the 1993 bombing of the World Trade Center. After this failure, Al Qaeda turned to attacking the United States internationally in Saudi Arabia, Nairobi, Kenya, Dar es Salaam, and Yemen (Bargeron 2003). Likewise, though the United States aided Iran against Iraq during the Gulf War in 1990, relations with Iran remain poor. In his 2002 State of the Union address, President Bush labeled Iran one of the states consisting of an "axis of evil" (Peña 2002).

Therefore, though the United States government achieved its goal of blocking the spread of communism to the Middle East, the methods were not entirely successful. Tension and violence still occur between the Israelis and Palestinians. The United States was unable to persuade most Middle Eastern countries to accept democracy. Plus, despite economic, political, and military support, relations between the United States and countries like Iran have not greatly improved.

The United States' Cultural Failures in the Middle East

Why did the methods the United States used to block communism not achieve their short-term goals of establishing peace, democracy, and a pro-American sentiment in the Middle East? The failure of past techniques may be partially due to cultural misunderstandings between America, a gesellschaft culture, and the Arab nations, gemeinschaft cultures (Bennett and Stewart 1991). A gesellschaft culture is one in which individualism is emphasized and where the people use facts and reason to evaluate each piece of a situation separately in the decision-making process. In contrast, a gemeinschaft culture is one in which communal identity and group orientation is emphasized and where context plays a larger role in the decision-making process (Bennett and Stewart 1991). Due to these vast differences in identity and thought, past American techniques were not completely successful in part because the United States tried to use gesellschaft methods in a gemeinschaft culture, the Middle East.

Identity

      First, the cultural differences over the understanding of identity, the way in which people view themselves, is one possible explanation for the failure of previous methods in the Middle East. Identity is an important concept because it serves as the point of reference for people to understand not only their own values, but also the beliefs of people in other cultures (Bennett and Stewart 1991, 130). However, the definition of identity is not a universal one.

      Gesellschaft cultures like the United States define identity as their individual body. Stewart and Bennett (1991, 129) state, "…each person is not only a separate biological entity, but also a unique psychological being and a singular member of the social order." Gesellschaft cultures, for example, view each individual person as an island, with separate thoughts and beliefs from society. Furthermore, people in gesellschaft cultures value those objects that reflect personal achievement such as money, a successful career, and any other material possessions (Bennett and Stewart 1991, 77).

      Money and personal success, however, are not as important to people in the Middle East, a gemeinschaft culture, since the people understand the concept of identity in terms of the group rather than one's individual body (Bennett and Stewart 1991, 7). Each person does not have a separate identity. Instead, the group's beliefs are the individual's beliefs; the group's will is the individual's will. The group is their source of identity, bound together with emotional and traditional ties, very much like a tribe. People in gemeinschaft cultures feel that a person's identity decreases if he or she separates from the group (Bennett and Stewart 1991, 137). This view of identity leads these cultures to view family, religion, and culture as the most important elements in life, since they increase a person's understanding of his own identity (Bennett and Stewart 1991).

      Thus, previous foreign policies may not have received favorable Arab support because the United States government assumed that people in the Middle East defined their identity and values in the same way as Americans. Truman's Four-Point Plan and the Eisenhower Doctrine, for example, offered money as an incentive for democracy. Similarly, the goal of American policies in the 1960s and 1970s was to show the Middle East that democracy, and not communism, led to more material comforts and personal success, both gesellschaft values. People in the Middle East recognize the value of money and possessions, but not to the same extent as Americans (Bennett and Stewart 1991). Family, religion, and

culture override concerns for economic gain in gemeinschaft cultures since these institutions are part of their identity.

Thought Processes

Besides identity, the cultural differences in thought processes, or the process of sorting and understanding information, is another possible explanation for the failure of previous techniques in the Middle East. The way in which an individual thinks is important because it determines both approval of a situation and the methods of motivation. However, the ways in which people think, like a person's identity, are also not universal.

Gesellschaft cultures such as the United States are digital thinkers (Bennett and Stewart 1991, 25). Understanding occurs as the person evaluates and pieces together each bit of information, like looking at the numbers of a digital clock. People who think digitally form decisions through approving individual pieces of a situation, or fragmentation, and are persuaded with facts and data.

People in gesellschaft cultures first begin the thought process through breaking situations into pieces to be analyzed (Bennett and Stewart 1991, 41). Facts are evaluated through reason; the pros and cons are weighed. Combined with the fact that people define one another by personal achievements, this ability to break down a situation into pieces allows people in a gesellschaft culture to fragment their thoughts. In other words, people in a gesellschaft culture are comfortable working with a person they feel has admirable achievements but a disreputable personal life (Bennett and Stewart 1991, 41). Additionally, people in a gesellschaft culture can approve of contradictory policies due to this ability to fragment.

To reach acceptable decisions, people in gesellschaft cultures use reason to analyze a situation logically, regarding the facts with an attitude of impartiality; emotions and opinions are not considered to be applicable to sound decision-making (Bennett and Stewart 1991, 139). Therefore, gesellschaft people use facts and data to persuade one another. Television commercials, for example, emphasize statistics as a method to persuade the public their product is best. This method of persuasion is further translated into the foreign policy in gesellschaft cultures. Politicians use data and statistics as a means of showing the world that their view is acceptable.

Gesellschaft techniques were not as successful in the Middle East because people in gemeinschaft cultures are analog rather than digital thinkers (Bennett and Stewart 1991, 29). Analog thinkers achieve understanding by analyzing the relationship between objects to form a picture. Unlike gesellschaft cultures, gemeinschaft thinkers evaluate the entire picture to understand a situation, not break it into pieces. Part of this understanding occurs through acquiring knowledge of the entire context (Bennett and Stewart 1991, 139). For example, analog thinkers consider the history, location, people involved, the causes, and especially emotions felt during decision-making. Overall, people in a gemeinschaft culture form decisions through evaluating an entire situation, and are motivated by emotions and traditions.

The approval of a situation by a person in a gemeinschaft culture depends on a positive view of the entire situation, not a part of it. Gemeinschaft cultures do not fragment or compartmentalize the problem (Bennett and Stewart 1991, 139). Thus, if any element of the context surrounding the situation is unsatisfactory, then the whole situation may be subject to disapproval. For instance, if a country states a belief, but then acts in ways that undermines this idea, a person in a gemeinschaft culture would disapprove because the whole picture is contradictory.

Thus, even though the United States led a campaign during the 1950s to advance the idea of democratic reforms in the Middle East, they simultaneously acted in conflicting ways. While calling for democracy, which implies the people run the government, the United States simultaneously overthrew the popularly elected Prime Minister Mohammed Mossadegh in Iran (Bargeron 2003, 9). Moreover, the United States also supported non-democratic states like Saudi Arabia and switched between supporting Iran and Iraq during the Iran-Iraq War and the Gulf War. The United States viewed these contradictory policies as acceptable since the government chose the side it deemed to be right at the time. However, the analog thinkers in the Middle East have been hostile towards the foreign policies of the United States since the people evaluate the entire situation, judging all of the United States' contradictory actions.

Additionally, people in gemeinschaft cultures are motivated and persuaded by emotions, not facts (Bennett and Stewart 1991, 150). Emotions are part of the context that, as mentioned above, is extremely important for decision-making. References to emotions are most effective, though, when they are used to support those factors that are valuable to a gemeinschaft culture, such as

family, history, or religion. In fact, data and statistics are less influential over the thought process of gemeinschaft people than emotions (Bennett and Stewart 1991, 150).

