The Political Psychology of Counterterrorism

Aziz Z. Huq

University of Chicago Law School, Chicago, Illinois 60637; email: huq@uchicago.edu

Keywords

law and psychology, counterterrorism, terror management theory, authoritarianism, uncertainty-threat models, procedural justice theory

Abstract

In the past decade, legal scholars have developed an extensive corpus of doctrinal and normative work on national policy responses to terrorism. At the same time, political and social psychologists have tested a diverse range of theories concerning how perceptions of terrorism risk affect individual and aggregate behaviors such as electoral choices and preferences over public policies. The legal scholarship, with a handful of exceptions, does not draw on this empirical literature about the “demand” for counterterrorism. In consequence, its descriptive and normative claims tend to lack warrant in any defensible account of the political psychology of counterterrorism. To begin remedying that gap, this review explores insights from the empirical literature on the psychology of individual and collective responses to terrorism in order to better comprehend the political motivations that underwrite counterterrorism policy choices. Three lines of inquiry are highlighted: how individuals perceive and process terrorism risk information, how political and policy preferences change after terrorism attacks, and how counterterrorism tactics can alter patterns of individual behavior.
INTRODUCTION

On November 26, 2010, Federal Bureau of Investigation (FBI) agents arrested a Somali-born teenager minutes after he had parked what he believed to be a large car bomb near Pioneer Courthouse Square in Portland, Oregon. The municipality’s annual Christmas-tree lighting ceremony was scheduled to begin there some twenty minutes later (Miner et al. 2010). The suspect, a nineteen-year-old naturalized citizen called Mohamed Osman Mohamud, was subsequently indicted on a single count of attempting to use a weapon of mass destruction (Yardley 2010).

Mohamud’s attempted act plainly falls within the category of terrorism. Yet it differs markedly from other landmarks of what has usefully been called the 9/11 wars, such as the 1998 bombings of American embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania; the 2000 bombing of the USS Cole in Aden harbor in Yemen; and the September 2001 attacks on New York City and Washington, DC (Burke 2011, pp. 25–47). Each of those earlier terrorism attacks targeted a site of military or strategic significance: embassies, warships, or the centers of US military and economic power. In contrast, the annual lighting of the Christmas tree in Portland’s Pioneer Courthouse Square might well have local significance, but it bears no obvious strategic, military, or economic charge. If Mohamud’s alleged attempt is properly ranked as part of the terrorism campaign led and inspired by al Qaeda, one that reached an acme on September 11, 2001, it must be on quite different grounds.

Why then is the bombing of a public holiday celebration in a mid-sized Pacific-Northwestern city properly ranked with other major terrorism events? What do all have in common beyond the loose ideological affiliation of their authors? These events are properly viewed together because the strategic logic of terrorism does not turn on the immediate scale or consequences of violence. Notwithstanding the spectacular aspect of the 9/11 attacks themselves, terrorism is typically a weapon of the comparatively weaker side to a conflict or perceived conflict. It is invoked to level the playing field against an asymmetrically well-resourced opponent. Leading empirical works on suicide terrorism by Pape (2005) and Pape & Feldman (2010), which exploit data on the global distribution of suicide bombing, identify a correlation between suicide terrorism and resistance to foreign occupation by democracies. Rather than assuming the risk of unequal frontal confrontation on military terms, these studies suggest, organizations opposed to foreign control perceived as illegitimate turn to terrorism in order to exploit the psychological vulnerability of a militarily superior opponent that is subject also to democratic constraints.

A signal, perhaps defining, trait of terrorist violence from Portland to Mogadishu is therefore that its deployment rests upon the terrorist’s intention and expectation of “far-reaching psychological repercussions beyond the immediate victim or target” (Hoffman 2006, p. 40; see also English 2009, p. 5; Richardson 2006, p. 147). Potential repercussions include intimidation by the inducement of fear (Arce & Sandler 2005). They also include the possibility that public anger will induce governments to adopt self-defeating or delegitimizing strategies (Bloom 2005, p. 40; see also Cronin 2010, pp. 9–11; English 2009, p. 47; Richardson 2006, pp. 78–79). And they include the possibility of accelerated recruitment at the margin as a consequence of counterterrorism strategies that alienate or anger potential terrorist recruits subject to their control and jurisdiction (Kurzman 2011). Terrorist organizations, moreover, are hardly unaware of their ability to exploit such potent public psychological dynamics. Studies of al Qaeda find evidence of its efforts at organizational learning, including about the effective exploitation of opponents’ political and psychological dynamics (Ilardi 2009; Pape 2005, pp. 73–75).

In the past decade, psychologists and political scientists have made considerable advances in modeling and estimating how individuals and collectivities (e.g., the electorate in a
democracy) respond to terrorism. This literature aims to limn psychological mechanisms—which, in a modification of Elster’s (2011, p. 50) formulation, can be usefully defined as frequently occurring and easily recognizable causal patterns linking beliefs or perceptions to behaviors or predispositions. So defined, the psychological mechanisms examined here typically have three steps. A belief or perception triggers a mental state or emotion. This in turn generates a tendency or proclivity to behave in a certain way. And finally, that tendency can be exacerbated or diminished by other, extraneous psychological mechanisms. Whereas Elster evinces skepticism about the possibility of determinate emotional mechanisms, the empirical literature addressed here applies experimental and analytic tools to small pools of subjects and to large-\(n\) samples so as to identify stable perception-emotion-behavior connections.

Concurrent with the production of this empirical work over the past decade, there has been a cascade of legal scholarship concerning institutional, policy, and legal responses to terrorism in the United States. This second body of work has proceeded largely along legal-doctrinal or normative-evaluative tracks. Both descriptive and normative thinking about counterterrorism might be thought to require or necessarily rest upon an account of the underlying foundations of psychological responses to terrorism. Absent such an account, it is difficult to see how predictions of democratic responses might be made. Yet the majority of legal scholarship on counterterrorism does not contain an account of political psychology and therefore cannot explain why policies are or are not adopted. Nor can it account for observed public responses to policies. The legal scholarship instead accounts only infrequently for the contemporaneously developed empirical literature (Vermeule 2005 is an important and insightful early counterexample). In consequence, the legal literature on counterterrorism is frequently unmoored from any plausible systematic understanding of the potential restraining or enabling effects of psychological processes mediating between voters and policy choices. Often, observed policy choices are assumed without any discernible empirical justification to be purely rational responses to terrorism risk. Institutional reforms are proposed without attention to how they might interact with the psychological dynamics catalyzed by subsequent manifestations of terrorism risk. Neither lacuna, however, is justifiable. The resulting scholarship will frequently be liable to reflect authors’ normative priors rather than epistemically warranted accounts of the national policy process.

This review aims to begin bridging the gap between the legal scholarship and the social and political psychology literature. To that end, it canvases recent advances in the understanding of psychological responses to terrorism and counterterrorism. Empirical studies of small pools of subjects and large-\(n\) samples by social and political psychologists, executed against the backdrop of enlarged public awareness of and sensitivity to terrorism risk since September 2001, have yielded rich and variegated veins of theories and evidence. The resulting findings help illuminate three relationships salient to understanding how threats and experiences of terrorism influence individual behavior, attitudes, and political outcomes in a constitutional democracy.

