

Of One's Own Making: Leadership Legitimation Strategy and Human Rights

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Abstract

Why do states and their agents abuse citizens? Traditional explanations focus on contentious politics, the presence of institutions, and international pressures. Despite this, accounts dissecting the state and its agents in this context of abuse remain largely theoretic in nature. This article offers a breakthrough for within-the-state accounts of human rights abuses by focusing on state leaders and their relationship to broader government institutions and function. We posit that personalist leaders have fundamentally different relationship with institutions that foster human rights respect, arguing that leaders relying on their own merits and qualities are less likely to either activate or manipulate institutions of accountability for human rights abuses. Using data from 1991 to 2019, we show that the presence of leaders legitimizing themselves within personalist framing can worsen human rights conditions.

Keywords

human rights, political leadership, repression, legitimation, personalism

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Introduction

On October 28, 2018, Jair Bolsonaro – a right-wing populist legislator with a lengthy military background – was declared the winner of the highly contentious Brazilian presidential race, beating out the two traditional political parties who had long held power.¹ Leading up to the election, the country had endured a slew of political scandals rooted in corruption of establishment politicians. As a result, citizens collectively aired concerns of rising crime, and the economy has slid into a recession, raising public concerns even further. While technically not outsider to Brazilian politics, Bolsonaro's time in politics leading to the election began with an early career focused on improving the military. While in office, he frequently targeted LGBTQIA+ groups, women, his opposition, and descendants of slaves, or *Quilombolas*, as well as other Indigenous groups with derogatory rhetoric and discriminatory policy (Hunter and Power 2019). To address concerns of crime and corruption, Bolsonaro relied heavily on his resume – being a military insider and political outsider – to underscore his legitimacy to lead Brazil out of this period of political strife. During his tenure, he went beyond making public statements opposing human rights and their supporters. His rule actively reduced the enjoyment of human rights by citizens while trying to simultaneously embolden military and security structures. Such instances include attacking the Inter-American Human Rights System to limit its autonomy (Amnesty International 2019), promoting policies detrimental to the rights of “Indigenous rights, women's rights [and] disability rights”, weakening gun regulations, reducing protections for free speech, engaging in environmental destruction through deforestation of Amazonian lands, and lowering accountability structures for police officers who engage in extrajudicial killings of citizens by introducing laws to make it harder to hold security forces accountable (Human Rights Watch 2022). These examples are hardly limited to the case of Bolsonaro in Brazil. While other right-wing populists are known to engage in similar strategies to limit the enjoyment of human rights for all citizens, these types of cases provide another potential cause of human rights abuse: personalist legitimization.

Many scholars have examined how actors affiliated with the state abuse human rights, and the plethora of causes behind state violence (Davenport 2007; Hill and Jones 2014; Moore 1998; Poe and Tate 1994; Poe, Tate, and Keith 1999; Ritter and Conrad 2016). Much of this literature has been focused on the causes of abuse and non-enjoyment of human rights, including factors like democratic institutions, legal infrastructure, and state capacity (Clay and Digiuseppe 2017; Hill and Jones 2014).

Yet many of these accounts focus on aggregate state behavior rather than looking within the state to examine the dynamics of non-enjoyment and violation. This is especially true for studies examining respect of physical integrity rights – which are largely couched in the relationship of a populace to its state, through the frames of repression and dissent. One path to parsing the state is principal agent theory – some recent studies have couched their analysis of human rights abuse in breakdowns of this relationship and the forces behind it (Beger and Hill Jr 2019; Haschke 2017; Jackson, Hall, and Hill 2018).

We follow this framework and examine another dimension of governance that might cause principal-agent relationships to break down: leaders relying on personal legitimacy. While others might rely on broader government institutions, processes, or prior performance to legitimate their claim to authority, personalist leaders rely on their own personal characteristics or traits to claim authority. It is their own skillset, gifts, and positionality that confer legitimacy, each of which can be built outside of traditional institutions and government processes (Tannenberg et al. 2019).

We argue personalist leaders will be less likely to activate institutions of agent accountability when civil and political rights are abused. Since a crucial part of their legitimacy stems from their own personal characteristics instead of legal and institutional mechanisms, they will be less likely to engage with said legal and institutional mechanisms. In some cases, this tension will come from unwillingness to engage institutions of human rights protection thanks to their legitimation strategy and public persona, opting to ignore said mechanisms as “ineffective” or override them. In the worst cases, personalist leadership might opt to neuter or dismantle institutions of human rights protection that interfere with their own authority and consolidation of power, deferring to their personal legitimacy in comparison to institutions and processes. Personal qualifications and justifications will be a defining force of their policy decisions and consolidation of power regardless of the path, which can mean dissolving institutions of accountability or rendering them impotent and unable to check the will of personalist leadership. Agents abusing human rights will thus enjoy greater levels of impunity than before, changing their decision-making calculus and presenting fewer effective barriers against future abuse.

We begin with an examination of literature on non-fulfillment of human rights, covering determinants and causes, and the mediating impact that institutions of protection may have. We then detail our theory of personalist leadership and human rights non-fulfillment, examining how personalist leaders can harm human rights through neutralizing or struggling against traditional institutions of protection. Using new measures of leader legitimation strategy (Tannenberg et al. 2020) and several human rights measures, we find that personalist leadership does negatively affect civil and political rights fulfillment across the board. We conclude with a discussion of our results, bridging these findings to the broader implications for human rights under these types of regimes, and how they may direct future research on this topic.

Why Abuse Human Rights?

Under international law, states are held to the standard set forth by the corpus of international conventions on human rights. Among the rights guaranteed to all people are civil and political rights – steeped in the International Covenant on Civil and Political Rights – which are meant to protect a person’s physical integrity, basic autonomous freedoms, and provide a fulfilling political life. Central to these guarantees are the right to be free from torture, the right to free assembly and association, the right to opinion and expression, among other rights pertinent to the enjoyment of civil and

political freedoms. In many cases, negative attention surrounding civil and political rights abuse can create costs for states: with consequences like trade losses, sovereign credit rating declines, increases in protest activity, and public opinion decreases (Bagwell and Hall 2020; Bell et al. 2014; Bell, Clay, and Murdie 2012; Murdie and Bhasin 2010; Murdie and Davis 2011; Peterson, Murdie, and Asal 2016). States, international organizations, multi-national corporations, and non governmental organizations all coalesce and work together to enforce costs (Finnemore and Sikkink 1998). Despite these consequences and the persistence of those that work towards them, states still commonly abuse human rights under a variety of motivations.

