Are Legal Changes to Civic Space Associated with Protest? Evidence from High-Frequency Cross-National Data

Donald Moratz, Jeremy Springman and Erik Wibbels
DevLab@Duke, Duke University

2021/02/17

The Enabling and Protecting Civic Space (EPCS) Illuminating New Solutions and Programmatic Innovations for Resilient Spaces (INSPIRES) project collects and processes massive amounts of online news from countries around the world to track changes in civic space and authoritarian influence and to generate forecasts about how civic space is likely to change in the future. By combining machine learning approaches to Natural Language Processing (NLP) and forecasting, INSPIRES has demonstrated that the content of online news can be classified with high levels of accuracy and that these data can be combined with other information to produce predictions about future movements in civic space.

This report uses the INSPIRES data to investigate the association between protests and the passage of laws bearing on civic space. The relationship between protest and legal changes has important policy and academic implications. Practitioners often face decisions about whether to support protest movements in support of legal openings, as well as whether to support movements protesting against legal closures. Previous research provides competing
findings on the relationship between protests and legal restrictions on free assembly and civic space. That work, however, has been hamstrung by poor data on both protests and the timing and characteristics of laws bearing on civic space.

We use data compiled by the International Center for Not-for-Profit Law (ICNL) on the passage of laws affecting civil society from the period 2012-2020. ICNL maintains a database tracking laws bearing on civic space in many countries around the world. DevLab@Duke expanded this data by deploying a team of research assistants to identify laws in countries that ICNL had not covered. The data distinguishes between restrictive laws and enabling laws and also identifies what sphere of civic space the law affects. We focus our analysis on law bearing on: a) freedom of association; and b) the operation of CSOs. Laws related to freedom of association range from restrictions on the ability of citizens to gather to restrictions on the operation of political parties. Laws impacting the operation of CSOs includes those that affect funding, taxation and the lifecycle of CSOs. We combine the ICNL and INSPIRES machine learning data to address the following questions:

1. Do high levels of protest *precede* laws specifically restricting the freedom of association or the operations of CSOs?

2. Do high levels of protest *precede* laws that enable freedom of association or the operation of CSOs?

3. Do protests increase *in response to* laws specifically restricting the freedom of association or the operation of CSOs?

4. Do protests increase *in response to* laws that enable freedom of association or the operation of CSOs?

Our analysis compares levels of protest in the 3 months immediately before and after laws are enacted with the level of protest in months without such laws. We find scant evidence
of a relationship between protests in the months proceeding restrictive laws. Protest levels appear similar in the months leading up to restrictive enactments. Similarly, protests are no higher in the months before the enactment of laws that enable civic space, suggesting that liberalizing laws do not seem to be a systematic response to protests. We find modest, suggestive evidence that protests seem to be lower in the month immediately after the passage of restrictive laws targeting CSOs; this could reflect the existence of an impact on the ability of CSOs to organize in the short-term as they adjust to new laws. This effect dissipates quickly however, suggesting some level of ability to overcome setbacks on behalf of CSOs. For the most part, with the aforementioned exception, protests do not go up (or down) after laws that restrict civic space or laws that enable it. Thus, the evidence suggests that governments may not face costly backlash to the passage of restrictive laws in the form of higher levels of protest and may even benefit from a short-term reduction in it. On the other hand, if regimes pass restrictive laws with the goal of systematically reducing protest, they fail to do so beyond the single month following their enactment.