First, there is a set of studies that illuminate how individuals process and respond to terrorism risk and terrorism events. Employing divergent methodologies and theoretical accounts of human cognition, these studies identify diverse factors that predict greater or lesser affective responses to terrorism. They also isolate cognitive and affective mechanisms that intermediate between experiences and knowledge of terrorism on one hand and behavior and preferences on the other. Second, another series of studies, which largely comprises analyses of large-\(n\) public-survey data, takes collectives rather than individuals as the relevant unit of analysis. The latter studies aim to estimate the effect of terrorism events upon democratic political outcomes and policy.
The September 2001 attacks in New York and London and the March 11, 2004, attack upon three train stations in Madrid, Spain, have furnished experimenters with unexpected opportunities to engage in natural quasi-experiments to test the relationship between terrorism events and political outcomes. Although these studies do not employ randomized assignment, they nonetheless provide more substantial evidence of the causal effects of terrorism events to supplement randomized small-sample studies (which typically employ undergraduates as test subjects).

Finally, a smaller group of studies estimate behavioral responses to specific counterterrorism policies, such as increased investigative focus on religious and racial minorities; more aggressive deployments of electronic surveillance of telephonic and electronic communication; indefinite detention of citizens and noncitizens; and the use of torture or cruel, inhuman, and degrading forms of punishment. These studies are relevant here because it is a common terrorist strategy to use violence to “affect the domestic politics of a state” and drive a wedge between that state and potential terrorist supporters (Cronin 2010, pp. 9–10). Understanding the psychological effects of counterterrorism may be especially important in contexts in which a state encompasses minority populations that can be targeted for recruitment by terrorist groups (Huq 2013). There is also a scarcity of careful empirical studies of how the state’s counterterrorism choices can exacerbate the magnitude of terrorism risk. This lacuna is somewhat akin to the dearth of studies documented recently in these pages by Wilderman & Muller (2012) as to how the state’s creation of a criminal justice system creates negative public health and welfare externalities. In both domains, the state’s short-term interests conduce away from aggregation of meaningful data. As if to illustrate this point, a recent, notionally comprehensive summary of social science research on counterterrorism commissioned by the Office of the US Secretary of Defense omits any discussion of the psychology of counterterrorism (Davis & Cragin 2009).

The primary aim of this review is to map efforts to understand the psychological effects, rather than the causes, of terrorism. A separate literature has emerged respecting the psychological dynamics of individual terrorists and the etiology of terrorist organizations (Atran 2010, Horgan 2005, Sageman 2004, Vertigas 2011; for a useful summary, see LaFree & Ackerman 2009). Governments have also invested considerable effort in modeling potential pathways of terrorist radicalization, albeit on the basis of controversial assumptions and to dubious predictive effect (for a critical review of the relevant state efforts, see Huq 2010). These subjects fall outside the scope of this review.

Two threshold caveats are necessary. First, this review identifies, but does not resolve, deep theoretical disputes involving competing elemental models of human psychology. Different research programs rely on divergent starting intuitions, address different levels of analysis, and pursue distinctive research agendas. It is emphatically beyond my mandate to resolve these foundational theoretical duels. Where feasible, I nevertheless aim to integrate insights from distinctive research programs, as well as to show where they diverge. Second, most of the empirical and theoretical work addressed in this review focuses on American (or, in a few instances, European or Israeli) data. Much of the work is also concerned with only one species of terrorism—the one associated with the ideology and aims of al Qaeda and its affiliates. Not all historical or contemporary experience with terrorism, of course, derives from this narrow subset of political violence (Carr 2008, Richardson 2006). Further, the studies discussed here employ a potentially unrepresentative demographic sample limited to the United States and Europe, which may have limited external validity (Henrich et al. 2010). Care must therefore be taken in assuming the fungibility of work so narrowly focused in time, subjects, and substantive content. Nevertheless, to the extent that both the empirical literature herein canvassed and the legal scholarship are preoccupied with American and European policy
responses to al Qaeda–inspired or –directed terrorism, my narrow focus is appropriate.

I begin by summarizing leading approaches to counterterrorism in the legal scholarship with the aim of highlighting the absence of persuasive psychological foundations to many descriptive and normative claims. The following sections address seriatim three discrete questions about the political psychology of counterterrorism: how terrorism risk is processed and evaluated, what political behaviors and preferences individuals and collectives adopt in responding to terrorism risk, and how the government’s responses to terrorism generate further psychological and behavioral dynamics. A final section considers how the legal scholarship might be enriched via exploitation of this extensive literature concerning the political psychology of counterterrorism.

LEGAL SCHOLARSHIP RESPONDS TO SEPTEMBER 11

Legal scholarship in response to the September 11 attacks covers a wide array of topics, including civil liberties (Cole 2004), detention powers (Hafetz 2010, Huq 2012a), surveillance powers (Landau 2010), racial and religious discrimination (Huq 2012b, Nussbaum 2012), executive power (Ackerman 2010, Posner & Vermeule 2010), and emergency powers (Gross & Ní Aoláin 2006). Within this heterogeneous literature, descriptive and normative claims are often entangled and confused. An understanding of the political psychology of counterterrorism nevertheless may bear distinctively on both positive and normative analyses.

First, legal scholars typically explain developments in counterterrorism policy in terms of evolving dynamics with terrorist groups. Both Chesney (2013) and Huq (2013), for example, identify the fragmentation of al Qaeda’s organizational core in the Afghanistan-Pakistan border region along with the expansion of franchise-type organizations in Somalia, Yemen, and Mali as potential causal predicates of new counterterrorism policies. Their analytic focus might be read to imply that counterterrorism policy is the product of exogenous forces, not endogenous political dynamics, and they prescribe policy solutions in light of those external changes.

When endogenous causes are taken into account, it is on the basis of thin empirical foundations. For example, there is a debate as to whether policy responses to terrorism attacks reflected merely rational updating in response to new information (Posner & Vermeule 2007; Vermeule 2005, 2008) or cognitively exaggerated estimates of terrorism risk (Stone 2004, Sunstein 2004). On one hand, Posner & Vermeule (2007, p. 56) celebrate the possibility that emergencies will “release the polity from a sclerotic equilibrium,” opening the door to socially optimal response. This analysis generates a prediction of neither excessively authoritarian nor inadequately statist responses (Vermeule 2005, pp. 875–76). On the other hand, Stone (2004, p. 553) expresses concern that public responses enabled “opportunistic and excessive” policies after 9/11, whereas both Huq (2012c) and Holmes (2007, pp. 286–302) contend that observed policies often reflect senior officials’ exogenous, anterior agendas, not rationally tailored responses to new threat information.

Descriptive discord spills over into divergent evaluations of how policy and the policy-making process ought to change. The central debate here is institutional in nature. It concerns which branch of government—Congress or the executive—should have a primary role in setting security-related policies. In a series of influential articles, Issacharoff & Pildes (2004) and Issacharoff (2009) argue for “bilateral accountability,” on the ground that policies endorsed by both the legislative and executive branches of government are likely to be social welfare enhancing. By contrast, Posner & Vermeule (2007, pp. 45–57) argue that, as a descriptive matter, it will be the executive branch (i.e., the president) that sets the terms of policy and that legislative authorizations and judicial ratifications tend to follow on the heels of presidential decision making. Finding “little systematic evidence for the assumption that requiring authorization improves outcomes”
Posner and Vermeule disfavor reforms that would impede or retard executive initiative. Institutional analysis in this vein rests on assumptions about the net effect of public preferences on elected actors, in addition to assumptions about how the different tenure and voting rules established in Articles I and II of the US Constitution channel those preferences (for a critique of using institutional processes as a proxy for the quality of policy decisions, see Huq 2012c). It thus implicitly assumes a model of the political psychology of counterterrorism but does not specify the latter. On its own terms, this species of institutional analysis is accordingly incomplete. Prescriptive and descriptive work on counterterrorism law that relies on assumptions about individual and public preferences and behaviors in response to terrorism should spell out those assumptions and provide evidence for their validity. Yet with a handful of exceptions (see Vermeule 2005, 2008 and responses in Huq 2012c), the legal scholarship has failed even to register the existence of the large domain of empirical work on those issues.

