

The Concept of Personal Integrity Rights In Empirical Research*

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Abstract

Personal integrity is the most frequently studied right in empirical research on human rights violations. But beyond a list of actions which violate it, this right not well-defined in empirical research. Lack of attention to a conceptual definition has resulted in two problems. First, many empirical findings are due to a tautology. Much work finds that democracy reduces personal integrity abuse, but democracy is related to these rights by definition. Second, the criteria used to identify violations are applied inconsistently, the result being that the death penalty is entirely ignored. This article discusses these problems and offers suggestions about how to avoid them in future research.

1 Introduction

Violation of the right to personal integrity (or physical integrity)¹ is the most frequent object of inquiry in the social science literature that examines cross-national patterns of human rights violations (See, e.g., Stohl et al., 1986; Mitchell and McCormick, 1988; Henderson, 1991, 1993; Poe and Tate, 1994; Davenport, 1995; Fein, 1995; Davenport, 1999; Cingranelli and Richards, 1999; Keith, 1999; Poe, Tate and Keith, 1999; Apodaca, 2001; Richards, Gelleny and Sacko, 2001; Hathaway, 2002; Keith, 2002; Davenport and Armstrong, 2004; Bueno de Mesquita et al., 2005; Hafner-Burton, 2005*a,b*; Hafner-Burton and Tsutsui, 2005, 2007; Davenport, 2007*a,b*; Keith, Tate and Poe, 2009; Cingranelli and Filippov, 2010). The amount of attention is not surprising since this right is often thought of as the most fundamental human right, illustrated by the fact that scholars of ethics and law generally place it foremost among those that demand recognition and protection.² Political scientists, too, generally reserve this category of rights violations for the most “dramatic,” “egregious,” or “severe” government abuses, including torture and summary executions (see Poe and Tate, 1994, p. 853-854). Yet beyond a widely accepted list of actions which violate this right, the right to personal integrity is not well defined in the body of research which aims to explain why states would choose to violate it. Answering that question is of primary importance as it relates directly to one of the fundamental problems of government, which is how an entity given the exclusive authority to enforce rules by applying physical coercion can be prevented from abusing that authority (See, e.g. Moore, 2010). A definition of personal integrity rights requires making explicit what abuse of that authority entails. Sound theoretical explanations and empirical investigations should have well-identified domains, and this lack of attention to conceptualization hinders the development and empirical assessment of explanations for personal integrity rights violations.

¹I use these terms interchangeably throughout the text.

²Paulsen (1899, p. 633), for example, discussing the “spheres of action or the circles of interest, for the protection of which the legal order exists,” refers to “body and life” as “the first and narrowest sphere of interest.” Similarly, Pound (1915, p. 355) declares that “inviolability of the physical person is universally put first among the demands which the individual may make.”

The empirical literature on personal integrity rights violations currently employs an extensional definition of that concept. Extensional definitions identify cases which possess all of the qualities necessary to characterize something as an instance of the concept, rather than identifying those qualities themselves. This means that the concept “personal integrity violation” is defined by a list of acts to which the term “personal integrity violation” may be properly applied. An intensional definition, by contrast, is the set of attributes which qualify a particular act as a personal integrity violation (See, e.g., Cohen and Nagel, 1934, p. 31-33). I argue below that a lack of careful attention to the intensional definition which the commonly employed extensional definition implies has resulted in two important problems in empirical research.

The first of these problems is that one of the core findings in the literature is the result of a tautology. The strongest finding in this body of research is that democracy, measured using a relatively large number of quantitative indicators, reduces government violations of personal integrity (Davenport, 2007*b*). This finding, though very robust, is not interesting and does not represent a substantial advancement in our knowledge of the causes of personal integrity violation. This is because the concepts of democracy and respect for personal integrity rights, as typically defined, overlap to some extent. Empirical studies of human rights violations usually employ a definition of democracy owed to Dahl (1971). But Dahl’s definition of democracy precludes the possibility that a democratic regime could engage in certain kinds of personal integrity violations, namely uses of violence that target peaceful political opposition. This means that democracy bears some relationship to personal integrity rights by definition, and that indicators of democracy based on Dahl’s concept will be related by construction to indicators of government violence towards political opponents.

Another undesirable result of the literature’s lack of attention to conceptualization has been that the implicit criteria used to separate legitimate uses of violence by governments from personal integrity violations have been applied unevenly. In particular, scholars usually ignore domestic law and define these criteria using the standards set by international law,

but in the case of the death penalty, and corporal punishment, domestic legality is used to distinguish personal integrity violations from acceptable government violence. Applying evenly the international legal standards concerning personal integrity rights requires expanding the definition to include executions and corporal punishment whether they are legally sanctioned or not. I elaborate on the implications of this inconsistency below.

In this article I offer an explicit, intensional, conceptual definition of the right to personal integrity, which is currently absent in the literature that seeks to explain its protection/violation. This definition makes it clear that many arguments about democracy's mitigating influence on personal integrity abuses, and the empirical tests used to evaluate these arguments, are tautological. I conduct a simple analysis of some of the most commonly used indicators of personal integrity abuse to illustrate this problem. The definition of personal integrity outlined here also demonstrates that, because it ignores legally sanctioned executions, the operational definition that dominates the literature has resulted in indicators that suffer from a content validity problem,³ i.e. they do not reflect all of the government actions that qualify as violations of personal integrity. I conclude with some suggestions for how future research could benefit, in terms of both theorizing and conducting empirical tests, from considering more carefully the concept of personal integrity rights offered here.

2 What Is the Right to Personal Integrity?

One can find explicit references to a right to personal integrity at least as early as Spencer (1893), who limited the definition of this right to freedom from severe physical harm. Subsequently legal and political theorists broadened this definition to include matters beyond physical harm. Pound (1915, p. 355), e.g., refers to “the interest of the physical person,” which includes “...the so-called natural rights of physical integrity and personal liberty.” Similarly, Green (1932, p. 240) speaks of “physical integrity,” which “represents the ‘going’ concern we call the person, with all his paraphernalia of dress and adornment, powers of

³See Carmines and Zeller (1979) for a discussion of content validity.

speech and movement.” At its most general, then, the right to personal integrity can be defined as the right to life and liberty (Sieghart, 1983). Political scientists are primarily concerned with violations of this right at the hands of the state, that entity which has assumed the task of protecting these rights from encroachment by other citizens. As such, concerning ourselves only with violations at the hands of the government, the most general definition of this right is freedom from 1) state-imposed deprivations of life, 2) physical harm at the hands of state agents, and 3) state-imposed detention.

