



Volume II

Spring 2002

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Michelle Ann Fosnaugh
Editor-in-Chief

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Editor's Preface to the Spring 2002 Edition

The American Undergraduate Journal of Politics & Government provides a competitive, bi-annual platform exclusively for outstanding undergraduate papers. The *Journal* hopes to bring to the academic community the best in undergraduate research in politics and government, as well as to provide opportunities for recognition and innovation for undergraduates. I would like to recognize the relentless effort of the Editorial Board, who persisted for more than a semester to present five papers that they felt represented the strength and quality expected of the *Journal*.

In its third edition, the Editorial Board strengthened the national reputation of the *Journal*, extended the invitation for submission to more colleges and universities, and improved the editing process and publishing format. The most important development was the creation of an Advisory Board comprised of Purdue University faculty members. They assisted the Editorial Board in the final editing phases and are an invaluable asset to the *Journal*. We appreciate the support of the faculty and graduate students in the Department of Political Science at Purdue University and would especially like to recognize Dr. William Shaffer, the department head, for his encouragement. We are also grateful to the Pi Sigma Alpha National Office for their support and commitment to our efforts.

Thank You.

Michelle Ann Fosnaugh
Editor-in-Chief

Submission of Manuscripts

Submissions for the *Journal* are received on a rolling basis from undergraduates of any class or major from institutions across the nation and written. Submitted papers must be fewer than 30 pages of typed double-spaced text with tables and charts on separate pages. Submissions must be in the form of a Microsoft Word document and have endnote citations. All documents must be accompanied by an abstract to be considered for publication. Please include name, university affiliation, contact details, and complete works cited information. Subscriptions are available through Purdue Pi Sigma Alpha, but each edition can also be purchased individually. The *Journal* has launched a web site at www.purdue.edu/americanjournal, which is presently being renovated. To make a submission to the next edition or to contact the Editor-in-Chief, e-mail *The American Undergraduate Journal of Politics & Government* at journal@polsci.purdue.edu.

Treaty Ratification in the 101st Through 106th Congress

Emily A. Webb
Case Western Reserve University

The U.S. Senate plays a constitutionally mandated role in the treaty ratification process. However, that body has gained an unfavorable reputation for killing or delaying approval of important international agreements. This has led many Americans to view the Senate as simply another obstacle in the already difficult and complex treaty-making process. To examine the validity of this perception, the Senate's treaty approval activities during the George Bush and Bill Clinton administrations (1989-2000) were empirically examined. All agreements for which the presidents sought senatorial advice and consent were classified according to importance and topic, and trends were evaluated. Surprisingly, 90 percent of all agreements presented to the Senate in these eleven years were approved. Delays and failures are overemphasized, while the swift action of the Senate on a large number of least important agreements was ignored.

Introduction

Treaties are the primary form of agreement between countries and serve as the backbone of international law. The negotiation and signing of a treaty, while gaining the most attention, is only one step in the treaty-making process. Before an international agreement can be considered binding, the governments of the signatory countries must accept it. In the United States, this involves a ratification process in which the U.S. Senate plays an important role. In international circles, the United States has gained a reputation for failing to abide by those international agreements it signs, because the majority of international agreements signed by the U.S. are never ratified. Unwillingness in the American psyche to abandon any morsel of sovereignty is partly to blame, but the institutional features of the foreign policy-making process cannot be ignored. A strong tradition of separation of powers, along with continued congressional commitment to that tenet, exacerbates the problem of foreign policy-making in a pluralistic and often isolationist nation. Rather than being viewed as an important player in international agreements, the Senate has been viewed as another, possibly unnecessary, obstacle in an already difficult process.

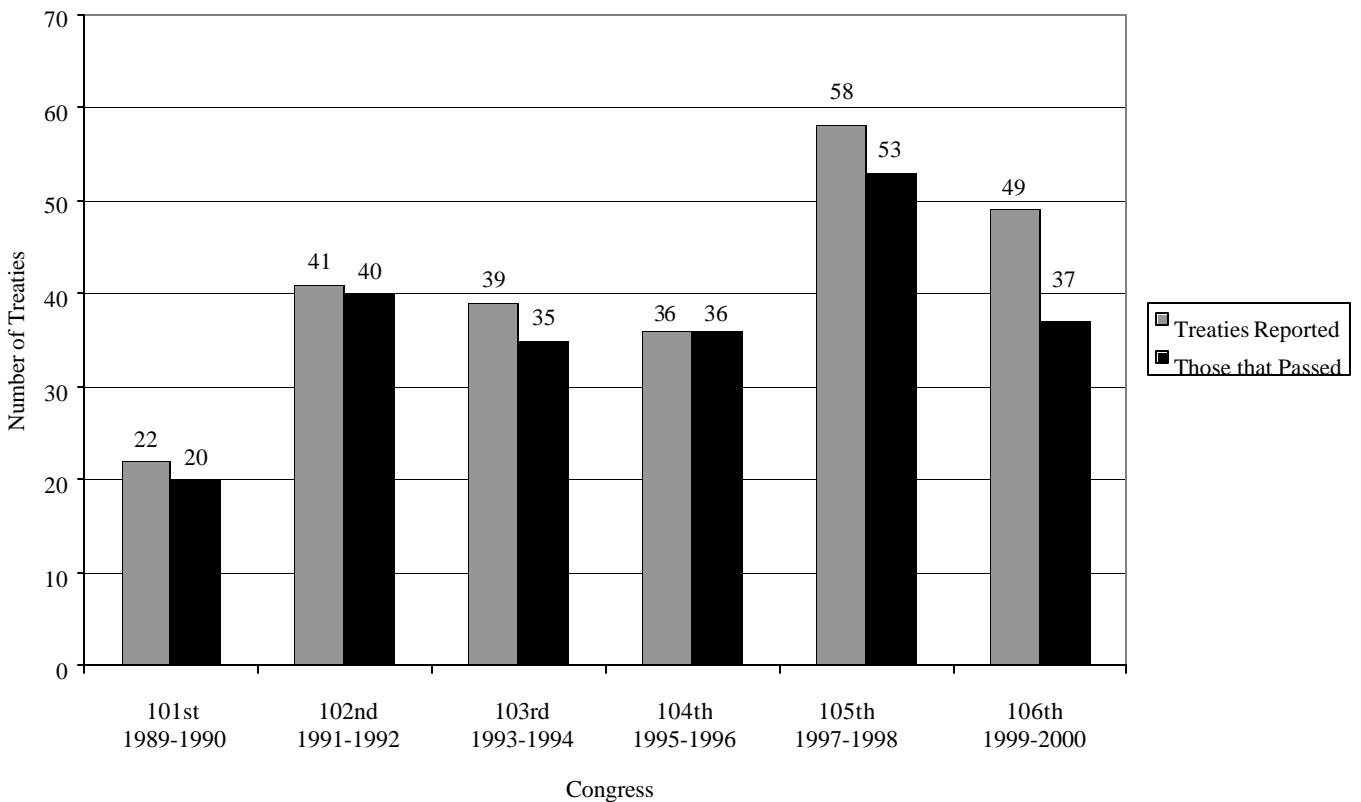
The need to obtain approval from two-thirds of present senators ensures that the democratic process is involved in treaty-making, although some maintain that it is a hindrance. While treaties form the foundation for relations with other countries, the number of treaties that receive Senate approval every year is few compared to the number of agreements that are signed.¹ Institutional factors, including the need for unanimous consent agreements to consider treaties in a timely fashion, the differing constituencies of senators and a president, and the personal levels of importance placed on pending treaties by senators, contribute greatly to the difficulties of treaty approval.

To gain insight into the Senate's role in the treaty-making process, an examination of Senate action on treaties between 1989 and 2000, during the George H. W. Bush and Bill Clinton administrations, has been undertaken. In analyzing recent Senate action on treaties, it was necessary to limit the time period under consideration. This period encompasses the entire term of two presidents from different parties, thus reducing partisan considerations. Treaty action over the course of the presidents' terms during the six congressional sessions was examined, with a focus on the Senate's treaty ratification record.

Between 1989 and 2000, the presidents sought the Senate's advice and consent on 245 treaties. In comparison, over 3,000 executive agreements with other countries were completed in those eleven years.² It was much simpler for an executive agreement to enter into force than a treaty. Although treaties were "designed to be the means to reach agreements with other nations," their relatively small number could be interpreted as a lack of respect on the part of the executive for the official treaty ratification process.³

The Senate approved a surprisingly large proportion of treaties reported by the president. Resolutions of ratification were passed for 221 of the 245 agreements on which the president sought Senate advice and consent during the period under examination (Figure 1). Three treaties were returned to the president for revision, and the Senate voted one down. Near the end of 2002, no action had been taken on the remaining twenty documents. Given the present situation, it seems that many of the criticisms of the Senate are unfounded.

Figure 1: Treaties Reported and Treaties Passed



The amount of time each treaty took to weave through the process was examined, including when the document was signed, when the president presented it to the Senate for consideration, length of debate, and when the Senate actually took a vote on the matter. The shortest period between signing and Senate approval was a matter of days for the treaty approving the reunification of Germany, while the longest period was forty-four years for the Convention Concerning the Abolition of Forced Labor.

Role of the Senate in the Treaty Process

When the Senate votes on an international agreement, it is not voting on the actual text of that treaty, nor does Senate passage signal immediate ratification. Rather, it passes a resolution granting its advice and consent to the president to undertake the final stages of ratification.⁴ These resolutions sometimes include understandings, reservations, or declarations that state the Senate’s position on the treaty or serve as clarification. The other signatory party must accept any changes to a treaty suggested by the Senate for the agreement to enter into effect.

Separation of powers in the treaty process is stipulated in the U.S. Constitution. Article II, Section 2, Clause 2 states that the president “shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur.” A later section, Article VI, Clause 2 states “all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.” Therefore, once a treaty is approved by the Senate and ratified by the president, it automatically carries the same weight as federal statutes. While action by both houses of Congress is necessary to pass implementing legislation required by some treaties, the House of Representatives plays no constitutional role in the treaty-making process.

The necessity of obtaining a two-thirds majority of senators present to approve a resolution advising the ratification of a certain treaty has been criticized as an unreasonably stringent requirement. Amendments to the Constitution requiring only a simple majority vote, however, have not been successful. Although proposals have been made to change the treaty process to include a role for the House or to

reduce to a simple majority the number of senators needed to approve a treaty, the role of the Senate remains as originally mandated by the Constitution.

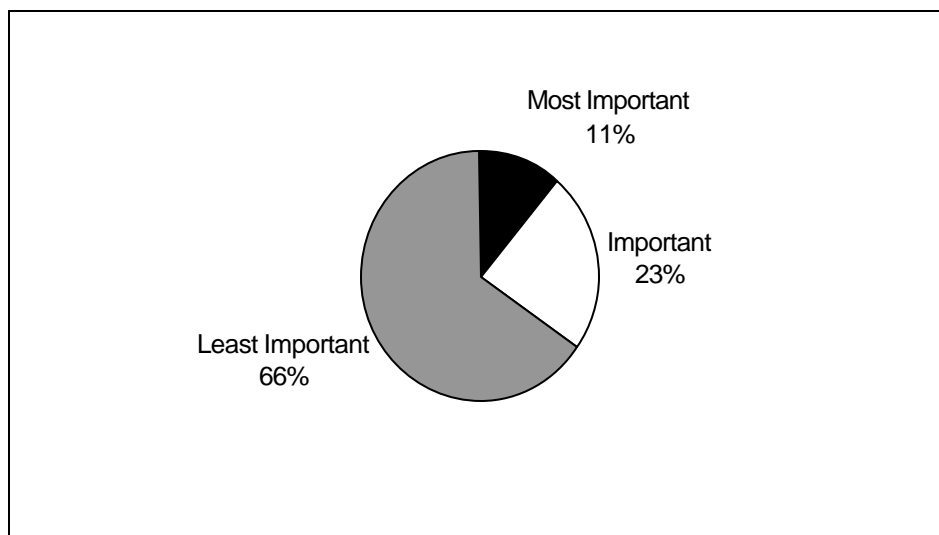
Classifying Treaties

In order to analyze trends in Senate treaty approval, it was necessary to group agreements based on relative importance and topic. Treaties were placed in one of three importance categories and one of five topical classifications.⁵ The proportion of treaties falling into each category, length of debate, and passage of time were then examined.

Generally, the only treaties that were debated in the Senate were those of greater importance. For the purposes of this study, agreements were classified into three categories: most important, important, and least important. The first category was reserved for only the most important treaties: those that received national attention or indicated significant changes in the international landscape. The Strategic Arms Reduction Treaties (START I and II), the agreement expanding the North Atlantic Treaty Organization (NATO), and the United Nations Convention on the Law of the Sea all fell into this category. Treaties about environmental protection, maritime boundaries, and minor international organizations were classified as simply important. The least important category was reserved for consular agreements and mutual legal assistance, extradition, investment, and taxation treaties.

Of the 245 treaties referred to the Senate during the period in question, twenty-eight, or approximately 11 percent, could be considered most important. Important treaties made up 23 percent (fifty-seven) of the total, and 160, or 66 percent, fell into the least important category (Figure 2). Although the least important classification was the most restrictive, with only certain types of treaties being considered least important for this study, it was by far the largest category.

Figure 2: The Importance of Treaties

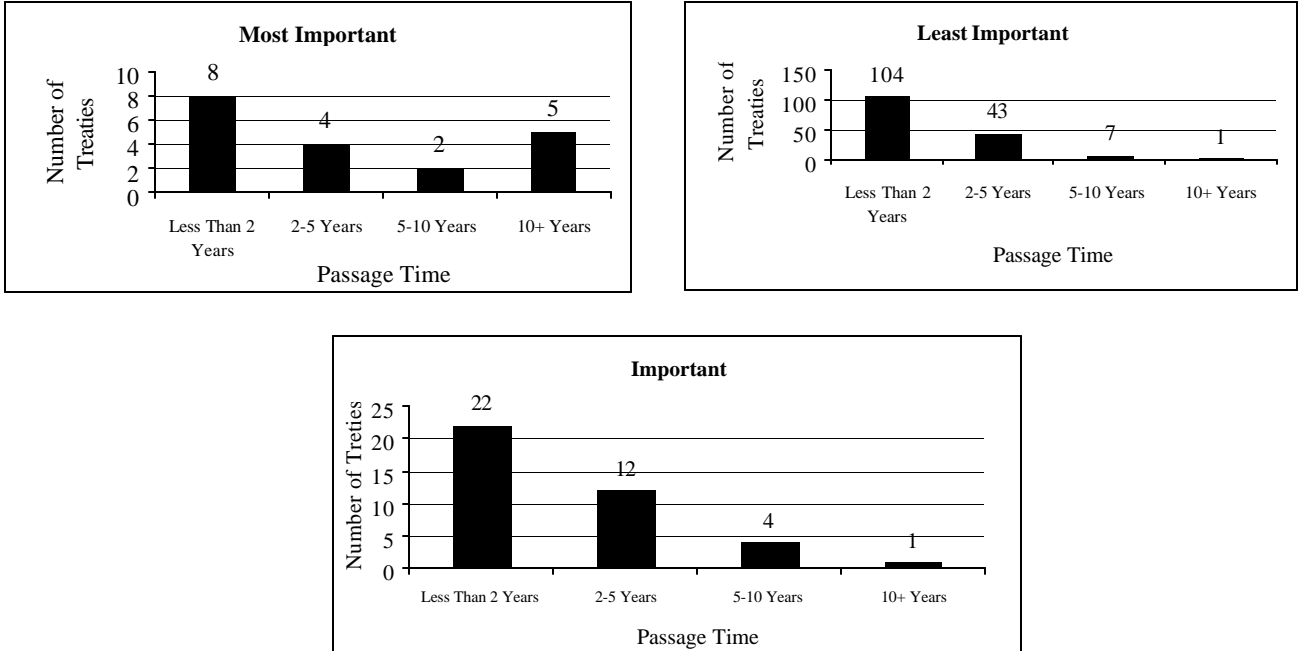


In some ways, however, these findings reflected the nature of international agreements. Nearly every treaty that fell into the least important classification was a bilateral treaty. The United States must negotiate an extradition or taxation treaty with each country individually. On the other hand, the vast majority of treaties considered most important and important were multilateral. Therefore, the definition of the more important categories reduced their number.

It was clear, however, that international agreements that *should* be considered most important were treated much differently in the Senate than all other treaties and were the ones that most often encountered problems on the Senate floor. Treaties that were least important were essentially rubber-stamped. Although most treaties of any type were approved during the period in question, relative importance provided an indication of how long the agreement took to weave through the ratification

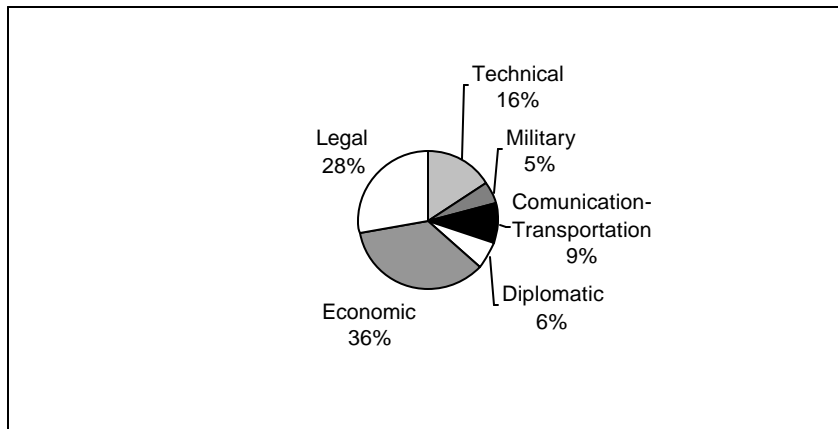
process. While the most important treaties took an average of six years between signing and Senate approval, the process was accomplished in under two years for the least important agreements (Figure 3).

Figure 3: Passage Time From Signing By Treaty Importance



In addition to being ranked by importance, international agreements introduced in the Senate between 1989 and 2000 were placed in topical categories. Treaties were classified as Transportation-Communication (aviation, telecommunication, and maritime boundaries) Diplomatic (consular agreements and international organizations), Economic (including investment and taxation), Military (arms control and military alliances), Technical (environmental protection and technical standards), or Legal. Legal and Economic treaties were by far the most common, and together comprised over 60 percent of the total (Figure 4). The least common types of agreements were those considered Military and Diplomatic, numbering thirteen and fifteen respectively.

Figure 4: Type of Treaties Reported



Whereas Economic and Legal treaties passed quickly through the process, Military and Technical agreements encountered more problems. The close correlation between treaty type and level of importance provided one explanation for this observation. The Legal and Economic categories were predominantly composed of agreements that could be classified as least important, where the opposite was true for the Military and Diplomatic treaties (Table 1).

Table 1: Importance of Treaty by Type

| | Communication | Diplomatic | Economic | Legal | Military | Technical |
|-----------------|---------------|------------|----------|-------|----------|-----------|
| Most Important | 17% | 33% | 2% | 0% | 92% | 10% |
| Important | 61% | 27% | 5% | 1% | 8% | 82% |
| Least Important | 22% | 40% | 93% | 99% | 0% | 8% |
| (N) | (23) | (15) | (86) | (69) | (13) | (39) |

The President's Role: Reporting a Treaty

For much of the period under consideration, the U.S. government was divided between the parties. This made the treaty process especially difficult. Even when the president and the majority of the Senate were from the same party, as was the case in the 103rd Congress (1993-1994), differing views regarding treaties still existed. The president is the only official elected by the entire country and therefore has a much larger and more diverse constituency than individual senators. In addition, the composition of the Senate, with two senators from each state regardless of population, means that rural interests are over represented. People from rural areas tend to be more conservative than their urban counterparts and are often less concerned with international affairs. This isolationist disposition is often reflected in the Senate.⁶

The president, as head of state, serves as the primary link between the U.S. and other countries. International agreements can be an important component of a president's legacy. For these reasons, presidents tend to take a greater interest in seeing treaties through ratification than senators do. This has led to a situation where both parties will use international agreements as bargaining tools, often ignoring the importance of the treaty.

To begin the process of Senate approval of a treaty, the president, through the State Department, reports the agreement to the Senate (Table 6). Although both houses of Congress can pass resolutions urging the president to seek the advice and consent of the Senate for various treaties, members of Congress are virtually powerless to initiate action on a treaty.

Table 2: Types of Treaties Reported by Congress

| | 101st | 102nd | 103rd | 104th | 105th | 106th | TOTAL |
|------------------------------|-------|-------|-------|-------|-------|-------|-------|
| Technical | 3 | 11 | 6 | 5 | 5 | 9 | 39 |
| Military | 1 | 3 | 3 | 0 | 5 | 1 | 13 |
| Communication-Transportation | 4 | 6 | 4 | 3 | 2 | 4 | 23 |
| Diplomatic | 5 | 3 | 1 | 0 | 2 | 4 | 15 |
| Economic | 8 | 9 | 25 | 14 | 12 | 18 | 86 |
| Legal | 1 | 9 | 0 | 14 | 32 | 13 | 69 |
| TOTAL | 22 | 41 | 39 | 36 | 58 | 49 | 245 |

Presidents Bush and Clinton requested the Senate's advice and consent on 245 treaties during their administrations, an average of around forty per two-year congress. The time span between the signing of the treaty by the United States and the president reporting it to the Senate for consideration varied widely. In January 1997, President Clinton requested Senate advice and consent to Protocols to the Conventional Weapons Convention fifteen years after they had been signed; however, the vast majority of treaties were reported to the Senate less than two years after negotiations were completed.

The Threshold Test Ban Treaty (TTBT) and Peaceful Nuclear Explosions Treaty (PNET) approved by the Senate in 1990 present a clear example of presidential delays in reporting international agreements. Signed in 1974 by the Ford administration and 1976 by President Carter, respectively, these

two treaties were not reported to the Senate until 1986.⁷ In the early 1980s, Ronald Reagan cited deficiencies in the verification mechanisms as the reason for his opposition to ratification of these bilateral agreements with the USSR. Although the provisions of the treaties were not officially in force, the Carter and Reagan administrations chose to abide by them as though they had been ratified. This greatly angered senators who believed that the president was usurping their role in the treaty-making process and repeatedly called for the president to seek senatorial advice and consent on these matters.

In autumn 1986, President Reagan agreed to report the TTBT and PNET to the Senate in order to break a stalemate over the Defense Bill. In order to solve the problem of verification, the Senate made it clear that it would include a reservation in the resolution of ratification stating that the treaties would not go into effect until verification protocols were added. This was unacceptable to Reagan, who declared that he would not complete ratification before negotiations on the additional protocols were finished. The Senate would be forced to approve the treaties twice. Stalemate resulted and the documents never reached the floor. It was clear that the ratification resolution did not have sufficient support to meet the two-thirds requirement. Action was delayed until 1990, after President Bush was able to negotiate protocols to the treaty that set verification standards. With these changes, the ratification resolution passed easily by a vote of 98-0.

The case of the TTBT and PNET agreements highlight the types of disputes between the executive and legislative branches concerning treaties. The Senate believed that their role in the process was overlooked, since the treaty was being observed even though not officially in force. Meanwhile, the president capitulated to senatorial demands as part of a deal, using the treaties as a bargaining chip to break the stalemate on another issue.

Floor Consideration of Treaties

Nearly all treaties are debated under restrictive unanimous consent agreements. Debate is limited to a set period, equally divided between the two parties.⁸ As with all unanimous consent agreements, the objection of a single senator results in the rejection of the agreement. Individuals who threaten to object are often placated by being allotted extra time in addition to the normal debate period. For the least important treaties, no floor debate time is allotted; rather, any statements senators prepare are printed in the Congressional Record as if read.

Amendments are often restricted during the debate on treaties, especially on less important international agreements. A typical unanimous consent agreement is as follows:

...that all committee provisos, reservations, understandings, etc., be considered agreed to; that any statements in regard to these treaties be inserted in the Congressional Record as if read; and that the Senate takes one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted on the motion to reconsider be laid upon the table... that no other amendments, reservations, or understandings be in order, that no motions to recommit be in order.⁹

The various components of that single agreement are all important to the treaty-making process.

The majority of additional understandings and amendments to the ratification resolutions are added during committee consideration. The chamber usually accepts these as part of the unanimous consent agreements. Often, no other amendments, germane or otherwise, are allowed. These agreements usually state that a vote will be scheduled after the completion of debate, and the president will be informed of the Senate's action. No motions to recommit, which would send the resolution back to committee, are accepted, signifying that the vote will mark the end of the Senate's consideration of the treaty. This final step will not be undertaken until after the vote, if it is at all feared that the treaty will not be approved.

A form of omnibus legislating (or the lumping of a number of measures together) is also common in the Senate consideration of international agreements. Many ratification resolutions are considered en bloc, with a single global vote being considered as a vote on each individual treaty. This quickens the process and facilitates the approval of more controversial agreements.

None of the global votes on treaties after the 102nd Congress were roll-call votes, but rather votes by division. A few of the most important treaties were the only ratification resolutions where roll-call votes were used after 1992. Even in those cases, the vote to approve was overwhelming, with only a few Republican senators voting "nay," if at all. This served to reinforce the generalization that when a treaty

comes to a vote, it will be approved. No senator wanted to be responsible for killing an international agreement. Only one vote was even close during this period, that on the Comprehensive Test Ban Treaty (CTBT), which ultimately failed. In another break from the norm, that treaty was recommitted to committee, although no further action has been taken.

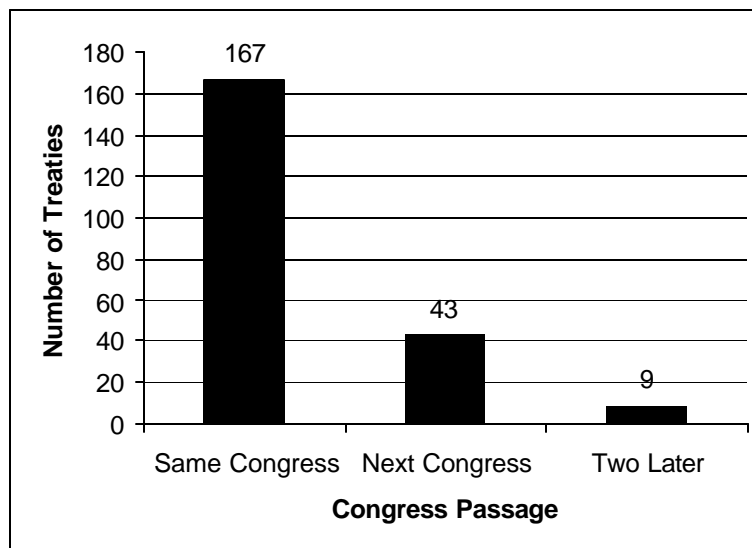
Every Congress between the 101st and 106th had at least one en bloc vote. An average of eight treaties were approved in a single vote, with the smallest global vote encompassing two separate agreements and the largest containing nineteen. On October 16, 2000, the Senate passed resolutions of ratification for thirty-four treaties, the largest number in any single day. However, each was voted on individually as a single Senator objected to the unanimous consent agreement to consider them en bloc.

The agreements approved by these en bloc votes sometimes represented treaties of varying importance. Twelve of the twenty-two examples of global votes on international agreements contained treaties of differing importance levels. This allowed senators to avoid tough votes on the more controversial treaties, thus reducing their accountability and also facilitating passage. In the clearest example of this strategy, the agreement implementing a portion of the United Nation Convention on the Law of the Sea was grouped with nine taxation and investment treaties, all least important Economic agreements. Restrictive unanimous consent agreements and en bloc voting are important procedures outside the traditional practice of lawmaking that facilitate Senate approval of international agreements.