The balance of this review develops an account of the past decade’s accumulated wisdom, refined largely by social and political psychologists, concerning individual and collective responses to terrorism and state responses to terrorism. I begin by exploring three lines of research. The first concerns how individuals perceive, process, and evaluate terrorism-related information or stimuli. The second discusses evidence of how individuals and collectivities translate that information into behavior and policy preferences. The third line addresses individual attitudinal and behavioral responses to specific counterterrorism measures and tactics.

PERCEIVING AND PROCESSING TERRORISM RISK

I begin with the matter of how individuals perceive and evaluate terrorism risk. Two initial points merit mention. First, in addressing that foundational issue, I also identify some evidence of attitudinal and immediate behavioral change. In the next section, it bears noting, I take up the related question of whether terrorism risk leads individuals to shift their preferences over national leaders and policies. Second, in summarizing the studies that address this question, I largely present central findings and, in the interests of brevity, do not document methodological choices. Almost all of the studies, however, employ random sampling to create treatment and control groups from either small undergraduate or large national pools of respondents, such as that maintained by Knowledge Networks (e.g., Skitka et al. 2006). When noteworthy different methodologies are used to collect data, I note as much.

To see the need to understand individual cognitive processes salient to terrorism, consider some questions raised by the September 2001 attacks. On one hand, Americans were presented that day with (horrifying) new information concerning terrorism risk. That information, on the other hand, was plainly partial. The magnitude of the risk was not then free of uncertainty. Moreover, it may not have been clear how best to respond to the new risk either individually or as a polity. An immediate problem is that cognitive mechanisms might create misalignments between new risk-related information and behavioral change.

In this vein, prospect theory identifies commonly employed cognitive heuristics that might conduce to erroneous estimates of risk and response. Sunstein (2003; 2005, p. 204; 2007, pp. 53–63), for example, hypothesizes that both the availability heuristic and probability neglect may have contributed to excessive intrusions on civil liberties. Explaining Americans’ starkly divergent responses to the potentially catastrophic harms that may arise from climate change and terrorism, Sunstein (2007, pp. 63–68) also appeals to outrage, but he does not provide a detailed psychological model of that variable. In an empirical vein, Gigenzer (2003, 2006) provides a useful demonstration of the possible effects of availability bias and probability neglect. Examining changes in interstate driving and air travel in the United States in the year after September 2001, he estimates that
1,500 additional individuals were killed on the roads as a consequence of marginal increases in automotive travel (arguably) caused by 9/11-related fears.

Yet cognitive heuristics of this kind cannot provide a complete account of the potential psychological effects of terrorism risk. Goodwin et al. (2005) carried out two studies in the United Kingdom to determine whether perceptions of terrorism risk and adaptive behaviors (e.g., reduced use of public transport) are correlated with demographic traits. They identify gender (female), increasing age, and suburban residence as correlates of increased fear of terrorism. Prospect theory does not provide an obvious account of why these factors, and not other traits, would predict terrorism risk perceptions. Rather, studies such as Goodwin et al.’s point to the potential relevance of noncognitive mechanisms and demographic differences, in addition to cognitive processes, as predictors of individual evaluations and behavioral responses to terrorism risk. In addition to new information, that is, a terrorist attack is likely to provoke an emotional response such as fear or anger (Skitka et al. 2004). Behavioral responses may be a function of how new risk information is processed and the noncognitive pressures initiated by emotional repercussions of terrorism.

Social psychologists have developed several alternative accounts of the mechanisms underlying noncognitive, affective responses to terrorism risk. The most important general models are terror management theory (TMT) of Pyszczynski and collaborators (Greenberg et al. 2008, Pyszczynski et al. 2002), the uncertainty-threat model of Jost and collaborators (Jost & Napier 2012), and the right-wing authoritarian model (Benjamin 2006). In addition, important work has been done to identify the causal microfoundations of distinct behavioral reactions in either fear or anger (Skitka et al. 2004). Common to these diverse empirical research agendas—each described at further length below—is the result that attitudinal and behavioral responses to terrorism risk cannot be assumed to reflect merely rational updating (or updating reliant on accurate cognitive heuristics). Rather, as Sunstein’s invocation of the concept of outrage somewhat elusively intimates, individual responses are partly a function of previously latent emotional needs or, more generally, noncognitive dynamics. Theorists nevertheless disagree as to how best to model such dynamics. More importantly, there is also discord on the distribution of ensuing preferences, that is, whether individuals systematically bias away from libertarian outcomes or whether they polarize toward both libertarian and more statist and hierarchical preferences with little or no net effect on median preferences. Although this review does not engage in meta-analysis of the underlying studies, I suggest tentatively that the weight of evidence favors the former and not the latter interpretation.

Perhaps the most extensively tested theory of psychological responses is TMT. TMT is motivated by Ernest Becker’s (1973, 1971) early-twentieth-century integrative account of human psychology. TMT identifies two psychological mechanisms that warrant particular attention for understanding responses to terrorism and preferences over counterterrorism policy. First, it picks out reminders of mortality as distinctive triggers of anxieties. Terrorism, unlike some other risks, is closely and immediately associated with mortality. Second, TMT studies identify a causal effect of mortality salience on a range of responses and attitudes that are relevant to counterterrorism policy choices.

Terror management theorists begin by postulating (a) a basic proclivity to remain alive that is shared by humans and animals alike and (b) a uniquely human awareness and anticipation of death (Greenberg et al. 2008, Pyszczynski 2004, Pyszczynski et al. 2002). Fear of death provokes terror, fear, and anxiety. To manage these undesirable and painful emotions, humans have developed what TMT labels cultural worldviews. The latter are accounts of “life and our place in the cosmos; a set of standards for what is valuable behavior, good or and evil, that give us the potential for acquiring
self-esteem” in the face of inevitable death (Pyszczynski 2004, p. 830, emphasis in original). Reminders of mortality, according to TMT, induce a series of distal changes in preferences and normative judgments that reinforce self-esteem-generating worldviews and reduce death-related anxieties back to baseline levels (Landau et al. 2004, pp. 1137–38). Amplification of these preferences provides a means to restore psychological control in the face of mortality-related anxiety. It bears emphasis here that TMT is not a theory of panics. Its observed effects, that is, “are not mediated by the participant’s current emotional state” (p. 1137). Consistent with this account, an early mortality salience study by Rosenblatt et al. (1989) finds that a treatment group of state court judges reminded of death penalized alleged prostitutes more harshly than a control group reminded of another aversive topic such as dental pain. Subsequent studies identify other effects of mortality salience on a range of preferences and beliefs related to cultural worldviews (for a helpful summary, see Pyszczynski et al. 2002). Not all aspects of a given cultural worldview, however, are equally effectual in the restoration of psychological stability against the fear of death. Landau et al. (2004) conclude that those aspects of a person’s worldview that offer an especially clear vision of an orderly world are most likely to be activated after priming with mortality salience (Pyszczynski et al. 2006).

