

# International Law and Voter Preferences: the Case of Foreign Human Rights Violations

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## Introduction

How do voters in liberal democracies respond to information about human rights abuses in foreign countries? Can public support for punitive actions against foreign governments that violate the rights of their citizens in egregious ways shift depending on the international legal status of those actions? How robust are shifts of this type to countervailing information that taking action to punish foreign human rights violators will harm US strategic interests?

A vibrant and growing literature has focused on efforts to improve international and transnational enforcement of human rights using a range of mechanisms (Risse et al. 1999; Goodman and Jinks 2003; Hathaway 2007; Hafner Burton and Tsutsui 2007; Burton and Emilie 2009; Lupu 2013; Von Stein 2016). However, international level mechanisms such as trade sanctions and threats to withhold aid are generally not costless to the punishing states (Kaempfer and Lowenberg 1988; Martin 1994). It follows that for law makers enact policies intended to punish the human rights violations of foreign governments, they must believe that a sufficiently large share of the voting public supports—or at least does not oppose—those actions. By shedding light on how invoking international law can condition public support for actions against foreign human rights abusers, we aim to provide a more empirically grounded basis for scholars, policymakers, and activists to address the question of when and how tradeoffs with other policy priorities are likely in concrete situations.

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Some might question whether examining public support for punishing foreign governments' human rights abuses is worthwhile, given the chronic international undersupply of such policies in international affairs (Simmons 2009). While admittedly rare, examples of governments and private entities, including the US government, adopting punitive policies toward rights-abusing governments do exist. This suggests that some combination of factors is sufficient to mobilize political action, at least in some cases. The point of this article is to find out whether and how appeals to international law might be used to expand this margin in the US context.

To probe voters' responses to violations of international law, we conducted a survey experiment in September 2007 testing support for punishing foreign human rights abusers among 2724 voting-age adults in the USA. Specifically, we tested how various appeals to international law affect support for state and non-state actions to punish forced labor practices in Myanmar.<sup>1</sup> The survey was funded by Time-sharing Experiments in the Social Sciences (TESS) and administered to online respondents by Knowledge Networks over 10 days. Importantly, the experiment took place long before Myanmar's recent democratic transition.

Our results suggest a set of conditions under which human rights advocates and policy makers who favor external human rights enforcement may systematically underuse appeals to international law in seeking to build public support for curbing foreign abuses. Specifically, we find that informing voting-age Americans that foreign government conduct violates international law heightens support for taking punitive measures, but only when the violations described are not too severe and US strategic interests will not be directly harmed. When respondents are prompted with descriptions of especially brutal behavior, adding information that the abuses violate international law has no effect on expressed support for taking punitive actions, all else equal. Our argument thus extends Tomz (2008), which finds US voters are more likely to oppose US government policies if informed that those policies are inconsistent with international law.<sup>2</sup> Our findings also highlight some new puzzles tied to the form in which international legal obligations are invoked.

We proceed as follows. The “[Literature and Background](#)” section situates our research in the literature relating public opinion to international human rights enforcement and justifies our issue selection. The “[Hypotheses](#)” section identifies a set of testable hypotheses about how awareness of the international legal status of foreign human rights violations may affect support for US-based enforcement. The “[Experimental Design](#)” section describes the survey experiment and how it was administered. The “[Results](#)” section presents the results and discusses their implications, and “[Conclusion](#)” section concludes.

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<sup>1</sup> The country's official name is the Union of Myanmar, but the US government and other opponents of its military junta call it Burma (its name until 1989). We refer to it as “Myanmar” when discussing international law, since it is under this name the country is currently obligated, but as “Burma/Myanmar” when discussing US sanction policies.

<sup>2</sup> Tomz (2008) also tests for an international law effect among British members of parliament. Our research considers only US actors.