Most studies examining the abuse of civil and political rights focus on the relationship between repression by the state and dissent against the state. Two dominant theoretical approaches here are state decision-making models and principal agent approaches. State decision-making models start with a common frame: when states are faced with an adequate threat to their authority, they must decide how to react. It is assumed leaders want to remain in power, and to maintain that power, they explore various policy options and select those that will prove to be cost efficient while simultaneously tipping the ratio in their favor of signaling strength and reducing either real or perceived threats (Poe 2019). Here, state perceptions of strength and threat are the crucial dimensions of whether human rights abuse takes place. If the state has reason to fear the power of potential dissident, for example, they might imprison opposition members, violating the right to be free from arbitrary or political imprisonment.

Principal-agent models begin with an executive or other ruling elite who gives orders to agents, assumed to carry out these actions. Not only do principals have potential authority to dictate repression or non-repression, but agents themselves can (potentially) decide to carry out those orders or defect, adding nuance to the decision-making process behind human rights abuse. State capacity and monitoring capabilities ensure principals can provide more resources to ensure their agents carry out their will, compensate their agents, and demonstrate effectively the outcomes that agents will face if they defect (Engelhart 2009). In the context of repression, the separate goals of agents from principals have been established in a number of areas, including studies focused on sexual violence, the extrajudicial killing of civilians, and oppressive violence (Butler, Gluch, and Mitchell 2007; DeMeritt 2015; Haschke 2017; Jackson, Hall, and Hill 2018).

Under this framing, we can imagine two ways agents might engage in human rights abuses. In the first, the state principal prefers carrying out or are giving orders for abuse, and agents engage in said abuse. Typical scenarios of repression fit squarely here: the state decides that dissent movements and groups pose some threat (Poe 2019). And they may break up protests through violence, imprison demonstrators, or organizers incommunicado. At the beginning of this spiral lies one intrinsic relationship: states deciding to repress their citizens, and state agents carrying out the consequences of that decision. A second way that human rights abuses might occur is through agents disregard for state preferences. Here, the state has no preference for repression to occur, yet it occurs anyways because agents own preferences inform them. For agents to break

with state preferences, the state principal may lack oversight mechanisms or proper capacity to ensure agents are acting in accordance with state preferences (Beger and Hill Jr 2019; Clay and Digiuseppe 2017), or the state may have reasons to allow agents to act according to their own preferences.

Two conclusions are most important. First, different factors and conditions can impact these principal-agent relationships depending on discretion of both states and their agents, and the preferences of each. Some factors might lead states to centralize their authority and control over agents, while in other cases states might prefer to lend agents more discretion over their own decision making. Either could result in negative trends in human rights depending on those motivations and level of control. Second, state principals have a critical role in determining whether human rights abuse occurs. It is their preferences, or decisions to grant lateral discretion to agents, that conditions the prevalence of abuse.

Institutional Constraints on Abuses

In many cases, human rights abuse might not be a preferred course of action for the state. Perhaps other government actors have reasons to “check” principal capacity to prefer abuse, or the principal itself has reasons to prefer stricter control of their agents. Given the consequences that human rights abuse can have for the responsible state (Bell et al. 2014; Bell, Clay, and Murdie 2012; Murdie and Bhasin 2010; Murdie and Davis 2011; Peterson, Murdie, and Asal 2016), states can choose to avoid those consequences through ensuring the human rights of their citizens. This is commonly done through the creation and maintenance of institutions, either meant to prevent abuses from happening, or holding abusers accountable for violations they have already committed. In many cases, these institutions are already built into the fabric of the state, through constitutions or long-standing laws. In other cases, these institutions are developed to be outside the state body – maintaining national human rights institutions with independent authority to hold human rights abusers accountable, for example.

Along with domestic legal institutions, international legal institutions also play a pivotal role for human rights respect. Accounting for issues in measurement and bias, international human rights law ratification improves human rights respect over time (Fariss 2014). In some cases, this effect is conditioned on the treaty in question, along with domestic institutions to ensure accountability for rights abuses (Conrad and Ritter 2013; Hillebrecht 2012). Aside from creating legal standards, others have noted the multifaceted effects that such laws can have on human rights environments, by providing a locus of mobilization, altering national agendas, and creating a multifaceted front through which human rights are strengthened (Simmons 2009). Among all these studies, the conclusion remains that institutions can be effective at limiting abuses, whether it is through legal consequences or incentives, changing the information environment, or mobilizing political change.

However, not all states/leaders necessarily value these institutional safeguards on human rights protections in a positive way. As previously explored, human rights abuse

is one potential tactic to limit the ability of citizens to live fulfilling civil and political lives. States may believe that repression – meeting protests with violence, imprisoning political leadership, cracking down on free expression – remains a constituent part of their toolkit, but be dissuaded by existing institutions of protection. If a national human rights institution is guaranteed to examine a violent protest response, states will be less able to engage that process knowing the costs associated. Such principals might recognize that, in the absence of that institution, their own ability to engage in a constituent part of their toolkit is returned. As such, state principals that want the *ability* to abuse human rights as part of governance might want to limit mechanisms of accountability that shift the balance towards other options. This also follows for agent preferences as well, particularly if agents expect to abuse as an incentive for their job. If a state is reliant on agents with a preference for engaging in abuse, that state should likewise prefer to erode or eliminate mechanisms of accountability, to cement control and loyalty.

When leaders and governments wish to limit accountability and mobilization, institutionalized mechanisms of human rights protections might be the single most important target. Targeting laws that levy minimum punishments at abusers of human rights might make abuse a more attractive option to agents of the state. Limiting or eliminating resources and budgets of national human rights institutions might lessen their ability to gather information about abuses or spread that information to the public. Pulling out of international legal agreements regarding human rights might limit more international mechanisms of accountability and signal to other states a devaluation on the norms of respecting and protecting human rights in that state. The results leaders and states seek through these changes might be varied, but they would ultimately serve one of three purposes, all of which are interconnected.

