

Repression or Not: Physical Integrity Rights Violations in Democracies*

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Abstract

I identify what I believe to be a critical theoretical oversight of current research studying states' violations of physical integrity rights. I argue that research has been limited to the notion that physical integrity rights violations can be understood as a function of political repression. I contend that physical integrity rights violations can serve other functions as well. Following this argument, I outline some alternative mechanisms and using newly made available data show how various institutional characteristics unrelated to instrumental repression can help explain the protection and violation of torture and abuse in democracies.

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1 Introduction

The civil and human rights movements and reforms that swept across much of the developed world in the late 1960s and early 1970s, culminating in the near universal adoption of a host of binding civil and human rights conventions and treaties throughout the late 20th century, convinced many that the abuse of states' coercive power, genocide, and repression were well on their way to democratic resolution.¹ Yet, despite the exuberance created by the development of internationally accepted human rights norms, the adoption and ratification of legally binding human rights treaties by the vast majority of United Nation membership, and despite the monitoring of states' legal obligations by international organizations, state agencies, and non-governmental organizations, human rights continue to be violated world wide with impunity.²

Importantly, the occurrence of violations of even the most basic human rights, physical integrity rights, are not limited to authoritarian regimes.³ On the contrary, as illustrated in Figure 1, although lower than in autocratic regimes, violations of physical integrity rights are anything but absent, even among countries that are conventionally considered democratic.⁴ In particular the left panel of Figure 1 shows that since the end of the Cold War period, about 80 percent of democracies have experienced torture on a yearly basis. Extra-judicial killings or summary executions are reported in about 40 percent of all democratic regimes during this period. The prevalence of political imprisonment fluctuates around 30 percent, and only the frequency of disappearances appears to have declined to about one-in-ten democracies.⁵

¹The most notable of the conventions include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

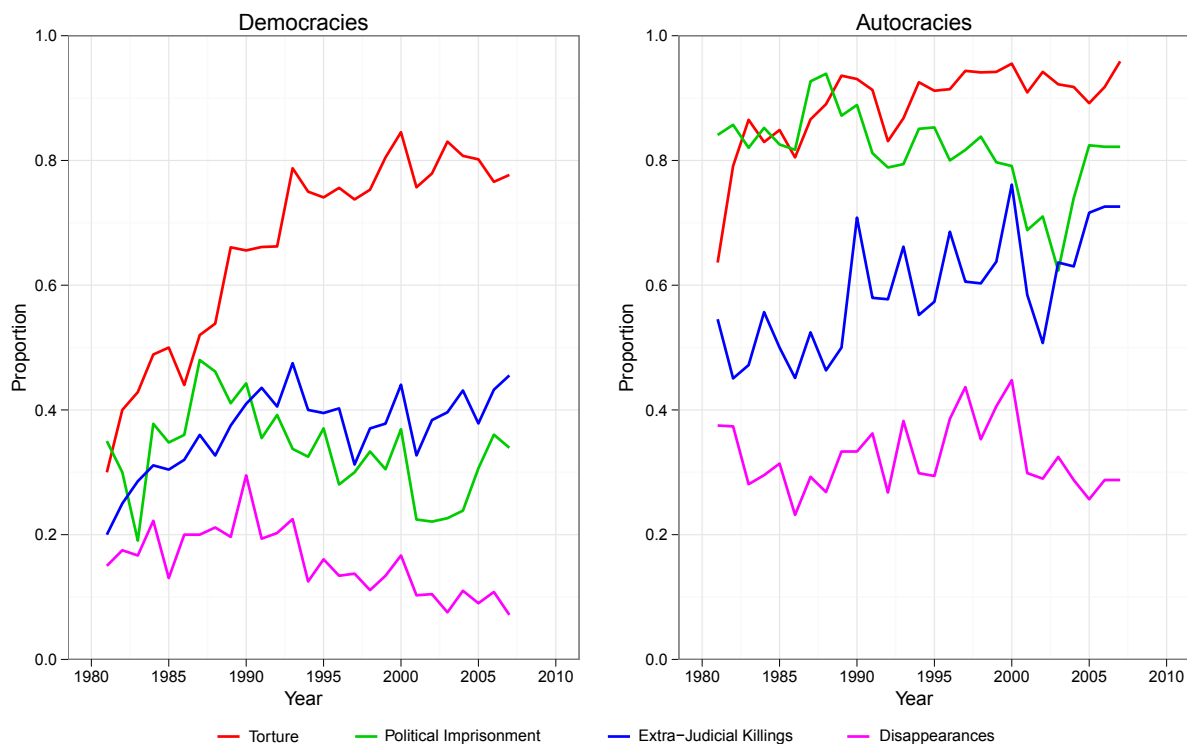
²As of February, 2011, 165, 160, 146 state parties had ratified the ICCPR, ICESCR, and Torture Convention, respectively.

³Physical integrity rights, sometimes referred to as personal integrity rights, are entitlements codified in international law according to which individuals are to be protected from arbitrary physical harm and coercion by their own government. These "rights include freedom from torture or other cruel, inhuman or degrading treatment or punishment, from prolonged detention without charges, from disappearance or clandestine detention, and from other flagrant violations of the right to life, liberty and the security of the person" (Bureau of Democracy, Human Rights, and Labor, 2010).

⁴Following Alvarez et al. (1996); Przeworski et al. (2000), and Cheibub, Gandhi and Vreeland (2009a), a regime is considered a democracy if all of the following four rules apply: 1) the chief executive is chosen in popular elections or by a body that was itself popularly elected, 2) a popularly elected legislature exists, 3) more than one party competes in the elections, and 4) an alternation of power under electoral rules identical to those that brought the incumbent to office has taken place. If a country fails to meet one of these conditions it is considered an autocracy. Throughout this paper the terms autocracy, dictatorship, and non-democracy are used interchangeably.

⁵The fact that democracies are more likely than not to violate the physical integrity rights of their citizens

Figure 1: Prevalence of Physical Integrity Rights Violations in Democracies and Autocracies



Plotted are the proportions of democracies (left panel) and autocracies (right panel) that were found to have engaged in at least one of the respective physical integrity rights violation in a year. Data Sources: Cheibub, Gandhi and Vreeland (2009b): *Democracy and Dictatorship Revisited Data Set*, and Cingranelli and Richards (2009): *CIRI Human Rights Data Project*.

A similar conclusion can be reached when employing an aggregate measure of physical integrity rights violations, such as the Political Terror Scales (PTS) by Gibney, Cornett and Wood (2008) instead of the itemized count measure CIRI by Cingranelli and Richards (2009).⁶

is well documented. See for example: Cingranelli and Richards (1999b); Cingranelli and Filippov (2010); Conrad and Moore (2010).

⁶The PTS is a 5-point index measuring the degree to which a state sponsors or tolerates violence against its own citizens, where higher values indicate higher levels of physical integrity rights violations. The PTS data only cover human rights infractions as they relate to the violation of human rights to personal integrity within a state’s territory (also often referred to as state terrorism; see for example: Gurr (1986)). As such a broad range of human rights violations such as infractions of social, cultural and economic rights are generally not captured; neither are violations of human rights outside a state’s territorial jurisdiction or “violations by proxy”. Additionally, the PTS is in some instances inconsistent with regard to the perpetrators. Although, PTS explicitly attempts to measure state sponsored or state tolerated violence, often responsibility for infractions is difficult to assign. In some cases infractions perpetrated by non-state actors such as rebel groups or transnational corporations will be picked up by PTS, even if agents of the state did not directly

Table 1: Political Terror by Regime Type

Political Terror	Democracy	Autocracy
1 (low)	46.8	11.5
2	26.7	31.5
3	15.8	34.6
4	8.6	14.6
5 (high)	2.1	7.9
Total	100.0	100.1
Country Years	2419	2810

Note: Shown are the percentages of country year observations between 1976 and 2008 in terms of the degree of political terror experienced in a year. Data sources: Gibney, Cornett and Wood (2008): *The Political Terror Scales*, and Cheibub, Gandhi and Vreeland (2009b): *Democracy and Dictatorship Revisited Data Set*.

Table 1 presents the relative frequencies of democratic and autocratic country year observations with varying levels of political terror as measured by the the PTS based on the State Department’s Human rights reports. Although about 47 percent of all 2419 democratic country year observations fall into the least violent category, well over a quarter of all democratic observations fall into categories three through five. Countries at this level, experience – at the least – extensive political imprisonment; executions and political murders and brutality may be common and unlimited detention, with or without a trial, for political views are accepted. At worst terror will have expanded to the entire population, such that murder, disappearances, and torture are a common part of life (Wood and Gibney, forthcoming). Again as can be expected, given the empirical regularity linking physical integrity rights violations to regime type, the records of autocracies are far worse with almost 60 percent of all observations falling into the most violent three categories.

The obvious question, raised by the fact that even among democracies, domestic and international obligations to respect the basic rights to life, liberty and the security of the person are routinely ignored, is why? In other words, why do democratic regimes torture, arbitrarily imprison, kill and disappear their own citizens despite having committed themselves constitutionally and legally to refrain from engaging in this behavior. There exists little research in the political science literature attempting to systematically begin to address this specific puzzle. In what follows, I argue that the literature dealing with human rights

carry out these infractions but the state is merely incapable of their prevention. The measure itself is based on annual country reports by Amnesty International and the U.S. State Department’s *Country Reports on Human Rights Practices*, and is currently available for over 180 countries, covering the years 1976-2008 (Wood and Gibney, 2008).

violations, is essentially a literature of repression (for exceptions see especially: Rejali, 2007). Human rights violations are seen as the consequence of explicit and instrumental behavior authorized by leaders and executives to achieve political goals. I claim that, particularly in democratic contexts, a reliance on the repression framework can only provide a partial explanation of physical integrity rights violations. Using data recently made available by the the Ill-Treatment and Torture (ITT) Data Collection Project, I show that alternative, non-repression related mechanisms can explain the occurrence and variance of violation of ill treatment and torture in contemporary democracies.

2 Explaining Human Rights Performance

To date, researchers have paid far more attention to the evils done against governments (and citizens) by dissidents, rebels, and terrorists than to the evils done by presidents, the police, military, secret service, national guard, and death squads against those within their territorial jurisdiction.

– Christian Davenport, *Annual Review of Political Science*, 2007*a*.

