

INSTITUTIONALIZED ABUSE: STATE INCENTIVIZATION AND OPPRESSIVE HUMAN RIGHTS VIOLATION

by

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(Under the Direction of K. Chad Clay)

ABSTRACT

What conditions state violence against marginalized social groups? Past accounts of oppression have focused on structural inequalities, discretion of state agents, and lacking accountability for abusers. In this dissertation, I outline oppressive violence as a concept and its relationship to repression. Exploring multiple dimensions of governance and citizen demands, I argue that state principals can be - and are - incentivized into oppressive violence to secure their own positions. Examining the motivations and tempering of oppressive violence at the domestic and international levels, I find that oppressive violence is conditioned by homogeneity of power, nationalism, and participation with human rights instruments. I explore the implications of these findings, including the importance of measuring who is targeted for abuse, and the unique ways identity intersects with political violence.

INDEX WORDS: [Political Violence, Human Rights, Oppression, Nationalism, International Law]

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DEDICATION

Dedicated to my wife Yesha, whose constant empathy and grace guides every step in our path together.

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Introduction and Literature Review

In 2017, China set up a system of concentration camps to detain a wide number of Uyghur and other Muslim peoples. The camps have been used as both centers of discriminatory detention and cultural genocide, with an ultimate goal of erasing their religious and cultural identities. The UN High Commissioner has accused the Chinese state of crimes against humanity, as well as torture and ill-treatment, sexual and gender-based violence, and forced labour (Amnesty International, 2021, 2022). Many instance of abuse are rationalized by the Chinese state as a clear response to some dissident threat, categorizing those targeted as opposition or "separatists" (Amnesty International, 2022). As such, a traditional model of repression might fit this case.

Traditional models of repression (Poe, 2004; Mason, 2004) posit that states engage in violence as a response to dissent. Threaten by the presence of some opposition and their constituent persons, a state might choose to respond with violence to raise the costs for those wishing to follow the same courses of action. If the Chinese state is taken at their word, then these camps and associated instances of human rights abuse are repression. There are, however, some key differences between repression as a strategy and China's current policy agenda in the Xinjiang province. For one, China's strategies of abuse move beyond raising the costs of dissent, to include dimensions like indoctrination and concentrated labor. The Chinese government likewise has access to one of the most sophisticated surveillance toolkits of any country across the globe. Armed with this toolkit, why would the government opt for indiscriminate violence against Uyghur peoples instead of targeted repression against leaders and key opposition targets? A larger scale campaign of human rights abuses only serves to dissolve more resources and tie up government agents in abuse that, in terms of addressing political threat, is not necessary.

The answer is that this example of violence does not fit the traditional model of repression. Nor does it fit an agency loss model of violence, where agents make their own decisions to engage in abuse regardless of state directives (Mitchell, 2004; Butler et al., 2007). This case instead illuminates a state led campaign for violence and human rights abuse of a marginalized identity group, where addressing a political threat to the state is not necessarily a goal. Here, we have an example of oppressive human rights abuse - abuses meant to entrench societal hierarchies and provide a privileged majority with some "benefit" from said abuses being carried out. The audience of these abuses is meant to be broad, and the abuses themselves serve a purpose in their scale - demonstrating to broader society where both the abusers and abused sit in the social hierarchy.

Repression (as a starting point) has a wealth of literature on its determinants, including examinations of regime type, political corruption, and dimensions of bureaucratic inefficiency (Davenport, 2007; Poe et al., 1999;

Pepinsky et al., 2017; Tyson, 2018; Dragu and Przeworski, 2019). Central to most accounts of repression is the couching of such violence in principal-agent theory. Under this framing, state principals have some preference regarding repressive violence (either preferring it does or does not occur), and delegate some level of authority to agents acting in their own volition. The simplest path to repression is principals demanding it, and agents carrying it out. A more complicated path occurs when agents decide to engage in violence against the wishes of their state principal (agency loss), with which factors like inadequate screening, lacking institutions of accountability, and broad agent discretion all play a role (Mitchell, 2004; Butler et al., 2007; Tyson, 2018). Regardless, two clear paths to state violence are central here - one sourced from state principals, and one sourced from agents.

Political violence accounts of oppression differ. In the recent studies that have been conducted, two factors are central to the outbreak of oppressive violence. One aligns with agency loss considerations (in studies of repression), arguing that lack of monitoring and weak institutions of accountability can dictate oppressive violence occurrence (Haschke, 2018; Jackson et al., 2018; Beger and Hill Jr, 2019). The other factor is the existence of social hierarchies, which might condition agents to be more predisposed to engaging in oppressive abuse (Beger and Hill Jr, 2019). Central to both of these conditions is that they focus exclusively on ways agents might be motivated to violence, not how principals are incentivized to allow it. In fact, some accounts of oppressive violence have been careful to exclude some paths by which state principals are motivated to oppressive violence, as it does not serve any means to secure political power (Haschke, 2018).

Following the tradition of Beger and Hill (2019), this dissertation serves to demonstrate that state principals can be - and are - incentivized into oppressive violence by actualized mechanisms of shoring support. Through each of the following three manuscripts, I argue that oppressive violence is conditioned by (and tempered through) mechanisms that directly incentivise states to demand they occur. This unique dimension of violence, while many times complementary to repression, serves its own goals. Central among these is the development of support among the privileged majority, who see such violence as a manifestation of their policy preferences for security, in line with Rejali's (2007) "civic discipline" model of violence. Through each of the projects, I explore both the dimensions of oppressive violence (and discriminatory state violence) as a strategy of states, and the ways that violence might diverge or align with strategies of repressive violence.

Many of the mechanisms in these manuscripts are not novel to the study of politics. Factors like ethnic nationalism, societal inequalities, and violence as a signaling tool for privileged groups have been explored at length in sociological and political science accounts of violence targeting marginalized people (Bonilla-Silva, 2006; Saito, 2020; Soss and Weaver, 2017). This dissertation likewise serves as an attempt to bridge both critical accounts of

states and the violence they create, and quantitative political violence studies in a way that demonstrates how and why states abuse marginalized people.

The dissertation proceeds as follows. In the first manuscript, I explore how homogeneity in national political bodies can condition oppressive violence as a consequence of active and passive mechanisms of non-inclusion. I likewise explore how accountability and representativeness in electoral institutions (Cingranelli and Filippov, 2010) can create opportunities for oppressive violence to occur. I demonstrate that centralization of power is tied to increases in oppressive violence, while representativeness and accountability show mixed results.

In the second manuscript, Daniel Hill Jr. and I explore another mechanism motivating oppressive violence - nationalism. Outlining the ties between the definition of "nations" and demand for oppressive violence, we theorize that nationalism (as a framing necessitating in-groups and out-groups) will be directly tied to oppressive violence, particularly in democracies where leaders are directly accountable to their constituents. We find that, in the case of democracies, the presences of nationalism increases oppressive violence, and has no demonstrable effect on repressive violence.

The final manuscript explores international human rights law, and how the differences between types of international human rights law (group specific and right specific treaties) might condition their effectiveness. Demonstrating these differences within international law, I examine how the Convention on the Elimination of All Forms of Racial Discrimination, despite its unique dimensions, is still driven by similar mechanisms of transnational advocacy network activation and human rights community driven accountability. I find that CERD engagement is associated with lessened oppressive violence.

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PROTECTING PRIVILEGE: HOMOGENOUS GOVERNMENTS AND STATE OPPRESSION *

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Abstract

What conditions state violence against marginalized social groups? Past accounts of oppression have focused on structural inequalities, discretion of state agents, and lacking accountability for abusers. In this article, I demonstrate another dimension of oppression - the centralization of political power among particular dimensions of identity. I argue that more homogeneous governments will be more likely to engage in oppression, as agents are encouraged to entrench their social superiority and to protect the privileges that people with such identities enjoy. Rather than being used to create imbalances, I argue that oppression is most flagrant in situations where inequalities are already present. I also explore how, when citizens are empowered through more direct representation, oppressive violence should likewise be more prevalent. Using data on the centralization of power and human rights, I demonstrate that governments with more unequal centralization of power engage in oppression more frequently.

Introduction

Across its history, studies of political violence have searched to explain why states target their citizens with violence. Many traditional accounts frame such violence at the nexus of repression and dissent. States, when faced with dissent (substantial enough to threaten them) can select from a battery of responses, of which repression is one (Poe, 2004). Subsequent research has examined the impacts that domestic institutions (Davenport, 2007b,a; Powell and Staton, 2009; Murdie, 2014), infrastructure and resources (Fjelde and De Soysa, 2009; Hill Jr and Jones, 2014; Gohdes, 2020), and international law (Lupu, 2013; Fariss, 2014; Conrad and Ritter, 2019) have on state violence targeting non-combatants. Throughout this diversity of literature, two framing assumptions persist. One is the nexus of repression and dissent, that examines state violence as a response to opposition contingent on a state's perception of said threat. The other is principal agent theory, where violence occurs at the agent level and can be conditioned by state preferences. Here, agents may engage in violence that does not fit into a traditional model of repression and dissent, but their decision will be contingent on personal/societal factors rather than state preferences (Beger and Hill Jr, 2019)

While this approach has been vital in furthering our understanding of state violence, some of the most significant instances of government violence clearly cut against typical models of political violence. One recent case is China's usage of concentration camps to imprison, torture, and commit genocide targeting Uighur Muslims in the Xinjiang province. Hundreds of thousands of Uighur people were imprisoned in 2021, subjected to human rights violations like forced sterilization, regular beatings and electric shocks, and [other] types of torture (Amnesty

International, 2021). This, in combination with political imprisonment, certainly constitutes mass scale physical integrity rights abuse.

Examining motivations and alternatives, however, makes it clear more than repression is at play. Many Uighur peoples were forcibly detained in concentration camps in 2021, but China's own history of interaction between Uighurs and Han Chinese raise questions about the states perception of threat posed by such a marginalized ethnic minority. While radical Islamists have carried out attacks against others in the Xinjiang region, significant questions remain about the actual nature of these attacks and whether Uighur people were actually involved (Stern, 2021). Even if these claims were treated as genuine, the Chinese government has a long history of targeted repression against dissidents, an implementable strategy given surveillance and tracking technology. The Chinese government is subsequently very secure in their positions of power. At best, China's concentration camps represent a massive blunder of time, money, and resources given the relative threat the Uighur minority poses. At worst, it is a campaign of genocide meant to wipe out an entire ethnic group from Xinjiang. In either scenario, models of repression have little explanatory power.

In many similar cases, such as violence targeting Black people in the Jim Crow South or unhoused persons in Davao City, states secure in their own power implicitly encourage or explicitly order physical violence against marginalized peoples by their agents. In this article, I use an alternative framing of this abuse - oppressive violence - to explain why governments conduct violence against marginalized people (Rejali, 2007; Haschke, 2018; Berger and Hill Jr, 2019). Rather than repressive violence (addressing/increasing the costs of dissent), governments engage in oppressive violence for a completely separate goal: to provide for the policy preferences of their constituents. It is the "winning coalition" whomst defines the interests of a government, whether that is a voting majority in democracy, or a collection of oligarchs in an autocracy (Bueno de Mesquita et al., 2005; Cingranelli and Filippov, 2010). In cases where governments are both exclusionary and secure in that exclusion, state violence will have minimal impact on threat, as excluded groups are already removed from credible locuses of power. Rather, governments will engage in this violence to offer both some nascent concept of "security" to their constituents, and an output of "civic discipline" (Rejali, 2007).¹

Using past accounts of oppression in democracies, I argue that more secure, exclusionary governments (defined by homogeneity in national government across dimensions of identity) will use oppressive violence, in order

¹Rejali describes the roots of civic discipline torture in ancient democracies, where torture was exclusively used against non-citizens. Rather than being used as a tactic of interrogation or punishment, torture instead served as a reminder that an individual was an outsider from political life. Functionally, this sends both a message to the victim that they are less than, and to the dominant class that they are better than.

to satiate their constituents, and provide for their policy preferences. I also argue that direct mechanisms of accountability and representativeness between a "winning coalition" and government will likewise drive oppressive violence, as citizens view oppression as a signal of security being provided for. I will start by exploring repression as a strategy, and the ways states use it. I will then theorize how violence by secure governments can fit the model of oppressive violence, exploring both active and passive mechanisms by which states are motivated to oppression. I explore how oppressive violence can be motivated by constituent policy preferences for security, assurances of continued privileges, and structural belief in the morality of violence against marginalized people (racism, sexism, etc.) Using existing data on discriminatory human rights abuses, I find that more exclusionary governments engage in more oppressive violence, and demonstrate mixed results for dimensions of accountability and representativeness in democracies. I conclude by examining what these results imply for oppressive violence, exploring necessary future direction for research, and how the measurement of state violence can expand moving forward.

Repression and Dissent

When faced with substantive dissent that the state perceives as a threat, governments have multiple options at their disposal (Mason, 2004; Fjelde and De Soysa, 2009). In their decision making process, states consider both their own perceptions of power, and the perceived threat a dissent movement poses. Among those options is repression, or the use of abuse to increase the costs of dissent. Typically, repression is conceptualized as physical violence by government agents, although more recent studies have examined non-violent means of repression in contexts like internet shutdowns, censorship, restrictions on labor organizations, and limitations on foreign contact and funding (Franceschini and Nesossi, 2018; Gohdes, 2020; Lavelle, 2020). Regardless of its form, states engage in repression to increase the costs of dissent, in an attempt to dissuade such dissent from taking place.

That repression might likewise vary in scope. Secure governments with plenty of capacity might opt for targeted repression, using their resources to engage in high cost tracking and investigation in order to verify their targets are dissidents - a costly but effective strategy. Insecure governments that struggle with capacity might opt for indiscriminate repression, simply using markers of identity or presence in public spaces as justification for abuse - low in resource costs, but high in risks (Mason, 2004).

Many accounts of repressive violence conceptualize its source within an interaction between state principals and security force agents. In this framing, principals have some preference (for or against) repression taking place, and decide the level of discretion security forces have. Agents, depending on oversight, credible expectations of accountability, and their own preferences, make decisions on whether to carry out their principal's preference.

Importantly, this adds a new path for violence to occur, even in cases where a state principal might want to actively avoid said violence (Kiewiet and McCubbins, 1991; Mitchell, 2004; DeMeritt, 2015). Accounts of political violence in autocracies have paid particular attention to the ways agency loss can occur, focusing on factors like political institutions, corruption, and dimensions of bureaucracy (Pepinsky et al., 2017; Tyson, 2018; Dragu and Przeworski, 2019). Examinations of principal-agent relations in democracies have centered on credible accountability when agency loss occurs, features of political institutions, and the nature of dissent movements (Strøm, 2000; Davenport, 2007a; Carey, 2010; Cingranelli et al., 2014). Across regime types, it is clear that both the divergent preferences of those agents and how agents view the risk of being held accountable can increase the risks of violence (Mitchell, 2004; Butler et al., 2007). While violence originating from state principals can differ significantly in motivations when compared to agent sourced violence, the functional output is the same - abuse committed by the government.

Due to this, much research on repression has hinged on two different generative sources of violence targeting civilians. The first is sourced from a state principal, who orders that repression be used when dealing with some dissent movement. Agents make the decision to carry out the preferences of the state, and repression consequently occurs. The second is sourced from agents, who despite the preferences of their principal, decide to engage in violence anyways. Functionally differentiating these paths is incredibly difficult, as it requires accurate knowledge of both principal and agent preferences.

Scholarship on repression has avoided this conundrum through two central assumptions. First, states will only demand violence when Poe's (2004) strength versus threat criteria is met. If state principals are demanding violence, then it is because they perceive a threat in some way by dissent movements. If no perceived threat is visible, then said violence is conceptualized as preventative - meant to stave off a future dissent movement that might occur in the absence of preventative repression (Ritter and Conrad, 2016; Greitens et al., 2019). Second, when agency loss does result in violence that state principals have not demanded, accountability plays a major role in determining source. States who respond to such acts with swift redress and punishment for perpetrators, in this sense, clearly demonstrate that violence was the result of agents acting on their own. States that ignore or refuse to hold abusers accountable, on the other hand, demonstrate that they are at least tacitly approving of the violence that has taken place. Through both of these, there is a clear association between the nexus of repression and dissent, and the presence of physical integrity rights abuse.

Thus, much of our knowledge of government violence occurs in tandem with data on physical integrity rights abuses, under the assumption that instances of violence by agents of the state are instances of repression. Almost exclusively, instances of physical integrity rights abuse (including extrajudicial execution, enforced disappearance,

torture and ill-treatment, and political imprisonment) have been used to examine repression, with some notable conclusions regarding its prevalence and prevention.

The first conclusion is that capacity matters. Governments with significantly larger resources pools both have more options at their disposal, and are more secure in their positions leading to differentiated repression levels. Early literature tied factors like stagnant economic growth, low tax revenue, and political corruption to repression, by explicitly connecting weaker states to insufficient institutions to protect human rights (Poe and Tate, 1994; Poe et al., 1999; Englehart, 2009). These factors have been expanded to international aid and credit markets, demonstrating that creditworthiness and market shares in resources independent of the citizenry each play an important role in dictating both capacity and ability to assuage potential dissent. (Conrad and DeMeritt, 2013; DeMeritt and Young, 2013; Clay and Digiuseppe, 2017).

The second conclusion is that democracies have unique mechanisms at play, tempering repression as an option. Davenport and Armstrong's seminal work on regime types and repression demonstrated that robust democracies are associated with significantly lower levels of repression, due to constraints on authorities to commit abuse (Davenport and Armstrong, 2004; Davenport, 2007b,a). This mediating effect has been found to persist in contexts where repression might otherwise be expected, including states with natural resource reliance and those faced with conflict (Carey, 2010; DeMeritt and Young, 2013). Part of this association is reliant on the ability of citizens to hold leaders accountable - with more direct mechanisms of elections, voters can directly punish leaders who choose to repress Cingranelli and Filippov (2010); Cingranelli et al. (2014)². Much of this association, however, is by definition. As many projects measuring levels of democracy include the repression of opposition/dissent when judging the level of democracy, more democratic regimes are by definition less repressive (Hill Jr and Jones, 2014; Hill Jr, 2016). Regardless of the underpinning, however, democracies are clearly associated with less repression and therefore physical integrity rights abuse.