The first goal is targeting institutions to limit or eliminate consequences and accountability for some or all human rights abuses. If states and leaders have some preference for impunity when it comes to certain abuses of human rights, they might directly weaken institutions through policy and budgeting, or might indirectly weaken them through public narrative or avoidance. By passing laws at the domestic level that ensure impunity or limit the investigative ability of national human rights institutions, states can actively impact agent decision making – reducing the potential costs of repression, and therein increasing the chances that their own will is carried out. This is even more important if the state wishes agents to repress without the principal giving explicit orders, as agents engaging in human rights abuse of their own accord must have the means and opportunity to do so. Institutions in this context would extend beyond laws guaranteeing rights, with states limiting their capacity to monitor abuses by agents.

The second purpose is targeting institutions to weaken unwanted narratives in the information environment while simultaneously strengthening their own objectives and policies. For example, some particular leader may have an anti-immigration agenda and use human rights abuse as one preferred method of action against racial and ethnic minorities to garner favor among their racist voting base. The leader could target a national human rights institution due to a newsletter that draws attention to abuses by

border security personnel. Alternatively, the leader may opt for tactics that undermine and diminish efficacy of a UN factfinding mission through rebranding it as “United Nations overreach” into the state’s own sovereign rights. In either case, institutions are limited or circumvented with the understanding that the narratives they drive – based on equal rights and the inherent dignity of all humans – is contradictory to a key policy objective.

The final goal of leaders’ altering human rights protections is the targeting of institutions to limit or eliminate the mobilization of dissent. Institutions built to uphold and protect human rights have particular power to spark or fuel dissent movements steeped in rights motivations, particularly those with connections to a broader transnational advocacy network (Keck and Sikkink 1998). Gathering, curating, and releasing information about human rights conditions could be the spark that motivates some group into dissent, or might fuel a dissent movement that already exists. For states and leaders looking to limit this threat to their authority, targeting these institutions might be directly in line with their own policy objectives. By preventing international human rights organizations from opening operations within national borders, such organizations can be inhibited from gleaning information about rights conditions or spreading that information to interested citizens. National laws might also be created to control the context of dissent – limiting the organization and implementation of protests through endless bureaucracy or impossible requirements.

Critical to note is that if state principals want to inhibit human rights institutions, they might engage a variety of tactics, depending on the contexts of their situation and the actors that are at play. States facing large international pressure might place more emphasis on limiting operations of international actors and institutions, for example, while states with laws limiting impunity might focus on passing different laws and control over information environments.

With the reasons and methods of eroding/isolating human rights institutions explored, one crucial question remains: when, and why, would leaders engage in these efforts? In other words, when do leaders erode and attack institutions in order to abuse human rights? While there are a multitude of mechanism at play, we focus on one where this context of human rights institutional safeguards is currently underexplored: the ways that leaders legitimize themselves.

Personalist Legitimation

We have explored some ways that institutions guard against human rights abuse, and some general reasons and mechanisms for leaders to subvert them. However, there are many characteristics that might condition leaders to undermine institutions: put another way, leaders are not all created equal. There are plenty of typical ways that leaders might differ from one another, including personal characteristics, strategies of governance, and policy agendas. Tannenberget al. (2019) focuses on another dimension on which leaders differ: legitimation strategies. These strategies constitute the justifications for rule that leaders have over their states. They set forth four different ways that

leaders can justify their own rule, with leaders able to combine strategies in unique ways. First is performance, which focuses on the satisfaction of demands within the political system. If a leader has performance legitimacy, that legitimacy is built from the success of their administration in policy or outcome goals. Second is ideological, wherein legitimacy is derived from the content of a leader's agenda and/or models of practice that are used to justify rule. Third is rational-legal, wherein legitimacy is built from legal and institutional standards, which develop and regulate acceptable conduct of authority (Tannenber *et al.* 2020).

The fourth, personalistic legitimacy, is built from exceptional or extraordinary characteristics of a leader. Some attribute of their skillset, toolbox, or experience has given them explicit and unique authority to rule. Unlike the others, Tannenber *et al.* (2020) describe personalistic leaders as having "powerful say in the shape of the social formations" that they abide over as leaders. This need not be beholden to tangible characteristics either – factors such as specific outsider status and perceptions of being "chosen" by God are also unique traits that might result in personalistic legitimacy.

We argue that the source of leader legitimacy is partially what decides their relationship with state institutions, of which human rights institutions are an important part. In particular, leaders who rely on personalistic legitimacy will have greater human rights abuse occurring under their regime, thanks to passive avoidance or active targeting of the human rights institutions that help curb or limit abuse in the ways we have previously explored. Such expectations may manifest through personalistic leaders ordering agents or altering domestic institutions in such ways to weaken their efficacy in protecting human rights and diminishing the punishing of violators. Given their defining characteristic of exceptionalism and unique authority to rule, these types of leaders would likely seek to neuter barriers to their ruling, including those that may be used against them down the line for their policy choices or those that embolden opposition.

In contrast, we expect that leaders relying on rational-legal legitimacy will be more likely to abide by existing human rights institutions, giving them greater performance across human rights. The case for rational-legal respect is straightforward. Human rights institutions are a core part of many governments and deriving legitimacy from said government institutions has prerequisites of respecting those institutions and following their process and output. It is through the process of law and procedure that rational-legal leaders derive legitimacy, and to do so has the necessary condition of buying into those institutions in the first place. A leader cannot attack institutions as legitimate, and then immediately use those same institutions as the source of legitimacy. Things are not so clear for personalist leaders. Why would personalist leaders ignore or undermine institutions in the ways already described?

Of One's Own Making

Leaders relying on personalist legitimation will have several reasons to tacitly allow or actively encourage human rights abuse. We focus on a three way interaction between

state principals, their agents, and the key supporters that provide them with political power. In an effort to cement their political power, personalist leaders can engage human rights abuse to signal key policy developments to their supporters, or allow agent abuse to cement their support.

This mechanism wherein personalists engage in human rights abuse to build support relies on the interaction of the government, their agents, and their winning coalition necessary to keep them in power. Just as agents are beholden to their state principals, state principals can be beholden to their constituents that deliver them power, particularly with issues like human rights abuse in democracies (Cingranelli and Filippov 2010; Cingranelli, Fajardo-Heyward, and Filippov 2014). In this scenario, states act as agents themselves to a constituency principal. Said constituency delivers them power, and a particular set of preferences they would like to see carried out. It is then up to state as an agent themselves to either act according to those preferences, or defect. Past research has shown that electoral institutions of accountability in democracies can condition respect for human rights, as voters can directly punish leaders who engage in agendas of abuse (Cingranelli and Filippov 2010; Cingranelli, Fajardo-Heyward, and Filippov 2014).