Therefore, one reason past techniques may not have succeeded was due in part to the fact that they contained little to no emotional persuasiveness towards those elements gemeinschaft cultures value most. President Truman's second inaugural address never refers to the family, history, or religion of the Middle East and how democracy will advance these institutions. Truman (1949) instead focused on the facts and statistics surrounding the material benefits of democracy. In contrast, Osama bin Laden gathered a great deal of followers in the early 1990s since he effectively used emotions to persuade people to join Al Qaeda (Post 2004).

Additional Potential Causes of the Cultural Failure

Overall, previous techniques used by the United States in the Middle East may have failed in part due to the government's failure to understand the gemeinschaft views of identity and thought. Instead, the policies that were implemented were gesellschaft in nature. The policies emphasized personal achievement and money, and tried to persuade the people with only facts and reason. Additionally, the policies of the United States government were contradictory. Therefore, these methods did not appeal to the people of the Middle East, possibly angering them instead.

However, the United States' use of gesellschaft methods may not be the only explanation for the lack of success in bringing peace, democracy, and better relations to the Middle East. For instance, the United States may have been unable to resolve the Palestinian and Israeli conflict since segments on either side did not want peace. Though portions of each society may have wanted a resolution before 2000, extreme segments like the Hamas and conservatives in Israel have violently fought potential political solutions (Smith 2001, 492). Thus, the United States' may have only been able to do so much.

Similarly, reasons other than culture may explain the United States' inability to bring democracy to the Middle East. Truman's Four Point Plan, for example, may not have been able to encourage democracy since it lacked congressional, and therefore financial, support. In addition, the United States may have been unable to successfully encourage democracy since some Middle

Eastern regimes like Saudi Arabia are still resistant to relinquishing power. "Whatever Arabs want, the last thing their leaders want is to lose power by introducing the democracy that America now demands of them," notes *The Economist* (2005).

Poor relations with the Arab countries may also be explained by reasons other than culture. For example, the United States has given significantly more aid to Israel, the major rival of Arab countries. Even by 1990, the United States had supplied over $50 billion in financial and military aid to Israel, more aid than has been given to any other country in the world (Wenger 1990, 14). As a result, this difference in aid alone may account for the continued Arab hostility towards the United States.

Yet, the effect that culture plays should not be downplayed since the United States' relations with other gesellschaft cultures have been more successful. For example, the United States and Europe may not have the same difficulties because they share the same concepts of identity and thought. For example, since colonial times, the United States and Britain have fought in the Revolutionary War and the War of 1812. In addition, the United States maintained pressure on the British pound and withheld oil supplies until Britain ended the Suez invasion in 1956 (Cleveland 2000, 247). Despite these historical confrontations, the United States and Britain still maintain very good relations, while historical confrontations have severely hindered relations with the Arab countries.

These past cultural misunderstandings, therefore, will serve as the criteria for evaluating the *National Strategy for Combating Terrorism.* Since gesellschaft methods may not have succeeded in the Middle East, an evaluation of the effectiveness of the *National Strategy for Combating Terrorism* will focus on whether or not it still uses gesellschaft methods. To determine if the policy is using gesellschaft methods, the policy will first be analyzed to see if it uses methods that are not as appealing to group identity. Does the policy offer incentives that reflect gesellschaft values like money and personal achievement? Then, to decide if the policy is using methods appropriate for a gesellschaft thought process instead of gemeinschaft, the policy will be studied to determine if there are contradictions and if it uses only facts for persuasion.

Components of the *National Strategy for Combating Terrorism*

Before analyzing the National Strategy for Combating Terrorism, the basic components should be described. The *National Strategy for Combating Terrorism* was created in February 2003 as a plan to aggressively prevent future terrorist attacks. President Bush stated in 2002 that "America is no longer protected by vast oceans. We are protected from attack only by vigorous action abroad, and increased vigilance at home" (National Security Council 2003). Building on this belief, the goal of the *National Strategy for Combating Terrorism* is to prevent terrorist attacks against both the United States and its allies through denying the terrorists the ability to exist anywhere in the world. To achieve this goal, the plan details a four-pronged approach: defeat the terrorists, deny them support and sponsorship, diminish underlying conditions that encourage terrorism, and defend the nation (National Security Council 2003).

The first element of the four part strategy is to defeat terrorists and their organizations (National Security Council 2003). To accomplish this task, the United States will identify terrorists and their organizations, locate them, and destroy them through a variety of means. The *National Strategy* states, "The United States and its partners will defeat terrorist organizations of global reach by attacking their sanctuaries; leadership; command, control, and communications; material support; and finances" (National Security Council 2003). In other words, the United States will attack all aspects of terrorist organizations to completely defeat them. This method also reflects the belief that the United States must preemptively stop terrorist attacks, not merely respond to them.

The second component of the approach is to deny sponsorship, support, and sanctuary to terrorists (National Security Council 2003). Terrorism will be considered a criminal act, and anyone involved will be punished. Involvement is defined as giving any type of support to the terrorists, whether it be financial aid or land to settle. Most importantly, this goal specifically targets states. The United States will now hold every state to a standard of accountability to do their part in fighting terrorism (National Security Council 2003). According to the *National Strategy for Combating Terrorism*, the United States will work with those that are willing and able to fight terrorism, and aid those too weak to fight

terrorism on their own (National Security Council 2003). The United States will also support states that are hesitant to join the fight against terrorism due to fear of retaliation. However, the United States will forcibly compel those states refusing to control terrorism or sponsor terrorist organizations within their borders, if necessary. At the moment, the United States has declared that Iran, Iraq, Syria, Cuba, Libya, North Korea, and Sudan are states that sponsor terrorism (National Security Council 2003). The *National Strategy* does not, however, spell out exactly how the United States will handle these countries.

The third element of the *National Strategy for Combating Terrorism* is to address the conditions that terrorists use for recruitment (National Security Council 2003). The Bush administration considers these conditions to include poverty, social inequalitie s, and political oppression. To address these conditions, the *National Strategy* lists two methods. First, with the assistance of international allies, the United States will give aid to weak or non-democratic states (National Security Council 2003). One of the primary programs that was expanded to fulfill this objective is the Middle East Partnership Initiative (MEPI). The MEPI was set up under the State Department in 2002 to reform the political, economic, and social environment of Middle Eastern countries (Powell 2005). Under this program, the United States gives aid to select countries to encourage free economies and train, educate, and expand entrepreneurship in the region. Financial incentives are also given to countries to develop democratic institutions, a free press, educational programs, and increase women's rights.

The second process that will be employed to diminish conditions that spawn terrorism is a "war of ideas" (National Security Council 2003). This "war" will begin by undermining the legitimacy of the terrorists. In other words, terrorism will be portrayed not as a noble cause, but a criminal act. The United States will also improve ties and increase cooperation with moderate Middle Eastern governments. Together, both the United States and the Middle East will fight terrorism. In addition, the United States will endeavor to eliminate the spread of the ideologies that create terrorists (National Security Council 2003). Part of this effort will include increased United States involvement in resolving the Israeli-Palestinian conflict. The *National Strategy* comments on the special importance of this conflict: "No other issue has so colored the perception of the United States in the Muslim world" (National Security Council 2003). Thus, the United States will focus on this issue more in the future, though the Bush

administration notes that only the Palestinians and Israelis will be able to bring ultimate peace.

