

The Spatial Diffusion of Counterterrorist Legislation, 1970-2011

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ABSTRACT

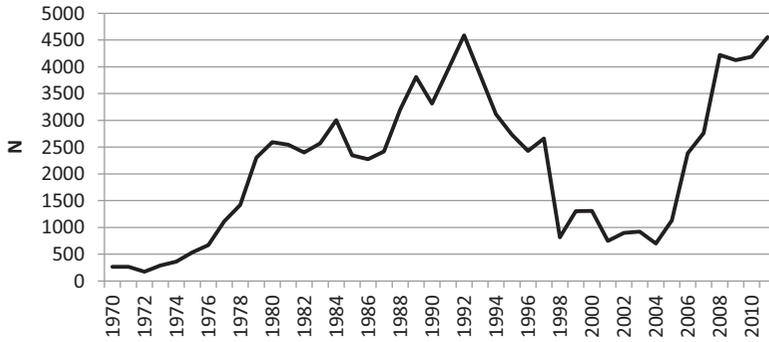
Ostensibly, nations adopt counterterrorist legislation in response to terrorist attacks and/or in an attempt to prevent future attacks. Yet, recent data on global historical trends suggest a decoupling of counterterrorist legislation and actual terrorist acts. Furthermore, previous studies of state policies demonstrate that actors often adopt policies for a variety of reasons, many of which are unrelated to the declarative purposes of these policies. In this article, I examine the factors that predict counterterrorist legislation. Analyzing national-level counterterrorist legislation in 145 countries between the years 1970 and 2011, I find limited support for actor-oriented theories of policy diffusion, but more substantial support for sociological approaches, in particular those emphasizing spatial and cultural diffusion.

KEYWORDS: terrorism; counterterrorism; legislation; time series; cross national.

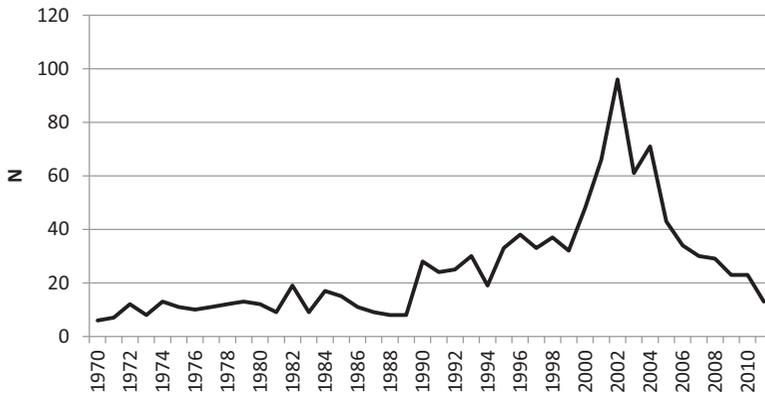
In October 2001, less than two months after the September 11th terrorist attacks, the United States adopted the “Patriot Act,” a comprehensive piece of legislation that included increased powers to state authorities and courts, limitations on immigration, and other measures declared as necessary to fight terrorism in the new millennium. The Patriot Act was only one of many counterterrorist laws passed around the world following the terrorist attacks of September 11. However, counterterrorist legislation, much like terrorism itself, is not a new phenomenon. In fact, for centuries countries have been enacting laws, which today many would consider as counterterrorist legislation.

What propels countries to adopt counterterrorist legislation? Seemingly, the answer to this question is simple and straightforward: countries enact counterterrorist laws following terrorist attacks or when they fear that such attacks are likely to occur in the future. Hence, one would expect legislation to be most common in countries that have suffered from many/severe terrorist attacks and in those that have a good reason to suspect that they are in danger of future attacks. However, this straightforward rationality model may prove too simplistic. Recently released data (Shor 2011) demonstrates a curious decoupling of counterterrorist legislation and actual terrorist acts. Figure 1 presents the global yearly trends in both terrorist events and counterterrorist legislation for the years 1970 to 2011. The figure shows a substantial decrease in the number of terrorist events worldwide between 1992 and 2004, followed by a sharp uptake after 2004 (Panel A). Conversely, global counterterrorist legislation

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Panel A: Yearly Trends in the Total Worldwide Number of Terrorist Events 1970-2011 ($N = 91,297$)^a



Panel B: Trends in Worldwide Counterterrorist Legislation (excluding amendments) 1970-2011 ($N = 1,056$)^b

^a Source: Global Terrorism Database (LaFree and Dugan 2008a, 2008b).

^b Source: Counterterrorist Legislation Database (Shor 2011).

Figure 1. A Comparison of Worldwide Terrorist Events and Worldwide Domestic Counterterrorist Legislation over the Last Four Decades

increased steadily throughout the 1990s, culminating in a wave of counterterrorist laws following the September 11, 2001 attacks and a substantial decline thereafter (Panel B).¹

The literature on state policies has further demonstrated that these are often the result of various factors other than instrumental calculations. These factors include the influence of external and internal pressures, processes of imitation, diffusion and legitimacy seeking, and various cultural and historical heritages (Boli and Thomas 1997; Moravcsik 1997; Schofer and Meyer 2005; Waltz 1979; Wejnert 2002). The current article examines these complimentary and sometimes contrasting explanations as they relate to counterterrorist legislation. I use a newly released data set on counterterrorist legislation, containing detailed cross-national data for the last four decades, in conjunction with another newly released database on terrorist attacks and other cross-national measurements. My analyses provide weak support for straightforward rationality explanations and actor-oriented approaches, while cultural and socio-institutional explanations appear to provide a more convincing account for legislation.

1 Interestingly, the discrepancy between actual attacks and legislation began even before 9/11, and thus cannot be entirely ascribed to the aftershock of this event.

The article further offers an important addition to the vast literature on policy diffusion in the social sciences, by highlighting the importance of a granular and careful analysis. I first track down different pathways of policy diffusion, allowing me to highlight the importance of geographical proximity and cross-border diffusion, as well as cultural and ideological affinities. In addition, I tackle the common charge that constructivist and socio-institutional theories neglect dimensions of power relations, self-interest, and agency when examining the diffusion of policies and innovations. By conducting complimentary qualitative analyses of legislation in various subregions, I trace the key role of regional powers in initiating legislative trends, while also showing the inertia of policy diffusion.

COUNTERTERRORIST LEGISLATION

Counterterrorist legislation, much like terrorism itself, is not a new phenomenon. In the second half of the nineteenth century, one may find (especially in the West) documented laws, which by today's standards may be referred to as counterterrorist legislation (e.g., the U.K. 1883 Explosive Substances Act and the 1893 French Villainous Laws). While much of this early legislation did not include the term "terrorism," the measures and provisions that these laws entailed were largely directed at acts that are today frequently defined as terrorism. During the second half of the twentieth century, the term terrorism itself has increasingly appeared in state legislation, as the political advantages coming from declaring a law as a counterterrorist one (mainly in terms of domestic and international legitimacy) became increasingly clear. Also, legislation has become one of the main ways in which countries respond to domestic insurgency (Alexander 2002; Chalk 1996; Ramraj, Hor, and Roach 2005).

The attacks of September 11, 2001 mark a significant milestone in the global counterterrorist landscape, especially as it relates to counterterrorist legislation. Following the attacks, the United States began applying pressures on its allies to act against terrorists, largely using new legislation or the amendment of former laws. In addition, three weeks after the attacks, on September 28, the United Nations (UN) Security Council passed Resolution 1373, binding all UN member states. According to the resolution, states should adopt various measures, including restrictions on the movement, organization, and fund-raising activities of terrorist groups and individuals. In addition, it stipulated that countries should consider limitations on immigration and on refugees, and share intelligence on terrorist groups and individuals. The resolution called member states to incorporate these measures into national laws by ratifying the international conventions on terrorism and ensuring the criminalization of terrorist offences in domestic laws (United Nations Security Council 2001).

Considering these developments and the global rise in counterterrorist legislation (Shor 2011), it is important to examine the main motives behind governments' counterterrorist acts. Are governments simply reacting to growing (actual or perceived) threats of terrorist attacks? Or are there also other factors involved in the decision to adopt new legislation, such as attempts to appease powerful international players and bodies or to suppress legitimate opposition? Next, I present a few prominent theoretical approaches that provide possible answers to these questions, followed by a section that details the measurements used to test each of these approaches.