## Literature and Background

In many countries, human rights are more widely respected today than 60 years ago (Goodman and Jinks 2008). Disagreement persists, however, about whether international law is a contributing cause of these improvements or an artifact of other processes (Chayes and Chayes 1993; Keohane 1997; Downs, Rocke, and Barsboom 1996; Goldsmith and Posner 2005; Neumeyer 2005; Burton and Emilie 2009; Simmons 2009; Hafner Burton and Ron 2009). International law encompasses customary and treaty-based rules. Customary international law emerges when patterns of state discourse and practice around specific issues attain a high level of consistency such that continued observation is widely considered obligatory. Treaties are formal legal agreements among states that clarify the scope or applicability of customary rules, or give rise to new obligations.

International law may affect state behavior in at least three ways. The most conventional is as a platform for formalizing and structuring states' efforts to collaborate around focal rules and standards (Ku, Diehl, and Zamora 2003; Hadfield and Weingast 2012). However, international human rights law lacks important reciprocal (or "self-enforcing") qualities stemming from the fact that when a government violates human rights rules, those most directly affected are generally its own citizens—not other states.<sup>3</sup> As a consequence, even serious violations can fail to trigger the strategic engagement of foreign governments with the capacity to sanction the violations in question (Hafner Burton and Tsutsui 2007; Simmons 2009). Second, international law may provide domestic actors with external standards to invoke when attempting to close gaps in domestic laws and practices. The efficacy of these mechanisms, however, is often limited to established democracies and states far enough along this path to have functioning civil society organizations and a plausibly independent judiciary (Hathaway 2007; Simmons 2009).

A third and less thoroughly explored means for international law to affect state behavior is as a rallying point for action in states where legal rule following is a naturalized value. Where domestic politics in liberal democracies are able to overcome their own collective action problems to demand that their government representatives "do something" to address persistent human rights violators, lawmakers have incentives to take notice (Kaempfer and Lowenberg 1992, Rodman 1998).<sup>4</sup> This type of demand might be an element in transnational advocacy "boomerang" type effects as described by Keck and Sikkink (1998), although it could, in theory, emerge independent of, or parallel to, such dynamics.

American politics scholars have long argued that public opinion affects decision-making within democracies, including around foreign policy (Wittkopf 1990; Shapiro and Page 1988; Powlick and Katz 1998; Holsti 2004; Baum and Potter 2008; Lax and Phillips 2009).<sup>5</sup> Scholars of foreign affairs have likewise sought to understand whether and how expectations regarding domestic audience reactions may shape the dynamics

<sup>3</sup> Calculations of cost may differ where human rights abuses feed humanitarian crises and armed conflicts that produce large cross-border population movements and other negative international security externalities (Salehyan 2008). Myanmar fits this pattern.

<sup>4</sup> For an extensive discussion of the "do something" imperative of domestic politics and its relationship to economic statecraft, see Drezner 1999.

<sup>5</sup> Jacobs and Page 2005 have a more skeptical evaluation.

of crisis bargaining (Fearon 1997; Tomz 2007; Snyder and Borghard 2011; Gartzke and Lupu 2012). And yet, no consensus has formed around what factors matter most in shaping public opinion on foreign policy issues in non-crisis settings, or how various tradeoffs are made.

At the same time, conventional wisdom suggests the US public is on the whole unconcerned with international law, or that it matters only when repackaged for domestic consumption (Nash 2009). A recent body of research has begun to test this supposition directly using survey experiments (Tomz 2008; Wallace 2013; Chaudoin 2014; Chilton 2014). Survey experiments have advantages over traditional modes of measuring public opinion for this type of question. Public opinion on specific foreign affairs issues is difficult to infer from voting behavior. Furthermore, asking respondents directly whether information about the legality of specific foreign government actions changes their willingness to support enforcement may bias responses through social prompting (Fischhoff 1993). Public opinion surveys with experimental manipulations that vary information provided to respondents avoid this bias (Chilton and Tingley 2013). Online surveys likewise minimize problems associated with sampling and variability in survey administration. The Knowledge Networks panel consists of a broad (geographically and otherwise) cross-section of American voters.<sup>6</sup>

This emerging body of work on international law and public opinion engages substantive issues from trade agreements to torture. However, it has generated mixed findings on whether and under what conditions appeals to international law can shift public opinion, whether the form those appeals take matters, and how robust such effects are to countervailing concerns that actions taken to enforce international law will damage other strategic interests of the acting state. This project adds to this corpus with an additional set of findings, accompanied by a nuanced discussion of their implications and limits, that points the way for further research.

