

SA
1
257
Vol 16

Pi Sigma Alpha Review



Volume 16 • 1998

Pi
Sigma
Alpha
Review

Beta Mu Chapter
Volume 18 • 1998

Brigham Young University

Pi Sigma Alpha Review

Volume 18 • 1998

Editor

Elizabeth Pipkin

Staff

Sherman Anderson

Brock Cima

Tara Harrison

Christian Marchant

James Nielson

Erik Rasmussen

Kristine Rogers

Lyle Stamps

Natalie Ware

Cover Designer

Greg Shriber

Advisor

Scott Dunaway

Contents

Introduction

By Elizabeth Pipkin

iv

Same-Sex Marriage: Interest Group to Moral Policy Theory

By Phillip Davis and Robert Farwell

1

The Limits of National Diversity: The Origins and Future of the Modern Corporation

By Kristine Grigorian, Michael Murff, and Robert Shull

13

In Their Own Words: Newspaper Soundbites in the 1956 and 1996 Presidential Elections

By Brian Blake

18

The Politics of MTV: Beneficial or Inimical?

By Linsey Rae Sommers

26

Introduction

To the reader,

In this issue, we feature the best of political science undergraduate writing and research at Brigham Young University. The articles represent the diversity of interests within the BYU Political Science Department. First, we feature a policy analysis of same-sex marriage by Robert Farwell and Phillip Davis which relies upon American political theory and public policy methods. Next, Kristine Grigorian, Michael Murff, and Robert Shaw explain the relationship between the modern corporation and the modern nation-state. We are also pleased to include Brian Blake's innovative study on the nature of print media soundbites in U.S. presidential elections. And finally, as a reflection of our generation, Linsey Sommers's essay addresses the political similarities and differences between the Baby Boomers and Generation X. Thank you to the editorial staff and layout designers for producing a wonderful publication. Please enjoy this issue of Pi Sigma Alpha Review.

Warm regards,

Elizabeth Pipkin
Editor

Same-Sex Marriage: Interest Group to Moral Policy Theory

By Phillip Davis and Robert Farwell

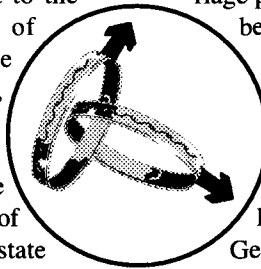
After obtaining a warrant on suspicion of Mafia connections, police officers stormed the New York City gay club, the Stonewall Inn. After police cleared the club, outraged patrons and a growing outside crowd became violent, and a two-hour riot ensued. At the riot's conclusion, there were four injured officers and thirteen arrests made. The warrant was served and the establishment closed on the grounds that it was an illegal membership club without a license and without a license to serve liquor (Lisker 1996).

Experts on homosexuality point to the Stonewall incident as the beginning of wide-spread militant gay activism in the United States (Amsel 1987). Since 1970, over a dozen significant same-sex marriage cases have been reported at the appellate¹ level. Although, none of the cases have resulted in state legalization of same-sex marriage, in many instances state regulations granting some benefits to same-sex or "domestic" partners have been gained (Wardle 1996, 9-11). The Lambda Legal Defense and Education Fund reported that by mid-1995, thirty-six municipalities, eight counties, three states, five state agencies, and two federal agencies extended some benefits to (although very limited in nature), or registered for some official purposes, same-sex domestic partnerships (8). Today corporations such as Xerox, Dupont, Disney, and IBM, recognize and offer benefits to domestic partners.

The most significant same-sex marriage case to date, Baehr v. Miike,² is taking place in Hawaii. We will use interest-group theory in conjunction with moral-policy theory to describe and predict the public policy outcome in the same-sex marriage controversy that is being waged both in Hawaii and on the national level. This paper will analyze the Baehr v. Miike case and the resulting public policy decisions. Interest-group theory, in conjunction with moral-policy theory, will be used to explain the development and transition stages of same-sex marriage policy. Finally, these two theories will also be used to predict the same-sex marriage public policy outcomes, both on the micro- and macro-levels.

CASE STUDY

In December of 1990, three homosexual couples—Ninia Baehr and Genora Dancel, Tammy Rodrigues and Antoinette Pregil, and Joe Melillo and Patrick Lagon—applied for and were denied marriage licenses by the Hawaii Department of Health. On December 17, 1990, the three homosexual couples filed a lawsuit in Hawaii Circuit Court against the director of the Hawaii Health Department, John C. Lewin. Hawaii law requires a couple to obtain a marriage license before they are married. The marriage license law also specifies that a marriage license can only be granted to couples of the opposite sex. The plaintiffs argued that the state violated



¹Appellate: "A court having jurisdiction of appeal and review . . . not a 'trial court' or court of first instance" (Black 1991).

²The case was originally named Baehr v. Lewin. John C. Lewin was the acting Director of the Hawaii Department of Health during the period 1990-93. In 1993 the Supreme Court remanded the case back to the Circuit, at which time Lawrence H. Miike was the acting Director of the Hawaii Department of Health.

Same-Sex Marriage: Interest Group to Moral Policy Theory

their rights to equal protection in the Hawaii Constitution, which forbids discrimination based on sex. In addition, they sought both a judicial declaration that the Hawaii marriage license law is unconstitutional insofar as it prohibits same-sex marriage and an injunction prohibiting state officials from denying marriage licenses to same-sex couples on account of the heterosexuality requirement (Wardle, 9-11).

Over the years, Hawaii has developed a reputation as a socially progressive state. In 1970, Hawaii became the first state to legalize abortion; in 1972, it became the first state to ratify the Equal Rights Amendment; in 1991, it was the fifth state to offer special employment protections to homosexuals. With a progressive social history and its geographic isolation from the other 49 states, Hawaii seemed a favorable location to attempt to begin the legalization of same-sex marriage. It is interesting to note that the three couples applied for marriage licenses at roughly the same time; their collaboration in the ensuing lawsuit was not a matter of chance, but rather was the orchestrated plan of gay rights activist William E. Woods, who was looking for a test case³ to attempt to legalize same-sex marriage in Hawaii. Mr. Woods planned to have the couples try to marry legally, get turned down by the state, and then file a lawsuit (Fern 1996, A1). In a strategic move:

The plaintiffs . . . made a tactical decision to seek their objectives entirely through the state law, not only by filing in state rather than Federal Court, but also by alleging exclusively violations of state law, (i.e., the) Hawaii Constitution (Wardle, 11-12).

Hawaii constitutional claims were made so that if the courts ultimately ruled in their favor, only a constitutional amendment⁴ could supersede the court's ruling.

The state moved to have the complaint dismissed for failure to state a claim. On October 1,

1991, the Circuit Court dismissed the suit, declaring that the plaintiffs had failed to state a claim. Immediately, the case was appealed to the Hawaii Supreme Court. On May 5, 1993, the Hawaii Supreme Court overturned the Circuit Court's dismissal and ruled that the rights of the couples appeared to have been violated. The Supreme Court remanded⁵ the case back to the Circuit Court. Justice Steven H. Levinson, writing the majority opinion said:

The applicant couples do not have a fundamental constitutional right to same-sex marriage because such a relationship is not "rooted in [our] traditions" nor is it "at the base of all our civil and political institutions."

Justice Levinson ruled that forbidding the couples to marry "deprives them of access to a multiplicity of rights and benefits that are contingent upon that status." Thus, he directed the Hawaii Circuit Court to examine the state's marriage statute, applying "strict-scrutiny." This requirement forces the state to meet the most rigorous legal standard to justify its restriction on same-sex marriage. The trial was set for September 1995 (Wardle, 12; Wetzstein 1996, A23).

Upon remand by the Supreme Court, Baehr v. Lewin assumed national prominence. In June 1993 Evan Wolfson, senior staff attorney of the Lambda Legal Defense and Education Fund, joined the case as co-counsel. In addition, The Hawaii Equal Rights Marriage Project (HERMP) was created to help raise the funds necessary to pay for legal costs in Baehr v. Lewin and actively work to secure the rights of marriage for lesbian and gay couples residing in Hawaii through an all-volunteer organization that informs the public, media, and legislature about the court case and about the civil rights issues involved in same-sex marriage by providing experts, resources, and articles on same-sex marriage (Friends of HERMP 1996). After the Supreme Court's decision, opponents of the case feared, and

³Test Cases are often used by interest groups seeking judicial activism. For a case to be selected it must meet certain criteria, i.e., be an ideal or egregious example of inequity or injustice in society which has a high probability of receiving judicial activism in favor of the goal of the interest group.

⁴An amendment to Hawaii's Constitution can only be made by either a two thirds vote of the legislature and ratification by a popular vote, or by a constitutional convention.

⁵To send back. "The act of an Appellate Court when it sends a case back to the trial court and orders the trial court to conduct limited new hearings or an entirely new trial, or to take some other further action" (Black 1991, 1293).

proponents proclaimed, that if the case was won, the Full Faith and Credit Clause in Article Four of the Constitution would require all states to recognize same-sex marriages performed in Hawaii and other states. Because Baehr v. Lewin was likely the first case not only to legalize same-sex marriage in an individual state but also nationally, it immediately gained national attention and scrutiny.

In June 1994, Hawaii Governor Jon Waihee signed a bill which states that marriage licenses can only be granted to heterosexual couples, and that the policy could only be changed by the Hawaii legislature and not by the courts. The bill also set up an eleven-member Commission on Sexual Orientation to study how same-sex couples' legal concerns could be addressed. At this point, vigorous public debate began taking place. The issue was debated in hearings before committees in the state legislature, public rallies and demonstrations were held, churches chose sides, and a brisk discussion of the issue took place in local newspapers. The Commission on Sexual Orientation became a target for scrutiny. Gay activists filed a lawsuit to remove the two Roman Catholics and two members of the Church of Jesus Christ of Latter-day Saints from the commission on grounds that having them on the commission violated the separation of church and state. They were dismissed from the panel early in 1995 (Friends of HERMP 1996).

As a result, accusations were made that the commission had been stacked with members who favored same-sex marriage to the exclusion of opponents of the issue. In December 1995, the commission, by a vote of 5-2, recommended that Hawaii legalize same-sex marriage or set up a more comprehensive domestic partnership law, stating that "denying such a right would be to deny equal protection of the law" (Halloran 1996, G1; Wetzstein 1996, A-23). Pursuant to the commission's decision, the Church of Jesus Christ of Latter-day Saints filed an Application for Intervention⁶ in the case. The LDS Church asserted that:

In late 1994 they became aware, for the first time, that the Attorney General, acting on behalf of [the State of Hawaii], might not be willing to assert at the upcoming trial all of the known compelling state interests. (The Church of Jesus Christ of Latter-day Saints 1996)

The LDS Church's Application for Intervention was denied by the Circuit Court. The denial was appealed to Hawaii's Supreme Court which upheld the Circuit Court's denial.

In the Baer v. Miike case the state argued that:

(1) All things being equal, children do best with their biological mother and father; (2) a male-female married couple is the best setting to have and raise children; (3) the state may promote this for the sake of children; so (4) limiting marriage to male-female couples is justified. (Hawaii Catholic Conference 1996)

The plaintiffs argued that:

(1) Children do best when they have nurturing adults; (2) it helps to have more than one parent, but the parents' gender is irrelevant; (3) the state has no basis for preferring that children be raised by male-female couples; so (4) marriage should not be limited to male-female couples. (Hawaii Catholic Conference 1996)

In 1996, the Circuit Court ruled in favor of the plaintiffs⁷ making same-sex marriage legal in Hawaii. The only way to overturn the court's ruling on a constitutional matter is with an amendment to Hawaii's constitution.

In the 1996 election, Hawaii voters elected to hold a constitutional convention,⁸ and interest groups opposing the case campaigned for the convention, citing an amendment as the only way to

⁶Application for Intervention: "The procedure by which a third person, not originally a party to the suit, but claiming an interest in the subject matter, comes into the case, in order to protect his right or interpose his claim" (Black 1991, 820).

⁷If the Circuit Court had ruled in favor of the state, attorneys for Baehr said they planned to appeal the ruling, based on a phone conversation Friday, November 22, 1996 between Attorney's at the Lambda Legal Defense and Education Fund and Phillip Davis.

⁸Every ten years, Hawaiians vote whether or not to have a constitutional convention.

