The Foreign Policy of Human Rights: Rhetoric and Reality from Jimmy Carter to Ronald Reagan

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Throughout the 1980 presidential campaign, candidate Reagan clearly and sharply criticized the Carter human rights policy, arguing that it was morally unsound, ineffective, and threatening to United States’ security interests. According to the Reagan view, the policy was morally tenuous because it created a double standard, condemning minor human rights violators while overlooking major offenders. It was considered ineffective because it actually reduced United States influence in the targeted nations. Moreover, Carter’s policy was said to threaten United States security interests because it seriously undermined regimes which, while imperfect, were at least pro-Western. In contrast to Carter, Reagan promised that he would initiate a more realistic human rights program. By avoiding the pitfalls of the Carter policy and properly understanding the moral questions involved, he would enact a policy that was both ethically sound and politically effective.

This paper will first examine the enunciated principles and rationale for the Reagan human rights policy. This will be followed by a comparison of the Reagan and Carter policies as reflected by their distributions of United States foreign assistance. Specifically, we will examine whether the two administrations followed congressional guidelines that mandate a link between United States foreign assistance and the human rights records of recipient

1. This critique may be best explored in the writings of Jeane Kirkpatrick. See, e.g., “Dictatorships and Double Standards,” Commentary 68 (November 1979): 34–45. While Kirkpatrick was not actually responsible for the Reagan position, the Commentary article brought her to his attention and is recognized as an accurate reflection of Reagan’s attitudes.
nations. Our choice to focus on the distribution of foreign assistance is due to the fact that the manipulation of foreign assistance was a preferred instrument of the Carter human rights policy while it has not been promoted by the Reagan administration, which has expressed a preference for the methods of traditional or "quiet" diplomacy. This focus on the distribution of foreign assistance is not, however, an attempt to evaluate the Reagan policy on the basis of his predecessor's criteria. It is, rather, based on the fact that Congress has expressed its intent in law that foreign aid distribution should be an important expression of the administration's commitment to human rights. Further, in an area where so much is uncertain, the distribution of aid provides concrete evidence of a policy output reflecting budgetary considerations.

Foreign Policy of Human Rights

There is little question that the intent of Congress was fairly well established during the mid 1970s. Both Carter and Reagan have been charged with implementing laws that call for consideration of the human rights practices of recipient governments when determining the amount of military and economic assistance they will receive. Congress declined to tie the president's hands completely, however, by including escape clauses in individual pieces of legislation that allow aid to continue in the event of undefined "extraordinary circumstances." As we shall see, these clauses have been used liberally by both administrations to introduce a variety of concerns other than human rights into the foreign aid distribution decision making process.

The operational definition of human rights used for this analysis is based on that found in legislation such as the Foreign Assistance Act of 1974 which singles out "consistent pattern[s] of gross violations of internationally recognized human rights" for action, identifying such violations as "torture or cruel, inhuman, or degrading treatment or punishment; prolonged detention without charges; or other flagrant denials of the right to life, liberty, and the security of the person." Following the congressional lead, we focus our attention on threats to the person, particularly extralegal execution, disappearance, torture, and political imprisonment. These abuses are of an ex-

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traordinarily gross character, exact a frighteningly high human cost, and tend to be relatively flagrant, thereby making them visible and likely targets for concerted United States action. In doing so, however, we do not deny the importance of other abuses, such as the denial of fundamental political, social, and economic rights or necessities.

I. THE REAGAN CRITIQUE AND REFORMULATION OF HUMAN RIGHTS POLICY

The Reagan critique and reformulation of United States human rights policy has had two principle currents. First, international terrorism has been introduced as a key human rights concern. Second, the moral issues involved in judging the relative “goodness” of regimes have been clarified. Both currents operate to redirect attention towards the Soviet Union and its allies.

From the start of their administration of United States foreign policy, Reagan and his advisors were particularly interested in international terrorism, which they defined as anti-state attacks, and in identifying international terrorism as a human rights concern. In his first news conference as Secretary of State, Alexander Haig declared that, “[I]nternational terrorism will take the place of human rights in our concern, because it is the ultimate abuse of human rights.” 5 Haig also repeatedly condemned the Soviet Union for “training, funding and equipping” international terrorists, thereby demonstrating a link between international terrorism and the Soviet Union. 6 By identifying international terrorism as the most significant threat to human rights, and by further identifying the Soviet Union as the chief source of international terrorism, it was possible to bundle human rights, national security, and international terrorism into a single package that fit neatly (and subtly) into the broader United States fight against global communism.

The administration also attempted to clarify the moral issues involved in evaluating the human rights practices of various regimes. This served, on the one hand, as the basis for criticizing the Carter policy, and, on the other, as the foundation for a more “realistic” human rights policy. The Reagan critique was enunciated most consistently and clearly by Jeane Kirkpatrick when she was United States Ambassador to the United Nations. 7 Kirkpatrick

argued that the Carter policy was flawed from the start due to its “purist” or “utopian” conception of human rights. More particularly, she criticized the policy as it was practiced for a lack of effectiveness and for focusing solely on United States allies. Publicly criticizing and denying aid to “friendly” human rights violators was not effective, she argued, because it delegitimized them, thereby making these allies more susceptible to unfriendly opposition groups. Moreover, public criticism and denial of aid made these allies less susceptible to United States influence and pressure. Making the situation worse still in her eyes, the policy was “almost invariably anti-Western in its application.”

