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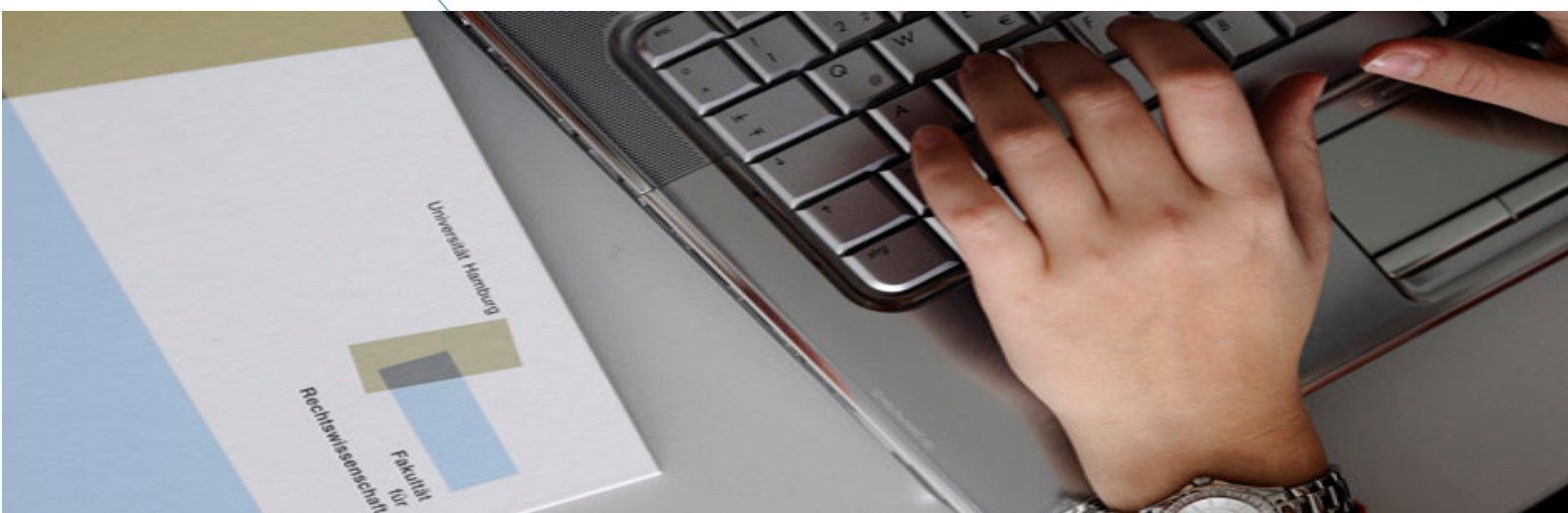
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Terrorism and Emergency Constitutions in the Muslim World

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Abstract:

The Middle East is the most terror-prone region of the world. It is almost exclusively governed by autocratic regimes that often explicitly refer to Islam to justify some of their policies. In this paper, we analyse government reactions to terrorist events in the states that are members of the Organisation of Islamic Cooperation. We find that the respective emergency constitutions, despite the political characteristics of the region, do channel their behaviour. Emergency constitutions that make it relatively cheap for governments to declare a state of emergency are more likely to lead to such declarations. Our evidence thus suggests that emergency constitutions also impact on the behaviour of largely autocratic governments.

Keywords: terrorism, state of emergency, constitutional emergency provisions, institutions, positive constitutional economics, Middle East, Organization of Islamic Cooperation

JEL Codes: K40, Z13.

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1. Introduction

The countries in the Organization of Islamic Cooperation (OIC), and in particular those in the Middle East and North Africa (MENA), are among the most terror-ridden in the world. No other group of countries has had such a consistently high level of terrorist events and terror-related deaths as the OIC (GTD, 2018). The group is also home to a number of terrorist organizations that not only execute attacks outside of the region, but also operate domestically, as well as try to leave their mark on the Israel-Palestine conflict, which has resulted in a large number of terrorist attacks on the Israeli population. The human costs of this problem are impossible to ignore.

Yet, terrorism is not only a security problem with highly substantial human costs, but also an economic problem. Abadie and Gardeazabal (2008), for example, find that a one standard deviation increase in the risk of observing a terrorist attack is associated with a decrease in net foreign direct investments of on average 5 per cent of GDP. Melnick and Eldor (2010) use changes in the stock market index of the Tel Aviv Stock Exchange to assess the immediate economic costs. They not only find substantial costs associated with terrorist attacks, but also that these costs are significantly increasing in the attention given to attacks in the media. These and similar findings suggest that governments not only have strong economic incentives to combat terrorism and avoid attacks (cf. Eldor and Melnick, 2004). Most governments – to the extent that they have *de facto* control of such options – also have incentives to repress the media and civil society in order to avoid that these costs are multiplied by the underlying information being readily available (Bjørnskov and Voigt 2019). In addition, in some countries civil society organizations may hinder the performance of the police and judicial institutions by effectively protecting both terrorists and innocent citizens from prosecution during emergencies.

In a previous study, Bjørnskov and Voigt (in press) inquired into the effectiveness of emergency constitutions by asking whether they affect the likelihood of terrorist events taking place, and what their side effects are in terms of reduced levels in basic human rights. The

findings indicated that the contents of different emergency constitutions do indeed shape both terrorist events and government reactions in typical Western democracies. Yet, they also showed that abuse of emergency provisions – which often allow governments additional powers, including an ability to censor the press – may be a problem. It is an open question to what degree these results also hold for the member states of the OIC as they are fundamentally different from established constitutional democracies in Europe, Latin America and other European offsprings. As noted, with few exceptions the group is characterized by having strongly authoritarian political regimes ranging from Iran’s theocracy through Saudi Arabia’s absolutist monarchy to Egypt’s military dictatorship. In the most recent years, among the core of the OIC only Tunisia and to some extent Lebanon have been democratic.¹ This is why we here ask to what degree both the relevance as well as the use of emergency constitutions in this region of the world systematically differs from those found for western-type democracies. Ex ante, it is unclear whether autocratic governments are more or less likely to declare a state of emergency given a certain threat level. It is also unclear what role constitutional constraints play under autocratic governments in general, which is the overall question that we explore here.

