
From Barriers to Abuse: Border Hardening and Torture

Gino Pauselli^{a*}  and Beth A. Simmons^b 

^aPolitical Science, University of Illinois at Urbana-Champaign, Urbana, USA

^bPolitical Science and Penn Carey Law, University of Pennsylvania, USA

*Corresponding author: Gino Pauselli; Email: pauselli@illinois.edu

Abstract Serious human rights violations have commonly been reported in border regions and against migrants. We develop a theory of torture by persons whose job it is to secure the border from irregular entry. We contend that when states commence highly visible and costly border hardening programs, border and immigration officials (BIOs) tend to internalize stringent border security priorities and interpret border barriers as license to enforce the border at all costs. We find that when states start new or extended border walls, torture allegations by BIOs increase. In addition, there is corroborative evidence in the press releases of Europe's border security agency, Frontex, that attention to security increases and attention to human rights wanes when reporting on situations in states with border walls. Taken together, these results suggest a tension between border hardening and human rights, and an urgent need to critically examine border hardening through a human rights lens.

You're making a statement that, hey, we're going to do everything we can to deter and impede folks from crossing, to include building wall in areas where it may not be the most effective tool.

— Raul L. Ortiz, Retired Chief of the US Border Patrol¹

As international borders have hardened over the last decades, they have increasingly become sites of contestation. On the one hand, states' efforts to filter people, goods, and violence at the border seems to be a reasonable security move. On the other hand, one of the most serious consequences of border hardening may be the violation of human rights, of which the right not to be tortured is one of the most fundamental. Border barriers—walls and fences—are a particularly controversial bordering

1. Zach Despart, Yuriko Schumacher, and Uriel J. García, "As Landowners Resist, Texas' Border Wall is Fragmented and Built in Remote Areas," *Texas Tribune*, 19 December 2024. Available at <<https://apps.texastribune.org/features/2024/texas-border-wall-greg-abbott-landowners/>>.

strategy. As stationary structures that block cross-border movement, they have been criticized as costly, ineffective, and damaging to trade and the environment. We know relatively little about how human physical integrity rights are impacted by border barriers. This is a major shortcoming in the literature both on borders and on human rights.

Our research is motivated by an empirical puzzle: while reports of torture by states around the world have generally declined over the past several years, allegations of torture by Border and Immigration Officials (or BIOs) have trended upward. What explains this divergent trend? We theorize that constructing border barriers transmits meaning to two distinct audiences: residents and citizens on the one hand, and BIOs on the other. Unlike much of the political science and international relations literature, we do not assume that these audiences respond to border barriers in the same way, nor do we assume that states can fully control how messages are received. Walling programs may reflect citizens' demands for security but are also likely to be interpreted by BIOs as a signal of growing external threat, elevated national enforcement priority, and BIO empowerment to stringently control the border. Such a signal increases the probability of human rights violations by agents charged with border control. We theorize that, whether intended or not, when a state initiates construction of walls or fences, there is an added risk that BIOs interpret such projects as license to enforce the border by *all* necessary means. If this is the case, then it may help explain why torture by BIOs is moving in the opposite direction of torture by other state agents.

To test this possibility, we have developed a twenty-six-year database of Ill-Treatment and Torture Allegations by Border and Immigration Officials for 152 states with international land borders.² We first demonstrate that allegations of BIO torture—by which we mean any credible allegation of torture perpetrated by such agents, whether at the border or within state territory, while acting in their official capacity—do not correlate with general levels of torture within a state nor with allegations of torture by other state agents specifically. BIOs respond to a distinct set of conditions that communicate danger and urgency surrounding border security. We find that the initiation of border barriers is indeed positively and robustly related to allegations that BIOs have gone too far by engaging in torture. Textual analysis of nearly two decades of European border agency press releases are also consistent with our theory that border barriers convey leadership's tolerance for the lower priority given to human rights relative to security.

This research contributes to a growing literature that considers the consequences of extreme forms of border security.³ It has become common to discuss the symbolic nature of border walls and fences, but to our knowledge this is the first effort to systematically explore the relationship between initiating border barriers and the human rights violations of state agents. Critical literature often propounds the

2. This database follows and extends a subset of the information originally recorded by Conrad and Moore, Ill Treatment and Torture (ITT) Data Collection Project, available at <https://faculty.ucmerced.edu/cconrad2/Academic/Data_files/SAUserGuide28Nov11.pdf>.

3. Costello and Mann 2020; Sandven 2022.

inherently repressive nature of international borders.⁴ We do not characterize all borders in this way. But when states invest in major infrastructural efforts to block transborder movements, BIOs are more likely to infer they have a responsibility to respond with commensurate force, raising the probability of acts that may constitute torture.

We also contribute to the human rights literature about torture, which has focused largely on internal repression and terrorism rather than the treatment of border crossers. This is important because many of the dominant theories linking human rights to domestic sources of accountability⁵ will not be as relevant for realization of migrants rights, on whose behalf domestic rights pressures are more likely to be weak. Our theory helps explain why it is that even though torture practices have on average improved worldwide over the past two decades,⁶ as borders harden, the right to not be tortured is increasingly likely to be at risk.

Background

Border Hardening

State efforts to harden international borders have accelerated in many parts of the world. The most visible form of such hardening is the astounding increase in walls and fences at or near borders in recent years. Several data sets confirm that physical border barriers are on the rise,⁷ even in parts of the world where they are culturally foreign (for example, the Arabian Peninsula) or where liberal ideas of free movement tend to prevail (for example, within Europe).⁸ Simmons and Kenwick have recently developed the concept of “border orientation” defined as “the extent to which the state is committed to the public, authoritative, and spatial display of control over territorial entry and exit at its national borders,” and offer a latent measure based on border crossings, walls, fences, and border zone police stations to demonstrate its generally upward trend.⁹

The literature has come to no clear consensus about what is driving the trend toward more controlling border infrastructure. Wendy Brown theorizes border walls as efforts to reassert the sovereignty of the state in response to hard-to-define challenges by external nonstate actors and forces.¹⁰ Others highlight border barriers’ symbolic role.¹¹ Terrorist fears lingering from 9/11,¹² unwanted migration,¹³ and

4. Lowe 2023.

5. Simmons 2009.

6. Fariss 2018; Sikkink 2017.

7. Avdan and Gelpi 2017; Carter and Poast 2017; Hassner and Wittenberg 2015; Vallet 2016.

8. Topping 2016.

9. Simmons and Kenwick 2022.

10. Brown 2010.

11. Vallet and David 2012.

12. Jones and Johnson 2016.

13. Kinnvall and Svensson 2015; Rosière and Jones 2012.

counterinsurgency strategies¹⁴ all likely play some role in various parts of the world. Border hardening may even reflect a vague sense of “border anxiety,” which has intensified over the past decade.¹⁵ These accounts all emphasize the growing securitization of international borders in recent years.

Meanwhile, recent research on international borders emphasizes some concerning and potentially related trends. For example, crisis language often describes border challenges.¹⁶ Dehumanization of non-national migrants is not uncommon.¹⁷ From the Americas to Africa, migrant detention practices that are essentially arbitrary are increasingly justified on the basis of national security and public order.¹⁸ Yet careful monitoring of border control agents is often thin.¹⁹ In short, while demands for border security are on the rise, conditions that give rise to rights violations are flourishing in bordering spaces.

Human Rights

There are many reasons to be concerned about human rights violations at borders. Border crossers have historically experienced racial discrimination,²⁰ arbitrary detention,²¹ denial of proper medical care,²² and violations of family rights through forced separation in the name of border security.²³ Procedural violations, such as a right to claim asylum, a right to be heard at a fair tribunal, and a right not to be returned to a dangerous setting are also at stake.²⁴ Although there is no generally recognized human right to enter another state, human rights have come into tension with expanding border enforcement efforts in recent years.²⁵

We focus on an especially egregious and widely condemned human rights violation: the right not to be tortured. “Torture” is legally defined as any act committed by a state agent that intentionally inflicts severe pain or suffering—physical or mental—on a person, to coerce, punish, or intimidate them.²⁶ Experimental research has documented that support for torture is more likely in “crisis” scenarios thought to threaten national security.²⁷ Torture is associated with group dynamics, in which “out-groups” can be seen as deserving²⁸ of harsh treatment and “in-groups” are seen as justified in inflicting it.²⁹ Controlling torture involves

14. Blair 2024.

15. Simmons and Shaffer 2024.

16. Meyer, Isacson, and Scorpio 2016.

17. Jones and Johnson 2016.

18. International Organization for Migration 2024.

19. Chertoff 2024; Costello and Mann 2020.

20. Achiume 2021.

21. Campesi 2020.

22. Oberg et al. 2020.

23. Abrego 2020.

24. Costello and Mann 2020.

25. Simmons 2019.

26. Convention Against Torture 1987 paraphrase of Article 1(1).

27. Chilton and Versteeg 2016; Gronke et al. 2010; Houck and Repke 2017; Wallace 2013.

28. For evidence on the significance of retributivism and torture attitudes, see Liberman 2014.

29. Tarrant et al. 2012; see also Zugravu, Medeiros, and Nai 2023.

massive principal agent problems.³⁰ Taken as a whole, the literature on torture suggests that discourses of threat, crisis, and dehumanization of out-groups³¹ are associated with a heightened risk of torture, especially in unmonitored and decentralized settings.

