

In Defense of Negative Campaigning

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When televised presidential debates were first held in 1960, many commentators deplored them for their shallow, insubstantial nature. But when scholars write about those debates today, they almost invariably comment about how much better the Kennedy-Nixon encounters seem than any of the more recent presidential debates.¹ Students to whom I have shown excerpts from these debates usually have the same reaction. Compared to the Great Confrontations of 1984, 1988, and 1992, the 1960 debates seem more civil, more intelligent, more substantive. Especially noticeable is what is missing from the 1960 debates: the nastiness, the evasions, the meaningless memorized one-liners designed only to be featured on the postdebate newscasts, the boos and applause from the studio audience.

Nostalgia is not in general a helpful tool in policy analysis. Claims about how wonderful things were back in some past golden age usually do severe violence to the facts of history. But it is difficult to avoid the conclusion that American election campaigns have become significantly worse over the last three decades. The 1988 campaign, in particular, convinced many Americans that there was something seriously wrong with the way we conducted our campaigns for public office. In the years since then, there has been a burst of activity—including study commissions, academic research, grassroots organizing, and legislative proposals, as well as the usual quota of lamentation and hand-wringing—all with

Compare Henry Steele Commager, "Washington Would Have Lost a TV Debate," *New York Times Magazine*, 30 October 1960, 13; and Kathleen Hall Jamieson and David S. Birdsall, *Presidential Debates: The Challenge of Creating an Informed Electorate* (New York: Oxford University Press, 1988).

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the intention of figuring out why things have gotten so bad and what we can do to make them better.

This nascent reform movement has a number of specific targets and criticisms, but one of the most widely mentioned is negative campaigning. Whenever commentators compile a catalogue of the most heinous sins in current American politics, negative campaigning and attack advertising usually wind up near the top of the list. As a 1990 *New York Times* article noted, "Ever since the Willie Horton commercial that skewered Michael S. Dukakis's presidential campaign, politicians have been competing to express their outrage over the notion that negative campaigning and superficial news coverage have mired American politics in a swamp of trivia."²

Typical are these comments by journalist Walter Shapiro in an October 1990 issue of *Time* magazine:

American democracy may be the inspiration of the world, but the transcendent spirit has dismally failed to uplift U.S. elections. Once again this year, politics has degenerated into a duel of negative TV spots, even before the desperation tactics that usually erupt in late October. . . . Cleansing campaign finance has stymied reformers for more than a generation. But negative spots—not PACs and pandering to large contributors—are largely responsible for public cynicism toward politics. That is why it may be wiser to target the attack ads themselves rather than the brutal cost pressures that make them necessary.³

In a similar vein is a recent law review article by Robert M. O'Neill of the University of Virginia, who examines the constitutionality of various ways of "regulating speech to cleanse political campaigns." His article begins:

Is there any facet of American politics more urgently claiming national attention than negative campaign advertisements? Is there any doubt that negative advertising was the most pervasive—and most lamented—feature of the 1988 presidential campaign?⁴

² Randall Rothenberg, "Politics on TV: Too Fast, Too Loose?" *New York Times*, 15 July 1990. Over the last few years, there has been a huge outpouring of articles about the growth of negative campaigning, almost all of them highly critical. For a representative sampling, see Tom Wicker, "The Road Not Taken," *New York Times*, 24 October 1986; John J. Fialka, "Intense Mudslinging in South Dakota Senate Race Provokes Many to Favor Restricting Political Ads," *Wall Street Journal*, 13 November 1986; John Dillin, "Negative Political Ads Will Be Back in 1988, Says GOP Pollster," *Christian Science Monitor*, 14 November 1986; Clifford D. May, "Analysts Say Political Mud Can Yield Gold," *New York Times*, 4 November 1988; Robert Guskind and Jerry Hagstrom, "In the Gutter," *National Journal*, 5 November 1988, 2782–2790; David S. Broder, "Politicians, Advisers Agonize Over Negative Campaigning," *Washington Post*, 19 January 1989; Curtis Gans, "How Those Negatives Developed," *Washington Post*, 12 February 1989; Robin Toner, "90's Politics Seem Rough as Ever Despite Criticism of Negative Ads," *New York Times*, 9 September 1990; "Getting Down and Dirty," *Time*, 29 October 1990, 41–42; Randall Rothenberg, "Voters Complain Negative Campaigns Are Driving Them Away," *New York Times*, 6 November 1990; and Robert Guskind, "Airborne Attacks," *National Journal*, 31 October 1992, 2477–2482.

³ Walter Shapiro, "Voters vs. the Negative Nineties," *Time*, 15 October 1990, 98–99.

⁴ Robert M. O'Neill, "Regulating Speech to Cleanse Political Campaigns," *Capital University Law Review* 21 (Spring 1992): 575.

Many elected officials share the sense of outrage. As former Senator Howard Baker declared in 1985:

There is one singular new development in American politics that violates fair play, and that is negative advertising, the paid commercial, usually on TV or radio, that is a smear attack on a decent person. Not only is the negative ad the sleaziest new element in politics, it may also be the most dangerous. The first victim is the person under attack. But the greater victim is the integrity and credibility of the political system itself.⁵

To many observers, the problem is sufficiently serious to require laws and regulations that would discourage or penalize negative campaigning.⁶ In 1991, for example, the Federal Communications Commission issued a "Notice of Proposed Rulemaking" (later withdrawn) that would have compelled candidates to identify themselves more prominently in negative ads than in positive commercials.⁷ One frequently made proposal, embodied in a 1993 bill submitted by Senators Ernest Hollings, John Danforth, and Daniel Inouye, would require any candidate who uses radio or television commercials to attack another candidate to deliver the attack in person.⁸ Another suggestion is to allow television and radio stations to charge higher rates for negative commercials than for positive ones.⁹ Some critics have even argued that the United States should follow the example of Venezuela and bar candidates entirely from referring to their opponents by name or by picture in their ads.¹⁰

