Examining Repressive and Oppressive State Violence using the Ill-Treatement and Torture Data

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Abstract

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Introduction

It is a well-established fact that state violence is less common in democracies than in non-democracies. However, it is also well established that there are limits to democracy's pacifying effect. Motivated in part by the US government's use of torture in the years after the 2001 terror attacks, several studies have found that democracies are no less likely than non-democracies to torture during periods of violent dissent (Davenport, 2007*a*,*b*; Davenport, Moore and Armstrong, 2007; Conrad and Moore, 2010). There are also more current, illustrative examples of the limits of democracy in preventing state violence. Though it is not a new phenomenon, in recent years there have been numerous highly publicized cases of police officers in the United States using excessive and even lethal force against victims who, in many cases, clearly pose no immediate threat and are suspected of only minor offenses. In one incident, a person was fatally shot while fleeing on foot after an officer stopped him for driving with a broken brake light. In this case the officer was (eventually) convicted of a criminal offense,[1] but criminal penalties are rare in such cases. Of course, this kind of state violence occurs in other democratic countries. Similar events in the Philippines have recently attracted international media attention. As part of a push to eliminate illegal drugs, President Rodrigo Duterte has overseen a campaign of extralegal killings that has claimed thousands of victims over the past few years. Though three members of the national police were recently convicted for the killing of a 17 year old high school student, as is the case in the US, impunity is the more common outcome. Unlike the US government's use of torture as a means of interrogation after the 2001 attacks, state violence in these more recent cases is not motivated by concerns about national security. The victims in these incidents are not targeted because they are viewed as a threat to the government's authority. In some cases they are suspected of criminal activity. In other cases the motive is unclear. This kind of violence, which occurs frequently in some democracies, further demonstrates that democratic institutions are not a panacea to the problem of state violence (Moore, 2010).

Recent research suggests that the events recounted above are not anomalies. While there is overwhelming evidence that repressive violence is less common in democracies, the empirical record is less clear where it concerns state violence that is not politically motivated. Haschke (2018) finds

[1] https://www.washingtonpost.com/news/post-nation/wp/2017/12/07/former-south-carolina-police-officer-who-shot-wal

that the relationship between democracy and torture depends on the identity of the victim. When considering cases where the victims are not political dissidents, torture is no more or less common in democracies than it is in non-democracies. Similarly, Jackson, Hall and Hill Jr (2018) report that several measures of democracy and judicial constraints are unrelated to torture that targets victims other than dissidents. These findings suggest that the relationship between democracy and state violence requires further examination, and that another caveat must be added to the claim that democratic institutions can constrain the state's violent tendencies.

We follow recent work that examines violence that has no clear repressive purpose. We use the term "repressive" to describe state violence that targets organized political opposition or that is meant to raise the cost of organized resistance (Bissell et al., 1978; Tilly, 1978; Goldstein, 1978; Stohl and Lopez, 1984; Davenport, 2007*a*). We refer to state violence unrelated to political challenges as "oppressive" violence (Bissell et al., 1978). Drawing this distinction is crucial, we think, when analyzing the relationship between political institutions and state violence. Most existing research cannot speak to the cases of oppressive violence described above. That is because the majority of explanations for state violence focus on repression, and so view state violence primarily as a tool for minimizing domestic political threats (Haschke, 2018).[2] An exclusive focus on repressive violence leaves us in a poor position to explain why someone would be summarily shot for fleeing after a minor traffic violation, or for purportedly selling drugs. However, many recorded cases are more oppressive in nature, as the victims are not engaging in any activity that could be perceived as a challenge to the state's political authority. Explanations for violence that assume it is intended to diminish domestic political threats do not apply to these cases, which means this type of violence likely requires a different explanation. The results in the studies cited above suggest that this is the case.

In this study we draw on existing work to explain why democracy may have little effect on oppressive violence, but is certain to be related to repressive violence. Democratic institutions are thought to limit abuse because they make political leaders accountable to the public and make it easier for the public to coordinate opposition to state abuse, broadly defined. However, public backlash is unlikely in response to oppressive violence as such violence targets victims with which the average member of the public is unlikely to identify. Repressive violence, on the other hand,

[2]See, e.g. (Davenport, 1995; Poe, 2004; Pierskalla, 2010; Ritter, 2014; Ritter and Conrad, 2016).

must be less common in democracies because governments who rely on violence to suppress political opposition will not, in most cases, be considered democratic (Hill Jr, 2016). We also expand the scope of our inquiry beyond the institutions typically associated with democracy. Prominent studies identify prolonged detention as a condition that is very likely to lead to violent abuse (Rejali, 2007; Conrad and Moore, 2010). As such, laws intended to prevent lengthy state-imposed detention should be associated with less frequent abuse. We also consider the relationship between oppressive violence and social hierarchies based on ethnicity or class. The presence of a pronounced social hierarchy is also thought to be an important precondition for oppressive violence (Rejali, 2007) and has been only minimally examined in previous quantitative, cross-national work. In order to examine patterns of repressive and oppressive violence separately we leverage the Ill-Treatment and Torture (ITT) specific allegations data (Conrad, Haglund and Moore, 2014), which contains information about thousands of individual allegations of state torture. Whereas previous data on government violence did not distinguish between repressive and oppressive violence, the ITT data include information on the identity type of the victim, which allows us to examine the abuse of dissidents separately from other types of victims.