After 2001, terror management theorists began to use reminders of al Qaeda, the September 2001 attacks, and terrorism as natural triggers of mortality salience (Landau et al. 2004; cf. Ullrich & Coors 2007, questioning whether terrorism invokes thoughts of death in the context of a European study). Although many of the studies employ overt prompts such as news items, one study used subliminal reminders of terrorism (e.g., the strings of character WTC or 911 within a prompt) and obtained statistically significant results (Landau et al. 2004; see also Arndt et al. 1997). This latter result suggests that mortality salience effects balance on a hair trigger. Given the extent of media coverage of terrorism since 2001 (Nacos et al. 2011), however, it might be hypothesized that TMT mechanisms have been operating to a consequential degree in shaping preferences and behaviors.

Mortality salience, TMT studies suggest, has four important effects. First, mortality primes increase adherence to whatever social norms and values are salient at the moment of priming (Gailliot et al. 2008). Second, Cohen et al. (2004) and Gillath & Hart (2010) find that these primes also increase preferences for and favorable evaluations of charismatic over task- or relationship-oriented leaders. By contrast, in a control, charismatic leaders received little support. In a panel study conducted both before and after 9/11, however, Moskalenko et al. (2006) find greater affinity for country and university, but not religious or ethnic grouping—a result in some tension with TMT predictions. Third, a mortality salience prime “leads to increased support for the use of lethal force and the acceptance of thousands of civilian causalities” (Pyszczynski et al. 2006, p. 533). Pyszczynski et al. (2006) carry out this last study with samples of both American and Iranian college students, obtaining similar effects with both samples.

Finally, mortality salience primes increase disdain and distancing from perceived out-groups and increase support for in-groups (Fritsche et al. 2008). Schimel et al. (1999) thus find evidence that mortality primes increase reliance on racial and national-origin stereotypes. Minorities who fit those stereotypes are viewed more favorably, whereas those who do not are perceived with increased disfavor. This finding has been replicated in part with respect to Muslim and Arab minorities, who have been objects of heightened suspicion after September 2001 (Dupuis & Safdar 2010). In the wake of controversies over the locating of a Muslim religious center in lower Manhattan, Cohen et al. (2013) test whether priming with mortality salience increased antipathy to the proximate construction of a mosque. They generate a significant positive result. Moreover, they find that priming subjects with information about a mosque
(but not a church or synagogue) also increases the accessibility of implicit death thoughts. In a partial challenge to these findings, Davis (2007, pp. 215–17) examines national polling data and finds intolerance toward groups perceived as being responsible for the 9/11 attacks but no change in in-group affinities.

Some studies identify more complex, asymmetrical downstream effects from rising in-group preference. In an early study, for example, Greenberg et al. (1992) find that mortality salience priming renders liberal subjects more tolerant (including toward conservatives) and conservative subjects less tolerant (including toward liberals). In a study of women and Hispanics, Arndt et al. (2002) identify an increase in preferences for in-group members even when respondents are themselves members of that out-group. This latter result is consistent with findings from studies in the system justification theory (SJT) vein to the effect that increased threat perception leads to in-group favoritism among high-status individuals but out-group favoritism among low-status individuals (Jost et al. 2007). Other studies pursuant to the SJT research agenda find that a terrorism-related prompt increases the tendency to engage in system justification (Ullrich & Coors 2007). This finding of asymmetric effects from perceived threat suggests that mortality priming does not affect all people the same way and hence does not merely deepen existing priors.

Other TMT studies illustrate how the three effects from mortality salience primes can be unevenly distributed across the population. More specifically, they identify other psychological forces that operate as buffers to diminish, or even reverse, typically observed TMT effects. Hence, Huddy et al. (2007) find evidence that personal security and attachment feelings have buffering effects. Similarly, Weise et al. (2008) conclude that mortality salience’s effects are buffered by high levels of interpersonal attachment, which individuals employ to manage distress. Gillath & Hart (2010) elicit the same buffering effect from mortality’s disequilibrating force by priming subjects with an alternative source of psychological security (i.e., a prompt to think of a supportive figure in a subject’s life). These three studies point to the importance of anterior sentiments of personal security. Even if these buffers are successful, though, their deployment can have a cost. Gailliot et al. (2006) identify self-regulation of emotionally burdensome thoughts as a mechanism for alleviating the destabilizing effects of mortality salience, but the authors caution that such self-regulation is taxing, depleting resources and leaving people with less self-control afterward.

TMT has direct relevance to the terrorism context because of the role that fears of mortality play in terrorists’ strategies. TMT, however, is not the only research framework that has attempted to interpret new data concerning post–September 2001 changes in public preferences and beliefs regarding terrorism. Three other research agendas have been employed as lenses for comprehending individual responses to terrorism and so warrant discussion here: the uncertainty-threat model, research on authoritarian dispositions, and disaggregation of fear versus anger effects. I address each in turn.

First, the uncertainty-threat model, which is associated most often with Jost, posits fundamental, even neurological, motivational distinctions underpinning the quotidian distinction between the political Left and the political Right—distinctions that track “pervasive ideological differences in orientation toward uncertainty and threat” (Jost & Napier 2012, p. 91; for neurological evidence, see Jost & Amodio 2011). Describing Left-Right ideology as a product of motivated social cognition, Carney et al. (2008) estimate that the liberal/conservative division is highly correlated with different personality types along axes of openness to new experiences and conscientiousness. Consistent with this framework, the uncertainty-threat model predicts that “increases in dispositional (or situational) needs to either reduce uncertainty or manage threat (or both) should be associated with increased attraction to conservative ideology (and decreased attraction to liberal ideology)” (Jost et al. 2007, p. 991). The 2007 study that puts forward this hypothesis finds evidence that
fear of terrorism is significantly and positively correlated to self-reported conservatism (although the authors explicitly eschew any causal claim). The uncertainty-threat model is thus consistent with TMT studies that predict “ideological shifts to the right” upon learning of terrorism risk (Jost et al. 2009, p. 321). It differs from TMT in that (a) TMT leaves open the possibility that in some instances a mortality salience prime will cause an individual who has especially powerful tolerance priors not to shift to the Right and (b) TMT addresses a more specific form of epistemic or sensory input (the fear of death) than does the uncertainty-threat model, which allows conservatism to be predicted by durable, long-term traits and more immediate situational prompts.

Second, there is a long-standing body of scholarship, starting with Adorno et al. (1950), concerning authoritarianism [or right-wing authoritarianism (RWA)] (Stenner 2005). Rather than referring to a partisan preference (e.g., Republican), RWA is defined in behavioral terms as a predisposition to be submissive to political and societal authorities, to endorse traditional norms of society, and to react aggressively against minorities when aggression is sanctioned by authorities (Altemeyer 1996, Cohrs et al. 2005, Hetherington & Weiler 2009, Stenner 2005). RWA is correlated to positive attitudes toward punitive and military violence (Benjamin 2006). A handful of studies have applied the RWA framework to model psychological responses to terrorism. In one leading study, Feldman & Stenner (1997) find that perceptions of threats do not directly increase authoritarian predispositions but instead interact with authoritarian predispositions to raise reported levels of intolerance, prejudice against out-groups, and punitiveness. In another study also identifying an interaction effect between authoritarianism and threat, Lavine et al. (2005) identify increased interest among more authoritarian subjects in biased news articles as opposed to more even-handed coverage.

