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The Puzzle of Abu Ghraib: Understanding State Torture and Political Democracy

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Abstract

The events of Abu Ghraib exposed politicians, journalists, military and law enforcement personnel, NGOs, activists and everyday citizens to the potential brutality of state repression. Observing these events, many were left stunned that a liberal democracy would perpetrate such horrific acts against individuals in its care and this behavior was viewed as aberrant or idiosyncratic. Using data from 146 countries, covering the years 1980-1999, we investigate the extent to which different regimes use torture both in times of peace and in times where domestic tranquility is threatened. We find that rather than aberrant, state-sponsored torture like that in Abu Ghraib is perfectly consistent with previous experience. When confronted with political threats, democracies are as likely as autocracies to employ torture

Since they first came to light in April 2004, the acts of torture perpetrated by U.S. soldiers in Abu Ghraib prison have commanded tremendous amounts of global attention from politicians, journalists, military and law enforcement personnel, NGOs activists as well as everyday citizens. The responses across these distinct communities have varied significantly, highlighting different levels of surprise about what occurred as well as different explanations for why the events took place. For some, the use of torture was shocking and it could not be believed that such activity was associated with the United States in particular and an advanced democracy in general. In this case, attempting to understand/explain what took place, individuals (such as those affiliated with the Bush administration) attributed relevant behavior to “rogue” military personnel and/or “abnormal” circumstances, suggesting that there was no systematic practice of torture employed by the U.S. government. For others, the events were not startling at all.¹ Here, it was argued that the events at Abu Ghraib were not aberrant; rather, they were representative of what had long been a policy of the U.S. government, especially that applied to individuals of other nationalities/ethnicities and/or to those who challenged them politically. These charges did not simply concern recent foreign policy but they also addressed earlier discussions about U.S. domestic activity concerning the treatment of “political prisoners” in the 1970s and 1980s² as well as the general practices of U.S. officials within American prisons.³

~~Within this paper,~~ we take Abu Ghraib as our starting (and ending) point but view this in a somewhat different manner than that generally pursued in popular discourse. For us, the two perspectives identified above are important because ~~not only do they~~ raise specific issues about what did and did not take place and why but they raise larger questions about the relationship between democracy as a system of rule and torture as a technique of socio-political control. The differences here are quite stark. In the

¹See Brody 2004.

²See Zwerman 1988; 1990.

³See Brody 2004.

former view, democracies rarely use this type of repression and when it is used, it can be attributed to largely idiosyncratic factors. **In another, democracies use torture when they are challenged and when it is employed, it can be attributed to something that operates systematically within these political systems.** Our objective is to ascertain which position is more accurate.

Although ~~largely ignoring~~ the topic of torture, existing research on repressive behavior/ human rights violation appears to favor the first characterization offered above (the rogue agent thesis). In this work, all quantitative investigations identify that democracies generally do not repress their citizens - a finding commonly referred to as the “domestic democratic peace.”⁴ **Unfortunately, the analyses relevant to this conclusion have combined distinct forms of repression together, not allowing us to explore the differential use of particular techniques, across contexts.** This is important because several have maintained that repressive behavior is not eliminated within democracies; but, rather, it is transformed in its application from more overt to covert strategies.⁵ Such an argument (the torture as systematic technique thesis) favors the second characterization offered above. To date, only one published study has explicitly examined the influence of democracy on torture.⁶ While this research finds a negative effect, which is consistent with the predominant findings in the literature (**i.e., the rogue agent thesis**), the study suffers from numerous limitations that hinder its ability to differentiate between the two arguments about torture discussed here. In this situation, additional analysis is necessary.

Following existing literature, we agree that democracies **generally** avoid using forced painful positions, solitary confinement and dripping water on the head. We challenge prior work, however, arguing that ~~these political systems~~ will use this form of repression when they confront specific forms of political dissent that are especially difficult to counter

⁴See Bueno de Mesquita et al. 2005; Davenport 1995; 1999; Davenport and Armstrong 2004; Fein 1995; Hibbs 1973; Krain 1997; Mitchell and McCormick 1988; Poe and Tate 1994; Regan and Henderson 2002; Richards 1999; Zanger 2000.

⁵See Davenport 2004; DeJouvenal 1945; Donner 1990

⁶See Hathaway 2002.

(e.g., terrorism, guerilla warfare and civil war). Such an approach to repressive action avoids the costs normally associated with this activity while still allowing authorities to engage in socio-political control.⁷

To investigate this topic, we examine the influence of democracy and dissident behavior on state repression within 146 countries from 1980 to 1999. To begin, we review the literature on human rights violation - discussing what we know about why states repress and how democracy, in particular, has played a prominent role in this explanation. Next, our focus shifts to torture as a strategy of repressive behavior. Within the third section, the data and methodological technique are discussed, followed by the empirical results. From our analysis, we find that our general expectations about the democracy-political conflict interaction are correct; while democratic governments generally diminish torture - ~~admittedly not as much as one would expect~~, when faced with conflictual behavior, these governments are just as likely as autocracies to respond with torturous activities. In the conclusion, we explore the implications of these findings for human rights/repression research, public policy and social activism. Although numerous issues are highlighted, what is most important is the fact that the research compels a shift in the debate away from discussions about American exceptionalism and rogue repressive agents to a broader discussion about the conditions under which democracies engage in **sleep deprivation, humiliation and physically threatening behavior**.⁸ In short, the analysis compels a serious re-thinking of the relationship between regime type and repressive action.

1. The Logic of State Repression

The earliest theoretical explanations for repressive action relied upon rather simplistic structuralist notions.⁸ Within this work, authoritarian political systems compelled political leaders to use coercion in order to proactively eliminate challengers, create ideal

⁷See Wantchekon and Healy 1999.

⁸See Arendt 1973; Dallin and Breslauer 1970; Walter 1969.

citizens and/or transform political, economic and cultural systems. Later theories employed what can best be thought of as a structuralist-rationalist hybrid.⁹ Within this work, political authorities engaged in a decision calculus where they assessed the costs, benefits, probability of success and existing alternatives before deciding whether or not and at what level to use state repression. In this model, if the perceived benefits (behavioral quiescence and political survival) outweighed the costs (forgone political legitimacy and resources), the probability of successfully using repressive behavior was high (e.g., because of some technological innovation) and alternative mechanisms of control were limited (e.g., normative influence), then repressive behavior was likely. If, however, the costs outweighed the benefits, the probability of successfully applying repression was low and alternative mechanisms of control were readily available, then repressive behavior was unlikely.

While numerous variables associated with these two approaches have received attention, perhaps none has been as important or as consistently supported as political democracy.¹⁰ Drawing upon the literature in comparative politics (e.g., “new institutionalism” and “democratic performance”) as well as research in international relations (the “democratic peace”), the pacifying influence of this type of political system is largely attributed to the cost that it imposes on government personnel who engage in relevant activity.¹¹ For example, in democratic governments, citizens can punish repressive authorities by removing them from office at the ballot box or in the wallet/pocketbook by removing financial support; they can punish relevant officials by attacking them in the media - negatively influencing their perceived legitimacy; and, through representatives, they can block, stall or eliminate favored legislation put forward by offending authorities or initiate counter-actions to investigate and/or remove them from office for engaging in

⁹See Gartner and Regan 1996; Gurr 1986; Lichbach 1987; Stohl 1983.