We extend this assumption of accountability to apply in autocratic contexts as well. It is true that, in the context of autocracy, there may be no mechanisms as direct as elections to hold leaders accountable for not adhering to the policy preferences of their supporters. However, autocrats are still beholden to some winning coalition – a subset of supporters necessary to maintain their place in governance. This coalition is likely significantly smaller than a democratic winning coalition and much more centralized among the elite, but such a coalition still exists and interacts with their government in similar ways (Cao and Ward, 2015). Put another way, all executives could be considered agents to some winning coalition principal.

We likewise argue the theoretic complement of those studies that have examined the costs leaders face for abusing human rights. Publics might hold human rights respect as a key policy preference, and hold leaders that deviate accountable accordingly. However, if constituents instead have a preference that state leaders engage in human rights abuse, leaders should be motivated into that abuse to secure their own positions of power. Rejali (2009) offers one potential explanation of this process with his “civic discipline” model of torture, which relies on an implicit pact between political leadership, security forces, and the general public. Here, the public demands “security” as a primary political output from their government, and demands that agents be provided with discretion to provide for that “security”. Here, governments are driven to passively allow and directly engage in abuse, in a desire to provide a direct signal to their supporters that “security” is being provided for. If said supporters view such human rights abuse positively, then leaders can be directly incentivized into human rights abuse through the political incentives it holds. It is not necessary that supporters view human rights abuse as a policy output itself, only that they view such abuse as evidence that their “security” is being provided for. It is likewise not necessary for

personalists to directly demand abuse either – only that they create the conditions where agents are able to engage in such abuse without being held accountable or punished.

Personalist leaders will be particularly attractive to coalition members with these preference sets. In states with institutions and guidelines to prevent human rights abuse, personalist leaders offer a direct promise of disengagement and disillusion with existing institutions. When personalist leaders legitimate their claims through their own qualities and characteristics, while criticizing or delegitimizing institutions of protection, international legal dimensions of human rights, or democratic processes, a strong signal is sent in favor of the “civic discipline” model of violence. Potential supporters will view personalist leaders as most likely to ignore (and fail to activate) institutions of accountability, thanks to their ideological distance and lack of reliance on existing institutions for political legitimation. Potential supporters who view international human rights institutions as harmful or negative, for example, might see the elimination of a national human rights institution as a net positive. This is especially true for leaders who legitimate through personalist and nationalist means, ensuring that their voting base sees some inherent hierarchy of “national” status, and view ties to legal or democratic process institutions as a barrier to their own civic discipline apparatus. In this way, personalist leaders and the supporters they rely on will demand human rights abuse more often.

In addition to key supporters, agents of the state might likewise provide incentives for a broader agenda of abuse. Agents of the state can – and do – treat the ability to abuse as an incentive of their job, as noted by a multitude of studies on sexual violence (Butler, Gluch, and Mitchell 2007; Wood, 2006). Additionally, agents might view human rights abuse as a key part of completing their job (such as a police officer sympathetic to torture during investigations (Beger and Hill 2019; Conrad, Hill, and Moore 2018), and would likewise view leaders that allow such tactics as favorable.

Personalists might permit or encourage abuse in these cases as a means of building rapport with agents, or signaling their centrality in the state’s policy agenda. By rolling back and ignoring protections and “allowing agents to do their jobs”, personalist leaders can provide agents who prefer abuse a key incentive for their loyalty. This likewise signals to agents that abuse is acceptable to their principal, further compounding the level of abuse present under personalist leadership.

With all of this in mind:

H1: Leaders relying on personalistic legitimation will have worse state-level human rights performance.

H2: Leaders relying on rational-legal legitimation will have better state-level human rights performance.

Highlighting the strategic reasons behind this becomes clearer through the functional example of populism. The connections between personalist legitimation and populism are stark – Tannenberg et al. (2020) demonstrate that populist leaders commonly rely on personalist and charismatic legitimation. Commonly ascribed traits

of populism are anti-elitism and anti-pluralism, which both speak to the “exception” legitimization of the individual over all others (Müller 2017). This narrative highlights the strategic reason behind disengaging with existing institutions: for personalist leaders, being seen as “outside the system” is crucial to establishing personalist legitimacy. These narratives might appear not just as system divergent, but system correcting. Those seeking election might speak of institutions not as bastions of conferred legitimacy, but broken machines that need repair, concluding that they are the only ones able to fix them. It is through downplaying and attacking institutions that they can confer personal legitimacy as the sole candidate to remedy broken institutions. In cases like these, reforming or ignoring institutions is not simply a result of leader rhetoric but is the preferred strategy of their voters or key supporters. Personalist leaders do not ignore or reform institutions as simply as a function of their own beliefs, but to satisfy a key policy preference of their constituents. For populists in particular, this motivation may be driven by a desire to centralize government in the hands of “the people”. To this end, institutions may be ignored or dismantled if they are perceived to be interfering with the desires of that ingroup of “the people”. Combined with policy preferences against government and for executive consolidation of power, the result can mean leaders have carte blanche to ignore, game, dismantle, or reform existing institutions (Corrales 2018; Foa and Mounk 2017).

Data and Methods

To test our theory, we utilize globally representative country-year data, spanning the years 1947–2019² in our primary model, and 1991–2019 in additional models with alternative operationalizations of repression, discussed below. For our primary models of interest, we estimate a linear regression with robust standard errors clustered by country. Following convention, all independent variables are temporally lagged by 1 year to capture the impact of their changes in the previous year (Bellemare, Masaki, and Pepinsky 2017; Poe and Tate 1994).

We rely on three key data sources for our indicators of theoretical interest: the Varieties of Democracy Project (Coppedge et al. 2021) hereafter V-Dem, the latent variable scores for civil and political rights initially developed by Fariss (2014) and refined by Fariss, Kenwick, and Reuning (2019) and the Cingranelli-Richards (Cingranelli, Richards, and Clay 2014) hereafter CIRI human rights data series.

