

The Social Determinants of the Rule of Law: A Comparison of Jamaica and Barbados

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Summary. — This paper examines the social determinants of the rule of law by comparing Jamaica and Barbados, two countries with many similarities, but with divergent outcomes concerning the rule of law. The research takes a comparative historical approach, specifically investigating the origins of the divergence of the rule of law between Jamaica and Barbados by focusing on the late colonial period (1937–1966). Using new data collected from archival research, state legitimacy is identified as the key factor that helps explain the divergent trajectories of the rule of law in Jamaica and Barbados post-independence. Going beyond state-based explanations of the rule of law, the analysis suggests that the rule of law not only depends on characteristics of the state, but also on characteristics of society.

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1. INTRODUCTION

The study of the rule of law has a long history. Hobbes ([1651] 1958) identified the need of a strong state to provide the rule of law to avoid a social order where life would be “solitary, poor, nasty, brutish and short” in a war of “every man against every man” (pp. 106–107). Since Hobbes, issues surrounding the rule of law have continued to be debated by scholars. However, during the last 20 years, there has been a resurgence in academic interest in the rule of law, particularly with respect to effect of the rule of law on development.

There is an emerging consensus that a strong rule of law is an important and robust correlate of development. Numerous studies suggest that the rule of law is linked not only to economic development (Acemoglu, Johnson, & Robinson, 2001; Dam, 2006; North, 1990), but also to human development (i.e. health and education—see Dawson, 2010; Kaufmann, Kraay, & Zoido-Lobaton, 1999), poverty reduction (Tebaldi & Mohan, 2010) and the consolidation of democracy (Diamond, 2008; Fukuyama, 2011; Rigobon & Rodrik, 2005). Over the past two decades, rule of law development assistance has become an increasingly central component of the provision of foreign aid. Billions of aid dollars have been channeled toward strengthening the rule of law in weak states; however, these efforts have met with little success (Kleinfeld, 2012).

The current focus of rule of law development assistance is on getting state and legal institutions “right” (OECD, 2007). That is, most aid has been directed toward modifying and reshaping legal institutions to resemble those of Western countries, with the assumption that a strong rule of law will naturally follow once the proper institutions are in place. Many scholars raise concerns over this strategy, particularly since it has not been very successful. Haggard, MacIntyre, and Tiede (2008) argue that “caution should be exercised in the introduction of an alien legal system... it is a grave error to think of law as a technology that can be readily transferred elsewhere” (p. 221). Carothers (2009) sums up the difficulties in providing rule of law assistance in that:

achieving the rule of law involves far more than getting judges trained, putting modern police equipment in place, and reprinting and distributing legal texts. It is a transformative process that changes how power

is both exercised and distributed in a society... [and] also involves basic changes in how citizens relate to state authority and also to one another. (pp. 59–60)

Given these criticisms of the current approach to rule of law promotion and the calls for a greater emphasis to be placed upon state–society relations, there is a striking absence of scholarly work on the determinants of the rule of law, particularly within the social sciences. This paper directly addresses this issue by investigating the social determinants of the rule of law through a comparative historical analysis of Jamaica and Barbados.

The selection of Jamaica and Barbados as cases must be understood through a conceptual analysis of the rule of law. According to Weber ([1922] 1978), at its most basic, the rule of law can be defined as the extent to which the population obeys the law.¹ Given this basic definition, drawing on Haggard and Tiede (2011) it is useful to distinguish between three general components of the rule of law: the protection of private property and contract enforcement; security of the person (i.e. the absence of unlawful violence); and legal constraints that limit political power.²

The literature examining the effect of the rule of law on development has tended to focus on the protection of private property and contract enforcement (Dam, 2006; North, 1990). However, recent research suggests that the control of violence is “a crucial determinant of economic performance” and that its effects have been underestimated, potentially resulting in the overstatement of the developmental effects of property rights and contract enforcement (Haggard & Tiede, 2011, p. 681). In Latin America and the Caribbean violent crime is not only a serious rule of law concern, but it has become one of the most pressing social problems in the region. Aside from its devastating human, social, and psychological costs, it

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is argued that violence has also significantly hindered economic and social development and democratic consolidation, leading the Pan American Health Organization to label it as “the social pandemic” of the Americas (Chelala, 1997; UNODC, 2007; World Bank, 2011a, 2011c). Indeed, the problem of controlling or managing violence is considered by some to be the most fundamental function of a state (Bates, 2010; North, Wallis, & Weingast, 2009). Accordingly, as the literature is too heavily focused on property rights and contract enforcement, this paper will focus on the personal security aspect of the rule of law (i.e. violence). This is accomplished by controlling for the other two components of the rule of law through case selection—as outlined below, Jamaica and Barbados have similar democratic environments (i.e. similar constraints on political power) and similar levels of contract enforcement and protection of private property, but differ in their capacity to limit violence.

My findings suggest that state legitimacy is a crucial determinant of the rule of law that helps explain its divergent trajectories in Jamaica and Barbados.³ Moreover, the late colonial period is identified as the critical period that sent the islands on different rule of law trajectories post-independence. The paper is organized as follows. Section 2 provides a detailed comparison of the rule of law in both Jamaica and Barbados, while highlighting the inability of the literature to account for the current differences in the rule of law between the two cases. It also reviews the methodological approach and provides an outline of the overall argument. I then trace the factors that caused differences in state legitimacy between Jamaica and Barbados in Section 3, while Section 4 examines how these differences in state legitimacy led to the divergence in the rule of law. The paper concludes by considering the academic and practical implications of the research surrounding strengthening the rule of law.