¹⁰See Bueno de Mesquita et al. 2005; Davenport 1996; 2004; Davenport and Armstrong 2004; Fein 1995; Hibbs 1973; Keith 2002; Regan and Henderson 2002; Richards 1999; Rummel 1984; Zanger 2000.

¹¹There are numerous explanations offered for the pacifying influence of democracy on repression but this is the most compelling (See Rosato 2003).

unacceptable behavior. Democracies also provide authorities with an alternative means to control the population.¹² For example, by “channeling” dissent into pre-existing processes, democratic political leaders are better able to influence which opinions and policies are acted upon, thereby influencing the direction and shape of the political-economy without repressive action. Democracy is so powerful a mechanism that it even works during times of war. As Stam notes, although repression tends to be higher in these situations as regimes repressing dissent directed against the war have a much greater chance of winning, democracy still constrains the magnitude of that repression.¹³

These factors are extremely important for our understanding of state repression. Indeed, they have been so effective at pacifying this behavior that in every single investigation of the relationship the domestic democratic peace has been supported - i.e., in all cases (across periods, places and operationalizations), democracy decreases human rights violations. Such consistency is not only relevant for academics and theorists but it is especially encouraging for policymakers, NGOs, activists and everyday citizens because many of their activities are premised on such an influence.

Regardless of the stability in empirical results and the clarity of the relevant causal mechanism, however, recently some limitations with the domestic democratic peace have been revealed. First, it is now clear that research has generally overestimated the power of democracy to diminish repressive behavior, while simultaneously underestimating the effect of strong democracy to reduce this activity. For example, two recent studies¹⁴ identify that it is not until the highest levels of democratic government that a negative influence is found. As Davenport and Armstrong¹⁵ state,

(b)elow certain values, the level of democracy has no discernable impact on human rights violations, but after a threshold has been passed (varying in

¹²See Dahl 1971; Earl 2003; Gamson 1975.

¹³See Stam 1999.

¹⁴See Bueno de Mesquita et al. 2005; Davenport and Armstrong 2004

¹⁵Davenport and Armstrong 2004, 551

accordance to which measure one is considering), democracy decreases state repression.

Across most political systems, the use of repression is thus quite common and only at the highest levels of democracy will this behavior be diminished.

A second limitation with the domestic democratic peace concerns the finding that movement toward democracy (i.e., democratization) increases the likelihood of political restrictions on civil liberties but decreases the likelihood of state violence.¹⁶ Similar to investigations in international relations,¹⁷ democratization is thus dangerous for domestic coercion and certain aspects of the democratic process appear to enhance repressive behavior, while others diminish it.

Third, although the negative effect of democracy on repression is substantively important, the positive influence of political conflict on repression is frequently even more significant, potentially outweighing the domestic democratic peace - an argument dating back to Hobbes.¹⁸ While democracy reduces repression, therefore, other factors might trump the pacifying influence that is normally highlighted within existing research.

Finally, qualitative research has emerged which suggests that democracy does not eliminate state repression but rather it transforms it in a way that makes it less obvious to detect.¹⁹ For example, within the United States from World War I to the 1970s,²⁰ McPhail et al document a phase-shift away from overt and aggressive repressive

¹⁶See Davenport 2004.

¹⁷See Mansfield and Snyder 1995

¹⁸Hobbes 1997.

¹⁹See Donner 1980; 1990; Cunningham 2004; McPhail et al. 1998.

²⁰Even here one can see an influence of democracy and democratization. Although America maintained numerous elements of a democracy from its founding (e.g., elections, separation of the executive and judicial branches and so forth), it has been argued that it was between the years of World War I (1918) and the 1970s, that the United States solidified its existence as a full-fledged democracy (Goldstein 1978; Hill 1994). During this period, women and blacks were given the right to vote (in 1920 and 1965, respectively), workers were given the right to strike (1935) and a wave of public forum and protest law was established at a level previously unseen in U.S. history - granting citizens the right to protest in a wide variety of venues: commons, state institutions, airports, university campuses, post offices and parks (McPhail et al. 1998, 57-59). Indeed, by the 1970s, U.S. democracy was never as robust.

techniques employed by police against protestors (involving isolation, large-scale arrests as well as violence [beating, pepper-spraying and shooting]), toward a more negotiated strategy (involving communication, coordination and selected arrests as well as less violence).²¹ Concurrently, Goldstein as well as Donner²² document a phase-shift upward in the amount of political intelligence (i.e., physical and electronic surveillance) applied by the U.S. government against those challenging it and those uninvolved in these activities. These tactical shifts have been noted in many other countries as well.

While democratic political leaders generally seek to avoid the costs associated with repression - diminishing its occurrence, the impact of this influence is rare across political systems, it is not as straightforward as generally believed or as powerful as most would think and it is likely variable across types of repressive behavior and context. All of this compels us to reflect further on the topic of interest.

2. Torture as a Mechanism of State Repression

A sober second look at the literature on repressive behavior is especially useful when we consider the way in which relevant activity has been conceived, measured and examined. Concerning these issues, the literature has been quite divided. On the one hand, repression is consistently defined as coercive government action which is directed against those within the state's territorial jurisdiction.²³ Adopting a similar theoretical approach (identified earlier) and examining relevant hypotheses with a standard array of explanatory variables as well as statistical methods, this area has been quite consistent in how it investigates the topic and the conclusions derived from this work. On the other hand, researchers tend to focus on two distinct forms of repressive behavior. The earliest investigations focused on mass arrests, political bans and instances of censorship - alternatively

²¹See McPhail et al. 1998.

²²See Donner 1980; 1990; Goldstein 1978.

²³Most scholars have accepted this definition (e.g., Davenport 1995) or at least something close to it (e.g., Stohl 1983).

labelled “coercion”, “negative sanctions” and “restrictions on political/civil rights.”²⁴ Later research focused on “personal integrity rights,” including political imprisonment, disappearances, torture and mass killing.²⁵ While both strategies have been employed by authorities and toward the same ends, the most important distinction between these two concerned the degree of violence employed: the former is essentially non-violent or less violent in nature, while the latter is considerably more violent; indeed, by most accounts, these activities include the most violent actions that humans have ever engaged in.²⁶

Of course, not all violent strategies have been viewed comparably. By far, the most widely monitored, discussed and condemned have been genocide and torture. Generally associated with the most violent actions that humans have ever been engaged in²⁷ as well as behavior that plays a central role in the current human rights regime, in many respects, these have emerged as the ultimate forms of repressive behavior, essentially symbolizing the term itself. Despite the importance of these activities for human life as well as the frequency with which these have been discussed as well as applied, however, these two strategies of state coercion have either been ignored entirely by existing repression research, which focuses on less egregious activity, or neglected because different strategies have been combined together. Consequently, although cross-national patterns in arrests, political bans and imprisonment have been quantitatively examined within dozens of studies, genocide has only been examined explicitly five times²⁸ and torture has only been examined once.²⁹ We seek to add to this research by shedding light on what appears to be the most neglected form of state repressive activity.