Whether any of these proposals stands a reasonable chance of being enacted is unclear; our national campaign finance practices have also been under constant attack for the last fifteen years, with nothing in the way of concrete legislation to show for it. The more likely result, at least in the short run, is a concerted effort on the part of civics groups, journalists, and commentators to create a climate of opinion that would discourage or penalize negative campaigning and that would try to convince voters that the very act of negative campaigning casts the candidate who engages in it in a highly unfavorable light. One of the first victims of the new mood was presidential candidate Michael Dukakis, who had himself vowed that he would not engage in negative campaigning. In 1987, two

⁵ As quoted in Thomas H. Neale, "Negative Campaigning in National Politics: An Overview," Congressional Research Service, 91-775 GOV, 18 September 1991, 22.

⁶ Bills designed to limit negative campaigning have been introduced in each of the last six Congresses. For a good summary of these efforts, see Neale, "Negative Campaigning in National Politics," 32-43.

⁷ "FCC Seeks to Strengthen Rules on Negative Political Advertising," *New York Times*, 14 June 1991.

⁸ S. 334, 103rd Cong., 1st sess.

⁹ The proposal is discussed in Stephen Ansolabehere, Shanto Iyengar, and Nicholas Valentino, "Does Attack Advertising Demobilize the Electorate?" (paper presented at the annual meeting of the American Political Science Association, Washington, DC, 1993).

¹⁰ The suggestion is attributed to ad maker Bob Squier in Ellen Hume, *Campaign Lessons for '92* (Cambridge, MA: John F. Kennedy School of Government, Harvard University, 1991), 154, n5.

of Dukakis's top advisers were forced to resign from his campaign when it was revealed that they had put together what the press regularly referred to as an "attack video," which juxtaposed clips from British Labour party Leader Neil Kinnock and Delaware Senator Joseph Biden in order to show that Biden had been plagiarizing speeches from Kinnock.

Since then, a number of major media executives and commentators have recommended that journalists take a considerably more active role in evaluating and policing our election campaigns.¹¹ Most such proposals to date have not been especially specific as to what kinds of standards the media would use in their evaluations or what sorts of practices they would try to discourage, but one target that is often mentioned is the prevalence of negative advertising. During the final weeks of the 1992 presidential campaign, a number of people (including one of the citizen-questioners in the second presidential debate) tried to get the candidates to agree to a moratorium on negative campaigning. Similar proposals have been made in many state and local races.¹²

There is little doubt that contemporary American election campaigns do fall short of the standards commended in our civics books. But in the laudable desire to improve our campaigns, surprisingly little attention has been paid to the easy, almost reflexive assumption that negative campaigning is bad campaigning: negative speeches and advertising are always morally wrong and damaging to our political system. In part, perhaps, the problem is one of semantics. Negative campaigning certainly sounds bad: it's so, well, you know, negative. But if we move beyond the label, what really is so bad about negative campaigning?

The purpose of this article, as its title indicates, is to challenge the accepted wisdom about negative campaigning. Negative campaigning, in my view, is a necessary and legitimate part of any election; and our politics – and the growing movement to reform our election campaigns – will be a good deal better off when we finally start to acknowledge it.

THE VALUE OF NEGATIVE CAMPAIGNING

What exactly is negative campaigning? Most people who use the term seem to have in mind a definition such as the following: Negative campaigning is campaigning that attacks or is critical of an opposing candidate.¹³ Where positive

¹¹ See, for example, Hume, *Campaign Lessons for '92*; Darrell M. West, *Air Wars: Television Advertising in Election Campaigns, 1952-1992* (Washington, DC: Congressional Quarterly, 1993); and Ken Bode, "Pull the Plug," *Quill* 80 (March 1992): 10-14.

¹² For the exchange in the second debate, see the transcript in *New York Times*, 16 October 1992. In the 1990 Iowa Senate race, incumbent Tom Harkin challenged his opponent to sign a pledge that "each candidate would talk only about his own accomplishments and ideas." See *Newsweek*, 24 September 1990, 30. Several other examples of such proposals are given in Michael Pfau and Henry C. Kanski, *Attack Politics: Strategy and Defense* (New York: Praeger, 1990), chaps. 2 and 3.

¹³ Not surprisingly, most journalists and political practitioners do not define the term explicitly, but the above definition clearly fits the way that they use the term in their speeches and writings. See any of the articles listed in note 2. Those sources that do offer an explicit definition, however, almost

campaigning dwells on the candidate's own strengths and merits, and talks about the beneficial policies he would adopt if elected, negative campaigning focuses on the weaknesses and faults of the opposition: the mistakes they have made, the flaws in their character or performance, the bad policies they would pursue. And the more one focuses on the reality and consequences of such practices, the more clear I think it becomes that negative campaigning is not the plain and unmitigated evil that it is frequently portrayed to be. To the contrary, negative campaigning provides voters with a lot of valuable information that they definitely need to have when deciding how to cast their ballots.

To begin with, any serious, substantive discussion of what a candidate intends to do after the election can only be conducted by talking about the flaws and shortcomings of current policies. If a candidate is arguing for a major change in government policy, his first responsibility is to show that current policies are in some way deficient. If the economy is already growing rapidly with low rates of inflation, if the "environmental crisis" has been greatly exaggerated, if present policies have largely eliminated the possibility that nuclear arms will actually be used, then everything the candidates are proposing in these areas is useless, even dangerous.¹⁴ The need for such proposals becomes clear only when a candidate puts them in the context of present problems—only, that is to say, when a candidate "goes negative."