2. THE PUZZLE: VARIATIONS IN THE RULE OF LAW IN JAMAICA AND BARBADOS

Jamaica and Barbados are two countries that share many historical, social, cultural, economic, and political similarities. They are both former British colonies that gained independence in the 1960s; in fact, they are the only two former British colonies that were colonized by the British for more than 300 years. Both countries were former sugar plantation colonies with a history of slavery, and both countries have been relatively strong democracies for over 50 years. Their populations have similar ethnic compositions and they are both members of the CARICOM single market. Notwithstanding these

similarities, there is presently a striking difference in the extent of the rule of law in both countries (refer to Table 1).

Looking at the first two measures in Table 1, it is evident that the World Bank ranks the Barbadian state much higher than the Jamaican state with respect to promoting the rule of law (a difference of 55.7 percentile ranks) and controlling corruption (a difference of 50.8 percentile ranks). This difference is echoed by Jamaica’s murder rate per 100,000, as it is nearly seven times higher than that of Barbados. Moreover, in 2008 Jamaica’s homicide rate was the second highest reported rate in the world—that year it was over 11 times higher than the reported rate in the United States (UNODC, 2011). Thus, the data in Table 1 imply that there are stark differences in the rule of law between contemporary Barbados and Jamaica; however, these differences were not always so striking. If one examines available data around the period of independence (1962 for Jamaica; 1966 for Barbados), the picture is much different (refer to Table 2).

Table 2 suggests that differences in the rule of law between the two countries were much less pronounced near independence. As the World Bank percentile ranks in Table 1 are not available prior to the 1990s, other available indicators of the rule of law are presented in Table 2 in addition to the homicide rate. In contrast to the nearly sevenfold difference in the contemporary homicide rate between the two countries, Table 2 shows that there was very little difference in the homicide rates around the time of independence. Although the indicators of reported assaults and rapes in Table 2 are much less reliable than the homicide statistics, they nonetheless paint a similar picture suggesting that both countries had roughly similar levels of the rule of law (i.e. violent crime) near independence.⁴ Furthermore, differences regarding the institutional capacity of the judicial system, law enforcement, and contract enforcement between Jamaica and Barbados were quite minor.⁵ Overall, both Jamaica and Barbados were in quite similar situations regarding the rule of law at independence, but there are stark differences between the two today. These trajectories are best summarized by examining the historical trend of the homicide rate in both countries (refer to Figure 1).

Figure 1 shows that, as expected given their similarities, the rate of homicide was roughly equivalent between the two countries up until the post-independence period. Shortly after independence, there is an abrupt and substantial divergence between the two countries. The homicide rate in Jamaica spikes upward, while in Barbados the post-independence homicide rate roughly follows its historical trend. The literature cannot account for this divergence.

Although there is still much we do not know concerning the determinants of the rule of law, the criminology and state-building literatures provide some insight. The cross-national criminological literature identifies two principal factors that have a consistently robust effect on homicide rates: economic development and economic inequality (LaFree, 1999). The state-building literature also identifies some factors that influence state capacity (where the rule of law is a core function of the state). The literature identifies war/the threat of war (Mann, 1986; Tilly, 1985, 1990), broad and direct taxation

Table 1. *Present values of the rule of law*

	Rule of law ^a (2007)	Corruption ^a (2007)	Homicide rate ^b (2008)/(2004)
Jamaica	31.9	39.1	59.5
Barbados	87.6	89.9	8.7

Sources:

^a World Bank (2008). Percentile ranks relative to all countries, with a higher percentile representing stronger governance. The rule of law index “captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence.” The corruption index “captures perceptions of the extent to which public power is exercised for private gain.”

^b UNODC (2011). Rates per 100,000 total population.

Table 2. *Independence period values of the rule of law*

	Homicide rate (1962/1947)	Assault (1970)	Rape (1970)
Jamaica	6.1	5.1	0.2
Barbados	5.2	5.4	0.6

Source: UNODC (2011). Rates per 1,000 population, except for homicide (per 100,000 population).

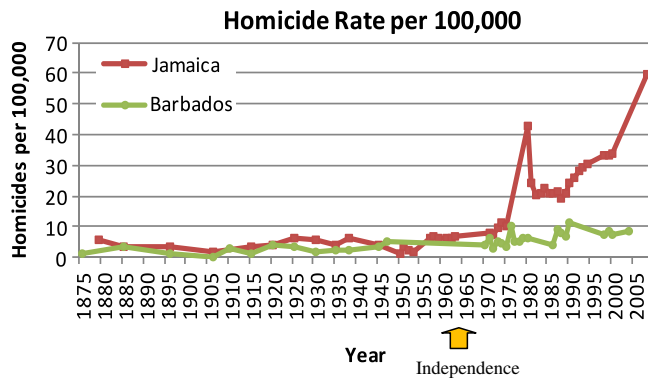


Figure 1. Homicide rates in Jamaica and Barbados, 1875–2008. Sources: *Blue Book of Jamaica* (1879, 1885, 1896, 1906, 1915, 1920, 1925, 1930, 1935, 1938, 1945), *Handbook of Jamaica* (1955, 1960, 1965), *Blue Book of Barbados* (1875, 1885, 1896, 1906, 1910, 1915, 1920, 1925, 1930, 1935, 1938, 1945, 1947), UNODC (2011). Population data taken from the *World Bank* (2011b) when not available from source

of the citizenry (Brautigam, Fjeldstad, & Moore, 2008; Moore, 2004), democracy (Hall, 1994; Lake & Baum, 2001), democratic competitiveness (Geddes, 1994; O'Dwyer, 2006), the political incentive structure (Bates, 2008; Geddes, 1994; Root, 1994), ethnic diversity (Alesina, Baqir, & Easterly, 1999; Easterly & Levine, 1997; La Porta, Lopez-de-Silanes, Shleifer, & Vishny, 1999; Miguel & Gugerty, 2005), the former colonial power and the pre-colonial level of political institutional complexity (Mahoney, 2010), the type of colonial rule (Lange, 2009b), population size, and the level of integration into the world economy (Katzenstein, 1985) as factors that influence state capacity. Refer to Table 3 for a summary of these factors and their respective scores for Jamaica and Barbados around independence. Although the two countries were hardly identical, they had many key similarities, and only one factor—population size—stands out as a potential explanation that can account for differences in the rule of law.

