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ABSTRACT

The literature on counterterrorist measures often emphasizes the potential harmful effects of such measures on human rights and civil liberties. While recent research has examined the effects of counterterrorist legislation on the violation of physical integrity rights (e.g., torture and extrajudicial killings), no quantitative cross-national study has looked at the consequences for civil liberties. Still, case studies in a variety of countries suggest that counterterrorist legislation indeed leads to various infringements of liberties such as the freedoms of expression, religion, assembly, and movement. We conduct a cross-national time series analysis of counterterrorist legislation and consequent repression of civil liberties for the years 1976–2009. We find that the effects of legislation vary by levels of initial repression. Legislation has a negative effect on respect for civil liberties in countries with moderate levels of repression. However, this effect diminishes in non-repressive countries and reverses in countries with high levels of repression.

During the second half of the twentieth century, with the ascendance of modern terrorism in liberal democracies (mainly in Europe), the literature on the tradeoff between counterterrorist policies and civil liberties has flourished.[1] Since the beginning of the new millennium, Many countries have adopted counterterrorist policies, and consequently an influx of new writings has focused on the Global War on Terrorism and its perceived endangerment of basic civil liberties, both in rich liberal democracies[2] and in developing nations.[3]

In the current study, we examine the common belief that counterterrorist legislation is associated with reduced respect for civil liberties. This claim appears to receive support from a wide range of empirical case studies, coming from various geopolitical locales. The large majority of these studies conclude that counterterrorist legislation indeed leads to the subsequent repression of civil liberties. However, these analyses often suffer from a narrow historical focus, preventing careful comparisons between states' practices before and after the adoption of these laws. In addition, most of these case studies lack a broader cross-national

comparative angle. Recent cross-national studies have examined the effects of legislation on the volume and severity of terrorist attacks[4] and on states' repression of physical integrity rights.[5] However, to our knowledge, no large-scale cross-national study has yet assessed the effects of legislation on states' respect for civil liberties. Using a newly assembled exhaustive database on nation-level counterterrorist legislation, we therefore conduct a systematic empirical analysis, examining the common assumption that such legislation is harmful to states' respect for civil liberties.

Our study contributes to the growing literature that examines the relationship between political statements and declarations and the actual repression of civil liberties. Some scholars argue that counterterrorist legislation facilitates various transgressions of civil liberties, including core principals such as the freedoms of expression, religion, assembly, and movement.[6] Others, still, have noted the frequent disconnect between states' official statements and commitments on the one hand and their actual practices on the other hand.[7] In this article, we seek to explore whether, and under which conditions, counterterrorist legislation indeed exacerbates the violation of civil liberties.

Counterterrorist Legislation and the Repression of Civil Liberties: Previous Research

The attacks of 11 September 2001 sparked a wide wave of counterterrorist legislation. Most countries passed new counterterrorist measure during the first decade of the new millennium, supported by pressures from the United States and the United Nations Security Council, which only three weeks after the attacks passed Resolution 1373, calling on all countries to adopt measures for fighting terrorist threats. However, counterterrorist legislation is by no means a new phenomenon. As early as the eighteenth century (and perhaps even before that), European countries and their colonies began passing counterterrorist laws. While most of these early laws did not use the term "terrorism" itself, they nevertheless targeted acts that today many scholars would call terrorism. During the second half of the twentieth century, the number of laws and legislating countries grew substantially, and by the 1990s the number of new nation-level laws has reached an average of about forty laws per year.[8]

Much of the critique directed toward counterterrorist legislation in recent years has focused on its presumed harmful effects for civil liberties.[9] Empirical case studies, most of them looking at post-9/11 legislation in Western nations, seem to support the notion that counterterrorist legislation is harmful to states' respect for civil liberties. In North America, many scholars have looked at the United States and argued that the USA PATRIOT Act and subsequent counterterrorist laws have been harmful to the United States's respect for various civil liberties, including the rights to privacy, free speech, free assembly, and free movement.[10] Similarly, Adelman[11] criticized the Canadian government for adopting excessive counterterrorist legislation after 9/11, which breached individuals' rights in favor of security concerns, despite a very low level of risk. Others have highlighted the use of the 9/11 events by the U.S. government to pursue both greater international political influence and an increase in domestic executive power, seeking to silence political dissent and increase surveillance.[12]

Studies in other Western countries (e.g., Spain, Italy, France, and Australia) and in the developing world (e.g., Turkey, India, China, and Morocco) similarly concluded that counterterrorist legislation has harmed states' respect for civil liberties.[13] Much of this research

suggests that legislation may harm specific civil liberties. For example, legislation that targets various forms of political protest and puts limitations on organizing political rallies may curtail freedoms of expression and assembly. Indeed, the literature reports cases where legislation has harmed or threatened property rights,[14] free speech,[15] freedom of assembly,[16] freedom of movement,[17] and freedom of religion.[18]

While the majority of this empirical research views legislation as harmful to states' respect for civil liberties, a few case studies have indeed suggested that the two can be unrelated. Epifanio,[19] for example, claims that while legislation has been harmful for civil liberties in the United States and the United Kingdom, other countries, such as Canada and Switzerland and the Scandinavians were able to pass laws without curtailing liberties. Alonso and Reinares[20] offer a similar argument for the case of Spain. Whitaker[21] notes that more repressive states such as Russia, Egypt, Malaysia, or Syria hardly need formal legislation to take advantage of regional or global climates (such as the "War on Terror" in the new millennium) that support or allow the abuse of civil liberties.

Somewhat in line with these latter studies, Shor et al.,[22] who conducted a cross-national longitudinal analysis of legislation and the violation of core human rights, found a relatively weak relationship between the two in most countries. They suggested two main possible explanations for this disconnect. First, security does not necessarily stand in opposition to human rights and civil liberties and can be achieved without compromising these rights and liberties.[23] Second, neo-institutional and world polity theories in sociology, as well as constructivist theories of international relations, suggest a frequent decoupling between the declarations and the actions of states. Governments, in particular when confronted with uncertainty, often adopt policies and laws from other countries as a form of window dressing and compliance with the demands of the international community. These laws remain no more than a declarative statement with very few consequences to state practices. In support of this approach, recent research demonstrates that countries often adopt counterterrorist legislation following the example of neighboring countries.[24] They do it even when actual levels of terrorist threats appear to be low[25] and despite the fact that much of this legislation fails in reducing future terrorist attacks and casualties.[26]

Theoretical Propositions and Research Hypotheses

While legislation has a limited and inconsistent effect on the violation of physical integrity rights, there are some reasons to think that its effect on civil liberties may be more pronounced. Indeed, in particular when speaking about most liberal democracies, it seems less likely to find consistent violations of core human rights, such as the rights to be free from targeted assassinations, widespread torture, or political imprisonment. However, respect for some civil liberties appears to be more fragile, especially if governments and publics perceive these liberties as less crucial when balancing security and liberty considerations.

The delicate balance between public security and individual liberties has been at the center of academic, media, and public debates in the post-9/11 era. Politicians, journalists, and some scholars have suggested that while core human rights should not be violated under any circumstances, other liberties may sometimes be compromised as a necessary "lesser evil" in the fight against terrorism.[27] Michael Ignatieff,[28] one of the leading advocates for this approach, suggested that in times of emergency, countries should be allowed to adopt democratically authorized abridgements of the liberties of some to preserve the liberties of all.

He argued that while countries should never compromise core rights, such as the right to be free from torture, the curtailment of other liberties, such as the freedom of assembly, some privacy rights, and the right for free speech, may be justified, perhaps even necessary, when societies face an existential security threat. Considering these common inclinations, it seems quite possible that while legislation may not generally compromise core human rights, its effects over civil liberties would be more substantial and visible.

H1: Counterterrorist legislation will be associated with greater repression of civil liberties.

Moving beyond testing whether counterterrorist legislation affects respect for civil liberties in all countries as a whole, recent reviews of political repression have highlighted the importance of disaggregating repressive practices in various locales.[29] Shor et al.'s study on the relationship between legislation and the repression of physical integrity rights provides further support for this practice.[30] The authors found that overall counterterrorist legislation was not associated with greater repression of physical integrity rights. However, disaggregating the analysis by levels of initial repression revealed that while legislation did not affect repression in countries with either low or high levels of repression (most of the countries in the world), it was associated with greater repression in countries with intermediate scores of repression.