In the next section we briefly review the quantitative literature on state violence and summarize what it suggests about democracy's role in constraining the state. In short, explanations for state violence and relevant findings indicate that democracy is more strongly related to repressive than oppressive violence. We then discuss existing explanations for oppressive violence and identify several conditions that should be associated with its use. Following this discussion, we examine the ITT data to establish that violence against victims other than dissidents is relatively common and does not necessarily accompany violence against dissidents. We then conduct a statistical analysis to determine whether the factors we identify are related to, and can help predict, both kinds of state violence.

Political Institutions and State Violence

Since the 1980s, political scientists have been collecting and analyzing data on state violence, and there is now a vast literature on the topic. One of the strongest findings in this literature is that democratic political institutions are negatively associated with violence, with the caveat that

democracy has a smaller constraining effect in the presence of violent dissent (Davenport, 2007*a*,*b*; Davenport, Moore and Armstrong, 2007; Conrad and Moore, 2010). "Democracy" most often refers to a combination of mass participation in politics and meaningful inter-group competition (Dahl, 1971). The most straightforward argument for why democracy would reduce abuse is that elected officials in democracies are agents of the public who can be removed from office. Competitive elections provide a low-cost way for the public to get rid of leaders who instigate or allow widespread abuse (E.g., Poe and Tate, 1994).

A related line of argument calls attention to how certain political institutions aid the public in coordinating a response to government abuse. Government abuse is broadly defined to include actions such as arbitrary arrest or confiscation of property, torture, violations of constitutional law, and violations of existing rules about political succession. Citizens who wish to oppose such actions face a coordination problem. Opposition must be widespread to be effective, but due to uncertainty about how others will respond and the potentially high cost of participating in political action, mobilizing widespread opposition is difficult. In this strand of the literature elections are also viewed as useful for this purpose (E.g., Fearon, 2011), but most of the focus is on formal protection for individual rights and strong/independent courts of law (North and Weingast, 1989; Weingast, 1997; Vanberg, 2005; Elkins, Ginsburg and Melton, 2009; Powell and Staton, 2009; Melton, 2013). Formal rules (e.g., constitutions) aid coordination by providing a common definition of "abuse," which can reduce uncertainty about how others will respond to particular government actions. Courts of law make coordination less difficult still, because they provide information about abuse to the public. High courts in particular provide a prominent, visible signal that abuse has/has not occurred. All of this suggests that formal protections for individual rights, and strong courts of law, should be associated with less frequent government abuse.

However, there are reasons to doubt that these mechanisms operate in the case of oppressive violence. For one, the public will not necessarily respond to revelations of violent abuse by withdrawing their support for the current government or ruling party in the next election. Building on Walzer's (1973) argument about "dirty hands," Moore (2010) argues that participation/competition is a relatively weak constraint on violence that targets minority groups. In democracies, the public prefers political leaders to be hypocrites. They hold leaders accountable for providing public security, and expect them to commit human rights abuses in the name of security, but also to publicly

deny that any abuse has occurred. Moore goes further and argues that, since torture typically targets small, marginalized groups who the general public perceives as threatening (Rejali, 2007), elected leaders pay no political cost even if its use becomes known to the public.