Although Barbados and Jamaica are both small countries by international standards, they did have a significant population difference at independence (Table 3). However, a

comparison of the homicide rates of small Anglo-Caribbean islands (with available data) presented in Table 4 shows that the population size of Barbados does not explain its low homicide rate for the region. The three islands with much smaller populations than Barbados (Anguilla, Saint Kitts and Nevis, and Saint Lucia) all have homicide rates that are substantially higher. An obvious explanation of the divergent trajectories of the rule of law between the two islands is therefore lacking. This paper explains the post-independence divergence in the rule of law between Jamaica and Barbados in order to provide insight into the broader research question of identifying the social determinants of the rule of law.

In exploring the divergence in the rule of law between Barbados and Jamaica, this paper takes a comparative historical approach. It involves an in-depth comparative analysis of the two cases during the late colonial period (1937–1966).⁶ I conduct extensive historiographic research to outline the sequences of events during the transition to independence that ultimately influenced the rule of law for each case, then use “cross-case comparisons of within-case chronologies as a basis for making causal inferences” (Mahoney, 2000, p. 415). While the state-building literature recognizes that state institutions tend to be quite static (Acemoglu *et al.*, 2001; Kohli, 2004; Lange, 2009b), it also acknowledges the independence transition as a critical period that can potentially rapidly transform the state (Lange, 2009a). I identify the late colonial period as the critical period that served as the foundation of the divergence in the rule of law between Barbados and Jamaica after independence.⁷ It was during the late colonial period that both islands experienced substantial political change, including the transition to universal suffrage and then to independence. Therefore, in order to understand the different rule of law trajectories between Jamaica and Barbados post-independence, we must examine what happened during this critical period.

The analysis suggests that the extent of differences in attitudes toward state legitimacy during the transition to universal suffrage ultimately affected the rule of law. Differences in the extent the populace accepted the legitimacy of the state during the late colonial period between Jamaica and Barbados were shaped by three variables: (1) the race–class correlation; (2) the orientation of the religion of the lower class toward the established order; and (3) the structural conditions that

Table 3. Summary of the determinants of state capacity near independence

Determinants of state capacity	Jamaica	Barbados	Difference
GDP/capita ^a	\$5,881	\$8,655	Minimal
Inequality (GINI index) ^b	53.2	53.3	Minimal
War/threat of war	None/low	None/low	Minimal
Tax revenue ^c	24.9% of GDP	24.2% of GDP	Minimal
Democracy	Yes	Yes	Minimal
Democratic competitiveness	Strong	Strong	Minimal
Political incentive structure	Parliamentary democracy	Parliamentary democracy	Minimal
Ethnic diversity ^d	Majority Afro-Caribbean	Majority Afro-Caribbean	Minimal
Former colonizer	Britain	Britain	Minimal
Level of precolonial political organization	Essentially none (nearly uninhabited)	None (uninhabited)	Minimal
Type of colonial rule	Direct rule	Direct rule	Minimal
Population size ^e	1,678,000	232,000	Moderate
Integration in the world economy	High	High	Minimal

Sources:

^aHeston, Summers, and Aten (2011).

^bBabones (2008).

^cWorld Bank (2002).

^dDepartment of Statistics (1960), Central Statistics Office (1960).

^eWorld Bank (2011b).

Table 4. *Homicide rates in small Anglo-Caribbean countries and dependencies*

Country	Homicide rate ^a	Population ^b	Year
Anguilla	27.6	15,094	2007
Bahamas	13.7	321,453	2004
Barbados	8.7	252,596	2004
Belize	34.3	282,600	2008
Saint Kitts and Nevis	35.2	46,985	2008
Saint Lucia	16	162,434	2007

Sources:

^a UNODC (2011). Rates per 100,000 population.

^b World Bank (2011b). Population data for the year 2004. Anguilla population data taken from Central Intelligence Agency (2011).

facilitated the cultural autonomy and the development of an oppositional culture among the lower class.⁸ The degree of acceptance of the legitimacy of the state by the lower class was the key variable that interacted with a series of events during the transition to universal suffrage in each colony that in due course influenced the rule of law. In Jamaica, a lower level of state legitimacy among the lower class facilitated the election of a charismatic leader during the first universal suffrage election, which led to the institutionalization of political violence and patronage during the late colonial period, eventually resulting in the deterioration of the rule of law post-independence. In Barbados, a higher level of state legitimacy among the lower class contributed to the election of a more legal-rational oriented party during the first general election held by universal suffrage, which hindered the institutionalization of political violence and patronage, avoiding a deterioration of the rule of law post-independence. Refer to Figure 2 for a summary of the argument.

3. THE DEVELOPMENT OF DIFFERENCES IN STATE LEGITIMACY: THE RACE-CLASS CORRELATION, RELIGION, AND CULTURAL AUTONOMY

As mentioned, differences in the orientation of the lower class in Barbados and Jamaica toward the legitimacy of the state during the late colonial period were the result of differences in the correlation between race and class, religion and cultural autonomy. The race-class correlation was strong in Jamaica, where whites virtually monopolized the upper class, browns the middle class, and blacks the lower class (Brown, 1979; Smith, 1961, 1965).⁹ The correlation was such that hiring decisions and promotions were often influenced by one's racial suitability for particular positions (Henriques,

1957). In Barbados, the race-class correlation was weaker. First, although the whites nearly monopolized the upper class as in Jamaica, there were significant numbers of whites in the middle class in addition to a substantial population of poor whites in the lower class (Lambert, 2005). Furthermore, the non-white middle class was of nearly equal proportion of blacks and browns (Beckles, 2007; Stafford, 2005). As such, the social divide between the middle and lower classes was less pronounced in Barbados. This was important given that the middle class in both islands were carriers of the dominant political culture that recognized the legitimacy of the state (Munroe, 1990; Smith, ca. 1957; Stafford, 2005).¹⁰ By the late colonial period the middle class in Jamaica was politically socialized in "the British political experience and the institutions of Imperial Power" (Smith, ca. 1957, p. 65), while the middle class in Barbados were likewise inculcated with respect for the political culture of the imperial power (Stafford, 2005, p. 363). Consequently, a smaller social divide between the classes in Barbados facilitated the transmission of the dominant political culture from the middle to the lower class, while the larger social divide between the classes in Jamaica impeded the transmission of the dominant political culture to the lower class.