Beginning in the mid-1970's, following efforts by state agencies and non-governmental organizations to systematically collect data regarding violations of internationally recognized human rights, significant academic attention has been brought to bear to investigate and understand the degree to which certain human rights are violated or respected by nation states (see among many others: Goldstein, 1978; Ziegenhagen, 1986; Mitchell and McCormick, 1988; Henderson, 1991; Poe and Tate, 1994; Fein, 1995; Davenport, 1997; Poe, Tate and Keith, 1999; Cingranelli and Richards, 1999*a,b*; Zanger, 2000; Keith, 2002; Lee et al., 2004; Carey, 2006; Poe, Rost and Carey, 2006; Abouharb and Cingranelli, 2006; Davenport, 2007*b*; de Soysa and Nordås, 2007; Hathaway, 2007; Hafner-Burton, 2008, 2009; Vreeland, 2008; Wood, 2008). Although both quantitative and qualitative research has focused on a variety of violations of specific types or categories of human rights issues such as genocide (see: Rummel, 1997; Krain, 1997; Harff, 2003; Kathman and Wood, Working Paper), civil liberties (see: Davenport, 1995, 2007*b*), or torture (see: Wantchekon and Healy, 1999; Hathaway, 2002; Rejali, 2007; Conrad and Moore, 2010), the preponderance of empirical studies has focused on violations of all physical integrity rights combined. The bulk of this research has taken what Davenport (2007*b*, 38) calls “some version of a rationalist-structuralist hybrid” approach according to which all physical integrity rights violations can be understood as a form of repression.

2.1 The Literature on Human Rights Violations

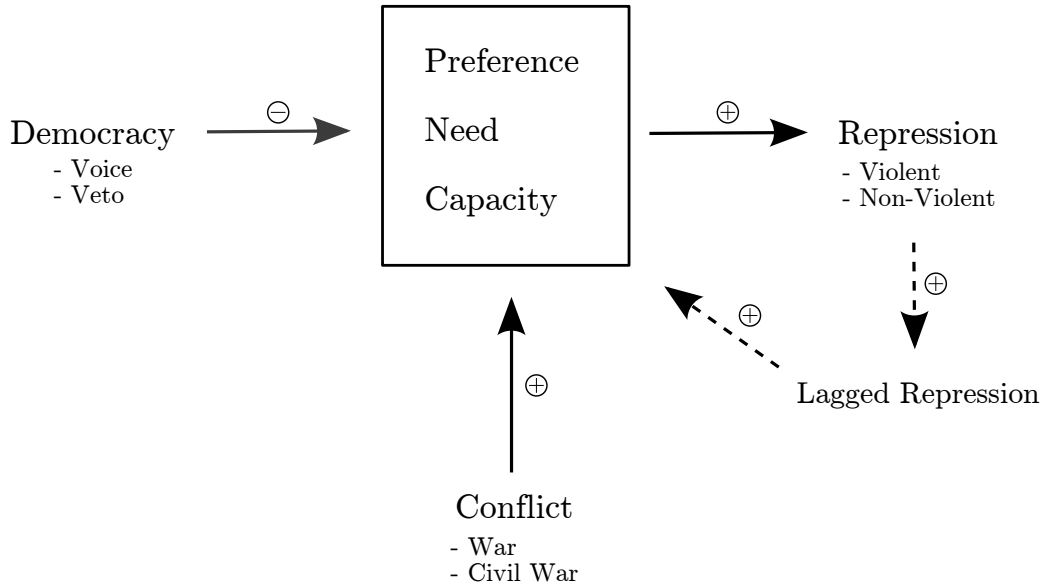
Within this rationalist-structuralist literature, repression is generally understood as “coercive behavior employed by political authorities against individuals and groups within their territorial jurisdiction for the *expressed* purpose of controlling behavior and attitudes” (Davenport and Armstrong, 2004, 539). Often referred to as *state sponsored violence* or *state terrorism*, repression is thus seen as a tool available to leaders or governments to achieve certain ends. Repression may be used to defend and maintain certain cultural, ideological, or economic practices, or to create and expand upon them (Goldstein, 1978; Gurr, 1986; Nicholson, 1986; Mitchell et al., 1986). According to this approach then, states or executives engage in a cost-benefit calculus about “whether or not they can/should apply repression” (Davenport, 2007b, 38).

The most prominent mechanism that has been identified using this explanatory framework posits a connection between repression and various type of threats (see for example Gurr, 1986; Poe and Tate, 1994; Poe, Tate and Keith, 1999; Davenport, 2007b; Conrad and Moore, 2010). While this approach also holds that repression is used by authorities because they lack viable alternatives, suffer no consequences, and are unincumbered by effective mechanisms that constrain or check their coercive power, scholars stress that leaders will primarily employ repression in the presence of threats, “real or perceived, to the leaders’ goals” (Gurr, 1986). As a consequence, the primary thrust of research has attempted to identify these threats which are conceptualized almost exclusively in terms of a maintenance of power by leaders and/or the survival of the regime. Repression is seen, more specifically, as a tool for leaders to stay in power and to ensure the survival of a particular regime. Therefore if the monopoly of authority is challenged or threatened, repression will be employed to defend the status quo.

Authors in this vein often refer to a *capacity-threat ratio* derived from the *opportunity and willingness framework* due to Most and Starr (1989). This framework holds that leaders determine whether or not to repress based on their perceptions of the regime’s strength or capacity relative to perceptions of threats (de Soysa and Nordås, 2006, 5-6). If a regime’s strength or capacity is declining relative to threats, or if threats are increasing relative to the regime’s strength or capacity, leaders are left with two options, they can attempt to increase their strength/capacity (e.g. increase military spending) or they can attempt to reduce threats (e.g. pay off the opposition). It is argued that repression will be a useful tool as it can be used to both increase the regime’s strength/capacity and to reduce threats.

The state of the empirical literature employing and working within this explanatory paradigm, can be summarized succinctly by the so-called *Standard Repression Model* (see

Figure 2: The Standard Repression Model



Adapted from Davenport (2007b).

Figure 2). Most importantly this approach yielded the consistent empirical regularity, namely that political democracy is negatively related to state’s use of repression. More democratic states are repeatedly found to commit fewer or less severe violations of personal integrity rights (Mitchell and McCormick, 1988; Henderson, 1991, 1993; Poe and Tate, 1994; Davenport, 1995; Fein, 1995; Rummel, 1997; Poe, Tate and Keith, 1999; Davenport and Armstrong, 2004). In what remains one of the foremost studies on the topic, Steven Poe and Neal Tate (1994) find that the more democratic a state is, as measured by the Freedom House index of political rights, the less likely it is to violate the physical integrity rights of its citizens. Similarly, Davenport (1995) shows, using Banks’ (1992) polyarchy and political pluralism variable to operationalize democracy, that democracy is negatively related to the degree or occurrence of these violations. Poe, Tate and Keith (1999) successfully replicate their earlier finding using the PolityIII democracy scale; and finally, Davenport and Armstrong (2004) show that a similar relationship exists when using the PolityIV democracy scale.

2.1.1 Preferences

Looking more specifically at the components of Figure 2, scholars argue that political democracy reduces states' reliance on repression because leaders in democratic countries are normatively opposed to repression and simply prefer alternative means to achieve their goals. Alternatively, it is argued leaders in autocracies believe that it is easier to direct (coerce) the citizenry than it is to persuade or negotiate with them (Davenport, 2007*b*, 42). Henderson (1991) but also Poe and Tate (1994); Rummel (1997) similarly hypothesize that repression is simply considered illegitimate by both leaders and the citizenry. They argue that, in a democratic context, societies develop values and norms that are non-violent in nature and that even when faced with threats, authorities are unlikely to resort to repression.

2.1.2 Need

Among the first to test the hypothesis that democracies repress less, Henderson (1991) argues that in democracies, conflicts are resolved through bargaining characterized by norms of compromise and negotiation. Conflicts are, therefore, more likely to be resolved before they develop to the point of constituting threats, prompting a repressive response by authorities. As such, political democracy was argued to reduce the need for states/leaders to engage in repression. Additionally, Davenport suggests that in non-democratic contexts leaders simply have fewer alternative means to control the population, leaving repressive behavior as the only remaining tool (2007*b*, 43). Another important and consistent finding points to the effects of economic conditions. Economically under-developed or poor countries are argued to be more repressive because economic scarcity fosters substantial social and political tension. Impoverished citizens thus have greater incentives to improve their condition by resorting to violent conflict. If conflict becomes destabilizing to the point that the regime perceives a threat, it is "most apt to use repression in order to maintain control" (Mitchell and McCormick, 1988, 478). Similarly Henderson (1991) suggests that in more developed countries, citizens are more likely satisfied and, as such, repression need not be employed by the elites. In contrast, in highly developed nations, authorities have economic resources at their disposal to control behavior without having to resort to repression.

2.1.3 Capacity

The literature suggests that the capacity or ability of states to act in a repressive manner is critical to explain repression. Specifically, it is argued that in authoritarian regimes the coercive apparatus plays a more prominent role politically because non-democratic government is inherently more difficult to sustain without the use of physical force (Davenport, 2007*b*,

43). Executives channel disproportionate resources to agents. For instance, research has shown that military regimes tend to be highly repressive. Poe and Tate (1994, 858) argue that because military regimes or juntas directly control the means of coercion, and often ascended to power violently in the first place, the fact that these regimes are more repressive should “surprise no one”. Similarly, communist regimes are often considered more likely to resort to violence against the citizenry, but empirical support for this hypothesis tends to be weak (Mitchell and McCormick, 1988; Poe and Tate, 1994; Poe, Tate and Keith, 1999). Lastly, in an important deviation from the more traditional approach, Conrad and Moore (2010) argue that the ability to employ torture is reduced in liberal democracies due to an increased likelihood that allegations of such ill-treatment are made public. Executives thus face an incentive not only to refrain from ordering such behavior but more importantly to “prohibit from exercising discretion and using torture” (460).

2.1.4 Conflict

One of the most prominent and consistent findings in the repression literature highlights that the presence of civil and interstate conflict provides political authorities with incentives to engage in repression, in order to “suppress the opposition, to control the flow of information, and to acquire intelligence through every means possible” (Bueno de Mesquita et al., 2005, 447). International and civil wars, in short, threaten the authority of leaders to hold on to power or to ensure regime survival, leading to increased repression. Although closely related to the *need* to repress, violent conflict has been singled out as a confounding factor that is positively related to the use of repression, regardless of regime type. Democracies and autocracies alike are, when threatened with domestic conflict such as insurgency, terrorism, or guerrilla warfare, or involvement in interstate wars, more likely to repress in order to “fulfill one of the state’s primary objectives – political control” (Davenport, 2007*b*, 39). The reduction of these conflicts indeed is seen as “a major source of legitimacy” for authorities, for whom violent conflict provides a legitimate mandate to repress for the sake of law and order (39).

2.1.5 Persistence

Arguably the most powerful predictor of the use of repression by authorities in a given year is the level of repression employed in the previous year (Poe and Tate, 1994; Davenport, 1995; Poe, Tate and Keith, 1999; Davenport and Armstrong, 2004; Cingranelli and Filippov, 2010). Conrad and Moore (2010), for instance show that “93% of countries whose agents engaged in at least one act of torture in a given year also engaged in torture the following year” (459).

In line with the framework of the standard repression model, Davenport (2007*b*) argues that a history of political arrests, mass killings or torture familiarizes political elites with the practice. This familiarity decreases the costs of continued repressive behavior “by reducing uncertainty” and creating and reinforcing “an ethos within the relevant state organizations responsible for this behavior” (40).⁷

3 Criticism of the Repression Approach

Having provided a brief sketch of the dominant approach in the political science literature to explain and understand why human rights and, more specifically, physical integrity rights are violated, this section aims to outline both the theoretical and empirical shortcomings of this literature.