From a theoretical standpoint, it is indeed important to recognize that counterterrorist legislation may operate differently in countries that are habitually more prone to violate civil liberties and in those that are less inclined to use repression regularly. Specifically, following the insights of Shor et al.[31] and those of other case studies,[32] legislation may have no effect on civil liberties in liberal democracies with traditionally high respect for these liberties, such as the Netherlands or Spain. Political, legal, and security institutions in these countries are well accustomed to these liberties and may share greater respect for them, preventing these institutions from abusing civil liberties even when given the opportunity. The governments of these countries are also less likely to suffer from an opposition that threatens to destabilize the regime using violence. Therefore, heavily repressing oppositional elements may in fact prove counterproductive for political survival.

H2: Counterterrorist legislation will **not** be associated with subsequent greater repression of civil liberties in countries with traditionally high respect for these liberties

While new counterterrorist legislation is not expected to substantially alter civil liberties practices in most liberal democracies, this may not be the case for countries with a worse record of respect for these principles. In those countries with a medium to high level of repression to begin with, counterterrorist legislation is more likely to serve as a catalyst for further abuse of civil liberties. First, these countries, which are usually less democratic, are more likely to suffer from higher levels of internal instability and violent threats to the survival of the regime. They may therefore use new legislation as a means to "discipline" oppositional forces or minority groups that are deemed to pose a threat to the regime. In the process, they will also be more likely to adopt measures such as limitations on the freedoms of movement, assembly, and religion.

Second, moderate and high-level repressive countries are also less likely to have in place institutional checks and balances that may prevent governmental abuse of new legislation. Consequently, states may use even seemingly harmless legislation for pursuing practices that

infringe on individual and group liberties. Finally, in countries that are habitually more repressive, the ideologies and principles of individual liberties are likely to be less entrenched in institutional and cultural traditions. As a result, governments may be more willing and more able to further deviate from these principles when facing real or imagined security threats, with no substantial push back. Local civil rights advocacy groups may not be well established and powerful enough to efficiently resist the changing practices and local publics may not recognize or be sufficiently concerned about further erosion in civil liberties, as they lack a tradition of paying close attention to these liberties.

H3: Counterterrorist legislation will be associated with subsequent greater repression of civil liberties in countries with traditionally medium to low respect for these liberties.

Data and Measurements

Dependent Variables: State Repression of Civil Liberties

We obtained data for the dependent variables—state repression of civil liberties—from The Civil Liberties Dataset (CLD).[33] The CLD uses U.S. State Department Country Reports on Human Rights Practices and is available for the years 1976–2010. It takes into account the actual practices of states and their agents, rather than formal legal guarantees, a feature that is especially important in separating the dependent and independent variables in the current research. The dataset includes data on four major freedoms: expression, assembly and association, religion, and movement and residence. It ranks each of these freedoms on a four-point scale from severely restricted (1) to not restricted (4). However, in order to facilitate the interpretation of the results, we reversed the order of these variables in all of the analyses, so that 1 represents not restricted and 4 represents severely restricted freedoms. We also computed a cumulative 13-point scale for the repression of civil liberties, combining the four individual freedoms. Table 1 provides additional details about each of the items in the CLD, as well as descriptive data on both the dependent and the independent variables in the study.

Independent Variables: Counterterrorist Legislation

The focal independent variable in the study is counterterrorist legislation. Similar to other recently published studies,[34] we measure this variable using data from the Counterterrorism Legislation Database,[35] updated to 2014. The dataset covers nearly 2,000 laws in 219 countries and territories between the years 1798–2014. Similar to the previous studies, we follow the recommendation to use a relatively restrictive definition of counterterrorist legislation.[36] The analysis therefore includes only laws for which the focus of the legislation is on counterterrorist measures.[37] Also in line with the previous analyses that used this measure, we examine a binary measure, examining whether or not a country adopted at least one counterterrorist law during a given year.[38]

Control Variables

In the interest of replicability, our list of control variables is identical to the one used by Shor et al. in their study of legislation and physical rights repression.[39] This list relies on previous

Table 1. Descriptive statistics of study variables.

Variables	Variable description	Source	Years	Mean	Std. dev.	Min	Max
Dependent							
CLD: Repression of civil liberties Scale	A composite additive index of the repression of civil liberties (Freedoms of movement, expression, religion, and assembly)	Civil Liberties Data[33]	1976–2010	8.13	3.19	4	16
CLD: Repression of freedom of expression	Restrictions on the freedoms of speech, expression, and press	Civil Liberties Data[33]	1976–2010	2.47	0.96	1	4
CLD: Repression of freedom of religion	Restrictions on individuals' freedom of thought, conscience, and religion, and the right to manifest one's religion of beliefs in practice	Civil Liberties Data[33]	1976–2010	1.61	0.77	1	4
CLD: Repression of freedom of assembly	Restrictions on the freedoms of assembly, association, and carrying out peaceful demonstrations	Civil Liberties Data[33]	1976–2010	2.30	1.13	1	4
CLD: Repression of freedom of movement	Restrictions on freedom of movement, travel (both in and outside of one's country), and residence	Civil Liberties Data[33]	1976–2010	1.75	0.80	1	4
Independent							
Counterterrorist legislation (yes = 1)	Whether or not a country passed a law focusing on terrorism	Counterterrorist Legislation Dataset[8]	1850–2014	0.03	0.18	0	1
Number of terrorist incidents (ln)	Natural log of the number of attacks by nonstate political actors against noncombatants	Global Terrorism Database (2013)[63]	1970–2014	−7.18	6.33	−11.51	7.27
Terror events in neighbor states (ln)	Natural log of yearly number of cases	Global Terrorism Database (2013)	1970–2014	4.56	2.10	−11.51	9.29
Internal dissent (ln)	A composite additive index of the number of strikes, riots, revolutions, and demonstrations in a given year	Banks[64]	1815–2008	−7.39	5.81	−11.51	3.89
Regime instability	A dichotomous measure, where unstable regimes are defined as those that retained power for less than 5 years or are about to be replaced within 2 years (unstable regimes = 1)	Polity IV[42]	1980–2014	0.69	0.46	0	1
Civil war	Magnitude score of episode(s) of civil warfare involving the state (1 = lowest; 10 = highest; 0 = no episodes)	Peace Research Institute Oslo[65]	1946–2014	0.25	1.04	0	7

Variable	Description	Source	Years	Mean	SD	Min	Max
International war	Magnitude score of episode(s) of international warfare involving the state (1 = lowest; 10 = highest; 0 = no episodes)	MID3[66]	1946–2014	0.08	0.61	0	9
Globalization index	A combined index of economic, social, and political globalization	Dreher[40]	1970–2010	45.48	17.75	−11.51	92.72
Avg. repression in neighbor states	Average repression in countries that share a border with the core country	Cingranelli and Richards[67]	1980–2014	3.09	1.46	0	6.80
Muslim	Countries with more than 50 percent of the population Muslim (Muslim = 1)	World Bank[68]	1960–2014	0.25	0.43	0	1
Commonwealth	Part of the Commonwealth of Nations (yes = 1)	Wikipedia[69]	1960–2014	0.25	0.43	0	1
Democracy	General openness of political institutions	Polity IV[42]	1980–2014	0.75	7.43	−10	10
Population, Total (ln)	Natural log of a country's population in a given year	World Bank[68]	1960–2014	15.01	2.30	8.88	21.03
GDP per Capita (ln)	Natural log of gross domestic product per capita in constant 2000 U.S. dollars	World Bank[68]	1960–2014	7.70	1.65	3.94	12.11

Note. [a]The Global Terrorism Database [66].

research efforts in this field, controlling for variables that were consistently shown to matter in predicting countries' levels of human rights and civil liberties repression.[40] First, and most important in the context of the present analysis, we look at **terrorism** itself. We use the logged *number of terrorist events* in a given country-year, constructed from the recently released Global Terrorism Database (GTD).[41] We also include in all models a measure of the *number of terror attacks in neighbor states*, attempting to capture the level of terrorist threats. In line with previous research, we expect terrorism to increase state repression of civil liberties, in particular practices such as freedom of movement and assembly.

We also control for a range of other variables related to internal pressures, violence, and instability. These include (1) *internal dissent*, which is a log of the combined measure of the number of strikes, riots, revolutions, and demonstrations in a given year; (2) *regime instability*;[42] (3) the severity of a *civil war*; and (4) the severity of *international conflicts*. Following previous research, we predict that all these measures will be associated with greater state repression of civil liberties because they create a sense of instability and threaten regimes, and therefore may lead them to infringe on certain liberties in an attempt to regain control.