Resolution of Ratification Passage

An examination of Senate action on treaties vividly displays the lack of emphasis placed on this important institutional action. Most resolutions of ratification are passed late in the second session of a Congress. The vast majority of international agreements, regardless of importance or type, are approved before the end of the Congress in which they are reported by the president (Figure 7). Seldom is a treaty open for floor debate, and few are voted on individually. These observations lead to the conclusion that most international agreements, like presidential nominations, are simply rubber-stamped by the Senate.

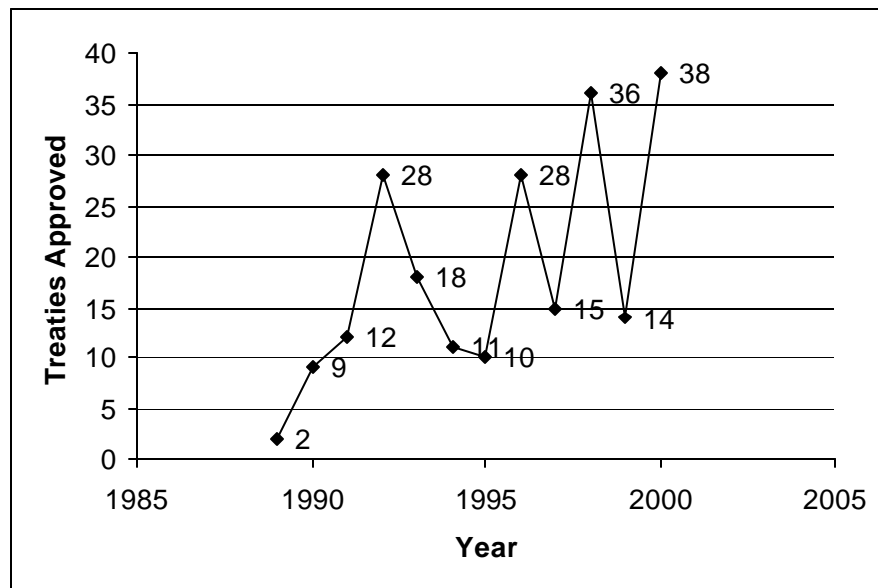
Figure 5: Treaty Passage Time After Report



Between 1989 and 2000, most treaties were approved in the latter portion of the session, the majority in September, October, and November. Over half of the ratification resolutions were passed in those three months. As with most legislation, senators recognized a time crunch on treaty action as the recess approached. International agreements that had been ignored for most of the session were quickly passed.

Many more treaties were approved in the second year of a Congress. In every Congress except the 103rd (1993-1994), over twice as many resolutions of ratification were passed in the second session than the first.

Figure 6: Total Number of Treaties Approved



In a break with the trend, fewer treaties were approved in the second session of the 103rd Congress (1993-1994) than in the first. Fifteen of the documents reported to the Senate in 1993 were passed before the end of that calendar year, an unusually high number. This resulted in only nine treaties left pending as 1994 began, as opposed to the average of fourteen for second sessions. The political climate helped to explain this unusual situation. Bill Clinton's presidency began in 1993. Clinton took a more internationalist approach than his predecessor, and the Democratic majority in the Senate was eager to demonstrate its ability to legislate under unified government.

Seventy-six percent, or 167 of the 221 treaties approved by the Senate during the period under examination, were approved during the Congress in which they were reported. Given this overwhelmingly swift action of the Senate on most international agreements, it appeared that most of the blame for delays in treaty approval rested with the president. All but one of the treaties, which passed ten or more years after signing, were held by the president for more than a decade before being reported to the Senate. The most important treaties were likely to be held by the president for a longer period, and the least important agreements were often sent to the Senate within a year of signing.

The fact that some treaties are likely to encounter problems once reported to the Senate is a possible explanation for presidential delays in seeking Senate approval of certain agreements. Withholding a treaty from the Senate is one way that the president can be certain it does not fail. Given the actual record of the Senate on international agreements, however, perhaps the uncertainty of treaty approval in that chamber is overemphasized.

Treatment of the Most Important Treaties

The difficulties that the most important international agreements encountered on the Senate floor vividly display some of the institutional problems surrounding treaties. It is these documents that took the longest to pass through the ratification process, often being delayed in committee or on the floor. Previous actions of the Senate on the most important treaties are also what led to that institution's unfavorable reputation in international circles.

Understandings, declarations, and clarifications are often part of the resolution of ratification. These stipulations provide the Senate the ability to change the agreement after it has been signed. However, before entering into force, the other signatories and the president must accept any alterations to the treaty.¹⁰

The more important the treaty, the longer it was likely to take to twist through the approval process. Thirty-seven percent of the most important treaties took five or more years to go from signature to approval (Table 2). On the other hand, only 13 and 5 percent of the important and least important treaties, respectively, took that long. The Senate consideration of the most important treaties is extremely different than that of the least important ones. The vast majority of the least important treaties were not debated on the floor and often passed through the Senate during the same Congress in which the president reported them.

Table 3: Passage Time From Signing By Importance

| | Less than 2 years | 2-5 years | 5+ years | (N) |
|-----------------|----------------------|-----------|----------|-------|
| Most Important | 42% | 21% | 37% | (19) |
| Important | 56% | 31% | 13% | (39) |
| Least Important | 63% | 32% | 5% | (155) |

Like any piece of legislation, the most important treaties were often stalled during committee consideration. All international agreements on which the president requests Senate consent were automatically referred to the Senate Foreign Relations Committee, and the injunction of secrecy was removed shortly after the document arrived in the Senate. After the Republican takeover of Congress in 1994, Senate Foreign Relations Committee Chairman Jesse Helms took advantage of his position and used treaties as a bargaining tool to encourage the consideration of his pet issues. Some senators accused him of using his position to delay floor consideration of the Chemical Weapons Convention until a restructuring of the State Department that he had been championing was accepted.¹¹ Senators wanted the opportunity to debate agreements that gained national attention and were not pleased when an important and controversial treaty was delayed in any step of the process.

The International Labor Organization (ILO) Convention Concerning the Abolition of Forced Labor languished before the Senate Foreign Relations Committee for twenty-eight years. This important document was signed by the United States in 1957 and reported to the Senate by President Kennedy in 1963. After holding hearings in 1967, no further action was taken and the agreement was forgotten. In April 1991, President Bush presented a message to the Senate urging action. On May 7, the Senate Foreign Relations Committee finally released the treaty. After ten minutes of debate, the Convention was approved by a vote of 97-0 on May 14, 1991 and became the first substantive ILO treaty ratified by the United States in its sixty-six years of membership.¹² Without the action of the president, it is likely that this agreement would remain before the Senate committee to this day.

Ideological differences between the parties in Congress exacerbate the problem of prompt consideration of the most important treaties. This facet of legislating was most clear in the debate preceding the Senate's rejection of the resolution of ratification of the Comprehensive Test Ban Treaty (CTBT) in 1999. The Clinton administration completed the negotiation of this very important international agreement, and the president signed the treaty on September 24, 1996. While supported by Democrats, the more conservative Republican majority in the Senate did not believe that the terms were stringent enough or the enforcement mechanism sufficiently strong. All of the most common arguments that arise in opposition to treaties were used in this case. "Critics insisted that the treaty was dangerously flawed, questioning the impact of a test ban on the long-term effectiveness of the U.S. nuclear arsenal and whether the treaty was enforceable."¹³

Similar to most treaties, a unanimous consent agreement was reached and a vote was scheduled after twenty-two hours of debate. It soon became clear to the Democratic minority supporting the treaty that they would be unable to draw enough Republicans across the aisle to secure the resolution's passage. All attempts to postpone a vote, including appeals from the president, a letter from sixty-two senators to Majority Leader Lott and Minority Leader Daschle, and a test vote on the motion to move into executive session to vote on the resolution, ultimately proved ineffective.

On October 13, 1999, the ratification resolution on the Comprehensive Test Ban Treaty failed by a vote of 48-51, which fell largely along party lines. Four Republican senators voted with the Democrats. When explaining why the Senate rejected the treaty, Majority Leader Lott stated it "is ineffectual, even dangerous, in my judgment."¹⁴ Perhaps Secretary of State Madeline Albright was the most astute when she wrote in the November 22, 1999 edition of *Test Ban News*, a White House publication supporting the

CTBT, “Unfortunately, as the CTBT vote reflects, the administration and Congress have not yet agreed on a common post-cold war strategy for responding to these dangers.”¹⁵

The failure of the CTBT was only the seventh time in the twentieth century that the Senate had voted down any treaty and the first time since 1920 that it rejected an international security treaty.¹⁶ The fact that so few resolutions of ratification failed in the Senate was due, in large part, to an institutional understanding within the chamber. Treaties that were likely to fail were simply not brought to a vote.

Treaties Still Pending

The Treaty on Biological Diversity is a prime example of the reluctance of senators to bring agreements to a vote when the outcome is uncertain. After holding hearings, the treaty was reported favorably by the Senate Foreign Relations Committee on July 11, 1994. The agreement quickly came under attack. A month later, thirty-five senators expressed their concerns in a letter to the Senate leadership. The agreement itself stipulated that no reservations would be accepted from signatory countries and a multinational committee would meet after the treaty entered into force to negotiate the details. That the Senate would not have the right to review the final agreement greatly angered a number of prominent senators, who felt their constitutional role in approving treaties was being overlooked.

With over one-third of the Senate decidedly against the agreement, it was abundantly clear that the Democratic supporters of the Treaty on Biological Diversity did not have sufficient support to ensure passage of the resolution of ratification. Instead, Senate leaders refrained from bringing the matter to a vote. This agreement remains before the Senate to this day.

The Treaty on Biological Diversity was one of twenty agreements still before the Senate at the end of 2002 (Table 4). Most of the pending international agreements remained in committee consideration. Although hearings had been held on some of the treaties, only two of the twenty remaining agreements had come to the floor for debate. The rest remained before the Senate Foreign Relations Committee. It appears that the Committee and the Senate as a whole have simply ignored the other eighteen documents. Half of the agreements still pending in 2002 were reported to the Senate during the 106th Congress (1999-2000). The short period of time that these treaties were before the Senate accounted for the unusually high number of agreements Congress had yet to consider.

Of the seven pending agreements reported prior to the 106th Congress, five could be considered important. Four were classified as Technical treaties, two fall into the category of Communication-Transportation, and one relates to Military matters. By 2002, the Senate had taken action on all of the least important treaties prior to those reported in 1999 and 2000, either approving them or returning them to the president for revision.

Table 4: Treaties Still Pending as of January 2002

| Importance | | Type | |
|-----------------|----|---------------|----|
| Least Important | 2 | Communication | 3 |
| Important | 13 | Diplomatic | 2 |
| Most Important | 5 | Economic | 2 |
| TOTAL | 20 | Legal | 1 |
| | | Military | 2 |
| | | Technical | 10 |
| | | TOTAL | 20 |

Failure to act on these documents would not be politically costly to individual senators, as would inaction on agreements that garner national attention. Therefore it is not surprising that these treaties are more controversial than those that are simply rubber-stamped. The low institutional loyalty of most senators means that they are, for the most part, not concerned that delay on any international agreement gives the outside world an unfavorable impression of their chamber. Action could result in unforeseen difficulties, while inaction is virtually costless.

Conclusion

While other aspects of foreign policy have been thoroughly examined by scholars, the Senate role in the treaty-making process has been largely ignored. In the 1970s, Loch K. Johnson recognized this gap in the body of literature and undertook a major study of international agreements. Johnson examined all types of U.S. agreements with other countries during the twenty-five year period following World War II. The primary focus of his research was the relationship between official treaties ratified by the Senate and executive agreements completed by the president. Johnson noted a dramatic (and, to him, alarming) decline in the role of Congress in approving agreements. Since the publication of Johnson's work in 1984, very little empirical analysis of the institutional aspects of treaty making has been completed.

To analyze his data, Johnson classified agreements based on topic and relative importance, a scheme that served loosely as the basis for classification in this examination. However, where Johnson's work dealt primarily with the interaction between the president and the Senate, this study is limited strictly to Senate action on treaties and examines the Senate's record on treaty ratification.

Due to its past actions, the Senate had gained an unfavorable reputation for being the killer of many international agreements. However, an examination of treaty consideration during the Bush and Clinton administrations of the 1990s displayed that those criticisms no longer portrayed reality. By the end of 2001, 90 percent of the treaty documents on which these presidents sought the advice and consent of the Senate were approved. This included twenty-four of the thirty-five treaties reported by Clinton in 2000, all of which the Senate acted upon within a year.

Institutional challenges, including ideological differences between the parties, a division of negotiation and approval between the president and Congress, and the lesser importance of most treaties on which the Senate's advice is sought, were overcome by unorthodox lawmaking. While the process of ratification was much more tedious for an important treaty, all international agreements encountered some break from standard legislating procedures.

Separation of powers in the treaty ratification process was mandated by the Constitution and is highly valued by senators. During the period in question, the Senate approved the vast majority of all types of treaties it took under consideration, regardless of importance. Even so, fewer than 8 percent of the international agreements that the president signed during the eleven years examined were presented to the Senate for advice and consent. With these findings, it appears that the Senate's poor reputation for approving international agreements was largely unfounded, and criticisms of the Senate were misplaced.

The action of the Senate on international agreements showed that, for the most part, the body acted quickly and efficiently when approving treaties for which its consent was sought. Delays and failures tended to be overemphasized. The general public completely ignored the least important treaties, on which the Senate typically acted swiftly. The most important treaties, which gained national attention, were also the most likely to encounter problems during consideration. This fact created a generally unfavorable impression of senatorial treaty action.

To avoid the potential ratification difficulties of controversial issues, the president may withhold an agreement from the Senate, choosing instead to classify the document as an executive agreement. Because of the dramatic increase in executive agreements that do not require Senate approval, certain senators have begun to take a much stronger stand on their constitutionally mandated role in treaty making. An examination of the resolutions of ratification in the Congressional Record shows that the number of declarations and reservations dramatically increased during the 1990s.

All resolutions of ratification for treaties reported during the six Congresses under examination were approved within six years of the agreement being reported to the Senate, the vast majority within two years. If this trend continues, the number of treaties still pending from the 106th Congress will have decreased significantly by the end of 2002. In all but one case, international agreements remained before the Senate because they were not perceived as urgent and other issues had taken precedence. Little or no consideration had been given to these documents.

The Senate does not seek to defeat treaties. Although lengthy and heated debate and public posturing may occur, especially with regard to the most important treaties, resolutions of ratification are passed for nearly all of the international agreements reported to the Senate. Despite institutional obstacles, the Senate adequately fulfills its constitutional role in the treaty making process.

A Note on Sources:

The information for this study was compiled from a number of sources. A list of all treaty documents from the 101st – 106th Congress was acquired from Lexis-Nexis Congressional Universe online (<http://web.lexis-nexis.com/congcomp>). Senate votes were found by a search of the Congressional Record, through Lexis-Nexis and the Government Printing Office Website (www.gpo.gov). Roll call votes were obtained from the *Congressional Record Almanac*, 1989-2000. *Treaties in Force*, published annually by the State Department and available online at www.state.gov, was also consulted. Information on debates, unanimous consent agreements, and the like came from the Congressional Record.

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- ¹ Roger H. Davidson and Walter J. Oleszek. 2000. *Congress and Its Members* (Washington, DC: CQ Press), 391.
- ² Congressional Quarterly. 2000. *Guide to Congress* (Washington, DC: CQ Press), 219.
- ³ Loch K. Johnson. 1984. *The Making of International Agreements: Congress Confronts the Executive* (New York, NY: New York University Press), 6.
- ⁴ *Treaties and Other International Agreements: The Role of the U.S. Senate*, 2001 (Washington, DC: Congressional Information Service), 4.
- ⁵ A similar classification scheme was employed by Loch K. Johnson in his work *The Making of International Agreements: Congress Confronts the President*. Johnson examined the international agreements signed by the United States during a twenty-five year period following World War II.
- ⁶ Davidson and Oleszek, 305-306.
- ⁷ For a thorough discussion of action on these agreements, please see Alton Frye's article, "Searching for Arms Control." *The President, the Congress, and the Making of Foreign Policy*, ed. Paul E. Peterson (Norman, OK: University of Oklahoma Press, 1994), 192-196.
- ⁸ The information presented in this section was obtained through an examination of action taken on treaties as found in the Congressional Record.
- ⁹ From a statement by Senator Nickles. 28 September 1996, 142 Cong Rec S 11659.
- ¹⁰ Congressional Quarterly, 204.
- ¹¹ A number of senators spoke out on the floor against Senator Helms's actions. For an example, see remarks by Senator Feinstein. 1 November 1995, 141 Congressional Record S 16450.
- ¹² Information regarding this agreement came from the Senate debate. See the Congressional Record. 7 and 14 May 1991, 137 Congressional Record S 5406, S 5728.
- ¹³ For a full discussion of the debate and rejection of this treaty, see Congressional Quarterly, 217-218.
- ¹⁴ Senator Lott on Senate floor 13 October, 1999.
- ¹⁵ *Test Ban News*, 22 November, 1999.
- ¹⁶ Congressional Quarterly, 203.

Main Street: Public Space and Civic Engagement

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The majority of Americans today live and work in the suburbs. Simultaneously, it seems, our suburbs are increasingly attacked as empty, monotonous, and devoid of civic life. The investigation into the causes behind the steady decline in political and civic participation has led several scholars to examine the effects that our physical surroundings have on the way in which we interact with one another. Several have suggested that the informal interactions of the sidewalk can be essential to the success of our formal civic organization, and that the absence of public space in the suburb is a primary cause of the decline in civic participation. On the other side of the debate, scholars such as Michael Brill argue that public life has simply taken new forms and that informal neighborhood life and formal public life are not necessarily linked together. In order to ascertain whether or not a vibrant "street life" be associated with a vibrant civic life, this paper compares two socioeconomically similar towns in New Jersey: Cranbury and Montgomery. The towns differ drastically in their physical layout: where Cranbury has a Main Street on which the school, post office, town hall, bank, and library are located, Montgomery has no such town center. Rather, it is home to two strip malls, which seem to function as the main public social space in town. An extensive survey of residents who moved into the respective towns in 1999 has revealed important differences in the levels of public trust, informal public life, and formal civic involvement within the two communities. This study attempts to explore these differences and illustrate the causal link between them.

Introduction

In 1995 *Newsweek* published an article entitled "Bye-Bye Suburban Dream," attacking the empty, monotonous nature of suburban life.¹ This is a particularly upsetting claim given that the majority of Americans today live and work in the suburbs.² It is common for sociologists and citizens to bemoan the alienation, isolation, and distrust that pervade American neighborhoods. As we investigate the causes behind the decline of public life in America, it is important to consider the effects that our physical surroundings have on this trend. In *The Great Good Place*, Ray Oldenburg laments the history of suburban planning:

American planners and developers have shown a great disdain for those earlier arrangements in which there was life beyond home and work...[they] continue to add to the rows of regimented loneliness in neighborhoods so sterile as to cry out for something as simple as a mail drop or a little coffee counter at which those in the area might discover one another.³

Oldenburg is in fact suggesting something profound: that the physical organization of our environment has an important effect on the way we interact with each other. This warrants discussion, for Oldenburg is implying that simply creating physical spaces where citizens can interact may have a powerful effect on how often and how favorably they do interact.

A Brief History of Suburban Development

Michael Brill writes:

Much of the open space in our cities is that which is *left over* from the process of building...This...is in strong contrast to the older European cities, where *public* open spaces were defined first and the city fabric built around them.⁴

That public spaces in our communities are usually created out of “left over” space is a testimony to the lack of emphasis American planners give to these areas. Indeed, this is even more the case in the suburbs. Michael Southworth and Balaji Parthasarathy write:

The lack of public social spaces in the suburbs is striking. Rarely are there spaces that have been designed for civic functions such as festivals and parades. It is even difficult to find pleasant public spaces simply for relaxation and observation of street life.⁵

It is undeniable that the focus of the developers of the American suburbs has not been on public spaces.

Indeed, since the advent of the automobile, the history of American cities can be summed up in two words: urban sprawl. Richard Moe and Carter Wilkie describe how citizens who once came together on America’s streets and sidewalks were driven apart by the advent of the automobile. Americans, they argue, chose to build their cities around the automobile, which led to extensive road and highway construction that increasingly lengthened communities. Furthermore, Moe and Wilkie explain how zoning laws exacerbated these problems. These zoning laws subdivided communities into work areas, residential areas, and school areas, further driving citizens apart: “One effect of zoning...was to disconnect the elements that had traditionally held a community and its citizens together... ‘Single use’ zones widened the distances between home, work, and school in order to minimize zoning conflicts.”⁶ Indeed, with our dependence on the automobile and the segmentation of our neighborhoods, our lives increasingly focus on the commute from home, to work, to school, and back again. Southworth and Parthasarathy underscore this point:

Failure to provide sidewalks, or even the effort to minimize their widths, is a clear indication that the street has not been considered a setting for any form of community interaction or social activity other than driving.⁷

To address the problems of suburbanization, then, is to address “the decentering of community, the decoupling of residential and retail space, the elimination of sidewalks, the preference for automobiles over pedestrians,”⁸ and above all, that “public space has become a derivative of movement.”⁹ This paper will explore these issues in an attempt to determine the best use of our public spaces. A town’s Main Street, I hypothesize, will create a sense of community, foster the trust and reciprocity that are so important to sustaining community life, and facilitate civic engagement. The first step to validating this hypothesis is to review theoretical arguments for and against public spaces. I will then apply these arguments to a particular case, demonstrating that residents of one New Jersey town with a Main Street, Cranbury, are more trusting and more engaged than their counterparts in Montgomery, New Jersey, where public space has “become a derivative of movement.” Finally, I will link the heightened engagement of Cranbury residents to Main Street and the availability of a dynamic public space in Cranbury.

Why Do We Want People On The Streets?

In *Main Street*, Barbara Ruth Bailey writes of the social benefits accruing from pedestrian interaction on a typical Oregon Main Street:

While the economic role of a main street was important, the social role of the street was equally significant. Men, women, children, and the community as a whole, met on main street, brought together in ... spontaneous encounters...the informal social exchanges along Main Street involving patrons and proprietors was important for developing and maintaining a sense of community within the town.¹⁰

Is Bailey right to attribute such an important social function to Main Street? What are the possible benefits of such informal interaction, and why do Southworth and Parthasarathy claim that:

It should be possible to seek design principles that will foster public communication...the quality of the built environment...plays a determining role and is therefore a necessary condition to restoring the suburban public realm?¹¹

Personal Benefits

Ray Oldenburg writes that if we limit ourselves to the friendships suitable for our private life, “the city becomes stultified, and so, one might add, does the social life of the individual.”¹² The benefits of an informal public life, according to Oldenburg and others, are both individual and social. Public spaces provide these individuals benefit because they are a place where no one has to play host, where everyone feels at home, and where people can interact with others in a completely informal manner. It is, in effect, a form of stress relief: “In the absence of an informal public life, Americans are denied those means of relieving stress that serve other cultures so effectively.”¹³ Oldenburg refers to these types of spaces as “third place,” and further suggests that they provide novelty and excitement in the lives of those who frequent them. They give individuals a healthy perspective by “combining pleasure and association with a wide group and affording the collective wisdom of its members.”¹⁴ And they are essential to an informal public life in any community.

Trust

It is not only individuals who reap the benefits of informal public life, but the entire community. Jane Jacobs stresses that neighborhood trust grows out of casual encounters with others: “The trust of a city street is formed over time from many, many little public sidewalk contacts.”¹⁵ The type of trust that is important in our communities is not the “thick trust”¹⁶ that we have in our close friends and family, but rather a “thin trust” in those that we hardly know, such as acquaintances and store workers. This type of trust grows, according to Jane Jacobs, where there is a vibrant “sidewalk life,” populated by people running errands and the like, casually interacting with each other. This creates:

A feeling for the public identity of a people, a web of public respect and trust, and a resource in time of personal or neighborhood need. The absence of this trust is a disaster to a city-street. Its cultivation cannot be institutionalized.¹⁷

A good illustration of this is the story of British sociologists who tracked the migration of residents in a working class London neighborhood to a new, less dense housing area:

In the neighborhood, they discovered that social solidarity was the product of common ties to a shared place, a common sense of turf and familiarity among neighbors formed by frequent contacts on sidewalks, in local stores and pubs, and outside schools. This kind of casual contact was critical, they felt, because it occurred between neighbors who otherwise would not invite each other into their homes. But when the same residents moved into the newer, low density housing estate, a place with one-fifth as many people per acre, ‘the culture of friendliness and familiarity was replaced by distrust, social privacy, and materialism.’¹⁸

The importance of neighborhood trust is also closely tied to the idea of generalized reciprocity: individuals are willing to help each other out without expecting anything specific in return, confident that someone else will return the favor another time. “Raking your leaves before they blow onto a neighbor’s yard, lending a dime to a stranger for a parking meter, buying a round of drinks the week you earn overtime, keeping an eye on a friend’s house, [or] taking turns bringing snacks to Sunday school” are all examples of this norm of reciprocity played out in everyday life. Communities where reciprocity and trust are high, are generally happier, healthier,¹⁹ and more involved. If it is true that these qualities are fostered by a vibrant “sidewalk life,” then “by explaining how design can lead to heightened social interaction on the street,” we can envision “a clear role for planning and design in sustaining a vibrant public realm.”²⁰

Community Organizations and Formal Civic Engagement

An informal social life makes for a more trusting community. More trusting communities, as Robert Putnam explains, are more involved communities:

Other things being equal, people who trust their fellow citizens volunteer more often, contribute more to charity, participate more in politics and community organizations, serve more readily on juries, give blood more frequently...and display many other forms of civic virtue.²¹

Thus, as Jane Jacobs and others argue, a vibrant “sidewalk life” is an important prerequisite for a formal associational life. In other words, citizens will not flock to formal civic involvement without the trust that accompanies informal public life. Jacobs cites the principal of an elementary school, who was asked how the deterioration of local public space affected the local school community.

He noted in general there seemed [to be] fewer people on the streets because there were fewer places for people to gather. He also contended that before...the parent association had been very strong, and now there were only very few active members.²²

The principal suggested that the lack of public gathering spaces undermined the membership in the local PTA. Oldenburg further emphasizes the important role informal social life plays in formal political activity: third spaces, he contends, “are essential to the political processes of a democracy.”²³ Today, by providing areas in which citizens come face to face with each other and with their representatives, public gathering spaces are equally essential to a healthy, functional democracy. As Henaff and Strong write in *Public Space and Democracy*, “the words *public space* are understood *literally*. Democracy manifests itself within that space.”²⁴

When We Have No Public Spaces

To compound these issues, others suggest that the lack of public gathering spaces has extremely negative effects on adolescents.

There is no place for [adolescents] to escape and join their own kind. There is nothing for them to do on their own. There is nothing in the surroundings but the houses of strangers and nobody on the streets.²⁵

In Moe and Wilkie’s depiction of the history of Levittown, we can see that as neighborhoods lose their pedestrian scale, youth lose an important avenue of sociability:

Deprived of the social stimulation offered in walkable small towns or urban neighborhoods, Levittown’s teenagers grew alienated, restless, angry, and rebellious.²⁶

Jane Jacobs suggests that the lack of public gathering spaces associated with sprawl can have adverse effects on race relations because people will choose not to become intimate with those they are prejudiced against, it is only informal interactions that can help decrease prejudice and residential segregation:

To build and rebuild big cities whose sidewalks are unsafe and whose people must settle for much or nothing can make it much harder for American cities to overcome discrimination no matter how much effort is expended.²⁷

Finally, Oldenburg suggests that the physical organization of our neighborhoods has affected U.S. illegal drug consumption:

Drug use in the United States exceeds that of all other nations of the world combined, and, to some degree, is a matter of compensating for the lack of stimulation derived from the social and physical environment.²⁸

The stimulation Oldenburg refers to is found in vibrant sidewalk life and public gathering spaces.