THE DIFFUSION OF COUNTERTERRORIST LEGISLATION: THEORETICAL FRAME AND RESEARCH HYPOTHESES

Following Barbara Wejnert's (2002, 2005) theoretical framework for the diffusion of innovations, I make a distinction between the properties and motivations of states and the properties of their institutional environments. While scholars of international relations have traditionally emphasized states' straightforward motivations and domestic constraints, sociological thinking has largely focused on elements such as spatial diffusion, position in social networks, societal cultures, and global uniformity as predictors of new policy adoption.

Properties of the Actors

Traditional actor-oriented approaches in international relations (IR) tend to assume that states, like people, are guided primarily by rational motivations and interests when adopting innovations and new policies (Downs 1957; Krasner 1999; Vincent 1989). In this view, governments choose to adopt certain policies or measures when they believe that there is a real threat to their regime and that the benefits of adopting these measures exceed their costs (Gurr 1986; Moravcsik 1995; Moravcsik 2000; Poe and Tate 1994; Poe, Tate and Keith 1999). This approach provides an important point of departure for the current analysis. Counterterrorist legislative measures are among the most readily available tools for countries to use in the wake of terrorist attacks. A *straightforward rationality approach* might therefore suggest that countries adopt the majority of legislative measures in the wake of terrorist attacks, either in the core country (actual attacks) or in neighboring states (perceived threats). Furthermore, countries are likely to perceive attacks resulting in more severe consequences (e.g., a large number of deaths) as a more serious threat to the safety of the state and its citizens. Indeed, one might argue that large spectacular attacks, with mass casualties, may serve as catalyzers for legislation even more than the conglomeration of a few smaller and less deadly attacks. They will therefore adopt legislation in order to prevent future attacks, as well as punish the perpetrators of previous acts. This approach suggests that governments legislate because they perceive legislation to be effective in reducing terrorist levels. We can therefore formulate the three related hypotheses:

H1a: A larger number of terrorist attacks in a given country will increase the likelihood that this country will adopt counterterrorist legislation.

H1b: Countries that suffer from more severe terrorist attacks (in terms of number of fatalities) will be more likely to adopt counterterrorist legislation.

H1c: A larger number of terrorist attacks in neighboring countries will increase the likelihood of counterterrorist legislation in the core country.

This straightforward rationality model is expanded by scholars who recognize that rational state action is often directed at appeasing local constituencies. Proponents of *liberal and neo-liberal IR approaches* argue that governments choose various policies because they believe these are effective, but also as a means of domestic political survival, achieved either by appeasing local constituencies or by suppressing oppositional elements (Moravcsik 1995, 1997; Poe et al. 1999). According to this logic, states that adopt counterterrorist legislation do so mainly because they believe it would be helpful in both fighting terrorism and increasing support from local constituencies. One would therefore expect governments that are relatively unstable will adopt counterterrorist legislation in an attempt to stabilize their regime:

H2: Countries suffering from political instability and unrest will be more likely to adopt counterterrorist legislation.

Liberal approaches also emphasize the importance of internal political pressures, such as internal dissent brought about by events like state involvement in wars and international disputes (Gurr 1986; Poe and Tate 1994). Under such conditions, governments may adopt what they call “counterterrorist legislation,” which may serve as no more than a smoke screen for attempts to suppress domestic unrest and political opposition (Banks and Carrio 2005; Ortega 2009; Powell 2005). I therefore propose the following:

H3: Countries involved in violent disputes (either international or domestic) will be more likely to adopt counterterrorist legislation.

Properties of the Environment

Sociological scholars of diffusion and innovation believe that both individuals and organizations (including states) are especially likely to emulate behaviors and structural components from their environment when facing complex situations, in which there is a high degree of uncertainty (DiMaggio and Powell 1983; 1991; Meyer et al. 1997; Meyer and Rowan 1977; Meyer and Scott 1992). When confronted with such uncertainty, states are likely to adopt measures commonly used by other states, leading to a process of behavioral convergence. These measures may be adopted even when it is not clear that they will lead to measurable results (such as the reduction of terrorism), simply because “something must be done.” In this view, states may adopt counterterrorist legislation and international conventions simply because other states have adopted these measures and regardless of whether they believe these may actually be effective in reducing terrorism. Wejnert (2002) proposes a useful distinction between various contexts that facilitate environmental diffusion. These include (1) geographical settings (spatial factors), (2) social networks, (3) global uniformity, and (4) cultural affinities.

Spatial Diffusion

Various studies have argued for the importance of geographical proximity in the diffusion of practices, ideas, and policies (Brown 1989; Strang and Meyer 1993; Strang and Tuma 1993). Proximity affects the frequency of communication and interactions between countries and thus enhances the spread of information and ideas, facilitating imitative behavior (Rogers 1995; Wejnert 2005). The closer countries are to one another, the more likely they are to take interest in what their neighbors are doing, get familiar with their habits, practices, and policies, and be influenced by these policies, seeking to emulate them in part or as a whole. Such spatial diffusion tendencies have been demonstrated with geographically proximate individuals (Leathers and Smale 1991), organizations (Strang and Tuma 1993), communities (Tolany 1995), and countries (Brown 1989; Wejnert 2005). Therefore, I suggest that adopting counterterrorist legislation in one nation will be associated with the adoption of similar legislation in neighboring countries in subsequent years.

H4: Countries would be more likely to adopt counterterrorist legislation following the adoption of such legislation by neighboring countries.

Diffusion through Social Networks

While spatial proximity may certainly contribute to the adoption of new policies, some argue that countries' position in network structures are at least equally important in providing policy guidance and legislative ideas (Wejnert 2002, 2005). Communication and interactions, especially in the age of modern media and communication technologies, often occur across great physical distance among countries that are part of the same social, economic, or political network. For example, while Israel is situated in the Middle East, one might argue that its policies and legislation are influenced more by its military and political alliances with the United States and Europe, or its political/economic membership in the Organization for Economic Cooperation and Development (OECD). Similarly, Turkey's counterterrorist policies may be influenced by its memberships in the North Atlantic Treaty Organization (NATO) no less than by the border it shares with countries like Syria, Iraq, and Georgia. Indeed, past anecdotal research has suggested that counterterrorist legislative ideas and formulations tend to migrate through shared international networks (Roach 2007; Scheppele 2004).

H5: Membership in economic, political, and social networks will be associated with increased adoption of counterterrorist legislation.

Global Uniformity

Neo-institutional sociologists and constructivist scholars of international relations (influenced by sociological diffusion theories) have highlighted the diffusion of various practices through globalization processes that facilitate ongoing interactions between social actors. They recognize that the environment in which states operate is social, not merely material, and that the social setting provides states with a unifying set of shared cultural understandings (Blyth 1997, 2002; Checkel 1998; Wendt 1992, 1995). Some IR constructivists emphasize the role of state agencies in spreading norms and ideas (Krasner 1999; Wendt 1999). Others have written on the key role of local and transnational non-governmental social movements and organizations (Gränzer 1999; Keck and Sikkink 1998; Lutz and Sikkink 2000; Smith, Pagnucco and Lopez 1998; Tsutsui 2004), and of legislative institutions and activists (Hafner-Burton and Tsutsui 2005; Risse, Ropp and Sikkink 1999; Scheppele 2005; Shor 2008a) in the diffusion of policies and innovations. One may therefore expect countries that are more involved in the global system (politically, culturally, and economically) to be more likely to adopt counterterrorist legislation, due to the intensification of social interactions with other countries and global institutions such as the UN and the International Monetary Fund (IMF).

H6: Higher levels of political, economic, and cultural globalization will be associated with a higher likelihood for counterterrorist legislation.

Cultural Diffusion

Finally, scholars who emphasize cultural determinants of action argue that both individual and state strategies are heavily influenced by their particular cultural heritage, traditions, and belief systems, which include values, norms, language, religions, ideology, and socialization (Goldhagen 1997; Heinz and Frühling 1999; Huntington 1996; Kuper 1981). These factors, in turn, often influence diffusion between individuals and between countries sharing similar cultures (Abbott and DeViney 1992; Herbig and Palumbo 1994). Following this logic, counterterrorist legislation is more likely to migrate among similarly minded countries that share cultural affinities and a belief in the rule of law as central to state operations.