Defense is the fourth and final section of the approach to be used by the *National Strategy for Combating Terrorism* (National Security Council 2003). To defend United States citizens, the *National Strategy for Homeland Security* will be utilized (National Security Council 2003). Part of this act sets up the Department of Homeland Security. In addition, increased technology and power will be given to the Federal Bureau of Investigation (FBI) and the Coast Guard to protect the country. Intelligence will also be strengthened to ensure the United States knows what is going on everywhere in the world and on the Internet (National Security Council 2003). Technology will also be expanded to provide more military defense and the borders will be more heavily protected. Lastly, the United States will also take steps to ensure the safety of citizens overseas.

Cultural Analysis of the *National Strategy for Combating Terrorism*, using Gesellschaft and Gemeinschaft Criteria

To analyze the policy on a cultural level, the criteria in identity and thought will be applied. Though the *National Strategy for Combating Terrorism* may differ from past policies in defining its goals and allocating its resources, it is similar in that it still tries to use gesellschaft tools in a gemeinschaft culture. Thus, the *National Strategy for Combating Terrorism* may not be successful in the Middle East since it uses methods that reflect gesellschaft, instead of gemeinschaft, views of identity and thought.

Identity

First, the *National Strategy for Combating Terrorism* may not be successful in the Middle East since it uses methods that reflect the gesellschaft view of identity in the defeat and deny sections. These first two objectives promise to use military force indiscriminately against terrorists or terrorist states, which creates a polarized view of the world (Ikenberry 2004). The *National Strategy for Combating Terrorism* reinforces the administration's statements that only two groups exist in the world: those with the United States and those with the terrorists. As mentioned before, people in a gemeinschaft culture view

identity in terms of group-orientation, thus they can relate to the *National Strategy's* division of the world into groups (Bennett and Stewart 1991). However, creating only two groups will also reaffirm the beliefs of current and potential terrorist recruits to continue their cause. Jerrold Post (2004, 128), a researcher who has studied the psychology of terrorists, notes that terrorists tend to have personalities that are polarized and absolutist in nature, though they are psychologically normal. Therefore, the *National Strategy* may encourage terrorists to continue their membership or to join the ranks of Al Qaeda because the United States has officially divided the world into two groups – us vs. them – reinforcing the Middle Eastern terrorist's view of their own group identity.

Thought Process

　　　Second, the *National Strategy for Combating Terrorism* may not be successful in the Middle East since it uses methods appropriate for the gesellschaft thought process, which can be seen in the MEPI and war of ideas sections. The Middle East Partnership Initiative may not be an effective tool since it contains contradictions and gesellschaft incentives. The Bush administration set up the Middle East Partnership Initiative (MEPI) to diminish conditions that spawn terrorism, such as political and social oppression (National Security Council 2003). Therefore, the goal of the MEPI is to expand democracy and encourage all Middle Eastern people to be proactive in society, government, and the economy.

　　　Yet, the MEPI grants most of its financial resources to American-run organizations, not the constituents of the Middle Eastern countries (Carothers 2005, 6). Such contradictions may hinder the Arab people from accepting this program. As previously mentioned, people in a gemeinschaft culture like the Middle East consider the entire context when evaluating a situation (Bennett and Stewart 1991). Any contradictions or negative aspects may lead them to disapprove of the entire situation; thus, these inconsistencies may influence their acceptance of the entire *National Strategy for Combating Terrorism.*

　　　Additionally, the MEPI may fail since it still attempts to persuade the Middle East with gesellschaft incentives. To persuade the people in the Middle East to implement social, political, and economic reform under the MEPI, for instance, financial aid is offered. Family, culture, and history are more persuasive than money to gemeinschaft cultures, though (Bennett and Stewart

1991). Thus, the *National Strategy for Combating Terrorism* may be unable to diminish the conditions that spawn terrorism since gesellschaft incentives are being offered during persuasion instead of gemeinschaft values.

In addition, the war of ideas section proposed by the *National Strategy for Combating Terrorism* may not succeed since it also contains contradictions and gesellschaft incentives. The war of ideas does have some contradictions. For example, the United States declares it will use the media to promote democracy and freedom (National Security Council 2003). Yet, the plan also states that the United States will try to stop the spread of the ideologies that these terrorists hold (National Security Council 2003). However, democracies are not supposed to restrict beliefs, only actions. To state that the United States will stop these ideologies conflicts with their dedication to promoting democracy. Thus, a war of ideas can be effective but it needs to be consistent in order to be approved by the gemeinschaft culture of the Middle East.

The war of ideas section also needs to add elements that will be persuasive to the thought process of the gemeinschaft culture. Osama bin Laden is an effective leader in the Middle East because he appeals to the portion of the population that fears change (Rich 2003, 45). To those people in the Middle East, he calls to their love for their religion and history. He manipulates emotions, motivating the people to protect their religion (Post 2004). The war of ideas proposed by the Bush administration does not utilize these factors. An effective war of ideas plan would use emotions to show how democracy can improve gemeinschaft values such as family, history, and religion. Propaganda should show that change does not mean the destruction of these values. Thus, the war of ideas section of the *National Strategy for Combating Terrorism* may not work unless it is reformed to appeal to the gemeinschaft thought process.

While the *National Strategy for Combating Terrorism* may work well in other gesellschaft cultures, reforms are needed to ensure the policies work in gemeinschaft cultures like the Middle East. The strategy is too similar to past United States policies in the respect that the plan will use gesellschaft methods in a gemeinschaft culture. Additions and alterations to the plan, then, should seek to conform to the culture of the Middle East. Conforming to the culture is not an admission that violence committed by terrorists is excusable. Instead, the United States can be more effective at fighting terrorism in a different culture through using more appropriate methods.

Possible Reforms

Privatize the Middle East Partnership Initiative (MEPI)

The general vision backing the MEPI is based on a positive foundation. However, this policy resembles earlier economic policies that were not popular in the Middle East. Thomas Carothers, a writer for the Carnegie Endowment for International Peace Center, proposes several reforms for the current MEPI. The core point of Carothers' (2005) proposal states the MEPI should be turned into a privately-run, government-funded organization called the Middle East Foundation. The idea for this type of foundation is based on similar organizations already in existence called the Asia Foundation and the Eurasia Foundation, both very successful programs. Carothers (2005, 4) insists a private organization may be more capable of achieving the goals of the United States government because it addresses both cultural and administrative problems of the MEPI.

First, a privately run organization may address some of the current cultural difficulties. The program, though funded in part by the United States government, will no longer be totally associated with America (Carothers 2005, 3). A private organization may draw less suspicion than a government-run program because it is not seen as a political tool. This separation, in turn, can also help limit the contradictory policies of the United States (Rich 2003). The United States can pursue complex international policies while still giving support to internal change, but at a distance. In addition, the program may work more effectively with local organizations than the MEPI by giving them grants (Carothers 2005, 6). As mentioned before, the MEPI thus far has focused its financial aid on American organizations in the region. In contrast, the Asia Foundation donates the greatest part of their money, training, and technical assistance to ground-level, local organizations (Carothers 2005, 6). Thus, a private organization may develop stronger ties with the populace instead of government or foreign organizations. Most importantly, though, the Asia Foundation and the Eurasia Foundation have worked very well in gemeinschaft cultures.