We also control for factors related to processes of globalization and cross-border diffusion. We measure globalization using Dreher's *globalization index*.[43] In line with former research, we expect globalization to be associated with greater respect for civil liberties. We use the *average level of civil liberties repression in neighboring countries* in the previous year to assess cross-border diffusion. Similarly to previous studies,[44] we adopt the Polity IV index as our measure of *democracy*. We expect more democratic countries to be more respectful of civil liberties. We also control for *Muslim countries* and *Commonwealth countries*, expecting the former to be less committed to civil liberties[45] and the latter to show greater commitment.[46] Finally, we control for *Population size* and *GDP* [Gross Domestic Product] *per capita* (constant 2000 US$; logged). Following the theoretical logic and results of previous research,[47] we expect the former to be associated with less respect for civil liberties and the latter to be associated with greater respect for these liberties.

Samples and Analyses

Our analyses cover all countries for which data are available (see Appendix A) between 1976 and 2009. Similar to previous research in this field, the unit of analysis is country-year, with all independent variables lagged one year.[48] We begin by presenting ordinal logistic regression analyses for panel data, which provide a parsimonious overview of the results. Next, consistent with our theoretical discussion predicting variation in the legislation–repression association by initial repression levels, we present generalized partial proportional odds models.[49] These models are also more accurate from a methodological perspective, as an *omodel* test of the proportional odds assumption shows that the data fails to satisfy this assumption ($p > .05$).

Findings

Table 2 presents the ordinal logistic regression models for the effects of the various predictors on state repression of civil liberties (both aggregated and disaggregated). Most of the models show no significant effect for counterterrorist legislation.[50] The one exception is for the repression of freedom of expression, where legislation does appear to have a harmful effect.

Table 2. Ordinal logistic regression panel analyses of factors influencing repression of civil liberties, 1976–2009.

	Civil liberties				
	Cumulative scale	Freedom of expression	Freedom of religion	Freedom of assembly	Freedom of movement
Counterterrorist legislation	1.26 (1.72)	1.53[*] (2.45)	1.21 (0.99)	1.23 (1.15)	0.96 (−0.20)
Terror events (ln)	1.00 (−0.06)	0.99 (−0.46)	1.01 (0.63)	0.98 (−1.59)	1.03 (1.87)
Terror events in neighbor states (ln)	0.83[**] (−2.71)	0.76[***] (−3.33)	0.82[*] (−2.10)	0.85[*] (−2.26)	1.00 (0.04)
Internal dissent (ln)	0.99 (−0.62)	0.99 (−0.49)	0.97[*] (−2.32)	0.99 (−0.67)	1.02 (1.11)
Unstable regime	1.39 (1.71)	1.85[*] (2.51)	1.60[*] (1.98)	1.37 (1.42)	0.97 (−0.14)
Civil war	1.22 (1.52)	1.24 (1.48)	1.09 (0.45)	1.03 (0.27)	1.34[*] (3.39)
International war	0.92 (−0.81)	1.27 (1.10)	1.05 (0.20)	0.94 (−0.34)	1.09 (0.48)
Globalization index	0.99 (−0.47)	0.97 (−1.60)	0.98 (−0.89)	1.00 (−0.06)	0.96[*] (−2.00)
Avg. repression in neighbor states	1.13 (0.97)	0.96 (−0.29)	1.65[*] (3.57)	1.12 (0.92)	1.21 (1.27)
Muslim country	16.67[***] (4.37)	15.45[***] (4.67)	11.12[**] (3.24)	9.12[**] (3.91)	1.29 (0.54)
Commonwealth country	0.59 (−0.92)	0.57 (−1.05)	0.19[*] (−2.52)	0.80 (−0.54)	1.14 (0.23)
Democracy	0.71[***] (−10.01)	0.71[***] (−10.42)	0.79[***] (−5.47)	0.72[***] (−10.75)	0.79[***] (−7.79)
Population (ln)	1.93[**] (2.77)	1.58[*] (2.42)	2.79[***] (4.56)	1.27 (1.59)	1.75[**] (3.21)
GDP per capita (ln)	0.93 (−0.39)	0.79 (−1.06)	1.61 (1.80)	0.96 (−0.20)	0.64 (−1.80)
Year	1.03 (1.38)	1.08[***] (3.68)	1.05 (1.66)	1.00 (0.06)	1.05[*] (2.18)
Number of countries	142	142	142	142	142
Observations	3,004	3,004	3,004	3,004	3,004

Note. Robust t statistics in parentheses.
[*]$p < .05,$[**]$p < .01,$[***]$p < .001.$
The cumulative scale in Models 1 and 7 are a composite index referring to the violation of civil liberties (Model 6). In both cases, we reversed the original scales so that a low score now represents low levels of repression while a high score represents high repression levels. The disaggregated measurements of repression were also reversed, so that higher scores now represent higher repression levels.
All predictors are lagged one year.
We included a control for year in all models to account for linear time trends in repression.

While Table 2 presents a concise overview of the results, Wolfe and Gould's[51] test shows that our data violates the proportional odds assumption ($p > .05$). Therefore, in Tables 3 and 4 we present partial proportional odds regression panel analyses. Table 3 shows results for the composite civil liberties measures, while Table 4 presents the disaggregated results for each violation separately. In each of these tables, coefficients reflect the effect of the various independent variables on the odds of moving between any two adjacent levels of repression. For example, the result for legislation in Model 2 of Table 3 means that adopting legislation in the previous year increases by about 58 percent the odds of moving from a repression score of 2 to a more repressive score of 3.

The most important finding reported in Table 3 is that counterterrorist legislation *does* influence the repression of civil liberties, but only among countries with intermediate and low-intermediate repression scores. Legislation has a statistically positive (i.e., harmful) effect on moving from one level to another between the second and the seventh score, while the effect for countries that typically have the two lowest scores is not significant. Interestingly, the direction of coefficients reverses when approaching the high end of the continuum (although results are mostly nonsignificant), suggesting that legislation might have a somewhat beneficial effect, as it is associated with less repression for countries that typically use severe repressive practices.

Table 3. Partial proportional odds regression panel analyses of factors influencing repression of civil liberties (CLD Index), 1976–2009.

	1	2	3	4	5	6	7	8	9	10	11	12
Counterterrorist legislation	1.42 (1.78)	1.58* (2.45)	1.58* (2.25)	1.85** (3.25)	1.86** (2.75)	2.26*** (3.61)	1.31 (0.75)	1.66 (1.17)	1.04 (0.09)	0.14 (−1.81)	0.00*** (−16.98)	Omitted
Terror events (ln)	1.04 (1.22)	1.00 (0.08)	1.03 (1.72)	1.04* (2.15)	1.02 (1.13)	0.99 (−0.44)	1.00 (0.01)	1.01 (0.60)	1.07** (2.77)	1.07* (1.97)	1.20* (2.41)	Omitted
Terror events in neighbor states (ln)	1.19 (1.44)	1.23* (2.37)	1.15 (1.71)	1.04 (0.57)	0.91 (−1.22)	0.96 (−0.53)	0.91 (−1.17)	0.89 (−1.31)	0.83 (−1.34)	1.17 (0.57)	0.30*** (−3.69)	Omitted
Internal dissent (ln)	1.00 (−0.20)	0.99 (−0.81)	0.98 (−1.67)	0.99 (−0.98)	1.00 (−0.19)	1.00 (−0.19)	0.99 (−0.91)	0.99 (−0.39)	1.00 (0.00)	1.03 (0.89)	1.16*** (3.38)	Omitted
Unstable regime	0.93 (−0.12)	0.87 (−0.49)	0.86 (−0.50)	1.14 (0.55)	1.36 (1.45)	1.19 (0.87)	1.47 (1.72)	1.78 (1.85)	5.07*** (4.08)	65.93* (3.59)	0.00*** (−2.52)	Omitted
Civil war	0.59*** (−3.90)	0.93 (−0.88)	1.08 (0.83)	0.96 (−0.34)	0.93 (−0.71)	0.99 (−0.09)	1.09 (0.90)	1.06 (0.38)	1.20 (1.27)	1.41 (1.79)	0.04* (−2.41)	Omitted
International war	0.47 (−0.84)	Omitted	965.38*** (46.05)	2.03*** (5.78)	1.43 (1.57)	0.93 (−0.41)	1.13 (0.62)	0.95 (−0.37)	0.00*** (−54.36)	96.09*** (31.88)	1.75*** (2.68)	Omitted
Globalization index	0.93*** (−2.82)	0.98 (−1.23)	0.96* (−2.30)	0.98 (−1.29)	0.99 (−0.45)	0.98 (−0.96)	0.96* (−2.09)	0.94* (−2.42)	0.87*** (−3.40)	0.94 (−1.32)	1.11 (1.50)	Omitted
Avg. repression in neighbor states	0.59* (−2.48)	0.92 (−0.54)	1.01 (0.10)	1.36* (2.40)	1.57* (4.32)	1.32* (2.45)	1.05 (0.32)	1.00 (0.01)	0.72 (−1.59)	0.68 (−1.61)	0.36*** (−3.82)	Omitted
Muslim country	1.94E+09*** (23.84)	1.46 (0.35)	1.63 (0.98)	2.40* (2.15)	2.65*** (2.72)	2.55*** (3.02)	1.77 (1.67)	1.44 (0.89)	0.57 (−0.89)	0.39 (−1.50)	0.21 (−0.85)	Omitted
Commonwealth country	0.79 (−0.42)	1.77 (1.05)	1.34 (0.74)	1.01 (0.03)	1.21 (0.57)	1.39 (1.03)	0.89 (−0.27)	0.84 (−0.36)	0.20 (−1.93)	0.00*** (−25.25)	4.48E+18*** (5.48)	Omitted
Democracy	0.70*** (−1.84)	0.70*** (−6.23)	0.77*** (−8.84)	0.76*** (−11.71)	0.74*** (−12.55)	0.74*** (−11.09)	0.75*** (−8.03)	0.71*** (−6.66)	0.65*** (−5.74)	0.77 (−1.52)	0.42* (−2.07)	Omitted
Population (ln)	1.13 (0.71)	1.36* (2.06)	1.37 (2.03)	1.42** (2.59)	1.75** (4.56)	1.86*** (5.61)	1.86*** (4.88)	1.63** (2.79)	2.81*** (5.13)	2.31*** (4.08)	0.90 (−0.65)	Omitted
GDP per capita (ln)	0.41** (−3.09)	0.62 (−1.92)	0.87 (−0.60)	1.03 (0.14)	1.19 (0.99)	1.57 (3.00)	1.78** (2.99)	1.63** (1.98)	3.48** (2.74)	1.57 (1.19)	0.23* (−2.35)	Omitted
Year	1.19*** (5.53)	1.11*** (5.48)	1.12*** (6.81)	1.12*** (6.48)	1.10*** (5.19)	1.07* (3.23)	1.05* (2.48)	1.07** (3.05)	1.12*** (4.60)	1.12 (1.90)	1.00 (−0.03)	Omitted