More specifically, *democracies*, *English speaking countries*, and countries with a *commonwealth* tradition may be more likely to fight terrorism and other political conflicts using legislative measures for a number of reasons. First, in these countries legislation is likely to be an important part of institutional state structures and governmental operations. Decades, and sometimes centuries, of institutionalized legislative systems in these countries have often led to establishing a tradition of addressing various political, economic, and social challenges through state legislation. Second, legislation is more likely in countries with a cultural repertoire that values the importance of state representation and responsiveness to the rule of law. Third, democracies, countries previously colonized by England, and those where English is habitually used may be more committed to and influenced by the norms and conventions of the international community. This is both because these countries are more likely to be dominant players in this community, increasing their commitment to its decisions and norms, and because the dominance of English in the international community may facilitate cooperation and compliance in countries where English is a dominant language. Finally, the dominance of English in a country may also facilitate the emulation of legislative scripts and formulations from other countries, as in many countries laws are readily available in English as well as in the local language.

H7: English speaking countries, commonwealth countries, and democracies will be more likely to adopt counterterrorist legislation.

MEASUREMENTS

Table 1 summarizes the variables examined in the study. It includes information on data sources, the years for which data were available, the number of countries for which data were available, and key descriptive statistics.

Dependent Variable: Counterterrorist Legislation

I use data from the newly released Counterterrorism Legislation Database (CLD) (Shor 2011), updated to 2014. The CLD was compiled from a wide variety of sources, including electronic databases, edited volumes, peer-reviewed publications, and websites. It covers counterterrorist legislation in 219 countries and territories between the years 1850-2014. The CLD defines counterterrorist legislation as any country-level act reported by at least one data source as a counterterrorist or anti-terrorist law. However, such an inclusive definition may be problematic, as the various data sources that were surveyed in constructing the CLD have often used differential definitions and criteria of reporting. This creates a potential problem of data reliability: Very similar types of legislation may be considered as counterterrorist in some databases and for some countries, but not in others.

Attempting to minimize this selective reporting problem, I use in the analyses reported here a more restrictive definition of counterterrorist legislation: Only laws for which the CLD makes it clear that the focus of the legislation is on counterterrorist measures (based on a content analysis of each law in the database) are included in the present analyses. Thus, for example, I exclude the Albanian 2000 Law on the Prevention of Money Laundering (Law No. 8610) from the analysis because it only includes few sections related to terrorism. Conversely, I include the Austrian 1971 Law Prohibiting the Bringing of Dangerous Object into Civil Aircrafts because it focuses directly on terrorist acts. Such laws (those focusing directly on terrorism) are more likely to be reported regardless of the level of selectivity adopted by the original data source surveyed, thus substantially enhancing the standardization of the dependent measure and its reliability. The choice to include only laws focusing on terrorism is also driven by a theoretical justification: I am interested in the determinants of laws that are directly related to terrorism and thus, one may argue, should be the ones that are legislated as a direct response to terrorist attacks.²

The question I am interested in is whether a given country adopted at least one counterterrorist law during a given year. I assume that if a country adopts multiple laws during the same year this does not necessarily mean that it has more counterterrorist legislation than a country adopting only one law (which might even be more comprehensive than all the laws adopted by the other country taken together). Therefore, I collapsed the dependent variable into a binary measure in all the analyses presented below.³ To be clear, this does not mean that I truncate the analysis after the first year in which legislation was adopted in a given country. Rather, the analysis allows for the adoption of legislation in multiple years, although I treat each year as either a yes or a no. Finally, to help increase sample size and generalizability, I chose to include in the analyses all countries for which data were available rather than only those countries for which data on counterterrorist legislation was of higher

2 Notwithstanding the above justifications, I also ran models in which I adopted both more inclusive definitions and more exclusive ones. Appendix B presents a comparison of four different definitions of counterterrorism, from most exclusive to most inclusive: (1) legislation formally declared as counterterrorism (i.e., when the term terrorism is mentioned in the law's name, such as the Indian 2002 Prevention of Terrorist Activities Act); (2) legislation clearly focusing on terrorism, but not necessarily including the term in the name (e.g., the Australian 2003 Legislation Amendment Bill); (3) legislation with at least one article focusing on terrorism (e.g., the 1981 French Amnesty Law); and (4) legislation where terrorism is at least mentioned in the body of the law (e.g., the 1993 Spanish Law on the Prevention of Money Laundering). Appendix B shows that the differences between these categories are relatively minor, suggesting that the choice to use a relatively inclusive definition did not substantially alter the results. One exception to this, however, is the significant effect for internal dissent once adopting more inclusive and less careful definitions. I believe this may be a result of either miscategorization or mislabeling, as laws adopted primarily to fight oppositional dissent used the language of terrorism or were deemed counterterrorist by some data sources.

3 As a test of robustness, I also ran ordinal logistic regression panel analyses before collapsing the dependent variable into a binary measure. The results did not differ substantially from the binary logistic regression analyses, supporting the choice to move into a binary measure.

Table 1. Descriptive Statistics of Study Variables, Grouped by Theoretical Approach

| <i>Variables</i> | <i>Variable Description</i> | <i>Source</i> | <i>Mean/Rate</i> | <i>Std. Dev.</i> | <i>Min</i> | <i>Max</i> |
|--|---|---|------------------|------------------|------------|------------|
| Dependent | | | | | | |
| Counterterrorist legislation (yes = 1) | Whether or not a country passed a law(s) focusing on terrorism during a given country year | Shor (2011) [updated to 2014 ^a] | .05 | .22 | 0 | 1.00 |
| Independent | | | | | | |
| Actor-oriented approaches | | | | | | |
| Terrorist incidents | Number of attacks by non-state political actors against non-combatants in a given country year | START (2013); Global Terrorism Database (LaFree and Dugan 2008a, 2008b) | 13.54 | 51.53 | 0 | 789 |
| Non-combatants killed | Number of attacks with at least 1 non-combatant killed in a given country year | START (2013) | 18.07 | 101.56 | 0 | 3,834 |
| Events with > = 10 killed | Number of attacks with more than 10 non-combatants killed | START (2013) | .75 | 4.56 | 0 | 113 |
| Events with > = 100 killed | Number of attacks with more than 100 non-combatants killed | START (2013) | .02 | .23 | 0 | 6 |
| Terror events in neighbor states | Number of terrorist attacks in neighbor countries | START (2013) | 134.05 | 249.28 | 0 | 1,748 |
| Internal dissent | An additive index of the number of strikes, riots, revolutions, and demonstrations in a given year | Banks (2012) | 1.24 | 3.02 | 0 | 49 |
| Regime stability | A dichotomous measure: Unstable regimes are those that have been in power for less than 5 years or are about to be replaced within the next 2 years | Polity IV (2014) | .71 | .45 | 0 | 1 |
| Civil war | Magnitude of episodes of civil warfare involving the state (1 = lowest; 10 = highest; 0 = none) | Peace Research Institute Oslo (2009, 2014) | .24 | 1.03 | 0 | 7 |

(continued)

Table 1. Descriptive Statistics of Study Variables, Grouped by Theoretical Approach (continued)

| <i>Variables</i> | <i>Variable Description</i> | <i>Source</i> | <i>Mean/Rate</i> | <i>Std. Dev.</i> | <i>Min</i> | <i>Max</i> |
|---------------------------|---|---------------------------------|------------------|------------------|------------|------------|
| International war | Magnitude of episodes of international warfare involving the state (1 = lowest; 10 = highest; 0 = none) | MID3: Ghosn and Bennett (2005) | .06 | .48 | 0 | 6 |
| Socio-cultural approaches | | | | | | |
| Laws in neighbor states | Number of laws passed in neighboring countries | Shor (2011) [updated to 2014] | .46 | .97 | 0 | 7 |
| OECD | Member of the Organization for Economic Cooperation and Development | Wikipedia (2013c) | .22 | .42 | 0 | 1 |
| NATO | Member of NATO | Wikipedia (2013b) | .10 | .30 | 0 | 1 |
| Globalization index | KOF Index of Globalization, combining economic, social, and political globalization | Dreher (2006) [updated to 2014] | 46.51 | 18.25 | 14.15 | 92.70 |
| Democracy | General openness of political institutions | Polity IV (2014) | .89 | 7.54 | -10 | 10 |
| Commonwealth (yes = 1) | Part of the Commonwealth of Nations | Wikipedia (2009) | .25 | .43 | 0 | 1 |
| English speaking | English is the primary language in the country | Wikipedia (2013a) | .09 | .28 | 0 | 1 |
| Controls | | | | | | |
| Population, total (ln) | Natural log of a country's population in a given year | World Bank (2015) | 15.93 | 1.58 | 11.78 | 21.00 |
| GDP per capita (ln) | Natural log of gross domestic product per capita in constant 2000 U.S. dollars | World Bank (2015) | 7.36 | 1.56 | 3.94 | 11.35 |

Notes: Number of countries (including political entities that no longer exist, such as the USSR) for which data was available for at least one country year. Due to missing data, I conducted the final analyses for a smaller number of nations (see tables below for the number of countries in each specific analysis).