So What is an Ideal Public Space?

What should community planners and developers do to engender civic and social engagement? What is an ideal public space? In *Open Spaces: The Life of American Cities*, Heckscher writes that an ideal public space “draws a diversity of people, bent on errands and pursuits, and mixes them in an atmosphere of mutual toleration.”²⁹ Bailey indicates that the most beneficial interactions that occur in a public space such as Main Street are “spontaneous and informal,” and that these are fostered by “a variety of popular businesses that provide the opportunity to stand around and trade news.” She adds that “a school’s location on or near Main Street means that these two centers of community interaction could reinforce the importance of one another.”³⁰ Bailey is hinting at the fact that integrating commercial and civic institutions in a central location can greatly enrich a public space such as a typical small town Main Street. This is a theme, which is reinforced by many theorists of community design:

A school or post office or performance stage... or a childcare center, a speakers’ corner, a public library, a recreation area, a school or a college, a public access cable studio, an Internet café, a teen club, an art gallery, a playground... The presence of such facilities would do more than introduce variety: it would turn private back into public space, and it would lace commercial behavior with a dose of civic activity, allowing customers to reconceive themselves as neighbors and citizens as well.³¹

The variety of a public space is essential, according to Heckscher, to draw individuals to the space and to enliven it. In short, “well conceived public space invites loafing, public gatherings, playfulness, hanging out, communication, people watching, and spontaneous interaction,” best achieved by integrating various shops and restaurants with other institutions so that people have a reason to go there and to encounter each other as citizens and neighbors, not only as consumers.³²

Is It All Nostalgia?

Michael Brill argues that lamentation about the loss of public life in America is largely due to nostalgia. Americans, according to Brill, *do* come together, but “it now happens in a wider variety of places, [not] primarily in the street or square...and some of these are not ‘physical’ places at all, but channels for communication.”³³ Thus, he argues that public life has been transformed, and that those who mourn its loss simply do not recognize it in its new forms.

According to Brill, the “public life” we mourn is actually “neighborhood life.”³⁴ For Brill, neighborhood life and public life are two different things and not necessarily linked together. If he is correct, the fact that Americans no longer gather in the street should not necessarily have an impact on our “public life.” A vibrant “neighborhood life” does not lead to a vibrant “public life.”

Resolve the Debate: Cranbury and Montgomery

Can a vibrant “street life” be associated with a vibrant civic life? As our communities become too large for pedestrians and devoid of lively public places, do we become less involved in our communities and our neighbors? Do we begin to trust each other less? In other words, do our physical surroundings truly have an effect on the way that we interact? In an effort to gain insight into this debate, I have attempted to compare the physical environments and corresponding civic life of two New Jersey communities with extremely different physical characteristics: Cranbury and Montgomery.

Cranbury is a town of approximately 3,500 people, located outside of Princeton, New Jersey. It is mainly composed of middle and upper-middle class white families, although it has recently experienced an influx of Asians and Indians.³⁵ Cranbury is one of the oldest towns in New Jersey, having celebrated its 300th anniversary in 1997.³⁶ The town is unique in its physical layout – it has a Main Street, on which the town hall, elementary school, post office, bank, public library, and many retail stores and restaurants are located. This, for all practical purposes, is the heart of the town. It is unique also in that this downtown area

is not solely commercial, but residential as well. Rather than rely on single-use zoning, Cranbury has chosen to maintain a lively downtown space with a mix of residential, commercial, and municipal functions. Thus, it meets the criteria for our ideal public space.

Rather than use zoning laws to lengthen and segment the community, Cranbury has made a conscious decision to keep the town small, pedestrian-sized, and centered on Main Street. Ten years ago, Cranbury had a significantly smaller population of around two thousand people. When it began experiencing a great deal of growth, the town changed its zoning laws in order to prevent the lengthening of the community. The areas around Main Street have been allowed to develop residentially, but the outlying areas have been designated as agricultural zones. In those outlying areas, it is allowable to build only one house on six acres of land, which prevents the growth of housing developments in these areas and ensures that the town remains densely populated at its center. Furthermore, the eastern area of the town (close to the New Jersey turnpike), has been zoned for warehousing – which helps to pay for municipal services and the school, but serves the dual function of limiting residential development in any location except the heart of the town.³⁷

Montgomery provides a good comparison with Cranbury, because although its physical layout is nearly the opposite, its location, size, and composition is relatively similar. Montgomery is located approximately twenty minutes away. It, like Cranbury, is composed of mainly white middle and upper-middle class families. It is larger, with a population of around ten thousand, but until ten years ago it too was a great deal smaller.

When Montgomery began to experience a great deal of growth, the town responded (as in Cranbury), by changing its zoning laws. However, instead of maintaining a central area of residences, Montgomery instead changed the zoning laws so that development would be less all over town. In contrast to certain high-density New Jersey towns where it is allowable to build one house per one-fourth acre, in Montgomery, it became allowable to have only one house per acre. In certain areas, the rule became one house per two or three acres, and this was recently raised to one house per five acres.³⁸ As a result, Montgomery is the second least populated town in the vicinity, when we look at population per square mile; its residents are spread out over the entire town and there is no central public space of which to speak. The only claim to a public space that it can make is two shopping plazas, on Rt. 206 and Rt. 518, the two major roads that cut through the town. These shopping plazas are often equated with a sort of “town center,” but they are located in the far southwest corner of the town.

If Southworth and Parthasarathy are correct in their assessment that when people live in housing developments that “lie isolated and disconnected from the rest of the metropolis but for a freeway link...the prospects for unplanned encounters in public space and a vibrant public realm...remain dim,”³⁹ then we should see a definite lack of a “vibrant public realm” in Montgomery, and an especially active public realm in Cranbury. If, on the other hand, Brill is correct in his assessment that the lack of public space and a “street life” is not necessarily linked to public life and civic life, that public life no longer resides in physical spaces, and that much of what Southworth and Parthasarathy contend is simply the result of nostalgia, then this will not be the case. An investigation into the differences between Cranbury and Montgomery will clearly help to resolve this debate.

Methodology

To compare Cranbury and Montgomery, I chose to survey families who moved into the respective towns in 1999. I chose that year because it is recent enough that the families will remember their initial experiences in town and yet distant enough that they would have settled into the routine of the town, made friends, and the like. The differing experiences of those who moved into these two towns in 1999 will give a good indication of community life.

I created a survey that begins by asking simple questions about trust – how much do you trust your neighbors, the people who work in the stores where you shop in town, and the police in town? Then I asked a set of questions about how involved residents are in town life – whether they are involved in community politics or community organizations, whether they attend community events, and how much time they devote to these activities. In order to get a sense of the role that Main Street plays in the life of the typical Cranbury resident, I asked a series of questions about how often they go to Main Street, how they travel there, how many people they will say “hello” to on a typical trip there, and other similar questions. In the comparable Montgomery survey, I asked an analogous series of questions about the experiences residents have with the nearest shopping/eating area in Montgomery.

In addition to surveying twenty families in each town, I conducted an interview with the mayor of each town. I asked the Cranbury mayor, Michael Mays, about whether Cranbury has made a conscious decision to center itself around Main Street, what sort of a role he sees Main Street playing in community life, how Cranbury attempts to foster community spirit, whether it is difficult to solicit volunteers for community projects, and other similar questions. I had a comparable conversation with the Montgomery mayor, Sondra Morlan, but instead of asking her about Main Street, I asked her whether the lack of a community center has impacted community life. My conversations with the two mayors, the results of the surveys I conducted, and spontaneous interactions with different individuals that occurred as I conducted my study, provide the basis for my conclusions.

Analysis

Differences in Trust (See Appendices A and B)

Are residents of Cranbury more trusting than those of Montgomery? The results of my survey of twenty random families (who moved into town in the same year) indicate quite conclusively that the answer is yes as concerns their neighbors (Figure 1).

Figure 1: How Much Do You Trust Your Neighbors?

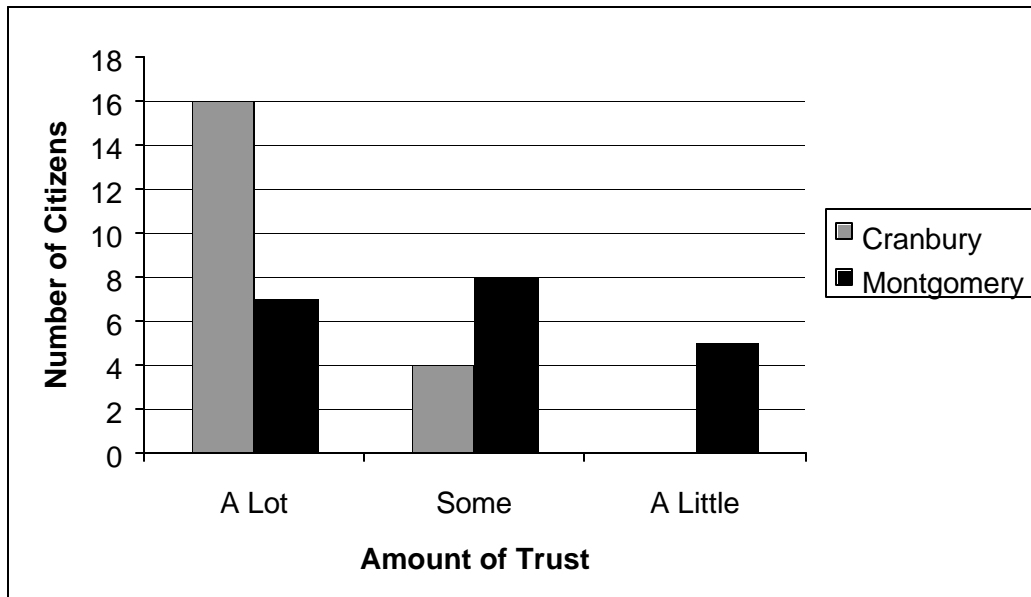
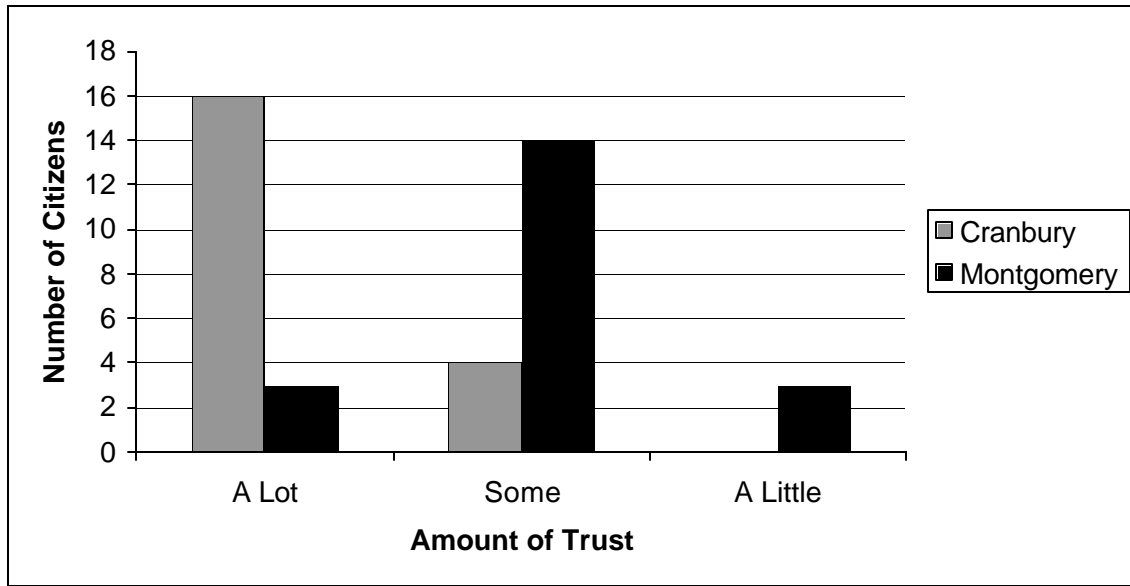
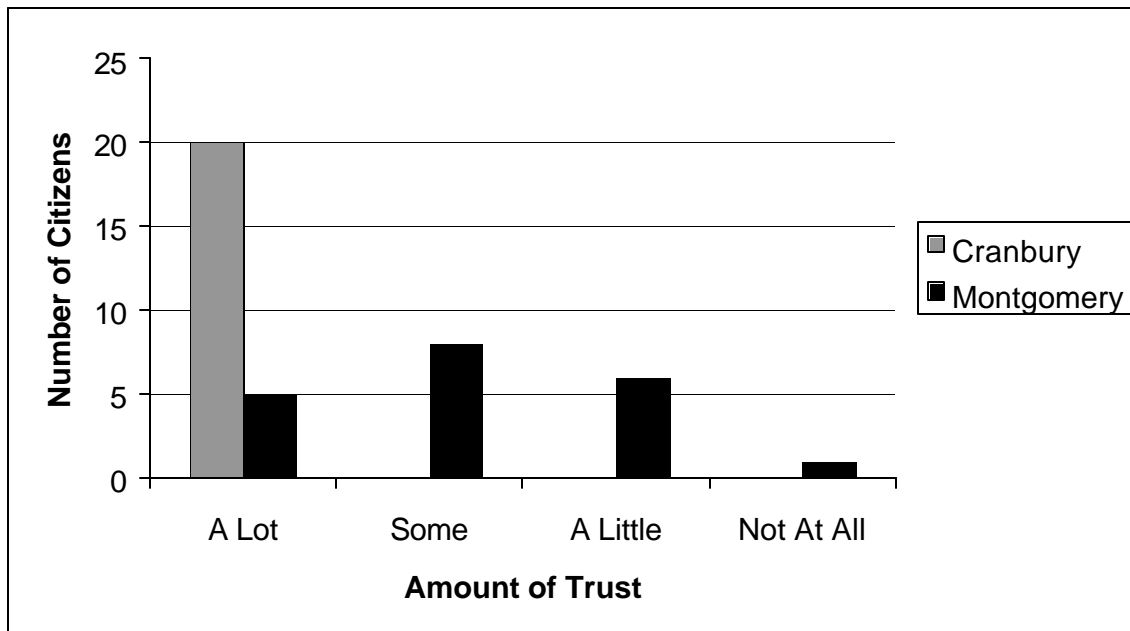


Figure 2: How Much Do You Trust Store-Workers In Your Town?



This trend is also evident in how much the families trust the people who work in the stores where they shop (Figure 2). The same question with regards to the local police force is perhaps the most striking: all twenty Cranbury respondents trust the police “a lot,” while only five of the twenty Montgomery respondents trust the police “a lot.” (Figure 3). These simple questions about trust are compelling enough to show that Cranbury residents have more trust in their neighbors, store workers, and police than do those in Montgomery.

Figure 3: How Much Do You Trust the Local Police?



The results to the question “How comfortable do you feel asking your neighbors for a small favor?” are equally telling. In Cranbury, fifteen respondents felt “very comfortable” doing so; in Montgomery, twelve respondents felt “slightly” (6) or “very uncomfortable” (6) asking their neighbors for

even small favors (Figure 4). As for “large favors,” only one respondent of twenty in Montgomery felt “very comfortable,” asking their neighbors for large favors. In Cranbury, the results concerning large favors were the same as those concerning small favors: fifteen respondents feel “very comfortable” asking their neighbors for these large favors (Figure 5).

Figure 4: How Comfortable Are You Asking Your Neighbors for Small Favors?

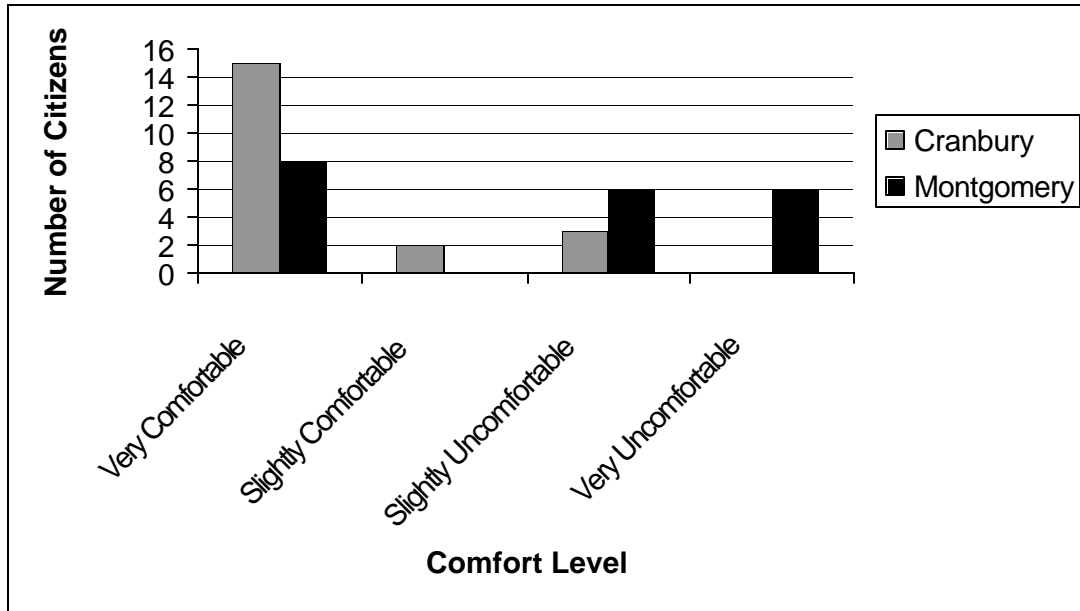
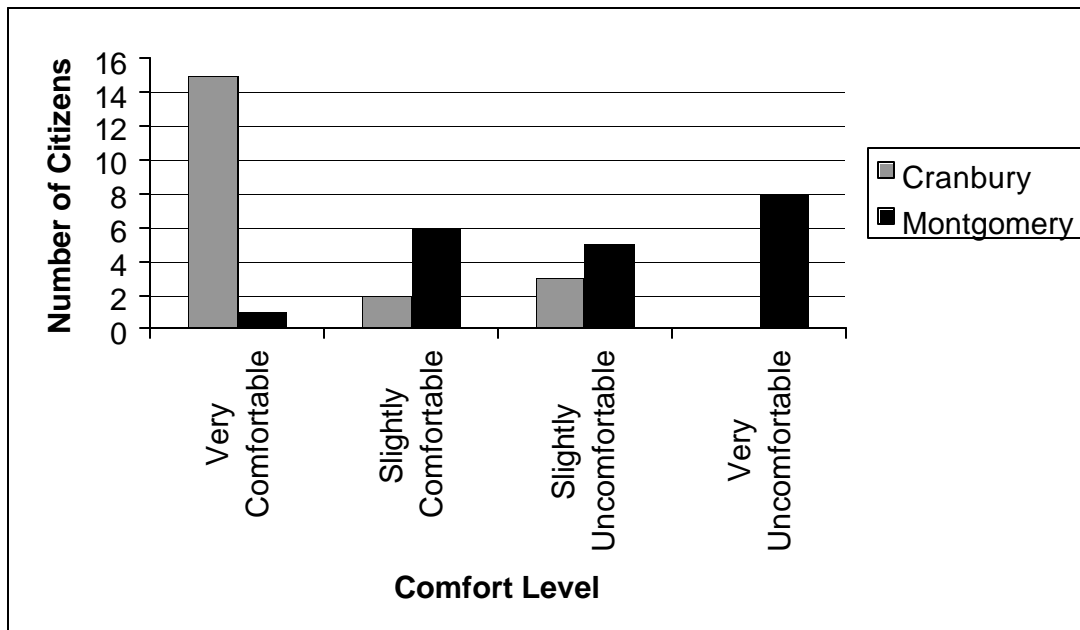


Figure 5: How Comfortable Do You Feel Asking Your Neighbors for Large Favors?



Anecdotally, I was able to guess before I began to tally survey results that Cranbury is a far more trusting community. As I distributed surveys door-to-door, I had the opportunity to interact with nearly every survey respondent. In Cranbury, every single family that I approached completed my survey; most invited me in and served me a drink while they completed it, and others dropped the completed survey off

at my home. In Montgomery, I provided every survey respondent with a self-addressed stamped envelope so that they could complete the survey whenever they felt they had the time. I distributed fifty-five surveys, and received only twenty-two responses. Though lower response rates are generally a limitation on the conclusions of a study such as this one, I believe it is fair to conclude that those who refused to answer my questionnaire were unlikely to be more trusting and more engaged than those who did. Thus, the lower response rate of Montgomery respondents reinforces, rather than detracts from, my initial conclusion that Cranbury is a more trusting community than Montgomery.

I was rather affected by one Montgomery resident's response to my explanation of my study: "You are not allowed to solicit door to door in this neighborhood." Though this is clearly not conclusive of a lack of public trust, it is certainly an indication of it and combined with the striking survey results, it seems fair to conclude that there is indeed a significant difference between Cranbury and Montgomery where trust is concerned.

Differences in Community Involvement

Cranbury residents, therefore, appear to trust one another and their police force a great deal more than Montgomery residents do. As we have discussed, more trusting communities are generally more civically engaged than those that are less trusting. Is this in fact the case? According to Cranbury mayor Michael Mays, who has lived in Cranbury for twelve years:

Cranbury is known for its volunteerism...In fact, other than the municipal staff, all the other town functions, all of them, are all executed by volunteers – the planning board, the zoning board, the fire department.⁴⁰

The only paid staff, according to the mayor, is the official town hall staff. Mays stated that Cranbury is renowned for its high levels of civic engagement: "In fact," he claims, "we get inquiries from other towns, and periodicals, asking what can be done to foster such involvement."⁴¹ Mays went on to tell a personal anecdote about his wife, who is president of the Cranbury PTO.

She has found that there are plenty and plenty of people who are willing to devote time. They can't always devote a week or a month, but they can devote four hours on a Friday and two hours on a Monday...there might be about eighty or a hundred people who will each devote two or three or four hours to a project.⁴²

The President of the Cranbury Lions Club, Robert Virgadamo, confirmed this impression. Though the club had suffered a loss in membership from the '70s, when it had 130 members, membership has remained steady for the past decade at about 80 members. According to Mr. Virgadamo, this drop is largely attributed to the growth of the town in the '70s. During this time, several new social organizations were formed and the Lions Club suddenly had to compete for members. The Cranbury Lions Club is one of the largest in the state of New Jersey, despite the small size of Cranbury itself. Fifty-one percent of Cranbury's Lions Club members attend meetings regularly, making the Cranbury Lions Club one of the best attended in the state.⁴³

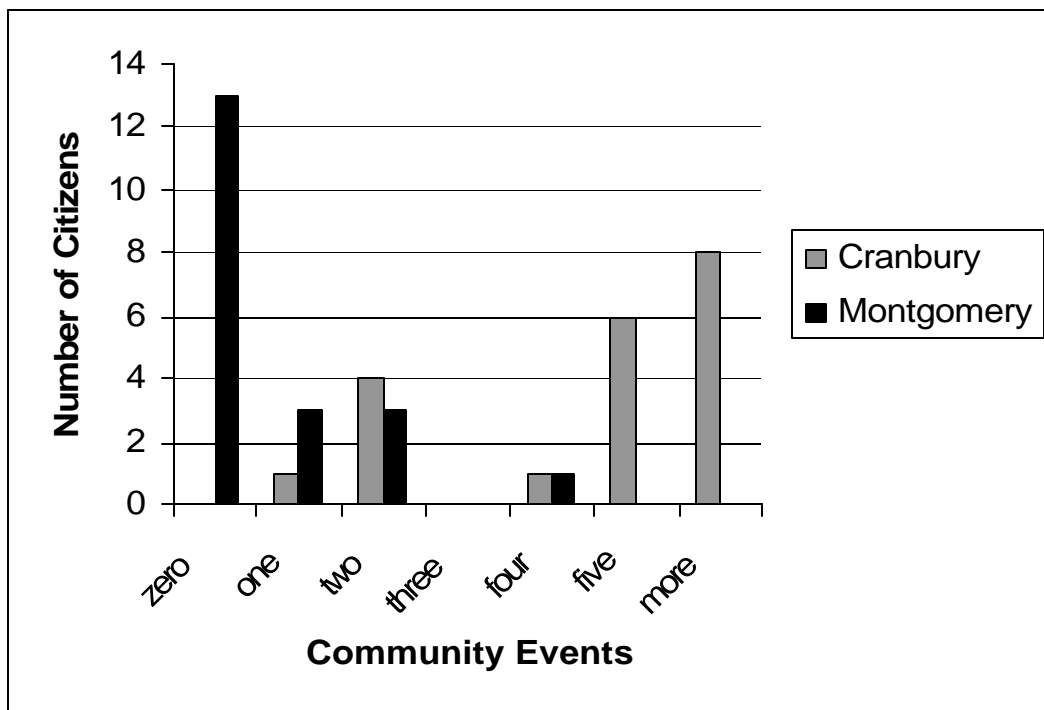
Are Cranbury residents truly more involved than those in surrounding towns such as Montgomery? The results of the survey indicate that this is the case. To the question, "Are you involved in community politics?" two Cranbury residents said yes, while eighteen said no. Of the two who are involved, one is a "municipal alliance board member," and the other is a "school board member and town council supporter." Not a single Montgomery respondent is involved in community politics. This response is not in itself conclusive, as only two of the twenty Cranbury residents claim to be involved.

Yet the difference between the Cranbury and Montgomery results to the question "Are you a member of any community based organizations?" is quite striking. Not a single Montgomery respondent answered this question in the affirmative. By contrast, *ten* of the twenty Cranbury respondents said that yes, they are involved in a community organization. Examples of organizations listed on the surveys include: Cranbury Arts Council, PTO, Cranbury Girl Scout troops, Library Historical Society, Library Board of Trustees, Mothers Club, Women's Club, and the Lions Club. Others mentioned that they are "homeroom helping parents" or that they are involved in church outreach activities. It is striking that none of the Montgomery respondents are involved in community activities while half of the Cranbury respondents are.

Indeed, of the ten Cranbury families who are not involved in community groups, one wrote on his survey: “Unfortunately no, but I am looking forward to the prospect of involvement down the road!”

Another survey question that lends insight into the amount of community involvement is “How many community events do you attend per year?” (Figure 8). In Montgomery, thirteen of twenty families said that they never attend community events. Only three families responded to the survey’s request to “please list some examples,” mentioning the Montgomery Rodeo, homeowners meetings, a development Halloween party, and the Christmas Tree Lighting. For Cranbury, the results are quite different. I asked Cranbury residents whether or not they attended Cranbury Day 2000. Nineteen of twenty respondents said they had been in attendance, and the one family that said they did not go handwrote a note onto their survey: “We were away on vacation.” I also asked whether they attended the July 4th fireworks. Thirteen of twenty families said they had, and of the seven that had not, three wrote a note about how they had watched the fireworks from a neighborhood party. The fact that thirteen Montgomery families answered they attended “zero” events is extremely salient. Furthermore, nearly all the Cranbury respondents listed at least four or five examples of community events that they attend. Some examples include: Cranbury Day, July 4th Fireworks, the Drug Free Fair, the Strawberry Festival, the Memorial Day Parade, the Cranbury Christmas Tree Lighting, the Lions Club Pancake Breakfast, and Mothers Club picnics.

Figure 8: How Many Community Events Do You Attend Per Year?