None of these studies are specific to border and migration control settings,³² underscoring a crucial contribution of this article. Social and behavioral scientists have studied tolerance for and backlash against torture in the context of war,³³ policing,³⁴ domestic repression,³⁵ and foreign terrorism.³⁶ Border and immigration control have not yet received dedicated attention in either the literature on torture³⁷ nor that on human rights,³⁸ despite the fact that allegations of torture by BIOs around the world are hardly rare. A recent meta-study found that roughly one in four adults who were forced to migrate and then attempt to enter wealthy countries has likely endured torture.³⁹ Many states have tried to deter entry by raising the “costs” of such attempts.⁴⁰ Border walls and fences are vivid symbols of such a strategy. All of this suggests that rights violations by BIOs might follow a different logic than repressive tactics by state agents focused on domestic law enforcement. If so, then this would imply that violence by border and immigration officers should be unrelated to violence by other state agents or the general level of violence in a state. This underscores the urgent need to develop clear theoretical explanations for the behavior of state agents dedicated to the enforcement of international borders.

Theory: From Barriers to Abuse in the Case of Border Control

States: The Dilemma of Signaling Security

We develop a theory linking border hardening with a growing risk of torture by specific state agents: BIOs. States have motives to signal⁴¹ that they are serious about

30. Conrad and Moore 2010.

31. Conrad et al. 2018; Hajjar 2009.

32. A potential partial exception is the literature on “nationalist oppression,” which is relevant to, but so far does not focus explicitly on migrants. See Rains and Hill Jr. 2024.

33. Fiske, Harris, and Cuddy 2004; Hajjar 2009. Including civil wars; see Sullivan 2014.

34. Berlin 2023; Magaloni and Rodriguez 2020.

35. Blakeley 2007; Vreeland 2008.

36. Mayer and Armor 2012; Zugravu, Medeiros, and Nai 2023.

37. A partial exception documents “physical violence and torture” visited upon asylum seekers mentioning “police” and “army” as perpetrators but does not focus explicitly on border and immigration control officials. See Detsis et al. 2021.

38. On the border control gap in the human rights literature, see Pauselli and Simmons, *forthcoming*.

39. Sigvardsson et al. 2016. See also survey research in Guarch-Rubio, Byrne, and Manzanero 2020 and the cases described in Detsis et al. 2021; Perocco 2023.

40. As such, these acts differ from terrorist interrogations, where the goal is not usually to deter but often to elicit information. See Melzer 2018.

41. We use “signal” because it is often used in communication theory: any physical phenomenon (sound, word, gesture, object), that is used to convey information. We are not embedding signals in game theory in this article, though it would be possible to represent our model game theoretically. For example, the state could be modeled as attempting to signal its commitment to border security to two audiences, domestic citizens and BIOs, and *knowingly run some positive risk* of eliciting BIO torture, but decide the risk is worth

providing a high level of security, even if the nature of the “threat” is contested or ill-defined. This signal is often received by at least two audiences⁴² that tend to draw distinct inferences. On the one hand, domestic civilian constituencies want to feel secure, and states are motivated to send a message that they take popular security concerns seriously.⁴³ Theorists have explored how securitization of space underpins feelings of identity, permanence, and safety.⁴⁴ Empirical studies have found that border controls induce a sense of security.⁴⁵ Kilburn Jr. and Costanza note that feelings of security can be induced at least in part by symbolic measures,⁴⁶ as emphasized in the border walls literature.⁴⁷ Experimental evidence shows that general populations in three very different countries—Ireland, the United States, and Turkey—associate border walls with enhanced border security, even without any additional justificatory framing by the state.⁴⁸ Building on these findings, we theorize that states are motivated to harden borders because domestic civilians are likely to conclude that the state is working to make them safer.

On the other hand, BIOs, by virtue of their professionalization and training, tend to infer heightened threat and elevated national priority that they perceive empowers them to secure the border at all costs. Like militaries and police forces, BIOs are trained to operate in the “domain of violence.”⁴⁹ They are “force actors,” meaning they are typically authorized to use force to ensure order, repel threats, and to police the boundaries of the community itself.⁵⁰ As the literature on force agents shows,⁵¹ BIOs are sensitive to border threats and seek to understand and act on national priorities in the performance of their professional responsibilities. Many operate under the assumption that their duty is to do what the nation requires to deter unwanted border crossings, largely by raising the costs to undocumented or illicit

the political benefit (“net benefit”) of sending the security signal to its citizens. Consistent with our theory, such a model would not assume the state intends BIOs to use torture but that it accepts the risk that BIOs might do so. The state then would decide whether to deploy a wall or not given this estimated risk (which could also be endogenized as a function of domestic political preferences and political support). Such a model would incorporate the state’s estimate of the risk and the negative or positive utility they attach to torture per se. This approach could lead to some of the probabilistic consequences in our theory.

42. Later, we consider the possibility of a deterrent effect of walling on foreign “audiences” that could potentially change the composition of the pool of border crossers.

43. The US Department of Homeland Security (DHS) assures Americans that “Effective physical infrastructure works to *secure* our Southwest Border.” United States DHS (Archived Content), The Border Wall System is Deployed, Effective, and Disrupting Criminals and Smugglers, 2020. In 2003, Israel stressed the planned “security fence [is] a temporary defensive measure.” Ministry of Foreign Affairs, Saving Lives-Israel’s Security Fence, 2003. Available at < <https://www.gov.il/en/pages/saving-lives-israel-s-security-fence> >.

44. Mitzen 2018.

45. Briggs and Solodoch 2024.

46. Costanza and Kilburn Jr. 2005.

47. Bissonnette and Vallet 2020; Brown 2010.

48. Mutz and Simmons 2022.

49. Chertoff 2024.

50. Weber 2016.

51. Frydl and Skogan 2004; Sierra-Arévalo 2021; Vega 2022.

crossers.⁵² Given the pervasiveness of this framework for migration control,⁵³ BIOs are likely to interpret border hardening as license or even encouragement to escalate their contribution to deterrence.

Importantly, we do not assume that states fully intend or even expect that security signals will lead to torture. After all, most of the states in our sample have made public commitments to *refrain* from torture. Their BIOs are constrained by international law,⁵⁴ some by national constitutions,⁵⁵ and by agency rules. For example, the United States Department of Homeland Security has articulated an “objectively reasonable” standard requiring the use of safe tactics, de-escalation, and respect for human life, depending on the context and situation.⁵⁶ In South Africa, border guards are required to take “due regard of the fundamental rights of persons.”⁵⁷ In Europe, Frontex agents are subject to relatively detailed human rights regulations, and are authorized to use force only with the consent and in the presence of border guards on whose territory they are operating.⁵⁸ It cannot be said that torture is a routine way to enforce most borders of the world.⁵⁹

It is useful, therefore, to theorize the potential dilemma a state faces when they attempt to signal their commitment to border security to domestic citizens on the one hand and BIOs on the other. But we do not assume that states are homogenous. Some states are naive: they may genuinely be unaware of how BIOs will interpret their messages of the need for heightened border security. Many, however, are strategic: they may knowingly run some positive risk of eliciting BIO torture, but decide the risk is worth the political benefit of sending the security signal to its citizens.⁶⁰ Yet

52. Campos-Delgado 2023; FitzGerald 2020; Sinha 2022; Welander 2021. At least since the 1990s, the United States has explicitly embraced the idea of raising “costs” to discourage unauthorized entry or illegal trafficking into the country. See Homeland Security Digital Library, Border Patrol Strategic Plan 1994 and Beyond: National Strategy, July 1994. Available at <<https://www.hsdll.org/c/abstract/?docid=721845>>.

53. Melzer 2018.

54. De Wet 2004. Currently 174 states have ratified the Convention Against Torture. Some BIOs such as the border security officials of India. India (“Shoot-to-Kill Policy on the Bangladesh Border,” *Guardian*, 23 January 2011. Available at <<https://www.theguardian.com/commentisfree/libertycentral/2011/jan/23/india-bangladesh-border-shoot-to-kill-policy>>) and Saudi Arabia (“Mass Killings of Migrants at Yemen Border,” Human Rights Watch, 21 August 2023. Available at <<https://www.hrw.org/news/2023/08/21/saudi-arabia-mass-killings-migrants-yemen-border>>) have adopted “shoot on sight” policies that have been exercised against civilians, but we have not been able to find evidence of explicit policies to torture.

55. Chilton and Versteeg 2015.

56. Department of Homeland Security, Department Policy on the Use of Force Policy Statement 044-05, 7 September 2018. Available at <https://www.dhs.gov/sites/default/files/publications/mgmt/law-enforcement/mgmt-dir_044-05-department-policy-on-the-use-of-force.pdf>.

57. Government Gazette, Republic of South Africa, Border Management Authority Act, 2020 Article 15 (3), 21 July 2020.

58. Frontex, Frontex Code of Conduct, p. 13. Available at <https://www.frontex.europa.eu/assets/Publications/General/Frontex_Code_of_Conduct.pdf>.

59. Such commitments suggest that an explicit command to torture is an unlikely mechanism in most cases. The rare case might resemble that described in Hollyer and Rosendorff 2011 in which leaders break laws and norms to express an extreme form of deterrence. We have not found convincing cases of this dynamic in our data set.

