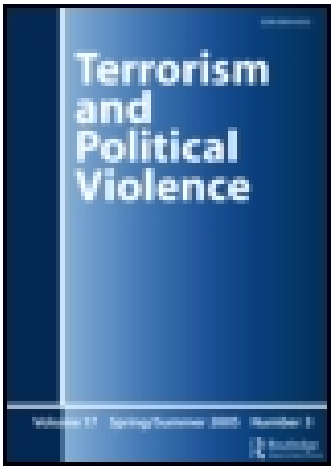

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The Politics of Targeted and Untargeted Counterterrorist Regulations

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Civil liberties came under pressure after Al Qaeda's attacks in the U.S. and Europe. Governments in many Organisation for Economic Co-operation and Development countries started questioning the effectiveness of counterterrorist policies and regulations. Incumbents responded to terrorism not only by introducing ex novo (or re-adapting) laws and regulations affecting a large set of civil rights; they also responded to international terrorism by choosing between an untargeted and a targeted legislative response. Some governments reduced the liberties of foreign foes more than the freedoms of citizens, while others preferred burdening all individuals within their borders, immigrants and citizens alike. This article analyzes the determinants of targeted and untargeted antiterrorist responses to Al Qaeda terrorism in a sample of 20 Western democracies from 2000 to 2008. The findings suggest that patterns of targeted legislation were more pronounced in countries governed by right-wing incumbents and those where the decisional power in the cabinet is divided among a few number of political parties. In addition, a larger share of Muslims and the degree of ethnic fractionalization played a relevant role in determining governments' choices of prime targets.

Keywords civil liberties, counter-terrorism, immigrants, legislative reforms, terrorism

> The civil rights and civil liberties of all Americans, including Arab Americans, Muslim Americans, and Americans from South Asia, must be protected, and that every effort must be taken to preserve their safety. (*Section 102.(B)(1) of the Patriot Act 2001*)

The Patriot Act defends the civil liberties of Americans by reducing their civil liberties.[1] Within weeks after the 9/11 attacks, the U.S. government relaxed important regulations that protected citizens from government agencies and, for example, allowed warrantless interception of private communication and the retention of private data.[2] The U.S. government was not alone in this response. In most liberal democracies, September 11, 2001 dated the beginning of a lost decade for civil liberties. At least 15 countries, including the Netherlands and Canada, issued a comprehensive antiterrorist package and virtually all Western democracies implemented counterterrorist regulations that led to deep cuts in privacy protection.

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Though virtually all governments revised their counterterrorist regulations after the terrorist attacks in the U.S. and Europe, the legislative response to international terrorism presents two relevant variations. On the one hand, some countries responded more, implementing a higher number of antiterrorist regulations. Though this variation was largely dependent on countries' perceived risk of becoming a target of attacks by Islamic terrorist groups, partisan preferences of the incumbents influenced the total amount of legislation implemented, with left-wing governments passing (in absolute terms) more antiterrorist regulations than right-wing incumbents.[3] On the other hand, some countries were more willing to reduce the system of civil liberties enjoyed by their citizens while others enacted laws explicitly targeting foreigners and immigrants. In the latter countries, the legislative response to terrorism in the aftermath of September 11, 2001 increased the differences in the legal treatment of citizens and foreigners.

In this manuscript, I analyze the politics of *targeted* and *untargeted* responses to terrorism.[4] An untargeted response implies a reduction of legal guarantees for everyone within a country as governments provide police forces and secret services with the right to monitor citizens and to control every person who potentially poses a security threat. In contrast, targeted legislative responses cut back mainly the legal status of immigrants and asylum-seekers and reduce their rights to organize. These responses are not necessarily mutually exclusive but may be complementary. However, I find that the specific response in these two dimensions—the weight of each dimension—is mainly driven, threat perception being equal, by the partisan preferences of the incumbent and the set of constraints that limit the autonomy of the government. In addition, a larger share of Muslims and the degree of ethnic fractionalization played a relevant role in determining governments' choices of prime targets.

This article contributes to two debates that are currently at the forefront of terrorism research. First, it addresses the contested issue of whether the political response to terrorism in liberal democracies exerted a drag on civil liberties. In this respect, this manuscript not only adds further evidence to the classic debate about the trade-off between liberty and security in times of terrorist threat;[5] it also provides new insights about which set of legal guarantees governments are more likely to restrict in contriving their legislative response to international terrorism. In many instances, measures dealing with immigrants and aliens did not encounter substantial opposition across the population and were mainly understood as commensurate with the nature of the threat.

Secondly, the article provides some evidence for de Mesquita's[6] argument that governments over-invest in visible but relatively ineffective counterterrorist tools and under-invest in invisible but relatively effective counterterrorist policies. I find that more important than visibility, the expected net benefits that counterterrorist policies generate and the relative costs that different types of counterterrorist policies impose on the electorate are at stake in governments' choices of regulatory targets.

I rely on a novel dataset of legislative responses to international terrorism (LeRIT) that collects and codifies 30 regulatory instruments governments are likely to implement to reduce terrorism exposure. This dataset covers antiterrorist policies implemented in 20 liberal democracies from 2000 to 2008. I use Seemingly Unrelated Regression to estimate different political response functions for citizens and immigrants across the countries of my sample. Distinguishing regulations that only apply to citizens from those which solely affect immigrants follows legal traditions

but it also makes sense from a political science perspective: cuts into privacy rights, which go beyond what voters accept, may reduce the political support of the incumbent while cuts into the rights of foreigners and immigrants might have little direct effect, but these regulations are usually politicized and partisan ideologies on immigration policies vary significantly.

This manuscript is structured as follows: the next section revises the current debates about the likely determinants of legislative responses to international terrorism and derives a set of hypotheses that can be empirically tested. The following section describes the research design and the model specification of the empirical analysis while a discussion of the results and robustness tests is reported in fourth and fifth sections, respectively. The final section concludes.