If you doubt this, go to a bookstore or library and look at any of a dozen or so books that analyze some major current policy issue. Don't select books that are written by public officials, and which might therefore be "tainted" by their ambitions for higher office. Choose the volumes that are written by the top experts in the field, the ones that presumably define the very best we can hope for in the way of intelligent and civilized discourse. What you will find is that almost all of these books organize their argument in the following way: they start by looking at the defects and shortcomings of present policy, and only then do they turn their attention to proposing new policies and solutions. It is no accident that they take this form: this is the way that most of us think about policy issues. Implicitly or explicitly, we adhere to the old adage that if it ain't broke, don't fix it. We only want to institute new policies if the old ones aren't working. Even if we are dealing with a policy area such as welfare, the schools, or the deficit, where there is widespread criticism of current practices and perhaps

always provide one similar to that proposed above. See, for example, Gina M. Garramone, "Voter Responses to Negative Political Ads," *Journalism Quarterly* 61 (Summer 1984): 250-59; Morton Sippess, "Wisconsin in 1992: The Impact of Negative Campaigns" (paper presented at the annual meeting of the Midwest Political Science Association, Chicago, 1993); Ansolabehere et al., "Does Attack Advertising Demobilize the Electorate?"; Pfau and Kenski, *Attack Politics*. For a more elaborate attempt to develop a typology of negative ads, which makes the valid point that many so-called positive ads actually include implied references to the opposing candidate, see Karen S. Johnson-Cartee and Gary A. Copeland, *Negative Political Advertising: Coming of Age* (Hillsdale, NJ: Erlbaum, 1991), chap. 2.

¹⁴ All of these, I should point out, are positions that have been defended in recent years by serious policy analysts.

a consensus that something needs to be done, we would still like to have a better diagnosis than just a vague sense that the present system isn't working. In what specific ways are current policies failing? Why are they failing? What particular aspects of the current policy mix are at fault? It is difficult to imagine anyone producing an intelligent prescription for the future without first answering such questions.

But the information and analysis embodied in negative campaigning are also valuable on their own terms, for they tell us something extremely relevant about the choices we are about to make. We need to find out about the candidates' strengths, it is true, but we also need to learn about their weaknesses: the abilities and virtues they don't have; the mistakes they have made; the problems they haven't dealt with; the issues they would prefer not to talk about; the bad or unrealistic policies they have proposed. If one candidate performed poorly in his last major public office, if another has no clear or viable plan for dealing with the economy, if a third is dishonest, the voters really do need to be informed about such matters. I need hardly add that no candidate is likely to provide a full and frank discussion of his own shortcomings. Such issues will only get a proper hearing if an opponent is allowed to talk about them by engaging in negative campaigning.¹⁵

Finally, negative campaigning is valuable if for no other reason than its capacity to keep the candidates a bit more honest than they would be otherwise. One doesn't have to have a lot of respect for the truth and intelligence of current campaign practices in order to conclude that things would be a lot worse without negative campaigning. If candidates always knew that their opponents would never say anything critical about them, campaigns would quickly turn into a procession of lies, exaggerations, and unrealistic promises. Candidates could misstate their previous records, present glowing accounts of their abilities, make promises they knew they couldn't keep—all with the smug assurance that no one would challenge their assertions. Every campaign speech could begin with the words, "I think I can say without fear of contradiction. . . ."

THE NEED FOR CLARITY

In presenting earlier versions of this article, I have frequently encountered two quite contradictory reactions. There are those who think that negative campaigning really is as bad as it is said to be and that a defense of it only gives sanction to some of the worst aspects of modern campaigning. I shall have more to say about this in the final section of this article. For now, I wish to consider a second and (to me) more surprising reaction: that I have actually overstated

¹⁵ See the argument of John Stuart Mill that it is not enough to hear unpopular opinions stated by their adversaries; the public "must be able to hear [such arguments] from persons who actually believe them, who defend them in earnest and do their very utmost for them." See Mill, *On Liberty* [1859] (Indianapolis: Library of Liberal Arts, 1956), 45.

and mischaracterized the opposition to negative campaigning. As one panel discussant put it, "Nobody criticizes *all* negative campaigning. When people criticize negative campaigning, they're not worried about attacks that are true and deal with significant issues. What they're upset about is that so much of this attack advertising is misleading or nasty or about made-up issues that have no real relevance to governing. *That's* what the furor's all about."

To this argument, I would make two responses. First, I would urge anyone who thinks I am overstating the case to read through a substantial part of the writing that has built up recently around the question of negative campaigning. What you will find is that the vast majority of this work – academic and popular – does, indeed, indict all campaign activities that are aimed at criticizing one's opponents, regardless of the particular issues they deal with, without even investigating whether the attacks are true or not. Very occasionally, one will come across an author who notes, usually in passing, that perhaps not all negative campaigning is bad, that some of it may even serve a useful purpose. But only a very small percentage of the writing on negative campaigning includes this qualification; most writing on the topic criticizes all negative campaigning, without any attempt to draw distinctions about its truth, relevance, or civility.

Academic writing is particularly guilty of this oversight. A number of major academic research projects have been conducted over the last ten years or so which have been designed to investigate the effects of negative campaigning. Without exception, these studies have defined negative campaigning to include all advertising that is critical of one's opponent and have operated from the assumption (usually implicit) that such campaigning has no redeeming value. And this, in turn, has had very significant implications for the kinds of normative conclusions these studies reach. Michael Pfau and Henry Kenski, for example, have carried out several field experiments designed to show that the effects of negative campaigning can be neutralized through a strategy known as inoculation, in which a candidate tries to anticipate the attacks his opponent is likely to make and to answer them before they can be raised by the opposition. Pfau and Kenski clearly regard inoculation as a major boon to the political system, a conclusion that makes sense if all negative campaigning is bad. But if some negative campaigning is valid and beneficial, then Pfau and Kenski's inoculation strategy may only be one more tool that candidates can use to mislead and manipulate the electorate.¹⁶