**Previous Work**

Protests are an important means through which citizens can communicate policy preferences, express dissatisfaction with political incumbents, and exert direct pressure for changes in government policy (Dilorenzo, 2018; Kadivar and Caren, 2015). Branch and Mampilly (2015) describe the importance of protest for the independence movements of the 1940s and 1950s. Bratton and Van de Walle (1992) argue that widespread protests across several countries in Africa between 1989 and 1991 drove national governments across the continent to adopt liberalizing political reforms. Mueller (2018) and Branch and Mampilly (2015) discuss how similar successes were secured in the wake of the “Arab Spring” of 2011. Finally, Kadivar and Caren (2015) use country-month data to demonstrate that protests are a direct cause of liberalization across a large sample of non-democratic countries between 1990 and 2004.
Because protesting is a particularly costly activity and signals dramatic grievances, even a small increase in the extent of protests can signal a notable change in civic space. A small literature has found evidence that civil society organizations increase levels of political participation broadly and political protest specifically (Nelson-Nunez, 2018; Boulding 2010). For example, Boulding (2014) and Boulding (2009) found that CSOs in Bolivia mobilized higher levels of political protest and increased voter turnout. Boulding (2014) focused on Latin America and the positive effects of CSOs on protest in minimally democratic countries, which she argues has a positive effect on democratic development. Additionally, CSOs have been credited with driving instances of popular mobilization ranging from local land disputes all the way to regional ‘colour revolutions’ (Gilbert, 2020; Gilbert and Mohseni 2018).

For these reasons, governments often want to restrict the politically costly work of advocacy CSOs. Despite the growing literature on the impact of protests, much of the literature on the relationship between repression and protests looks only at violent repression and subsequent backlash. Sullivan and Davenport (2017) look at how violent repression influences backlash both at the organizational level and the individual level. Curtice (2020) examines the effect of repressive policing on incidence of protest in the US in the wake of the George Floyd killing. Curtice and Behlendorf (2020) theorize that violent repression by police forces causes political backlash in the form of decreased support for police but also higher levels of protest. Christensen (2018) examines the effect of geography on the extent to which governments engage in violent repression of protests. Closer to our own research, Chaudhry and Heiss (2020) recently examine how anti-NGO legislation might be an effective predictor of future violent repression.

Previous research has demonstrated that protests can be an effective means of securing change and that CSOs often play a critical role in mobilizing protests. For this reason, governments often respond to protest movements by passing laws that restrict civic space. Such laws are often designed to give governments new legal tools to limit the flow of information, arrest participants, or disrupt CSO activities. It is unclear if those laws typically succeed in
restricting civic activities. Thus, we investigate both whether legal restrictions on civic space respond to protests as well as whether such laws generate backlash in the form of protests. The ability to investigate the relationship between protests and restrictive laws has been hampered by a lack of data on the timing and nature of restrictive laws themselves. To assess whether legal restrictions are associated with changes in protest activity, we introduce new cross-national data capturing the sphere of civil society that laws affect and the month in which these laws were enacted. We distinguish between laws that restrict the freedom of association broadly and laws that target CSOs narrowly. This distinction allows us to test whether the ability of civil society to mobilize against restrictive laws is limited to sweeping restrictions on freedom of association, or whether CSOs are able to mobilize supporters to protest narrower restrictions on their operations.

**Data, Method and Results**

To answer our research questions, we combine monthly protest data gathered under the auspices of the INSPIRES Consortium with law enactment data compiled by ICNL and supplemented by our own research. To construct this supplemental data, we used Civil Society Organization Sustainability Index (CSOSI) reports and identified the date each law in the data set was enacted. The combined data is comprised of:

- 67 enacted laws for which we have monthly protest data in the time frame from 2012-2020
- 19 restrictive laws bearing on association
- 27 restrictive laws bearing on CSOs more narrowly
- 4 enabling laws bearing on association
- 12 enabling laws bearing on CSOs
These laws and corresponding protest data are spread across 22 countries. The protest data has been normalized as a percentage of the articles related to protests within a given month. This normalization process helps insulate the data from the vagaries of changing publication rates and the introduction of new sources. To compare the relationship between protests and the enactment of restrictive laws, we compare the mean levels of protest in the 3 months before and after laws were enacted with a “control” group of months where no laws were enacted. We define these “control” months as any months that were not within 6 months before or after legal enactments. Protests are measured as the number of news articles covering protests in a country using both international and national newspaper sources.