It should be mentioned that the Montgomery mayor Sondra Morlan did state that there are several community events in Montgomery. She mentioned the rodeo, fireworks, a spirit day at the local high school, and a Halloween parade organized by the Recreation Department. Yet against the startling lack of attendance illustrated by my survey results, this is more of an indictment of Montgomery’s involvement than anything else; it cannot be argued that Montgomery residents do not have community events to attend should they choose to, but it appears that they are choosing not to do so. Morlan also mentioned that in her experience, there are many Montgomery residents willing to volunteer their time for the community. And yet, the survey results seem to indicate otherwise. At the very least, the survey results indicate that however involved Montgomery residents are in their community, Cranbury residents are far more so. Another indication that this is the case is Mayor Morlan’s tale about her attempt to generate interest in creating a Memorial Day or Labor Day Parade and local celebration. She said that she has talked about this for the past couple of years, but it has yet to move forward because no one has taken the initiative to plan

the event.⁴⁴ It seems clear that the survey results about trust and involvement provide compelling evidence that Cranbury is a significantly more trusting and involved community than Montgomery.

So what does Main Street have to do with it?

Is it the case that the heightened levels of trust and involvement we see in Cranbury can be linked to the town having a public space such as Main Street? In order to determine whether this is a factor that affects public life in Cranbury, I asked a series of survey questions aimed at discovering what sort of a role Main Street plays in the average resident's life.

To begin, all twenty respondents live within one and a half miles of Main Street, clearly a result of the zoning laws that have consciously attempted to keep the town pedestrian-sized. Mayor Mays's commentary on this issue reflects the desire of community developers to ensure that the majority of the town is within walking distance of Main Street:

There's always been a consideration toward keeping the development, as best as possible, around the heart of the town, so that people could walk to and from the center of town. We didn't want to create suburbs or sprawl that was so far away from the center of town that people really had no connection to the center of town. And even when we build new developments, we are always conscious to create pathways and walkways that connect those developments to the center of town or to other developments.⁴⁵

It is indeed the case that many Cranbury residents go to Main Street by foot, which is important because it allows for an increase in spontaneous interaction between individuals. Every respondent, predictably, indicated that they travel to Main Street by car; however, sixteen of these also mentioned that they travel there by foot as well, and five mentioned that they occasionally bike there, depending on their purpose.

The survey responses to the questions, "How often do you go to Main Street?" (Table 1) and "Why do you go to Main Street?" indicate that people are drawn to Main Street often and by a variety of institutions. Twelve families visit Main Street at least every day and only one respondent said that they "almost never" go to Main Street. Overwhelmingly, running errands such as going to the bank or post office, taking children to school, and simply taking a walk were the highest ranked responses. Interestingly, more than half of the respondents listed "taking a walk" as a more important reason for going to Main Street than shopping or running errands.

Table 1: How Many Times a Week Do You Go to Main Street?

| | Cranbury | Montgomery (trips to nearest shopping area) |
|-----------------|----------|---|
| Zero | 1 | - |
| One | 1 | 9 |
| Two | 2 | 4 |
| Three | 3 | 2 |
| Five | 1 | 3 |
| Six | - | 1 |
| Eight | - | 1 |
| Ten | 1 | - |
| Fifteen | 1 | - |
| Everyday | 9 | - |

Once it has been acknowledged that Main Street is frequently used by Cranbury residents, it is important to get a sense of how it is used – what sort of interaction occurs there? According to Mayor Mays, Main Street serves the important function of making people feel connected. It has been a town priority to enhance that connection. He describes how the community has recently renovated the town hall which was built in 1896 and functioned as the original Cranbury school, and these renovations enhanced the sense of community in Cranbury:

We’ve spent about 2 million dollars renovating it. And the reason why I mention it is because this building is in a way the center of our town as well, and symbolic of the town center, and again, draws everybody back to the town. And the original bell is in the bell tower – it hadn’t worked for fifty years and we had it all reconditioned and renovated and that bell rings now, every hour on the hour. It is a way to bring some sound and some life back to the center of town as well – people hear the bell, look at the bell, check the time, and it’s a way for people to feel like there’s a center in the town.⁴⁶

Does Main Street really fulfill the function of creating a sense of community? Cranbury residents seem to believe so. Nineteen of twenty survey respondents are confident that the people they encounter when they visit Main Street are residents of Cranbury, and they indicated that they are likely to greet several people on their typical trip there. Five respondents, in fact, said that they would likely say hello to everyone they encountered on their trip. The rest of the respondents’ responses are remarkably high, especially when compared to a typical Montgomery resident’s response to a similar question. The typical Montgomery respondent will say “hi” to nobody (ten respondents) or only one person (five respondents), on their typical trip running errands or walking around Montgomery (Table 2). Furthermore, Montgomery residents are unsure whether the people they are saying hello to are even residents of Montgomery; fifteen respondents said that they could not be “confident” in making this assessment.

Table 2: How Many People Will You Say ‘Hi’ to on Your Typical Trip to Town?

| | Cranbury | Montgomery (trips to nearest shopping area) |
|-----------------|-----------------|--|
| Zero | - | 10 |
| One | - | 5 |
| Two | 2 | - |
| Three | - | 3 |
| Four | 1 | - |
| Five | 5 | 1 |
| Seven | 1 | - |
| Ten | 2 | 1 |
| Twenty | 1 | - |
| Everyone | 5 | - |

This, of course, stems from the fact that Montgomery is a much longer community. Nearly every respondent was at least three to four miles away from the nearest shopping/eating area in Montgomery and travels there by car. There was only one respondent who lives within walking distance (a half mile away) from the nearest shopping/eating area and he indicated that he travels there only once per week, and even then he goes by car.

Further evidence of the important role Main Street plays in the life of Cranbury residents is that the majority of survey respondents pictured themselves conversing with at least two or three people on a typical trip there. One person went so far as to say that they would converse with “everyone” they encountered, while Montgomery respondents indicated overwhelmingly that they would not converse with anyone on a typical trip walking, running errands, or shopping around Montgomery. Fourteen Montgomery respondents of twenty wrote “zero” as their response to this question (Table 3).

Table 3: How Many Times Will You Stop to Converse on a Typical Trip to Town?

| | Cranbury | Montgomery (trips to nearest shopping area) |
|-----------------|----------|---|
| Zero | - | 14 |
| One | 5 | 5 |
| Two | 6 | - |
| Three | 6 | - |
| Four | - | 1 |
| Five | 2 | - |
| Everyone | 1 | - |

It is my conclusion that Main Street plays a vital role in building a web of public trust – another indication of this is that fourteen of twenty Cranbury respondents responded affirmatively to the question “Have you ever made a new friend or acquaintance on a trip to Main Street?” Only one Montgomery respondent did the same. Clearly, Cranbury residents derive personal benefits from Main Street. They are able to make new friends and converse with other residents at the same time as running errands, having coffee, or dropping kids off at school. Indeed, sixteen survey respondents said that they spend at least “some extra time” on Main Street when they travel there; the overwhelming reason for this is the “people I encounter.” Even the survey respondent who only travels to Main Street once per week spends some extra time there when he goes, and he responded that he “enjoys his trips to Main Street,” as does everyone who completed the survey. In Montgomery, by contrast, nineteen of twenty survey respondents said that when they travel around Montgomery, “I do what I have to do as quickly as I can and return home.” Only five respondents said “yes,” I enjoy my trips around Montgomery. One wrote a note that I find to be significant: “not many places to walk.”

An Important Limitation: Self-Selection

Though the survey results seem to provide a strong basis for the conclusion that Main Street is the determining factor in the high levels of trust and engagement in Cranbury, it is important to consider an important limitation to this conclusion. As is the case with any cross-sectional comparison such as this one, there is the risk of “selection bias.” In other words, it is possible that the people in Cranbury are more sociable and civic, not because of the effect of Cranbury's physical organization, but rather because sociable, civic people are more drawn to Cranbury than to Montgomery in the first place. This might perhaps be supported by the fact that Cranbury residents are more religious than those in Montgomery. Religious individuals tend to be more civically minded, and it is highly unlikely that this religiosity is a result of spatial arrangement in Cranbury. Furthermore, Mayor Mays did mention in his interview “this town attracts people who want to be involved.”⁴⁷ In the absence of “before-and-after” interviews, there is no way to rule out the possibility that Cranbury’s high trust and engagement levels are a result of this self-selection. Yet the evidence I have pointed to linking trust and engagement to Main Street itself provides a strong indication that it does indeed play an important role in creating and maintaining civic life in Cranbury.

Conclusions

Main Street, it seems, plays a very important role in fostering community interaction and therefore community trust. On my first trip to the Cranbury Town Hall, I was sitting in the lobby waiting to speak to the secretary. A Cranbury resident, a contractor, walked in looking for a particular form he needed for his business. As he waited, another Cranbury resident walked through the lobby to exit the building. He and the contractor exchanged hellos, and the contractor suddenly exclaimed, “Hey, you look a lot like that guy who lives in that house over there on the corner!” The other gentleman looked confused, and said, “I don’t know him.” The contractor replied, “Sure you do – you know, that guy who lives in the little white house over here on the corner – he’s always mowing his lawn.” “Ohhhhh,” said the gentleman, “I’m much better looking than him!” This amusing exchange led to introductions and a handshake, and just like that, an

acquaintanceship was formed. This observation inspired me to ask whether those I surveyed had ever made a new friend on Main Street, which clearly, they have.

Thus, the personal benefits of a public place where no one has to play host and where new and diverse friendships can be cultivated have been highlighted by my survey results. Yet perhaps more importantly, the community benefits have been elucidated as well. Not only is Cranbury a more trusting community, but also this trust has translated itself into increased levels of formal civic engagement. Mayor Mays made a comment that highlights the role that Main Street plays in this process. In discussing how surrounding towns are currently attempting to create a town center, he stated that local governments are:

Finding that to create an identity and a local place to congregate they need [public spaces], to make people feel connected. I could definitely see how if there was no public space in Cranbury, people would feel unconnected, despite organizations in town that would try to connect them.⁴⁸

Mays' comment thus points to the link between public space and formal engagement in Cranbury as largely due to the success of Main Street in fostering informal and vibrant sidewalk life. Local organizations will not be able to recruit and sustain active membership without trust and a sense of community. Public spaces such as Cranbury's Main Street play a vital role in sustaining this trust and identity and allow for heightened levels of formal community involvement.

It also seems clear that the two most important factors leading to the success of Main Street in Cranbury are that the town is "pedestrian-sized" and that Main Street is a lively mix of commercial, residential, and municipal. It is the fact that citizens walk to Main Street that allows for heightened interaction and the building of public trust, and the various buildings present on Main Street facilitate their trip in the first place. In sum, Main Street allows Cranbury residents "to reconceive themselves as neighbors and citizens,"⁴⁹ and it serves to illuminate the importance of public space in fostering civic engagement.

That Cranbury's Main Street has been revealed as a lively public space, fostering high levels of public trust, has important implications for anyone concerned about civic and political engagement, particularly at the grassroots level. Public trust and informal public life have been linked in this study to formal political and civic engagement. In Cranbury, the presence of a Main Street – a lively public space – is a large part of the reason for high levels of public trust. This public trust, in turn, is vital to fostering formal civic engagement, the lack of which many American politicians lament daily. Where citizens are more trusting when they have a Main Street on which to engage one another as "neighbors and citizens," they are also more likely to volunteer their time and energy to the community by voting, by joining the Board of Education, or simply by discussing with one another the community issues that affect them daily.

Civic engagement is a subject at the heart of any discussion on American democracy. In *Democracy In America*, Tocqueville laments that as equality increases, people may tend to look at each other as equals, but treat each other as strangers. He warns that as "each man is forever thrown upon himself alone...there is danger that he may be shut up in the solitude of his own heart."⁵⁰ *Democracy in America* may be inextricably rooted in the mid-1800s, but this warning of Toqueville's seems particularly relevant today, at a time when voter turnout is at a record low and political apathy is rampant. Tocqueville cites two major remedies to the extreme individualism he fears will overrun American political life: political rights and liberties enjoyed in America, and more importantly, local liberty. Municipal life is important, evidently, because it involves every citizen's own private interests, not simply those of the "state." Toqueville's description of political life in mid-1800's America is poignant:

No sooner do you set foot on American soil than you find yourself in a sort of tumult; a confused clamour rises on every side...all around you everything is on the move: here the people of a district are assembled to discuss the possibility of building a church; there they are busy choosing a representative; further on, the delegates of a district are hurrying to town to consult about some local improvements...to take a hand in the government of society and to talk about it is [the American's] most important business, and, so to say, the only pleasure he knows.⁵¹

It is local civic involvement that is able to draw citizens out of the shelter of their family and friends and into the community. And though there has always existed the danger that citizens will simply

disengage themselves from politics and resign themselves to letting government make decisions for them, this danger is more a threat today than ever before. As technology advances and life becomes increasingly fast-paced, Tocqueville's depiction of the average American finding his main pleasure in political life strikes a discordant note. Indeed, his description of American political life is an ideal that can perhaps not be attained. Still, we must investigate the obstacles that prevent us from even approaching this ideal. This study has attempted to illustrate the effect that the physical organization of our communities can have on the civic engagement so vital to American democracy. It has revealed that lively public spaces can foster the local trust necessary to build formal associational life in American communities and that their lack can cause civic engagement to stagnate. Community layout is surely only one factor of a countless number affecting local political life. Yet, as the cases of Cranbury and Montgomery illustrate, it is a factor that can have particularly profound effects.

APPENDIX A

Survey about Community Life in Montgomery, NJ

PART 1

Do you have children?

| | |
|-----|----|
| yes | No |
| 15 | 5 |

Do you work full time?

| | |
|-----------------------|------------------------|
| 1 working adult | 2 working adults |
| 9 | 11 |

How many close friends do you have in Montgomery?

| | | | | | | | |
|------|-----|-----|-------|------|------|-----|------|
| zero | One | two | three | four | five | six | more |
| 6 | 4 | 3 | 1 | 0 | 2 | 4 | 0 |

How much of your shopping do you do within this community?

| | | | |
|-----|------|------|------|
| all | Most | some | none |
| 1 | 4 | 16 | 0 |

How much do you trust people in your neighborhood?

| | | | |
|-------|------|----------|------------|
| a lot | Some | a little | not at all |
| 7 | 8 | 5 | 0 |

Do you trust people who work in the store where you shop?

| | | | |
|-------|------|----------|------------|
| a lot | Some | a little | not at all |
| 3 | 14 | 3 | 0 |

Do you trust the police in Montgomery?

| | | | |
|-------|------|----------|------------|
| a lot | Some | a little | not at all |
| 5 | 8 | 6 | 1 |

How comfortable do you feel asking your neighbors for small favors?

| | | | |
|------------------|----------------------|---------------------------|--------------------|
| very comfortable | slightly comfortable | slightly uncomfortable | very uncomfortable |
| 8 | 6 | 0 | 6 |

How comfortable do you feel asking neighbors for large favors? (watching kids)

| | | | |
|------------------|----------------------|---------------------------|--------------------|
| very comfortable | slightly comfortable | slightly uncomfortable | very uncomfortable |
| 1 | 6 | 5 | 8 |

Which of these statements do you most agree with? When I moved to Montgomery ...

| | | | |
|------------------------------|--------------------------------|-----------------------------------|------------------------------|
| met neighbors immediately | took time to meet neighbors | large effort to meet neighbors | have not met my neighbors |
| 5 | 8 | 2 | 5 |

Do you attend church regularly?

| | |
|-----|----|
| yes | No |
| 0 | 20 |

Are you involved in community politics?

| | |
|-----|----|
| yes | No |
| 0 | 20 |

Are you a member of any community organization?

| | |
|-----|----|
| yes | No |
| 0 | 20 |

On average how many community events do you attend each year?

| | | | | | | |
|------|-----|-----|-------|------|------|------|
| zero | One | two | three | four | five | more |
| 13 | 3 | 3 | 0 | 1 | 0 | 0 |

PART 2

Approximately how many times in a week do you travel to downtown?

| | | | | | | | |
|------|-----|-------|------|------|-----|-------|------|
| once | two | three | four | five | six | seven | more |
| 9 | 4 | 2 | 0 | 3 | 1 | 0 | 1 |

When you go there, or to other similar areas within Montgomery, do you travel by...?

| | | |
|------|------|-----|
| foot | bike | car |
| 0 | 0 | 20 |

Are the people you encounter residents of Montgomery?

| | | |
|-----|----|------|
| yes | no | most |
| 0 | 15 | 5 |

How many people do you say "hi" to on your typical trip to the closest shopping area?

| | | | | | | | |
|------|-----|-----|-------|------|------|-----|------|
| zero | one | two | three | four | five | six | more |
| 10 | 5 | 0 | 3 | 0 | 1 | 0 | 1 |

How many times will you stop to converse with someone during your typical trip around town?

| | | | | | |
|------|-----|-----|-------|------|------|
| zero | one | two | three | four | more |
| 14 | 5 | 0 | 0 | 1 | 0 |

Do you know the owners/workers at the business that you visit in Montgomery?

| | | |
|-----|----|------|
| Yes | No | Some |
| 3 | 13 | 4 |

Will you recognize the majority of the people you encounter on a trip around Montgomery?

| | |
|-----|----|
| Yes | No |
| 3 | 17 |

If you were to encounter someone during a trip around Montgomery that you know by sight but not name, you would be most likely to:

| | | | |
|--------------------|-----------|-------|------------------|
| Introduce yourself | Say Hello | Smile | Pay No Attention |
| 0 | 6 | 14 | 0 |

Have you ever made a new acquaintance or friend during one of your trips running errands, shopping, etc.?

| | |
|-----|----|
| Yes | No |
| 1 | 19 |

Which statement best describes your trips around Montgomery?

| | | |
|----------------|-----------------|--------------------------|
| quickly return | some extra time | great deal of extra time |
| 19 | 1 | 0 |

Do you enjoy your trips around Montgomery (running errands, shopping, walking, etc.)?

| | | |
|-----|----|----|
| Yes | No | OK |
| 5 | 12 | 4 |

APPENDIX B

Survey about Community Life in Cranbury, NJ

PART 1

Do you have children?

| | |
|-----|----|
| yes | no |
| 20 | 0 |

Do you work full time?

| | |
|-----------------------|------------------------|
| 1 working adult | 2 working adults |
| 7 | 13 |

How many close friends do you have in Cranbury?

| | | | | | | | |
|------|-----|-----|-------|------|------|-----|------|
| zero | one | two | three | four | five | six | more |
| 1 | 2 | 1 | 3 | 4 | 0 | 4 | 8 |

How much of your shopping do you do within this community?

| | | | |
|-----|------|------|------|
| all | most | some | none |
| 0 | 4 | 16 | 0 |

How much do you trust people in your neighborhood?

| | | | |
|-------|------|----------|------------|
| a lot | some | a little | not at all |
| 16 | 4 | 0 | 0 |

Do you trust people who work in the store where you shop?

| | | | |
|-------|------|----------|------------|
| a lot | some | a little | not at all |
| 16 | 4 | 0 | 0 |

Do you trust the police in Cranbury?

| | | | |
|-------|------|----------|------------|
| a lot | some | a little | not at all |
| 20 | 0 | 0 | 0 |

How comfortable do you feel asking your neighbors for small favors?

| | | | |
|------------------|----------------------|------------------------|--------------------|
| very comfortable | slightly comfortable | slightly uncomfortable | very uncomfortable |
| 15 | 2 | 3 | 0 |

How comfortable do you feel asking neighbors for large favors? (watching kids)

| | | | |
|------------------|----------------------|------------------------|--------------------|
| very comfortable | slightly comfortable | slightly uncomfortable | very uncomfortable |
| 15 | 2 | 3 | 0 |

Which of these statements do you most agree with? When I moved to Cranbury ...

| | | | |
|---------------------------|-----------------------------|--------------------------------|---------------------------|
| met neighbors immediately | took time to meet neighbors | large effort to meet neighbors | have not met my neighbors |
| 16 | 3 | 0 | 0 |

Do you attend church regularly?

| | |
|-----|----|
| yes | no |
| 10 | 10 |

Are you involved in community politics?

| | |
|-----|----|
| yes | no |
| 2 | 0 |

Are you a member of any community organization?

| | |
|-----|----|
| yes | no |
| 10 | 10 |

On average how many community events do you attend each year?

| | | | | | | |
|------|-----|-----|-------|------|------|------|
| zero | one | two | three | four | five | more |
| 0 | 1 | 4 | 0 | 1 | 6 | 8 |

PART 2

Approximately how many times in a week do you travel to downtown?

| | | | | | | | |
|------|-----|-------|------|------|-----|-------|------|
| once | two | three | four | five | six | seven | more |
| 1 | 2 | 3 | 0 | 1 | 0 | 9 | 4 |

When you go there, or to other similar areas within Cranbury, do you travel by...?

| | | |
|------|------|-----|
| foot | bike | car |
| 16 | 20 | 5 |

Are the people you encounter residents of Cranbury?

| | | |
|-----|----|------|
| yes | no | most |
| 19 | 1 | 0 |

How many people do you say "hi" to on your typical trip to the closest shopping area?

| | | | | | | | |
|------|-----|-----|-------|------|------|-----|------|
| zero | one | two | three | four | five | six | more |
| 0 | 0 | 2 | 0 | 1 | 5 | 0 | 12 |

How many times will you stop to converse with someone during your typical trip around town?

| | | | | | |
|------|-----|-----|-------|------|------|
| zero | one | two | three | four | more |
| 0 | 5 | 6 | 6 | 0 | 2 |

Do you know the owners/workers at the business that you visit in Cranbury?

| | | |
|-----|----|------|
| Yes | No | Some |
| 14 | 6 | 0 |

Will you recognize the majority of the people you encounter on a trip around Cranbury?

| | |
|-----|----|
| Yes | No |
| 16 | 4 |

If you were to encounter someone during a trip around Cranbury that you know by sight but not name, you would be most likely to:

| Introduce yourself | Say Hello | Smile | Pay No Attention |
|--------------------|-----------|-------|------------------|
| 1 | 19 | 0 | 0 |

Have you ever made a new acquaintance or friend during one of your trips running errands, shopping, etc. *in Cranbury*?

| Yes | No |
|-----|----|
| 14 | 6 |

Which statement best describes your trips around Cranbury?

| quickly return | some extra time | Great deal of extra time |
|----------------|-----------------|--------------------------|
| 4 | 15 | 1 |

Do you enjoy your trips around Cranbury (running errands, shopping, walking, etc.)?

| Yes | No | OK |
|-----|----|----|
| 20 | 0 | 0 |

- ¹ Jerry Adler. "Bye-Bye, Suburban Dream." *Newsweek* (May 15, 1995), 40-53.
- ² Michael Southworth and Balaji Parthasarathy. March 1997. "Reassessing the Public Realm: Implications for Urban Design in the Evolving Edge of the American Metropolis." Working Paper 685, (University of California at Berkeley, Institute of Urban and Regional Development), 1.
- ³ Ray Oldenburg. 1989. *The Great Good Place* (New York, NY: Paragon House), chapters 1-4, 18.
- ⁴ Michael Brill. 1989. "Transformation, Nostalgia, and Illusion in Public Life and Public Place." *Public Spaces and Places*, ed. Irwin Altman and Ervin H. Zube (New York, NY: Plenum Press), 16.
- ⁵ Southworth and Parthasarathy, 24.
- ⁶ *Ibid.*, 55.
- ⁷ *Ibid.*, 17.
- ⁸ Benjamin R. Barber. 2001. "Malled, Mauled, and Overhauled." *Public Space and Democracy*, ed. Marcel Henaff and Tracy B. Strong (Minneapolis, MN: University of Minnesota Press), 215.
- ⁹ Richard Sennett. 1987. "The Public Domain." *The Public Face of Architecture*, ed. Nathan Glazer and Mark Lilla (New York, NY: Free Press), 31.
- ¹⁰ Barbara Ruth Bailey. 1982. *Main Street* (Portland, OR: The Oregon Historical Society), 147-50.
- ¹¹ Southworth and Parthasarathy, 4.
- ¹² Oldenburg, 22.
- ¹³ *Ibid.*, 10.
- ¹⁴ *Ibid.*, 50.
- ¹⁵ Jane Jacobs. 1961. *Death and Life of Great American Cities* (New York, NY: Vintage Books), 56.
- ¹⁶ Robert Putnam. 2000. *Bowling Alone* (New York, NY: Touchstone), 136.
- ¹⁷ Jacobs, 56.
- ¹⁸ Richard Moe and Carter Wilkie. 1997. *Changing Places: Rebuilding Community in the Age of Sprawl* (New York, NY: Henry Holt & Co.), 72.
- ¹⁹ Trustworthy communities are less stressed and more healthy. See Putnam, 135.
- ²⁰ Southworth and Parthasarathy, 4.
- ²¹ Putnam, 137.
- ²² Jacobs, 58.
- ²³ Oldenburg, 67.
- ²⁴ Marcel Henaff and Tracy B. Strong. 2001. *Public Space and Democracy* (Minneapolis, MN: University of Minnesota Press), 12.
- ²⁵ Oldenburg, 6
- ²⁶ Moe and Wilkie, 56.
- ²⁷ Jacobs, 72.
- ²⁸ Oldenburg, 45.
- ²⁹ August Heckscher. 1977. *Open Spaces: The Life of American Cities* (New York, NY: Harper & Row), 148.
- ³⁰ Bailey, 150.
- ³¹ Barber, 213.
- ³² Barber, 214.
- ³³ Brill, 11.
- ³⁴ *Ibid.*, 13.
- ³⁵ Michael Mays. personal interview, 27 December 2001.
- ³⁶ See <http://cranbury.org/index.shtml>
- ³⁷ Mays.
- ³⁸ Sondra Morlan. personal interview, 8 January 2002.
- ³⁹ Southworth and Parthasarathy, 10.
- ⁴⁰ Mays.
- ⁴¹ *Ibid.*
- ⁴² *Ibid.*
- ⁴³ Robert Virgadamo. "Cranbury Lions Club" bobv@cranbury.org, personal e-mail, 13 January 2002.
- ⁴⁴ Morlan.
- ⁴⁵ Mays.
- ⁴⁶ *Ibid.*

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Barber, 213.

⁵⁰ Alexis de Tocqueville. 1969. *Democracy in America*, trans. George Lawrence, ed. J.P. Mayer (New York, NY: Harper & Row), 508.

⁵¹ Tocqueville, 242-3.

Having a Baby: Gender Bias in Newspaper Coverage of Governors

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The responsibilities of governors involve balancing numerous issues that affect their constituents. The constituents' views on issues are the foundation for the governors' choices. Therefore what constituents see through the media, specifically newspapers, influences the governors' decisions. Although there have been many studies analyzing gender bias in newspaper coverage of candidates and officeholders, there have been no studies examining the coverage of childbirth in the gubernatorial family. Governor Jane Swift of Massachusetts gave birth to twins in May of 2001 and Governor Evan Bayh of Indiana had twins in November of 1995, which made it possible for this research to be done. The newspaper content for Swift tended to be more critical of her and focused on the childbirth rather than political issues. In contrast, the Bayh newspaper coverage was neutral and focused on the issues with minimal attention to the newborn twins.

Introduction

Gender bias exists in the media. To investigate this bias, we examined the newspaper coverage when two governors had twins. Our comparison was between Governor Jane Swift of Massachusetts who gave birth while in office in May of 2001 and Governor Evan Bayh of Indiana whose twins were born in November of 1995. To analyze the news coverage, we examined the major newspaper in each of the respective states, *The Boston Globe* and *The Indianapolis Star*.

The results of our study are important for gender equality in electoral politics. Negative portrayals of either candidate could destroy their chance of re-election. Since the public receives the majority of its information from the media, the stereotypes that the media perpetuate obviously influence public opinion. Through our research, we have discovered that the print media maintains gender stereotypes that affect voters. With our study, we hope to increase awareness of the misconceptions used by the media and consider the implications of these inaccurate beliefs.