If the problem really is with campaign ads that are misleading or irrelevant or nasty, why not just say so? Why not abandon the attack on negative campaigning and go after misleading campaigning or trivial campaigning instead? My concern here is not just that of a fussbudgetary academic who is unduly preoccupied with hair-splitting and theoretical distinctions. As many studies of the policy develop-

¹⁶ Pfau and Kenski, *Attack Politics*, especially chaps. 5–9.

ment process have emphasized, the way a problem is defined has a major effect on the kinds of "solutions" that will be proposed to cope with it.¹⁷

This has clearly been true of the current effort to improve the conduct of American election campaigns. By defining the problem as one of negative campaigning, critics have naturally been led to look for solutions that would make it more difficult for candidates to criticize their opponents. What all of these proposals have in common, not surprisingly, is that they are targeted at negative campaigning as a generic, undifferentiated category. They would apply, in other words, to all advertising that criticizes one's opponents; they do not even attempt to distinguish between truthful and misleading attacks, or between trivial and relevant issues. And thus, to the extent they are successful, they will not only eliminate scurrilous and unfair attacks, but also those that are true, relevant, responsible, and serious.

There is, in short, a need for much greater care and clarity in thinking and writing about negative campaigning.

THE CHARACTER ISSUE

Given the likely consequences of an attempt to limit or discourage critical comments of any kind, many commentators might want to modify their definition of negative campaigning. Perhaps what they really mean is something more like this: "Critical comments about your opponents' policy proposals are acceptable. But critical comments about your opponents' character, ability, or personal behavior are wrong. That's what negative campaigning is."¹⁸

This argument, of course, is simply one variant of another common theme in the recent public debate about election campaigns. Whenever a candidate's personal character or behavior are questioned by his opponents or by the media, a number of voices will be heard insisting that such matters have no legitimate place in our elections and that campaigns should stick "strictly to the issues." But this argument, too, is fundamentally mistaken. Its basic flaw is the failure to appreciate the fact that candidates for public office are not computer programs with lengthy sets of preestablished policy subroutines, but flesh-and-blood human beings.

Campaign promises are at best only a rough guide to the actual decisions that a public official will make when in office. Candidates may lie or avoid facing up to hard choices. New issues will arise that were never discussed during the campaign. Old issues will appear within an entirely different context. Whatever

¹⁷ See, among others, David Dery, *Problem Definition in Policy Analysis* (Lawrence: University Press of Kansas, 1984); and David A. Rochefort and Roger W. Cobb, "Problem Definition, Agenda Access, and Policy Choice," *Policy Studies Journal* 21 (Spring 1993): 56-74.

¹⁸ Though no one I am aware of actually defines negative campaigning this way, a number of sources have suggested the need to distinguish between issue-based and personal attacks. See, for example, Donald L. Rheem, "Negative to Negative Ads," *Christian Science Monitor*, 22 March 1988; and May, "Analysts Say."

the cause, it is striking how many of the most important policy initiatives of the last thirty years were never discussed in the previous campaign, or were taken by presidents who had promised or implied that they would do otherwise. The issue positions assumed during a campaign, in other words, are short-lived and changeable; a better guide to what a candidate will do is often provided by his personality and character.

Once a public official does reach a decision, there is surely no guarantee that it will automatically be promulgated and executed with the full force of law, especially in the highly fragmented environment of American government. Congress must usually agree to pass the proper legislation; the bureaucracy must implement it; interest groups and the public must often be persuaded to cooperate. Officeholders, in short, need to do a lot more than closet themselves away with a big stack of policy reports in order to reach the right decisions. They must also be good managers and political strategists, meet frequently with other elected officials, lead public opinion, persuade the recalcitrant, and attract and retain talented staff. And all of these are matters of ability, temperament, and character.

For both of those reasons, candidate character and behavior are entirely relevant issues, more important than many policy questions. Indeed, if you examine the records of the last few presidents, what strikes you is how their most serious failings—at least in the minds of the voters—were not brought on by their policy views, but by their character flaws: Nixon's dishonesty and vindictiveness, Carter's inability to work with other elected officials, Reagan's management style, Bush's general disinterest in domestic policy. Small wonder, then, that public opinion polls continually show that voters are highly concerned about the personal qualities of the people on the ballot.¹⁹

After acknowledging this, however, the issues become somewhat murkier. Character matters, but what particular character traits would recommend or disqualify a candidate? Does sexual promiscuity make for a bad president? Does avoiding the draft? Many of the most important character traits, moreover, are remarkably difficult to assess. We now know something about how to determine if a candidate is promiscuous, but how do we "prove" that he is vindictive or paranoid or unintelligent? If a candidate loses his temper at a campaign stop, is this an isolated incident or a sign of a deep-seated mean streak? When a candidate cheats on his wife, is this a regrettable but common human failing, or a symptom of a larger personality disorder?

There are no simple answers to such questions; but particularly in elections for executive offices such as president, governor, or mayor, where character flaws can have such important repercussions, I think we are well advised to cast

¹⁹ See Angus Campbell et al., *The American Voter* (New York: Wiley, 1960), esp. 54–59; David P. Glass, "Evaluating Presidential Candidates: Who Focuses on Their Personal Attributes?" *Public Opinion Quarterly* 49 (Winter 1985): 517–34; and Arthur H. Miller, Martin P. Wattenberg, and Oksana Malanchuk, "Schematic Assessments of Presidential Candidates," *American Political Science Review* 80 (June 1986): 521–40.

the net widely.²⁰ Certainly there is no reason to preclude a priori any discussion of a candidate's sexual behavior or intellectual honesty. More to the point, the criterion one uses to decide whether such matters are worth discussing is not negativity, but relevance. Gary Hart's sexual behavior, for example, should not have been excluded from discussion in the 1988 campaign simply because it was a negative issue that cast him in a bad light. There is a reasonable argument, however (though I am inclined to reject it), that Hart's extramarital affairs were irrelevant to the campaign, because they told us nothing about what kind of president he would have made.