Dependent Variables

For our primary measure of human rights, we use the Bayesian latent variable scores generated by Fariss (2014), as it offers the best cross-national and cross-temporal time coverage.³ We also present results from the Cingranelli-Richards Human Rights Dataset (Cingranelli, Richards, and Clay 2014). The CIRI data series include more disaggregation among human rights abuses, allowing us to examine the impact of legitimization on specific types of rights abuse. We present results for CIRI measures of

physical integrity rights – extrajudicial killing, torture and ill-treatment, political imprisonment, and disappearance. Figure 1 shows the range of each dependent variable in the sample over time.

Robustness checks are included in the [online appendix](#) which operationalize human rights with indicators from the Political Terror Scale ([Gibney et al. 2022](#)).

Independent Variables

We are interested in the ways leaders claim legitimacy, which V-Dem measures as part of their dataseries. The data identify four distinct ways leaders can legitimize their rule: their own characteristics (personalism), their own performance, ideology, and using a rational-legal framework. We report results for both our legitimization strategies of interest – personal character and rational-legal ([Tannenbergh et al. 2019, 2020](#)). Personal character (or personalism) receives a higher value if chief executives are portrayed as being “endowed with extraordinary personal characteristics and/or leadership skills” (*ibid*). Further, respondents are asked to score the degree to which leaders expressed personalist characteristics from a scale of zero to four, where zero represents not at all portrayed that way, and four is almost exclusively portrayed that way. Rational-legal follows the same scaling approach, but instead asks if the chief executive legitimates its rule by “refer(ing) to the legal norms and regulations?” (*ibid*). The initial responses are

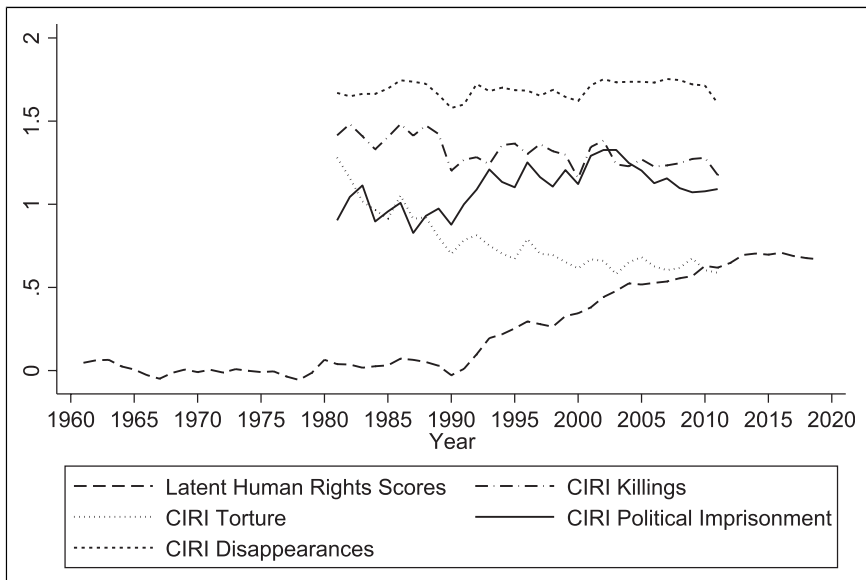


Figure 1. Global averages of human rights measures.

coded in an ordinal scale before being converted into an interval indicator by a Bayesian Item Response Theory measurement model. The final measures range from -3.2 to 3.5 .

In addition to our independent variable of interest, personalism, we also control for several factors standard to studies of human rights abuse. This includes controls such as the presence of civil war, state capacity, key aspects of democracy, population size, and existing human rights practices.

We account for ongoing armed conflict using an indicator from UCDP/PRIO (Gleditsch et al. 2002). This is a simple dichotomous indicator, with a score of one indicating the presence of an ongoing internal armed conflict, and a score of zero indicating no such conflict. We expect ongoing civil wars to negatively impact human rights respect, consistent with previous research. (Hill and Jones 2014).

Existing research shows that state capacity and development also influence a state's abilities to guarantee enjoyment of human rights. While there are many possible indicators of state capacity, the most commonly used measure is GDP per capita. Due to skewness in the data, we follow convention and use the log of GDP per capita as our proxy of state capacity (Englehart 2009; Hill and Jones 2014; Poe and Tate 1994).

Finally, for measures of democracy, we opt for a measure of *de jure suffrage* taken from the Varieties of Democracy Project (Tannenberg et al. 2019, 2020). Past literature on political violence and democracy has demonstrated conceptual overlap between human rights respect and judgements of democracy levels. Regulation of political participation and open competitive opposition particularly overlap with key physical integrity rights present in our models (Hill 2016), and thus, we exclude these dimensions of Polity indicators. We likewise omit indicators focused on executive constraints, due to conceptual overlap with our concept of interest. How institutions constrain the executive is directly conditioned on how leadership interacts with said institutions – or put another way, personalist leaders can *cause* (in tandem with other factors) changes in the ability of institutions to constrain leadership.⁴ Readers will recognize the conceptual corner scholars of human rights and democracy are painted into. In [online appendices](#), we go further in exploring relationships between democracy and repression by stripping democracy to its conceptual core and using other common indicators of democracy: do people have the right to participate in government, and is there *some* kind of check on executive power? In three separate models, we operationalize democracy with indicators of openness and competitiveness of executive recruitment from the Polity IV dataset (Marshall, Gurr, and Jaggers 2016), a measure from CIRI indicating whether people have electoral self-determination, and a measure of the independence of the judiciary. None of these, on their own, are full measures of democracy. We adopt them to avoid tautological modeling. If a gap exists between *de jure* and *de facto* suffrage, it is almost certainly because of abuses by the government, thus, any measure of democracy which accounts for *de facto* freedom of participation is inevitably tautological with measures of repression.

Ignoring the importance of democracy in potentially improving human rights practices, however, is also not a viable option. Our aim is not to identify a best or favored measure of democracy, only to attempt to find solutions to this specific measurement problem.