Oppression: A Different Agenda of Violence

For many instances of state violence, a model of repression fails to completely explain their reasoning. Research on repression suggests that secure states should have a higher bar for what is perceived as a threat, making them less likely to repress in the first place. A secure, high capacity state (if they do decide to repress) might be more

²Rather than using an index of democracy levels, Cingranelli and Filippov (2010) operationalizes accountability as a combination of representative responsibility of politicians to constituents, and ability of voters to directly punish a particular politician at the ballot box. This is functionally done through single member districts and the presence of low magnitude districts in democracies. I use these same variables in my analysis to capture these same accountability dimensions.

likely to target that repression, only abusing a few people instead of many. Yet, as is the case with China's violence against the Uighur people, governments secure in their positions of power opt for mass-scale violence, contrary to the model of repression. Perhaps even more confusingly, China's surveillance apparatus - built for the purpose of targeted repression - is instead used for the indiscriminate detainment, torture, and extrajudicial killing of Uighur peoples. Why make this decision? If China is not facing a credible threat to their power, why forcibly detain hundreds of thousands in concentration camps?

These questions only compound when examining the types of violence democracies commonly engage in. Advanced democracies have been unilaterally associated with lessened violence. Yet, they still engage in violence as a strategy, particularly in interactions between marginalized people and security forces. How do we explain such violence?

These, and many other cases, can be explained through a model of oppressive violence. Rather than focusing on the nexus of repression and dissent, oppressive violence (and oppression more broadly) is centered on structural hierarchies. In order to entrench and continue the privileges and inequalities that some dominant group enjoys, violence against marginalized people is employed for a variety of reasons, particularly as a signal to both marginalized people and privileged people of their status in society (Rejali, 2007). While uncommon in studies of comparative political violence, this framing is widely used across fields, from studies of police violence in the United States to global examinations of structural hierarchies like white supremacy and settler colonialism (Bonilla-Silva, 2006; Soss and Weaver, 2017; Saito, 2020).

Some accounts of state violence have explored this dimension of violence in the past, without directly tying it to structural hierarchies. Rejali (2007) explores a model of "civic discipline" torture, resulting from a mutual understanding between government officials, security forces, and the general populace. The general populace has some demand for "security", and views security forces engaging in violence as an indication that their security is being provided for. Leaders, out of their own self interest, do not intervene for fear of retribution from their agents or citizens. This last dimension, where leaders shrug off violence by their agents, has likewise been developed in accounts of repression (Walzer, 1973; Moore, 2010; Jackson et al., 2018).

Haschke's (2018) work on physical integrity rights abuse in democracies further interrogates oppressive violence, exploring how structural hierarchies can condition human rights abuse against people with particular identities. When examining violence against marginalized groups and criminalized people, broad regime-type differences disappear (Haschke, 2018; Jackson et al., 2018; Beger and Hill Jr, 2019). In addition to the presence and strength of structural hierarchies, the lateral discretion of agents and repeated interactions with marginalized people have

shown to increase this type of violence as well (Beger and Hill Jr, 2019).

However, none of this speaks to why states themselves, as the principals dictating their preferences, might prefer this violence to occur. This can be better understood through a flip of the traditional principal agent relationship, where states are treated as agents of those they are accountable to. Mechanisms of accountability and representativeness - namely, electoral institutions that empower people relative to their representatives - have been shown to provide credible punishment for leaders that abuse human rights (Cingranelli and Filippov, 2010; Cingranelli et al., 2014). This includes both institutions that provide more direct representation (like low magnitude districts, where representatives serve a comparatively smaller constituent base), and institutions that allow citizens to directly hold leaders accountable through the ballot box (like single member districts, as opposed to party lists or similar systems). Particularly in democracies, citizens can routinely hold leaders accountable in elections if they follow some policy preference set that does not align with the voters.

I argue that, rather than unilaterally reducing violence as governments become more secure, states instead shift from agendas of repression to oppression. This shift in agendas can be attributed to multiple active factors, including the signaling of domination and the need to satisfy citizens that demand oppression. Other (and more passive factors) likewise contribute to the prevalence of oppression, including the lack of adequate representation for marginalized people and clear lack of accountability to those same marginalized people. The confluence of these mechanisms all contribute to a government's preference that oppression occurs. States will prefer oppression from their agents to entrench support with citizens and satisfy their own desires to see structural inequalities maintained.

Citizenry Demand, Self Interest, and Visibility of Voice

As previously explored, I argue states can engage in oppressive violence when incentivized to do so by their citizens. Rejali's (2007) model of civic discipline torture involves a general populace who supports torture out a desire for some nascent "security". They might actively demand their government engage in specific acts, or simply accept violence as a necessary consequence of their security being provided for. One clear example of this comes from the Philippines, and Duterte's usage of death squads in his war on drugs. As Mayor of Davao City, Duterte implicitly encouraged and oversaw the Davao Death Squad, who was responsible for at least 1,400 killings since its formation in 1998. Because this violence, levied at street children and suspected petty criminals, was "making the streets safer", Duterte faced no realized punishment and actively worked to stonewall investigations into the deaths. On the contrary, his involvement in these killings worked as a positive, working as a major factor that propelled him to the presidency in 2016. This is a clear example of perceptions of security conditioning oppressive violence - these

deaths, in the eyes of many, were necessities to improve their own perceptions of security (Curato, 2018; Marshall and Mogato, 2016). Thus, oppressive violence had tangible benefits for Duterte and his agents, as it boosted political support for his regime.

The dimension of citizenry demand is relatively straightforward in cases of democracy. As discussed in previous sections, plenty of literature on electoral institutions demonstrates how state principals are beholden to their constituents, whether those constituents demand violence or not (Cingranelli and Filippov, 2010; Cingranelli et al., 2014). This should particularly be the case when voters who demand oppression take place have actualized means to hold specific leaders accountable, whether that is through their access to said leader or their ability to hold the accountable in elections. Autocracy, on the other hands, raises key questions regarding accountability and the function of preference building. If governments are not guided by the broader public, why subscribe to an agenda of oppressive violence? I argue, in these cases, states can still be guided by general public opinion, as well as being driven by the preferences of their agents.

In even the most insular of autocracies, leaders are still beholden to some winning coalition to maintain power - likely some combination of oligarchs and economic elites. While clearly not as large of a group, studies on political survival of autocratic leaders have demonstrated that autocrats are accountable to the members of their political coalition when key political issues are at stake, such as fiscal responsibility and foreign policy decision making (Weeks, 2012; Corduneanu-Huci, 2014). In such cases, autocratic leaders understand that placating and providing for the political preferences of their coalition is crucial to their long-term survival, and they can thus engage in oppressive violence for the same support that democratic leaders chase.

Additionally, the allowance or preference of oppressive violence can also cement support among another key demographic - those serving the state as agents. Security forces have been demonstrated to consider, among other things, their lateral discretion and capabilities to engage in abuse when making decisions to join security forces (Wood, 2006; Butler et al., 2007; Wahl, 2014). At its worst, security forces might view this violence as a functional benefit of their job, opting to serve as an agent of the state because of the abuses it might allow them to carry out (Butler et al., 2007). In other cases, things like torture might be seen as necessary pieces for security forces engaging the immorality of crime, and might consider their ability to engage in torture as a punishment/investigative methods as central to their support of their state principal (Wahl, 2014).

Both citizens and agents might view this type of violence as providing for their functional security; a necessary evil to ensure that criminals, ethnic minorities, and other identities they view negatively are "dealt with". Governments that are already secure in their own positions might use the opportunity for oppressive violence to centralize

their own power even more. They can likewise engage in oppressive violence for reasons outside of appeasement - namely, signaling to ethnically dominant and marginalized groups their broader societal positions, and entrenching privilege among those dominant in society.

First, oppressive violence sends primary signals to both the group being abused, and the group currently dominating government about their respective positions in society. Soss and Weaver (2017) explore state violence targeting "race-class subjugated communities", defined by the confluence of race and class in the case of the United States. This includes both the role of police as primary instigators of abuse, and likewise as protectors of private citizens who engaged in this same abuse. Such abuse serves two roles. For those being abused (or members of their communities), it serves as a demonstration of place and non-belonging. Police harassment and abuse of victims (attempting to go about their daily lives) both reinforces feelings of otherness in public spaces, introduces associations between immorality and marginalized identity, and encourages them to avoid said spaces for fear of being harassed. For members of the dominant group, such harassment (and the lack of such harassment targeting their own group) signals their own moral superiority, and provides public spaces where interacting with marginalized people is not necessary. As is the case with China's usage of concentration camps, one tangible benefit for Han Chinese peoples is their daily interactions with Muslims, particularly those living in Xinjiang. Not only are they less likely to have opportunities to interact in public spaces, but those interactions are now conditioned by fear, creating a public space that solely serves the comfort and privilege of the ethnically dominant group.

Second, oppressive violence entrenches privileges of the dominant group, at the cost of those it targets. Physical removal from public life (for example, mass imprisonment and concentration camps) immediately creates more opportunities for members of a dominant group. Those who have been removed from public life are no longer able to express their political voice, meaning political life is more firmly entrenched in the hands of the dominant. They immediately vacate positions of employment and potentially lose property and business, creating more economic opportunity for emboldened members of the dominant community. Local bureaucracy is no exception, staffing now vacant positions from those same members of the dominant community. Repeated iterations of oppression likewise have the power to stratify social spaces, creating functionally segregated systems in provisions like education or healthcare (Harris et al., 2006; O'Nions, 2010). By the time said victims are released from custody, the infrastructure and spaces they once lived in are now occupied, with little capacity to wrest control from the dominant group. This extends to other types of abuses as well - torture, for example, has the potential for lifelong consequences for those victimized by it. Unbreakable trauma, inflicted physical disability, and deep-seeded mistrust all coalesce and might require significant resources and support to address. By withholding such support, governments can ensure

that individual (and their communities now tasked with caring for them) have even more barriers to political and economic life.

Governments dominated by one particular privileged group should be likely to have some confluence of the above factors, making them more likely to prefer oppression as a policy agenda. First, such governments will, in their own self interests, engage in oppressive violence to centralize the power of themselves and those sharing their markers of identity. Here, it is helpful to consider national political bodies as representative of actualized political voice. In democracies, each representative or parliamentary member represents the functional voice of some subset of voters. In autocracies, members of national legislative bodies instead represent those members of a national party or ruling coalition. A truly diverse and heterogeneous national body can signal a diversity of political voices among the general public. On the contrary, a homogeneous national body dominated by one particular group can signal significant limitations to political life, and the overarching prioritization of particular voices. Such governments are both centralized (centering one combination of identities above others) and secure (outsiders lack the political voice to truly contest policy decisions). And in such governments, that centralized group will be likely to shift laws, policies, and directly engage in abuses meant to benefit their own dominant group in all facets of life.

Additionally, the lacking reliance on marginalized people to maintain political power and the lack of presence and representation of such people in political spaces make agendas of oppression significantly easier to carry out. If marginalized people are at least somewhat represented in national government, they can (at a minimum) provide perspective and give voice to the human rights conditions that those they are representing are subjected to. This voice might be direct, including floor speeches on barriers a particular population is facing, or filibusters on bills or actions that might detriment their constituency. This representation passively forces governments to engage with their treatment of marginalized people as well - simply by existing in government spaces, privileged counterparts are forced to confront their treatment of others regularly. Simply having marginalized representation in government cues leaders in ways that pay dividends for human rights respect when it comes to those marginalized populations (Clayton, 2021). When those same people are not present at all levels of government, negative effects follow. There is a greater "distance" between those representatives that constitute the government and those alienated from political power. Leaders are less likely to be held accountable for abuses that victimize marginalized people, and will be less likely to fear retaliation from their peers.

Put simply, more homogeneous governments are less likely to address situations that victimize marginalized people, and are less likely to consider the status of marginalized people in general. Thus:

Hypothesis 1: Governments that are centralized among dimensions of identity are more likely to engage in

oppressive human rights abuse.

Along with homogeneity of political power, we can likewise test how systems of accountability and representativeness might help citizens drive oppressive violence, at least in the case of democracies. Cingranelli and Filippov (2010) examine how the presence of electoral incentives and more direct paths of representation (operationalized through low magnitude, single member district systems) create human rights respect through the promise of holding politicians accountable when physical integrity rights abuse occurs. Low magnitude districts foster direct individual connections between voters and their representatives, whereas said connections might be lost in high magnitude districts. Single member districts allows for direct and greater potential challenges to incumbents, theoretically fostering the threat of accountability for politicians who do not champion human rights (Cingranelli and Filippov, 2010).

In line with past accounts of oppressive violence (Rejali, 2007), I argue that these same systems can drive oppressive violence by governments by this same mechanism of citizenry demand. If citizens see oppressive violence as a function of their own perceptions of "security", then these same systems of accountability and representativeness can incentivize politicians in particular ways. Potential policies might include increasing interactions between marginalized people and state agents, criminalizing particular dimensions of identity, or removing government institutions of accountability that prevent agents from engaging in violence. Citizens, seeing increases in oppressive violence as a sign that their preferred policy agenda is being carried out, will likewise reward politicians using these direct mechanisms of political support. Thus:

Hypothesis 2: Democracies with low magnitude districts and/or higher proportions of single member districts are more likely to engage in oppressive human rights abuse.

Identifying Oppressive Violence

Using oppressive violence (Beger and Hill Jr, 2019) as a theoretical frame comes with specific concerns and issues. Paramount among these are identifying cases of oppression, realized overlap with repression, and lacking relevant data.

Perhaps most importantly, identifying cases of oppressive violence is very difficult. Working from existing accounts, the conditions for oppressive violence include both regularized interactions between state agents and marginalized people, and societal hierarchies to condition agents into violence. At a basic level, this requires knowledge of the thought processes of agents themselves (and the ways principal preferences have contributed to an instance of violence). Beyond the specific dimensions of democratic representation, global analysis is impossible

without limiting the country-scope of analysis. Identifying oppressive violence at this level would require intimate knowledge of principals, agents, and the preferences that both have - a theoretic-to-actualized practice that is out of the question for a variety of reasons. Most importantly, states have incentives to misrepresent the truth of state violence, and agents would likely not be forthright with their decision making processes. Even studies of repression that search for the motivations inherent to the process have been centered at the citizen or victim level, thanks to the impermeability of security forces (Curtice and Behlendorf, 2021). Additionally, agents may not comprehend or understand the complex ways that societal hierarchies influence their decision to violence. As understanding the motivation behind an instance of state violence is the necessary component to judging the presence of oppressive violence, identification remains nearly impossible

Conceptual overlap is another important consideration. Many cases of violence involve markers of both marginalized identity and dissent activity, meaning an instance of violence might be both repression and oppression. Take, for instance, the murder of Indigenous youth activist Breiner David Cucuñame by Colombian security forces in 2022 (Fernández, 2023). His extrajudicial killing at the hands of security forces did not occur during a protest - rather, he was killed during one of many excursions by the state into Indigenous lands. These excursions, with an explicit purpose of "detering potential militants" clearly suggests the repression/dissent nexus at the heart of motivations. Yet his Indigenous identity and presence on Indigenous lands were defining factors of his murder. In this case, oppressive and repressive violence are not mutually exclusive - facets of both were present, and that combination resulted in Breiner's murder. This interactive effect is visible on the aggregate of Colombian state violence as well. 332 of the 611 environmental defenders killed were Indigenous, despite Indigenous peoples constituting less than 10% of Columbia's population.

At the conceptual level, exploring dimensions like representation in government and state capacity might shed light on this interaction. At the functional level, it is very difficult to disaggregate. Since we can never truly know the intentions behind state violence, disentangling those resulting from some perception of threat and demand for security is a tall order, let alone the presence of both motivations at the same time.

For all of these reasons, identifying state violence as repressive and oppressive at a granular level is difficult outside of fringe demonstrative cases. This inherent dilemma might explain some of the history of physical integrity rights abuse studies. Past accounts have used a universal framing of repression and state violence to explore which factors impact violence by agents of the state. By directly tying state violence to repression, research could utilize mass-scale measures of state violence (for example, data on human rights abuses) to make conclusions about the relationship between repression and dissent. To disaggregate state violence, understanding repression and oppression

at a theoretical level is not enough - we must utilize a data approach that allows for this required disaggregation

Discriminatory Human Rights Abuse and Dependent Variable

Many past studies of repression and dissent have utilized datasets on physical integrity rights abuses to great effect. Associations between lessened repression and democracy, legal institutions, and citizen reliant taxation economies (Davenport, 2007a; Conrad and DeMeritt, 2013; Hill Jr and Jones, 2014) have all developed through a tying of repression to data on human rights violations, particularly physical integrity rights abuses. Tying state violence to repression simplifies the study of state violence significantly. On the theoretical side, research can primarily focus on the role of violence in addressing dissent, and the ways that dissent movements create the perception of threat or the ways states entrench political power. Data projects have made great strides in measuring human rights and human rights instruments outside of physical integrity rights (Cingranelli et al., 2014; Mark et al., 2024; Brook et al., 2023; Clay et al., 2020; Randolph et al., 2015), but the centrality of physical integrity rights as a locus of measurement remains. This leaves questions about who is targeted, where abuses occur, and the toolkits of repression as less present. Answering questions about repression, under this framing, requires aggregate level data on the frequency and range of physical integrity rights abuse.

This completely flips when asking questions about oppressive violence. This dimension of state violence necessitates a focus on victim identities, as identifying whether violence was motivated by structural hierarchy and demand for security becomes a central framing component. Even with that information there is still not enough to judge whether an instance of violence is oppressive (and/or repressive) in nature without intimate knowledge of a state's principal/agent preferences and dynamics. Put another way, it is impossible to truly know whether an instance of violence is oppressive in nature.

We can, however, examine impacts using a closely related operationalization - physical integrity rights abuses against marginalized people. Identifying violence against marginalized peoples is not a direct approximation of oppressive violence - as previously explored, victims might be engaged in some activities that make violence both repressive and oppressive in nature. Examining the measured levels of abuse targeting marginalized people does give us some evidence as to the frequency and scope of abuse. By analyzing both varied levels of homogeneity in national governance, representative and accountability institutions in electoral systems, and human rights abuses against marginalized people, we can build a preliminary examination of this dimension of state violence. While this approximation is not ideal, I contend that it is enough of an overlap to justify its exploration. This modified approach helps to address conceptual problems in studying oppressive violence, but does less to address the gaps in

necessary data.

The pivotal Minorities at Risk Dataset (at Risk Project", 2009) constituted one of the first attempts to quantitatively analyze ethnic group characteristics like concentration, grievances, and conflict/violence across politically relevant ethnic groups, focused on a limited set of groups for coding. This approach maximized information and variables coded per group, while sacrificing comprehensiveness in group inclusion, although recent attempts to rectify this have been made (Birnie et al., 2018).