²⁴See Davenport 1996; 1999; Hibbs 1973; Francisco 1996; Freedom House 2005; King 1998; Markus and Nesvold 1972; Moore 1998; Taylor and Jodice 1983; Ziegenhagen 1986.

²⁵See Davenport and Armstrong 2004; Fein 1995; Keith 2002; Krain 1997; Mitchell and McCormick 1988; Poe and Tate 1994; Poe et al. 1998; Richards 1999.

²⁶See Rummel 1997.

²⁷For example, the twentieth century is normally viewed as the bloodiest in human history (e.g., Rummel 1997) and torture is believed to be widespread throughout time (e.g., Peters 1985; Rejali 1994).

²⁸See Fein 1979; 1993; Harff 2003; Krain 1997; Rummel 1984; 1997; Valentino et al. 2004

²⁹See Hathaway 2002. Interestingly, the sheer volume of qualitative/historical research on these topics is immense (e.g., Solzhenitsyn 1974; Ignatieff 1978; Foucault 1979; Peters 1985; Andrews 1991; Millett 1994; Rejali 1994).

2.1 ~~Severing, Solitary, Slapping and Submersion~~

When one focuses on torture specifically, they are immediately confronted with a conceptual problem - the word is applied in a variety of different ways, thereby hindering understanding. While numerous definitions have been advanced, we accept The UN's characterization where torture represents:

(a)ny act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or person acting in an official capacity.³⁰

As conceived, this includes a wide range of activities: beatings, binding/shackling of limbs, blindfolding, branding, burning, denial of food/water, dog attacks, dripping water on the head, electric shocks, exposure to excessive heat/cold, forced painful positions, hanging by limbs, humiliation, mock executions, sexual assaults, slapping, sleep deprivation, solitary confinement, stripping, submersion, suffocation and threats.

What accounts for the limited attention given to understanding torture within social science literature?³¹ In part, our inability to investigate the subject has been normatively driven. As Wantchekon and Healy warn us “(e)motions dominate the discussion of torture. The appalling practice of torture is contrary to the foundations of human dignity and

³⁰Article 1 (1), Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly Resolution 39/46 of December 1984 and entered into force on 26 June 1987.

³¹In contrast to the limited attention on causal determinants, extensive research has been conducted on the aftereffects of torture (e.g., Basoglu 1992).

naturally clouds judgement with anger.”³² Clearly this is the response of most individuals exposed to the topic. While understandable, Wantchekon and Healy argue that it is important to move away from this position because

(t)orture can be a rational choice for both the endorsing state and the individual torturer. Even the most gentle torturer will choose to exert some amount of force to achieve a long- or short-term goal such as extracting valuable information from a political opponent or intimidating a subversive population. Only with this dispassionate comprehension can we (understand what has taken place and) begin to propose solutions to torture.³³

In line with this, Amnesty International argues that only dispassionate comprehension will advance our understanding of the topic for

(t)orture does not occur simply because individual torturers are sadistic, even if testimonies verify that they often are? Torture is most often used as an integral part of a government’s security strategy. If threatened by guerillas, a government may condone torture as a means of extracting vital logistical information from captured insurgents. If the government broadens its definition of security, the number of people who appear to threaten it will become larger. The implication of others in banned activities or the intimidation of targeted social sectors like students, trade unionists or lawyers may become the rationale for torture in the new circumstances.³⁴

In part, our inability to investigate torture can be attributed to data availability - or, the lack thereof. Historically, most databases on repression have ignored torture.³⁵ Even when this behavior is addressed, it is generally included as one of many different types of

³²Wantchekon and Healy 1999, 596

³³Wantchekon and Healy 1999, 596.

³⁴Amnesty International 1984, 4.

³⁵See Fein 1995; Harff 2003; Taylor and Jodice 1983.

repressive behavior considered at the same time.³⁶ Only in the past year have the diverse components of repression been disaggregated so that torture - as one type of violation, could be identified and examined relative to other forms of repressive behavior³⁷ and only a few years ago was there a cross-national database created which facilitated the first investigation of the topic.³⁸ The latter effort is particularly important for the current research.

Using a five-point scale of torture generated from State Department Country Reports, Hathaway examined 165 countries from 1985 to 1998 with a fairly standard human rights model. While she was most interested in the influence of human rights treaty ratification, Hathaway found that this only mattered when full democracies existed (identified by an interaction term between ratification and “full democracy”³⁹). In other words, signing a treaty had no influence on state torture and, indeed, in certain cases it made it worse, unless the regime had reached the highest levels of democratic government. Hathaway accounted for this variation by identifying that treaties are both “instrumental” (i.e., they create law that binds and attempts to modify) as well as “expressive” (i.e., they declare a state’s position on an issue). As the forces compelling the latter are great but those enforcing the former are weak, it makes sense that the influence of treaty ratification would not be particularly strong.⁴⁰ Regardless, the limited effect of treaties stands as a major limitation of the legalist argument which Hathaway sought to investigate; it is generally consistent with other recent work, which maintains that democracy matters only at the highest levels of this system characteristic.⁴¹

³⁶See Cingranelli and Richards 1999; Mitchell and McCormick 1988; Poe and Tate 1994.

³⁷See Cingranelli and Richards 2004

³⁸See Hathaway 2002.


³⁹Hathaway does not seem to investigate this relationship. She creates an indicator variable for democracies > 7 and tests whether ratification in those countries has a different effect than in countries with democracy < 8. By multiplying ratification by the raw democracy measure, this relationship could be investigated more appropriately.

⁴⁰See Hathaway 2002, 1941.

⁴¹See Bueno de Mesquita et al. 2005; Davenport and Armstrong 2004.

While viewing the Hathaway piece as an important contribution, we believe that there are several limitations with this work that compel additional research. Two are highlighted below.

First, drawing upon anecdotal literature and theories of counter-insurgency⁴² we argue that

Hypothesis 1: particular forms of societal conflict such as civil war, terrorism and guerilla warfare increase the use of torture by threatened governments. 


This approach to socio-political control allows authorities to more “appropriately” respond to particularly elusive challenges - forms of dissent, which are unconventional in their approaches (e.g., using “hit and run” tactics, relying upon avoidance of authorities until conflict occurs) and that are not believed to be well countered with other strategies of repression. To maximize efficiency in identifying, countering and eliminating challengers, allowing authorities to engage in revenge and fulfill specific bureaucratic norms concerning the response of authorities to political threats, authorities use beatings, hanging from limbs and so forth.⁴³ Deviating from the repression literature, Hathaway ignored this issue and thus left her model misspecified.


Second, drawing upon our earlier discussion, we argue that while democracy prompts authorities to avoid the costs normally associated with political repression, the challenge presented by particular forms of dissent compels an exception to this general relationship, overwhelming the former. In particular, when vexing political dissent is not present,

⁴²For example, see <http://www2.gwu.edu/nsarchiv/NSAEBB/NSAEBB122/> for discussion of CIA training manuals from the 1960s and 1980s.