We must emphasize that this is ostensibly *not* a paper about “Islamic terror” but about terrorism in those countries of the world explicitly professing to foster Muslim values. We therefore do not provide any extensive treatment of the phenomenon of Jihad or the particular development of groups such as Hezbollah or the so-called Islamic State. Neither do we analyse terrorist events originating in the member states of the OIC, but executed in the West, as we are primarily interested in terrorist events within the region. However, as we recognize that at least some terror occurring in the Muslim world is or could be motivated by religious concerns, we do deal with the possible connection between Islam and terror in a short section.

¹ Israel is democratic and located in that region but is, of course, not a member of the OIC. Although the political institutions of Lebanon also include free elections, they are a hybrid that is difficult to categorize.

We organize the rest of the paper as follows. We start by discussing how to conceptualize and measure differences in emergency constitutions. We discuss possible reasons why autocratic governments might behave differently from democratic ones given a certain threat level. On this background, we next ask if the predominantly Muslim countries of the group have emergency constitutions that are similar to those in Western countries. In particular, we explore if they are set up to constrain politicians in ways similar to those in typical Western countries, or if the authoritarian tradition in the region implies a different constitutional set-up around emergencies. In the third part of the paper, we introduce our data and test if specific features of emergency constitutions in the OIC are associated with different levels of domestic terrorism. We end the paper by discussing what might be learnt from our findings.

2. Conceptualizing and measuring emergency constitutions

2.1. What are emergency constitutions?

We define an emergency constitution as the set of formal legal provisions encoded in the constitution that specify who can declare an emergency, under which conditions an emergency can be declared, who needs to approve of the declaration, and which actors have which special powers once it has been declared. What we refer to as the “emergency constitution” here is, hence, not a document separate from the ordinary constitution but those formal provisions of it that explicitly deal with emergencies.

Today, some 90 per cent of all constitutions worldwide contain explicit provisions for how to deal with states of emergency (Elkins et al. 2009). The inclusion of emergency provisions into constitutions has thus become the norm. Emergency provisions have not only been constitutionalized in most countries of the world but they are also used quite frequently and their use is often far from innocuous. Between 1985 and 2014, at least 137 countries declared a state of emergency at least once. Under a state of emergency, some individual rights and liberties are

usually suspended and the separation of powers is curtailed in favour of the executive or even a single person like the head of state or government and, by implication, to the detriment of parliament and the courts.²

2.2. Measuring the permissiveness of emergency constitutions

In previous work (Bjørnskov and Voigt 2018a), we have developed an index of emergency powers (INEP) containing three cost elements and three benefit elements. Both the cost and the benefit parts of the INEP are likely to influence the decision to declare a state of emergency (SOE). The INEP takes into account (1) the degree to which the right to declare a state of emergency is concentrated in a single person or limited by multiple veto players; (2) the need to ask other actors within the political system to approve of the decision to declare a state of emergency; (3) how many different situations are explicitly mentioned in the constitution that can be used to justify the declaration of a state of emergency; (4) whether fundamental civil and political rights can be suspended during a state of emergency; (5) whether parliament can be dissolved during a state of emergency; and (6) whether the government can introduce censorship of the media and expropriate property during an emergency. The first three variables are, hence, concerned with the rules for declaring a state of emergency, whereas the last three are concerned with the powers that government enjoys under a state of emergency. The first three can also be thought of as the cost element of declaring a state of emergency whereas the last three cover the benefits element of running a state of emergency from the point of view of the incumbent government.

In the INEP, higher coding implies more discretionary power to the executive. This is manifested in a lower degree of separation of powers captured in the first three components (the cost part of the INEP), where high codings imply a relative ease in declaring an emergency. Each

² Bjørnskov and Voigt (2018a) contains more detailed information regarding the architecture of emergency constitutions.

of the six separate components of the INEP are coded on a 0-1 scale. Subsequently, the entire INEP is transferred to the same 0-1 scale. A coding of 1 implies that there are no effective limits to the powers of the executive during emergencies and a coding of 0 that limits are maximally tight.³ To code the INEP for the member states of the OIC, the initial information was taken from the Comparative Constitutions Project (Elkins et al., 2009). However, every single data point was checked by our own coders.

Quite generally speaking, we expect the likelihood of a SOE being declared subsequent to a terrorist attack to be a function of its (direct and indirect) costs as well as the benefits connected to such a declaration. Direct costs can be thought of as the difficulty of securing the consent of those actors whose consent is needed. The direct costs should, therefore, be covered by the cost components of the INEP. The same holds true for the benefits a government hopes to secure from declaring a SOE.

But declaring a SOE is also connected with a shift in the balance of powers away from both the legislature as well as the judiciary toward the executive. Representatives of these two branches could, therefore, view a declaration with scepticism as it curtails their own powers. In addition, declaring a SOE also implies a reduction in civil and political rights for all citizens. Such a declaration could, therefore, also reduce the popularity of the declaring government among the public in general (Gassebner et al. 2008). We refer to these two aspects as the indirect costs of declaring a state of emergency.

In Bjørnskov and Voigt (in press), we analyse the use of emergency provisions by Western-style rule-of-law oriented democracies. How is the use of such provisions likely to differ

³ We also include a dummy capturing whether the constitutional emergency provisions *in total* are uncertain or the country does not have an emergency constitution. When this is the case, we set the INEP at .5 such that the ‘Uncertain provisions’ dummy captures whether governments (and potential terrorists) in such situations behave differently. More details regarding the construction of the INEP are reported in Bjørnskov and Voigt (2018a), Table 2 and *passim*.

if they are invoked by autocratic governments? First, some of the potential determinants relevant in democracies are unlikely – or even impossible – to be relevant in this setting: when general elections are either not held or are rigged, their timing is irrelevant, the degree to which parliament is fractionalized is irrelevant and so forth.