Previous Literature

Stereotypes of men and women affect the ways in which they are covered by the media and perceived by the public. In the media, women are stereotyped according to their traditional gender roles and assumed to be more nurturing than male candidates. Men are assumed to be better at economic and military issues, whereas women are assumed to be more knowledgeable on topics such as welfare, healthcare, and social programs.¹ Since voters feel that knowledge of economic and military issues are essential for a national officeholder, women must prove they have familiarity in these areas in order to get elected to these positions.

Additionally, women are less likely to win elections because they “often run in hopeless races,”² meaning they run in elections where the community is a political stronghold for the opposing party or the incumbent is well-liked by the constituents. Hopefully as time progresses, these assumptions will change. As more children from single-parent homes become voters, female politicians will be positively affected. “Children raised in single-parent homes are more likely to be accepting of women in high power positions and to be more tolerant and accepting of women in other nontraditional arenas such as politics.”³

Some of the gender stereotypes held by voters are not entirely negative for women. Women candidates can be viewed as more well-rounded than their male counterparts if they stress typically masculine traits. They will benefit because it is assumed that, as women, they already possess feminine traits. Yet, if a female candidate only stresses the feminine traits, they are more likely to be criticized by the media and attacked by opponents.⁴

Political scientists consider the 1992 election “the year of the woman.” Now, “the year of the woman” is a phrase used by the United States media to refer to the pro-woman political climate of 1992.⁵ In the 1992 election, five women were elected to the Senate, including Carol Moseley-Braun, the first African-American female senator. In addition, there were over twenty women elected to the House of

Representatives. "Political scientists who have studied 'the year of the woman' attribute the political successes of women to party support, favorable circumstances in the states where women ran, weak opponents, luck, etc."⁶ Due to the drastic changes in the 1992 election and the 103rd Congress, researchers debate whether these changes were a mass coincidence or proof that women are finally being accepted into the political world. There is not enough research on media coverage of post-1992 elections to discover if the 1992 election was an anomaly or the start of a new era for women politicians.

It is well established that incumbents have an advantage over challengers in political races. This is true whether it is a male or female candidate seeking office. Unfortunately, women are almost exclusively challengers, because "women rarely seek political office."⁷ One possible explanation for this phenomenon is that women are socialized to be less interested in politics than men.⁸ When a female challenger is running against a male incumbent, the male incumbent usually wins.⁹ This could be due to the incumbent advantage, but female incumbents are less likely than male incumbents to get re-elected. "Male incumbents were reelected 84 percent of the time, while female incumbents won reelection only 50 percent of the time."¹⁰

Historically, women have received less media coverage, but in recent decades, this trend has started to change. Women are receiving more campaign coverage in newspapers than in previous years. In fact, according to Smith, newspaper coverage of political races involving a man versus a woman has become advantageous to female candidates. The majority of newspaper articles have a negative, critical tone towards the male candidates and a neutral tone towards the female candidates.¹¹ Furthermore, women rarely run in gubernatorial races; thus when they do run, they receive more media coverage than women running for other statewide races. In other open seat races, however, women do not receive as much coverage as their male counterparts.¹²

There has been some conflicting research on media coverage of women candidates. Kahn suggests that women are portrayed in biased ways. She found that women receive less coverage, and women are accordingly at a disadvantage, which is contrary to Smith's findings. Journalists believe that women candidates are less likely than men to win campaigns, resulting in women receiving less media coverage. In turn, it is very difficult for voters to receive information about women candidates, leaving voters less likely to elect a woman politician.¹³

We will model our research after Kahn to see if our research findings are similar to hers, even though we are looking at different newspapers and different time periods.

Research Design

The existing research showed that in some races women were discriminated against in the media, while in other races they were not discriminated against. We plan on analyzing a similar event, in which there may have been different media coverage between a male and a female officeholder. Former Governor Evan Bayh of Indiana and current Acting Governor Jane Swift of Massachusetts both had twins while in office. Although there was a six-year gap between the birth of the Bayh twins and the birth of the Swift twins, there were no milestone events to influence the general public's beliefs regarding women politicians. They were in the same situation, except each faced different gender roles and received drastically different media coverage.

In analyzing the media coverage of these two governors, we coded the stories based on quantity and quality of the coverage. Our quantity measure was based on the number of times the twins and the governors were mentioned in the articles or headlines. We categorized the tone of the articles towards the governor and the tone of the headline as positive, negative, mixture, indifferent/neutral, or not primarily about the governor. To determine the tone of the articles, we used these guidelines: the articles were a) positive if they were praising the officeholder, b) negative if they were criticizing the officeholder, c) a mixture if it was a topic that differed for each individual based on his or her political beliefs, d) indifferent/neutral if only facts were covered, or e) not about the governor if the article did not pertain to the governor specifically. We assessed the number of stories in which Governor Swift and Governor Bayh's newborn twins were mentioned in the sample period. We then calculated the percentage of the articles for each candidate in which their twins were mentioned. Likewise, we found the number of times the twins were mentioned in the headlines and the number of times that the twins were mentioned in the articles. We determined the sex of the author as male, female, joint, or cannot be ascertained. We searched for the page number and section of each article in the newspaper. We coded for the type of article: news story, column, editorial, or letter to the editor. We determined whom the candidate was criticized by: an

"expert," a constituent, unattributed, or not criticized. We recorded who mentioned the twins as: the governor, not mentioned, or by the author (see Appendix A for the coding sheet).

We examined *The Boston Globe* and *The Indianapolis Star* to find articles pertaining to the governors' twins. We chose these two newspapers because they have the largest circulation for their respective states. *The Boston Globe* has a circulation of 472,000 on weekdays and 751,000 on Sundays. *The Indianapolis Star* has a circulation of 230,000 on weekdays and 400,000 on Sundays. We used a two-month sample for both governors starting fifteen days before the month the twins were born and continued till fifteen days after the month of the birth of the twins. This meant for Governor Jane Swift, the articles started on April 15, 2001 and went through June 15, 2001, and for Governor Evan Bayh, the articles started in October 15, 1995 and went through December 15, 1995. To find articles on Jane Swift, we searched the database *Lexis-Nexis*. We searched using the keywords "Jane Swift" and "*The Boston Globe*." We took a random sample from the 100 resulting articles, meaning we analyzed every fourth article. We ended up with a sample size of 24 articles. To find the articles for Evan Bayh, we contacted *The Indianapolis Star* archives office and received a citation list of all the articles that mentioned Evan Bayh during the sample period. We took a random sample of the resulting 176 articles, meaning we analyzed every eighth article. Our final sample size for Bayh was 22 articles.

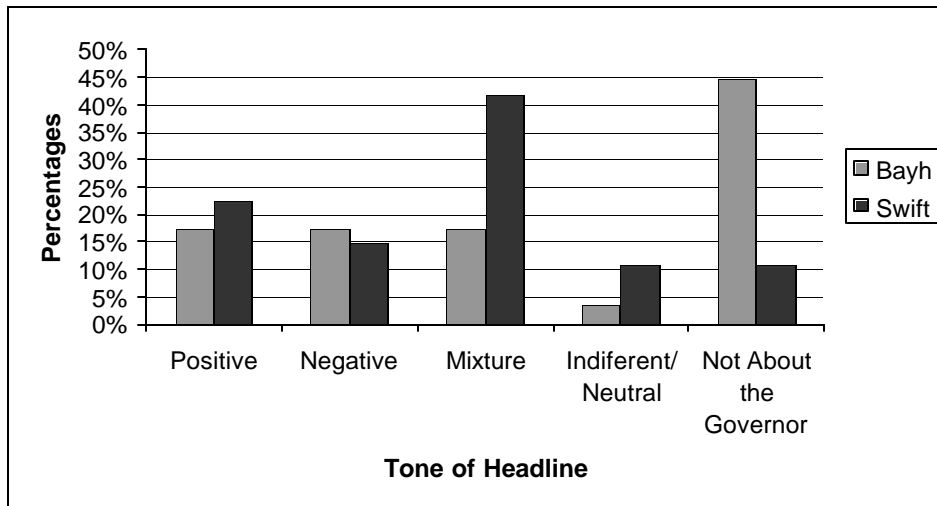
We predicted that Governor Swift would be criticized more often for having twins while in office, meaning that the twins would be mentioned more frequently and in a negative way. We believed that the news articles would regularly mention the twins in stories about day-to-day political topics concerning Swift. We did not expect the same for Bayh, assuming that his twins would not be mentioned as often. When they were mentioned, it would be Bayh who brought them up, not the journalist or a constituent. We predicted that Swift would be more harshly criticized for having children while in office and breaking the traditional gender role for women.

Research Findings

When reading a newspaper, one typically decides which sections to read based on the front page headlines and articles. Actually turning the page to read the articles inside requires interesting articles on that front page. This places more significance on a section's front page articles than that of articles inside the section. Therefore, it is important to note that 54.5 percent of the articles pertaining to Governor Bayh were located on the front page of a section, whereas only 34.6 percent of Governor Swift articles received equal placement. Also, during the time period surrounding the Swift and Bayh births there were no huge media issues such as war or scandal to overshadow the headlines. Accordingly, articles are not skewed by major non-relevant events. The placement of the articles reinforces the stereotype that men dominate politics, and their issues are of greater importance to constituents.

Not only is the article's location within a section important, but the headline also draws the reader's attention. Thus, the headline and its tone are the elements the reader quickly uses to judge the article. When Governor Swift was mentioned in the headlines, it was most frequently of a mixed tone on political issues (Figure 1). Governor Swift's name, along with controversial issues, was used to obtain more readers. Possibly through this method, the editors and authors wished to play on Swift's constituents' negative view of her childbirth while in office. The majority of the time Swift was mentioned in the article, her name was also used in the headline. In contrast, 44.8 percent of the time Bayh was in the article, his name was not stated in the headline. Governor Bayh was introduced casually in an article, whereas Swift and her pregnancy was the focal point of numerous articles (Figure 1).

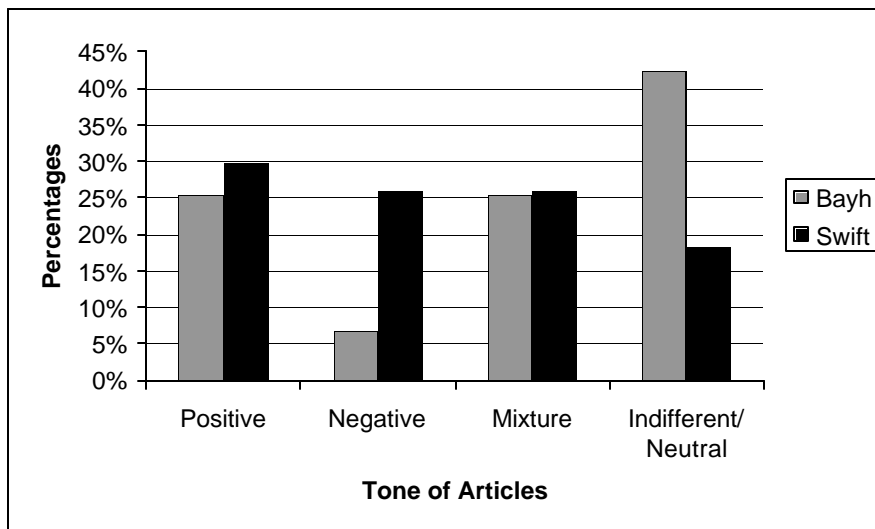
Figure 1: Tone of the Headline of the Articles



In addition to the importance of the headline’s tone, the tone of the article toward the governor is equally significant. Both Swift and Bayh received a wide range of coverage, which presented a variety of views and left the constituent to pass his or her judgment. Swift received the greatest variety of coverage with nearly equal tones in all categories. Although Swift and Bayh received the same amount of positive coverage, there are huge dissimilarities between the other results (Figure 2).

Governor Bayh is covered indifferently or neutrally 42.5 percent of the time, thus portraying him in an authoritative role that is not open to argument. However, there is a stark contrast between the amount of negative coverage that each governor receives. From the articles pertaining to Governor Swift, 26 percent contained a negative tone, which is roughly four times the 6.7 percent of negative coverage received by Governor Bayh (Figure 2). Thus, it appears that *The Boston Globe* journalists frequently sought out their own agendas and tried to force their opinions on the newspaper’s readership.

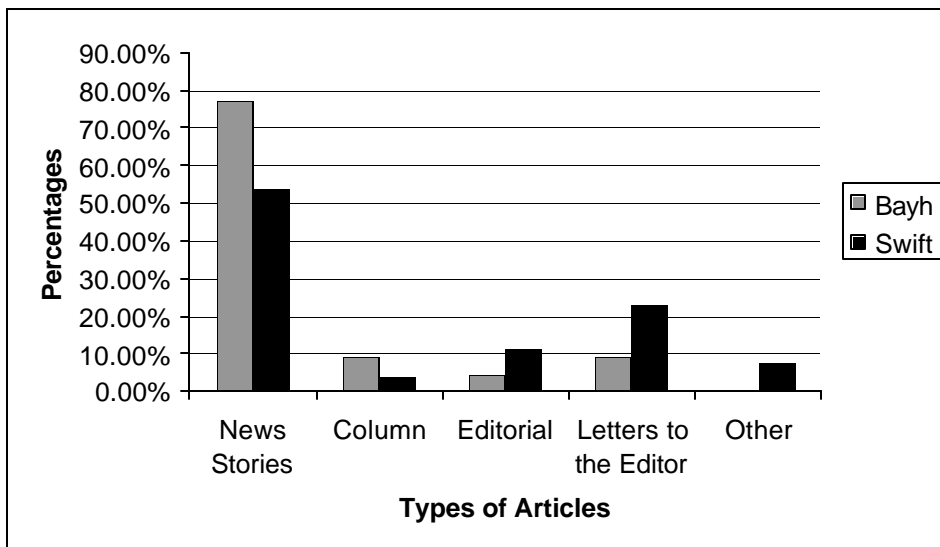
Figure 2: Tone of Articles Toward the Governor



The reason that Governor Bayh is most often portrayed indifferently or neutrally is because the majority of the articles pertaining to him were news stories. Although news stories were the most prevalent type of articles for both governors, Bayh received 77.3 percent of his coverage in new stories alone (Figure

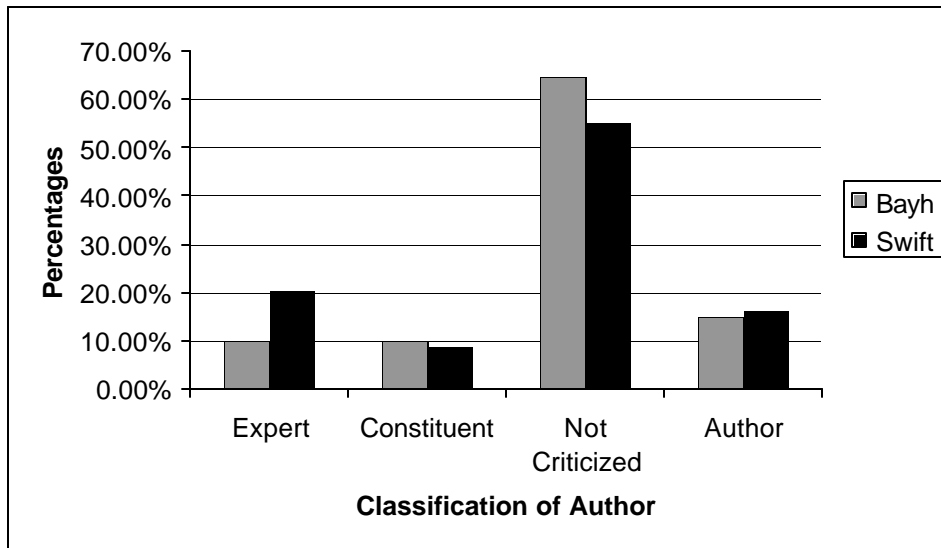
3). Articles containing only factual data do not allow journalists to sway from the article’s objective. However, extremely opinionated letters to the editor made up 23.1 percent of the Swift articles, the second largest type of articles written. In contrast, there were very few letters to the editor pertaining to Bayh to indicate the public opinion at the time. Since Bayh was lacking in this type of article, it displays that his constituents were not as concerned about his family’s new arrivals.

Figure 3: Types of Articles Mentioning the Governor



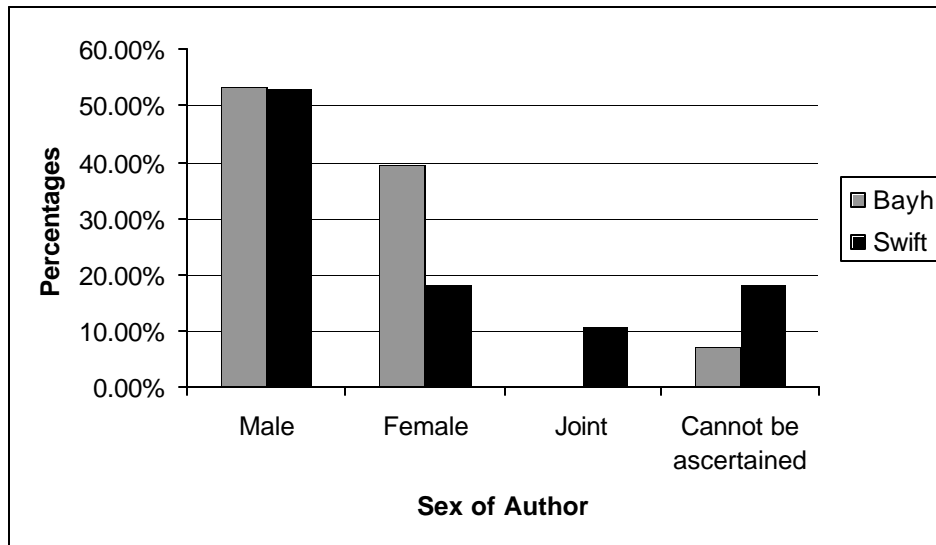
Since the majority of articles for both governors were news stories, one would expect that the governors would be portrayed in a professional manner, and thus criticized infrequently. This does hold true for Swift and Bayh. For both governors, the majority of the time they were not criticized. Yet, Swift is criticized more often by an "expert" (Figure 4). The journalistic norm of seeking out "experts" is used in this case, but also by using "experts," readers believe that these people are undoubtedly correct. Thus, the readers develop negative feelings about the birth of the Swift twins merely because "experts" also have negative thoughts on the matter. The source of the most criticism for Governor Bayh comes from the author of the article, 14.9 percent. To the reader, however, a single author does not have as much clout as an "expert." Thus, it apparently remains more acceptable for a man to hold office and be a father at the same time than for a woman to do the same.

Figure 4: Author of Critical Articles



Most frequently male authors wrote articles about both Governors Swift and Bayh, which suggests fewer female journalists are given political work. However, many more female authors wrote the Bayh articles than Swift articles (Figure 5). Further research into the gender breakdown of the staffs of *The Boston Globe* and *The Indianapolis Star* is needed before conclusions can be made from this data.

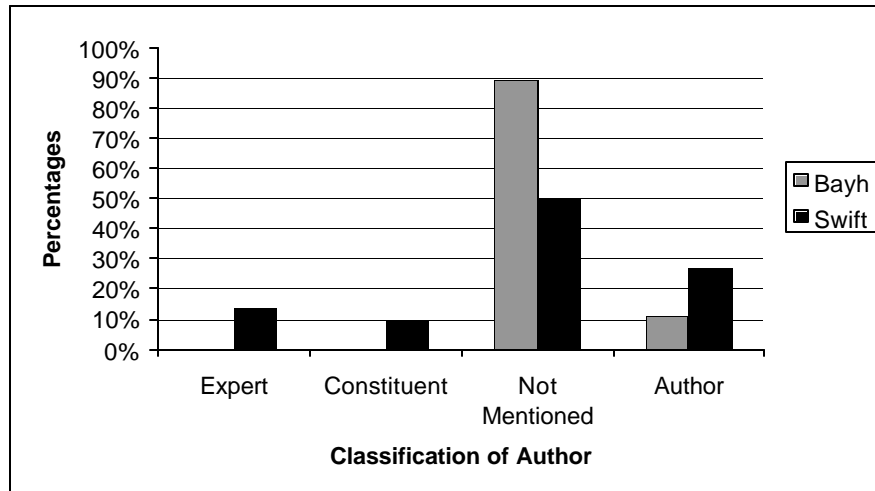
Figure 5: Sex of the Author of Articles



When the twins are referred to in an article, it is most likely by the author. In 11 percent of the Bayh articles the twins were mentioned eighteen times (Figure 6). Although this statistic appears to be significant, these numbers are misleading. It was the same journalist, Dick Gady, who wrote the two articles, which produced the 11 percent that referenced the twins. Of course, the Swift twins were intensely emphasized with 41 references in 50 percent of the articles. By discussing the twins extensively and using them to preface articles about Swift, it was impossible for the citizens of Massachusetts to escape the births. Also, *The Boston Globe* continuously used the controversy over the birth of the Swift twins to trigger

interest in their readers. There was not nearly as much media fixation on the birth of the Bayh twins as there was for the Swift twins.

Figure 6: Types of Authors Mentioning Twins in Articles



The ways in which the twins were used in the articles were quite different. For example the two articles that mentioned the Bayh twins did so in a more light-hearted manner:

The last few weeks have produced a lot of juicy quotes from newsmakers of all kinds. Here's a little quiz to see how well you've been paying attention... 'I'm not saying which way I'll go.' A) Gov. Evan Bayh, on whether he wants his sons to be Democrats. B) Dwayne Brown, on whether he wants to work in the prison shoe shop.¹⁴ C) Steve Goldsmith, on whether or not he plans to run for governor. D) Congressman Andy Jacobs Jr., before he announced his decision about retiring...¹⁵

Beau and Nick Bayh are lucky little guys. They were born into a world of love, security, and opportunity... The twins arrived in a bubble of publicity and adulation... For the Bayh twins, life is a blessing.¹⁶

Here are some examples from the way in which Swift was covered:

For a writer who deals in the perils of everyday life, Suzanne Berne has an eerie sense of timing. Her second novel, a dark look at working parenthood, came out just as Jane Swift's maternity launched a thousand dinner table conversations.¹⁷

Swift, who left Brigham Women's Hospital on Monday with newborn twins Lauren and Sarah, has rebuffed similar proposals of historic homes in Quincy and Boston as gubernatorial living quarters.¹⁸

Now is the time for Acting Governor Jane Swift, her husband Chuck Hunt, and their two and a half year-old daughter, Elizabeth, to welcome their new family members – and the rest of us to leave them alone.¹⁹

Last night after a week of daily updates and questions by the press corps, Scheieler delivered Jane Swift's twins, the nation's first children born to a sitting state governor.²⁰

After acting Governor Jane Swift gives birth to her twins, she must decide whether what was good for the Mother Goose of Massachusetts is also good for the geese who cannot fly away on family leave.²¹

Discussions and Future Research

Journalists possess a great ability to influence the society at large. The content of the articles may be taken as fact and believed by readers. This is why there is great importance placed on equal coverage and portrayal of male and female politicians. If women are going to be elected to higher offices, there must be fair and equal coverage of the candidates.

The media influences the public, and thus has the ability to affect the voting of its readers. If a newspaper publishes numerous negative articles about a candidate or officeholder, the reader is going to be less likely to vote for that person. This could be true even if, in fact, he or she is more qualified than his or her opponent. If journalists continue with the trend of publishing negative articles toward women candidates, women will continue to struggle to get elected or re-elected to office.

If the media continues to place women politicians in a negative light by focusing on traditional gender roles rather than important political achievements, there is little hope for a woman to ever be elected president of the United States. Women need to be seen outside of their sex role as child bearers, and instead as professionals.

Future research should be done to show how these two sets of twins affected their parents' future political careers. There are many questions surrounding whether the media brought up the births again for the female and not the male when it came time for reelection, or if the media did not mention it at all. Systematic analysis in the future on newspaper coverage of how children affect reelection would advance this field. Also, future research should include analyzing smaller newspapers. It is possible that the smaller newspapers treated the births differently, perhaps with more or less bias.

Appendix A

Code Sheet for Newspaper Content Analysis

| Variable Description | Code | |
|---------------------------------------|-------------------------------------|-------------------------------|
| Newspaper Code | ____ _ | |
| Date (Month/Day/Year) | ____ / ____ / ____ | |
| Article Number (Sequential) | ____ _ | |
| Location of Article (Page Number) | ____ _ | |
| Location of Article (Section) | _____ | |
| <hr/> | | |
| Type of Article _____ | | |
| 1 = News Story | 4 = Magazine | |
| 2 = Column | 5 = Letters to Editor | |
| 3 = Editorial | 6 = Other _____ | |
| <hr/> | | |
| Sex of Author _____ | | |
| 1 = Male | 3 = Joint Authors (Male and Female) | |
| 2 = Female | 0 = Cannot be ascertained | |
| <hr/> | | |
| | Governor Swift | Governor Bayh |
| Twins Mentioned in Headline | _____ | _____ |
| 1 = Yes 2 = No | | |
| Twins Mentioned in Article | _____ | _____ |
| 1 = Yes 2 = No | | |
| <hr/> | | |
| 1 = Positive | 3 = Mixture | 0 = Not about Governor |
| 2 = Negative | 4 = Indifferent/ Neutral | |
| Tone of Headline _____ | | |
| Tone of Article _____ | | |
| (Toward the Gov.) | | |
| <hr/> | | |
| Number of Times Twins Mentioned _____ | | |
| <hr/> | | |
| Candidate Criticized _____ | Twins Mentioned By _____ | |
| 1 = By expert | 3 = Unattributed | 5 = By Governor 6 = By Author |
| 2 = By constituent | 4 = Not Criticized | 0 = Not Mentioned |

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- ¹ Leonie Huddy and Nayda Terkildsen. 1993. "The consequences of gender stereotypes for women candidates at different levels and types of office." *Political Research Quarterly* 46 (3): 503-525.
- ² Kim F. Kahn and Edie N. Goldenberg. 1991. "Women Candidates in the News – An examination of gender differences in United States Senate Campaign Coverage." *Public Opinion Quarterly* 55 (2): 180-199.
- ³ Kathleen Dolan. 1996. "Support for Women Political Candidates: An examination of the Role of the family." *Women & Politics* 16 (2): 45-60.
- ⁴ Mark S. Leeper. 1991. "The Impact of Prejudice on Female Candidates – An experimental look at voter influence." *American Politics Quarterly* 19 (2): 248-261.
- ⁵ Mary Vavrus. 1998. "Working the Senate from the Outside In: The mediated construction of a feminist political campaign." *Critical Studies in Mass Communication* 15 (3): 213-235.
- ⁶ Ibid., 213-235.
- ⁷ Kahn and Goldenberg, 180-199.
- ⁸ Ronald D. Hedlund, Patricia K. Freeman, Keith E. Hamm, and Robert M. Stein. 1979. "Electability of women candidates – effects of sex-role stereotypes." *Journal of Politics* 41 (2): 513-524.
- ⁹ Kahn and Goldenberg, 180-199.
- ¹⁰ Kim F. Kahn. 1992. "Does Being Male Help – An investigation of the effects of candidate gender in campaign coverage on evaluations of United States Senate candidates." *Journal of Politics* 54 (2): 497-517.
- ¹¹ Ibid., 71-82.
- ¹² Kevin B. Smith. 1997. "When all's fair: Signs of parity in media coverage of female candidates." *Political Communication* 14 (1): 71-82.
- ¹³ Kahn, 497-517.
- ¹⁴ "Be it courts, TV, politics or even sports, the words fit." *Indianapolis Star*, 19 November 1995, sec. B.
- ¹⁵ "Clemency case brings together life of priviledge, world of want." *Indianapolis Star*, 26 November 1995, sec. C.
- ¹⁶ "Family Time." *The Boston Globe*, 17 May 2001, sec. A.
- ¹⁷ "A Disconcerting 'Arrangement.'" *The Boston Globe*, 2 June 2001, sec. F.
- ¹⁸ "Medford Offers Home to Swift Family Council Proffers the Brooks Estate." *The Boston Globe*, 27 May 2001.
- ¹⁹ "A Routine Delivery for an Atypical Patient." *The Boston Globe*, 16 May 2001, sec. A.
- ²⁰ Ibid.
- ²¹ "Let's Hope Swift Can Cope With Her Twin, Divided Tasks." *The Boston Globe*, 9 May 2001, sec. A.
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Rwanda and the Problem of Peace

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University of Virginia

The 1994 genocide in Rwanda was one of the worst atrocities ever committed. Between April and June of 1994, nearly a million Hutu and Tutsi slaughtered one another during a bloody civil conflict rooted in ethnic distrust and resentment. The difficulties associated with bringing some sense of justice to those victims are enormous. No single measure seems adequate for the task; and indeed, no single measure has proven adequate to the task. Rwanda has chosen to address its past with a combination of measures, including international, nation-state, and indigenous courts and a truth-seeking commission. This paper analyzes those mechanisms for justice and concludes with a discussion of the lessons to be drawn from Rwanda's experience with transitional justice.