Methodologically distinct studies employing the RWA framework aim to model the psychological effects of terrorism. For example, Cohrs et al. (2005) use a panel study design first to measure subjects’ attitudes and predispositions to RWA and then a year later to measure their attitudes toward civil liberties. This longitudinal approach generates evidence that RWA attitudes predicted subsequent support for civil-liberties restrictions. It confirms that RWA interacts with threat information. Subjects polarize over civil liberties depending on whether they manifested high or low RWA scores. (For a similar finding without a panel study, see Crowson et al. 2005.) Examining the inverse causal relationship, Bonanno & Jost (2006) find that both liberals and conservatives directly exposed to the 9/11 attacks in New York expressed more RWA attitudes after exposure. In yet another panel study, Echebarria-Echabe & Fernández-Guede (2006) measure attitudes toward out-groups (including Jews and Muslims) and both the authoritarian and ideological orientations of a sample of the Spanish population both before and after the March 2004 Madrid train bombings. This was possible because they were fortunate to have completed one sample for another study before those attacks. They find that both anti-Arab and anti-Semitic prejudices rose after the attack. Adherence to conservative and authoritarian attitudes also rose in their sample, whereas adherence to liberal ones fell. These results can plausibly be interpreted as confirming RWA theory. Echoing the Echebarria-Echabe and Fernández-Guede findings, Nail & McGregor (2009) find a conservative attitudinal shift among both American liberals and American conservatives by comparing a pre-9/11 to a post-9/11 sample.

In the final line of research to be discussed in this section, fear and anger are identified as emotional responses to terrorism that follow distinctive pathways with distinct effects upon preferences in respect to policies. Lerner et al. (2003) thus find that fear correlates with a preference for defensive counterterrorism measures, whereas anger correlates with a preference for aggressive tactics. Similarly, Skitka et al. (2006) also conclude
that the two emotions lead to divergent consequences, with fear predicting support for deporting potentially threatening out-groups (in the study, Arab American, Muslims, and all first-generation immigrants), whereas anger conduces to more confrontational, military responses. Because their study included a measure of RWA, Skitka et al. (2006) are also able to identify a correlation between higher levels of RWA and experiences of both fear and anger. A companion study finds that fear’s effect was mediated through a personal feeling of threat, whereas anger’s effect was mediated through sentiments of moral outrage and out-group denigration (Skitka et al. 2004). These studies point to the existence of complex emotional microfoundations for the broad-brush findings of TMT, RWA, and other more holistic accounts.

Do these studies yield a consistent prediction concerning how preferences and behaviors in the aggregate will respond to terrorism risk? In general, the large majority of studies predict an increase in out-group prejudice, heightened preferences for new restrictions on civil liberties, and increased preferences for more authoritarian, charismatic leadership (Morgan et al. 2011). There is, nevertheless, debate in the legal scholarship as to whether TMT and the other psychological mechanisms discussed here conduce to asymmetrical effects, that is, whether threat, terrorism risk, or mortality salience pushes individuals on the whole to more authoritarian outcomes or not. In particular, Vermeule (2005) suggests that because TMT predicts increased attachment to immanent cultural worldviews, it will in the aggregate conduce to polarization between political liberals and political conservatives with nugatory net effect on, say, the outcomes of elections. Writing against a perceived consensus judgment that individuals and governments tend to overreact to crisis, Posner & Vermeule (2007) also propose that there is no reason to expect asymmetrical responses, as opposed to offsetting tendencies to polarize, on each side of the libertarian-authoritarian spectrum.

On balance, the empirical literature does not support either of these conclusions. To be sure, one TMT study (Pyszczynski et al. 2006, p. 532) finds polarization of liberals and conservatives by political worldview in respect to preferences over the use of military force. Another early TMT study (Greenberg et al. 1992) also finds polarization of tolerance attitudes toward out-groups between liberal and conservative samples. Pyszczynski et al. (2006), however, gloss the aforementioned result as a consequence of the stronger inhibition among liberal college students regarding the expression of pro-military views and caution that “reminders of morality do not simply lead to the amplification of tendencies that exist under more neutral conditions” (Pyszczynski et al. 2006, p. 536).

Consistent with Pyszczynski et al.’s (2006) gloss of the data, several other TMT studies suggest both liberals and conservatives respond to mortality salience prompts in the same, non-polarizing way, that is, by evincing less tolerance of difference and a greater willingness to impose harsh penalties on those who diverge from or who are perceived as a potential threat to an in-group. Landau et al. (2004, p. 1144) hence find that both liberals and conservatives respond to mortality salience primes in the same way (in that study, by increasing support for a leader perceived as being firmer on terrorism). Studies using other methodologies also find a Rightward shift in response to a perceived mortal threat (Feldman & Stenner 1997, Nail & McGregor 2009, Ulrich & Coors 2007). A meta-analysis by Jost et al. (2009, p. 321) of studies employing different methodologies likewise concludes that “a barrage of recent studies suggests that existential motives to cope with anxiety and threat lead disproportionately to conservative outcomes.” Finally, in their study of the buffering effects of interpersonal attachments, Weise et al. (2008, p. 454) find Left-Right polarization between high-attachment and low-attachment types, but they caution that “conservative ideology may be an especially appealing source of emotional security, because of the structure and stability it provides.”
In short, although the evidence is not unequivocal, most researchers, whatever their research agenda, appear to have concluded that the shifts in preferences from reminders of terrorism are asymmetrical and do not lead to mere polarization of existing distributions of preferences.

**BEHAVIORAL AND PREFERENCE EFFECTS FROM TERRORISM ON POLITICAL OUTCOMES**

This section moves from the individual to the aggregate level and considers whether terrorism risk has an effect on political behavior and outcomes. Consistent with the findings of TMT, SJT, RWA, and other individual-level psychological theories, there is evidence that terrorism has effects on electoral and policy outcomes. I begin by considering electoral effects and then turn to preferences in respect to counterterrorism policies that touch on civil liberties.

To begin with, research on individual responses to terrorism identifies changes to preferences that are directly related to electoral outcomes. For instance, Landau et al. (2004) test the effect of both terrorism and nonterrorism mortality salience primes on support for then President George W. Bush and then presidential candidate John Kerry. Support for the latter fell, whereas support for the former rose after priming. As noted above, this effect “was not at all limited to conservative individuals and was not the result of an increase in political conservatism” (Landau et al. 2004, p. 1146). The study used undergraduates as subjects. To generate stronger evidence of TMT’s likely effect on electoral outcomes, Cohen et al. (2005) conduct an analogous study using registered voters and find an increase in support for Bush over Kerry. Landau et al. (2004) posit that this effect might be explained by a mortality-salience-induced increase in affinity for symbols of the United States or, alternatively, a preference for a charismatic or forceful leader. A study by Merolla & Zeckmeister (2009a, 2009b) further identifies an increased preference for charismatic leaders as a determinant of voting behavior at times of perceived terrorist threat, as well as a weakening of issues and partisanship as predictors (see also Woods 2011). Cohen et al. (2004), finally, test preferences over gubernatorial candidates rather than presidential ones and report a shift in preferences from task- and relationship-oriented leaders to charismatic leaders after the application of a mortality salience prime, despite the absence of gubernatorial responsibility for most questions of national security.