If one assumes that autocratic governments are less tightly constrained by their constitutions than democracies, declaring a SOE would grant them fewer additional powers than (more tightly constrained) democracies, which would imply that, *ceteris paribus*, they have a lower propensity to declare a SOE. But the assumption that autocratic constitutions are less constraining than democratic ones might be wrong.⁴ So modifying that assumption and assuming that formal constraints are identical, one could still expect autocrats to have a lower probability to comply with the constraints laid down in the respective constitution.⁵ If they simply seize the competences as they deem fit, the formal declaration of a SOE is less of a necessity and should, therefore, occur less frequently.

Gassebner et al. (2008) found that a single terrorist strike significantly reduces the chances of any democratically elected government to be re-elected. Bjørnskov and Voigt (in press) find that *ceteris paribus*, governments are significantly less likely to declare a SOE in an election year, supposedly because such a declaration would reduce their chances of being re-elected.

Conversely, autocratic governments need not be re-elected. The indirect costs of declaring a SOE could, hence, be lower for autocratic governments, which should increase their propensity

⁴ Elkins et al. (2014) ask whether one can tell an autocratic constitution from a democratic one. They define authoritarian constitutions as those drafted by dictators, implying that the vast majority of their sample is coded as authoritarian (namely 695 out of 846). Controlling for the contents of previous constitutions, the location of the country and the period during which the constitution was drafted, they find that authoritarian constitutions do not delegate more powers to the executive, do not contain fewer rights, but do contain fewer provisions for the independence of the judiciary.

⁵ Gutmann and Voigt (2019) find that democratic governments are significantly more likely than autocratic ones to respect the constitution. Compared to democratic governments, military autocracies fare the worst in that regard.

to declare. A similar argument holds with regard to the other indirect cost category – namely opposition by parliament and (or) the judiciary. As these are weaker in autocracies to begin with, their opposition could be less relevant in autocracies, which should, again, increase the propensity of autocratic governments to declare a SOE.

However, this argument might underestimate the necessity of autocratic governments to secure some minimum level of loyalty. In several studies, Wintrobe (e.g. 2019) has argued that autocrats have two measures to secure their survival in office: they can rely on buying loyalty or repressing opposition. A regime having at its disposal substantial amounts of resources can more easily choose to buy loyalty – and does, correspondingly, need to rely less on repression. If the declaration of a SOE is interpreted as increasing the level of repression, then we would expect resource-poor countries to be more likely to declare than resource-rich countries. This is why we control for oil revenues in our estimates.

An even more fundamental take on the same issue could argue that autocrats can only remain in power because they have been able to secure some support of sufficiently powerful groups in society. The argument is, hence, that completely unpopular autocrats will be unable to stay at the helm indefinitely. In some countries, citizens seem to have a very high preference for “order” and seem to doubt the ability of their own society to establish it by democratic means. They, therefore, accept autocratic government. If that is the case, then they might also accept autocratic governments to declare a state of emergency if they believe this measure to be conducive to securing a high degree of order in society (cf. Dragu, 2011). In such societies, one aspect of the indirect costs are, hence, low and one would therefore expect government to have a higher propensity to declare a SOE, all other things being equal.

In sum, we have discussed a number of arguments comparing the propensity of autocratic governments to declare a SOE to that of democratic governments. As some arguments cause us to expect autocracies to be more likely to experience a SOE whereas others lead us expect them to be less likely to experience a SOE, we need to let the data speak.

While until now we have focused on possible effects of OIC governments because most are autocratic, we also need to ask which consequences it may have that the members of this organization explicitly declare themselves to be “Islamic.” Suppose terrorists explicitly acknowledge Islam as a motivation behind their terrorist attack. This might create a predicament for governments that acknowledge Islam as a motivation behind their policy decisions just as explicitly because it documents conflicts within Islam, which is supposed to be comprised of a homogeneous *umma*.⁶ In addition, in such societies, the religious establishment may well act as a further veto player. We therefore expect more explicitly Islamic governments to be less likely to declare a state of emergency, all other things being equal.

Finally, one must ask which actions governments take as reactions to terrorist attacks, and if these actions are effectively constrained by the emergency constitution. Walsh and Piazza (2010) have, for example, analysed the general relationship between respect for physical integrity rights and terrorist activities and find that improvement in government respect for these rights reduces the likelihood of terrorist attacks substantially. Yet, causality may also run in the opposite direction, as many emergency constitutions allow governments to, e.g., censor the press. In addition, it has been recognised since the Roman Empire that the use of states of emergency implies a substantial risk that government will misuse the additional powers it gets. Bjørnskov and Voigt (in press) therefore focus specifically on changes in government respect for physical integrity rights after terrorist attacks, as many emergency constitutions explicitly allow derogation of rights during emergencies. We follow their approach, but given that the level on which physical integrity rights are respected among OIC member countries is significantly lower than among the western sample, one would – all other things being equal – expect more terrorist events to occur among OIC members. Yet, since the (average) level is already low, changes in these scores subsequent to the declaration of a state of emergency can be expected to be smaller

⁶ In Islamic thought, the notion of *umma* occupies a central place. It is often described as all Muslims becoming a homogenous union in which the interests of the community take precedence over those of the individual.

than in the Western sample. As basic theoretical considerations thus point to a potential problem, but with ambiguous implications regarding the size of the problem, we assess these government reactions in the following.

3. Are emergency constitutions in the MENA region different?

The OIC currently counts 57 members, i.e. more than a quarter of all states of the world. On its webpage, it describes itself as “the collective voice of the Muslim world” representing some 1.5 billion Muslims the world over. The core of its member states are situated in the MENA region consisting of Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Syria, Tunisia, Turkey, the United Arab Emirates, and Yemen. However, the OIC also has an important number of members in Asia, namely Afghanistan, Azerbaijan, Bangladesh, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan. Its African members include Benin, Burkina Faso, Cameroon, Chad, the Comoros, Côte d’Ivoire, Djibouti, Gabon, the Gambia, Guinea, Guinea-Bissau, Mali, Mauretania, Mozambique, Niger, Nigeria, Senegal, Sierra Leone, Somalia, Sudan, Togo, and Uganda; and in Southeast Asia, Brunei, Indonesia, the Maldives and Malaysia have also joined the organization. It even has two South American members – Guyana and Suriname – and a single European member, namely Albania.