Furthermore, when difficult and border-line cases do arise as to whether a particular behavior or character trait is relevant to a candidate's performance in office, the bias should clearly be in favor of reporting and discussing the issue. If many voters believe that such matters are irrelevant, then presumably they can be trusted to ignore the issue when deciding how to cast their own ballots. But the final say should rest with the electorate, not with the reporters, political consultants, or fair campaign practice committees who might wish to screen such matters from public attention.

And if issues of character and behavior should be discussed, then they should be examined in both their positive and negative aspects. If candidates are free to portray themselves as leaders or deep thinkers or good managers or highly moral, then their opponents should be free to contest these claims. If Joseph Biden wanted to project an image as a passionate orator, fine. But the campaign manager for one of his leading opponents should then have been allowed to point out that some of Biden's passion and rhetoric were borrowed.

THE ROLE OF THE MEDIA

Another possible line of reply to the argument presented here is that I have left one important element out of the equation: the news media. If the purpose of negative campaigning is to expose the candidates' weaknesses and shortcomings, and to prevent lies and misrepresentations, then perhaps we can rely on television, newspapers, and magazines to help perform these functions. Equally significant, even if the critics of attack advertising do not actually intend to place the onus of negative campaigning on the media, it seems likely that this would be one practical effect of their proposals. The more difficult candidates find it is to talk about the deficiencies of their opponents, the more it will be left up to reporters and editors to determine whether and which such matters will come to public attention.

But when it comes to the need for negative campaigning, the news media cannot substitute for the candidates. Yes, the media will often be negative—but

²⁰ For a more extended discussion of some criteria that might guide media coverage of "character" issues, see Larry J. Sabato, *Feeding Frenzy: How Attack Journalism Has Transformed American Politics* (New York: Free Press, 1991), especially chap. 8.

about the wrong things and in the wrong ways. Two major characteristics of the American news media, amply verified in a long list of studies, make them ill suited to perform the functions that have traditionally been served by negative campaigning. In the first place, the media have a long-standing aversion to issues of any kind—positive or negative—or to detailed discussions of the candidates' previous performance and governing abilities. As one recent analysis of the media performance literature has noted:

Countless studies of campaign journalism (both print and broadcast) have shown that the news invariably focuses on the campaign as a contest or race. News reports on the candidates' standing in public opinion polls, their advertising strategies, the size of the crowds at their appearances, their fund-raising efforts, and their electoral prospects far surpass coverage detailing their issue positions, ideology, prior experience, or decision-making style.²¹

This same sort of disproportion can be found in negative articles about the campaign. If a candidate makes a major gaffe, if his poll ratings are slipping, if there is in-fighting among his advisers—all these will be reported promptly and in exhaustive detail. But do not expect such detailed examination of the shortcomings in a candidate's economic policies, his environmental record, or his plans for dealing with the Middle East. The media's past record suggests that they are unlikely to provide it. Studies of campaign advertising, by contrast, usually conclude that political commercials have far more substantive content than is generally appreciated. Moreover, according to a recent study by Darrell West, negative spots usually have more specific and issue-based appeals than positive commercials.²²

A second obstacle to the media's attempt to "police" an election campaign are the norms of objectivity and nonpartisanship that govern most major American news outlets. What exactly objectivity means, and whether the media always live up to that standard, are complex and difficult questions, but ones that need not concern us here. Within the well defined arena of election campaigns, these norms have an important impact that has also been confirmed in a substantial number of studies: outside of the editorial page, the media are generally averse to saying anything explicit about the issues that could be construed as judgmental, interpretive, or subjective. As Michael Robinson and Margaret Sheehan found in their study of news coverage during the 1980 election:

As reluctant as the press is about saying anything explicit concerning the leadership qualities of the candidates, the press is markedly more reluctant to assess or evaluate issues. . . . [We found] an almost total refusal by [CBS and UPI] to go beyond straightforward description of the candidate's policy positions. During the last ten

²¹ Stephen Ansolabehere, Roy Behr, and Shanto Iyengar, *The Media Game* (New York: Macmillan, 1993), 57–58.

²² See, among others, Thomas Patterson and Robert McClure, *The Unseeing Eye* (New York: Putnam, 1976); and West, *Air Wars*, chap. 3.

weeks of Campaign '80, CBS failed to draw a single clear inference or conclusion about a single issue position of a single candidate—UPI as well.²³

How do the media cover issues, then? The answer is that they report on what the candidates themselves are saying. As Robinson and Sheehan put it, "For all practical purposes, whatever the candidates or their surrogates said about the issues served as issue coverage."²⁴ As a result, the only kinds of policing of the issues that the media will undertake on their own initiative are questions that can clearly and unambiguously be labeled as matters of fact. If a candidate makes a blatant factual error—by misquoting a report, or claiming that nuclear missiles can be called back after they are launched, or adding items to his resume that never actually occurred—the media will sometimes call him on it. Obvious inconsistencies, where a candidate makes a statement that is clearly in conflict with positions he has taken earlier, may also get reported. Even the recent profusion of ad watches, which represents a more self-consciously aggressive attempt to scrutinize the candidates, generally adheres to these same guidelines.

