

# The Postcolonial State and the Protection of Human Rights

## Henry F. Carey

Take up the White Man's burden—  
The savage wars of peace—  
Fill full the mouth of Famine  
And bid the sickness cease;  
And when your goal is nearest,  
The end for others sought,  
Watch Sloth and heathen Folly  
Bring all your hope to nought.<sup>1</sup>

*Rudyard Kipling*

The Englishman was able to feel that none, whether in or out of Egypt, were inclined to gainsay the righteousness of his cause... (T)he saviour should believe in himself and in his mission. This the Englishman did. He was convinced that his mission was to save Egyptian society, and, moreover, that he was able to save it.... (H)e was soon to find that to fulminate against abuses, which were the growth of centuries, was like firing a cannon-ball into a mountain of mud.... If he were to do any good, he must not only show what was to be done, but he must stay where he was and do it himself.<sup>2</sup>

*Earl of Cromer*

The large majority of postcolonial states in Asia and Africa,<sup>3</sup> that is the twentieth century colonies, have had poor human rights records since independence, with the worst regional record in the Middle East. Of course, most public officials in postcolonial states eschew any public assertion that these violations resulted from colonialism to avoid responsibility for their states' human rights violations.<sup>4</sup> The conventional explanation for such violations is that clientelist elites<sup>5</sup> seek to control predatory states for prebendary gains<sup>6</sup> and/or arbitrary personalist regimes dominate by arbitrary decision-making by and for a ruler who is unconstrained by effective institutions, where state terror is applied to achieve stability, repress opponents, and dominate access to patronage.<sup>7</sup> Statistical studies of postcolonial states have used regression analysis to explain the causes of underdevelopment.<sup>8</sup> Some have more recently argued that those colonies where foreign settlers developed quasi-democratic and capitalist institutions became better at protecting rights and promoting growth.<sup>9</sup> Unlike Spanish and Portuguese settlers, the British settled with their families indefinitely and had a strong incentive to develop the same liberal, and increasingly democratic institutions contemporaneously developed in Britain, albeit with the crucial difference of the subjugation of non-English subjects. While English colonialists settled in territories more than other colonial empires, English acquisition of colonial territory varied. A. B. Dicey's differentiated English colonies as those nations "seeded" (India, Hong Kong), "settled" (US),

and conquered (South Africa).<sup>10</sup> There were also English colonies with multiple colonizers, such as the US, Canada and South Africa. Such distinctions have effects, which will be examined below. Consequently, many British colonies have more effectively protected "the rights of Englishmen" and their subjects than have the colonies and post-colonies of France, Spain and Portugal. By contrast, Haiti is the exemplar of the worst situation where all of the French colonial settlers left the country after the 1804 independence, leaving behind mostly the culture of slavery and the repressive institutions used to perpetuate it; even though the ideals of the French revolution had partly inspired the world's only successful slave revolution. Furthermore, the country was subsequently isolated by the US embargo, ironically imposed by Secretary of State Jefferson until 1863, and impoverished by the burdensome fee extracted by France as compensation for the loss of its wealthiest colony and for its promising not to invade Haiti again. However, the hypothesis that the superior human rights records of English settler colonies is disconfirmed in Sudan, Pakistan, and Nigeria, among others. French settler colonies like Algeria have had even worse violations.

By the same token, assertions of neo-imperialism, the domination of postcolonial states by great powers, would provide a partial explanation, but would also be fraught with the same pattern of high variance among the cases and many exceptions. Certainly, client states of the US and the Soviet Union have often been pardoned by the benefactors for a multitude of sins, many of which were subsidized by the imperial power. One need only cite Pakistan, Egypt, and Iran for the US and the Soviet satellites in Eastern Europe. Since the end of communism, there have been at least three types of post-communist states, with the states in the West performing better and those in the East worse, which would seem like a reflection of the center-periphery phenomenon. Yet, some of the worst human rights violators have appeared in the West, such as the former Yugoslavia, which was not really colonized by the USSR, suggesting perhaps that Soviet colonialism may have been more beneficial for human rights than a relatively independent national communist regimes like Yugoslavia, Albania, and Vietnam.

Of the studies of postcolonial states, one segment associated with theories of neo-imperialism or, more recently, postcolonialism, has maintained that economic structures of domination created under colonialism and reinforced during decolonization continue to encourage high rates of human rights violations.<sup>11</sup> The opposite minimalist approach would deny any contemporary responsibility for the violations of current governments, except perhaps to the extent that the ex-colonies of Asia and Africa are the setting for the majority of the world's indigenous peoples, whose natural resources continue to be exploited in ways scarcely distinct from the colonial project.

Thus, a more complete evaluation of causal factors of human rights violations is needed to explain the generally difficult time postcolonial states have had protecting human rights. Far less attention has been paid to the precise mechanisms used by postcolonial states to violate the rights of newly independent citizenries. Analysts need to evaluate and distinguish the direct and indirect effects of colonialism, which interact with other factors reducing the protection of rights. This essay considers to what extent and how postcolonial legacies explain human rights violations, not to excuse them, but to inform a strategy to reduce them. While colonial legacies and institutions are certainly difficult to change, either ignoring or overrating their negative impact makes them even harder to minimize.

The human rights records of postcolonial, or newly independent states since World War II have ranged from high rates of protection in the Commonwealth Caribbean to the lowest rates in collapsed (e.g. Somalia), failed (e.g. Liberia), UN-administered, post-genocidal (East Timor), or genocidal (e.g. Rwanda) states. Under conditions of armed conflict, it is difficult to assess human rights conditions because of the exceptional circumstances. Sierra Leone, for example, has by some indicators, the lowest record in the world on human rights protection, as well as in the UNDP's human development index<sup>12</sup> and GDP growth per capita—reflecting the worst civil war in Africa in the late 1990s. It would be difficult to attribute this lowest status primarily to Sierra Leone's postcolonial inheritance given such other factors as the diamond trade cartels, child soldier abductions, hostage-taking of British peacekeeping troops, and other spillover effects from the war there and in neighboring Liberia. In many other postcolonial states, one does not have to be a proponent of radical Islam to find causal linkages with colonialism and its consequences. Legacies such as a coercive and exploitative state reinforced or created class and ethnic conflicts, and imposed legal orders coexisting with customary legal practices are among the factors we will consider here.

To assess colonial legacies, we analyze the contemporary status of civil and political liberties and rights and inquire to what extent postcolonial states are constrained by their colonial and decolonizing histories, or even the claimed neocolonial continuities. Given all the rhetoric about the effects of colonialism on human rights, how much have and can leaders overcome colonial and postcolonial legacies? There is no end to the demands for reparations for colonialism and slavery as well as rationalizations for human rights violations by postcolonial elites. Some scholars ignore the negative legacies of and complications from colonialism in human rights and good governance. Perhaps, postcolonial explanations of human rights violations would be viewed as a pretext that becomes perverse incentive for current leaders not to be held directly responsible for their regimes and policies. Moreover, many perpetrators of international terrorism, like Osama bin Laden, or state terror, such as Saddam Hussein, utilize anticolonial rhetoric, propaganda and discourses to justify repression. Similarly, in his opening statement at his prosecution before the International Tribunal for the Former Yugoslavia at The Hague in March 2002, Slobodan Milosevic claimed, echoing the *Communist Manifesto*, that the world was now facing "the ghost of neo-colonialism." He also noted that Jesus Christ was crucified for resistance to

that "new colonialism."<sup>13</sup> Of course, a few observers have stressed that colonial effects have to be understood in order to encourage apt policies to correct inhibitions of freely elected government and liberal institutions. As Shashi Tharoor has argued, "In many parts of the world, tomorrow's possible disorder might still be due, in no small part, to yesterday's colonial attempts at order."<sup>14</sup>

In reality, there are a broad variety of patterns of human rights violations among the fifty-two African and sixteen Asian postcolonial countries, on which we are focusing. Their colonial experiences range from almost, but never quite conquered and colonized countries like Afghanistan to intense settler colonies ruled directly from the metropolitan country (France) like Algeria. We could also examine the former colonies of Latin America or the Ottoman, Hapsburg, and Romanov empires, which were either liberated before or just after World War I, or in the case of the latter, reconquered under Soviet colonialism. For classificatory purposes, we are going to only include countries that were decolonized after World War II. We will also examine why it is that the Commonwealth Caribbean states (including Jamaica, Trinidad and Tobago, Barbados, and Guyana) have apparently had democratizing experiences, whereas most other colonies have had authoritarian training and legacies. This will lead us to a more nuanced view of colonial effects, depending on whether a coercive and repressive apparatus was created under the colonial state, which did not occur in these small Caribbean islands because of their isolation and relatively minor economic and strategic importance. We will argue that colonialism usually failed to result in democratic institutions, created ethnically more heterogeneous countries, and retarded economic development, without replicating the historical and bourgeois experience of Western Europe and its settler colonies in North America, where institutions promoting democracy and protecting human rights were established.

In assessing causes of human rights violations in the postcolonial states, one is immediately seized by the complexity of the issue. The distinction between direct and indirect effects seems necessary in order to avoid excluding crucial, if ultimate causes. Yet, it is not always clear which are the direct and which the indirect effects. An obvious example is poverty, which is present in the newly independent states, including democracies like India. More generally, only seven of sixty-six low-income countries are considered "free" by Freedom House (Benin, Ghana, India, Mali, Mongolia, Papua New Guinea and Sao Tome and Principe), whereas twenty-seven are judged "not free" and thirty-two "partly free."<sup>15</sup> Moreover, a very high percentage of poor countries, especially in Sub-Saharan Africa have a very high percentage of their population living on an average of one dollar per day (sixty-one percent in Burkina Faso, sixty-seven percent in the Central African Republic, fifty-nine percent in Ethiopia, seventy-three in Mali, sixty-one percent in Niger, fifty-seven percent in Sierra Leone, and sixty-four percent in Zambia.)<sup>16</sup>

There are also many different forms of colonialism and its legacies. Historian Arthur Schlesinger Jr. has even suggested, "The US has never had a colonial empire. Colonialism is more like a metaphor. We did not develop the system of control like the French and British empires, or like the Roman Empire. We got the Philippines, but we never really colonized it."<sup>17</sup> However, the Philippines was certainly

subjugated in the sense that at least 100,000 Filipinos were killed in the 1898-1900 war to establish the second US colony after Hawaii. There are many definitions of a colony, and one might begin with one from an encyclopedia, which says that a colony is:

...an area of land which, with its inhabitants, is entirely subject to the rule of an independent state, of which it does not form an integral part. It is not itself an independent state, though it may, according to its degree of political maturity, be given some self-government. A grant of self-government and of a representative legislature does not prevent the ruling state from disallowing any legislation of which it may disapprove. Colonies have usually originated in settlements by traders or explorers of territories unoccupied by any other independent states, or in conquests of territories already occupied by other states.<sup>18</sup>

The rise of independent states after the formation of the UN has had a more recent and robust legacy of colonialism there. About a quarter of the world resides in the colonies that existed at the end of World War II, the era of the United Nations. Between 1945 and 1970, the percentage of the world's population residing in "dependent" territories decreased from twenty-five<sup>19</sup> to less than one percent and by 1983, to less than two-tenths of one percent.<sup>20</sup> Most of these states had been colonies of England and France, but also the US, Belgium, the Netherlands, Portugal, etc. Earlier, colonies had become independent in the Western hemisphere in the eighteenth and nineteenth centuries. Given that they had been independent for one to two centuries, these earlier cases are not generally considered postcolonial states now because they have had three to seven times as much time as independent states to take responsibility for their fates.<sup>21</sup> Most of the "new" postcolonial states are also distinguished from the earlier ex-colonies because their metropolitan powers had become democracies and promoted some liberalization in their colonies.<sup>22</sup> There were also a few post-World War II colonies of authoritarian Portugal (e.g., Guinea-Bissau, Mozambique, and Angola) where no liberalization was attempted.