In its Charter, member states declare their determination “to be guided by the noble Islamic values of unity and fraternity” and “to endeavour to work for revitalizing Islam’s pioneering role in the world”. So membership is clearly motivated by religious concerns. Do the emergency constitutions passed in these countries differ systematically from those passed in the West? In recent years, the permissiveness of emergency constitutions, as measured by INEP scores in the OIC region, has varied between a low of .15 in Egypt and a high of .56 in Sierra Leone, as illustrated in Figure 1. The mean score for the cost INEP among all 48 countries included in our OIC sample is .719 which compares to a mean score for the western sample

(based on 76 countries) of .433.⁷ In other words: it is much easier to declare a SOE among the members of the OIC. Interestingly, and contrary to the main findings in Elkins et al. (2014), the means of the benefit INEP are far more similar to each other with the OIC countries having a slightly and insignificantly higher mean than the western ones (.397 vs. .333).

However, these averages contain substantial structural differences, as illustrated by the differently coloured halves of the columns in Figure 1 that plot the difficulty of declaring an emergency (the Cost INEP) and the political benefits of doing so (the Benefit INEP). In particular, the constitution of Iran (Cost INEP = .17) and the new constitutions of Egypt, Iraq and Libya make it substantially more difficult and politically costly to declare a state of emergency (.25) while it is comparatively easy in countries such as Jordan, Saudi Arabia, Sierra Leone and Tunisia (.67). At the same time, the emergency provisions in Benin and Guinea provide virtually no additional discretionary powers during emergencies (Benefit INEP = 0) while those of Bahrain, Brunei, Sierra Leone and Suriname are substantially more permissive (.46) by, for example, allowing the incumbent regime to derogate a number of rights as long as an emergency has been declared.

Insert Figure 1 about here

Insert Figure 2 about here

As such, the diversity of constitutional choices in this group of countries mirrors the substantial diversity across countries with ‘Western’ political institutions covered by Bjørnskov and Voigt (in press). If any clear differences can be observed, they show that the cost components of the INEP are in general more permissive in the OIC than in democratic Western countries. However, given the diversity of OIC emergency constitutions, it is difficult to conclude that they are systematically and permanently different. We therefore next turn to exploring their use and effectiveness.

⁷ While there are 57 members of the OCI, as noted above, our sample is restricted to 48 countries due to the limited availability of constitutional data from the remaining nine countries.

4. Data and empirical strategy

We follow the approach in Bjørnskov and Voigt (in press) by focusing on three outcomes. We first estimate the likelihood of any terrorist event taking place and next whether the event (or events in case multiple attacks occurred) led the incumbent government to call a state of emergency. Finally, given any event occurred, we explore whether terrorism affects the level of government repression.

Enders and Sandler (2012) define terrorism as “the premeditated use or threat to use violence by individuals or subnational groups to obtain a political or social objective through the intimidation of a large audience beyond that of the immediate victims.” We employ data from the Global Terrorism Database maintained at the University of Maryland (GTD, 2018), which exactly match this definition and which we use to form eight variables for all years between 1970 and 2014. We first form a dummy taking the value of one if any terrorist events occurred in a given country in a given year, and the logarithm to the number of events (plus one). We thus separate the extensive margin – whether any events occurred – from the intensive margin in the form of the number of events.⁸ Second, we create similar variables for three specific types of

⁸ We believe that it is necessary to separate the extensive from the intensive margin for three reasons. First, terrorist attacks may often come in ‘cascades’ such that one is likely to observe either none or several attacks when attacks are either coordinated or one successful attack incentivises other terrorist groups to attempt attacks. Second, as also noted by Bjørnskov and Voigt (in press), multiple attacks on the same or adjacent days may reflect the existence of terrorist organisations with advanced organisational skills that are structurally different. Finally, politicians and governments are likely to react quite differently to a single attack than a string of attacks that raise the observable risk of experiencing more attacks in the near future.

events: 1) events against the military or police; 2) events against the government and government installations; and 3) events against public infrastructure.⁹

In order to capture whether a state of emergency is called, we rely on our own update in Bjørnskov and Voigt (2018b) of the dataset in Hafner-Burton et al. (2011). This dummy variable measures whether the incumbent government officially declared a state of emergency or martial law as a result of any of these events. Because declaring a state of emergency formally confers a number of additional constitutionally warranted powers on the executive and thereby increases the discretionary power of either the cabinet or the head of government or state, we treat this as a separate dependent variable.

Our final dependent variable measures the degree to which governments repress the population by, for example, violating human rights. We use the indicator developed by Fariss (2014), which combines all available standards-based and events-based indicators available for many countries and several years since 1950. The index effectively captures the latent degree of absence of repression; i.e., higher values indicate *less* repression. It also serves to emphasize the difference between the present sample and our earlier work in Bjørnskov and Voigt (in press), as the average repression index in the OIC group is -.22 versus .82 in the sample of Western countries in the former paper.

Our main independent variables are the Cost and Benefit INEP, which we already introduced. In addition, we include a fairly parsimonious specification, which first includes the log to GDP per capita, total trade volume as percent of GDP, and the log to population size; all these variables derive from the Penn World Tables, mark 9 (Feenstra et al., 2015). As many OIC member states are resource economies, which are known to exhibit weaker institutions, we furthermore control for the per capita revenue from oil and gas; the data are from the Ross and

⁹ We must nevertheless note that it may not be possible to separate these types of events, as they tend to occur in cascades. As such, correlation between the number of attacks on the military or police and the number of attacks on the government and infrastructure is .8 in our sample.