Of course, one cannot consider *any* use of force by the state a violation of the right to personal integrity. A definition this broad is not sensible since, in theory, one of the state’s purposes is to use (the threat of) physical coercion to prevent citizens from violating one another’s personal integrity. The notion of a right to be free from government-imposed deprivations is rarely expressed as absolute. It is well known that even Amnesty International, the largest and most influential human rights advocacy organization in existence, does not classify as “prisoners of conscience” dissidents who have used violence to advance political goals and are subsequently imprisoned. And in practice, there will always be a set of actions to which the government is allowed to respond with physical force: no modern state would grant its citizens the right to be entirely free from physical coercion. Every set of rules (domestic or international in origin) that relates to state-imposed deprivations allows for, at minimum, deprivation of liberty (state-imposed detention) under certain circumstances. Defining the right to personal integrity thus entails specifying the conditions under which the state should/should not respond to citizen behavior with the use of force, as well as how force should be used, a fact well recognized by legal philosophers and summed up nicely by Green (1986, p. 136): “Every theory of rights...implies a corresponding theory of punishment...which considers what particular acts are punishable, and how they should be punished.”⁴

⁴See also Hart (1955, p. 177), who notes that “...the concept of a right belongs to that branch of morality which is specifically concerned to determine when one person’s freedom may be limited by another’s and so to determine what actions may appropriately be made the subject of coercive legal rules.”

At least since Hobbes (1651, 1839), political theorists have listed several criteria that separate legitimate acts of government violence (legal punishment) from illegitimate acts of government violence. These are what Walter (1969, p. 25) calls “the fundamental conditions of legality.” The relevant criteria are: 1) punishment is preceded by a public judicial process to determine innocence or guilt, 2) there exists a law explicitly prohibiting the act for which punishment is inflicted, 3) the punishment itself does not go beyond the limits set by the law.⁵ These criteria serve as a starting point for defining violations of personal integrity rights, but they would allow the definition of personal integrity rights to vary according to domestic criminal codes since the second and third criteria place no absolute bounds on what acts may be punished or how they may be punished. These criteria merely obligate states to observe the limits of existing laws, whatever they may be, and so only prohibit *ex post facto* laws and penalties. This means that with the exception of the public judicial process criteria, this definition gives governments complete discretion over the legal definition of physical integrity rights.

Utilitarian philosophers would later revise these criteria in ways that limit the government’s discretion, at least as it concerns what acts that may be subject to punishment. Bentham (1789, 1996), e.g., suggested that behavior which produced no “mischief” ought not be made subject to legal punishment. “Mischief” here refers to acts that harm others. Mill (1860, 1989) was less equivocal on this count, agreeing that actions which do not harm others should not be punished and including specifically within this category the public expression of opinions (including those on religious matters) and the formation of associations.

Here I mean simply to establish that there is a set of actions or omissions to which the state cannot respond with physical force, and that this set, whatever it is judged to include, is one component of an intensional definition of the right to physical integrity. I do

⁵Another criterion is that the punishment makes it more probable that others will obey the law in the future. Though this is sometimes considered an important criterion, it is not as widely accepted as the others. Too, the enormous difficulty of accurately determining the existence/size of any deterrent impact of legal punishment makes it less than useful for the purposes of distinguishing “normal” government violence from physical integrity violations.

not intend to offer an exhaustive list of acts/omissions which should be included in that set. Political scientists who conduct empirical research on personal integrity violations have used international legal rules to give substance to this criterion, but have done so in a way that creates conceptual and operational problems. International law prohibits legal sanctions for exercising civil and political liberties, and enjoyment of these liberties is usually considered to be part of the definition of democracy, a point which I elaborate below.

Regarding *how* citizens may be punished (i.e., the severity of punishment), Hobbes and the utilitarians were concerned primarily with whether punishment was severe enough to deter the crime it targeted, and so would suggest only that punishment not go beyond what is necessary to produce deterrence.⁶ As with the issue of why the state may use force, the point in referencing these arguments is simply to establish that there is some limit on the severity of punishment, and this limit is another component of an intensional definition of personal integrity rights. Most domestic legal codes, and certainly a vast body of international human rights law, place limits on the punishment that can be imposed by the state. Consider international prohibitions on the practice of torture, which are included in a number of human rights documents and have become increasingly prohibitive over the years to the point that torture, as currently defined in international law, is absolutely prohibited (See, e.g. Twiss, 2007).⁷ Political scientists have also employed international legal

⁶Mill, in fact, famously defended capital punishment on the grounds that he believed it to be a more effective deterrent than the primary alternatives, which are also, according to Mill, crueler.

⁷It is important to note that severe/excessive uses of force by the state may include acts that are intended primarily to cause psychological rather than physical harm. It is worth quoting Green (1932, p. 240) at length on this point: “Feelings and emotions are part of physical integrity and come within the range of the protection given to it. These items are broad enough to include all nervous reactions, mental reactions, spiritual reactions (if they be different things); also such cultivated emotions as dignity, honor in the sense of self-esteem, or what not. They are all intimately associated in the personality and their protection by civil action is bound up with the protection of the physical person. There is much talk in the opinions and legal writings generally to the effect that they are separate things. Many courts have created unnecessary difficulties for themselves by failing to recognize the unity of the personality. Doctrines of ‘mental suffering,’ ‘fright,’ ‘nervous shock,’ and the like are the results of inadequate analysis; fuzzy catchwords. Inasmuch as feelings and emotions have their basis in the body itself, it would seem wholly unnecessary and impossible to separate the two.” The United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) is quite clear on this matter, and jurisprudence in the European Court of Human Rights has interpreted the injunctions against torture in the European Convention on Human Rights as prohibiting acts such as dripping water on the head and making loud noises to cause sleep deprivation (Sieghart, 1983, p. 163).

rules about severity to define the right to personal integrity, but here, too, some problems emerge. International law also contains prohibitions on the use of the death penalty as well as corporal punishment, practices which relate directly to the severity criterion. If one adopts these prohibitions as part of the severity criterion, then even execution and corporal punishment which are legally sanctioned must be considered violations of personal integrity. But the commonly employed definition does not consider these acts to be violations, a problem which I discuss further below.