Arguments about electoral accountability and institutions as focal points for coordination are also more suited to explaining repressive violence. These arguments are closely connected; in both cases, the mechanism that curbs physical abuse is the anticipation of public backlash in response to abuse. Elections, constitutions, and courts of law provide information that allows the public to determine whether abuse has occurred, which creates an opportunity for mass action to remove abusive governments. In this framework, the public has an interest in removing leaders who violate the social pact because abuses of authority are detrimental to their welfare. Moore's (2010) point that the general public does not particularly care about the welfare of the groups most likely to be victims of torture actually dovetails with one of the insights from Weingast (1997). The public is not an undifferentiated mass, but consists of multiple groups with different interests, some of whom may not be affected by the abuse of others or may actually benefit from it. If abuse is targeted rather than indiscriminate, then for an individual member of the public to respond it must be the case that they anticipate being a likely victim of abuse in the future. In this eventuality they may require the help of today's victims, which gives them incentive to oppose the abuse of others in the present. This reasoning provides another reason to believe that these institutions are of limited usefulness for preventing oppressive violence. Consider first repressive violence, which in many cases targets people for exercising basic political rights recognized under international law, i.e. openly supporting political opposition groups. It seems plausible that the mechanism described above can effectively prevent this kind of abuse since "supporter of an organized political group" is a category to which many members of the public belong, if "support" includes merely openly agreeing with the policy preferences of a particular group. As a consequence, it is easy for an individual to imagine that violence against supporters of political groups may affect them. Many people can imagine themselves being in the political minority, voting for a losing candidate, etc. After all, given regular turnover in leadership even supporters of the current government must keep in mind that there is some chance that they will be in the "opposition" in the future. On the other hand, these institutions only go so far towards reducing abuse that targets groups who members of the public do not readily identify with. Oppressive violence targets victims for reasons

other than their political preferences, and victims of such violence typically belong to groups that are, by definition, a minority of the population: criminal suspects, immigrants, members of ethnic minorities, etc. Institutions that provide a low cost mechanism for opposing abuse will not matter when the public has no incentive to respond to abuse. And, since the average member of the public is more likely to identify as supporter of a political group than they are as, e.g., an immigrant, violence that targets the latter group is less likely to trigger a response from the average member of the public. Knowing this, political leaders will not be especially concerned about backlash in the wake of abuse that targets these groups.

This claim is consistent with findings from several recent studies. Conrad, Hill Jr and Moore (2018) argue that competitive elections do not create political costs to leaders if the public becomes aware of torture. As a result, leaders have no reason to encourage state agents to use "stealth" torture techniques that leave no scars on victims' bodies and are thus less easily detected. They present evidence that competitive elections are associated with *more* allegations of scarring torture. Though this study does not speak to the distinct nature of repressive and oppressive violence, it casts doubt on the mechanism through which democracy is though to limit state violence. Haschke's (2018) study calls attention to the fact that non-politically motivated state violence is relatively common in both democracies and non-democracies, which does not comport with the literature's nearly exclusive focus on repressive violence. Using the ITT data, he finds that democracy is related to politically motivated violence (against dissidents), but is unrelated to some kinds of torture, in particular torture that targets individuals from "marginalized" social groups for reasons unrelated to dissent. Jackson, Hall and Hill Jr (2018) use ITT to analyze the relationship between torture and two institutions associated with democracy: competitive election and judicial constraints. They examine torture by the police against dissidents, criminal suspects, and marginalized individuals, and find that while elections and judicial constraints are strongly related to the torture of dissidents, they are only weakly related to the torture of criminals, and are not meaningfully related to the torture of marginalized individuals. Thus the available evidence suggests that democracy is a less effective restraint where oppressive violence is concerned.

Concerning repressive violence, while democracy appears to discourage its use, this is partly because the use of violence against political opposition groups constitutes a violation of democratic principles, so that regimes who use repressive violence will be classified as less democratic than

regimes who do not (Hill Jr, 2016). This is another reason it is necessary to distinguish between repressive and oppressive violence: when examining the effect of democracy on state violence, we must be careful to exclude violence that may disqualify a state from being considered a democracy. Arguably, most existing analyses use indicators of democracy and state violence that overlap to some degree.

This discussion suggests that arguments about democracy's ability to constraint state violence may not provide much insight into patterns of oppressive violence. In the next section we discuss explanations for oppressive violence and identify several broad conditions that should be related to its occurrence.

Explanations for Oppressive Violence

While most political science research on state violence is concerned primarily with repression, there are notable exceptions. Rejali (2007) develops three explanations for how torture can become common in democratic countries. Only one of these, his "national security model," resembles the standard account in which states use violence to combat political threats. Discussing historical examples, Rejali notes that democracy has often failed to prevent torture during periods of violent conflict. In this context responsibility for security may be delegated to the military, who will often use torture for the purposes of interrogation. Systematic examinations of state violence in the context of violent dissent suggest this is a general pattern (Davenport, 2007*b*,*a*; Davenport, Moore and Armstrong, 2007; Conrad and Moore, 2010). Rejali's other explanations for torture in democracy are not intended to apply to repressive violence. One is that police often rely on confessions by criminal suspects to secure convictions in court. Police use various methods to pressure suspects to confess, and sometimes resort to physical violence. Rejali points to Japan as an example of a democracy with a legal system whose features create many opportunities and incentives for police to use torture. In particular, courts rely heavily on confessions as evidence, and police have wide discretion over where and how long they detain suspects. With the permission of a court, police may hold suspects in detention for up to 23 days without filing criminal charges. Suspects are often detained in specialized facilities designed to hold people still under investigation, and are subjected to lengthy interrogation. Consequently, torture during pre-trial detention is