Legislative Responses to International Terrorism: A Review

The variation in the overall response to international terrorism is likely to depend on the interaction between levels of terrorist threat and partisan preferences of the incumbent.[7] This theory argues that a terrorist shock generates two effects: first, the majority of voters and most, if not all, relevant parties shift their policy preferences towards "more homeland security" and improve protection from terrorist acts. And second, the importance of counterterrorist policies for voters—the issue salience of counterterrorist policies—increases. Since national security and antiterrorism became more relevant for electoral outcomes after 9/11, parties have become more opportunistic and less ideology-driven with respect to security policies. This salience effect pulls both parties closer to the center in the security vs. liberty dimension and coerces them into taking more opportunistic and less ideological stances on counterterrorist choices. Under this condition, all parties are likely to implement antiterrorist policies that are closer to the preferences of the median voter but liberal and left parties will respond more. This is so because the distance between their liberal preferences on security before the shock and the significantly more conservative preferences of the median voter after a terrorist shock occurs is wider than the distance between pre-shock right-wing parties' preferences and the post-shock preferences of the median voter on homeland security.[8]

This theoretical intuition allows making predictions on the variation in the *total number* of antiterrorist laws implemented across Organisation for Economic Co-operation and Development (OECD) democracies but does not allow deriving inferences on the *type* of regulations that governments are likely to choose (this theory does not distinguish regulations according to their targets and assumes that antiterrorist laws are identical for incumbents and for voters). However, counterterrorist measures are not entirely substitutes, rather they differ according to their scope of application (i.e., whether they apply to citizens or are only meant to reduce the rights of immigrants).

In this manuscript, I draw on the contributions advanced by the literature on policy reforms and counterterrorism to formulate hypotheses about the possible determinants of targeted antiterrorist legislation. In a nutshell, this literature identifies three likely influences: threat perception, political constraints, and partisan opportunism.

Antiterrorist Regulations: Shocks, Reforms, and the Terrorist Threat

The legislative response to terrorism followed a well-known political logic: governments often remain inactive until a severe crisis emerges which coerces them to adjust

existing regulations. After a terrorist shock, political actors change their perception of "optimal policies" (and especially so after shocks such as the terrorist attacks carried out by Al Qaeda); the perceived risk level increases and actors with decreasing marginal risk preferences are keener to change the status quo.[9]

Explanations linking political reforms to shocks and crises follow one of two logics. The first type of explanation assumes that a shock changes the policy preferences of political actors or the issue salience of a certain policy for the electorate[10]—when voters regard a policy dimension as relevant for their vote choice, incumbents are forced to bring actual policies in line with voters' preferences and reforms are likely to occur. A second strand of theories links the lack of reforms before a shock (that may or may not have made the shock more likely) to the disagreement among actors about the allocation of reforms' costs.[11] However, if the costs associated with "doing nothing" increase considerably and the utility of all parties involved deteriorates considerably, the odds of one group being willing to bear the costs increase.[12]

Notwithstanding the alternative routes into reform outcomes, according to both types of explanations the changes of counterterrorist policies after September 11 are likely to depend on the levels of threat exposure and on the existing levels of counterterrorist regulations: countries with more liberal regulations prior to 9/11 may have responded more because their existing regulations were not suited to protect against terrorism and to prevent the occurrence of events similar to the New York, Washington, Madrid, and London attacks.

Antiterrorist Regulations: Political Costs and Opportunistic Incentives

Popular demands for "doing something" can open a window of opportunity for incumbent parties. On this latter stance, the literature on terrorism and counterterrorism has advanced relevant predictions on the likely effects that terrorism exerts on voters and governments alike. Research has shown that the price individuals are willing to pay for an increase in security in the immediate aftermath of a terrorist attack is very likely to exceed their gains from counterterrorist policies,[13] which is perhaps not surprising: as the level of perceived threat from terrorism increases, citizens perceive existing regulations as apparently suboptimal; voters regard the current security measures as not suitable to cope with the particularly heinous terrorist challenge and demand more security regulations.

However, voters' support for antiterrorist laws is not unconditional given that many of these policies are costly. Many studies analyze the economic costs of counterterrorism and predict that governments respond to the security concerns of the pivotal voter by over-investing in visible tactics and under-investing in invisible operations.[14] In these models, voters prefer antiterrorist policies that can be easily observed (i.e., checkpoint screenings, metal detectors) to secret operations (i.e., intelligence) because these latter policies are, by their very nature, secret, and the public cannot hold the incumbent accountable for them. This induces governments to signal, through observable investments, that public funds are used for counterterrorist purposes rather than for incumbents' own benefits.[15]

Along with the economic costs of counterterrorism for the taxpayer, antiterrorist legislation is also costly for the median voter—who would probably prefer regulations which have little or no direct impact on her own rights (such as visa and asylum policies, for example) to regulations that interfere more heavily with the exercising of her

freedoms. For example, the pivotal voter may accept being captured on CCTV cameras hundreds of times a day and may also put up with long queues at the airports and intrusive control checks for the sake of more homeland security. However, some measures are more costly than others (such as monitoring and recording of telephone calls, email, internet downloading, workplace surveillance, ID cards, and DNA datasets). Surveys and studies conducted in the aftermath of September 11, 2001 show that in many cases citizens were willing to accept intensified airport controls, surveillance of radical Muslim groups, and stricter immigration policies,[16] but when it came to their own rights (such as controlling their personal telephone calls and emails),[17] they largely oppose counterterrorist interventions. By the same token, qualitative comparative studies on antiterrorist legislation after September 11[18] point to a set of policies that are more likely to be implemented because they minimize the electoral costs of counterterrorism: restrictions of immigration fluxes or visa denials, for example, target mainly non-voters (immigrants) and are likely to canalize anti-immigration concerns of those voters who feel threatened by foreigners and Muslim nationals living in their country. According to these latter scholarly contributions, governments exploit the fear generated by a terrorist attack for patently discriminatory laws that explicitly target immigrants—regulations that, in normal times, would require higher parliamentary scrutiny and would encounter more public awareness.[19] If terrorist attacks open a window of opportunity for the implementation of reforms that burden only specific sections of the population, all governments would implement targeted antiterrorist regulations which, affecting only the legal guarantees of immigrants, would minimize the electoral costs of curtailing the enjoyment of voters' rights.