Results

Table 1 displays preliminary results of regressions which include our variable of theoretical interest, personalist legitimation, rational-legal legitimation, and a lagged dependent variable, demonstrating we are not inducing correlation through controls. Each measure of human rights is positive: in other words, higher scores indicate better human rights performance. Column 1 shows a statistically significant decrease in the Fariss latent variable score as the degree to which a leader derives legitimacy from their person increases. Columns 2–5 display similar results from the respective CIRI measures for extrajudicial killing, enforced disappearance, political imprisonment, and torture.

Table 2 displays results for our full models: linear regressions with standard errors clustered at the country level. Overall, we see strong support for Hypothesis 1: leaders who rely more on personalist legitimation do indeed perform worse on respect for physical integrity rights, almost across the board. Statistically significant negative effects of personalist legitimation are found on Fariss's latent mean, and CIRI measures of extrajudicial execution, enforced disappearance, torture and ill-treatment, and political imprisonment. Population is significant across all model specifications, while presence of internal conflict, GDP, openness of executive recruitment, and competitiveness of executive recruitment are only occasionally significant.

For the sake of substantive comparison, we present marginal effects plots of increasing *de jure* suffrage on human rights.⁵ Figure 2 plots the marginal effect of increasing personalist legitimation on Fariss's latent human rights measure, visualizing the marked decrease associated with increases in personalist legitimation. For the sake of comparison, Figure 3 plots the effect of a 10 percent increase in the proportion of the population which is allowed to vote.

A one standard deviation increase in the level of personalist legitimation corresponds with a 0.02 decrease in the latent score for physical integrity rights respect. While this effect seems small, it is double the average annual change (0.01) within our sample, though smaller than the predicted effect of a standard deviation decrease in a state's suffrage (0.6). Of note, however, is that suffrage is not a statistically significant predictor across all models, nor is its effect consistently a positive or negative - but personalist legitimation is always statistically significant and always negative. This result highlights and builds on existing findings from work which demonstrates that leaders who do not derive their legitimacy from institutions are unlikely to be constrained by regime type (Conrad, Hill Jr, and Moore 2018), and also calls attention to work which discusses the nuances of repression in democracies (Jackson, Hall, and Hill 2018), as our results indicate increased democratization is associated with an increase in extrajudicial killing.

Table 2 also displays results for our tests of Hypothesis 2, indicating partial support. Our theory of legitimation and human rights is primarily concerned with personalists, and while different types of legitimation are not mutually exclusive, rational-legal and personalist legitimation are theoretically opposed⁶ with personalist legitimation focused outside of existing institutions and rational legal reliant on those same

Table 1. Legitimation and Lagged DV Regressions.

	(1)	(2)	(3)	(4)	(5)
Variables	Farriss Latent Mean	CIRI Killing	CIRI Disappearance	CIRI Political Imprisonment	CIRI Torture
Lagged Personalist Legitimation	-0.00887*** (0.00160)	-0.0247*** (0.00783)	-0.0152** (0.00625)	-0.0592*** (0.00875)	-0.0387*** (0.00842)
Lagged Rational-Legal Legitimation	0.00863*** (0.00224)	0.0325** (0.0139)	0.0374** (0.0150)	0.0478*** (0.0130)	0.0212* (0.0115)
Lagged Farriss Mean	0.991*** (0.00220)				
Lagged CIRI Killing		0.718*** (0.0203)			
Lagged CIRI Disappearance			0.673*** (0.0329)		
Lagged CIRI Political Imprisonment				0.722*** (0.0191)	
Lagged Torture					0.682*** (0.0194)
Constant	0.0104*** (0.00236)	0.340*** (0.0312)	0.524*** (0.0578)	0.279*** (0.0254)	0.204*** (0.0157)
Observations	10,079	4,424	4,420	4,426	4,432
R-squared	0.980	0.551	0.481	0.639	0.523

Robust standard errors in parentheses.
 *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$.

Table 2. Full Models for Legitimation and Human Rights.

Variables	(1)	(2)	(3)	(4)	(5)
	Fariss Latent Protection	CIRI Killing	CIRI Disappearance	CIRI Political Imprisonment	CIRI Torture
Lagged Personalist Legitimation	-0.00883 ^{***} (0.00243)	-0.0216 ^{***} (0.00801)	-0.0149 ^{**} (0.00594)	-0.0589 ^{***} (0.00959)	-0.0268 ^{***} (0.00883)
Lagged Rational-Legal Legitimation	0.00991 ^{***} (0.00292)	0.0223 (0.0138)	0.0206 (0.0132)	0.0463 ^{***} (0.0136)	0.00822 (0.0123)
Lagged log of GDP Per Capita	0.0133 ^{***} (0.00277)	0.0490 ^{***} (0.00936)	0.0172 ^{***} (0.00591)	0.0379 ^{***} (0.00911)	0.0635 ^{***} (0.0101)
Lagged log of Population	-0.00991 ^{***} (0.00257)	-0.0547 ^{***} (0.00811)	-0.0271 ^{***} (0.00543)	-0.0485 ^{***} (0.00843)	-0.0558 ^{***} (0.00782)
Lagged Conflict	-0.00644 (0.00447)	-0.104 ^{***} (0.0265)	-0.133 ^{***} (0.0248)	-0.0614 ^{***} (0.0216)	-0.0250 (0.0198)
Lagged De Jure Suffrage	0.0382 ^{**} (0.0154)	-0.0957 ^{**} (0.0411)	-0.00767 (0.0359)	0.127 [*] (0.0753)	-0.0179 (0.0778)
Lagged Fariss Mean	0.974 ^{***} (0.00493)				
Lagged CIRI Killing		0.589 ^{***} (0.0261)			
Lagged CIRI Disappearance			0.562 ^{***} (0.0331)		
Lagged CIRI Political Imprisonment				0.644 ^{***} (0.0206)	
Lagged CIRI Torture					0.593 ^{***} (0.0190)
Constant	0.0283 (0.0404)	1.113 ^{***} (0.161)	1.066 ^{***} (0.131)	0.728 ^{***} (0.170)	0.679 ^{***} (0.183)
Observations	7,340	4,003	4,010	4,005	4,011
R-squared	0.979	0.575	0.502	0.646	0.554

Robust standard errors in parentheses.

^{***} $p < 0.01$, ^{**} $p < 0.05$, ^{*} $p < 0.1$.