relatively common.[3] In addition to torture to obtain confessions in criminal investigations, Rejali discusses what he calls torture for "civic discipline." This kind of torture occurs in (usually) urban environments where police provide "law and order" by using violence to demarcate social-geographic boundaries. This is often for the purpose of keeping "undesirables" out of certain areas or neighborhoods, or to simply remind them that they are of low status and therefore vulnerable. Violence for civic discipline targets people who have the formal, or informal, status of quasi- or non-citizens. Protected citizens ignore police violence as long as they believe it contributes to public (i.e., their) safety.

Haschke (2018) provides a lengthy discussion of the distinction between repressive and oppressive (non-political) state violence, and points out that many recorded instances of violence are not repressive in nature. He conceptualizes state violence through a principal-agent framework, an approach adopted previously by Conrad and Moore (2010). This approach treats coercive bureaucracies as agents of the executive. Following the general insights of principal-agent models, these authors argue that if security forces and agents responsible for detainees have different preferences than the executive and are not closely monitored, then they are more likely to use violence in pursuit of organizational or self-interested goals. Conrad and Moore (2010) present an argument about how political institutions affect leaders' incentives to expend resources monitoring coercive bureaucracies. Haschke points out that explanations for repression have in mind violence that helps the executive accomplish her goal of remaining in office, but oppressive violence does not necessarily contribute to this goal. He argues that we must examine the motivations of agents themselves to explain this kind of violence and discusses various motives, including those outlined by Rejali, as well as endemic corruption that creates opportunities to use violence for monetary gain. Like **?**, he also emphasizes the importance of monitoring. The conditions he identifies as contributing to agency loss include effective civilian control of the military/police, and impunity for perpetrators.

Based on this discussion we identify two broad conditions that should be associated with oppressive violence. One is how much discretion coercive agencies have over decisions about detention, including the conditions that justify detention and how long someone should be detained. Following arguments based on the principal-agent framework, where there are few checks on the ability of security forces to hold people in their custody, agents will have more opportunities to en-

[3]Committee Against Torture Concluding Observations 2013.

gage in abuse. Several relatively common legal rules are intended to prohibit prolonged or arbitrary detention, often by giving courts rather than police discretion over decisions about detention. Such rules should help prevent abuse by the police, including the torture of criminal suspects to extract confessions. While previous studies have examined the relationship between legal institutions and state violence,[4] they have not examined legal barriers to detention. Laws that prevent police from holding suspects in custody without a criminal charge, laws that allow for the possibility of pre-trial release, the right to a writ of *habeas corpus*, and laws granting defendants the right to a fast trial create legal obstacles to lengthy or unjustified detention and will potentially reduce opportunities for abuse.

The other condition that is especially relevant to oppressive violence is the existence of a clear social hierarchy, which is a precondition for violence for "civic discipline" as discussed by (Rejali, 2007).[5] Haschke (2018) examines social hierarchies based on class, and measures the strength of social hierarchy using income inequality. It is certainly plausible that high income inequality would create demand for the kind of policing described by Rejali. Where income differences are relatively steep wealthier citizens may perceive less wealthy, quasi-citizens as potentially dangerous, and state institutions are likely more responsive to the demands of wealthier citizens.

In addition to class, social hierarchies based on ethnic identity should be relevant to oppressive violence. Ethnicity is another distinction that often forms the basis of social hierarchy and is used to determine who counts as a protected citizen. The literature on ethnic identity, politics, and conflict is vast, and anything close to a comprehensive discussion of it is beyond the scope of this paper. Some of its insights are relevant to oppressive violence, however, and we briefly sketch the connection here. Scholars of ethnic politics view ethnicity as a set of social categories/identities that can be used for political mobilization, including mobilization for violence. This is most likely when a particular ethnic identity is accompanied by a readily available narrative that emphasizes grievances based on a shared experience of discrimination and exclusion. Historically, ethnicity has often served as the basis for social, economic, and political discrimination and exclusion. In some cases states treat one identifiable ethnic group as "rightful" members of the nation-state who

[4]Most of this research examines the effect of judicial independence or type of legal system on indicators of state violence that aggregate repressive and oppressive violations. (CITES).