Mahdavi (2015) dataset. We supplement these economic data with an index of judicial accountability, which derives from the Varieties of Democracy project and we use as an overall measure of institutional quality (Coppedge et al., 2016).¹⁰ From the same source, we include a measure of the *de facto* strength and independence of civil society organizations. We also add three dummies capturing the type of regime a country has in a given year: 1) single-party regimes; 2) multi-party autocracies; or 3) full democracy; the omitted category is thus countries with no elections. These data derive from Bjørnskov and Rode's (in press) recent update and development of the DD dataset from Cheibub et al. (2010). From the same dataset, we include a dummy capturing whether government power changed through a successful coup in any given year, which would provide alternative causes of emergencies as well as increased repression. For similar reasons, we include the logarithm to the number of inhabitants affected by natural disasters; these data are the EM-DAT (2019). Finally, we address a problem specific to our sample of countries by including the Islamic State Index (ISI) developed by Voigt and Gutmann (2015), which varies between 0 – a situation in which Islam has no formal role at all – to 4 where the law essentially *is* Shari'a. We add five-year period dummies and four regional dummies corresponding to the world regions from which OIC countries derive. The full data are summarized in Table 1.

Insert Table 1 about here

Our empirical strategy consists of two separate parts, and follows the general approach in Bjørnskov and Voigt (in press). As we are interested in whether or not governments in the OIC declare a state of emergency as a result of terrorist attacks, and whether that behaviour is *de facto*

¹⁰ While judicial accountability may not be the perfect conceptual fit for our theoretical considerations, the variable offers full coverage across countries and over years. It is, moreover, so highly correlated with alternative indices of judicial independence, absence of judicial corruption, and overall rule of law that it *de facto* makes very little difference which measure we choose. We thus interpret all of these indices as capturing the performance of the judicial institutions.

constrained by their emergency constitutions, we first employ Heckman’s two-step estimator. In its first step, we estimate the likelihood of observing any potential terrorist event while in the second step, we estimate the likelihood of calling a state of emergency or martial law, given that at least one event occurred. Employing Heckman’s two-step estimator thus allows us to separate the extensive margin (the selection step) from the potential effects of the number of terrorist attacks in a second step. Although the estimator is relatively sensitive to the performance of the specification of the first step – that is, how well the specification identifies the events and thus provides precise identification of the selection bias – it also at least partially resolves the causality bias that would result from not handling the fact that terrorist attacks do not occur at random (Briggs, 2004). By including a lagged dependent variable in the first step, we argue that these estimates may also be interpreted causally, although with some care.

In our second set of estimates, we address the question whether the terrorist attacks give rise to increased repression. We condition these estimates on whether or not any attack occurred in a given year, and thus only include years in which an attack actually occurred, and estimate the government reactions to attacks using OLS with five-year fixed effects and the twice-lagged dependent variable. By adding the twice-lagged dependent, we effectively estimate the determinants of *changes* in repression over two-year periods, given the initial levels of repression.

5. Do emergency constitutions constrain terrorism?

We report our main estimates in Table 2 where odd-numbered columns report the selection step and even-numbered columns the second step of the Heckman estimator. As such, the former show the determinants of observing *any* terrorist events in a given calendar year while the latter show the determinants of calling a SOE, given that an event occurred. We employ the full sample in columns 1 and 2 while columns 3 and 4 exclude countries that have had SOEs in more than 11 of the 45 years our sample covers (i.e. in more than 25% of all possible years) and columns 5 and 6 exclude all military dictatorships.

Insert Table 2 about here

The odd-numbered columns first of all show that emergencies are persistent, as indicated by the large coefficient on the lagged dependent variable: if the government called a state of emergency in year $t-1$ – potentially due to terrorist attacks – it is highly likely to observe events in year t . Unsurprisingly, we also find evidence that more populous countries are more likely to experience terrorism while a number of other determinants are non-robust. The likelihood of being subject to a terrorist attack is never significantly correlated with GDP per capita and regime differences lose significance when the most terror-prone countries are excluded. Countries with higher Cost INEP scores – i.e. countries in which it is easier and politically less costly to declare a SOE – are less likely to be hit by terrorist events (column 1) but this correlation loses its significance once we exclude the most terror-prone countries or military regimes (columns 3 and 5). Revenues from the export of oil and gas imply a slightly lower chance of being the subject to a terrorist attack but once we exclude the most terror-prone countries, this relationship also loses its significance. Coups, on the other hand, are highly correlated with terrorist events only as long as military regimes are not excluded from the sample.

Turning to the robust relationships, we find that higher levels of judicial accountability (here used as a proxy for institutional quality) are always associated with fewer terrorist events, lending support to hypotheses claiming that higher quality institutions make terrorist incidents less likely. Interestingly, countries with more active civil societies are more likely to experience terrorist events although we can claim neither causality nor a specific mechanism. It may, for example, be the case that civil society organisations are stronger because of a need to handle consequences of terrorism through private organizations as well as political action. It also remains an option that strong civil society organisations reflect a weak state or that they lobby against policies that may be repressive but are effective deterrents against terrorism. Finally, natural disasters are also positively correlated with terrorist events. This is in line with previous

analyses that found the increased vulnerability of a government subsequent to a natural disaster to be employed to instigate additional terrorist attacks (Berrebi and Ostwald 2011).

Focusing on the determinants of emergency declarations, we do not find that richer countries in the OIC are more likely to declare a SOE when hit by terrorism. This is markedly different from the previous analysis reported in Bjørnskov and Voigt (in press) and based on a Western sample where we found that richer countries are significantly less likely to declare a SOE subsequent to a terrorist event. Democracies and, to a somewhat lesser extent, autocracies with multi-party elections are more likely to declare a SOE as are countries in which government changed through a successful coup d'état. A strong civil society is associated with a lower propensity to declare a SOE, yet this association seems to be driven by the most terror-prone countries as the insignificant relationship displayed in column 3 suggests. Finally, oil and gas revenues are not significantly correlated with the likelihood of declaring a SOE. The data thus do not support the conjecture that oil-rich countries might buy the loyalty of their citizens instead of increasing repression levels (cf. Ishak, 2019).

When countries with higher Cost INEP scores experience terrorist events, they are also more likely to declare an emergency while countries with higher Islamic State Indices are less prone to declaring emergencies. Conversely, although the Benefit INEP is strongly significant in columns 2 and 4 (as in columns 1 and 3), the identification here derives almost exclusively from military dictatorships.