Human rights data projects have likewise made attempts to capture information about victims of particular identities. The CIRIGHTS project, the Ill-Treatment and Torture dataset, the Human Rights Measurement Initiative, and the Political Terror Scale's Societal Violence Scale are four of the most prominent attempts at capturing victim-specific data on human rights abuses.

CIRIGHTS, which is a continuation of the CIRI dataset (Cingranelli et al., 2014; Mark et al., 2024) uses US State Department reports on human rights practices to create country-year measures of said practices. Historically, these measures have largely focused on aggregate respect for rights like freedom from disappearance, freedom of religion, and self-determination. Recently, the project have begun creating measures focused on rights fulfillment for specific identities - including women, Indigenous peoples, and prisoners. Unfortunately, these measures are not ideal for a broader oppression analysis for a couple of reasons. First, these measures place a significant emphasis of aggregate violence or rights abuses targeting people with each specific identity. While this might be useful working with theories of rights fulfillment, it is significantly less useful in examinations of rights respect. Without a focus on state violence against marginalized people, it is not clear how much of an identity specific measure is focused on state violence vs. violence by non-state actors. Second, the set of identities covered by CIRIGHTS is still relatively limited. Commonly targeted identities like people of particular races or ethnicities, LGBTQIA+ people, and people of low social and economic status are not represented by individual measures of rights performance.

PTS's Societal Violence Scale (Cornett et al., 2016; Gibney et al., 2021) is another comprehensive attempt at cataloguing human rights practices levied at people of particular identities. The aggregate PTS scores uses a broader range of human rights corpus reports (US State Department, Amnesty International, and Human Rights Watch) to generate one overarching score on the scope and magnitude of state terror. The Societal Violence Scale addresses non-state violence, producing measures by identity on the scope and magnitude of abuses outside the state. Unfortunately, the exact dimension needed for my analysis - measures of state violence against marginalized people - is not covered in either of PTS's wings of data production.

The Human Rights Measurement (Clay et al., 2020; Brook et al., 2023) produces human rights data for several

civil, political, economic, and social rights using an expert survey approach and publicly available data sources. Along with data on human rights respect and violence by governments, HRMI also asks respondents to identify who was particularly at risk for abuses of a human right, including explicitly asking if identities like particular races, ethnic groups, and social groups were at particular risk. This would serve as an ideal means to judge discriminatory human rights abuses, especially with such rich information of the specific identities at risk for abuse. Unfortunately, the country coverage of HRMI limits its feasibility for analysis: the latest release of HRMI data only includes survey data from 31 countries, which combined with HRMI's limited yearly coverage constrains a potential analysis.

Finally, the Ill-Treatment and Torture Dataset uses Amnesty International's allegations of torture to build two separate datasets (Conrad et al., 2014). The first is a mainline country-year dataset, containing key information about the tactics, scale, and responsibility for instance of torture. The second is a dataset of specific allegations, covering individual instances of torture and the characteristics of those events. While not a primary goal of the project, information about who was targeted for abuse was collected as a consequence of this second approach. ITT separates between marginalized and dissident victims - making this dataset the preferred source to analyze discriminating human rights abuses. As such, I use three different victim identification categories from ITT in my models - marginalized, criminal suspects, and dissidents.

Independent Variable: Imbalance of Power

ITT's approximation of marginalization is tied heavily to ethnicity and social group. Thus, to test hypothesis 1, an effective measure of power imbalance must carry the same focus. While a multitude of measures exist (including projects like Ethnic Power Relations and Minorities at Risk), I opt use V-Dem's measure of political power stratified by social group (Coppedge et al., 2021). V-Dem's definition of "social group" closely aligns with ITT's identification of marginalized people, making it a great choice to unify approaches across this study.

In line with Cingranelli and Fillipov (2010), measures of both district magnitude and some indicator of proportional representation systems is necessary. I opt to utilize both the Database of Political Institutions and the expanded Particularism Around the World datasets (Scartascini et al., 2021; Johnson and Wallack, 2012; Wallack et al., 2003). The first is DPI's continuous measure of mean district magnitude in lower house (or appropriate alternative) elections. As the average size of a legislative district gets higher, the representativeness served by each legislator to each individual constituent gets lower. Thus, we should expect this variable to be negative, as less representativeness leads to lessened violence against marginalized people. The second is Particularism Around the World's measure of the proportion of single member districts in a lower house (or appropriate alternative). As the proportion of single-

member districts increases, the ability of constituents to hold their leaders accountable likewise increases compared to alternative systems, particularly proportional representations systems or those where voters only choose between parties and lists. Thus, Hypothesis 2 conditions us to expect a positive effect between the proportion of SMDs and allegations of violence against marginalized people, as voters are better able to hold leaders accountable for failing to provide an agenda of oppressive violence. Both of these measures include both systems with lower house, and those where there is only one legislative body to code. Since both of these are primarily relevant in democracies, I only include these variables in my analysis of states who experienced at least one year of democracy.

I additionally include the Democracy and Dictatorship Revisited's measure of regime type - particularly, whether a democracy was a parliamentary system or not (Cheibub et al., 2010). Parliamentary systems are defined by the centrality of the legislature, as heads of state are conditioned on the support of said legislature to continue governance. This adds a level of direct accountability of governance mechanisms to the legislature, which I posit produces two effects. First, the credible ability of legislatures to shirk accountability by blaming other government institutions is diminished, as credible political power is centralized in said legislature. Additionally, the presence of a parliamentary system should (potentially) condition voters to see that legislature as their primary mode of holding the national government accountable. This should mean that, given the ability of people to directly hold politicians accountable for their actions through elections, parliamentary systems should see a significantly higher level of violence against marginalized people as opposed to semi-presidential and presidential systems. This should particularly be the case in my models, where the impact of single member districts and mean district magnitude are accounted for.

Controls, Models, and Cautions

I run two sets of three zero inflated negative binomial regressions, to account for the large amount of zeroes in ITT's specific allegation dataset. Each of these models includes two variables in the inflation stage. One is ITT's restricted access variable, separating one dimension of zeroes in the dependent variables (countries who did not engage in abuse, and countries who kept information about abuse from reaching international audiences)(Conrad et al., 2014). They also includes a count of human rights organization events from Murdie and Bhasin(2011), to likewise separate between zeroes experiencing no abuse and zeroes where human rights organizations are not able to operate.

Because the representativeness and accountability dimensions of democracy are a core consideration of this study, I run two separate sets of models - one across all countries that experienced at least one year of democracy, and

one across those that did not. I likewise include standard controls of Gross Domestic Product and Total Country Population, both taken from the World Bank and both log transformed.

I also include some more unique control variables, based on past studies of political violence. The first is ITT's Restricted Access variable, as it provides a way to account for cases where Amnesty was not allowed access, and thus information about abuses in said country may not be as accurate.

I additionally control for independence of the judiciary, which has been demonstrated as tied to demand for oppressive abuse (Beger and Hill Jr, 2019).

Results and Discussion

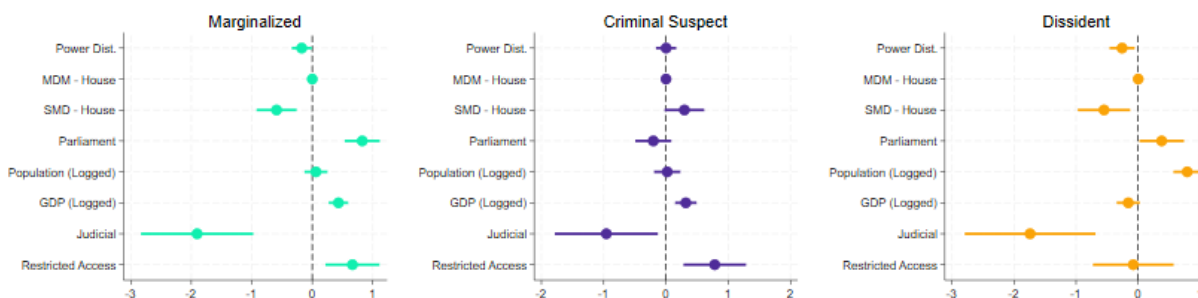


Figure 1. Coefficients are shown with 95% confidence intervals. The sample for analysis includes democratic countries only (countries experiencing at least one democratic year). $N = 782$ for all models.

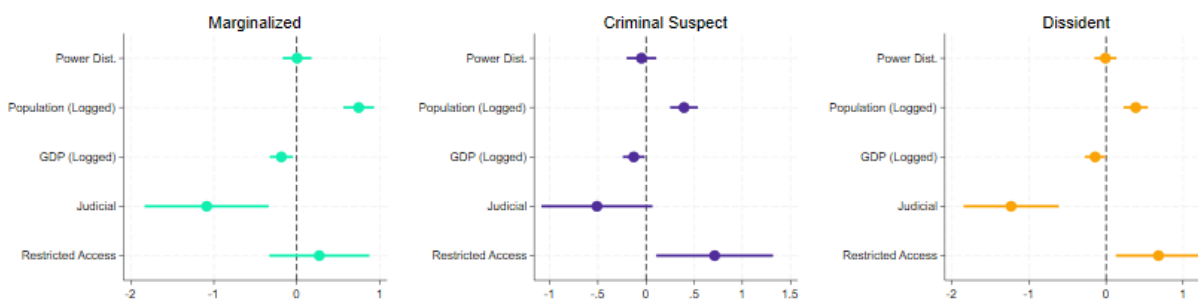


Figure 2. Coefficients are shown with 95% confidence intervals. The sample for analysis includes autocratic countries only (countries experiencing no years as a democracy). $N = 551$ for all models.

The results for my models are shown in the coefficient plots above. I run a set of 6 zero-inflated negative binomial models. Each of these models includes ITT's restricted access variable and Murdie and Bhasin's human rights organizations event counts in the inflation stage, to account for separate types of zeroes (those where governments are not engaging in targeted torture, and those cases where information about torture is not available either due

to government restrictions or the lack of human rights organization operations). The first set of models is run for countries who experienced at least one year of democracy from 1995-2005, while the second set of models contains only countries who had no years where democracy was experienced. I run separate zero inflated negative binomial models in each category for three victim types: marginalized, criminal suspect, and dissident.

For the democracy models, V-Dem's measure for societal inequalities among social groups is negatively signed and has a statistically significant relationship with measures for torture events targeting marginalized people and dissidents. Put another way, as the centralization of power among the lines of social groups lessen and things become more equitable, the demand for state violence across the board decreases. A one point increase in V-Dem's political power stratified by social group variable is associated with .17 less allegations of torture targeting marginalized peoples, and .25 less allegations of torture targeting dissidents. While a confirmation of hypothesis one, we do not see an actualized split between marginalized targeting and dissident targeting in these cases. More equitable governments with better representation for marginalized social groups are less likely to engage in torture against marginalized peoples and dissidents. V-Dem's social group equality variable is not associated with any change in allegations of torture across autocracies, demonstrating a separation in oppressive violence mechanisms at the regime type level and backing previous research finding unique mechanisms of violence in democracies (Beger and Hill Jr, 2019; Haschke, 2018).

This formulation of oppression (and in this case, repression) cuts against theories of democratic exceptionalism and the tying of democracy to respect for physical integrity rights – here, we have an example of democracies being motivated to violence in ways that autocracies might not be capable of. Past literature has tied human rights performance to political regime, including the tying of physical integrity rights respect to the core tenets of democracy (Hill Jr and Watson, 2019; Hill Jr, 2016). While this still might be the case for aggregate state violence, these models demonstrate that, at the very least, separating types of violence and mechanisms of violence generation can lead to unique results. Put another way, this all indicates that these types of violence have unique mechanisms of generation based on both political regime, and more finite mechanisms within said governments.

Hypothesis two finds mixed result. Mean District Magnitude is not statistically significant in any of the models, suggesting that torture overall does not respond to district size. Contrary to Hypothesis two, single member districts are associated with lessened allegations of torture for both marginalized people and dissidents. Moving from zero to full single member districts is associated with .59 less allegations of torture targeting marginalized people, and .54 less allegations of torture targeting dissidents. This aligns with Cingranelli and Fillipov's (2010) account of political responsiveness and human rights, where constituencies with direct mechanisms of holding politicians

accountable can result in improved human rights practices. It also suggests the counterfactual of Hypothesis two (also theorized by Cingranelli and Fillipov), wherein legislators elected through party lists and coalitions can "hide" from consequences for human rights abuses occurring under their elected office.

While not significant, the criminal suspect model offers some potential explanation. While not statistically significant at the 95% confidence level, it is significant at the 90% confidence level and is signed positive. Moving from zero to full single member districts is associated with .3 greater allegations of torture targeting criminal suspects. There is clear distinction here - while being associated with less torture targeting particular identities, single member districts are associated with more in others. One potential explanation is benign, where under such governments (with significant incentives to protect human rights) agents are only able to credibly engage in torture against criminalized peoples. Another more sinister explanation is that this distinction is a question of framing and strategy - here, such governments fundamentally shift their approach to violence, choosing to detain people of crimes before engaging in torture. At the measurement level, this would explain the prevalence of violence against criminalized people in SMD states - if people are commonly arrested before torture takes place, markers of it might supersede other identity markers commonly present in reports of violence. At the theoretical level, this also aligns with Rejali's (2007) civic discipline model of violence. If citizen demand violence as evidence of security being provided for, increased abuses against criminalized people (including marginalized people who have been criminalized by the state) make sense as a group to be targeted. Regardless, I cannot confirm Hypothesis two based on the above.

Finally, the binary indicator for parliamentary governments is associated with increased violence in the cases of torture targeting marginalized peoples and dissidents. Parliamentary systems are associated with .85 more allegations of torture targeting marginalized people, and with .38 more allegations of torture targeting dissidents. At a minimum, this suggests that when legislators are the centered political institution of a government, more torture of both types occurs. Given the contradictory results for Hypothesis two, some caution should be used. This could be the result of citizens viewing parliamentarians as their primary political representative, and punishing them accordingly when they do not see violence occurring. Alternatively, this might be a function of coalition politics or capacity concerns, where parliamentary systems can be relatively new countries compared to older presidential or semi-presidential systems. Regardless, these significant results (in a model already including district magnitude and single member districts) certainly suggest a powerful association between parliamentary systems and state violence.

Some other interesting conclusions follow from the other variables included. Restricted access is tied to increased levels of violence in several models, including in cases of torture targeting marginalized people and criminal suspects in democracies. This suggests that autocracies are not the only governments to actively obfuscate human

rights abuses to international audiences - democracies likewise engage in this strategy, but only in the cases of human rights abuses targeting marginalized and criminalized people.

Finally, another interesting conclusion comes from the democracy model – higher levels of GDP are associated with higher level of torture allegations targeting marginalized and criminalized in democracies. This again cuts against accounts of repressive violence, where indiscriminate repression is built from limited resources (which inform state decisions to repress over other options like accommodation and cooptation (Mason, 2004). Violence against marginalized and criminalized people being positively correlated with GDP in democracies means that, rather than a lack of other options, discriminatory human rights abuse is actually a preferred strategy for democracies, as given greater resources they will engage in such violence more.

Conclusion

In this project, I have forwarded a theory of oppressive violence driven by inequalities at the governmental level and the relationship between constituents and legislators. When political power is more unevenly distributed, both citizen demand for oppressive violence and unequal access to the perspectives of marginalized peoples both lead to oppressive violence. Additionally, I argue that as representativeness and accountability in electoral institutions increases, oppressive violence will increase. Using data from the Ill-Treatment and Torture dataset and a variety of other measures, I demonstrate that political power (distributed by social group) does create more opportunities for oppression, with some evidence for and against a citizen driven effect contingent on representation and accountability of legislators to constituents.

These findings have two important conclusions. First, this builds on past studies demonstrating that democracies might have altogether unique mechanisms of violence (Haschke, 2018; Jackson et al., 2018). State violence against marginalized people is shown to be conditioned on political power disparities at the national level, cutting against overarching repression theories of political threat and relative strength. And in the case of electoral systems, democracies (at least) have some unique dimensions of state construction and constituent demands that create opportunities for violence that do not exist in autocracies.

Second is that, within our typically broad container of state violence, there exists multiple, potentially overlapping types of violence that traditional explanations might be insufficient to develop. Here, the centralization of power among social group should make states more secure, and less likely to engage in violence. With their relative strength growing compared to opposition threat, there should be less need to repress in order to quell dissent. Yet here we see the opposite – states that are secured along social group lines, where particular groups have even more

power actually engage in violence more. Perhaps most importantly, we need to begin unpacking the black box of state violence to understand what types of violence exist, and what types of determinants condition their usage.

In addition, this study has unearthed two key dimensions of political violence research that would aid future studies unpacking these complexities. First, more attention needs to be paid to the question of who – in particular, what is the identity of the target of physical integrity rights abuse. In terms of specific human rights abuse data, this study was limited to The Ill-Treatment and Torture dataset due to lacking victim identification in other datasets. Future projects would do well to incorporate information on who is targeted for rights abuse, rather than simply how much abuse is occurring.³ As this study has demonstrated, even democratic systems traditionally seen as rights respecting might have specified abuse against particular groups occurring under the surface.

Finally, we as a field need more inclusion of critical theoretical perspectives when analyzing state behavior quantitatively. While the results of this study cut against typical explanations of state violence against civilians, they would be of no surprise to scholars utilizing critical approaches in political science. Certain core assumptions – such as oppression sitting at the core of democracies and their governance structures – can be clearly and robustly applied in quantitative political science, if given the opportunity.

³As previously mentioned, some examples of this approach can be seen in CIRIGHTS (Mark et al., 2024) work on rights of people with particular identities, as well as HRMI's (Brook et al., 2023) inclusion of identity questions in their expert survey

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NATIONALISM AND TORTURE *

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Abstract

Why do states engage in violence against marginalized social groups? State violence is typically explained as a calculated response to dissent or as a means of preventing dissent. However, many instances of state violence against members of marginalized groups appear to be unconnected to dissent or anti-state mobilization. We examine this dimension of state violence and connect it to control of the government by nationalist political parties and the preferences of their voting bases. We argue that governments in which nationalist parties hold substantial influence are more likely to adopt policies that lead to abuse. Such policies include more aggressive policing of immigrants and ethnic minorities, and lax oversight and punishment of agencies responsible for policing. To test our argument, we examine the Ill-Treatment and Torture data, which record allegations of state violence and also information about the victim's identity. We find that states with nationalist governments are more frequently accused of abuse against marginalized groups. Our results suggest that, rather than constraining abusive behavior through electoral accountability, the public in democratic countries sometimes prefer leaders who create a more abusive environment for marginalized groups.