3.1 Theoretical Concerns

As argued above, the predominant approach in the political science literature is to view physical integrity violations as instrumentally rational behavior employed by political elites to achieve some end. As such, physical integrity rights violations are understood in terms of repression. Repression in turn is defined as “any action by [one group] which raises the contender’s cost of collective action” (Tilly, 1978, 100). Goldstein (1978) similarly argues that repression is implemented “for the purpose of imposing a cost on the target” so as to deter “specific activities and/or beliefs perceived to be challenging to government personnel, practices and institutions” (xxvii). Lastly, Gurr (1986, 51) claims that “the necessary condition [for repression] is the existence of a group, class, or party that is regarded by ruling elites as an active threat to their continued rule.” For modern nation states repression is “virtually always politically purposeful. Indeed, it is purposeful by definition” (51). In short, then the violation of physical integrity rights is understood as the consequence of the existence of contenders or challengers (perceived or real) in direct and open conflict with elites or the state, as well as the status quo.

Contrast the above explanatory framework with the following qualitative accounts of violations of physical integrity rights from Brazil, the United States, and Spain. The three countries are conventionally considered democracies, and all three excerpts are taken from

⁷Note, that the theoretical arguments and underlying mechanisms linking repression in period t to repression in period $t - 1$ are relatively underdeveloped. The initial finding of the explanatory power of lagged repression appears to be the almost accidental result of attempts to control for autocorrelation in large N panel studies. The inclusion of lagged dependent variable, however, is not without pitfalls. See, for example: Achen (2000); Keele and Kelly (2006).

the reports of human rights monitoring organizations and agencies whose accounts provide the basis for common physical integrity rights measures.

3.1.1 Brazil:

Five youths, including a 13-year old boy, were reportedly extra judicially executed on 6 January 2004, in the *favela* of Cajù in the North of Rio de Janeiro. One surviving witness and several family members informed the police that two policemen had rushed shooting towards the five while they were sitting in a bar. The boys tried to identify themselves to no avail. On 7 January, their bodies were found in a mud pit, located behind a garage near the community.

– Amnesty International, *“They Come in Shooting”*, (2005, 41)

3.1.2 The United States:

Fifty-nine people died after being shocked with Tasers, bringing to 346 the number of such deaths since 2001. Although these deaths were commonly attributed to factors such as drug intoxication, medical examiners concluded that Taser shocks caused or contributed to at least 50 deaths. [...] Seventeen-year-old Darryl Turner died in March [2008] when he was shocked after an argument in the store where he worked in North Carolina. A video-tape showed a police officer firing Taser darts into Darryl Turner’s chest as the unarmed teenager stood with his arms by his side. The officer held the trigger down for 37 seconds and shocked him again after he had collapsed on the floor. Darryl Turner died at the scene. The coroner ruled the cause of death to be a fatal disturbance of the heart rhythm due to stress and the Taser shocks.

– Amnesty International, *“The State of the World’s Human Rights”*, (2009)

3.1.3 Spain:

The Coordinator for the Prevention of Torture (a group of Spanish human rights nongovernmental organizations (NGOs), universities, and bar associations) reported that in 2008 there were 520 reports of torture or mistreatment, down from 720 in 2007. According to the group, 68 of the reports involved local police authorities, 59 the national Guardia Civil, 187 the national police authorities, 45 the Mossos d’Esquadra (local Catalonian authorities), 45 the Ertzaintza (Basque

authorities), and 74 prison staff. The autonomous regions with the highest number of complaints were Euskadi (97), Andalucia (82), Madrid (61), and Catalonia (45). The number of reports involving the Mossos d'Esquadra decreased from 128 in 2007 to 45 in 2008. Observers attributed the decrease in part to preventative measures, such as the use of surveillance cameras in detention and interrogation rooms.

– U.S. Dept. of State, *“Country Reports on Human Rights Practices”*, (2010)

3.1.4 Motivations

Although the three accounts from Brazil, the United States, and Spain, were deliberately chosen to exclude examples of physical integrity rights violations committed as part of larger campaigns such as the “War on Terror” or those clearly linked to a civil war or an insurgency (the Spanish example perhaps constitutes an exception), all are representative of the typical content of human rights reports in democracies. Importantly, all three are meant to highlight the seeming inadequacy of the traditional functionalist or standard repression approach in explaining their occurrence.

Consider the excerpt from Brazil. According to the repression approach, one would expect that the police responsible for the summary executions in this case, had singled out the 6 individuals as members or participants of an open resistance or as a threat to the regime or the state. The arbitrary nature of the operation, the apparent randomness of the victims as well as the victims’ ages makes this a highly unlikely proposition. Similarly, the 346 deaths associated with the use of Tasers by U.S. law enforcement occurring across the United States since 2001 appear to be difficult to explain in terms of a response by authorities to perceived threats to the state. In other words, it seems unreasonable to assume that executives or political elites were threatened by Darryl Turner and ordered or sanctioned his killing.⁸

Finally, the Spanish example highlights the fact, that these violations are not isolated incidents of police brutality but rather a more systematic and widespread reality even in developed Western democracies. The assumption that occurrence of these physical integrity rights is not random, and that the behavior of the perpetrators is purposive, raises the question as to the motivations or intentions behind the behavior in question.

The standard repression account, however, with its focus on regime survival, and the maintenance of political power must be seen as inadequate in explaining the vast majority of violations in democratic contexts. This is not to say that the occurrence of physical integrity

⁸Note, however, that the officer responsible received a five-day suspension from duty (Amnesty International, 2009, 347).

rights violations can only be understood in terms of the psychology or character of individual perpetrators and that the decision to violate these rights cannot be politically motivated. The above accounts of the nature of the physical integrity rights violations in Brazil and the United States, however, suggest that threats are not necessary for violations of rights to the integrity of the person to take place.

Recent scholarship nevertheless continues to explain the occurrence of physical integrity rights using exactly this approach. Hafner-Burton, Hyde and Jablonski (Working Paper), for instance find that among developing countries, “leaders are more likely to increase human rights abuses [as measured by PTS and CIRI] in the period surrounding elections when they face greater electoral competition [measured by the number of unfavorable pre-election polls] and also fewer consequences for engaging in repression [measured by either the number of election monitoring organizations present in the country, and membership in international human rights treaties].” (30). The authors interpret their findings arguing that “some incumbents – including those in countries like Cambodia, Egypt, Iran, or Zimbabwe – have used abuses to rig election outcomes”. In special circumstances, elections “exacerbate human rights violations in these places [and] without elections, the violations would probably be fewer” (31). Although the evidence provided is encouraging in identifying precise mechanisms, it is still not clear, why physical integrity rights are violated in periods not surrounding election campaigns, and why physical integrity rights are violated in countries in which the chain of democratic choice has not been explicitly broken and leaders have not ordered from the “menu of manipulation” as Hafner-Burton et al. claim referencing Schedler (2002).

3.2 Empirical Concerns

Before outlining an alternative approach to explain physical integrity rights violations in general and torture specifically, I will briefly discuss some methodological shortcomings of the literature. Having argued that the theoretical approach in the literature seems to be ill-suited to explain physical integrity rights violations in established democracies, and that precise mechanisms leading to physical integrity rights violations remain elusive and poorly understood, I claim that the current empirical strategy to study the problem is partly to blame.

Arguably, the most problematic shortcoming of empirical research relates directly to the insistence on the repression framework. In the vast majority of quantitative work, scholars implicitly attempt to explain why countries engage in repression (for a rare exception see: Cingranelli and Filippov, 2010). As measures of the dependent phenomenon, however, researchers employ indices measuring the frequency, or severity with which physical integrity

rights are violated. If the theoretical concerns outlined above are valid, measures of physical integrity rights violations are poor proxies of functionalist and purposive repression. In short scholarship treats measures of physical integrity rights as measures of repression. Given that, as I contend, physical integrity rights violations (particularly in democracies) cannot always be understood in terms of repression, this is clearly problematic. If the aim of research is to study repression, measures of repression ought to be designed and used, if the phenomenon to be explained is physical integrity rights violations, the standard repression model cannot be used as the exclusive explanatory framework.

3.2.1 Aggregate and Multi-dimensional Dependent Variables

The problem is one of employing aggregate and multidimensional measures such as the Political Terror Scale (PTS) or the physical integrity rights index CIRI. Theoretically there exist, for example, three unique dimensions measured by the PTS – scope, intensity and range (Mitchell et al., 1986; Wood and Gibney, forthcoming).

Scope refers to the kinds of physical integrity rights that are violated in a given country. Do authorities engage in torture, political imprisonment, summary executions, or do they pursue some combination of these activities? Knowing what type or combination of violation takes place should have some bearing on how we explain the phenomenon in question. It is reasonable for example to argue that during times of war authorities will be more likely to engage in torture because they seek to identify threats and gather information critical to military operations. The information-gathering mechanism, however, would make little sense when it comes to explaining summary executions.

Intensity refers to the frequency with which specific types of violations are observed over a given period of time. Like scope, intensity is one of the criteria employed in coding PTS. A country in which one incident of torture was reported and evidence of all other forms of violations is absent obviously should receive a more favorable score than its neighbor in which thirty instances of torture were reported. How scores differ, however, among country A which was reported to have engaged in torture once and in political imprisonment twice, compared to country B in which two extra-judicial killings took place and one person was disappeared, is unclear. Tet, this information is critical to assess potential causal mechanisms and develop accounts elaborating on the microfoundations.

The last dimension, *range*, measuring the selectivity of the violence is likely the most controversial dimension of physical integrity rights abuse accounted for in the PTS. This dimension is intended to “capture what segment(s) of society government targets” (Wood and Gibney, forthcoming). Countries in which government violence has expanded to the entire population receive higher (i.e. worse) scores than those in which violence targets specific

groups independent of the intensity of the violations. Authorities torturing indiscriminately are considered to have acted in a more egregious fashion than governments that specifically target a subset of the population for torture but otherwise torture the same number of people.

All three dimensions, scope, intensity, and range are of critical importance to further theorizing on when and why physical integrity rights are violated. The aggregation of all three dimensions into one scale is problematic for the explanatory enterprise for obvious reasons. The user of the PTS, even when using appropriate independent variables, may be unable to determine what exactly his explanatory variables explain. To use the example of political democracy again, the researcher cannot disentangle whether democracies are simply more selective in the type of abuse they engage in, whether they violate physical integrity rights less frequently, or whether they simply use violations less indiscriminately, as each of these changes should theoretically lead to better political terror scores.

3.3 Victims and Perpetrators

Of equal importance to extant explanations of human rights performance is the lack of measures regarding both the victims of abuse as well as its perpetrators. As indicated above, the Political Terror Scales do account for the selectivity of abuse by authorities. Unfortunately, no disaggregated data existed up until now in order to determine who the victims or perpetrators of human rights violations are. To identify and test new mechanisms, this information however is needed.