At this point we can define a physical integrity violation as an application of force which 1) is not subject to evaluation, *ex ante* or *ex post*, by relevant legal authorities, or 2) is imposed in response to an act that should not be subject to legal punishment, or 3) causes severe bodily or psychological harm, pain, or discomfort. The right to personal integrity thus entails an obligation on the part of the state to refrain from uses of force which meet any of these three criteria. Violation of any of these criteria is sufficient to characterize government behavior as a personal integrity rights violation. I will refer to these criteria as due process, appropriateness, and severity. These follow readily from the standards that have developed in political and legal philosophy, and in international human rights law.

The point of developing this concept here is to provide an explicit, intensional definition of the right to personal/physical integrity in order to clarify some problems in the empirical literature on violations of this right. The problems I identify relate directly to a lack of careful attention to the appropriateness and severity criteria outlined above. In the next section I trace the development of the concept of personal/physical integrity rights in the empirical literature, and discuss how a lack of careful conceptualization has resulted in at two important problems, which I identify and discuss in subsequent sections.

3 The Right to Personal Integrity in Political Science, and Some Problems

One is hard-pressed to find lengthy conceptual discussion of the right to personal integrity in the empirical literature on that topic, but the seminal work by Poe and Tate (1994) briefly identifies personal integrity violation as synonymous with “state terror” and borrows a definition from Gurr (1986), who considers state terror “a category of coercive activities on the part of the government designed to induce compliance in others.”⁸ Though this definition suggests that only a subset of coercive acts are to be considered violations of personal integrity, it offers no way to determine which acts qualify. As noted above, the more commonly employed definition is extensional, i.e. it defines the concept with reference to specific acts that fall within the empirical domain of the concept. It is most commonly understood in this literature as the right to be free from political imprisonment, torture, extrajudicial killing, and forced disappearance. The popularity of this definition is largely due to Poe and Tate (1994), who adopted this as an operational (rather than a conceptual) definition of personal integrity rights. This definition was used to produce what later became known as the Political Terror Scale (PTS) (Gibney, Cornett and Wood, 2009), as well as the Cingranelli-Richards (CIRI) physical integrity index (Cingranelli and Richards, 2010), the two most commonly measures of personal integrity abuse in empirical studies.

The problem with the extensional definition used in the literature is not that it ignores the criteria listed above; clearly these were considered when generating the now standard list of personal integrity violations. Extrajudicial killing and kidnapping violate, at minimum, the due process criterion, political imprisonment can be said to violate the appropriateness

⁸Walter (1969, pp. 25-26) offers a more explicit definition of state terror, reserving the term for violence that not only violates one of the criteria given above, but is used in anticipation of, rather than in response to, resistance from citizens. Though the empirical literature on violation of personal integrity sometimes uses the term “state terror,” it seems most authors do not have this distinction in mind and, even if they did, it is not obvious how one would reliably separate this kind of violence from illegitimate, non-terror (i.e., reactive) violence for the purposes of empirical analysis. The literature instead focuses on illegitimate government violence more broadly.

criterion, and torture violates the severity criterion. Thus the intensional definition of personal integrity violation outlined above is used, though only implicitly, in the literature. However, there are at least two important implications of this implicit intensional definition which have been entirely ignored.

3.1 Democracy and The Right to Personal Integrity

The first implication is that, because of the way the appropriateness criterion has been defined, democratic political institutions (as they are usually conceived of by political scientists) are related to personal integrity rights by definition. Recall that defining this criterion in a way that places an inherent limit on coercive behavior requires enumerating acts to which the government may not respond with the use of force. The definition above suggests that personal integrity rights cannot be considered entirely conceptually distinct from civil liberties, which they sometimes are.⁹ Though civil liberties are often expressed as “freedom to X” and do not usually contain explicit reference to physical coercion or punishment, they qualify as standards about personal integrity because they give content to the appropriateness criterion. That is, they limit the reasons the state may offer for using physical coercion. Freedom to choose what religion one practices, for example, implies that the government (or any private entity) may not punish someone simply for adopting a particular (or any) set of religious beliefs, or punish someone to prevent them from adopting those beliefs. Once this is

⁹Consider the CIRI human rights data project coding manual, which states that political imprisonment violates articles 18, 19, 21, and 22 of the International Covenant on Civil and Political Rights (ICCPR), which protect freedom of religion, expression, assembly, and association, respectively (Cingranelli and Richards, 2010, p. 25). The CIRI data contain separate measures for the extent to which governments respect each of these rights, and the extent to which they practice political imprisonment. This is done to account for the fact that some governments effectively restrict these rights without using much physical coercion, i.e. the threat of coercion is enough to deter citizens from exercising these rights. Thus the civil/political rights components of CIRI reflect *latent* personal integrity violations, as well as past personal integrity violations which make current threats credible. This means it is possible to violate civil/political rights without actively violating personal integrity. It is also possible to violate personal integrity without violating civil/political rights, a point addressed in further detail below. But personal integrity rights and civil liberties cannot be entirely separated due to the way the literature defines the appropriateness criterion; by the definition used in the literature, detention or imprisonment for reasons ruled out by the ICCPR violates personal integrity. Thus political imprisonment, and coercion used for political reasons generally, violates political rights and also personal integrity rights.

considered part of the appropriateness criterion, any coercion on the basis of religious belief is a violation of personal integrity. To use Hart's term, freedom of religion can be seen in this example as a "general right," which implies "...both the right to forbearance [by others] from coercion and the liberty to do the specified action..." (Hart, 1955, p. 188). Asserting the existence of civil liberties, such as freedom of speech or religion, circumscribes the set of actions to which the state may respond with coercion and thus protects personal integrity. Legal prohibitions on activities such as forming political associations, gathering in public, or simply expressing a point of view different from that of the current government, expand the number/range of actions for which the state may apply physical coercion and thus decrease personal integrity protection.¹⁰ Thus constitutional protection of basic rights, as well as criminal codes, are extremely relevant to personal integrity, since these define/limit the set of actions to which the state may respond with physical force.