Same-Sex Marriage: Interest Group to Moral Policy Theory

veto a court ruling in favor of same-sex marriage. Sympathetic groups to the plaintiffs i.e., the ACLU, campaigned heavily against holding the convention. In 1996, several bills were advanced in the Hawaii House, both to allow same-sex marriage and to call for a constitutional amendment to prohibit same-sex marriage. By the close of the legislature on April 26, no legislation concerning same-sex marriage had been enacted. However, in 1997 by overwhelming majorities in both the House (44-6, with 1 absence) and Senate (24-0, with 1 absence), Hawaii legislators voted to give the people of Hawaii the opportunity to vote on the following constitutional amendment in November 1998: Whether or not "the legislature shall have the power to reserve marriage to opposite-sex couples" (Hawaii Catholic Conference 1998).

On the state and national level, joining Utah and South Dakota, twenty-six states and the U.S. Congress introduced anti-same-sex marriage bills in 1996.⁹ As of July 1996, Alaska, Arizona, Delaware, Georgia, Idaho, Illinois, Kansas, Michigan, Missouri, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, and Utah had passed bills. During the 1996 Republican presidential primary, several conservative groups united with many of the Republican candidates for president, to launch the "National Campaign to Protect Marriage" in order to oppose same-sex marriage. Presidential hopefuls Pat Buchanan, Alan Keyes, and Phil Gramm spoke, while letters of support from Bob Dole and Steve Forbes were also read (Only Richard Lugar failed to support the rally). Also speaking were Don Wildmon of the American Family Association and Mike Gabbard of Stop Promoting Homosexuality Hawaii, among others (Forum on the Right to Marriage 1996).

On May 7, 1996, the Defense of Marriage Act¹⁰ was introduced with bipartisan support in the U.S. House by Bob Barr (R-GA) and in the U.S. Senate by Don Nickles (R-OK) as a preemptive measure against the possible legalization of same-

sex marriage in Hawaii. The Defense of Marriage Act does not outlaw same-sex marriages in individual states, but defines marriage for federal purposes as a "legal union between one man and one woman." The bill keeps homosexuals ineligible from collecting federal benefits accorded to spouses. The bill also stipulates that a state does not have to recognize gay marriages performed in other states. On May 23, President Clinton said he would sign the legislation as it was currently written.¹¹ On July 12, the House passed the Defense of Marriage Act by a vote of 342-67. On September 10, the Senate passed the bill by a vote of 85 to 14, and voted 50-49 against Senator Kennedy's Anti-workforce Discrimination Bill, which would extend the protection of the 1964 Civil Rights Act to homosexuals. On September 21, President Clinton signed the Defense of Marriage Act into law (Wetzstein 1996, A-23).

INTEREST GROUP AND MORAL POLICY THEORY

Two similar and closely associated theories prove useful in explaining the evolution of the conflict concerning same-sex marriage and the resulting political reaction to this issue.

The first theory, commonly referred to as interest-group theory, is based on the assumption that individuals within a society have intensely held preferences, values, and interests. These individuals with the same preferences, values, and interests will unite into various interest groups, in order to gain enough power to promote their common good. The organized interest groups will then attempt to influence government policies to benefit their own individual members. These similar preferences, interests, and values can then be seen through the group's association to policy-making arenas, by virtue of their lobbying activities.

In order to more clearly understand the role that interest groups play in policy making, we need to look at several important aspects of interest

⁹Alabama, Alaska, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, Washington.

¹⁰See Appendix on page 12.

¹¹Senator Kennedy threatened to attach an amendment to the bill that would have extended the Civil Rights Act of 1964 to homosexuals. When Clinton agreed to sign the bill as it was currently written, Republicans were able to refuse to add Kennedy's amendment. The amendment included provision which would have mandated homosexual scout masters and set minimum quotas for homosexuals in the workplace. Kennedy later introduced his amendment as the Anti-workforce Discrimination Bill.

groups by exploring further the historical development of interest-group theory.

In Federalist 10, James Madison addresses factions or interest groups, defining them as "a number of citizens whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of the citizens, or to the permanent and aggregate interests of the community" (Madison 1961, 78).

Madison's view of factions was an early, normative look at the role that interest groups would play in the governing of our country and the formation of public policy. He viewed factions as a natural outgrowth of mankind's nature. Madison's model portrayed the development of factions within society as simply a reflection of the selfish side of human nature.

Eventually, as political science gained firm academic footing in our country, a sociologist named Arthur F. Bentley took note of the interplay that existed between groups in American politics. To Bentley, "Government and policy were merely the result of the interactions of groups within and outside of government" (Ornstein and Elder 1978). The economic aspect of this interaction was very important to Bentley. He felt that wealth was the main source of group division in society. Bentley considered groups synonymous with interests. He even went as far as to say in his book *The Process of Government* that "there is no group without its interests" (Bentley 1976, 211). He also thought that no "interest" really existed unless it actively manifested itself through group action.

Bentley extended this relationship between interests and groups even further when he discussed the role of individuals in society. To him, individual interests did not exist. What really mattered, according to Bentley, were the common interests of groups of people, not the benefits and losses of individuals (211). Bentley was also important in the development of general interest group theory by defining groups in terms of their conflict with one another. To him "no interest group [had] meaning except in reference to one another" (217).

Another ground-breaking interest-group theorist, David B. Truman, expanded on the ideas of

Bentley by describing the effects of organized interests. Truman begins by defining interest groups as:

Any group that, on the basis of one or more shared attitudes, makes certain claims upon other groups in the society for the establishment, maintenance, or enhancement of forms of behavior that are implied by the shared attitudes. (Truman 1955, 33)

Truman saw individual citizens within society only in terms of their group identification and membership. Truman also took note of the power of "potential groups" that existed in society.¹² Drawing upon Bentley's idea of competing group interests, Truman theorized that potential groups would arise and organize if special interests gained too much power.

To Truman, the very existence of these potential groups, and the fear that they will organize, works to keep the already organized interests from making excessive demands on society or government. "The unacknowledged power of such unorganized interest," according to Truman, "lies in the possibility that, if these wide, weak interests are too flagrantly ignored, they may be stimulated to organize for aggressive counteraction" (114). Once a group organizes, therefore, in order to reassert a satisfactory equilibrium it may inspire, if its issues are salient and uncomplex, counter organizations among rival groups in a kind of dialectical process.

David Truman also felt that organizing a formal association is one important way to improve the bargaining power of the group. Formal associations and organizations become helpful in stabilizing and strengthening the relationships that exists within the group. This is done by increasing the mutually supportive interaction among members, and, thereby, the range and salience of their shared values.

Truman also notes that "organizations [are] a consequence, and therefore an index, of a fairly high frequency of interaction within a group" (112). This interaction depends heavily upon the salience of the issues concerning different group interests. Some interests tend to be specific, and therefore the groups that arise in response to specific, narrow interests tend to be smaller, highly organized, and

¹²Earl Latham, in his book *The Group Basis of Politics*, further separates interest groups into three senses or phases of development: "incipient, conscious, and organized. The indispensable ingredient of "groupness; is consciousness of common interest and active assistance, mutually sustained, to advance and promote this interest. Where the interest exists but is not recognized by the members of the putative association, the group may be said to be incipient . . . A conscious group is one in which the community sense exists but which has not become organized. An organized group is a conscious group which has established an objective and formal apparatus to promote the common interest" (14-15).

Same-Sex Marriage: Interest Group to Moral Policy Theory

stable. Groups that arise in response to more general interests, however, tend to be larger, less organized, and transient.

Drawing upon Madison's view that groups tend to be highly self-interested, an economist named Mancur Olson developed his theory of collective action. According to Olson, interest groups exist in order to better promote the concerns and interests of the members of their particular group. This purpose of interest groups is supported by the principle of rational ignorance. Individuals will tend to be interested in policy decisions and policy action that will directly affect them. Therefore, when there is a policy that will affect a special group, in either a positive or a negative way, then that group will organize and attempt to influence policy makers in a way that will benefit the individual members of the group.

Mancur Olson, in his book The Logic of Collective Action, also tries to separate the economic and political benefits that groups receive into two categories. The first group of politically gained benefits, which he calls collective benefits, are those which accrue to people in a particular situation or category regardless of their organizational affiliations. The second, which Olson calls selective benefits, are those which accrue only to members of the association.

According to Olson, people will not normally join organizations in order to seek collective benefits. This has to do with the incentives that come from joining a group. If a person does not need to be a member of the group in order to gain from action taken by the group, which would be the case with collective benefits, then the individual has little incentive to join. This behavior is commonly referred to in economics as free riding. Free riders are able to gain benefits of someone else's action without assuming any of the associated costs.

Olson also used this model of benefits to explain the relationship that exists between the size of a group and the "individual incentives to contribute toward the achievement of group goals" (Olson 1965, 126). Olson suggests that individuals rationally have no real incentive to participate in large interest groups. According to Olson, individuals join groups only when the group provides selective benefits to its members, or is small enough that the individual feels that she is necessary to the group's success. One obvious benefit, however, of larger interest groups is, according to Olson, that "the larger, more nearly general, interest would usually tend to defeat the smaller narrower, specific interest" (12).

Robert H. Salisbury, in his article "An Exchange Theory of Interest Groups," examines the selective benefits that members of groups receive through their association with the group. The first type of incentive, according to Salisbury, is a material benefit. This type of incentive encourages an individual to join or remain a member of an association or group because she receives material rewards for participation. This compensation can take the form of work, money, or tax breaks.

The second type of selective incentive is a solidary benefit. This is an incentive where an individual will join or remain a member of a group or organization based upon the socialization benefits that she gets from contributing or participating in a group. The final incentive, based on selective incentives, that Salisbury discusses is called purposive or expressive benefits. This incentive relates to the ideological satisfaction that individual members of interest groups gain from belonging to the group (Salisbury 1969, 1-32).

Thus, for a small interest group to successfully support the interests of its members, it will need to keep the salience of its issue as small as possible in order to avoid counter organization and conflict that could keep it from achieving its goals. Even interest groups themselves are aware, according to Cochran, "that it may be best not to press legislators in causes to which the unorganized voters are hostile" (Cochran and Malone 1995, 81). If the special-interest group, therefore, is successful in keeping its issue out of the public eye, then it will, by not antagonizing unorganized voters, encourage them to remain unorganized.

MORAL POLICY THEORY

The second theory that proves useful in understanding the same-sex marriage controversy is Meier's moral-policy theory. This theory asserts that policies dealing with moral issues such as gambling, drugs, and gay marriage, will follow Lowi's basic typology for redistributive policy, except instead of a redistribution of wealth or government programs, there is a redistribution of values from one group to another (Haider and Meier 1996, 352-59).

Moral-policy theory seeks to combine interest-group theory with traditional morality politics by establishing a relationship between the two theories based on the salience of the policy issues. When a moral policy issue is kept narrow, and the involved interest groups are able to discretely interact with sympathetic elites and policy makers, then moral-policy theory closely resembles interest-group theory. In his book The Politics of Sin,

Kenneth Meier describes some common characteristics of morality issues. "In general [morality issues] tend to be salient and easy to understand" and "as [the] salience increases, [the] citizens have a greater influence on public policy" (Meier 1994, 245-6).

When, however, the scope of the conflict is expanded, due primarily to political entrepreneurs, and the issue becomes highly salient, then it becomes an issue in which the individual interest groups become less important in the formulation of policy, while the values of individual citizens, the competitiveness of parties, and the party affiliations of politicians, become more important. The role, therefore, of political entrepreneurs in moral policy issues becomes crucial. Political actors in moral policy issues, whether they be legislators, chief executives, or bureaucrats, have, according to Meier, "their own policy preferences on morality issues and exercise discretion in quest of these preferences" (244). It is these political actors and entrepreneurs who often will, either for their own self-interest, or for the interest of their political party or interest group, bring the issue to the attention of the public or, inversely, try and keep the issue away from the attention of the public.

Finally, one important aspect of moral-policy theory is that, for most morality issues, implementation is the real policy. According to Meier, because of the symbolic nature of many moral policy laws, "implementation often [becomes] the policy" (247). This is because, in the case of most morality policies, implementation cannot be separated from policy adoption. This is ironic because while the bureaucracy is left out of morality policy adoption, it has almost total control over the implementation of morality policies.