3.3.1 Victims

Consider again the findings presented by Hafner-Burton, Hyde and Jablonski (Working Paper). The authors, find that among developing countries, “leaders are more likely to increase human rights abuses [as measured by PTS and CIRI] in the period surrounding elections in which they face greater electoral competition [measured by the number of unfavorable pre-election polls] and also fewer consequences for engaging in repression [measured by either the number of election monitoring organization present in the country, and membership in international human rights treaties].” (31). Again, the authors interpret the human rights abuses as an attempt by political elites to crack down on the political opposition in order to rig election outcomes by breaking the chain of democratic choice.

Although plausible, the reliance on aggregate measures of physical integrity rights violations leaves the authors vulnerable to alternative explanations. Because neither PTS nor CIRI provide any leverage as to who is targeted by the abuse during elections, it is unclear

whether the increase in abuse is indeed an attempt on part of the incumbent to rig elections and intimidate the opposition. Alternatively, incumbents, for example, might be attempting to signal that they are “tough on crime”. Considering that police brutality is one of the most frequently mentioned categories in human rights reports, this is certainly reasonable, especially in countries in which the relevant electorate is wary of criminality.⁹ Although this type of behavior would still be related to influencing the outcomes of elections, attempts of intimidation of the opposition do not have to be the causal link. In order to evaluate these and similar findings then, it is necessary to identify the victims of human rights abuses, as the role of elections can only be properly understood when it can be shown that opposition leaders, protestors, or media are indeed targeted by government forces instead of say the homeless in upscale neighborhoods.

3.3.2 Perpetrators

The prior lack of any systematic quantitative data regarding the perpetrators of physical integrity rights violations is equally troubling. Brazil’s human rights record, again, provides a case in point. According to both the Political Terror Scales (PTS) and the Cingranelli-Richards Physical Integrity Rights Index (CIRI), Brazil is one of the most consistent abusers of physical integrity rights. Its PTS score has dropped below a score of four only three times since 1990, and indeed Brazil received the worst possible rating of five in 1990, 1991, and 1992. Similarly, its CIRI score has never exceeded five (on a 9-point scale ranging from zero [most abusive] to 8 [least abusive]) since 1990, with an average score for the period of just over 3. Contrast these scores with the relevant opening paragraphs of the State Department’s qualitative account on which these scores are based.

The federal government generally respected the human rights of its citizens [...]

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

- The federal government or its agents did not commit politically motivated killings [...]

b. Disappearance

- There were no reports of politically motivated disappearances [...]

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

⁹Amnesty International for instance – not without reason – frequently refer to the “criminalization” of poverty when discussing human rights violations in countries such as Brazil or India.

- The federal constitution prohibits torture and provides severe legal penalties for its use [...]

d. Arbitrary Arrest or Detention

- Federal law prohibits arbitrary arrest and detention, and it limits arrests to those caught in the act of committing a crime or arrested by order of a judicial authority, [...]

– U.S. Dept. of State, “*Country Reports on Human Rights Practices*”, (2010)

The opening paragraphs of the State Department’s reports on human rights practices, appear to indicate that Brazil is in compliance with its domestic and international obligations, despite PTS and CIRI suggesting otherwise. The fact, however, that in every single section the opening line is followed by “however, there continued to be numerous, serious abuses, and the records of several state governments were poor” or “but unlawful killings by state police (military and civil) were widespread” highlights the problem of the inability of current quantitative measures to account for a diversity of perpetrators (2010). This problem is only complicated when considering that the frequency of physical integrity violations varies not only between the federal and state level but among and within states as well (see especially: Brinks, 2008). The lack of any systematic data must be considered a serious problem for elucidating causal mechanisms by means of large-N country level studies. How national level characteristics such as the district magnitude for parliamentary or presidential elections (Cingranelli and Filippov, 2010) or the presence of federal level institutional veto players such as the existence of a functioning supreme court (Bueno de Mesquita et al., 2005; Davenport, 2007*b*; Conrad and Moore, 2010) are linked to the degree to which physical integrity rights are violated in São Paulo as opposed to Buenos Aires is unclear.

4 Not Repression but ... ?

Up to this point I have argued that the current literature on physical integrity rights violations is in fact a literature of repression. Yet not all physical integrity rights violations, however, appear to be the consequence of instrumentally rational decisions by executives to respond to perceived threats. Moreover, it is safe to assume that presidents and governors rarely if ever perpetrate physical integrity rights violations, personally. Especially in democratic contexts, executives delegate “the supervision and interrogation of detainees and prisoners to jailers and interrogators”, and the maintenance of law and order to the police and other law enforcement agencies (Conrad and Moore, 2010, 461). As such, the

coercive authority of the executive (the principal) is delegated to bureaucracies and agencies (the agents).¹⁰ As is well known, motivating a party to act on behalf of another, under conditions of incomplete or asymmetric information, can give rise to the agency dilemma or principal-agent problem. In short, the implementation of legislation and executive directives is open to interpretation by the bureaucracy or agencies, which creates incentives or opportunities for the agents to deviate from the intentions or preferences of legislators or executives. Physical integrity rights violations can thus arise as a consequence of agency-loss. That is, the coercive agencies either misinterpret the preferences and intentions of their principals or act in their own interests given a lack of oversight and monitoring.

Figure 3: Physical Integrity Rights Violations and the Principal-Agent Dilemma

		Principal	
		Prefers to Violate	Prefers to not Violate
Agent	Prefers to Violate	Repression	Monitoring No Violation <hr style="border-top: 1px dashed black;"/> No Monitoring non-repressive Violation
	Prefers to not Violate	Monitoring Repression <hr style="border-top: 1px dashed black;"/> No Monitoring No Violation	No Violation

As suggested in Figure 3 some physical integrity rights violation are unique in the sense that they can thus be viewed as agency loss. Theoretically then, this argument raises two

¹⁰Conrad and Moore (2010) employ this framework in their recent study to identify conditions under which states stop the use of torture, finding that when threatened by violent dissent (i.e. threats) no incentives exist, even amongst liberal democracies to discontinue their reliance on torture. When violent dissent is absent, the existence of a free press and *Voice* increases the likelihood that a government terminates its use of torture.

questions: 1) Under what conditions or more generally why would agents – law enforcement, jailors and interrogators – prefer to violate physical integrity rights and 2) under what circumstance do principals monitor their agents?

The convenient answer to the former question is that the ability to violate the rights of citizens is useful to law enforcement and other coercive agencies. For example, “enhanced interrogation techniques” and “stress and duress methods”, which reports have confirmed to have been employed against suspected terrorists, suggest that U.S. government agents, at least in practice, assume that these techniques work, and that they are useful for purposes of gathering accurate security information (but see: Rejali, 2007, Chp 5). Moving beyond national security concerns, Rejali also argues that the ability to torture serves the purposes to coerce confessions (23). In essence, violating physical integrity rights is viewed by at least some members of coercive agencies as a useful means to more efficiently carry out their job. When the procurement of critical information is pressing or when judicial systems place high values on confessions, incentives exist for law enforcement to engage in practices such as torture which are in conflict with the pronounced positions of executives.¹¹

The above descriptions of physical integrity rights violations involving law enforcement overstepping their legal mandates, does at least in some sense to constitute the type of violation, that is closely related to repression as defined in the literature. Arguments can certainly be made that executives intentionally turn a blind eye to these violations and implicitly accept them. After all suspected terrorists can conceivable can be considered as the threat in the traditional sense. The “drug wars” in Latin and Central American countries in particular suggest that widespread criminality can devolve into regime-threatening situations more akin to civil wars. Both of these situations outlined by Rejali nevertheless fail to account for the examples of violations presented throughout this paper. Not all victims of physical integrity right violations can be identified as criminals or suspected criminals, who in some sense might be perceived as a threat. Moreover, not in all cases can they be explained by reference to a misinterpretation or absence of guidelines to permissible policing or interrogating. Seemingly random killings of people not obviously linked to criminal activity, remain unaccounted.¹²

¹¹In the discussion of his juridical explanation of torture, Rejali identifies Japan as an example of a country that places a high premium on confessions. He finds that in 1990, “99.8 percent of cases led to convictions, *and* that 91.5 percent of these cases were based on confessions under arrest” (emphasis added, 2007, 52). The average conviction rate in the United States was 21 percent, the United Kingdom, 35 percent, and France 40 percent (52).

¹²It should also be noted that Rejali for his juridical explanation refers to a specific variant or definition of torture. Specifically he is using the term torture in its conventional sense implying that an individual is subjected to pain as part of confinement and interrogation. Human rights treaties, conventions and monitoring agencies, however, also consider “arbitrary physical harm” as part of that definition. Beatings, and general police brutality of individuals not in police custody or under arrest thus are equally unexplained.

4.1 The Quasi-Citizen

An alternative account of non-repressive physical integrity rights violation suggests that physical integrity rights violations are part of a larger social conflict. And that, moreover, some physical integrity rights violations are almost inevitable. I will draw on arguments advanced in the political and social psychology literature, more specifically *Social Dominance Theory* to make the case that physical integrity rights violations in democratic contexts are better understood in terms of social conflict and oppression, as opposed to instrumentally rational behavior and reactionary political repression.

Social dominance theory aims to explain the causes of prejudice, discrimination and oppression. Proponents argue that social scientists have generally attempted to explain these phenomena by focusing on psychological and sociological factors in isolation and that social dominance theory attempts to synthesize insights of this work into a larger coherent theory, “exploring the interactions among several levels of analysis – that is, the manner in which psychological, sociostructural, ideological, and institutional forces jointly contribute to the production of and reproduction of social oppression” (Sidanius et al., 2004, 846).

The theory begins with the observation that “all human societies tend to be structured as systems of *group-based social hierarchies*” and that “all of the familiar forms of group-based oppression (e.g. group-based discrimination, racism, ethnocentrism, classism, sexism) [constitute] special cases of a more general tendency for humans to form and maintain group-based hierarchies” (Sidanius and Pratto, 1999, 31). The social hierarchical structure consists of one or a small number of hegemonic or dominant groups at the top and one or a number of subordinate groups at the bottom. Dominant groups are characterized by their possession of a relatively larger share of *positive social value* whereas subordinate groups are disproportionately endowed with *negative social value* (31-2). Positive social value are material and symbolic things for which people strive such as “political authority and power, good and plentiful food, splendid homes, the best available health care, wealth, and high social status” (32). Negative social value, on the other hand, includes things such as “low power and social status, high-risk and low-status occupations, relatively poor health care, poor food, modest or miserable homes, and severe negative sanctions (e.g. prison and death sentences)” (32).