It was argued that the Carter human rights policy worked to destabilize and undermine American allies around the world. In sum, therefore, the Reagan critique concluded that the Carter policy effectively promoted neither human rights nor United States security interests.

At the heart of the Reagan critique is an entire reformulation of the moral issues surrounding the human rights issue. The Carter policy was fundamentally misdirected because of the inappropriateness of its “purist” conception of human rights. Michael Novak, the Reagan administration’s appointee to the United Nations Commission on Human Rights, has argued that the fundamental problem was that the Carter administration “pretended that all nations erred against human rights more or less equally. No distinction was made between totalitarian nations and authoritarian nations.” It is this, identified by Novak as the “most important distinction of the twentieth century,” that provides what the Reagan administration considers the basis for a proper conception of human rights and lies at the heart of any realistic human rights policy.

The theoretical backdrop for the administration’s position on the distinction between totalitarianism and authoritarianism is an article written by Kirkpatrick for Commentary magazine in 1979. At the heart of the argument is a truly extraordinary statement, as follows:

Traditional autocrats leave in place existing allocations of wealth, power, status and other resources which in most traditional societies favor an affluent few and maintain masses in poverty. But they worship traditional gods and observe traditional taboos. They do not disturb the habitual rhythms of work and leisure, habitual places of residence, habitual patterns of family and personal relations. Because the miseries of traditional life are familiar, they are bearable to ordinary people who, growing up in the society, learn to cope, as children born to untouchables in India acquire the skills and attitudes necessary for survival in the miserable roles they are destined to fill. Such societies create no refugees.

9. Novak, note 7 above, at 82.
Precisely the opposite is true of revolutionary Communist regimes. They create refugees by the million because they claim jurisdiction over the whole life of the society. . . . Moreover, the history of this century provides no grounds for expecting that radical totalitarian regimes will transform themselves. At the moment there is a far greater likelihood of progressive liberalization and democratization in the governments of Brazil, Argentina, and Chile than in the government of Cuba; in Taiwan than in the People’s Republic of China; in South Korea than in North Korea; in Zaire than in Angola; and so forth.11

Leaving aside the accuracy of this view for the moment, the argument is that non-democratic governments are not all the same because of the distinction between totalitarian and authoritarian regimes. While the latter may be responsible for serious violations of human rights, they are nonetheless preferable to totalitarian regimes. When one couples this with a “realistic” understanding that not all regimes can be perfect, one’s policy choices are clarified. It is thus argued that a true human rights policy is one which chooses the lesser over the greater evil; it is a policy which lends support to authoritarian regimes (however grudgingly) in order to minimize the greater evil of totalitarianism.

The policy implications of this approach are brought to light when one understands that the Reagan administration regarded authoritarian regimes, by definition, as those regimes friendly to the United States, while totalitarian regimes were, by definition, those friendly to the Soviet Union.12 As a result, the Reagan administration could assert that human rights interests and United States security interests were parallel. William Clark, former Assistant to the President for National Security Affairs, highlighted this linkage when he argued that, “[t]he administration believes that a strong America— an America whose national security is assured—is good for personal liberties throughout the world.”13 In practice, this requires the United States to support pro-Western non-democratic regimes actively, however repressive they may be. As explained by former Secretary of State Alexander Haig, the “first imperative” of a human rights policy “is to strengthen the United States, its allies and friends, the main safeguard against totalitarian aggression.14

The Reagan administration’s reformulation of human rights policy thus included a broad critique of its perception of the Carter policy, and an expo-

11. Kirkpatrick, note 1 above, at 44.
13. Clark, note 7 above, at 36.
sition of a complex moral argument meant to justify—on human rights
grounds—the unabashed pursuit of United States national security interests.
The reformulation, as discussed, had two main tenets. The first introduced
international terrorism as the principle human rights concern directing attention
towards the Soviet Union which was regarded as the source of such terror-
ism. The second emphasized the relative moral superiority of authoritar-
ian United States friends as opposed to the totalitarian allies of the Soviet
Union. The resulting rhetoric has thus been primarily concerned with the
abuses of the Soviet Union and its allies and with preventing any further
Soviet expansion.15

II. THE REALITY BEHIND THE RHETORIC: A COMPARISON
OF THE CARTER AND REAGAN HUMAN RIGHTS POLICIES

A. Measuring Human Rights Violations

The most significant problem faced by all analysts of human rights is the
development of a valid means of measuring violations. Even when one has
clearly delineated what is meant by human rights violations, reliable inform-
ation is often hard to come by. There is no adequate data source available
and gathering information is necessarily problematic.16 Moreover, what in-
formation is publicly available is unsystematic. This is due in part to the
unevenness of global news coverage, resulting in less publicity for human
rights violations in some parts of the world than those in other regions.17 Far
more important, however, is the ability of most states significantly to control
information concerning their rights violations. Most states are not interested
in informing large audiences of such activities, and as a result, many events
are exposed only long after the fact, or are suppressed altogether.18