Our survey experiment tests whether Americans are more willing to support state-level actions and consumer boycotts to punish Myanmar's forced labor practices when they are aware these practices violate international law. We chose an actual country—albeit one about which most respondents were likely to have little information and few strong attitudinal priors.<sup>7</sup> In selecting forced labor as the subject of treatment, we anticipated respondents would view it as wrong independent of its international legal status, but that it would generally not carry the emotional charge of torture, mass killings, rape, or genocide. In short, we aimed to design a scenario in which information about legal status of violations would not be systematically overwhelmed by other factors.

The record of US policy toward Burma/Myanmar on human rights is in many respects exceptional. Since the late 1980s, Congress has held dozens of hearings on developments in Burma/Myanmar, many leading to resolutions condemning the junta and authorizations for the president to impose sanctions.<sup>8</sup> One might therefore be concerned that information about the international legal status of Myanmar's human

<sup>6</sup> Knowledge Networks uses a probability-based panel to draw representative population samples from across the USA within a known sampling frame, <http://www.knowledgenetworks.com/knpanel/index.html>.

<sup>7</sup> Another consideration was Tomz' (2008) use of Myanmar in his experimental scenario. If our findings had differed dramatically, that comparability would have allowed us to more easily isolate the sources of the difference.

<sup>8</sup> Congress passed bills of this type in 1990, 1993, 1995–1996, 1997, 2003, and 2007.

rights practices is reflected in respondents' prior views, thereby minimizing our experimental leverage. We address this concern in two ways. First, our preparatory survey work tested for levels of general knowledge about Myanmar. We found it to be low even among those who self-reported as being politically engaged.<sup>9</sup> Second, we checked for mentions of international law in public debate over U.S. sanctions. A search of the Congressional Daily Digest from 1988 to 2007 revealed 124 Burma-related events among House and Senate chamber actions, committee and subcommittee hearings, official reports, and presidential actions as reported to Congress. The associated records contained just four references to Burma in close proximity to "international law."<sup>10</sup> Likewise, a Lexis-Nexis search of Associated Press wire stories between 1988 and 2007 returned only 13 containing Burma within 25 words of "international law."<sup>11</sup> From this, we conclude that the rhetoric of international law has not had a substantial role in creating or sustaining US legislative responses to human rights conditions in Burma/Myanmar.

Another possible concern with this design is whether political events that were unfolding in Myanmar at the time the survey experiment was administered in September 2007 could have interfered with our ability to observe or measure international law effects experimentally. In mid August 2007, the government of Myanmar announced that it would eliminate fuel subsidies to the population, prompting sharp increases in the price of public transport and gasoline. This sparked weeks of non-violent street protests that grew to encompass political activists, students, and Buddhist monks expressing a wide range of grievances against the ruling junta. This period has since been dubbed the "Saffron Revolution" (Steinberg 2008). On September 26 (4 days after our survey experiment concluded), the junta carried out a violent crackdown in which approximately 25 individuals were killed, and hundreds were arrested.

As might be expected, readers of high-quality newspapers like the *New York Times* and the *Washington Post* were more likely to be exposed to information about Myanmar during and in the weeks leading up to the survey experiment as compared to June 2007.<sup>12</sup> However, even if our subjects had, on average, more information about Myanmar than captured in our pretest, if this additional information was overwhelmingly negative (as was the case in both of these news outlets), this should work against our finding any international law effect. Why is this so? Because to the extent fresh exposure to negative information about Myanmar's government had any effect on respondent priors, it would be equally likely to tip not only subjects in the treatment

<sup>9</sup> A pre-test conducted in July 2007 ( $n = 297$ ) on a nationally representative sample confirmed our expectation of low levels of prior knowledge about Myanmar's location and history.