Note. Robust *t* statistics in parentheses.

*p < .05, **p < .01, ***p < .001.

In this table, Model 1 examines the difference in the dependent variable between no repression (a score of zero on the composite index of civil liberties) and the next lowest level of repression (a score of one on the composite scale). Model 2 examines the difference between a score of one and a score of two, and so on.

Number of observations: 3,004.

All predictors are lagged one year.

We included a control for year in all models to account for linear time trends in repression.

Table 4. Partial proportional odds regression panel analyses of factors influencing repression of civil liberties, 1976–2009.

	Freedom of expression			Freedom of religion			Freedom of assembly			Freedom of movement		
	1	2	3	1	2	3	1	2	3	1	2	3
Counterterrorist legislation	1.17 (0.68)	1.90** (3.05)	0.50 (−1.66)	1.48 (1.21)	1.48* (2.02)	0.00** (−18.39)	1.14 (0.80)	1.80* (2.43)	0.58 (−1.18)	1.17 (0.79)	1.35 (0.86)	0.00*** (−21.96)
Terror events (ln)	1.02 (0.75)	1.03 (1.65)	1.02 (0.89)	1.00 (0.27)	1.03 (1.26)	0.96 (−0.82)	1.00 (0.02)	1.00 (−0.19)	1.01 (0.46)	1.05** (3.00)	1.05** (2.69)	1.09** (2.89)
Terror events in neighbor states (ln)	1.30* (2.42)	0.94 (−0.70)	0.85 (−1.51)	1.16* (2.14)	0.93 (−0.80)	0.83 (−0.79)	1.12 (1.45)	0.94 (−0.84)	0.87 (−1.75)	1.02 (0.31)	0.97 (−0.41)	0.88 (−0.73)
Internal dissent (ln)	1.03 (1.82)	0.98 (−1.30)	0.96 (−1.94)	0.97* (−2.48)	1.01 (0.37)	1.06* (2.15)	1.01 (0.46)	0.98 (−1.62)	0.98 (−1.10)	1.00 (−0.14)	1.04* (2.02)	1.05 (1.57)
Unstable regime	0.89 (−0.25)	1.30 (1.03)	1.60 (1.00)	1.46 (1.90)	1.53 (1.74)	1.42e+06*** (15.54)	0.97 (−0.12)	1.20 (0.73)	1.54 (1.12)	0.98 (−0.07)	1.56 (1.67)	8.45** (2.60)
Civil war	0.60*** (−4.74)	1.08 (0.64)	1.13 (0.64)	0.92 (−0.82)	0.87 (−1.09)	0.00*** (−16.02)	1.00 (0.03)	1.14 (0.95)	1.05 (0.31)	1.04 (0.42)	1.23* (2.37)	0.90 (−0.48)
International war	2.22* (2.34)	2.80*** (9.84)	1.51 (1.25)	1.21 (0.97)	1.61** (2.99)	0.00*** (−15.52)	1.80*** (3.54)	0.93 (−0.38)	1.29 (1.13)	3.56** (3.13)	1.59*** (4.04)	1.46** (2.36)
Globalization index	0.99 (−0.24)	0.99 (−0.41)	0.88*** (−3.65)	0.97 (−1.68)	0.96 (−1.38)	1.00 (0.08)	0.98 (−0.90)	0.99 (−0.92)	0.93*** (−3.55)	0.99 (−0.39)	0.95*** (−3.36)	0.89* (−2.25)
Avg. repression in neighbor states	1.12 (0.64)	1.38* (2.45)	0.66* (−2.03)	1.31 (1.81)	1.09 (0.51)	0.14*** (−3.57)	0.85 (−1.17)	1.19 (1.27)	0.74* (−2.19)	1.20 (1.34)	0.96 (−0.29)	0.46** (−2.75)
Muslim country	4.18 (1.39)	3.76** (3.11)	0.71 (−0.69)	2.02* (2.08)	1.94 (1.52)	0.51 (−0.38)	1.78 (0.91)	2.04 (1.81)	1.17 (0.45)	1.64 (1.18)	0.47* (−2.28)	0.24 (−1.55)
Commonwealth country	1.72 (1.07)	1.81 (1.77)	0.14** (−2.66)	0.59 (−1.71)	0.81 (−0.35)	0.00*** (−7.83)	1.01 (0.02)	2.42* (2.42)	0.48 (−1.54)	1.49 (1.08)	1.23 (0.42)	0.54 (−0.69)
Democracy	0.76*** (−6.14)	0.72*** (−11.00)	0.58*** (−5.37)	0.84*** (−6.66)	0.77*** (−5.63)	0.62 (−1.61)	0.75*** (−8.15)	0.73*** (−11.71)	0.59*** (−4.66)	0.83*** (−7.23)	0.80*** (−4.74)	0.75*** (−4.27)
Population (ln)	1.14 (0.79)	1.6*** (3.53)	1.85*** (3.24)	1.62*** (4.20)	1.91*** (5.02)	1.74* (2.38)	1.23 (1.77)	1.42** (3.69)	1.30 (1.86)	1.19 (1.50)	1.55* (2.08)	1.21* (2.08)
GDP per capita (ln)	0.46** (−3.27)	0.84 (−0.86)	1.67 (1.61)	1.53* (2.41)	1.67* (2.06)	1.37 (0.40)	0.72 (−1.71)	1.06 (0.33)	1.86** (3.01)	0.75 (−1.57)	1.60* (2.60)	2.31 (1.30)

Table 4. Partial proportional odds regression panel analyses of factors influencing repression of civil liberties, 1976–2009. (*Continued*).

	Freedom of expression			Freedom of religion			Freedom of assembly			Freedom of movement		
	1	2	3	1	2	3	1	2	3	1	2	3
Year	1.18*** (5.46)	1.12*** (5.94)	1.09*** (3.86)	1.08*** (4.34)	1.10*** (3.53)	0.98 (−0.34)	1.07*** (3.46)	1.09*** (4.17)	1.03 (1.60)	1.04* (2.83)	1.07*** (3.98)	1.03 (0.86)
Observations	3,004	3,004	3,004	3,004	3,004	3,004	3,004	3,004	3,004	3,004	3,004	3,004

Note. Robust t statistics in parentheses.
*$p < .05$, **$p < .01$, ***$p < .001$.
In this table, Model 1 examines the difference in the dependent variable between no repression (a score of zero on the composite index of civil liberties) and the next level of repression (a score of one on the composite scale). Model 2 examines the difference between a score of one and a score of two.
Number of observations: 2,614.
All predictors are lagged one year.
We included a control for year in all models to account for linear time trends in repression.