⁴³It should be clear, we are agnostic about whether or not torture is actually effective in eliminating dissent. Such a relationship has never been examined systematically. Individuals point to specific instances but they have not attempted to investigate the issue rigorously across space and time. Instead, we highlight the fact that authorities believe it to be an important strategy for practical as well as symbolic reasons in countering specific types of contentious behavior. This acknowledges that authorities apply torture not only to extract information but also for other purposes. The argument is similar to those found within literature concerning crime control (e.g., Garland 1990) that discusses the fact that fines, probation and community corrections are largely ineffective at controlling crime but their application persists anyway.

democracies would be less inclined to engage in relevant activity. However,

Hypothesis 2: ~~When confronted with highly contentious political conflict, democracies would use torture.~~ 

~~Again, Hathaway ignored this issue.~~ 

The interactive influence identified here is crucial to the current discussion because it reveals the potential fragility of the domestic democratic peace. For instance, if democracy diminishes repression but only in certain circumstances, then this is an important finding influencing academic research but also public policy and advocacy as well. Moreover, the democracy-conflict interaction is consistent with broader discussions about socio-political control within modern, democratic societies which emphasize the importance of reducing public scrutiny of government coercive action while simultaneously allowing authorities to pursue political order.⁴⁴ This last point is particularly interesting for it acknowledges that democracy does not eliminate state repression; it merely changes its form. Generally discussions of this transformation involve non-violent techniques like electronic surveillance,⁴⁵ but it is clear that the same argument can be applied to torture as well.⁴⁶ In an effort to avoid public scrutiny as well as the potentially negative aftereffects (costs) involved with this awareness, democratic authorities resort to coercive strategies that are less likely to be discovered. Ignored by existing repression scholars, this may, in fact, be one of the biggest weaknesses in the domestic democratic peace.

⁴⁴See Donner 1980.


⁴⁵See Giddens 1987

⁴⁶See Rejali 1994.



3. Data and Methodology

3.1 Operationalizing Torture

To measure our dependent variable, we use data from Cingranelli and Richards Human Rights database (CIRI)⁴⁷ who coded the State Department and Amnesty International country reports in 146 countries from 1980 to 1999.⁴⁸ Significantly deviating from earlier efforts to measure physical integrity rights, which combined distinct strategies of repression,⁴⁹ CIRI is an important project because it disaggregates human rights violations, individually identifying torture, extra-judicial killings, disappearance, political imprisonment, freedom of speech and press, freedom of religion, freedom of movement, freedom of assembly and association, political participation, worker's rights, women's political rights as well as women's economic and social rights.⁵⁰ As designed, the CIRI torture variable  has three distinct levels: [0] no use of torture, [1] between 1 and 49 instances of reported torture and [2] 50+ instances of torture. Because of this structure, we treat the measure as a categorical variable.

[Insert Figure 1 About Here]

~~Observing~~ Figure 1 (which shows the histogram of the four different integrity rights measures from the CIRI dataset), ~~it is clear~~ that as far as repressive strategies go, torture is a relatively prevalent one. In fact, it has the greatest probability of non-zero values. The prevalence of use from highest to lowest is as follows: torture, political imprison-

⁴⁷This is available from <http://www.humanrightsdata.com>.

⁴⁸We decided not to use Hathaway's (2002) data for several reasons. First, Hathaway uses only data from the U.S. State Department, which as Poe et al. (2001) suggest has a particular bias. Cingranelli and Richards (2004) use both the State Department and Amnesty International data to code countries on human rights practices. Second, the Hathaway measure includes fewer countries (likely as a function of using the State Department Country Report). One of the countries excluded from Hathaway's sample is the United States. Though this is not necessarily a fatal flaw, we feel that the fact the behavior of the United States is motivating this investigation requires us to take lengths to ensure the U.S. is in the sample. Finally, the Hathaway sample includes fewer years (she starts at 1985 and CIRI starts at 1980). We prefer to leverage all of the data possible to make our argument.

⁴⁹See Cingranelli and Richards 1999; Henderson 1991; Mitchell and McCormick 1988; Poe and Tate 1994.

⁵⁰See Cingranelli and Richards 2004.

ment, killing and disappearance. We contrast these with the bottom panel in Figure 1 which shows the ~~marginal~~ distribution of the ~~Poe and Tate~~⁵¹ measure based on the State Department Country reports - by far the most frequently used measure in the literature. It is relatively easy to see how the CIRI measures might aggregate up to something that looks like the ~~indicator employed by Poe and Tate~~; this leads us to have greater confidence in our use of the measure.

3.2 *Dissent, Democracy and other Exogenous Variables*

In order to examine our hypotheses, we have to operationalize several other variables as well. For example, to measure particularly vexing political dissent, we use three different sources. First, we use data on terrorism from the National Memorial Institute for the Prevention of Terrorism.⁵² We compiled the data from a list of daily terrorist incidents by country and then aggregated them to the country-year. Second, we use data on civil war coded by the Correlates of War Project.⁵³ Third, we use a dichotomous variable signifying the presence of guerrilla war in any given country-year taken from the Cross-National Time-Series Data Archive.⁵⁴ Since some of these events are relatively rare and, in this context, providing estimates with any precision would be difficult, we create a variable called dissent that is a dichotomous variable coded 1 when any of the conflict events identified above exist and 0 when none are present.

The main institutional variable of interest to this study is regime type. Considering a wide variety of indicators,⁵⁵ we operationalize this with Polity IV's democracy variable. Unlike most of the earlier repression research, however, we do not allow for a linear effect exclusively. In an examination of the influence of democratic government on repression,

⁵¹See ~~Poe and Tate 1994~~.

⁵²See <http://www.mipt.org> for information on this particular source of data.

⁵³See Sarkees 2000; Singer and Small 1972.

⁵⁴See Banks 2001.

⁵⁵See Munck and Verkuilen 2002.

Davenport and Armstrong⁵⁶ found that the effect of democracy exhibited a threshold effect. They suggest that this could be context/model specific, so following their lead, we allow for this (and many other possible) effects of democracy on torture. Also drawing upon existing work, our research controls for GDP/capita and Population, which have been found to effect the use of repressive strategies in a broad range of empirical studies.

3.3 *Statistical Methodology*

Building on the advice offered by Beck et al,⁵⁷ we use a semi-parametric dynamic ordered probit model⁵⁸ to estimate the probability of transition from one level of torture to another given the measured covariates and their estimated effects. To parse this a bit, the ordered probit simply refers to the “run-of-the-mill” ordered probit model with which most political scientists are already familiar. Much of the research on repression and democracy uses OLS with some correction applied to the standard errors.⁵⁹ Others use an ordinal variable approach, though the latter are willing to calculate averages of the repression variable, which suggests the variable is continuous rather than categorical.⁶⁰ In this research, since we only have three categories, treating this variable as continuous seems a bit unreasonable.

The dynamic modifier suggests that the ordered probit incorporates temporal dynamics. Most of the recent models in this literature include a lagged dependent variable. Our model retains this practice in spirit, but incorporates it in a very different way. The version of ordered probit employed here estimates a different model for, three different subsets in the data: $torture_{t-1}=0$, $torture_{t-1}=1$ and $torture_{t-1}=2$. In general, to fully specify the model, one must estimate m different models for each of the m distinct levels

⁵⁶See Davenport and Armstrong 2004

⁵⁷See Beck et al. 2002.