According to social dominance theory, group discrimination and oppression tend to be systematic. Individuals are assumed to share knowledge and beliefs that legitimize discrimination, and that they behave as if they endorse broader social legitimizing ideologies. The acceptance of these broader social ideologies which legitimize inequality and behaviors which produce inequality are in turn “partly determined by people’s general desire for group-based dominance” and can be captured by a construct referred to as *social dominance orientation* (Sidanius et al., 2004, 848). Social dominance orientation (SDO) is a personality variable

predicting social and political attitudes and is designed as a measure of individual differences in levels of group-based discrimination and domination. In other words, SDO is a measure of an individual's preference for hierarchy within a given social system.

Because institutions allocate positive and negative social value on “larger scales, more systematically, and more stably than individuals generally can” they are centrally implicated in the creation of and maintenance of social hierarchies (Sidanius et al., 2004, 847-851). Sidanius et al. argue that the steeper the level of social hierarchy, the more divergent the allocation of positive and negative social value and thus the greater the institutional discrimination in a society is expected to be. Certain institutions such as banks, investment houses, and insurance companies and major sectors of the criminal justice system (e.g. police, secret police, prosecutors, judges and prison administrators) in particular are shown to not only be staffed by individuals high in SDO but moreover “to allocate resources in ways that create and maintain group dominance” (851). These institutions the authors refer to as *hierarchy-enhancing* institutions. Institutions that disproportionately allocate social value to subordinate groups in contrast are referred to as *hierarchy-attenuating*. Examples include civil and human rights organizations, public and private welfare agencies, and the public defender's office. The overall stability and degree of oppression can in short be understood as an equilibrium of hierarchy-enhancing and hierarchy-attenuating social institutions (851).

In accordance with social dominance theory, the hierarchy-enhancing institutions thus provide the enabling and legitimizing environment in which physical integrity rights violations are likely to occur. Aside from self-selection mechanisms leading individuals high in SDO to staff these institutions, the institutions themselves provide incentives for “personnel to display role appropriate behavior” (855).¹³ “For example, personnel in hierarchy-enhancing roles should enjoy institutional rewards for displaying aggressive, demeaning, or oppressive attitudes toward members of subordinate groups, at least so long as these oppressive behaviors do not obviously violate broadly accepted norms of fairness and justice” (855). Empirical research suggests that mechanisms of differential reward are indeed at work. A study of campus police officers, for example, found that police officers with high racial prejudice scores are more likely to receive positive performance evaluations from their superiors, even when other relevant factors are taken into account (Leitner and Sedlacek, 1976).¹⁴ Sidanius et al. (2004) thus argue that cases of police brutality (including torture,

¹³It should be pointed out that Conrad and Moore (2010) point to an almost identical mechanism when they discuss the incentives of agents to engage in torture. Referencing the infamous Stanford Prison Experiments they argue that in certain institutional settings given the absence of monitoring, abuse and ill-treatment will be a virtually unavoidable outcome (462).

¹⁴Sidanius et al. point to the investigation into the Rodney King police brutality case, which revealed that “of the 44 officers with the highest number of civilian complaints for brutality, use of excessive force, and improper tactics [...] superiors had favorable impressions of them and were unusually optimistic about

and killings) are not evidence of “a few bad apples” amid the police but rather “extreme examples of a more general pattern in which the police force enacts its hierarchy-enhancing function by behaving in an especially intimidating fashion toward members of subordinate groups” (856).

In a section comparing the purpose and function of torture in Athenian democracy to the modern democratic experience, Rejali provides the following argument which closely mirrors the account provided by proponents of social dominance theory. The section deserves to be quoted in full. I have annotated the passage to be consistent in terms of the language used throughout the paper.

Unlike [Rejali’s juridical explanation] here the democratic state is unable or unwilling to provide for public security [non-repressive physical integrity rights violations occur], perhaps because the territory is too great or its resources too limited. Public security is a partnership of public enforcement and private policing. [Physical integrity rights violations] generate different disciplinary orders. Citizens live by a standard of virtue [i.e. according to their SDO and conforming to their roles], demanded and expected by their peers. As for quasi citizens and non-citizens, since no virtue can be expected of them, at least they know how to behave.” [...] Today, [the victims of physical integrity rights violations] include not simply terrorists and criminals, but street children, vagrants, loiterers and illegal immigrants. [...] [Victims] fall into a class of quasi citizens that is perceived as vicious. Paul Chevigny, writing about the Brazilian experience, uses expressions that apply elsewhere: “A person may not be a dangerous criminal, but is ‘marginal,’ a word used constantly by the police, or a ‘vagabundo,’ hence, is of little account, different from a solid citizen, including a worker.” (Rejali, 2007, 57)

He continues:

[...] solid citizens are deeply anxious about such people. Who is working legally and who illegally? Who deserves the welfare of the state, and who is a vagrant who abuses it? Who benefits from legal protection, and who deserves no legal protection? How one treats citizens, guest workers, vagrants immigrants, and the homeless causes great controversy. [Violating physical integrity rights] responds to this anxiety. It does not resolve anxiety by marking bodies as in ancient Greece. It works on the inside, leaving its traces on habits and dispositions. Different

their future prospects on the police force.”

kinds of people know where to go and where not to go, where is venturing to far and where is home. “If you are not waiting for a bus move out”. (Rejali, 2007, 57)

4.2 Corruption

An obvious alternative mechanism of physical integrity rights violations concerns corruption.¹⁵ According to Manion (2004) corruption can most simply be understood as an alternative mechanism by which scarce resources are allocated in a society. Instead of the state’s resources being distributed following formal rules reflecting the “government’s proclaimed commitment to a predictable, normatively rationalized, social order”, corruption undermines and replaces the state’s formal rules by allocating resources following market mechanisms of supply and demand (Manion, 2004, 4). In short, corruption replaces the state’s desired allocation of goods, with a system in which public officials sell the state’s resources to the highest bidder for private gain.

If physical integrity rights protection can be considered a good, analogous to social welfare programs or government contracts, then physical integrity rights protection, in the form of quality policing could be subject to corruption by officials and available only to the highest bidder. Neighborhoods with the financial wherewithal, could ensure that they are policed by better funded and better trained law-enforcement, less likely to engage in violent behavior. Moreover, the more well off would be more likely to be able to pay off the police, prosecutors or judges when necessary. The fact that the poor and marginalized segments of society are more likely to be subject to negative sanctions, such as long prison terms, or abuse in custody, could be explained by their inability to afford the necessary bribes. Given that jails and prisons, especially in economically less developed countries, are frequently overcrowded, poorly staffed and equipped to handle prisoners and the detained, could then explain why the poor who cannot afford to buy themselves better conditions and treatment are disproportionately at risk of physical integrity rights violations.

More insidiously, it could be argued that law enforcement in some societies literally operate protection rackets. Instead of simply, accepting bribes to allocate quality policing or preferential treatment of rich segments of society, the police can arguably extract payments for protection. In their in depth report on the state of human rights in Brazil, Amnesty International (2005), cite numerous cases of corruption and criminal activity within the police forces that can account for the high incidence of physical integrity rights violations affecting poorer sections of society. The report claims that that law enforcement and military

¹⁵This was not obvious to me until Jim Johnson and Bing Powell pushed me in that direction.

police frequently enter homes without warrants, stealing the belongings of occupants for the purpose of returning them to the owners for cash payments. Similarly, the report provides accounts of police patrolling the entrances to favelas imposing “on-the-spot fines” to those entering or leaving the community. It is argued that citizens in these poorer communities are arbitrarily arrested for the sole purpose of extracting payments. A community resident cited in the report describes the practice as follows:

The problem of the police in the communities is that they enter, but the don't enter to do their duty, fulfil their responsibilities to the citizen. They enter to [frame] workers, to arrest drug-traffickers, sure, but to see if they can make some money out of it. Then they release them half an hour later. See how much they can get, free them and pretend nothing happens.

– Resident cited in *They come in shooting*, (Amnesty International, 2005, 43)

Although linking physical integrity rights violations to corrupted law enforcement, might not explain violations in contexts in which the police are adequately funded, and in which corruption is less pervasive and institutionalized, it provides an attractive mechanism of varying levels of violations that does not rely on the strong assumptions about agents preferences associated with Social Dominance Theory. A mechanism focusing on corruption, moreover, appears to be consistent in terms of identifying marginalized segments of society as those most likely to suffer from abuse. Whereas, Social Dominance Theory, implicates coercive agents in violating physical integrity rights in their efforts to maintain social hierarchies and to police social norms, a focus on corruption links these violations to the economic self interest of agents and a profit motive.

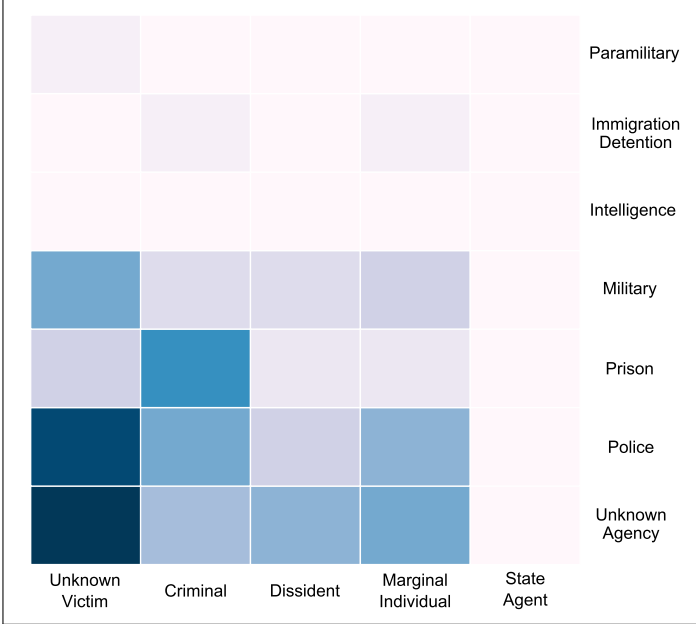
5 Analysis

5.1 The Data

So far I have argued that physical integrity rights violations come in two flavors. 1) Physical integrity rights are violated when executives order their agents to repress real or perceived threats to their tenure and or the regime. 2) Physical integrity rights violations occur due to the inability or the unwillingness of executives to monitor their agents. Violations in the latter case can either serve a social function more akin to societal oppression, or alternatively violations are simply subject to monetary incentives. Importantly each mechanism has empirical implications as to the kind of the victims, and the kind of the perpetrators one would

expect to find. The remainder of the paper is devoted to a initial evaluation of the arguments presented above using new data collected and made available by the Ill-Treatment and Torture (ITT) Data Collection Project. These data collected by Courtenay R. Conrad and Will H. Moore can be seen as a desperately needed disaggregation of traditional measures of physical integrity rights (e.g. the PTS and CIRI datasets) based on Amnesty International’s annual human rights reports. Instead of measuring the level of political terror experienced in a given country across a range of different violations (i.e. torture, disappearances, summary executions, political imprisonment, etc), the ITT data is simply concerned with ill-treatment or torture. Secondly, and most critically, the data are disaggregated further by victim and perpetrator type and report a separate “score” or “level” for each victim/perpetrator combination.