Consistent with Landau et al.’s (2004) finding about the increase in President George W. Bush’s popularity after mortality priming, political scientists have identified a large rally in public opinion in the wake of September 2001 (Campbell 2005, Hetherington & Nelson 2003). In a study that reaches findings consistent with TMT, Kam & Ramos (2008) regress polling data on an array of potential predictors to show that increasing patriotism (i.e., ingroup attachment) after 9/11 explains much of the initial uptick of support for President Bush. Support for the Bush administration and its policies decayed over time as opposition politicians became increasingly likely to speak against the president (Kam & Ramos 2008). Somewhat counterintuitively, Huddy et al. (2002b & 2005) and Chanley (2002) analyze opinion polls to show that the 9/11 attacks also reversed a long slide in public confidence in government. As it seems unlikely that the failure to prevent a catastrophic terrorist attack would prompt positive Bayesian updating of trust in government (see Merolla & Zeckmeister 2009b), this result may be better explained in terms of the need for psychological security after a powerful reminder of mortality.

Terrorism usually, but not always, produces a rally effect (Chowanietz 2011). Studies from Spain and Israel, however, provide counterexamples and some nuance to this general claim. Spain’s national elections in 2004 were immediately preceded by three explosions that killed about 200 and injured more than 600 people at Madrid train stations on March 11. Before the attacks, the governing, and more conservative, Partido Popular (PP) was leading the
Left-leaning Partido Socialista Obrero Español (PSOE) in the polls. The PP, however, received only 37.6% of the ensuing vote, whereas the PSOE prevailed with 42.6% (Indridason 2008). Montalvo (2011) estimates the likely outcome of the election absent the attacks using data from ballots cast overseas before March 11. Using a difference-in-differences model, he finds that the PP would have won with between 42% and 45% of votes. The PP thus appears to have suffered from an anti-rally effect. Exploring the causes of this effect, political scientists propose that the PP’s decision to blame Basque separatists for the attacks (in the teeth of contrary evidence already in its possession) was perceived as an effort to politicize a tragic attack and hence mobilized centrist and leftist voters who would otherwise not have participated in the election (Bali 2007, van Biezen 2005). Rather than being caused by strategic manipulation of democratic process by a terrorist group, therefore, the anti-rally effect flowed from political miscalculations by official actors seeking to manipulate the flow of terrorism-related information to the public for electoral advantage (Jordan & Horsbugh 2008). The electoral consequences of terrorism hence rest not merely on the magnitude of the cognitive and noncognitive impact of any initial violence or tragedy, but also upon the nature of the state’s response.

Studies of Israeli parliamentary elections also imply a more complex process than mere invocation of the rally effect would suggest. Between 1988 and 2003, a terrorist attack in a locality caused an increase of about 1.35% for the Right bloc, independent of whether a Right- or Left-leaning government was in office at the time. Left-leaning constituencies became more Right leaning after an attack. Left and Right blocs in localities that did not suffer an attack, however, polarized to both Left and Right extremes. The net effect of all these shifts is “an increase in the electorate’s support for the bloc of parties that is associated with a more intransigent position toward terrorism” (Berrebi & Klor 2008, p. 299). This pro-security tilt is also found in a second study of election outcomes between 1990 and 2003 (Berrebi & Klor 2006).

If psychological mechanisms predict electoral outcomes, do they also explain attitudes toward specific policies? In particular, do psychological studies elucidate changes in public attitudes toward government policies that impinge upon civil liberties? There is some evidence that negative attitudes toward Muslim Americans in particular predated 2001 and derive from a perception of them as both racial-religious and cultural outsiders (Kalkan et al. 2009). Studies of raw polling data nevertheless show that public support for civil liberties collapsed after 9/11, whereas support for overseas military action increased sharply (Davis 2007, Huddy et al. 2002a). In that period, the content of news coverage in particular appeared to influence levels of support for civil liberties, with television and print media having different effects (Scheufele et al. 2005).

More familiar psychological mechanisms have also been identified in relation to fluctuating attitudes toward civil liberties. Thus, studies in the TMT, SJT, and RWA traditions all furnish support for the proposition that perceptions of terrorism threat will tend to correlate with more stereotypical thinking, greater disapproval of minorities, and increasingly authoritarian attitudes (Merolla & Zechmeister 2009b), although they disagree about the precise mechanism at work. On one hand, some studies relying on national survey data and testing an RWA framework have identified a preference shift toward more restrictive and aggressive policies after perceiving greater terrorism risk (Hetherington & Suhay 2011, Hetherington & Weiler 2009). This result is glossed in terms of the increased authoritarianism of individuals who tend to be libertarian in outlook to begin with, rather than a shift in preferences among authoritarian types. On the other hand, Kinder & Kam (2009, pp. 81–85; also Kam & Kinder 2007) find preexisting ethnocentric preferences, measured in terms of acceptance of stereotypes, to be a better predictor of support for counterterrorism measures than threat perceptions (see also Berinsky 2009, pp. 127–51).
Two other lines of research into the effect of threat perceptions upon support for civil liberties merit supplemental attention because they pick out important, if subtle, differences in the psychological mechanisms potentially at work. First, relying on large-\( n \) telephone surveys conducted between November 2001 and January 2002, one study identifies a correlation between declining support for civil liberties and both increasing perceptions of sociotropic threat and tendencies toward partisan identification (Davis & Silver 2004, pp. 35–37). In the context of the same study, Davis & Silver (2004) find that threat perceptions provide better predictions of attitudes toward civil liberties than liberal-conservative political identities. Their analysis suggests that “liberals who are very concerned about the possibility of a future terrorist attack on the U.S. support fewer civil liberties positions than do conservatives who are not at all concerned about such an attack” (p. 43). The same study also concludes that this effect is most pronounced among those who have greater trust in government in the first instance. At low levels of trust in government, by contrast, increasing perceptions of sociotropic threat makes little difference. This interaction might be explained by positing that distrust of government renders civil liberties a priority and also engenders skepticism about government’s ability to respond effectively to exogenous risk. Other studies confirm the salience of sociotropic threat perceptions as negative correlates of support for civil liberties (Berinsky 2009; Davis 2007, pp. 200–1; Sullivan et al. 1982). Second, and in some tension with Davis and Silver’s basic finding, Huddy et al. (2007, p. 149) find that “the greatest impact of threat [on several variables including support for civil liberties] is concentrated among individuals who had difficulty maintaining a sense of security in the months following the terrorist attacks.” In contrast to other studies that focus on sociotropic threat, they conclude that a “sense of personal insecurity plays a central role in willingness to forfeit personal liberties in response to an external threat.”