⁵⁸We implement this semi-parametric dynamic ordered probit in R (version 2.1.1) using Thomas Yee’s VGAM (vector generalized additive model) package (version 0.6-4), which is available at: <http://www.stat.auckland.ac.nz/~yee/VGAM/>

⁵⁹See Davenport and Armstrong 2004; Poe and Tate 1994.

⁶⁰See Bueno de Mesquita et al. 2005; Hathaway 2002.

of the dependent variable. By doing this, we can estimate directly the probability of being at level m in period $t-1$ and at level m^* at time t for all m and m^* . Presumably, one could do this by including a lagged dependent variable (or more appropriately a series of dummy variables representing the different categories of the dependent variable) and predicting the probability of being in each category as a function of being in category m in the previous period. However, one major difference between this model and our model is that the effects of each variable on transition probabilities are assumed to be identical across the different previous levels of y . In this case, democracy would have to have the exact same effect on the probability of increasing torture from no torture to some torture as it would for some torture to widespread torture. This is an assumption we are not willing to make.

Finally, the semi-parametric modifier suggests that the influence of at least one variable (democracy in this case) will be estimated with a smoothing spline rather than a single coefficient. This allows a more flexible estimation of the conditional log odds of torture given democracy. Parametric regression does this as well, but it assumes that the log odds of the dependent variable, conditional on the independent variable, changes in an a priori predictable way, such as linearly. Given the work of Davenport and Armstrong,⁶¹ however, this seems an unreasonable assumption. Further, these authors suggest that their particular solution to the non-linearity identified in their study might be context (i.e., model) specific and consequently one should be cautious about employing this fix in other areas without testing the assumption that the categories can be collapsed as they suggested. To allow for the appropriate non-linear transformation of the data, therefore, we employ a smoothing spline.⁶²

We use this model for both substantive and statistical reasons. First, we are interested in how challenges make governments change their repressive strategy with respect to

⁶¹See Davenport and Armstrong 2004.

⁶²See Hastie and Tibshirani (1990) for an in-depth treatment of generalized additive models as well as Beck and Jackman (1998) for the application of these models in political science.

torture. This model will allow us to investigate the probability of choosing a new level of torture versus staying at the current level in the context of both peace and dissent. Second, this type of analysis has been suggested by Beck et al as a reasonable way to deal with discrete TSCS data.⁶³ We now move to our empirical results.

4. Findings

Essentially, our research is interested in investigating three relationships: the impact of democracy on torture, the impact of political dissent on torture and the interactive influence of democracy and dissent on torture. Each is addressed below.



4.1 *Democracy and Torture*

Most of the literature argues and supports the proposition that as one moves up the scale of democracy torture would be decreased. Others maintain that causal influences would only be observed at the highest values of democracy.⁶⁴ Table 1 shows the dynamic ordered probit coefficients that (re)examine this relationship. Because of the smoothing spline, the Democracy variable has no coefficient and it can only be represented in graphical form provided in Figure 2 (below). When this is done, a very interesting pattern is revealed, which provides mixed support for existing research.

[Insert Table 1 About Here]

At the extremes (i.e., the highest and lowest values of the Polity indicator; 0 and 10, respectively), the expectations of Davenport and Armstrong⁶⁵ as well as Bueno de Mesquita et al⁶⁶ are met. When previous torture is negligible (0 - in the far left panel of Figure 2), the most likely value of torture in the current period for the strongest democ-

⁶³See Beck et al. 2002. These authors were chiefly interested in dealing with binary TSCS data, but the problems we would encounter and their solutions are sufficiently similar to warrant its use here.

⁶⁴See Bueno de Mesquita et al. 2005; Davenport and Armstrong 2004.

⁶⁵Davenport and Armstrong 2004.

⁶⁶Bueno de Mesquita et al. 2005.

racies (at value 10 on the x axis [e.g., the United States or France]) is 0; the strongest democracies are thus less likely to escalate and the most likely to stay at the lowest level of torture - given this as a starting point. Also consistent with existing literature, results disclose that if the last period value of torture was 0, the least democratic regimes (i.e., autocracies at 0 [e.g., China 1950-1999], 1 [e.g., Mexico 1977-1987] and 2 [e.g., Brazil 1974-1984] on the Polity scale) are the most likely to escalate to value 1. The strongest autocracies are therefore the most likely to increase their level of torture. Within the middle-range values of democracy, the expectations of most researchers are largely refuted. For example, given the same 0 starting point, governments ranked 4 and 5 on the Polity scale (e.g., Mexico 1994-1996 and Poland 1989-1990, respectively) are more likely to stay at level 0, whereas governments ranked 7 and 8 (e.g., Turkey in the mid-1980's and India 1983-1995, respectively) are more likely to escalate to level 1. The higher-end democracies are more and not less likely to increase their use of torture. Interestingly, and again largely refuting existing research, governments ranked 3, 6 and 9 on the Polity scale are equally likely to stay at the initial level of torture (0) or escalate to a higher value of torture (1). Results further disclose that if the last period value of torture was 0, it is particularly unlikely that any country - regardless of regime type - would escalate to the highest level of torture (2). This differs from most expectations because, all else being equal, one would anticipate that more autocratic regimes would differ from more democratic ones in their escalatory patterns.

These findings reveal that there is a large amount of variability in lower-level torturous behavior. Additionally, they suggest that there is no simple relationship between democracy and this level of repression. Both challenge existing literature.

[Insert Figure 2 About Here]

Relationships are much more straightforward at higher levels of torture but, they are weakly supportive of prior research. For example, if the previous level of torture is 1

(the middle pane of Figure 2), all countries are more likely to stay there. If a transition were to happen, however, countries in all but the highest levels of democracy are likely to escalate to higher levels, while countries that are the most democratic (10) are more likely to return to lower values of torture. Further revealing the importance of the high-level democracy, results disclose that countries at the second highest level of the polity scale (9) are equally likely to escalate as they are to de-escalate. **Although these influences are substantively small, they are important nevertheless.**

Finally, when previous levels of torture are at their highest values (2), the model functions almost exactly as most would anticipate. Thus, as one moves up the Polity scale, they observe a somewhat rocky but decreasing probability of staying at level 2 simultaneously with an increasing probability that governments reduce their torturous activities (moving to level 1). Again reaffirming the relationship identified by Davenport and Armstrong⁶⁷ as well as Bueno de Mesquita et al,⁶⁸ **at the highest level of democracy, one sees that the probability of staying at level 2 are nearly equal and reducing torture.** From these results, it is clear that diverse values of democracy are unable to influence high-level torture until the highest values of the Polity scale are attained, at which point a negative impact is revealed. **Once more, a threshold of domestic democratic peace is identified below which there is no influence but above which repressive behavior is decreased significantly.**

4.2 Threats and Torture

Existing research has spent the better part of the last three decades investigating the effect of political conflict on state repression⁶⁹ - what is referred to as the "conflict-repression nexus."⁷⁰ The results of this effort reveal one of the most stable findings in

⁶⁷Davenport and Armstrong 2004.