In addition to the cultural benefits of a private foundation, administrative benefits also exist. Professionals from the United States, Europe, and the Middle East would run the private organization (Carothers 2005, 5). Using workers from

different countries may limit the contradictory policies that have caused problems in the past between the United States and the Middle East. In turn, the use of professional employees other than Middle Eastern people may placate the United States' fears that the organization would be used to sponsor terrorism. Another benefit of professional employees is that they would be able to work permanently in the countries, building long-term bonds. State Department employees are unable to develop these bonds since they are required to rotate stations (Carothers 2005, 3). Furthermore, the professional employees would consist of workers such as teachers, computer specialists, and social workers that are highly skilled in their area of work, while State Department employees mainly focus on diplomacy (Carothers 2005, 3).

Moreover, a private organization may be able to attract funds from other countries and organizations (Carothers 2005, 6). This ability will also initiate an increased distance between the private organization and the United States government, while still achieving the goals of the administration. Plus, the organization will seem less like a tool of America and more of a world-wide effort.

However, critics may point out that a private organization takes the policy out of the hands of the Untied States government. The private organization, for example, may accidentally fund terrorism. Since September 11, 2001, the United States has worked to eliminate the accidental funding of terrorists. Part of this effort has entailed shutting down or limiting Muslim charities (Franey and Hoover 2004, A1). Thus, critics may point out that a government-run organization may be more effective in fighting terrorism since it is already ensuring that only legitimate people receive aid. In response, the United States could send additional funding to the independent organization to hire people to research the groups being funded. Furthermore, the people in the Middle East must eventually be trusted if democracy is ever to be achieved.

Expand Psychological Warfare

The psychological warfare alternative is based on the assumption that the goal of terrorist organizations is psychological terror (Post 2004, 160). Killing and destruction are merely tools to inflict psychological pain on a country in order to advance the organizations' goals. Thus, the United States should fight psychological warfare with psychological weapons, both externally and

internally.   External psychological weapons are methods, like cultural propaganda, used by outside countries like the United States to undermine terrorism. One can look at how Middle Eastern culture and current events play into why a person becomes a terrorist. Osama bin Laden, for instance, recruits new members by depicting democracy as an irreconcilable enemy of Islam (Fuller 2004). Fundamentalists like bin Laden state that Islam must encompass all parts of Muslim life, including government. Therefore, no government that allows people to make their own decisions will work. Many Muslims who fear change are attracted to this notion.

After understanding terrorist propaganda, the United States government should set down programs and policies to counter these ideas (Post 2004). For example, the United States ought to start a psychological campaign to show that democracy is not at odds with Islam. All religions, in fact, have proposed that their religion is inseparable from government at some point in time.   "All [religions] have authoritarian bases, are patriarchal, have no democratic foundation, are dogmatic about what constitutes the truth, and do not believe that reason can bring one to God," states researcher Robert Fuller (2004, 4). The Catholic Church, for instance, was as powerful politically as a monarch at one point in time. Yet, many Catholics live healthy lives in democracies today (Fuller 2004). Therefore, propaganda can be used to demonstrate that Islam can be reconciled with democracy, diminishing many terrorists' fears that change may destroy their religion.   Thus, external psychological war may block the recruitment of terrorists.

Internal psychological warfare involves encouraging the Arab people to take a stand against terrorism. The process starts with an external force like the United States educating Arab people on how Muslims are being recruited to terrorist organizations. Not only are the terrorists targeting outside countries, but also Middle Eastern countries. Thus, one approach put forth by Jason McCue (2004) suggests people in the Middle East should be encouraged to take action themselves to diminish the psychological power of terrorism.   Victims of terrorism can mobilize campaigns to humanize the effects of terrorism. Terrorists attempt to dehumanize their targets to make the killing less horrible to the participants. By depicting the targets as people, the terrorists will find it harder to think of the victims as merely "casualties of war" because it will be more personal and emotional (McCue 2004, 101). In addition, this alternative may be effective since gemeinschaft cultures are influenced by emotions

(Bennett and Stewart 1991). Plus, the effort may be seen as more legitimate since the local population will run the program.

The psychological warfare concept may encounter some difficulties, though. For instance, the lack of trust towards the United States may make the external campaign difficult. The population may see it as another political tool instead of a sincere effort to stop terrorism. Similarly, the populace may be suspicious of the calls by external forces to start an internal psychological war. The image of the United States in the Middle East is not a positive one. Over time, however, trust may develop to the point where psychological warfare may become effective. Other parts of the *National Strategy for Combating Terrorism* may ease the tension and increase the trust.

Hearts and Minds Campaign

The hearts and minds campaign is an alternative similar to the psychological warfare alternative. However, this plan emphasizes increased involvement with the population in order to diminish the recruitment to terrorist organizations. To begin a hearts and minds campaign, one needs to first understand Al Qaeda's agenda (Mockaitis 2003). The goals of Osama bin Ladin and Al Qaeda consist of three components: replacing secular, Middle Eastern governments with Islamic governments, driving the Western powers out of the Middle East, and then establishing a single Islamic state (Mockaitis 2003, 30).

After understanding Al Qaeda's agenda, the United States should next address the discontent that terrorists manipulate to attract followers. Mockaitis (2003) asserts that the United States should address this content through two steps: avoid actions that will turn moderates into extremists, and act to separate moderates from extremists. Avoiding another regime-changing war in the Middle East, for example, may be one way to avoid angering moderates to keep them from joining the extremist ranks. In addition, this step proposes improving basic economic and political conditions in order to diminish conditions that may encourage people to resort to terrorism.

Last, the United States should encourage the local people to become involved in the anti-terrorism process through intelligence gathering (Fuller 2003, 21). Americans are not the only victims of terrorist attacks. Al Qaeda is seeking to topple Middle Eastern governments it feels are too secular or too closely allied with the West. Since innocent Arabs are dying in bombings

throughout the Middle East, the populace may be willing to spy on Al Qaeda to protect their family and friends (Fuller 2003).

This alternative may benefit the fight against terrorism through enhancing cultural relationships. By encouraging the local population to be involved in defending their families, a sense of trust may emerge. Gemeinschaft cultures value their family and country highly since these elements are their identity (Post 2004). When a family member dies, a piece of their identity dies. Thus, if the United States aids the population in protecting their families and countries, relations may improve.

However, critics may point out that this alternative is unrealistic. First of all, the Middle Eastern people are grouped into tribes. Tribes do not always get along with or trust people from another tribe. In Afghanistan, when Al Qaeda became anxious about infiltrators, they began to kill people that were new to the area. Thus, the people may not be willing to gather intelligence because it is dangerous. In addition, it may take a great deal of time for the people to begin trusting the United States.

Preferred Reforms

The desired alternatives and additions to the *National Strategy for Combating Terrorism* include a mixture of the three plans listed above. The *National Strategy for Combating Terrorism* does contain positive elements that should be kept. Military and law enforcement measures can never be ignored or downplayed in this situation. For many terrorists, only death will stop them from trying to harm the United States. Additionally, the *National Strategy for Combating Terrorism* contains a good domestic strategy for defending the United States from future attacks. Therefore, the three ideas listed above should be additions or reforms to the existing plan, not a new plan.

The Middle East Partnership Initiative (MEPI) is a plan that can be beneficial to the Arab people and the fight against terrorism. However, reforms are needed to ensure Middle Easterns will approve of and work with the organization. By making the MEPI a private organization, many of the previously mentioned cultural problems can be fixed. The organization will not be seen as merely a political tool and the economic, political, social, and educational goals can still be met.