60. For example, Latvia may have *knowingly* relied on the security signal to BIOs to achieve its deterrence objective. See “Latvia: Refugees and Migrants Arbitrarily Detained, Tortured and Forced to ‘Voluntarily’ Return to their Countries,” Amnesty International, 12 October 2022. Available at

others place almost no value on preventing torture; for them, there is no dilemma at all. Our theory suggests that regardless of the intent of the state, the security signal meant for domestic audiences turns out to be very difficult to separate from the signal of tolerance of extraordinary force to BIOs. This is because, regardless of their state of knowledge or level of intent, a signal sender cannot completely control how the signal will be interpreted by various observers.⁶¹ States genuinely opposed to torture face a problem of crafting the *security signal* to the public without triggering the *deterrence through force signal* to BIOs. In general, the stronger the impulse to signal safety domestically, the greater the (possibly unintended) risk of potential torture.⁶²

Wall Construction as Signaling

How can states message security to domestic audiences and their border hardening priorities to BIOs? BIOs look for clear policy *démarches* as signals of their mandates. They interpret border barriers as informative, as the epigraph quoting a border security agent at the beginning of this article suggests. As nonverbal signals,⁶³ barriers cater to securitization concerns and communicate extenuating circumstances, often by overriding normal rules and procedures.⁶⁴ Border barriers are visible, salient, and expensive manifestations of an extraordinary policy commitment. Wall construction is hard to reverse, and difficult to back away from without incurring audience costs.⁶⁵ For these reasons, border walling sends a clear and credible signal about state priorities and threat concerns, with the potential to satisfy both a domestic demand for security and influence BIO behavior.

States have a choice of signals, of course. Leaders can use strongly worded policy announcements to express their border policies.⁶⁶ Rhetorical signals alone are changeable and often costless. Leaders could tighten up visa restrictions to demonstrate their commitment to control the border. But formal immigration policy stringency can be temporary and hard to observe. They could fortify ports of entry with infrastructure to facilitate inspection of commercial transactions, but these routine structures do not in themselves signal threat of illegal entry in the same way that border barriers do. Building border barriers is not the only way to communicate. We concentrate on border barriers because they are *exceptional, salient, and credible*

<<https://www.amnesty.org/en/latest/news/2022/10/latvia-refugees-and-migrants-arbitrarily-detained-tortured-and-forced-to-voluntarily-return-to-their-countries/>>.

61. Connelly et al. 2011; Drover, Wood, and Corbett 2018.

62. While it is theoretically unnecessary and empirically impossible to distinguish degrees of intent, the empirical models do control in large measure for intent by including measures of ideology and overall levels of state torture. These can be interpreted as proxies for torture tolerance for torture (or roughly, “intent”).

63. Paul 2011, 1–7.

64. For example, in the United States, scores of environmental and cultural preservation laws were waived to facilitate barrier construction across the southern border. See Madsen 2023. Within Schengen, internal borders controls are exceptional measures that require justification to the larger membership. See Topping 2016.

65. Fearon 1994, 1997.

66. We control for rhetoric used in speeches in the models.

policy shifts that are more likely than traditional border management tools to convey that border security is an elevated national priority in the face of threat. Without issuing explicit commands, wall building signals security to civilians, but also a degree of tolerance to use of harsh measures to BIOs, who are professionally primed to detect threats and have incentives to respond forcefully.

What BIOs Infer: Priorities, Threat, and Empowerment

Our theory differs from other approaches to signaling by emphasizing the importance of how the message is *received*. There are three reasons in our case to concentrate on message interpretation. First, the dual audience problem (civilians and BIOs) means that we cannot make clear assumptions about state intent, since that would require a complex accounting of how leaders balance communication with each. Second, leaders constrained by the rule of law may indeed have different behavioral preferences than unaccountable leaders, as we alluded to earlier. This preference is the traditional focus of the human rights literature which is often embedded in regime type explanations. We black-box regime variations theoretically and to hold regime type constant in our empirical tests to understand the special case of BIOs. Third, message receivers—BIOs—are multiple and decentralized. How individual BIOs interpret a border wall is at best probabilistic. We therefore theorize BIOs' inferences in greater detail than leaders' intentions.

There are at least three kinds of inferences BIOs are likely to draw from a major program of wall building. Most immediately, they are likely to infer that border security is an elevated national priority. Independent of whether a wall is effective against various threats, it does convey the message that the state supports a policy of sealing off the border to unwanted crossers. And a major infrastructural program is much more likely to signal policy change than incremental programmatic adjustments or by announcements without subsequent implementation. Border barrier investments are taken by BIOs as authoritative policy signals to guide their organizational and individual behaviors to achieve their newly elevated mission.

Second, when border barriers start to go up, BIOs are likely to infer heightened border threats. It is in the nature of their work to do so. Border patrol agents characterize their work as uniquely dangerous.⁶⁷ Their training emphasizes danger assessment, both to themselves and to others.⁶⁸ They adapt their work routines to signals of danger and uncertainty.⁶⁹ A review of policing and border control studies concluded that increased security measures tend to trigger officers' hypervigilance, and often a sense of exaggerated threat.⁷⁰ According to the findings of an interview-intensive study, "Irregular migrants, including those with legitimate protection needs, are therefore first and foremost defined through their risk qualities—as threats—

67. Vega 2022.

68. Sierra-Arévalo 2021; Vega 2022.

69. Frydl and Skogan 2004.

70. Kilburn Jr. et al. 2011.

rather than through their vulnerability.”⁷¹ We expect that investments in border security infrastructure can encourage heightened threat assessments, which can be further amplified by political messaging justifying securitization.⁷²

Threat hypervigilance may further be heightened by some of the dynamics that initiation of wall construction itself sets in train. Barrier construction can be expected to affect a third audience—unauthorized border crossers. Migrants who are undeterred will be increasingly diverted to more dangerous routes⁷³ where women and children will be least able to survive.⁷⁴ This creates a migrant pool disproportionately comprised of young men, whom barriers have incentivized to rely on traffickers and smugglers.⁷⁵ The *indirect result* of the policy is something of a self-fulfilling prophecy: demographic selection and logistical exigencies encourage BIOS to perceive borders crossers as more dangerous when a barrier is erected than without it, adding to their sense of threat and hypervigilant response.

Finally, when a state initiates border barriers, it stimulates an *empowerment mechanism*. Border barriers signal that the state—and perhaps society—place extraordinary value on performing border security duties. A substantial literature on domestic policing finds that the public is willing to empower the police to take extraordinary actions when they feel they are contributing to an important priority, such as countering terrorism⁷⁶ or stabilizing a conflict zone.⁷⁷ Building on this finding, we theorize an indirect empowerment effect supported by broader public acceptance of extreme border security measures. BIOS may infer from changes in the built environment that they are legitimately empowered by the state (and possibly even society) to expand the means used to enforce the border. On average, initiating border structures affects BIO assumptions about how national priorities and threat expand their discretion, potentially including tactics that shade into torture.

For these reasons, we hypothesize that:

H1: Torture by BIOS is a special type of torture by state agents: We expect to be unable to confirm a relationship between torture by BIOS and state practices generally.

H2: Allegations that BIOS have committed torture are likely to increase as states begin to harden their borders by erecting walls and fences.

In addition, a border walling program may be accompanied by strong political rhetoric that could also affect BIO behavior. In fact, that is probable since leaders need

71. Aas and Gundhus 2015.

72. Van Schendel and Abraham 2005. We understand a border wall as a signal with agent-specific effects, but not explicitly spatially specific effects. The theory is not about geographical locations of torture per se, although it is plausible to expect that *where* the state starts to build signals its priorities and enhanced threat. This is a matter for future research.

73. Orrenius 2004; Soto 2018; Spijkerboer 2007.

74. O’Leary 2008; Pickering and Cochrane 2013.

75. Schon and Leblang 2021; Wong et al. 2019.

76. Davis and Silver 2004.

77. Muibu 2021.

to justify expensive border fortification. Words may bolster the message, but wall construction is still expected to send a strong and independent message of threat and empowerment for border officials. In that case, we would expect interactive effects between walling and rhetoric. Thus we hypothesize that:

H3: The likelihood of torture reports associated with commencing a border wall increases when walling is combined with leaders' increasingly anxious and angry border-relevant rhetoric.

Finally, our theory suggests another observable implication: the border security agencies' attention to security and human rights will shift according to the threat implied by barrier building. Thus we expect that:

H4: When walls and fences are erected:

4a: BIOs' self-reported attention to human rights decreases.

4b: BIOs' self-reported attention to threats increases.

A few final comments bear emphasis. First, the mechanisms that theoretically connect border hardening with allegations of torture are plausible even where torture is not openly encouraged. Second, this theory is not about "bad apples;" it is about how signals influence populations in specific professional roles on average, and not as individuals.⁷⁸ We believe that the most plausible interpretation of the data points to BIO torture as a tragic effort to "do their job." They are incentivized in part by demonstrating to their superiors and to political actors that they are working hard to ensure border security.⁷⁹ Third, we recognize that threat perception and empowerment ultimately operate at the level of individual psychology, but they may also be affected by organizational culture,⁸⁰ monitoring,⁸¹ and better accountability⁸²—possibilities well worth pursuing in future research. Finally, there is nothing inevitable about a link between starting to build a border wall and a heightened risk of torture. How a state responds is important. A state that genuinely does not tolerate torture can observe and work to counter it with other messages and programs. Our communication theory therefore has another empirical implication: there is no reason to expect the effect of walling to endure. Leaders who observe effects they did not intend can reverse

78. Di Cintio 2013.

79. While we emphasize changes in BIOs' perceived information environment alters their understanding of risk and empowerment, some readers might object that border walls are also likely to be associated with surges in personnel while selecting for especially violent officers. The limited data available suggests this is less likely than our signaling mechanism that changes BIOs perceptions rather than "types." See Appendix A.17 showing that, in the US case, there is no correlation between wall construction and border patrol surges, and no relationship between border control surges and torture allegations of BIOs.