The graphs below show t-test plots. The solid line in the middle is the mean for each category, and the box surrounding the mean represents the upper and lower bounds of 90% confidence intervals. When confidence intervals do not overlap between months with and without laws, we can be confident that the levels of protest are significantly different between the two. By contrast, when confidence intervals do overlap, we infer that the passage of laws has no systematic relationship with protests. In the graphs that follow, the months that serve as a control, where no laws were passed, are displayed in blue. Months that are not statistically different from the control months are shown in red, whereas months that are statistically different are displayed in green.

Protest Levels Preceding Restrictive Enactments

We begin by examining the relationship between protests and types of enacted laws. First we examine protest levels in the month that laws are enacted, then we turn to the 3-months before enactment. As can be seen below, there does not seem to be a difference between levels

---

1 Albania, Belarus, Benin, Cambodia, Colombia, Ecuador, Ethiopia, Georgia, Honduras, Kenya, Mali, Morocco, Nigeria, Philippines, Rwanda, Senegal, Serbia, Tanzania, Uganda, Ukraine and Zambia
2 We choose relatively permissive 90% confidence given the relatively small number of legal changes.
3 This visual relationship holds using two-tailed t-tests to look for differences in the means.
4 To enable comparisons across countries, we divide each country’s monthly protest data by its mean over the 12 preceding and 12 following months. This returns a value for the level of protest in each month relative to the average of the two years around it.
of protests in the month that laws are enacted regardless of the type of law, whether it is restrictive, or enabling, and whether it targets freedom of assembly or CSOs more narrowly.\footnote{The wide bands around laws that enable association reflect the small number of these types of laws in our data set.}

![Figure 1: Protest Levels During Legal Change Months](image)

Turning to the 3 months before enactments of restrictive laws, the graph below shows the average level of protests 1, 2 and 3 months before restrictive laws. This graph shows that there is no statistical distinction in the 1-3 months before restrictive laws. We see that both restrictive laws in general and those that target CSOs more narrowly are statistically the same as control months without laws. This implies that restrictive laws may not be in responsive to high levels of protest.
Finally, we turn to enabling laws. Again, the figure below shows 1, 2 and 3 month average levels of protest before those laws go into force. This graph shows that there is no statistical distinction between months leading to laws that enable freedom of association, those that enable CSOs, and those that have no such laws. This suggests that enabling laws may not be systematically responding to preceding protests.
The Impact of Legal Changes on Protest

To examine whether protests are higher in the months following the enactment of restrictive laws bearing on civic space, we compare the 3 months following each type of enactment (restrictive or enabling, bearing on association or CSOs). We might expect that protests emerge as a backlash against restrictive laws. The graph below, however, shows that for the most part the months following the enactment of such laws are statistically indistinguishable from months without laws. The exception is the single month following restrictive laws that target CSOs; those months see a reduction of protests by about 20 percent, though protests quickly return to normal levels. All told, this evidence suggests that governments do not face backlash in the form of higher levels of protest in response to the passage of these restrictive laws, and in fact may benefit from very short-term reductions in the incidence of protest. On the other hand, if the goal of such restrictive laws is to systematically reduce protest, they fail to do so.

Finally, we turn to the impact of enabling laws on subsequent levels of protest. Again, the figure below shows 1, 2 and 3 month average levels of protest after those laws go into force. As can be seen in Figure 5, the months following both forms of enabling laws are statistically indistinguishable from months without any laws bearing on civic space.
Conclusion and Possible Paths Forward

Previous work on the relationship between legal changes on civic space and protest has been hamstrung by poor data—both on the incidence of protests and legal changes. We exploit ICNL’s information on legal changes and our own high frequency data on protests to show that, at least in this set of 22 countries, there is little evidence that regimes respond to protests with legal changes nor that legal changes, in turn, systematically reduce the incidence of protest. If anything, we find that governments might see only a very short-term impact on the incidence of protest. We are limited by having protest data for only 22 countries. It could be that as the machine learning portion of the INSPIRES project extends to more countries, additional data will allow for a more precise evaluation of the relationship between protests and legal changes bearing on civic space.
References


Gilbert, L. (2020). Regulating Society After the Color Revolutions: A Comparative Analysis of NGO Laws in Belarus, Russia, and Armenia. Demokratizatsiya: The Journal of Post-