[5]Rejali (2007) also mentions the privatization of security, the presence of immigrants, and a lack of resources to monitor state agents as determinants of violence for civic discipline.

have the status of protected citizens, while members of out-groups are perceived, and sometimes given the formal status of, quasi-citizens. In these cases the dominant group is likely to benefit disproportionately from the state's policies. It is well established that political exclusion based on ethnicity contributes to violent dissent and civil war (Birnir, 2006; Cederman, Gleditsch and Buhaug, 2013).[6] Ethnicity-based exclusion and inequality should also be related to oppressive violence, as it clearly indicates a social hierarchy where one or more groups are viewed as less than full citizens and will likely not receive the state's full protection. State agents may face few consequences for abusing members of these groups, so abuse is more likely for reasons explained by the principal-agent framework. But it is important to recognize that oppressive violence under these conditions is not necessarily the result of a principal agent problem. Abuse of a minority group could occur systematically as a direct result of policy. As discussed by Rejali (2007), leaders can build public support through "law and order" policies that often entail more policing and abuse of marginalized communities, including low-income and ethnic minority communities. In that sense, state agents may be accomplishing executive goals through the use of oppressive violence. Additionally, social hierarchies, especially those based on ethnicity, are likely to be characterized by dominant groups with beliefs in their superiority that provide a normative justification for violence in response to slight infractions (Sidanius and Pratto, 2001). All of this leads us to argue that where social hierarchies are especially pronounced oppressive violence is more likely.

In the next section we discuss the ITT data and how it can be used to distinguish between repressive and oppressive violence. We also present some descriptive statistics and patterns that speak to the relative prevalence of these kinds of violence, and their dissimilarity.

Repressive and Oppressive Violence in the ITT data

The indicators of state violence used in most studies partly measure violence that is more oppressive than repressive in nature. The two most commonly used measures, the CIRI physical integrity rights index (Cite CIRI) and the Political Terror Scale (Cite PTS), are created through a content analysis of annual human rights reports from the US State Department, Amnesty International, and in the case of PTS, Human Rights Watch. Though these reports give call attention to politically

[6] Birnir (2006) argues that, at least in new democracies, exclusion may be a strategic consideration rather than a reflection of genuine hostility between groups or beliefs in ethnic superiority.

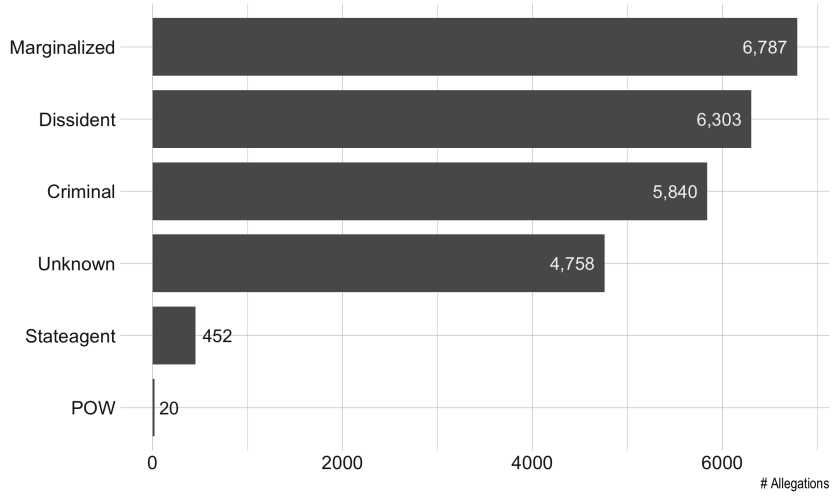
motivated abuses, they also include information about violent abuse that has no clear connection to dissent (Haschke, 2018, pp. 13–16, 90–91). For example, the 1995 Amnesty report for Brazil discusses torture in police stations and prisons. The legislature's Human Rights Commission campaigned that year to make torture a criminal offense, and legislative hearings at the state level that year "confirm[ed] allegations that torture continued to be widespread and a common method of extracting information from criminal suspects." The report goes on to recount two cases where victims of torture died from their injuries. One was a domestic servant suspected of stealing money from her employer. Another was suspected of drug-related offenses. As another example, that same year in Bulgaria, Amnesty reported numerous allegations of torture and ill-treatment by the police, noting that "many of the victims were Roma." In one case a victim was found dead in the street, wearing handcuffs. A witness reported seeing a police officer the previous day, apparently drunk, beating the victim with a piece of wood. In this case no motive for the killing was reported. It is not at all difficult to find similar cases in other reports.

Because commonly used indicators, which are all based on these reports, provide a single score for each state, a poor score reflects a mixture of repressive and oppressive violence that cannot be separated. In order to separate out these distinct kinds of government violence, we take advantage of a relatively new data collection effort: the Ill-Treatment and Torture Data Collection Project (Conrad, Haglund and Moore, 2014). The ITT data catalogues allegations of torture by Amnesty International from 1995-2005 (inclusive). These allegations come from AI's annual reports, action reports, and press releases. This study relies on ITT's Specific Allegations data, which contains information about 16,431 individual allegations of state torture. In each event there is a victim who is in the custody of a state agent (the perpetrator), and an act of violence that meets the international legal definition of torture.[7] Whereas previous data on government violence did not distinguish between repressive and oppressive violence, the ITT data include information on the identity type of the victim, which allows us to examine the abuse of dissidents separately from other types of victims.