Introduction

Although war crimes, genocide, and crimes against humanity are not new incidents, the mechanisms used to deal with them have taken a unique turn in the second half of the twentieth century. The Universal Declaration of Human Rights and the United Nations Convention on the Prevention and Punishment of Genocide now define such transgressions and make them punishable under law. Judicial mechanisms like the Nuremberg and Tokyo tribunals, the ad hoc criminal tribunals in the former nations of Yugoslavia and Rwanda, and the soon to be ratified International Criminal Court (ICC) Statute provide international sanctions, which include the prosecution and trial of war criminals. Non-judicial or semi-judicial mechanisms like truth commissions have also gained some international credence in response to the recognition that reconciliation, as well as institutionalized justice and a legal culture,¹ may provide the sort of cultural healing and sense of political distance from the past necessary to maintain a stable regime in the future.

Most recent examples of successful transitional justice represent a hybrid form of judicial and non-judicial means of prosecution and settlement. In Argentina, for example, the state prosecutor's office eventually used the report released by the National Commission on the Disappeared in order to facilitate the judicial trials of senior members of the military, who had previously been protected by a self-proclaimed amnesty.² The information collected by the Chilean Truth Commission of 1990 proved instrumental in assisting the Spanish judge who sought to extradite former dictator Augusto Pinochet in 1998.³ Pinochet's extradition also sparked increased domestic judicial activity on a number of past cases.⁴ The South African Truth and Reconciliation Commission offered amnesty, but only on a conditional basis, and those who did not qualify were tried under criminal law. Carla Hesse and Robert Post observe that:

Political trials are moments when the community reasserts its values against those who have transgressed them, and when it thereby heals the injury, not to particular individuals, but to the community as a whole...but such tribunals are not a panacea.⁵

Michael Ignatieff adds, "The new human rights culture has been accompanied by the global diffusion of psychoanalytic ideas about the healing properties of truth."⁶ Such hybrid forms of justice are no cure-all; however, they represent the best solution to human rights violations that the international community has offered to date.

Rwanda occupies a unique place in the history of transitional justice because it used, or plans to use, a unique assortment of international, nation-state, indigenous, and reconciliatory mechanisms. It possesses one of the only two international criminal tribunals implemented since Nuremberg and Tokyo after World War II, (the other being the former Yugoslavia), and it may also be among the first countries to have its war criminals prosecuted by the ICC. Furthermore, despite their virtual elimination during the conflict, Rwandan courts have actively sought perpetrators of the genocide and have proposed a plan to bring back traditional *gacaca* (pronounced GA-cha-cha) courts, with elected judges and a jury of the defendant's neighbors, to accelerate justice and to unburden an overloaded prison system.⁷ As far as non-judicial measures go, the National Unity and Reconciliation Commission (NURC) represents one of the first major attempts at an African truth commission since South Africa in 1995.⁸

The Rwandan case merits special study for a number of reasons. Rwanda is one of many poverty-stricken Third World countries in which conflict and government upheaval appear to be virtually endemic, and what comes out of this “laboratory wherein sub-regional and regional interstate organizations [test] their capacity to engage in conflict management”⁹ may prove instructive. As Priscilla Hayner notes, “it is a safe assumption, even given the great variation in political circumstance of the transitions on the horizon, that we will be seeing many more examples of truth commissions in the coming years.”¹⁰ It also appears likely that we will see many more examples of international criminal justice applied to situations like Rwanda, although future prosecutions will likely go through the ICC rather than ad hoc tribunals. Lastly, Rwanda may prove instructive as an example of how the international community assimilates responsibility after admitting to its role and guilt in the creation of conflict.

Political transitions vary widely; therefore, this paper seeks to examine Rwanda on its own terms, as a unique case in the history of transitional justice, and to briefly examine its implications for the future. What has worked in Rwanda, and why? What are the difficulties associated with the simultaneous workings of an ad hoc international tribunal, a domestic justice system, an indigenous justice system, and a truth commission? Which of these bodies has met with success and which has failed? What role has the international community played? What impact will the creation of the ICC have upon the current system?

Although all of these questions deserve comprehensive study, examining each of them briefly may provide a useful framework upon which to build a more coherent picture of Rwandan justice and to construct an analysis of the current state of transitional justice. Rwanda has organized a unique combination of international, national, and local mechanisms to accomplish justice and reconciliation for its people; however, not all these methods have proven successful or delivered reunification as promised.

A Brief History of the Conflict

When Rwanda gained its independence from Belgium in 1962, the Hutu majority governed the country under the auspices of President Gregoire Kayibanda. This represented an abrupt reversal of power. Prior to handing power over to the Rwandans, the Belgians realized that the rule of the Hutu majority was imminent and changed their policy of placing members of the Tutsi minority in politically powerful positions.¹¹ Both the original German colonizers and their Belgian successors had maintained a sort of love affair with the Tutsi minority, primarily because they believed the Tutsis to be more “physically attractive” (the groups are not distinct in reality) and slightly wealthier (an arbitrary distinction made by the Belgians, who gave out Tutsi ethnic identity cards to anyone possessing more than ten cows).

During his presidency, Kayibanda, who even before his rule had advocated the superiority of the Hutus and the inferiority of the Tutsi “foreign invaders,”¹² began to persecute the Tutsi living on the hills. Many Tutsis fled to neighboring Burundi and began to launch attacks from there. These attacks often led to severe Hutu reprisals on Tutsis still living in the country. In Burundi, the Tutsi-dominated government began to systematically kill tens of thousands of Hutus. In response, Kayibanda eliminated several hundred Tutsi and sent tens of thousands more out of the country.

President Habyarimana came to power in 1973, and under his rule the Tutsis continued to suffer. Tutsi refugees in Burundi and also Uganda organized into the Rwandese Popular Front and began to launch invasions on the borders of Rwanda. Rwanda began to slip into economic crisis, and heads of the surrounding states, mainly because they were tired of dealing with the refugee situation, pressured Habyarimana to do something about the conflict. The French president echoed their sentiments, and so in 1993, Habyarimana, desirous of French aid, agreed to the Arusha Accords, a series of agreements creating a cease-fire, a power sharing government, the return of refugees, and the integration of the armed forces.

Significantly, Article Sixteen of the Protocol of Agreement of the Arusha Accords stated that the “two parties also agree to establish an International Commission of Inquiry to investigate human rights violations committed during the war.”¹³ Although the Rwandan government itself took no action towards implementing such a commission, Habyarimana issued a public statement welcoming the efforts of four international human rights organizations to do so. The organizations created the International Commission of the Investigation of Human Rights Violations in Rwanda, which has included ten members from eight different countries since October 1, 1990. The commission released its findings in March 1993, but the report was neither comprehensive nor widely distributed, and tensions remained too high within the country for the report to find much of an audience.

In theory, the Arusha Accords *should* have worked. They were designed to establish the rule of law and a culture where human rights are recognized, to ensure power sharing in all public institutions, to

repatriate and resettle hundreds of thousands of refugees, and to integrate the two opposing armies.¹⁴ Influential economic powers, most notably France, threw their weight behind the Accords with the hope that a stalemate might be avoided and that French interests within the country and the region might be salvaged. Even some of the most radical Hutus were included in the negotiations, including Colonel Theoneste Bagosora, who later acted as one of the genocide's masterminds.

In reality, the Accords failed completely. The 1994 genocide in Rwanda was one of the worst atrocities ever committed. Between April and June of 1994, nearly a million Hutu and Tutsi slaughtered one another during a bloody civil conflict rooted in ethnic distrust and resentment. The international community did little to intervene in the bloodbath, primarily because of perceptions that Rwanda held little strategic or economic value. The UNAMIR (United Nations Assistance Mission in Rwanda) force active inside Rwanda at the time had only a limited peacekeeping mandate, and when radical Hutu militia members threatened its troops, the Belgian government and the United Nations quickly recalled them.

The conflict that resulted decimated Rwanda's population and ruined what little infrastructure it possessed. It cemented arbitrary divisions drawn by colonial powers and created seething hostilities that will linger for decades to come. The international community has expressed its apologies and sorrow for what happened in Rwanda, but the country itself remains locked in a cycle of poverty and continued violence. More than 125,000 genocide suspects currently languish in a prison system designed to hold twelve thousand, and many refugees returning to Rwanda find themselves without jobs or places to stay. In some cases, refugees whose homes had been destroyed have occupied the homes of other absent refugees in an attempt to find shelter. Efforts to heal the wounds caused by the conflicts have had limited impact, and Rwanda as a whole remains an unsettled and defiant society.

The International Criminal Tribunal for Rwanda

When the conflict ended, the new Rwandan prime minister expressed his intention to prosecute over thirty thousand Hutu for war crimes. Fearing that those apprehended would be executed and that this would lead to even more violence, the United States sent its Assistant Secretary of State for Human Rights to Kigali, the Rwandan capital, to encourage the government to wait for an international tribunal instead. When the proposal for the tribunal was brought before the United Nations (whose commission of experts decided that genocide "had definitely occurred"), the Rwandan government voted against the tribunal. For one thing, Rwandan leaders wanted the Statute of the International Criminal Tribunal for Rwanda (ICTR) to encompass the planning of the massacre and of smaller scale massacres that had occurred before 1994.¹⁵ The statute, as drawn up by the UN, restricted its scope to events that had taken place in 1994 only. Rwandan leaders also complained that situating the tribunal in Tanzania rather than in Rwanda itself would not allow Rwandans to "sufficiently recognize the state and the justice rendered as theirs."¹⁶ The Security Council also rejected a request by the Rwandan government that Rwandan judges sit on the tribunal.

Despite the Rwandan government's dissent, the Security Council, declaring its intention to "contribute to the process of national reconciliation in Rwanda and to the maintenance of peace in the region,"¹⁷ created the ICTR on November 8, 1994 and awarded it a budget of US \$79,753,900.¹⁸ The tribunal delivered its first eight indictments, including one against former Prime Minister Jean Kambanda, slightly more than a year later. It has since managed to apprehend the mastermind of the genocide, Colonel Theoneste Bagosora, among others.¹⁹ Aryeh Neier observes:

In the circumstances of Rwanda, no one could imagine that a truth process would make an important contribution or that the results of such a process could be commensurate to the criminality that took place. Only an effort to do justice by bringing the killers to trial and imposing judicial punishments on them seemed appropriate.²⁰

The sheer magnitude and ferocity of the crimes made even the possibility of amnesty sometimes offered by truth commissions absolutely implausible. Most of the genocidal murders had been executed with machetes or knives, and in some instances witnesses reported seeing mothers drown their own children because the father was a Tutsi.²¹ Simply hearing the truth did not seem adequate. People inside of Rwanda generally knew what had taken place and who had perpetrated the crimes; the issue lay in bringing them to justice. In his message to the ICTR, UN Secretary-General Kofi Annan emphasized, "there can be no healing without peace; there can be no peace without justice; and there can be no justice without respect for human rights and rule of law."²²

The historical significance of the ICTR lies in the fact that it delivered the first judgment on the crime of genocide by an international court in history.²³ It also represents an important extension of international humanitarian law to internal, as well as interstate, conflicts since it contains the Nuremberg concept of crimes against humanity in its statute.²⁴ The ICTR is the first ad hoc criminal tribunal since the Nuremberg and Tokyo tribunals after World War II. It may also be one of the last such ad hoc bodies, for although the power of the Security Council to create these tribunals has not been eliminated by the creation of the ICC, it seems unlikely that the Security Council will find the need to initiate further tribunals once the ICC becomes operational.²⁵

Successes and Shortcomings of the ICTR

The decision of the United Nations to create the International Criminal Tribunal for Rwanda, despite Rwanda's dissent, represents an acknowledgment by the international community of the gravity of a situation that remained for some time too embarrassing to acknowledge outright. Its creation gave the impoverished and war torn country its only realistic hope of bringing the major instigators of the genocide to justice, since most of those responsible had fled the country by 1995.²⁶ The tribunal has secured the arrest of over fifty individuals since 1995 and has completed trials for several of them, including many of the genocide's masterminds.²⁷ It now possesses three "modern fully equipped" courtrooms and a detention center of its own, and has provided significant input and precedent for the International Criminal Court. However, as Ruti Teitel explains:

Although international criminal justice offers some degree of individual accountability and hence affirms the liberal response to wrongdoing, it lacks the supportive national structure that is necessary for the true realization of reconciliation and the rule of law.²⁸

Most Rwandans simply do not feel that the justice accomplished by the court belongs to them. As Cabinet Director in the Ministry of Justice Gerald Gahima complains, "It would be better for the ICTR to disband completely and the money used for rehabilitation schemes such as helping widows and orphans in our country."²⁹ Rwandan leaders continue to resent the Security Council's decision to establish the court in Arusha rather than in Kigali, despite the expressed concerns about the safety of the witnesses and the lack of administrative facilities in the capital.³⁰

Rwandans also resent the lack of clear jurisdictional lines between the ICTR and the domestic Rwandan courts. Under the Rwandan penal code, criminals convicted of certain crimes can be sentenced to the death penalty. The ICTR can only deliver a maximum sentence of life imprisonment. This has sometimes resulted in bizarre reversals of justice in which those charged with the most abhorrent crimes receive more lenient sentences since they are appearing before the ICTR.³¹ The Rwandan government has complained that the ICTR has unfairly competed with it for suspects arrested in third countries at Rwanda's request, while the ICTR responds that the judges and lawyers in the Rwandan judicial system are poorly trained and ill-equipped to deliver a fair trial.

Most Rwandans know very little about the proceedings, despite efforts by the Press and Information Office to improve its methods of disseminating information.³² The Rwandan press possess no readily available channels of communication (none of the local weeklies have their own printing press), and the pre-conflict intimidation of those in the media still lingers to an extent.³³ The most successful effort to inform the populace to date has been made by the United States nonprofit organization Internews, which has orchestrated the creation of a Kinyarwanda language film called "The Arusha Tapes," detailing six different trials in the ICTR. The project is scheduled to run for three years and involves showings of the tape in venues throughout the country.³⁴

Furthermore, the work of the tribunal progresses slowly. Court protocol dictates, for example, that questions be translated in French, English, and Kinyarwanda; it also dictates that all answers be translated as well.³⁵ A report submitted to the United Nations also observed gross administrative inefficiencies, including a lack of budget expenditure information, poorly defined lines of authority, weak internal controls, poorly qualified or nonexistent personnel, inadequate supplies, and underdeveloped witness protection programs.³⁶ Despite the decimation of the domestic Rwandan court system, it has prosecuted 150 cases to date;³⁷ the ICTR has only arrested fifty individuals.³⁸ Although the ICTR adheres more closely to standard criminal procedure than Rwandan courts do, some experts project that at the current rate

it will take nearly two hundred years to bring all the accused to trial.³⁹ The Rwandan people simply cannot afford to wait that long for justice.

The most significant problem posed by the sluggishness of the tribunal, aside from the lack of timely justice, is the detainment of thousands of prisoners (without trial) in overcrowded, filthy, and disease-ridden prisons.⁴⁰ More than 125,000 prisoners are currently being held in a prison system designed to hold only twelve thousand, and approximately two thousand reportedly have died in these conditions since 1996.⁴¹ Amnesty International reports that many prisoners do not even have their own case files and that some were not even in the country during the time of the genocide.⁴² Other prisoners have not heard any news of their upcoming trials for over five years. Furthermore, because the money to hire adequate prison guards simply does not exist, many of the camps effectively guard themselves. This has led to a Mafia-like environment in which rapes (especially those of young girls, an act that supposedly “cures AIDS”) are common. The Rwandan government has experimented with a variety of approaches to this problem, including group trials in the domestic courts and the release of the old, the terminally ill, the very young, and those without adequate files, but the population remains large and arrests remain inconsistent.⁴³

Another problem faced by the ICTR is its inability to actually capture the accused. Despite the size of its budget, the ICTR still faces certain financial constraints and those it seeks still possess an uncanny talent for remaining hidden.

The general absence of custody over the accused, and of control over the evidence and the constraints relating to war crimes prosecutions has meant that the International Tribunal often has had little choice but to investigate and indict -- and go no further. In the so-called super indictment proceeding provided for under tribunal rules, all the underlying evidence is marshaled and publicly read; and the indictment confirmed, despite the absence of the accused, publicly establishing the truth of the events in controversy and condemning them.⁴⁴

In this respect, the ICTR takes on a guise more closely resembling a truth commission than anything else. It establishes the crime and issues formal judgment, and in doing so enacts the theater of public acknowledgment.

Rwanda's National Unity and Reconciliation Commission

Although the notion of a truth commission seemed preposterously inadequate in the years immediately after the genocide, the slow course of justice and the continued hostility between Hutu and Tutsi eventually made it seem like a warranted and even necessary complement to the process. Because of the tribunal's location in Arusha, justice has not yet been localized for the survivors of the genocide, and many still see its perpetrators *en masse* rather than as individuals. With the return of thousands of refugees since 1996, the need to reconcile became even more pressing. In response to this need, the transitional government established the National Unity and Reconciliation Commission (NURC) in Kigali under parliamentary law in 1999.⁴⁵

The NURC aims first to “organize and oversee national public debates aimed at promoting national unity and reconciliation of the Rwandan people.”⁴⁶ It also aims to conceive and disseminate ideas and initiatives aimed at promoting peace, to denounce any written or declared ideas and materials seeking to “disunite” the Rwandan people, to educate and assist in building a culture of tolerance and respect, and to monitor government organs, political parties, leaders, and the general population to gauge whether they respect and observe policies of unity and reconciliation. Its structure includes a program of civic education (including a “national syllabus” to promote national unity and reconciliation), a program of conflict mediation, and a program of community initiatives. In order to review its progress, it holds an annual national summit.⁴⁷

In July 2000, the NURC held solidarity meetings “aimed at bringing about a clear understanding of the causes of past political problems in Rwanda, and fostering understanding, tolerance, unity and reconciliation.”⁴⁸ This remains its largest and most comprehensive international effort to date at achieving reconciliation. NURC member Elie Mpayinama insisted at the meeting that Rwandans:

Examine their problems and past mistakes, instead of blaming all their misfortunes on colonialism ... it [is] time for the people of Rwanda to wake up and build a country with a firm foundation on unity and reconciliation ... [and] to demonstrate to the world that it is not a nation of killers.⁴⁹

In some senses, the NURC has provided an important public venue for Rwandans to express their opinions both to the country and to the outside world. It has acted as a vehicle for public opinion and has managed to draw in some advisers from other successful truth commissions. For the most part, however, it has enabled the Rwandan government to brag about their very own progressive truth commission.⁵⁰

Nevertheless, Human Rights Watch criticizes the NURC process sharply. "The highly structured program included many long presentations and offered few opportunities for spontaneous exchanges among participants,"⁵¹ Human Rights Watch remarked of the July 2000 Solidarity meetings. Furthermore, the "solidarity camps" sponsored by the NURC have since become a required activity for administrative officials and university students, rather than an optional activity for returning refugees, and the camps offer physical and military training in addition to ideological training. Participants wear military uniforms and learn to shoot. The Rwandan government suggests, somewhat pitifully, "it is important to 'demystify' the 'myth about the army and the gun' for the 'self-defense and benefit of all Rwandese.'"⁵²

Unless it manages to restructure itself and to simultaneously improve its methods of public presentation and information dissemination, the NURC will not likely meet with much success. Its success to this point has been limited and exists only insofar as the government and the international community have produced something tangible to applaud. Unlike its South African cousin, the Truth and Reconciliation Commission (TRC), the government has neither publicly nominated or selected judges (although it has done so for the *gacaca* courts) nor asked for much input from civil society. Its budget is smaller than the TRC's and its reach, in turn, is much more limited.⁵³ The TRC has heard testimony from over 21,000 victims and witnesses,⁵⁴ and its hearings are more frequent and publicly disseminated. The NURC has heard private testimony from only a handful of witnesses, and it tends to focus more upon committee meetings, public agendas, and fanfare, rather than the actual work of private resolution and settlement. The international community has not given it much attention, because it views the ICTR and even the *gacaca* courts as more plausible prospects for justice; it therefore remains unlikely that its budget will increase. The domestic Rwandan legal community has not given the NURC much attention, because it continues to be engaged in battles with the ICTR for jurisdiction and with the training of lawyers and judges for the *gacaca* courts. The NURC, thus, stands little chance of meeting the South African TRC's record of success. Contrary to popular belief after 1995, the NURC demonstrates that truth commissions cannot and do not always work successfully.

The Gacaca Courts

Like the NURC, the *gacaca* system stems from a desire to eliminate the burden of the caseload upon the domestic justice system and the ICTR and also to speed up the process of reconciliation within Rwanda. Unlike the NURC, however, it represents a curious hybrid of judicial and non-judicial mechanisms. The *gacaca* system aims to prosecute lesser offenders (although these lesser offenders include those who were conspirators or accomplices of intentional homicide or serious assault, as well as those who simply stole property during the crisis). It leaves the planners and organizers to the mercy of the ICTR or the domestic Rwandan courts. In prosecuting these lesser offenders, however, it allows them to be judged and sentenced by their peers and for sentences to be levied. It directs the judges to compile a list of those who died and those responsible for the deaths.

Gacaca courts are traditional community courts, and their structure echoes the notion of the traditional community tribunal: the voting population elects judges, who in turn hear a defendant's case, and then allow the jury, composed of former neighbors of the defendant, to decide the appropriate sentence.⁵⁵ Currently, the *gacaca* system is set up to adjudicate the least heinous crimes first, although a detailed system of enforcement has not yet been elaborated.

What Rwanda expects from the *gacaca* courts is to establish the truth about what happened, to expedite the backlog of genocide cases, to eradicate the culture of impunity and to consolidate the unity of our people ... (they) will offer the opportunity for the truth

to be brought out into the open, and shed light on how those in positions of authority had many people killed through their actions proposed by the government.⁵⁶

Victims of the genocide express hope that traditional courts will “enable survivors to lift the veil of anonymity,”⁵⁷ and even those currently in jail look forward to timely justice. The Rwandan government also points out the benefits that may be wrought by reviving traditional forms of justice and demonstrating the ability of local communities to solve their own problems.

Critics of the system, however, suggest that it will only increase the caseload and provides few safeguards for the accused, including no provision for any sort of defense counsel⁵⁸ and virtually no guarantees against witness intimidation. Furthermore, the recently elected judges (all 260,000 of them⁵⁹) have minimal training and very little experience. Because each case is tried on a local basis, the application of justice may be uneven. The Rwandan people elected these judges in October 2000, and the system’s projected start is for June 2002.⁶⁰

Although the *gacaca* system has many shortcomings, it seems, at least, one of the smallest among many evils endemic to the various bodies that seek to reconcile Rwanda. Its organizers and even the Rwandan government admit that the system needs enhancement, and to this end a panel of experts from Johns Hopkins University is currently working with those involved to make the system more fair and effective.⁶¹ Whether or not the *gacaca* system produces evenly distributed justice, however, it at least offers some form of localized justice, far more intensive and personal than anything yet offered. Rwandan criminals sit before a Rwandan jury in the area in which the crime was committed, and to date, participation in the process has been excellent,⁶² which, as the successful truth commissions have demonstrated, is crucial to the accomplishment of justice. The Rwandan people are aware of the process and have become actively engaged in it. It is unlikely that the *gacaca* courts will be without shortcomings, but their creation does call for some limited form of optimism.

Other Approaches to Justice

Like many other countries facing the transition from a repressive regime to democracy, Rwanda’s attempts to achieve post transitional justice have not been strictly judicial, as the creation of the NURC and the *gacaca* courts, alongside the ICTR and the domestic courts, has demonstrated. Besides these major measures, a number of minor ones exist. These endeavors to accomplish reconciliation and justice merit examination because they may succeed where other approaches fail. Some measures have simply been recommendations by bodies like the Organization of African Unity (OAU). Others have been attempts by Rwandan government or governmental organizations, like the military, to bring their own members to justice. Still others have been offered by human rights organizations within Rwanda. Although not every measure has met with success and many efforts face problems similar to those that have arisen with the ICTR and NURC, many of them appear to be promising.

Localized aid commissions have met with a great deal of success in reconciling the Hutus and Tutsis. Groups of women who have survived the genocide, for example, have worked with the wives and mothers of those accused of genocide and imprisoned, to earn money to pay school fees or health expenses for their children.⁶³ These groups have managed to accomplish a localized justice, perhaps even more pertinent to the process of mediation than the work of the NURC, since the initiative stems from within the populace and works at a much more intimate and immediate level than the public proceedings of the commission. Since Rwanda’s minimal media infrastructure limits the impact of any national attempt at justice (no matter how successful), these groups will probably continue to have the greatest degree of success. They have also managed to attract attention from international human rights groups as a more viable mechanism than the NURC, in part because the narrow focus of such groups attracts the attention of organizations with a similar narrow focus (organizations pertaining to women and children, for example).

Among these measures, undertaken by the government itself, was the enactment of the Organic Law in late 1996 to “satisfy the need for justice of the people of Rwanda”⁶⁴ by expediting the trials of the thousands of people being held in prison and by enticing Hutu refugees to return to the country.⁶⁵ The Organic Law accomplished this by offering reduced penalties in return for self-confessions detailing the date, time, and scene of each act and the name of victims and witnesses.⁶⁶ In this way, the Organic Law demonstrates certain similarities with the TRC, although the former is of a criminal justice nature and does not offer amnesty to anyone who committed a political crime. Instead, it offers reduced sentences to those who confess and harsher penalties to those who profess false innocence.