Given these problems, we are hesitant to employ any single measure of

15. At times the Reagan administration’s connection of the human rights issue to the broader
United States fight against the Soviets and international communism is made explicit.
Elliott Abrams, for instance, has stated that “resisting the expansion of communism is a key
human rights goal.” Abrams, note 7 above, at 44.
16. See, e.g., David Weissbrodt and James McCarthy, “Fact-Finding by International
Nongovernmental Human Rights Organizations,” Virginia Journal of International Law 22
(Fall 1981): 1–89.
17. For analyses of the political implications of this uneven coverage, see Ted Robert Gurr,
Politometics (Englewood Cliffs, N.J.: Prentice-Hall, 1972); Edward S. Herman, The Real
Terror Network (Boston: South End Press, 1982); Alex Schmid and Janny De Graaf,
Violence as Communication: Insurgent Terrorism and the Western News Media, (Beverly
Hills: Sage Publications, 1982); and Philip Eliot et al., Televising Terrorism: Political
Violence in Popular Culture (New York: Charles Scribner’s Sons, 1984).
18. See the discussion in Raymond D. Duvall and Michael Stohl, “Governance by Terror,” in
human rights. Instead, we have chosen to employ three different scales. Taken individually, none of the three are entirely suitable. Each suffers from particular weaknesses and biases. Yet, the three are derived from information provided by organizations of distinctly different political orientations. Thus, the biases built into the scales are not consistent. Taken collectively, then, they provide a varied and interesting data set. If the three parallel analyses conducted below generate similar findings, we may feel confident that the varied political concerns built into the scales are not skewing the overall analysis.

The first scale we have employed is taken directly from the Freedom House organization.19 Each year Freedom House ranks every country in the world on a “civil rights” scale. This scale examines a host of traditional civil liberties as well as the security of the person. Thus, this scale includes for consideration several aspects of human rights beyond the concerns identified in the human rights legislative package. Furthermore, very serious questions have been raised concerning the manner in which Freedom House constructs its scales.20 The scale is included for consideration nonetheless, despite its questionable success, because it is the only significant attempt to date to measure comprehensively the rights in which we are interested. Beyond this, it seemed worthwhile to include the scale in the analysis due to the respect that the Freedom House organization continues to enjoy within United States political institutions. Overall, however, we do realize that the civil rights scale is methodologically the weakest and least desirable of our measures.

Our second and third indices, in which we are far more interested, were constructed from existing raw data. We took as our starting point a “political terror” scale published by Freedom House in its 1980 yearbook. This scale distinguishes five levels of political violence and terror, as follows:

Level A: “Countries . . . under a secure rule of law, people are not imprisoned for their views, and torture is rare or exceptional. . . . Political murders are extremely rare. . . .”

Level B: “There is a limited amount of imprisonment for nonviolent political activity. However, few persons are affected, torture and beating are exceptional. . . . Political murder is rare. . . .”

Level C: “There is extensive political imprisonment, or a recent history of such imprisonment. Execution or other political murders and brutality may

be common. Unlimited detention, with or without trial, for political views is accepted. . . .

Level D: "The practices of Level C are expanded to larger numbers. Murders, disappearances, and torture are a common part of life. . . . In spite of its generality, on this level terror affects primarily those who interest themselves in politics or ideas."

Level E: "The terrors of Level D have been extended to the whole population. . . . The leaders of these societies place no limits on the means or thoroughness with which they pursue personal or ideological goals." 21

It should be clear that the levels of the scale are distinguished according to the use of political killings, torture, and imprisonment. In short, the Freedom House "political terror" scale groups and ranks those violations of human rights in which we are most interested. We have therefore taken this scale as the basis for constructing two indices, one from the data presented in the annual human rights reports of the United States Department of State and the other from the data presented in the annual reports of Amnesty International. Using the Freedom House scale as a guide, we used the data in each of the annual reports to rank the fifty-nine countries included in the analysis for each year the reports have been available from 1977 to the present. (See Appendix 1.) 22 In the construction of each index, we scaled the data presented in the reports as if they were accurate and complete. Thus, any biases exhibited in the annual reports of the two organizations should be evident in the indices. Given their particular focus on the rights of the person, these two indices more accurately reflect our interests, and the analyses using these measures will therefore be our principle concern. We are reasonably comfortable with the results because of the high level of intercoder reliability in constructing these indices. While they provide us with ordinal measures only, we are confident that the nations that are scored as having the highest rankings are those nations which in the reports of our two sources are responsible for higher numbers of deaths, torture, and political imprisonment than those below them, and that the study can be replicated.

In sum, the three scales we employ have been developed from sources with different political motives and assumptions. While none of the scales would (or should) satisfy all readers, taken collectively they provide an interesting and very useful data set. Since our purpose is to test if evaluations of

countries' human rights records are correlated with the level of foreign assistance they receive, it will be intriguing to find if one of these "realities" better accords with the rhetoric and reality of policy than do the others. Further, if the parallel analyses generate similar findings regardless of political assumptions, we feel justified in a reasonable degree of confidence that political concerns have not skewed our analysis.

B. The Carter "Initiative"

In order to determine the accuracy of Reagan's characterization of Carter's human rights policy, as well as the degree to which the Reagan human rights policy differs, it is necessary to examine the actual characteristics of Carter's policy. After looking at the publicly stated policy of the Carter administration, we will then examine the empirical evidence.