Introduction

One established fact in political violence research that state violence is more common in non-democracies than in democracies (Davenport, 2007a,b; Davenport and Armstrong, 2004; Hill Jr, 2016; Hill Jr and Jones, 2014; Jones and Lupu, 2018; Poe and Tate, 1994; Poe et al., 1999). This is partly due to the fact that *repressive* violence, or violence that targets political opposition, makes governments less democratic by definition. Despite this, state violence is still a serious problem in some democratic countries. The United States has recently received much media attention related to numerous police killings of unarmed Black people. Black Americans are about 3.5 times more likely to be unarmed and shot by the police than are white Americans, and the probability that an *armed* white American dies by police shooting is roughly equal to the probability that an *unarmed* Black American dies by police shooting (Ross, 2015). Officers in these cases often claim that the victim was resisting arrest, and criminal punishment of such officers is rare, which suggests that supervisors, prosecutors, judges, and juries are usually satisfied with the officer's account of events.

Belgium provides another example of a developed democracy where violence against marginalized groups is common. In 1998, a Nigerian national and asylum-seeker named Semira Adamu was killed by members of the gendarmes during forced deportation. Officers pressed Adamu's face into a pillow for 10-20 minutes, during which

she lost consciousness. She died later that day from a brain hemorrhage caused by asphyxiation. Eventually, in 2003, four of the five officers involved in the incident were sentenced to 12-14 months suspended sentences, meaning they served no actual time in prison. In short, no one faced severe consequences for the death of Semira Adamu (Amnesty International, 1998, 2004).

The vast body of research on state violence is focused on *repression*, which explains violence as resulting from dissent and threats to political authority (Gartner and Regan, 1996; Poe, 2004; Davenport, 2007b). Such accounts are less useful for explaining the incidents above, which have little to do with threat to political leaders' positions in power.

Further, two countries discussed above are democracies, which raises questions about the relationship between democracy and state violence. Democracy is a non-repressive form of government, which means democracy and the absence of violence that targets dissidents are inherently related (Hill Jr, 2016). However, differences between democracies and non-democracies are much smaller or even non-existent when one examines violence against criminal suspects and marginalized groups (Haschke, 2018; Jackson et al., 2018; Beger and Hill Jr, 2019). Haschke (2018) draws a distinction between violence that serves the executive's goal of remaining in office (repression), and violence that does not, noting that state violence in democracies will necessarily fall into the latter category. He ultimately concludes that a lack of monitoring and accountability makes incidents (like those discussed above) more likely. Similarly, Beger and Hill Jr (2019) separate repressive violence, which is meant to address political challenges, and oppressive violence, which is not. They echo Haschke's point regarding oversight and also point to social hierarchies as a source of non-repressive violence. Additionally, they note that such violence may help executives retain office, when used against groups who make up a minority of the population and who the general public view as threats to social order. In a similar vein, Conrad et al. (2018) argue that leaders in democracies have an incentive to permit abuse of dissidents, criminals, and marginalized populations since members of the public hold executives responsible for 'security' writ large but are generally unconcerned about the security of these groups.¹

In this study, we explore the claim that governments in democratic countries may actually benefit politically by enacting policies that lead to violence against marginalized groups. We focus on another potential force of state violence: control of the government by nationalist political parties. Past studies have noted the potential for nationalism to impact human rights in certain types of democracies, specifically in contexts of ethnic or civil strife (Yazici, 2019). We argue that states with nationalist governments will be more prone to abuse marginalized

¹Scholars of American politics have also studied how 'race class subjugated communities' are approached as threats to social order, and how their abuse is demanded under the priorities of state officials (Soss and Weaver, 2017)

populations for two reasons. First, nationalist politicians will be less likely to invest time or money into institutions that protect the rights of marginalized populations, whether through negligence, incapacity, or conscious decision. Second, nationalist voters will likewise be less responsive to human rights abuses against marginalized populations. Voters who support such parties may fail to hold leaders accountable when such rights abuses happen (Cingranelli and Filippov, 2010) or be supportive of leaders who allow such abuse. Both of these factors embolden agents to abuse marginalized populations more regularly and without fear of retribution.

Our study proceeds as follows. First, we summarize relevant research on state violence, focusing in particular on recent work that examines oppressive state violence. We then examine nationalist governments, and their predisposition to implement policies and rhetoric that lead to state violence against marginalized people. We then use the Ill-Treatment and Torture specific allegations dataset (Conrad et al., 2014) to determine whether nationalist governments abuse marginalized people more often. We find that democratic countries with both nationalist executives and significant nationalist presence in legislature do engage in more oppressive abuse.

We then conclude by discussing the future potential of studies examining non-repressive violence, and outline some necessary steps to further develop our understanding of distinct types of state violence. By framing political violence outside of the repression and dissent framework, we hope to provide another avenue for scholars to continue examining societal and structural factors that disadvantage marginalized populations, including explanations focused on hierarchies involving race/ethnicity, gender, and class. Finally, we hope to highlight that human rights research needs to focus more on the identities of victims of states violence to develop a better understanding of when particular groups are at risk.

Previous literature

Many studies of state violence are concerned exclusively with repressive violence. Repression is theorized as one of several options for addressing dissent. Given the presence of some opposition to its policies or actions, the state will choose a response based on the threat said opposition poses (Poe, 2004). Using this model to explain all instances of state violence against civilians presumes that violence results only from the state's concern over dissident threats. Though we aim to point out the limitations of this approach, it has proved fruitful for scholars of political violence, with a robust literature on what fuels repression and what stifles it. Factors like democratic institutions, economic development and growth, and various forms of dissent have all received in-depth examination as determinants of repression (Davenport, 1995, 2007b; Henderson, 1991; Poe and Tate, 1994; Poe et al., 1999).

Other research examines factors that affect states' capabilities to respond to dissent with non-repressive mea-

asures, such as access to resources and capital to accommodate dissidents (Clay and Diguseppe, 2017). Institutions like electoral rules (Cingranelli and Filippov, 2010), national human rights bodies (Welch, 2017, 2019), and independent judiciaries (Cross, 1999; Keith, 2002; Keith et al., 2009; Powell and Staton, 2009; Ríos-Figueroa and Staton, 2014; Hill Jr and Jones, 2014) have also been linked to variation in state repression.

Comparatively little research examines state violence outside of the dissent-repression framework. This is an important limitation because many cases of state violence do not fit comfortably within this framework. As an example, consider the advent of the Black Lives Matter movement, which initially grew from protests in response to the fatal shooting of Trayvon Martin and subsequent failure to convict Martin's murderer. The dissent-repression framework can explain police violence against BLM protestors - a response to dissidents who are threatening the status quo and demanding costly policy changes. The police shootings that preceded the BLM movement fit less neatly within this framework. The victims have no plausible connection to dissent, not even in the minds of the perpetrators.² Importantly, available data indicate that a majority of recorded cases of ill-treatment and torture at the hands of state agents do not involve victims who are dissidents, meaning these are mostly instances of non-repressive violence (Haschke, 2018; Beger and Hill Jr, 2019). Another important finding from recent studies is that this kind of violence is not significantly less common in democracies than in autocracies (Haschke, 2018; Jackson et al., 2018; Beger and Hill Jr, 2019).³ This suggests that the well-established relationship between the state violence and democracy is due largely to a negative relationship between democracy and repressive violence.

To explain oppressive or non-repressive violence, several studies have drawn on the logic of principal-agent models (See Conrad and Moore, 2010b; Haschke, 2018).⁴ In this framework, executives are principals and the personnel of coercive bureaucracies (police, military, etc) are agents. An underlying assumption is that because oppressive violence does not further the goals of the executive, it must result from agency slack. That is, agents will use violence when it furthers their own personal (or perhaps organizational) goals and they are not closely monitored. Haschke focuses on ineffective civilian control of security agencies, and an environment of impunity, as potential sources of agency slack. Beger and Hill Jr (2019) find that constitutional provisions to decrease the duration of state-imposed detention are associated with fewer cases of ill-treatment and torture. Similarly, Berlin (ming) finds that national

²It is true that violence sometimes targets people who have no connection to dissent but who the state nevertheless perceives as threatening. This includes violence that targets suspected supporters of dissident groups, as well as violence intended to prevent future challenges by groups who are not actively dissenting. This kind of violence fits our definition of repression. The distinction we are drawing between repressive and non-repressive violence thus hinges on the intent of the perpetrator. While in some contexts it will be difficult or impossible to rule out a perceived or anticipated threat as a motive for violence, this is not always the case. For example, we can safely rule out political threat as a motive in the killing of Semira Adamu.

³Additionally, one study finds that instances of scarring torture (as opposed to 'clean' torture that leaves no marks on victims' bodies) are actually more common in democratic countries, though this includes the torture of dissidents (Conrad, Hill Jr. and Moore 2018).

⁴See also DeMeritt (2015) who applies this framework to state-sponsored mass killing.

laws criminalizing torture are associated with fewer instances of police torture.

Another contributing factor to oppressive violence is the existence of social hierarchies that can result in torture for 'civic discipline', or violence intended to reinforce and perpetuate existing hierarchies and demarcate the boundaries between protected citizens and quasi-citizens. According to Rejali (2007), this kind of violence results from an implicit pact between security agencies, political leaders, and the public (or more precisely the segments of the public that make up the dominant socio-economic classes). The pact works as follows: the public demands safety and order, security agencies provide it by abusing marginal socio-economic groups that 'the public' finds (perhaps inherently) threatening, and self-interested political leaders ignore or praise illegal police conduct.⁵ Consistent with this argument, previous studies have found connections between hierarchies based on class and ethnicity and ill-treatment and torture that targets marginalized groups (Haschke, 2018; Beger and Hill Jr, 2019). Those societal hierarchies that are most deeply entrenched can be further reinforced through the evolution of social and political frames, which can ensure hierarchy survival (for instance, the development of 'color blind' racism and 'drug war' frames in the United States (Bonilla-Silva, 2006; Provine, 2011)).

In the next section we develop another condition that contributes to ill-treatment and torture of marginalized social groups: nationalist presence in government. We build on arguments outlined above by focusing on political leaders' incentives to monitor and punish security agencies for ill-treatment and torture. In line with arguments about social hierarchy and civic discipline, we expect nationalist governments to have distinct incentives to give security agencies wide discretion in dealing with ostensible threats to public safety, and in particular to ignore abuses against members of ethnic minority groups, immigrants, and foreign nationals. This is because supporters of nationalist parties tend to view these groups as threats to public order and perceive such abuses as contributing to their own personal safety. In this way, the abuse of marginalized groups can contribute to the government's goal of retaining office, though not because it diminishes political threats posed by dissidents.

Defining nationalism

First, what is nationalism, and what are its defining features? Gellner (2008: 1) provides one definition: 'nationalism[...]is primary a political principle, which holds that the political and the national unit should be congruent.' This is basic and fungible - specific types of nationalism will depend on one's conceptualization of the 'nation' and its bounds. Anderson (2020) defines a nation as an 'imagined political community... imagined as both inherently

⁵This is reminiscent of Walzer's (1973) argument that the public in democratic countries expects executives to 'get their hands dirty' in the name of national security but to publicly deny allegations of human rights abuses. See Moore (2010) and also Conrad, Hill Jr. and Moore (2018).

limited and sovereign.’ In other words, a nation only requires some imagined kinship to others, and some bounds to define the limits of that kinship. It is the delineation of those limits and connections that defines a nation, and the potential resultant nationalism. Bonikowski (2017) includes such limits and connections as defining aspects of nationalism - with the nation defined by cultural cleavages that are ultimately mobilized into political cleavages. Thus, nationalism involves not just the coalescence of an identity shared by those who ‘belong’ to the nation, but the creation of a category of people who do not share this identity and thus do not ‘belong.’ The preservation and prioritization of this nation are noted to lead to human rights abuse in some democracies (Yazici, 2019)

In the vast majority of cases, conceptualizations of the ‘nation’ will fall to divides of race, ethnicity, or religion - and many times can involve an intersection of the three. Studies of structural racial hierarchies have tied such entrenched systems to legacies of slavery, colonialism, and implicit class organization under capitalism, particularly for their ability to reproduce systemic inequality (Bonilla-Silva, 2006; Saito, 2020; Virdee, 2019). Many people may see race, ethnicity, or religion as the primary organizing principle for their society, resultant from their own biases and the necessity of such a divide persisting to maintain societal supremacy. ‘Ethnonationalism’ serves as a central concept to many studies of inequality and nationalism, dividing the boundaries of a nation by one’s belonging or exclusion to a particular ethnic group (Bonikowski, 2017; Dyrstad, 2012; Elgenius and Rydgren, 2019). Even cases where nations are thought to be imagined along ‘civic’ lines may actually bely racial or ethnic understandings that are ultimately the central organizing principle of some conceptualization of nation (Fozdar and Low, 2015). In this sense, it is impossible to disentangle systemic structures of supremacy from the way people conceptualize the nation, for those same structures of supremacy will inform and dictate the bounds the nation is given. Given the centrality of racial and ethnic inequalities across the globe, conceptualizations of the nation will necessarily fall along these bounds.

A theory of nationalist oppression

Past research examining state violence against marginalized peoples has found that much of its proliferation hinges on two factors: structures of power creating marginalized groups, and oversight of agencies responsible for law enforcement and detention (Haschke, 2018; Beger and Hill Jr, 2019). Politically marginalized or excluded groups like lower income individuals, ethnic or racial minorities, and gender minorities have diminished to no ability to influence policy or pose a credible political threat, which lowers the costs to state agents for abusing members of these groups. Likewise, more discretion for agents to engage in abuse, whether from a lack of means or will to hold them accountable, can exacerbate oppressive violence (Haschke, 2018; Beger and Hill Jr, 2019). Any factor

that produces inequality in political power across social groups, or that lowers chances of being caught or being severely punished, can lead to more oppressive violence. We argue that nationalist governments can contribute to both societal inequality and erode institutions of accountability for state agents for several reasons, and in several ways. Nationalism has long been associated with right-wing policies and parties, and past studies of nationalist parties have connected them to policies like immigration control (Akkerman, 2012) and exclusionary reframing of welfare policies (Spinney and Nethery, 2013; Nordensvard and Ketola, 2015).

Previous explanations for state violence fall into one of two categories. The first treats the executive as a lone decision maker who may prefer violence because it diminishes threat and keeps them in power (e.g., Poe, 2004). Agents are assumed to carry out violence, with no consideration of the principal-agent problems that might arise. The second focuses on the potential political costs to the executive for violence that becomes known to the public. These arguments examine the principal-agent relationship between executives and security agents and the conditions under which agents' preferences may, against executive preferences, lead them to use violence (Butler et al., 2007; Conrad and Moore, 2010b; Haschke, 2018).⁶

The argument we make here has elements of both. In line with the traditional 'violence benefits the incumbent' argument, we claim that (non-repressive) violence has benefits for some governments, in particular those with nationalist ideologies and bases of support. Violence against marginalized social groups is not necessarily intended to eliminate active or latent political threats to government's tenure. However, for nationalist governments this violence can signal to the public that the government is doing its job and providing for the public's safety.⁷ Supporters of such parties will tend to take an enabling view of allegations that ethnic minorities or immigrants are being abused by security forces. This does not require us to assume that members of the public prefer physical violence against immigrants and ethnic minority groups. We must only assume that they view these groups as dangerous and prefer the state to police them aggressively, and are willing to tolerate violence against these groups as an inevitable byproduct of law enforcement or blame the behavior of victims.

Because supporters are indifferent or supportive of policies that lead to abuses against marginalized people, incumbents may implement such policies to maintain public support. The typical account imagines an incumbent who prefers security agents, in the course of doing their jobs, to not use violence that amounts to torture or ill-treatment. We believe nationalist governments will prefer agents to use violence, and will weaken constraints against ill-treatment and torture to accomplish this. In this scenario, violence only becomes a principal agent problem if

⁶Conrad and Moore (2010: 462–463) consider a situation where executives prefer their agents to use torture and conclude that principal-agent problems are unlikely to arise in such a situation.

⁷See Haschke (2018: 19), who suggests that such motives may explain past findings concerning election violence.

it exceeds the principal's ideal level of violence, which means violence may or may not indicate agency slack. Our larger point is that violence that is often characterized as resulting from principal agent problems may be in line with the incumbent's preferences, and that incumbents can intentionally increase the likelihood of violence by relaxing monitoring and punishment of state agents. Our argument points towards a second principal-agent relationship: that between the public as principal and the government as their agent who may or may not implement policies that the public prefers (e.g., Ferejohn, 1986). This turns the standard account of democratic accountability and human rights on its head (e.g. Poe and Tate, 1994). In some cases, accountability to the public may lead governments-as-agents to implement policies that lead to more abuse.

We believe this argument applies primarily to democracies and not autocracies. In democracies, we expect some explicit connection between public interests/preferences, and policies the state adopts. The ability of voting publics to hold leaders accountable introduces new concerns for leaders. If the public will impose costs on leaders when agents abuse individuals from marginalized groups, the state should try to prevent such abuse out of self preservation. If the public will not impose costs for abuse, the state has no reason to constrain its agents. Democracies in particular are susceptible to this mechanism - if leaders are accountable (through elections) to the populace, the state has some incentive to respond to the public's preferences (Conrad et al., 2018). Control of the state by a nationalist government, whose constituents either do not care about abuses against marginalized populations or actively support policies that lead to abuse, may lead to more abuse.

Crucial to the relationship between oppressive violence and nationalist governments is that the public voted for a nationalist government in the first place - it is their preferences and attitudes towards abuse of marginalized populations that lead to opportunities for state agents to engage in oppressive violence.

Nationalist control of the government is likely to lead to abuse of marginalized groups because the government will be more likely to introduce legislation and policies that make such groups more vulnerable to abuse. For such governments, policies and institutions will be geared towards the protection and enshrinement of the true 'nation', however that is defined. A core tenet of nationalism is that government resources and attention are focused on the dominant group, leaving those outside the nation less embedded in structures of accountability and welfare. Considering nationalist parties are defined through their conceptualization of 'the nation' and the centralization of power within that nation, then people who are not considered part of the nation suffer because of nationalist policies.