In most campaigns, however, the most significant issue controversies are not matters of fact, but questions that require a substantial amount of judgment and interpretation. Would George McGovern's proposed defense cuts have left America unprotected? Was Jimmy Carter avoiding the issues in 1976? Was Ronald Reagan a warmonger? Was Walter Mondale too much in hock to special interests? Did George Bush have any vision for America's future? Were Michael Dukakis's social values at odds with those of the mainstream American voter? On these and similar controversies, the media's record is that they will publicize these issues only if a candidate's opponents have talked about them first. During the 1980 campaign, for example, almost the entirety of the mainstream economics profession believed that it was impossible for Reagan to cut taxes, increase defense spending, and still balance the budget. But the media were unwilling to make this charge on their own authority. Negative comments about Reagan's economic proposals, Robinson and Sheehan found, "invariably" came from the other candidates or their supporters, "never" from the journalists themselves.²⁵ The media's ability to perform their police function, in short, depends on the candidates' ability to engage in negative campaigning.

But even if the news media were to adopt a new set of norms and were willing to police our election campaigns, it is doubtful that we would want to put this burden primarily on their shoulders. The right of any individual or group to criticize, to object, to dissent is one of the signal achievements of American democracy, enshrined in the First Amendment.²⁶ To say that we should restrict

²³ Michael J. Robinson and Margaret A. Sheehan, *Over the Wire and On TV* (New York: Sage, 1983), 46.

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ It is worth noting that the First Amendment not only guarantees "freedom of speech," but also the right "to petition the Government for a redress of grievances." Given the origins of the American Revolution, I think it no accident that this last proviso is phrased in terms of negative grievances,

or penalize negative campaigning is to say, in effect, that candidates should now largely abdicate that right and rest content with whatever the media decide to broadcast or publish. If candidates did agree to abide by such strictures, they would thus be renouncing many of the most important duties we have traditionally expected from our best leaders and political heroes: such tasks as articulating grievances; speaking on behalf of the ignored and the forgotten; taking an unappreciated problem, bringing it to public attention, and thereby compelling the system to take action.

On a more general level, it has become increasingly clear over the last thirty years to both liberals and conservatives that some of the most difficult challenges facing American democracy in the twenty-first century concern the enormous power vested in the mass media, an entity that is self-selected, demographically and ideologically unrepresentative, increasingly monopolistic, almost entirely unregulated, and not directly accountable to the voters. There are no easy solutions for this complicated set of issues; but the very fact that these questions are so difficult strongly commends the wisdom of one general maxim: we ought to be extremely leery about any proposal that wants to increase the power of the media by asking them to take on one more function that has traditionally been performed by the candidates or the political parties. If candidates abuse their power of negative campaigning, the voters retain the ultimate power of punishing them at the polls. But what real alternative do the voters have if our election campaigns are improperly policed by CBS News or *The New York Times*?

WHAT RESTRICTIONS ON NEGATIVE CAMPAIGNING WOULD MEAN FOR AMERICAN POLITICS

Of the proposals discussed earlier for reducing or restricting negative campaigning, it is unclear how many would actually accomplish their intended goal. Take, for example, the bill that would require any candidate who uses radio or television commercials to attack another candidate to deliver the attack in person. The reasoning behind this proposal is that candidates are willing to attack their opponents largely because they can hide behind the relative anonymity of a slickly-produced advertisement; they would be much more reluctant to criticize another candidate if they had to do so in person. Perhaps, but as any number of recent campaigns illustrate, lots of very strident negative campaigning is already being done by the candidates themselves, with little or no apparent backlash from the voters. In 1988, for example, George Bush showed no qualms about repeating in his own speeches most of the charges about the furloughing of Willie Horton and Dukakis's veto of a Pledge of Allegiance bill that were also featured

rather than positive improvements. Anyone who doubts this should try rereading the Declaration of Independence, which is little more than a catalogue of negatively-phrased "injuries and usurpations" committed by the British government, with remarkably little discussion of what remedies a new government might provide.

in his television ads. So the candidates and their consultants might decide, after some initial hesitation and experimentation, that personally delivered attacks are still quite effective and continue their negative campaigning unabated.

But let us suppose, for a moment, that one or another of these proposals would be effective: it would significantly reduce the volume of negative campaigning and make it considerably more difficult for a candidate to attack or criticize his opponent. What impact would this have on the character of American politics?

The most obvious consequence, of course, is that it would deprive the electorate of a lot of valuable information, and thereby make it that much more difficult for the voters to make intelligent choices about the people they elect to public office. Like our political system generally, our electoral system is based on the belief that good decisions are more likely to result from a full, thorough, and unrestricted discussion of the issues. As the Supreme Court stated in one of the most important free speech cases of the twentieth century, there is

a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.²⁷

Deprived of the important information conveyed in negative campaigning, the voters would be in the position of a blackjack player who must decide how to play his hand without getting to look at his hole card. He may, of course, stumble into the right decision, but the odds are surely better if he knows all the cards he has been dealt.

But beyond this general enfeebling of democracy, any limitation on negative campaigning is likely to have important systemic consequences for our politics. In congressional elections, restrictions on negative campaigning would almost certainly work to the advantage of incumbents, making them even more entrenched and difficult to unseat. As a score of recent studies have shown, incumbent members of the House almost always begin the election campaign with a huge advantage over their opponents.²⁸ They are better known; they have an established record of service to the district; they have made numerous speeches and sent out hundreds of newsletters and press releases, all designed to show how attentive they are to the voters' interests and opinions and how well they represent the district in Congress.

How can the challenger overcome such a lopsided starting point? The challenger's first task, almost all studies agree, is to make the voters familiar with his own name and qualifications, since the evidence clearly indicates that people won't vote for someone they have never heard of. But there appear to be distinct limits to the effectiveness of this kind of positive campaigning. For virtually

²⁷ New York Times Co. v. Sullivan, 376 US 254 (1964) at 270. (Emphasis added.)