Antiterrorist Regulations: Partisan Preferences and Political Constraints

While the terrorist shocks opened a window of opportunity for governing parties, the effects that a security crisis exerts on the ideological preferences and the type of reforms incumbents are likely to implement is not obvious. Research has shown that serious security threats generate a "rally effect" where parties and political actors are likely to set aside usual ideological divisions on contentious policies and increase their support for the incumbent.[20] These studies have advanced different explanations for this phenomenon—such as increases in patriotism and government trust, absence of elites' criticisms and media self-constraints in covering controversial issues, for example[21]—but they all find that, in times of crisis, party identification and ideological stances on crucial policy domains decline and induce parties to overcome their partisan divergences on policy choices.[22] This scholarship has provided relevant insights into the likely reactions to serious security crises of voters, parties, incumbents, and media in the U.S. and in presidential democracies. Less is known about the impact of dramatic events such as terrorist attacks on parliamentary democracies where partisan preferences may remain strong despite an external threat and the political opposition incentivizes divergent ideological stances on counterterrorist policies.

Two likely predictions can be advanced in relation to the effects of partisanship on antiterrorist outcomes. First, the shift of preferences of voters (even moderate ones) towards more restrictive antiterrorist policies[23] advantages right-wing parties. Immediately after September 11, 2001, immigration, security, and crime become

closely interlinked: the terrorist attacks in the U.S. and Europe were conducted by foreign (and domestic) nationals with Islamic backgrounds and large sections of voters become increasingly concerned about the suitability of liberal immigration regimes to prevent terrorists from entering their country and striking from within.[24] Right-wing parties can—in this context—mount widespread anti-immigrant attitudes and foster stricter regulations on immigration and asylum reforms. In doing so, right/conservative parties move policies towards the established preferences of their electoral constituencies on these domains—such as anti-immigration, nationalism, security, law and order[25]—and can also catch the consensus of larger sections of the electorate that, in the aftermath of a terrorist attack, are likely to demand more security and stricter immigration regimes.[26] Yet, and second, the extent to which right-wing governments can exploit the shift of preferences of the median voter to pass repressive immigration policies (closer to the preferences of their electoral basis) is very likely to depend on the composition of the cabinet and the number of parties sharing governmental responsibilities. While the effects of partisanship are more pronounced in single-party governments, the influence of right-wing (or conversely left-wing) ideologies on policy choices is less straightforward in multi-party systems where right-wing parties are likely to need a coalition with liberal parties to govern.[27] On the one hand, coalition governments are less resilient to the preferences of the median voter than their single-party counterparts. In equilibrium, parties differentiate themselves from the median voter position and from other parties' platforms so that the "core" of the political system is empty.[28] In these cases, political parties are not entirely opportunistic but they rather hold ideological views and preferences and will diversify their political offers to represent and catch the preferences of different types of voters. Indeed, if parties' manifestos were indistinguishable and they were to converge towards similar policies, political parties would lose votes to the immediate opponent and to abstention. On the other hand, the political stability of coalition governments typically relies on an agreement among coalition members on policy platforms which require negotiation and bargaining among different policy preferences and are therefore a device for political conflicts within the parties forming the government—so that any proposal which deviates from the negotiated program is likely to be either delayed or vetoed by coalition partners. The political economy literature has stressed the negative consequences of such as scenario, which typically entails inactions and delays of important and welfare maximizing reforms.[29] However, these mechanisms of negotiation and bargaining can also prevent the adoption of reforms that are only introduced to signal the commitment of the government against the terrorist threat and that, rather than increasing the levels of security from terrorism, are only meant to target subgroups of the population associated (for their cultural, religious, and ethnic background) to Al Qaeda's acolytes.

Antiterrorist Regulations: Testable Predictions

The contributions advanced by the literature on policy reforms and counterterrorism rightly point to the effects that terrorism exerts on both powerful groups and citizens' willingness to give up their rights and predict that governments will implement regulations that accommodate the policy shift of the median voter on the security-liberty dimension.[30] However, on the one hand, research linking the rationale of antiterrorist choices to the economic costs of counterterrorism largely

ignores the possible influence of institutional settings and partisan preferences on the distribution of counterterrorist costs. On the other hand, studies that relate the variation in counterterrorist measures to the political costs they impose on voters assume that the median voter is indifferent between political parties as long as they refrain from reducing her own liberties and is then indifferent to (or even in favor of) regulations that restrict the rights of foreigners. I therefore integrate the insights brought by the literature discussed so far with standard accounts of political science in order to formulate testable hypotheses about the determinants of counterterrorist regulations.

The literature on reforms after shocks suggests that a crisis signals the need for a change of the suboptimal *status quo* while the literature on counterterrorism points to the effect that terrorism exerts on voters' preferences and their willingness to move their choice on the liberty-security trade-off towards the latter (so that all political actors shift their preferences towards a tightening of antiterrorist policies). If this holds for virtually all liberal democracies, more exposed democracies are more likely than others to pass additional antiterrorist regulations because their level of terrorist threat is higher and the pivotal voter demands more security. In these cases, threat exposure/perception would be the main driver of regulatory reforms. Regardless of the scope and targets of the security measures implemented:

> *Hypothesis 1* (*H1*): Countries more exposed to international terrorism are more likely to perceive their existing legislation as not equipped to deal with the new threat and are therefore likely to respond legislatively more.