⁶⁸Bueno de Mesquita et al. 2005.

⁶⁹See Davenport 1995; Hibbs 1973; Moore ~~1998~~; Poe et al. 1999.

⁷⁰See Lichbach 1987.

political science: in every single investigation of the topic, dissent increases repression; the degree of state responsiveness is particularly high when the type of challenge confronted is violent⁷¹ Although torture has never been considered specifically by this work, we expect that this form of repressive behavior would reveal a similar pattern. As conceived, Hypothesis 1 suggests that highly contentious political conflict would increase the use of torture as a repressive strategy.

[Insert Table 2 About Here]

Given the type of analysis we conducted, in an effort to evaluate the dissent hypothesis in a clear and efficient manner, we present predicted probabilities.⁷² These are shown in Table 2. When results are transformed, the predicted probabilities generally show support for Hypothesis 1. For example, when previous torture is zero (and all other variables are at their means), the lack of a dissent leaves a country about 10% more likely to be at the lowest level of torture and relatively unlikely to be at the highest level. In the presence of a dissent, however, a country is about 6% more likely to employ some torture as a repressive strategy as they are to remain torture-free. Furthermore, when previous torture is zero, in the presence of dissent, a country is 1.6 (0.056/0.035) times more likely to be in the highest category of torture than they are to be in the same category if no dissent is present. When previous torture is elevated to the middle level (1), it is relatively unlikely that a country will transition back to level 0. This probability is nearly 1.8 times higher when there is no dissent as opposed to when dissent exists. In the absence of behavioral challenge, countries are about 8% more likely to remain at level 1 than escalate to level 2. This is almost exactly reversed when dissent is present. Finally, when previous torture is high (at level 2) - regardless of the threat level, countries are most likely to remain at this value in the subsequent year. However, when a threat exists, the probability of continuing a high level of torture is around .77. This probability

⁷¹See Davenport 1995.

⁷²As the influence concerns a dichotomous dependent variable as opposed to a range of values (as in the case of democracy), this seems reasonable.

decreases to about .64 when no threat is present. These findings provide strong support for the idea that particularly vexing dissident behavior increases the likelihood of torture being employed as a repressive strategy.

4.3 *Democracy, Dissent and Torture*

Our third relationship of interest is new to the field of state repression for it explicitly examines the robustness of the domestic democratic peace. As designed, Hypothesis 2 offers a slightly different variation on the relationship just investigated. Above we show that, as a general principle, democracy tends to decrease the probability of torture, or at least that once it is used, democracies will tend to move back to lower levels of torture relative to other types of government. This influence is not as strong as we would have guessed, but it is consistent with our expectations. Additionally, we show that specific forms of political dissent increase the likelihood that political authorities use torture - presumably to counter the dissident behavior in some manner. Here, our interest lies with conditioning the states' behavior on dissent, that is, we wish to estimate different effects for democracy on repression when dissent exists and when it does not. **In line with earlier arguments, we suggest that when there is no dissent present, democracies will exhibit a much lower probability of using torture than other regimes, but when dissident behavior exists (like that presented by domestic terrorism, guerilla warfare or civil war), democracy will do very little to reduce the probability of using torture as a repressive strategy.**

[Insert Table 3 About Here]

To investigate this, we employ the same methodology as above, but essentially split the sample into those country-years where dissent is experienced, and those when it is not. Table 3 shows the coefficients for these models. Again, these coefficients do not necessarily tell us how well our data conform to our second hypothesis for the impact of democracy is observed across a range of values. To provide this information, we need a

graphical representation, which is depicted in Figure 3.

[Insert Figure 3 About Here]

As anticipated, the first row essentially replicates the finding of Figure 2 and thus we refer individuals back to the necessary text for a more detailed discussion of these causal influences. There are two slight exceptions here, though, that we will address. First, when no dissent is present, most regimes remain free of torture relative to alternatives. Interestingly, the use of some torture and remaining torture-free are equiprobable in the strongest autocracies. **Second, when no dissent is present, most regimes are more likely to remain at moderate levels of torture and the likelihood of escalation is reduced across types of government.** This makes the strongest democracies less likely to de-escalate and, in fact, it leaves them equally likely to escalate or de-escalate. What is most important for our research, however, is the difference between the two rows.

The evidence presented here shows that in the context of dissident behavior, democracies and autocracies are both more likely to use some torture than remain torture-free.⁷³ For example, when previous torture is 0 and dissent arises, all regimes are equally likely to escalate to the next level of torture (1). Certain autocracies (3 [e.g., Zambia 1996-1999] and 4 [e.g., Guatemala 1986-1995]) and higher-end democracies (8-10) reveal higher likelihoods of remaining torture-free than transitioning to the highest level of torture, whereas advanced autocracies (0) reveal the opposite pattern. Interestingly, the sheer difference in probability lies in favor of escalation to the mid-level values of torture. When previous torture is 1 and threats arise, all regimes are most likely to stay at the same level of torture. However, if a change in repression does occur, strong democracies are essentially

⁷³We also considered models that used terrorism as the threat (without including guerrilla war or civil war), essentially the case of the United States post 9/11. The results are (not surprisingly) very similar, with one exception. Even when no terrorist events are present, when prior torture is widespread, it is likely to remain so even for strong democracies. This was not the case when we conceptualized dissent as civil war, guerrilla war or terrorist events. The result that confirms hypothesis 2, namely that with previous torture and domestic threats present, that even democracies are more likely to employ torture than to remain pacific, remains in pattern and magnitude. Figures and tables showing this result have been omitted in the interest of space, but are available from the authors upon request.

equally likely to de-escalate as they are to escalate. All other regimes are more likely to escalate their behavior than they are to be torture-free. Finally, when prior torture is at its most lethal value (2) and dissent arises, all regimes are about equally likely to stay at this level. There is a slight increase in the probability that a full democracy (10) would decrease their use of torture to moderate levels - but this probability is rather small. Within a context of previously high torture and dissident behavior, therefore, there is essentially no chance that any government would de-escalate torture to its lowest value (0).

5. Conclusion

The events at Abu Ghraib prison shown throughout the world were both shocking as well as puzzling. How could behavior such as this be associated with one of the most established democracies in the world? Opinions on this question are mixed. For some, the torture was explained by idiosyncratic factors (rogue soldiers and a misunderstanding of political directives) and this type of action was not typical for the U.S. or any advanced democracy. For others, the events were explained by more systematic factors (a logical response to political threat and a clear understanding of political directives) and it was suggested that this was exactly how advanced democracies like the U.S. would behave under the circumstances. Consulting existing literature on repression/human rights violation, it is clear that there was little to no insight Abu Ghraib or the relationship between torture and democracy that one could obtain from this work. To date, only one study of state-sponsored torture had been conducted,⁷⁴ but unfortunately this research was not interested in contexts like that provided by Abu Ghraib.