Studies of more particular counterterrorism measures that link public judgments to psychological mechanisms are more difficult to locate. Four studies nevertheless merit brief mention here. First, Malhotra & Popp (2011) examine the effect of perceived threat information on attitudes toward search, surveillance, and military tools. Their work echoes the finding of Hetherington and collaborators that the effect of perceived threat is to increase support for punitive and aggressive measures and that this effect tends to be greatest among self-designated liberals. Second, Carlsmith & Sood (2009) find that the willingness to endorse the use of torture does not correlate with evidence of efficacy but rather is negatively related to judgments about the moral status of the interrogated person and subjects’ desire for revenge. This finding echoes TMT’s and other theories’ findings about ethnocentrism. Third, moral sentiments can also operate as an impediment to endorsing torture. Aramovich et al. (2011) find that individual resistance to social influence to endorse measures such as torture is a function of preexisting moral convictions. Undergraduate participants in their study who placed less personal importance on religious or moral convictions tended to alter their views more frequently based on a perceived consensus in favor of torture. Finally, Viscusi & Zeckhauser (2003) examined willingness to support racial profiling among a sample of Harvard Law School students soon after September 2001 (a sample population choice, to be sure, likely to impose severe constraints on the generalizability of their findings). They identify increased support for profiling, for instance, at airports when it has efficiency benefits (e.g., reducing waiting times for other passengers) and identify greater support for profiling among white than nonwhite respondents. In the aggregate, these studies suggest that the psychological mechanisms that produce greater or lesser support for civil liberties are complex, encompassing a spectrum of equitable, moral, efficiency, and epistemic considerations. No integrated account of these mechanisms, however, is available yet.
INDIVIDUAL RESPONSES TO COUNTERTERRORISM

Organizations employ terrorism not only because they hope to induce public fear and anger but also because they anticipate that such emotions will in turn translate into governmental policies that alienate certain constituents and thereby deepen terrorists’ potential recruitment pool. A political psychology of counterterrorism accordingly requires attention to how individuals, minorities, and collectives respond to different counterterrorism tactics. Two questions are especially important in this regard. First, to what extent do state tactics deepen latent or expressed support for a terrorist group? The concept of blowback from ill-conceived tactical choices is familiar currency in popular debates (Bergen & Reynolds 2005), but does it have empirical support? Second, to what extent do tactics more generally undermine the legitimacy of the state and thereby diminish cooperative behaviors on the part of the general public? That is, under what conditions does the state maximize latent public support for its counterterrorism policies?

There are surprisingly few large-\(n\) studies of behavioral responses to counterterrorism strategy. Nevin (2003) compares the timing of military retaliation with the severity and number of terrorism attacks in several conflicts in the Middle East, Algeria, Northern Ireland, Morocco, Spain, Sri Lanka, and Peru. He finds no correlation. His methodology, however, does not include any form of time-series analysis, and therefore its value must be questioned (Pevehouse & Brozek 2008). By contrast, Lafree et al. (2009) employ a Cox proportionate hazard model to estimate the effect of six British military interventions in Northern Ireland. They find evidence of increased terrorism after four of the six studied interventions and evidence of deterrence in only one. Employing identical survival-analysis tools and using global data from the period 1976–2006, Daxecker & Hess (2013) confirm Lafree et al.’s backlash finding for democracies but identify deterrence effects in authoritarian regimes. They gloss this bifurcated result by appealing to the elided role that state legitimacy plays in more authoritarian regimes. Backlash occurs, their account suggests, only when a state claims a moral legitimacy warrant from democratic elections in the first place.

Evidence of individual responses to the state’s different elections of counterterrorism tools can be found in a series of studies recently conducted in the United States, the United Kingdom, Iraq, and Israel. This line of research employs Tyler’s (2006) procedural justice framework. Tyler’s model posits that individuals respond to the belief that police are a legitimate authority, which in turn is a function of the fairness and procedural justice of police procedures in first formulating and then implementing policies related to public safety. A first generation of procedural justice work examined the relationship of perceptions of police and courts to legal compliance. More recent studies extend the basic finding to public cooperation with policing efforts (Tyler & Fagan 2008). Using large-\(n\) samples drawn randomly from Muslim minority communities in New York and London, studies by Tyler and collaborators test procedural justice and deterrence-based explanations of cooperation with counterterrorism policing efforts (Huq et al. 2011a,b; Tyler et al. 2010). Structural equation models of cooperative behavior controlling for demographic and other potential explanations yield strong evidence of procedural justice effects in both cases. Although state behavior influences cooperation decisions of both British and American Muslims, different aspects of procedural justice matter in the two studies. Whereas British Muslims appear to be sensitive to policing measures that operated on group rather than individual suspicion, American Muslims appear to respond more strongly to measures that operated in public. There is also evidence that private discrimination against Muslim migrants correlates with support for political violence (Victoroff et al. 2012). This finding is not confined to the context of minority communities in America and Europe. Fischer et al. (2008) identify procedural justice
effects on support for the armed resistance to US forces in Iraq. Studies of counterterrorism measures in Israel also identify procedural justice effects (Hasisi & Weisburd 2011).

Unfair or discriminatory treatment of minorities by police also has spillover effects on majority views of police purposes. Spillover effects were originally identified in majority responses to the discriminatory policing of African Americans (Tyler 2005). Huq et al. (2011b) extend that finding by identifying the same effect in a sample of non-Muslim New Yorkers responding to perceptions of biased police treatment of Muslim New Yorkers. In addition, Jonathan & Weisburd (2010) locate some evidence of a similar spillover effect among Israeli Jewish populations in response to police treatment of Israeli Arabs. In contrast to TMT research, therefore, the procedural justice framework identifies some reason to believe that majority populations are not wholly resilient to the moral claims of minorities subject to increased policing or security-related burdens purportedly for the common good.

LEARNING FROM EMPIRICAL STUDIES OF POLITICAL PSYCHOLOGY

Convergent findings from empirical studies of individual and collective responses to terrorism and counterterrorism yield important lessons for both descriptive and prescriptive legal scholarship. To be sure, care must be taken in translating discrete findings into the more broadly drawn terrain of legal scholarship. There is a risk that isolated studies with limited external validity will be mistaken for global truths. What follows should therefore be viewed with an appropriate measure of caution.

Consider first the significance of findings that individuals respond to terrorism based on nonempirical psychological needs and that collectives respond to terrorist events in ways that similarly reflect psychological needs, rather than empirically grounded cost-benefit calculations of optimal policy making. These findings suggest that national institutions, at least if they reflect democratic preferences, will not necessarily track optimal responses.

To the extent that legal scholars have relied on anecdotal evidence of “libertarian panics” (Posner & Vermeule 2007, Vermeule 2005), systematic evidence from both individual and collective studies casts doubt on the mooted causal mechanism. As developed above, evidence of polarizing responses to security threats is weaker than evidence of asymmetrical responses in favor of restrictions on liberty. Further, increases in animus against out-groups provide a motivational basis for elected politicians to select security responses that impose disproportionate and potentially unjustified burdens on out-groups defined in terms of faith, race, or national origin, a motivation that can operate independent of or in tandem with the logic of majority-vote elections. In consequence, although it is possible that the democratic response to a terrorist attack will merely “release the polity from a sclerotic equilibrium” (Posner & Vermeule 2007, p. 56), this diagnosis seems unduly optimistic.