From the start of his administration Carter spoke frequently and forcefully in support of human rights and their central role in the formation of United States foreign policy. He was also generally supportive of Congressional efforts to codify human rights concerns. In his inaugural address, the President emphasized his commitment saying, "Our commitment to human rights must be absolute. . . . Because we are free, we can never be indifferent to the fate of freedom-elsewhere. Our moral sense dictates a clearcut preference for those societies which share with us an abiding respect for individual human rights."24

There can be little doubt that Mr. Carter was both politically and personally committed to human rights. According to the Reagan critique, in fact, the Carter administration was so strongly, indeed "single-mindedly" committed to human rights, that it doggedly criticized United States allies and denied them needed assistance. Increasingly, however, analysts have questioned whether the Carter human rights policy actually was implemented with consistency and that, in practice, the Carter policy was remarkably similar to the Nixon-Ford policy.25 In short, some contend that the Carter policy was long on rhetoric and short on action.

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23. Carter's support for congressional human rights initiatives was not absolute, however. On several occasions the Carter administration fought against the passage of human rights legislation, notably against language in what became the 1977 International Financial Institutions Act, Pub. L. No. 95–118, § 701, 91 Stat. 1069 (1977); see note 2 above. In most of these cases Carter was apparently concerned with maintaining executive branch "flexibility" in foreign policy. For a discussion of these cases, see Vogelgesang, note 2 above, at 70–71.


In a previous analysis, we found that there was not a significant relationship between human rights and United States foreign policy assistance at any time during the Nixon, Ford, or Carter administrations.26 For the present analysis we have data on an additional forty-six cases in order to replicate and extend the earlier analysis. To analyze the relationship between aid and rights, we computed Spearman rank order correlations between the human rights indices and per capita military and economic aid for each year in which the Carter administration submitted a budget to Congress.27 (See Table 1.)

Despite our earlier analysis, the results in Table 1 remain surprising.28 Regardless of how one measures human rights, the correlations with both military and economic aid are, at best, very small. None of the correlations are significant at the .05 level and none are meaningful. Furthermore, the relationships are not consistently negative, as an active human rights policy would require. In many cases there is a positive relationship between aid and human rights violations: the more abusive a state was, the more aid it received. Clearly the Carter policy and existing legislation require a negative relationship which is not evidenced in these data regardless of which scale is employed in the analysis.

It appears that the Carter human rights policy was far less “single-minded” than the Reagan administration has portrayed it. While Carter and other administration spokespersons repeatedly raised the specter of aid termination, the stick was actually used very sparingly. Over the course of the four years Carter was in office, security assistance was cut off in only eight cases: Argentina, Bolivia, El Salvador, Guatemala, Haiti, Nicaragua, Para-

27. Since we are focusing on executive decisions concerning foreign aid distribution, it is more reasonable to consider budget years than the actual years each administration is in office. The budget during the first year of each administration is largely the result of the preceding administration, and thus it would not be fair to hold them accountable for those budgets. Therefore, we will consider the four years in which President Carter submitted a budget (1978, 1979, 1980, and 1981), and the first two years in which President Reagan has submitted a budget (1982 and 1983). The assistance figures, drawn from the annual Senate Hearings on Foreign Assistance and Related Programs Appropriations, are calculated on a per capita basis. An analysis of absolute levels of aid would be skewed because some of the worst human rights violators during this period, such as Argentina and Indonesia, are among the most populous states as well. Even if aid to these states were sharply cut back, the figure would likely remain larger than that received by small non-abusive states, such as Jamaica and Costa Rica. A statistical analysis of absolute levels of aid, then, could easily overlook even a very active and purposeful human rights policy. All population statistics are from the World Bank Atlas (Washington, D.C.: The World Bank, 1981).
28. Due to the moral and political commitments resulting from the Camp David talks, Egypt and Israel have received the lion’s share of the United States aid package over the period examined. Their position is so dominant, in fact, that when left in the analysis they significantly skew the results. Therefore, Egypt and Israel have been excluded from the statistical analysis.
guay, and Uruguay. Of obvious importance is the fact that all eight of these cases were in Latin America. Clearly, if the Carter policy had an impact, it was in Latin America. The extent of this impact and the reasons behind it will be discussed in some detail in the conclusion below. It is important to note here, however, that even in these few cases the Carter commitment was something less than "absolute." In the cases of Brazil, El Salvador, Guatemala, Argentina, and Uruguay, President Carter was spared the difficult aid termination decision. Reacting to negative Department of State human rights reports, these countries chose to protest what they saw as interference in their domestic affairs by deciding, "on their own initiative, that they would not accept United States military assistance." Furthermore, economic assistance continued to flow to most of these countries, as did assistance for military spare parts and support equipment.

In short, there was a great deal of difference between the rhetoric and the reality of the Carter human rights policy as applied to aid distribution. The Carter administration did not significantly withdraw material support from repressive United States friends. It made ample use of the "extraordinary circumstances" clauses written into human rights legislation. The major emphasis of the Carter policy was rhetorical and its principle impact was on

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29. S. Cohen, note 2 above, at 270.
domestic politics. The Reagan critique would thus appear misdirected. The Carter administration did not punish United States friends while allowing United States enemies to remain unscathed. Therefore the aid policy could not have reduced United States influence or threatened United States security interests. These Reagan administration arguments are based on the assumption that aid was frequently terminated, but, as we have seen, this was simply not the case.