However, since antiterrorist policies are costly for voters, not all regulations have the same probability of being implemented. The median voter ideally prefers restrictions that do not directly interfere with the exercise of her own rights but, after a terrorist shock, she is willing to accept some reductions of civil liberties for higher levels of antiterrorist protections. In a one-dimensional policy space with two political actors competing in the electoral arena, the implemented policy is likely to fully mirror the ideal policy of the pivotal voter and parties are likely to implement regulations that impinge more on immigrants' guarantees than citizens' rights because the median voter prefers more liberties for herself than more liberties for foreigners and parties have an incentive to converge towards the most preferred policy of the median voter.[31] Compared to multiparty systems, where parties' electoral competition is likely to result in policy divergence, "in two-party systems, each party will try to resemble its opponent as closely as possible."[32] As a consequence, the extent to which governments embark on targeted legislation, which cuts back the system of legal guarantees for foreigners, is very likely to depend on the composition of the cabinet and the number of political parties sharing government responsibilities.[33] Less fragmented cabinets would be more likely to approve antiterrorist regulations targeting minorities and foreign foes since these policies are in line with the shift of preferences of the median voter in the counterterrorist policy dimension. This allows formulating a second testable hypothesis:

> *H2*: Countries where few parties share governmental responsibilities are more likely than multi-party systems to implement targeted legislative responses.

Conventional accounts of partisan preferences and "common wisdom" associate policies on immigration regimes and restrictions of the rights of foreigners to a conservative and extreme right-wing electorate.[34] These voters are likely to demand policies that reduce immigration fluxes, restrict visas and asylums, and increase border controls even in the absence of a serious security threat and even more so if a terrorist attack occurs or is likely to happen.[35] Arguably, right-wing parties will explicitly focus their antiterrorist responses on immigration regimes and restrictions of the rights of foreigners because these measures are in line with the preferences of their electoral bases and are not likely to encounter the opposition of larger sections of the electorate in times of Al Qaeda terrorist threat.[36] As a consequence,

> *H3*: Patterns of targeted legislative responses, which only curtail the rights of immigrants, are more likely when right-wing incumbents are in power.

Research Design

This section gives a description of the dataset, the operationalization of the dependent, independent, and control variables and the model specification used to test the effects of terrorist threat, partisan preferences, and institutional settings on both the overall levels of counterterrorist regulations implemented across 20 OECD democracies and the choice of regulatory targets (citizens vs. immigrants).

Data Sources

I rely on an originally coded dataset that contains information on anti-terrorist regulations and their changes from 2000 to 2008 across 20 liberal democratic countries.[37] The dataset focuses on a total of 30 antiterrorist measures that are likely to enter in antiterrorist reform packages and/or single bills. There are different types of laws governments can implement to reduce their country's exposure to terrorism and these laws differ according to the scope of their application. LeRIT—Legislative Responses to International Terrorism Dataset—accounts for thirteen possible regulations that restrict privacy rights, nine regulations that hinge on procedural rights of suspects of terror, and eight restrictions that only apply to immigrants. This allows a straightforward interpretation of response functions as restrictions on privacy rights affect all individuals within a jurisdiction, cuts in procedural rights affect terrorist suspects, and immigration laws exclusively concern foreigners. In other words, these regulations can be summarized according to whether they target all citizens or only impinge upon the rights of suspects, immigrants, and foreign foes. The political logic behind governments' choice to adopt and implement each of them is different. If governments are responsive to citizens' preferences, then the three dimensions identify three different political response functions. By cutting privacy rights, governments mainly interfere with the rights of their citizens and since citizens are voters, when it comes to privacy rights the median voter is certainly affected. By cutting back procedural rights, governments reduce the rights of suspects. Citizens may be suspects but the median voter is unlikely to be a suspect. By restricting immigration regimes, the government affects the rights of foreigners and though immigrants usually do not have the right to vote, these measures can be politicized

and can lead to the opposition of larger sections of the population that are not directly affected by this type of law.

The data cover 20 countries[38] over 9 years from 2000 to 2008; the sample is fully balanced and results in 180 observations. In the Seemingly Unrelated Regression data transformation, the sample results in 5400 observations (that is, 30 regulations times 20 countries multiplied by 9 years). Notice that in the estimation models, the observations drop from 180 to 119 and from 5400 to 3540 respectively due to lack of observations of covariates in 2007 and 2008. This, however, does not affect the reliability of the results since most of the countries in the sample legislatively responded to international terrorism by 2005–2006.

Dependent Variables

Countries can adopt one or more of 13 potential restrictions to privacy rights that affect all citizens, one or more of 9 restrictions to procedural rights affecting potential terror suspects, and up to 8 restrictions to the rights of immigrants and foreigners. Note that in the empirical analysis of the regulatory targets (see Table 2), I only focus on the restrictions that potentially affect the rights of citizens and those that only target foreigners' rights. I exclude regulations that affect the rights of suspects in the main empirical analysis to avoid biased results on the estimates of citizens' restrictions. Procedural restrictions (such as pre-charge detention, hate speech prohibition, etc.) are theoretically burdensome for everyone and would equally apply to citizens and immigrants but in practice these restrictions are more likely to be used against immigrants. However, I account for suspects' regulations in the robustness section.

The dependent variable in the first model (reported in Table 1) is a count of the total number of antiterrorist regulations implemented in a country-year. In the second model (reported in Table 2), the dependent variable is a dummy for the presence/absence of the regulations affecting citizens and the regulations affecting immigrants, respectively across 20 OECD democracies from 2000 to 2008, which allows distinguishing the restrictions in place in any one country-year, in each of the two categories, separately.[39] Note that these variables only capture the regulatory aspects of counterterrorist responses and do not capture counterterrorist policies in the form of larger spending on police, intelligence, military, and secret service budgets.

Explanatory Variables

The level of terrorist threat is certainly a latent variable that can hardly be operationalized. One possible way of "measuring" terrorist exposure is looking at the actual number of terrorist incidents experienced across countries from 2000 to 2008. A better way is accounting for the number of international terrorist incidents resulting in fatalities that countries endured before September 11, 2001 using, as a proxy for threat exposure, the sum of victims per country from 1990 to 2002 as identified by "International Terrorism: Attributes of Terrorist Events" (Iterate) database.[40]

I largely develop an empirical model that incorporates regressors that have been suggested in scholarly works and the media. These influences—broadly—fall into four categories: the levels of terrorist threat, the presence (and status) of foreigners within the country,[41] the degree of involvement in international conflict,[42] economic

factors such as country size and wealth,[43] and—perhaps most importantly—political and institutional factors affecting the government's responsiveness to popular demands and its autonomy.