Concerning religion, historically the Anglican Church was the established and endowed church in both Barbados and Jamaica; that is, it was financed by public funds. Unsurprisingly, the Anglican Church supported the state and tended to defend the status quo (Davis, 1983). In Barbados, members of all classes attended the Anglican Church. For members of the lower class attendance of the Anglican Church provided many benefits: its ministers had influence in the labor market; the Church had substantial control over the education system; and it distributed poor relief (Stafford, 2005). In Jamaica, both the upper and middle classes primarily attended the Anglican Church as in Barbados; however, the lower class did not (Henriques, 1957; Knox, 1962). The lower class attended Baptist, Native Baptist, and other counter-hegemonic churches that challenged the established order and provided a forum for cultural resistance, social change, and the development of alternative world-views (Holt, 1992). Members of these churches had led two failed rebellions in the 19th century, had organized parallel judicial and police systems in response to discrimination against the black lower class, and taught civil disobedience and anti-government sentiment (e.g. they advocated against the payment of taxes) (Davis, 1942; Dick, 2009; Holt, 1992).

Lastly, with respect to cultural autonomy, the structural conditions in Barbados made it difficult for the lower class to withdraw from the dominant culture and develop a mass counter-culture, primarily as a result of landholding arrangements. From emancipation until the late colonial period, most

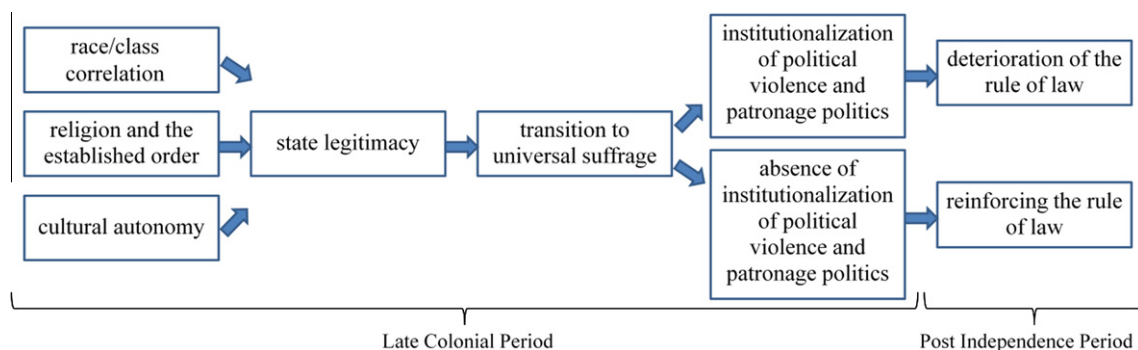


Figure 2. *The argument.*

agricultural laborers were landless and consequently became tenants of plantation estates. The tenantry system in Barbados was a legal framework governing plantation labor, whereby landless laborers were provided with a small plot of inferior land on a plantation in return for providing full-time wage labor exclusively to the estate below the market rate, where the law permitted extensive social control of the tenants by plantation managers (Beckles, 2004). Accordingly, it was difficult to withdraw from the dominant culture and as such a mass oppositional culture did not develop among the lower class in Barbados. Conversely, in Jamaica, the landholding arrangements (the peasantry system) provided the structural conditions that afforded some independence of the lower class from the dominant culture. By the late colonial period most agricultural laborers had become landholding peasants (as opposed to tenants), many of whom were economically self-sufficient and did not have to rely upon wage labor from the plantation estates. As a result, the planters had much less economic, social, and cultural control over the lower class than in Barbados. This cultural autonomy provided the space for the development of a mass oppositional culture, which (along with the counter-hegemonic churches of the lower class) challenged the structures of domination of the extant social order (Moore & Johnson, 2004; Sheller, 2000).¹¹

In sum, I contend that in Barbados the relative closeness between the middle and lower classes facilitated the transmission (from the former to the latter) of the dominant political culture that acknowledged the legitimacy of the state. This combined with a religion that actively supported the extant social order and with the structural conditions that inhibited the establishment of a broad-based oppositional culture to result in a political culture among the lower class that accepted the legitimacy of state authority. In Jamaica, the social distance between the middle and lower classes hindered inter-class political socialization, while class differences in religious membership (where the churches of the lower class challenged the extant social order) combined with the development of an oppositional culture among the lower class to result in a political culture that differed significantly from that of the middle class in that it did not view the state as legitimate. Indeed, by the late colonial period, the lower class commonly saw the state as alien and treated it with a general distrust (Stone, 1976). These differences in the orientations of the lower class toward the legitimacy of the state provided the structural conditions that combined with the sequence of events during the transition to universal suffrage to ultimately influence the rule of law.