The psychological warfare approach should also be an addition to the *National Strategy for Combating Terrorism.* Psychological tools may overcome many of the cultural issues that lead to failures in the past. For one, psychological warfare can help improve the United States' image in the Middle East and build trust. In addition, psychological warfare may decrease the number of recruits joining Al Qaeda, which means less conventional warfare. The United States understands it is only fighting in the Middle East to defeat terrorism, but gemeinschaft cultures view a situation in its entirety. Fighting in the Middle East will, therefore, be seen with disapproval. The sooner the fighting can end the better.

Last, the hearts and minds campaign will also be a beneficial addition to the *National Strategy for Combating Terrorism* because it would build trust with the population in addition to gaining intelligence. Building a positive image in the Middle East is important because it will help decrease the number of terrorist recruits. Al Qaeda exists so long as it is supported by a wide group of people. The organization, therefore, may fade away if it loses its supporters.

Conclusion

The terrorist attacks in the United States on September 11, 2001, were a tragedy that must be prevented from happening again. The Bush Administration created the *National Strategy for Combating Terrorism*, a comprehensive plan seeking to both eradicate terrorism and increase domestic defenses, for this purpose. While the *National Strategy for Combating Terrorism* may work in other gesellschaft cultures, the plan may not work in the Middle East since it proposes the use of gesellschaft methods in a gemeinschaft culture.

Many of the economic and political elements of the plan, such as the Middle East Partnership Initiative, are similar to policies enacted in the past by the United States. In part, these past methods may have failed because the United States did not understand or realize the importance of cultural differences in identity and thought between America and the Middle East. The United States implemented gesellschaft methods in a gemeinschaft culture. Since the *National Strategy for Combating Terrorism* also uses gesellschaft methods, reforms are needed to increase the policy's ability to effectively fight terrorism in the Middle East and other gemeinschaft areas.

To reform the *National Strategy for Combating Terrorism*, the Middle East Partnership Initiative should be privatized, psychological warfare should be expanded, and an extensive hearts and mind campaign should be created. Military and law enforcement methods are still necessary, but cultural programs may prevent people in the Middle East from turning to terrorism. Unless the United States can work within the culture of the Middle East, the threat of terrorism may not diminish.

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The Vietnam Analogy and Lebanon:
History's Inability to Compete with Preconceptions

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As President Ronald Reagan's policy in Lebanon stalled in the early 1980s, one popular criticism likened those events to the earlier quagmire in Vietnam. Despite the similarities, Reagan never accepted this analogy. I argue in this paper that the Vietnam analogy had no influence on Reagan because of how he viewed the world. In psychological terms, certain schemata precluded the president from drawing lessons from Vietnam while formulating his Lebanon policy. Two schemata in particular dominated Reagan's interpretation of events: (1) he tended to link all aspects of his foreign policy with the struggle against the Soviet Union, and (2) he saw Middle East stability as a vital part of this struggle. These preconceptions, combined with Reagan's refusal to accept that the Vietnam War was in fact a quagmire, prevented the Vietnam analogy from playing an instructive role. As a result, Reagan remained firm in his policy even after it showed signs of being flawed.

Introduction

The Reagan administration's decision-making in Lebanon produced one of the greatest disasters in United States foreign policy in the last quarter century. In response to the failure in Lebanon, as can be expected, came a variety of attacks on the administration's policy. Particularly salient among these criticisms was the application of the Vietnam analogy, arguably the most incisive critique of U.S. policy. By comparing Reagan's policy to the greatest failure in U.S. foreign affairs, critics unequivocally characterized Lebanon as a disaster that could have been avoided. Use of the Vietnam analogy should not be surprising considering the close time proximity of the Vietnam War to the fiasco in Lebanon, along with the public's heightened sensitivity to U.S. involvement in foreign quagmires. But what is surprising is that an administration would continue in a policy with striking similarities to the war in Vietnam only a decade after it occurred. Why were the mistakes of Vietnam repeated? Specifically,

why did the lessons of Vietnam have almost no effect on Reagan's decision making in Lebanon?

The purpose of this paper is to answer that question. By examining the preconceptions Reagan held, I attempt to show that the Vietnam analogy could not fit cognitively as Reagan made crucial decisions about policy in Lebanon. Reagan's preconceptions conflicted directly with the Vietnam analogy, and consequently he considered it to be invalid. I use schema theory to explain how these preconceptions formed out of preexisting cognitive structures – schemata – that organized incoming information. Reagan defined the situation in Lebanon in primarily two ways: (1) as part of the struggle between East and West, and (2) in terms of Middle East stability. As events developed, Reagan used these schemata to categorize new information. This vetting process prevented him from accepting information incongruent with his schemata—such as the Vietnam analogy. Furthermore, the Vietnam analogy had little chance of persuading Reagan because he rejected not only the analogy but also the basis of the analogy – the interpretation of the Vietnam War as a quagmire. The Vietnam analogy, then, fell on deaf ears when Reagan encountered it. It had no effect on him whatsoever and preconceptions did not allow history to play any type of instructive role. Unsurprisingly, this pitfall common to foreign policy decision-making remains a relevant issue today, especially within the current debate over whether the U.S. occupation of Iraq represents a quagmire.

The Role of Schemata in Decision Making

As is true with all human beings, policy makers employ a variety of cognitive tools when deciding how to act. These cognitive processes play a critical role in decision-making, because the way in which information is processed has a significant impact on the final decision. Decisions are intertwined with how information is categorized and organized. It is very difficult, if not impossible, to separate the cognitive tasks preceding the decision from the decision itself. For this reason, the discoveries of cognitive psychology are indispensable when trying to analyze decisions making in the area of foreign policy.

Human beings are limited in their ability to process the large quantity of information they receive daily. Cognitive processes are the necessary shortcuts

that allow them to cope with this overabundance of data. Yuen Foong Khong (1992) sums up the cognitive challenges and tools of human beings:

> New events tend to be "assimilated into preexisting structures in the mind" because of the limited cognitive capacities of human beings…. [W]hether described as "cognitive misers," "satisficers," or people with "bounded rationality," human beings are assumed to have, and have been shown to have limited computational capacities. This is the hardcore assumption of cognitive psychology. Consequently, human beings have to rely on some sort of simplifying mechanism to cope and to process—to code, store, and recall—the massive amount of information they encounter in their daily lives (25).

Cognitive psychology explains the simplification of information processing through the concept of schema. A schema is defined as "a cognitive structure that represents organized knowledge about a given concept or type of stimulus" (Fiske and Taylor 1984, 140). Schemata expedite information processing. One forgoes extensive analysis of new information, which requires significant time and energy, and instead defines and categorizes it according to preexisting schemata (Vertzberger 1990, 156-57). New information, then, is not seen as entirely "new." Rather, one views it in the context of a preexisting schema, which greatly reduces the amount of cognitive processing necessary. Schemata also allow for ambiguous information to be understood with greater clarity by enabling "the perceiver to go beyond the information given and fill in the gaps in the data" (Vertzberger 1990, 157). One way human beings make inferences with the knowledge available to them is by using schemata to help them predict future events. They tend to envision the future according to their schemata, simplifying to a great extent the cognitive task of prediction (Vertzberger 1990, 157). The shortcuts provided by schemata reduce the complexity of information processing, along with the time and effort it involves.