The ITT uses a typology of victims based on the information contained in AI's reports. Though Amnesty International began with the goal of calling attention to political prisoners, it

[7]The definition comes from The United Nations' Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Figure 1:



has been conducting a "Campaign Against Torture" since 1972. The organization's broad goal is to publicize abuse where it finds credible evidence of abuse having occurred. As such, AI's reports are not limited to politically motivated violence, but contain allegations of abuse that targets a diverse range of people. Dissident is one of the victim types used in the ITT data, but there are several others, including criminal, member of a marginalized social group, state agent, prisoner of war, and unstated, meaning the allegation does not identify a victim type.[8] For allegations that list a victim identity, the identity may correspond to more than one category, which is the case in 2,704 allegations (16.5%). If we split events with multiple victim types into separate observations, this results in 19,422 victim type-allegations. Figure 1 shows the resulting sum total of allegations for each of the six victim types.

The ITT specific allegations data suggest that oppressive violence is more common than repressive violence. Figure 1 makes it clear that in most of the allegations in the ITT data the victim is not a dissident. If we include only allegations with a unique, identified victim type, dissidents account for 31% of allegations, and are the second most common victim type after members of marginalized groups (38.8%).[9] Criminals account for 27.7% of these allegations, while

[8]In about one quarter of the allegations in ITT the victim's identity type is not mentioned.

[9]The ITT defines a member of a marginalized social as someone who "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 of information." It lists as candidates

POWs and state agents combined account for less than 3%. If we add to our count of dissident allegations cases where the victim falls into the dissident category and at least one other category, then allegations involving the torture of dissidents make up about 38% of all of the events in ITT with an identified victim type. Of all of the instances of torture publicized by AI between 1995-2005 where the identify of the victim was mentioned, the victim was not a dissident about 62% of the time.[10]

The ITT data do not constitute a census of cases of torture. Its creators encourage users to treat the data as what they are, *allegations* of torture, rather than a count of cases of torture.[11] It should be noted that, as a measure of actual torture, the the ITT data are at least as valid as existing torture scales, which are created partly, and in some cases entirely, from the same set of documents, but record less information about the abuse described in those documents. With this in mind, an examination of the allegations themselves can be instructive for our immediate purpose, which is simply to show that state violence extends well beyond the abuse of dissidents. Taking ITT as an indication, it is plausible that oppressive violence is at least as common as repressive violence. This means that explanations for state violence that focus on the repression of dissent leave many, perhaps most, cases of violence unexplained.

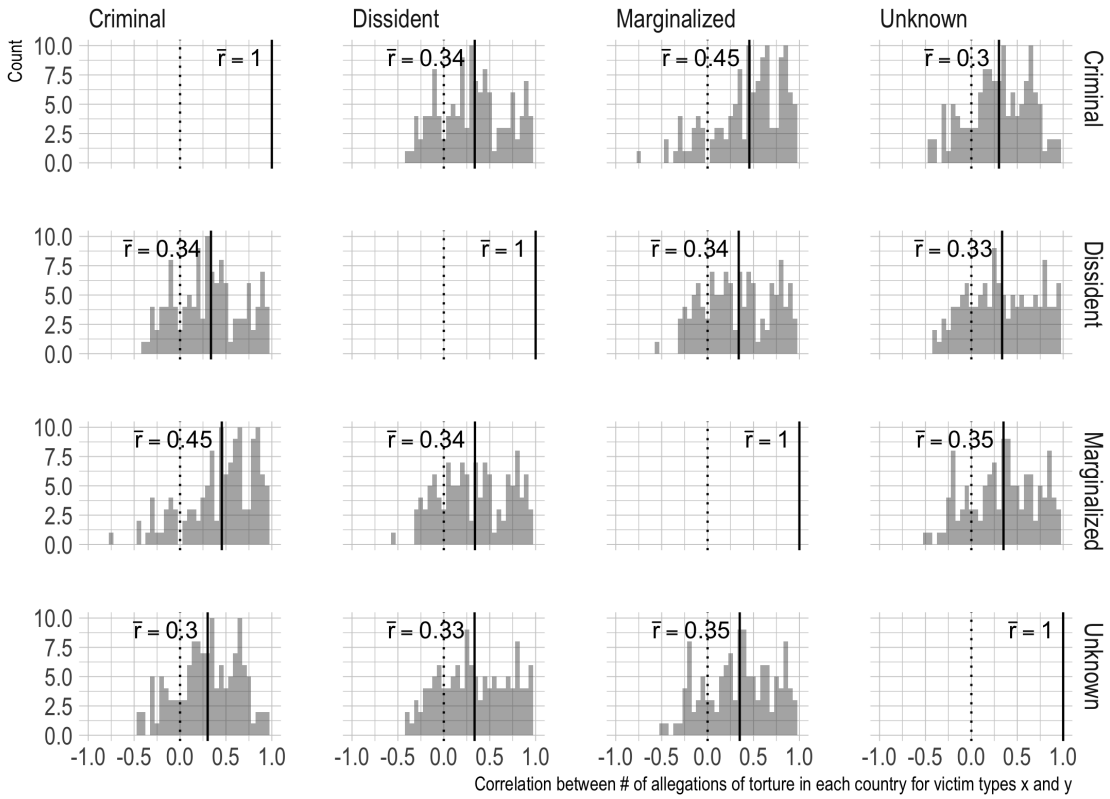
Despite the fact that perpetrators of oppressive and repressive violence have distinct motives, it is certainly possible that these kinds of state violence tend to occur in similar social, political, and economic contexts and so will be predicted by many of the same factors. If this were the case it may not be consequential to use measures that aggregate the two, as is common practice. Of course, we cannot know whether this is the case unless we disaggregate the two and consider them separately. An examination of the ITT data suggests that the torture of different victims follow quite different patterns. Figure 2 shows the correlations between allegation counts for the four most common victim types. Each plot displays the across-country average correlation coefficient for that pair of victim types, labeled $\bar{r}$. These correlations, if we exclude the self-correlations on the diagonal, are fairly close to the global average of .34. So it is not the case that countries that

