

**Popular versus Elite Democracies and Human Rights:  
Inclusion Makes a Difference<sup>1</sup>**

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**Abstract**

Scholarly research generally finds that democratic governments are more likely to respect human rights than other types of regimes. Different human rights practices among long-standing and affluent democracies therefore present a puzzle. Drawing from democratic theory and comparative institutional studies, we argue more inclusive or “popular” democracies should enforce human rights better than more exclusive or “elite” democracies, even in the face of security threats from armed conflict. Instead of relying on the Freedom House or Polity indexes to distinguish levels of democracy, we adopt a more focused approach to measuring structures of inclusion, the Institutional Democracy Index (IDI), which captures meaningful differences in how electoral and other institutions channel popular influence over policy-making. Analyzing levels of physical integrity rights through a time-series cross-sectional research design of 49 established democracies, supplemented by structured case comparisons, reveals a significant and robust relationship between more inclusive democratic institutions and better respect for human rights.

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## Introduction

We generally assume that human rights and democracy reinforce one another. But some evidence suggests the two may not always go together. Over the past three decades, average levels of democracy around the world increased by 45-60% (based on Polity IV ratings; Marshall and Jaggers 2014). Yet, in the same period, “the democratic gains in Africa, the Middle East, and East Asia ... have not been accompanied by improvements in human rights practices” (Clark 2014, 409). The Cingranelli and Richards (CIRI) Human Rights Data Project (Cingranelli, Richards, and Clay 2014) and the Political Terror Scale Project (Gibney, Cornett, and Wood 2012), show that respect for physical integrity rights – including freedom from torture, extra-judicial killing, political imprisonment, and disappearance – has remained relatively flat or even declined over time.<sup>2</sup>

In contrast to this trend among newly democratizing post-colonial states, affluent, long-established democratic states in the Global North generally pose the lowest level of threat to the basic rights of their domestic populations (Davenport and Armstrong 2004; Mitchell and Flett 2014; Richards, Webb, and Clay 2015), even though the rights of non-citizens may not enjoy the same security (Haschke 2011). Yet government support for basic physical integrity rights varies across industrialized democracies and over time, posing vital and difficult questions about the precise institutional mechanisms underlying such differences. Moreover, if certain types of democracies or democratic institutions protect rights better than others, then the normative and programmatic implications would be substantial for non-democracies that may yet democratize, as well as for established democracies embarking on institutional reforms to improve their own human rights practices (Cingranelli and Filippov 2010, 256).

In this article we argue that, within a democratic setting, governmental respect for human rights depends in significant measure on variations in institutionalized structures of inclusion. We contend that this mechanism holds particularly when democratic governments face a security threat (such as terrorist attacks) or become embroiled in armed conflict. When political institutions are more conducive to popular as opposed to elite influences on policy-making, we expect to see more legislation and enforcement of policies and practices upholding human rights. To

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<sup>2</sup> However, Fariss (2014) finds that the appearance of diminishing human rights follows from an increasing standard of accountability over time (see also Sikkink 2017).

distinguish between more popular-inclusive democracies and elite-exclusive ones, we apply the Institutional Democracy Index (IDI) rather than the Polity or Freedom House indexes as this measure (see Joshi, Maloy, and Peterson 2015) was conceptualized and designed specifically to measure differential institutional capacity at the national level in how democracies channel popular influence.

We focus on domestic political institutions assuming that human rights policy-making follows a dynamic of “executive initiative, legislative redress”: executive agents (especially when under threat) initiate rights violations (Davenport 2007, 7-8, Conrad and Ritter 2013, 399), while legislative responses determine how far they persist. From this perspective, threats and conflicts give democracies a “stress test.” Regardless of a country’s level of democracy, these stresses may incite an initial spree of human rights abuses. However, we expect governments with a popular-inclusive orientation to limit abuses more than those with elite-exclusive institutional structures.

We explain below how our focus on institutional structures of inclusion departs from previous studies of democratic accountability and representation as drivers of respect for human rights. We also describe mechanisms by which more popular democracies might show their superiority in the human rights arena. In the following section, on research design, we explain our mixed methods approach and the IDI as our main explanatory variable. Two structured comparisons of four cases – Australia with New Zealand and Trinidad and Tobago with Costa Rica – demonstrate the plausibility of our causal logic. We then deploy the IDI in a statistical analysis covering 49 established democracies from 1960 to 2010. Our results uncover that more popular democratic institutions promote stronger governmental respect for physical integrity rights. This association is even stronger when states experience armed conflict. While armed conflict is associated with lower levels of predicted respect for physical integrity rights among democracies with the most elite-exclusive institutions, this association loses statistical significance for democracies with the most popular-inclusive institutions.

### **Domestic Determinants of Human Rights: Accountability and Representation**

Previous research has found the relationship between democracies and human rights (particularly physical integrity rights) to be non-linear. Several studies have found an inverted U-shaped relationship, in which full autocracies and full democracies repress less often and less severely than states falling in the middle range (Fein 1995; Regan and Henderson 2002). Systematic human rights gains may also take hold only above a minimum level of democratic development (Davenport and Armstrong 2004; Bueno de Mesquita, Cherif, Downs, and Smith 2005; Davenport

2007; Richards et al. 2015). Nevertheless, even at the highest and most stable levels of political democracy, human rights outcomes vary significantly (Cingranelli, Fajardo-Heywood, and Filippov 2014).

A host of *international* institutions might in theory contribute to this variation. The global legal architecture for protecting citizens around the world from their own governments (Darrow and Alston 1999, 476) is one potential factor. International law, treaties, and courts have received sustained scholarly attention as determinants of human rights outcomes (Hafner-Burton and Tsutsui 2007, Simmons and Steinberg 2007, Jolly, Emmerij, and Weiss 2009). Similarly, a wide body of research suggests that international non-governmental institutions could have a variety of direct and indirect effects promoting human rights norms and punishing abuse (for example, Murdie 2014; Murdie and Davis 2012; Davis, Murdie, and Steinmetz 2012; Murdie and Bhasin 2011; Murdie and Peksen 2014; Peterson, Murdie, and Asal 2018). Here we focus instead on the relation between *domestic* institutions and human rights, following the example of scholars highlighting institutional distinctions and nuances across democracies (Keith 2002a; Powell and Staton 2009; Simmons 2009; Hill and Jones 2014).

One strand of this literature on domestic institutions focuses on the principal-agent relationship between representative governments and bureaucratic enforcement agencies to which they delegate power (Dragu and Polborn 2013; DeMeritt 2015). Another approach examines larger institutional ecologies focusing on constitutional or regime-level structures (Cingranelli and Filippov 2010, Conrad and Moore 2010; Mitchell, Ring, and Spellman 2013). We see potential for refining this second line of inquiry in order to accumulate knowledge about the effects of political structures on human rights. This may be highly relevant for future institutional-design choices within democracies.

Inspiration for our analysis comes from a landmark study of “significant differences among democracies” in the electoral incentives facing politicians (Cingranelli and Filippov 2010, 243). A central assumption is that “democratic competition must put politicians in a situation where it is electorally beneficial for them to monitor abuses and to expose public officials who fail to protect human rights” (243). Within the standard dichotomy of institutional models of modern democracy, featuring a trade-off between stronger representation and stronger accountability in “proportional” and “majoritarian” systems, respectively (246), accountability emerged as more significant in this context. Cingranelli and Filippov’s empirical analysis of human rights outcomes found governments elected by low-district-magnitude proportional representation (PR) systems to perform better than those with single-member district (SMD) or high-magnitude PR systems.

A theoretical problem, however, lingers in these findings. If *accountability* were the stronger mechanism – with majority opinion monitoring and sanctioning identifiable legislative agents for human rights outcomes – then SMD should have performed better than all alternatives. If *representation* were the stronger mechanism – with greater opportunities for vulnerable groups to voice their claims in policy-making circles – then high-magnitude PR should have performed best. Low-magnitude, open-list PR occupies a middle ground between SMD and “pure” PR, and the reasons for which this mixture should produce better results than either mechanism in isolation remain obscure. When a statistical result lacks a clean causal story to make sense of it, further investigation is justified.

We suspect that a shift away from accountability as the mechanism that makes democracies protect human rights, and instead toward representation, could potentially yield a tighter alignment between theory and results. This move is guided by what we know from the scholarship on comparative democratic institutions and how it can (we suspect) shed light on the policy-making domain of human rights.

Two general types of accountability are distinguished in comparative research on democratic institutions: vertical and horizontal. Vertical accountability is supposed to allow citizens (at the bottom) to control governments (at the top), primarily through electoral pressures. Horizontal accountability is supposed to allow different agencies of government to check and balance one another (Schedler 1999, 23-4; Collier and Levitsky 2009, 278-80). Either sort of institutionalized accountability could, in theory, affect democracies’ human rights performance. Fortunately for empirical researchers, the family of democratic regimes exhibits interesting institutional variation on both dimensions – allowing us to explore why not all democracies are equal when it comes to protecting human rights.

The logic of vertical accountability, however, has come under sustained attack across the discipline of political science in the last two decades. Both theoretically and empirically, many scholars have come to regard as untenable the proposition that electoral sanctions are reliable at making politicians pursue popular policies while avoiding unpopular ones (Manin, Przeworski, and Stokes 1999, O’Donnell 2003, Achen and Bartels 2016). What once seemed like strong electoral connections have been eroded by progress in empirical analysis, even on “valence” issues like promoting economic growth (Anderson 2007) and reducing political corruption (De Vries and Solaz 2017), where broad consensus on policy goals should allow voters to control governments – but often does not.