To start with, I include the share of Muslim (to total) population and a country's gross domestic product per capita (in thousands of U.S. dollars). First, international terrorism post-9/11 is prevalently carried out by Islamic extremists and countries with a larger share of Muslims might be inclined to adopt stricter policies. Second, wealthier countries might be more committed to the protection of civil rights and political liberties than less wealthy countries. Data on the number and share of Muslims in OECD countries comes from CIA World Tables; economic data is taken from the World Bank's World Development Indicators.[44]

Since counterterrorist policies are not independent of each other, I include a country's military expenditures as a percentage of GDP as a proxy for preemptive policies.[45] Naturally, the majority of military expenditures do not serve counterterrorist purposes, directly or indirectly. However, differences in military expenditures across countries can potentially proxy differences in preemptive policies. Unfortunately, I lack data on non-military security expenditures and I use military expenditures as a proxy for all security expenditures. The war in Afghanistan is the military operation most clearly linked to the "global war on terror" with the express purpose of weakening or defeating Al-Qaeda and the Taliban movement. I therefore include the log of the number of troops a country has sent to Afghanistan as a proxy for a country's preemptive counterterrorist measures. Data are taken from the ISAF—International Security Assistance Forces—website.[46] Theoretically, the expected sign is ambiguous. On the one hand, one might expect that preemptive counterterrorism and more defensive counterterrorist policies are functional substitutes, which would result in a negative effect. On the other hand, preemptive attacks seeking to dismantle terrorist groups make countries more prone to suffer from future attacks, which all other things equal, would call for more counterterrorist policies (as coded by the dependent variables).

The threat level alone does not determine the regulatory response to international terrorism after the 9/11 attacks. Political factors also matter. I incorporate standard political science accounts of regulatory reforms by including the share of government cabinet portfolios held by right-wing (as opposed to centrist and left-wing) parties as a proxy for the partisan preferences of the incumbent and a variable for the effective number of parties on the vote level as a measure of consensual form of government. Data come from the Comparative Political Data Set III 1990–2008.[47]

As controls, I include a measure of "political accountability" as identified by the World Bank Database of Political Institutions[48] to control for the set of mechanisms by which public officials can be held liable for their actions. Political scientists usually link the effects of political accountability on parties' behavior to an investment in trust.[49] It is generally expected that countries where citizens are able to hold politicians accountable for their policy choices are also less likely to burden their citizens with regulations that run against the interests of the majority of their constituencies—which could restrain governments from implementing measures not proportionate to the level of terrorism threat. As further controls, I add a dummy for countries' past colonialist experiences and a measure of ethnic fractionalization as reported by Alesina et al.'s ethnic fractionalization score.[50] First, countries involved in past colonialist activities are also likely to receive fluxes of

immigrants from former colonies—which can increase a country's (real or perceived) exposure to international terrorists and in turn, the extent of its regulatory response. Second, anti-minority attitudes and unequal access to opportunities are more widespread in countries displaying lower levels of ethnic and religious fragmentation[51]—where incumbents have an incentive in implementing regulation tailored mainly to marginal foreign communities, which do not constitute a substantial electoral basis for any party competing in the electoral arena. Finally, I include a control for the number of antiterrorist regulations countries had already implemented before the attacks in the U.S. to account for the regulations that some countries in the sample introduced before 9/11 to deal with previous forms of domestic or international terrorist threats.

Model Specification and Estimation

I estimate two empirical models. I first report a baseline model that includes all the covariates that, according to the literature on counterterrorism, are likely to explain the cross-country variation in the overall levels of counterterrorist legislation. The purpose of this baseline model is to disentangle the possible determinants of antiterrorist legislation *tout court*, regardless of the likely targets of regulations. The dependent variable in this model is a count of the number of antiterrorist measures in place in a country-year. This variable has a mean of 12.09 and a standard deviation of 7.07, which suggests the presence of moderate overdispersion. I therefore use the Poisson model because it is more efficient for count data without overdispersion—but the results remain unchanged if I replace the Poisson with the negative binomial model.

To model the likely influence of partisan preferences on antiterrorist policies, I use the total number of regulations that affect privacy rights (13) and the 8 measures that curtail immigration regimes to calculate two slopes heterogeneity for citizens and immigrants respectively. This allows one to distinguish the determinants of citizens' restrictions from the factors that mainly affect the restrictiveness of immigrants' regimes. I then transform the data using a Seemingly Unrelated Regression analysis to identify regulation-specific effects of the covariates. SUR models offer significant efficiency gains over separate analyses of each type of regulation because they allow accounting for the existence of a common response to a random shock—by assuming a single error process of all countries in one equation.[52] The dependent variable in this second model is a binary variable that takes the values 0 for citizens and 1 for immigrants if regulations only apply to foreigners, and vice versa. I therefore employ a logit regression analysis to estimate the probability that every single one of the thirteen regulations affecting citizens and every one of the eight measures applying to immigrants is (or is not) present in a country. I also estimated this model employing the probit estimator and the results remain substantively identical.

To account for the dynamics in the data in the two models, I include a full set of period dummies and the results remain robust to the inclusion of a trend variable. I only report the estimates without included trend variables in both models. In logit estimates, this method is virtually identical to the inclusion of cubic splines.[53] I nevertheless also estimated the model with cubic splines with a cubic running year variable and the results remain virtually unchanged (not reported here).

Analyses and Results

Table 1 displays the results of a baseline model based on a Poisson regression where the dependent variable counts the average number of antiterrorist regulations in place in a country-year and is regressed against the set of explanatory variables that approximate countries' levels of terrorist threat (model 1), institutional and partisan incentive structures (model 2), and a number of control variables (model 3). These models can be interpreted in a straightforward fashion: more regulations imply more security and more civil liberties restrictions independently of the actual costs that these measures impose on different sections of the population.