To investigate this issue and gauge the influence of democracy on torture amidst political conflict, we examined 146 countries from 1980 to 1999. Our results clearly

⁷⁴See Hathaway 2002.

contextualize the Abu Ghraib case. By most accounts, the United States was a peaceful, highly democratic nation, not employing torture beyond the lowest levels. The country experienced a serious level of dissent in the form of the terrorist attacks at the World Trade Center in New York, the Pentagon in Washington, DC, and the plane that was crashed in Pennsylvania. Our model would predict that a country in this situation would most likely resort to an increased level of torture in the next period. By most accounts, this is exactly what took place at Abu Ghraib, Guantanamo Bay and diverse prisons around the U.S. where “suspected terrorists” or their sympathizers were held. The events at these locales were thus neither aberrant, nor unexplainable nor random. Quite the contrary, this is generally how advanced democracies behaved in this situation. These results are significant in numerous ways.

First, they challenge existing literature by showing that democracies do not completely abandon repression; rather, their strategic selection is modified from being more overt to more covert in nature. Such an approach to governance is undertaken in an effort to allow authorities to address challenges/challengers while simultaneously diminishing the costs normally associated with state repressive behavior (e.g., forgone legitimacy, increased political dissent and removal from office). These results push us to move away from discussion of rogue agents and misunderstood political directives to a more systematic analysis of the role that torture plays within democratic as well as non-democratic governments.

Second, our research suggests that the best test of the “domestic democratic peace” is one where influences of democracy on repression are conditioned by political conflict. This acknowledges that it is one thing for political authorities to respect human rights when they are not being challenged, but it is quite a different situation to maintain this position when existing policies, personnel, institutions and constituents are directly being threatened. Indeed, these circumstances provide the ideal opportunity to observe

a government's commitment to human rights and the power of democracy to serve as a mechanism of non-violence and tolerance. Most of us believe and many policies as well as social movement activities are premised on the fact that democracies respond to political dissent in very different ways from non-democratic governments. There needs to be more systematic investigation of this assumption.

Third, our analysis compels us to further examine torture but also other forms of repressive behavior as well. For example, previous research tends to collapse distinct forms of repression together: political imprisonment, execution, disappearances, restrictions on speech, association, assembly as well as torture. This ignores the possibility that authorities do not view the techniques as comparable to one another and that there is something unique about different combinations (causal determinants and aftereffects). Although the comment from Davenport that "some governments restrict the rights of those under their territorial jurisdiction, some governments kill their citizens, some restrict and kill, and some do not engage in either,"⁷⁵ moves us in the right direction, it is clear that we must move beyond (as well as further into) this point. Indeed, if the reality experienced by victims of repression is more complex than what we allow for within our examinations (with concatenations of repressive activities and non-linearities), then it is clearly incumbent upon those of us engaged in this research to adjust our investigations; this advances knowledge, promotes better policy as well as facilitates social change. These modifications would not only be important for academics but also for everyday citizens (who are subject to a wide variety of abuses), those concerned with ending these activities (who vitally need to understand the circumstances under which diverse rights are violated) as well as those concerned with treating the victims of these activities (who need to understand what happens in as much detail as possible so that they can better treat those who have suffered).

⁷⁵Davenport 2004, 539.

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Table 1. Semi-Parametric Dynamic Ordered-Probit Coefficients for Torture

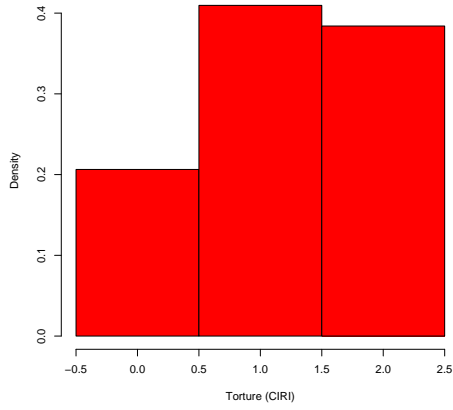
	Coefficient (p-value)	Coefficient (p-value)	Coefficient (p-value)
Democracy	-. (0.015)	-. (0.000)	-. (0.183)
Log(GDP/Capita)	0.185* (0.003)	0.206* (0.000)	-0.03 (0.294)
Log(Population)	-0.139* (0.002)	-0.098* (0.001)	-0.182* (0.000)
Dissent	-0.224* (0.048)	-0.281* (0.001)	-0.384* (0.000)
Cut-point 1	0.941* (0.009)	-0.552* (0.019)	-0.814* (0.014)
Cut-point 2	2.693* (0.000)	1.252* (0.000)	1.31* (0.000)

Main Entries are Ordered Logit Coefficients

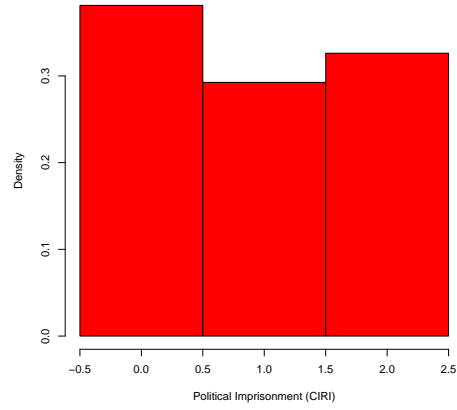
p-values in parentheses

* $p < 0.05$

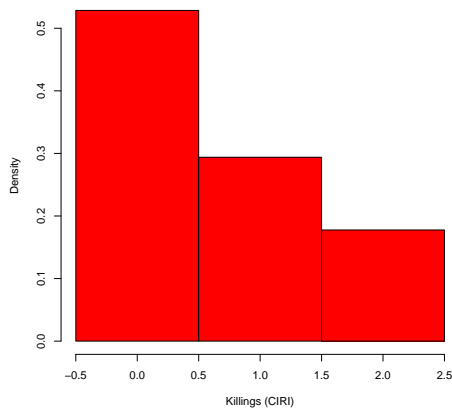
Figure 1. Marginal Distribution of Physical Integrity Rights Indicators



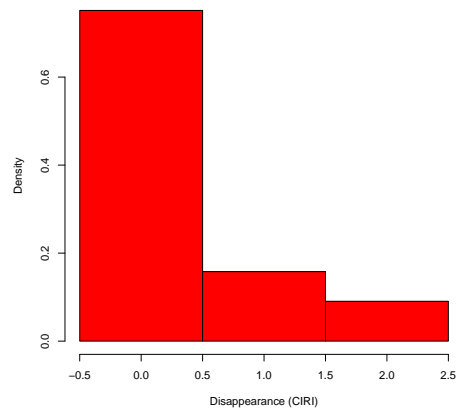
(a) Torture



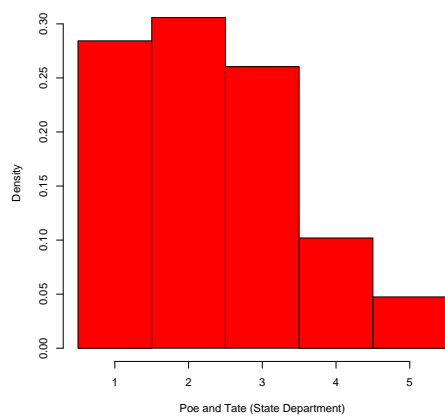
(b) Political Imprisonment



(c) Killing



(d) Disappearance



(e) Poe and Tate (State Department)