immigrants, asylum seekers, the homeless, geeks, punks, skinheads, as well as minorities, e.g. sexual and national (ITT Codebook, p. 25–26).

[10] See Haschke (2018, pp. 3-4), who reports that allegations where the victims are dissidents make up a minority of all allegations even in autocratic countries.

[11] See Hill Jr, Moore and Mukherjee (2013) for an analysis of the CIRI torture scale that accounts for the process by which AI produces information about torture. See also **?** who analyze the ITT data using a model that accounts for this process.

Figure 2:



countries that torture dissidents are especially prone to torture marginalized groups and criminals as well. Each line connects the observations for a particular country. The color of each line is based on the correlation coefficient for that country. This disconnect is even more pronounced at the country level. In each plot off of the diagonal, the gray histogram in the background shows the distribution of within-country correlation coefficients for that pair of victim types. About 20% of the within-country correlations are 0 or negative, i.e. increases in allegations of torture related to one kind of victim are associated with *decreases* in allegations of torturing another kind of victim. The general point is that allegations of torturing different kinds of victims are only loosely related. In other words, those countries that (allegedly) torture dissidents do not necessarily (allegedly) torture criminals or marginalized individuals.

In the next section we conduct an analysis to examine whether, as our argument suggests,

the conditions that predict each kind of violence are not identical. The divergence discussed above provides reason to believe that the two types of state violence have different determinants. At the very least, it will be useful to know whether the same set of conditions that are known to predict repression reasonably well can also predict non-politically motivated state violence. If they do, then we can safely analyze them together and perhaps develop more general explanations for state violence. If they do not, then more data collection efforts that distinguish between different kinds of violence, and theoretical models that treat them separately, will be necessary.

Analysis

The ITT data cover the years 1995 to 2005, 11 years in total. Our data consist of country-years for independent states during that period, following the Gleditsch and Ward list (Gleditsch and Ward, 1999). This makes for a total of around 1,600 observations. In the raw allegation data, a single allegation may specify any number of six different victim types. We split such multi-victim allegations into separate allegations for each victim type before counting allegations by country-year-victim type. As discussed above, there are few allegations of torture of POWs and state agents, so we leave these out. We also drop the unstated category from the models below.

Our analysis uses as covariates measures of electoral competition, institutional constraints on the executive, legal barriers to state-imposed detention, and social hierarchy. Electoral accountability and constraints on the executive are the political institutions that receive the most focus in the literature on state violence (E.g., Davenport, 2007*b*). In contrast to most studies, previous analyses that use victim-specific indicators in ITT fail to find a clear relationship between these institutions and violence against criminals and marginalized individuals (Haschke, 2018; Jackson, Hall and Hill Jr, 2018). These studies both use the ITT "level of torture" scale from the country-year version of ITT (Conrad, Haglund and Moore, 2013) rather than the specific allegations data. We use a binary measure of electoral competition from Cheibub, Gandhi and Vreeland (2010) used in (Haschke, 2018; Jackson, Hall and Hill Jr, 2018). This makes our results comparable to previous studies. This indicator also uses an operational definition of competition that is less likely to overlap with operationalizations of state violence than those used by other measures of competition (See Hill Jr, 2016). We take two measures of constraints on the executive from the Varieties of

Democracy data (Coppedge et al., 2017). One captures judicial constraints, and is created from component scales that measures judicial independence and executive compliance with the judiciary. The other indicates the extent to which the legislature exercises effective oversight of the executive.