Overall, our findings are thus consistent with substantial constitutional influence on both terrorism and whether or not governments declare emergencies after such events. These findings are reconfirmed in Table 3 where we distinguish between all attacks, repeating our results from columns 1 and 2 in Table 2, terrorist attacks on military installations or the police in columns 3 and 4, and government installations and infrastructure in columns 5 and 6. Although the political

nature of these terrorist events may arguably be quite different, we find no significant differences between their determinants.¹¹

Insert Table 3 about here

The results indicate that when the constitution makes it easier to declare a state of emergency following events such as terrorist attacks, countries are less likely to experience such attacks. This does, however, not hold for attacks against the military, but appears driven by attacks on other types of goals. Conversely, once attacks occur, the same countries are indeed more likely to declare an emergency. Our evidence is thus consistent with an effective deterrent in the form of a credible threat of declaring an emergency to combat organizations behind the terrorist attacks. Yet, whether those countries do so within the limits of the constitution and without violating human rights is an open question towards which we now turn.

6. Do emergency constitutions constrain government reactions to terrorism?

In Table 4, we explore the potential consequences of terrorist attacks for government repression, given the constitutional emergency provisions. In odd-numbered columns, we report results with a similar specification as in previous tables while even-numbered columns also include interaction terms between the Cost INEP and Benefit INEP and the logarithm to the number of terrorist events.

Insert Table 4 about here

We first note that repression is highly persistent, as indicated by the lagged dependent variable, which indicates that many events most probably do not lead to changes in repression. We also find significant evidence that larger countries tend to repress more, and that economic

¹¹ When estimating the specifications in columns 3-6 in Table 3 with the sample restrictions as in Table 2 (not shown), we find a few noteworthy differences. When excluding either highly terrorism-prone countries or military regimes, only the Cost INEP is significant, and only in the second step estimates while judicial accountability becomes insignificant in the selection step. These additional results thus correspond to those in Table 2.

recessions typically lead to more repression. Most importantly, we find that *on average* – in columns 1 and 5 – terrorism leads to more repression. However, the size of the effect is limited and corresponds to an increase of about 8 percent of the within-country standard deviation.

Yet, when we interact the Cost and Benefit INEP with the number of events in columns 2, 4 and 6, we find that the repression reactions to terrorist events depend on the Benefit INEP, i.e. the degree to which the constitution allows the government more discretionary power within an emergency. As is evident when comparing the interactions in columns 2, 4 and 6, the effects are primarily driven by attacks on military or police targets, in which case the repression reactions can be substantial. While we find no effects when the constitution does not grant the government any additional powers (a Benefit INEP of zero), the effect of *one* additional attack as evaluated with the most permissive emergency constitutions – for example Brunei and Sierra Leone – is about 20 % of the within-country standard deviation.

Noting that the median country is subject to four attacks on the military or police, once any attacks occur, this is a large effect with potentially important consequences. Overall, we thus find that terrorist attacks give rise to marked government reactions in the OIC countries in the form of both the declaration of states of emergency and increased repression. These reactions are nevertheless clearly affected by the constitutional design of their emergency provisions, as we discuss in the concluding section.

7. Discussion and conclusions

In this paper, we explore government reactions to terrorist events in the countries of the Organization of Islamic Cooperation and to which degree these regimes are constrained by their emergency constitutions. Most, although not all, countries within the OIC are autocratic and they are among the most terrorism-prone countries in the world. In earlier work, we have explored how primarily democratic governments in Western and Latin American countries react to terrorist events (Bjørnskov and Voigt, in press). Yet, the predominantly autocratic regimes in

the OIC are substantially more prone to terrorist attacks and some of their countries remain breeding grounds for terrorist organizations. As such, there are very good reasons to expect their governments to not only react strongly to terrorism, but also react in different ways than in the Western sphere.

However, we find that the reactions to terrorist events are clearly delimited by the contents of their emergency constitutions despite the fact that most of these countries are autocracies. First, if the constitution makes it easier and politically less costly to call a state of emergency, countries in the OIC are less likely to experience terrorist events. Second, if they do so, the regimes with constitutionally easier access to calling emergencies are also more likely to do so. Our estimates are thus consistent with the interpretation that the declaration of a state of emergency in countries where the constitutions makes them relatively likely are credible deterrents of terrorism.

Finally, we find that once events occur, it is the other dimension of the emergency constitution that affects the degree to which governments use repression. The more additional discretionary power is constitutionally allocated to the government in emergencies, in the form of the ability to suppress basic rights, censor the press etc., the more do governments actually increase repression after terrorist events. These reactions follow strongly from terrorist attacks on military and police facilities and to a much smaller extent when the target of the attacks are government facilities or infrastructure. Overall, our evidence thus suggests that regimes within the OIC – despite the fact that the vast majority of these regimes are autocratic – not only react politically to terrorist events, but that their reactions are shaped by the limits and opportunities defined by their emergency constitutions.

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Figure 1. Permissiveness of emergency constitutions (INEP scores) in the MENA region