Postcolonialism is not the only condition for human rights difficulties. It is associated with other causes of human rights violations, such as polarization, ethnic or class conflict, geopolitical competition, leaders choosing to eliminate or reduce political opposition or pluralism, realist or neo-imperial practices of foreign states and their proxies, the weakness of international institutions or liberal foreign states to promote human rights norms, ethnic domination, etc. These other causes are associated with postcolonialism, it will be argued, because of the nondemocratic institutions and norms established under colonialism.

The postcolonial state is conceived as a nonterritorial construct, though most of them are in Asia and Africa, which represents a majority of the world's land mass and population and where Western colonialism emerged in the nineteenth and early twentieth centuries. The conditions associated with postcolonial states that affect human rights encompass the type, quality, and strength of institutions formed under colonialism: the political mandates, party systems, elites, state institutions and legal processes resulting from de-colonization; the relationship of local elites to the metropolitan power; the

relationship of the local economy to the metropolitan economy; and inherited problems of "stateness"<sup>23</sup> (ethnic heterogeneity and loyalty). Postcolonial states frequently interact with each other compounding the normal factors that either enhance or undermine human rights protections.

Classifying postcolonial states is difficult because there are some states that are considered postcolonial, such as Iraq and Egypt, which became independent before World War II. There are others that qualify chronologically, such as Israel, but which did not suffer the same type of subjugation of its peoples, and which for at least some critics, is a colonizer, not a former British colony. The former communist states of Europe pose a similar problem. They too are not perceived as classic colonies because of their socialist development and incorporation in many cases inside Russia and/or the Soviet Union. The latter pattern is a little different from the Roman and Ottoman Empires, for which the term colonial has not been as controversial.

The Russian empire was different from its Spanish, British, and French counterparts in that it expanded over land, not overseas.... It resembled the great empires of the past: China, Rome, and the Ottoman empire.... Unlike the Western European colonial empires, profits, markets, and sources of raw materials were not the central motives for expansion.... Most of Russia's thrust along the east-west axis was undertaken against the hunters and gatherers of the Urals and Siberia and the nomads of the Asian steppes, who lacked state organization. These tribes, like the ones in the Americas, could be easily exterminated or subjugated.<sup>24</sup>

Moreover, the promotion of a foreign economic system was typical of colonialism, and socialism *imposed* economic relations designed to benefit the central state. The Soviet Union also claimed, following Ottoman and Iberian precedents in religion, and British and French civilizing missions, to be designed to improve the conditions of colonized peoples. Although the main goal of the relationship was not to benefit the colonized peoples, this process of legitimation by the metropolitan power was not devoid of truth. Benefits did accrue in a very disparate pattern. As with understanding the longer-term effects of Western colonialism, which imposed pseudo-democracy, we must acknowledge that there were some positive effects in most colonies, just as most authoritarian regimes have supporters because of stability and growth, especially if provided for particular sectors supporting that regime.

The postcolonial state, therefore, is a heterogeneous construct, resulting from the arbitrary categories of time of independence and the geography with which colonial processes endowed them. I will analyze the contrary patterns of worse human rights protection than the world average in Asia and Africa and better records in the Commonwealth Caribbean, Israel,<sup>25</sup> and a few countries in Africa and Asia, like Botswana, India, South Korea, and Taiwan. By associating postcolonial status with other causes of human rights, I am not making the larger claim of postcolonial theory and postcolonial studies to explain, (and for some, to excuse) all the variation in the generally dismal human rights records in postcolonial states. However, I will be arguing that an interaction effect from colonialism created *some* of the factors responsible for this record. This began with, for example, the association with contemporary human rights promotion and the colonial

“civilizing missions” of the French and the “white man’s burden” of the British empires. Similarly, postcolonial elites are directly responsible for their own actions, such as treating their states as their patrimony. Different leaders can and have made a positive difference for human rights, particularly those who have skillfully attempted to democratize their regimes in the past decade. Still, the task of human rights protection is more complicated because most postcolonial elites are a product of or are influenced by the anticolonial movements, which often replicated colonial practices. Some post-colonies, particularly those formerly under Britain, had enjoyed a degree of relative autonomy with elected parliaments and independent courts, have often benefited from having postcolonial elites who were committed to parliamentary politics and used less repressive violence. The postcolonial literature, by contrast, generally fails to make such distinctions between positive and negative influences of colonialism.<sup>26</sup> More nuanced is this view of postcolonial effects:

We use the term ‘post-colonial’, however, to uncover all the culture affected by the imperial process from the moment of colonization to the present day. This is because there is a continuity of preoccupations throughout the historical process initiated by European imperial aggression.<sup>27</sup>

By contrast, postcolonialism as a paradigm is represented in practice by the prominent view articulated in some of the Arab world to blame all the problems of the postcolonial countries, including human rights, on colonialism. As with any stereotype or exaggeration, there is indeed some truth in such assertions. However, taking such views literally lends itself to the extremism associated with, for example, al-Qaeda. Postcolonial theory argues that British, French, US, and other Western influences did not end with colonialism. The responsibilities of local leaders are perceived as persistent, elite collaboration or moderation vis-à-vis colonial powers or their heirs, as well as ongoing postcolonial interference and collaboration with repressive, pro-Western regimes. Certainly, colonialism was *indirectly* responsible for the *coups d’état* in Iraq until the Baathist consolidation of the national security state ultimately under Sadaam Hussein and in similar processes in Libya under Moamar Quaddafi. But colonialism is not *directly* responsible for the human rights practices in Iraq and Libya, even if the US has also *indirectly* contributed to the repression. Both rulers are directly responsible.

How do these indirect colonial influences animate contemporary practices? The complex environment is suggested, for example, by the disdain for the Indian princes and pashas collaborating with the British before 1947 or the *mestizo* elites with the Spanish and the US in the Philippines before 1946. Some, but not all, of those elites have continued to rule in both countries, more so in the latter than in the former. Yet, the traditional Philippine elite, pejoratively known as the *trapo* (a pun that is short for “traditional politician” in English and “dirty rag” in Tagalog) has maintained political power in a quasi-democratic context. The Philippine elite is indeed postcolonial, accepting democracy and human rights in principle, except where their interests are confronted. Repression is more or less as common as in India; both countries are marked by more than one-third of the population remaining in poverty in part because of the continuous oligarchic economy, which independence has been unable to reform. It is not

true, however, as postcolonial theory suggests, that former colonies are always marked by the continuous hatred of the outsiders or their local clients. Indeed, both the Philippines and India, the ‘jewels’ in the US and British empires, are today marked by their friendliness toward foreigners and foreign capital. The puzzle that postcolonial theory has failed to solve is the apparent positive and negative influences of colonialism. Thus, we have one of the chief exponents of hatred of colonial domination from a French colonial subject, Aimé Césaire, who also advocated the integration of colonies into the French democracy:

Between colonizer and colonized there is room only for forced labor, intimidation, pressure, the police, taxation, theft, rape, compulsory crops, contempt, mistrust, arrogance, self-complacency, swinishness, brainless elites, degraded masses. No human contact, but relations of domination and submission which turn the colonizing man into a classroom monitor, an army sergeant, a prison guard, a slave driver, and the indigenous man into an instrument of production. My turn to state an equation: colonization- ‘thingification’.<sup>28</sup>

Analysts of the postcolonial state, like Abdullahi An-Naim, and the more radical postcolonial theorists, such as Gayatri Chakravorty Spivak, stress the relevance of colonialism and postcolonial states for understanding issues of democratization, human rights, ethnic conflict, and political stability. According to one theorist, the value of postcolonialism as a concept is to provide insights into the institutional, cultural and political weaknesses of these states.<sup>29</sup> An-Naim shows that colonialism is relevant for governance because, although potentially correctable, colonial legacies are durable if the obstacles imposed by colonialism are not carefully recognized and reformed:

Colonialism and its aftermath burdened these nations with structural obstacles that impeded the progress of constitutionalism and democracy. As the total negation of sovereign constitutional and democratic self-governance, colonialism could not have possibly prepared the peoples of these countries for what they were supposed to be. This is not a justification for oppression and violation of rights by native ruling elites since independence, but an attempt to understand how and why these tragic consequences are about, in order to better redress them.<sup>30</sup>

Similarly, El-Obaid Ahmed El-Obaid, and Kwadwo Agyei-Atua argue that colonialism destroyed indigenous institutions and cultural practices:

The period of European colonialism...imposed far-reaching changes on the socio-political and economic context of Africa: new boundaries, European legal systems, languages and religions. The new boundaries and ethnic divisions permanently altered the geopolitical make-up of the continent, leaving a legacy of haphazard and irresponsibly-drawn cleavages. The imposed religions, languages and legal-education systems demonized and exorcized the African equivalents.<sup>31</sup>

Colonialism should not be an excuse for violations because leaders and regimes, that is, agency, must matter if responsibility for results is not some postmodern illusion. Trying to avoid arguments about what are arguments, I would suggest that the postcolonial state, the more modest concept, could

help us understand why some postcolonial heritages are positive for human rights while the larger postcolonial inheritance is negative. To suggest colonialism as an important factor is also to assert that it is not the sole causal factor in contemporary dilemmas. We should also consider how the postcolonial situation interacts with causal factors such as a nation's instantaneous transition to democracy without much prior preparation, unresolved legacies from independence, and various indirect residual effects of institutionalization, socialization, and recruitment. The postcolonial state, as an intervening variable, also interacts with non-colonial factors, such as the level of human development, current goals, political culture of elites, and geopolitical factors.

Alternative to postcolonial theory is a less dogmatic approach, which evaluates hypotheses about the relationship between colonialism and human rights. It places colonialism in the context of general arguments about the conditions affecting human rights protection, such as economic and human development, religion and culture, imperial history, state strength and efficacy especially in the rule of law, leadership, ethnic heterogeneity, national boundaries, historical memory, national identity, the extent of openness in society, regime type, international alliances, region, and geopolitics. However, colonialism can have some effects that are independent of such factors. Furthermore, unlike postcolonial theory, my approach recognizes, despite the bitterness about what had occurred thirty-five to fifty years ago and before, that much time has passed under indigenous rule and that other causal factors interact with the postcolonial state.