4. THE TRANSITION TO UNIVERSAL SUFFRAGE: THE CRITICAL PERIOD

During the transition toward universal suffrage in the late colonial period, the political environment in Barbados and Jamaica were similar in many respects. The labor rebellions in each island had politicized the masses and launched the political careers of key figures in the progressive movement (Bolton, 2001). Prior to full suffrage, the progressive movement in both colonies was divided between two factions whose leaders had once been collaborators, but were now ardent rivals (Manley and Bustamante in Jamaica; Adams and Crawford in Barbados). Furthermore, each faction was supported by a political party and an affiliated trade union (i.e. a party-union complex) that had a substantial number of members and followers (the Jamaica Labour Party [JLP]/Bustamante

Industrial Trade Union [BITU] and the People's National Party [PNP]/Trade Union Council [TUC] in Jamaica; the Barbados Labour Party [BLP]/Barbados Workers' Union [BWU] and the Congress Party/Congress Union in Barbados). However, the two colonies experienced different intensities of political violence. Jamaica experienced some minor instances of political violence that later escalated to serious incidences, which was then followed by the institutionalization of partisan violence and clientelism. As is well-documented in the literature, the institutionalization of political violence and patronage politics in Jamaica led to a deterioration of the rule of law in the post-independence period (Clarke, 2006; Eyre, 1984; Figueroa & Sives, 2002; Lacey, 1977; Sives, 2002); however, little is known surrounding the processes of institutionalization themselves. Although Barbados also experienced minor instances of political violence, these did not escalate nor did violence or patronage politics become institutionalized as in Jamaica. I argue that these differences in the two colonies were primarily due to differences in the attitudes held by the lower class regarding the legitimacy of the state.

(a) Jamaica

In Jamaica, the transition to universal adult suffrage was abrupt. By decree of the Colonial Office, the first universal suffrage elections were held 14 December, 1944 (Handbook of Jamaica, 1946; Munroe & Bertram, 2006). As such, Jamaica transformed virtually overnight from a crown colony (i.e. a colony directly ruled by the Colonial Office in Britain with a minimal amount of local political influence) to a colony where legislative power was concentrated in the newly formed House of Representatives whose members were elected under a universal franchise (Handbook of Jamaica, 1925, 1946).¹² Consequently, the enfranchisement of the masses occurred in a context where the lower class had had little exposure to electoral competition, political organization, and the political traditions of the colonial state.

As mentioned, the lower class subscribed to a political culture that challenged the extant social order and the legitimacy of the state. As charismatic leaders are not bound by law, tradition, or precedent, they generally represent the clearest departure from the extant social order (see Weber, [1922] 1978). Charismatic leadership therefore represents discontinuity of the state, and as such support for charismatic leadership can be said to represent dissatisfaction with the state. Accordingly, I contend that the lower class, representing the bulk of the population, were predisposed to support a charismatic leader given their distrust of the state. Consequently, during the first universal suffrage general election of 1944, the lower class largely supported the progressive political party that relied on charismatic appeal (the JLP) as opposed to the progressive party that adopted a platform based more on legal-rational authority (the PNP).¹³ During the election campaign, the JLP did not present a policy platform nor engage in policy debates, while the PNP put forth a comprehensive program that included:

wage legislation, industrial courts, workmen's compensation, economic planning, a State Bank for finance, the redistribution of taxation, land settlements by peasant ownership, co-operatives and collectives, agricultural research, credit and marketing organizations, State industrial development, slum clearance and swamp reclamation, the development of water resources for power and irrigation, nationalisation of public utilities and subsidised monopoly of industries, old age pensions, improved medical services, tenancy reforms, unemployment assistance, a host of educational reforms, votes for all and self-government by Dominion status (Smith, ca. 1957, p. 9).

However, it was precisely Alexander Bustamante's (the leader of the JLP) charismatic appeal—that is his legendary status, his anti-establishment image,¹⁴ his emotional following among the masses (chants of “We will follow Bustamante till we die”) and his effective electoral propaganda (i.e. exploiting the black/brown divide) that resonated with the lower class, much more so than Norman Manley's (the leader of the PNP) legal-rational approach (Brown, 1979, p. 101; Munroe & Bertram, 2006; Sives, 2010).

The legal-rational administration of government became the first major challenge for the JLP regime. As mentioned, states based on charismatic authority are generally ruled autocratically and outside the constraints of law, tradition, or precedent. However, within the context of the new constitution and the colonial order, autocratic rule of this nature was not an option. Consequently, the JLP government had to undergo a process of routinization, which necessitates the adaptation of charismatic authority to routine structures and the day-to-day administration of government (Weber, [1922] 1978). This entailed the flouting of the law by the JLP government by engaging in acts of violence against the opposition (the PNP/TUC) and by rewarding supporters with political patronage. These misuses of state power were consistent with the anti-establishment image portrayed by Bustamante and JLP during the election campaign and consequently did not negatively affect the popularity of the JLP among the lower class. In fact, political violence and patronage proved to be successful strategies in maintaining mass support, and as such became the centrepieces of the JLP administration.

Appeals by the PNP to colonial authorities (who at the time were responsible for law enforcement) to end the abuses of state power and the illegal activities of the JLP were of no avail (Manley, 1946, January 11; Under-Secretary of State for the Colonies, 1946, February 12). As such, the colonial authorities tacitly supported the JLP by initially turning a blind eye to JLP-initiated partisan violence and their misappropriation of state funds. The colonial administration was thus complicit in the political violence committed by the JLP through its policy of non-intervention (Post, 1981). However, the colonial administration's support for the JLP remained passive (i.e. it manifested itself through inaction) and did not involve active discrimination against the PNP, such as the case of the People's Progressive Party in Guyana, where its leaders were forbidden to hold political meetings and were incarcerated on the grounds of their political affiliation, while the constitution was suspended and later changed to favor the opposing party. In this sense, although the colonial authorities did not act to quell partisan violence (at least initially), they did not initiate the violence.