C. The Reagan Human Rights Policy in Practice

To determine whether there was a significant relationship between aid and rights during the Reagan administration we have computed the rank order correlations for the first two budget years of the Reagan administration. Because there is a two-year lag in acquiring confirmed aid figures, however, the 1983 aid figures represent only preliminary estimates of the aid flow. The results, shown in Table 2, are similar to those from the Carter period on the Freedom House and Amnesty International scales but they are notably different on the State Department scale. Again, the correlations are quite small and generally not significant. For both the Carter and the Reagan administrations there tend to be more negative correlations between the aid and the Amnesty International and State Department human rights scales than with the Freedom House scale. This is probably due to the fact that the former scales more accurately reflect the United States working definition of human rights by focusing almost exclusively on threats to the security of the person. Thus, while not a significant correlation in most cases, United States aid distribution does generally appear to be negatively correlated with gross violations of human rights.

The stronger State Department foreign assistance correlations merit some discussion because they are the only significant correlations discovered over the entire six year period. First, the State Department

### TABLE 2

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* Significant at .05 or better.
reports are meant to be the basis upon which executive decisions are made concerning aid distribution questions. Thus, to the extent that the correlations are negative and significant, the Reagan administration is acting in a manner consistent with the reports and existing statutes. In this regard, then, the Reagan administration has demonstrated more consistency than the Carter administration.

Although this greater apparent consistency may be the result of bringing aid distribution into line with the reports, it could also result from bringing the reports into line with desired aid distributions. The objectivity of the State Department country reports has increasingly been questioned over the last several years. While we have no basis for judging the overall objectivity of the State Department reports here, the fact that the 1982 and 1983 Freedom House and Amnesty International correlations exhibit little or no change from the 1981 figures, while the State Department correlations alone change significantly, would seem to raise some questions about the latter figures’ validity. When three disparate sources exhibit the same pattern for the initial four years examined, and only one scale deviates in the fifth and sixth years, it is likely that it resulted from the preparation and reporting of data rather than from an actual policy change. As noted earlier, in constructing our human rights scales we did not challenge the information in the reports, but simply accepted or assumed the validity of the descriptions and ranked the countries accordingly. Therefore, any biases in the reports are also reflected in our scales.

In practice, then, the Reagan human rights policy regarding aid distribution does not appear, overall, to be significantly different from the Carter human rights policy. This fact would, no doubt, surprise ranking members of both administrations. At no point during either administration does it appear from our analysis that human rights concerns significantly influenced the distribution of United States foreign assistance, whether it be military or economic aid. Thus, it was not surprising to discover that the best predictor of the distribution of aid in any given year is the distribution in the previous year. The autocorrelation figures of both military and economic assistance are consistently high. (See Appendix 2.)

32. For instance, Americas Watch, Helsinki Watch, and the Lawyers Committee for International Human Rights, in a joint report, have noted that:

... the County Reports for 1983 suffer from political bias. This is evident in the language that is used to describe sources of information about human rights abuses and in the context that is set for the discussion of abuses. In various countries that are aligned with the United States, ... , the Country Reports discuss abuses largely in terms of "allegations," "charges," or "claims" ... even when the evidence that has been compiled about abuses is overwhelming.


33. For a further discussion, see Stohl et al. note 26 above.
III. THE RELATIONSHIP BETWEEN HUMAN RIGHTS Rhetoric and Action

Perhaps the point made most clearly by these results is that there is a gulf between human rights rhetoric and human rights action in United States politics. In discussing both the Carter and Reagan administrations, we have been forced to distinguish between what has been said and what has actually been done. At this point, then, in assessing the changes introduced by the Reagan administration in terms of human rights, it would seem useful to deal with each of these aspects in turn.

A. The Reagan Administration’s Human Rights Rhetoric

In examining the human rights rhetoric of the Reagan administration three issues warrant attention, each of which we reviewed earlier. The first is the accuracy of the Reagan portrayal and critique of his predecessor’s human rights policy. The second, is the accuracy of the distinction made between authoritarian and totalitarian regimes. And, finally, there is the issue of the soundness of viewing international terrorism as a human rights concern.

First, our analysis raises serious questions about the accuracy of the Reagan critique of the Carter human rights policy. The critique is strongly premised on the belief that the Carter administration actively implemented its “absolute” commitment to human rights abroad. But we have shown that this was not the case. Except in a very few cases, United States foreign aid distribution policy towards repressive yet friendly regimes did not change. The Reagan critique failed to recognize this and was thus fundamentally flawed. In the absence of active and consistent implementation, it is not clear either that the Carter policy was ineffective because it reduced United States influence or that it threatened United States security interests.

In considering the distinction drawn by the administration between totalitarians and authoritarians, the principal question to be addressed is whether or not the distinction presents an accurate picture of the world. This question has received considerable attention, most of it derogatory and polemical. But polemics aside, there are some serious problems with the distinction itself. The basis for the distinction is the argument that totalitarianism represents a more evil form of tyranny because such regimes claim jurisdiction over the entire society. The regime enforces control over all social institutions—politics, kinship, religion, education, and economy. Authoritarians, on the other hand, are only interested in political institutions. They simply want to stay in power. They do not disturb other social institutions; they maintain the “habitual rhythms of work and leisure, habitual places of residence, habitual patterns of family and personal relations,” and
thus are less repressive and more acceptable. While there is a rich literature on totalitarianism, is there anything to the distinction as raised by the Reagan administration? Are the regimes identified by the Reagan administration as totalitarian and authoritarian really like this? The evidence is not convincing.