Stephen Poe, Linda Camp Keith, and Neal Tate concluded that countries that have experienced British colonial rule tend to have relatively fewer personal integrity abuses than post-colonies of other European powers have had.<sup>32</sup> Neil Mitchell and James McCormick concluded, "The British legacy may be a relatively greater respect for human rights. By contrast, other colonial experiences (Spanish, for instance) are generally assumed to have introduced a greater degree of hierarchy and authoritarianism. The legacy here may well involve higher levels of human rights violations."<sup>33</sup> Yet, some of the worst human rights violations have occurred in former British colonies or protectorates like Nigeria, Pakistan, and Afghanistan, none of which enjoy independent judiciaries. My own research has found a high .78 correlation between British colonial influence and the independence of the judiciary, which may also explain why British colonies with independent courts protect human rights.<sup>34</sup>

Some comparative political scientists have noticed the correlation between British colonialism and democratic stability in the developing world. India, which should never be democratic under most modernization theories of democratic correlates, remains democratic and a human rights protector, at least compared to the region of postcolonial states in Africa and Asia.<sup>35</sup> Myron Weiner and Ergun Obzudun concluded in 1987 that a disproportionate number of democracies in the developing world were former British colonies.<sup>36</sup> Also, Dominguez noted the higher probability of liberal regimes among ex-British colonies:

The non-Latin Caribbean is quite different. Competitive civilian regimes have been the norm everywhere except for Grenada and Suriname.... The pattern in the English-speaking Caribbean is consistent with the more general

observation...that the successor states of the British Empire have been more likely to be governed by stable, competitive civilian regimes than are the successor states of other empires—an empirical observation still in search of adequate explanations.<sup>37</sup>

### Human Rights Records of Postcolonial States

In order to assess the impact of colonialism on contemporary human rights implementation, we can look across time and space at the performance of former colonies and compare them to their noncolonial counterparts. The large majority of states in Asia and Africa have poor human rights records, with the worst regional record in the Middle East. Asia and Africa are also the setting for the majority of the world's indigenous peoples, whose treatment by modern states has produced gross and systematic human rights violations. During the post-Cold War era, some of these states became failed or genocidal states, while others established Islamic fundamentalist regimes (Sudan, Iran, Afghanistan) or faced armed insurgencies (Philippines, Algeria) or terrorism (Pakistan)—all of which correlate negatively with the practice of human rights. Writing about the situation in 2001, Adrian Karantnycky of Freedom House shows that the postcolonial "region" is weaker than Europe and the Americas for protecting freedom.

Of the 53 countries in Africa, 9 are free, 24 are partly free, and 20 are not free. In Asia, 18 of the region's 39 countries are free, 10 are partly free, and 11 are not free.... Of the 14 Middle Eastern countries (excluding those in North Africa) the roots of democracy and freedom are weakest.<sup>38</sup>

Yet, in his analysis of these weaknesses, particularly in Muslim-majority states, Karantnycky does not mention colonialism. Similarly, Paul Johnson focuses on postcolonial elites in Africa, rather than colonialism, to explain human rights violations, economic underdevelopment, and misrule of law:

Under independence, all came crashing down in hopeless ruin, thanks to civil and religious war, corruption, and/or Moslem fundamentalism. Of the more than 50 independent states that emerged in Africa from the colonial period, most are now tyrannies of one kind or another, nearly all have had their per capita income slashed, and some...are written off as "failed states," where terrorism flourishes.<sup>39</sup>

Here, I offer some statistical analysis to indicate trends, which shows that colonialism is associated with lower protection of civil and political rights, compared with states that were either metropolitan powers or colonies that became independent before World War II. I use Freedom House's country units of data, without controlling for population size, where one is the highest (best) score, and seven is the lowest.<sup>40</sup> Postcolonial states<sup>41</sup> have consistently worse civil and political rights scores than noncolonial states, as indicated by the averages of civil and political rights below:

Average FH Scores

	Noncolonial States	Postcolonial States
1979-80	3.66	4.93
1989-90	3.34	4.81
1999-00	2.88	4.24

When we group postcommunist countries according to their performance in civil and political rights terms, we can distin-

guish three camps: The first, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland and Slovenia, is doing very well, and the record of these countries has been impressive so far. The middle group would include Albania, Bosnia-Herzegovina, Bulgaria, Georgia, Kyrgyz Republic, Macedonia, Moldova, Romania, Russia, Slovakia (until 1998), and Ukraine. Countries doing poorly are Armenia, Azerbaijan, Belarus, Croatia (until 2000), Kazakhstan, Serbia (until 2000) Tajikistan, Turkmenistan, and Uzbekistan. The following table shows the averages of political rights and civil liberties and their averages for each group of countries in the period of 1991-2001. Also, the human development index (HDI) is examined:

	Post-Com Grp1	Post-Com Grp.2	Post-Com Grp.3	Graat Brit. in Africa	France in Africa	The Carib-bean
PR 91-01	01.61 (.30) n=7	3.54 (1.02) n=11	5.55 (1.16) n=8	4.61 (1.66) n=19	4.91 (1.35) n=20	1.70 (.92) n=12
CL 91-01	2.20 (.26) n=7	3.86 (.84) n=11	5.21 (1.03) n=8	4.45 (1.37) n=19	4.54 (.86) n=20	1.88 (.72) n=12
AVE 91-01	1.91 (.25) n=7	3.70 (.88) n=11	5.38 (1.08) n=8	4.53 (1.50) n=19	4.72 (1.06) n=20	1.79 (.76) n=12
HDI 91	.86 (.021) n=6	.76 (.062) n=8	.74 (.078) n=7	.42 (.178) n=19	.35 (.145) n=20	.75 (.090) n=12
HDI 95	.81 (.034) n=6	.76 (.042) n=7	.75 (.057) n=3	.53 (.117) n=15	.44 (.117) n=17	.75 (.038) n=4
HDI 99	.83 (.028) n=7	.75 (.039) n=10	.74 (.045) n=8	.51 (.124) n=17	.47 (.116) n=20	.78 (.053) n=7

As can be clearly seen, group one excels both in political rights and civil liberties with little variation. Group two is a bit more varied—the political rights score ranged here from a low 1.88 to a high of 5.44—yet, on the average this group lags behind group one by 1.80. Group three fares the worst. The political rights score never went below 3.70 for any country for the entire postcommunist period, hitting a high of 6.90 (on a 1-7 scale); the same can be said about civil liberties that stretch from 3.90 to 6.70.

Former British colonies in Africa, as a group, hover somewhere between postcommunist groups two and three, but, in individual terms, some of them are doing much better and some much worse suggested by large standard deviations. Indeed, the lowest political rights score for British colonies is 1.10 and for civil liberties 2.00, while the highest is the extreme 7.00 for both. The Commonwealth Caribbean is the exception among postcolonial states when it comes to political rights and civil liberties. These countries are doing well as a group and individually. Political rights hit the highest of 3.80, and civil liberties 3.00. In many cases the scores goes down to an absolute minimum of 1.00.

Former French colonies have scores similar to British ones, but more closely clustered around the mean. The minimum score for political rights in this group has never gone below 2.00 or below 2.50 for civil liberties.

Below is a regression with two independent variables, the UN human development index (HDI) and postcolonial status, and one dependent variable, the average of the Freedom House scores on civil and political rights. HDI is an index of several factors, including per capita GDP, life expectancy, and average education levels.<sup>42</sup> Postcolonial status has a small, but very statistically significant (greater than ninety-nine percent) effect, but only if the twelve Commonwealth Caribbean states are excluded from the sample:

$$Y = a + b_1x_1 + b_2x_2 + u$$

Where Y= predicted value of the average score of human rights and political liberties

$x_1$  = colonial status (0 or 1)

$x_2$  = HDI score

u = other variables for which we did not account

	Allcolonies	Allcolonies except the Caribbean
Constant	6.382*** (.492)	5.907*** (.222)
Colonial status	.359 (.288)	.821*** (.116)
HDI	-.4545*** (.620)	-.3820*** (.278)

Standard errors in parentheses; the HDI constant is negative because the Freedom House scores are inverted (i.e., the higher a score, the more human rights/political liberties are being abused).

\*\*\*p<.001

R = .565

With such low standard errors, we can be confident that these results did not occur by chance. Here we can conclude that the effect of being a former colony in Asia and Africa is .821 times each unit of Freedom House Scores for civil and political rights. Being a former colony in Asia and Africa would worsen the human rights score from, for example, 3 to 3.821, or 4 to 4.821. This is a significant association resulting from a postcolonial status. The effect of a country's UN human development rating is more difficult to interpret because it is not a dichotomous variable even though the HDI coefficient is much larger than the variable for postcoloniality in Asia and Africa. For each unit of the HDI index, which is .001 (from 0 to 1.0) of higher human development, the civil and political rights rating would improve (decrease numerically) by a factor of -3.82. So, for each change of .001, civil and political rights improve (decrease numerically) by -.00382, a low relationship. However, unlike colonial status, most HDI changes far exceed .001 from one year to the next. We can take the standard deviation for the HDI coefficient, which is .204, which applies to all countries, not just the former colonies, and multiply it by the coefficient 3.82. Thus, if the HDI were to increase by the standard deviation of .204, then the civil and political rights score will improve (decrease numerically) by -.779. Thus, these two independent variables, human development and postcolonial status in Asia and Africa, have roughly the same, though opposite, size of effects on civil and political rights when they change by a typical amount.

### How the Postcolonial State Affects Human Rights?

Each postcolonial country's situation presents structural variables that are more or less propitious for human rights protection. However, colonialism and decolonization affected those structural variables, usually by introducing unstable liberal institutions and reinforcing existing social hierarchies. In the postcolonial states where rights are protected, such as the English-speaking Caribbean, India and Botswana, the colonial regimes had time to develop democratic institutions and remove the existing social hierarchies from power, or the indigenous population was killed or died, as in the Caribbean.

First, we consider the socialization impelled by colonial subjugation and hypocrisy. The Earl of Cromer, quoted in the introductory epigram, ruled British India and then came to Egypt in 1883 where he ruled for twenty-three years as "Consul General." He controlled the fate of every Egyptian officer, wrote that the Egyptians could be ready for self-government, if ever, only very far off into the future at the end of his two-plus decades there. That the Egyptians had ruled themselves on and off for 5,000 years never entered his thinking. He maintained that the British were there only to help the Egyptians, whose education and irrigation systems were totally dependent on British expertise. He never mentioned the British interests in the Suez Canal, which had opened in 1869 or that the British wanted to develop Egypt as a cotton plantation, a need that emerged during the US Civil War embargo. Cromer also does not mention that the Egyptians were not permitted to develop their own cotton factories in Egypt, but were forced to export cotton to Britain and then import clothes manufactured there. Similarly, Kipling, in the "White Man's Burden," expresses sentiments applied to another superior white race, the whites in the US, who had just conquered the "brown" people of the Philippines, of the unabashedly proud imperialist. White Americans, or the Anglo-Saxons more generally, are the superior part of the superior, white race. Of the Filipinos, which would apply to the British colonies equally, Kipling referred in his poem, "the White Man's Burden," to the colonized as "sloth," "silent," "sullen," "half-child," "half-devil," "the burden,"—all to be civilized. The British believed that they were high-minded, there to "civilize," to build "roads" and "ports." That the British, according to Kipling could civilize was self-evident, even though they were relying entirely on British ideas. This was a continuation of a West European tradition, rooted in Christendom, which in turn was rooted in the Roman Empire's tradition of imposing civilization.