Other policies will have more specific effects of exposing group members to oppressive violence, by both increasing the frequency of interaction with state agents and increasing the probability that such interactions lead

to violence. Criminalizing the practices of a religious minority group, for example the observance of public religious ceremonies, increases the frequency of interactions between said marginalized people and state agents, and thus increases opportunities for oppressive violence. Increased frequency of interactions can also result from disproportionate prison sentences for members of racial or ethnic minorities (Berdejó, 2018; Mitchell, 2005).

Policies that increase the likelihood of interactions becoming violent include any that send a signal to state agents that they are unlikely to be punished for abuse. Nationalist governments may adopt policies designed to embolden the political majority, creating less accountability when marginalized groups are abused, and might encourage state agents to abuse marginalized groups specifically. This might come through direct policy decisions - namely, dismantling institutions that protect marginalized populations from oppression. They might also weaken existing institutions by attacking credibility or ignoring judiciary decisions, destroying the de-facto enforcement power of institutions. This results in state agents being held accountable for their abuses less often, meaning agents will be more likely to engage in oppressive abuse. The same is true of law enforcement agencies more generally; any policy that signals the state is uninterested in monitoring and punishing agents who are committing abuse is likely to lead to more frequent abuse (Conrad and Moore, 2010b).

Nationalist governments, through policies and rhetoric, can also dehumanize and debase marginalized groups, creating a broader cultural acceptance of abuse against these people. One infamous example comes from former US president (and self-described nationalist) Donald Trump's comments regarding migrants and their assumed criminality. These comments exemplify how rhetoric can compound existing biases and further dehumanize marginalized people, which can lead to oppressive violence:

When Mexico sends its people, they're not sending their best. They're not sending you. They're not sending you. They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists. It's coming from more than Mexico. It's coming from all over South and Latin America, and it's coming probably, probably, from the Middle East. But we don't know. (Phillips, 2017)

In this speech, former president Trump implies all immigrants to the United States from Central and South America, as well as (probably) the Middle East, have an inherent criminal nature. Such rhetoric sets the tone for future laws and policies, and in this case, future executive actions meant to halt potential migrants from successfully immigrating, or otherwise stripping immigrants of various forms of legal protection (Hesson, 2020). It also serves to dehumanize immigrants in the eyes of privileged groups, creating or compounding existing prejudices about those groups. This rhetoric can make the public less interested in holding state agents accountable when they engage in violence against

marginalized groups. Further, state agents responsible for immigration control might view such comments as a 'green light' to engage in oppressive abuse against immigrants and asylum seekers.

In summary, there are several reasons to expect that the constituents of nationalist parties will not see the abuse of marginalized people as a pressing issue, may prefer policies that are more likely to lead to such abuse, and will be less likely to hold leaders accountable. We contend that control of the government by nationalist parties will lead to more frequent state violence against marginalized groups. This leads us to hypothesize that *violence against marginalized groups in democracies will occur more frequently when nationalist parties are in control of the government.*

Research design

Measurement of key concepts

Just as theoretic accounts focused on oppressive violence have been sparse, so too have data projects which allow a distinction between repressive and oppressive violence. The most commonly used cross-national data sets on human rights practices, CIRI and PTS (Cingranelli et al., 2014; Gibney et al., 2021), do not allow victim disaggregation in a way that helps distinguish oppressive from repressive violence. Operationally, this distinction requires us to separate violence that targets dissent from violence that does not.⁸

To measure oppressive violence we use the Ill-Treatment and Torture (ITT) specific allegations dataset (Conrad et al., 2014). ITT is built from Amnesty International publications between 1995 and 2005,⁹ and offers key benefits for analyses of torture against specific populations. The primary benefit is that ITT codes information about the identity of victims, and distinguishes between dissidents, criminal suspects, and members of marginalized groups (Conrad and Moore, 2010a: 25–26). We utilize counts of allegations of abuse that target all three victim types, but are especially interested in the abuse of marginalized groups. Our conceptualization of such groups – those that are disadvantaged by political and societal structures of power and privilege – lines up with ITT's definition of marginalized groups:

'We assign a victim as a member of a marginalized group if he/she is tortured by the state for the purpose of social control (i.e., humiliation or other punishment to establish that [1] her/his behavior was inappropriate and [2] that the state can abuse her/him with impunity), rather than for the collection

⁸The CIRI data include several measures of women's rights, including one that captures two very specific kinds of violence against women: forced sterilization and female genital cutting. So the CIRI data do contain information on violence that targets certain groups for reasons unrelated to dissent, but these measures are not useful for our purposes.

⁹ITT codes three types of Amnesty reports: annual reports, press releases, and action alerts.

of information. State torture directed at members of marginalized groups ... is intended to serve as a statement to a particular individual or group of individuals. A marginalized group in sociology refers to various groups that are outside of 'mainstream' - like the homeless, geeks, punks, skinheads, as well as minorities (sexual, national, etc.)' (Conrad and Moore, 2010a: 19).

Expressly clear in their definitions are a) some structural element of power and/or control, b) some expectation by agents that they will not be held accountable, and c) the absence of repression as a clear motive for abuse. Admittedly, this definition does not correspond perfectly to the way we discuss marginalized groups above, as we have in mind groups defined by shared characteristics associated with ethnic identity,¹⁰ including but not limited to nationality, religion, language, and region of ancestral origin. Despite being relatively broad, ITT's marginalized persons category has allowed for analyses of oppressive violence that have discovered interesting differences between the abuse of marginalized groups and abuse that targets other kinds of victims (Beger and Hill Jr, 2019; Haschke, 2018; Jackson et al., 2018). Our first dependent variable is the count of allegations of abuse targeting marginalized persons in a given country and year. As a second dependent variable we use the number of allegations of abuse that target criminal suspects. These allegations are also relevant to our argument. As we discuss above, marginalized social groups are likely to be characterized by nationalist politicians as inherently criminal, and to be viewed as such by the public. As a result, we expect they are at greater risk for arrest than members of dominant social groups and so are more likely to become criminal suspects. As a final dependent variable we use ITT's count of allegations of abuse against dissidents. We use this variable because it will be useful to compare results across victim types. We expect oppressive violence (i.e. against marginalized groups and criminal suspects) to exhibit some relationship with a nationalist presence in the government. In contrast, we have no such expectation about repressive violence. If this relationship holds with respect to marginalized groups and criminal suspects but not dissidents, it will give us more confidence that the policies of nationalist governments result in more violence against specific groups rather than against the population in general.¹¹

For a measure of nationalist control of the government we use two different sources. The first is the Database of Political Institutions (DPI) (Cruz et al., 2021). The DPI contains a binary variable that indicates whether the chief executive belongs to a nationalist party, and another that indicates whether the largest party in the government (the ruling party, largest party in the ruling coalition, or largest party in the legislature in presidential democracies) is a nationalist party. The DPI has two criteria for classifying parties as 'nationalist'. The first is that the sources they rely

¹⁰For a thorough discussion and interrogation of this concept see Chandra (2006).

¹¹Victim types in ITT are not mutually exclusive, which means victims may fall into more than one category. To ensure there is no overlap in the dependent variables across models, we limit our analysis to allegations that have a unique victim type.

on refer to the party as nationalist.¹² The second is that '[a] primary component of the party's platform is the creation or defense of a national or ethnic identity.' A party would satisfy the latter criteria if it 'fought for independence, either militarily or politically, from a colonial power; advocates persecution of minorities; is listed as xenophobic' by their sources (Cruz et al., 2021: 7). While nationalist control of either the chief executive or the legislature might be enough to create lapses in monitoring and accountability, non-nationalist control of either may work against this. We thus combine these two indicators into a single variable that measures whether the executive *and* the largest party are nationalist in orientation, which should be ripe for policies that lead to abuse. Using this definition, our data contain 54 nationalist observations (about 5.8% of cases). The relative lack of variation in this variable makes it more difficult to detect differences between the two groups, which means our tests will be conservative, i.e. they will be more prone to Type II errors.

Our second source for a measure of nationalist control of the government is the Varieties of Democracy data (V-Dem) (Coppedge et al., 2021). We use two variables from V-Dem. As with all V-Dem variables, these are based on responses to surveys that are administered to subject matter experts. One measures the degree to which the 'current government promote a specific ideology or societal model (an officially codified set of beliefs used to justify a particular set of social, political, and economic relations; for example, socialism, nationalism, religious traditionalism, etc.)' (Coppedge et al., 2021: 221). This is effectively a measure of how ideological the current government is. The second variable we use records the proportion of respondents who identified the government's ideology as nationalist. This variable can be thought of as measuring the strength of the typical respondent's belief that the government has a nationalist ideology. In our second set of models we include both of these variables as well as their product (an interaction term). The reason for the interaction is that we expect nationalist ideology to have an effect on torture only in cases where the government actually has a clear, coherent ideology.¹³ The interaction term will allow us to evaluate the effect of nationalism conditional on the strength and coherency of the government's ideology.

Our expectation is that the relationship between nationalist control of the government and abuse of marginalized groups is limited to democracies. In our analysis we limit the data to countries that have experienced at least one period of electoral democracy according to the binary measure developed by Cheibub et al. (2010). This leaves us with 88 countries for 11 years (1995–2005), which amounts to 925 country-years when accounting for missing data. 16 of these 86 countries, or 18.6%, have at least one period of dictatorship during the relevant time period. Typically

¹²The DPI uses as sources the Europa Yearbook, the Political Handbook of the World, and Agora, with Europa and the Political Handbook seeming to be the primary sources.

¹³Arguably, the nationalism measure is only meaningful for such cases. The alternative to an interaction term is to limit the analysis to cases where respondents identified the government as having a clear ideology, but this would require us to discard observations and pick an arbitrary cut-point in V-Dem's ideological strength variable to determine which observations to discard.

these periods were relatively short, as only 74 of 925 country-years, or 8% of the observations, correspond to periods of dictatorship. These are shown below in Table I. For comparison, our second set of models uses only countries that never experienced a year of democracy during the time period under examination.

Country	Years
Burundi	1996–2004
Central African Republic	2003
Republic of Congo	1997–2005
Ecuador	2000–2001
Georgia	1995–2003
Guinea-Bissau	1995–1999, 2003
Indonesia	1995–1998
Kenya	1995–1997
Kyrgyzstan	2001–2004
Mexico	1995–1999
Nepal	2002
Niger	1996–1999
Pakistan	1999, 2000, 2003–2005
Peru	1995–2000
Senegal	1995–1999
Sierra Leone	1997

Table I. Periods of dictatorship in our sample (1995–2005)

We include several control variables in our models. The ITT data contains a binary variable that records whether Amnesty International published a statement indicating that they, or other INGOs, had difficulties accessing detention sites, which we include. (Conrad and Moore, 2011: 17) . Our models also include a measure of judicial constraints from the Varieties of Democracy data (Coppedge et al., 2021), to account for the fact that even among democracies there may be variation in the power of the judiciary, which is negatively associated with the abuse of marginalized groups (Beger and Hill Jr, 2019). We also include a variable intended to capture the extent of race- or ethnicity-based hierarchy in society. For this we use another V-Dem variable that measures the degree of equality in civil rights protections across different social groups defined by 'language, ethnicity, religion, race, region, or caste' (Coppedge et al., 2021: 177–178). This is a continuous variable (created using a measurement model) that ranges from about -2.7 to about 3.5. Our models also include a measure of intrastate conflict from the UCDP/PRIO Armed Conflict Dataset (Gleditsch et al., 2002; Pettersson et al., 2021). Finally, we include measures of GDP and population from the World Bank's World Development Indicators (World Bank, 2021), which are both log-transformed and normalized.

Modeling allegations

To model allegations of torture that targets individuals from marginalized social groups, we employ negative binomial regression models. We use models with random effects (intercepts) for country. The country-specific effects will capture unmeasured, time-invariant country-level characteristics that are not included in the model. The means for allegations related to marginalized groups, criminal suspects, and dissidents are 2.2, 1.6, and 1.8, respectively. These means vary across countries from zero to about 32 in the case of marginalized groups, 20 in the case of criminal suspects, and 21 in the case of dissidents. This suggests there may be some variation at the country level that will not be captured by our independent variables, and which could bias our estimates if not accounted for.

Results

We start by examining the results from models using the DPI measure of nationalism, which are shown below in Figure 1. For the models using allegation counts for marginalized groups and criminal suspects, the coefficients for the nationalist government variable are positive and statistically significant ($\alpha = 0.05$). For the model using allegation counts for dissidents, the coefficient for nationalist government is positive but insignificant. There are no variables for which the coefficients are consistently signed *and* significant across victim types. Civil conflict has a positive, significant association with allegations concerning marginalized groups and dissidents, while equality in civil liberties has a negative, significant association with such allegations. Restricted access has a positive, significant association with allegations concerning marginalized groups and criminal suspects.¹⁴ Finally, population size has a positive, significant association with allegations related to criminal suspects and dissidents.

Figure 1 also displays the marginal effect of nationalist control of the government on torture allegations from each model in order to make the results more interpretable. Because nationalist control of the government is a binary variable, the marginal effect is the difference between the expected allegation count with and without nationalist control of the government. These effects were calculated using 2,000 simulated values of each model's coefficients. All of the control variables were set to their in-sample medians (or modes in the case of categorical variables). The dots in the figure indicate the median value of the 2,000 simulated marginal effects, and the vertical lines connect the 2.5th and 97.5th percentiles. The figure shows that the marginal effect of nationalist control of the government is 0.45 based on the estimates from the model using victims from marginalized groups. This indicates

¹⁴It is worth pointing out that these results suggest that a lack of access does not translate into an inability for Amnesty to issue credible allegations of torture. Rather, the most plausible interpretation of this result is that governments are more likely to deny Amnesty access when torture is occurring.

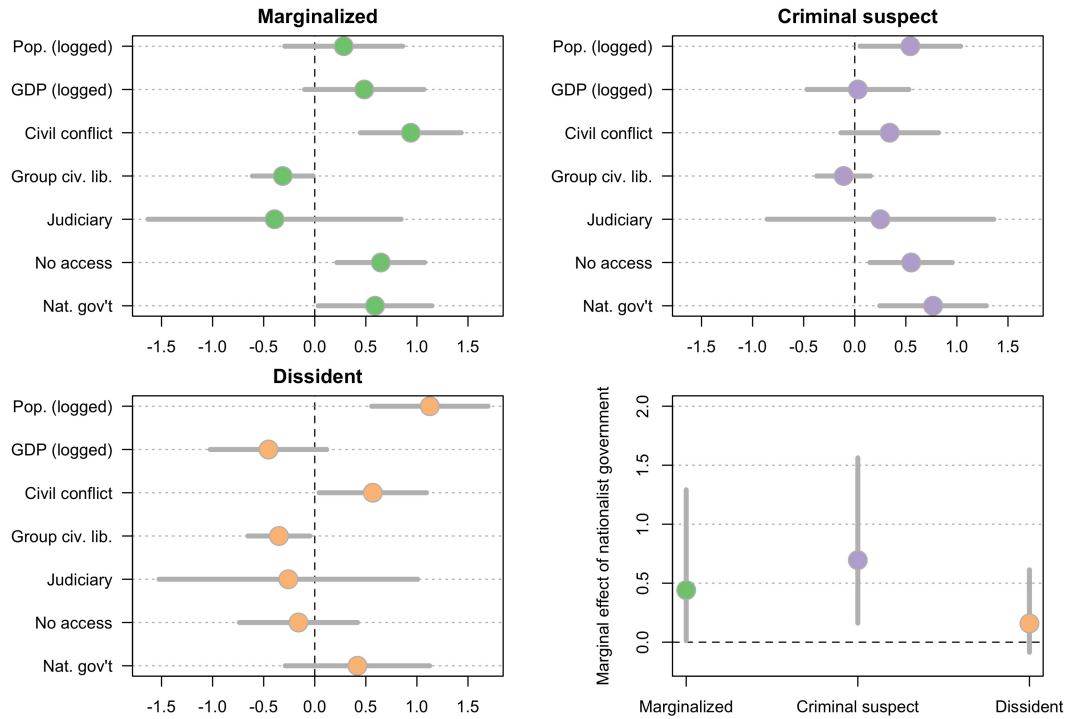


Figure 1. Regression coefficients for all variables and marginal effects for DPI's measure of nationalism. Coefficients and marginal effects are shown with 95% confidence intervals. The sample for analysis includes democratic countries only. $N = 925$ for all models (88 countries).

that the expected count of torture allegations increases by 0.45 when nationalist control switches from zero to one. The change associated with a nationalist government is about 0.7 in the case of criminal suspects. In contrast, the median marginal effect from the dissident victim model is 0.15 and is not statistically significant.