<sup>10</sup> We treat only (a) exact matches of the search string; (b) "all search words (or their variants) near each other in any order" as a "reference." For this same period, we found 415 references to Burma and "democracy" and 267 to "freedom" as well as 231 references to Burma and "human rights," and 16 references to "workers" rights.

<sup>11</sup> "Burma" appeared within 25 words of "human rights" in 928 articles over this period, with similar returns for "Myanmar." By comparison, these same searches using "China" yielded 300 articles for "international law," and more than 3000 for "human rights."

<sup>12</sup> The *New York Times* published 12 articles mentioning Myanmar in June 2007, and between August 23 and September 22, 2007, it published 29 articles mentioning Myanmar. The *Washington Post* published 3 articles in the first period, and 22 in the second. For the sake of comparison, during August 23 and September 22, the *New York Times* published 25 articles mentioning Malaysia, and 411 articles mentioning France.

groups toward supporting sanctions against Myanmar but also those in the control group. This would narrow the range for a difference in means to emerge.<sup>13</sup>

A slightly different concern might be that the unusual circumstances during the survey's administration may have changed the salience of international law for respondents, thereby reducing the external validity of the results (i.e., their applicability in other settings). If the increase in press reporting about Myanmar during the Saffron Revolution was accompanied by an increase in attention to the international legal status of the junta or its practices, this would indeed interfere with our tests. However, none of the *New York Times* and *Washington Post* articles published during the survey experiment, or in the weeks prior, contain the term "international law," making this unlikely.<sup>14</sup>

In sum, the reliability of our survey experiment turns on estimates of respondents' baseline knowledge of, and attitudes toward, Myanmar's relationship to international law. Our research indicates that it was not a topic of US news coverage, either prior to or during the Saffron Revolution. With this potential complication excluded, our reliance on the difference in differences metric is likely to be externally valid; it is internally so by construction. If the increase in negative news coverage of Myanmar had any effect on our experimental results, it would be to narrow the range in which invoking international law might be expected to shift respondents from opposing sanctions to supporting them. As a result, instead of undermining confidence in our finding that invoking international law has a conditional effect, the fact that we find an effect during this period when a priori we might expect the experimental treatment effect to be weakened, gives us greater confidence than we would otherwise have.

## Hypotheses

The literature on human rights enforcement identifies two broad categories of mechanisms short of use or threat of military force for pressuring outside states to improve their human rights practices. The first involves government actions, which may include diplomatic censure, economic sanctions (e.g., embargoes on goods or investments), conditioning military and development aid on improving human rights practices, visa restrictions for foreign government officials, and freezing access to foreign assets in the USA (Cleveland 2002). Our survey specifies trade sanctions as the prospective punishment on the government side. We view this as an intermediate option with more potential costs to the USA than mere diplomatic censure, but fewer than a threat to use military force.

The second mechanism is the willingness of individuals to take direct actions in response to the abusive practices of foreign governments. Our focus is on activities involving a low level of commitment—in contrast to those of activists, lobbyists, and

<sup>13</sup> The same logic applies to individuals with well-informed prior opinions about US policy toward Burma/Myanmar or its government's poor human rights record.

<sup>14</sup> This is also true of articles published in June 2007, despite the fact that the ICRC published a rare report condemning the practices of Myanmar's junta on June 29, 2007 in which it discusses legal standards, <http://reliefweb.int/report/myanmar/myanmar-icrc-denounces-major-and-repeated-violations-international-humanitarian-law>. The *Washington Post* had one article on June 30, 2007 on the ICRC's action which references international humanitarian law; the *New York Times* published a squib that mentioned only "abuses".



legal professionals engaged primarily in human rights-related advocacy and litigation. “Low commitment” actions include signing petitions, participation in voluntary consumer boycotts or socially responsible investment funds, or making occasional contributions of money or time to activist organizations. We specify avoiding consumer purchases that directly or indirectly support the Myanmar regime as the action for respondents to consider. Testing for this type of willingness is important, since private activities may substitute for, or operate parallel to, governmental responses (Friedman 1999; Rodman 1998). Each also may be differently affected by awareness of the legality of the practices in question.