²⁸ See Thomas E. Mann, *Unsafe at Any Margin: Interpreting Congressional Elections* (Washington, DC: American Enterprise Institute, 1978), chap. 4; and Gary C. Jacobson, *Money in Congressional Elections* (New Haven: Yale University Press, 1980).

anything the challenger pledges will seem hopelessly abstract and insubstantial when compared to the tangible, proven record of the incumbent. The challenger may claim, for example, that he will do wonderful things for the district; but his promises will certainly seem less impressive than what the incumbent (even a very bad incumbent) has already accomplished. The challenger can also promise to represent district opinion and help solve the nation's most pressing problems, but the incumbent will no doubt reply that he is already doing these things, once again reinforcing his position by a long litany of specific bills he has introduced or sponsored, resolutions he has voted for, position papers written by his staff, etc. For all the recent talk about an anti-incumbent mood, there is no evidence that very many voters are so ornery as to throw incumbents out of office for no reason except that they are incumbents, or so risk-seeking as to vote out an acceptable incumbent on the hope that the challenger might prove to be even better. To the contrary, the evidence shows that voters place a strong premium on the value of experience.²⁹

In the end, a challenger in a congressional election stands almost no chance of winning unless he "goes negative": unless, in other words, he can succeed in raising doubts about the incumbent's character, voting record, and attention to the district. Particularly worth noting here is Gary Jacobson's analysis of congressional election data from the 1980 and 1982 American National Election Studies (ANES). Incumbents who got reelected and incumbents who lost, Jacobson found, were virtually indistinguishable in terms of how voters assessed their positive qualities. In 1980, for example, 58 percent of the voters in districts with winning incumbents could name something specific they liked about the incumbent, as compared to 59 percent in districts with losing incumbents. Nor was there any difference between winning and losing incumbents in whether the voters could remember anything specific the incumbent had done for the district.

What did distinguish winning and losing incumbents was whether the voters could name anything specific that they disliked about the incumbent. In districts with incumbents who got reelected, only 18 percent of the voters could mention a specific dislike; but in districts with losing incumbents, 46 percent were able to voice a specific grounds for dissatisfaction. As Jacobson concludes:

Challengers certainly hope to convince people of their own virtues—at minimum, that they are qualified for the office—but they are not likely to get far without directly undermining support for the incumbent. . . . The data indicate that successful challengers do two things: They make voters aware of their own virtues, and they make them aware of the incumbent's shortcomings.³⁰

²⁹ The most vivid demonstration of the voters' regard for experience in congressional elections is, of course, the fact that about 95 percent of incumbents get reelected every two years. On the regard for experience in presidential elections, see Campbell et al., *American Voter*, 54–58; and Steven J. Rosenstone, *Forecasting Presidential Elections* (New Haven: Yale University Press, 1983), 58–63, 86–87.

³⁰ The analysis discussed here may be found in Gary C. Jacobson, *The Politics of Congressional Elections*, 2d ed. (Boston: Little, Brown, 1987), 81–83 and 134–36.

Any move to limit negative campaigning, in short, would just add one more weapon to the already formidable arsenal with which incumbents manage to entrench themselves in office.

What effect a reduction in negative campaigning would have on presidential elections is more difficult to predict, partly because we have fewer cases available to study, partly because it is less easy to generalize about the strategic situation confronting the candidates. Consider, however, two different scenarios:

In three of the last eight presidential elections, a popular incumbent running for reelection began the general election campaign with a huge lead over his opponent. In 1964, Lyndon Johnson led Barry Goldwater in the first Gallup Poll conducted after the conventions by a 65 percent to 29 percent margin; in 1972, Richard Nixon was beating George McGovern by 64 percent to 30 percent as the fall campaign got underway; in 1984, Ronald Reagan's lead over Walter Mondale was 56 percent to 37 percent.

In this kind of situation, it is not clear that either candidate derives a special benefit from a limit on negative campaigning. On the one hand, if the challenger has any hope at all of cutting into the incumbent's lead, he must make some attempt to mount a sustained attack on the incumbent's record in office. Goldwater, McGovern, and Mondale certainly recognized this point, for all three did a substantial amount of negative campaigning during the fall. But the chances are probably very small that these attacks will have much impact on the electorate: If the voters have decided they basically like the incumbent after watching him perform in the Oval Office for three and a half years, they are unlikely to revise this opinion in two and a half months, no matter how skillfully the challenger campaigns. In addition, the challenger will no doubt have his own set of faults and shortcomings, and none of the incumbents listed above was especially shy about bringing these to the attention of the electorate. Perhaps the safest conclusion one can draw about a presidential election of this kind is that when an incumbent is this far ahead by September of the election year, nothing that goes on during the fall campaign is likely to have too much effect on the final outcome.

The situation is very different, however, when the early fall polls show a close, hotly-contested race (as in 1980 and 1988), or when the out-party candidate has opened up a lead over the incumbent (as in 1976 and 1992). In these cases, there is a clear imbalance in the information available to the average voter. Given the tremendous visibility of the presidential office, the failures and shortcomings of the incumbent administration are already a matter of widespread public knowledge. When Gerald Ford faced an uphill battle in 1976, when Jimmy Carter sought reelection in 1980, when George Bush ran as the successor to Ronald Reagan in 1988 and then for a second term of his own in 1992, most Americans knew their records quite well: the poor or uneven performance of the economy, the foreign policy setbacks and trouble spots, the inability to define and implement a program. Incumbent candidates in this position do spend some of their time trying to convince voters that things are better than they seem, but even the most energetic campaign efforts in this direction are not likely to have much payoff.

As in the case of the popular incumbent, voters are unlikely to change an assessment they have developed over three and a half years, on the basis of several months of obviously partisan propaganda.

So the only chance such an embattled incumbent has is to raise doubts about his opponent. Especially in the modern era of presidential selection, when the out-party candidate is rarely a prominent national figure prior to winning the nomination, his faults and shortcomings are generally not well known. Most voters, it appears, knew remarkably little in 1976 about Jimmy Carter's record as governor of Georgia, or about Ronald Reagan's performance in California in 1980, or about the gubernatorial records of Michael Dukakis and Bill Clinton.