Figure 4: Summary of the ITT data



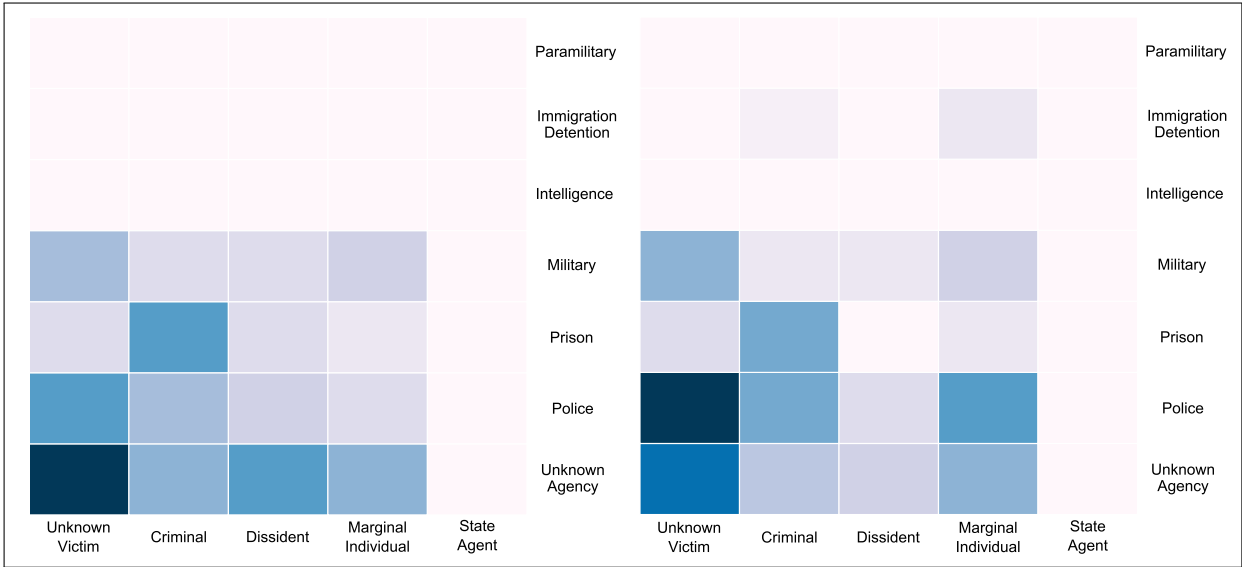
Shown is a heatmap of raw counts of all country-year observations between 1995 and 2005 with at least some allegation of torture (LoT > 0). This can be interpreted as the proportion of country years for which a torture or ill-treatment of a specific kind was reported. Darker colors indicate higher counts or proportions of observation with at least some violation of the specific type. Data source: Conrad and Moore (2011): *Ill-Treatment and Torture (ITT) Data*.

Figure 4 provides a quick summary of the ITT data. For each country-year 35 separate victim/perpetrator scores are collected. As can be seen the most frequent type of allegation

recorded in the data is an allegation in which an unknown victim was harmed by an unknown agency. 637 observation or about 40% of all country-year observations contain at least sporadic violations of this type. In about 35% of all country-years does there exist an allegation of at least sporadic violations by the police against unknown victims and in about 25% of the cases at least occasional violations are reported where criminals are tortured in prisons. The two least frequent categories are those in which the paramilitary or immigration detention agencies engage in abuse against other state agents. No such allegations are reported.

What should be surprising from the perspective of the repression approach to physical integrity rights violations is that the obvious categories associated with the traditional definition of repression are relatively lightly shaded. One would expect that particularly dissidents and other state agents would be targeted more frequently as they are those who likely pose a threat. Similarly, the stereo-typical agencies of torture – intelligence agencies – account for relatively few of the reported allegations.¹⁶

Figure 5: Counts by Regime Type



Shown are heatmaps identical to those in Figure 4, subsetted with autocratic observations (left) and democratic ones (right). Data Sources: Cheibub, Gandhi and Vreeland (2009b): *Democracy and Dictatorship Revisited Data Set*, and Conrad and Moore (2011): *Ill-Treatment and Torture (ITT) Data*

A similar picture emerges when the data are conditioned on regime type (Figure 5). In line with the oft replicated finding in the repression literature, autocracies appear to be more

¹⁶Incentives and ability to conceal their violations are likely partially responsible for an undercount or bias in some categories.

repressive in so far as allegation of torture of dissidents occur relatively more frequently. About 478 (out of 821) autocratic country-year observations contain an allegation where dissidents are abused/tortured by various agencies. There are only 242 (out of 862) such cases in the democratic subset of observations. According to this interpretation of the data, democracies indeed repress less. Considering however that 2225 allegations were leveled against democracies as compared to 2362 against autocracies it is far from clear that actually democracies torture less.

5.2 The Ability to Monitor Agent

Before evaluating whether the alternative mechanisms outline above can explain the remainder of the torture and ill-treatment in democracies, I estimate a set of baseline models on the un-disaggregated “Level of Torture (LoT)” variable provided in the ITT dataset. This measure is similar to the political terror scales (PTS). Instead of a 5 point index ranging from 1 to 5, LoT is a 6-point index ranging from 0 to 5 (0 indicating an observation with no alleged torture, a 5 signifying systematic or systemic abuse). In model 1 the level of torture (LoT) is regressed on a set of standard covariates. To measure violent dissent I use a dichotomous measure coded by the the Correlates of War (COW) project. The measure takes on a value of 1 if a civil war for central control occurred on the territory of the country in question, 0 otherwise. The expected effect is positive. As a measure for democracy, Cheibub, Gandhi and Vreeland (2009*b*) binary measure is used (autocracies are coded 0, democracies 1). The expected effect is negative. Following Conrad and Moore (2010) I include a set of measures for legal system types. Conrad and Moore find that countries with a civil law legal tradition are significantly less likely to terminate the use of torture than common law countries. I employ their measure, the expected effect is positive. I use the log of population size and the log of GDP per capita (PPP, in current international dollars) as controls, the expected effects are positive and negative respectively.¹⁷ Finally, I include the measure “RstrctAccess” provided in the ITT data set. This dichotomous indicator assigns a 1 if Amnesty International reports that it or other non-governmental organizations were kept from accessing detainees in that country.

As seen in Table 2 the coefficients of all variables except those associated with a countries legal tradition are signed as expected and statistically significant. The surprising exception being GDP per capita.¹⁸ To evaluate the performance of the model fit, consider the separa-

¹⁷Both measures are taken from the World Bank.

¹⁸The directionality of coefficient estimates can be difficult to interpret and in some cases misleading when dealing with ordered categorical responses. The predicted effects, however, are as expected but predicted probabilities are not reported.

Table 2: Sanity Check

Regressor	Level Of Terror		
	Model 1	Model 2	Model 3
Parking Tickets (log)		0.024** (0.010)	
CPI			-0.174*** (0.029)
Democracy	-0.294*** (0.073)	-0.297*** (0.075)	-0.182* (0.096)
Civil Law	-0.090 (0.074)	-0.124 (0.101)	-0.182* (0.101)
Islamic Law	-0.059 (0.106)	-0.010 (0.115)	0.046 (0.148)
Civil War	0.247* (0.140)	0.363** (0.146)	0.955*** (0.259)
GDP per capita (log)	-0.035 (0.026)	-0.011 (0.028)	0.186*** (0.055)
Population size (log)	0.316*** (0.021)	0.361*** (0.024)	0.416*** (0.030)
Restricted Access	0.649*** (0.122)	0.437*** (0.137)	0.205 (0.168)
AIC	4077	3866	2407
Country-Years	1383	1314	853

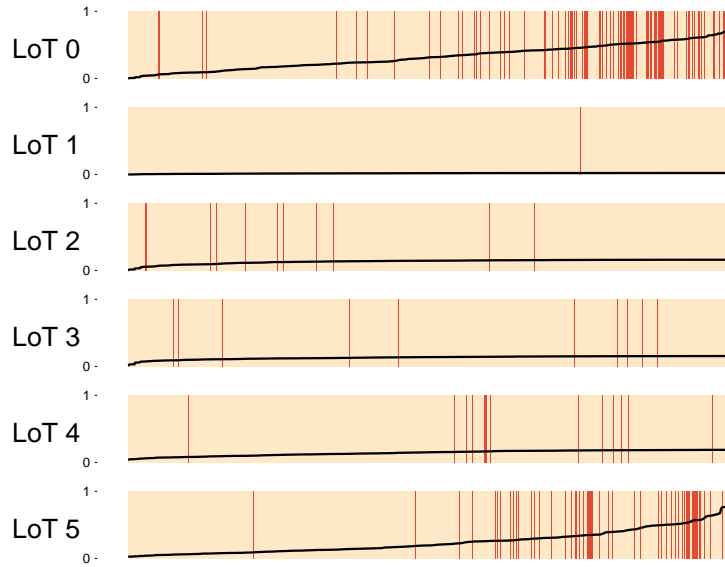
Note: Shown are ordered probit coefficients and bootstrapped standard errors in parentheses; * $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$ (two-tailed). Coefficients for country-fixed effects not reported. Accounting for potential temporal dependence via the inclusion of a cubic polynomial of time (i.e. the inclusion of regressors t, t^2, t^3) does not affect the results reported here (see: Carter and Signorino (2010)).

tion plot in Figure 6. The model has relatively good separation for the extreme categories. The observed outcomes (red lines) cluster on the right side of the plots where the predicted probabilities of being in that particular category is high.¹⁹ For the four intermediate categories of torture (LoT 1 - 4), however, the model performs poorly. There is little if any separation. The model has no real predictive power and in essence predicts the mean.

Model 2 and 3 represent a first cut at evaluating the argument that physical integrity rights violations in general and torture specifically can be understood as agency loss. To my knowledge no data exists measuring the predilection of coercive agencies to engage in torture. If it is assumed, however, that executives prefer their agencies not to engage in

¹⁹In a model with worse than random predictive power the red lines would cluster at the left (see: Greenhill, Ward and Sacks, 2009).

Figure 6: Separation Plot: Model 1



Shown as the black line are the ordered predicted probabilities for all observations (\hat{Y}) for the respective categories of the response. The actual values of the response (Y) are represented by the dark red lines.

torture (the decision to sign international human rights treaties might be seen as evidence) then a measure of the executives ability to monitor his agents can be used in order to test the hypothesis that agency loss is a valid explanatory mechanism.