These results mean that in countries that hardly violate civil liberties (most Western- and Northern-European countries, as well as other liberal democracies like the United States, Canada, Australia, New Zealand, Japan, Argentina, and Uruguay) legislation has had no significant effect. However, in countries that mostly occupy the intermediate levels of repression scores, counterterrorist legislation is associated with higher consequent repression of physical integrity rights. This category, in fact, comprises the majority of the countries in the world. It includes most of the countries in South and Central America, as well as most >Eastern European countries and many of the African and Asian nations, but also some OECD countries, such as the United Kingdom, Greece, and Israel. Finally, nations that typically occupy the highest levels of repression scores include most of the countries in Central Asia (e.g., Iran, Afghanistan, and Pakistan), the Middle East, North Africa, and East Africa, as well as countries like Russia, China, Malaysia, and Cuba. In these countries, legislation may actually prove beneficial, as it is associated with a decrease in the risk of applying greater repression of civil liberties.

Table 4 demonstrates that the differentiation of effects by level of repression is relevant to some particular repressive practices. Specifically, the table shows that legislation is associated with higher odds of moving toward more repression between the two intermediate levels (second and third) for freedom of expression, freedom of religion, and freedom of assembly. Conversely, in countries that regularly repress civil liberties severely, legislation is associated with *lower* odds of moving from a less repressive to a more repressive score, for all of the liberties (significant at the 0.1 level for freedom of expression).

Tables 2 through 4 also present results for our other independent predictors. The coefficient for the log of the number of terror events is not significant in most models shown in Table 2, demonstrating that it is not a robust predictor of state's respect for civil liberties. This finding stands in contrast to studies on the relationship between terrorism and respect for core human rights, which show that high levels of terrorist activity tend to erode this respect. Table 3, however, demonstrates that terrorist attacks do have a harmful effect on countries' respect for civil liberties, but only among countries that habitually use severe repression. Finally, terrorism does appear to have a harmful effect on states' respect for specific civil liberties, in particular freedom of movement.

Table 3 also shows a robust effect for a number of other predictors. Most notably, and consistent with the findings of previous studies, democracy has a robust beneficial effect on respect for civil liberties, while countries with larger populations and Muslim-majority countries tend to be more repressive. Other predictors had a less consistent effect. Unstable regimes, for example, are more likely to repress civil liberties, but only in countries with higher levels of repression. Higher GDP per capita was also associated with greater repression for countries with intermediary to high repression scores. However, this effect reverses for countries that hardly engage in repressive practice, where higher GDP predicts less repression. Similarly, high levels of international conflict were associated with more repression in most cases (especially for countries on the low end of the repression scale), but this effect was inconsistent. Conversely, globalization was associated with more respect for civil liberties, but this effect was mostly significant in countries with intermediary to high repression scores.

Robustness Checks: ECM

The analysis has so far showed a weak correlation between counterterrorism laws and civil liberties. However, it is important to address two remaining issues. First, these analyses do

not allow us to distinguish between the short-term effect and the long-term effects of counterterrorism laws on civil liberties. Second, these analyses do not take into account the temporal dependence in predicting civil liberties. Simply put, indicators capturing civil liberties are sticky over time: a strong predictor of the civil liberties score in time t is the civil liberties score in time t-1.[52] To address these remaining concerns, we ran an error correction model (ECM), which is particularly suitable for stationary data.[53] On the one hand, the ECM allows us to estimate both the short-term and the long-term effects of counterterrorism laws on civil liberties. On the other hand, since the ECM uses a first-difference estimator, it helps to better estimate dynamic regression models. An ECM includes a first difference dependent variable and a combination of first difference and lagged independent variables in addition to the lagged dependent variable. More formally, we estimate the following model:

$$\Delta Civil\ Liberties_{i,t} = \alpha + \beta_1 Civil\ Liberties_{i,t-1} + \beta_2 \Delta Counter\text{-}terrorism\ Laws_{i,t}$$

$$+ \beta_3\ Counter\text{-}terrorism\ Laws_{i,t-1} + \beta_4 \Delta\ X_{i,t} + \beta_5\ X_{i,t-1} + \tau_t + \varepsilon_{i,t},$$

where $Civil\ Liberties_{i,t}$ is the dependent variable and $Civil\ Liberties_{i,t-1}$ is the lagged dependent variable on the right hand-side. $\Delta Counter\text{-}terrorism\ Laws_{i,t}$ is the first difference of the main explanatory variable and its coefficient estimates the short-term effects. $Counter\text{-}terrorism\ Laws_{i,t-1}$ is the lagged main explanatory variable and its coefficient divided by β_1 estimates the long-term effects, i.e. $\frac{\beta_3}{\beta_1}$ is the long-term multiplier of counterterrorism laws on civil liberties. $\Delta X_{i,t}$ and $X_{i,t-1}$ are vectors of control variables (first difference and lagged, respectively), τ_t are the year fixed effects, and ε is the error term.

Our estimates of the ECM show that both β_2 and β_3 are never statistically significant, which implies that counterterrorism laws have neither short-term nor long-term effects on civil liberties.[54] These results are in line with the previous analysis and corroborate the robustness of our findings.

Conclusion and Discussion

We found an intricate relationship between counterterrorist legislation and the repression of civil liberties, varying by levels of initial state repression. Legislation had a harmful effect on respect for civil liberties in countries with moderate levels of repression. However, this effect diminished and even disappeared in non-repressive countries. Moreover, in countries which mostly have very high levels of repression, legislation actually had the reverse effect, reducing the odds for subsequent repressive practices. Similar to Shor et al.,[55] we may therefore conclude that the relationship between security demands and respect for civil liberties is not straightforward and there is not always a zero-sum-game between the two. Instead, our study highlights the need to recognize the diverse ways in which legislation has been operating and pay closer attention to the settings in which it is drafted, enacted, and utilized.

More specifically, while a large body of case studies has previously reported a harmful effect for legislation on civil liberties,[56] this phenomenon appears to be particularly relevant in countries that previously exhibited low to moderate levels of civil liberties repression. These may include countries like the United Kingdom, Greece, Israel, and Turkey, as well as most of the countries in East and South-East Asia, South and Central America, and Eastern Europe. In these countries, legislation is indeed likely to be associated with subsequent

practices that infringe on various civil liberties, in particular the freedoms of expression/ speech, religion, and assembly. One possible explanation for this finding may be that in such countries some moderate forms of civil rights transgressions are already part of the repertoire, and therefore legislation that further infringes on these rights may be deemed acceptable (by both governments and publics, as most of these countries are democracies) when the anticipated pay-off is a greater sense of security.

Conversely, countries (mostly rich liberal democracies) that hardly violate civil liberties to begin with, are unlikely to aggravate their repressive practices following the enactment of counterterrorist laws. These countries tend to have great respect for civil liberties, which are often deeply entrenched in their constitutions and education systems, following decades or even centuries of subscribing to liberal ideals. These liberal ideals are also likely to be coupled with lower levels of terrorism and other serious threats of political violence, as well as with greater attention to pressures from the international community and a vibrant local network of civil rights activists, who carefully monitor governmental practices and violations. All these may result in legislation that is more nuanced and careful, as well as in institutional bodies (courts, security forces, government offices, and the likes) that interpret and implement this legislation in a more measured fashion.

The findings presented above for countries with low and intermediate violation records are in line with our theoretical assumptions and with the results presented by Shor et al. for Physical integrity rights.[57] However, this is not the case for countries that were already exhibiting higher levels of civil liberties repression (most Middle-Eastern and Northern- and Eastern-African countries, as well as countries like Russia, China, Cuba, and Indonesia). While we predicted that such countries would use counterterrorist legislation as an excuse to intensify their repression of civil rights principles even further, our findings do not support this presupposition. In fact, severe repressors were actually *less* likely to further exacerbate their repressive practices following the passage of counterterrorist legislation. Below we propose a few possible explanations for this counterintuitive finding.

First, as Shor et al. suggested,[58] it may be that regimes that habitually crush local opposition and routinely violate individual freedoms do not see the need for further legislation in order to carry on with these practices. Instead, they may use current laws and systems of control that are already in place, or rely on extra-legal actors and measures. In fact, avoiding new explicit legislation may prove to be a preferable strategy, because by adopting such legislation governments may draw attention to the questionable aspects of the legislation, as well as to existing repressive practices, and expose these to international criticism.