Nor should human rights be regarded as immune to accountability deficits when other valence issues are not. In policy areas related to rights and repression, research has shown that democratic leaders who violate human

rights, “whether through a calculated policy or carelessness,” have been able to “evade accountability and transfer the blame” (Mitchell 2012, 188). This finding is hardly counter-intuitive. Though all people presumably want their own rights defended, it does not follow that they also want equal levels of protection for all their fellow citizens. Even with hypothetically strong electoral connections, a plurality or majority of citizens could more easily pressure a government into violating the rights of some members of a marginalized group (such as criminals, prisoners, migrants, suspected terrorists, a despised ethnic minority, and so on) than either crashing the economy or fostering corruption. Moreover, security agencies and other personnel who abuse human rights in democratic states typically seek to evade public monitoring by adopting techniques that make their actions less detectable and thereby “hidden from public assessment” (Rejali 2009, 26). The concept of vertical (electoral) accountability therefore fails to offer a clean and compelling logic for curtailing human rights abuses systematically.

Horizontal accountability and veto points may seem a more promising route to take, but research thus far has not offered conclusive proof of their necessity or sufficiency in deterring human rights abuses. Some studies have argued that a greater number of veto-points decreases the frequency of human rights violations like torture (for example, Miller 2011, 457). Yet, others have reached ambiguous conclusions (Conrad and Moore 2010, 473), suggesting that federalism and separation of powers do not significantly boost respect for rights (Cross 1999). To understand why such empirical ambiguity should not be theoretically surprising, we now consider the role of legislative representation in human rights policy-making.

### **The Logic of Rights and Representation: Executive Initiative, Legislative Redress**

As a distinctive policy domain, human rights follows a dynamic that we call “executive initiative, legislative redress.” This model has two steps. First, violations of basic rights are likely to emerge as a result of executive initiative in response to circumstantial pressures. Second, these violations may (or may not) be exposed and redressed through more representative institutions, typically at the behest of an elected legislature. Based on this model, human rights outcomes depend on two features: (a) circumstances that trigger abuse and (b) representative legislative processes and agencies, or what we call “structures of inclusion.” Elections play a role here, but their function is more about constituting legislative agents as invigilators against executive abuse and less about enforcing majoritarian control of the government through the “personal vote.” To preview the analysis below, the logic of the

two-step model directs us towards variables related to (a) *conflict* which conditions how different (b) *structures of inclusion* (the key independent variable) affect (c) *human rights outcomes* (the dependent variable).

Specifically, our theoretic argument is that more inclusive democratic structures are more likely to lead to legislative redress against human rights violations because they should better represent the interests of a broad section of the community. When more members of potentially victimized communities, including immigrants, ethnic minorities, and the poor, have legislative representation, political elites who would be most willing and motivated to fight against human rights abuses should find themselves in institutional positions to do so.

We must also consider that executives may anticipate public opposition to abusive policies. Given that legislative redress may impose sanctions on the executive, or minimally convey a signal of executive weakness, executives in popular-inclusive democracies might feel incentivized to exercise strategic restraint, avoiding the initiation or reducing the severity of rights abuses that they expect to be redressed by a representative legislature. Accordingly, the “executive initiative, legislative redress” mechanism implies a generally higher respect for physical integrity rights among states maintaining more popular-inclusive institutions.

This is our central theoretic proposition, and it potentially provides a better explanation of variation in human rights practices across democracies than causal stories about horizontal accountability. Building on earlier work linking the positive functioning of judicial systems to human rights protections (Keith 2002b; Keith, Tate, and Poe 2009; Powell and Staton 2009), two recent studies (Mitchell et al. 2013, Hill and Jones 2014) have found lower repression in countries with strong rule of law and judicial independence. Yet these studies’ causal implications about judicial impacts crucially rest on implicit assumptions about the preferences of judges and the specific content of law in any given jurisdiction. Powerful and independent judges may or may not be inclined to rule in favor of human rights, and how they decide such cases may depend on the law they have to work with. In short, judicial impacts on human rights, by their very nature, are heavily conditioned by cultural and legal variables that are analytically distinct from their institutional independence vis-a-vis the executive.

Another aspect of horizontal accountability and the separation of powers involves formal relations of legislative and executive authority, which obviously vary between parliamentary and presidential democracies. The logic of “executive initiative, legislative redress” suggests that stronger legislatures should have better success at producing positive human rights outcomes. The problem is that expectations about the relevant kinds of legislative strength in parliamentary and presidential regimes are, once again, mixed. On the one hand, a president might have

more leeway to violate human rights by being *formally* independent of the legislature. On the other, a prime minister might have more leeway *informally* because the majority party's (or coalition's) political self-interest militates against rigorous oversight and criticism of the leader or cabinet.

Our two-step model, with structures of inclusion as the measurable quantity of interest, therefore corresponds with a theoretic shift away from accountability (both vertical and horizontal) and toward representation as the operative democratic-institutional logic. Compared to previous research, our approach is similar to yet distinct from two noteworthy studies of the nexus of institutionalized inclusion and human rights.

Davenport's analysis of the "domestic democratic peace" distinguished "voice" from "veto" as two distinct institutional variables (Davenport 2007, 45-74), the former representing more popular influence and the latter more elite influence over government. His conclusion was that voice does slightly more than veto for human rights protection (173-4), but ultimately "the domestic democratic peace is generally not able to withstand the confounding influences of political conflict" (179). While the structural logic of voice is compelling, we find below that a different (and more precise) measure of institutionalized popular influence yields a rather different conclusion about conflict: more popular democracies do better at protecting rights even (especially) when placed under the stress of conflict.

Secondly, selectorate theory embodies an emphasis on political inclusion by looking at the extent of the franchise and the "winning coalition" on which any government depends for survival (Bueno de Mesquita, Morrow, Siverson, and Smith 2003, 41-3). These two variables are then converted into a ratio, producing a relatively crude measure with limited capacity for capturing relevant institutional variation within the family of established democracies. For example, the conceit that a presidential democracy typically requires twice as large a winning coalition as a parliamentary democracy (54-5) probably overstates the gap between the two regime types as structures of inclusion. Moreover, selectorate theory as applied specifically to human rights is associated with a crude equation of political accountability with partisan competition (Bueno de Mesquita et al. 2005, 450). The more nuanced approach of Cingranelli and Filippov (2010) was a notable advance, but the underlying problem is that measures of competition pose the analytic threat of tautology when investigating the relationship between democracy and human rights (Hill 2016). Our approach to structures of inclusion therefore focuses on basic constitutional rules rather than partisan environments or alignments.



*“Executive Initiative, Legislative Redress” in the context of threats from armed conflict*

Another important condition deserving attention is the possibility that external threats may endanger human rights even within relatively peaceful democracies. Such threats therefore present particularly useful circumstances to explore the impact of institutional features promoting elite or popular influence. Certainly, popular-inclusive institutions’ respect for human rights experiences a “stress test” when leaders face security threats – specifically armed conflict either within the state, with another state, or with non-state actors such as terrorist organizations. While the presence of armed conflict in a state could put downward pressure on human rights, it also maximizes the opportunity for popular institutions to make their rights-promoting impact (Most and Starr 1989). Therefore we expect that, within the group of established democracies maintaining more elite-exclusive institutions, armed conflict will be associated with relatively worse practices compared to democracies with more popular-inclusive institutions.

Two hypotheses embody our conditional expectations:

*H1: More popular-inclusive democratic institutions are associated with better governmental human rights practices compared to more elite-exclusive democratic institutions; this association holds in the absence of armed conflict but is even larger in magnitude in the presence of armed conflict.*

*H2: Armed conflict is associated with worse human rights practices in all democracies, but this association will be stronger for elite-exclusive democracies and weaker for popular-inclusive democracies.*

## **Research Design**

We employ a mixed-methods approach to test our two hypotheses. First, in order to demonstrate our two-step model in action, we employ a “structured, focused comparison” (George and Bennett 2005) comparing two pairs of states, Australia with New Zealand and Trinidad and Tobago with Costa Rica. These cases were chosen because both pairs exhibit variation in democratic institutions and human rights outcomes but share other key variables in common (Tarrow 2010). The fact that the more popular democracy in each pair fares better on indicators of human rights (despite also being the less wealthy country in each pair) suggests the plausibility of the causal logic behind our hypotheses about structures of inclusion.