^aAvailable by request from the author.

quality (according to the CLD). This choice was supported by a comparison between models that included all countries and those that included only the countries with high quality of information, showing no major differences in the results.⁴

4 I ran additional models in which I excluded countries that had a lower quality of data (results did not differ substantially).

Independent Variables

I organize the various predictors used in the analyses according to the theoretical approach they best represent, recognizing that at least some of these predictors may fit more than just one theoretical approach, and that these approaches are not always mutually exclusive. Nevertheless, there is value in trying to assess the variables that most closely correspond with the various theoretical approaches described above.

Terrorism

Following a growing consensus among social science scholars (e.g., Bergesen and Lizardo 2004; Ganor 2005; Goodwin 2006; Piazza 2006; Robison 2007; Shor, Song et al. 2014), I define terrorism here as the strategic use of violence by non-state political actors against non-combatants for symbolic purposes, usually with the intention of influencing policies. In order to adhere most closely to this definition, my main measure of terrorism (testing H1a) excludes events in which the main target of the attack was security personnel or armed forces. According to the definition above, such events would be defined as guerrilla attacks.⁵

The main predictor variable is the *number of terrorist events* in a given country-year (logged to minimize skewness). This measure has commonly been used in previous similar research designs (Burgoon 2006; Lai 2007; Piazza 2006; Robison 2006, 2010); however, some have argued that studies must also try to capture the intensity, severity, and lethality of the acts, rather than just their frequency (Frey and Luechinger 2005). For example, the United States did not experience a very large number of terrorist attacks in 2001, but the severity and deadly consequences of these attacks were undoubtedly important in inducing various counterterrorist measures, including extensive legislation, in the United States and in other countries. These dimensions of terrorism may be better captured by alternative measures. Accordingly (and in line with H1b), I also include in the analysis measures for the *number of civilians killed* in those attacks and measures for acts that were especially lethal (resulting in multiple deaths).⁶

All of these measures were constructed based on data from the recently released Global Terrorism Database (GTD) (LaFree and Dugan 2008a, 2008b). The GTD includes data on close to 100,000 domestic and international terrorist events around the world since 1970, avoiding some of the problems of previous studies that examined only international terrorism.⁷ In an attempt to capture not only actual levels of terrorism in a given country but also the level of perceived terrorist threats (H1c), I also include in all models a measure of the *number of terror attacks in neighbor states*. This measure accounts for the plausible proposition that countries may legislate in response to the perceived threat coming from terrorist acts in neighboring countries, seeking to prevent terrorists and ideas from permeating across borders.

5 I also ran models in which I used the definition suggested by START's Global Terrorism Database, which includes attacks on both civilians and armed forces. Results for my key independent variables did not change significantly, and therefore I present here only the analyses that adopt the narrower definition of terrorist attacks.

6 I also ran models including measures for the amount of damage caused by the attacks and the number of attacks defined as "successful" (from the point of view of the terrorists). Results for these measures were not statistically significant. They are available from the authors.

7 Although instances of domestic terrorism greatly outnumber instances of international terrorism, earlier databases on terrorist events, such as the RAND database, the ITERATE database, and the Patterns of Global Terrorism report, excluded domestic terrorism and reported only on international terrorist events. Previous cross-national studies on terrorism, its determinants and its consequences, which relied on these data sets (e.g., Blomberg and Hess 2008; Burgoon 2006; Feldman and Perala 2004; Kruger 2007; Kruger and Laitin 2003; Lai 2007; Li 2005; e.g., Li and Schaub 2004; Piazza 2006; Robison 2006; Sambanis 2008), may have been biased by this focus on international terrorism. Sanchez-Cuenca and de la Calle (2009), who reviewed the literature on domestic terrorism, claim that the exclusive reliance on international terrorism data is especially problematic because the truncation of the sample generates serious biases in the statistical analysis, which put into question the conclusions derived from much of this previous research (see also Asal and Rethemeyer 2008). The GTD itself is missing data for the year 1993. However, the revised 2014 codebook of the GTD includes data on the number of attacks and number of fatalities, which I used to fill in the missing data for 1993.

Other Actor-Related Measurements

Liberal IR approaches emphasize the importance of regime instability and internal pressures due to civil unrest and violence. To assess the former (H2) I use a *regime stability*⁸ measure. To assess potential internal pressures (H3) I examine *internal dissent*,⁹ and the intensity of a *civil war* and *international conflicts* (both for the core country and for its neighbors). Each of these factors may serve as a catalyst for domestic unrest and feelings of threat, therefore leading governments to adopt counterterrorist legislation. In fact, countries may adopt such legislation even when there is no actual threat of terrorism, simply as a tool to suppress domestic opposition and unrest. The measures for internal dissent and international conflicts were logged (ln) to minimize skewness.

Measurements of Environmental Properties

Socio-institutional approaches emphasize processes of globalization and diffusion. To assess the effects of global uniformity and diffusion I use Axel Dreher's (2006) *index of globalization*, combining economic, social, and political globalization. To evaluate spatial diffusion effects (H4) I use the *number of laws in neighboring countries* in the previous year. I expect countries to be affected by the legislation practices of their neighbors, even after controlling for the number of actual terrorist attacks they suffer from. I measure the diffusion effects of *social networks* (H5) by controlling for various affiliations with political and economic pacts and organizations.¹⁰ I expect (H6) greater globalization to increase the likelihood of counterterrorist legislation, as countries with higher levels of globalization are more likely exposed to global institutions and resolutions (such as Resolution 1373 of the UN Security Council). Finally, to assess the effects of culture and value systems (H7), I include in the analyses measures for *democracy*, *commonwealth*, and *English speaking* countries. Each of these is expected to increase the likelihood of legislation, as the legal model for handling threats is better rooted and more prominent in these countries and they may tend to prefer parliamentary legislation over other measures.

Controls

I also include in the analyses variables that have been shown to matter in cross-national analyses, but do not naturally fit into one of the approaches described above. First, I include *population size*. More populous countries may be able to better fend off pressures from economic and political powers, and thus refrain from counterterrorist legislation if they so wish. Another measure often included in cross-national analyses of this sort is *GDP per capita*. Wealth and material means are a key component in various theoretical streams of international relations, ranging from realist and liberal scholars (Krasner 1999; Moravcsik 1997; Waltz 1979) to neo-Marxist thinkers (Cox 1983, 1987; Gill 2008; Gill and Law 1989). However, as these theories do not speak directly to counterterrorist legislation practices, it is hard to draw concrete predictions from them. Still, one may suspect

8 Calculated based on the *regime durability* measure from Polity IV (2014), this variable gives a score of 0 to regimes that have been in power for less than five years (four or less years since the last regime change) and to regimes that will have been replaced within the next two years (one or two years before regime change). All other regimes receive a score of 1. The rationale is that in both of these cases the regime is less stable, either because it is about to be replaced by another (often suggesting that turbulence has already begun), or because it has recently been replaced.

9 A combined measure of the number of strikes, riots, revolutions, and demonstrations in a given year. I also ran separate models for (1) strikes, (2) riots, (3) revolutions, and (4) demonstrations. Of these, only the coefficient for riots was significant (full results are available from the author).

10 The full list of economic and financial pacts largely follows Wejnert (2005). It included the North Atlantic Treaty Organization (NATO), the Organization for Economic Co-operation and Development (OECD), the Warsaw Pact, the African Union for Economic Cooperation, the Organizations of African Unity, the Union of Central African States, the American Union, the Organization of American States, the Council for Mutual Economic Assistance, the Nordic Council, the Council of Europe, the Council of Asian Industrial Development, and the Arab League. In the interest of keeping the results concise, I only report results for NATO and for OECD memberships, as membership in none of the other pacts had a significant effect on legislation (even when entered separately to minimize multicollinearity).

that countries with a lower GDP per capita may be left with a narrower set of available means to fight terrorism (for example, they often would not be able to afford new technological developments or sophisticated weapons and intelligence services). Poorer countries may therefore be more likely to use legislation because it is a relatively inexpensive and readily available alternative.

SAMPLES AND ANALYSES

I analyze panel data ranging in years from 1970 to 2011. Analyses cover the 145 countries for which data were available (see [Appendix A](#) for the full list of these countries). This large-scale approach has two important advantages over small-scale comparative-case-studies research designs. First, the quantitative analysis relies on a much larger sample, increasing the ability to generalize beyond the cases examined in the study. Second, I examine states' legislative actions and terrorist events over a long period, thus minimizing the danger of focusing too much attention on spectacular or well-known incidents and laws and overstating their importance while neglecting other important occurrences.