Table 1 lends considerable support to the hypothesis linking the rationale of counterterrorist reforms to threat exposure (*H1*). Model 1 suggests that more exposed countries and those hosting a larger share of Muslim population were more likely to implement additional antiterrorist regulations. Note that countries' wealth (in terms of GDP per capita) is significant and negative, suggesting that wealthier countries are less willing to reduce their levels of civil liberties. The coefficients of this set of variables remain virtually stable to inclusion of further controls in model 2 and 3. In one instance, the statistical significance of the point estimates for the troops in Afghanistan declines and changes sign (model 2 and 3)[54] while the significance of the GDP (log) estimates diminishes in model 2 and turns insignificant in model 3. Most importantly, the institutional variables "measuring" the presence of coalition

Table 1. Total variation in antiterrorist legislation

Item	(1)		(2)		(3)	
Terrorist incidents 1990–2002	0.038**	(0.016)	0.112***	(0.027)	0.132***	(0.030)
Share of Muslim population	0.126***	(0.031)	0.232***	(0.040)	0.014***	(0.038)
Troops in Afghanistan (log)	−0.034**	(0.012)	0.034*	(0.019)	0.745	(0.019)
GDP (log)	0.281***	(0.041)	0.109*	(0.059)	0.067	(0.050)
GDP (per capita)	−0.003***	(0.000)	−0.003***	(0.000)	−0.002***	(0.000)
Right-wing cabinet share			−0.062	(0.066)	0.000	(0.060)
Cabinet size			−0.031*	(0.018)	−0.074***	(0.021)
Military expenditure			−0.278***	(0.057)	−0.281***	(0.663)
Accountability			−0.897	(0.221)	−0.688 ***	(0.198)
Ethnic fractionalization					0.058***	(0.101)
Past colonialism					0.480***	(0.067)
Initial level of regulations					−0.078	(0.583)
NxT	119		119		119	
Ll	−316.02		−305.43		−292.33	
Pseudo R2	0.293		0.317		0.346	

Notes: The model is a Poisson on the total number of antiterrorist interventions. The dependent variable counts the average total number of antiterrorist regulations in place in a country, 2000–2008. Estimates are based on the Poisson estimation technique. Parameter estimates of T-1 year dummies controls included in all models are not reported. *significant at the 10 percent level **significant at the 5 percent level ***significant at the 1 percent level.

governments (*Cabinet-Size*) and the mechanisms of governments' responsiveness (*Accountability*) negatively affect the number of regulatory counterterrorist response. Observe that both *Ethnic Fractionalization* and *Past Colonialism* are likely to increase the total level of legislative restrictiveness and incentivize countries to enact more legislative reforms while the levels of military spending (*Military Expenditure*) negatively affect the number of regulations. Finally, the proxy of partisan preferences of the incumbents is statistically insignificant—which is not surprising. In times of terrorism, an increase in threat perception is likely to shift the system of preferences of governments and voters alike towards more efficient antiterrorist controls. Incumbents, regardless of their partisan platforms, are likely to implement more legislation simply because their existing level of regulations is perceived as "suboptimal." In these cases, it is unlikely that one will observe a difference in countries' overall level of antiterrorist legislation emanating form the political preferences of the ruling parties. Both right- and left-wing governments have an incentive to legislatively respond to terrorism in order to show leader capabilities, commitment against the threat, and to catch the demand for more security across pivotal voters.

In the following section, I analyze the effects that all these likely influences exert on the scope and extent of countries' legislative responses by distinguishing the response functions for citizens and immigrants respectively. This discussion starts from a simple observation. Countries differed with respect to the targets of legislative responses: some countries focused their legislative efforts on immigration regimes and restricted mainly the rights of immigrants; others accepted reductions of civil liberties for their citizens.

Targeted and Untargeted Legislative Response

Table 2 displays the estimation results for untargeted and targeted legislation. The model is based on a Seemingly Unrelated Regression analysis; the dependent variable is binary coded and captures the presence (absence) of regulations affecting the privacy rights of *citizens* and restrictions targeting *immigrants* only. Estimates are based on the logit estimation technique for two dimensions of antiterrorist responses—citizens and immigrants respectively. All models are run against the full set of covariates included in model 3 of Table 1.

The extent to which countries embarked on targeted or untargeted regulations is partly explainable by threat levels and factors that in times of Al Qaeda terror are certainly likely to increase the perception of terrorist exposure among countries. However, the choice of regulatory targets largely varies with the political preferences of incumbent parties and the institutional arrangements that constrain the autonomy of the dominant faction of the government. More exposed countries and those hosting a larger share of Muslims were more likely to increase the restrictiveness of both citizens and immigrants' rights—thus implementing the full battery of legislative reforms. The proxies for preemptive counterterrorist measures (*Troops in Afghanistan (log)* and *Military Expenditure*) seem in line with the interpretation of preemptive and defensive counterterrorist policies as functional substitutes. The estimates of countries' "power" and wealth in terms of GDP and GDP per capita indicate that while "powerful" and influential countries are more prone to implement legislations curtailing the system of legal guarantees of both citizens and immigrants (probably because their influence in world affairs is likely to attract the hostilities of extremist groups inside and outside their borders), wealthier countries are more reluctant to

Table 2. Targeted and untargeted legislative response

Counter-terrorist policy type	Citizens	Immigrants
Terrorist incidents 1990–2002	0.271*** (0.066)	0.242** (0.093)
Share of Muslim population	0.248** (0.082)	0.318** (0.105)
Troops in Afghanistan (log)	−0.141*** (0.039)	−0.581*** (0.048)
GDP (log)	0.084*** (0.027)	0.016*** (0.033)
GDP (per capita)	−0.003* (0.001)	−0.000 (0.002)
Right-wing cabinet share	−0.204 (0.166)	0.708*** (0.219)
Cabinet size	−0.985 (0.047)	−0.234*** (0.071)
Military expenditure	0.118 (0.141)	−0.573** (0.190)
Accountability	−0.109 (0.355)	−1.395** (0.454)
Ethnic fractionalization	1.721*** (0.381)	0.422 (0.490)
Past colonialism	0.695*** (0.212)	1.174*** (0.265)
Initial level of regulations	−0.241*** (0.030)	−0.291*** (0.036)
NxT	3540	3540
Pseudo-likelihood	−2150.62	−2150.62
Pseudo R2	0.117	0.117