It seems instead more likely that iterative reminders of terrorism risk in the form of terrorism incidents, arrests, or even governmental alerts—which have a positive correlation with reelection chances (Willer 2004)—will have a ratcheting-up effect on the intensity of democratic institutions’ policy-making choices. It would accordingly be expected that the tendency of democratic institutions to deviate from a socially desirable equilibrium of individual liberty and state power will corrode over time under the pressure of electoral incentives and uncertainty. The rate of such change may depend on the idiosyncratic and contingent decisions of elected officials and media rather than exogenous changes in the quantum of terrorism risk. Modeling counterterrorism policy solely as a function of changing external threats, therefore, is inadequate as a descriptive matter. An accounting of endogenous psychological forces flowing through domestic political circuits, by contrast, calls for skepticism about the observed outputs of democratic policy making.
At the same time that the empirical evidence undermines confidence in the desirability of observed democratic responses, that evidence also undermines the credibility of commonly suggested institutional prophylactics. Issacharoff & Pildes (2004), for instance, argue that bilateral endorsement by both Congress and the executive is desirable because it is correlated with a better balance of divergent policy concerns. They further contend that courts can and do require such bilateral endorsement before permitting a security policy to stand. Setting aside potential problems with their descriptive account of the law and judicial behavior (which is criticized in Huq 2009b), the empirical foundations of any assertion that bilateral actions endorsed by both Congress and the president tend to be normatively superior to unilateral acts are questionable. Congress and the president alike respond to their perceptions of the electorate’s preferences. There is little reason to think that legislators will be less affected than presidents or bureaucrats by the psychological pressures canvassed above. Nor is there any reason to expect institutional biases to offset each other. Rather, the greater frequency of elections to the House of Representatives, in contrast to the presidency, is a mechanism whereby those distortions may enter into the legislature’s calculus with greater speed than the executive’s. Observation of the national legislature’s recent actions on counterterrorism during the Obama presidency, moreover, does not coincide with the descriptive claims or normative recommendations of bilateralism. To the contrary, one observer has concluded that Congress has “sloughed the difficult choices onto the [other] two branches of government” (Wittes 2008, p. 9).

Finally, it is also not clear why judges would do significantly better than elected officials (Huq 2009b). Members of the bench too are subject to the same individual psychological dynamics as politicians and the general public. At a macro level, the best aggregate study of the US Supreme Court finds evidence that Justices do change voting behavior in relation to rights during wartime, but it also finds that they do so only in cases unrelated to war (Epstein et al. 2005). Another study finds Justices render more pro-government decisions in tax cases (Staudt 2011). At the more granular level, an important series of studies by Rachlinski and his colleagues find that judges often—but not always—succumb to cognitive biases, find themselves unable to disregard legally inadmissible evidence, are vulnerable to racial bias, and prove unable to avoid egocentric assessments of their own abilities (Guthrie et al. 2007, Rachlinski et al. 2009, Wistrich et al. 2005). To be sure, Rachlinski and colleagues find that given sufficient motivation, judges can overcome these cognitive distortions. But their studies have not extended to counterterrorism-related questions (although the findings on racial bias surely have some salience). If they are to be extended in that fashion, they raise the question whether either judges on an individual basis or the judiciary as an institution has sufficient incentive to identify and mitigate the distortive psychological dynamics identified in this review. At least as a threshold matter, it is hard to discern reasons for a positive prediction on this score. Even if judges are not subject to the same reelection incentives as politicians, the bench nonetheless may be drawn from a slice of the political class especially susceptible to overestimating the magnitude of terrorism risk because it has a greater stake in the existing social, political, and economic order. In short, selection effects bid fair to do what the prospect of reelection cannot. Even though social and political psychology findings generate reasons for skepticism about observed policy choices, they hence also push against faith in the commonly invoked institutional salve of more stringent judicial review in times of national security crisis, at least in the absence of other institutional fixes.

I emphasize that these conclusions rest on generalizations from more narrowly tailored empirical findings. Any full accounting would have to attend also to the ways in which legislative and executive deliberative processes translate popular sentiments into statutory and policy form. This is an area of potential
future research. For example, a significant gap in the current literature is the absence of studies testing whether responses of sampled populations (often undergraduates) in respect to security matters can be replicated with samples of national legislators or bureaucrats and federal judges. If judges, legislators, or bureaucrats tend to be less prone to the overestimation of security risk and less likely to adopt disproportionate responses, this may warrant some preference for one or another institutional pathway for policy making. At present, however, the empirical foundation for such institutional choice recommendations is fragile.

Even if the problem of institutional choice were to be resolved, what policy options should be explored? Obviously, some theories do not provide ready remedies. Rescripting parenting technologies in line with attachment theory, for instance, hardly seems practical or tailored as a response to terrorism risk (even if it is otherwise desirable). But given TMT’s findings concerning the mortality salience effects from terrorism, one potential avenue of policy response might focus on public communication of terrorism risk. But where would such an incentive come from? The media itself has little incentive to avoid sensational news, and numerous studies find that post-9/11 coverage tends to lopsidedly offer “fear-inducing cues” by focusing on threat escalations and not reporting diminishments in threat or information that casts doubt on threats (Gadarian 2010, p. 469; see also Gershoff & Kushner 2005, Nacos et al. 2011). Deconcentration of news media and the expansions in new media nevertheless undermine concerted efforts to manage information.

Could the government intervene to mitigate these effects? To be sure, the White House does sometimes persuade news media to refrain from reporting stories based on security concerns (Risen 2006). And First Amendment concerns inhibit aggressive news management. [An interesting counterexample is efforts by northern cities in the mid-twentieth century to manage racial violence by persuading newspapers to de-emphasize and suppress news (Hirsch 1983, p. 60.)] Government, moreover, tends not to have the same incentive to mitigate public fear and anger. In particular, charismatic leaders stand to gain in the polls through careful deployment of government-source terror warnings (Willer 2004). Setting aside these motivational problems, Rogers et al. (2007, p. 285) suggest that provision of information on terrorism risk itself is a stressor, particularly when recipients are unsure about how to respond. They suggest that communicating government capabilities to address terrorism is an important buffer to such stress. A sufficiently motivated government nevertheless could abolish color-coded terror warnings, strive for the disassociation of disfavored religious and racial minorities from terrorism (consider in this regard President Bush’s high-profile visits to mosques in contrast to President Obama’s failure to do so), and offer messaging that primes the public against distorting cognitive reactions. In Israel, for example, the government adopted a policy of “paid clean-up” at the sites of attacks, and the quasi-governmental Bituach Leumi is tasked with counseling and attending to psychological needs after an attack (Spilerman & Steckov 2009, p. 178). Rather than stimulating panic, the Israeli government thereby laudably mitigates distorting psychological dynamics. All this suggests room for policy gain in the United States, at least at the margins.

Finally, it is worth noting that members of the broader political and intellectual elite might also play a useful role. Kam & Ramos (2008) and Kinder & Kam (2009; also Kam & Kinder 2007) suggest that political elites (e.g., opposition party leaders) can lead, rather than follow, public opinion in a fashion that suggests they can cabin government discretion. As Berinsky (2009) shows, public judgments about external threats are products of factual inputs filtered through and largely shaped by the machinery of domestic politics. That opposition politicians’ incentives are filtered through distinct electoral motives means this may be a more promising source of cognitive and affective correction.
CONCLUSION

This review has highlighted findings from social and political psychology that bear upon an understanding of democratic responses to terrorism and counterterrorism. Work subsumed under several different research agendas sheds different, but often complementary, light on the questions of whether and when terrorists prevail in inducing democratic publics to adopt unwise or normatively problematic responses to terrorism. The legal scholarship is rightly preoccupied with questions of when and how government departs from the socially optimal, but it has failed to recognize the contribution of social and political psychology. A richer understanding of those cognitive and affective dynamics can only help explain the observed distribution of responses to terrorism threat.

DISCLOSURE STATEMENT

The author is not aware of any affiliation, membership, funding, or financial holding that might be perceived as affecting the objectivity of this review.

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