80. Armacost 2004.

81. Conrad and Moore 2010; Magaloni and Rodriguez 2020.

82. Lupu 2013.

them through training and clear countermessaging. As we will see, the “wall effect” on torture fades in about four years, which could indicate that some states learn to offer countermessaging to their border agents. BIO training and other pro-human-rights programming are important issues, but beyond the scope of this article.

Torture by Border and Immigration Officials: The Data

The Data

We focus here on torture by BIOs acting in their official capacities. Would-be border crossers often face a broad range of human rights violations, but not all fit the definition of torture developed by Conrad, Haglund, and Moore’s (CHM’s) Ill-Treatment and Torture (ITT) Data Collection Project,⁸³ on which we build. The ITT Project uses content analysis of Amnesty International’s (AI’s) annual human rights reports to code the level of reported torture on a six-point scale, from no allegations (0) to allegations of systematic torture (5). Allegations are then classified into six categories of state agents responsible for torture practices: police, prison, military, intelligence, BIOs (our focus), and paramilitary agents.

We expanded CHM’s data set for the period 2006 to 2020 and focus only on allegations of torture by BIOs in countries with land borders.⁸⁴ Our researchers followed CHM’s codebook to determine an act of torture, whether a BIO is responsible for a given allegation, and the intensity of torture.⁸⁵ To assess whether our researchers were consistent with CHM, they were asked to code all countries with land borders for 2004 and 2005, the last two years covered by the ITT Project data set. Our coders agreed with the original ITT data at a 91.8 percent rate. In 7.7 percent of cases, our coders disagreed with CHM’s data, but disagreement was not systematically biased.⁸⁶ We then combined CHM’s data with ours for the period 1995 to 2020 and imputed missing values following Honaker, King, and Blackwell.⁸⁷

The descriptive data themselves are revealing. While overall torture incidence has been falling in the past twenty-six years (see Figure 1), the opposite is true for torture practices by BIOs and border walling. Both the intensity of torture by BIOs (Figure 2, right axis) and the number of border walls (Figure 2, left axis) have increased on average.

Are Torture Practices by BIOs Any Different from General Practices in a Country?

Our first hypothesis is that general torture incidence in a country does not correlate with torture by BIOs. Table 1 reports the results of a decade-long time series

83. Conrad, Haglund, and Moore 2014. See Conrad and Moore’s Ill Treatment and Torture (ITT) Data Collection Project.

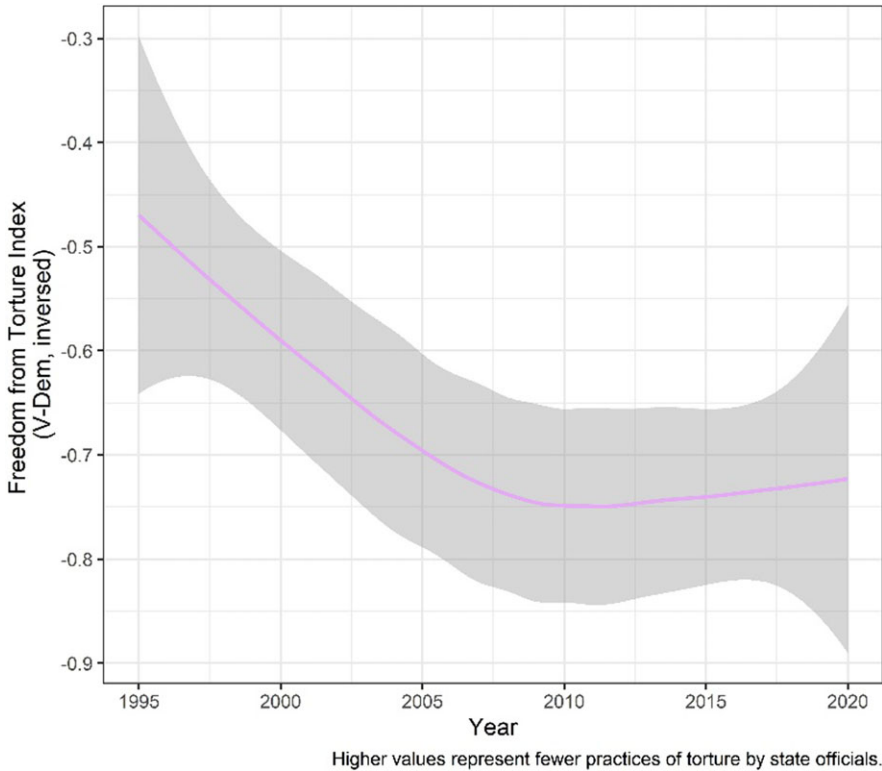
84. Our codebook follows the ITT project coding rules. See section A.4 of the appendix.

85. See section A.4 of the appendix for the adapted codebook.

86. We list the cases of disagreement for the period 2004–2005 with our coding, the ITT’s coding, and the evidence we found to support our coding in section A.5 of the appendix.

87. Honaker, King, and Blackwell 2011.

cross-sectional OLS analysis using country and year fixed effects with the country-year as the unit of analysis. BIO practices are not convincingly related to the overall intensity of torture in a given country, whether measured using the inverted freedom from Torture (V-Dem) index,⁸⁸ the Torture (CIRI) index,⁸⁹ or a general measure of Human rights⁹⁰ (models 1 to 3). There is virtually no relationship between BIO torture behavior and that reported for other state agents (models 6 and 7).⁹¹



Note: V-Dem, inverted; land border countries only, 1995–2020.

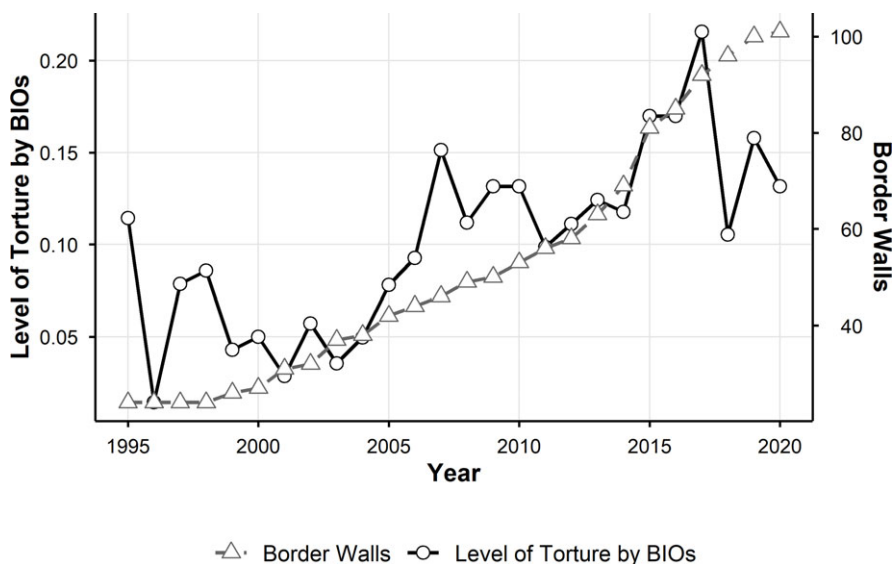
FIGURE 1. *Evolution of the freedom from torture index*

88. Coppedge et al. 2021.

89. Cingranelli and Richards 2010.

90. Fariss 2014.

91. Data from Conrad, Haglund, and Moore 2014. See also the bivariate relationships for the various categories of officials in the appendix (Figure A-1).



Notes: Left axis: Average level of torture allegation scores across all countries. Right axis: Total number of border walls in stock (Kenwick, Pauselli, and Simmons 2025).

FIGURE 2. Torture by BIOs and border walls, 1995–2020

Models 4 to 5 and 7 include common predictors for human rights violations and torture incidence found in the literature,⁹² such as *liberal democracy*,⁹³ and leader's ideology: *right*.⁹⁴ Since much of the literature suggests *interstate conflict*,⁹⁵ *civil war*,⁹⁶ *population (ln)*,⁹⁷ and *GDP/capita*⁹⁸ are associated with state torture,⁹⁹ we control for these as well. None of the traditional predictors of state torture predicts BIO torture reports, with the marginal exception of *population (ln)* in model 7 (and only at $p < .1$).¹⁰⁰

92. Davenport and Armstrong 2004; Hathaway 2002; Poe and Tate 1994; Simmons 2009.

93. Coppedge et al. 2021, defined as the extent to which individual and minority rights are protected against the tyranny of the state and the majority. V-Dem Codebook 11.1. Available at <<https://www.v-dem.net/static/website/img/refs/codebookv11.1.pdf>>.

94. Identifying Ideologues (Herre 2023) identifies whether a country has a leader with a right-wing economic ideology. Available at <<https://www.bastianherre.com/data>>.

95. Correlates of War, MIDs (v5.0) (Palmer et al. 2015) defined as the highest level of hostility experienced by a country in a militarized interstate dispute. Available at <<https://correlatesofwar.org/datasets/mids/>>.

96. Correlates of War, Intra-State War Data (v5.1), defined as "wars that predominantly take place within the recognized territory of a state."

97. World Bank, Population, Total. Available at <<https://data.worldbank.org/indicator/SP.POP.TOTL>>.

98. World Bank, GDP Per Capita (Constant 2015 USD). Available at <<https://data.worldbank.org/indicator/NY.GDP.PCAP.KD>>.