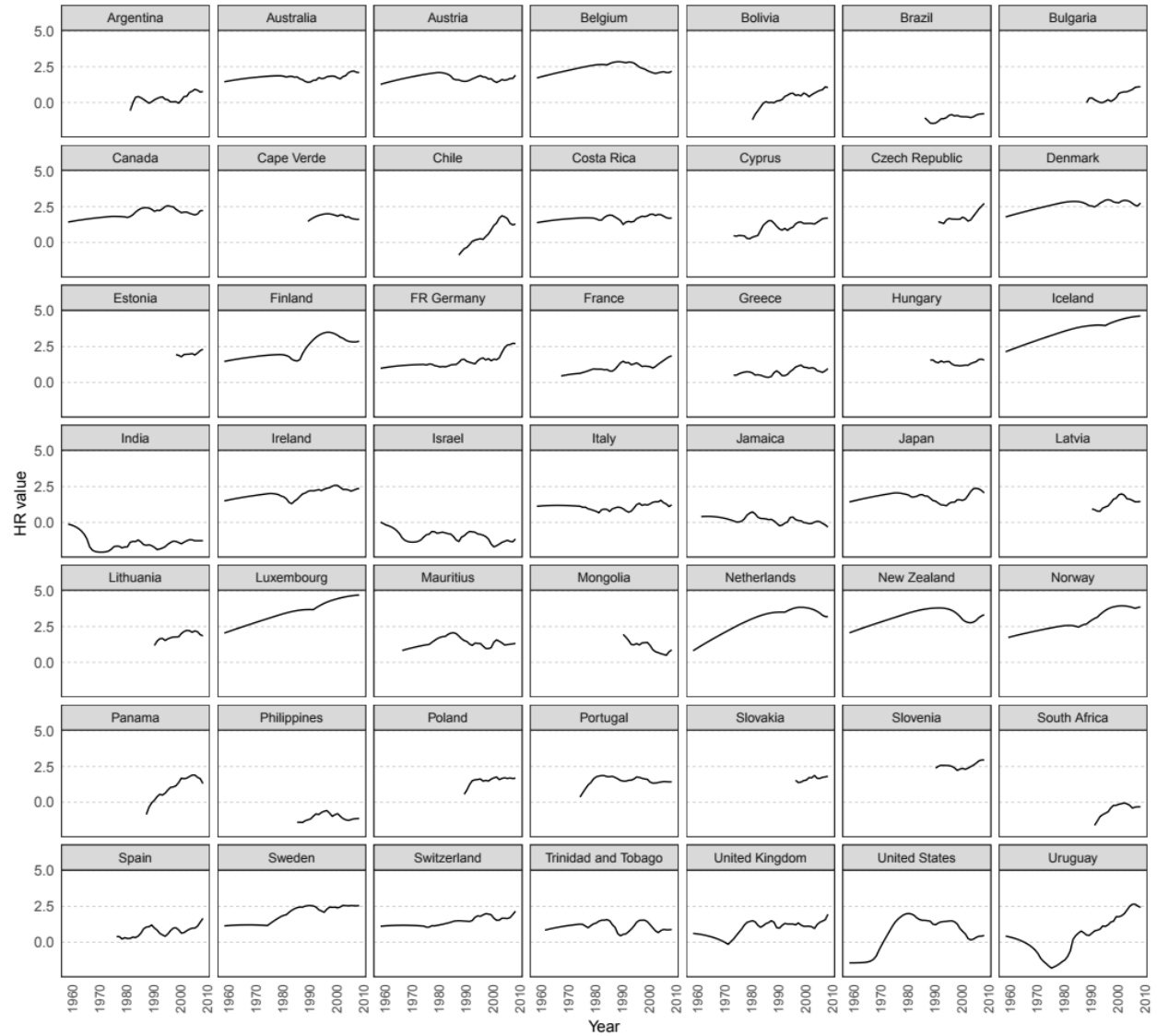
We then test our hypotheses quantitatively using data on human rights practices from Fariss (2014) and data on the institutional features of democratic states that support either elite or popular influence over policy-making. Our statistical analysis spans 1960 to 2010, with the country-year as the unit of analysis. The states in our data are 49 established democracies. As we seek to uncover institutional variation in states commonly considered

the most stable democracies, our analysis includes all states sustaining at least a score of 8 on the 21-point Polity combined score since 1960. We include states that sustain a single transition to a stable democracy (maintaining a Polity combined score of 8 or higher) for the years after their transition. We also include Iceland whose population is below the threshold for inclusion in the Polity project. In the supplemental appendix, we report results with alternate case selection criteria (e.g., excluding states with more recent democratic transitions).<sup>3</sup>

Our dependent variable measures respect for physical integrity rights—that is, citizen freedom from torture, arrest and political imprisonment, extra-judicial execution, and disappearance. Physical integrity is generally the less controversial component of human rights, and previous research consistently finds greater effects of democratic institutions on such rights than on civil and political rights (for example, Davenport 2004). We use Fariss’s (2014) measure of physical integrity practices, a latent variable estimated using a wide variety of extant data sources (Cingranelli and Richards 2012; Hathaway 2002; Conrad and Moore 2011; Gibney, Cornett, and Wood 2012; Harff and Gurr 1988; Harff 2003; Marshall, Gurr, and Harff 2009; Wayman and Tago 2010; Eck and Hultman 2007; Taylor and Jodice 1983). A major benefit of using this latent estimate of government respect for human rights is that it was designed explicitly to model the potentially varying standard of accountability over time in standards-based indicators—for example, CIRI (Cingranelli and Richards 2012) and the Political Terror Scale (PTS) (Gibney et al. 2012). Furthermore, because the latent estimate incorporates multiple data sources, it allows us to increase the temporal scope of the analysis beyond what is possible with the more commonly-used CIRI and PTS indicators. Figure 1 illustrates levels of respect for physical integrity rights over time among the 49 states in our study.

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<sup>3</sup> Our 49 states include the most advanced, developed states (for example, those in North America and Europe), along with developing states—notably including nine Latin American states. The more restricted sample helps us to determine whether results are robust to possible omitted variable bias stemming from the inclusion of these states. However, we contend that their inclusion is useful given evidence that Latin America was a major player in the formation of international human rights norms in the aftermath of World War II (Sikkink 2015).



**Figure 1. Physical integrity rights values over time (from Fariss 2014)**

Since Fariss's (2014) latent estimate of human rights practices is a continuous indicator, we use a linear model to estimate the association between our measure of popular-inclusive institutions and this dependent variable. In order to preclude simultaneity bias, we measure the dependent variable for year  $t+1$ , while all explanatory variables are measured in year  $t$ . Given the potential for un-modeled country-level variation to bias our results, we incorporate random country intercepts in all models. We estimate these linear mixed effects models using the lme4 package version 1.1-17 in R (Bates, Maechler, Bolker, and Walker 2015).

### *The Institutional Democracy Index (IDI)*

The measure we use for our key explanatory variable combines three components of popular or inclusive institutional structure: (a) voting access, (b) electoral representation, and (c) legislative structure. These components are integral to the second part of our two-step model: legislative redress. We follow the basic approach of our earlier *Institutional Democracy Index* or “JMP-IDI” (Joshi et al. 2015), though here we employ a more sophisticated method to aggregate its constituent elements (“IRT-IDI”). Following Goertz’s protocols for “concept-measure consistency” (Goertz 2006, 95-6), we first explain the component parts of our underlying concept of institutionalized inclusion and then explain the operational measure of IDI, as adapted to the two-step model of human rights policy-making, in terms consistent with the conceptual core.

(a) *Voting Access.* Structures of inclusion in the selection of political representatives require formal universal suffrage, at a minimum, but are significantly strengthened by automatic voter registration and compulsory voting. The presence of either or both of these features should increase the likelihood that basic rights claims coming from all sectors of society, including the least favored (among adult citizens), will find an institutional channel through the representative legislature. The crucial mechanism is structural (rules), not behavioral (turnout). Behavioral or circumstantial variations in turnout are not what we want to measure; the institutional structure of voting access is. Compulsory voting and automatic registration are stable and reliable structures of inclusion because, in their presence, partisan elites have no choice but to appeal to a broad spectrum of the public. They cannot simply choose their own constituents through campaign tactics designed to mobilize some voters and demobilize others.

(b) *Electoral Representation.* Proportional representation (PR) rules that translate votes for parties into seat-shares incentivize parties to become more programmatic than clientelistic and allow for greater popular influence than systems under which many votes (perhaps even a majority) may have no influence on policy-making. In high-magnitude PR, party seats in each district are closely related to the number of votes received by each party. This condition allows not only for greater ideological diversity but also for the bridging of differences through coalition-forming to find mutually beneficial solutions for a larger section of the population. By contrast, in single-member district (SMD) systems, only votes for one party in each district will be counted in seat allocation while all other votes in the district will be “wasted votes” having no influence. This system can reinforce a zero-sum, winner-take-all mentality that makes representatives indifferent to the conditions of non-voters and those whose votes they

do not rely on to stay in office. PR should therefore decrease the probability that a vulnerable minority is unable to find institutionalized representation in the legislature, which is the agency best situated to respond to abuses by executive authorities as they come to light.

(c) *Legislative Structure*. A key factor in legislative action involves the number and strength of internal veto-points. If one chamber of parliament can obstruct or cancel out the resolutions of the other, the ability of the legislature as a whole to redress executive abuses of human rights may be diminished. Unicameral legislatures feature fewer veto-points within the policy-making process and therefore should offer fewer opportunities for bureaucratic and executive actors to resist oversight and redress by the legislature. Of course, “checks and balances” can be portrayed as institutional weapons for vulnerable minorities against majority tyranny – if the veto in question is a check on an elected executive. Given the scope of action and initiative available to modern executive agencies, however, it is equally important to consider veto-points as checks against legislative action. Indeed the two-step model suggests that veto-points may be used to shield executive and bureaucratic agents from oversight and sanction. This possibility has already been accounted for in theoretical and measurement efforts that associate a larger number of veto-points with “centrifugal” (Gerring and Thacker 2008) or super-majoritarian (McGann and Latner 2013) regimes. However, unlike the centrifugal operationalization, we leave out external veto-points associated with federalism, believing that such factors can be better understood in the context of “executive initiative, legislative redress” when measured separately from the internal legislative structure.