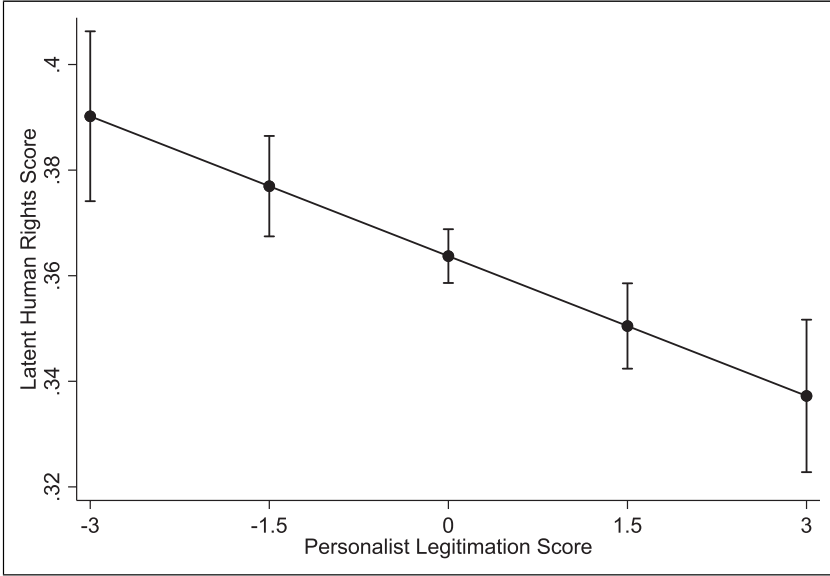


Figure 2. Marginal effects of personalist legitimation on latent human rights protection.

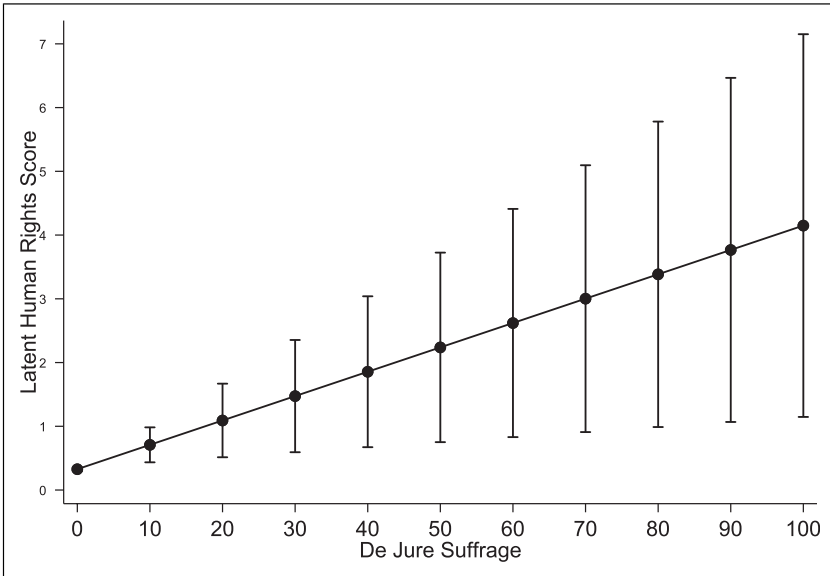


Figure 3. Marginal effects of De jure suffrage on latent human rights protection.

institutions. In this regard, differing results for rational-legal and personalist legitimation are both illustrative but unsurprising. Rational legitimizers generally provide more fulfilment of the rights to be free from extrajudicial execution and political imprisonment, while the rights to be free from disappearance, torture, and overall latent mean all have positive effects but fail to reach statistical significance.

Discussion

In summary, we confirm hypothesis 1: states where leaders rely on personalist legitimation also engage in greater abuses of human rights. We find this effect significant across all model specifications, including the overall Fariss latent score and CIRI individual right indicators. Latent respect and the rights to be free from ill-treatment and torture, political imprisonment, enforced disappearance and extrajudicial execution all fall when under personalist legitimation leadership.

This robust effect suggests two broader understandings. First, it lends credence to our theory of *relational* effects on human rights institutions. Finding significant effects for only one or two specific rights, for example, would suggest that personalist leadership has some particular interaction with a certain type of institution or actor. Exclusive results for ill-treatment and torture, for example, might indicate a particular interaction between personalist leaders and police review processes, leading to authorities feeling more emboldened to torture those in their custody. Finding effects for overall physical integrity rights respect, however, indicates that personalist leaders are fundamentally interacting with institutions differently from other types of leaders. Across the board, personalist legitimation conditions leaders into a specific *relationship* with institutions of human rights accountability and respect, dismantling their effects on broader respect and conditioning their ability to constrain said personalist leadership. Rather than any inherent institutional creation or dissolution, it is the way that personalist leaders view – and use or fail to use institutions that foster respect – that conditions the eventual effect on human rights performance.

Second, it suggests that multiple types of violence follow from personalist leadership, indicating a similar effect across types of government and a variety of ideologies. Recent accounts of state violence in democracies have separated violence meant to address dissent to the state, and violence that does not. Both types have different functional appearances, with scholars noting the association of torture with oppressive violence (Beger and Hill Jr 2019; Haschke 2017; Rejali 2009). There is no such distinction in our results, as torture is significant in tandem with other operationalizations of individual rights. This synergy across specifications suggest that personalist legitimating leaders lead to abuse, regardless of the type of violence or motivation of abuse. This lends additional credence to a theory of personalist legitimation as a *relational* cause of human rights abuse, conditioning how leaders interact with human rights institutions overall.

One functional example comes from the United States, with the case of former president Donald Trump. Reliant on personal characteristics and qualities that made himself fit to

rule, Trump routinely legitimized himself through casting the state and its institutions as illegitimate or corrupt. This led to a full point increase in the United States personalist legitimation score upon his election, which created subsequent drops in the USA's latent human rights respect score (by 0.13 and 0.20 respectively). Trump's undermining and dissolution of human rights institutions came in a variety of forms. In direct measures, former president Trump divested from institutions of human rights respect, including the withdrawal of the U.S. from the U.N. Human Rights Council and signing executive orders that provided more discretion for state agents over incarceration procedures (Cho 2020). In indirect measures, Trump has publicly lambasted institutions of protection and encouraged agents of the state to increase interactions and potential abuse with marginalized people. Trump's personalist legitimation has conditioned U.S. performance on human rights, across both explicit and implicit mechanisms.