THEORIES' APPLICATION TO SAME-SEX MARRIAGE POLICY

Interest-group theory predicts that if an interest group's agenda is at odds with the consensus of the majority of a population, an interest group must maintain a low salience or prominence regarding its agenda and target sympathetic power elites. Since polling data shows that same-sex marriage is not supported by a majority of Americans including Hawaiians, interest-group theory explains why in *Baehr v. Lewin*, special interest groups for the plaintiffs sought judicial activism as opposed to legislative means, since the courts are affected less by popular opinion than is the legislature.

Interest-group theory also predicts that if the interest groups in favor of same-sex marriage main-

tained low prominence, they would have a much greater chance of gaining a political victory and a change in policy regarding same-sex marriage. According to interest-group theory, interest groups will generally fair better when they are able to limit the scope of the conflict and discretely lobby policy makers for favorable public policy. In Hawaii, Lambda and the ACLU should have, according to interest-group theory, tried to keep the salience of their issue low while discretely and incrementally trying to change the laws regarding gay marriage.

This may have been the motivation that Lambda and the ACLU initially had in trying to win their case at the state level instead of at the national level. This would keep the conflict surrounding the case at a state level and, therefore, at a lower level of salience by minimizing national coverage and debate concerning same-sex marriage.

It might also be viewed that by trying to get gay marriage accepted at the state level first before trying to get the policy changed at the national level, the ACLU and Lambda were also following the interest-group theory's prediction that incremental changes in policy (i.e., first changing state policy, then attempting to change national policy) would be strategically more successful in changing the overall policy regarding same-sex marriage in the United States.

Interest-group theory also predicts that special-interest groups will tend to be relatively small (in relation to the general population), organized and stable. This holds true concerning the groups involved in the case in Hawaii. Lambda, the Hawaii Equal Rights Project, and the ACLU, all appeared as special-interest groups in favor of the legalization of same-sex marriage.

Although the ACLU itself is an interest group with a relatively large population of members, its involvement in the Hawaii conflict was limited to a supporting role. The ACLU is tightly organized and very focused on achieving its goals. It has a specific agenda that it desires to achieve in supporting the right of homosexuals to marry. This has to do with the group's desire to defend rights that it feels should be guaranteed and protected through our legal system.

Lambda is a relatively small, stable, well-organized interest group. Founded in 1973, the Lambda Legal Defense and Education Fund is the nation's oldest and largest legal organization for gay rights. In 1984, Lambda won the country's first HIV-related discrimination law suit. With nearly 50 cases across the country, Lambda's work involves virtually every area of concern regarding

Same-Sex Marriage: Interest Group to Moral Policy Theory

gay rights and people with HIV. This includes discrimination in employment, housing, and the military; AIDS and HIV-related policy and health care reform; parenting and relationship issues; challenging anti-gay ballot initiatives and sodomy laws; and immigration.

In 1993, the Hawaii Supreme Court remanded the case to the lower court with the stipulation of strict scrutiny. Under the burden of strict scrutiny, same-sex marriage would be legal in Hawaii unless the state is able to show it has a "compelling interest justifying the law and that distinctions created by law are necessary to further some governmental purpose."¹³ At this point, the case takes on a dual nature, one whose ramifications vary greatly from the micro- to macro-level.

Locally, or on the micro-level, the fate of the case remained in the hands of power elites, or Hawaii's judges who declared same-sex marriage legal, but nationally, or on the macro-level, policy dealing with the issue of same-sex marriage became that of electoral politics. Just after the Supreme Court remanded the case back to the Circuit Court, the Lambda Legal Defense and Education Fund assumed co-legal defense in the case and attempted to gain more national attention. On a macro-level, Baehr v. Lewin became the case with the strongest likelihood of legalizing same-sex marriage, not only in Hawaii, but because of the Full Faith and Credit Clause in the Constitution, nationwide. Just as the case shifts from power elites to electoral politics, as it goes from the micro- to macro-level, the causal and predictive aspects of our theory explain how the case also shifts from interest-group theory to moral-policy theory.

Once the Baehr v. Mijke case reached the national stage as a result of the Supreme Court's decision to remand, national interest groups such as the Lambda Legal Defense and Education Fund and the ACLU become involved. They viewed the case as a way to redistribute their values by court order nationwide. Not viewing it in their long term best interests to attempt to take the issue out of the public eye, Lambda and the ACLU started a campaign

to change the public perception of same-sex marriage. Lambda and the ACLU organized the creation of the National Freedom to Marry Council (NFMCC)¹⁴ whose goal was to raise national public attention, support, and legal fees for same-sex marriage cases. In targeting the national audience, they sought incremental changes in public opinion which would lead to a enough support in the general populace that the principles of the moral policy theory would start working for them.

Once the ACLU and Lambda decided that it was in their best interest, and in the best interest of their policy goals, to heighten the public's awareness and thereby increase the salience of the same-sex controversy, they fostered a political environment that practically demanded counteractions from other interest groups. It also guaranteed that previously unorganized interests would band together in a formal association in order to oppose the adoption or implementation of same-sex marriage. Once a moral issue becomes salient, the larger general interests, which normally remain unorganized due to the low level of benefits that come with formal group associations for general interests, become more organized. Suddenly, when the general interests of the unorganized citizens became threatened by the morality issue of same-sex marriage, the benefits of belonging to a group opposed to same-sex marriage increased and, therefore, the number and size of counter groups also increased. As a result of the case's prominence, moral-policy theory came into play at the micro-level. The Hawaii legislature voted to allow a public vote on an amendment that would allow the legislature to restrict same-sex marriage.

Finally, Salisbury's exchange theory of interest groups is able to explain the motivation for membership in groups such as the ACLU and Lambda. According to Salisbury, a member of an association must gain some type of selective benefit from their membership in an interest group. Why would a gay man, or woman, become a member of Lambda or the ACLU if he or she benefits equally from same-sex policy changes if he or she is not a

¹³Definition of state's burden under strict scrutiny test (Black 1991, 1422).

¹⁴National membership includes but is not limited to: Lambda Legal Defense and Education Fund (national); ACLU (national); Hollywood Supports (California); Human Rights Campaign Fund (Washington); Japanese American Citizens League; Freedom to Marry Coalition (California); The Equal Marriage Rights Fund (Washington DC Chapter); Hawaii Equal Rights Marriage project (Hawaii); FAIR (Indiana); Same-Sex Marriage Advocates Coalition (Maryland); Forum on the Right to Marriage (Massachusetts); Dallas Gay and Lesbian Alliance Marriage Project (Texas); The Equal Marriage Rights Fund (Houston Texas Chapter); The Legal Marriage Alliance of Washington (Washington); and Partners Task Force for Gay & Lesbian Couples (Washington).

member? Why not just free ride and gain the benefits while letting others accrue the costs of membership?

Salisbury answers these questions by refuting the idea that the collective benefits (in this case, a change in same-sex marriage policy) are what motivates a person to join a particular interest group. In the case of Lambda, there must be certain selective benefits involved in order to explain the reasons why a person would rationally become or stay a member of this special-interest group.

Of the three types of selective benefits described by Salisbury, Lambda seems to offer at least two. First, Lambda offers members a chance to participate in the realization of suprapersonal goals. For Lambda, this would include helping to bring about a positive change in the acceptance or public treatment of homosexuals. This type of benefit is called purposive or expressive. The second type of benefit that a group like Lambda would offer to its members solidary benefits. Members of Lambda are almost all homosexual, or concerned with homosexual issues. This creates an environment that gives members a sense of identity, a place to socialize and be accepted. These benefits cannot be dismissed easily, especially when one realizes that the homosexual community is very much a morally stigmatized minority group within American society. Lambda offers homosexuals an atmosphere where they are not only accepted, but needed as well.

Moral-policy theory "predicts that the most important variables in explaining public policy are the distribution of citizen values, the competitiveness of parties, and the party affiliations of politicians Policy is a function of religious forces, party competition, partisanship, high salience" (Haider and Meier 1996, 332-49). Since the national legalization of same-sex marriage is at odds with views of 70 percent of the American public (Salholz 1993, 69), moral-policy theory predicts that since a favorable ruling on the case in Hawaii could have national implications, some action would be taken by Congress, and this action would be taken along party lines.

This gives an opportunity for political entrepreneurs to put the issue on the public policy agenda. The theory also predicts that groups opposing HERMP would form and become active. The Church of Jesus Christ of Latter-day Saints, the Roman Catholic church, other Christian groups, and concerned citizens (holding similar views regarding same-sex marriage as the majority of Americans) united in opposition to the Hawaii case. In addition, conservative political groups united to oppose the

Hawaii case. Republican presidential candidates helped form the National Campaign to Protect Marriage and Republicans introduced and garnered enough support for the Defense of Marriage Act to be signed into law.

The fact that 1996 was an election year created a favorable political atmosphere for opponents of same-sex marriage. The legalization of same-sex marriage would be viewed as a major blow to traditional American values and an attack on the family. President Clinton, a visible political participant, went on record saying that he was opposed to gay marriages, incorporating this theme into his "Family Values" platform. Brokering entrepreneurs were able to take advantage of his campaign pledge. With the case in Hawaii likely to legalize same-sex marriage, policy entrepreneurs took advantage of the election-year environment and got a Democratic President to go against the ideological core of his party. If President Clinton had refused to sign the legislation, Republicans could have used it as a social wedge issue to defeat him in the election. Not only would Clinton's refusal have gone against the grain of the majority of Americans, but it also would have been self-contradictory. In the end, as a show of defiance, President Clinton waited until just before midnight on September 21, 1996 to sign the bill into law.

So, it is in the dual micro- (interest- group theory) and macro- (moral-policy theory) levels that the interest groups in favor of legalizing same-sex marriage sought to change public policy. On the macro-level, in changing public opinion in their favor and on the micro-level, in working with sympathetic political elites. The moral-policy theory also explains the actions taken by opponents of same-sex marriage; in moving the issue to the national agenda and tapping the moral sentiments of the national population, they attempted to place the issue on the national agenda in the hands of legislatures who are accountable to a majority of the public and thereby gain a ruling in their favor.

CONCLUSION

Initially, at the micro- or state level, the issue of same-sex marriage represented by the case of Baehr v. Mijke resembled interest-group politics. While HERMP was able to confine the scope of interest in the case to the local level, maintain a low level of salience, and target sympathetic power elites, their chances of success in having same-sex marriage at the local level remained high. They were especially successful in light of three facts: those members of the Supreme Court who were not

Same-Sex Marriage: Interest Group to Moral Policy Theory

sympathetic to same-sex marriage removed themselves from ruling in the case; those members of the panel that was setup to study the issue of same-sex marriage in Hawaii who may have had religious grounds for opposing same-sex marriage were dismissed; and the Hawaii Supreme Court imposed strict scrutiny when it remanded the case to the Circuit Court.

After the Supreme Court remanded the case to the Circuit Court, the scope of conflict was expanded to the macro- or national level because of the likelihood that same-sex marriages performed in Hawaii would require national recognition. At the macro-level, morality politics replaced interest group politics as the theory that described the public policy outcomes. As predicted by morality politics, many state governments adopted legislation prohibiting same-sex marriage and at the national level, the Defense of Marriage Act was passed as a preemptive measure against the possible national implications of the legalization of same-sex marriage in Hawaii. With the broad-based increase in public attention the case received, moral-policy theory began playing a larger role at the local level.

Although interest-group politics predicted the likelihood of a favorable decision by sympathetic power elites, such as the Supreme Court judges, the legislature put the ultimate fate of the issue in the public arena when it voted to allow the people to

vote on an amendment to the Hawaii Constitution that would give the Hawaii legislature the power to ban same-sex marriage. Although the final outcome of the issue will not be decided until November 1998, moral-policy theory predicts that the citizens of Hawaii will pass the constitutional amendment that will allow their legislatures to outlaw same-sex marriage.

ABOUT THE AUTHORS

Rob Farwell is a senior in the public policy program from Yorktown, Virginia. He enjoys macrame, writing poetry on rocks, and listening to old Barbara Streisand records. Rob recently married Jeni Noyes and plans to attend law school upon graduation.

Phillip Davis is a senior in political science from Salt Lake City. He enjoys opera, mountain biking, skiing, rock climbing, and Swiss watches. He is a cofounder of the Young Entrepreneur School and has helped many people start their own businesses. He looks forward to attending business school after graduation.