The three features of voting access, electoral representation, and legislative structure do not work in isolation; they form an ensemble. PR may operate differently in the presence of many veto-points than with a unicameral legislature, for example. For this reason our operational strategy is to aggregate the three components into a single measure of structures of inclusion, or institutionalized popular influence. To create the institutional democracy index (IDI), we estimate a dynamic ordinal item-response theory (IRT) model following the coding rules of Fariss (2014; see also Schnakenberg and Fariss 2014). We also follow Fariss (2014) in using a *constant standard* dynamic ordinal IRT model to estimate the underlying level of popular-inclusiveness in democracies at the country-year level. To capture the elements of democracy described above, we combine data from the Varieties of Democracy database 7.1 (Coppedge, Gerring, Lindberg, Skaaning, Teorell, Altman, Bernhard et al., 2017) with manually coded indicators of automatic voter registration. We use dichotomous indicators of universal suffrage,

automatic registration, compulsory voting, and unicameralism, as well as a five-category ordinal variable identifying the electoral system.<sup>4</sup> For the ordinal variable, we estimate 4 item-difficulty cut-points.

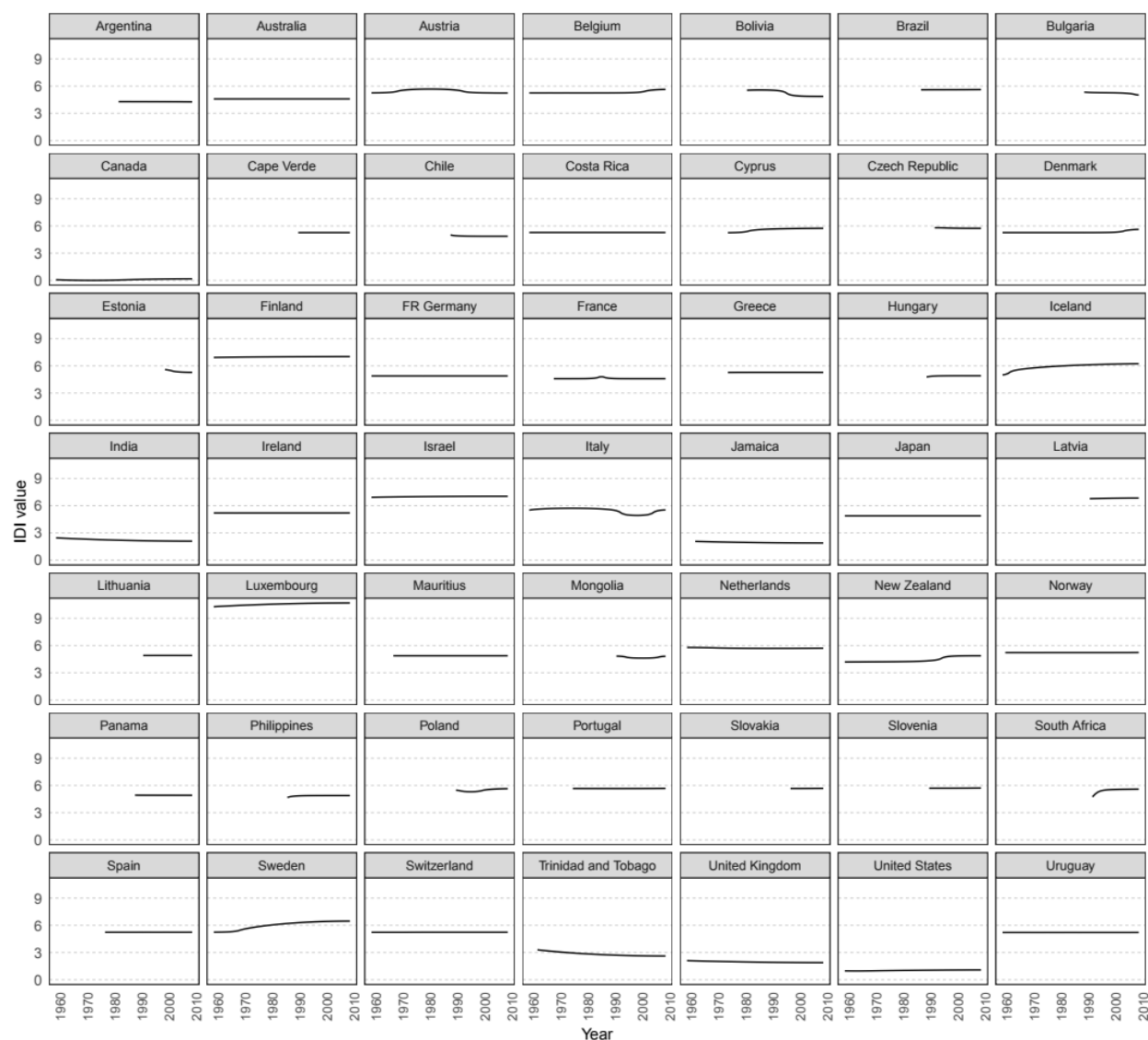
We estimate the IRT model using JAGS 4.3.0 (Plummer 2017) and the *rjags* package version 4-6 (Plummer et al. 2016) in R version 3.5.0. In total, we estimate 2,505 country-year latent IDI scores, one difficulty and one discrimination parameter for each of the four dichotomous items, and four difficulty and one discrimination parameters for the ordinal item. The country-year latent variable prior distribution for each country's first year is parameterized as a normal distribution with mean equal to 0 and standard deviation equal to 1. For subsequent years, we again specify a normal distribution for the prior, with the mean and standard deviation equal to the posterior estimates from the preceding year (Schnakenberg and Fariss 2014, 10). To obtain a sample size of 50,000, we take 250,000 draws from each of two chains, thinning every tenth draw (again, following Fariss 2014).<sup>5</sup> Finally, we rescale the estimated scores by adding the absolute value of the minimum such that states with the least popular-inclusive institutions receive a 0. Figure 2 illustrates this variable over time for our 49 states.

[Figure 2 follows on the next page]

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<sup>4</sup> The five categories from lowest to highest are: (1) single member districts (SMD); (2) a two-round system (2RS) with run-off elections or an Alternative Vote system (AV); (3) a mixed or parallel system (combining non-interactive PR and SMD elections) or a Single Non-Transferable Vote (SNTV); (4) proportional representation (PR) dominant systems with an average district magnitude less than 8; (5) PR with average district magnitude equal to 8 or greater.

<sup>5</sup> Our Gelman-Rubin convergence diagnostic statistic of 1.18 suggests no evidence that the chains failed to converge (Gelman and Rubin 1992).



**Figure 2: Institutional Democracy Index values over time**

We also interact each state's Institutional Democracy Index measure with an indicator of armed conflict to assess whether the association between popular democracy and better governmental respect for human rights is stronger in the presence of armed conflict that could threaten democratic leaders. Using the Uppsala Conflict Data Program/Peace Research Institute Oslo (UCDP/PRIO) armed conflict data version 4 (Pettersson and Wallensteen 2015, Gleditsch, Wallensteen, Eriksson, Sollenberg, and Strand 2002), we operationalize four variants of conflict indicators, all of which capture the onset year as well as subsequent years during which conflict is ongoing. First, we

code counts of disaggregated incidences of interstate (type-2) conflict, internal (type-3) conflict, and internationalized internal (type-4) conflict.<sup>6</sup> Second, we code a count of *any* type of conflict (adding incidences of types 2, 3, and 4). Regarding this aggregate measure, we acknowledge that different forms of conflict generally stem from different causes and could take different forms. Nonetheless, among the relatively developed democracies in our data, we contend that all types might produce a similar (albeit not identical) *threat* that could incentivize human rights abuse. Notably, the kind of civil conflict experienced by less developed states—for example, where well-armed rebel groups provide a legitimate threat to the ruling government—are essentially absent among the state-years meeting the criteria for inclusion in our data.<sup>7</sup>

The use of count variables allows us to incorporate fine-grained variation in states' overall involvement in potentially numerous armed conflicts. However, count specifications also carry the assumption that each additional ongoing armed conflict has an equivalent association with human rights practices (conditional on Institutional Democracy Index). Accordingly, we also consider dichotomous variants of these conflict variables. Specifically, we code dichotomous indicators for each type of armed conflict (2, 3, and 4). Each is equal to 1 in every country year that experiences the given conflict type. An alternate dichotomous variable is equal to 1 when a given country experiences *any* conflict (including interstate conflict, internal conflict, and internationalized armed conflict) in a given year. These four alternate operationalizations of armed conflict are presented in four statistical models.

For each conflict specification, the coefficient we obtain for the Institutional Democracy Index represents the association between more popular democracies and human rights practices in the specific case that the state has not experienced any conflict in a given year (when any interacted variable is equal to 0). We must interpret this

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<sup>6</sup> We omit extra-state conflict (type-1) from our analysis because its exceptional rarity leads the variable to drop from our models.

<sup>7</sup> Some types of conflict are rare among developed democracies (notably internal conflict—that is, type-3, where the majority of incidences occur in two states: Israel and India), leading to limited variation in our data. The majority of recent conflict years are internationalized internal conflict (type-4). Indeed, elements of the Global War on Terror—for example, the involvement of NATO states in the war against al Qaeda in Afghanistan—are coded as internationalized internal armed conflict. This type of type-4 conflict, stemming from acts of terrorism, could create incentives for human rights abuse similar to those experienced by, for example, Israel—which UCDP codes as facing internal (type-3) conflict in most years.



coefficient along with the interaction term(s) to understand the association between more popular institutions and human rights for the condition where conflict occurs.