Rather than face decimation at the hands of JLP-initiated partisan violence, the PNP decided to imitate JLP strategy. The PNP enlisted its own vigilante strong-arm groups to counter the street forces of the JLP in order to ensure the survival of the party and hold public meetings without interruption (“Group 69: ‘We Were All Young Men’,” 1978, April 2, p. 10; “Pioneer Group provided security from attack,” 1978, April 2, p. 10; Sives, 2010). When this proved successful, the PNP began to move further away from a purely legal-rational approach toward a more charismatic one in order to broaden their electoral support. Beginning in the late 1940s, the leadership of both the party and its union became more charismatic and autocratic (Hart, ca. 1960). Publicly, Manley was transformed into a charismatic persona that took on heroic dimensions (Bradley, 1960). During the general election campaign of 1954/1955, while dropping its more socialist policies, the PNP began promising material benefits to supporters, specifically the poor and unemployed (People's National Party, 1955, January 10, p. 2, 1955, January 11, p. 2). These strategies achieved

their intended consequences resulting in increased lower class support for the PNP that culminated in the party's electoral victory in 1955.¹⁵

The move toward charismatic appeal and its corresponding political tactics came with consequences for the PNP. Once in power, the PNP governed following the model set by the JLP (based on routinized charismatic authority) by misappropriating state funds to reward members of vigilante strong-arm groups and other supporters of the lower class with unprecedented levels of political patronage (Hart, 1958). This institutionalized political violence and clientelism in Jamaica, creating a political environment whereby the viability of political parties depended upon their ability to recruit supporters willing to engage in violence, who in return were rewarded by a share of the state's largess when their party was in power. As the recent history of Jamaica demonstrates, this cycle was difficult to break and thus the institutionalization of political violence and partisan politics set the island down a path that resulted in the deterioration of the rule of law post-independence described in the literature.

Returning to Figure 1, there are two clear spikes in violence in post-independence Jamaica as captured by the homicide statistics. The first was an abrupt increase in violence that occurred in 1980, and the second was a steadier yet considerable escalation during the 1990s and 2000s. These upsurges in violence can be traced back to the institutionalization of political violence and partisan politics during the late colonial period. Throughout the 1960s and 1970s, the homicide rate gradually increased as bottles and stones were traded for guns as the weapon of choice among partisan strong-arm groups engaging in political violence (Lacey, 1977). This trend came to a head during the general election year of 1980, where violence as a result of the election campaign is estimated to have been the cause of the majority of the 889 homicides that year (Irish-Bramble, 2010; Sives, 2010), a significant number for a country with a total population of roughly 2,000,000 at the time. Although the literature identifies other contributing factors (see Irish-Bramble, 2010; Sives, 2010), the escalation in violence during the 1980 election campaign is a clear continuation of the pattern of violence that had emerged during the late colonial period where partisan strong-arm groups had violent confrontations in the streets, with the intensity of such confrontations often increasing during election campaigns.¹⁶

After 1980, the homicide rate then underwent a significant increase throughout the 1990s and 2000s. This was largely the result of the consolidation of the drug trade in the garrison communities that were established immediately after independence, which emerged as a direct continuation of the processes of patronage politics and political violence that developed during the late colonial period.¹⁷ Beginning in the 1980s, the “drug dons” became the new strongmen within these garrison communities (Clarke, 2006; Sives, 2002), with gang disputes and turf wars leading to an increase in gang violence that drove the rise in homicide rates during the 1990s and 2000s. Thus, although political violence and patronage politics may no longer be the major direct source of violence in Jamaica today, it is their institutionalization during the late colonial period that led to the creation of garrison communities, which then facilitated the establishment of organized crime surrounding the drug trade and the entrenchment of gang violence.

(b) Barbados

In Barbados, the transition to universal suffrage was more gradual than in Jamaica. In 1943 franchise reform did not

grant universal adult suffrage for which the progressive movement was lobbying, but did lessen the franchise restrictions to the House of Assembly by reducing the income qualification and by giving women the right to vote, which tripled the electorate (Phillips, 1990). Universal suffrage was not granted until 1951. It was during this period of the expanded, but still restricted, franchise (i.e. 1943–1951) that the fervent rivalry between the two factions of progressive movement began. Consequently, before acquiring the vote, the lower class had exposure to political organization and intense electoral competition whose outcome was decided by an enfranchised middle class who were more familiar with the dominant political institutions and traditions. As the lower class subscribed to the dominant political culture that recognized the legitimacy of the state, I argue that it did not seek a break with the extant structure of state authority. Rather, its members sought inclusivity within extant political institutions, and as such were not predisposed to support a charismatic leader who flouted the democratic rules. It is the higher degree of acceptance of state authority among the lower class that resulted in the absence of escalation of political violence during the transition to universal suffrage.

After the two factions of the progressive movement split and formed competing party-union complexes (the BLP/BWU and the Congress Party/Congress Union), by the mid-1940s the situation was ripe for political violence. Indeed, minor incidences of political violence did appear in the form of throwing bottles and stones in order to disrupt public meetings (Crawford & Marshall, 2003). However, the severity of violence did not rise beyond this level. I argue that the failure of partisan violence to escalate was the result of the more legal-rational orientation (as opposed to a more charismatic orientation) of the leadership of both factions of the progressive movement, which was ultimately a function of the political culture of both the middle and lower classes.¹⁸ Both Grantley Adams (the leader of the BLP/BWU) and Wynter Crawford (the leader of the Congress Party/Congress Union) relied on rational appeal to attract electoral support from the enfranchised middle class, while simultaneously attempting to attract goodwill and support from the lower class, given that universal suffrage was expected to be imminent.