WORKS CITED

- Amsel, Robert. 1987. A walk on the wild side of stonewall. Advocate, 15 September. At <<http://www.cs.cmu.edu/afs/cs.cmu.edu/user/scotts/bulgarians/stonewall.txt>>.
- Bentley, Arthur F. 1967. The process of government. Cambridge, MA: Harvard Univ. Press.
- Black, Henry C. 1990. Black's law dictionary. 6th ed. S.v. "appellate"; "remand"; "intervention"; "strict scrutiny".
- Church of Jesus Christ of Latter-day Saints. 1996. Application for intervention by The Church of Jesus Christ of Latter-Day Saints in Baehr v Miike. Cited in the West Law legal database: 80 Hawai'i 341, 910 P.2d 112.
- Cochran, Charles L., and Eloise F. Malone. 1995. Public policy: Perspectives and choices. New York: McGraw-Hill.
- Forum on the Right to Marriage. 1996. At <<http://qrd.tcp.com/qrd/orgs/FORM/marriage.timeline>>. 6 Nov. 1996.

Friends of HERMP: Hawai'i Equal Rights Marriage Project. 1996. At <http://www.xq.com/hermp/friends_home.html>. 6 November 1996.

Haider-Markel, Donald P., and Kenneth J. Meier. 1996. The politics of gay and lesbian rights: Expanding the scope of the conflict. Journal of Politics 58 (May): 332-49.

Halloran, Richard. 1996. Hawaii faces crucial round in same-sex marriage debate. Orlando Sentinel, 25 August, G1.

Hamilton, Alexander, James Madison, and John Jay. 1961. The federalist papers. New York: Penguin Books.

Hawaii Catholic Conference. 1996. At <<http://www.pono.net/policy/hccmain.html>>. 20 Nov. 1996.

Hawaii Catholic Conference. 1998. At <http://www.pono.net/policy/samesex_marriage/ssm_sub.html>. 10 Mar. 1998.

Latham, Earl. 1965. The group basis of politics: A study in basing-point legislation. New York: Octagon Books.

Lisker, Jerry. 1996. Homo nest raided, queen bees are stinging mad. The New York Daily News, 6 July. At <http://www.cs.cmu.edu/afs/cs.cmu.edu/user/scotts/bulgarians/NY_DN_Stonewall.txt>.

Meier, Kenneth J. 1994. The politics of sin: Drugs, alcohol, and public policy. New York: M.E. Sharpe.

Olson, Mancur, Jr. 1965. The logic of collective action: Public goods and the theory of groups. Cambridge, MA: Harvard Univ. Press.

Ornstein, Norman J., and Shirley Elder. 1978. Interest groups, lobbying and policy making. Washington, DC: Congressional Quarterly Press.

Salisbury, Robert H. 1969. An exchange theory of interest groups. Midwest Journal of Political Science 8 (February): 1-32.

Shen, Fern. 1996. A same-sex couple married to the cause: Women embrace national fight they helped spur over wedlock. Washington Post, 10 September, A1.

Truman, David B. 1955. The government process: Political interests and public opinion. New York: Alfred A. Knopf.

Wardle, Lynn D. 1996. A critical analysis of constitutional claims for same-sex marriage. Brigham Young University Law Review 1996, no. 1: 1-101.

Wetzstein, Cheryl. 1996. Senate takes up gay 'marriage' as Hawaii court case resumes; Kennedy to offer GOP-opposed amendment on job bias. Washington Post, 30 September, A23.

Same-Sex Marriage: Interest Group to Moral Policy Theory

APPENDIX: Defense of Marriage Act

**104TH CONGRESS; 2ND SESSION
IN THE 104TH CONGRESS
AS ENROLLED**

**H. R. 3396
1996 H.R. 3396; 104 H.R. 3396**

SYNOPSIS: An Act To define and protect the institution of marriage.
DATE OF INTRODUCTION: MAY 7, 1996
DATE OF VERSION: SEPTEMBER 11, 1996 **VERSION:** 5
SPONSOR(S): Sponsors not included in this printed version.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the "Defense of Marriage Act".

SECTION 2. POWERS RESERVED TO THE STATES.

(a) IN GENERAL. CHAPTER 115 OF TITLE 28, UNITED STATES CODE, IS AMENDED BY ADDING AFTER SECTION 1738B THE FOLLOWING:

"1738C. Certain acts, records, and proceedings and the effect thereof "No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship."

(b) CLERICAL AMENDMENT. THE TABLE OF SECTIONS AT THE BEGINNING OF CHAPTER 115 OF TITLE 28, UNITED STATES CODE, IS AMENDED BY INSERTING AFTER THE ITEM RELATING TO SECTION 1738B THE FOLLOWING NEW ITEM: "1738C. Certain acts, records, and proceedings and the effect thereof."

SECTION 3. DEFINITION OF MARRIAGE.

(a) IN GENERAL. CHAPTER 1 OF TITLE 1, UNITED STATES CODE, IS AMENDED BY ADDING AT THE END THE FOLLOWING: "7. Definition of 'marriage' and 'spouse' "In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

AMENDMENT. THE TABLE OF SECTIONS AT THE BEGINNING OF CHAPTER 1 OF TITLE 1, UNITED STATES CODE, IS AMENDED BY INSERTING AFTER THE ITEM RELATING TO SECTION 6 THE FOLLOWING NEW ITEM: "7. Definition of 'marriage' and 'spouse'."

Speaker of the House of Representatives
Vice President of the United States and
President of the Senate

The Limits of National Diversity: The Origins and Future of the Modern Corporation

By Kristine Grigorian, Michael Murff, and Robert Shull

Edited by Professor John Griffin

Do nation-states still represent democracy's great hope? Or are they in decline? After a century of adolescence marked by state-building and aggressive colonial expansion, Western nations grew up into an era of world wars. Since this tragic time, some argue,¹ both the powers of and faith in national government have diminished. In our day, giant multinational corporations with tens of thousands of employees working around the globe have arisen as powerful nationless actors in the international sphere. Currency traders and securities markets punish nations that fail to do their bidding.

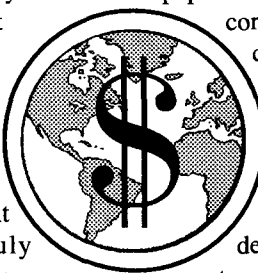
While some embrace this changed world, others fear this globalization of business interests as a threat to democratic sovereignty. These scholars warn against the new skepticism of government (Berger and Dore 1996, 9). A truly autonomous private sphere, they argue, should be distrusted because there are no guarantees of the civil liberties so dear to democratic societies. If implemented correctly, democratic government brings liberty and prosperity and propels the ascent of science and spread of technology. Without government-funded research centers and higher education, for example, would the technology of today have been developed by the private corporations of yesterday? The skeptics of globalization argue that the circumscription of corporate power not only

preserves the liberty of the people and the diversity of national practice—preserved by the people's free choice of policy—but is justified because the origins of private power themselves lie in the public sphere.

This paper evaluates the national diversity argument by taking seriously this last, important claim: namely, that corporate institutions and the private power they generate are based on public origins, public foundations, and public choice. The paper does so by examining a brief history of the corporation, together with a history of the capital markets critical to its birth, to determine just how closely these important economic institutions are wed to national history and the mechanisms of state power. The paper argues that corporate legal innovation and institutional development have always been governed by extra-national processes. Those who reduce the shape of private forces to national politics fail to see how the modern corporation is both a product of and transcendent of the modern nation-state.

ORIGINS OF CAPITAL MARKETS AND CORPORATIONS

Securities markets, the first modern institution of capitalism, developed well before the formation of nations or nation-states (Ayling 1986, 44). Already in 1305 there was a type of money lending



¹For example, K. Ohmae. 1995. *The end of the nation state: The rise of regional economies*. New York: Free Press.

The Limits of National Diversity

activity in France, although the first modern form of the stock market originated in Amsterdam about 1550 (Kent 1973, 111). The London Stock Exchange first traded stocks informally in 1620. All these markets developed before the treaty of Westphalia was signed in 1648, which ushered the nation-state onto the international stage.

From the beginning, market innovations tended to spread regardless of language, cultural or political boundaries.² The trading of stock began in Amsterdam. Men of commerce in other countries soon imitated this Dutch institution. London openly imitated and then modified the Dutch practice of trading stock such as in 1714 when John Freke posted a list of stocks and their prices on the door of Jonathan's Coffee House for the public to see (Braudel 1982, 97-106). This practice soon spread to other nations. The first German exchange was founded in 1568 (Ayling 1986, 6; Gowdy 1982, 6). However, not until about 1815 after the Napoleonic wars spread the knowledge of stock markets did this largely barter-and-goods exchange develop into a true securities market.

In contrast to markets, the early precursor to the corporation, the joint-stock company, was a distinctly political innovation spread by distinctly political ambitions. The earliest joint-stock companies were colonial companies, designed to influence and control territories targeted by absolutist states such as Russia and Holland, as well as mercantilist nation states such as England (Kindleberger 1993, 191-3). The largest joint stock companies became very powerful as the government granted monopoly privileges to them and then used them to develop and subdue large territories such as India and parts of Africa. Later in the 19th Century, colonization was the chief impetus behind the adoption of limited partnerships and the modern form of the corporation in powerful, industrializing nations such as Germany (Kobert 1992, 35-153).

Nevertheless, the early corporate economy flourished outside the political realm, even if in dubious circumstances. For example, in the 17th and 18th centuries a vast majority of companies were never legally incorporated. Some traders used old charters or charters from bankrupt companies to start new ones. These companies themselves fre-

quently became bankrupt or were used to swindle investors (Morgan and Thomas 1969, 37). Sometimes such scandals caused widespread financial panic. As these illegal companies began to flood the market and steal investors from the bigger joint stock companies, states were forced to re-examine the corporate economy as a vital interest.

Government regulation soon curbed the growth of joint-stock companies. Governments became alarmed at financial panic, which had the potential to shake them to their foundations, and drew up plans to closely regulate all companies. An important early regulation was the Bubble Act of 1720, which prohibited unchartered companies from trading their stock or assuming other privileges of incorporated entities. The English Parliament passed this law on June 23, 1720, and in the same year the French passed a similar law that required rigid standards for licensing (Werner and Smith 1915, 98). Nevertheless, despite these efforts merchants and stock jobbers found tricks to circumvent legal strictures, and a large number of businesses flourished outside the law. From the beginning, private initiative wrestled the joint stock company from its early political origins into a largely ungoverned—and most definitely publicly undetermined—realm.

A TWIN BIRTH: THE MODERN CORPORATION AND THE MODERN NATION-STATE

The modern nation-state developed after the rise of the joint-stock company and the stock market; however, the modern corporation was born joined at the hip with the modern nation-state. Although the Treaty of Westphalia ushered in the era of the nation-state, it was not until after the French Revolution that the nation-state was transformed into its modern form, with greatly expanded powers to tax, conscript and regulate. The modern form of the nation state included strong national bureaucracies governed by administrative law, popular nationalistic loyalties, and a comprehensive national legal code administered by a nationally-organized legal system.

Although the development of the previously discussed monetary institutions was largely independent from the nation-state, the development of

²For an interesting discussion of institutional transfer, see E. Powell. 1915. The evolution of money markets 1385-1915. London: London Financial News. The Royal Exchange was the most successful of the early stock markets because of conducive British political climate. marchants from Amsterdam, Antwerp, Hamburg, Paris, Bordeaux, Venice, and Vienna all met in London to conduct their business. Powell cites an observation of a then prominent merchant, "at every turn a man is [reminded] of Babal, [owing to] such confusion of tongues."

the modern corporation, with limited liability and non-concessionary incorporation procedures, was not. These innovations required the institutions of state ushered in by the Napoleonic Code to function properly. As the new institutions of state spread, so too did a new era for the corporation. Throughout the 19th Century, both in young nation states such as the United States and Japan, and in the older European countries with older laws and ideas, the corporate economy flourished like never before. Just as during the old era, modern times were marked by borrowing of ideas and laws across national boundaries.