We include additional explanatory variables to account for likely sources of spurious correlation. First, we include a variable for (logged) GDP per capita, as well as a measure of (logged) population, both taken from Gleditsch's (2014, see also Gleditsch 2002) expanded GDP data version 6.0 beta. We also include measures of ethnic and religious fractionalization (from Alesina, Devleeschauwer, Easterly, Kurlat, and Wacziarg. 2003). These time-invariant measures capture the probability that two citizens will *not* share a common ethnicity or religion, respectively. We include a first-order and square term for each of these variables in order to account for the fact that increasing heterogeneity might at first create incentives for abuse of a minority group, but eventually would suggest the co-existence of multiple ethnicities or religions that should facilitate pluralism in politics.

In order to compare the influence of popular-inclusive institutions to other factors potentially restraining the executive, we also include a measure of political constraints, specifically Henisz's (2002) five-point measure. This measure of veto players captures the ability of several government entities (including judiciaries and sub-national entities) to prevent policy change, counting the number of independent government branches, the extent of party alignment across branches, and preference heterogeneity within a branch. Importantly, veto players could act to preclude either the onset or the termination of abuse.<sup>8</sup> Finally, we include dummy variables to capture two potentially unique time periods: the Cold War (prior to 1989) and the War on Terror (beginning in 2001).<sup>9</sup>

### Case Comparisons

Our central argument is that structures of inclusion should promote better respect for human rights even (or especially) when placed under the stress of violent conflict. We expect high-IDI democracies to start out with stronger physical integrity rights protections than low-IDI democracies. When facing a stress test, both may experience a drop in human rights, but we expect high-IDI democracies to be more resilient in withstanding or recovering from such episodes than low-IDI democracies.

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<sup>8</sup> In our supplemental appendix, we interact veto players with armed conflict, finding evidence that more veto players correlate with better human rights practices in the absence of armed conflict, but with worse practices during conflict.

<sup>9</sup> We use the Quality of Government dataset (Coppedge et al. 2017) to obtain many of our explanatory variables.

We illustrate these expectations through two comparisons featuring pairs of similarly situated high-income (Australia and New Zealand) and middle-income (Costa Rica and Trinidad and Tobago) democracies. As shown in Table 1, this “most similar systems” design controls for geography, human development, economic development, and ethnic heterogeneity in each pair while capturing important differences in democratic institutions. These initial analyses offer process observations to validate the “executive initiative, legislative redress” dynamic, indicating how relevant institutional differences can impact human rights outcomes in the real world, paving the way for analysis of a larger population of states in the next section.

Pair	Country	PCI (USD)	HDI	Population (millions)	Disadvantaged Ethnic Minority	Polity	IRT IDI	JMP IDI
1	Australia	\$51,874	0.927	22.3	2-3% ATSI	10	4.6	2.5
1	New Zealand	\$33,691	0.901	4.3	13% Maori	10	4.9	3
2	Costa Rica	\$8,199	0.752	4.6	8% African	10	5.3	5.5
2	Trinidad & Tobago	\$16,684	0.774	1.3	~20% Mixed	10	2.6	1

Note: ATSI denotes Aboriginal and Torres Strait Islanders.

**Table 1. Socio-Economic Characteristics of Case Comparisons (2010)**

While all of our case countries exhibit multi-party elections and universal suffrage, Trinidad and Australia have more elite-oriented democratic institutions. First, Trinidad has neither automatic voter registration nor compulsory voting. It has “first past the post” (FPTP, or single-winner plurality) single-member district elections. This tends to yield local single-party monopolies and many wasted votes. Trinidad also has a bicameral parliament with strong veto powers against the primary representative assembly. Australia similarly has a bicameral parliament and single member district elections. However, its institutions are somewhat more inclusive featuring compulsory voting and an alternative vote (instant run-off voting) system.

By contrast, New Zealand and Costa Rica have more popular democratic institutions. New Zealand has a mixed-member proportional (MMP) electoral system featuring no wasted votes, inclusion of smaller parties, and reserved seats for indigenous people. It also has a unicameral parliament with no president or upper house to serve as veto players. Costa Rica likewise has a unicameral legislature. It also has a PR electoral system, automatic voter registration, and compulsory voting.

The paired cases of Australia and New Zealand illustrate our theoretical expectations. New Zealand (higher IDI) has remained in the top 5-10 percent of the most (physical integrity) rights-respecting countries (Fariss 2014).<sup>10</sup>

<sup>10</sup> It also maintained a perfect human rights score of 8 from 1981 to 2000 on the CIRI physical integrity index.

During the 1990s, its government moved up on the IDI by changing to MMP, a variant of PR, which had had no negative effect on human rights and arguably strengthened already strong human rights protections. In reaction to the stress test of the Global War on Terror after 2001, New Zealand experienced a temporary drop in physical integrity rights due to some incidences of torture. It then quickly rose back to near its previous level by the late 2000s and returned to a maximum score of 8 on the CIRI measure. By contrast, in Australia (with a lower IDI) human rights scores have been consistently lower than in New Zealand. According to Fariss (2014), human rights conditions remained fairly steady in Australia during the 2000s but scored more than a full point behind New Zealand (as illustrated in Figure 1).<sup>11</sup>

In these two countries, most victims of physical integrity rights violations (usually torture) are of indigenous origin or non-white ethnic minorities. However, torture is more common in Australia where indigenous people have long been excluded from law-making at the federal level by institutional design. In Australia's bicameral parliament, Aboriginal and Torres Strait Islanders (ATSI) who comprise close to three percent of the population did not have a single representative in the commonwealth's 150-seat House of Representatives (and no government ministers) prior to 2010. This largely occurred because they comprised a minority of inhabitants in each electoral district. In some cases districting has also been subjected to extensive gerrymandering, a distortion made possible by single member districts.

Disproportionality also takes place in Australia's 76-seat Senate which uses a state-based PR-STV electoral system. Currently all "states" receive 12 Senators regardless of population, while "territories" receive only two members with shortened terms. Under this arrangement, the Northern Territory, which has by far the country's large share of indigenous peoples (26% of its population) gets shortchanged, whereas if it was a state using PR-STV it would likely have at least three (out of 12) Aboriginal Senators. If both houses of the Australian parliament switched to a large-magnitude nationwide PR electoral system it would likely significantly increase representation of ethnic minorities and indigenous peoples, as observed in those Australian state-level legislatures which use PR, where minority ethnic representation is indeed much higher (Anthony 2006).

A similar transformation took place in New Zealand after its unicameral parliament switched from SMD to MMP in the 1990s, with 71 directly elected and 49 list-seats. Maori-based parties now play a stronger role than under the old FPTP system, and in 2008 the Maori Party became a junior coalition partner supporting a Nationalist

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<sup>11</sup> According to CIRI, Australia's physical integrity rights decline during the War on Terror stress test.

Party government. From the time MMP was first practiced in New Zealand in 1996 through 2014, ethnic minority representation in parliament has increased significantly for indigenous Maoris (from 13% to 22%), Pacific Islanders (3% to 6%), and Asians (1% to 4%) whereas non-White population groups continue to remain significantly under-represented in Australia's federal parliament.<sup>12</sup>

The under-representation of indigenous peoples in parliament has serious consequences. Though having close to half the population of Tasmania, Australia's Northern Territory gets only one sixth as many federal senators. Yet many documented human rights violations in Australia are against indigenous people in the Northern Territory. They occur in places like the Don Dale Youth Detention Centre, where "incarceration disproportionately affects indigenous children, a marginalized population who are substantially over-represented in the juvenile justice system" (Pearson 2016). In Australia and New Zealand, Aboriginals and Maoris, respectively, are disproportionately represented in prisons and detention centers – the site of most human rights violations in these countries. But aboriginals in Australia facing human rights abuses have generally not had someone from their community to seek redress in parliament. By contrast, Maoris in New Zealand have used their position in parliament to back the adoption of stronger human rights legislation such as the Optional Protocol to the Convention against Torture (OPCAT), which was ratified by New Zealand in 2007 to facilitate inspection and monitoring of all places of detention. As of 2017, the Australian Parliament has still not ratified this crucial piece of human rights legislation despite signing it in 2009.

As Brooks (2014, 124) notes, since people "react much more strongly to violence perpetrated against their own social group," it is the indigenous populations who would be most appalled and motivated to fight human rights violations against their group members. However, under the period we are studying, they typically had no direct representation at all in Australia's federal parliament. This fact may explain why its legislature has not passed sufficient legislation to stop human rights violations taking place in detention centers. For instance, the *Standard Guidelines for Corrections in Australia* remain non-binding with no remedies for non-compliance (Brooks 2014, 130). Legislative redress also remains insufficient as the Australian Human Rights Commission (AHRC) created by parliament in 1986 only has the power of receiving complaints, conducting limited investigations, giving advice and making recommendations. The Convention against Torture (CAT) is not one of the seven international human rights conventions and declarations that guide the AHRC's mission, and "when the AHRC did its job and investigated the

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<sup>12</sup> Minority representation data comes from Stats NZ.

harm being caused by the mandatory and indefinite detention of children the government slashed its funding and personally attacked its President” (Webb 2015).