I use both random- and fixed-effects binary logistic regression models, calculated using STATA version 13. The random-effects models allow us to capture the effects of theoretically important time invariant variables, which cannot be assessed using fixed-effects models. However, as a test of robustness and in order to better capture within-country effects and causality, I also present the results of fixed-effects models. The pooled analysis captures variance in the policies of the same country at different points in time, allowing us to address subtle changes over time in the dependent variable ([Robison 2007](#)). I chose not to truncate the dependent variable (counterterrorist legislation). Instead, I allow for the adoption of legislation by the same country in multiple years. The assumption behind this choice is that counterterrorist legislation is largely a declarative act and that the fight against terrorism is an ongoing effort, which does not end at the adoption of the first measure. That is, adopting a law in a certain year does not preclude countries from legislating different or complementary acts in consequent years, and in fact, many of the countries included in the analysis have continued to adopt meaningful new acts long after their first counterterrorist legislation. I thus treat each act as an independent event, unless it is a clear amendment to a previous act, in which case I exclude it from the analysis.

Predictors were all lagged one year. A lag of one year has been commonly used in recent research designs of this type (e.g., [Allen and Colley 2008](#); [Burgoon 2006](#); [Robison 2010](#); [Robison, Crenshaw, and Jenkins 2006](#); [Shor et al. 2016](#)), as it addresses possible endogeneity issues and enables the researcher to better capture causality, by allowing social policies some time to percolate ([Burgoon 2006](#)). However, in order to capture the longer-term effects of various predictors and policies, I also ran statistical models in which the independent variables were lagged two to five years (these models are not presented, as results did not change substantially). As is common in cross-national time-series study designs, the unit of analysis is the country-year. This has the advantage of increasing the number of observations, improving the flexibility of the statistical analysis and minimizing the influence of outlying country-years. Outliers appeared in the analysis, but were not significantly influential. I thus chose to leave them in the analyses.

FINDINGS

Regression Time-Series Analysis

[Table 2](#) presents the major findings of the study. The first four models in the table are differentiated by the measure of terrorism they examine. The results for these measures are quite revealing. First, the coefficients for number of terrorist events (Model 1) and the number of civilians killed (Model 2) are non-significant. Similarly, the number of events in neighboring countries (all five models) is not a significant predictor of legislation. These results are in line with the global-level data (see

Figure 1), showing the frequent decoupling of counterterrorist legislation from terrorist attacks. These findings put into question the assumption that counterterrorist legislation is simply an inevitable reaction to terrorist threats.¹¹ However, one must still consider the possibility that certain types of attacks are especially likely to induce legislation. Indeed, results change when I consider the lethality of attacks (Models 3 through 5). Legislation is more likely following attacks in which more than ten civilians had lost their lives (Model 3). The log of each event with at least ten casualties increases the odds of legislation by about 4 percent. The effect further increases following attacks in which more than 100 civilians had died, with the odds for legislation growing by about 10 percent (Models 4 and 5).

Most measures for actor-oriented approaches were not significant. Internal dissent, regime instability, and civil wars had no significant effect on the likelihood of a government adopting counterterrorist legislation. While international war did have an effect, it was counterintuitive—countries engaged in international conflicts were less likely to pass counterterrorist legislation. Thus, I find no support for the common argument that counterterrorist legislation is merely a cynical tactic used by governments to repress internal opposition through invoking the terminology of terrorism. While this legislation often does not follow actual terrorist acts or threats, it also does not seem to be closely associated with general internal unrest and instability.¹²

Conversely, I found substantial support for some mechanisms of social diffusion (although not for all of them). In particular, the findings provide support for spatial and cultural diffusion effects. First, the most consistent and robust predictor for legislation in a given year is the number of laws in neighboring countries in the preceding year. The coefficient for this variable was positive and significant in all of the models presented in Table 2, as well as in models that use fixed effects (see Table 3) and in most of the other models that I ran (see Appendices B, C, and D). The log of each law passed in neighbor states in the previous year increases the odds of the core country passing its own counterterrorist legislation by about 22 percent. This provides substantial support for my fourth hypothesis, emphasizing the importance of spatial proximity. Cross-border diffusion of ideas leads to imitation and is clearly one of the key factors in the adoption of counterterrorist legislation. While the actual levels of terrorism often do not predict legislation, the policies of neighboring countries do.

While spatial diffusion is clearly important, I found no support for network diffusion and only mild support for diffusion through global connectivity and conformity. Neither membership in the OECD nor membership in other political and economic networks, such as NATO (shown in Table 2), the Warsaw Pact, or the African Union for Economic Cooperation (not shown in the table) were significant predictors of adoption. Furthermore, I found no significant effect for the globalization index in the random-effects models (Table 2), although the coefficients for this variable are significant at the .1 level in the fixed-effects models (Table 3). These results suggest that unlike regional influences, conformity to global trends may play a less important role in making decisions on national counterterrorist legislation.

Moving on to my cultural measures, I found consistent support for cultural influences and diffusion. First, democratic regimes tended to legislate more, and the fixed-effects models (Table 3) suggest that this is true even when the same country becomes more democratic. Speaking English was

11 A similar picture emerges when examining various types of legislation separately and when breaking the analysis by time period. In Appendix C, I show that the number of terrorist events (in the core country or in its neighbors) did not have a significant effect on any of the different categories of counterterrorist legislation appearing in the GCD. These categories include punitive legislation, protective legislation, and offensive legislation. In Appendix D, I break the analysis by time period (cold war era, post-cold war era, and post-9/11 era) and find no major differences between these periods in the effects of the key independent variables. Still, Appendix D demonstrates that the effects of spatial diffusion seem to increase over the years, while those of local terrorist events decrease.

12 I wish to note one exception to this conclusion. When running separate analyses for the various components of internal dissent (demonstrations, riots, strikes, and revolutions) I did find a significant effect for riots, which are associated with a higher likelihood for counterterrorist legislation.

Table 2. Binary Logistic Regression Random-Effects Panel Analysis of Factors Influencing Counterterrorist Legislation, 1970-2009 (All Covariates Lagged One Year): Various Measures of Terrorism^a

| | (1) | (2) | (3) | (4) | (5) |
|---|-----------------------------|-------------------|-------------------|-----------------------------|-----------------------------|
| Actor-oriented approaches | | | | | |
| <i>N</i> terror events (ln) | 1.00 (.22) | | | | |
| <i>N</i> non-combatants killed (ln) | | 1.02 (1.32) | | | |
| <i>N</i> events with ≥ 10 non-combatants killed (ln) | | | 1.04* (2.25) | | |
| <i>N</i> events with ≥ 100 non-combatants killed (ln) | | | | 1.10* (2.46) | 1.10* (2.45) |
| <i>N</i> terror events in neighbor states (ln) | 1.04 [†] (1.71) | 1.03 (1.56) | 1.03 (1.58) | 1.04 [†] (1.95) | 1.03 (1.33) |
| Internal dissent (ln) | 1.01 (.94) | 1.01 (.75) | 1.01 (.70) | 1.01 (.91) | 1.01 (.97) |
| Stable regime | 1.22 (.89) | 1.25 (1.02) | 1.25 (1.03) | 1.25 (1.02) | 1.32 (1.29) |
| Civil war | .88 (-.94) | .87 (-1.05) | .85 (-1.30) | .87 (-1.06) | .88 (-.94) |
| International war | .69* (-2.42) | .70* (-2.21) | .70* (-2.20) | .70* (-2.21) | .75 [†] (-1.69) |
| Socio-cultural approaches | | | | | |
| Globalization index | 1.01 (.63) | 1.01 (.68) | 1.01 (.69) | 1.01 (.57) | 1.01 (.72) |
| Number of laws in neighbor states (ln) | 1.22** (3.10) | 1.22** (3.11) | 1.21** (3.04) | 1.22** (3.15) | 1.23** (3.14) |
| OECD | 1.44 (1.13) | 1.44 (1.12) | 1.48 (1.22) | 1.47 (1.19) | 1.47 (1.19) |
| NATO ^b (yes = 1) | 1.17 (.65) | 1.18 (.67) | 1.21 (.74) | 1.17 (.65) | 1.18 (.67) |
| Democracy | 1.04* (2.37) | 1.04* (2.31) | 1.04* (2.30) | 1.05* (2.43) | 1.05* (2.50) |
| English speaking (yes = 1) | 2.00** (3.17) | 1.95** (3.08) | 1.93** (3.01) | 1.98** (3.13) | |
| Commonwealth country (yes = 1) | | | | | 1.52* (2.36) |
| Controls | | | | | |
| Population (ln) | 1.35*** (5.18) | 1.32*** (4.77) | 1.31*** (4.80) | 1.35*** (5.55) | 1.38*** (6.10) |
| GDP per capita (ln) | 1.00 (.01) | 1.00 (.01) | 1.01 (.07) | 1.01 (.07) | 1.03 (.29) |
| Number of countries | 145 | 145 | 145 | 145 | 145 |
| Observations | 4,566 | 4,566 | 4,566 | 4,566 | 4,566 |

Notes: Robust *t* statistics in parentheses.