Empirical research on personal integrity abuse defines the appropriateness criterion using the standards that have developed in international human rights law, which proscribes, though not absolutely, the imposition of legal sanctions for holding particular political opinions, expressing them publicly, or participating in organizations that advocate them.¹¹ Though I do not dispute the normative desirability of defining the appropriateness criterion in this way, I argue that such a definition makes it impossible to completely conceptually separate personal integrity rights from democratic government, at least as "democratic government" is usually defined in empirical research.

Probably the most commonly employed conceptual definition of democracy in political science is due to Dahl (1971), who conceives of democracy (or "polyarchy") as a political

¹⁰See ?, who present a network analysis of the CIRI physical integrity components as well as other CIRI indicators which measure freedom of movement, religion, speech, association, electoral rights, women's rights, and worker's rights. Interestingly, they find that violations of political imprisonment are related more closely to the freedoms of movement, association, speech, religion, and electoral rights than they are freedom from extrajudicial killing or torture. This is not true of the other three physical integrity components, which are related more closely to each other than they are to any of the other indicators.

¹¹The most important legal rules in this regard are those expressed in articles 19, 20, and 21 of the Universal Declaration of Human Rights and in articles 18, 19, 21 and 22 of the International Covenant on Civil and Political Rights.

system which possesses a sufficient amount of participation and opposition. Participation refers to the number of people allowed to participate in decisions about policy and leadership selection, and opposition refers to the extent of the government's tolerance for competing policy preferences. Dahl refers to a combination of these characteristics as "inclusiveness." Most quantitative indicators of democracy draw on this definition, at least to some extent (Munck and Verkuilen, 2002). It is clear that, based on this definition, any government which targets the mere act of public political opposition with coercive legal sanctions necessarily reduces its own level of democracy. Further, any definition of personal integrity abuse which adopts classic civil liberties as part of the appropriateness criterion implies that a state that outlaws political parties and enforces that law is violating personal integrity rights by the very structure of its political institutions. Thus, to the extent that "opposition" (Dahl, 1971) is considered a component of democracy, and to the extent that targeting political opponents with violence is considered a violation of personal integrity rights, arguing that democracy reduces personal integrity violations is tautological. And, to the extent that measures of democracy capture the effective suppression of meaningful political competition, they will necessarily be related to measures of personal integrity abuse. However, this does not mean that indicators of democracy and personal integrity rights will be *perfectly* related to one another, since the kinds of government violence that are related to democracy by definition are a subset of personal integrity violations. Both PTS and CIRI are designed in part to measure violence against political opponents, i.e. *repression*, but they are also intended to measure non-repressive acts which would still be considered violations of personal integrity, such as the torture of criminal suspects. These acts are not intended to suppress political competition and so could still happen, even frequently, in very democratic countries.¹² But, repression, which violates the appropriateness criterion as defined in international law, is related by construct to Dahl's concept of democracy.

Researchers are not completely unaware of this problem, and early empirical work on

¹²See, e.g., Haschke (2011).

human rights violations expressed a desire to avoid tautological conclusions by excluding from examination rights too closely related to the concept of democracy (Poe and Tate, 1994, p. 854). More recent work by Davenport (2007*b*, pp. 100-101) discusses this problem at length, but ultimately claims that the problem has been circumvented by most existing measures of democracy, which is a dubious claim since all of the indicators Davenport discusses are based on some part of Dahl's definition.¹³ The discussion here suggests that this claim is incorrect, since creating valid and completely independent indicators of concepts that overlap is impossible.

To illustrate this problem, I briefly present the results of a simple analysis of the relationship between a commonly employed indicator of democracy and a commonly employed indicator of personal integrity rights. The Polity measure of authority patterns (Marshall and Jaggers, 2009), which is commonly used as an indicator of democracy, is probably used more often in empirical studies of human rights violations than any other indicator of democracy. The Polity measure is composed of several composite indices which are used to create a single democracy score.¹⁴ These include measures of the competitiveness of participation

¹³Davenport (2007*b*) quotes Dahl (1971) at length, pointing out that he sometimes treated repression and democracy as independent concepts and that he later (Dahl, 1998) seemed to reverse that position. The passage from Dahl (1971), quoted in Davenport (2007*b*, p. 100), claims that the adoption of policies that target large portions of the population with severe violence become less likely as inclusiveness increases, and the examples he cites are the forced collectivization of the Ukraine, the Holocaust, and the Indonesian anti-Communist purges of 1965. Dahl's point is that such atrocities do not occur in high-functioning democracies ("polyarchies"). This passage does not escape the point made here. For example, it is clear that the Sukarto regime in Indonesia would have to be considered, by Dahl's own definition, "less democratic" after killing/imprisoning hundreds of thousands of (suspected) political opponents. Also, Dahl's (1971, pp. 28-29) exception to the rule that large-scale repression cannot occur in democracies belies the claim that he treats the concepts as completely independent. Discussing political repression of black people in the American South, Dahl (1971, pp. 29) claims that such repression could not have occurred had black people been allowed to participate in politics: "It was only by excluding them forcibly from the polyarchy that the system of coercion and terror could be maintained in the South." Clearly the *forcible* exclusion he refers to was part of "the system of coercion and terror." He goes on directly to state that "...precisely to the extent that black people were excluded, polyarchy in the United States was not fully inclusive." Thus Dahl's answer to how a democracy like the United States could repress such a large group of people was that this repression made the United States, by definition, less democratic than was widely thought. Finally, Dahl makes it quite clear prior to this discussion (pp. 20) that his concept cannot be separated from violence used that targets people for holding/expressing certain political beliefs, as he states, "...the classic liberal freedoms... are a part of the definition of public contestation and participation," and then goes on to include in this list of freedoms "opportunities to oppose the government, form political organizations, [and] express oneself on political matters without fear of government reprisal..."