The concept of schemata encompasses a wide range of knowledge structures, which can vary greatly from one another. A brief discussion of the different types of schemata used regularly in International Relations literature

serves as a means of demonstrating the many different forms they take. First, a decision maker's "operational code" refers to schemata formed out of a political leader's fundamental beliefs about the political environment (George 1969; George 1979). Another area of study involving schemata is image theory, which looks at how certain schemata, or images, of other states affect decision making (Herrmann 1986; Herrmann and Fischerkeller 1995; Herrmann, Voss, Ciarrochi 1997). Finally, according to the thesis put forward by Yuen Foong Khong in his *Analogies at War*, historical analogies often operate as schemata, helping the decision maker to make sense of foreign policy decisions in terms of past historical events (1992). These different examples of schemata show the wide range of forms they can take, as well as make clear the common element they share—their ability to simplify the task of decision-makers by categorizing data.

The cognitive shortcuts provided by schemata mitigate, to an extent, the complexity of the situation confronted by the decision maker. It is important to recognize, however, that in addition to making information processing possible in complex environments, schemata also are the cause of many cognitive errors. "The use of schemata," Yaacov Vertzberger writes, "involves an element of cognitive gambling" (1990, 157). Schemata simplify cognitive tasks, but in doing so they make inaccurate judgments more likely. Two qualities of schemata in particular lead to error: "top-down" processing and the perseverance effect. Top-down processing refers to the idea that information is processed in accordance with the schema. One judges information not in an objective manner, but in the context of preexisting schemata (Khong 1992, 37). Mistakes in information processing are a common result, as "people tend to make the data fit the schema, rather than vice versa" (Fiske and Taylor 1984, 177). Information that conflicts with a schema often is disregarded as unimportant or denied entirely (Khong 1992, 38). On the other hand, one might treat information within a schema as overly valid. As a result, the schema is able to persist even in the midst of contradictory information, a phenomenon known as the perseverance effect (Khong 1992, 38-39).

When combined, the aspects of top-down processing and perseverance found in schemata lead to cognitive errors in the form of overconfidence in one's preconceptions. Because of the perseverance effect, decision-makers often are unwilling to modify or abandon their original characterization of a situation. The rigidity of the decision-maker's view is further bolstered by the top-down effect. New information serves as additional evidence in favor of the schema, since it

influences how it is processed. The nature of schemata renders the decision maker vulnerable to information processing errors.

When examining actors in the area of foreign policy, schema theory proves valuable for understanding their decision-making. It tells us that decision-makers do not act as Bayesian updaters but instead process data through preexisting schemata, which distort information to a certain degree. Their preconceptions are crucial to their decision-making, affecting the way they process information, and, thus, their final decision (Tetlock 1999, 335-358). Schema theory brings into question decision-makers' ability to evaluate problems and come to decisions in a purely objective manner. Decision-makers cannot evaluate information *per se*, but only in the context of a host of preexisting cognitive structures. For example (and of particular importance to Reagan's rejection of the Vietnam analogy), decision-makers have difficulty analyzing historical analogies objectively. Their schemata bias them in their interpretations of history. Instead of serving as a source of instruction, which is generally thought to be its proper role (May 1973, 172-190), history merely reinforces the preexisting beliefs of decision-makers. The psychological constraints on policy-makers bound their rationality, and alert us to the errors they are prone to make.

Salient Schemata in Reagan's Decision Making

Reagan's conception of a world divided between two poles—the United States and the Soviet Union—was the fundamental schema through which he viewed foreign affairs. The grand struggle between East and West, communism and freedom, evil and good, framed events for Reagan. The zero-sum relationship between the two superpowers demanded a proactive approach to fight Soviet power. This theme dominated Reagan's presidency, most notably showing up in his "Evil Empire Speech" (Gambone 2002, 429-32) and his policy to "roll back" communism, known as the Reagan Doctrine (Gaddis 1990, 24).

Reagan found it easy to fit events in Lebanon into his Soviet schema because a country involved in the conflict, Syria, had Soviet ties. When Syria engaged in fighting against Israeli forces and exchanged fire on various occasions with U.S. forces, Reagan saw more than just Syrian forces behind the fighting. In his mind, the Soviet Union was ultimately responsible for the actions in Lebanon, since it was supplying Syria with arms (Spiegel 1985, 424). "Syria," Reagan would later write, "had become virtually a Soviet satellite in the Middle

East, its army supplied and trained by Soviets. Russian money, arms, and influence were showing up throughout the region" (Reagan 1990, 408). For Reagan, the presence of Soviet arms defined the situation in Lebanon in much grander terms: the actions of Syria were in reality attempts by the Soviet Union to spread its sphere of power and influence. Reagan, therefore, perceived the stakes in Lebanon as much higher than those of an isolated, regional conflict. The outcome in Lebanon, according to Reagan's schema, would have a direct effect on the continual struggle between the United States and Soviet Union. His schema defined the problem, as well as prescribed the response: he had to do everything within his power to keep Soviet influence from spreading into Lebanon and beyond.

The second schema influencing Reagan's decision-making was his view on the role of Middle East stability with regard to U.S. interests. This schema was not entirely separate from the Soviet schema, but was actually embedded within it. Schemata structures have different levels of abstraction, and "higher-order, more abstract" schemata are "characterized in terms of their more concrete, lower-order constituents" (Conover and Feldman 1984, 97). In the case of Reagan, the Soviet schema was more abstract, defining the overarching conflict between the communist and free worlds. The Middle East schema defined a more concrete aspect of this struggle, namely, the attempts of the two superpowers to achieve supremacy in the region. There was an unmistakable relation between these two schemata, as is evident in Reagan's memoirs: "Under Leonid Brezhnev, the Soviet Union was eager to exploit any opportunity to expand its influence and supplant the United States as the dominant superpower in this oil-rich and strategically important part of the world" (Reagan 1990, 418). Reagan was determined not to allow the Soviet Union to gain power in the Middle East. One strategy Reagan used to forestall Soviet attempts at increasing its influence in the region was his Middle East Peace Plan, or the "Reagan plan," which was unveiled during the Lebanon crisis (Laqueur and Rubin 2001, 257-63). By being the primary mediator between Israel and Palestine, Reagan could block Soviet access to both parties. Reagan linked the situation in Lebanon with his peace plan, as well as with his more general goal of a stable Middle East, free from Soviet influence. As the policy process evolved, the Soviet and Middle East schemata both had a strong effect on the decisions Reagan made.

The Development of Reagan's Lebanon Policy

On June 6, 1982, Israel invaded Lebanon with the goal of forcing the Palestinian Liberation Organization (PLO) out of the country. Chaos ensued (Smith 2001; Stork and Paul 1982), and the United States felt pressured to respond. To facilitate the withdrawal of the PLO from Lebanon, Reagan authorized U.S. participation in a Multinational Force (MNF) in Beirut (Spiegel 1985, 417). The PLO safely departed from Lebanon without incident, concluding the MNF's mission with apparent success. Shortly thereafter, however, horrific scenes began coming out of Lebanon. Following the assassination of Lebanese President Bashir Gemayel on September 14, the Israeli military advanced into West Beirut. This action led to a humanitarian disaster. On September 18, Israeli troops allowed Phalangist (Christian) militia to enter the Sabra and Shatila camps, supposedly with a mission of killing militants; in reality, however, Palestinian civilians were massacred (Spiegel 1985, 422). U.S. officials met the events with consternation, along with a sense of partial responsibility for the tragedy. If the MNF had not been removed, tragedy could have been averted. Lebanon was not stable and Reagan was faced with a choice: he could authorize a second deployment of troops or avoid further military involvement in Lebanon.