The partial support we find for rational-legal legitimation raises some separate points of discussion, and one key question. As a reminder, we find that rational-legal legitimation has limited effects on human rights performance, with performance on the right to be free from disappearance, torture, and overall latent mean all showing insignificant effects. With such robust findings from personalist legitimation, what possible explanations are there for these mediated findings with rational-legal legitimation?

One explanation follows from the association of democracies with particular types of rights abuses – namely, oppressive torture. Institutions of human rights respect might be assumed to be predominantly placed in liberal democracies, with state institutions in the highest levels of democracies theoretically tied to respect of human rights (Davenport and Armstrong 2004; Hill and Jones 2014; Mouffe 2000). Critical accounts diverge from this connection, arguing that state institutions are instead meant to maintain some specific societal hierarchy or order (Bonilla-Silva 2006; Virdee 2019). Political violence literature has noted this specific divergence with regards to torture in democracies (Beger and Hill Jr 2019; Haschke 2017; Jackson, Hall, and Hill 2018; Rejali 2009). Rational-legal legitimation should have the greatest effect on human rights where said institutions exist – in states with strong democratic features. This lacking effect may be a consequence of how violence (and torture in particular) is still utilized as a tool by the state in democracies, regardless of other characteristics.

Alternatively, this partial result might be a consequence of how institutions (and thus rational-legal leaders, who are broadly conditioned to rely on institutions to legitimize themselves) react to more severe instances of violence. Under this explanation, positive interaction with institutions of accountability creates less instance of the most severe violence: i.e., extrajudicial killing. Even under ideal conditions, however, rational-legal legitimation may only condition the prevalence of the most severe cases of violence, with torture and political imprisonment both continuing to occur.

Conclusions

Overall, we find strong support for the idea that different legitimation strategies impact the human rights performance of states. More specifically, we found support for our

primary hypothesis, that leaders who rely on personalist legitimation are more likely to either endorse or worse fulfillment of human rights or passively allow their agents to abuse at their discretion. These results appear to be highly robust and in terms of their effects, substantively significant. Additionally, we found partial support for our second hypothesis, that leaders who rely on legal institutions as a source of legitimacy improve *some* human rights practices, but not necessarily all.

Additionally, this manuscript speaks to two broader narratives: one is the growing body of scholarly literature that demonstrates statistically weak, non-existent, or heavily nuanced differences between democracies and autocracies (Caldeira and Holston 1999; Conrad et al. 2017; Jackson, Hall, and Hill 2018). Our results indicate that where leaders derive their legitimacy offers (at least) partial explanation for the weak linkages between democratization and human rights. Even in well consolidated or institutionalized democracies, the rise of personalist leadership presents threats to human rights enjoyment. More specifically, as personalist leadership is found in both democracies and autocracies, legitimation provides an important window through which to explain abuses. Popular attention is increasingly focused on democratic backsliding and our results suggest one path through which that process occurs. Personalist leaders increase repression, stymieing political participation, and kicking off a vicious cycle through which personalists and their supporters are further empowered. Future research should address whether personalists who repress are able to extend their duration in power, or whether such repression leads to a backlash.

Another is that linkages between personalism and human rights decline speak to the need to regime proof institutions of accountability. Institutions which are able to operate without political interference could provide a partial backstop against human rights abuses, and this seems especially likely to be true if such institutions are able to hold leaders or their agents to account in some way. Non-personalist leaders can provide buffers by strengthening norms of accountability, increasing independence of institutions like courts, and de-politicizing government bureaucracies by relying on experts instead of political appointees. From a foreign policy standpoint, leaders wishing to promote human rights abroad might consider ways to encourage personalists to legitimate their rule in other ways. Legitimation strategies, even for specific leaders, vary over time.

More work needs to be done, however, to identify whether human rights institutions and practices are able to rebound after personalist leaders leave office, or if they remain permanently weakened. Additionally, it is possible that personalist leaders may favor certain groups, leading to dissent from others, which then proffers more opportunities for repression. Future scholarship should examine these linkages between personalism, equal access to public goods, protest, and repression. Further, it would be fruitful to explore long term impacts of the deterioration of institutions as a result of leaders who derive their legitimation from through personalist measures.

While our empirical test can only capture the more immediate effects of personalist rule, examining the differential effect of personalist leadership on marginalized groups that are disproportionately abused like women, prisoners, lower socio-economic groups, migrants/refugees, and LGBTQIA+ groups using a similar framework

could further illuminate the mechanisms between personalist derived rule and human rights erosion. Much of the theory we utilize in this manuscript (for instance, Rejali's (2009) civic discipline model of violence) explains targeted violence against people of particular identities. Future studies should use these framings to not simply examine human rights abuse on aggregate, but how personalist leadership creates space for the abuse of marginalized groups.

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Data Availability Statement-statement

All replication material for this article are available online.

Supplemental Material

Supplemental material for this article is available online.

Notes

1. The two major political parties referenced include the Worker's Party (PT) and the Party of Brazilian Social Democracy (PSDB). Bolsonaro's party, relatively small at the point of the 2017 election, is the Social Liberal Party (PSL).
2. Tables in the [online appendix](#) display which countries and years are included.

3. The Fariss data argues that respect for human rights are a latent concept, that cannot be directly observed, but that existing observed human rights indicators are caused by the underlying latent respect. The measure includes the CIRI data which we also model separately, data from Hathaway (2001), the Ill-Treatment and Torture data from Conrad and Moore (2011) and Conrad, Haglund, and Moore (2013), and the Political Terror Scale from Gibney, Cornett, and Wood (2022), Gibney and Dalton (1996). We use the most recent update (Gibney et al. 2022) of the latter as a robustness check in the [online appendix](#), and results are consistent.
4. Despite these conceptual overlaps, we run additional models (available in our [online appendix](#)) that use overall Polity scores – which include executive constraints and restrictions on political competition. Results for these models are robust to the results we discuss in this paper, with the exception of CIRI’s Political Imprisonment and Enforced Disappearance scores which are statistically insignificant.
5. While not best practice due to conceptual overlaps (Hill 2016), these models nonetheless provide a substantive comparison between the effects of more personalist leaders to more democratic governance on human rights. Full results for these models can be found in the [online appendix](#).
6. In our sample, they are weakly statistically correlated at $-.35$.

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