¹⁴For detailed examinations of the Polity data and some of the problems with its construction and aggrega-

(“parcomp”), the competitiveness of executive recruitment (“xrcomp”), the openness of executive recruitment (“xropen”), and constraints on the executive (“xconst”). The definition of the “parcomp” variable given in the Polity manual indicates that it is very closely related to what Dahl calls “opposition.”¹⁵

The CIRI physical integrity index is composed of four scales that measure the acts enumerated in the commonly used extensional definition of personal integrity violation: political imprisonment, torture, disappearance, and extrajudicial execution. The CIRI components measure the extent of these practices using three-point ordinal scales with *higher* values indicating that the abusive act in question occurs *less* frequently. As most commonly used, these components are summed to create an aggregate indicator of personal integrity violations which ranges from 0 to 8, with 8 indicating the maximum level of personal integrity protection.

The concept of personal integrity violation developed above creates some expectations about patterns that should appear in these data. For one, it should be the case that the political imprisonment component of the CIRI index will be more strongly related to the Polity competition measure than will the other components of the CIRI index. Though the other CIRI components certainly contain information about repression, they are much more likely than the political imprisonment scale to include non-political violence against criminals and marginalized members of society, such as migrant workers and the homeless.¹⁶ That is, the proportion of physical integrity violations that are related to democracy by definition should be larger in the political imprisonment category than in the other three categories. We should also expect the relationship between the competition scale and the political imprisonment scale to be stronger than the relationship between the other Polity

gation see Gleditsch and Ward (1997); Treier and Jackman (2008).

¹⁵For example, the description of the highest category of “parcomp” (Marshall and Jaggers, 2009, p. 27) indicates that “. . . groups regularly compete for political influence. . . ruling groups. . . regularly, voluntarily transfer central power to competing groups. Competition among groups seldom involves coercion or disruption.”

¹⁶For a discussion/analysis of this kind of government violence and how it relates to democracy see Haschke (2011).

Table 1: Measures of Democracy and Respect for Personal Integrity

Coefficients and (absolute) z-scores from Ordered Probit Regressions*								
Polity Components	Pol. Pris.		Torture		Disappear		Kill	
	β	z	β	z	β	z	β	z
parcomp	2.78	11.30	0.78	3.78	0.62	2.49	0.37	1.77
xrcomp	2.14	9.68	0.50	2.60	0.34	1.31	-0.17	0.75
xropen	2.27	4.92	0.40	1.17	0.10	0.28	-0.30	1.04
xconst	2.24	9.61	0.60	3.25	0.68	2.87	0.15	0.73
ACLP Democracy	1.11	8.41	0.24	2.09	0.24	1.64	0.01	0.10

*All models include the natural logs of GDP/capita and population
 N=3240, Std. errors clustered by country

components and the imprisonment scale. The Polity manual defines the concept measured by “parcomp” as “the extent to which alternative preferences for policy and leadership can be pursued in the political arena” (Marshall and Jaggers, 2009, p. 26). Because this more closely resembles Dahl’s definition of democracy than the definitions of the other components of the Polity democracy scale, this aspect of Polity should overlap more with indicators of repressive personal integrity violations.

Table 1 displays the results of ordered probit regressions of the separate components of the CIRI physical integrity rights index on each of the Polity democracy component variables, controlling for GDP per capita and population size. Each of the Polity components is standardized to range from 0 to 1 to facilitate comparison of the coefficients. These models are only meant to illustrate the point; they are not meant to be definitive, exhaustive statistical models of respect for personal integrity.

Two things about Table 1 are notable. One is that the relationship between “parcomp” and the political imprisonment scale is *much* stronger than the relationships between “parcomp” and the other categories of the CIRI physical integrity rights index. The other is that, for the political imprisonment models, the coefficients for the political competition

measure are larger than those for the rest of the Polity components. This is roughly consistent with past studies which, conducting more extensive analysis than that presented here, concluded that political competitiveness, captured by the “parcomp” measure, is the crucial link between democracy and personal integrity abuse (Keith, 2002; Bueno de Mesquita et al., 2005).¹⁷ These kinds of results should not be surprising once the concept of personal integrity is fully explicated, which makes it clear that democracy and personal integrity are related by definition. And if one reads the coding rules from the Polity IV manual (Marshall and Jaggers, 2009, pp. 26-27) it becomes clear that the competition scale partly measures repression, and thus personal integrity violations. The lowest category, called “repressed,” is defined as follows:

No significant oppositional activity is permitted outside the ranks of the regime and ruling party. Totalitarian party systems, authoritarian military dictatorships, and despotic monarchies are typically coded here. *However, the mere existence of these structures is not sufficient for a “Repressed” coding. The regime’s institutional structure must also be matched by its demonstrated ability to repress oppositional competition* (emphasis added).

The manual proceeds to give the following examples of activities that may justify including a state in the bottom three categories of this scale:

Systematic harrassment of political opposition (*leaders killed, jailed, or sent into exile; candidates regularly ruled off ballots; opposition media banned, etc.*) (emphasis added).

Though “parcomp” suffers from this problem more than the other components, one can find language in the description of the “xrcomp” variable which suggests similar criteria are used: receiving the highest score possible requires that leaders are “...chosen through

¹⁷Keith (2002); Bueno de Mesquita et al. (2005) both employ the PTS rather than CIRI. I use CIRI because it is possible to disaggregate this scale into different types of violations, which is not possible with the PTS.

competitive elections matching two or more major parties or candidates,” while reasons for receiving the lowest score include staging “rigged, unopposed elections” (Marshall and Jagers, 2009, p. 22). Even though repressive behavior is not explicitly mentioned here, *uncompetitive, unopposed* elections imply that political opposition is being suppressed, or else is nonexistent, which is a difficult situation to imagine absent repression. This is not meant simply to criticize the Polity data; *any* measure of democracy based on Dahl’s concept will be related to existing measures of personal integrity abuse by definition. Similar results can be obtained using another common measure of democracy developed by Alvarez et al. (1996) and updated by Cheibub, Gandhi and Vreeland (2010), which also measures political competition in the form of competitive elections. These results are also displayed in Table 1, which shows that this measure of democracy is also much more strongly related to the political imprisonment component of CIRI than the other components.