So with the new institutions of state came new institutions of economic organization. France provides an excellent example. During the French revolution the Paris bourse (stock exchange) was closed and public companies were discouraged. After Napoleon's rise to power, companies were once again allowed to form according to the new commercial code (Cameron 1961, 30). This commercial code, established in 1808 with the Napoleonic Code, allowed for three types of companies that had never before been established: the *societe anonyme*, *societe en nom collectif*, and the *societe en commandite*. The *societe anonyme* (S.A.) was the first modern company that granted limited liability to owners, and a modification of the *societe en nom collectif* that imitated the S.A.'s practice of share trading led to the first widespread, non-concessionary system of incorporation (Freedeman 1979, 47-65). Incorporation was no longer a privilege granted by the government; it was open to anyone who followed the rules.

As the modern nation-state became a model for the rest of Europe and the world, so too did the modern corporation. The liberalized French system was mimicked by many other European nations, especially those that had been conquered by Napoleon. Fearful of being left behind, England also liberalized incorporation. In 1825, the English Parliament repealed the Bubble Act, and gave companies the right to freely incorporate again in forms much like those found in France. The Companies Act of 1856 accelerated the process, and in the 1860s France liberalized the incorporation of S.A.s themselves (Cameron 1961, 35). By this time the old joint-stock companies had faded into the pages of history and companies began to adopt the basic governance forms found in today's corporations.

Even as the corporation became standard throughout Europe, nations continued to borrow innovations from one another. Of course one of the most important innovations that was copied was

limited liability. By the 1870s, all major European powers had laws for limited liability corporations. Much of this national law was directly copied. In fact the French law was adopted word for word by Spain in 1869. In 1870 the North German Confederation did the same thing. Over less than a generation, the French law was imitated by Belgium, Italy, Portugal, Sweden, and Austria (Cameron 1961, 35-40).

Not all countries followed this same dynamic. In the United States, the right of incorporation had been reserved for the states in the Constitutional Convention, but this power was not widely used by the state legislatures. Only 200 companies had been incorporated by the turn of the century. During this time, state legislatures were accused of corruption in using the incorporation power. As a consequence, several states liberalized their incorporation laws, allowing companies to be incorporated without specific legislative approval. North Carolina (1792) led the way, and was soon followed by Massachusetts (1799) and New York (1811) (Henn and Alexander 1983, 25).

Institutional transfer proceeded in the U.S. just as in Europe, but by a different and even stronger mechanism. Some states, especially the smaller ones, began to liberalize their laws even further in an effort to gain tax revenue by enticing companies to incorporate in their state. As soon as one state liberalized their laws, another state would follow suit to keep businesses from incorporating elsewhere. Thus, competition drove liberalization to extreme degrees (Romano 1993, 65).

A key step in the development of this competitive dynamic was the decision by the Supreme Court that states could not prevent businesses incorporated in other states from doing business in their state. In Paul v. Virginia, the United States Supreme Court decided that under the interstate commerce clause a state had no power to exclude a corporation from doing business in its state if that corporation was chartered elsewhere. This decision meant that corporations could shop for the most advantageous incorporation laws, basing their decision solely on the governance advantages of those incorporation laws. Corporations did not have to worry about regulatory penalties from other states where they planned to do their actual business (Romano 1993, 26). Competitive pressures arising from Paul v. Virginia thus took away regulatory autonomy. Gone were states' powers to fully regulate the charters of those companies doing business in their economies.

Nevertheless, the role of the state in the growth of the modern corporation in the U.S. should

The Limits of National Diversity

not be underestimated. The growth of U.S. capital markets, a key prerequisite to the growth and spread of the modern corporation, was highly dependent on public action. Favorable government treatment of the railroads and public investment dollars in such large technologies spurred some of the most important examples of equity financing during the 19th century. What is perhaps more important, government sales of bonds to finance the Civil War greatly increased the volume of American securities markets. The buying and selling of bonds provided a huge boost to markets, an effect that was mimicked elsewhere, such as with the London Stock Exchange during the Crimean War.

We see, therefore, that the state played a critical role in the development of the modern corporation. Innovations in state-building and government not only brought on the institutional innovations required for the birth modern corporation, but state action greatly accelerated corporate growth and development.

THE LIMITS OF NATIONAL CHOICE

The modern corporation is a product of rules that came about with the innovations and procedures of modern state-building. However, the corporation was spread by extra-national imitation of rules and practices across national boundaries. The new nation states pushed each country to develop far more independently, organizing domestic interests and institutions according to their own peculiar patterns of national choice. Nevertheless, the autonomy nations exercised over the development of this critical institution of capitalism, the modern corporation, was limited.

One of the key ways the corporation has spread is through legal harmonization. Each nation-state has its own rules and regulations by which companies organize themselves and act. While the laws are not always the same and each nation has its peculiarities, nations have established common ground so that businesses can carry on trade. Today, legal harmonization of corporate code continues, providing a key pressure in many countries toward integrating their economies into the world economy.

An excellent historical example of this process of harmonization is Japan. During the Meiji Restoration of 1868, several of the *daimyo* or local rulers overthrew the Shogun and returned power to the Emperor Meiji. One of the important changes the reformers made was to bring the laws and regulations in alignment with those of the western nations with whom Japan had been doing business. Western nations had demanded that Japan update its

commercial code so that foreign businesses could understand and compete—or sanctions would follow. Japan complied (Hirschmeir and Yui 1981, 73). Like Japan of the 1860s, today only a nation-state that is willing to be punished economically can disregard the pressure to harmonize.

Harmonization can quickly lead to legal standardization, or institutional convergence, and history shows us how. The United States' experience, far from being an exception, might point the way here. Much like the dynamic that developed after Paul v. Virginia, there might well come a time, if it is not already here, when companies will begin to choose which country they wish to incorporate in. It will not matter in what country they incorporate because they will be able to do business anywhere on the globe. Then nations will begin to liberalize their own laws and encourage companies to incorporate so that they will gain tax revenue and retain some modicum of control over such corporations. Eventually the dynamic that is seen in America could be seen throughout the entire world. Modern corporate law, although once the product of national politics, has never been absolutely determined by it; in the future, what influence nation states retain over the rules of the corporation could very well largely disappear.

CONCLUSION

Those who interpret the global economy either as an illusion that hides the true, national origins of private power, or as a new threat to political choice and democracy, misinterpret the lessons of history. Those lessons show that although the nation-state and the modern corporation were born at the same moment and as consequences of similar innovations in state-building, law and administration, the dynamic of institutional change and transformation that both preceded and followed the birth of the corporation was often extra-national. Legal harmonization and institutional transfer have always limited national diversity and with it national choice of institutional possibilities—although these forces have never eliminated these ideals. In other words, the forces of globalization have been with us since the beginnings of the modern age, and will undoubtedly continue, possibly intensifying. Whether this spells the end of nation-states and their traditional roles in the global economy is still an unanswered question. History does teach us that if the future is like the past, national autonomy will at least be limited.

ABOUT THE AUTHORS

Kristine Grigorian, Michael Murff, and Robert Shull wrote this paper as part of a research project with Professor John Griffin in the summer of 1997.

Kristine is a junior in political science from Armenia. She is a Russian minor and plans to attend law school upon her graduation and to eventually become a corporate lawyer.

Michael is a political science major whose interests include the study of global financial markets and governments. During his free time he enjoys skiing and spending time with his wife Clementine. He plans to attend law school upon graduation.

Robert, a native of Kansas City, is a senior in political science who will go to law school after he graduates this April (as long as Dr. Magleby gives him a B- or better on his senior paper!)

WORKS CITED

- Ayling, D.E. 1986. The internationalization of stock markets: The trend towards greater foreign borrowing and investment. Brookfield, VT: Aldershot, Hants and England.
- Berger, S., and R. Dore. 1996. National diversity and global capitalism. Ithaca, NY: Cornell Univ. Press.
- Braudel, F. 1982. The wheels of commerce. Berkeley, CA: Univ. of California Press.
- Cameron, R. 1961. France and the economic development of Europe 1800-1914. Princeton, NJ: Princeton Univ. Press.
- Freedeman, Charles. 1979. Joint-stock enterprise in France, 1807-1867. Chapel Hill, NC: Univ. of North Carolina Press.
- Gowdy, J. David. 1982. The regulation of the stock market in England to 1990. Unpublished manuscript. BYU Libraries.
- Henn, H., and J. Alexander. 1983. Laws of corporations and other business enterprises. St. Paul, MN: West Publishing.
- Hirschmeir, J., and T. Yui. 1981. The development of Japanese business. Boston, MA: G. Allen and Unwin.
- Kindleberger, C. 1993. A financial history of Western Europe. New York: Oxford Univ. Press.
- Koberg, Peter. 1992. Die Entstehung der GmbH in Deutschland und Frankreich unter Beruecksichtigung der Entwicklungen des deutschen und franzoesischen Gesellschaftsrechts. Koeln, Germany: Otto Schmidt.
- Morgan, E. Victor, and W.A. Thomas. 1969. The stock exchange: Its history and functions. London: Elek.
- Werner, W., and Steven Smith. Wall street. New York: Columbia Univ. Press.
- Romano, Roberta, ed. 1993. Foundations of corporate law. New York: Oxford Univ. Press.

In Their Own Words: Newspaper Soundbite Lengths in the 1956 and 1996 Presidential Elections

By Brian Blake

Lamar Alexander, an unsuccessful candidate in the 1996 Republican presidential primaries, recently complained about the media's coverage of presidential campaigns:

Voters complain about negative campaigns devoid of issues. [The media] might be surprised to learn that one way to make campaigns more positive and issue-oriented would be to let the candidates speak for themselves. (Alexander 1997, 1)

Alexander's gripe is a common one among candidates; presidential candidates are tired of the media not allowing them to explain their policies in their own words, and they have some valid complaints.

Alexander argues that the journalists, not the candidates, are the ones doing all of the talking. He substantiates this accusation with a report produced by the Center for Media and Public Affairs. According to the study, from January 1 through February 19, the nine Republican candidates spoke on the television networks for only 79 minutes of the 453 minutes of total story time, less than one fifth of the total (Markle Presidential Watch 1996, 2). The study also found that only one out of every six of these news stories included a

specific detail about the candidate's policy proposals. When the candidates were quoted in their own words in a story, the media didn't let them talk for very long; the report found that the average candidate soundbite was a mere eight seconds long, hardly enough time for the candidate to explain his or her position on an issue (Markle Presidential Watch 1996, 1).

Of all of the statistics that Alexander cites, perhaps the last is the most shocking. The soundbite, a staple of the American media's television campaign coverage, has withered away to nothing. This phenomenon is evidence of the changing role the media has gradually been adopting in increasing numbers since the 1960s: that of public advocate instead of mere "conduits of official information" (Davis 1996, 72). This "new journalism" was born during

the social upheaval of the 1960s. During this time, many reporters were faced with subjects and news events whose significance lay in their experience. These journalists found that conventional reporting only made subjects such as Woodstock or the black power movement seem stranger (Hellman 1981, 3).

As Hellman says, new journalism "rejected conventional journalism's assumed perspective of 'objectivity' and its reliance on official, often concealed sources. Instead, [new journalists] sought



new forms and frankly asserted their personal perspectives" (1981, 3). But if this attitude change has occurred, wouldn't it also be reflected in the print media? The Center for Media and Public Affairs study, and others to be mentioned shortly, have only looked at the length of soundbites on network television news. This void in the research offers an interesting research question: is the trend towards shrinking soundbites in television presidential campaign coverage also occurring in the print media, specifically newspapers?

To answer this research question, I will do the following: First, through the literature, I will prove that there is a trend toward shrinking soundbites in television network news campaign coverage. Then, I will present the results of original research which compares the soundbite content of Associated Press presidential campaign articles from both the 1956 and 1996 presidential campaigns.

THE TREND TOWARD SHRINKING SOUNDBITES

What American doesn't remember George Bush saying, "read my lips, no new taxes," or Lloyd Bentsen's infamous jab at Dan Quayle: "Jack Kennedy was a friend of mine; Senator, you're no Jack Kennedy"? Like it or not, soundbites are a part of American political culture. The term soundbite originally came from radio where it referred to a film or tape segment in a news story which showed someone actually speaking (Hallin 1992, 5). This definition still holds true today, although print media also consider quotations as soundbites. The modern campaign soundbite, claims journalism professor Sig Mickelson, was created by the television news industry, "not in the fertile brain of a candidate handler." However, once these handlers learned what television wanted, they eagerly supplied television with it in a way that met their own ends. The handlers wanted to create appealing programming that the news would want to cover, while "simultaneously building insurance that the candidate would avoid any gaffs that would damage his standing in the polls" (1989, 167).