New Zealand has a Human Rights Commission (NZHRC) as well as an independent Ombudsman, which have been relatively active in monitoring, and preparing periodic, publicly available report cards on the country’s standing in different human rights categories. By contrast, monitoring in Australia and prison inspections by Australian Ombudsmen “are irregular, and there may be periods of numerous years in which no inspections occur” (Mackay 2014, 32).<sup>13</sup> Unlike New Zealand where human rights legislation revolves around the 1990 New Zealand Bill of Rights Act and 1993 New Zealand Human Rights Act, Australia has no national Bill of Rights leaving certain provisions in the CAT legally unenforceable.

Legislative redress has also been weak in combating high-profile human rights violations deriving from the Australian federal government’s policy of mandatory detention of asylum seekers arriving by boat, a policy first introduced in 1992 and later re-introduced in 1999.<sup>14</sup> Once again, institutional structure helps explain the existence and persistence of this policy. In 1998, the Australian Labor Party won a majority (51%) of the two-party-preferred vote for parliament, but “the distribution of electorates favored John Howard’s [Liberal-National] coalition” who thus obtained a “safe parliamentary majority” (Macintyre 2004, 266). Notably, that Howard government would probably not have been elected under a PR system because it did not represent the majority of voters and was less popular than an alternative party. However, once in office it committed a range of human rights abuses involving asylum seekers arriving by boat sent to specially constructed internment centers. This represents a clear example of “executive initiative” in violating human rights by sidelining both the legislature and the judiciary. As Macintyre

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<sup>13</sup> Section 7 of the 1990 New Zealand Bill of Rights requires the Attorney-General to review all proposed legislation for compliance with human rights standards but critics argue that it is not taken seriously enough. More recently, Australia’s 2011 Human Rights (Parliamentary Scrutiny) Act has similarly established a joint parliamentary committee to review completed bills for human rights compatibility. While sometimes increasing attention towards potential human rights infringements, at other times it has led to statements of compliance that “devote only cursory attention to rights issues or fail to identify that rights are engaged in the first place” (Rajanayagam 2015, 1070).

<sup>14</sup> Asylum seekers arriving by boat have faced mandatory detention and incarceration “offshore” on Nauru and Manus Island outside the jurisdiction of Australian federal courts, but the UN has declared various pieces of Australian legislation permitting such incarceration to violate the Convention against Torture (CAT).

(2004, 270) notes, “The Pacific Solution was directed from the prime minister’s office, facilitated by special legislation that excised Christmas Island from Australia’s immigration zone and left Canberra to operate with almost complete freedom from scrutiny by the courts.” Moreover, weak whistle-blower protections in federal law have meant that abuses in immigration detention centers have festered in the absence of full oversight (Webb 2015).

By comparison, New Zealand’s 1993 Constitution made a significant change in the structure of its democratic institutions in response to voters’ disillusionment with the two major parties’ disproportional presence in parliament under the previous FPTP electoral system. As Denmark (2001, 75) notes, “between 1935 and 1993 the victorious party won an average of 58.1% of the parliament’s seats, with an average of 46.6% of the total vote” while minor parties “averaged 12% of the vote, but won only 0.1% of parliament’s seats.” After shifting to MMP in 1996, New Zealand’s unicameral parliament saw a significant boost in the number of seats held by women, ethnic minorities, and small parties, plus major decreases in party vote-seat disproportionality (Barker, Boston, Levine, McLeay, and Roberts 2001). With coalition governments replacing single-party rule, the reformed parliament displayed “a greater willingness to undertake detailed policy reviews on controversial issues” and included “more representation of minority views in select committee reports” (Barker et al. 2001, 312). Now having more representatives in parliament, the indigenous Maori population have greater defense against potential human rights violations. New Zealand’s 2009 Immigration Act also clearly prohibits expulsion to a place where people face a risk of torture in contrast to Australia’s Unauthorized Maritime Arrivals Act (NZHRC 2015).

Perhaps the clearest example of the positive impact of the switch to PR in New Zealand on human rights is how it facilitated the country’s adoption of the OPCAT in 2007. All of the National Party members voted against that proposed bill. But with the help of small parties, notably the Green Party, all six of whose members were in parliament due only to PR-list seats, the legislation passed. In other words, had New Zealand not reformed its system and switched to PR elections but instead retained only SMD seats as in the pre-reform era there would have been no Green Party members in parliament. Hence, there may not have been enough parliamentary support for all of the clauses in the bill to pass, possibly resulting in a higher incidence of physical integrity violations disproportionately impacting groups such as juveniles and Maoris.

As for armed conflict, the onset of the global War on Terror in 2001 has certainly exacerbated human rights abuses. Australia teamed up with the USA in fighting wars in Afghanistan and Iraq, supporting the CIA’s extraordinary rendition and torture program, and getting involved in the cover-up of torture at Abu Ghraib prison

(Brooks 2014, 110). Whereas New Zealand largely avoided participation in these campaigns, Australian Prime Minister John Howard “supported the new American doctrine of pre-emptive defense” and new legislation connected to anti-terrorism that gave the government a legal basis for committing certain types of human rights violations (Macintyre 2004, 271).

New Zealand’s stronger HR legislation – notably adopting the OPCAT and a Bill of Rights – as well as declining to engage in a global war on terror all stem from parliamentary decision-making. It is tempting to argue that institutional differences are merely intervening factors or endogenous to different settlement patterns and governance ideologies. But the reality is that New Zealand’s parliament used to be more like Australia. However, it changed after a concerted reform effort in reaction to under-inclusion and under-representation of key population groups and political parties with the highest vote share being repeatedly unable to form a government. To sum up, New Zealand’s adoption of a more inclusive electoral system and legislative structure has made its parliament more active in combating human rights abuses against Maoris, women, refugees, and detainees. By contrast, a relatively less inclusive configuration of democratic institutions appears to be one of the key reasons why Australia has not kept pace with New Zealand on physical integrity rights despite Australia being 50% richer on a per capita basis.

### *Extending the Argument*

Does the pattern identified in the previous comparison also apply to non-OECD countries? For instance, as depicted in Figure 1, Costa Rica (high IDI) has maintained better physical integrity rights practices than Trinidad and Tobago (low IDI). Both countries faced a stress test in the 1990s with conflict related to the intra-hemispheric drug war. But Trinidad and Tobago experienced a greater and longer drop in human rights. Whereas Costa Rica improved over the 2000s, bouncing back to its 1980s level, Trinidad and Tobago’s physical integrity rights remained below their 1980s high.

These countries are both middle-income consolidated democracies in the Caribbean basin. Yet, their institutional structures differ considerably. Costa Rica has inclusive political institutions fostering broad participation and has “played a key role in proposing, drafting and lobbying for the treaties that sit at the pinnacle of international human rights law” (Brysk 2009, 97). Its 1949 Constitution features a unicameral parliament, list-based PR, automatic voter registration, compulsory voting, and a two-round system for electing presidents. As a result of an inclusive constitutional design, diverse political voices representing most strata of society are present among

legislators, nearly half of whom in recent years have been women thanks to gender representation quotas facilitated by the PR electoral system. Aside from problems of poor prison conditions and some police abuses (Eijkman 2006), Costa Rica has a relatively strong record among middle-income countries on physical integrity rights.

Trinidad and Tobago has been democratic ever since gaining independence in 1962. Yet, despite having nearly double the per capita income of Costa Rica, it sports a less impressive record on physical integrity rights. Both of these countries sit in the inter-American drug trans-shipment corridor and have been subjected to divisive neo-liberal structural adjustment policies. Yet Costa Rica has put more effort into developing effective institutions to prevent rampant police corruption and violence (Ejikman 2006). For instance, Costa Rica's ombudsman office (the Defender of the People) answers only to the legislative branch (Coll 2011, 480) and has the legal authority "to investigate any government agency on behalf of citizens' rights" (Brysk 2009, 107). This institution contrasts significantly with the Trinidadian ombudsman, whose sponsoring parliament has denied it financial independence and prohibited it from investigating the police and the military over corruption allegations (Abedin 2013, 269). Trinidad has also withdrawn from the American Convention on Human Rights and First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), and failed to ratify a large number of international human rights conventions (McGrory 2001). More materially, a lack of strong legal protections has facilitated the Trinidadian police's commission of repeated acts of brutality as well as multiple killings on a magnitude of about three to four dozen per year (USDS 2014).

In summary, these two paired case comparisons illustrate the potential power of popular-democratic as opposed to elite-democratic institutions in the area of human rights policy. If our assumptions about the dynamics of human rights policy-making are sound, we have a potential explanation for these relationships based on the mechanism of representation rather than accountability, following from a process of "executive initiative, legislative redress."

### *Quantitative Analysis*

Our statistical results likewise strongly support the expectation that more popular-oriented democratic institutions facilitate better government respect for physical integrity rights than do more elite-oriented democratic institutions, particularly in states which have experienced armed conflict. Table 2 presents coefficients and 95% confidence



bounds for Models 1-4.<sup>15</sup> Models 1 and 2 incorporate count indicators of armed conflict incidence, while Models 3 and 4 include dichotomous variables for state involvement in armed conflicts. Models 1 and 3 utilize disaggregated conflict variables (international, internal, and internationalized internal), while Models 2 and 4 aggregate *any* conflict into a single indicator. In all four models, the coefficient for the Institutional Democracy Index is positive and significant, with high statistical significance ( $p < 0.001$  in all models). Notably, the coefficient for the Institutional Democracy Index represents its association with physical integrity rights in the specific case that a state is *not experiencing any armed conflict*. Results from Model 1 suggest that a 1-point higher Institutional Democracy Index is associated with a 0.31-point higher latent physical integrity score in the absence of armed conflict. Accordingly, a min-to-max (0-10.69) increase in the Institutional Democracy Index is associated with a 3.3-point higher physical integrity score under this condition of non-involvement in any type of armed conflict—more than twice the standard deviation of the DV (1.27), and spanning nearly half of its range (of -2 to 5).