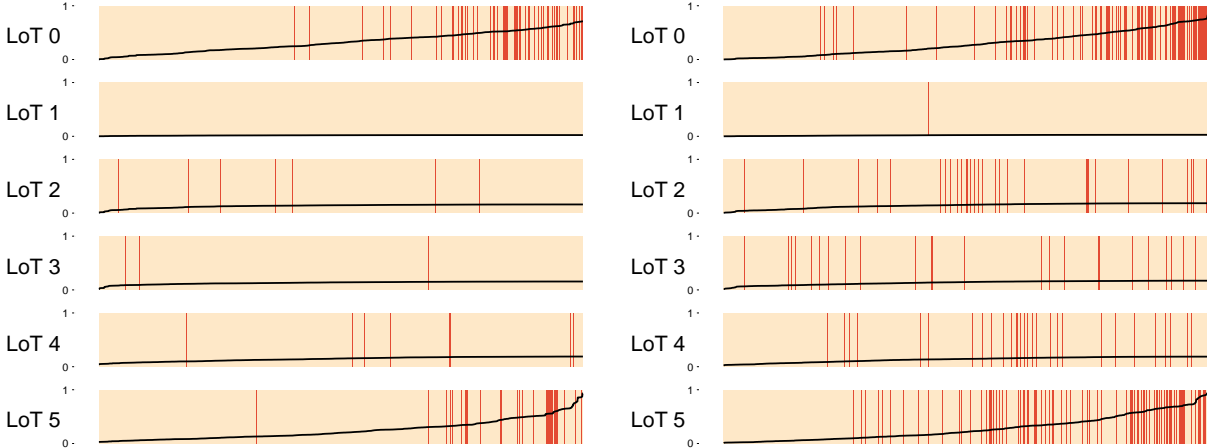
To proxy the principal's ability to control agents, I employ two measures of corruption. I assume that all executives prefer that their agents follow policy guidelines and act in the best interests of their principals. I argue that in countries with high levels of corruption policy is less determined by government or executive decision-making and more subject to market-mechanisms and monetary preferences of agents. The degree of corruption present in a given country can thus be seen as a good proxy measure of government's or executives' ability to enforce that agents follow rules and the law. As such, countries with high levels of corruption should be particularly prone to torture regardless of why agents might want to engage in abusive behavior.

As a first and arguably most direct measure assessing the agencies' subjection to executive monitoring and control I use the number of unpaid New York City parking tickets per diplomat to the United Nations between 1997 and 2002 reported by Fisman and Miguel (2007). Because until 2002, diplomatic immunity protected diplomats to the United Nation from parking enforcement actions, parking behavior by diplomats can be seen as a measure of their willingness to abide by rules under zero enforcement or monitoring. The measure

ranges from 0 unpaid ticket over the period from more law abiding diplomats of Sweden, Norway, or the Oman, to 249 tickets per Kuwaiti diplomat. The effect of the measure is expected to be positive. As a second measure I use Transparency International’s Corruption Perception Index (CPI). Although, it does not just measure corruption of government agents, and instead is a broad survey based indicator of perceptions of corruption levels in society at large, my theoretical expectations is that it is a reasonable proxy for the government’s ability to enforce compliance of its agencies. The measure ranges from 1 to 10 where higher values indicate better corruption control.²⁰

The results from the specifications including the two corruption measures are reported in Table 2. Both corruption measures are statistically significant and signed correctly, indicating that countries with higher corruption levels tend to engage in more torture. Though not directly comparable due to different samples, separation plots are again provided (see Figure 7). As the graphs show, on the whole both models do a good job of matching high probabilities of the extreme outcomes (LoT 0 and LoT 5) to actual occurrences of these outcomes. For the remaining 4 categories, however, Model 2 and 3 appear to provide no addition explanatory power compared to the mean.

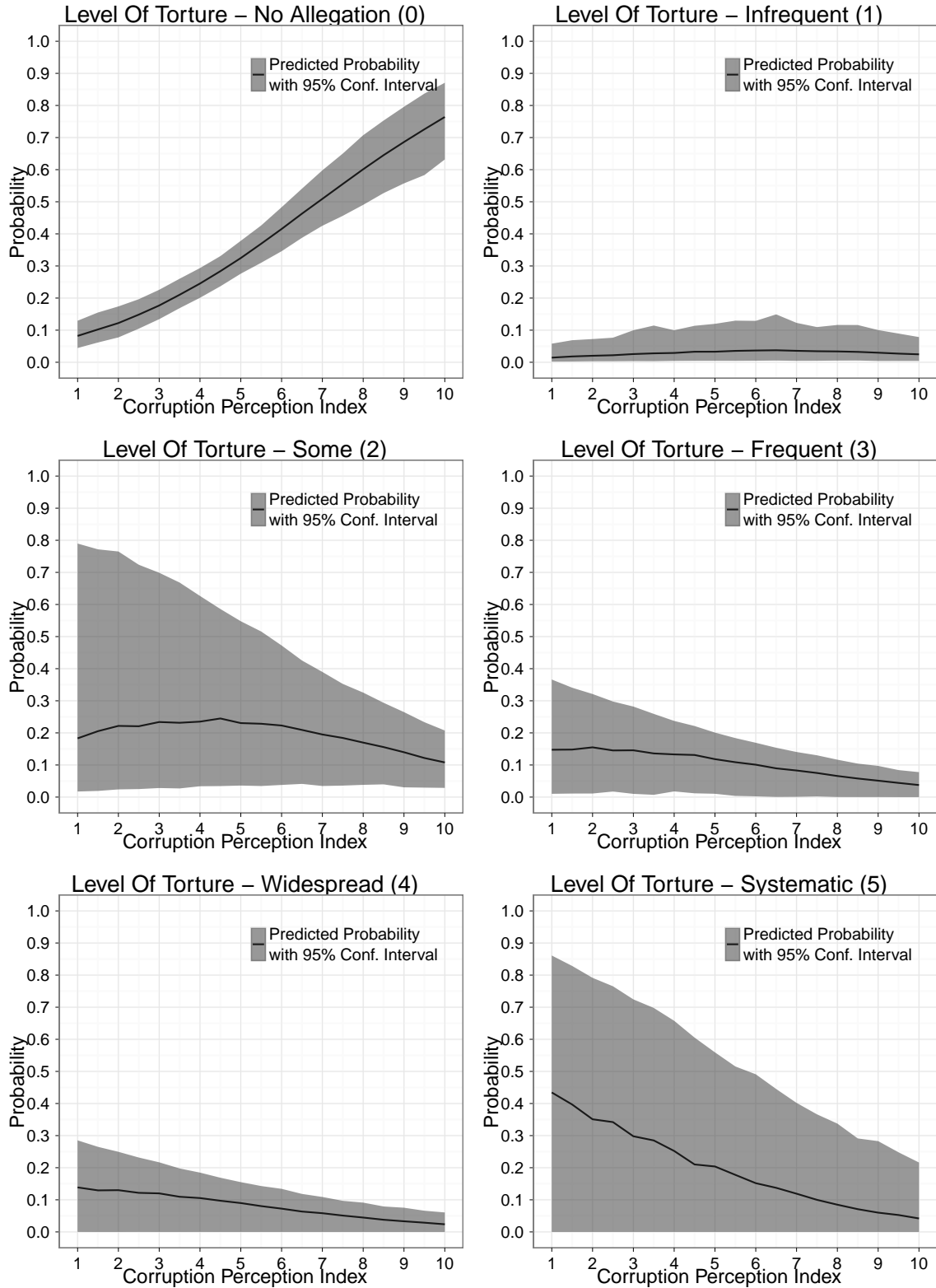
Figure 7: Separation Plots: Model 2 & 3



Separation Plots for Levels of Torture (LoT) Model 2 (left), Model 3 (right).

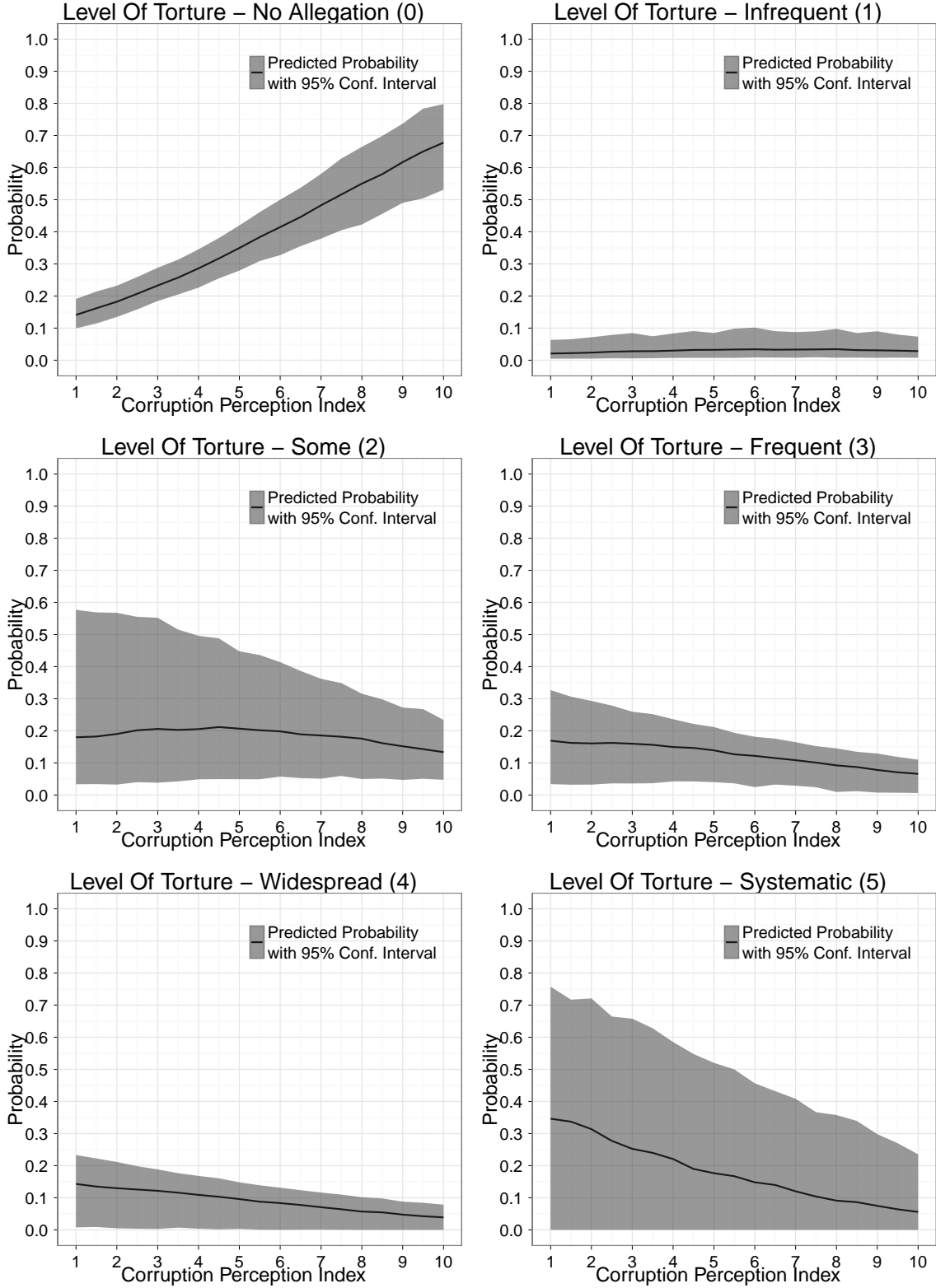
²⁰An alternative measure of corruption from the World Government Indicators (WGI) produces similar results. Results not reported.