The different bureaucratic actors split, as expected (Allison and Zelikow 1999, 307), on the issue of deploying peacekeeping troops, and presented their various recommendations to the president. Secretary of State George Shultz favored the reintroduction of troops because he believed it would further the United States' diplomatic efforts in the Middle East (Shultz 1993, 109). The military, on the other hand, strongly opposed the prospect of a peacekeeping mission in Lebanon. Secretary of Defense Caspar Weinberger objected to the mission, believing it lacked clear objectives (Weinberger 1990, 151-52). General John W. Vessey Jr., Chairman of the Joint Chiefs of Staff, took Weinberger's opposition to troop deployment a step further by invoking the Vietnam analogy. Vessey, along with the other Joint Chiefs, argued that placing troops in Lebanon could result in a quagmire similar to what had occurred in Vietnam (Halloran 1984). At a very early period in the policy process, the Vietnam analogy had been introduced, and it would continue to linger throughout the decision-making process.

The Vietnam analogy had little effect on the president. Reagan saw the Vietnam analogy as a "problem" that led to isolationist sentiment, which would make internationalist policies – such as the deployment of troops to Lebanon – unpopular among the public (Shultz 1993, 106). In no way did he see the analogy as having instructive power for the problem in Lebanon. The Vietnam analogy was incompatible with the Soviet and Middle East schemata; consequently, Regan had to reject it. According to the Vietnam analogy, Lebanon was an isolated conflict of little real consequence to the United States. Involvement in Lebanon was detrimental to U.S. interests, as the costs of action would greatly outweigh the benefits. This definition of the situation was nonsense to Reagan – to him, there was unquestionably much more at stake. In line with the Middle East schema, Reagan perceived the crisis as being tied to the stability of the region: "If we show ourselves unable to respond to this situation, what can the Middle East parties expect of us in the Arab-Israeli peace process?" (Shultz 1993, 106). By framing the crisis in Lebanon in a different manner than the Vietnam analogy, the president's schema designated the deployment of troops as the only viable response available to him. How could he ignore the situation in Lebanon when the stakes, from his point of view, were so high?

Reagan authorized the deployment of an "interposition force," which began arriving in Lebanon on September 29 (Reagan 1982). The objectives of the mission were to bring stability to Lebanon by providing assistance to its weakened government, as well as to accelerate the removal of foreign troops from the country. Conspicuously absent from the mission's plan was an exit strategy – a necessary element of any mission (at least according to the lessons of Vietnam). Instead, Reagan's plan called for troops to stay in Lebanon until all foreign troops had withdrawn. This strategy made the length of deployment dependent on factors largely outside of the United States' control. There was "no intention or expectation that U.S. Armed Forces [would] become involved in hostilities" (Reagan 1982). As the situation progressed, though, it became increasingly difficult for U.S. troops to avoid combat.

Initially, the people of Lebanon welcomed the U.S. Marines, and it appeared that the mission could succeed. A breakthrough almost occurred when, on May 17, 1983, Israel and Lebanon reached an agreement on the withdrawal of Israeli and Syrian troops. But when Syria refused to be part of the agreement, the possibility of a solution looked bleak (Spiegel 1985, 425). At the same time, increased attacks on U.S. Marines forced them to be more liberal in their

definition and use of self-defense. The role of the Marines gradually expanded from a peacekeeping force to a force actively engaged in fighting. U.S. forces provided direct military support to the Lebanese Armed Forces (LAF) as they fought their civil war against the Druze, an Islamic Lebanese faction supported by Syria. The evolution of the MNF was made evident by the Druze's August 31 announcement that they considered the Marines to be "enemy forces" (Shultz 1993, 225).   As the Long Commission would say after reviewing U.S. involvement in Lebanon,

> [T]he situation in Lebanon had changed to the extent that not one of the initial conditions upon which the mission statement was premised was still valid. The environment was clearly hostile…. The image of the USMNF, in the eyes of the factional militias, had become pro-Israel, pro-Phalange, and anti-Muslim. After the USMNF engaged in direct fire support of the LAF, a significant portion of the Lebanese populace no longer considered the USMNF to be a neutral force (U.S. Department of Defense 1983).

The peacekeeping force was becoming embroiled in a civil war. One of the principal mistakes of Vietnam – involvement in foreign civil wars – was being repeated.

With the situation deteriorating in Lebanon, debate over the troop deployment centered on the Vietnam analogy. Opponents of the policy highlighted the similarities between Lebanon and Vietnam, referencing the analogy with the aim of criticizing the mission. In a *New York Times* editorial, Anthony Lewis wrote: "Might we be heading for another Vietnam in Lebanon? Involvement on such a scale seems unlikely. But there is every reason to fear self-inflicted wounds of a lesser but still significant kind, military and political. For the American military role in Lebanon is growing in that same incremental way, accompanied by deceit and ignorance" (Lewis 1983, A31) This sentiment was not uncommon, and in fact was shared by the majority of the public. Respondents to a poll conducted during September 1983, believed by two to one that U.S. involvement in Lebanon was similar to Vietnam (Shribman 1983, A1). It is not surprising that, in this environment, the Vietnam analogy also played a

prominent role in the Congressional debate over whether the deployment of troops in Lebanon should be extended (Smith 1983, A8).

In spite of the Vietnam analogy's salience, Reagan refused to admit that it had any relevance. Responding to the opinion poll mentioned above, Reagan wrote in his diary that "people just don't know why we're there. There is deeply buried isolationist sentiment in our land" (1990, 447). He believed that it was those using the Vietnam analogy who were misrepresenting the situation in Lebanon, not he. Reagan still perceived Lebanon as being part of a much larger conflict. Although events in Lebanon increasingly challenged this schema – especially the intensification of civil war – it continued to influence him. Schemata's ability to endure in the midst of contradictory evidence was apparent in this instance. Reagan would not easily give up his preconceptions, despite growing challenges to them.

The nadir of Reagan's Lebanon policy came on October 23, 1983, when a terrorist drove a car laden with explosives into Marine barracks, killing 241 Americans. The costs incurred by the United States reached a new level, leaving many wondering whether the objectives of the mission were worth hundreds of American lives. Reagan, however, refused to reverse his policy. According to the Soviet and Middle East schemata, he still had to pursue his plan to achieve peace in Lebanon:

> We'd be abandoning all the progress made during almost two years of trying to mediate a settlement in the Middle East…. We'd be inviting the Russians to supplant the United States as the most influential superpower in the Middle East. After more than a year of fighting and mounting chaos in Beirut, the biggest winner would be Syria, a Soviet client (Reagan 1990, 462).

As a result, Reagan did not abandon his policy but expanded it in a final effort to achieve his objectives. Issued five days after the bombing, National Security Directive (NSDD) 111 authorized the Marines to provide more direct backing to the LAF (Simpson 1995, 246 and 343-47). The bombing had no impact on Reagan's definition of the situation; it only strengthened his commitment to his policy. Without schema theory, this response is difficult to comprehend. But with schema theory the response is entirely logical: the setback

created by the bombing was minor in the context of the larger conflict with the Soviet Union. From this perspective, expanding the MNF's role made perfect sense.

The expanded combat role of the Marines did not improve conditions on the ground, making the failure of the MNF more and more apparent. Reagan began to recognize the hopelessness of his policy, and ultimately chose to withdraw the troops, the position advocated by the military. NSDD-123, issued on February 1, authorized the evacuation of the troops stationed in Beirut (Smith 1995, 359-60 and 380-82). As Reagan would later say, "We had to pull out. By then, there was no question about it: Our policy wasn't working" (1990, 465). More than a year and hundreds of lives later, Reagan finally gave up on his policy.