Unlike Bustamante in Jamaica, neither leader used public platforms to work supporters into an emotional frenzy by promoting extreme polarization between the two progressive parties, and then implicitly condone (or in some cases explicitly command) that violence should be used against supporters and leaders of the opposing party. Aside from the tit-for-tat disruptions of public meetings, both Adams and Crawford eschewed the use of interpersonal violence as a political tactic. Adams, a respected Oxford-trained lawyer and member of the House of Assembly since 1934, not only had respect for, but was also quite adept at working within the colonial state and its legal institutions. Consequently, he did not make use of extralegal tactics (including partisan violence) to any significant degree. Furthermore, given the political culture, Adams was likely cognizant that engaging in such tactics might have eroded popular support. Adams even disapproved of the use of violence during the labor rebellion of 1937, lamenting that “[t]he progressive cause seemed to have floundered on the shoals of discontent and violence. Barbados, an island long known for its law-abiding character, had blown up in an explosion” (“Blunders, Struggles and Regrets,” 1971, January 31).

Crawford and the Congress Party also relied upon legal-rational appeal—its party manifesto published in 1944 outlined a rational, socialist platform. Notwithstanding his personal animosity toward Adams, Crawford did not dedicate much time publicly attacking Adams, but spent much of his energy

opposing the plantocracy, the Anglican Church, and various policies of the colonial administration through his public statements in the House of Assembly and in the *Barbados Observer* (Governor Bushe, 1942–1944). Although Crawford espoused views that challenged the structures of domination (and as such could be considered to be radical and somewhat anti-establishment), he showed respect for the state by following the democratic rules of the game, wanting to fairly and democratically capture the state to then work within its institutions to affect change. For Crawford the progressive movement took precedence over his rivalry with Adams, which was evidenced by his rejection to work with the conservative Electors’ Association and his willingness to form coalition with the BLP in 1946 (Crawford & Marshall, 2003). Thus, Crawford did not attempt to promote polarization between the two progressive parties, nor did he make allowances for the use of interpersonal violence as a political strategy.

Although the more legal-rational and less charismatic approach of the party leaders was a crucial factor in preventing the escalation of political violence, it was the political culture that ultimately determined this outcome. It was not simply a historical accident that the leadership of the two factions of the progressive movement was more legal-rational in orientation. Rather, they were the chosen leaders of the movement precisely because they followed a less charismatic approach. That is, their popularity was a result of the dominant political culture that recognized the legitimacy of the state shared by both the middle and lower classes. Accordingly, I contend that this political culture provided the structural conditions such that had a charismatic figure like Bustamante appeared on the Barbadian political scene, he would most likely not have had a substantial following. Indeed, at public meetings in Barbados, there were instances when audiences rebuked candidates who had in their opinion gone too far with their attacks, saying they had not come to hear people vilified or the Government denigrated (Will, 1981). Therefore, when universal suffrage did come in 1951, it was the internalization of the dominant political culture—specifically the acceptance of the legitimacy of the state—among the lower class that led them to overwhelmingly support one of the two established progressive political leaders. The fact that both progressive parties were more legal-rational in approach hindered the escalation of political violence (and thereby the institutionalization of patronage politics), the absence of which failed to send the island down a trajectory similar to that in Jamaica while also providing the foundation for a strong rule of law post-independence. According to the US State Department (2011), “Barbados has not experienced political violence since [the] riots in the 1930s.”

5. CONCLUSION

To summarize, differences along three key dimensions (the race-class correlation, the orientation of the religion of the lower class toward the established order, and the structural conditions that facilitated the cultural autonomy and the development of an oppositional culture among the lower class) had developed between the two islands by the late colonial period that influenced the attitudes of the lower class toward the legitimacy of the state. In Barbados, the lower class possessed a greater degree of acceptance of the legitimacy of state authority, while in Jamaica state authority was weaker. It was these differences between the two colonies that proved to be the crucial factor that combined with the sequence of events during the transition to universal suffrage to determine

whether partisan violence and political patronage were institutionalized. The presence or absence of these conditions during the late colonial period caused the divergence in the rule of law trajectories between the two islands, influencing the rule of law post-independence. In Jamaica, political violence and patronage politics were institutionalized, resulting in a deterioration of the rule of law (i.e. a high level of violence) after independence. In Barbados, the lower class largely accepted the legitimacy of the state, which hindered the escalation and institutionalization of political violence and patronage, thereby reinforcing the rule of law post-independence and contributing to its comparatively low level of violence.

The analysis therefore identifies state legitimacy as a key determinant of the rule of law and, in doing so, makes a significant contribution to the literature. As mentioned, the current focus of rule of law development assistance is top-down, state-centric—that is, it is primarily concerned with transforming state and legal institutions. My research represents a departure from this practice by suggesting that the strengthening of state and legal institutions alone is not a sufficient condition to strengthen the rule of law. Although these institutions are certainly important, the rule of

law is also determined by political culture, specifically popular dispositions toward state legitimacy. In short, my research suggests that the rule of law depends not only on characteristics of the state, but also on characteristics of society.

The research also suggests that history matters. In order to understand the determinants of the rule of law, one must not only examine characteristics of the state and its legal structure in the present, but must also take into account the historical context, particularly trends in political culture during critical historical periods. The findings contribute to the argument that the transition to independence is a potentially critical period for state transformation by specifically identifying the transition to universal suffrage as having the potential to strongly influence the rule of law for decades afterward. However, the comparative analysis is not clear as to whether—apart from the granting of universal suffrage—the independence process itself has a decisive role in influencing the rule of law. Only further cross-national comparative research would allow one to distinguish the independent effects of the transition to independence from the transition to universal suffrage to determine which is most crucial concerning the rule of law.

NOTES

1. The rule of law remains a highly contested concept. For a full discussion see [Costa, Zolo, and Santoro \(2007\)](#) and [Tamanaha \(2004\)](#).

2. [Haggard and Tiede \(2011\)](#) include a fourth component—corruption—which, given my working definition of the rule of law, I include under legal constraints that limit political power.

3. Throughout the paper, state legitimacy is defined as the acceptance of the state and its governing law as an authority; that is, the acceptance of the state's right to rule.