^a I included dummy controls for year in all models to account for time trends in terrorism.

^b In the interest of parsimony, and since other network measures are often correlated with one another, I present in the table only one network variable—membership in NATO. None of the other network variables yielded statistically significant coefficients.

[†]*p* < .10 **p* < .05 ***p* < .01 ****p* < .005 (two-tailed tests)

Table 3. Binary Logistic Regression Fixed-Effects Panel Analysis of Factors Influencing Counterterrorist Legislation, 1970-2011 (All Covariates Lagged One Year): Various Measures of Terrorism^a

| | (1) | (2) | (3) | (4) |
|---|-----------------|-----------------|-----------------|-----------------|
| Actor-oriented approaches | | | | |
| <i>N</i> terror events (ln) | 1.01 (.39) | | | |
| <i>N</i> non-combatants killed (ln) | | 1.03 (1.57) | | |
| <i>N</i> events with ≥ 10 non-combatants killed (ln) | | | 1.06* (2.17) | |
| <i>N</i> events with ≥ 100 non-combatants killed (ln) | | | | 1.07 (1.20) |
| <i>N</i> terror events in neighbor states (ln) | 1.02 (.62) | 1.02 (.44) | 1.02 (.61) | 1.03 (.72) |
| Stable regime | 1.39 (1.39) | 1.44 (1.51) | 1.42 (1.46) | 1.41 (1.44) |
| Civil war | .97 (-.22) | .95 (-.31) | .91 (-.56) | .96 (-.28) |
| International war | .56 (-1.48) | .57 (-1.44) | .56 (-1.50) | .57 (-1.45) |
| Socio-cultural approaches | | | | |
| Globalization index | 1.04† (1.71) | 1.04† (1.78) | 1.04† (1.79) | 1.04† (1.66) |
| Number of laws in neighbor states (ln) | 1.14* (2.22) | 1.14* (2.24) | 1.14* (2.18) | 1.14* (2.28) |
| OECD | Omitted | Omitted | Omitted | Omitted |
| NATO ^b (yes = 1) | Omitted | Omitted | Omitted | Omitted |
| Democracy | 1.07* (2.30) | 1.07* (2.31) | 1.07* (2.29) | 1.08* (2.34) |
| English speaking (yes = 1) | Omitted | Omitted | Omitted | Omitted |
| Controls | | | | |
| Population (ln) | 3.01 (1.52) | 2.6 (1.31) | 2.72 (1.38) | 3.04 (1.54) |
| GDP per capita (ln) | .39* (-3.86) | .39* (-3.90) | .39* (-3.83) | .39* (-3.83) |
| Number of countries | 108 | 108 | 108 | 108 |
| Observations | 3,855 | 3,855 | 3,855 | 3,855 |

Notes: Robust *t* statistics in parentheses.

^a I included dummy controls for year in all models to account for time trends in terrorism.

^b In the interest of parsimony, and since network measures are often correlated with one another, I present in the table only one network variable—membership in NATO. None of the other network variables yielded statistically significant coefficients.

† $p < .10$ * $p < .05$ ** $p < .01$ *** $p < .005$ (two-tailed tests)

also a consistent predictor, as English speaking countries were consistently about twice more likely to adopt counterterrorist legislation. Finally, in Model 5 of Table 2, I show that being a commonwealth country is also associated with a greater likelihood of counterterrorist legislation, increasing the odds of adoption by about 50 percent. These results support the proposition that legislation is often a

matter of institutional traditions and cultural influences rather than simply a straightforward reaction to terrorist threats.

Finally, I found a significant effect for population size in the random-effect models (Table 2), suggesting that larger countries are more likely to legislate than smaller ones. This effect was not significant in the fixed-effects models (Table 3), showing that increases in population size are not the source of these differences. Conversely, the fixed-effects models show that a growth in GDP per capita in a given country is associated with lower odds for passing counterterrorist legislation in subsequent years, suggesting that as countries become wealthier, they often find other ways, aside from legislation, to fight terrorist threats.

Regional Diffusion Analysis

The large-scale cross-national analysis above highlights a number of factors that seem particularly important in facilitating counterterrorist legislation, in particular spatial diffusion. However, this analysis is unable to say much about the specific ways in which legislation practices diffuse across borders and the role of specific actors in this process. Is it the case, for example, that legislation adopted first in Brazil would have the same effect on neighboring South American countries as legislation adopted by Surinam? Can we see the diffusion of specific types of counterterrorist legislation across borders, rather than simply all types of legislation combined? To shed further light on the regional spread of legislation, I therefore conducted a complementary qualitative examination of the counterterrorism database. I tracked down the temporal trajectory of law adoption in various geographical regions, paying particular attention to different types of legislation and to the phrasing and wording of laws. I sought to determine the specific flow of law diffusion and find whether one can detect the actors who are central to this flow.

This detailed analysis yields additional support for regional and subregional effects in the process of law adoption. While some legislation may certainly follow terrorist attacks or external and internal pressures, tracing the specific details of the laws makes it clear that in certain regions very similar types of legislative acts were successively adopted by different countries within a relatively short time period. Below I bring a few notable examples for these tendencies from four regions in which counterterrorist legislation has been prevalent: Southern Africa, South America, South Central Asia, and East Central Europe. I focus on the pre-9/11 era in an attempt to isolate the analysis from the effects of the post-9/11 pressures by the United States and the 2001 Resolution 1373 of the UN Security Council (calling all members to adopt counterterrorist measures).

Southern Africa is one region in which legislation has been quite intensive over the last 60 years. Still, one can trace a number of clear waves of legislation, where countries have successively adopted very similar legislation. South Africa emerges as a clear leader in most of these legislative waves. For example, throughout the 1960s one can trace a wave of laws focusing on international cooperation, and more specifically stipulating regulations for the *extradition of terrorists*. This wave started with South Africa (1961), and then spread to Namibia (1962), Botswana (1962), Lesotho (1963), Swaziland (1963), Zimbabwe (1963), and following a four-year break once again South Africa (1967), Lesotho (1967), Swaziland (1968 and 1969), and Botswana (1970). A second wave of legislation in the Southern African subregion (this time also spreading further north into Eastern African countries) came in the 1990s, this time focusing on *financial counterterrorist acts*. Again, this wave began with South Africa (1986, 1990, 1992), then spreading to Botswana (1990, 1992, 1994, 1995), Namibia (1990), Swaziland (1993), Seychelles (1995 and 1996), Tanzania (1995), Uganda (1995), Mauritius (1996), Lesotho (1998, 1999, 2000), South Africa again (1998), and Namibia (1999).

In South America, perhaps not surprisingly, Brazil emerges as a leading actor in terms of both number of laws and innovation. For example, in 1980, following eight years without counterterrorist legislation in the region, Brazil enacted a general counterterrorist law. Its neighbors followed suit: Peru (1981), Chile (1982), Brazil again (1983), Argentina (1984), and Chile again (1986). It is clear

that at least some of this legislation was also influenced by substantial local turbulence (e.g., the aftermath of the “Dirty War” and the change of government in Argentina, or local instability and relatively high number of attacks in Chile). Nevertheless, the time succession of this legislation (following years with no clear counterterrorist legislation) suggests the work of spatial diffusion effects.

In South Central Asia, India has clearly been the major actor throughout the years, adopting a large number of laws and often initiating legislative waves. One prominent example for this is the 1970s, with a range of laws focusing on *special powers to courts and the judicial system* in the treatment of terrorism. This wave started with India in 1971 and 1973, followed by Iran (1972), Bangladesh (1974), Pakistan (1975), India again (1976, 1978) and finally Sri Lanka (1979). Once again, one cannot rule out the effects of local changes and threats (e.g., the 1971 Indo-Pakistani War), but the successive burst of similar-minded legislation in various countries is a powerful indicator of cross-border influence and diffusion.