Kipling's "civilizing mission" implicitly claimed to legitimate British power. Many colonial administrators thought they were genuinely idealistic in promoting law, sanitation, education, good government, the civil service, etc., though they may have had material and social advancement motives of their own. Conklin and Fletcher conclude that the disingenuous "civilizing mission" impelled Western colonialism:

Cultural assumptions, and occasional doubts, about the superior achievements of the white colonizers, and the ability of Africans and Asians to catch up under European tutelage, affected every policy choice in the colonies—from building schools, roads and hospitals, to justifying forced labor, selling new commodities, and enforcing strict segregation of the European and native populations.<sup>43</sup>

Secondly, colonialism prematurely introduced quasi-liberal institutions, which were generally undeveloped, whose institutions were designed more for economic exploitation than "civilizing" the population. For example, most of the Arab world was used as a source of extraction and export of its raw materials and access to sea lanes. The hypocritical promotion of self-rule under colonialism created an obvious disconnect between rhetoric and reality for the colonized. How could they really become self-governing if every decision was subject to veto power by the metropolitan power or some other form of direct or ultimate control? Instead of being able to criticize colonial policy or advocate different policies, especially independence, those who exerted free speech were subject to incarceration. One effect of this dubious justification was to create separate experiences among collaborators, who participated, and oppositional elites and the masses, who did not. Rather than inspiring or teaching self-government, the hypocrisy often inspired counter-reactions, often violent, from the local population:

Such ideas, of which the logical conclusion was the ultimate absorption of Arabs on a level of equality into a new, unified world, were crossed by others: a sense of an unbridgeable difference, of an innate superiority which conferred the right to rule, and, among the settler groups...a separate nation of settlers.<sup>44</sup>

Of course, some colonies did not receive institutions that were really democratic. The Jordanian monarchy, for example, which was supported by an army of Bedouin soldiers set up by the British, now has the same type of Bedouin army protecting this pro-Western monarchy. Jordan's repression of Palestinians, as well as its refusal to give land it grabbed that was supposed to be the partitioned Palestinian state of 1948, resulted from its artificial boundaries, which were set up by the British, who wanted a land corridor from Iraq to Egypt. In India, which has restricted rights and become less democratic, the police structure has hardly changed since colonialism. In 1986, Arnold observed:

It is hard to see that any significant change in police methods and attitudes occurred after independence.... While hastening the departure of its European personnel, Congress ministers took over the colonial police organization (and its colonial mentality) largely intact, promoting to vacant senior posts Indian officers habituated to colonial policing roles and attitudes. The greatest value of the police to the new regime—as to its predecessor—was as an agency of coercion and intelligence.<sup>45</sup>

The quasi-democratic institutions—supported by authoritarian coercion used to impose ultimate colonial control—posed such problems as double sovereignty, dual legal systems, and cultural misunderstandings. The establishment of European-style, colonial legal systems generally resulted in two legal (and political) cultures operating concurrently, a European or American system imposed on the pre-existing or modified, indigenous legal system. Neither really communicated or integrated with the other in a coherent or comprehensible way. Often, jurisdictional conflicts in the colonies resulted in the delegitimation of one or both legal systems. Nor was there any clear process of reconciliation of substantive differences or opposing concerns about the legitimacy of adjudicated legal disputes. The consequences involve, among others, a strong sense that in postcolonial countries legal decisions

made and institutions established under colonialism remain as a legacy, not really binding, mandatory, or effective. In addition, the colonial relationship to indigenous law tended to accept uniform solutions, which were often oppressive. As Vrinda Narain explained about India's acceptance of Muslim law in the context of gender rights:

The state accepted the *Ulema* as the true representative of the Muslim community, and the Muslim community was seen by the state as monolithic and undifferentiated.... In fact, by accepting the fundamentalist perception that the identity of the community was in danger, the state marginalized women's interests and their call for change in family law.<sup>46</sup>

The long-term effects in the postcolonial period of such processes are still difficult to discern. Where the European colonialists succeeded in imposing their institutions, it was achieved through coercion and false equality. Where the colonial institutions were competitors with unresolved authority, the resulting array of legal processes were illegitimate and dysfunctional. Either way, the rule of law was never very well established.

Thirdly, colonial-induced, racial divisions have contributed to ethnic conflicts. Colonialism created ethnically more heterogeneous countries than might have existed. It is clear that the newly independent states are more socially fragmented and have more ethnic diversity than the older states. Precolonial, traditional societies were plural to be sure, but they were largely isolated and had developed modes of communication and interaction with each other. Colonialism introduced vast differences in religion, legal systems, and economic relations. In more modern times, there were conflicts between notions developed from and for the Western colonizer that were imposed on the colonized or used as models by the postcolonial state. In the Philippines, for example, over three centuries of Spanish colonialism imposed medieval, Catholic legal codes on customary laws, though mostly ignoring the thirteen percent of the country in the South that was Muslim. After the 1898 US conquest, the American colonialists imposed a common law system on the Spanish codes and on customary law, along with attempting to assimilate the Muslim south. The vast differences in regions combining customary, Spanish and US legal systems complicated the nation building project on the one hand, and the desire for local self-government on the other. Aside from the radical transformation to a precedent legal system and adversarial trials, there were US legal concepts that have polarized the more plural Philippines. The highly valued "equal protection clause" of the US Constitution's Fourteenth Amendment, for example, assumes in principle the goal of treating all citizens the same in order to prevent racial and other forms of discrimination. However, there are countries, especially with ethno-religious and/or racial differences, who seek to treat its communities differently and separately. "Separate but equal" in the US *Brown* decision was ruled unconstitutional in the US in 1954 to combat racism. However, "integrated" communities legally and administratively in heterogeneous societies might mean imposing the dominant legal culture's norms and procedures, or merely polarizing a divided society. Either way, political and communal violence and state repression result. The persistence of Islamic guerrilla movements in southern Philippines and Marxist guerrillas throughout its 1000

islands over the past half century is in part the result of the imposition of more uniform legal standards, emerging from US models, without local or popular control, which were inherited under colonialism or established even postcolonial governments, as efforts to introduce US-based equal protection has proven.<sup>47</sup>

This could result from their young age and lack of social integration. Yet, it is also clear that arbitrariness or colonial wars and boundaries have been imposed by outside powers rather than resulting from internal processes. Northern Ireland is an example of current problems that slept for many decades, but reemerged. The counties of Northern Ireland were created by the British, who replaced historical Ulster with a new Ulster, minus the largest Catholic neighborhoods. In many ways, the colonial conquest of Northern Ireland was no different from the territorial expansion of the US, Russia, China and France, except that in these cases, colonizers assimilated or exterminated all internal populations.

In another example, the British imported 548,000 East Indians, who went as indentured servants to the British, French and Dutch colonies in the West Indies, as well as to Fiji, Mauritius and Natal.<sup>48</sup> In British Guiana, the British may have ultimately tried to unite Indians and Africans.<sup>49</sup> Colonial electoral politics, however, left a racially divided legacy in Guyana, which has been the only major human rights violator of the Commonwealth Caribbean. The first modern political party was the People's Progressive Party (PPP), established 1 January 1950, with Forbes Burnham, an Afro-Guyanese as chairman and Cheddi Jagan, an Indo-Guyanese, as second vice chairman. Five months later, on 9 October 1953, the British suspended the constitution and landed troops because they said the PPP planned a communist state. These events led to a split in the PPP, from which Burnham broke away and founded what eventually became the People's National Congress (PNC). Elections were permitted again in 1957 and 1961, and Jagan's PPP won both, with forty-eight percent in 1957 and forty-three percent in 1961. After instituting proportional representation, the December 1964 elections gave the PPP forty-six percent, the PNC forty-one percent, and the United Force (UUF), a conservative party, twelve percent. UUF threw its votes in the legislature to Burnham, who became prime minister. Guyana achieved independence in May 1966. The PNC then ruled Guyana from 1964 to 1992 through rigged elections, a practice halted only because the Carter Center monitored the last three national elections in 1992, 1997 and 2001. The current government is predominately ethnic Indian, while the PNC remains predominately African. The PNC has had a hard time accepting its permanent opposition status resulting from a party system based on ethnic parties and induced violent riots several times since the 2001 vote.

In Pakistan, the British favored the Punjabis in colonial India to dominate the civil and military services. Three of Pakistan's four provinces, which include four of the country's five ethnic groups, have resisted Punjabi dominance in varying degrees. In the Philippines, the US favored the Chinese-Spanish *mestizo* elite to maintain control over government positions and landholdings, while overseas Chinese also had a large control of business. Some in the masses have supported the class-based peasant revolts led by the Huks and the New Peoples Army, which have been continuous since 1968. In the

case of Muslim secessionist movements, there have been armed rebellions since the US incorporated Muslim Mindanao in 1898, beyond what Spain had conquered in its Philippine colony. Since the 1960s, there have been continuous armed movements, with the latest efforts linked to al-Qaeda. These examples suggest that even in the most auspicious circumstances of British and US colonialism, colonial legacies have produced patterns of political violence, revolution and state repression that led to human rights violations by postcolonial states.

Another example of ethnic categorization and unequal treatment was the distinction drawn between Hutus and Tutsis by Belgian colonial policy or the “Martial races” such as the Punjabis and Sikhs serving in the British Army in India. In the Philippines, conflicts with Muslims in the southern archipelago have led to separatist movements since the US colonization because those areas were not part of the Spanish colony over the previous three centuries. The “divide and rule” policies of the Roman and British empires were attempted by the Soviets. The policy of assimilation had reduced the number of nationalities within the USSR from 194 in 1926 to ninety-two in 1979.<sup>50</sup> Still, “[t]he Russians never did develop a successful formula for turning non-Russians into Russians. Officially, they continued to deny that they were trying to do so at all.”<sup>51</sup>

Similarly, colonial boundaries (such as those drawn by the Berlin Conference for much of Africa) have contributed to many weak states in the periphery, which are susceptible to ethnic conflict, ungovernability and underdevelopment because of colonialism's past exploitation of resources and favoring one region over another, which the neglected regions or oppressed minorities protest today, sometimes with genocidal violence. Certainly the ethnic wars in Tajikistan, Afghanistan, Moldova, Dagestan, and Chechnya are all reflective of such ethnically induced, state erosion. However, the long-lasting state weakness may have resulted not just from ethnic difference as such, but also from the colonizer's attempt to unify on the basis of a foreign ideology of the “civilizing mission,” which was claimed to legitimate their power. Many colonial administrators thought they were genuinely idealistic in promoting law, sanitation, education good government, the civil service, etc., though they may have had material and social advancement motives of their own.

Of particular importance is the mixed history overlapping colonial rule, such as Eritrea, which became an Italian colony under Mussolini and separated from Ethiopia after a long civil war that ended in the early 1990s, and British Somaliland, which did not become independent from Somalia. Soviet colonialism and prior Russian colonialism in general, especially in the areas incorporated after 1917 produced multiple identities, loyalties, and resentments, which also induced more violent conflicts across the former empire:

[Soviet] colonialism, regarded in the first period of historical analysis [pre-1917] as an “absolute evil,” was in the second [1917-1939] presented as a “relative evil.” ...for many people subjugated by Russia, the choice had not been between colonization or freedom, but between two colonizations. For instance, Georgia had been threatened on the one hand by Turkey and Iran, which would have destroyed its culture, and on the other by Russia, which had preserved the culture and opened the way to social-

ism.<sup>52</sup>

We can see this practice of Russification, whether under the czars or the Communist party. Attempts were made to suppress local ethnic groups under the central state. In its place, the postcolonial state has been forced, not to make nations, but rather the reverse of the traditional pattern: nations are making states. The Soviet state had intensified national identities without creating a corresponding state:

...decrees were passed limiting or prohibiting such languages and literatures as Ukrainian and Lithuanian, not Russian. Beyond that, membership in the dominant nation transcended class distinctions: a Russian laborer could feel superior to a Ukrainian intellectual because the latter was a “*khokbol*”; by itself this is racial discrimination without actually invoking color of skin.... And when this becomes a pattern of behavior in the so-called ethnic territories, it is hardly distinguishable from the behavior and values of classical colonialism.<sup>53</sup>

Finally, colonialism produced a number of economic liabilities based on natural resource extraction, which have made it difficult to transplant rule-of-law institutions developed under the particular, Western historical experience, such as parliamentary politics produced by an historical bourgeoisie and industrialization driving middle class compromises with feudal classes. While political will can help to make states focus on legal protection of human rights, the task is more complicated if the historical role of states is to exploit the lower classes and/or natural resources. Unlike most of Western Europe, where the rising bourgeoisie negotiated with the aristocracy for their economic, political, and civil rights, in most of the colonial world, no bourgeoisie emerged that was independent of both the local feudal aristocracy and the colonial power. More often, the British and French pacted with the existing feudal royalty and other inherited elite structures. Without a bourgeoisie to industrialize or make pacts, these former colonies often inherit states designed to do little more than capture foreign assistance and rent seeking. The prevalence of natural resource exploitation as the main economic activity can create *comprador*, bourgeoisie or elites loyal to the outside powers, rather than an autonomous group rising from their own economic and political resources. The existing and deepening structures of poverty create the vicious cycle of predatory states being the only source of wealth, while the resources needed to produce savings, capital formation and public goods needed for long term development, political, legal and economic, are all absent.