The Rwandan government has also relied upon the War Council and the Military Court to prosecute genocidal acts committed by the military. As in most cases of military self-policing, the efforts made by these two bodies have been admirable in name, but virtually ineffective in action. Although they had tried approximately one thousand of their own soldiers by 1997, the penalties did not represent the same severity levied by civil courts, and there were, in reality, far more than a thousand war criminals within the armed forces.⁶⁷

In late 1998, the Rwandan government cooperated with a proposal by the Organization of African Unity to engage a panel of distinguished personalities in conducting research surrounding the events leading up to the 1994 genocide and the impact thereafter. Its mandate covers the period from 1993-1997. The panel sought to address the root causes of the genocide and how it affected Rwanda and the surrounding Great Lakes region. It included among its members many former African heads of state, various prominent members of non-governmental organizations, a former ambassador to France, and a retired chief justice of the Indian Supreme Court. Dr. Salim A. Salim, secretary-general of the OAU, described the endeavor as part of a sustained effort "to address the scourge of conflict in the Continent."⁶⁸ Ethiopian Prime Minister Meles Zenawi, who initially proposed the panel, explained:

The talk about building our capacity for early warning and for prevention of conflict would remain empty talk if we continue to fail drawing lessons from the most tragic experience we have had. But lessons are drawn when one knows what has really happened and when one is in a position to know what went wrong.⁶⁹

The panel expected to contribute towards the promotion of national healing, reconciliation, and cohesion in Rwanda, to promote a culture of peace within the region, and to help prevent conflict situations on the continent by setting a precedent of intensive investigation and exposure. Whether or not it has accomplished its goals remains to be seen, since violence continues in Rwanda, Hutu rebel factions continue to operate,⁷⁰ and many of the panel's recommendations have not been fully implemented yet.

The difficulties inherent in implementing some of the panel's recommendations, however, can hardly be underestimated. Steps have been taken towards the creation of an independent media authority, but as has been pointed out before, the press still possess no readily available channels of communication and none of the local weeklies have their own printing press. Intimidation of the media continues, some of it coming from the government itself, and civic associations still may not produce their own publications because of a law restricting permission for such endeavors to commercial enterprise.⁷¹

The panel also requests reparations for Rwanda from the international actors it holds responsible for the disaster in order to rebuild the infrastructure and to provide some relief for victims who lost health, property, or family members during the crisis.⁷² As Ruti Teitel notes, transitional reparations "reveal alternative ways to advance the vindication and rehabilitation accomplished through the criminal sanction...the shift in emphasis from victims' harm to state's wrongdoing is particularly clear in moral reparations."⁷³

Like many other countries that have faced profound difficulties in collecting and then fairly doling out funds, Rwanda has and will continue to struggle with the administration of a victims' fund.⁷⁴ The primary difficulty is defining the victims and then determining the scale of the respective needs of each. This problem does find some substantive precedents in certain Latin American countries, like Chile and Argentina; however, Rwanda presents a unique set of problems. Unlike Chile, the proposed program does not limit the number of recipients to a narrow segment of the population.⁷⁵ It asks for compensation for all survivors, with special priority given to women.⁷⁶ Unlike Argentina, the demand is urgent (the Argentine commission waited ten years before the reparations law was passed).⁷⁷ Madeline Morris explains that some people believe "this whole exercise is tragicomic, because Rwanda is such a terribly poor country that what we're doing is thinking of all the different ways to divide zero."⁷⁸ Despite pledges of international aid, Rwanda is notorious for absorbing money, particularly when the government administers the aid.

The Effect of the Rome Statute on Rwanda

In July 1998, 120 countries adopted the Rome Statute to create an International Criminal Court (ICC). The court was created in order to establish a permanent international body to try individuals for serious international law offenses, including genocide, war crimes, and crimes against humanity.⁷⁹ United Nations Secretary General Kofi Annan described the effort as "a giant step forward in the march towards

universal human rights and the rule of law.”⁸⁰ Before commencing its operations, the statute requires 60 ratifications (expected to take approximately two years). The opening of the ICC will therefore likely take place in the very near future. As of December 2001, 47 countries had joined the list.⁸¹

Although Rwanda has only signed and not yet ratified the Rome Statute,⁸² members of the ICTR have expressed a significant amount of interest in the creation and workings of the court⁸³ and have paid close attention to its design and the plans for its implementation. In part this has been a two-way street, since members of the ICTR have been consulted by those organizing the ICC for advice regarding administrative mechanisms that have succeeded or failed. Although the real impact of the ICC upon the ICTR will remain difficult to judge until the ICC becomes operational, the possibility that it may be used if the Rwanda situation is not resolved within the next few years is a very real one. It may also be used for acts committed before or after 1994, which is the extent of the ICTR’s temporal jurisdiction.⁸⁴ It may, for example, be able to catch certain planners and organizers of the genocide who, by virtue of their money and power, have managed to slip through the cracks and out of the country or who executed their crimes prior to 1994.

The ICC poses little threat to the ability of Rwanda to accomplish local justice. Its mandate specifically states that the intention of the court is not to replace national jurisdiction, but to complement it. As Hans Corell notes, “this complementarity principle became a key element in the negotiating process of the Rome Conference.”⁸⁵ If a state is unwilling or unable to carry out investigation or prosecution, the ICC may decide the case. It may also decide a case when the state elects to surrender its accused to the ICC for trial. If the state is willing and able, however, the Court may deem those cases being prosecuted by the state inadmissible. Rwanda possesses the will to carry out investigations, and in most cases it also possesses the ability. However, in certain cases, it does not possess the financial resources. Pending any more money it may receive from the international community, Rwanda will continue to be unable to expend a significant amount of money and manpower on tracking down war criminals. The desire to bring them to justice exists, but the means to do so may not. This is where the ICC may serve a useful complementary role.

The ICC also possesses an ability to deter state actors from certain actions that truth commissions, by virtue of their retroactive nature, cannot employ. Furthermore, it provides a useful deterrent to those in high political positions that the *gacaca* trials, since they target lesser offenders, may not. The Rome Statute may act as incentive for states to exercise the jurisdiction of their own courts for crimes contemplated by the statute.⁸⁶ The power of the specter of certain prosecution, regardless of one’s immunity within national borders and irrespective of one’s domestic legal traditions, cannot be underestimated. It should be especially valued given the fact that many recent conflicts have involved intra-state actors, especially in failed states. This particular strength of the Court, however, should not be viewed as negating the function of other avenues towards restorative justice. The ICC serves as a useful deterrent, while bodies like truth commissions or *gacaca* trials serve a restorative function that must come from national initiative. They may step in where international criminal justice fails. That we have a national court system in the United States, after all, does not mean that crime has been eliminated or that counseling does not serve a necessary and very real purpose.

It should also be noted that the established legal systems of certain states have taken centuries to develop, and that “at this juncture we are only at the beginning of this process at the international level.”⁸⁷ The debate about the irreconcilable nature of Eastern and Western justice, for example, still finds active argument within the political community, despite the fact that it has been settled to a limited extent within the academic community.⁸⁸ The ICC has yet to be tested, and as the difficulties of the Nuremberg and Tokyo trials demonstrate, it may be years before those working through it are able to produce a corpus of established guidelines. The ICC will not likely emerge instantaneously as an efficient or consistent body. The full power of its deterrence may not materialize for some time. Nevertheless, as Hans Corell observes, “a new comprehensive regime of international criminal justice has been established.”⁸⁹

Lessons to be drawn from Rwanda and perspectives on the future

The 1994 genocide in Rwanda was one of the worst atrocities ever committed. Nearly a million people were killed in one hundred days, and the difficulties associated with bringing some sense of justice to those 800,000 victims are enormous. No single measure seems adequate for the task; and indeed, no single measure *has* proven adequate to the task. Rwanda has chosen to address its past with a combination

of measures, and even this has not proven wholly successful. Its efforts have not yet been exhausted, but ultimately it seems only time will deliver reconciliation and peace. "What should be done with a recent history full of victims, perpetrators, secretly buried bodies, pervasive fear, and official denial?" Priscilla Hayner asks. "Should this past be exhumed, preserved, acknowledged, apologized for? How can a nation of enemies be reunited, former opponents reconciled, in the context of such a violent history and often bitter, festering wounds?"⁹⁰

Rwanda seemed to seek and implement any answer it could find. It has exhumed the past by erecting monuments and identifying the dead. It has preserved its past by striving to create a record with the *gacaca* system and the records of its domestic courts. It seeks to reconcile former opponents with the aid of the National Unity and Reconciliation Commission. In all of these ways, it represents an especially unique moment in the history of transitional justice, given the innovative nature of its mechanisms and the peculiar combination of them.

The international community, too, has sought to create a record and memorandum for itself in the records of the ICTR, perhaps as a warning to never again suppress evidence of genocide. It has also sought some sort of international reconciliation between itself and the nation-state of Rwanda through assimilating responsibility and assisting the nation in reconstruction, although it has not yet fully delivered on its promise of reparations. Even the OAU has expressed its sentiments of regret and grief, holding a panel that provided the Rwandan government and the United Nations with a set of recommendations aimed at prevention and reconciliation. Little by little, these efforts contribute to national peace, but much progress remains to be made.

Rwanda's peculiar version of justice provides an important lesson for the future, primarily for three reasons. First, the creation of the ICTR is historically significant not only because it is the fourth such tribunal in history and the second since Nuremberg and Tokyo, but because it represents commitment by the international community to address and handle genocide in a serious manner. The ICTR is also significant because its proceedings provide precedent, and its architects and practitioners have provided advice to the future International Criminal Court. Second, the relative failure of the NURC, to date, represents that, contradictory to the promise of South Africa, truth commissions do not always work. They must be formulated in a precise and efficient manner and the public must be aware of and engaged with them, and even yet the atrocity and nearness of a situation may demand measures more juridical in nature. Lastly, the implementation of the *gacaca* courts and other creative domestic measures demonstrates that justice may come from within rather than from the international community and that in certain cases it may even be accomplished more successfully.

Given the relatively small number of criminals who may be brought to justice for crimes against humanity in Rwanda, it is difficult to put faith in the optimistic visions that the Rwandan government and the international community sometimes promote. Violence persists, and until the cycle of collective attribution has been broken, it is likely that it will continue to persist; for despite the increasing menu of mechanisms through which to accomplish it, justice is simply difficult to accomplish in the face of enormous tragedy, grief, and anger. Rwanda is a realistic rather than a successful example.

The prospects for Rwanda's future are not entirely grim, however. The ICTR plods slowly onward, the ICC gathers more ratifications (as of July 1, 2002, the ICC had actually gathered enough ratifications to come into effect, although still not that of the United States⁹¹), and the *gacaca* system, along with the work of indigenous human rights groups, shows very real promise. The Rwandan people are committed to accomplishing justice and reconciliation, and this time the international community is committed to remaining by their side. As in so many other devastated countries and for so many other devastated peoples, the judicial process has now become a matter of hoping, slow healing, and waiting.

- ¹ Carla Hesse and Robert Post. 1999. *Human Rights in Political Transitions: Gettysburg to Bosnia* (New York, NY: Zone Books), 15.
- ² Priscilla Hayner. 2001. *Unspeakable Truths: Confronting State Terror and Atrocity* (New York, NY: Routledge), 34.
- ³ "Straw Approves Pinochet's Extradition." *Guardian Unlimited*, http://www.guardian.co.uk/Pinochet_on_trial/Story/0,2763,205077,00.html (April 15, 1999).
- ⁴ Hayner, 38.
- ⁵ Hesse and Post, 27- 29.
- ⁶ Ibid., 313.
- ⁷ www.rwanda1.com 2001.
- ⁸ Nigeria and Sierra Leone have also implemented truth commissions. Nigeria's Commission of Inquiry for the Investigation of Human Rights Violations began in 1999 and is still underway; it covers violations from 1966 to May 28, 1999. Sierra Leone's Truth and Reconciliation Commission began in 2000 and is also still underway. It covers violations between 1991 and July 7, 1999. Hayner, 297.
- ⁹ Bruce Jones. 2001. *Peacemaking In Rwanda* (Boulder, CO: Lynne Rienner Publishers), 54.
- ¹⁰ Hayner, 9.
- ¹¹ Paul Magnarella also points out that certain elements of historically ethnically divided Belgium may have begun to sympathize with the repressed Hutus, and people may have begun listening to them around this time. Many of the Flemish missionaries who arrived in Rwanda after World War II were part of a long-suppressed Belgian majority (the francophone Walloon minority has historically dominated). Paul Magnarella. 2000. *Justice in Africa: Rwanda's Genocide, Its Courts, and the UN Criminal Tribunal* (Brookfield, NY: Ashgate Publishing Company), 12.
- ¹² Ibid., 13.
- ¹³ Stef Vandeginste. 2001. "Rwanda: Dealing with Genocide and crimes against Humanity in the Context of Armed Conflict and Failed Political Transition." *Burying the Past: Making Peace and Doing Justice After Civil Conflict*, ed. Nigel Biggar (Washington D.C.: Georgetown University Press), 251.
- ¹⁴ <http://www.oau-oua.org/document/ipep/report/rwanda-e/EN-08-CH.htm> (November 27, 2001).
- ¹⁵ Olivier Dubois. December 31, 1997. "Rwanda's National courts and the International Tribunal." *International Review of the Red Cross*, 321. <http://www.icrc.org/ihrceng.nsf/c1256212004ce24e4125621200524882/8351e0ff1eded871412565ae00315eaa?OpenDocument> (November 27, 2001).
- ¹⁶ Vandeginste, 236.
- ¹⁷ <http://www.ictt.org/ENGLISH/geninfo/intro.htm> (December 3, 2001).
- ¹⁸ Ibid.
- ¹⁹ Magnarella, 43.
- ²⁰ Aryeh Neier. 1999. "Rethinking Truth, Justice, and Guilt after Bosnia and Rwanda." *Human Rights in Political Transitions: Gettysburg to Bosnia*, ed. Carla Hesse and Robert Post (New York, NY: Zone Books), 43.
- ²¹ <http://www.womensenew.org/article.cfm/dyn/aid/301/context/archive> (November 14, 2001).
- ²² <http://www.ictt.org/ENGLISH/geninfo/kofi.htm> (December 3, 2001).
- ²³ Ibid.
- ²⁴ Magnarella, 47.
- ²⁵ Hans Corell. 2001. "Evaluating the ICC Regime: the Likely Impact on States and International Law." 5. http://www.un.org/law/counsel/english/romestatute_dec00.pdf (December 3, 2001).
- ²⁶ Magnarella, 43. Only a handful of Rwanda's seven hundred judges remained alive after the conflict.
- ²⁷ <http://www.ictt.org/ENGLISH/factsheets/1.htm> (December 3, 2001).
- ²⁸ Ruti Teitel. 1999. "Bringing the Messiah Through the Law." *Human Rights in Political Transitions: Gettysburg to Bosnia*, ed. Carla Hesse and Robert Post (New York, NY: Zone Books), 189.
- ²⁹ http://www.sas.upenn.edu/African_Studies/Hornet/irin_21997.html (November 17, 2001).
- ³⁰ Even in Arusha, however, the administrative facilities were minimal. The ICTR had no detention center or courtroom facility to begin with, and the building in which it began work had no telephone lines or glass in the windows.
- ³¹ http://www.adm.duke.edu/alumni/dm8/rwanda_txt.html (December 3, 2001).
- ³² Magnarella, 55.
- ³³ <http://www.hri.ca/fortherecord2000/vol2/rwandaga.htm> (December 3, 2001).

- ³⁴ This includes prisons and bars. One magistrate suggests that the Rwandan public is at least as interested in the trials as it is in football.
http://www.internews.org/activities/ICTR_reports/ICTR_genocidofilm_03_01.htm (December 6, 2001).
http://www.internews.org/activities/ICTR_reports/ICTR_reports_may2001.htm#reconciliation (December 13, 2001).
- ³⁵ http://news.bbc.co.uk/hi/english/world/from_our_own_correspondent "Rwanda's Slow Justice." (May 19, 2001).
- ³⁶ Magnarella, 61.
- ³⁷ Hayner, 89.
- ³⁸ <http://www.icttr.org/ENGLISH/factsheets/1.htm> (December 3, 2001).
- ³⁹ http://www.sas.upenn.edu/African_Studies/Hornet/irin_21997.html (December 3, 2001).
- ⁴⁰ <http://www.hri.ca/fortherecord2000/vol2/rwandaga.htm> (December 3, 2001).
- ⁴¹ Magnarella, 80, 71.
- ⁴² <http://web.amnesty.org/ai.nsf/Index/AFR470102000?OpenDocument8> (December 3, 2001).
- ⁴³ People are often rearrested after they have been released.
<http://www.hri.ca/fortherecord2000/vol2/rwandaga.htm> (December 3, 2001).
- ⁴⁴ Ruti Teitel. 2000. *Transitional Justice* (New York, NY: Oxford University Press), 48.
- ⁴⁵ <http://www.rwanda1.com/government/governancep.html> (December 3, 2001).
- ⁴⁶ Ibid.
- ⁴⁷ www.nurc.org (November 17, 2001).
- ⁴⁸ http://www.rwanda1.com/government/07_31_00news_Solidarity.htm (December 3, 2001).
- ⁴⁹ Ibid.
- ⁵⁰ <http://www.hri.ca/fortherecord2000/vol2/rwandaga.htm> (September 11, 2002).
- ⁵¹ <http://www.hrw.org/backgroundunder/africa/rwanda-bck-0131.htm> (December 5, 2001).
- ⁵² Ibid.
- ⁵³ Hayner, 41.
- ⁵⁴ Ibid., 42.
- ⁵⁵ <http://www.rwanda1.com/government/genocide.html> (December 3, 2001).
- ⁵⁶ http://www.rwanda1.com/government/07_11_01_gacacaj.htm (December 5, 2001).
- ⁵⁷ <http://www.africana.com/news-home/2001/10/04/wstm/> (November 14, 2001).
- ⁵⁸ <http://www.hrw.org/backgroundunder/africa/rwanda-bck-0131.htm> (December 3, 2001).
- ⁵⁹ <http://www.africana.com/news-home/2001/westm/> (November 14, 2001).
- ⁶⁰ Ibid.
- ⁶¹ <http://www.jhuccp.org/news/102901.stm> (December 5, 2001).
- ⁶² Various sources report between eighty and ninety percent participation at the polls in October 2001 when the judges were elected.
- ⁶³ <http://www.hrw.org/backgroundunder/africa/rwanda-bck-0131.htm> (December 5, 2001).
- ⁶⁴ "Rwanda: IRIN Special Feature on Rwandan Trials, 2/19/97."
http://www.sas.upenn.edu/African_Studies/Hornet/irin_21997.html (December 3, 2001).
- ⁶⁵ Magnarella, 73.
- ⁶⁶ "Rwanda: IRIN Special Feature on Rwandan Trials, 2/19/97."
http://www.sas.upenn.edu/African_Studies/Hornet/irin_21997.html (December 3, 2001).
- ⁶⁷ Magnarella, 83.
- ⁶⁸ Dr. Salim described the panel as stemming in part from a 1993 OAU initiative establishing the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution in Cairo, Egypt. Dr. Salim A. Salim, <http://www.oau-oua.org/document/ipep/Speeches/ipep.htm> (December 5, 2001).
- ⁶⁹ Prime Minister Metes Zenawi of the Federal Democratic Republic of Ethiopia. <http://www.oau-oua.org/document/ipi/Speeches/ipep.htm> (December 5, 2001).
- ⁷⁰ Vandeginste, 226.
- ⁷¹ <http://www.hri.ca/fortherecord2000/vol2/rwandaga.htm>
- ⁷² <http://www.oau-oua.org/document/ipep/report/rwanda-e/EN-24-CH.htm>
- ⁷³ Teitel, 127.
- ⁷⁴ The issue is not so much in collecting it because several nations have pledged significant amounts of money (the United States included) for the fund.
- ⁷⁵ Hayner, 172.

⁷⁶ <http://www.oau-oua.org/document/ipep/report/rwanda-e/EN-24-CH.htm>

⁷⁷ Hayner, 175.

⁷⁸ Morris.

⁷⁹ gopher://gopher.igc.apc.org/00/orgs/icc/undocs/faq_dpi.txt

⁸⁰ Ibid.

⁸¹ <http://www.igc.org/icc/html/HungaryRatPress.html>

⁸² <http://www.igc.org/icc/html/countryindex.html>

⁸³ <http://www.igc.org/icc/html/ICTR.html>

⁸⁴ Magnarella, 44.

⁸⁵ Hans Corell. 2001. "Evaluating the ICC Regime: the Likely Impact on States and International Law." (December 3, 2001), 5. http://www.un.org/law/counsel/english/romestatute_dec00.pdf

⁸⁶ Ibid., 12.

⁸⁷ Ibid., 14.

⁸⁸ Richard Goldstone. 1999. "Human Rights in Political Transitions: Gettysburg to Bosnia." Ed. Carla Hesse and Robert Post (New York, NY: Zone Books), 10.

⁸⁹ Corell, 17.

⁹⁰ Hayner, 4.

⁹¹ <http://www.hrw.org/campaigns/icc/> (September 11, 2002).

Live from Doha—It's... Al-Jazeera?

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After a long history of restricted and state-controlled press, the Al-Jazeera network has flourished in both the Middle East and the West. Based out of Qatar, the only free speech outlet in the Arab World, it has developed a maverick reputation by covering both Israeli and Palestinian atrocities, interviewing anti-American speakers, and scooping its Western rivals. This research examines how this media oasis has expanded independent news coverage throughout the region and how it may continue to survive through the growth of hostilities since September 11th. By adopting advertisements, syndication, and a shares system, Al-Jazeera could continue to educate people on the events in that area of the world and take advantage of their monopoly over Osama Bin Laden interviews to promote itself with the West.

Introduction

The two women sat opposite each other, inwardly harboring their anger while outwardly personifying their diametrically opposed beliefs. For two hours they would be forced into a dialogue by the ever provocative and controversial moderator, Faisal al-Kasim. To his left sat Safinaz Kazem, a feisty and inwardly motivated Egyptian writer and recent convert to Islam. In the opposing corner sat Tojan Faisal, a former member of the Jordanian parliament and an expert at maintaining a calm and diplomatic appearance. The subject of conversation—polygamy and Islam.¹

For the majority of Americans nothing about the above scenario would seem foreign, save the subject matter. In our nation's history, we, as Americans, have yet to know a time when the press was not granted an overwhelming range of freedoms. What is surprising about the aforementioned scene is that it took place, not in the confines of CNN's Atlanta studio, but inside the al-Jazeera Satellite Channel (JSC) studio in Doha, Qatar. Until six years ago in the Islamic nation of Qatar, a public discussion between two women on an issue as controversial as polygamy in the Islamic faith would not only have been inconceivable, but would have lacked a televised forum. While the West would find it hard to conceive of a press that is completely controlled, financed, or censored by the state, such circumstances are all too often realities in the Middle East.² Therefore, it should not be surprising to learn that Western-style democracy has yet to take root in the Arab Middle East. Al-Jazeera thus provides an intriguing case study to analyze the effects of free media in a relatively authoritarian landscape.

Since its inception following the April 1996 collapse of the regional British Broadcasting Company's (BBC's) Arabic Television Network, al-Jazeera has continually tread on hallowed ground, never ceasing to stir controversy and always raising the level of debate. In existence for only six years, it remains difficult to determine whether the network has forsaken the cause of promoting free media in an effort to cash in on sensationalistic coverage and thus exacerbate regional conflicts, e.g. the Al-Aqsa Intifada.² Still, al-Jazeera's implications for regional security issues, foreign policy with the West, social developments concerning Islam, and the effect on the Arab-Israeli conflict can all be loosely gauged and analyzed. Why have democracy and free press been such distant concepts in the past? Can one television news network permanently bring into the Middle Eastern lexicon the terms freedom and democracy?

Free Media, Before there was Free Media

Safinaz Kazem appeared intensely frustrated as her opponent pushed this intellectual and theoretical battle into a full-fledged war between contrapuntal interpretations of the Qu'ran. For Kazem, a "former-Marxist-turned-Islamist with an acid tongue," the Qu'ran provided no ambiguity on the issue of polygamy. Her strict-constructionist lens allowed her to justify the right of a man to have multiple spouses because that was the way of the prophet Mohammed. Her opinion was steadfast, certainly not swayed by her liberal, free-wheeling feminist opponent, and her resolve was being disseminated across

*the barren Arabian Desert and ingested live (and in tape format) in the abodes and gathering places from Damascus to Khartoum and from Tripoli to Tehran.*³

Roughly 130 years prior to that afternoon debate on the program “Opposite Direction,” the Middle East was receiving its first taste of a free press—that is, press that is not censored, owned, or operated by the state with the intention of mandating control and publication. Before the Napoleonic invasion of Egypt in 1798, the mosque existed as the only reliable source of information and news in the largely Ottoman-controlled Middle East.⁴ Therefore, it should not be surprising that the dispersal of information before the early nineteenth century was censored and manipulated by the ulama, or clerics, of each individual mosque. This stringent control of information by the Ottoman rulers stemmed from the long-held fear that the invasion of Western institutions such as the press would destroy their fragile control of their vast territory. It took the invasion of the French to demonstrate the usefulness of an effective publication.⁵

After experiencing the dramatic impact of the French media on harnessing political power, Muhammad Ali (1805-1848), the first post-occupation ruler of Egypt, opted to create his own information network, which was in place by 1813. Over the span of the next fifty years, the governments of Muhammad Ali’s successors, until the reign of Isma’il (1863-1879), would allow the stagnation of government publications due to a lack of state interest in development. Under the leadership of Isma’il, the 1870’s and 1880’s marked the true dawn of a free media in Egypt as he regained Muhammad Ali’s sense of the importance of the press in terms of political power. Relative freedom was granted to the publishers of works during this period, so long as they did not directly challenge or attempt to undermine the authority of the state.

In an effort to introduce similar Western developments, the Ottomans adopted the idea of a state-run media. Like Egypt, their efforts to maintain total state control failed, due to the success of private enterprise. So, while the flirtation with free media in some countries was short-lived, the ease and speed with which the concepts of this new communication form spread would provide a crucial barometer for future events. The era of the initial free press in Egypt would last throughout most of the British occupation and only come to a halt with the onset of World War I. As the pressure from the occupation grew and the sense of resentment expanded across Egypt, the press became a tool of revolt, as it functioned unchecked by the British. Realizing the dilemma all too late, Lord Cromer and later Gorst would “learn that battles waged by governments against free speech were hard to win, especially when the quest for freedom of expression was part of a national struggle for independence, and in fact, constituted its primary means.”⁶

Still, the British had a plan to rid themselves of the burden of the press. With the outbreak of World War I, the British had the ideal setting for initiating media censorship. In times of war, civil liberties and freedoms are placed in a stricter context and interests of national security become paramount. Thus, the British seized the opportunity to tighten the restrictions on the press and, in the process, snuffed out the vast majority of publications. This allowed the British, and later the Egyptians, to construct a post-war media system that would not only be under closer scrutiny and tighter control, but also pave the way for a state-run media network.

This cursory overview of Middle Eastern media in the nineteenth and early twentieth century was not intended to act as a historical survey, but instead to present three trends that influence contemporary media in the region. As was the case in Egypt, the evolution of the press from puppet institution of the state to a prosperous, free enterprise would not be a phenomena limited to the late nineteenth century. Furthermore, the spread of free press as a concept from one country to another would play a significant role in the importance of the al-Jazeera network. Finally, the use of censorship as a political tool during a state of war posed a looming threat to the nature of media in the region. All three of these trends carry serious implications for the survival of al-Jazeera.

While the nations on the Mediterranean developed a vague semblance of self-governance by the end of World War I, those on the Arabian Peninsula were largely left behind. The reason for the eventual and abysmal failure of most of the print media was that the Gulf States had an estimated 15 percent literacy rate at the midpoint of the twentieth century.⁷ This lack of an educated market would remain a large blockade for printed media, one that would only be overcome with the advent and implementation of broadcast media.

The inception of the radio and television was, however, not the turning point in the development of media in the Gulf States. Instead, the growth came with the dramatic revenues that were generated from the sale of newly discovered oil. Now, Gulf States could afford better education systems, broadcasting

equipment, and the necessary electronic infrastructure. Just as in the oil business, the new media industry also brought in an enormous number of foreign nationals, e.g. Egyptians, Pakistanis, Indians, and Filipinos, because of the need for more “qualified personnel to undertake sophisticated broadcast equipment maintenance.”⁸ With the monstrous influx of funds into the region the media grew exponentially, so that by the end of the twentieth century, “Kuwait, Saudi Arabia, Qatar, and U.A.E. . . . probably constituted the largest home video cassette market in the world.”⁹ Despite all this development however, state-run media remained the only option until an unusual set of circumstances presented itself in Qatar in 1995.