These results are driven by the fact that the concept of personal integrity overlaps with democracy: imprisonment for political views, which reduces democracy by definition, is a violation of personal integrity. The other components measure violent acts that always violate one of the three criteria outlined above. Imprisonment is generally deemed to violate personal integrity only if it is a response to peaceful political opposition.¹⁸ Again, some portion, perhaps even a majority, of the violations in the other categories target political opponents, since governments often use violent tactics other than imprisonment to suppress political competition. But some of the abuse in the other three categories does not target dissidents, which explains why these categories are not as strongly related to the Polity components as is political imprisonment. This suggests that the problem is not confined to the political imprisonment scale, though this component suffers from the problem to a greater extent than the others. Further, one can find evidence which suggests that there is some conceptual overlap between democracy and the other components: in the sample used for the analysis presented above, for country-years receiving the highest score for the “parcomp”

¹⁸Sometimes governments are ranked poorly on this scale for persecuting religious groups for their beliefs, and some of these religious groups may be politically inactive, but this is exceedingly rare.

variable (which comprise roughly 26% of the sample) the aggregated CIRI physical integrity rights scale is truncated so that none of these observations are in the bottom 2 (out of 9) categories, and just under 93% of these cases are in the top 3 categories. Not surprisingly, regressing the aggregated CIRI scale on the Polity components reveals that “parcomp” is more strongly related to the scale than the other components.

To be clear, I am not arguing for a definition of personal integrity rights that excludes freedom from imprisonment or other forms of coercion for one’s political beliefs. Nor am I arguing that democratic governments are, by definition, incapable of violating personal integrity rights. In fact, Table 1 suggests that the relationships between some of the Polity components, and the Alvarez et al. (1996) measure, and the torture, extrajudicial killing, and forced disappearance components of CIRI are not very impressive. Also, studies using more complex statistical models than those employed here have found the relationship between democracy and torture to be quite tenuous, particularly during periods of violent dissent (see, e.g. Davenport, Moore and Armstrong, 2007; Conrad and Moore, 2010).¹⁹ Nor is the purpose of the analysis to demonstrate that Polity IV and the CIRI index are poor indicators of the concepts they attempt to measure. In fact, illustrating my point with these data requires that they are valid measures. I am arguing that the conceptual and operational definitions of personal integrity abuse commonly used in the empirical literature have adopted an appropriateness criterion that causes personal integrity to overlap conceptually with democracy, and that indicators of these concepts will necessarily be correlated. The standards that define this appropriateness criterion are those set by international legal documents, most prominently the UDHR and the ICCPR. The standard is that governments may not make open expression of political beliefs, membership in political organizations, etc. the subject of coercive legal rules or behavior. Thus governments who are imprisoning people on the basis of their political beliefs are violating personal integrity rights.

In light of this discussion, finding that states that outlaw and suppress political com-

¹⁹For an excellent study of the use of torture in democratic societies, see Rejali (2007).

petition are more likely to violate personal integrity is not interesting, and claiming that political competition is the crucial link between democracy and personal integrity abuse is therefore not informative (e.g., Keith, 2002; Bueno de Mesquita et al., 2005; Davenport, 2007b). And, since the relationship between democracy and violations of physical integrity is the principle empirical regularity uncovered by this literature, we have arguably made less progress than is usually thought in explaining why governments sometimes violate personal integrity. I return to this point below and outline some useful directions for future research. Before doing so, I turn to the other problem that has resulted from the literature's lack of strong conceptualization, namely a glaring lack of attention to the death penalty and corporal punishment.

3.2 Legally Sanctioned Punishment and the Right to Personal Integrity

As noted above, the definition of personal integrity rights employed in the political science literature imposes strict international legal standards with respect to the appropriateness criterion: imprisonment (or any other form of coercive sanction) for political beliefs violates personal integrity, regardless of domestic legal rules. With respect to the severity criterion, this is not the case. Specifically, the political science literature on human rights violations generally considers execution and the infliction of pain for punishment to violate personal integrity only if these acts not legally sanctioned by the judiciary of the state in question, i.e. if they violate the due process criterion. The fact that there are many instances of government violence that conform to domestic legal procedure has led some (e.g., Stohl et al., 1986) to suggest that “illegal” (i.e., not conforming to domestic legal code) is a useless category for the purpose of identifying and measuring violations of personal integrity. This sentiment explains the decision to include political imprisonment on the well-accepted list of personal integrity violations regardless of whether it occurs in a country where parties are formally outlawed. But scholars *are* ignoring state violence that conforms to domestic

legal code by not considering legally sanctioned execution and corporal punishment to be cases of personal integrity violation. If ignoring domestic law in favor of the (usually higher) legal standards contained in international law is a guideline for conceptualization and measurement, scholars should be consistent in following this guideline.

With respect to the death penalty, this omission is also curious in that milder forms of physical harm (i.e., that do not result in death), such as beating during interrogation, are considered to violate personal integrity whether they are legally sanctioned or not. Why domestic legal standards should be relevant for determining whether execution, but not violent interrogation and other forms of torture, violate personal integrity is not clear. If not being subject to government behavior that causes severe bodily harm is part of the definition of personal integrity rights, then it seems difficult to exclude legally sanctioned executions as a practice that violates personal integrity. Clearly the death penalty relates to the broader definition of the right to personal integrity as the right to life and liberty, and it also relates to the more specific definition as the right to be free from state-imposed physical force which causes severe bodily harm. Thus the simultaneous inclusion of torture and exclusion of the death penalty from the extensional definition seems very difficult to justify.

One could object that international legal proscriptions on torture are generally absolute and have *jus cogens* status, which is not true of proscriptions on the death penalty.²⁰ However, limiting the definition of personal integrity violations to behavior that violates *jus cogens* norms would exclude the practice of political imprisonment under certain circumstances, since the rights of expression, assembly, and association are not non-derogable under the ICCPR. Also, international legal proscriptions on the death penalty have existed at least since the addition of Protocol 6 to the European Convention on Human Rights in 1983, and may be adopted by any UN member state since the Second Optional Protocol to the ICCPR (OP2) was adopted by the General Assembly in 1989. Though the proscriptions in OP2

²⁰Domestic and international legal codes generally tend to view torture and corporal punishment as normatively worse than execution. This difference may be grounded in the position that while death is ultimately inevitable, severe pain and suffering are avoidable (Sieghart, 1983). In fact, one can find such reasoning in Mill's defense of capital punishment.

are not absolute, they are very nearly so, allowing state parties to practice execution only “...in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime,” and then only if the state in question has entered a reservation before or upon ratification. This proscription is arguably stronger than that on political imprisonment contained in the ICCPR. Thus the exclusion of capital punishment from the extensional definition of personal integrity rights can only be supported by a selective reading of international law.