Two independent studies released in 1992 have demonstrated the tremendous decline in the length of the television soundbite. Daniel Hallin of the University of San Diego and Kiku Adatto, a Sociologist at Harvard, both did separate studies on the difference between soundbite lengths in the 1968 and 1988 presidential elections (Adatto 1993, 2). Due to the fact that Hallin also included the presidential election years between 1968 and 1988, I will focus primarily on his study.

Hallin's study was very conclusive in its findings. His methodology consisted of watching stories from network news broadcasts and timing the length of the actual speaking time of candidates in these stories. For the six election years beginning with 1968, his sample sizes were: 113, 123, 119, 201, 179, and 284.

Hallin found a consistent and steady decline in the length of soundbites. In 1968, the average soundbite was 43.1 seconds. By 1988, that number had declined to 8.9 seconds (see Appendix figure 1). Of the soundbites in 1988, only 4 percent of those in the sample were 20 seconds or longer (Hallin 1992, 6). More recent studies have shown that soundbites have continued their decline in subsequent elections by dropping to 8.4 seconds in 1992 and 8.2 seconds in last year's election (Center for Media and Public Affairs 1996, 1). Hallin's findings are confirmed by Adatto. She reported the average soundbite as being 42.3 seconds in 1968, and 9.8 seconds in 1988 (Adatto 1993, 2).

As the length of soundbites has been getting shorter, so has the percentage of television time soundbites take up in election stories. In 1968, 17.6 percent of the time in elections stories was taken up by soundbites; by 1988 this had dropped to 5.7 percent. So if the election stories are now 94.3 percent soundbite free, who is filling up all of the time? According to Hallin, reporters' use of "outside material" has greatly increased in recent years. Journalists bring in information to put the "statements and actions" of the candidate into perspective. The use of "experts" to comment on the campaign is one of the most popular forms of outside material. In 1968 an "expert" appeared in only one of all the sampled stories. However, in 1988, there were 37 appearances by "experts" in the sampled stories (Hallin 1992, 10). Although there are no data available, it would be safe to assume that this number is much higher now.

Hallin cites numerous reasons for the decline in soundbites. (Although the scope of this paper does not include the reason for the decline in soundbites, I will mention a few here.) The conventional wisdom is that the public's attention span is shrinking in the age of MTV. This forces anyone in search of an audience to deliver shorter, sharper quotes. Media executives and politicians try to find soundbites that are as short and as witty as possible (Tierney 1992, A18).

Although "experts" have replaced candidate soundbites in the media's stories, they have not completely filled the void left as soundbite length declines. The remainder of the void has been filled

In Their Own Words

in by reporters. Obviously, the reporter has to fill in the rest since they are writing the story, but, the tone and content of the reporter's comments have changed dramatically since 1968. "New journalism" is the main culprit. As Hellman states, many journalists have "rejected conventional journalism's assumed perspective of 'objectivity' and its reliance on official, often concealed, sources. Instead, they sought new forms and frankly asserted their personal perspectives" (1981, 3).

New journalism's tendency to mix commentary with reporting is a development of the last thirty years, and coincides exactly with the decline of soundbites. Journalists have seen their role as changing to advocates of the people and adversaries of the candidates instead of impartial reporters of events (Hulteng 1976, 197). New journalism journalists see no problem in challenging what a candidate has said. They feel that the public is "in less need of facts than of an understanding of the facts already available" (Hellman 1981, 3).

A recent survey of journalists shows the differing schools of thought do indeed exist. When reporters were asked whether there was too much commentary in reporting, only 35 percent of journalist under 35 agreed. Journalists who were between 35 and 49 agreed at a rate of 48 percent, while those between 50 and 59 agreed at a rate of 56 percent. Sixty percent of journalists over 60 agreed with the statement, demonstrating the stark generational differences between the traditional impartial reporter, and the strong tendency of the modern reporter to be a new journalist (Glass 1995, 13).

Hallin claims that modern TV news is much more "mediated" than news just a few years ago. He states that before the 1960s, the journalist's role as a communicator was relatively passive. The reporter would simply do little more than set the scene for the candidate whose speech would then dominate the report. In today's media however, the strong tendency to mix commentary with reporting has resulted in less space available to quote the candidate. With only a limited amount of print space available, something has to be taken out to make room for quotes from experts and the reporter's analysis; not surprisingly, the candidate has been losing out.

SOUNDBITES IN NEWSPAPER COVERAGE

My research question, once again, was to see if the print media has followed the trend of the television media; has there been a significant decline in the length of soundbites in newspapers? (Although direct quotation of candidates in the print media is

not technically the same as a television soundbite, I use the term soundbite because they are in essence the same: they allow the candidate to speak in his or her own words.) Due to the lack of literature on this specific topic, I had to conduct my own research.

Methodology. To see if there was a difference in coverage, I chose to examine the election years of 1956 and 1996. I chose the 1956 election because it offered coverage before the media began to be influenced by the advent of "new journalism" in the 1960s. I chose the 1996 election because it gave the most up-to-date information on how the media cover presidential elections.

The purpose of my study was to see exactly how much the media allowed candidates to speak in their own words. The 1956 race was between Dwight D. Eisenhower and Adlai Stevenson, and the 1996 race was between Ross Perot, Bob Dole, and Bill Clinton. From each election year, I randomly chose fifty newspaper articles from the months of September, October, and the pre-election days of November. I employed a systematic random sample where I looked only at the newspapers on every third day (ie., the first, fourth, seventh, tenth, and so on). I chose to look at articles from the Salt Lake Tribune, and I made the stipulation that these articles must be from the Associated Press or a similar national news wire service. I felt that this would give an somewhat accurate representation of the media nationally, not just in the Salt Lake area.

I then read each of these articles and looked for statements within quotation marks. I had three criteria as I read each article. First, I was looking to see how many quotes were by candidates and how many quotes were by analysts. I do not mean "analyst" in the traditional sense of the word. I define analyst as anyone, excluding the candidate, who makes a value judgement about the candidates. This includes anyone from the political pundit to the average citizen. Examples of actual comments which were coded "analytical" include one by political scientist Steven Schier: "It was a rare moment in political courage" (Thomma 1996, A30), and citizen Gary Overturf: "He came through for us" (Associated Press 1996, A24).

The second thing which I was looking for was quote length. The simplest way to do this was to count the words in each set of quotation marks. Although this process was time consuming, it was the most accurate.

The final thing which I was looking at was the content of the candidate's quotes. I developed three categories that a quote could be coded as. The first was a "policy quote." In this type of quote, the

candidate had to discuss a specific policy proposal or position on an issue. In other words, the quote had to in some way inform the voter as to how the candidate stands on a particular issue. An example of this category can be seen in a statement by Adlai Stevenson: "I subscribe with all of my heart to ending the military draft" (Associated Press 1956, 4A).

The second category was an "attacking quote". In this type of quote, the candidate needed to make a disparaging or critical remark about his opponent. I only counted a quote as "attacking" if it had no reference to policy; otherwise, attacking quotes which related to the opponent's policy were coded as "policy quotes." I included character attacks as "attacking quotes" because they don't relate to specific policy positions. An example of an attacking quote is this statement by Adlai Stevenson: "Their attitude toward America is that of the big boss toward the boys" (Associated Press 1956, 1A).

The third category of quote I coded as a "neutral quote." This was any quote that was neither "attacking" nor "policy." The "neutral quote" usually had something to do with campaign strategy, the horse race, or tactics. It also could be any trivial statement, such as a joke, made by the candidate. Self-supportive statements such as "America has a friend in Bob Dole" were also coded as "neutral." An example of a "neutral quote" can be seen in this statement by Ross Perot: "Do I intend to campaign to the bitter end? Yes. You'll be stuck with me for a long time" (Combined News Services 1996, A1).

Results. The results of my study confirms that the print media has exhibited the same behavior that Adatto and Hallin identified amongst the broadcast media. To begin with, I found that there has not been a dramatic change in the amount of quotes per article. In 1956, the average article contained 4.92 quotes. In 1996, the average article contained 5.06 quotes. However, the ratio of candidate quotes to analyst quotes has changed dramatically. In 1956, there were only 3 quotes out of 246 total quotes in the 50 articles which were made by someone other than the candidates. This means that 98.8 percent of the quotations in all articles were the candidate speaking in his own words (see Appendix figure 2). In 1996 this ratio had dropped dramatically. Only 41.5 percent (105) of the 253 total quotes were attributed to the candidates, while 58.49 percent (148) of the 253 quotes were attributed to analysts (see Appendix figure 2).

My analysis of quote length also yielded some dramatic differences between 1956 and 1996.

In 1956, the average candidate quote was 36.21 words long. By 1996, this length had been cut by more than half. The 1996 average candidate quote was 15.6 words long. The 1996 average quote for an analyst, however, was nearly 11 words longer at 26.51 (see Appendix figure 3).

The content analysis of candidate quotes also shows a marked difference between 1956 and 1996. In 1956, 72.35 percent (178) of the 246 total quotes were "policy quotes." These quotes, although containing some attacks on the opposition, gave some statement as to the stance a candidate took on an issue. I coded 15.85 percent (39) of the 246 quotes as "attacking quotes." The majority of these quotes were personal attacks on the opponent which made no specific mention of policy positions. Those quotes coded as "neutral" accounted for 11.78 percent (29) of the 246 total quotes. In the 1956 study, these quotes were mainly jokes, asides, and generic "we're going win in November" statements (see Appendix figure 4).

My content analysis of 1996 candidate quotes yielded vastly different results. Quotes coded as "neutral" more than doubled in frequency to 31.42 percent (33). These quotes differed from the 1956 "neutral quotes" because they primarily discussed campaign strategy. The majority of all quotes were coded as "attacking quotes." A hefty 42.85 percent (45) of the quotes were direct attacks on the opponent. This increase is primarily due to the character issue which has become such a topic of discussion in modern campaigning. "Policy quotes" were the rarest of the three types. Only 25.71 percent (27) of the 253 quotes had anything to do with a policy position (see Appendix figure 4). However, when the media did quote a candidate on an issue, the quote usually did not contain an attack on the opponent. Only 18.5 percent (5) of the policy quotes also contained an attack.

Analysis. There has definitely been a change in the way that newspaper reporters cover presidential campaigns. The candidates are allowed to speak in their own words less often, while the media and analysts are speaking more. And, when the media does quote the candidates, the majority of the time they like to quote them attacking their opponent rather than discussing their policies. I do not claim that this is the media's fault. Perhaps the candidates themselves are more negative. Regardless, the public is not hearing the candidates discuss their policies in their own words.

As I conducted my research, I noticed that the general format for covering campaigns has changed. The stories from 1956 followed a set pat-

In Their Own Words

tern. Each day the paper followed a set format. Each candidate had one article written about what they had done on the campaign trail the day before. These articles were almost always side by side, and they generally were about a speech the candidate had given. The reporter merely described the location and then quoted the candidate's speech, giving minor background and clarification throughout. There was no analysis by the reporter or any analysts. The reporter never challenged what the candidate said, he/she merely reported it. The reader was able to just read what the candidate had said in the candidate's own words.

The first thing I noticed about the 1996 stories was the lack of any set format from day to day. Surprisingly, there were many days when there was no story at all. Granted, the Dole/Perot/Clinton race may not have been as newsworthy as the Stevenson/Eisenhower race, but the lack of coverage on some days was noticeable. For example, from October 1 to October 4 there were no stories on any of the presidential candidates. One story appeared on the 5th, but the 6th and 7th were also devoid of coverage. I never encountered this in the 1956 newspapers. There was always at least one story about the candidates, even if they hadn't campaigned the previous day.

Another difference I noticed was placement of quotes in the articles. The 1956 stories usually had a candidate quotation lead the article. In 1996, the majority of the candidate quotes appeared well into the article, oftentimes after three or four quotes by analysts. These analyst quotes often discredited what the candidate was going to say before the reader had a chance to read it.