A final interesting example, which clearly demonstrates the diffusion of legislation over time and space, comes from Eastern, Central, and Northern Europe following the end of the cold war. In this example, it is hard to detect the leading actors, but clearly the collapse of the Soviet Union and the danger of nuclear and biological weapons falling into the wrong hands sparked a wave of legislation focusing on the prevention of weapon diffusion to terrorists, with a special focus on *chemical and biological weapons*. The first laws were adopted in countries that were formerly part of the Soviet Union or largely under its influence: Poland (1990), Lithuania (1991, 1995, 1996), Ukraine (1992, 1995), Slovakia (1993), Slovenia (1994, 1995), Hungary (1994), and Russia (1995). But this type of legislation consequently also spread to Central and Northern Europe: Germany (1996, 1998, 2000), Switzerland (1996, 1997, 1998, 1999), Sweden (1996, 1998, 2000), and Finland (February of 2001).

Tracing unique regional diffusion effects after 9/11 and Resolution 1373 by the Security Council becomes harder. Many additional countries passed counterterrorist legislation (many of them for the first time), focusing largely on financial acts and international terrorism. This trend was especially salient in various European countries, in Eastern Africa, in Southeast Asia, in the Caribbean, and in the Middle East. This makes it harder to differentiate between legislation driven by earlier laws in neighboring states and legislation that primarily follows global trends of counterterrorist legislation. It is interesting to note though that some financial legislation began even before 9/11 and once again largely followed a regional dissemination pattern. This happened, for example, in the Caribbean with the Bahamas (2000) and Antigua and Barbuda (April 2001), and in Eastern and Northern Europe with Bulgaria (1998), Estonia (1999, 2000), Latvia (2000), Poland (2000), Slovakia (2000), and Russia (August 2001).

Furthermore, even within the general post-9/11 trend, one can still detect regional-specific effects. For example, in Middle Eastern countries much of the legislation focused on terrorist-related money laundering (this trend is evident in the names given to these laws). In Western Europe, I find the use of very similar language starting in 2003, emphasizing “international organization.” This terminology started in Finland and Germany, and then spread to Belgium, the Netherlands, and finally the United Kingdom.

CONCLUSION AND DISCUSSION

Utilizing a newly released cross-national counterterrorist legislation data set, I presented analyses of various factors that may explain why countries adopt counterterrorist legislation. The results of this analysis are relevant to the theoretical tension between what Stephen Krasner (1999) calls *actor-oriented perspectives* on the one hand and *socio-cultural paradigms* on the other hand. This tension has been widely investigated in recent years by the international relations and political sociology literature (Cardenas 2004; Checkel 1997; Cole 2012, 2013; Hafner-Burton and Tsutsui 2005; Risse, Ropp, and Sikkink 1999) and by scholars who study the relationships between conflicts, insurgency, terrorism, and state policies (Brym and Maoz-Shai 2009; Mitchell 2004; Muller and Weede 1990; Ron 2003;

Shor 2008a, 2008b, 2010a; Shor, Charmichael et al. 2014; Shor and Yonay 2010, 2011; Yonay and Shor 2014).

The results offer limited support for actor-oriented instrumental rationality and domestic unrest explanations, while providing more substantial support for socio-institutional and cultural diffusion approaches. Surprisingly, the results showed that the number of terrorist attacks in a given year (within the core country or within neighboring countries) was not a significant predictor of the likelihood that a government will adopt counterterrorist legislation in the following year. However, the severity of the attacks (as measured by their lethality) did make a difference, showing that more severe attacks are the ones likely to elicit pressures on governments to act. Other traditional actor-oriented IR approaches received little support in the various analyses, as factors like internal dissent, the stability of the regime, and civil war were largely non-significant predictors of counterterrorist legislation. These findings are somewhat surprising, given the common belief that domestic counterterrorist legislation is primarily a response to internal pressures and a way for governments to appease or repress internal dissent.

Sociological approaches that focus on the institutional environment, on the other hand, received substantial support. In particular, I found robust support for spatial diffusion and for cultural and institutional heritage of the British Empire (commonwealth and English-speaking nations). Countries often adopt counterterrorist legislation in a process of spatial diffusion, with the legislation of neighboring countries in previous years serving as a policy guide for many governments. It seems that when a country sees its neighbors adopting such legislation it often feels compelled to follow suit even when there is no clear and immediate threat of terrorist attacks in sight. Alternatively, it could also be that countries sharing borders or a similar cultural mindset adopt legislation in unison because of a shared sense of threat that is not captured by direct measures, such as the number of terrorist attacks in their area. Laws may thus be adopted in response to a growing sense of threat when countries feel that regional oppositional powers maintain growing power and influence. For example, some recent legislation in the Gulf countries may be the result of a common sense of apprehension in the face of growing Iranian and Hezbollah influence or the rise of the Islamic State in the region.

My qualitative examination, looking at the succession of legislation in a few key regions, reveals that while legislation follows spatial diffusion patterns, these do not happen at random. Some scholars (Cardenas 2004; Checkel 1997, 1998; Shor 2008a) have suggested that constructivist and socio-institutional theories often neglect dimensions of power relations, self-interest, and agency. These scholars call for a more comprehensive approach, one that recognizes these elements and their interplay with social structures and the creation of shared cultural understandings. The analysis provides support for this view. In many cases, the actors who adopted the first laws, which then cascaded into other states, were regional powers (e.g., Brazil in South America, India in South Central Asia, and South Africa in Southern Africa). Yet, once these processes are set in motion, one may often detect feedback effects: once a culture of legislation had been established, it seems to affect regional powers just as much as other countries. Future research may examine more closely the particular parliamentary, public, and media discourse preceding legislation in order to gain further insights on these patterns of diffusion and how they actually take place in various locales.

The analysis emphasizes the need for greater precision and granularity when examining processes of diffusion. Separating the effects of spatial diffusion from those of diffusion through social networks and global conformity allows a more careful look and finer understanding of these processes. Specifically, the findings of the current study highlight the great importance of geographical proximity in the diffusion of counterterrorist legislation, while showing a much milder effect for global trends and network effects, although the latter two have been in the focus of previous anecdotal research on the spread of such legislation (Gross 2007; Roach 2007; Scheppele 2004, 2007, 2010)

The results also call for a significant expansion of the way we understand states' legislative policies and their antecedents. It becomes clear that introducing new legislation is not a reflexive and unavoidable response to terror attacks. Rather, countries are guided by actual threats but also by their cultural

heritage and institutional structures, finding guidance in the policies and actions of other countries when adopting new laws. This study may serve to inform future policy making, as it questions the true necessity of at least some of the legislative acts passed in recent years. It seems that countries often already have enough measures and regulations to deal with the threats of terrorism in their existing set of laws. New counterterrorist legislation, which might result in curtailing human rights and civil freedoms (Shor 2010b; Shor et al. 2016), may in fact be superfluous. It is frequently adopted in an attempt to decrease uncertainty and increase institutional legitimacy and not because it is necessary to reduce terrorist threats.

APPENDICES

Appendix A. List of Countries included in the Most Inclusive Analyses ($n = 145$)

| | | | |
|--------------------------|--------------------|------------------|----------------------|
| Albania | Denmark | Kyrgyzstan | Rwanda |
| Algeria | Djibouti | Laos | Saudi Arabia |
| Angola | Dominican Republic | Latvia | Senegal |
| Argentina | Ecuador | Lesotho | Serbia & Montenegro |
| Armenia | Egypt | Liberia | Sierra Leone |
| Australia | El Salvador | Libya | Singapore |
| Austria | Equatorial Guinea | Lithuania | Slovakia |
| Azerbaijan | Eritrea | Macedonia | Slovenia |
| Bahrain | Estonia | Madagascar | Solomon Islands |
| Bangladesh | Fiji | Malawi | South Africa |
| Belarus | Finland | Malaysia | Spain |
| Belgium | France | Mali | Sri Lanka |
| Benin | Gabon | Mauritania | Sudan |
| Bhutan | Gambia | Mauritius | Swaziland |
| Bolivia | Georgia | Mexico | Sweden |
| Bosnia & Herzegovina | Ghana | Moldova | Switzerland |
| Botswana | Greece | Mongolia | Tajikistan |
| Brazil | Guatemala | Morocco | Tanzania |
| Bulgaria | Guinea | Mozambique | Thailand |
| Burkina Faso | Guinea-Bissau | Myanmar (Burma) | Togo |
| Burundi | Guyana | Namibia | Trinidad & Tobago |
| Cambodia | Haiti | Nepal | Tunisia |
| Cameroon | Honduras | New Zealand | Turkey |
| Canada | Hungary | Nicaragua | Turkmenistan |
| Central African Republic | India | Nigeria | Uganda |
| Chad | Indonesia | Norway | Ukraine |
| Chile | Iran | Oman | United Arab Emirates |
| China | Ireland | Pakistan | United Kingdom |
| Colombia | Israel | Panama | United States |
| Comoros | Italy | Papua New Guinea | Uruguay |
| Congo (Zaire) | Jamaica | Peru | Uzbekistan |
| Congo (Brazzaville) | Japan | Philippines | Venezuela |
| Costa Rica | Jordan | Poland | Vietnam |
| Croatia | Kazakhstan | Portugal | Yemen |
| Cuba | Kenya | Romania | Zambia |
| Cyprus | Kuwait | Russia | Zimbabwe |
| Czech Republic | | | |