When we see an independent religious institution playing a significant political role in "totalitarian" Poland, an extensive black market operating in "totalitarian" Cuba, and the continuation of significant political dissent in "totalitarian" Nicaragua, what are we to conclude? These regimes do not control all social institutions. And, conversely, can it really be said that authoritarians do not impinge upon "habitual" social patterns and institutions when the Guatemalan regime "scorches" whole villages, the Salvadoran regime assassinates priests and missionaries, the Indonesian regime eliminates tens of thousands of Timorese, the South African regime relocates hundreds of thousands of native blacks, or when torture has become an institutionalized government policy throughout much of the Southern Cone? These traditional authoritarians are not restricting themselves solely to political institutions. Time and again they disturb each of the other social institutions as well.

The real problem with the distinction, in Stanley Hoffmann's words, is that it is based "on a confusion between the world of ideal-types . . . and the world of political realities." The Reagan administration has chosen to attribute to real governments the capabilities of an ideal-type, even if these capabilities far exceed the government's actual resources. An examination of political realities in the countries identified by the administration indicates that these so-called totalitarian governments do not and cannot control all social institutions, and that the governments labeled authoritarian frequently move beyond political institutions and attack social institutions as well. When these realities are understood, choosing the lesser of evils is no longer a simple matter. When authoritarianism melds into totalitarianism, the moral distinction blurs and breaks down.

The final point to consider regarding the Reagan administration's human rights rhetoric is its attempt to characterize international terrorism as the "ultimate abuse of human rights." The problem with this argument is that it lacks explicit criteria by which to judge its validity. What exactly are the criteria to use in judging international terrorism to be the chief threat to human rights? If we look at human costs as the most obvious choice, the Reagan position would appear weak. According to the CIA, between 1969 and 1981 international terrorist events were responsible for less than four thousand fatalities worldwide. By contrast, the repressive actions of many

34. Kirkpatrick, note 1 above, at 44.
individual states have resulted in far more casualities. In human terms, then, international terrorism has been far less costly than state repression. Given the relative gravity of the two threats, it is difficult to understand how terrorism could be viewed objectively as the more serious violation of human rights.

Reagan’s human rights rhetoric has changed over the course of his tenure in office. Several observers have argued that the authoritarian-totalitarian distinction and the terrorism aspects of the rhetoric have been dropped by the administration. While it is true that the frequency with which these elements are discussed has declined over time, it is not at all clear that they have lost their importance within the administration. The reasons behind the reduced emphasis on these aspects of the rhetorical package appear two-fold. First, the purpose of the rhetoric was to justify changes in policy to both domestic and foreign audiences. One would then expect, quite naturally, that it would be given greatest public emphasis at the start of the administration, and would then receive less attention in the years that followed. Secondly, the rhetorical arguments ran into political opposition that required that they be played down. As noted above, the distinction between authoritarian and totalitarian regimes was opposed from a variety of quarters, and the administration was countered by its own CIA in its efforts to identify terrorism as the most grievous violation of human rights. Neither of these developments, however, necessarily mean that these aspects of the rhetorical package are no longer accepted within the administration as accurate and as a practical guide in decisionmaking. In fact, one finds that both elements of the rhetoric are still discussed explicitly on occasion³⁷ and, far more frequently, are implied by administration spokespersons.³⁸ It appears, simply, that in response to political pressures, the administration has dropped what are now buzzwords for the opposition and explains the conceptual origins of its policy less frequently.

Overall, then, the rhetoric of the Reagan human rights policy appears strained. Our analysis has seriously questioned the Reagan interpretation and critique of the Carter policy, and there are significant logical flaws with the authoritarian-totalitarian distinction and the argument that international terrorism represents the greatest abuse of human rights. But, as was noted much earlier, the various aspects of the rhetoric do fall together quite neatly, and do direct human rights concerns towards the Soviet Union and its allies.

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For an administration sincerely committed to the reassertion of American strength, such rhetoric thus has a clear utility.

B. The Reagan Administration’s Human Rights Policy in Action

Turning to the actions of the Reagan administration, the evidence indicates that very little was done in the way of redirecting the distribution of United States foreign assistance. As in the Carter administration, the distribution of aid has had very little to do with the level of respect for human rights in recipient nations. This apparent contradiction of the law is generally explained in either of two ways. The most common is the invocation of the “extraordinary circumstances” escape clause. These circumstances remain undefined in the human rights legislative package, and thus may be defined by the executive as broadly as it wishes, a point to which we will return shortly. Secondly, the administration has justified its behavior through a creative interpretation of the legislative language calling for United States action in cases exhibiting a “consistent pattern of gross violations.” While accepting that there are gross violations of human rights in a number of countries which it actively supports, the administration has argued either that the violations are not consistent or that they do not represent a pattern, and thus the law does not apply. The upshot of all of this, of course, is that the Reagan administration, like the Carter administration, has not denied foreign assistance in the manner called for by Congressional statutes.