99. Hill and Jones 2014.

100. In contrast to much of the literature on general state torture, this control variable tends to be positive.

These mostly null results are consistent with H1.¹⁰¹ Models 8 to 10 remove country fixed-effects to analyze the cross-sectional relationship between torture by BIOs and general levels of torture or torture by other state agents. Interestingly, and even though the theoretical focus of our study is on within-country variation in torture, it seems that physical violence by BIOs does not correlate with other forms of physical violence across countries.

TABLE 1. OLS regressions to predict level of torture by BIOs (1995–2005)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Torture (V-Dem)	−0.02 (0.02)			−0.06 (0.04)	−0.05 (0.05)			−0.01 (0.02)		
Torture (CIRI)		0.02 (0.03)								
Human rights (Fariss)			0.01 (0.01)		0.01 (0.01)					
Police						0.01 (0.01)	0.01 (0.01)		0.02+ (0.01)	0.01 (0.01)
Prison						−0.02 (0.01)	−0.02 (0.02)		0.01 (0.01)	0.00 (0.01)
Military						0.01 (0.01)	0.01 (0.01)		0.00 (0.01)	0.00 (0.01)
Intelligence						0.00 (0.05)	0.00 (0.06)		0.06 (0.05)	0.06 (0.06)
Paramilitary						−0.01 (0.01)	−0.01 (0.01)		−0.02* (0.01)	−0.01+ (0.01)
<i>Traditional explanations</i>										
Liberal democracy				−0.39 (0.26)	−0.43 (0.29)		−0.11 (0.14)	−0.11 (0.13)		−0.04 (0.06)
Ideology: Right				−0.05 (0.04)	−0.06 (0.04)		−0.06 (0.04)	0.01 (0.02)		0.01 (0.02)
Interstate conflict				0.00 (0.01)	0.00 (0.01)		0.00 (0.01)	0.00 (0.01)		0.00 (0.01)
Civil war				0.01 (0.03)	0.01 (0.03)		0.02 (0.03)	−0.07** (0.02)		−0.06* (0.02)
<i>Controls</i>										
GDP pc (ln)				−0.03 (0.05)	−0.05 (0.07)		−0.03 (0.05)	0.04*** (0.01)		0.04*** (0.01)
Population (ln)				−0.30 (0.20)	−0.33 (0.21)		−0.29+ (0.17)	0.04*** (0.01)		0.03** (0.01)
Num. obs.	1,543	1,489	1,488	1,458	1,424	1,543	1,458	1,458	1,543	1,458
R2	0.252	0.251	0.251	0.254	0.254	0.253	0.255	0.036	0.020	0.044
R2 adj.	0.171	0.168	0.168	0.167	0.165	0.171	0.166	0.025	0.011	0.030
FE: year	X	X	X	X	X	X	X	X	X	X
FE: country	X	X	X	X	X	X	X			

Notes: To include data on other state agents, this table covers only the decade of the original CHM (2014) database, which accounts for fewer observations compared to Table 2. Robust standard errors are clustered by country. $p < .10$; * $p < .05$; ** $p < .01$; *** $p < .001$.

101. This evidence, however, is only suggestive since regression results fail to pass tests against type II errors: when one assumes the null hypothesis is true when it is actually false.

We also analyze the goodness of fit of these models compared to using a random variable in section A.2 of the appendix and found essentially no difference.¹⁰² Finally, we also considered whether factors emanating from the other side of the border might affect BIOs practices and we find no relationship between BIOs torture and neighbors' characteristics.¹⁰³ We present this analysis in section A.3 of the appendix. To understand these puzzling "non-results," a different approach is needed.

Torture by BIOs: The Role of Border Wall and Fence Construction

We contend that torture by BIOs is explained in part by border hardening policies themselves, and the sense of threat that accompanies them (H2). We use data collected by Kenwick, Pauselli, and Simmons, who define border walls as structures (including fences) intended to deny entrance by land to unwanted actors.¹⁰⁴ Their data were generated according to a protocol using news reports, official descriptions, and visible evidence using imagery from Google Earth and Google Maps.¹⁰⁵ This is the most appropriate data set for our purposes, since walls are decomposed into discontinuous segments when possible, allowing a test for the effects of constructing new segments at different points in time. It is also the most complete, detailed, and contemporary data available (1990–2020).

To test H2, we predict the reported *level of torture by BIOs* using a set of OLS regressions including *Wall* to indicate the date wall construction commenced, lagged one year. For example, Myanmar began distinct construction projects in both 2004 and 2010. We include an indicator for *each* of those lagged construction start dates.

Clearly, leaders signal their border priorities and concerns in ways other than walling. Rhetorical signals may be especially important in conveying anxiety and outrage about border conditions. We include two border rhetoric variables culled from speeches given by state leaders at the United Nations. We use measures of "anxious rhetoric" (ANXIETY) which captures a vague, hard-to-pin-down sense of risk or danger, and a measure of "angry rhetoric" (ANGER) about border issues from border-relevant portions of leaders' annual speeches in the General Assembly.¹⁰⁶ Importantly, we do not believe that border agents necessarily listen to their leader's UN speeches, although we do not rule this out. Instead, the rhetoric used in such speeches is a proxy for the official border rhetoric in which BIOs are likely to marinate and to which they respond. These rhetorical scores are interpreted as

102. We also show that this no relationship between BIOs and torture by other state agents has the smallest correlation than other combinations of torture by state agents. We present the correlation matrix of this analysis in section A.1 of the appendix.

103. We think a reviewer for suggesting this test.

104. Kenwick, Pauselli, and Simmons 2025.

105. KPS (2023) Codebook used to identify border walls and fences, available at <https://www.dropbox.com/sc/fi/6zr208i68ddwpzrxj3xkc/border_wall_guide_FINAL.pdf?rlkey=2xnkpy60tuixmqzggun7h5gg&e=1&st=qtdi0naz&dl=0>.

106. Simmons and Shaffer 2024. Rhetoric data available at <<https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/RRV0JZ>>.

indicative of the broad array of border-relevant messages that national leaders are likely to send.

Recognizing the possibility that migration and/or refugee arrivals may affect BIO behaviors, we control for MIGRATION¹⁰⁷ and a measure of REFUGEE¹⁰⁸ arrivals as well. These variables are meant to strengthen our confidence in the wall effect independent of human mobility pressures. Both are expected to be positively correlated with allegations of BIO torture. MIGRATION is measured as a proportion of the total population in the host country.

We control for the “traditional” predictors of torture as well, but to economize on space do not report results that include the CIRI torture index, logged GDP per capita, or interstate armed conflict. These are never significant and never affect the results for BIO torture reports in important ways. We do control for CIVIL WAR in the walling country and POLITICAL VIOLENCE in the neighboring country to account for a possible risk of violent overflow. To capture other signals state leaders may emit, we again include an indicator for Heads of State that are ideologically to the right (IDEOLOGY RIGHT),¹⁰⁹ since it is possible such leaders emit nationalist or populist rhetoric that could affect BIO behavior. Finally, we include country and year fixed effects in all models. We considered the potential moderating effect of civil society in section A.8 of the appendix.

The results of the OLS analysis are presented in Table 2. All models show that the presence of a border wall correlates with increased reports of torture by BIOs in the following year. This relationship is statistically significant at $p = 0.01$ in every model, and the estimates are strikingly consistent across models. WALL CONSTRUCTION is a strong predictor of torture reports, increasing the probability of a categorical increase in intensity by between 13 and 14 percent for the models without interactions. This estimate does not change much even when controlling for leadership’s anxious or angry border-relevant rhetoric and migration or refugee inflows (models 2, 3, 6, and 7).¹¹⁰ None of these variables themselves appear to be significantly correlated with torture allegations. The top-line finding is strong support for H2.

Although anxious or angry leader rhetoric did not systematically impact BIO behavior on its own, rhetoric does have a notable interaction with wall building. Wall construction has a growing effect on BIO torture as leader rhetoric surrounding border-related issues becomes more anxious (models 4 and 9) and angry (models 5 and 10). This result suggests that words go a long way toward reinforcing policies, which supports H3.

107. Population data were retrieved from the UN Population Division, available at <https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/undesd_pd_2015_migration_flow_documentation.pdf> and interpolated for years with missing data.

108. Refugee data comes from the UN Refugee Agency and is measured as the total number of accepted asylum requests by a country in a given year. Available at <<https://www.unhcr.org/refugee-statistics/download?url=IAr67y>>. A discussion of this data’s quality can be found in Shaver et al. 2025.

109. Herre 2023.

110. We also control for the number of asylum seekers instead of migrants or refugees (see section A.6 of the appendix). Results are consistent with Table 2.