A second possible explanation may have to do less with the legislation itself and more with statistical regression toward the mean. Countries that have begun as blunt repressors of civil liberties sometimes have little (or even no) room to exacerbate their practices further and at least some of them may show improvement simply due to this fact. Furthermore, in an era where severe repression of civil liberties has "fallen out of favor," there may be growing pressures on severe repressors to show improvement or at least refrain from further aggravating current practices in order to avoid becoming (or remaining) global pariahs.

Finally, and related to the two former explanations, legislation may actually have a counterproductive effect in terms of state capacity to freely exert repressive policies. Keck and Sikkink argue for a *boomerang effect*,[59] where states that resist local and international pressures to comply with human rights norms risk greater future pressures and a potential backlash. Similar to Shor et al.,[60] we suggest that legislation that clearly stipulates infringements

of individual liberties may produce pressures by local political rivals, human rights advocates, transnational monitoring bodies, commercial enterprises, and powerful liberal democracies. Together, these form powerful transnational alliances, which demand greater protection of civil liberties in countries that perhaps before were able to conduct their affairs with relatively few consequences. Consequently, governments may still adopt counterterrorist legislation (especially when they believe it may be politically advantageous), but then try to assuage human rights groups and the international community by actually practicing greater respect for individual liberties, at least temporarily.

As for terrorism itself, scholars often consider countries suffering from high levels of terrorism to be more likely to violate human rights, an idea that receives support from a host of cross-national studies on the relationship between terrorism and greater repression of core human rights.[61] However, we did not find a similar relationship between terrorism and the repression of civil liberties. Higher levels of terrorism in the core country are mostly not associated with civil liberty practices, with the exception of countries who are severe repressors to begin with, where terrorism does increase the likelihood of subsequent repression.

Our findings highlight a number of alternative explanations for states' violation of civil liberty principles. Autocratic regimes, larger populations, and a Muslim majority are the most consistent predictors of civil liberties repression. These results are hardly surprising for the first two predictors. Democracies are at least partly defined and conceived by their respect for civil liberty principles and countries with larger populations often find it harder to maintain state autonomy and control, reverting as a result to civil rights infringements. Less well established in the literature is the relationship between Muslim-majority countries and the repression of virtually every type of individual freedom, even when controlling for factors like regime type and economic wealth. This finding is largely driven by the Arab Middle-East and North Africa, where the majority of countries are consistently ranked very low in terms of respect for civil liberties. However, Muslim-majority countries in Asia, such as Afghanistan, Pakistan, Bangladesh Indonesia, Malaysia, Brunei, Uzbekistan, and Turkmenistan are also ranked among the worst in the world in terms of their civil liberty practices.

Our findings should be viewed with some caution. One possible limitation may be the restricted nature of our dependent variable. While the two databases we examine (CIRI and CLD) cover an essential spectrum of key civil liberties, they do not provide information on the violation of other liberties that may be of importance in the current context. For example, Almqvist argues that financial legislation mainly hurts the right for individual possession of property and for due trial and criminal procedures.[62] However, the CIRI and CLD do not provide direct measures of these two rights and therefore we cannot rule out the option that they are affected by legislation even in the least repressive countries. Similarly, legislation may affect other civil liberties that are not measured by the CIRI or CLD. In particular, some *individual freedoms* such as privacy rights or the freedom from extortion and abuse may be of interest in future studies, provided access to reliable cross-national measures of these rights and freedoms.

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25. Eran Shor, "Why Do They Legislate? A Cross-National Time-Series Analysis of Terrorism and Counterterrorist Legislation," *Social Problems* 64(2) (2017), pp. 106–132.

26. Shor, "Counterterrorist Legislation and Subsequent Terrorism."

27. Michael Ignatieff, "Human Rights, the Laws of War, and Terrorism," *Social Research* 69 (2002), pp. 1137–1158; Michael Ignatieff, *The Lesser Evil: Political ethics in the Age of Terror* (Princeton, NJ: Princeton University Press, 2004); Duner Bertil, "Disregard for Security: The Human Rights Movement and 9/11," *Terrorism and Political Violence* 17(1–2) (2007): 89–104.

28. Ignatieff, *The Lesser Evil.*

29. Christian Davenport, "State Repression and Political Order," *Annual Review of Political Science* 10 (2007), pp. 1–23; Jennifer Earl, "Political Repression: Iron Fists, Velvet Gloves, and Diffuse Control," *Annual Review of Scoiology* 37 (2011), pp. 261–284.

30. Shor et al., "Does Counterterrorist Legislation Hurt Human Rights Practices?"

31 Ibid.

32. Epifanio, "Legislative Response to International Terrorism"; Alonso and Reinares, "Terrorism, Human Rights and Law Engorcement in Spain."

33. For robustness checks, we also obtained data from the Cingranelli-Richards (CIRI) dataset and results for this measure are presented in the Appendices. While the CLD and CIRI are somewhat correlated, the correlation is not very high, indicating that they capture different aspects of the empirical variation in civil liberties. See Svend-Erik Skaaning, *The Civil Liberty Dataset (CLD)* (Aarhus, Denmark: Department of Political Science: Aarhus University, 2015); Svend-Erik Skaaning and Jorgen Moller, "The Development of Civil Liberties During the Third Wave: Levels and Sequences," in J. Carey and L. Vavreck, eds., APSA 2012 Annual Meeting Paper (Washinton, DC, 2012); David L. Cingranelli, David L. Richards, and Chad Clay, *The CIRI Human Rights Dataset.* Vol. Version 2014.04.14 (2014).

34. Shor, "Counterterrorist Legislation and Subsequent Terrorism"; Shor et al., "Does Counterterrorist Legislation Hurt Human Rights Practices?"

35. Shor, "Constructing a Global Counterterrorist Legislation Database."

36. Ibid.

37. Notwithstanding the above justification, we also ran models in which we adopted more inclusive definitions of counterterrorism. 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, with the single exception being the most restrictive definition (laws formally declared as counterterrorist), which is associated with more repression when looking at CLD data. These results demonstrate that our choice to use a relatively exclusive definition did not substantially alter the results.

38. We also ran analyses with counterterrorist legislation as a count variable. Results did not differ substantially from the ones reported here, supporting our choice to move into a binary measure.

39. Shor et al., "Does Counterterrorist Legislation Hurt Human Rights Practices?"

40. Shor, "Conflict, Terrorism, and the Socialization of Human Rights Norms"; Axel Dreher Martin Gassebner, and Lars H. Siemers, "Does Terrorism Threaten Human Rights? Evidence from Panel Data," *Journal of Lan and Economics* 53 (2010), pp. 65–93; Axel Dreher, Martin Gassebner, and Lars H. Siemers, "Globalization, Economic Freedom, and Human Rights," *Journal of Conflict Resolution* 56(3) (2012), pp. 516–546; Steven C. Poe and C. Neal Tate, "Repression of Human Rights to Personal Integrity in the 1980s: A Global Analysis," *American Political Science Review* 88 (1994), pp. 853–872; Steven C. Poe, C. Neal Tate, and Linda C. Keith, "Repression of the Human

Right to Personal Integrity Revisited: A Global Cross-National Study Covering the Years 1976–1993," *International Studies Quarterly* 43 (1999), pp. 291–313; James A. Piazza and James I. Walsh, "Transnational Terror and Human Rights," *International Studies Quarterly* 53 (2009), pp. 125–148; Eran Shor, "Utilizing Rights and Wrongs: Right-Wing, the 'Right' Language, and Human Rights in the Gaza Disengagement," *Sociological Perspectives* 51 (2008), pp. 803–826.

41. "START National Consortium for the Study of Terrorism and Responses to Terrorism," *Global Terrorism Database*. Available at http://www.start.umd.edu/gtd (accessed 19 March 2017).

42. Calculated based on the Regime Durability measure from Polity IV, this variable gives a score of 1 to regimes that retained 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 0. 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 began), or because it has recently been replaced. Polity IV, "Polity IV Project: Political Regime Characteristics and Transitions, 1800-2013," (2014). Available at: www.systemicpeace.org (accessed 13 August 2015).

43. Dreher, Gassebner, and Siemers, "Globalization, Economic Freedom, and Human Rights"; Axel Dreher, "Does Globalization Affect Growth? Evidence from a New Index of Globalization," *Applied Economics* 38(10) (2006), pp. 1091–1110.

44. Shor et al., "Does Counterterrorist Legislation Hurt Human Rights Practices?"; Dreher, Gassebner, and Siemers, "Does Terrorism Threaten Human Rights?"; Piazza and Walsh, "Transnational Terror and Human Rights."