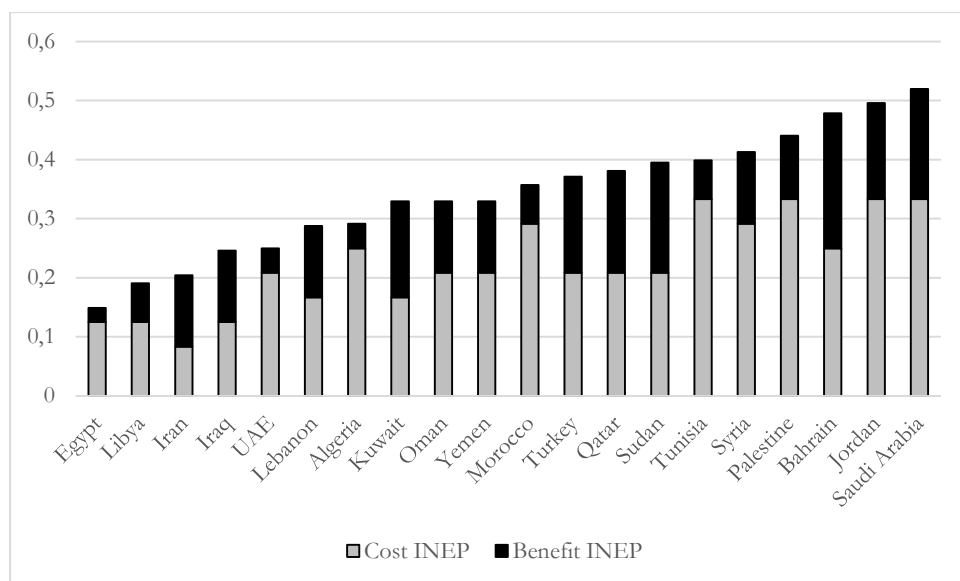


Figure 2. Structures of emergency constitutions in the MENA region

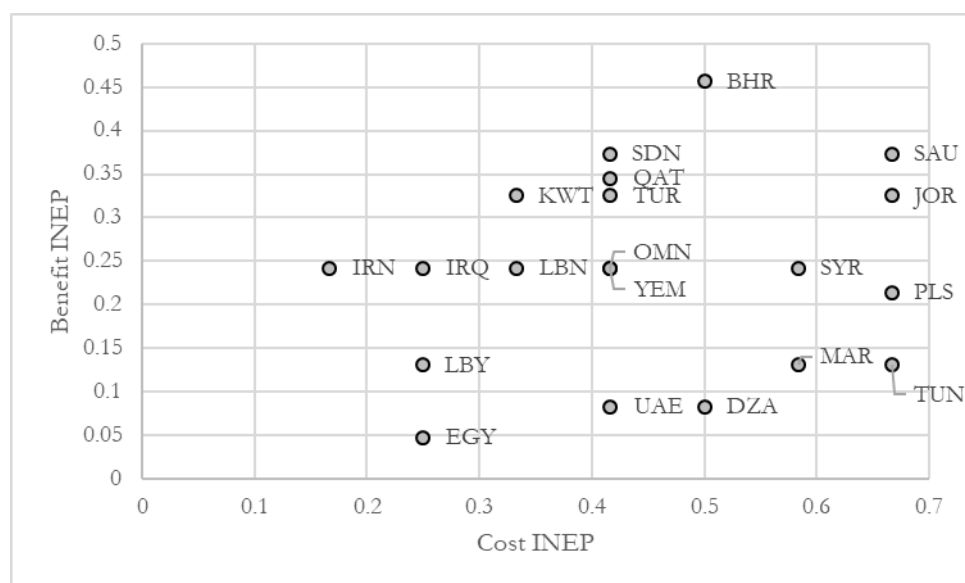


Table 1. Descriptive statistics

Variable	Mean	Standard deviation	Observations
SOE	.197	.429	1968
Any attack	.420	.494	2538
Any attack, military	.265	.441	2311
Any attack, gov. or infrastructure	.343	.475	2311
Average attack risk	.188	.228	2491
Log no. of events	1.075	1.619	2311
Log events against military	.553	1.198	2311
Log events against government	.545	1.041	2311
Log events against infrastructure	.511	1.037	2311
Repression	-.217	1.019	2187
Log GDP per capita	8.561	1.399	2156
Trade volume	.402	.303	2156
Log oil and gas revenue per capita	2.327	2.613	2230
Log population size	1.901	1.671	2156
Judicial accountability	.144	.989	2216
Civil society	.439	.267	2369
Single-party regime	.204	.403	2491
Multi-party autocracy	.390	.488	2491
Democracy	.153	.360	2491
Successful coup	.029	.169	2491
Log natural disaster, affected	3.988	5.258	2538
ISI	2.969	.930	2491
Cost INEP	.719	.172	1237
Benefit INEP	.397	.181	1237

Table 2. Main results

	All sample		Av. attacks<.75		No military regimes	
	Selection	SOE	Selection	SOE	Selection	SOE
Lagged SOE	.919*** (.109)		.803*** (.155)		.854*** (.140)	
Log no. of events		.033** (.014)		.094*** (.019)		.025 (.019)
Log GDP per capita	.071 (.114)	-.023 (.035)	-.140 (.143)	.066 (.044)	.078 (.177)	.037 (.047)
Trade volume	-.089 (.208)		-.171 (.244)		.007 (.283)	
Log oil and gas revenue	-.071* (.042)	.014 (.015)	.038 (.059)	.012 (.023)	-.124* (.066)	-.038* (.021)
Log population size	.311*** (.039)		.314*** (.049)		.284*** (.050)	
Judicial accountability	-.269*** (.061)	.098*** (.025)	-.221*** (.069)	-.002 (.026)	-.252*** (.098)	.134*** (.035)
Civil society	1.289*** (.289)	-.401*** (.125)	.833** (.332)	.229 (.140)	1.853*** (.456)	-.833*** (.171)
Single-party regime	-.256 (.232)	.129 (.109)	-.269 (.270)	.149 (.119)	-.638 (.444)	.215 (.145)
Multi-party autocracy	-.287* (.159)	.179** (.068)	-.357 (.187)	.172** (.073)	-.836** (.404)	.307** (.121)
Democracy	-.408** (.199)	.396*** (.082)	.197 (.242)	.184*** (.093)	- 1.079*** (.390)	.613*** (.124)
Successful coup	1.490*** (.442)	.455*** (.141)	1.274** (.444)	.473*** (.129)	.062 (.659)	.845*** (.335)
Natural disaster	.022** (.011)	-.005 (.005)	.036*** (.013)	-.005 (.005)	.036** (.014)	-.005 (.006)
ISI		-.081*** (.029)		-.062** (.031)		-.150*** (.037)
Cost INEP	-.695** (.342)	.611*** (.148)	-.619 (.385)	.436*** (.164)	-.701 (.445)	.947*** (.185)
Benefit INEP	1.102*** (.294)	-.324** (.141)	1.175*** (.330)	-.419*** (.134)	.454 (.381)	-.090 (.181)
Decade FE	Yes	No	Yes	No	Yes	No
Region FE	Yes	No	Yes	No	Yes	No
Observations		948		752		592
Censored		520		334		344
Countries		48		42		33
Wald Chi squared		83.52		63.98		106.44
Log likelihood		-770.726		-548.649		-479.278

Note: *** (**) [*] denote significance at $p < .01$ ($p < .05$) [$p < .10$]. All regressions include a constant term.