[Table 1 follows on next page]

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<sup>15</sup> Given that the Institutional Democracy Index is an estimated explanatory variable, we also calculated bootstrap confidence intervals (using 1000 samples, percentile method) to compare with those estimated in a linear mixed-effects model. Results are nearly indistinguishable across methods.

	Conflict count		Conflict dummy	
	Model 1	Model 2	Model 3	Model 4
Institutional Democracy Index	0.31*** (0.19, 0.42)	0.29*** (0.17, 0.41)	0.31*** (0.20, 0.43)	0.31*** (0.19, 0.42)
International Conflict	-0.25* (-0.47, -0.02)		-0.20 (-0.45, 0.04)	
IDI X International Conflict	0.03 (-0.02, 0.08)		0.02 (-0.05, 0.08)	
Internal Conflict	0.03 (-0.10, 0.17)		0.36* (0.02, 0.71)	
IDI X Internal Conflict	-0.05 (-0.10, 0.00)		-0.13** (-0.23, -0.04)	
Internationalized Internal C.	-0.58*** (-0.71, -0.45)		-0.94*** (-1.14, -0.75)	
IDI X IIC	0.10*** (0.08, 0.13)		0.16*** (0.12, 0.21)	
Aggregated conflict		-0.26*** (-0.34, -0.19)		-0.70*** (-0.88, -0.52)
IDI X Aggregated conflict		0.05*** (0.02, 0.07)		0.12*** (0.07, 0.16)
log GDP per capita	0.40*** (0.32, 0.49)	0.41*** (0.33, 0.50)	0.40*** (0.32, 0.49)	0.41*** (0.32, 0.50)
log Population	-0.15* (-0.28, -0.03)	-0.13* (-0.25, -0.00)	-0.19** (-0.31, -0.07)	-0.17** (-0.29, -0.04)
Ethnic fractionalization	-2.60 (-7.12, 1.93)	-2.52 (-7.16, 2.12)	-2.85 (-7.32, 1.61)	-2.89 (-7.60, 1.82)
Ethnic fractionalization <sup>2</sup>	2.01 (-4.18, 8.20)	1.97 (-4.38, 8.32)	2.26 (-3.85, 8.38)	2.34 (-4.11, 8.80)
Religious fractionalization	-4.91 (-9.92, 0.10)	-5.15* (-10.29, -0.01)	-4.59 (-9.53, 0.35)	-4.87 (-10.09, 0.36)
Religious fractionalization <sup>2</sup>	5.99* (0.60, 11.38)	6.07* (0.54, 11.61)	5.82* (0.50, 11.14)	6.04* (0.41, 11.66)
Political constraints	0.46*** (0.23, 0.70)	0.55*** (0.31, 0.79)	0.39*** (0.16, 0.62)	0.43*** (0.20, 0.66)
Constant	-1.65 (-3.46, 0.16)	-1.89* (-3.72, -0.07)	-1.31 (-3.09, 0.48)	-1.55 (-3.39, 0.29)
Observations	1,854	1,854	1,854	1,854
Bayesian Inf. Crit.	2,638.36	2,632.23	2,612.42	2,623.12

Note: \*\*\* p < 0.001; \*\* p < 0.01; \* p < 0.05

DV = latent estimate of human rights practices

All models include country random effects (49 states)

*Cold War* and *Global War on Terror* controls omitted for space considerations; see appendix for full table

**Table 2. Coefficients and 95% confidence bounds examining institutional democracy, armed conflict, and physical integrity rights**

Similarly, the coefficient for internationalized internal conflict is negative and significant in both Models 1 and 3 ( $p < 0.001$  in each), while the aggregated conflict variable is negative and significant in both Models 2 and 4 (again,  $p < 0.001$  in each). Other conflict variables in Models 1 and 3 show inconsistent (or no) significance—though we suspect that this non-significance follows from lack of variation; these types of conflict are very rare in our data. Given that each armed conflict variable is a constituent term of an interaction with the Institutional Democracy Index, the coefficient represents the association between (this form of) armed conflict and physical integrity rights practices when the Institutional Democracy Index is equal to 0 (representing the most elite-exclusive democratic institutions). For example, from Model 1, each instance of internationalized internal armed conflict is associated with a -0.58 lower human rights score among the most elite democracies.

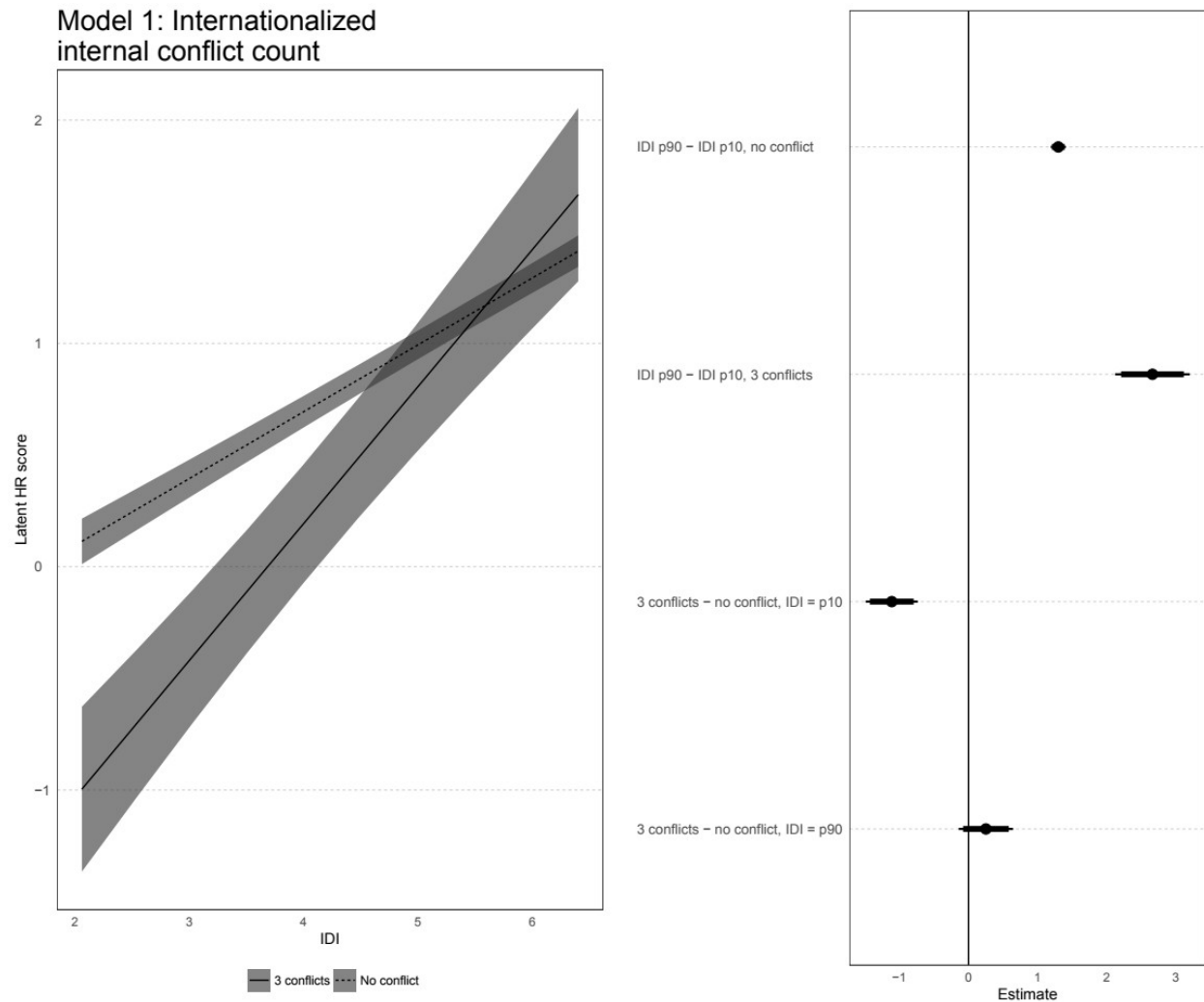
The interaction terms consider how the association between each constituent variable and human rights practices varies depending on the value of the other constituent variable. The interaction for *Institutional Democracy Index X Internationalized internal conflict* is positive and significant in both Models 1 and 3 ( $p < 0.001$  in each), while the coefficient for *Institutional Democracy Index X Aggregated conflict* is likewise positive and significant in both Models 2 and 4 ( $p < 0.001$  in each). At first glance, these positive and significant interaction terms suggests that the magnitude of the (positive) Institutional Democracy Index coefficient increases when the number of (internationalized internal or aggregated) conflicts increases (Models 1 and 2), or such conflict is present (Models 3 and 4). Similarly, the magnitude of each (negative) conflict coefficient diminishes towards 0 as the Institutional Democracy Index increases.