45. Benjamin R. Barber, *Jihad vs. McWorld: How Globalism and Tibalism are Reshaping the World* (New York: Ballantine, 1995); Tony Blankley, *The West's Last Chance: Will We Win the Clash of Civilizations?* (Washington, DC: Regnery, 2005); Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996).

46. Steven C. Poe, C. Neal Tate, and Linda C. Keith, "Repression of the Human Right to Personal Integrity Revisited"; Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996).

47. Shor et al., "Does Counterterrorist Legislation Hurt Human Rights Practices?"

48. In order to capture the longer-term effects of various predictors and policies, we also ran statistical models in which the independent variables were lagged 2–7 years. We do not present these models in the current article, as they have poorer fit to the data. Further, results did not change substantially, suggesting that the findings are robust to the specification of time-varying influencing factors.

49. Richard Williams, "Generalized Ordered Logit/Partial Proportional Odds Models for Odinal Dependent Variable," *The Stata Journal* 6(1) (2006), pp. 58–82.

50. Robustness checks show that these results generally remain consistent when applying an alternative measure of civil liberties, or when disaggregating them by time period and by type of legislation. In Appendix C, we show results when using the Cingranelli-Richards (CIRI) data for civil rights violations. Results are similar to those presented in Table 2, with the exception of domestic movement policies, which actually improve with legislation (become less repressive). In Appendix D, we show results for the composite measure by time period, again with not significant results for any of the time periods. Appendix E disaggregates legislation into three main types: Protective, offensive, and punitive. Again, these are not associated with the composite general civil liberty scores.

51. Rory Wolfe and William Gould, "An Approximate Likelihood-Ratio Test for Ordinal Response Models," *Stata Technical Bulletin* 7(42) (1998), pp. 24–27.

52. When we include a lagged dependent variable on the right-hand side of our main models, its coefficient is close to one and is statistically significant.

53. Suzanna DeBoef and Luke Keele, "Taking Time Seriously: Dynamic Regression," *American Journal of Political Science* 52(1) (2008), pp. 184–200.

54. The standard error of the long-term multiplier is estimated using Bewley's transformation Ronald Bewley, "The Direct Estimation of the Equilibrium Response in a Linear Model," *Economic Letters* 3(1979):357–361.

55. Shor et al., "Does Counterterrorist Legislation Hurt Human Rights Practices?"
56. Haubrich, "September 11, Anti-Terror Laws and Civil Liberties"; Golder and Williams, "Balancing National Security and Human Rights"; Sentas, *Traces of Terror*; Kalhan et al., "Colonial Continuities"; Whitaker, "Exporting the Patriot Act?"; Clarke, "Widening the Net."
57. Shor et al., "Does Counterterrorist Legislation Hurt Human Rights Practices?"
58. Ibid.
59. Keck and Sikkink, *Activists beyond Borders*.
60. Shor et al., "Does Counterterrorist Legislation Hurt Human Rights Practices?"
61. Dreher, Gassebner, and Siemers, "Does Terrorism Threaten Human Rights? Evidence from Panel Data"; Piazza and Walsh, "Transnational Terror and Human Rights"; Shor et al., "Terrorism and State Repression of Human Rights."
62. Almqvist, "Human Rights Critique of European Judicial Review."
63. G. LaFree and L. Dugan, "Global Terrorism Database [Computer file]." ICPSR04586-v2, (2015). College Park: University of Maryland. Available at: http://www.start.umd.edu/data/gtd/.
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65. The Peace Research Institute Oslo (PRIO), Center for Study of Civil War Data, The Peace Research Institute Oslo (PRIO) (2012). Available at: https://www.prio.org/ (accessed 13 August 2015).
66. The Correlated of War Project (MID3) (2015). Available at: http://cow.dss.ucdavis.edu/data-sets/MIDs/mids (accessed 10 October 2015).
67. Cingranelli, D. L., et al., The CIRI Human Rights Dataset, Version 2014.04.14 (2014). Available at: http://www.humanrightsdata.com (10 October 2015).
68. The World Bank, World Development Indicators (2015). Available at: http://data.worldbank.org/data-catalog/world-development-indicators (accessed 12 October 2015).
69. Wikipedia, "Commonwealth of Nations," (2015). Available at: https://en.wikipedia.org/wiki/Commonwealth_of_Nations (accessed 12 February 2015).

Appendix A

Table A1. List of countries included in the most inclusive analyses ($N = 142$).

Afghanistan	Dominican Republic	Kyrgyzstan	Qatar
Albania	East Timor	Latvia	Romania
Algeria	Ecuador	Lebanon	Russia
Angola	Egypt	Lesotho	Rwanda
Argentina	El Salvador	Liberia	Saudi Arabia
Armenia	Equatorial Guinea	Libya	Senegal
Australia	Eritrea	Lithuania	Sierra Leone
Austria	Estonia	Madagascar	Singapore
Azerbaijan	Ethiopia	Malawi	Slovenia
Bahrain	Fiji	Malaysia	Solomon Islands
Bangladesh	Finland	Mali	South Africa
Belarus	France	Mauritania	Spain
Belgium	Gabon	Mauritius	Sri Lanka
Benin	Gambia	Mexico	Swaziland
Bhutan	Georgia	Mongolia	Sweden
Bolivia	Germany	Morocco	Switzerland
Botswana	Ghana	Mozambique	Syria
Brazil	Greece	Myanmar	Tajikistan
Bulgaria	Guatemala	Namibia	Thailand
Burkina Faso	Guinea	Nepal	Togo
Burundi	Guyana	Netherlands	Tunisia
Cambodia	Haiti	New Zealand	Turkey
Cameroon	Honduras	Nicaragua	Turkmenistan
Canada	Hungary	Niger	USSR
Chad	India	Nigeria	Uganda
Chile	Indonesia	Norway	Ukraine
China	Iraq	Oman	United Arab Emirates
Colombia	Ireland	Pakistan	United Kingdom
Comoros	Israel	Panama	United States
Costa	Italy	Papua New Guinea	Uruguay
Croatia	Jamaica	Paraguay	Uzbekistan
Cuba	Japan	Peru	Venezuela
Cyprus	Jordan	Philippines	Yemen
Czech Republic	Kazakhstan	Poland	Zambia
Denmark	Kenya	Portugal	Zimbabwe
Djibouti	Kuwait		

Appendix B

Table B1. Ordinal logistic regression panel analyses: Different types of legislation and their influence on the repression of civil liberties, 1976–2009.

	Skaaning Civil Liberties Dataset (CLD)			
	1	2	3	4
Terrorism in title of the law	1.40* (1.99)			
Law focuses on terrorism		1.26 (1.72)		
At least one article focuses on terrorism			1.00 (0.01)	
Terrorism mentioned in law				1.07 (0.48)
Terror events (ln)	1.00 (−0.06)	1.00 (−0.06)	1.00 (−0.10)	1.00 (−0.09)
Terror events in neighbor states (ln)	0.83** (−2.72)	0.83** (−2.71)	0.83** (−2.70)	0.83** (−2.70)
Internal dissent (ln)	0.99 (−0.64)	0.99 (−0.62)	0.99 (−0.61)	0.99 (−0.63)
Unstable regime	1.39 (1.7)	1.39 (1.71)	1.40 (1.72)	1.39 (1.71)
Civil war	1.22 (1.52)	1.22 (1.52)	1.23 (1.53)	1.23 (1.53)
International war	0.92 (−0.8)	0.92 (−0.81)	0.92 (−0.81)	0.92 (−0.81)
Globalization index	0.99 (−0.46)	0.99 (−0.47)	0.99 (−0.44)	0.99 (−0.45)
Avg. repression in neighbor states	1.13 (0.97)	1.13 (0.97)	1.13 (0.96)	1.13 (0.97)
Muslim country	16.70*** (4.38)	16.67*** (4.37)	16.66*** (4.36)	16.67*** (4.37)
Commonwealth country	0.59 (−9.2)	0.59 (−0.92)	0.60 (−0.91)	0.60 (−0.91)
Democracy	0.71*** (−10.03)	0.71*** (−10.01)	0.71*** (−9.95)	0.71*** (−9.96)
Population (ln)	1.93** (2.77)	1.93** (2.77)	1.93** (2.77)	1.93** (2.77)
GDP per capita (ln)	0.93 (−0.38)	0.93 (−0.39)	0.93 (−0.36)	0.93 (−0.36)
Year	1.03 (1.37)	1.03 (1.38)	1.03 (1.40)	1.03 (1.39)
Number of countries	142	142	142	142
Observations	3,004	3,004	3,004	3,004

Note. Robust *t* statistics in parentheses.

*$p < .05$, **$p < .01$, ***$p < .001$.