One might also object to the inclusion of the death penalty in the definition of personal integrity violations by arguing that the reasons states use capital punishment are different from the reasons states employ tactics such as political imprisonment and torture. That is, these policy decisions are caused by different underlying processes. This objection also fails, for two reasons. One is that even within other categories of personal integrity abuse, e.g. torture, the motivations for abuse vary a lot across cases (a “case” here refers an instance of torture rather than a country-year), and this variation is generally ignored by empirical research.²¹ Consider torture that occurs when dissidents are interrogated for information about plans to conduct violent attacks versus torture of suspected criminals in police interrogation rooms. Though they may occur for different reasons, both are violations of personal integrity. Second, whether capital punishment is caused by different processes than political imprisonment is partly an empirical question that should be sorted out through careful research.

Admittedly, the omission of corporal punishment is less clearly in contradiction with international law, but there is some tension here. The CAT prohibits “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person,” but excludes from its definition of torture “pain or suffering arising only from, inherent in or

²¹New data collection efforts by Conrad, Haglund and Moore (2012) make disaggregation of cases of abuse possible. For example, using the data from Conrad, Haglund and Moore (2012) data it is perfectly possible to separate the torture of dissidents from the torture of criminals. For an empirical effort to explain torture of non-dissident groups in democracies using these data see Haschke (2011).

incidental to lawful sanctions” (Article 1.1).²² But the UN’s first special rapporteur on torture noted that international laws against torture can be interpreted as prohibiting corporal punishment because the original, non-binding document that eventually became the CAT (the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) added to this qualification “...to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners,” referring to another non-binding document drafted by the UN.²³ Article 31 of The Standard Minimum Rules for the Treatment of Prisoners forbids corporal punishment of any kind. And the Committee Against Torture, the monitoring body for the CAT, has characterized the practice of corporal punishment as inconsistent with the convention.²⁴

The omission of the death penalty and corporal punishment is pervasive in empirical studies in political science, which generally use either the CIRI or PTS data (or both), each of which exclude these practices. With a few recent exceptions (Anckar, 2004; Neumayer, 2008*a,b*; Simmons, 2009; McGann and Sandholtz, 2012), political scientists who conduct cross-national research largely ignore the death penalty, and I am unaware of any cross-national, empirical research on corporal punishment. Cross-national patterns of personal integrity rights may look quite different if capital and corporal punishment were considered to violate these rights, and it is not clear why they should not. At the very least, developed, democratic countries which still retain and use the death penalty, such as India, Japan, and the United States would be considered more frequent violators of personal integrity than they are currently. More fundamentally, scholars are simply not considering some state behavior that is clearly a violation of personal integrity, so our understanding of the reasons these rights are abused is necessarily incomplete.

In short, the exclusion of these forms of legal punishment from the extensional definition of personal integrity violations is difficult to justify based on the intensional definition

²²<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>.

²³http://ap.ohchr.org/documents/dpage_e.aspx?m=103

²⁴<http://www.un.org/documents/ga/docs/50/plenary/a50-44.htm>

given above, which is the implicit definition employed in the literature. At least intuitively, legal execution and corporal punishment both qualify as infliction of severe physical harm by state agents. Further, political scientists have tended to use international human rights law to make these criteria concrete, and one can easily find international legal standards which prohibit legally sanctioned execution and corporal punishment. This omission has resulted in a dearth of empirical work on these practices and the reasons for their use, and also artificially alters the appearance of cross-national patterns of personal integrity abuse.

4 Some Suggestions for Future Research

The preceding discussion suggests two broad ways that empirical research on personal integrity rights violations could be improved. The first is to be more careful when developing/testing hypotheses about the relationship between democratic political institutions and personal integrity violations. Dahl's (1971) concept of democracy includes the existence of meaningful political competition, which requires that a government not use coercive legal penalties to repress potential political opponents. As such, to avoid tautological conclusions theories which posit a relationship between political institutions and respect for personal integrity rights should focus on other aspects of political systems besides competition. This is certainly not to suggest that repression of political competition is not an appropriate object of explanation for scholars studying government violence. The point is rather that repression is related to some political competition by definition, and so theoretical arguments cannot posit a relationship between the two without being tautological, and empirical analysis which treats repression as an object of explanation should not employ a measure of political competition as an explanatory factor.

Theorizing about the effect of democracy on *repression* is not very interesting. At very high levels of democracy, personal integrity violation will decrease since, by definition, very little government violence will target non-violent, domestic political opposition. Arguments

have existed for some time suggesting that politically motivated government violence in democracies is most likely to target violent groups or groups that are (perhaps perceived to be) linked to foreign governments that pose violent threats (Gurr, 1988).²⁵ It is true that including more groups in the political process reduces the repression of non-violent dissent, because the government is no longer repressing these groups: *inclusion*, to use Dahl's (1971) term, has increased. But this is analogous to arguing that legalizing drug use decreases drug-related arrests, which is not a very interesting claim.

In terms of empirical analysis this means that, at the very least, researchers should avoid using indicators of democracy that measure political competition if they are also using measures of personal integrity violation that contain information about violence used expressly for political purposes. For example, for quite a while some have counseled against using the aggregated Polity indicators (e.g., Gleditsch and Ward, 1997), and occasionally researchers heed this advice by examining the relationship between the separate components of the Polity index and various outcomes of interest, including personal integrity violations (e.g., Keith, 2002; Bueno de Mesquita et al., 2005). The discussion here suggests that those who conduct such analyses should take the additional step of omitting, at minimum, Polity's political competition measure.