Figure 8: Predicted probabilities of torture and bootstrapped confidence intervals for a profile of a typical democracy as a function of CPI



Shown are predicted probabilities and bootstrapped standard errors for a profile of a typical democracy. Values are held at median/mean values for democratic countries. (Civil Law = 1, Civil War = 0, Restricted Access = 0)

Figure 9: Predicted probabilities of torture for a typical autocracy as a function of CPI



Shown are predicted probabilities of torture and bootstrapped confidence intervals for a profile of a typical autocracy. Values are held at median/mean values for autocratic countries. (Civil Law = 0, Civil War = 0, Restricted Access = 0)

To substantively evaluate the effect of the two corruption variables consider the predicted probability plots above. Figures 8 and 9 show the predicted probabilities of for profiles of a typical democracy and autocracy respectively as a function of the Corruption Perception Index.²¹ As can be seen the estimated effect of corruption is quite large for predicting the probability of observing no allegations of torture (LoT=0) in both democracies and autocracies. The probability of an observation falling into this category ranges from about 10 to 15% for highly corrupt countries to about 70 - 75% for the least corrupt.²² Although significantly more uncertain a somewhat less pronounced effect can be seen with regard to the most torturous category. The model's inability to provide any leverage on the intermediate categories remains puzzling. In order to conserve space, for the remainder of the paper I will only report predicted probabilities for first category (LoT=0).

5.3 Preliminary evidence for non-repressive mechanisms in the disaggregated data

In this final section I provide some initial and tentative evidence for covariates that explain various types of torture yet are arguably unrelated to repression. Figure 3 presents coefficients for three additional models that were estimated on three of the disaggregated ITT-scales.

The dependent variable for Model 4 is the variable *PrisCrim* measuring the level of torture perpetrated in prisons against criminals. The measure relating to prison conditions were taken from the International Centre for Prison Studies (ICPS, King's College, London). The *PreTrial Rate* is the percentage of prisoner's still awaiting a trial and arguably measures the ability of the justice system to process cases. The variable ranges from about 0.1 % to 92%. I expect the effect to be positive. The *foreign prisoner rate* is the percentage of foreign prisoners (this can include illegal migrants and refugees). The effect is expected to be positive. *Justice Ministry Prison Control* is a dummy variable taking the value 1 if the prison system is controlled by a separate justice ministry. If the prison system is controlled by any other ministry such as the interior ministry or the ministry for national security, the variable is coded 0. In their guide to prison management the ICPS routinely lists the existence of a separate ministry responsible for the prison system as desirable. Lastly, I include a measure of the prison occupancy rate which is calculated by dividing the official capacity of the prison system by the number of prisoners. I expect abuse and torture to be more prevalent in overcrowded prisons. The results of this regression suggest that underfunded

²¹For a similar plot using the USA as a profile see Figure 11 in the Appendix.

²²Using unpaid parking tickets produces slightly attenuated but nevertheless substantively meaningful effect. These plots are not provided.

and overcrowded prison systems are much more likely to result in allegations of torture. An overwhelmed justice system also appears to have a negative effect.

Table 3: Additional Evidence

Regressor	Level Of Terror		
	Model 4 (PrisCrim.)	Model 5 (Imm.)	Model 6 (Marg.)
CPI	-0.211*** 0.061	-0.063 (0.049)	-0.128*** (0.032)
PreTrial Rate	0.060** (0.030)		
Foreign Prisoner Rate	0.012 (0.09)		
Justice Ministry Prison Control	-0.168* (0.092)		
Prison Occupancy Rate	0.027** (0.013)		
Refugee Per Million Capita		0.123** (0.05)	
Income Inequality (GINI)			0.024* (0.013)
Percent Urban			1.151*** (0.384)
Civil War	0.119 (0.235)		0.119*** (0.158)
GDP per capita (log)	-0.152*** (0.056)	0.552*** (0.179)	0.126 (0.080)
Population size (log)	0.300*** (0.034)	0.243*** (0.067)	0.358*** (0.034)
Restricted Access	0.442*** (0.169)	0.582** (0.285)	0.391** (0.160)
AIC	1628	899	1762
Country-Years	412	567	421

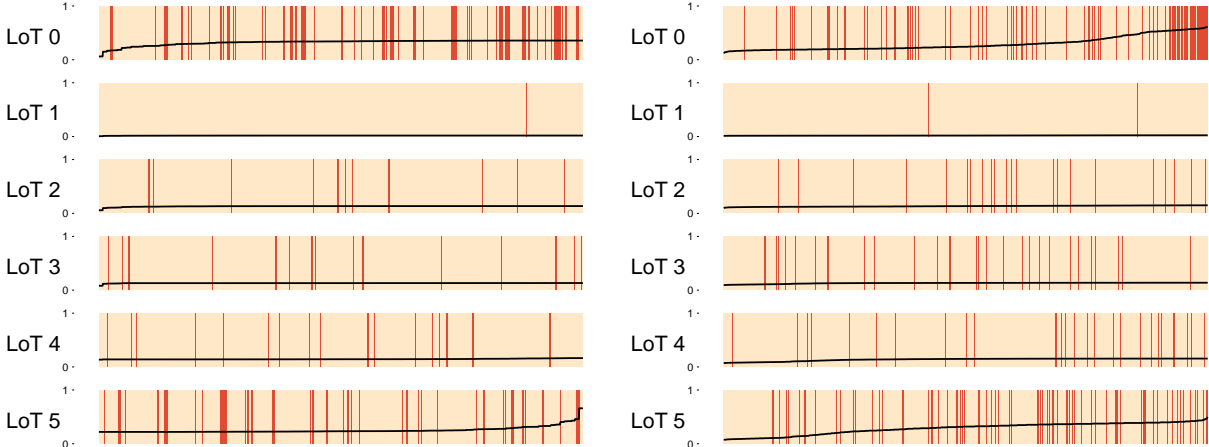
Note: Shown are ordered probit coefficients and bootstrapped standard errors in parentheses; * $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$ (two-tailed).

In Model 5 the dependent variable is the level of torture and abuse perpetrated in immigration detention facilities. Here the number of refugees (per mil. capita) that are present in the country are found to significantly increase the probability of abuse. For the final model, Model 6, the dependent variable measures the level of torture perpetrated against marginalized individuals (Rejali's quasi-citizens). The measures most plausibly related to

Rejali’s argument of Civic Discipline are income inequality as measured by the GINI index and the degree of urbanization. The coefficients of both variables point in the expected direction. More unequal and urban societies are more likely to experience abuse and torture committed against marginalized individuals.

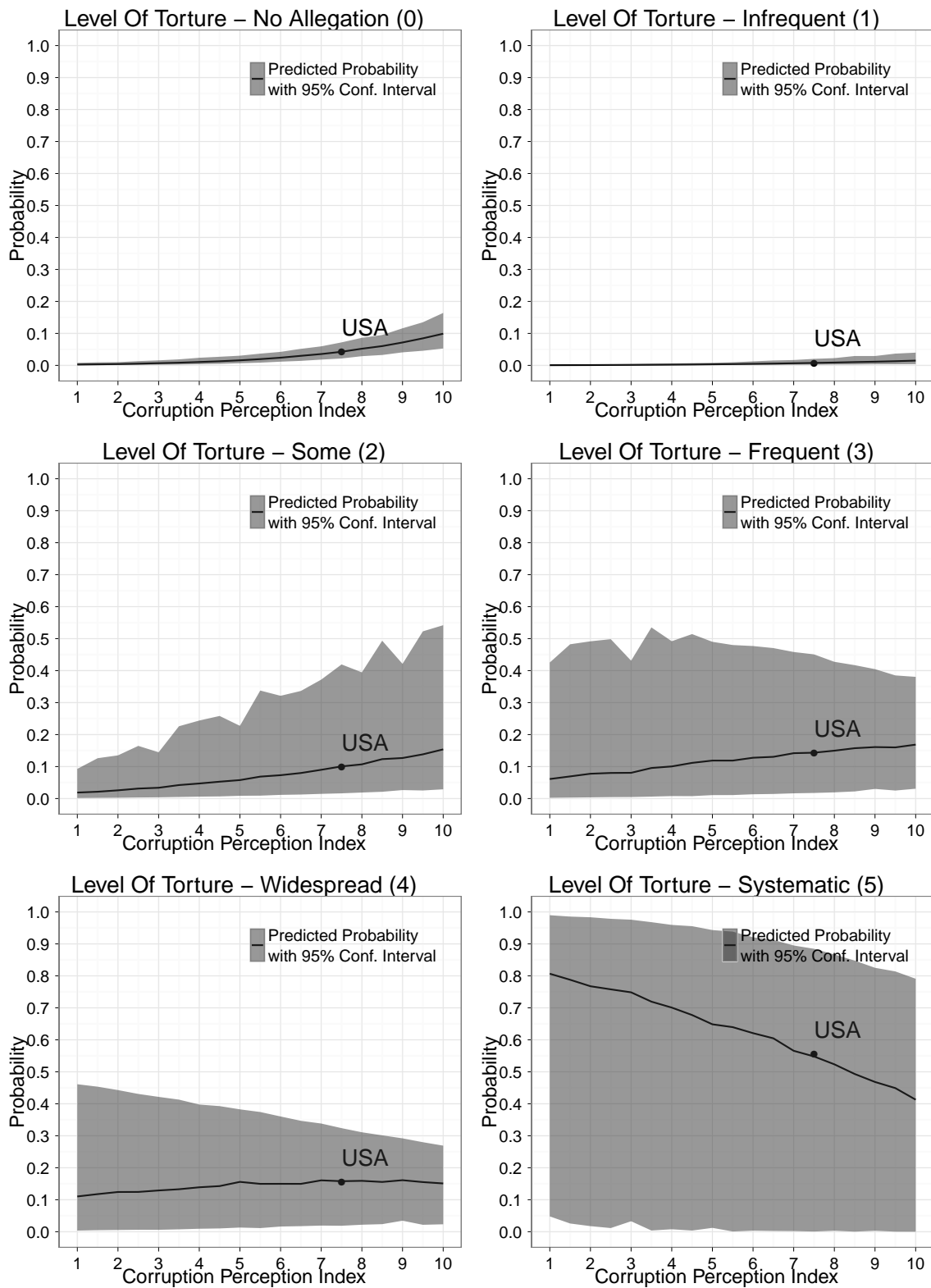
Appendix

Figure 10: Separation Plots Corruption Measures only



Separation Plots for Levels of Torture (LoT) when the number of unpaid parking tickets (left) and the corruption perception index (right) are the only regressors.

Figure 11: Predicted probabilities of torture for the USA



Shown are predicted probabilities of torture and bootstrapped confidence intervals for a profile of a set to median/mean values for US observations. Actual torture for the US over the period: Mean 4.636, Median 5

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