TABLE 2. OLS regressions to predict level of torture by BIOs, 1995–2020

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
WALL	0.13** (0.05)	0.14** (0.05)	0.14** (0.05)	0.38** (0.13)	0.50** (0.18)	0.14** (0.05)	0.14** (0.05)	0.14** (0.05)	0.38** (0.13)	0.51** (0.18)
ANXIETY		−0.01 (0.01)		−0.02 (0.01)					−0.02 (0.01)	
ANGER			−0.01 (0.01)		−0.02 (0.01)					−0.02 (0.01)
WALL X ANXIETY				0.34* (0.14)					0.34* (0.14)	
WALL X ANGER					0.46* (0.20)					0.47* (0.19)
MIGRANTS						0.01 (0.01)			0.01 (0.01)	0.01 (0.01)
REFUGEES							0.00 (0.00)		0.00 (0.00)	0.00 (0.00)
CIVIL WAR								−0.04+ (0.02)	−0.04+ (0.02)	−0.04+ (0.02)
VIOLENCE (NEIGHBOR)								0.00 (0.00)	0.00 (0.00)	0.00 (0.00)
IDEOLOGY: RIGHT		−0.01 (0.01)	−0.01 (0.01)	0.00 (0.01)	0.00 (0.01)	−0.01 (0.01)	−0.01 (0.01)	−0.01 (0.01)	0.00 (0.01)	0.00 (0.01)
TORTURE		−0.04** (0.01)	−0.04** (0.01)	−0.04** (0.01)	−0.04** (0.01)	−0.04** (0.01)	−0.04** (0.01)	−0.04** (0.01)	−0.04*** (0.01)	−0.04*** (0.01)
LIBERAL DEMOCRACY		−0.32*** (0.09)	−0.32*** (0.09)	−0.32*** (0.09)	−0.32*** (0.09)	−0.32*** (0.09)	−0.32*** (0.09)	−0.32*** (0.09)	−0.32*** (0.09)	−0.32*** (0.09)
POPULATION (log)		−0.09* (0.04)	−0.09* (0.04)	−0.09* (0.04)	−0.09* (0.04)	−0.10** (0.04)	−0.09* (0.04)	−0.09* (0.04)	−0.10* (0.04)	−0.10* (0.04)
WALL REPORTING		0.00 (0.01)	0.00 (0.01)	0.00 (0.01)	0.00 (0.01)	0.00 (0.01)	0.00 (0.01)	0.00 (0.01)	0.00 (0.01)	0.00 (0.01)
Num. obs.	3,828	3,478	3,478	3,478	3,478	3,432	3,478	3,478	3,432	3,432
R2	0.236	0.200	0.200	0.207	0.207	0.200	0.200	0.201	0.208	0.208
R2 adj.	0.199	0.158	0.158	0.165	0.165	0.158	0.158	0.158	0.165	0.165
FE: country	X	X	X	X	X	X	X	X	X	X
FE: year	X	X	X	X	X	X	X	X	X	X

Notes: This table covers a longer time period (twenty-five years) compared to Table 1, increasing the number of observations by approximately 150%. Robust standard errors are clustered by country. Country and Year FE included. + $p < .10$; * $p < .05$; ** $p < .01$; *** $p < .001$.

We continue to find that many of the traditional explanations for torture associated with state violence and repression do not explain BIO behaviors. We found weak evidence that allegations of torture by BIOs are related to a civil war in the builder state ($p < .1$), but in a nonintuitive direction. There is no evidence of a link to political violence in neighbors. We expected there might be a difference in torture allegations based on the ideological orientation of the Head of State but found none. A country's "overall" torture index is now significant at conventional statistical levels, but, reaffirming that BIOs behavior is distinct from general state repression, the correlation is negative. As we would expect, more liberal democracies have lower levels of allegations of torture by BIOs. Surprisingly, in bigger countries, BIOs are less alleged to torture. These results reaffirm H1 and support H2 and H3. Moreover, by including regime, ideological, and rhetorical controls we minimize the possibility that the strong positive walls effects merely reflect the repressive intentions of the state.

Potential Threats to Inference

Observational data are naturally subject to inferential threats. We consider several such threats in this section.

Torture by BIOs as a Function of Overall Violence by State Agents

Does wall construction predict higher levels of torture by other state agents—police, prison workers, the military, intelligence, paramilitaries—who are outside the scope of our theory? If so, then the data analysis may explain too much. To confirm the unique effect of wall building on BIOs we performed a "placebo test" (see section A.13 of the appendix). Our analysis reveals that wall building does not predict increases in torture allegations by other state agents. BIOs, uniquely, seem to receive and internalize the empowering signal of a hardened border, which is precisely what our theory predicts.

Spuriousness Arising from a Broader Set of Border Policies

It is also possible that constructing a border wall is part of a broader policy shift that is not primarily about signaling threats, but rather "filtering" travel or commerce. Such policies may increase the state presence—including physical infrastructure and personnel—at the border without emphasizing threats. If increased personnel alone accounts for increased torture allegations, we would expect an increase in guarded border stations to predict torture allegations.¹¹¹ We investigate this possibility using global data on border crossing infrastructure including buildings, inspection lanes,

111. Unfortunately, there is not global data set on the number of border and immigration officials by country.

and gates.¹¹² We find that investments in border facilities unconnected to wall construction do not predict higher levels of BIO torture (section A.7 of the appendix). Our findings suggest that infrastructure can be nonthreatening, and that increased state border presence alone does not predict changes in torture by BIOs.

Additionally, some border restrictions may target the prevention of unauthorized entry through much less visible legal measures rather than physical barriers. We examine less visible policies using Mau and colleague's data on visa requirements.¹¹³ Specifically, we test whether the proportion of countries against which the state has implemented visa restrictions correlates with its own BIO's torture allegations. BIOs of states with restrictive visa policies have no greater propensity to torture than do those where visa requirements are lax (section A.7 of the appendix). These results suggest that it is not restrictive border policies in general, but rather the visible and symbolic nature of border walls that signal priorities, affect perceptions of threat, and induce behavioral change.

Spuriousness Due to the Data Generation Process

One such threat could be that Amnesty International applies particular scrutiny to BIOs *because* a leader has commenced a border fortification program. If wall building triggers heightened scrutiny, then the data generation process rather than the signaling mechanism could account for the results. To address this possibility, we control for WALL REPORTING, which is a count of the total number of times Amnesty used the words "wall," "barrier," or "fence" to describe the human rights situation in a country in its annual reports and include it in every model in Table 2. The idea is to capture the "scrutiny effect" that wall construction might trigger. This count variable is never significant and does not disturb the wall result.

Bias Due to Unobserved Variables

The estimated effect of commencing to build a wall can be biased if torture allegations by BIOs in countries doing so would have continued pretreatment trends in the absence of wall building. We address this concern by using a difference-in-differences (DiD) design¹¹⁴ that estimates the average treatment effect for units (states) that are treated (commence wall construction). This "cohort average treatment effect" is then aggregated across states, with treatment fixed at time 0.

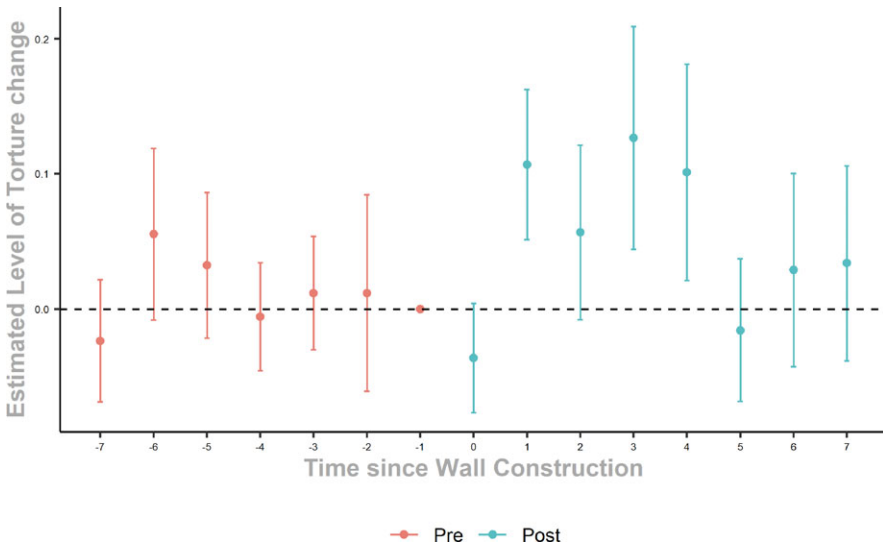
A key identifying assumption of the DiD design is that, in the absence of wall construction, treated and untreated states would have followed parallel trends in torture levels reported by BIOs. We assess this assumption using an event-study specification that plots the dynamic treatment effects in the years before and after wall construction (see Figure 3). The pretreatment coefficients are small and statistically indistinguishable from zero, suggesting that treated and untreated states exhibited

112. Kenwick, Simmons, and McAlexander 2024.

113. Mau et al. 2015.

114. Callaway and Sant'Anna 2021.

similar trajectories before wall construction, and supporting the parallel trends assumption.



Note: Treatment: wall start year.

FIGURE 3. *Staggered difference-in-differences on the level of torture by BIOs*

Figure 3 shows the estimated effect of a border wall on the level of torture by BIOs with 95 percent confidence intervals.¹¹⁵ Importantly, before treatment, the differences in level of torture between treated and nontreated countries are never statistically different than zero, suggesting little reason to think that BIO torture in states that would soon build barriers was on a “pretreatment” upswing. However, after one, three, and four years of building a wall, there is a significant increase in the difference in the level of torture by BIOs compared to the no wall case (H2). Within five years, however, BIO behaviors revert to the prewall trend. The short-term effects of wall commencement also seem more consistent with *unintended* effects that could later be countered with better training or human rights messaging rather than a programmatic drive to increase BIO torture as a permanent strategy of border control.