Notes: The model is logit. The dependent variables are binary coded variables that capture the presence (or absence) of regulations affecting the privacy rights of citizens (voters) and restrictions targeting immigrants only (non-voters). Parameter estimates of T-1 year dummies included in all models are not reported. Robust standard errors in parentheses *significant at the 10 percent level; **significant at the 5 percent level; ***significant at the 1 percent level.

implement regulations reducing the rights of their citizens—which is in line with the explanations linking wealthier democracies to a greater concern for civil liberties (at least for their citizens). Also, countries with more restrictive antiterrorist regimes in place before the 9/11 attacks were less likely to increase their levels of regulations against both immigrants and citizens.

Most importantly, these results lend considerable support to the hypotheses that the choice of regulatory targets depends on cabinet-size (*H2*) and ideological preferences of the incumbent (*H3*). The larger the number of parties in the government, the less pronounced is a choice of a targeted response. Presumably, when the survival of the government depends on the representation of a larger set of political and ideological preferences, antiterrorist policies meant to target immigrants and foreign foes are a less feasible option—given that these measures are likely to conflict with the preferences of coalition partners representing minorities or the ideological preferences of sections of voters who oppose stringent antiterrorist policies regardless of the targets. Also, and consistently with the hypothesis advanced in this manuscript, right-wing incumbents were likely to mount their political campaign on restrictive immigration regimes, thus implementing regulatory responses patently targeted at foreigners.

Among the set of control variables, colonial ties increase the restrictiveness of both citizens and immigrants' rights while more ethnically fractionalized countries were more prone to increase the restrictiveness of citizens' rights. These countries are rather more likely to choose an untargeted response—presumably in order to gather information and control people living within their borders without losing the support of religious communities and integrated subgroups of foreign citizens.

The estimates of political accountability are negative and statistically significant for immigrants, thus suggesting that more responsive incumbents are less likely to burden immigrants with restrictive regulations that, in the short term, could appease the majority of voters and the public demands for governmental intervention, but in the long run would run against the credibility of the governing parties if the chosen measures are triggered more by opportunistic incentives than by an accurate evaluation of the most appropriate and effective instruments against the terrorist threat.

Robustness

These results are robust towards various modifications of the design of the empirical analysis. As I have already mentioned above, if I replace the Poisson estimator with the negative binomial model, the results displayed in Table 1 remain unaffected. The same holds for the results displayed in Table 2 when I use the probit estimator rather than the logit model. In addition, since the data on antiterrorist regulations are likely

Table 3. Countrywise jacknife test

Counter-terrorist policy type	Citizens		Immigrants	
Terrorist incidents 1990–2002	0.002**	0.004***	0.001	0.006***
	(CAN	NOR)	(GRC	USA)
Share of Muslim population	0.084	0.360***	−0.021	0.422***
	(FIN	NOR)	(AUT	DEU)
Troops in Afghanistan (log)	−0.145***	−0.052	−0.020	0.244***
	(CHE	CAN)	(ESP	AUT)
GDP (log)	0.034	0.115***	0.023	0.186***
	(FIN	NOR)	(AUT	DEU)
GDP (per capita)	−0.734***	−0.281**	−0.204	0.226
	(NOR	BEL)	(NOR	BEL)
Right wing cabinet share	−0.004**	−0.001***	0.004*	0.010***
	(FIN	CAN)	(DEU	AUT)
Cabinet-size	−0.302***	0.029	−0.489***	0.180**
	(BEL	FIN)	(BEL	ESP)
Military expenditure	−0.221	0.083	−0.980***	0.364**
	(GRC	FIN)	(DEU	ESP)
Accountability	−1.173**	0.199	−2.069***	−0.782
	(NZL	FIN)	(DEU	AUT)
Ethnic fractionalization	0.894**	2.504***	−0.061	0.822
	(NZL	CAN)	(DEU	IRL)
Past colonialism	0.372**	0.998***	0.630***	1.404***
	(NLD	BEL)	(DEU	BEL)
Initial level of regulations	−0.010	0.058**	−0.156***	0.005
	(CAN	ESP)	(ESP	AUT)

Notes: Countrywise jackknife robustness test using parameters estimates in Table 2. Excluded countries in parentheses. *significant at the 10 percent level; **significant at the 5 percent level; ***significant at the 1 percent level; n.s. ≡ not significant in estimates (robustness test not relevant).

to be trended, I include year dummy variables. These additional controls do not change the statistical leverage of the point estimates reported in both tables.

I also conducted a countrywise jackknife test excluding one country at a time. This exercise provides a robustness test, accepting Xavier Sala-i-Martin's definition of robustness. Accordingly, robustness is given when the coefficients do not change sign in a number of defined permutations of the model.[55] This allows the identification of outliers and crucial cases and casting doubts on estimates that depend on single cases.

Table 3 demonstrates that the results presented in Section 4 are robust in the sense that they do not depend on a single included case.

As a final robustness test, I include the slope heterogeneity that accounts for suspects' rights (reported in Table 4), which shows the estimates for citizens, suspects, and immigrants respectively. Observe that, controlling for the suspects' slopes does not much change the results. The estimates for citizens and immigrants remain significant at conventional statistical levels and maintain their sign—with the only exceptions being the coefficients of GDP (log) and initial levels of regulations, which become not significant.