If postcolonial states inherit political systems that are nominally democratic but lack real avenues of participation, the political economy is likely to continue ignoring the needs of the poor majority and reproducing its inefficient economy. Such electoral authoritarian regimes, with only parliamentary and judicial forms, have few incentives to undertake other reforms, both to protect civil and political rights and broaden economic development.

#### **Effects of Decolonization Process on Human Rights**

We may now look at how colonialism in Asia-Africa affected political structures and political movements. The argument is that the speed and violence used to gain independence and remove the colonial power produced a vacuum in which political parties were frozen in development around the na-

tionalist issue. Secondly, the violence and insincerity of the colonial leaders were adopted by the new leaders as they groped for authority with limited coercive resources at their disposal. Protection of human rights has continued generally only when there was deliberate preparation and/or the use of nonviolent strategies. Third, we consider how political leadership was mobilized during the decolonization phase to lead the country after independence. Opposition elites that favored democracy afterward tended to have participated in local elections and learned parliamentary politics, especially respecting and cultivating a loyal opposition. Most states did not have this experience enjoyed in Israel, India and the Commonwealth Caribbean, which have protected civil and political rights inside their own countries.

First, the mode of extraction from colonialism, with the extant problems continuing, has had long-term effects. Whether violent or not, most of the decolonizations were rapid, beginning in South Asia, spreading to Southeast Asia and then to the Middle East and Africa. The process of decolonization appears to affect the composition of the state after independence. While the state is formed before colonialism, the process of extraction from colonial control involves both strategic choices, decisions taken and not taken, and where they occur, armed battles affecting the long-term composition, both rules and personnel, of state institutions and party systems. Decolonization occurred in vastly different ways in different countries.

The British more than France tried to negotiate self-government with those elites who would respect British economic and strategic interests, such as in Iraq and Egypt, though the British simply withdrew from the mess it helped create in India, Palestine and Cyprus. France, in greater decline and with an identity crisis after World War II, was less likely to concede power, though it did so in Syria and Lebanon by the end of World War II. Settler colonies often left a legacy of violence. Algeria suffered terrible repression in 1945, especially on V-E day, 8 May 1945. Ultimately about 300,000 or more Arabs were killed by the time of the peace agreement of March 1962. The French suffered 20,000 dead, and most of the remaining French fled the country, despite promised protections of their security and property.<sup>54</sup> Repression and violent conflict were direct results.

For Pakistan and India, the British just decided to leave in a panic. More of the problems, especially the Kashmir crisis, the uni-Muslim state, and the tendencies toward extremism and military control, ultimately result from the chaos with which the British raced off from its responsibility in the subcontinent (as it was later to do with its colonies in Palestine and Cyprus. Palestine in particular has been involved in a series of wars resulting from the unresolved colonial legacy.) Rather than resolve the tensions or conflicts to a reasonable degree through statecraft, the British just left.

In Pakistan the elites were largely feudal and ethnically exclusive in the military and civil service. Thus, Pakistan's even greater difficulties in establishing institutions respecting rule of law and human rights resulted from the interaction of not only the more narrow British priorities, but also the less developed economic class structure inherited and reinforced by colonial rule. Such a class structure was not absent in the Philippines, but its landholdings were comparatively smaller, and the US not only exported parliamentary and judicial in-

stitutions, but also contributed education by providing schools and teachers. Thus, the Philippines has been able to continue developing its civil society and the middle class elites that assumed positions in the state. The difference between the two cases is that institutionalization, though not fully democratic in the Philippines, was much more developed because of the absence of long-term colonial intent. Thus, the contention that postcolonial states are formed under less than full respect for liberal ideals is supported by the different conditions and results in these two cases.

Similar processes in Eastern Europe have left such "independent republics" of Nagorno Karabak in Azerbaijan, Transnistria in Moldova, and Abkhazia and South Ossetia, both in Georgia. The Russian army has maintained bases for its armies in Moldova and Azerbaijan and, to fuel the fire, has provided arms and support for one or both sides of conflicts in these regions, where it posted "peacekeeping" troops.

A second factor concerns the development and mobilization of new political elites during the drive for independence. Although the UN had intended to promote gradual evolution toward independence, with colonial mentorship either through formal trusteeship models under Chapter XI of the UN Charter or through planned preparation, most of the states simply demanded independence and received it quickly without much mentoring. The West barely acknowledged that colonialism contravened the Charter and threatened peace and abstained in the 1960 "Declaration on the Granting of Independence to Colonial Countries and Peoples." Within three years, most of the remaining African colonies became independent. Those that took power there, as before, simply continued practicing the usually authoritarian brand of parliamentary politics that had been practiced before, which was rarely fully participatory if it was parliamentary at all.

James Coleman summarized the experience in Asia-Africa as: a) the first organized political groups "were extremely narrow-based and reflected primarily the interests and aspirations of the small *Westernized* elite;" b) several processes of change were "introduced and furthered by Western *colonialism*," which, although led by the *Western*-educated, broadened political participation; c) the various parties that emerged during the agitation phase for independence generally became subservient to and accommodating of the nationalist ones; d) the system of parties did reflect either official *colonial* policy: competitive party systems in the Philippines, the continuation of European oligarchic systems (Algeria, Kenya, Rhodesia and South Africa); colonial policies opposed to parties (Afghanistan, Saudi Arabia, Yemen, Libya, Ethiopia, Thailand, Cambodia and Laos); or the emergence of a dominant national movement during decolonization (India, Burma, Morocco, Tunisia, Ghana, Guinea, Sierra Leone, Somalia, and Tanzania).<sup>55</sup> Thus, the weak, nascent democracies, which broke down and reduced human rights protections, were those that tended not to collaborate in elections sponsored by the British and French and came to power through violence and the need to establish control through coercion, not election. Postcolonial states where political parties were not permitted and public protests suppressed tended to continue avoiding the development of a democratic culture and institutions needed to sustain democratization.

A Soviet elite was established throughout the former Soviet Union. Cohen talks about "Russian colonization in Kazakhstan,"<sup>56</sup> for example, which involved colonial migration

of the landless Russian and Ukrainian peasantry reducing the number of Kazakhs to less than fifty percent in their own republic.<sup>57</sup>

One of the most important tasks facing them [communists] in this enterprise [constructing new societies to the Soviet model] was to establish firm bases of social support.... In the 1920s the Bolsheviks had attempted to achieve these goals through higher education. By using affirmative action in student admissions and setting up worker preparation courses...they broke that ability of the former upper classes to bequeath status and rapidly increased the number of workers and peasants among university students. Between 1927-28 and 1932-33 the number of working-class students doubled to half of all students, while the total number of students more than doubled.<sup>58</sup>

### Post-Independence effects on Human Rights

The third and final dimension of postcolonial effects on human rights refers to the “post” in postcolonial influences. While I am not analyzing neocolonialism, the continuing impact of colonialism has an ongoing psychological component. In addition to motivational and cognitive misperception, there are national myth-making processes affected by inherited and manipulated historical memory. Such a collective historical memory has socialized a mentality of postcolonial elites toward geopolitical subservience and defense of Western interests, and whereby counter-colonial movements imitate colonial repression by resorting to violence and polarizing the newly independent country by inhibiting human rights. Space only permits reflection on two of these factors: the psychological adaptation of historical memory into political polarization and the subservient geopolitical mentalities that often lead postcolonial elites to revert to former colonial relationships and alliances in the midst of international conflict.

First, we consider the dialectical effects of the psychological variables: the elite and collective memory of colonialism and decolonization, which affects human rights sensibilities. Ongoing debates over how to remember colonialism have usually been dominated by those who only see negative effects and deny any contemporary responsibility for violations. Furthermore, there is a sense in many postcolonial states that the West got off easy for its crimes against humanity committed under colonialism. Many of these issues were raised under the Non-aligned Movements political agenda, including the demand for a New Information World Order in the 1970s and 1980s. This represents reactions not only to the current regime, itself a reflection of colonialism, but also toward the colonial and decolonizing experiences. Different political cultures respond to times past, present and future in different ways, as do different elements within society. The result of this interactive dynamic will determine if the society attempts to finish what it has started, much of it started under colonialism. Conflict over this heritage leads to polarization. If a regime adopts an ongoing “victimization complex” for its colonial heritage, institutions will be undermined, instead of built jointly, including those that protect human rights. Ruling elites can adopt a mentality that they do not have to take responsibility for their countries' problems. Responses to recollections of an imagined past can produce an unpredictable postcolonial dialectic because the colony and/or the colonizer may strike back.

Of particular interest are the current paradigms of understanding colonial heritage, which have dominated intellectual and activist discourse. Orientalism was invented by the British and the French to justify conquest of the Middle East, in a way that went beyond the normal “civilizing” rationale for the rest of their empires. The Arabs were regarded as incapable of self-rule, as the Earl of Cromer’s memoirs of Egypt show. The prejudice against Islam continues to an extent today, as the US has taken over the British imperial role, but without its own colonies. Some of these stereotypes are susceptible to self-fulfilling prophesies, such as that the Arab world is incapable of self-government, and therefore, the US does not attempt to promote democracy in the Arab world, unlike in sub-Saharan Africa and the Muslim states of south and southeast Asia.

Extremisms based on prejudice can polarize and encourage political violence and repression. Colonialism provides an historical basis for *Occidentalism*, the common anti-Western hatred that has inspired some to a “war against the West.”<sup>59</sup> Such views are fed by paranoia and conspiracy theories about the West as well as stereotypes based on some truth. When the US arrests al-Qaeda suspects in Bosnia without using extradition proceedings, but allows indicted, Christian war criminals Ratko Mladic and Radovan Karadzic to remain at large, “anger runs deep and threatens to chip away at support for the United States among Bosnia’s Muslims, who are largely pro-Western.”<sup>60</sup> By the same token, existing Western biases of *Orientalism* are strengthened, the more *Occidentalists* hate the West, and the more the West responds with similarly culturally irrational perceptions of national security risks. Those who regard the West as all wicked and omnipotent, as Said says, mirror the Western view that the rest is backward and barbaric. The situation is complicated; trading stereotypes and inflamed rhetoric is counterproductive. The Western response of tolerating human rights abuses is most pronounced in those parts of the Muslim world where there are not only anti-democratic/anti-human rights movements, but also *Ocidentalists* movements. Seen as the likely alternative to the human rights-violating regime, they could well be even worse for human rights, as occurred after the fall of the Shah. With no attempt at promoting democracy, there is no alternative to the repressive US allies.

Critics of Occidentalists include ethnic Arab intellectuals, such as Kanan Makiya. He argues that Arab intellectuals have been silent about the human rights violations in revolutionary Iran, Saddam’s Iraq, Lebanon during the civil war, Syria, and Saudi Arabia.<sup>61</sup> Radical Islam, of the type adopted by Islamist militants and terrorists, he argues, is not reconcilable with human rights, and intellectuals are too cowardly to assert this reality or to criticize Arab security institutions that violate human rights. On the other hand, anti-Orientalist bias can also produce human rights lethargy in the West. Thomas Cushman, in critiquing the relativism in Edward Said’s *Orientalism*, argues that intellectual postcolonialists helped to justify the delay in the West’s condemnation and armed intervention to stop the atrocities in Bosnia<sup>62</sup> because they regarded all the protagonists as equally bad, including Muslims, rather than trying to stop violators.