Why the Vietnam Analogy was Ineffectual

Throughout the entire policy process Reagan never recognized any of the parallels between Lebanon and Vietnam. Even when he finally authorized the removal of troops from Lebanon, this decision does not appear to represent a belated acceptance of the Vietnam analogy. Reflecting afterwards on events in Lebanon, Reagan continued to affirm in his memoirs the value of his policy: "I believed in—and still believe in—the policy and the decisions that originally sent the Marines to Lebanon" (1990, 461). Although presidential memoirs must be read with a grain of salt, the continuity between these views and those expressed by Reagan throughout the conflict suggest that he never came to recognize the parallels between Vietnam and Lebanon. Considering the timing of the pull-out (early 1984), a more probable explanation of Reagan's decision was to avoid seriously damaging his prospects in the upcoming election (Khoury 1990, 82). With the election approaching and domestic support dwindling, Reagan understood that bringing the troops home sooner rather than later gave him the best chance of being reelected. Electoral concerns, then, not historical lessons, appear to have driven the withdrawal of troops from Lebanon.

So Reagan never recognized the Vietnam analogy, yet did he have sufficient reason to? Scale, duration, parties involved, and region were among several prominent features that differed between the conflicts in Lebanon and Vietnam. It is important to recognize, however, that these types of differences are an inherent part of using historical analogies. Despite the cliché "history

repeats itself," history never repeats itself in exactly the same way. Any decision-maker looking to the past will have to wade through a sea of circumstances incongruent with the situation at hand. This feature makes it difficult to use analogies but does not necessarily lead to the conclusion that they are irrelevant.

In the case of the Vietnam analogy, one aspect in particular validates it: time. Only with the passage of time does it become apparent that a situation has developed into a quagmire. The disaster in Vietnam, as Arthur Schlesinger, Jr., famously writes, resulted from "the policy of 'one more step' – each new step always promising the success which the previous last step had also promised but had unaccountably failed to deliver." Over time, this policy eventually led the "United States deeper and deeper into the morass" (Schlesinger 1968, 39 and 47). The Vietnam analogy thus shows that quagmires arise from the gradual development of a policy that time and again fails to produce results. To be fair to policy-makers, one cannot be *certain* that one is in the midst of a quagmire from the Vietnam analogy. Nevertheless, one at least knows that the likelihood of a quagmire increases as hostilities escalate without any progress towards a solution. For this reason, the Vietnam analogy should have been at the forefront of Reagan's mind when U.S. forces became increasingly sucked into a civil war in Lebanon. Here the U.S. kept raising its level of involvement in a regional conflict of disputable importance – mistakes strikingly similar to those in Vietnam. Understandably, a large number of critics made the connection between events in Lebanon and Vietnam. Reagan, on the other hand, remained impervious to Vietnam's lessons both during and after the intervention.

To explain Reagan's disregard for the Vietnam analogy, we once again must turn to schema theory. As Khong argues, analogies function as schemata (1992, 19-46). For an analogy to operate and be effectual, as with a schema, it must be held by the decision-maker. In general, decision-makers pay the greatest attention to analogies of past events that had a significant impact on them. The events that influence decision-makers the most, and thus are internalized as schema, are those that they have experienced personally or have left a lasting impression as a result of their dramatic nature (Khong 1992, 32-35). For Reagan, the Vietnam War was not such an event. He was largely removed from the Vietnam War and, consequently, its lessons had little or no impact on his subsequent decision-making. Reagan's perception of Vietnam was entirely different than, for instance, those who believed it to be the greatest mistake in

U.S. foreign policy. Obviously for them, Vietnam represented a powerful analogy. The same was not true for Reagan because he lacked their strong feelings against the war. In fact, Reagan once described Vietnam as a "noble cause" (Halloran 1984, 56). Reagan therefore rejected not only the Vietnam analogy but, more fundamentally, the interpretation of Vietnam as a quagmire. By disagreeing with opponents of his policy at such a basic level, their critiques necessarily rang hollow.

Since Vietnam was not considered a quagmire in Reagan's mind, it was unable to inform the actions he took in Lebanon. In other words, his sanguine interpretation of the Vietnam War rendered the analogy based on it ineffectual. He therefore interpreted events through other schemata – namely the Soviet and Middle East schemata discussed above. These schemata reaffirmed Reagan in his rejection of the Vietnam analogy: they blocked out the incongruent information presented by the analogy and provided him with an alternative interpretation of events. As a result of these psychological factors, Reagan was unable to objectively analyze the Vietnam analogy and draw lessons from it.

Reagan's inability to effectively use analogies calls into question a contention by historians that, to improve decision-making, policy-makers only need a better understanding of the past (May 1973, 172-190). Regardless of how much our government leaders study the past, their psychological makeup – specifically their reliance on schemata – will not allow them to escape their personal biases as they make decisions. Of course, despite Reagan's errors, some historians may maintain that in most cases more history benefits policy-makers. Reagan was, after all, a novice in political-military history, without a sufficient understanding of the past to draw lessons from it. True as this point may be, other examples from foreign policy show that even decision makers well-versed in historical knowledge have difficulty learning from the past. Those who formulated the United States' Vietnam policy, for example, were among the "best and the brightest," yet they still used analogies poorly (Khong 1992, 12-13). In both cases, one fundamental point stands out: How helpful can more historical information be if it is still interpreted through policy makers' preconceptions? As Reagan's Lebanon policy demonstrated, preconceptions severely hinder decision-makers' attempts to use the past in an instructive manner.

Conclusion

Reagan's decision making in Lebanon was dominated by his view that the world was split between East and West, and all political events were ultimately connected to this struggle. This schema, along with the related Middle East schema, defined the state of affairs in Lebanon for Reagan and prescribed his response. Understanding the crisis in terms of U.S.-Soviet competition, Reagan committed more resources to Lebanon than if he perceived it as a regional conflict with little bearing on U.S. interests. It was difficult for Reagan to abandon his policy, as he interpreted the changing events in Lebanon according to his preconceptions. When there were challenges to his policy – most notably the Vietnam analogy – Reagan failed to see any veracity in them. Since he processed these challenges through his Soviet schema, they appeared to be irrelevant to Lebanon. According to the Soviet schema, the outcome in Lebanon had global consequences; by no means was it a mere civil war. Even as the situation worsened, the Vietnam analogy remained ineffectual due to Reagan's rejection of traditional interpretations of the Vietnam War as a quagmire. These preconceptions numbed Reagan to information challenging his policy, and ultimately allowed events in Lebanon to deteriorate long after it was evident that his policy was flawed.

Several decades removed from Reagan's failure to heed the Vietnam analogy, critics of the current policy in Iraq are invoking the same analogy. In fact, in addition to the Vietnam analogy some also point to Lebanon as an apt analogy for U.S. involvement in Iraq (Bennet 2004, A1; Bronner 2003, 12). The sectarian violence, growing number of deaths, and lack of political will at home continue to fuel comparisons between Iraq and past quagmires in U.S. foreign policy. Thus, once again a president and his preconceptions confront history's lessons. Given the formidable obstacles that human psychology poses to learning from the past, it should not come as a surprise to find evidence of preconceptions distorting interpretations of events in Iraq, just as what occurred in Lebanon. Simply put, history rarely has much success when trying to overcome preconceptions.

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