Confounding Effects

We recognize the possibility that border walls may be endogenous to factors that explain BIO behavior, raising the risk of confounding the wall effect with conditions

115. Regression results on which Figure 3 is based are in section A.14 of the appendix.

that explain walling in the first place. We already demonstrated that more built up border crossings, stringent visa requirements, and personnel deployments alone are unlikely to account for higher levels of torture. Nonetheless, wall building may be endogenous to other factors that explain torture; that is, they may correlate with the error term in the original regression, potentially biasing the results, though in which direction is difficult to know a priori.¹¹⁶ To address this concern, we implement an instrumental variable (IV) approach. An appropriate instrument should predict wall building, but without signaling border threats or security priorities, or in any other way affecting BIOs' propensity to torture.

One possible instrument is each state's overall *investment in infrastructure*. Infrastructural investments generally involve many of the same budgetary, legal, administrative, and engineering capacities that are needed for border-related investments. These investments are fixed, long-term, and capital-intensive, unlike other public expenditures like personnel that are continuous and operational. We therefore expect the *total amount of investment in infrastructure* to predict wall construction, since both reflect the "institutional capacity of a state ... to ... logistically implement decisions."¹¹⁷ To capture this idea, we use data on public and public-private nonfinancial investment¹¹⁸ (transportation, energy, water, and information and communication technology, or ICT) from the World Bank and impute missing values.¹¹⁹

Results from the first stage are reported in section A.15 of the appendix. This infrastructure measure is indeed strongly associated with border walls but does not correlate with reports of BIO torture. Moreover, traditional tests support the conclusion that the instrument is strong.¹²⁰ Results from the second stage of the instrumental variable design are presented in Table 3. The instrumented measure of walls is strongly and consistently associated with increased allegations of torture by BIOs. This relationship is significant (mostly at the $p < .05$ level) in different model specifications controlling for potential observable confounders. The coefficient predicting BIO torture has now *increased* significantly in size. We did not estimate the interaction between WALL and ANGER/ANXIOUS speech since the interaction would include the endogenous term.

The IV regression affects the results in another respect: whereas previously we found no detectable relationship between migration and torture reports, the results are now more aligned with intuition. Total migration (though not admitted refugees) as a proportion of population is now strongly positively correlated with torture on the part of BIOs. Even so, border walls continue to be strongly associated with BIO torture.

116. Zivot, Startz, and Nelson 1998.

117. Mann 1984.

118. World Bank, Net Investment in Nonfinancial Assets (% of GDP). Available at <<https://data.worldbank.org/indicator/GC.NFN.TOTL.GD.ZS>>.

119. Following Honaker, King, and Blackwell 2011.

120. First stage results and metrics of instrument strength are in section A.15 of the appendix.

TABLE 3. Second stage instrumental variable models predicting torture allegations by BIOs

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
WALL	1.01+ (0.54)	1.13* (0.54)	1.13* (0.54)	1.12* (0.53)	1.11* (0.53)	1.12* (0.54)	1.13* (0.55)
ANXIETY		-0.01 (0.02)					-0.01 (0.02)
ANGER			-0.02 (0.02)				
MIGRANTS				0.08** (0.03)			0.08* (0.03)
REFUGEES					0.00 (0.00)		0.00 (0.00)
CIVIL WAR						0.00 (0.05)	0.00 (0.05)
VIOLENCE (NEIGHBOR)						0.00 (0.00)	0.00 (0.00)
IDEOLOGY: RIGHT		-0.01 (0.02)	-0.01 (0.02)	-0.02 (0.02)	-0.01 (0.02)	-0.01 (0.02)	-0.02 (0.02)
TORTURE		-0.04 (0.03)	-0.04 (0.03)	-0.04+ (0.03)	-0.04 (0.03)	-0.04 (0.03)	-0.04+ (0.03)
LIBERAL DEMOCRACY		-0.22 (0.15)	-0.22 (0.15)	-0.23 (0.15)	-0.22 (0.15)	-0.22 (0.15)	-0.23 (0.15)
WALL REPORTING		0.01 (0.01)	0.01 (0.01)	0.01 (0.01)	0.01 (0.01)	0.01 (0.01)	0.01 (0.01)
POPULATION (log)		0.02 (0.09)	0.02 (0.09)	-0.03 (0.09)	0.02 (0.09)	0.02 (0.09)	-0.03 (0.09)
Num. obs.	1,987	1,893	1,893	1,890	1,893	1,893	1,890
R2	0.053	0.062	0.062	0.069	0.069	0.068	0.063
R2 adj.	-0.030	-0.026	-0.026	-0.018	-0.018	-0.020	-0.027
FE: country	X	X	X	X	X	X	X
FE: year	X	X	X	X	X	X	X

Notes: Robust standard errors included. Country and year FE included. +*p* < .10; **p* < .05; ***p* < .01; ****p* < .001.

Sensitivity to Model Specification

Finally, it is possible our results are sensitive to modeling specifications or to particularly influential outliers (section A.9 of the appendix). A jackknife test suggests that there is no country influential enough to reduce the significance of the wall coefficient globally (see Figure A.2 in the appendix). Additionally, we run a set of robustness checks with alternative model specifications that address concerns about the distribution of the dependent variable (sections A.10 and A.11). To ascertain whether the results are driven by extreme outliers, we dichotomize the dependent variables, such that 1 denotes the presence of any allegation of torture, while 0 indicates the absence of such allegations, and re-run the model using logistic regression. Results remain consistent with our argument (Table A.10). Furthermore, the results remain robust if we treat the six-point dependent variable as a count

variable and use Poisson (Table A.11) or negative binomial regressions (Table A.12). We also found the same strong positive effects of walls on torture allegations when coding for three-year effects rather than just one (section A.12, Table A.13). Moreover, returning to the original OLS models, sensitivity analysis demonstrates that the null hypothesis of zero wall effect on torture allegations would still be rejected given confounders as strong as one, twenty, and fifty times the effect of the measured confounders (Figure A.3 in the appendix), suggesting that the results are not likely to be easily disturbed by unobservable factors.

Corroboration Using BIOs' Own Words: The Relative Importance of Security versus Human Rights under Different Threat Signals

If the signaling theory captures an important phenomenon, then building a border wall should be expected to change the language BIOs themselves use to report and justify their work. Specifically, we expect to observe more security-related language after wall building commences relative to human rights language, reflecting an attention shift (H4). Such a shift would constitute corroborating evidence of the concerns of BIOs as security signals change.

We use press releases issued by the European Border and Coast Guard Agency (Frontex) to test this idea. These documents are a trove of highly suggestive evidence of what BIOs prioritize, their perceptions, and how they carry out their work. Frontex was established in 2004 to coordinate the external border control efforts of the Schengen Area. Since 2006, Frontex has published press releases that provide a window into how Frontex interprets Schengen border security policies, the nature of border-related threats, and how they are called upon to respond. Figure 4 maps the location of border wall segments in the European region.

We scraped all news articles published by Frontex on its website ($n = 793$) between 2006 and 2023 and coded the date that each document was published. We then ran a structural topic model which identified fifteen topics.¹²¹ These topics describe Frontex's activities responding to border issues such as illegal migration, human trafficking, and rescue operations. Figure A.6 in the appendix shows all fifteen topics sorted by their predicted weight in the corpus of press releases.

We combined the topics on illegal migration, illegal crossing, smuggling, and trafficking into a single measure of "security concerns." This measures the amount of text in Frontex press releases related to security and threat issues. We also used the estimated proportion of text corpora on the human rights topic to measure how much Frontex talks about "human rights." Figure 5 plots the proportion of text retrieved from Frontex's press releases identified over time with security and human rights topics. Unsurprisingly for a border security organization, Frontex reports much more often on security topics than on human rights topics. We are interested, though, in

121. Roberts, Stewart, and Tingley 2019. Fifteen topics maximizes semantic coherence and exclusivity. See section A.16 of the appendix for details.

what explains spatial variation and change over time in the relative prominence of these topic clusters. Note that there is no necessary tradeoff between these categories—both can and do increase at the expense of uncategorized discourse, as appears to be the case after 2022. Perhaps the most notable trend in topics comes between 2014 and 2018, around the height of the migrant influx from the Middle East and North Africa, for which we attempt to control using temporal fixed effects. Our expectation is that when walls and fences are erected, BIOS' attention to human rights decreases, while their attention to security threats increases. Quite clearly, shifting attention away from human rights when walls go up is not at all the same as committing torture. Our claim here is more modest but highly corroborative: BIOS' attitudes and perceptions change in response to wall construction, for which we expect to see evidence when BIOS describe their own work and working environment.



FIGURE 4. *Border walls in and around Frontex area*

We also manually coded the countries and borders mentioned in each document. A mention of walled states suggests BIOS are describing a situation with awareness of any newly constructed border barriers. This serves as a proxy for *perceived threat levels*. We expect articles about places where states have begun wall construction to

reflect heightened security concerns, and to downplay human rights compared to states that are mentioned in the article but have not constructed walls. To test this, we ran a set of logistic and OLS regressions, where the dependent variable, *discourse*, is the proportion of security concerns/human rights material in a document. The explanatory variable is a count of the number of countries with a wall (*Wall*) mentioned in the text. We also ran the same models with the log of the number of countries with a wall that Frontex mentions in each press release (*Wall (log)*). The results of these statistical models are presented in Table 4. They show that Frontex reports that mention a country with a wall are associated with a smaller proportion of the text with words related to the human rights topic and higher use of words associated with the security issues topics—a shift that is consistent with the theory developed earlier (H4).