More recently, the British Commonwealth Secretariat has also attempted to promote liberal norms by monitoring elections to promote democratization. It has had success in pro-

moting the democratic transition in Zambia in 1991, but failed to halt the deterioration of democracy there in the subsequent decade, including its breakdown in 2001. It has also been less than successful so far in Zimbabwe since 1999, with the country suspended from Commonwealth status in 2002. Zimbabwe regards the Commonwealth as just a vestige of colonialism, with nothing positive to offer. President Robert Mugabe has maintained his power partly by condemning a tiny percentage of the population, the white farmers, for the economic problems resulting from twenty years of his mismanagement, human rights repression, and electoral rigging. Appealing to postcolonial victimization, Mugabe blames the colonial debris and denies his terrible human rights record, which includes massacres of over 3,000 followers of his former rival for power, Joshua Nkomo. He asserts that Zimbabwe's history of racism, instituted by the Ian Smith regime and its colonial residents, still prevents him from effectively governing. If Mugabe has autocratic tendencies, it is only because he is still threatened by the British settlers:

What we reject is the persistence of these vestigial attitudes from the Rhodesian yesteryears. Attitudes of a master-race, master-color, master-owner, and master-employer. Our whole struggle was a rejection of such imperious attitudes and claims to privilege.... I am the pastor of my people. The only people who can stop me are the people of Zimbabwe.<sup>63</sup>

While Mugabe and Milosevic are unusual in their anticolonial explanations and mandates for tyranny, their expressions appear to reflect what is often unstated by leaders and victims in postcolonial states. They have long heard on state-controlled media that the West destroyed and is destroying their countries and is the sole cause of the national woes. The promotion of human rights by the great powers is perceived as another version of the colonial "civilizing mission" and promotion of liberalism within empire. The same processes of cognitive dissonance responding to perceived hypocrisy are commonly used to ignore the inherent virtues and values of these human rights norms. For example, pro-US regimes survive with US aid and continue human rights violations, avoiding social, economic and political reforms as long as their survival is not jeopardized. US efforts to improve human rights in Egypt have led to no pressure because of US national security priorities in limiting the rise of radical Islam, as depicted by the following anecdote:

A senior American diplomat enters one of the grand presidential palaces in Heliopolis, the neighborhood of Cairo from which President Hosni Mubarak rules over Egypt.... The two men talk amiably about U.S.-Egyptian relations, regional matters and the state of the peace process between Israel and the Palestinians. Then the American gently raises the issue of human rights and gently suggests that Egypt's government might ease up on political dissent, allow more press freedoms and stop jailing intellectuals. Mubarak tenses up and snaps, "If I were to do what you ask, the fundamentalists will take over Egypt. Is that what you want?" The diplomat demurs and the conversation moves back to the latest twist in the peace process. Over the last decade Americans and Arabs have had many such exchanges. When President Bill Clinton urged Yasir Arafat to sign on the Camp David peace plan in July 2001, Arafat is

reported to have responded with words to the effect, "If I do what you want, *Hamas* will be in power tomorrow." The Saudi monarchy's most articulate spokesman, Prince Bandar bin Sultan, often reminds American officials that if they press his government too hard, the likely alternative to the regime is not Jeffersonian democracy but Islamic theocracy.... In this region, it has always veered away from any such confrontations.<sup>64</sup>

In Algeria, where the ruling National Salvation Front has completely discredited itself before the world and its own people, an ongoing human rights crisis has been worsened by the civil war led by the Islamist opposition, which would have won the 1991 election had the Front not cancelled the second round of voting. This resulted, in part, from the blessing of the West not to have an Islamist government, even though a human rights crisis quickly emerged.

The US has long supported counter-insurgencies against the Huks, New Peoples Army, and the various Muslim secessionist movements. The US continued as a postcolonial power after its colony ended in 1946. The Huks were antagonized by the 1946 expulsion of elected leftwing politicians from the Philippine national legislature. This led to their return to the armed insurgency that had been temporarily concluded by World War II. The Philippines has had the longest continuous, armed insurgencies in the world, exceeding the Colombian Revolutionary Armed Forces, which only dates to the 1960s. Pakistan has played a large role in perpetuating violence in Afghanistan since 1980, attempting to control a neighboring state with which it has had difficult relations, while protecting Western interests against Soviet and Islamic radicalism.

The West's incomplete or disingenuous commitments to liberalism, because of its own mercantile and strategic interests, as well as the implied inferiority of those being civilized, makes the foreign promotion of democracy and human rights under colonialism unlikely. It has left a difficult legacy of structures and attitudes to change in the postcolonial period. Those states that benefited from relatively long periods of institutional gestation, along with the involvement of middle class elites who participated in courts and elections, were able to establish regimes committed to liberal goals and human rights norms, with the institutions capable, more or less, of achieving those results. For most postcolonial states, the foreign imposition of pseudo-or quasi-liberal processes and institutions did not take root, and can be very disruptive, inducing violence and human rights repression. The inherent hypocrisy of the democratic rhetoric of colonial powers and occasionally of contemporary ones who sponsor authoritarian regimes have had a corrupting effect on local elites, who come to view Western institutions with great cynicism. Local elites inherit those pseudo-democratic institutions to consolidate their own power and promote mercantilist policies at home, instead of trying to promote public goods, including the rule of law needed to protect rights and promote economic development. Finally, the cultural attitudes of postcolonial elites in postcolonial states as well as in the US have often shared geopolitical priorities, for which repression of rights becomes the means to political stability.

The elite and collective memory of colonialism and decolonization, which affects current elite sensibilities has led to debates over how to remember colonialism. Russia, or the modern day representatives of the Ottomans in Serbia or the

Habsburgs in Croatia. A similar pattern can be seen in the Ukraine:

Just as the territory of what was Ukraine expanded many times, so also the content of what is “Ukrainian” evolved in the cultural, political and even in the ethnic sense. Accompanying and conditioning this process has been colonialism—political, economic, cultural and psychological. In this model, the colonial experience in Ukraine would encompass the entire eighteenth and nineteenth centuries and, with the notable exception of the 1920s, the entire Soviet period—in effect the bulk of modern Ukrainian history. In one sense, the colonial paradigm was prefigured by nineteenth-century Ukrainian populist thought...although the terms “colonial” and “colonialism” were never stressed. In contemporary Ukrainian thought, from the scholarly to the political, Ukraine’s history as reflecting a colonial status has great currency and has given rise to a range of factographic works, both of the lachrymose and martyrological variety mentioned by von Hagen, and the analytical.<sup>65</sup>

### Conclusions

The relationship between the postcolonial state and human rights protection suggests a clear, positive correlation between postcolonial states in Africa and Asia and human rights violations and a high negative one between postcolonial states in the English speaking Caribbean states and human rights violations. Colonialism has undermined human rights by creating ethnically more conflicted societies through “divide and rule” and ethnic favoritism as well as arbitrary ethnic categorizations, by retarding economic development in the most colonially exploited countries, by endowing at best quasi-democratic institutions founded on authoritarian systems of coercion designed to empower the colonial state and subsequently the postcolonial state, by leaving ongoing problems unresolved at independence, and especially by endowing weak states founded on limited authority and legitimacy and weak rule-of-law institutions, etc. The most potent of these factors seems to be the durability and inertia of colonial-era institutions, particularly those that rely on coercion rather than on rights-respecting legal institutions. To an extent, the British exceptionalism in some but not all of its former colonies, is explained by the development of an independent judiciary that is partly promoted against arbitrary state power (as long as it did not challenge ultimate British control).

The causal links between colonial legacies and human rights records varies from country to country, to be sure. The purpose of this paper has not been to provide a systematic empirical explanation of these variations. Rather, it has been to demonstrate the potency of colonial factors in interaction with other contemporary influences on human rights, most especially the regimes and interests of recently independent states and their ruling elites. Recognition of the colonial connection should encourage the developed world to recognize its ongoing obligation for weak state institutions in the postcolonial world and to provide assistance that will strengthen the rule of law, rather than of force, in these regimes.

The rest of the world seems to be in denial about its legacy for colonialism. While these effects are known implicitly, they are rarely overtly acknowledged as an intrinsic relation-

ship. It is difficult for the former colonies and metropolitan powers to regard each other with mutual respect, even though such a relationship is necessary if both sides are to benefit mutually. To come to terms with colonialism is to acknowledge that the agents of human rights violations, the agencies of coercion, were largely created under colonialism, to maintain the advantages of the outside powers and their local elites. While there is a putative responsibility of the new states to create their own institutions of accountability, they have often failed to create responsible police and armed forces. These postcolonial states, like the earlier postcolonial states in North and South America, continue or reproduce the agencies of coercion created under colonialism. The US was very lucky that General George Washington retired from the military and later as president, refused to remain in office as a dynasty, and essentially demobilized the US military. Unlike in modern colonies, the US colonists were told by the English that they were equal in rights to the English. The latter did not make the same mistake in their twentieth century colonies where generally, colonial racism made it clear that the locals could enjoy no more than local autonomy and no power to overrule or criticize colonial policies indefinitely. The postcolonial typical pattern is to continue the form of military politics that existed before.

The variation in human rights practices among Asian and African states can perhaps be partly explained by the differences in both the colonial and decolonization experiences. The exceptions have more beneficial colonial experiences and more liberal, postcolonial elites committed to removing many vestiges of aristocratic hierarchy that colonial powers had promoted.

In their totality, these factors support the conclusion that postcolonialism creates a trajectory of problems and challenges unique to the colonial and reinforces the human rights problems of all weak states. The range of these human rights predicaments varies enormously in this region, but they can all be traced to the institutions and elites that emerged during colonialism and the process of ending it. History, realism, and neocolonialism are partial explanations, as are a state’s age, regime type, geography, ethnic divisions, national boundaries, military history, culture, etc. The legacy of colonialism is a less ambitious explanation than the postcolonial paradigm, which can become a self-fulfilling justification for repression. By the same token, the West, having imposed colonialism on a quarter of the world’s population, has a responsibility to promote human rights in the postcolonial world, moving beyond rhetoric to real implementation. The latter is a subject for another essay.

Postcolonial effects on human rights represent an additional dimension of influence, not an intellectual paradigm, as asserted by postcolonial and neocolonial theories. The postcolonial state’s effects on human rights are akin to those of regional disparities in human rights records. Certain types of colonialism have left worse legacies than others, and certain metropolitan powers have left more auspicious postcolonial practices in their wake than others. Because correlation does not mean causation, the postcolonial state is an intervening variable, which affects ongoing processes of modernization, governance, liberalization and geopolitics.

Colonialism also left liberal legacies with a high-risk/high-return potential for human rights implementation.

When liberalism is fundamentally compromised, the repression maintaining the regime will resemble the democratizing façade that existed under colonialism, prompting anti-Western attacks on human rights themselves, even though the universality of human rights is a fundamental, *de jure* break from colonialism and neocolonialism. Postcolonial status has an actual and perceptual impact in terms of historical memory, creating victimization complexes, which tend to polarize relations with former colonial powers and the liberal values they may have promoted. Colonialism was only propitious for human rights when the postcolonial elites were committed to liberal values and programs, despite the hypocrisy, racism and class-bias of colonialism.

A liberal paradox results, where quasi-liberal institutions or ideals promoted under colonialism have a potential or tendency to be repressed in one epoch, but can become liberated at independence, such as in the Commonwealth Caribbean, Israel, Botswana and India, or remain a latent or repressed, but subconscious hope, upon which postcolonial leaders can build, as in Africa in the last decade. The West's incomplete or disingenuous commitments to liberalism, because of its own mercantile and strategic interests, as well as the implied inferiority of those being civilized, makes the foreign promotion of democracy and human rights under colonialism unlikely in most contexts. Those few states that benefited from relatively long periods of institutional gestation, along with the involvement of middle class elites who participated in courts and elections, offers models for human rights in postcolonial states.