For legal barriers to detention we use several indicators from the Comparative Constitutions Project (Elkins, Ginsburg and Melton, 2010).

For social hierarchy we use EPR and also four measures from v dem that measure whether different groups have same civil liberties, including access to justice, property rights, freedom of movement, and freedom from forced labor. same for groups defined by ethnicity, language, religion, race, region, caste. Two measure political power/influence, one class, one ethnicity.

baseline model includes gdp, population, restricted access. We then estimate separate models for each covariate, so that each model includes one of the covariates plus the controls. Coefficient estimates. Constitutional provisions are negative, significant in every case except due process and habeas corpus for criminals. Estimates similar across all models, though one might expect it matters more for criminals. Perhaps same because discretion over detainees applies to all types. Surprisingly, EPR estimate largest for criminals, insignificant for marginalized. Of course, these are not mutually exclusive. May suggest that members of minority group more likely to be characterized as criminals when they are excluded. Dissent result suggests politically active members of excluded groups likely to be abused. V-dem hierarchy indicators don't see much action. All negative and similar, some insignificant for criminal. w/ constraints, legislative slightly positive and insignificant for criminals, large and negative for dissidents, negative and just insignificant for marginalized. Judicial constraints insignificant for criminals, negative and significant for dissidents and marginalized. This is contrary to result in Jackson, Hill, Hall, which used the LoT data.

Notable at a glance from xgboost plot. GDP and pop take the cake. Leg con consistent w/ above. Judicial, too. V dem social group civ lib predicts marginalized best, as you would expect. Power by class a little better for marginal than dissident, then criminal. class Civ lib marginalized also makes sense. EPR predicts marginalized better though estimate insignificant above. this is mostly between-country, above was also within. Puzzling. Constitutional stuff, though significant, doesn't predict very well across country.

Our modeling strategy is to evaluate the association between political/legal institutions and allegation counts for dissidents, criminals, and marginalized groups, which are the three most com-

mon victim types. We analyze these allegations separately. For independent and control variables, we use several variables from the World Development Indicators, including GDP, population, and democracy indicators from V-Dem[12] and Cheibub, Gandhi and Vreeland (2010). This version of this paper will also use the Comparative Constitutions Project for data on relevant constitutional provisions.

Altogether we present results from four multivariate models, which are all Poisson regression models with random intercepts for countries. We include random intercepts for two reasons. The first is that we will evaluate our models in part by their ability to predict outcomes, i.e. model fit, and including random country intercepts improves model fit a lot. The second is that by soaking up between country variation in outcomes, we can be more certain that any assocations we find for factors of interest are not spurious correlations driven by other differences between countries. The downsides are also twofold. The number of observations per group are not very large, 11 years per country at most, which could be problematic both for estimating model parameters and overfitting. The former seems to be more of an issue than the latter, as out of sample accuracy is fairly close to in-sample accuracy. And to the extent that things, some of which don't vary much across time, really do account for cross-country differences in torture allegation levels, we are stacking the odds against finding so.

In addition to the coefficient estimates for the variables that interest us, we also consider the impact of adding a variable on model fit, and out of sample fit specifically. This indicates how well any empirical results are to generalize outside the 11-year coverage of the data. To derive out of sample predictiosn we used 11-fold cross-validation, which roughly corresponds to predicting one year of outcomes with the remaining 10 years of data.

Figures 3 and 4 show the coefficient estimates and model fit for the 6 models we estimated in total. The first model is an intercept only model, i.e. with the global and country random intercepts, and establishes one of the baselines for fit. The last model is a commonly used machine learning predictive model, XGBoost, which provides another benchmark of the levels of prediction accuracy one should expect to be feasible. The model is an ensemble of decision trees, where each decision tree is specifically trained to reduce leftover prediction error given the current ensemble prediction. Each component decision tree itself is a very simple model that predicts allegation

[12] https://www.v-dem.net/en/

counts by splitting the input data into several groups based on the values observations have on selected independent variables. Hyperparameters for this kind of model are usually tuned via cross-validation. In order to be able to compare the cross-validation predictions to those from the count models, we did not do this and instead left hyperparameters at their default values.

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