The cumulative scale in the Models 1–4 is a composite index referring to the violation of physical integrity rights. The cumulative scale in the Models 5–8 is a composite index referring to the violation of and civil liberties. In both cases, we reversed the original Cingranelli-Richards scale so that a low score now represents low levels of repression while a high score represents high repression levels.

All predictors are lagged one year.

We included a control for year in all models to account for linear time trends in repression.

Appendix C

Table C1. Ordinal logistic regression panel analyses of factors influencing repression of civil liberties using the Cingranelli-Richards Civil Liberties (CIRI) data, 1981–2009.

	CIRI data					
	Cumulative scale	Freedom of speech	Freedom of religion	Freedom of assembly	Domestic movement	Foreign travel
Counterterrorist legislation	1.01 (0.07)	1.25 (1.31)	1.37 (1.69)	0.78 (−1.37)	0.46** (−2.97)	0.87 (−0.72)
Terror events (ln)	0.99 (−1.20)	1.00 (−0.02)	0.99 (−0.83)	1.00 (0.12)	1.01 (0.97)	1.02 (1.35)
Terror events in neighbor states (ln)	1.00 (−0.01)	1.01 (0.28)	1.00 (−0.08)	0.91 (−1.41)	1.17* (2.19)	0.97 (−0.31)
Internal dissent (ln)	0.99 (−1.43)	1.00 (0.52)	1.00 (−0.28)	0.99 (−0.48)	1.00 (−0.31)	0.97* (−2.18)
Unstable regime	1.68** (2.83)	1.53** (2.75)	1.41 (1.79)	1.30 (1.26)	0.86 (−0.77)	1.00 (0.01)
Civil war	1.22 (1.94)	1.23* (2.56)	1.05 (0.47)	0.98 (−0.15)	1.03 (0.22)	0.95 (−0.52)
International war	0.84 (−1.10)	1.23 (1.16)	0.81 (−1.44)	0.99 (−0.08)	1.22 (0.98)	1.06 (0.27)
Globalization index	0.98 (−1.57)	0.99 (−0.85)	1.01 (0.88)	0.99 (−0.56)	0.98 (−1.33)	0.97 (−1.27)
Avg. repression in neighbor states	1.03 (0.28)	0.87 (−1.51)	1.37 (3.05)	1.12 (1.14)	1.20 (1.40)	1.10 (0.62)
Muslim country	8.32*** (4.39)	2.25* (2.57)	2.34* (2.12)	3.64* (3.15)	1.59 (1.02)	5.45** (3.13)
Commonwealth country	0.62 (−1.08)	0.69 (−1.27)	0.28* (−3.19)	0.93 (−0.22)	1.91 (1.41)	1.07 (0.14)
Democracy	0.47*** (−10.48)	0.78*** (−10.56)	0.86*** (−5.35)	0.77*** (−10.60)	0.85* (−5.97)	0.83*** (−6.92)
Population (ln)	1.55** (3.01)	1.19 (1.87)	1.70*** (4.30)	1.19 (1.43)	1.45* (2.39)	1.66*** (3.27)
GDP per capita (ln)	0.88 (−0.68)	0.83 (−1.29)	1.01 (0.03)	1.11 (0.61)	0.64* (−2.22)	0.91 (−0.42)
Year	1.09*** (4.87)	1.09*** (6.02)	1.03 (1.54)	1.03 (1.36)	1.12*** (4.81)	1.03 (1.51)
Number of countries	142	142	142	142	142	142
Observations	3,008	2,989	2,994	2,985	2,994	2,995

Note. Robust *t* statistics in parentheses.
*$p < .05$, **$p < .01$, ***$p < .001$.
The cumulative scale in Models 1 and 7 are a composite index referring to the violation of civil liberties (Model 6). In both cases, we reversed the original scales so that a low score now represents low levels of repression while a high score represents high repression levels. The disaggregated measurements of repression were also reversed, so that higher scores now represent higher repression levels.
All predictors are lagged one year.
We included a control for year in all models to account for linear time trends in repression.

Appendix D

Table D1. Ordinal logistic regression panel analyses of factors influencing repression of physical integrity rights and civil liberties, by time period (1976–2009).

	Skaaning Civil Liberties Dataset (CLD)		
	Cold War era (pre-1990)	Post-Cold War era (1990–2000)	Post-9/11 era (2001–2009)
Counterterrorist legislation	0.99 (−0.04)	0.79 (−0.81)	1.22 (1.00)
Terror events (ln)	0.99 (−0.27)	1.00 (−0.03)	1.01 (0.56)
Terror events in neighbor states (ln)	0.95 (−0.30)	0.82* (−2.11)	1.10 (0.76)
Internal dissent (ln)	0.98 (−1.14)	1.00 (−0.03)	1.02 (1.04)
Unstable regime	2.99* (2.15)	1.17 (0.71)	0.85 (−0.41)
Civil war	1.50* (2.69)	1.01 (0.10)	0.98 (−0.11)
International war	1.17 (0.66)	1.19 (1.44)	0.69 (−1.53)
Globalization index	0.87*** (−3.44)	0.96 (−1.41)	0.91* (−2.53)
Avg. repression in neighbor states	1.17 (0.88)	1.18 (1.21)	1.24 (1.08)
Muslim country	15.68* (2.36)	69.67*** (3.78)	71.66*** (3.53)
Commonwealth country	0.41 (−0.95)	0.42 (−1.05)	0.3 (−1.10)
Democracy	0.70*** (−4.50)	0.71*** (−5.45)	0.64*** (−4.98)
Population (ln)	1.55 (1.27)	2.47** (2.81)	2.83* (2.56)
GDP per capita (ln)	1.10 (0.25)	0.37*** (−3.54)	0.81 (−0.52)
Year	1.02 (0.45)	1.11* (2.13)	1.15* (2.45)
Number of countries	110	135	141
Observations	868	1,121	1,015

Note. Robust t statistics in parentheses.

$^{*}p < .05$, $^{**}p < .01$, $^{***}p < .001$.

The cumulative scale in the Models 1–4 is a composite index referring to the violation of physical integrity rights. The cumulative scale in the Models 5–8 is a composite index referring to the violation of and civil liberties. In both cases, we reversed the original Cingranelli-Richards scale so that a low score now represents low levels of repression while a high score represents high repression levels.

All predictors are lagged one year.

We included a control for year in all models to account for linear time trends in repression.

Appendix E

Table E1. Ordinal logistic regression panel analyses: Different types of legislation and their influence on the repression of civil liberties, 1976–2009.

	Skaaning Civil Liberties Dataset (CLD)		
	1	2	3
Protective legislation	0.71 (−1.70)		
Offensive legislation		0.86 (−0.99)	
Punitive legislation			0.94 (−0.29)
Terror events (ln)	1.00 (−0.07)	1.00 (−0.11)	1.00 (−0.10)
Terror events in neighbor states (ln)	0.83** (−2.72)	0.83** (−2.71)	0.83** (−2.71)
Internal dissent (ln)	0.99 (−0.66)	0.99 (−0.57)	0.99 (−0.60)
Unstable regime	1.40 (1.71)	1.40 (1.72)	1.39 (1.72)
Civil war	1.23 (1.53)	1.23 (1.52)	1.23 (1.53)
International war	0.92 (−0.82)	0.92 (−0.82)	0.92 (−0.81)
Globalization index	0.99 (−0.43)	0.99 (−0.41)	0.99 (−0.43)
Avg. repression in neighbor states	1.13 (0.97)	1.13 (0.97)	1.13 (0.96)
Muslim country	16.51*** (4.34)	16.64*** (4.36)	16.67*** (4.37)
Commonwealth country	0.6 (−0.90)	0.6 (−0.90)	0.6 (−0.91)
Democracy	0.71*** (−9.97)	0.71*** (−9.96)	0.71*** (−9.96)
Population (ln)	1.94** (2.79)	1.93** (2.77)	1.93** (2.77)
GDP per capita (ln)	0.94 (−0.36)	0.93 (−0.37)	0.93 (−0.36)
Year	1.03 (1.40)	1.03 (1.41)	1.03 (1.40)
Number of countries	142	142	142
Observations	3,004	3,004	3,004

Note. Robust *t* statistics in parentheses.
*$p < .05$, **$p < .01$, ***$p < .001$.
The cumulative scale in the Models 1–4 is a composite index referring to the violation of physical integrity rights. The cumulative scale in the Models 5–8 is a composite index referring to the violation of and civil liberties. In both cases, we reversed the original Cingranelli-Richards scale so that a low score now represents low levels of repression while a high score represents high repression levels.
All predictors are lagged one year.