Figure 2 displays results from models that use the V-Dem measures of nationalist ideology and ideological strength. We limit discussion to the results for these variables as estimate for the control variables are largely the same as in the previous set of models. In the models for marginalized groups and criminal suspect, estimates for the nationalism variable are positive but insignificant, indicating that nationalism has a positive but insignificant effect on allegations related to these groups *when the ideological strength variable is 0*. That the interaction term is positive and significant means the effect of nationalism becomes more positive as ideological strength increases. The bottom left and bottom center panels of Figure 2 show the marginal effect of nationalism across the range of the ideological strength variable. The marginal effect is calculated using the same method described above, with all of the control variables set to their in-sample medians or modes, and the nationalism variable set to its in-sample mean. The solid line shows the median marginal effect for a given value of ideological strength. Where the 95% confidence intervals do not contain zero the marginal effect is statistically significant at the $\alpha = 0.05$ level. The distribution of

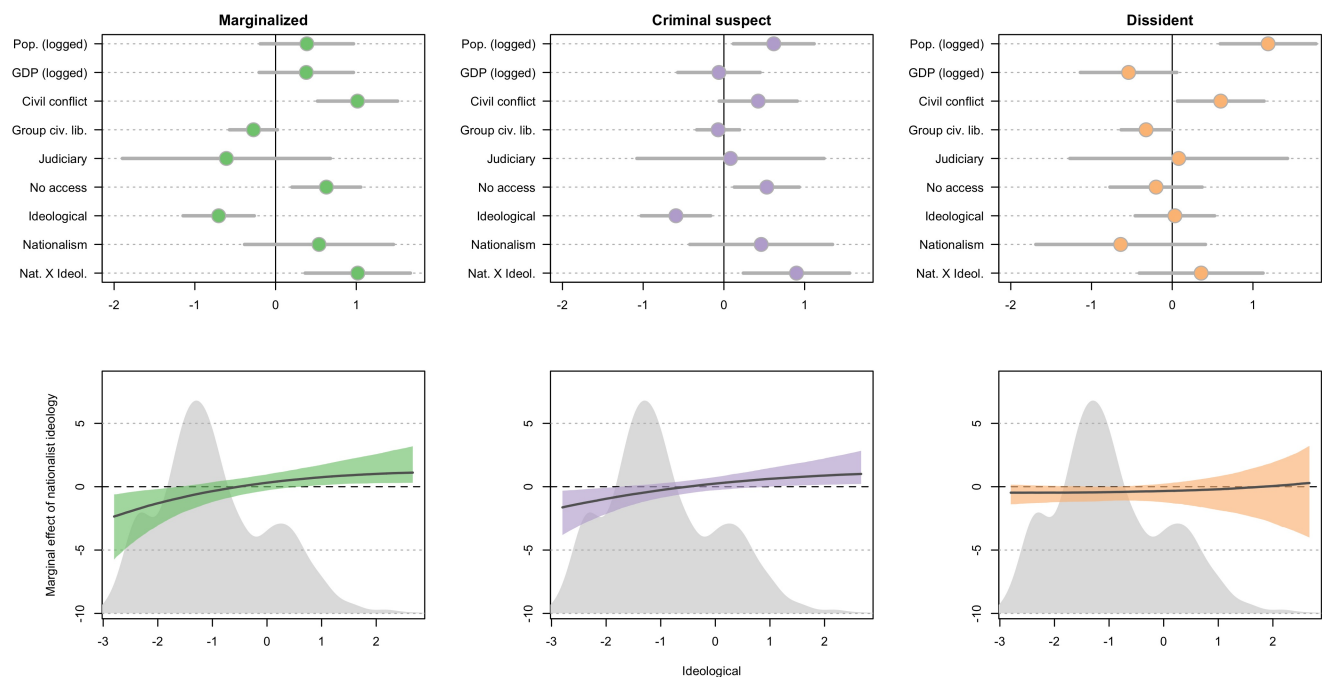


Figure 2. Regression coefficients for all variables and marginal effects for V-Dem's measure of nationalism. Coefficients and marginal effects are shown with 95% confidence intervals. Marginal effects are calculated across the range of the V-Dem ideological strength variable. The gray densities in the bottom plots show the in-sample distribution of ideological strength. The sample for analysis includes democratic countries only. $N = 925$ for all models (88 countries).

the ideological strength variable is displayed in the background. For allegations regarding victims from marginalized groups and criminal suspects, the effect of nationalism increases and is statistically significant at higher levels of ideological strength. In the case of allegations regarding dissidents, the marginal effect is insignificant across the entire range of ideological strength.

For comparison to the results shown above we estimated an additional set of models using countries that do not meet our inclusion criterion for the analysis above, which is that they must have experienced at least one period of democracy in the time period under examination. Thus our second set of models is fit to countries that never experienced even a single year of democracy between 1995-2005. Coefficient estimates for these models are shown in Figure 3. In none of the models are the coefficients associated with nationalist ideology significant, and for the DPI measure all of the estimates are actually negative.

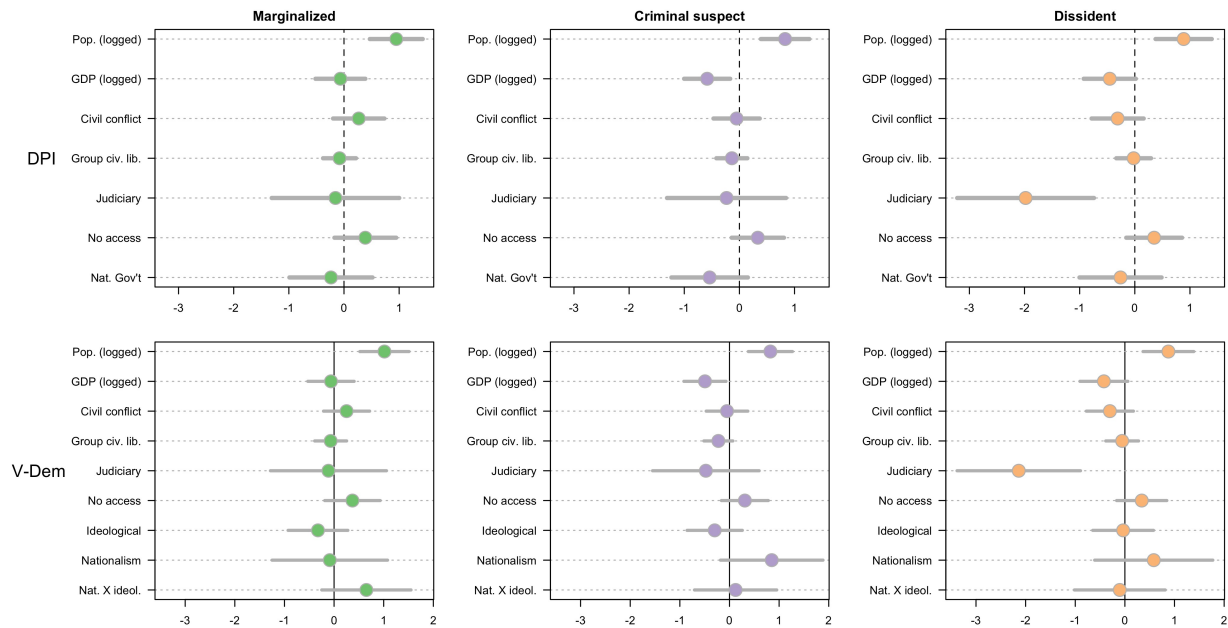


Figure 3. Regression coefficients, autocratic countries. $N = 524$ for all models (50 countries).

In summary, our models indicate that the association between nationalist control of the government and allegations of torture that targets marginalized groups and criminal suspects is *positive* in democratic countries. In other words, democratic, nationalist-leaning governments are more likely to torture marginalized groups and criminal suspects than democratic governments with other ideological dispositions. This association does not extend to the case of torture that targets dissidents, which suggests that the policies of nationalist governments result in more state violence that targets particular groups rather than more state violence in general. Among autocratic countries, there is no discernible association between nationalist ideology and allegations of torture regarding any

of the groups identified in ITT. The fact that nationalist control of the government is only positively associated with the torture of marginalized groups in democracies suggests that government responsiveness to the public's preferences plays a role in the process that leads to the torture of marginalized groups.

Conclusion

In conclusion, we argue that democracies with nationalist chief executives and large nationalist presences in the national legislature use violence against marginalized populations more frequently. The proposed mechanism is that nationalist governments in democracies will implement and enforce laws and policies that lead to more frequent interactions between security forces and members of marginalized groups, and that make such interactions more likely to involve violence. This is due to the policy preferences of nationalist governments and their supporters. Under such governments, state agents will be more free to engage in oppressive violence without threat of realized punishment, and leaders/constituencies will be less likely to hold leaders or security forces accountable when oppressive violence occurs. Using the Ill-Treatment and Torture dataset, we show that oppressive violence (in the form of torture) is more frequent in democracies with nationalist governments.

Two important conclusions follow from these findings. First, the presence of institutions meant to hold agents accountable does not guarantee lower levels of state violence. Governments can circumvent or ignore these institutions, and in some cases have incentives to do so. Nationalist governments may actively undermine institutions meant to protect groups who do not make up their intended political base. Second, if key constituencies do not care about the abuse of marginalized people, and government policies reflect this, agents of the state may view the prospect of punishment as negligible. It is not enough for institutions to exist - explanations of human rights abuses must contend with the relationship between these institutions and the incumbent government, and the relationship of the public and society more broadly to those institutions.

Additionally, this study highlights a few key advances and steps needed to more accurately understand how and why oppressive violence typically occurs. First, data projects examining human rights performance would do well to produce more information about *who* is being targeted for abuse, and also *how* they are being targeted. This study focused specifically on the practices of ill-treatment and torture as a result of data availability. It would be useful to have measures of a variety of human rights abuses, as the public reports used to produce human rights data indicate that marginalized groups are often subjected to other kinds of abuse. Second, 'marginalized groups' is a broad category that includes several distinct groups that may be targeted by state agents for different reasons. It would be fruitful, for example, to separate victims who are targeted on the basis of class from those who are targeted

on the basis of ethnicity. Third, while this study focuses on the incentives of the principal to encourage abuse, examining the incentives of state agents who actually commit abuses could provide crucial insight into violence against marginalized people and would provide opportunities to probe the intersection of political science and psychology. Characteristics of state agencies, such as their organizational structure or ethnic composition, may make them more or less prone to committing abuse. Finally, it would be useful to examine more directly the public's role in the process we outline, perhaps using cross-national data on public opinion.

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GROUP SPECIFIC INTERNATIONAL LAW AND HUMAN RIGHTS FULFILLMENT*

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Abstract

Is all international human rights law effective? While human rights literature has thoroughly tested the impacts of particular pieces of human rights law, group specific treaties and their effects remain relatively unexamined. In this project, I examine one such treaty without wide scale attention in current literature - the Convention on the Elimination of All Forms of Racial Discrimination. I use lessons on international human rights law effectiveness (particularly major examples of right-specific conventions), and compare CERD to other group specific treaties like CEDAW. Using data on discriminatory human rights abuse, I demonstrate engagement with CERD is associated with decreased torture events targeting marginalized and criminalized people, given some human rights presence in a country.

Introduction

Human rights research, in general, positively associates international legal engagement and effects on human rights (Fariss, 2018; Lupu, 2013; Von Stein, 2016; Conrad and Ritter, 2013; Cope et al., 2019; Von Stein, 2010; Hill Jr and Watson, 2019). As with any international institutions, the causal effect of human rights instruments is difficult to parse, with issues surrounding self-selection, levels of engagement, the rights in question, and lacking enforcement mechanisms (e.g. Lupu, 2013; Hill Jr, 2010; Cole, 2013b). Outside of these questions, however, engagement with international human rights law is generally at least associated with positive results. States that sign, ratify, and engage with the constituent bodies of international human rights law generally see improved respect. This is particularly true of democracies, who are by definition associated with positive outcomes on political rights (Hill Jr and Jones, 2014; Davenport, 2007a).

Within this overarching effect, however, significant discrepancies still remain. Comparing global respect in 2022, South Korea performed relatively well in civil and political rights in comparison to other countries (Brook et al., 2023; Clay et al., 2020; Amnesty International, 2022). Despite this comparative advantage, Amnesty International still notes a wide array of rights abuses that occurred during the year. People with disabilities were at risk for non-enjoyment as a result of lacking accessibility, even in essential services like public transportation. People from minority religious beliefs were refused alternatives to compulsory military service and imprisoned. Migrants and refugees were tortured at state detention facilities. This included the erosion of human rights institutions as well, with the government moving to abolish the Ministry of Gender Equality (Amnesty International, 2022). All of these run contrary to the relatively well performing perception that South Korea enjoys, and the explanation why

is simple: perceptions of human rights respect are a result both of how often abuse occurs (in the case of South Korea, it occurs rarely), and the particular groups that abuse is targeted at.

States frequently distribute their respect for human rights unequally - and inevitably, some people will experience worse abuses than others. While international human rights law might result in human rights improvements for some people, some groups can be (and are) left without such improvements. Recent literature on political violence has found this demonstrable split (Beger and Hill Jr, 2019). Even in democracies, which are by definition associated with rights respect, said respect changes depending on the dimensions of identity that someone holds. In this paper, I will examine this identity dimension of human rights respect, and a (relatively unexplored) human rights treaty associated with it - the Convention on the Elimination of All Forms of Racial Discrimination (hereafter CERD). Following the tradition of Zvobgo (2020), I explore the differences between rights specific and group specific treaties, and demonstrate some of the unique considerations of CERD when compared to human rights law commonly tested in modern research. Outlining the purpose and specific goals of CERD, I argue that it will be associated with decreased violence against people of particular races, as credible engagement with the treaty conditions state behavior and allows advocacy organizations to hold states accountable. I find that credible engagement with CERD is associated with decreased torture events targeting marginalized people and criminalized people.

My study proceeds as follows. First, I examine current findings about international human rights law, exploring how state commitment and levels of engagement are difficult to judge. I then examine how group specific treaties are structured, and how CERD differs from right specific treaties (and CEDAW). I then explore existing literature on human rights treaties, and lay the foundation for why CERD should be associated with positive human rights performance. I use existing data on targeted torture and ill-treatment to determine whether commitments to CERD are associated with better human rights respect. I find that credible engagement with CERD is associated with decreased events of torture targeting marginalized people, suggesting that CERD is an important part in limiting state violence. I conclude by theorizing what these results mean for other group specific human rights treaties, and the necessary measurement advances to reach a better understanding of their effects.

Right Specific and Group Specific Treaties

Our understanding of respect, protection, and fulfillment of human rights is rooted in their framing in international human rights law. Here, the instruments of international law developed with the United Nations serves as our predominant framing. At the core of right specific international human rights law is the "International Bill of Rights", which includes: the Universal Declaration of Human Rights; the International Covenant on Civil

and Political Rights; and the International Covenant on Economic, Social, and Cultural Rights. These are likewise the first examples of right-specific treaties. Each treaty outlines a specific set of rights that every person is entitled to. The ICCPR, for example, outlines not only the right to be free from slavery, but also defines slavery to include compulsory labor and delineate situations where the title of "slavery" is not applicable (such as work carried out as part of detention or compulsory military service). For each constituent right, these treaties serve two functions. The first is the declaration of each right, establishing it as something every person is entitled to (Donnelly, 2013). The second is to define each right. Commonly, declarations will include crucial context to determine whether a potential abuse can apply a label of "human rights abuse".

The purposes are twofold. First, these instruments serve as a demonstration of commitment to particular audiences, whether that be foreign or domestic. States that sign and ratify international human rights law are making some level of commitment to uphold and fulfill the rights within (though their actualized intent behind ratification might vary in sincerity).¹ The second is to provide individuals a claim-based mechanism for reporting abuses of rights, and demanding better from their governments. This occurs by both providing a demonstrable mechanism and standard to hold governments accountable to, and by mobilizing civil society and general publics to care and advocate for their own human rights (Simmons, 2009). In short, there are multiple dimensions by which human rights law might be expected to be associated with actualized respect.

Teasing apart this association is not without difficulties, however. Central to research on international institutions are questions of causality; whether observable effects are due to the institution in question, or due to the circumstances that led a state to engage with said institution in the first place (Chayes and Chayes, 1993; Downs et al., 1996). More recent attempts at examining the effects of international human rights law have utilized advanced methodologies like propensity scores and matching in attempting to address this problem (Von Stein, 2005; Hill Jr, 2010; Lupu, 2013; Conrad and Ritter, 2013). These attempts have been complicated by the changing nature of human rights measurement, with changing standards of accountability actively impacting human rights scores across time (Keck and Sikkink, 1998; Fariss, 2014, 2018). Regardless, engagement with right specific treaties is associated with improved respect for human rights enshrined in them (Fariss, 2014, 2018; Elkins et al., 2013).

Less explored are the other dimension of international human rights law - group specific treaties. In contrast to right specific treaties, group specific instruments do not introduce novel rights of their own. They instead focus on dimensions of identity that might leave people at particular risk for non-enjoyment of their human rights.

¹Simmons (2009) examines three types of positive engagement with international human rights law: sincere ratifiers, who actually value the content of a treaty and intend to comply; strategic ratifiers, who ratify to align with other countries and out of a desire to avoid criticism and repercussions; and false negatives, who are committed to the ideas in a treaty but fail to ratify it for political reasons.

Some identity dimensions with international human rights instruments include race and ethnicity (Convention on the Elimination of All Forms of Racial Discrimination), sex (Convention on the Elimination of Discrimination Against Women), age (Convention on the Rights of the Child), migrant status (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families), and disability (Convention on the Rights of Persons with Disabilities). Each focuses on the specific types of human rights abuse or nonenjoyment that might be faced by those belonging to the identity in question, and the specific obligations that states have to address such abuse.

In this manuscript, I focus on one such piece of international human rights law - the Convention on the Elimination of All Forms of Racial Discrimination. Adopted in 1965, CERD is one of the oldest of the UN's core human rights instruments (Office of the High Commissioner for Human Rights, 2024). This early adoption meant high ratification by member states (177), and set CERD as the example of group specific human rights treaties to come. While it makes widespread references to other pieces of international human rights law (specifically the ICCPR and ICESCR), the actual content of the treaty differs from right specific ones in unique ways.

For example, CERD make several specific and demonstrable proclamations. States are obligated under CERD to "condemn and eliminate racial discrimination" through immediate review and policy creation, including guarantees of rights provisions for people of different racial groups. Some specific guarantees under CERD include, among others:

- Immediate condemnation and eventual eradication of any movement or organization built on ideals of racial supremacy (Article 4)
- Reaffirmation of the rights enshrined in the International Convention on Civil and Political Rights; and the International Convention on Economic, Social, and Cultural Rights (Article 5)
- Actions to combat prejudice in teaching and education (Article 7)
- Regular submissions to both the committee on the Elimination of Racial Discrimination and the Secretary General (Articles 8 and 9)

Importantly, no new rights are granted in the text of CERD. Any mention to specific rights is couched in right specific treaties (particularly to the ICCPR and the ICESCR). The treaty instead focuses on providing context on concrete steps needed to address obligations to people of all races - namely, eradication of movements built on racial supremacy and education system revamps to target such ideas. Measurement and research on these instruments, while less prevalent, are possible through a focus on who is enjoying their rights (rather than overall analyses of rights enjoyment).

By far, the group specific treaty with the widest research attention has been the Convention on the Elimination of Discrimination against Women (CEDAW). CEDAW develops similar institutions and obligations to CERD, with a particular focus on the dimensions of sex and gender discrimination against women. This includes the eradication of discrimination against women in the workplace, in healthcare provisions, and in opportunities for education among others. Research has focused both on the impact of CEDAW itself, and the effect of institutional factors on women's rights outcomes. While public health scholars and economists have long studied violence against women, overarching approaches to discrimination against women are more scarce. Generally, engagement with CEDAW is positively associated with women's rights outcomes (Kenworthy and Malami, 1999; Simmons, 2009; Cole, 2013a; Hill Jr and Watson, 2019). Unlike some rights specific treaties, CEDAW is not conditional on level of democracy (Hill Jr and Watson, 2019). Hill and Watson (2019) posit that this is because, unlike treaties on civil and political rights, women's rights are not tied to democracies by definition.