Table 4. Response functions for citizens, suspects, and immigrants

Counter-terrorist policy type	Citizens		Suspects		Immigrants	
Terrorist incidents 1990–2002	0.302***	(0.079)	0.312**	(0.100)	0.274**	(0.104)
Share of Muslim population	0.266**	(0.090)	0.165	(0.136)	0.337**	(0.114)
Troops in Afghanistan (log)	−0.125**	(0.045)	0.219**	(0.074)	0.115	(0.053)
GDP (log)	0.058	(0.109)	0.181	(0.113)	0.137	(0.120)
GDP (per capita)	−0.003**	(0.001)	−0.006***	(0.002)	−0.000	(0.002)
right-wing cabinet share	−0.280	(0.175)	0.035	(0.256)	0.637**	(0.228)
Cabinet size	0.270	(0.047)	−0.273***	(0.068)	−0.223**	(0.071)
Military expenditure	0.060	(0.162)	−0.711***	(0.217)	−0.637**	(0.210)
Accountability Ethnic	−0.194	(0.499)	−2.407***	(0.671)	1.490**	(0.579)
fractionalization	1.656***	(0.390)	1.953***	(0.509)	0.348	(0.500)
Past colonialism	0.659**	(0.221)	1.140***	(0.283)	1.145***	(0.271)
Initial level of regulations	−0.033	(0.132)	−0.500	(0.135)	−0.107	(0.134)
NxT	3540		3540		3540	
Pseudo-likelihood	−2028.55		−2028.55		−2028.55	
Pseudo R2	0.167		0.167		0.167	

Notes: The model is logit. The dependent variables are binary coded variables that capture the presence (or absence) of regulations affecting the privacy rights of citizens, procedural rights of suspects, and restrictions targeting immigrants only. Parameter estimates of T-1 year dummies included in all models are not reported. Robust standard errors in parentheses *significant at the 10 percent level; **significant at the 5 percent level; ***significant at the 1 percent level.

Overall, the estimates reported in Table 2 have proven to be fairly robust to several modifications of the specification model.

Conclusion

This manuscript provides an empirical analysis of the possible determinants of countries' regulatory responses to international terrorism and offers insights into the likely targets of legislative reforms in the aftermath of Al Qaeda's terrorist attacks in New York, Washington D.C., Madrid, and London. Analyzing patterns of antiterrorist legislation in 20 liberal democracies, I show that some countries were more likely to increase the number of antiterrorist restrictions because their levels of perceived exposure to Al Qaeda became higher. The findings reveal that in the fourth wave of terrorism, the level of threat exposure, the presence of Muslims, along with ethnic fractionalization, colonialist ties, and countries' "power" and wealth are likely to drive response patterns across liberal Western democracies. These results seem to support common wisdom in demonstrating that countries' perception of terrorist exposure is likely to originate from religious, cultural, and ethnic factors which make governments and voters alike more concerned about a potential terrorist threat emanating from the inside of their societies. More importantly, this paper contributes to the literature on terrorism and counterterrorism in arguing that differences in the legislative response to international terrorism are likely to depend on political incentives. Some governments were more likely to politicize the legislation on antiterrorism in order to carry out political projects, which in normal times would encounter the opposition of pivotal voters, and right-wing governments preferred a targeted response to terrorism that dominantly cut back the legal protections of foreign nationals. Also, coalition governments were less likely than single-party cabinets to pass targeted regulations, thus suggesting that when incumbents have less margin for discretion, governments' responses to international terrorism are less likely to target only subgroups of the population. These findings concur in enhancing our understanding of the logic behind governments' counterterrorist interventions: governments respond to international terrorism when their terrorist exposure is higher but the choice of regulatory targets will more likely depend on the ideological preferences of incumbent parties and the levels and the political constraints that governments face in their decisional process rather than on a pure assessment of the threat level.

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4. In a previous manuscript (Mariaelisa Epifanio, "Legislative Response to International Terrorism," *Journal of Peace Research* 48, no. 3 [2011]: 399–411), I conducted an empirical investigation of the legislative responses to terrorism, which identified threat exposure and the partisan preferences of the incumbent as main determinants of the cross-country variation in counterterrorist laws across 20 OECD democracies. More specifically, the paper found that the share of Muslim (to total countries' population), countries' power (measured in GDP), and troops stationed in Afghanistan are likely to increase the levels of restrictions for citizens, immigrants, and suspects but left-wing incumbents were less likely to target immigrants and foreigners than right-wing ones. This analysis was based on an ordered-logit estimation model on three aggregate indices that categorically classified the range of antiterrorist measures that apply to citizens, suspects, and immigrants respectively. In this current manuscript, I relax the assumption that the effect of each explanatory variable is the same for each binary comparison among rights' categories. Rather, by using SUR estimation models, I account for different response functions by combining information on different equations and allowing the correlations among error terms. This does not result in a simple change of the specification model (compared to my previous contribution), but it allows one to distinguish the determinants of citizens' restrictions from the determinants of immigrants' restrictions of freedom. In addition, accounting for the correlation among the equation disturbances allows for a more efficient analysis of the patterns of targeted and untargeted regulations implemented after the common shock of September 11, 2001.

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8. This will hold even relaxing the assumption that all political actors shift equally to right-wing positions on counterterrorism. See Epifanio and Plümper, "The Issue-Salience Effect in Counterterrorist Politics" (note 3 above).

9. Enders and Sandler, *The Political Economy of Terrorism* (see note 5 above).

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11. Allan Drazen and Vittorio Grilli, "The Benefits of Crises for Economic Reforms," *American Economic Review* 83, no. 3 (June 1993): 598–607. Other models account for the delay or failure in the adoption of a policy change by focusing on the decision-making processes. In these cases, reforms are not implemented because voters and decision-makers have asymmetric information about the benefits of a policy change (Allan Drazen, *Political Economy in Macroeconomics* [Princeton, NJ: Princeton University Press, 2000]); Alex Cukierman and Mariano Tommasi, "When Does It Take a Nixon to Go to China?," *American Economic Review* 88, no. 1 [March 1998]: 180–197).

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