Since conditional predicted values associated with interactions are illustrated more clearly using graphics, we use Model 1 estimates to plot Figure 3, which shows the interaction between the Institutional Democracy Index and internationalized internal conflict in detail. The left-side of the figure presents the predicted value of human rights with 95% confidence bounds over the 10<sup>th</sup> to 90<sup>th</sup> percentile of the Institutional Democracy Index, separately for cases without internationalized internal conflict, and with the maximum three instances of internationalized internal conflicts, holding all other explanatory variables at their means. The right-hand graph presents predicted differences in human rights practices for theoretically relevant combinations of conditions, with 90% (thick) and 95% (thin) confidence bounds.

Overall, the figure illustrates that, in the absence of internationalized internal conflict, greater popular-inclusiveness is associated with a higher level of government respect for human rights (more than 1 point higher

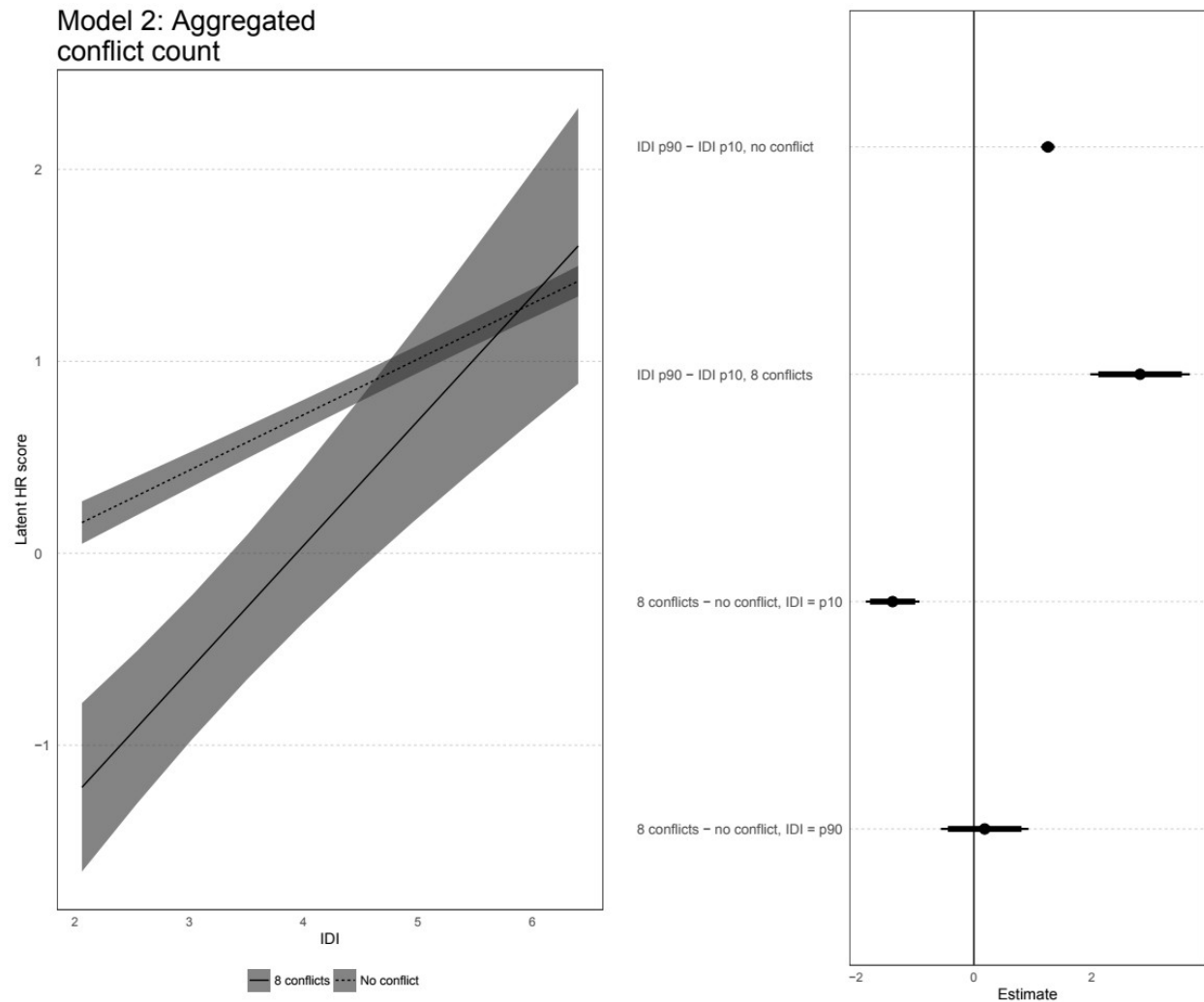
given a 10<sup>th</sup>-90<sup>th</sup> percentile increase in the Institutional Democracy Index). Yet, when the maximum number of internationalized internal armed conflicts are ongoing, the magnitude of this association *approximately doubles* (to a 3-point increase in predicted human rights score given the same increase in the Institutional Democracy Index). Accordingly we find support for Hypothesis 1. As the figure illustrates, this larger effect follows because conflict has a statistically significant negative association with human rights practices among the most elite-exclusive democracies, but *not* among the most popular-inclusive democracies. Thus, Hypothesis 2 is supported as well. Indeed, this point might be the most important finding from our analysis given perennial concern that conflicts create pressures for abuse even in established democracies: *threats from ongoing conflict are not associated with worse respect for physical integrity rights under the specific condition that democratic institutions are among the most popular-inclusive.*

[Figure 3 follows on next page]



**Figure 3. Illustration of interaction effects from Model 1. Left-hand plot estimates include 95% confidence bounds. Right-hand plot estimates include 90% (thick) and 95% (thin) confidence bounds.**

Figure 4 replicates Figure 3 using estimates from Model 2—where conflict is operationalized as an aggregated count of all ongoing armed conflicts (across types 2, 3, and 4) as coded by UCDP/PRIO. Substantive results from Figure 4 mirror those from Figure 3; thus, we avoid detailed discussion. The supplemental appendix presents similar graphs using estimates from Models 3 and 4, again finding support for both hypotheses.



**Figure 4. Illustration of interaction effects from Model 2. Left-hand plot estimates include 95% confidence bounds. Right-hand plot estimates include 90% (thick) and 95% (thin) confidence bounds.**

Coefficients for other explanatory variables largely look as expected. First, we find that larger gross domestic product per capita is associated with better human rights practices. Larger population size is associated with worse practices in all four models. The association between religious fractionalization and human rights appears quadratic, first negative and then positive. A greater number of veto players appears to be associated with

better human rights practices on average.<sup>16</sup> As noted in the supplemental appendix, human rights protections appear lower overall during the Cold War period and higher during the Global War on Terror.

## Conclusion

The variable nature of democratic institutions with respect to popular and elite sources of power—whether they are more conducive to channeling popular preferences into policy or more heavily promote the influence of elites—has serious implications for human rights. Our results suggest that more popular-inclusive democratic institutions are particularly supportive of better physical integrity rights in the presence of armed conflict, while armed conflict is more detrimental to physical integrity rights in more elite-exclusive democratic states. Our study points to the important conclusion that there are consequences in variation in *kind* of democracy as well as in *level* of democracy. While many studies rely on the combined Polity score as a measure of democracy, this indicator ignores theoretically relevant variation in institutions across consolidated democracies. Our finding that more popular democracies stand up to human rights challenges better than their more elite cousins should provoke further reflection on the structural (as opposed to cultural) determinants of human rights outcomes.

The consolidated democratic countries examined here hold constant a number of important cultural variables. What remains is significant structural variation among democratic states themselves. Since formal structures may be easier to change than cultural norms, especially in new (that is, revolutionary and transitioning) democracies, scholars of politics as well as practitioners should take seriously the possibility that today's choices about institutional design may determine tomorrow's human rights outcomes. We also urge human rights advocates within consolidated democracies to reflect upon and work towards structural reforms to transform political institutions within their own countries in order to bring about systematic improvements in upholding human rights.

Future research could benefit from considering what factors lead democratizing states to choose more popular- or more elite-oriented institutional structures. In many cases, newly democratic states might retain institutional features that presumably favor elite influence. Indeed, scholars should examine variation in popular-responsiveness within authoritarian or hybrid regime states. Though these states are defined by the weakness or

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<sup>16</sup> As noted above, in the supplemental appendix, we interact the veto player and conflict measures, finding veto players associated with better human rights in times of peace, but with worse human rights in times of conflict—consistent with mixed theoretical expectations.

absence of democratic institutions, previous work nonetheless emphasizes that the scale of “representation” varies (for example, Bueno de Mesquita et al. 2003). This variation may hold implications for human rights practices within less democratic states, and for the likely outcome of democratization on long-term practices.

Future research could also increase confidence in the causal story of “executive initiative, legislative redress” discussed above. Our two case comparisons suggest that New Zealand’s superior human rights record compared with Australia’s, as well as Costa Rica’s compared with Trinidad and Tobago’s, stem from their more inclusive institutional structures. But three of these four cases are relatively small in population, and the universe of cases is large and diverse, allowing both longitudinal and cross-sectional comparisons within and across larger political units. Moreover, comparing sub-national or regional differences may be fruitful within certain large states. Finally, our analysis bracketed the sorts of horizontal checks that allow national and sub-national agencies to veto one another’s rights-relevant policies – a complicated but crucial issue that deserves more careful theoretical and empirical exploration.

### **Supplementary Information**

Supplementary information is available at <https://timothypeterson.org/research/> and at the *International Studies Quarterly* data archive.



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