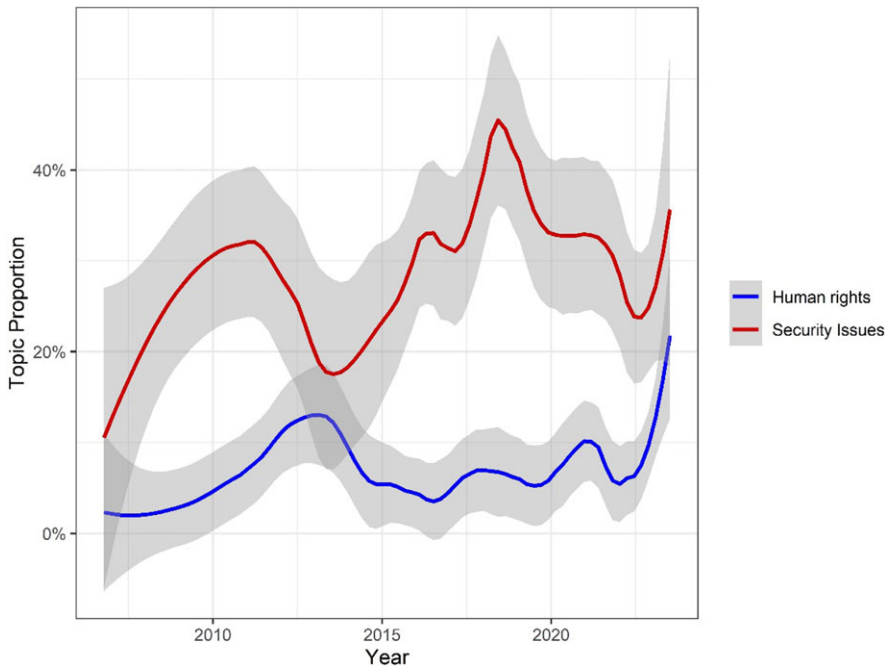


FIGURE 5. *Text proportion on topics related to security issues or human rights in Frontex's articles*

One might object that the real challenges for Frontex between 2014 and 2018 were refugees arriving by sea rather than by land.¹²² But this fact does not make our mechanism of perceived threat any less relevant. Frontex's system of integrated

122. See the monthly statistics collected by the UNHCR's Operational Data Portal. Available at <<https://data.unhcr.org/en/situations/europe-sea-arrivals>>.

information sharing is comprehensive among states and across state agencies.¹²³ It is plausible that threat perceptions can be shaped by signals from a variety of geographic sectors. Thus when countries with a border wall are mentioned, this increases security and reduces human rights topics relative to all other Frontex press releases. Moreover, this finding is robust to the inclusion of mentions to the Mediterranean Sea, where front-line migration has been most significant (see section A.16 of the appendix). Walls appear independently to signal priority and threat. In Frontex documents, they are associated with significantly more security discourse and much less human rights discourse, even when accounting for the migratory points of access along Mediterranean shores and the time periods of intense migration (which are at least partially absorbed by the year and month fixed effects).

TABLE 4. *Frontex press releases: human rights, security, and border walls. Results of logistic and OLS regressions on topic prevalence*

	HR (1)	HR (2)	HR (3)	HR (4)	Security (1)	Security (2)	Security (3)	Security (4)
WALLS	-1.15*** (0.26)		-1.15*** (0.27)		0.67*** (0.06)		0.67*** (0.06)	
WALLS (log)		-2.40*** (0.47)		-2.41*** (0.47)		1.83*** (0.13)		1.85*** (0.13)
Num. obs.	791	791	791	791	791	791	791	791
R2	0.189	0.189	0.208	0.207	0.256	0.279	0.274	0.297
R2 adj.	0.097	0.097	0.060	0.060	0.219	0.241	0.214	0.237
FE: year	X	X	X	X	X	X	X	X
FE: month			X	X			X	X

Note: Robust standard errors reported and clustered by country mentioned. + $p < .10$; * $p < .05$; ** $p < .01$; *** $p < .001$.

Overall, this evidence demonstrates that agents concerned with border security themselves communicate a heightened security threat when reporting on situations in border states with border walls. Otherwise, they are more willing to attend to human rights. This evidence is consistent with our theory that wall building signals an intensified priority, resulting in more attention to security issues than to human rights protections (H4).

Conclusion

At a time of accelerating border hardening, it is crucial to understand how border security measures affect human rights practices. Reports of rights violations at the hands of BIOs are not uncommon.¹²⁴ And yet they bear no clear relationship with

123. See Frontex, Technical and Operational Strategy for European Integrated Border Management, 2019. Available at <https://www.frontex.europa.eu/assets/Key_Documents/IBM/EU_IBM_Brochure_EN.pdf>.

124. Melzer 2018.

torture committed by other state actors that have been at the center of most research on torture in political science.

We have advanced an agency-specific theory of torture that responds to highly visible state commitments to secure the border in extraordinary ways. Our approach is compatible with existing theories of securitization linking perceptions of threat to exceptional policy responses.¹²⁵ The claim is not that states intentionally generate vicious torture practices by prioritizing border security. Rather, we contend that highly visible border barriers cue BIOs that they indeed are empowered to secure the border and to detain or deport offenders at (nearly) all costs. These perceptions raise the risk that BIOs will inflict physical and psychological pain, whether at the border or deep within a destination/host state.

Twenty-six years of empirical evidence from around the world is highly consistent with this theoretical account. Using newly extended data on allegations of torture by border and immigration officials, we demonstrated a strong correlation between the commencement of a border wall and reports of torture by BIOs. The results were robust to a wide range of controls and specifications, including difference-in-difference and instrumental variable analyses. We also controlled for border barrier mentions in the coded Amnesty International Country reports, since this might capture “scrutiny” and weaken the wall result. This did not happen.¹²⁶

The central mechanism linking border walls with torture allegations is not directly observable. Our difference-in-difference findings show border walls are unlikely to be responses to conditions that are already conducive to rights violations. Walls are likely endogenous to security or migratory crises, although results of the instrumental variable model suggest the size of observed effects of walling were, if anything, *underestimated* in Table 2. The Frontex evidence is consistent with the theorized mechanism. As corroborative evidence, it demonstrates a telling shift in relative attention away from human rights where border walls are built.

Finally, there are reasons to suspect that the paper’s findings are, if anything, conservative estimates of the deleterious consequences for human rights of border hardening. It is implausible that rights organizations have been able to detect all torture incidents; false negatives seem far more likely than false positives. These results also exclude extraterritorial human rights violations of wall-building countries. Most importantly, these results include only allegations of abusive behaviors that constitute traditional understandings of torture, especially beatings, burnings, etc. We do not analyze the many violations of rights—from arbitrary detentions to inappropriate privacy violations to disappearances to family separations—committed against vulnerable migrating populations that can also meet the international definition of torture.¹²⁷

125. Huysmans 2000; Wæver 1995.

126. In addition, our due diligence conversations with the leadership of human rights organizations confirmed the wall-scrutiny concern is not at all probable. Conversation with Kenneth Roth, Human Rights Watch, April 2023.

127. Melzer 2018.

Future research should build on these initial findings to develop more fine-grained investigations. Our conclusions could be more nuanced with specific information on the structure of border agencies, the extent to which they are monitored, and how, if at all, they are held accountable. Future research could test theories that might address spatial subnational variations in rights violations depending on border or wall proximity, size and location of vulnerable communities, or risk-amplification by local authorities. Research could also usefully investigate whether BIO torture becomes a substitute or a complement to other enforcement behaviors such as arrests and detentions. And finally, it would be useful to investigate how and to what extent states learn and adjust their policies toward border security. We think it likely that some will train their BIOs to follow specific rights-protecting protocols, while others will tolerate, perhaps even encourage torture, as a useful deterrence tool.

We acknowledge the well-known shortcomings of even the most rigorously analyzed observational data. Experimental research should be designed to reveal the conditions under which border agents and the population at large would be willing to tolerate torture in the name of border security. Such studies flourished after 9/11. To what extent do border “crises” soften resistance to torture as well? There is also a need to go beyond border walls as signals. If border walls become the new normal, researchers should be attuned to emerging modes of political communication that can spur exceptional (and illegal or immoral) enforcement at international borders.

While more work remains to be done, this research should prompt some serious reconsideration about border-hardening policies that aim, but fail, to deter.¹²⁸ The evidence produced here suggests that torture practices are not cultural givens; instead, they can be induced by messages that prioritize outcomes other than, or even at the expense of, rights protection. At the very least, this research suggests states should strengthen human rights messaging and training and hold torturers accountable for violations. It also suggests that institutional safeguards, including monitoring and accountability mechanisms, should be given close attention as well. Very few commentators have questioned sovereign states’ right to build border walls within their own territories. Nor do we. Yet it is worthwhile considering these structures through a human rights rather than a strictly sovereigntist lens.

Data Availability Statement

Replication files for this article may be found at <<https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/USKLU0>>.

Supplementary Material

Supplementary material for this article is available at <<https://doi.org/10.1017/S0020818326101350>>.

128. Melzer 2018; Wong et al. 2019.

AI Statement

The authors used R code that has been previously debugged with the assistance of ChatGPT and DeepSeek, and ChatGPT to explore the communications literature and the policing literature.

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Authors

Gino Pauselli is Assistant Professor of Political Science at the University of Illinois, Urbana-Champaign. He can be reached at pauselli@illinois.edu.

Beth A. Simmons is Andrea Mitchell University Professor in Law, Political Science, and Business Ethics at the University of Pennsylvania Carey Law School. She can be reached at simmons3@law.upenn.edu.

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