Why Qatar?

Like the majority of the employees at the al-Jazeera studio, Faisal al-Kasim the host of “The Opposite Direction,” is not from Qatar but instead from the nation of Syria. He sits partitioning his guests, as would a fence line, and leans on the edge of his chair, seemingly drawn into the fray. Then, using his “Rottweiler-like snippiness” Kasim interjects with a follow-up question, intended to push these two radically opposed opinions onto a convergent path. Al-Kasim speaks with scholarly confidence, evidence of his doctorate in English literature. The mere presence of this controlled, but driven, academic figure would by instinct seem to alleviate the soaring tensions, but his presence and repeated interdictatory comments seem only to exacerbate the conflict between the two women. Thus, Kasim’s presence as a moderator is well-contrived. Everything from the establishment of the network to the most minute detail has been organized with a specific goal in mind—that being the liberalization and democratization of Qatar, and more importantly, the rest of the Arab world.¹⁰

The situation that existed in Qatar in the mid-1990’s allowed for the destruction of barriers standing in the way of development of free media in the Middle East. The first of these events occurred in 1995, when a bloodless coup changed the power structure in Qatar.¹¹ Then, in less than a year, the BBC would end its Arabic television programming in the Middle East as a result of the decision by Orbit Radio and Television to cancel its contract with the BBC.¹² But despite these significant occurrences, the success of the al-Jazeera network was not guaranteed. Instead, as is sometimes the nature of success in the media, crucial timing and prompt coverage of key events played the most significant role. Al-Jazeera was blessed with three well-timed regional developments.

When Sheikh Hamad ibn Khalifa Al-Thani deposed his father to assume complete control of the Qatari government, he did so with the intention of bringing a dramatic liberalization to the stale authoritarian political world of the Gulf States. As one of his first initiatives, Emir Hamad dissolved the Ministry of Information, an anachronistic staple of traditional Middle Eastern regimes.¹³ Then in an unprecedented step, Emir Hamad took to the task of laying the framework for the future al-Jazeera network himself.¹⁴

It should be noted that Hamad’s actions, while bold and proactive, were not “forced on the regime by economic necessity.”¹⁵ Rather, his initiatives of change were an unprecedented result of a monarch wishing to relinquish power in an effort to strengthen both foreign policy alternatives and domestic stability. In more explicit terms, the opportunity to become the vanguard for liberalization was viewed as an opportunity to alter the balance of power in a region that had long been dominated by the Saudis, among others. The Emir’s maverick attitude would become reflected in the state as this tiny nation, with its total reliance on the oil market, would undergo a metamorphosis into a regional powerhouse and an influential policy player.¹⁶

Despite the best efforts of the Emir, it is doubtful that the success of al-Jazeera would have been as swiftly achieved had it not been for the almost simultaneous withdrawal of the BBC from their regional television news project. This action created a media vacuum in the region, as the BBC was one of a select few Western mass media outlets, who “for decades . . . furnished news-hungry Arabs with reports on events in their own countries.”¹⁷ With thousands of newly unemployed media technicians and news personalities now desperately seeking new employment, the Emir found a pool of educated and knowledgeable professionals to jump-start his new pet project.

The benefit of finding and hiring a trained group of journalists and producers was simply to condense the learning period for the new network, making it competitive in the shortest time possible. Competition of three preexisting satellite networks caused this haste: the Middle East Broadcast Company

(MBC), the Egyptian Space Channel (ESC), and the Lebanese Broadcasting Corporation (LBC). For al-Jazeera, the task was to distance itself from these already established networks, all of which were either controlled by the state (ESC) or state-controlled by proxy (LBC and MBC). In doing so, it maintained prominence in the local media market.¹⁸ Within two years, al-Jazeera would be given an opportunity to gain worldwide attention.

On 18 December 1998, the United States initiated Operation Desert Fox, a bombing operation on Baghdad. With Western intervention came Western interest in the operation, via CNN. Deferring to a prominent regional source of information, CNN began to run footage from al-Jazeera, and therefore promoted the network on a global scale. The real breakthrough, however, did not come with the footage of nighttime air raids, but rather with a speech made by Saddam Hussain two weeks after the attack in which he called for a united Arab demonstration against the United States' actions. For al-Jazeera, its coverage of this speech allowed it to "[scoop] its larger and more famous rival" and once again gain the world spotlight.¹⁹

While the Iraqi case allowed al-Jazeera a temporary moor in the limelight of Western culture, more recent and current events have solidified its position as the default source of information in the Middle East. The first of these events was the commencement of the al-Aqsa Intifada. Covered most in-depth by al-Jazeera since the fall of 2000, this uprising, primarily in the West Bank, has allowed for almost daily international coverage of an event. The enormity of the situation required networks like CNN to rely more heavily on al-Jazeera for day-to-day coverage, thus providing an almost perpetual platform for publicity.

As with the al-Aqsa Intifada, the current war in Afghanistan has allowed al-Jazeera its greatest opportunity to date. As the sole network with access to the notorious Osama bin-Laden, al-Jazeera has become the gateway for access to information and intelligence on the West's most despised adversary. Being in this position has earned al-Jazeera recognition on all major network news broadcasts and several in-depth features.²⁰ As the war against the Taliban in Afghanistan continues, there exists the possibility that al-Jazeera will grow to become a household name in many Western nations.

Perhaps the most delicate issue involved in the organization's launch was the financing of operations. At the time of inception, the Emir created al-Jazeera with a five-year loan of \$137 million U.S. dollars.²¹ While the loan was temporary, the concept of a state-financed free media organization appeared far-fetched. In fact, al-Jazeera has drawn harsh criticism for not maintaining a more introspective view on the Qatari political system. The presence of two relatives of the Emir on the directorate for al-Jazeera raised the issue of control by proxy (as is the case in Syria), but since al-Jazeera "is so keen to challenge everyone else . . . an approximation of credibility is preserved."²² As the termination date for the five-year loan approaches in 2002, the network will be forced to become an independent entity, and thus any hypothesized intra-state bias will be unfounded.

The options for al-Jazeera to achieve economic self-sufficiency rest in three main areas. The first, and most lucrative, is the introduction of commercialization--specifically advertising sales. This option has become difficult to realize with the reluctance of marketers to advertise on the often-controversial network, not to mention the "Saudi control of most of the advertising agencies in the region."²³ The second area for self-financing is from sales of both pictures and programming to other networks and agencies. Al-Jazeera has a growing monopoly on access to the region and certain topics, e.g. Osama bin-Laden, therefore al-Jazeera stands in a great bargaining position to profit from the West's addiction to sound bites and dramatic video-clips.²⁴

The third option is to sell the government shares of the network in an "initial public offering (IPO)."²⁵ The danger in this action is that reliance upon outside influence produces the potential for external manipulation of the message. Some would argue that this scenario is no different than that of state financing. In the case of the Qatari government, the state financing came with minimum requirements; corporate sponsors are often more demanding. As stated by Naomi Sakr, "the paradox of al-Jazeera's situation is that were it wholly in the private sector its relatively independent approach might be curtailed."²⁶ Therefore, it should be understood that there is a distinction to be made between public vs. private and free vs. controlled, as one does not necessarily imply the necessity of the other.

So as not to become misdirected by the nuts and bolts of al-Jazeera's structural integrity, it should be reiterated that the mission of the network, the dissemination of freedom and accountability, was paramount to all other concerns--save survival. The maverick attitude of the Emir can also be seen in some of the network's employees, as in the case of one journalist who explained the reason behind the success of the network by declaring, "We are the only network that doesn't give a damn."²⁷

Ramifications: Politics, Culture, and Western Foreign Policy

The tension and frustration could be seen mounting in the eyes of Tojan Faisal as Safinaz Kazem espoused her born-again rhetoric. Faisal, a former member of the Jordanian parliament, was no stranger to intellectual confrontation. Her calm demeanor balanced the visual impact of the ill-tempered Kazem, despite Faisal al-Kasim's best attempt to steer the conversation toward confrontation with his leading questions. Tojan Faisal's liberal interpretation of the Qu'ran as an allegory for direction rather than a verbatim testament for the faith would be considered far too radical to be broadcast on any other network in the Middle East. As the debate over such issues has been publicly suppressed in the region, something as trivial as the disagreement over polygamy in Islam could ignite not only the tension in the studio, but also spark controversy and public debate on the issue.²⁸

After the successful coup in 1995, Emir Hamad publicly justified his actions with the unusual statement that he was seizing power in an effort to relinquish it. In July of 1998, Hamad presented the plan for a "29-member municipal council, which would be elected by universal suffrage, and for which any citizens over the age of 25, including women, could stand."²⁹

While such a measure might seem inconsequential when viewed in the larger context of the goal, democratization at any level provides a testing ground and a foundation on which future institutions can be based. Shortly after the announcement of the elections, the Emir told the Reuters News Agency, "Municipal elections are the first step toward a gradual process until we reach the goal of full-scale democracy."³⁰ To further demonstrate his resolve, Hamad ordered a three-year study to develop a constitution in which a parliament would be created. Thus, the authoritarian stranglehold that likened Qatar to its neighbors began to loosen.³¹

The seemingly idealistic motive and direction of the Emir's goal toward a Western-style representative democracy for Qatar were not as well-intended as it might appear. Arguably, one reason many of the Gulf States' rulers have maintained monarchical authority was to protect their rigid governmental control over vast pools of financial wealth. As the Qatari model for democracy is fashioned, it appears that "political reform has not extended to the reform of public finances."³² Thus, until the Emir creates a system, where in a parliamentary body is allotted certain powers of the purse, any form of government will be by default subservient to the Emir.

This one flaw might, of course, only be a temporary condition until a working governmental body can execute such broad authority. The Emir's claim was supported by his actions in other realms of liberalization, most notably the press. While attempting to forge a democracy, the Emir simultaneously created the opportunity for the establishment of an independent press. This action raised the question of the relationship between free media and democracy. It appeared as if the Emir had opened the door for the independent media in an effort to foster the development of his ideal democracy, thus presenting the argument that without a free media, democracy would not be possible. If this point should be proven valid, it would have massive implications for a region stifled by authoritarian rule. If al-Jazeera remains operational and independent, will this guarantee the establishment of a representative system of government?

While the internal impact of al-Jazeera provides interesting insight, the true gauge of the network's impact can be seen via the reaction of other Middle Eastern governments. These states, not limited to the Gulf States, follow a hypocritical formula in constructing their reaction. According to some nations in the Gulf region, Emir Hamad simply uses al-Jazeera as a means to promote "his country as a maverick in the Gulf."³³ In other regions, such an acknowledgment would mean little, but the Middle East has long been known for its unilateral actions and collective security. Also, it is feared by some states that Qatar is merely advancing this cause so as to curry Western favor, by leading the rush toward liberalization. In doing so it is believed that Qatar is acting in its own economic best interest, rather than in the best interest of the region as a whole.

Subsequently, several of these concerned states have resorted to suppressing the network's actions within their borders. Despite being one of the most widely viewed networks with innovative programming and cutting-edge technology, the Arab Radio and Television Broadcasters Union denied the network membership. The reason for this harsh action was reported to be the station's failure "to abide by the

association's code of honor [sic]."³⁴ Several nations have taken it one step farther. For example, "al-Jazeera bureaus have been temporarily closed in Kuwait and Jordan; an Algerian reporter was stripped of his license; the Moroccan Government canceled a show on democracy; an employee was deported from Bahrain; ...[and] Saudi Arabia has a permanent ban on al-Jazeera reporters."³⁵

Such suppression has not been the only response; criticism from neighboring regimes has often been more prevalent. In one outstanding instance, al-Jazeera came under pressure from both sides regarding potential bias in its coverage of Iraq. On one hand, Kuwait had long argued that al-Jazeera maintained a pro-Iraqi stance, while Saudi Arabia had openly criticized the network for its failure to support Iraq during the 1998 bombing raids by the United States.³⁶ Attacks of this nature are the inevitable byproduct of an attempt at objectivity in news coverage. The fact that attacks were directed from both sides of the issue by allied states proves that al-Jazeera is succeeding in accomplishing its mission—attempting to deliver unbiased news.

There also exist a number of states that recognize the benefits of al-Jazeera. Most notably, these feelings arise in terms of the Arab-Israeli conflict, which permeates all levels and areas of Middle Eastern society. With the outbreak of the Al-Aqsa Intifada in the fall of 2000, as noted earlier, the ensuing tensions and conflict have provided nightly news reels of bombings, troop movements, activities in settlements, and internal struggles. This outbreak of hostilities, while tragic, can be seen as one of the reasons for al-Jazeera's success.

With nightly coverage of violence in the West Bank and Gaza, many in the Middle East are getting their first glimpse into the conflict, and the images are becoming repetitively ensconced in their memory. By way of al-Jazeera, the Intifada is brought "into the living rooms across the Arab world and, in doing so, is proving to be a potent factor in shaping--often inflaming--public opinion."³⁷ Thus al-Jazeera's presence has exacerbated the conflict and subsequently made its implications and actions more far reaching.

One would assume that many pro-Palestinian states would be pleased with al-Jazeera for its role in publicizing the Arab-Israeli conflict and entering the scenario as a Palestinian ally. The network has come under attack from both groups. While it is expected that the Israelis would object to the coverage of Palestinian civilians being murdered in the streets by Israeli Defense Forces troops, criticism from the Palestinian Liberation Organization (PLO) has occurred. PLO Chairman Yasser Arafat ordered the West Bank office of al-Jazeera shut down in March of 2001 after footage of him was aired that was apparently not flattering. The image of a demonstrator holding shoes over a picture of Arafat, an offensive gesture in the regional culture, caused enough internal outrage to censure the network that had promoted the PLO's cause.³⁸

This same antagonism toward al-Jazeera was directed from the Israeli camp. Although al-Jazeera was the only Arab network to have an office in Jerusalem and frequently aired interviews with Israeli leaders, many in the Israeli government treated the network with contempt. For Shimon Peres, the Israeli Foreign Minister, the reason was simple to explain, "I think Israel has a problem with the way things are shown [on] television," criticizing the disproportionate coverage given to Palestinian deaths in the conflict in comparison to Israeli ones.³⁹ It is surprising that Israel does not seize the opportunity to use al-Jazeera, as it is the only Arabic outlet to which they have free access, and make an attempt to spin the conflict in their favor.

Despite the criticism from regional governments, al-Jazeera has been accepted as a nearly permanent fixture in the region, existing as a necessary evil. The safety of the network lies in the fact that it provides both sides of the conflict an outlet for their views unedited by the state, thus holding much more credibility than a comment by the more traditional media. Al-Jazeera exists as a political tool, a pawn in the game for control of public opinion.

Debate over the tenets and practices of Islam has always been limited and when held, rarely in full public view. With the inclusion of programs like "Sharia [Islamic Law] and Life," hosted by Sheikh Hamad on al-Jazeera, Islam has been introduced into the public debate forum. Sheikh Hamad utilizes his program in an effort to show "that there has been confusion between culture and religion in the Arab world."⁴⁰ Other programs such as "The Opposite Direction" have also incorporated debates of Islamic principles, such as polygamy and the nature of the Jihad. Whereas before, Islamic interpretation was left to the local clerics and sheikhs, now the entire region is privy to the potential for conflicting interpretations of the Qu'ran and Islamic Law.

Breaking the Cycle: From Screen to State

As the debate grew fiercer, there was a sense something was wrong. What started as a seemingly typical debate between two women on the subject of polygamy in Islam grew into a trading of verbal assaults and slanderous accusations--an anachronistic interpretation against a modernist iconoclastic explanation. The stage was set for drama, and mid-way through the broadcast that is exactly what the Arab public witnessed. Safinaz Kazem, the strict-constructionist, decided that Tojan Faisal and her rejection of polygamy were not worth the time or energy of argument, and with that decision, Kazem gathered her notes, and while live and on-air, stood up from her chair, turned, and walked out the nearest door--much to the dismay of host Faisal al-Kasim. The Arabic viewing public had witnessed its first on-air rejection of free debate. It would appear from this ominous scenario that the archaic mindset of some scholars and leaders was not ready for the emersion into the modern world and its embrace of public debate.⁴¹

The above survey of al-Jazeera provided a plethora of evidence supporting the status of the network as a groundbreaking institution with much to offer the Arabic world. The issue thus becomes not whether al-Jazeera is a revolutionary force, but in what manner can it coalesce the vapors of societal and political reform? Can al-Jazeera be a successful instrument of permanent change?

When applied to the al-Jazeera network, the three historical trends discussed earlier yield an explanation to the question of the potential effectiveness of the network. First, as was the case in Egypt, the development of media from a puppet of the state into a free and independent source of news was an almost irreversible trend. Once it was unleashed, the Egyptian government witnessed the spread of the free print media throughout the nation utilized not only by the elite, but also by the middle classes, a growing literate segment of the population.

The spread of free media was not constrained within the borders of Egypt. Soon leaders in Lebanon and Syria found themselves quasi-free media states. Such a trend lends credence to the argument that the creation of al-Jazeera will not be an isolated event within Qatar, but will spread to other states. With satellite television, most states already receive transmissions, but the development of free networks within states seems increasingly likely as governments become aware of the power and usefulness of such innovations. Already, other states like Kuwait and Lebanon are being forced to add more liberal programming into their networks in an effort to compete.

One cautionary note arises from the final trend in history. While in the Egyptian case, the state found difficulty containing the spread of the free print industry; the British successfully eliminated the free Egyptian press as a reaction to security threats posed by World War I. While almost every other Middle Eastern nation has expressed resentment toward Qatar for allowing al-Jazeera to broadcast, the onset of the recent war in Afghanistan presents a potential new challenge to the network. Although it has the support of the Qatari government for the present, the network must remain careful not to create unnecessary tensions that could result in its disbandment under the claim of national security or interest.

This latest development also introduces the role of the United States in the development of al-Jazeera. Before the attacks of September 11th, little interest or attention was given to the fledgling news network in one of the smallest nations in the world by the Americans. As tensions rose following the attacks and blame for the actions was placed on the al-Qaeda network and its leader Osama bin-Laden, al-Jazeera gained immediate attention. As the only network with a bureau in the Afghan capital of Kabul and the only network with unfettered access to bin-Laden, al-Jazeera gained a footing as a major player in the modern media war.

Having spent the majority of its existence up to this date angering every faction, party, leader, and nation in the Arab world, al-Jazeera now had the world stage and the force to spread its message to the Western world. The Bush administration soon took note of this "matchbox"⁴² with the realization that, while the West was winning the military engagement, it risked losing the media war. The Bush administration has claimed that the network "encourages anti-American sentiment in the Middle East" by inviting "anti-American guests who have argued that U.S. foreign policy was to blame for the September 11 terrorist attacks."⁴³ The administration has further taken the view that "al-Jazeera is trying to run the divide and fuel the flames of fundamentalism."⁴⁴

Reiterating the Bush administration's point, Fouad Ajami presented in a recent expose for *The New York Times* a scathing criticism of the network as a "dangerous force" whose "virulent anti-American

bias undercuts all of its virtues."⁴⁵ Ajami further states that it would "be folly for America's leaders to spend too much energy trying to moderate al-Jazeera."⁴⁶ Such claims, while seemingly prudent, are not only based against the foundations and principles of the United States, but also run counter to its objectives. In order to successfully win the war on terrorism, which has been declared by much of the West, the United States must focus not only on a military campaign, but also a media war to attempt to win support in the Middle East, especially among moderate Islamic states. Instead of pushing al-Jazeera away from the United States and the West, the Bush administration should embrace the network, effectively courting it in hopes of a quid pro quo. The network has already proven to be an effective tool for rallying the majority of Middle Eastern society; now it is time for the United States to do the same vicariously through the network. The United States has two options for successfully becoming involved in the network. One option is through personal contact. Al-Jazeera has already broadcast interviews (all after the events of September 11th) with Colin Powell, Donald Rumsfeld, Condoleezza Rice, and Tony Blair. In doing so, the network has shown its interest in presenting the Western perspective.

The second course of involvement lies in funding of the network through paid commercial airtime by private American enterprise. Al-Jazeera, while successful, remains funded by the purse of the Qatari government. Under the five-year loan plan established in 1996, the government would continue this funding until the network reaches a profit margin that could be self-sustaining. The network has had difficulty raising that money, because many regional advertisers and governments disapprove of the critical nature of the network and refuse to allow advertising and financial relations. Thus, many of the network's advertisers are Western, and the network has announced publicly that it will accept messages from the United States Government. The director of the network's advertising agency even stated that "not only would we take advertising from the U.S. Government, it will be an honor for us."⁴⁷ Such an investment would not only curry favor with the network, but also allow the United States to address the Arabic-speaking public and present its case, a fight that is necessary to achieving the support of Arab nations.

Conclusion

The United States should recognize the opportunity to use al-Jazeera as a vessel through which to encourage the reformers of Islam, since Islamic extremists seem to be in control of the Islamic reform movement instead of the majority of the followers of the faith. But with al-Jazeera allowing public debate of religious issues, the opportunity for reform is present. As columnist Thomas Friedman argues, "... the deadly cycle that produced bin Ladenism--poverty, dictatorship, and religious anti-modernism, each reinforcing the other--just gets perpetuated."⁴⁸ Friedman further notes that behind the commencement of debate on modernizing Islam is the creation of the free press: "In Arab States this debate is still muted. But in Pakistan and other Muslim countries with a relatively free press, writers are raising it openly and bluntly."⁴⁹

Indeed, support of al-Jazeera by the United States might not guarantee the adoption of pro-American sentiment by the network, but the opening of a public media for discussion and enculturation is certainly in America's best interest. The United States has a duty to promote the interests of democracy and freedom wherever they arise in the global community. In fact, the presence of al-Jazeera might, or might not, eventually produce democratic reform throughout the region. It is the opening of the public forum for debate that will certainly bring about any possible change. Were democracy to take root in Qatar, it would be likely that neighboring states would feel the pressure to reform, as their citizens witness the public empowerment that democracy provides in the wake of authoritarian rule. If the region does adopt democracy it will no doubt find more eager trading partners in the Western nations and likely, in accord with the democratic peace thesis proposed by Kant, a more stable and secure regional community.

Whether or not these reforms are adopted, it is certain that the al-Jazeera network will continue to have a dramatic effect on Qatar. The state and its government will clearly emerge the winner because of it. In his column on the need for reform in Islam, Friedman notes the connection between government patronage and reform: "the Protestant Reformation, melding Christianity with modernity, happened only when wealthy princes came along ready to finance and protect the breakaway reformers."⁵⁰ Thus it is with Qatar. Whether the al-Jazeera network provides the impetus of reform or not, the door leading to change is now open to all in the Arab world.

Author's Notes

This paper is not intended to be a survey of the history of media in the Middle East. Also it should be noted that the example illustrated from "The Opposite Direction" is based on an actual event, interpreted by the author from both a video recording and a literary description. Finally, as of late December 2001, the war in Afghanistan continues and the Bush administration has made no further remarks regarding the al-Jazeera network. While their initial statements have expressed dissatisfaction with the network, no formal entreaties have been made.

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- ¹ Faisal Al-Kasim. 1999. "Crossfire." *Harvard International Journal of Press and Politics* (Summer), 93.
- ² Common name given to the Palestinian uprisings in the West Bank and Gaza Strip that began in September 2000.
- ³ Al-Kasim, 93.
- ⁴ Ami Ayalon. 1995. *The Press in the Middle East: A History* (New York, NY: Oxford University Press), 4. It should also be noted that there did exist a system of town criers, *munadi*, who were charged with informing the public.
- ⁵ *Ibid.*, 6-7.
- ⁶ *Ibid.*, 61.
- ⁷ *Ibid.*, 102.
- ⁸ Douglas Boyd. 1999. *Broadcasting in the Arab World: A Survey of the Electronic Media in the Middle East* (Ames, IA: Iowa State University Press), 120.
- ⁹ Boyd, 121.
- ¹⁰ John F Burns. "Arab TV Gets a New Slant: Newscasts Without Censorship." *New York Times*, 4 July 1999, 1.
- ¹¹ Andrew Rathmell and Kirsten Schulze. 2000. "Political Reform in the Gulf: The Case of Qatar." *Middle Eastern Studies* (October), 47.
- ¹² Boyd, 187.
- ¹³ The Ministry of Information was a government bureau used by Qatar (as well as by many other regional governments) to control the press.
- ¹⁴ Rathmell and Schulze, 47-62.
- ¹⁵ *Ibid.*, 47.
- ¹⁶ *Ibid.*, 59-60.
- ¹⁷ Marvin Kalb. 1999. "The Emboldened Arab Press." *Harvard International Journal of Press and Politics* (Summer), 3.
- ¹⁸ Naomi Sakr. 1999. "Satellite Television and Development in the Middle East." *Middle East Report* (Spring), 6.
- ¹⁹ --"Breaking the Taboos." *Middle East Economic Digest*, 23 April 1999, 6.
- ²⁰ --*New York Times*, 8 October 2001, B7.
- ²¹ --"Breaking the Taboos." 7.
- ²² Dan Williams. "A Real News Maker." *The Jerusalem Post*, 13 July 2001, 2B.
- ²³ Ehud Ya'ari. "The al-Jazeera Revolution." *The Jerusalem Report*, 27 March 2000, 42.
- ²⁴ *Ibid.*, 7.
- ²⁵ *Ibid.*, 7.
- ²⁶ Sakr. "Satellite Television," 6.
- ²⁷ Williams, 2B.
- ²⁸ Al-Kasim, 2.
- ²⁹ Rathmell and Schulze, 54.
- ³⁰ *Ibid.*, 54.
- ³¹ *Ibid.*, 54.
- ³² *Ibid.*, 60.
- ³³ Roula Khalaf. "Qatar Transmits Debate to Receptive Arab World." *Financial Times London*, 13 March 1999, I-4.
- ³⁴ Khalaf, I-5.
- ³⁵ Ned Parker. "Tiny Qatar Beams Big Signal to Arab World." *Christian Science Monitor*, 4 August 1999, 2.
- ³⁶ Steven Wu. 1999. "This Just in: Qatar's Satellite Channel." *Harvard International Review* (Fall), 14.
- ³⁷ David Makovsky. "A Voice from the Heavens." *U.S. News and World Report*, 14 May 2001, 26.
- ³⁸ Ibrahim Hazboun. "Palestinians Urge Arafat to End Ban on Independent Arab TV Station." *The Independent London*, 23 March 2001.
- ³⁹ Makovsky, 14.
- ⁴⁰ Khalaf, 2.
- ⁴¹ Al-Kasim, 2.

⁴² A phrase coined by Egyptian President Hosni Mubarak upon first viewing the tiny al-Jazeera studio, quoted from Thomas Friedman. "Glasnost in the Gulf." *New York Times*, 27 February 2001, A23.

⁴³ Thomas Friedman. 2001. "U.S. Pressures Qatar to Restrain T.V. Outlet." CNN.com (October 5, 2001).

⁴⁴ Ibid.

⁴⁵ Fouad Ajami. "The War They're Watching." *The New York Magazine*, 18 November 2001, 78.

⁴⁶ Ibid., 78.

⁴⁷ Juliana Karanteng. "Eager for Ads." *Advertising Age*, 22 October 2001, 4.

⁴⁸ Thomas Friedman. "Breaking the Circle." *New York Times*, 16 November 2001, A23.

⁴⁹ Ibid., A23.

⁵⁰ Ibid., A23.