Figure 2. The Probability of Torture Given Previous Torture and Democracy

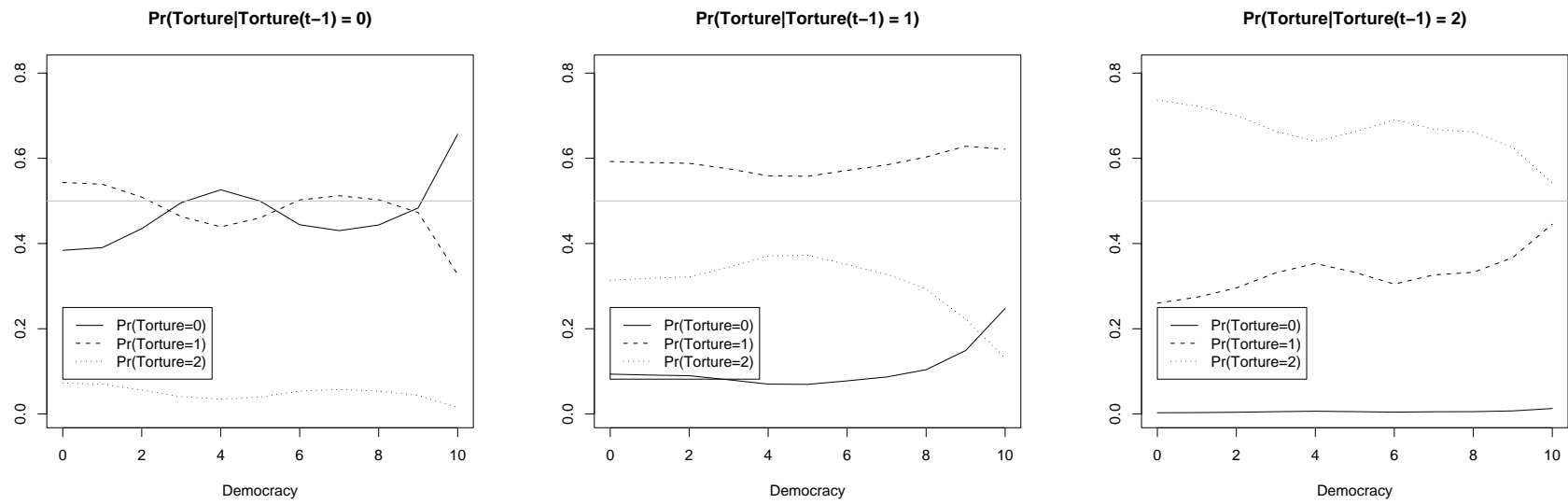


Table 2. Predicted Probabilities of Transition for Countries under Dissent and at Peace

		Pr(Torture = 0)	Pr(Torture = 1)	Pr(Torture = 2)
Torture _{t-1} =0	No Dissent	0.523	0.441	0.035
	Dissent	0.434	0.509	0.056
Torture _{t-1} =1	No Dissent	0.068	0.556	0.375
	Dissent	0.038	0.476	0.485
Torture _{t-1} =2	No Dissent	0.006	0.350	0.643
	Dissent	0.002	0.224	0.773

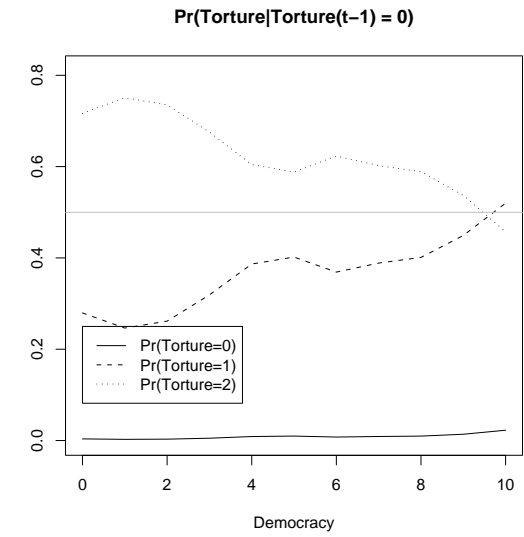
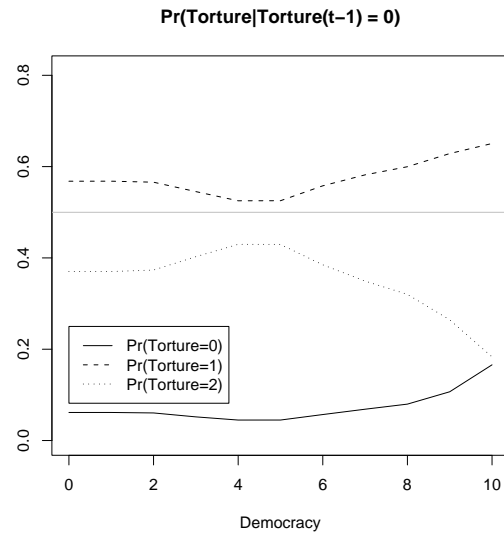
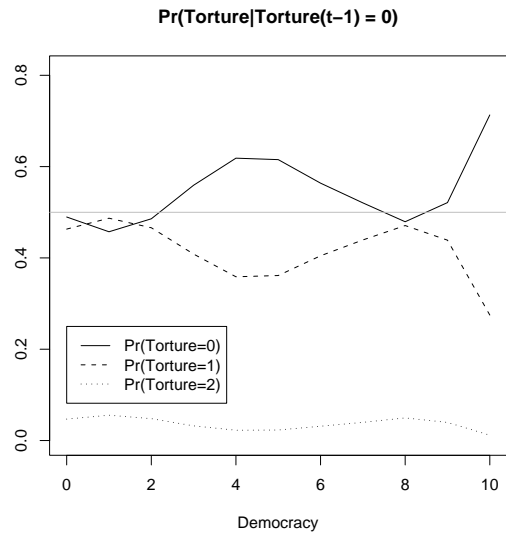
Table 3. Dynamic Ordered Probit Coefficients for Models of Torture in the Context of Dissent and No Dissent

	No Dissent			Dissent		
	Coefficient (p-value)	Coefficient (p-value)	Coefficient (p-value)	Coefficient (p-value)	Coefficient (p-value)	Coefficient (p-value)
Democracy	-. (0.049)	-. (0.055)	-. (0.307)	-. (0.150)	-. (0.019)	-. (0.283)
Log(GDP/Capita)	0.111 (0.074)	0.128* (0.011)	-0.133 (0.05)	0.492* (0.000)	0.333* (0.000)	0.07 (0.187)
Log(Population)	-0.057 (0.204)	-0.174* (0.000)	-0.097* (0.042)	-0.309* (0.000)	-0.033 (0.237)	-0.241* (0.000)
Cut-point 1	0.427 (0.228)	0.128 (0.361)	-1.548* (0.002)	1.181* (0.036)	-1.537* (0.000)	-0.73 (0.099)
Cut-point 2	2.128* (0.000)	2.001* (0.000)	0.562 (0.139)	3.257* (0.000)	0.199 (0.327)	1.489* (0.001)

*p<0.05, 2-sided

Figure 3. The Probability of Torture Given Previous Torture and Democracy

No Dissent



Dissent