The extraordinary circumstances clause found in most human rights legislation has been used by both administrations to introduce a variety of concerns to the foreign aid decision making process. The inclusion of such a clause represents at least the tacit recognition on the part of Congress that concerns other than human rights may impinge upon foreign aid decisions. As in other policy areas, decision maker frequently seek to achieve a variety of diverse goals with the foreign aid policy instrument. Beyond human rights concerns, decision makers may also seek to achieve or improve political objectives, military security, and/or economic management or efficiency. There is also, of course, the problem of bureaucratic and budgetary inertia. As we have seen, this latter point is highlighted by the consistently high autocorrelation coefficients found among the yearly foreign aid figures. Policy makers in any administration are forced to juggle these often competing

pressures and concerns. It is clear from the passage of such a broad human rights legislative package, however, that the Congress feels that considerable weight should be given to human rights concerns vis-a-vis these other concerns.

What we have found in our analysis, of course, is that in the final instance both the Carter and Reagan administrations have either preferred or felt compelled to pursue one or more of these other interests with the foreign aid instrument. In the competition among these various interests, there are but a few cases in which the human rights concern has been judged compelling. In the vast majority of instances, some combination of "other interests" has been judged more important than the promotion of human rights. While this finding is the most central to our analysis and points out an important similarity between the two administrations, it is nevertheless true that the manner in which these interests are juggled point us towards a significant difference between the administrations.

There is no question that President Carter and many of his top appointees were sincerely committed to the cause of human rights. Yet, we have found that this concern was only rarely deemed compelling in foreign aid decisions. Stephen Cohen, Deputy Assistant Secretary of State for Human Rights and Security Assistance during the Carter administration, has explained how the administration weighted the various concerns relevant to foreign aid distribution. He notes that the administration adopted a very liberal interpretation of the extraordinary circumstances clause, and thus, except in regard to a number of Latin American countries, always found that extraordinary interests existed. Apparently, the administration required some, though very little, argument and substantiation to invoke the clause. As Cohen explains it, "The Administration did require some showing of a substantial and specific interest before the exception for extraordinary circumstances was available. A mere desire for cordial relations, without more, was never held sufficient. . . . However, once a specific interest of some substantiality was cited, the exception was usually invoked." 40

Examples of specific interests cited by Cohen include countries close to the Soviet Union or Soviet allies, those with U.S. military bases, those who were members in pro-Western security organizations, and those with major resources used in the United States. Obviously, these and similar arguments can be made for virtually all United States aid recipients. Apparently, the only region for which such arguments could not be mustered was Latin America. This point is confirmed by Cohen who explains why each of those few countries in which aid was terminated was in Latin America. 41

It seems clear that despite its commitment to human rights, the Carter

40. S. Cohen, note 2 above, at 270.
41. Ibid. at 271.
administration was never actually willing to wager a potential political or security risk in favor of human rights. It is important to consider the implications of this point. Even an administration that made an ideological and moral commitment to human rights found it easy to give consistently greater priority to more traditional and "hard-nosed" concerns. Nevertheless, the Carter policy had a positive impact as regards Latin America. In the absence of any perceived security risks to the United States, the Carter administration was willing to emphasize human rights concerns over what may have been diplomatic or economic interests. Thus, while an examination of the weight given competing claims in foreign aid decision making indicates that in most instances the Carter and Reagan Administrations acted similarly, one may find subtle differences.

While the Carter administration was willing to pursue human rights concerns in Latin America, the Reagan administration has apparently found other interests more compelling. Shortly after assuming office, President Reagan removed the bans on several forms of aid to Argentina, Chile, Paraguay, and Uruguay. He more recently lifted the arms embargo against Guatemala, and he has repeatedly floated the idea of resuming foreign assistance to Guatemala as well. Thus, in short, it appears that the policy makers in the Carter administration did give greater weight to human rights than to many other non-security related concerns. In this, they stand apart from the Reagan policy makers that followed them. But again, the overriding fact is that both administrations always found security interests more important than human rights concerns when they were seen to be in competition. This similarity fundamentally shaped their foreign assistance decisions, and thus one does not find significant overall differences in the human rights-foreign assistance relationship in the two administrations.

As noted in the introduction, it may not be altogether fair to judge the Reagan administration according to criteria which it disapproves. Despite the reasonable clarity of Congressional intent, the administration has consistently stated that it did not approve of the use of foreign assistance in the manner prescribed by human rights legislation. It has argued that the instruments of a human rights policy should be chosen according to the criterion of effectiveness, and that "in the majority of cases this criterion suggests an emphasis on traditional diplomacy." The administration has consistently promoted the use of traditional quiet diplomacy or constructive engagement. Thus, in concluding, it might be useful and interesting to exam-

42. The administration has given some ground on its original position concerning the use of foreign aid in promoting human rights. In the introduction to its 1982 human rights report, for instance, the administration stated that: "Decisions on foreign assistance provided by the United States take human rights conditions into account. The transfer of police and military equipment is carefully reviewed in order to avoid identifying the United States with violators of human rights." Country Reports for 1982, note 38 above.
ine briefly the question of effectiveness. By looking at the question of effectiveness rather than consistency with United States statutes, how do the Carter and Reagan human rights policies compare?