4. Homicide rates are considered the most reliable measure of violent crime because it is the crime the most likely to be reported to the police. Furthermore, homicide rates are the most reliable comparative measure of violence as there is much less cross-national variation in the definition of homicide than other violent crimes ([LaFree, 1999](#)).

5. Statistics on the number of court cases per 1,000 population in 1955 (76 cases/1,000 population in Jamaica; 40 cases/1,000 population in Barbados) suggest that the extent of societal penetration of the judicial system in Jamaica was at least as strong, if not stronger, than in Barbados ([Lange, 2009b](#)). Likewise, statistics on the number of police officers per 1,000 population in 1973 (2.4 police/1,000 population in Jamaica; 3.6 police/1,000 population in Barbados) suggest that both countries had comparatively similar proportions of police officers (the range for countries with available data in 1973 is 0.1–13.2 police/1,000 population) ([UNODC, 2011](#); population data source [World Bank, 2011b](#)). Lastly, both countries had nearly identical levels of contract enforcement in 1966, with both countries scoring 0.87 on the Contract-Intensive Money indicator ([Clague, Keefer, Knack, & Olson, 1999](#); [International Monetary Fund, 2009](#)).

6. The research involved a detailed review of the secondary literature, including rare historical material available at the University of the West Indies libraries (the Cave Hill campus in Barbados and the Mona campus in Jamaica). The research also entailed archival research of primary sources. I examined colonial documents, correspondence, government documents, union archives, newspapers, and other historical documents at the University of the West Indies (Barbadian and Jamaican campuses), the Barbados Department of Archives, the Barbados Museum and Historical Society, the National Library of Jamaica, and the Jamaica Archives Office.

7. During 1934–39, both Jamaica (1938) and Barbados (1937), along with other colonies throughout the British West Indies, experienced major labor rebellions marking the beginning of the late colonial period ([Bolland, 1995, 2001](#)). These labor uprisings triggered the Moyne Commission, that recommended, among other changes, the legalization and legal protection of trade unions and a move toward universal adult suffrage for the local and central governments in each colony ([Great Britain, 1945](#)).

8. Following a Marxian approach, class is defined as a group sharing a common relationship to the means of production. Consequently, with respect to Jamaica and Barbados, historically the upper class comprised the owners and managers of the means of production, the middle class comprised educated professionals, while the lower class comprised both the working class (laborers and peasantry) and the unemployed.

9. In Jamaica and Barbados, the term 'brown' refers to those of Afro-European descent—not to be confused with the much smaller group of Indo-Caribbeans (those of Indian descent) in both countries. In Jamaica, although the Indo-Caribbean (comprising 1.7% of the population in 1960), Sino-Caribbean (0.6%), and Middle-Eastern Caribbean (0.1%) population occupied somewhat unique positions within the race-class hierarchy, their numbers were relatively small, and therefore the hierarchy was primarily structured around the Afro-Caribbean (76.8%) and Afro-European (14.6%) population ([Department of Statistics, 1960](#)).

10. Political culture is defined here as a shared set of attitudes, beliefs, and norms which give order and meaning to politics, affecting perceptions of state legitimacy.

11. Sheller argues that the formation of a mobile, free holding peasantry among the former slave population formed the basis of an oppositional culture in Jamaica. She contends that after emancipation the black laboring class “did not simply retreat into a world of peasant subsistence and conservative values. They turned their collective energies toward changing the structures of domination wherever they could... [and a] new peasant political culture (and sense of both economic and political agency) quickly formed, combining the protest traditions of slave communities with the exercise of new freedoms” ([Sheller, 2000, pp. 14, 157](#)). She acknowledges that in Barbados “independent peasant development was blocked,” which impeded the formation of an oppositional culture ([Sheller, 2000, p. 52](#)).

12. Jamaica became a crown colony in 1866. Crown colony rule entailed governing the colony via the Legislative Council, consisting of the Governor, ex-officio appointments from the colonial administration and members nominated by the Governor. In 1884, after pressure from residents demanding more local involvement in government, Jamaica became a 'partly representative' crown colony. That is, additional members elected on a restricted franchise joined the Legislative Council, with their numbers increasing in 1895. Consequently, propertied members of the upper and middle classes were able to democratically participate in the Legislative Council. However, until 1944, Jamaica remained a *de facto* crown colony, as the number of ex-officio and nominated members always exceeded that of the elected members (Handbook of Jamaica, 1925).

13. The JLP received 41.1% of the popular vote as compared to the PNP's 23.5% (Munroe & Bertram, 2006). Bustamante is considered to have alienated middle class support, given his exploitation of race-class divisions during the campaign with statements implying that a PNP victory would result in slavery under the brown man (i.e. middle class) (Post, 1981). Furthermore, the PNP's support is estimated to have come disproportionately from the middle-class, as its policies of self-government and socialism did not prove widely popular among the lower class (Munroe, 1990; Post, 1981).

14. Although Bustamante cultivated an anti-establishment image, the extent to which he was actually anti-establishment is another matter.

15. The PNP received 50.5% of the popular vote in 1955, as compared to 23.5% of the vote in 1944 (Munroe & Bertram, 2006).

16. My intent here is not to provide an exhaustive account of all contributing factors leading to increases in violence throughout the entire post-independence period, but to demonstrate that the spike of violence during the 1980 election and its subsequent increase throughout the 1990s and 2000s were a continuation of trends originating during the late colonial period.

17. Garrison communities are poor and urban communities that are the loci of most political violence where, until the 1980s, party-affiliated strongmen (linked to either the JLP or PNP) had substantial control, recruiting residents into partisan strong-arm groups and issuing weapons. In return for their staunch partisan support, these communities benefitted from "communal" political patronage (such as rent-free public housing projects, free water and/or electricity, or government work contracts) when their party was in power (Figueroa & Sives, 2002).

18. That is not to say that charisma was not an important political asset for Barbadian leaders who had a more legal-rational orientation (see Allahar, 2001).

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