By the same token, the West, having imposed colonialism on a quarter of the world's population, has a responsibility to promote human rights in the postcolonial world, moving beyond the rhetoric of democracy to encourage democratic practices, even at the cost to Western economic and geopolitical interests. While Western human rights policy should never excuse human rights violations on grounds of colonial guilt on its part or postcolonial inheritance for the part of the violators, the West could benefit by realizing why institutions, elites and masses in the postcolonial world have different capabilities and ideas on human rights protection. Such an understanding should lead to more adaptive incentives and training programs to promote democracy and protect individuals from harm.

On the other hand, if the postcolonial state hypothesis is correct, then the difficulties for human rights has more to do with stasis than change. In this negative view, colonialism produces a postcolonial state that is partly or indirectly responsible for human rights violations. Colonialism and its postcolonial state are another crucial factor, but not one justifying a postcolonial paradigm that becomes a self-fulfilling justification for repression. The evidence that the former colonial powers are *directly* responsible for current human rights violations often is not supported by evidence, except in particular cases of collaborating in repression. While human rights practices are influenced by the long-term legacies of colonialism, the current rulers cannot claim exceptionalism to human rights norms, supposedly to counteract the influence of the Western colonizers.

Thus, postcolonialism as an ideology can be a perverse incentive to excuse the lack of change in office. The challenges of human rights protection in former colonies require quite the opposite, a willingness to be accountable for con-

temporary results, particularly how a government treats its own people. Thus, postcolonial theory, used as a governing ideology, will induce rather than explain contemporary human rights violations. Here, an examination of the different legacies of colonialism helps to explain why institutions of accountability, as well as a political culture of legality, vary so much in different postcolonial states. Human rights and freedom depend on contemporary policy, not on misapplications of philosophy and history.

## NOTES

Acknowledgment: I am very grateful to Rafal Raciborski for research assistance for this essay and to Don Reid for the background behind the two introductory epigrams from Kipling and Cromer.

<sup>1</sup>From Rudyard Kipling, "The White Man's Burden," 1899, *Rudyard Kipling's Verse, 1865-1936* (Garden City: Doubleday and Company, 1946), 321-323.

<sup>2</sup>Earl of Cromer, *Modern Egypt* (London: Macmillan, 1911), 556.

<sup>3</sup>The postcolonial states are defined, as a minimum, as the fifty-two African and sixteen Asian states that became independent after World War II. Others include the states decolonized in the Caribbean, Trans-Caucasia, and the Central Asia republics. To some extent, this is an arbitrary definition. First, there were a few colonies that were liberated after World War I and before. The British did not consider Egypt a colony, though it certainly resembled one, and it was made independent before World War II. Second, the status of territories within or adjacent to empires might be seen as similar or even equivalent to colonies. This would apply especially to some or all of the post-Soviet states, which became independent in 1991. My classificatory scheme, which does not consider postcolonial states to include all colonies dating to the seventeenth century, thus omits many seventeenth, eighteenth and nineteenth-century colonies whose contemporary states have favorable human rights records. For example, the causal influence of English colonialism would be positively correlated with human rights if the US, Canada, Australia, and New Zealand were considered postcolonial states. As I discuss below, I consider the former Soviet Socialist States to be postcolonial states, but not the six Soviet satellites of East-Central and Southeast Europe.

<sup>4</sup>For example, Richard Haas, formerly Director of Studies of the Brookings Institution until he assumed a position in the US National Security Council of President George W. Bush, announced a US initiative to promote economic, educational and political development in the Arab world. He then noted that neither colonialism nor US policy should be used as explanations for the lack of democracy and the prevalence of human rights violations in Muslim-majority states. On the other hand, Haas admitted that the US has often overlooked human rights violations to assure a steady flow of oil to the West, but he attributed this latter, negative effect on human rights to geopolitics, not colonialism. Richard Haas, statement to Radio Free Europe/Radio Liberty (6 December 2002). I feel that Haas might have added that the sympathy that some powers feel toward their former colonies leads to less critical relationships toward current regimes that grant the powers' influence.

<sup>5</sup>Clientalism encompasses the vertical, personal and re-

ciprocal relationships among patrons and their inferior, dependent clients based on an exchange of favors. Clientalist elites are generally the patrons for tenants, citizens and other clients, though the patrons may be the clients of their own benefactors. See S. N. Eisenstadt and L. Roniger, *Patrons, Clients and Friends* (Cambridge: Cambridge University Press, 1984); and S. N. Eisenstadt and R. Lemarchand, *Political Clientalism: Patronage and Development* (London: Sage, 1981).

<sup>6</sup>Max Weber defined “prebendary officials” as those who treat their public offices as “entrepreneurs to enrich themselves by stealing public funds.” Max Weber, *From Max Weber: Essays in Sociology* ed. H. H. Gerth and C. Wright Mills (Oxford: Oxford University Press, 1968), 207-209. See Peter Evans “Predatory, Developmental, and Other Apparatuses: A Comparative Political Economy,” *Sociological Forum* 4, no.4, (1989), 562; and Alex Dupuy, *Haiti in the New World Order* (Boulder: Westview Press, 1997), 21.

<sup>7</sup>See, for example, Robert Fatton, Jr. *Predatory Rule* (Boulder: Lynne Rienner, 1992). Roxanne Lynn Doty, *Imperial Encounters* (Minneapolis: University of Minnesota Press, 1996); Thomas M. Franck, *Human Rights in Third World Perspective* (London: Oceana Publications, 1982); Tony Evans, ed., *Human Rights: A Reappraisal* (Manchester: Manchester University Press, 1998).

<sup>8</sup>For example, one study concluded that British and French colonies have had better economic growth than Portuguese, Belgian, and Italian ones; that colonial heritage explains the variation in economic growth even better than human capital, political, and ethnic instability; and that less economically penetrated colonies have grown faster than ones penetrated more by the colonial power. However, contemporary dependencies like Guadeloupe and Puerto Rico have grown much more than postcolonial states. See Fabio Canova and Graziella Bertocchi, “Did Colonization Matter for Growth? An Empirical Exploration into the Historical Causes of Africa’s Underdevelopment,” *Economics Working Papers* (Dept. of Economics and Business, Universitat Pompeu Fabra, 2002). See also David E. Bloom and Jeffrey D. Sachs, “Geography, Demography and Economic Growth in Africa,” (Washington, DC: Brookings Papers on Economic Activity, 1998), 207-273.

<sup>9</sup>See Daron Acemoglu, Simon Johnson, and James A. Robinson, “The Colonial Origins of Comparative Development: An Empirical Investigation,” *American Economic Review* 91 (December 2001), 1-43. The argument is combined with geographical explanations to suggest that European colonists established democratic and capitalist institutions where mortality from disease was low, and established low-quality institutions where rates of disease were high and long-term, colonial commitments to inhabit and develop territory were low. See William Easterly and Ross Levine, “Tropics, Germs and Crops: How Endowments Influence Economic Development,” National Bureau of Economic Research Working Paper 9106.

<sup>10</sup>Mary Ann Glendon, Michael W. Gordon and Paolo G. Carossa, *Comparative Legal Traditions in a Nut Shell* (St. Paul, MN: West Group, 1999), 170-171.

<sup>11</sup>For example, see Dietrich Rueschemeyer, Evelyne Huber Stephens, and John D. Stephens, *Capitalist Development*

*and Democracy* (Chicago: University of Chicago Press, 1992). Tony Evans, *US Hegemony and the Project of Universal Human Rights and the Project of US Hegemony* (New York: St. Martin’s Press, 1996).

<sup>12</sup>Human Development Report, UN Development Programme <[www.undp.org](http://www.undp.org)>.

<sup>13</sup>Tribunal Watch, no. 254 (11-16 February 2002) <[www.iwpr.net](http://www.iwpr.net)>.

<sup>14</sup>Shashi Tharoor, “The Messy Afterlife of Colonialism,” *Global Governance* 8, no.1 (Jan.-Mar. 2002), 5.

<sup>15</sup>Of course, Freedom House (FH) ratings can be criticized as both subjective and generally conservative measures, as well as perhaps inconsistently applied and lacking reliable information. They also ignore the crucial importance of economic, social, and cultural rights. Political rights refer to the subjective judgments, mostly by Raymond Gastil until recent years, of the freedom and quality of elections and political party organizing. Civil liberties refer to judicial independence and the protection of freedoms of association, expression and religion, among others. For details, see “Freedom in the World” <[www.freedomhouse.org](http://www.freedomhouse.org)>. I have used FH measures as indicators because there are not many other alternative quantitative measures, and there are none spanning the past three decades. While I disagree with specific ratings, I do not disagree with the overall pattern of violations: the worst violators are the mass murderers, no matter how enlightened they might be about economic policy (and they are often not enlightened). Furthermore, some of the most worthwhile evaluations of human rights in many countries, such as from Amnesty International and Human Rights Watch, consist of long, qualitative reports which are as much focused on US policy as on conditions in the country. It would be difficult to assign quantitative scores to such reports because they vary greatly among themselves. One attempt to quantify such reports is Steven C. Poe, Sabine C. Carey, and Tanya C. Vasquez, “How are These Pictures Different? A Quantitative Comparison of the US State Department and Amnesty International Human Rights Reports, 1976–1995,” *Human Rights Quarterly* 23 (2001): 650-677. It would be even more difficult to use the reports of the UN Charter-based organizations like the Human Rights Commission, Subcommission and High Commissioner of Human Rights. The best option, in terms of common denominators derived from provisions from UN-sponsored, human rights treaties, like the evaluations of the Human Rights Committee, the Torture Committee, the Committee on Racial Discrimination, or the Committee Against Discrimination against Women, among others. Yet, even there, most of the worst violating states have not provided their reports to which these committees then respond with their evaluations, even assuming they have ratified those treaties. Thus, Freedom House evaluations provide the best option, despite their drawbacks.

<sup>16</sup>Robert Ayres, “Low-Income Poorly Performing States: The Challenges for US Policy,” in *Poorly Performing States and US Policy*, ed. Robert Ayres (Washington, DC: Center for Global Development, forthcoming).

<sup>17</sup>Statement made by Schlesinger on the “Charlie Rose Show,” hosted by Richard Reeves, Public Broadcasting (18 July 2002).

<sup>18</sup>Florence Elliott -, *A Dictionary of Politics* (Baltimore:

Penguin Books, 1969), 93.

<sup>19</sup>The process began with Japan's loss of Korea and Taiwan, the end of the joint occupation by the UK and France of Syria and Lebanon in 1945, followed by the planned independence of the Philippines from the US in 1946 and the partition of India and Pakistan from the UK in 1947.

<sup>20</sup>Harold Jacobson, *Networks of Interdependence: International Organizations and the Global Political System* (New York: Alfred A. Knopf, 1984), 349.

<sup>21</sup>By 1990, twenty-two new states from the former communist federations of Yugoslavia, Czechoslovakia and the Soviet Union came into being. Most of them were contiguous parts of empires, not dependent territories and will not be considered "postcolonial" here. The latter are those states that came into existence, beginning with the Philippines in 1946 up to Angola and Mozambique. Of the remaining colonies, a few seem to prefer that status, such as Aruba, the Virgin Islands, the Falkland Islands, Puerto Rico, Guam, and Gibraltar, while Tibet and Hong Kong do not. A few states in Africa and Asia, with poor human rights records, like Thailand, Saudi Arabia, and Yemen, were either never colonies or maintained independence within strict limits imposed by the British.