CERD, by comparison to CEDAW, have received little to no attention. Much of the literature surrounding CERD is focused on perceptions of it as an instrument, rather than judging compliance. Malaysian focused accounts, for example, examine the framing of CERD as contradictory to national laws privileging some specific ethnic groups (Jalli et al., 2022; Joharry and Saupi, 2019). Other accounts offer country specific descriptive studies of successes or failures of CERD (Holder, 2019), connect CERD to political concepts like hate speech (Thornberry, 2010), or examine enforcement reliability for institutions housed within treaty bodies (Tamada, 2021). While each of these dimensions serve to flesh out CERD at the micro level, broader examinations of impacts are noticeably absent. Some of this lacking attention might be thanks to the lack of new rights granted in CERD as a legal standard, making measurement of CERD compliance more difficult. Rather than measures of specific rights, which allows for data at a broad country level, any attempt to measure CERD compliance must instead focus on who is targeted, meaning more granular examination of rights abuses must occur. Without such data, global examinations of CERD will continue to be sparse.

In addition, there are a number of reasons why CERD might have differential effects compared to right specific treaties, or the often explored CEDAW. One is obvious - the affected population at the heart of CERD is (in many cases) significantly smaller than the other mentioned treaties. When a right-specific treaty like CAT is built, the legal language and breadth of it covers everyone. Right specific treaties are built to define and outline rights that are applicable to each person. CERD is built differently, through the understanding that some marginalized racial or ethnic group is targeted through societal processes and mechanisms that are specific to them. Articles in CERD like the elimination of racial supremacy groups, for example, have an assumed focus on populations that

might be victimized by such groups. In other words, CERD is built to protect and enshrine the rights of people who make up a portion of the population, rather than a state's population as a whole. Even CEDAW (which has a rich literature examining its impacts) is a treaty meant to enshrine and protect the rights of at least 50 percent of a country's population. CERD is designed to protect marginalized ethnic and racial groups, who are frequently minorities of the population ².

This simple division in the size of a targeted population might condition CERD's impact when compared to other treaties. Marginalized racial and ethnic groups are commonly removed from locuses of political power by definition. In democracies, their lower population size limits potential for political power (particularly as selectorates get larger compared to a marginalized ethnic/racial groups) and systemic inequalities likewise condition their ability to exercise political power (Butler and Broockman, 2011; Schultz, 2020). This removal also holds in autocracies, where the narrowing of power to societal elites necessitates the exclusion of marginalized racial and ethnic groups (Panzano, 2024). This simple distinction of CERD from right-specific human rights instruments might condition its effect in two ways. First, this removal of marginalized racial and ethnic groups from political power might condition their ability to make claims against rights abusing governments, particularly if that government believed they might face consequences for engaging in abuse (with their domestic populace or the international community). Second, even if governments are well intentioned to uphold CERD, the marginalization of racial or ethnic groups from political power limits the ability of a government to even receive information about ongoing rights conditions, further limiting their ability to fulfill their obligations.

Additionally, questions remain regarding the breadth of state engagement in group-specific treaties. As respect for CERD is contingent upon the protection of rights for ethnic and religious minorities, what level of guarantees are necessary to constitute respect? What about situations where certain ethnic groups enjoy relative respect for their rights, while others commonly have their rights abused? The dimensions of rights designated under CERD span civil, political, economic, social, and cultural rights, and attempts to measure/examine global CERD effectiveness must make subjective decisions about where boundaries exist and to what extent. Both of these added aspects of measurement make any CERD measurement attempt both significantly more resource intensive, and significantly more subjective than overarching examinations of rights abuse without attention to the identity of those targeted.

Despite these surrounding questions regarding group-specific treaties and their effectiveness, non-academic

²Amnesty International's 2022 Annual Report, when invoking CERD, mentions groups like Black People in the United States and Canada, Indigenous peoples, and Roma/Traveller communities across the globe

attention towards CERD and related treaties has been significant. The United Nations, major human rights NGOs, and other members of the transnational advocacy network commonly use CERD as a tool of demand. Part of this focus is a consequence of CERD's active reporting mechanisms, which allow for claims to be made by individuals from any ratifying members. Actual state adherence (and pressure to adhere), however, seem to differ on the case-study level. As previously mentioned, CERD requires active reporting by party states to adhere to the treaty requirements. As of 2023, 47 different states have failed to submit their required reports for (at least) the previous 10 years. That number expands to 61 states if the reporting lapse is restricted to 5 years (Report of the Committee on the Elimination of Racial Discrimination 2023). For comparison, only 13 states were listed by the Committee Against Torture as having long overdue reports (4 years lapse). In other words, on a functional level, a large contingent of governments across the world are at a minimum interacting with CERD institutions differently than those of right specific treaties.

Following from all of this, there are a few ways we might expect group specific treaties to have a differential, lesser effect than their right specific counterparts. The first is that difficulties in measurement and judging performance lead to lessened focus or improvement when it comes to group specific treaties and the oppressive abuse they condition. As adequate data for judging performance does not exist across rights and identities, the ability of individuals to make claims and demands regarding their rights becomes more difficult. Second, the distinction in populations affected might impact the actualized effect of CERD, as a smaller target population makes reneging on obligations more likely. Finally, challenges in defining CERD adherence and lacking state engagement with CERD institutions might likewise condition its impact. The combination of these mechanisms means, at the very least, there might be reason to suspect CERD could have differential effects compared to other human rights instruments.

On the other hand, instruments of human rights law are demonstrated to work in a couple of particular contexts: as demonstrations of state intent, and as tools that the transnational advocacy network can utilize to their advantage (Keck and Sikkink, 1998; Simmons, 2009). Organizations like Amnesty International widely utilize CERD as a policy focus of their advocacy work, commonly referencing it when calling out human rights abuses targeting people of particular races or ethnicities (Amnesty International, 2022). Regardless of the unique dimensions of CERD compared to widely examined human rights law, if these core dimensions are still present, we might likewise expect a positive association between CERD engagement and the rights of groups that CERD is meant to protect. In this next section, I explore this literature associating human rights law engagement with positive respect, and explore why CERD could see a similar positive effect.

Examining impact of international human rights law

Despite general debates over causality (Chayes and Chayes, 1993; Downs et al., 1996), studies of international human rights law generally associate ratification with higher levels of rights respect, conditional on other factors (Fariss, 2018; Lupu, 2013; Von Stein, 2016; Conrad and Ritter, 2013; Cope et al., 2019; Von Stein, 2010; Hill Jr and Watson, 2019). The earliest accounts of international human rights law and its impact overlapped heavily with literature on political violence, particularly the expansive literature on repression. Such studies examine physical integrity rights abuse (torture and ill-treatment, extrajudicial execution, enforced disappearance, political imprisonment) as a manifestation of repression, arguing that states and their agents must be motivated to such abuse under the threat of opposition. Economic institutions, democracy, and opposition strategies are a few examples of factors examined under state obligations (Davenport, 1995, 2007b; Poe et al., 1999). While narrow, this theoretic approach to human rights abuse has lent itself to a wealth of literature (Conrad and Moore, 2010; Ritter, 2014; Clay and Digiuseppe, 2017; Cingranelli and Filippov, 2010; Ríos-Figueroa and Staton, 2014).

Research focused on commitment to international human rights law more generally soon followed, with some counterintuitive results. While most studies associated engagement with international human rights law with less human rights abuse, others found the opposite effect or landed with null results (Hafner-Burton, 2008; Conrad and Ritter, 2013; Hollyer and Rosendorff, 2011). Since then, three major types of advances have helped demonstrate the positive association of international human rights law and human rights respect (in most cases, specifically physical integrity rights respect.) The first advance involves the central issue of selection effects - in other words, the fact that states self-select into treaties. Using methodologies like matching and propensity scores have allowed researchers to inch closer to causal identification in studies of human rights institutions (Von Stein, 2005; Hill Jr, 2010; Lupu, 2013; Conrad and Ritter, 2013). The second advance is a greater understanding of the changing human rights environment, and how it conditions reporting and standards that states are held to. Fariss is one example, (2014; 2018) demonstrating that the standard of accountability has changed over time, and once accounted for, human rights law is associated with greater respect. The final advance has been simple - more data on human rights abuses exists, and higher quality data is also more widely available. This includes both approaches that aggregate existing data sources to more accurately judge human rights conditions, and novel approaches to judging human rights conditions (Fariss, 2014, 2018; Brook et al., 2023; Clay et al., 2020). Thanks to each of these, the positive association of human rights law and human rights respect has been clearly demonstrated.

This relationship does come with multiple caveats and disclaimers. First, because much of the data used in

these studies is centered on physical integrity rights, our understanding beyond them is more limited. While a rich literature on the measurement of non physical integrity rights/the impact of their requisite treaties does exist (Randolph et al., 2015; Hill Jr and Watson, 2019), the unique dimensions of these treaties (such as progressive realization) significantly complicate analysis. The second is that much of this association between physical integrity rights respect is dependent on regime type. Hill and Jones (2014) demonstrate that by definition, democracies engage in less repression than autocracies. Once this overlap is dealt with, respect for human rights is contingent on factors like independent judiciaries (Hill Jr and Jones, 2014). Finally, many of the mechanisms that enforce human rights respect are dependent on the existence/robustness of a domestic civil society and the ability of international mechanisms to echo claims against governments (Murdie and Peksen, 2015; Murdie and Davis, 2012; Franklin, 2008). Each of these will be discussed later in the manuscript - but most importantly, accounting for each of these complexities has helped to demonstrate the positive association of human rights law with human rights respect (Fariss, 2018).

Even with this association established, how does ratification/engagement with human rights law develop into improved respect for human rights? The oldest accounts, in line with more general political science literature at the time, focused on international system norms and how states can influence one another's behavior. While human rights are still framed at the individual level, these stories of respect are necessarily centered on the state, both as the primary threat to human rights, and the essential institutions to ensure their protection and fulfillment (Donnelly, 2013). States were theorized as being driven to engagement and eventual respect through passive and active means, including material inducement from other states and soft pressure from allies (Goodman and Jinks, 2004).

One of the most significant mechanisms in human rights literature is the conceptualization of the transnational advocacy network (TAN), introduced by Keck and Sikkink (1998). The TAN refers to the collection of activists, states, international organization, charities, individuals, and many other actors who collectively organize for the purpose of improving human rights. This introduced a credible locus of pressure below the state level, arguing that actors like human rights organizations have a central role in improving human rights and holding states accountable.

Simmons (2009) formalizes this dimension of human rights, exploring exactly how treaties can improve human rights respect, given sufficient ability to get political traction. Simmons argues that treaties go beyond being a policy choice by states when they are ratified - they also act as means of litigation (where citizens can sue to hold government accountable for violations at the domestic and/or international level), and a locus of political mobilization (providing space and directions for domestic activists and victims to organize with a wider international

community). Both of these are central to the improvement of human rights, and importantly are mechanisms that can exist outside of the state. Activists, organization, and grievance processes in international institutions can all occur without the express approval of a state apparatus, and claims can be actively made in ways that induce states to respond even if they would rather not (Simmons, 2009).

Mechanisms within this activist-state interaction have likewise been formalized. Naming and shaming (formally identifying state abuses of human rights) is one of the best examined dimensions of human rights activism. Naming and shaming by International Human Rights Organizations (or HRO's) can be effective at producing change when the targeted country has an active civil society, or when other countries/NGO's/international organizations/intergovernmental organizations echo the naming and shaming (Murdie and Peksen, 2015; Murdie and Davis, 2012; Franklin, 2008). There are tangible costs associated with shaming for states, including decreases in foreign direct investment (Barry et al., 2013), foreign aid that bypasses the government (Dietrich and Murdie, 2017), or trade losses from states with greater respect for human rights (Peterson et al., 2018). Evidence shows an increase in human rights respect is contingent on the existence of domestic groups to inform on abuses, with naming and shaming differentially impacting autocracies with low to no domestic information about abuses that have taken place (Hendrix and Wong, 2013). In multiple ways, states are directly impacted by failing to uphold the treaties they have agreed to, and the collaborative efforts of the transnational advocacy network can directly impact states.

This section has established three things. First, existing studies have demonstrated a positive association between international human rights law and rights respect. Second, the synergy between actors in the transnational advocacy network creates real pathways from treaty ratification to improved respect, whether states are willing participants in the process or not. Finally, much of this is contingent on the presence of activists, organizations, and other members of the TAN to affect change - including both domestic presence in a rights abusing country, and international allies capable of capturing information about rights abuse.

CERD Engagement and Rights Fulfillment

In this article, I have introduced two different paths that CERD as an institution might take. In one path, CERD simply has too many key differences from well studied human rights institutions to see a positive effect on rights fulfillment. Definitions issues and opaque bounds might provide cover for states to engage in abuse contrary to CERD's guidelines. CERD's focus on a significantly smaller portion of the population than international law covered by previous studies might condition how willing states are to defect from it. And finally, relatively high lapses on reporting requirements (compared to other treaties) at least suggest that states view CERD differently

from other human rights institutions.

In the other path, these differences do not matter. If the international rights community is using CERD as a means to for claims and to hold states accountable, then improved respect should follow as a consequence. At a base level, CERD is clearly important to advocacy organizations, with the CERD committee decisions and key CERD tenets commonly referred to in Amnesty annual reports (Amnesty International, 2022). This focus likewise follows for human rights supporting institutions like the UPR, where recommendations targeting racial discrimination are among the most common (upr, 2024). If the TAN is truly utilizing state ratification of CERD as a force for improving conditions, then CERD should likewise be associated with improved respect for rights among the populations it aims to protect.

CEDAW, as the group specific treaty with the widest range of studies and research, offers some indications. As a group specific treaty, CEDAW engagement and subsequent compliance differs significantly from commonly studies examples of right specific treaties. At the level of operationalization, researchers have developed novel means of assessing the conditions of women's rights at the country level, moving beyond the generalized measurement of many human rights treaties (Hill Jr and Watson, 2019). Theories tying CEDAW compliance to women's rights have likewise had to grapple with more complicated framings, as the entrenchment of patriarchy takes different forms in different countries (Englehart and Miller, 2014). These complexities, combined with the fact that CEDAW is meant to address the rights of particular people instead of everybody, make tests of CEDAW a good indication of what to expect with other group specific treaties.

Unilaterally, engagement with CEDAW is associated with respect for women's rights, with some conditionalities on domestic civil society presence (Hill Jr and Watson, 2019; Englehart and Miller, 2014; Comstock, 2024; Cole, 2013a; Kenworthy and Malami, 1999; Hunt and Gruszczyński, 2019). Unlike many civil and political rights, this effect seems to exist outside of conceptual overlap with regime type (Hill Jr and Watson, 2019; Hunt and Gruszczyński, 2019). Importantly, this effect is not contingent on the level of legal binding associated with CEDAW - simply signing onto the convention is enough to see a positive effect (Comstock, 2024). While different from right specific treaties in many ways, the causal mechanism linking treaty engagement to improved rights respect - advocates holding states accountable to their obligations - holds true for CEDAW (Comstock, 2024). If this same attention is truly present for CERD, similar effects should appear.

As demonstrated thus far, if the transnational advocacy network is able to effectively garner information about rights abuses, they can then use mechanisms of pressure and shaming to demand improved respect. Using states commitments to particular human rights instruments (in this case CERD), the transnational advocacy

network can organize when states fail to meet their obligations and leverage said commitments to demand improvements in rights respect (Keck and Sikkink, 1998; Simmons, 2009; Murdie and Davis, 2012). These demands and spotlight have been demonstrated to have concrete effects on states, both in the immediate consequences they suffer from and the eventual fulfillment of the instruments in question (Barry et al., 2013; Dietrich and Murdie, 2017; Peterson et al., 2018). If human rights organizations are allowed some minimum of ability to organize against rights abusers, they should hold states accountable to their commitments under CERD, creating a positive effect between engagement with CERD and the human rights of people of particular races or ethnicities. Thus, we have our first and only hypothesis:

Hypothesis 1: State engagement with CERD will be associated with improved human rights conditions for people of particular races and ethnicities, given the ability of human rights organizations to hold abusers accountable.

Data Issues in Measuring Human Rights Abuse

This paper has thus far furthered a theory of international institutional effectiveness, arguing that in line with accounts of activism driving human rights respect, CERD should be associated with improved human rights conditions for those peoples it is designed to protect. The unique dimensions of CERD are not limited to the theoretic level, however, and several considerations must be taken in operationalizing any tests of CERD effectiveness. The types of human rights abuses in question - specifically those targeting people of particular races or ethnicities - might be even more difficult to capture accurate information on than the other measured type of abuses mentioned throughout this manuscript.

For any human rights abuse, states have significant incentives to misrepresent or misdirect what has actually occurred, as well as preventing victims from providing information about abuses to a broader international community. In the vast majority of cases, there are no positives to individuals outside of your core audience receiving information about oppressive (or repressive) violence.³ Outing that information can result in significant consequences for states, including decreases in foreign direct investment and trade losses (Barry et al., 2013; Peterson et al., 2018). As such, states will misrepresent instances of abuse when possible, ideally framing such events as one-off occurrences by an unrestrained agent.

Additionally, people of particular races or ethnicities - already marginalized by structural systems of hierarchy like white supremacy - are restricted from locuses of support and amplification that might illuminate their

³One notable exception comes from Lupu and Wallace (2019), who demonstrates that breaking international law can garner domestic support in some specific contexts.

plight. The targets of such oppressive human rights abuse - those restricted from political power - have little recourse within states to see abusers held accountable and information about violence brought to light. In states with incredibly unequal structures of hierarchy, such people might likewise be restricted from contact with an international human rights community that could otherwise provide support.

Both of these considerations make operationalization difficult, and require additional care in selecting variables that might accurately gauge the levels of human rights abuse targeting people of particular races that are ongoing. Many of the studies previously mentioned view rights respect as an aggregate output of the state. Civil and political rights are measured as a whole, normally codifying how bad abuses against a particular right were on aggregate (Gibney et al., 2021; Mark et al., 2024; Cingranelli et al., 2014). When examining an institution like the Convention Against Torture this approach makes sense; adherence to a convention levied against torture must be measured by the prevalence of torture in the unit (state) that signed said treaty. This makes less sense when judging the effectiveness of treaties meant to protect people with particular identities. Examining aggregate rights abuses do little to illuminate the levels of targeted abuse - even if aggregate levels are low, the level of abuse targeting people of particular races might constitute the majority of abuses that do happen.