The general tone of coverage was vastly different between the two years. The 1996 media is much more skeptical and critical of what the candidate says. Most times, the reporter would find experts to refute the candidates' policy proposals and claims. A classic example of this type of journalism is seen in an article entitled, "Dole & Clinton: How Facts Compare with Their Claims." In this article, the reporter took statements made by the candidates in the previous night's debate and

researched them for accuracy. A typical statement from the article reads:

Dole alleged that under Clinton, wages had stagnated and that families now pay 40 percent of what they earn to pay federal, state, and local taxes But two government studies challenge those claims. (Associated Press 1996, A4)

This type of journalism did not exist in the 1956 campaign. Although I did encounter some analysis stories in the 1956 newspapers, they were always in stories separate from candidate coverage stories, and they were labeled as analysis. Most of the time they were on the editorial page. Modern newspapers have blurred the line where analysis begins and where impartial reporting ends. I am not saying that this type of journalism is right or wrong. In fact many would see it as informative and helpful, but the fact remains that the media has changed its style of campaign coverage dramatically.

CONCLUSION

Lamar Alexander's criticism was legitimate; candidates are receiving fewer and fewer opportunities to get their messages out in their own words. Both the television media and, as this paper has shown, the print media, have followed a trend of shrinking the size of soundbites for candidates, while simultaneously increasing the amount of coverage given to their own analysis and the analysis of others.

ABOUT THE AUTHOR

Brian Blake is a senior in political science from San Jose, California. His interest in media began with his five-year stint as a morning paperboy for the San Jose Mercury News. Upon graduation, he will attend graduate school in public relations. He enjoys surfing, cycling, backpacking, and wood-working.

WORKS CITED

Adatto, Kiku. 1993. Picture perfect. New York: Basic Books.

Alexander, Lamar. 1997. Let us speak for ourselves. Media Studies Journal. At <<http://www.mediastudies.org/cov96/alexander.html>>. 26 March 1997.

- Associated Press. 1956. Adlai, Eisenhower swap campaign salvos. Salt Lake Tribune, 2 October, A1.
- _____. 1956. Nixon, Adlai spar in California talks. Salt Lake Tribune, 7 September, 1A, 4A.
- _____. 1996. The northwest rains on Clinton bus parade. Salt Lake Tribune, 20 September, A24.
- _____. 1996. Dole & Clinton: How the facts compare with their claims. Salt Lake Tribune, 7 October, A4.
- Center for Media and Public Affairs. 1996. Campaign '96: How TV news covered the general election. Center for Media and Public Affairs. At <<http://www.proxima.com:80/cmpa/html/novdec96.html>>. 3 March 1997.
- Combined News Services. 1996. Perot snubs Dole, snaps at Clinton. Salt Lake Tribune, 25 October, A1.
- Davis, Richard. 1996. The press and American politics: The new mediator. 2d ed. Upper Saddle River, NJ: Prentice-Hall.
- Glass, Andrew J. 1995. It's official: Most people don't like us any more. American Editor. September: 5-13.
- Hallin, Daniel C. 1992. Sound bite news: Television coverage of elections, 1968-1988. Journal of Communications 42 (spring): 5-24.
- Hellman, John. 1981. Fables of fact: The new journalism as new fiction. Urbana, Illinois: University of Illinois Press.
- Hulteng, John L. 1976. The messenger's motives: Ethical problems of the news media. Englewood Cliffs, NJ: Prentice-Hall, Inc.
- Markle Presidential Watch. 1996. First "report card" for "Markle Presidential Election Watch" reveals media distortions in New Hampshire GOP primary coverage. Center for Media and Public Affairs. At <<http://www.proxima.com:80/cmpa/html/ewatch/markle.html>>. 3 March 1997.
- Mickelson, Sig. 1989. From whistle stop to sound bite: Four decades of politics and television. New York: Praeger Publishers.
- Thomma, Steven. 1996. The good: Dole tore into the deficit from the trenches. Salt Lake Tribune, 20 September, A30.
- Tierney, John. 1992. Soundbites become smaller mouthfuls. New York Times, 23 January, A1.

APPENDIX: Figures 1 through 4

figure 1. Average soundbite length in television coverage of elections, 1968-1988, in seconds

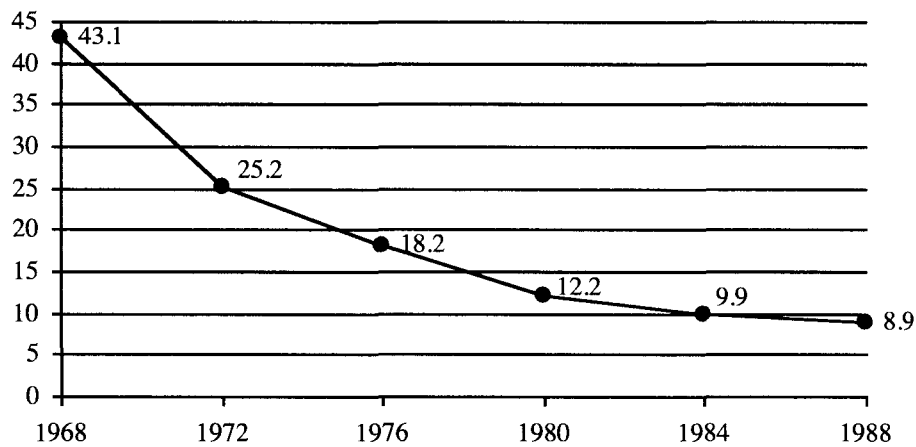


figure 2. Quote ratio, 1956 and 1996, by percent

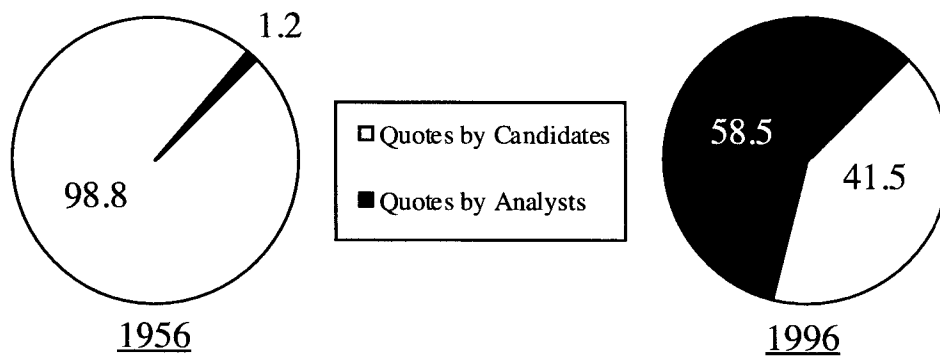


figure 3. Comparison of candidate quote with analyst quote, 1956 and 1996, in number of words

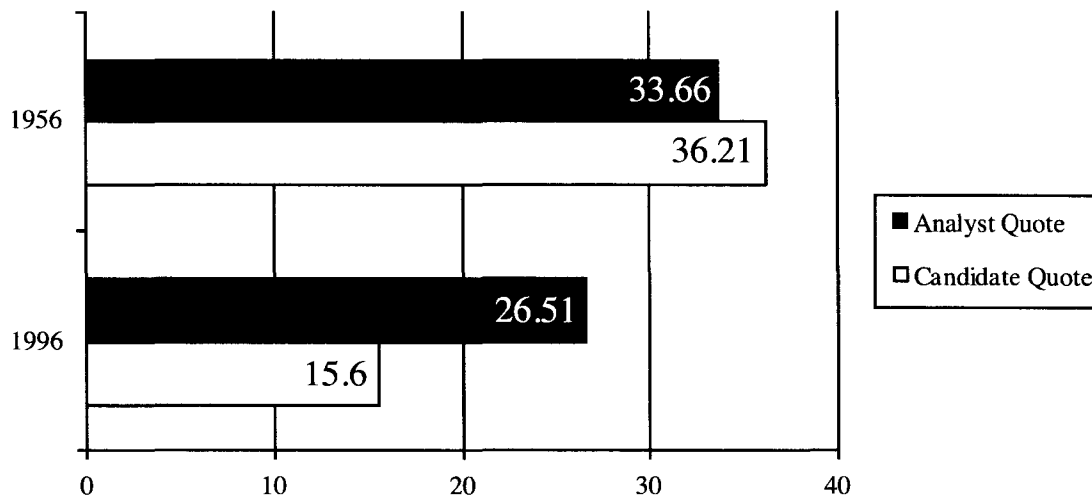
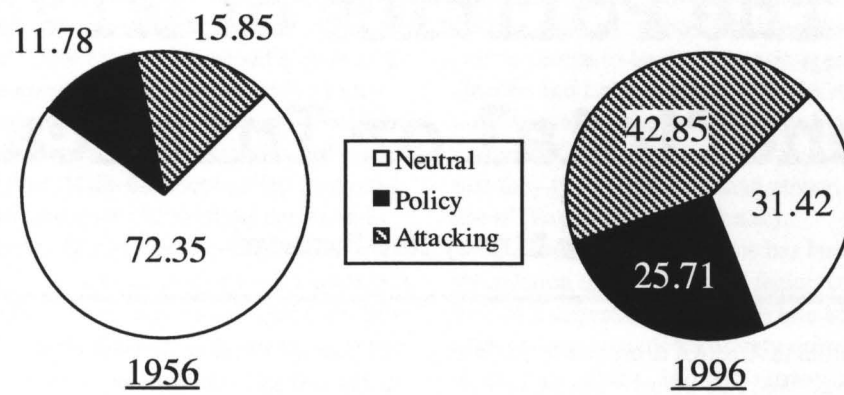


figure 4. Content of candidate quotes, 1956 and 1996, by percent



The Politics of MTV: Beneficial or Inimical?

By Linsey Rae Sommers

Our freedom in America is best understood as a paradox. We pride ourselves as being the freest nation in the world, yet by not exercising our freedom we indirectly let others decide our fate. This immense nationwide apathy, expressed primarily by voter indifference, is undermining democracy today. Many groups realize the seriousness of voter apathy and are calling for increased citizen awareness and participation. Formally only known for producing music videos, MTV (Music Television) has expanded into the political realm by striving to overcome voter apathy and "convince young people if they're not happy with the political process, they have the ability to influence it" (Express News Net n.d.).

C. Wright Mills, a controversial writer and sociologist in the 1960s, theorized that the apathetic attitude of society was leading to an "end of ideology" (Jacobs and Landau 1966, 102). He thus galvanized younger members of society to become the agents of social change. Tom Hayden, an influential leader of SDS (Students for a Democratic Society) and a contemporary of Mills, wrote "The Port Huron Statement" as a way to urge students particularly to become aware of the issues affecting them and to fight for radical politics. This essay will use Mill's theory of "the end of ideology" to analyze the apathy expressed in society and then focus on Hayden's theory of organizations to explain MTV's commitment to draw young voters into the political process and to show them why their voice is necessary for maintaining democracy.

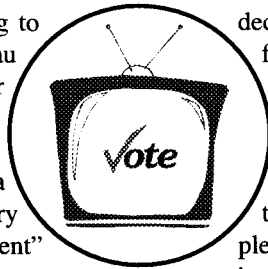
Apathy is increasing among all levels of society. Americans in general are not knowledgeable about current political issues and simply do not seem to care enough to educate themselves. Since the founding voting has been the primary means granted by government for ordinary citizens to shape those policies that affect them directly. With the expansion of suffrage, rise of "soft money," and

the passage of the motor-voter law, it is easier today to register and vote than any other time in our nation's history, yet the percentage of total eligible voters keeps shrinking (Janda, Berry, and Goldman 1997, 236).

The founders of this nation established America as a democracy. A true democracy is "a system of government in which power is vested in the people, who rule either directly or through freely elected representatives" (Hirsch, Kett, and Trefil 1988, 291). A democracy in its fullest form can only function by the voice and consent of the people. If members of society, as a whole, do not express their views, the elected officials themselves are at liberty to determine what is best for the people and democracy is undermined.

A lack of political concern is not new to this decade. In the late 1960s, C. Wright Mills found that society lacked a clear vision for America. To him, the majority of people tended to think there were no substantive issues or problems of vital importance. Additionally, Mills claimed that the power elite, rather than the people, governed the nation. The lack of substantive issues and domination by the elite engendered feelings of external inefficacy. Complacency subsequently prevailed among society as many citizens felt they were incapable of instigating societal change (Jacobs and Landau, 104). Feelings of both external inefficacy and complacency, in turn, fostered political apathy. Mills theorized that this prevailing mood of political apathy would lead to "the end of ideology" because society, according to him, was losing that unified ideological vision that once guided the nation and held it together (Jacobs and Landau 1966, 102).