Table 3. Specific results, types of attacks

	All attacks		Only military		Only gov./infra.	
	Selection	SOE	Selection	SOE	Selection	SOE
Lagged SOE	.905*** (.109)		.820*** (.098)		.739*** (.109)	
Log events against military		.068*** (.022)		.025 (.021)		
Log events against government		-.051 (.070)				-.088 (.080)
Log events against infrastructure		.019 (.071)				.083 (.075)
Log GDP per capita	.069 (.114)	-.019 (.035)	.166 (.114)	-.044 (.046)	.118 (.126)	-.052 (.043)
Trade volume	-.107 (.209)		-.378* (.214)		-.384* (.229)	
Log oil and gas revenue	-.067 (.042)	.013 (.015)	-.112*** (.040)	.034* (.019)	-1.04** (.045)	.033* (.018)
Log population size	.316*** (.039)		.300*** (.041)		.379*** (.042)	
Judicial accountability	-.269*** (.061)	.097*** (.024)	-.326*** (.066)	.105*** (.032)	-.409*** (.068)	.134*** (.031)
Civil society	1.304*** (.290)	-.399*** (.124)	.779*** (.303)	-.432*** (.156)	1.339*** (.317)	-.389*** (.148)
Single-party regime	-.237 (.222)	.113 (.109)	.039 (.238)	-.015 (.139)	.212 (.250)	-.026 (.132)
Multi-party autocracy	-.279* (.159)	.166** (.068)	-.290* (.159)	.152 (.088)	-.118 (.168)	.094 (.081)
Democracy	-.395** (.199)	.386*** (.081)	-.156 (.189)	.397*** (.107)	-.097 (.204)	.350*** (.096)
Successful coup	1.490*** (.445)	.449*** (.141)	-.068 (.333)	.341* (.204)	.433 (.343)	.516*** (.184)
Natural disaster	-.021* (.011)	-.004 (.005)	.013 (.012)	-.003 (.007)	.014 (.012)	-.006 (.006)
ISI		-.078*** (.029)		-.106** (.038)		-.075* (.039)
Cost INEP	-.689** (.343)	.562*** (.149)	-.517 (.349)	.743*** (.196)	-.626* (.364)	.825*** (.189)
Benefit INEP	1.085*** (.294)	-.265* (.142)	1.298*** (.314)	-.514*** (.189)	.934*** (.313)	-.404** (.178)
Decade FE	Yes	No	Yes	No	Yes	No
Region FE	Yes	No	Yes	No	Yes	No
Observations		948		925		925
Censored		520		338		396
Countries		48		48		48
Wald Chi squared		91.26		70.67		95.69
Log likelihood		-794.292		-645.971		-656.671

Note: *** (**) [*] denote significance at $p < .01$ ($p < .05$) [$p < .10$]. All regressions include a constant term.

Table 4. Repression effects

	All attacks		Only military		Only gov./infra.	
	1	2	3	4	5	6
Lagged repression	.826*** (.031)	.829*** (.034)	.829*** (.053)	.837*** (.049)	.804*** (.047)	.807*** (.049)
Log no. of events	-.046*** (.017)	-.043 (.051)				
Log events against military			-.022 (.030)	.009 (.071)		
Log events against gov / infra					-.056*** (.019)	-.108* (.058)
Log GDP per capita	.015 (.029)	.005 (.028)	.026 (.036)	.002 (.033)	-.012 (.035)	-.018 (.036)
Recession	-.098*** (.039)	-.095** (.039)	-.062 (.043)	-.061 (.042)	-.112*** (.049)	-.113** (.048)
Log oil and gas revenue	.004 (.010)	.004 (.011)	.010 (.013)	.006 (.014)	-.005 (.008)	-.002 (.009)
Log population size	-.064*** (.017)	-.068*** (.017)	-.079*** (.021)	-.085*** (.018)	-.078*** (.024)	-.081*** (.023)
Judicial accountability	.020 (.024)	.032 (.021)	.029 (.025)	.054*** (.019)	.056** (.025)	.064*** (.024)
Civil society	.184 (.116)	.171 (.113)	.153 (.125)	.132 (.124)	.165 (.133)	.175 (.135)
Single-party regime	-.152** (.062)	-.171*** (.062)	-.087 (.098)	-.137 (.085)	-.169 (.107)	-.166 (.111)
Multi-party autocracy	.011 (.053)	-.007 (.048)	.065 (.065)	.037 (.057)	-.009 (.069)	.001 (.072)
Democracy	.069 (.064)	.028 (.058)	.069 (.078)	.033 (.066)	-.006 (.085)	-.011 (.083)
Successful coup	-.076 (.098)	-.129 (.093)	.021 (.156)	-.046 (.134)	-.243* (.132)	-.233* (.135)
Natural disaster	.002 (.003)	.003 (.003)	.002 (.003)	.004 (.003)	.001 (.003)	.001 (.003)
ISI	.026 (.022)	.024 (.021)	.003 (.028)	.002 (.023)	.060*** (.022)	.059** (.022)
Cost INEP	-.011 (.136)	-.239 (.155)	.039 (.152)	-.385** (.182)	-.078 (.129)	-.301* (.165)
Benefit INEP	-.355** (.149)	-.022 (.184)	-.374** (.155)	.291 (.247)	-.603*** (.169)	-.538* (.298)
Cost INEP * log events		.089 (.064)		.165 (.078)		.115 (.075)
Benefit INEP * log events		-.144*** (.051)		-.335*** (.093)		-.036 (.093)
Decade FE	Yes	Yes	Yes	Yes	Yes	Yes
Region FE	Yes	Yes	Yes	Yes	Yes	Yes
Observations	488	488	298	298	292	297
Countries	42	42	35	35	34	34
Within R squared	.800	.801	.818	.830	.844	.846
Wald Chi squared	-	-	-	-	-	-

Note: *** (**) [*] denote significance at $p < .01$ ($p < .05$) [$p < .10$]. All regressions include a constant term.