Due to the theoretical dominance of repression as constituting all state violence against their own civilians, human rights measurement projects have spent little time focused on who is targeted. After all, if state violence is repression, why would the identities of a victim be a necessary measurement dimension? This project, in examining CERD as an institution, demands at a minimum some dataset that provides information about human rights abuses targeted at marginalized people, and abuses targeted at dissidents.

Dependent Variable - Human Rights Abuses

There are a wealth of human rights data projects that gauge the propensity for human rights abuses against marginalized people. While some of these projects focus on individual rights or the intimate details of an abuse, others build aggregate understandings of the risks that people with particular identities face (Brook et al., 2023; Cornett et al., 2016; Conrad et al., 2014). Each has important trade-offs. Providing information about the ways particular identities are targeted requires a gargantuan effort, meaning either simplified data generation efforts or limiting scopes to non-government violence. Those focused on abuses of a specific right can provide specified victim information, at the cost of understanding the scope of human rights abuses.

Ultimately, I opt to use the Ill-Treatment and Torture dataset for my analysis (Conrad et al., 2014). It covers allegations of torture or ill-treatment by Amnesty International from 1995-2005, tracking key characteristics about

each event. The project (most importantly) tracks some basic identifiers about each event, including identifiers of marginalized victims and dissident victims. The marginalized identifier include anyone "tortured for the purpose of social control" rather than to punish for dissident activity or to gather information (Conrad et al., 2014). While not a direct measure of identity on the basis of race or ethnicity, both are included as key markers of marginalized identity, including cases of migrants or asylum seekers as well. It is not a perfect measurement, but it does capture the population of victims targeted on the basis of race and ethnicity, and thus I will use it in this study.

It is this identification that will allow us to leverage human rights abuse data (as a proxy) . I aggregate (at the country-year level) the number of events where torture targeting a particular identity dimension was recorded. Along with a variable capturing the count of marginalized torture events, I also use a count of torture allegations against criminal suspects, noting that past studies of oppressive violence have associated the targeting of marginalized persons with abuses against criminals (Beger and Hill Jr, 2019).

Independent Variable: Approximating engagement

A simple measure to approximate engagement with international human rights institutions would be straightforward - a binary measure indicating ratification, which some studies have utilized (Hathaway, 2007; Goodliffe and Hawkins, 2006). Unfortunately, teasing out independent effects of international institutions is nearly impossible, thanks to the inability to separate the institution from the factors that caused a state to join in the first place (Chayes and Chayes, 1993; Downs et al., 1996). Ratification itself is additionally confounded by separate types of ratifiers, all of whom have differing incentives to actually comply with the human rights institution in question. The difference between sincere ratifiers (who actually value the content of a treaty) and strategic ratifiers (those with other incentives who do not value the content of a treaty) are particularly important here (Simmons, 2009). This core question has led to a variety of approaches meant to judge the level of engagement or commitment a state has to human rights treaties.

Hunt and Gruszczynski (2019), in their examination of CEDAW, use multiple levels of ratification, taking into account the presence of reservations and accession to optional protocols. Lupu (2013) uses propensity score matching to approximate the actualized level of engagement with actual human rights law. Still others argue that such an endeavor is futile, instead opting to measure engagement as a function of both ratification and performance on the tenets of the international human rights law in question (Powell and Staton, 2009).

I opt for a different solution - using reservations themselves as a measurement point. While not a perfect strategy to avoid self-selection into treaties, using reservations at least sidesteps the question of whether states have

selected themselves into some piece of international human rights law. By only testing across the population of states that have already self-selected, I can examine how varying levels of commitment condition the impact of some international human rights law. Using reservation counts likewise allows for differences across levels to appear. If CERD is party to a mix of sincere and strategic ratifiers, for example, having no reservations might not actually be where better practices are located. It may be the case that having a low reservation count is actually a signal that a state has credibly engaged with the content of a treaty, and is where positive effects may be located.

When ratifying international human rights institutions, states have the capability to reserve their commitment to certain clauses or tenets of an institution. Arguing that state with large numbers of reservations are less committed, I use Zvobgo et al.'s 2020 data on reservations to human rights treaties. This dataset tracks key information on ratification to human rights treaties. I examine the number of reservations each state had to CERD when ratifying. I then use the count of CERD reservations variable in my models for marginalized and criminal suspect torture events.

Additionally, as past research has demonstrated, the effects of international human rights law is contingent on some ability of the human rights community to engage in activism (Murdie and Peksen, 2015; Murdie and Davis, 2012; Franklin, 2008; Simmons, 2009). As such, I include both ITT's measure of restricted access and the count of CERD reservations in an interaction term, to account for that necessary element.

Control Variables and Model Specifications

I run two zero-inflated negative binomial models to test the impact of treaty reservations on actualized violence, operationalized through counts built from the Ill Treatment and Torture project (Conrad et al., 2014). The inflation state for each includes ITT's restricted access variable, allowing me to sort between the separate types of zeroes in my data (countries who did not engage in abuse, and countries who kept information about abuse from reaching international audiences). It also includes a count of human rights organization events from Murdie and Bhasin (2011), to likewise separate between zeroes experiencing no abuse and zeroes where human rights organizations are not able to operate. I include a wealth of controls, starting with standards of GDP and population, both logged.

My next included control is V-Dem's Judicial Constraints on the Executive measure (Coppedge et al., 2021). Past literature on political violence has demonstrated that independent judiciaries are important determinants of state violence (Hill Jr and Jones, 2014; Hill Jr, 2016). As a consequence, I include this measure to control for the impact of independent judiciary on either type of violence.

Finally, I include V-Dem's (Coppedge et al., 2021) measure of unequal power stratification by social group. As demonstrated earlier in this dissertation, unequal political power structures can create opportunities for oppressive violence in the interaction between states and their constituents.

Results

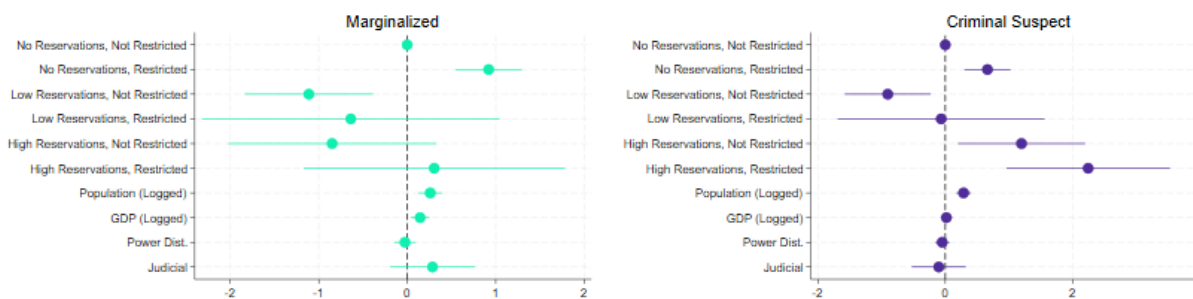


Figure 1. Coefficients are shown with 95% confidence intervals. $N = 1365$ for all models.

The results from all three models are shown above. As a reminder, the population of states under review is every one that ratified CERD. As reservations for CERD (when they exist) range from a low of 3 to a high of 12, I use both of those points to demonstrate the interaction between reservations and restricted access. Coefficients titled "Low Reservations" demonstrate the effect at 3 reservations, and "High Reservations" demonstrate the effect at 12 reservations. For both the marginalized allegation and criminal suspect allegation models, reservations interacted with restricted NGO access is significant at a .05 confidence level in varying directions. In comparison to a country with no reservations and no restricted access to human rights NGOs, those with restricted access and no reservations to CERD were associated with increased allegations of torture targeting marginalized people, and criminal suspects. Decreased allegations of torture targeting marginalized and criminalized people were associated with low reservation counts (the lowest count of reservations where they are present being 3) and no restricted access. High reservation counts were not associated with significantly more allegations of torture against marginalized people, but were associated with more allegations of torture against criminal suspects regardless of whether restricted HRO access was present.

These results suggest a few things. First, states who forward a minimum of reservations to CERD are functionally associated with decreased allegations of torture targeting marginalized and criminalized person. Compared to their no reservation no restricted access counterparts, countries with a minimum of reservations (3 in this dataset) were associated with 1.1 less allegations of torture targeting marginalized people, all else equal. Second (and more

obviously), restricted access seems to be a key identifier of state ratifiers who intend to continue abusing, as no reservations ratifiers with restricted access are associated with .92 more allegations of torture targeting marginalized people when compared to their no restricted access counterparts. Finally, as reservations reach their maximum torture against criminalized people is likewise increased - with 12 reservation, no restricted access states seeing 1.2 more allegations of criminalized torture, and 12 reservation, restricted access states seeing 2.25 more allegations of torture targeting criminalized people.

Thus, these results seem to suggest the greatest effect of treaty engagement indeed comes from the middle - states who have the HRO groundwork to be held accountable, and have engaged with a treaty to have a minimum of reservations, are significantly associated with less torture events against both marginalized and criminalized people.

In many ways, this fits with Simmons (2009) classification of human rights treaty ratifiers. Simmons separates between strategic ratifiers (who ratify to follow other's leads and avoid criticism) from sincere ratifiers (who ratify in a belief they will follow the content of a treaty.). It could be the case that ratifying with reservations (but not too many) is a signal that a country is the latter: by taking the time to carve out their actualized commitment to a treaty, governments are actually showing their dedication to the content said treaty, as opposed to strategic ratifiers who sign up regardless of a treaty's content. In this sense, reservations might be a clear signal of some very dedicated proponents of human rights legislation, who have taken the most time to comb through obligations. This would fit with the "most in the middle" results show above - where zero reservations indicate states who have not credibly engaged with the treaty at hand, and too many reservations indicate a state who does not intend to follow the spirit of a human rights treaty.

Population was associated with an increase in violence across the board, while GDP was associated with increases in violence against marginalized people exclusively. This fits modern literature on oppressive violence. As oppression functions as a policy direction to provide the privileged winning coalition with "security" that they demand, it makes sense that states would utilize it more as their capacity increases (Rejali, 2007; Begor and Hill Jr, 2019).

One final finding of note comes from the independent judiciary variable. It is not associated with decreases in torture targeting marginalized people or criminal suspects. This might be surprising given past political violence accounts on the importance of judiciaries, but it does align with critical accounts of judicial intuitions (and who they are meant to protect) (Bonilla-Silva, 2006; Soss and Weaver, 2017). If judicial institutions truly only exist to protect privileged classes from in-group abuse and to subjugate marginalized people at lower levels of societal hierarchy, then their ineffectiveness when it comes to the abuse of marginalized groups and criminal suspects makes

sense.

Conclusion

In this paper, I have explored the unique dimensions of group specific human rights treaties, examining whether or not CERD as an institution should be positively associated with improved human rights practices. In line with past theories of human rights communities and their power to enforce change, I argue that CERD engagement should be associated with improvements on human rights for people of particular races and ethnicities, given some semblance of active human rights community in a country. I find that for countries with minimal reservations and no restrictive access for the human rights community, allegations of torture targeting marginalized people and criminalized people are reduced. Non-sincere ratifiers (those with restricted access for the human rights community and/or those with large numbers of reservations) are associated with increased abuses. There are a couple of key implications of this study, and necessary next steps.

The first implication regards studies of international human rights law. Despite clearly unique circumstances surrounding CERD (including lacking state engagement with reporting mechanisms and a smaller targeted protected population than other treaties commonly studies), engagement with it as an institution can produce lessened violence, particularly when combined with the active force of the transnational advocacy network. If this is truly the case, then focusing more on ensuring sincere ratification might be the human rights maximizing strategy in terms of state engagement. By ensuring that states are actually engaging with the substance of a human rights institution (and reserving where they do not believe they can feasibly comply), perhaps human rights can be maximized in that treaties particular dimension.

The second implication is for the continued specified focuses of international human rights institutions. A wealth of other human rights treaties similarly focused on protecting marginalized parts of general populations, including the Convention on the Rights of Persons with Disabilities, Convention on the Rights of the Child, and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. This article has demonstrated that such treaties can have a positive effect on particular human rights practices, given the ability of the transnational advocacy network to operate. Future studies on each should be conducted to test whether international human rights law experiences any synergistic effects, with a particular eye kept to tailoring measurement to the treaty in question (Hill Jr and Watson, 2019)

However, two things are necessary before we can know more about the impact of these specific treaties. The first is better data about victims of rights abuse - more specifically, information about whether victims are actively

organized against the state or not. In order to parse the divide between repressive and oppressive rights abuse, human rights datasets would do well to gather more specified data on victims. Even better would be measures of rights respect for particular groups, in order to understand the gaps in rights fulfillment between the most and least privileged groups. This study had to default to an identifier of "marginalized" people in order to use detailed information on individual allegations of torture. A preferred approach in the future should include both measures of individual allegations, as well as incorporating more aggregate approaches like Minorities at Risk project or the Varieties of Democracy project (at Risk Project", 2009; Coppedge et al., 2021)

Finally, studies of international human rights law need better understandings of the gaps between complete agreement and complete ignoring of international human rights intuitions. Despite reservations offering a realized grey dimensions of human rights intuitions, very few studies have actually tackled them as a concept of interest (Zvobgo et al., 2020). Even reservations, as shown by this manuscript, have complicating factors at play (such as the presence of sincere vs. strategic ratifiers) (Simmons, 2009). One future path might be engagement with the committees created by international human rights law, as an approximation of actualized intent of the state. States that lapse on reporting requirements might be states less aligned with the content of a treaty at the time of signing - if this could be demonstrated through research, it offers yet another path for judging engagement by states.

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Conclusion

In this dissertation project, I have developed oppressive violence as a concept, exploring how states view it as a tool, and the mechanisms by which they expect to use it. Each manuscript in this dissertation project has explored some dimension of state principal motivation into oppressive violence (or institutional guard against).

The first manuscript explores both accountability/representativeness to citizens and homogeneity of political bodies as motivations to oppressive violence. I find that centralization of power in terms of social groups is associated with increases in abuse targeting marginalized people. The second manuscript develops the concept of nationalism, where Daniel Hill Jr. and I argue that nationalism as an ideology necessitates a voting base that demands oppressive violence as an expression of their political preferences. We find that nationalist democracies do torture marginalized and criminalized people more frequently, while nationalism has no discernible impact on torture of dissidents. Finally, I examine the Convention on the Elimination of All Forms of Racial Discrimination, highlighting how human rights organizations can demand respect for the rights enumerated. I find that CERD engagement is associated with less torture of marginalized people. There are several overall conclusions to draw from these manuscripts, particularly when it comes to the aggregate study of oppressive violence.

One of the most important conclusions comes from the consistent testing of oppressive violence (operationalized as abuse targeting marginalized people) and repressive violence (operationalized as abuse targeting dissidents). Across all three manuscripts, separating these types of violence led to some distinct mechanisms of oppressive violence manifestations, but not in all cases. Nationalism in democracies was associated with increases in oppressive violence but not repressive violence. Other factors like power distribution by social group and the existence of single member districts had similar effects across repressive and oppressive violence. This suggests that repressive violence and oppressive violence are not the same phenomenon, but they are also not mutually exclusive. Both might be theoretically distinct thought processes behind state violence, but can coalesce in the agenda of violence that a state decides to carry out.

Another important conclusion comes from the source of much theory in this dissertation: quantitative scholars of political violence would do well to actively engage with critical accounts of state violence, even if quantitative applications are not immediately attainable. The cursory accounts of oppressive violence in this dissertation were built from analysis of political institutions (particularly democratic ones) not as means of tempering violence, but as means of tacitly allowing it. At least in the case of nationalism, there are potentially ways that these institutions might fail to address violence.

Additionally, political violence accounts of oppression must begin to contend with state principals as active participants. At the most critical level, states can actively demand violence against marginalized people

for the purposes of demonstrating hierarchies and ensuring continued centralization of power. At its most conservative account, states bereft of other incentives might still be motivated to oppressive violence with the goal of coalescing support among those who see such violence as a demonstration of "security" (Rejali, 2007). Regardless of the paths, state principals in such studies must move beyond passive permitters of oppressive violence, and be contended with as active demanders and participants.

Identity (at the perceptive and demonstrated level) played a massive part across all three manuscripts. Whether that identity was at the level of social group, national identity, or a victim-level measurement of identity, much of our ability to sift between discriminatory human rights abuses (and therefore identify oppressive violence) is reliant on the identities of those involved and our ability to capture that information. At the government level, analysis of policies and institutions are not enough - we must understand the identities that constitute principals and agents, and how those identities condition their interactions with political violence and institutions of accountability.

Finally, despite the differences between repressive and oppressive violence along with the differences between group specific and right specific treaties, both types of treaties seem to condition their respective manifestations of violence similarly. This suggests two things. First, group specific treaties are necessary constituent pieces of the international human rights regime, and both the statement of the bounds of right and the ways those rights apply to people of particular identities is crucial. Second is that human rights instruments do seem to play a role unilaterally (outside of causal questions).

There are likewise several dimensions where future studies might focus. The first (and most obvious) is in the collection of data on who is targeted for abuse. To better understand both these strategies of violence, scholars need both better data on who is targeted for abuse, and more information on the identities they hold. Only then will we be able to better understand when particular people are targeted for abuse, and when states choose to engage in repressive violence, oppressive violence, or both.

The second path involves a central operational problem that exists across the manuscripts in this dissertation - that is, identifying when the motivation for violence is quelling dissent and when it is upholding structural hierarchies. A study that truly tackles the identification of repression vs oppression would need intimate information about government principal and agent decision making, which is next to impossible to gather. What is possible is to gather information about citizens and their demand for oppressive violence, which might be a potential work around for the initial problem. Research in this category might follow the example of Lupu and Wallace (2019), who demonstrate that breaking international law can actually increase citizenry opinions of their government. Such studies might help to illuminate which cases we should expect to see oppressive violence in.

Finally, these manuscripts have demonstrated in some cases that democracies are conditioned into oppressive violence in ways that autocracies are not. The most obvious explanation of this difference follows from Cingranelli and Fillipov (2010), who argue that democracies with higher accountability to citizens will be less likely to abuse human rights. If those same citizens demand oppressive violence to satisfy some preference for "security", then it follows that the same unique characteristics of democracies that condition less violence overall might condition more violence against marginalized people. This might cut completely against the accepted association of more robust democracies with human rights respect, particularly when human rights are observed at the group level rather than the aggregate.

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