<sup>22</sup>Myron Weiner uses the terms "postcolonial state" and "new state" interchangeably in Myron Weiner, "Political Change: Asia, Africa and the Middle East," in *Understanding Political Development*, ed. Myron Weiner and Samuel P. Huntington (Boston: Little, Brown & Co., 1987), 54.

<sup>23</sup>Stateness refers to the extent to which minorities in a country not only exist, but also feel that they are not full citizens of the territorial state. It is the term of Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation* (Baltimore: the Johns Hopkins University Press, 1996).

<sup>24</sup>Cohen, *Russian Imperialism*, 61.

<sup>25</sup>Of course, radicals would say that Israel is a colonizing state, which did not suffer from the subjugation of British colonialism. However, I am using a strictly chronological definition in this essay.

<sup>26</sup>See, for example, David W. Kennedy, "International Law in the Nineteenth Century: History of an Illusion," *Quinnipiac Law Review* 17 (1998); Adeno Addis, "International Propaganda and Developing Countries," *Vanderbilt Journal of International Law* 21 (1988); Philip Allott, "The True Function of Law in International Community," *Indiana Journal of Global Legal Studies* 5 (1998); Lama Abu-Odeh, "Post-Colonial Feminism and the Veil: Considering the Differences," *New England Law Review* 26, 1992; Antony Anghie, "Francisco de Vitoria and the Colonial Origins of International Law," *Social and Legal Studies* 5 (1996); Keith Aoki, "How he World Dreams Itself to be American," *Loyola of Los Angeles Entertainment Law Journal* 17 (1997); S.J. Anaya, "A Contemporary Definition of the International Norm of Self-Determination," *Transnational Law and Contemporary Problems* 2, (1993); James Thuo Gathii, "Good Governance as a Counter-Insurgency Agenda to Oppositional and Transformative Social Projects in International Law," *Buffalo Human Rights Law Review* 4 (1999); Diane Otto, "Rethinking the Universality of Human Rights," *Columbia Human Rights Law Review* 29 (1997): 1-46; Brian Z. Tamanaha, "Lessons of Law and Development Studies," *American Journal of International Law* 89, no. 2 (1995): 470-486; Adrien Katherine

Wing, "Human Rights and International Law," *American Society of International Law Proceedings* 82 (1990): 122-141; Karen Knopf, "The Making of Difference in International Law" Ph.D. diss., Toronto University (1999); Rosemary Coombe, "Copyright, Colonialism and the Evangelical Impulse," Minneapolis: University of Minnesota Press, forthcoming); Annelise Riles, *The View from the International Plane: Perspective and Scale in the Architecture of Colonial International Law* Cambridge: Cambridge University Press, forthcoming); and Celina Romany, "Claiming A Global Identity: Latin/A Critical Scholarship of International Human Rights," *University of Miami Inter-American Law Review* 28 (1997).

<sup>27</sup>Bill Ashcroft, Gareth Griffiths, and Helen Tiffin, *The Empire Writes Back: Theory and Practice in Post-Colonial Literatures* (London: Routledge, 1989), 2.

<sup>28</sup>Aimé Césaire, "Discourse on Colonialism," as published in *Colonial Discourse and Post-Colonial Theory*, ed. Patrick Williams and Laura Chrisman (New York: Columbia University Press, 1994), 177.

<sup>29</sup>Ashcroft, Griffiths, and Tiffin, *The Empire Writes Back*, 2.

<sup>30</sup>Emphasis added. Abdullahi A. An-Naim, "The Contingent Universality of Human Rights: The Case of Freedom of Expression in African and Islamic Countries," *Emory International Law Review* 11 (1997): 55.

<sup>31</sup>El-Obaid Ahmed El-Obaid and Kwadwo Appiagyeyi-Atua, "Human Rights in Africa—A New Perspective on Linking the Past to the Present," *McGill Law Journal* 41 (1996): 822-823, 854.

<sup>32</sup>Stephen C. Poe, L. Keith, and C. Neal Tate, "Repression of the Human Right to Personal Integrity Revisited: A Global Cross-National Study Covering the Years 1976-1993," *International Studies Quarterly* 43, no.2 (June 1999): 291-313.

<sup>33</sup>Neil J. Mitchell and James M. McCormick, "Economic and Political Explanations of Human Rights Violations," *World Politics* 40 (1988): 480.

<sup>34</sup>Henry F. Carey and Robert H. Howard, "Independent Judiciaries and Democratic Rule," (paper presented to the annual meeting of the American Political Science Association, Boston, 2002).

<sup>35</sup>See, for example, Arend Lijphart, "The Puzzle of Indian Democracy: A Constitutional Interpretation," *American Political Science Review* 90, no. 2 (June 1996): 258-268. Lijphart argues that India's success results from informal power sharing, at least until recent years.

<sup>36</sup>Myron Weiner and Ergun Obzudun, "Introduction," in *Competitive Elections in Developing Countries*, ed. Weiner and Obzudun (Durham: Duke University Press, 1987).

<sup>37</sup>Jorge I. Domínguez, "Political Change: Central America, South America and the Caribbean," in *Understanding Political Development*, ed. Myron Weiner and Samuel P. Huntington (Boston: Little, Brown & Co., 1987), 71.

<sup>38</sup>Adrian Karatnycky, "Muslim Countries and the Democracy Gap," *Journal of Democracy* 13, no. 1 (January 2002): 102-103.

<sup>39</sup>Paul Johnson, "Under Foreign Flags: The Glories and Agonies of Colonialism," *National Review* (11 February 2002), 16.

<sup>40</sup>Because these scores are averages for countries and not weighted by population, they are only rough indicators.

<sup>41</sup>There are some fifteen countries in total in the English-speaking Caribbean, but three are not rated by Freedom House. While most of them were given independence in about 1960, many of these fifteen had different colonial experiences, both before (British Guiana, St. Lucia, and Trinidad and Tobago had different colonial powers and legal systems prior to cession to the British) and during British rule (sugar economies like British Guiana imported Indian indentured servants following the ending of African slavery, creating ethnic problems ever since). To explain why they are positively related to human rights protection is beyond the scope of this paper. However, hypotheses generally presented include the fact that smaller countries, particularly those with populations under one million, have a much higher probability of becoming democracies than large countries, which have greater problems establishing effective control over ethnically divided populaces. See Larry Diamond, "Thinking about Hybrid Regimes," *Journal of Democracy* 13, no.2 (2002): 21-35.

<sup>42</sup>One could suggest that this regression model is under-specified because only HDI and colonial states are included as explanatory variables. First, because HDI is an indicator based on many variables associated with modernization, there is no need for a complicated model, particularly in a journal that does not publish regression analysis. More importantly, this essay's purpose is not to provide a complete explanation of the causes of human rights violations, but just to demonstrate that postcoloniality is a statistically significant interactive factor. To that end, the short analysis here suffices. Of course, the literature on correlates with human rights provides such well-specified, independent variables, including such factors as ethnic fragmentation, dominant religion, urbanization, etc. See, for example, Poe, Keith, and Tate, "Repression of the Human Right to Personal Integrity Revisited."

<sup>43</sup>Alice L. Conklin and Ian Christopher Fletcher, "The Imperial Mission," in *European Imperialism 1830-1930*, ed. Conklin and Fletcher (Boston: Houghton Mifflin, 1990), 57.

<sup>44</sup>Albert H. Hourani, *A History of the Arab Peoples* (Cambridge: Belknap Press of Harvard University Press, 1991), 324.

<sup>45</sup>David Arnold, *Police Power and Colonial Rule: Madras 1859-1947* (Oxford: Oxford University Press, 1986), 58.

<sup>46</sup>Vrinda Narain, *Gender and Community: Muslim Women's Rights in India* (Toronto: University of Toronto Press, 2001), 109.

<sup>47</sup>Jose Diokono, "The Filipino is 'what he Chooses to be,'" in Neelan Tiruchelvam and Radhika Coomaraswamy (eds.), *The Role of the Judiciary in Plural Societies* (New York: St. Martin's Press, 1987), 61-78.

<sup>48</sup>Peter Newman, *British Guiana: Problems of Cohesion in an Immigrant Society* (London: Oxford University Press, 1964), 26.

<sup>49</sup>Basil A. Ince, *Decolonization and Conflict in the United Nations: Guyana's Struggle for Independence* (Cambridge: Schenkman Publishing Company, 1974), 97.

<sup>50</sup>Ariel Cohen, *Russian Imperialism: Development and Crisis* (Westport: Praeger, 1996), 99-100.

<sup>51</sup>Cohen, *Russian Imperialism*, 143.

<sup>52</sup>Helene Carrère d'Encausse, *The Nationality Question in the Soviet Union and Russia*, (Oslo and Cambridge, MA: Scandinavian University Press, 1995), 27.

<sup>53</sup>George G. Grabowicz, "Ukrainian Studies: Framing the Contexts," *Slavic Review* 54, no. 3 (1995): 677-78.

<sup>54</sup>Albert Habib Hourani, *A History of the Arab Peoples*, (Cambridge: Belknap Press of the Harvard University Press, 1991), 372.

<sup>55</sup>James S. Coleman, "Conclusion: The Political Systems in Developing Countries," in *The Politics of Developing Areas*, ed. Gabriel A. Almond and James S. Coleman (Princeton: Princeton University Press, 1960), 552-556.

<sup>56</sup>Cohen, *Russian Imperialism*, 84.

<sup>57</sup>Cohen, *Russian Imperialism*, 84.

<sup>58</sup>John Connelly, "Students, Workers, and Social Change: The Limits of Czech Stalinism," *Slavic Review* 56, no. 2 (1997): 307.

<sup>59</sup>Ian Buruma and Avishai Margalit present their concept of Occidentalism as an irrational counterpart to Orientalism: "War against the West is partly a war against a particular concept of citizenship and community.... Four features of Occidentalism can be seen in most versions of it; we can call them the City, the Bourgeois, Reason, and Feminism. Each contains a set of attributes, such as arrogance, feebleness, greed, depravity, and decadence, which are invoked as typically Western, or even American characteristics." Ian Buruma and Avishai Margalit, "Occidentalism," *The New York Review of Books* (17 January 2002), 4. They argue that "Occidentalists" have also existed historically in regions other than the Middle East, such as in the pre-World War II regimes of Germany and Japan.

<sup>60</sup>Ian Fisher, "Qaeda Suspect's Bosnian Wife Says He's No Terrorist," *The New York Times* (28 January 2002), A3.

<sup>61</sup>Kanan Makiya, *Cruelty and Silence: War, Cruelty, Uprising in the Arab World* (New York: W.W. Norton, 1994).

<sup>62</sup>Thomas Cushman, "Intellectuals and the Failure of the West in Bosnia," in *Treadgold Papers* (Seattle: University of Washington, 1997).

<sup>63</sup>Mugabe's comments were made in a speech played on BBC's "Newshour" show, World Service, (17 April 2000). See Henri E. Cauvin, "Violence Intensifies Against White Farmers in Zimbabwe," *The New York Times* (19 April 2000), A4; E.P. Makambe, *Marginalising the Human Rights Campaign: the Dissident Factor and the Politics of Violence in Zimbabwe, 1980-1987* (Rome: Institute of Southern African Studies, National University of Lesotho, 1992).

<sup>64</sup>Fareed Zakaria, "How to Save the Arab World," *Newsweek* (24 December 2001), 22, 24.

<sup>65</sup>George G. Grabowicz, "Ukrainian Studies: Framing the Contexts," *Slavic Review* 54, no. 3 (1995): 676.