Another possibility for empirical research is creating an indicator that measures the subset of personal integrity violations that do not reduce a state's level of democracy by definition (i.e. that excludes repression). This would entail omitting (from those studies that use indicators of political competition) measures of personal integrity that consider imprisonment and other forms of violence which explicitly target people for their political beliefs. This would require collecting data that make distinctions between targets of state

²⁵It is interesting to note that Gurr (1988, p. 54) claims, "Plural democracies... sometimes employ police state tactics against extreme opposition, but do not become full-fledged police states unless and until they undergo a shift to autocratic rule." By "extreme" opposition he means violent opposition, and cites the examples of police action against black militant groups in the U.S. and the tactics employed by the West German government against the Baader-Meinhof group and associated splinter groups. This is an interesting claim because it is so strong: systematic repression of political opposition *only* occurs in autocracies. I would go a step further and claim that this is because any government that systematically represses political competition would have to be considered autocratic by definition.

violence. An easy route would be to use the CIRI physical integrity index without the political imprisonment component, since this component measures abuse that overlaps most obviously with the competitive dimension of democracy. However, as mentioned above, the other components (torture, extrajudicial killing, forced disappearance) certainly contain cases of politically motivated violence, which means they suffer from the same problem, though not to the same extent. Fortunately there now exist data, at least for torture, that *do* distinguish between torture used against dissidents and other categories of citizens (criminals, e.g.) (Conrad, Haglund and Moore, 2012). This makes it possible to regress measures of political competition on measures of state violence in a non-tautological fashion. Some preliminary analysis of this data reveals that democracy, as measured by Alvarez et al. (1996), is more strongly related to torture that targets political dissidents than torture that targets other groups (Conrad, Haglund and Moore, 2012, p. 16), which is consistent with the argument presented here.

In the future, research on political institutions and repression should move along three paths. One is to theorize about the conditions that create incentives for governments to refrain from repressing political opponents without appealing to political competition as an explanatory concept. Explaining why governments would stop limiting political competition with coercive legal sanctions effectively means engaging the literature on democratization. Several theoretical insights from this literature could be useful for the study of repression. For example, a long and venerable line of research suggests a causal link between limits on repressive government behavior and several economic factors, including wealth per capita, asset mobility, and inequality (See, e.g. Lipset, 1959; Moore, 1966; Przeworski et al., 1996; Boix, 2003; Clark, Golder and Golder, 2013). These observations could be fruitfully employed in theories and empirical models of repression, which typically treat economic factors (typically restricted to wealth per capita) as “control” variables rather than explanatory concepts.²⁶

²⁶Though see DeMeritt and Young (2013) for an important exception.

Another useful direction for research is examining whether/how democratic institutions are related to government violence that does not explicitly target dissidents. Researchers in this area should theorize about how democracy creates incentives for governments to refrain from abusing classes of citizens beyond political dissidents. Rejali (2007) offers several explanations for torture in democracies which could serve as a preliminary theoretical framework. As mentioned above, the tedious task of collecting data on non-politically motivated violence is no longer an obstacle to research (Conrad, Haglund and Moore, 2012). Some research on this topic has already begun (Conrad and Moore, 2010; Haschke, 2011), but more work is needed.

Third, variation in the response of democracies to extreme/violent dissent should be explored further. Violent dissent is a well-established stimulus for government violence (Gurr, 1988; Davenport, 2007*a*), even in democracies: some empirical analysis suggests that democracy is not very strongly related to government violence when dissident groups pose a violent threat. (Conrad and Moore, 2010; Davenport, 2007*b*; Davenport, Moore and Armstrong, 2007). Also, the interdependent nature of government and dissident violence, crucial to this line of research, is something that is still not very well understood, though there is theoretical work to build on (e.g., Moore, 1998, 2000; Pierskalla, 2010; Ritter, Forthcoming).

The second broad direction for research suggested by the preceding sections concerns the death penalty. My suggestion here is simply that legally sanctioned, severe forms of government violence such as execution and corporal punishment should become a more frequent object of inquiry for empirical research, as we know much less about these personal integrity violations. This is an often ignored extension of personal integrity violation that deserves far more attention. As mentioned above, if the death penalty is wholly unrelated to other forms of personal integrity violation then this should be borne out in empirical research. Measurement models, for example, would be a useful tool for examining commonalities among different kinds of violations. Fariss and Schnakenberg (Forthcoming) employ such a model using the components of the CIRI scale but, since CIRI contains no indicator for legally

sanctioned executions the analysis cannot provide any information about whether the death penalty and other kinds of personal integrity violation are driven by different underlying attributes of state behavior.²⁷ Social scientists in other fields *have* conducted some empirical analysis on this question and have found that the “usual suspect” covariates for other forms of personal integrity violation overlap, at least to some extent, with variables that achieve statistical significance in analyses of the use of capital punishment (See, e.g. Ruddell and Urbina, 2004; Miethe, Lu and Deibert, 2005),²⁸ so dismissing this suggestion on the basis that legal executions are somehow fundamentally different from other forms of personal integrity abuse is difficult. Furthermore, though the death penalty does not necessarily target political opponents, any claim that legal execution does not have a “political” component is in severe tension with literatures in sociology and criminology on cross- and sub-national variation in legal punishment, which often link such variation to social and political cleavages based on ethnicity and class (e.g., Rusche and Kirchheimer, 1939; Blalock, 1967; Turk, 1969; Quinney, 1977; Rusche and Dinwiddie, 1978; Pruitt and Wilson, 1983; Liska and Chamlin, 1984; Jackson, 1989; Liska, 1992; Crawford, Chiricos and Kleck, 1998; Steffensmeier and Demuth, 2000; Kane, 2003).

In summary, there are several fruitful avenues for future research into the question of what explains variation in the application of state violence. All of these involve more careful attention to the definition of the behavior under investigation, and the implications of this definition discussed above. Careful attention reveals that one of the primary regularities discovered in this literature, that democracy reduces violations of personal integrity, is partly the result of conceptual overlap. It also reveals that there are forms of state violence that have been unduly ignored. Future research should attempt to address these problems in the

²⁷One can easily imagine an ordinal indicator for legal executions in the spirit of the other CIRI components where 0 indicates execution is legal and used frequently, 1 indicates that it is legal but used infrequently (or even subject to a *de facto* moratorium), and 0 means execution is illegal and never used. Or, one could simply count the number of executions. The point is not necessarily that CIRI needs a new variable, but rather more generally that measures of personal integrity violation should consider legal executions.

²⁸Both studies find that economic development and democracy (Ruddell and Urbina even use Polity) are associated with less capital punishment.

ways outlined above.

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