Such matters have not received a great deal of attention from survey researchers, but the data that are available suggest, not at all surprisingly, that most Americans do not devote much effort to monitoring the performance of fifty different state governors. In mid-October of 1980, for example, the CBS News/*New York Times* poll asked a national sample of probable voters, "Do you think Ronald Reagan did a good job or not when he was Governor of California, or don't you know enough about that to have an opinion?" Forty-eight percent of the respondents admitted they didn't know enough about the matter; another 4 percent said they weren't sure. A similar result occurred in September of 1988, when a NBC News/*Wall Street Journal* survey asked likely voters, "From what you know, do you think Michael Dukakis has been a good Governor of Massachusetts, or not?" Though the "don't know enough" option was not specifically offered in this case, and though Dukakis's gubernatorial record had by that time become a major issue in the 1988 campaign, 28 percent of the respondents still said they didn't have an opinion. In September 1992, 40 percent of the registered voters in a CBS News/*New York Times* poll were unable to say if they had a "favorable or unfavorable impression of the job Bill Clinton has done as Governor of Arkansas." By way of comparison, when the Gallup Poll asks its standard job performance question about an incumbent president during the late summer or early fall of a presidential election year, only about 8-14 percent of those surveyed give "don't know" responses.³¹

And the more negative campaigning is discouraged or penalized, the more likely it becomes that all voters will ever learn about how the challenger performed in his previous position is the candidate's own highly colored version of that record. Thus, in a close election of this kind, where the campaign could make

³¹ Another way to demonstrate this point is to examine the percentage of the electorate that is able to assign the candidates a position on the seven-point issue scales in the American National Election Study (ANES) surveys. The 1980 survey, for example, had nine such scales; in all nine cases, a larger number of respondents were able to provide a rating for Jimmy Carter, the incumbent president, than for Ronald Reagan, even though the latter had an unusually well-defined ideological profile for a challenger. Similarly, the 1984 ANES sample showed a higher number of "don't know" responses for Walter Mondale's issue positions than for President Reagan's on all eleven of the scales used. In 1988, when George Bush was not the incumbent but was closely associated with the incumbent administration, the vice president's issue positions were known to more Americans in nine of nine cases.

a difference in the final outcome, limits on negative campaigning would be distinctly to the advantage of the challenger.

It is no accident that when various commentators recommended a moratorium on negative campaigning during the last few weeks of the 1992 presidential race, Bill Clinton readily agreed to the idea and George Bush tried to resist it.³² Both major-party campaigns understood quite well that Bush's only chance for victory lay in a negative campaign against Clinton. To be sure, there is something a little sad about an incumbent president whose best argument as to why he should be reelected is to say, in effect, "Sure, I may not have been a very good president—but my opponent would be even worse." But the fact that this argument is sad does not mean that it may not be in some cases entirely valid.

THE SEARCH FOR BETTER CAMPAIGNS

To defend negative campaigning, of course, is not to deny that positive campaigning is also important. What our politics really needs is a mixture of the two. A candidate who is challenging an incumbent should be required to show the weaknesses and shortcomings of his opponent, and then to indicate how and why he would do better. An incumbent should defend his own record, and then (since that record is unlikely to be entirely without blemish) should be able to point out the ways in which the challenger would be deficient. The point is that both are valid ways of appealing to and informing the electorate—just as economic affairs and foreign policy are both relevant issues.

The effort to stamp out negative campaigning thus deals a double blow to any attempt to improve the quality of future American election campaigns. It seeks to deny the voters important information that is relevant to their decisions; but it also helps divert attention from the many serious problems that genuinely afflict our campaigns. Most of the practices that are condemned on the grounds of negative campaigning are actually objectionable for very different reasons. Sending a forged letter about one's opponent, as the Nixon people did in 1972, is wrong, not because it is negative campaigning, but because it's a lie. Demanding that your opponent take a drug test isn't objectionable because it's negative, but because the issue it raises is trivial. Calling your opponent "unChristian" is wrong because it is a misuse of religion. Accusing a congressional incumbent of taking too many junkets would be wrong if it takes such incidents out of context. (It may also be a real indication that the incumbent is neglecting his duties and abusing the perquisites of office.)

There is a simple test that can be applied to all of these issues. If you think that a particular campaign practice is wrong because it is an instance of negative campaigning, then it follows that the same behavior would be acceptable just as long as it was done in a positive manner. So, if negative campaigning is the real

³² See, for example, their comments on the matter in the second debate in *New York Times*, 16 October 1992.

villain in all of these cases, sending a forged letter that attacks an opponent is wrong, but forging a letter that says positive things about one's own candidate is acceptable. Or: it's wrong to criticize your opponent for failing to take a drug test, but it's okay if you yourself take a drug test and then trumpet the results as proof of your spectacular fitness for office. It's wrong to call your opponent "unChristian," but acceptable to call yourself "the Christian candidate in this election."

Rather than trying to limit or discourage negative campaigning as a generic category, we ought to recognize that some negative campaigning is good and some negative campaigning is bad—and then think more carefully about the kinds of moral criteria that really should make a difference. A full-blown examination of this matter is the subject for another article or book, but the preceding discussion and the examples commonly cited in the negative campaigning literature clearly point in several important directions. Probably the most significant problem with campaign advertising, positive and negative, is that so much of it is misleading, taking votes and actions out of context, or implying connections between events that may be completely unrelated. Many ads also deal with matters of highly questionable relevance that tell us little or nothing about either candidates' ideology or fitness for office. It also seems clear that many voters are troubled by the incivility of many negative ads, the tone of which is frequently harsh and mean-spirited. All of these are real and serious problems, eminently worthy of our best efforts to rectify them. But we will make little progress in this direction by a war against negative campaigning.*

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