For Mills, "the end of ideology" rested "upon a disbelief in the shaping by men of their own futures" and it stood for the refusal to work out an explicit political philosophy (Jacobs and Landau 1966, 104). Without a well-defined political philos-



ophy how does one instigate societal change? Mills theorized that if societal change was going to occur, it must occur within the younger segment of society. He discovered that while the ingrained beliefs of the older generations made them less receptive to new ideas, the younger members of society had not lived long enough to form concrete ideologies and were easier to mobilize. Mills therefore called for young intellectuals to challenge the existing norms and values among the elite and become new agents of social change. He urged the rest of the population to "learn from these young intellectuals and with them work out new forms of action" (Jacobs and Landau 1966, 114).

As Mills theorized in the 1960s, the elite continue to govern society, and political ignorance still abounds among the general population. With such low voter turnout policy makers find it difficult to aggregate the varied beliefs of the citizens into a cohesive political philosophy to guide the nation. Traditionally, politicians and other organizations have given up trying to capture the youth vote because the turnout is so low and because they find their efforts fruitless. In recent years though, many organizations have adopted Mills's philosophy of expressing greater confidence in the younger segment of the population and have tried to increase the political awareness and influence of young adults.

MTV, with its unconventional format, anarchist music videos, and unorthodox hosts, was once considered by many as detrimental to democratic order. By educating young people about the current issues and engaging them in the political process, MTV is changing that image. Like Mills, MTV believes that, with some initiative, the younger segment of society can influence legislation and get policymakers to address their concerns. Barbara Jordan captured MTV's philosophy by emphasizing "it's not just that youth voters are cynical; they're just lost like the rest of the electorate" (Coleman, 1992, 26). MTV's goal is to break this sense of disillusionment among young adults and instill them with some form of guiding political ideology.

Mills theorized that without a coherent ideology, society remains stagnant only left to be governed by the elite. Developing an explicit political philosophy is dependent upon knowing which ideals are most important to society. Without citizen participation, particularly voting, those ideals never get expressed. MTV, which previously had no connection with politics, has since realized the importance of citizen participation and is striving to educate young people about the issues and increase voting.

Like Mills, MTV believes that with greater citizen participation, the nation can become closer to developing a coherent political philosophy. Mills wanted young people to be the "historic agents of change" (Jacobs and Landau 1966, 110-11). Adopting a similar philosophy, the tour manager for the MTV bus remarked "We're just out here to reinforce the idea that they [young adults] have power, if they'll only use it" (Express News Net n.d.).

Thus far the emphasis has been on Mills's articulation of the problems facing society, namely a lack of a coherent ideology. While Mills's analysis of American society accurately captures the sentiment of the nation, Hayden's theory more fully articulates the mechanisms needed for change. Although the time between Hayden's involvement with the SDS (Students for a Democratic Society) and MTV's current campaign covers thirty years, Hayden's conception of society in the 1960's parallels society's political apathy today, thus his theory of mobilizing the youth is still applicable.

Hayden described his generation as "bred in at least modest comfort, housed now in universities, looking uncomfortably to the world we inherit" (Jacobs and Landau 1966, 150). Although stated in the 1960s, his view epitomizes the world we live in today. With the Cold War over there is no major threat to our security. The economy is growing at an unprecedented rate and the crime rate is drastically decreasing. The improvements in society have weakened the sense of urgency for change. Hayden explains: "America rests in national stalemate, its goals ambiguous and tradition-bound instead of uniform and clear, its democratic system apathetic and manipulated rather than 'of, by, and for the people'" (Jacobs and Landau 1966, 151).

Hayden wanted to break through this stalemate and make political institutions more accessible and responsible to the people. He felt that the lack of organizations binding people together inhibited societal change. Hence, Hayden thought if he could unite people under organizations purporting change, he could then overhaul the current political system and institute better democratic practices. He claimed that "A first task of any social movement is to convince people that the search for orienting theories and the creation of human values is complex, but worthwhile" (Jacobs and Landau 1966, 154).

Hayden focused on the younger segment of the population because he knew that this young generation today would eventually become the leaders of tomorrow. MTV is targeting the youth for the same reason. During the 1992 presidential campaigns, Sara Levinson, executive vice president of

The Politics of MTV: Beneficial or Inimical?

MTV, urged the youth: "You can make a difference, your point of view makes a difference and you can change the world" (Multichannel News 1992).

MTV's commitment to enhancing democratic participation among the youth was first actualized through its "Rock the Vote" campaign. Actually "Rock the Vote" was not created by MTV, but by a young man that wanted to raise awareness of the government's attempt to limit the freedom of speech and artistic expression. After only one year of the organization's inception, MTV recognized the group's immense following and MTV joined forces with Patrick Lippert in 1991. MTV has since greatly expanded the mission of "Rock the Vote" into the realm of political activism. As defined by MTV, "Rock the Vote" is "a non-partisan, non-profit organization dedicated to protecting freedom of speech, educating young people about the issues that affect them, and motivating young people to participate by registering, voting, and speaking out" (Express News Net n.d.).

"Rock the Vote" became a political force just before the 1992 presidential elections. During the campaign season MTV interpolated thirty-second to four-minute political news segments into its traditional display of music videos. The network also conducted weekly issue-oriented news specials, covered both the Republican and the Democratic conventions, and aired political commercials. Additionally, the network interviewed high profile candidates such as Al Gore, Bob Dole, and Bill Clinton. At the conclusion of an interview, President Clinton remarked, "We've got to get young people to believe again that the political system can make a difference in their lives" (Chen 1992, 27 [A]).

Although Hayden stressed more radical politics, the stated objectives of the SDS are similar to those of MTV. Hayden wrote The Port Huron Statement to express his views of democracy and to state the goals of the SDS, which include seeking "the establishment of a democracy of individual participation, governed by two central aims: that the individual share in those social decisions determining the quality and direction of his life; that society be organized to encourage independence in men and provide the media for their common participation" (Jacobs and Landau 155).

To fulfill his objectives, Hayden traveled to various college campuses across the nation trying to instill some sort of unifying institutions among the young people. By rallying students to fight for radical politics, he tried to create enough political upheaval among the younger segment of the population to instigate societal change. MTV adopted

relatively the same technique for increasing political awareness and voter participation. In a desperate attempt to convince America's youth to vote, its 45-foot custom designed "Choose or Lose" bus toured the nation making stops at universities, concerts, malls, and youth gatherings across America. At each stop MTV registered voters, set up interactive information kiosks, and distributed forty-five-page voting guides. During a stop at the University of Iowa Dave Anderson, the tour manager for MTV remarked, "It's no secret young people are disillusioned with politics." He then urged the youth: "You need to get involved! Sitting on the sidelines only makes it worse. It's your life. . . . How the government is run affects you" (The Daily Iowan 1996).

On paper, goals of the SDS seemingly correspond with those of MTV; in practice though, they are vastly different. MTV's vast size and strength gives the appearance that MTV's fight against political apathy far surpassed the intentions of Hayden's democratic movement. Actually, Hayden would consider MTV's movement weak and ineffectual. Hayden envisioned a strong democracy in which participants are actively engaged in the political process. Unlike MTV, he did not consider merely voting once every two years, democratic participation. To reap the rewards of a democracy, Hayden wanted society to rally for meaningful causes, to engage in political debates or protests, and truly to educate themselves about the issues. MTV's main concern was to increase voter turnout.

On a deeper level, the SDS was fighting against everything that MTV represents, i.e., the elite establishment, the status quo, and especially corporate conglomerations. Without his own personal gain, Hayden instigated a grass roots movement from the lowest ranking members of the political spectrum—the youth. Hayden would be appalled that such an organization that produces music videos would use such a potentially potent force in politics to further its own corporate interests. Granted, MTV is helping to promote democratic practices and perhaps should be applauded for its efforts, but there may also be some underlying motives driving its efforts. According to *Variety* magazine, the executives at "MTV are poised to capitalize on the public interest in politics. . . . Its 'Choose or Lose' coverage not only drew in voters, but was an advertising and marketing success story" (Robins 1992, 21). From its "Rock the Vote" campaign and "Choose or Lose" tour MTV gets free advertisement and publicity on major networks such as ABC, NBC, and

CBS, and is in countless newspapers and magazines across America. Hayden sought to overthrow the elite establishment and bring power to common citizen, not further the aims of corporate enterprise.

The question we must now ask ourselves is which form, if either, is truly democratic. Although Hayden wants a government literary "of, for, and by the people," is demanding social and political upheaval the best way of approaching democracy in the first place? Is Hayden's method even democratic at all? He felt that if one really cared about a particular value, he or she would work through the institutions and fight for their beliefs. Thus, for Hayden, deference should be given to those who are the most outspoken. The problem with this pluralist model is that it essentially favors those with more resources, such as time, money, and prestige. Hence, in some ways his method might actually undermine democracy because those with more resources are better able to get their concerns heard and addressed.

MTV also maintains that it is promoting democracy; it makes citizens aware of the current societal dilemmas, educates them about political issues, and then encourages them to cast their ballot. One should be aware, though, that the issues spotlighted by "Rock the Vote" are decided by MTV the corporate enterprise, not MTV the philanthropist. Thus, MTV will try to advance those issues most beneficial to their corporation, which may or may not be in society's best interests. Throughout the presidential campaigns, MTV focused almost exclusively on the two major parties with only an occasional remark about a third party. According to David Saulnier from Dischord magazine, "MTV has to insure its own safety with regards to broadcasting and profit making. This causes them to distribute very safely manufactured political fluff which pose no real threat to the status quo" (Saulnier n.d.). Additionally, MTV has the inimical capacity to shape the beliefs of an otherwise uneducated voter.

MTV is a network designed for producing music videos. It does not have the resources, nor the capacity to provide complete, in depth coverage of the candidates or the political issues and cannot be expected to. The problem arises when the youth rely solely on MTV for their political information, thinking that MTV's coverage is well balanced and comprehensive, when in fact they should also be relying on newspapers and networks such as CNN and C-SPAN. Hayden would argue that merely brushing over important issues and opinions keeps the youth from becoming truly active in the American political system. This, in turn, inhibits democracy because a large segment of society would be under-represented.

Even after the rallies by Hayden and the voting drives of MTV, the same dilemma of political apathy articulated by C. Wright Mills thirty years ago still faces society today. Their methods did, though, profoundly influence society, especially among young adults. Hayden unified the youth and gave them hope for the future. MTV educated young adults and increased their political participation substantially. Yet the question still remains of why America is still on the path towards an "end of ideology." If America's ideology rests primarily on democratic principles, how can we expect to bring that ideology into fruition if we can't abide by its precepts?

ABOUT THE AUTHOR

Linsey Rae Sommers is a junior in political science. She grew up in California, but her parents recently moved to Arizona. In her spare time she enjoys skiing, drawing, collecting animation art, and traveling. Her dream job is to become a political science professor and then work as an advisor on the president's staff.

WORKS CITED

Chen, Edwin. 1992. Democrats target the youth vote as election date nears. New York Times, 22 October, 27 [A] (located through Lexis:Nexis).

Coleman, Beth. 1992. The politics of dancing. Village Voice, 28 July, 38-9.

The Daily Iowan. 23 January 1996. MTV to UI: Choose or lose in '96. At . March 1998. Express News Net. n.d. At < <http://www.express.news.net/unauth/vote/mtviv.htm>>.

The Politics of MTV: Beneficial or Inimical?

Hirsch, E., J. F. Kett, and J. S. Trefil. 1987. Cultural literacy. Boston, MA: Houghton Mifflin.

Jacobs, Paul, and Saul Landau. 1966. The new radicals: A report with documents. New York: Random House.

Janda, Kenneth, Jeffrey M. Berry, and Jerry Goldman. 1997. The challenge of democracy. Boston: Houghton Mifflin Company.

Mitchell, Kim 1997. Did cable come of age in Election '92? United States 1992 Presidential elections. Multichannel News, 16 November, 16 (located through Lexis:Nexis).

Robins, Max. 1992. Reality TV: Politics rates. Variety, 26 October, 21-2.

Saulier, David. n.d. This vote's for you: Rock the Vote and MTV. Dischord. At <<http://www.dischord.co.uk/classic/rtvmtv.html>>. 3 March 1998.