C. Effectiveness of the Reagan and Carter Human Rights Policies

The Reagan critique has strongly emphasized the ineffectiveness of the Carter policy. It has attributed the "loss" of Iran and Nicaragua to the policy, highlighted Brazil's cancellation of its mutual assistance pact with the United States, and cited the continuing violations and reduced United States influence in Argentina, Guatemala, South Africa, and other states. But the case is actually quite mixed. While the Carter policy clearly had its limitations, it did achieve several successes. The continuation of democratic rule in the Dominican Republic, the relatively moderate course of the government of Zimbabwe in its first years, and the release of significant numbers of individual political prisoners may reasonably be attributed to the Carter human rights policy.

The difficulty in evaluating the effectiveness of the Reagan policy is, as explained by Elliott Abrams, Assistant Secretary of State for Human Rights and Humanitarian Affairs, that "[t]raditional diplomacy has the drawback of being least visible precisely where it is most successful." In other words, since traditional diplomacy is most effective when it is conducted behind closed doors, with little or no public fanfare, a very effective policy may appear to observers either as a policy of apathy or as no policy at all. Given the nature of such a closed-door process, information is necessarily limited. We have used our Amnesty International human rights scale, for which we have the most information, to get some feeling — admittedly crude — for the aggregate impact of the Reagan policy. Over the course of the first two years of the Reagan administration, the human rights situation improved in seven of the fifty-nine countries in our analysis and worsened in eight others. This compares to the first two years of the Carter administration in which five improved and four worsened. The figures for the two administrations are not significantly different. Looking at the aggregate human rights situation, then, we cannot say that the Reagan human rights policy has been noticeably more or less effective than the Carter policy.

It is extremely difficult to evaluate the effectiveness of quiet diplomacy on a case-by-case basis, but in those states where the Reagan administration

44. See Kirkpatrick, note 1 above.
has been particularly active, such as El Salvador or South Africa, the situation does not appear encouraging. Despite the Reagan administration’s best efforts in El Salvador, there is little reason to believe that the condition of human rights has improved substantially.47 In fact, the only thing that has appeared to influence the behavior of the Salvadoran military is the proximity of the next Congressional review of its respect for human rights—the threat of aid termination.48 And in South Africa, where the policy of constructive engagement has been most extensively promoted, there is also little reason for optimism. The South Africans remain entrenched in Namibia, many thousands of native blacks continue to be relocated to homelands, and arbitrary arrests and imprisonments continue unabated.49

Finally, it might also be useful to consider the effectiveness of each policy in terms of its impact upon the victims of these regimes. Michael Walzer has rightly encouraged all of us to give some thought and sympathy to “the tortured dissidents, the imprisoned oppositionists, the threatened minorities, all the ‘disappeared’ and murdered men and women of all the tyrannies, old and new.”50 This is of course prudent advice; we should never lose sight of those who suffer most. It is in this area that the Carter policy was perhaps most successful. Upon emerging from the depths of the repressive machinery of the former Argentine regime, Jacobo Timerman publicly expressed his gratitude for Carter and his human rights policy, saying, “Those of us who were imprisoned, those who are in prison still, will never forget President Carter and his contribution to the battle for human rights.”51

Whatever else may be said about the Carter policy, the rhetoric pursued did mitigate a degree of the loneliness that must be felt by each human rights victim. It also raised the world’s consciousness of human rights, and thus provided a measure of hope for the victims.52 Unfortunately, the rhetoric of the Reagan approach offers the victims of human rights abuses no such hope. This often forgotten sense of effectiveness is, in Timerman’s words, a case where “[q]uiet diplomacy is surrender.”53

48. The Reagan administration itself has apparently now realized this. In the past year, both Vice President Bush and Secretary of State Shultz have been sent to El Salvador to criticize publicly the regime’s human rights violations and threaten the termination of United States aid if the situation does not improve.
52. Drew, note 45 above.
Foreign Policy of Human Rights

In sum, United States foreign policy under both Presidents Carter and Reagan has been characterized by a sharp distinction between the rhetoric and the reality of human rights policy. Moreover, there is a sharp difference in the rhetoric of the two administrations. We have seen that the rhetorical aspects of the Reagan critique and reformulation of human rights policy have demonstrated empirical and logical flaws. In contrast, the practice of the Carter and Reagan Administrations on foreign aid distribution has been remarkably similar. Neither administration has acted in accordance with the established human rights legislative package. Thus, while the Reagan administration has produced a rhetoric on human rights policy that is radically different from that of the Carter administration, the policy outputs in the area of foreign assistance are not any more coherent. Decisions on the distribution of United States foreign assistance continue to be made with interests other than human rights in mind. While Carter’s policy may have failed while raising expectations, Reagan’s policy offers no hope whatsoever.

APPENDIX 1

The Human Rights Rankings* of 59 Countries Based on the Annual Reports of Amnesty International (AI) and the United States State Department (SD)

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* These rankings are based on the annual reports of Amnesty International (AI) and the United States State Department (SD).
APPENDIX 1, Continued

The Human Rights Rankings* of 59 Countries Based on the Annual Reports of Amnesty International (AI) and the United States State Department (SD)

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* Each scale runs from 1 to 5, where 1 equals great respect for human rights and 5 equals a low level of respect.
### APPENDIX 2

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