**Appendix B. Binary Logistic Regression Random-Effects Panel Analysis of Factors
Influencing Counterterrorist Legislation: Comparing Inclusive and Exclusive
Definitions of Counterterrorist Legislation, 1970-2011^a**

| | <i>Formally Declared as Counterterrorist Legislation</i> | <i>Legislation Focusing on Terrorism</i> | <i>At Least One Article in Law Focuses on Terrorism</i> | <i>Terrorism Mentioned in the Body of the Law</i> |
|--|--|--|---|---|
| Actor-oriented approaches | | | | |
| <i>N</i> terror events (ln) | .99 (-.4) | 1.00 (.3) | .99 (-.91) | .99 (-.39) |
| <i>N</i> terror events in neighbor states (ln) | 1.05 (1.59) | 1.04 (1.58) | 1.03 (1.43) | 1.01 (.38) |
| Internal dissent (ln) | 1.03 (1.04) | 1.03 (1.31) | 1.06** (2.99) | 1.06** (2.61) |
| Stable regime | .94 (-.24) | 1.20 (.84) | .79 (-1.29) | .77 (-1.31) |
| Civil war | 1.03 (.24) | .89 (-.88) | .86 (-1.44) | .83 [†] (-1.90) |
| International war | 1.03 (.21) | .70 (-2.31) | .69 [†] (-1.86) | .72 [†] (-1.87) |
| Socio-cultural approaches | | | | |
| Globalization index | 1.01 (.99) | 1.01 (.69) | 1.01 (1.32) | 1.02* (2.40) |
| Number of laws in neighbor states (ln) | 1.19** (2.59) | 1.21** (3.06) | 1.15** (2.69) | 1.17** (3.11) |
| OECD | 1.26 (.68) | 1.45 (1.12) | 1.32 (1.01) | 1.36 (1.02) |
| NATO (yes = 1) | 1.13 (.47) | 1.18 (.69) | 1.22 (.80) | 1.29 (.92) |
| Democracy | 1.01 (.53) | 1.04* (2.16) | 1.03 [†] (1.95) | 1.01 (.91) |
| English speaking (yes = 1) | 2.61*** (3.91) | 2.01** (3.19) | 2.07*** (3.43) | 1.67* (2.43) |
| Controls | | | | |
| Population (ln) | 1.28*** (3.64) | 1.36*** (5.28) | 1.36*** (6.32) | 1.28*** (4.54) |
| GDP per capita (ln) | 1.03 (.22) | .99 (-.05) | 1.01 (.07) | .93 (-.77) |
| Number of countries | 145 | 145 | 145 | 145 |
| Observations | 4,569 | 4,569 | 4,569 | 4,569 |

Note: Robust *t* statistics in parentheses. All covariates lagged one year.

^a I included dummy controls for year in all models to account for time trends in terrorism.

[†] $p < .10$ * $p < .05$ ** $p < .01$ *** $p < .001$ (two-tailed tests)

**Appendix C. Binary Logistic Regression Random-Effects Panel Analysis of Factors
Influencing Counterterrorist Legislation: Different Types of Legislation,
1970-2011 (All Covariates Lagged One Year)^a**

| | <i>Protective Legislation</i> | <i>Offensive Legislation</i> | <i>Punitive Legislation</i> |
|--|-------------------------------|------------------------------|-----------------------------|
| Actor-oriented approaches | | | |
| <i>N</i> terror events (ln) | .99 (-.26) | .99 (-.81) | .99 (-.23) |
| <i>N</i> terror events in neighbor states (ln) | 1.03 (.99) | 1.01 (.55) | 1.01 (.43) |
| Internal dissent (ln) | .98 (-1.00) | 1.03 (1.33) | 1.05 (1.45) |
| Stable regime | .78 (-1.02) | .82 (-1.00) | .55 [†] (-1.75) |
| Civil war | 1.13 (.95) | .81 (-1.55) | .97 (-.20) |
| International war | .88 (-.55) | .86 (-.71) | .90 (-.48) |
| Socio-cultural approaches | | | |
| Globalization index | 1.00 (-.23) | 1.02 (1.41) | 1.01 (.82) |
| Number of laws in neighbor states (ln) | 1.12 [†] (1.74) | 1.16* (2.52) | 1.15* (1.97) |
| OECD | .82 (-.43) | .85 (-.51) | 1.22 (.29) |
| NATO (yes = 1) | .48 (-1.50) | .88 (-.46) | 2.10 (1.15) |
| Democracy | 1.06* (2.56) | 1.05** (2.67) | 1.08** (2.68) |
| English speaking (yes = 1) | 3.40*** (3.17) | 1.79* (2.03) | 1.88 (1.42) |
| Controls | | | |
| Population (ln) | 1.36*** (3.82) | 1.16 (2.23) | 1.35** (2.76) |
| GDP per capita (ln) | 1.42* (2.34) | .98 (-.13) | .83 (-.80) |
| Number of countries | 145 | 145 | 145 |
| Observations | 4,569 | 4,569 | 4,569 |

Note: Robust *t* statistics in parentheses.

^a I included dummy controls for year in all models to account for time trends in terrorism.

[†]*p* < .10 * *p* < .05 ** *p* < .01 *** *p* < .001 (two-tailed tests)

**Appendix D. Binary Logistic Regression Random-Effects Panel Analysis of Factors
Influencing Counterterrorist Legislation: Different Time Periods, 1970-2011
(All Covariates Lagged One Year)^a**

| | <i>Cold War Period (pre-1990)</i> | <i>Post-Cold War Period (1990-2000)</i> | <i>Post-9/11 Period (2001-2011)</i> |
|--|---|---|---|
| Actor-oriented approaches | | | |
| <i>N</i> terror events (ln) | 1.07 [†] (1.73) | 1.05 (1.00) | 1.02 (.89) |
| <i>N</i> terror events in neighbor states (ln) | 1.06 (1.05) | 1.11 (1.26) | 1.06 [†] (1.73) |
| Stable regime | 1.75 (.91) | 1.20 (.47) | 1.20 (.69) |
| Civil war | .82 (-1.00) | .85 (-.93) | 1.21 (1.43) |
| International war | .81 (-1.55) | .85 (-1.09) | .85 (-1.09) |
| Socio-cultural approaches | | | |
| Globalization index | 1.02 (.68) | .97 [†] (-1.95) | 1.01 (.58) |
| Number of laws in neighbor states (ln) | 1.12 [†] (1.74) | 1.13* (2.05) | 1.16* (2.52) |
| OECD | 9.49* (2.53) | 3.37 [†] (1.84) | .90 (-.37) |
| NATO (yes = 1) | .92 (-.19) | .91 (-.20) | 1.20 (.68) |
| Democracy | 1.05 (.99) | 1.01 (.55) | 1.03 (1.71) |
| English speaking (yes = 1) | 2.68 (1.51) | 1.33 (.66) | 2.24** (3.26) |
| Controls | | | |
| Population (ln) | 1.55** (2.99) | 1.55** (3.16) | 1.11 [†] (1.84) |
| GDP per capita (ln) | .47* (-1.97) | 1.21 (1.08) | 1.13 (1.19) |
| Number of countries | 117 | 142 | 143 |
| Observations | 2,269 | 1,219 | 1,530 |

Note: Robust *t* statistics in parentheses.

^a I included dummy controls for year in all models to account for time trends in terrorism.

[†]*p* < .10 **p* < .05 ***p* < .01 ****p* < .001 (two-tailed tests)

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