To capture the influence of international law on each type of mechanism, we tested four hypotheses. To set an empirical baseline, we hypothesize, first, that *support for punishment will increase as the severity of abuses increases independent of any international law effect*. Second, we hypothesize that *support for punitive actions will be higher, all else equal, when respondents are aware that foreign government conduct violates international law*. This hypothesis is consistent with arguments that international law has a compliance pull independent of any moral or instrumental imperatives that underlie it. It is also contrary to common assumptions in international relations scholarship that international law has no effect on foreign policy decision-making in the USA. Our third hypothesis is that *individuals who receive information that Myanmar’s forced labor practices violate specific treaty commitments in addition to customary legal rules will be more supportive of punitive actions than those told explicitly that the behavior does not violate treaty commitments*. This conjecture reflects concerns central to credible commitment theories and arguments about treaty effects (Hathaway 2002; Simmons 1998). Fourth, we hypothesize that *international law-based support for punishing foreign governments is conditional on the expectation that US national interests (broadly defined) will not be negatively affected*. To the extent states and governments act to punish non-compliance with international law, they do so as part of a broader set of foreign and domestic policies (Nye 1999). To the extent engaging in international human rights enforcement entails direct tradeoffs with US national interests, we expect underlying levels of popular support for these actions to decrease.<sup>15</sup>

## Experimental Design

Our survey-based experiment tests US citizens’ reactions to forced labor undertaken by the government of Myanmar. The experiment was administered online to a nationally representative sample of 2724 voting-age adults between September 12 and 22, 2007. The experiment utilized a  $2 \times 4 \times 3$  design, encompassing a total of 7992 respondent-questions and 3 experimental manipulations.<sup>16</sup> The completion rate for the survey was 71.7%. The survey was conducted online with Knowledge Networks’ established panel. The panel recruitment response rate from Knowledge Networks’ random-digit dial recruitment process was 3.2% (AAPOR RR3).

<sup>15</sup> The rhetoric of “national interest,” often used by American politicians to justify foreign policy choices that run counter to commonly held moral values—supporting autocratic regimes in oil-rich states for example—provides prima facie evidence that American politicians believe voters understand such linkages.

<sup>16</sup> The survey encompassed a total of 24 experimental conditions, thereby giving us 113 respondents per condition. The full survey can be found in Appendix A.

In the first manipulation, we randomly assigned one of two types of information about the severity of forced labor violations. Respondents in the LOW SEVERITY condition were told that officials in Myanmar have forced citizens to contribute their labor to government projects, but that those citizens were paid for their labor and were not often subject to verbal or physical abuse. Respondents in the HIGH SEVERITY condition were similarly told that Myanmar officials forced citizens to contribute their labor to government projects, but were also told that those forced to contribute their labor were not paid and were frequently subjected to verbal and physical abuse.

The second manipulation varied the international legal status of Myanmar's actions. In IL 1, the control, we provide no information on international law. In IL 2, we informed respondents that the action violates international law, but gave no indication about whether Myanmar has itself signed a treaty that specifically prohibits forced labor. In IL 3, we informed respondents that Myanmar's actions violate international law but that the country was not party to any relevant treaty. In IL 4, we informed respondents that Myanmar's actions violate both international law and a treaty on forced labor that Myanmar had signed. The contrast between IL1 and IL2 provide our core test of whether international law matters. That between IL3 and IL4 allows us to assess the relevance of formalization of international legal commitments to citizens.

In the third manipulation, we varied information about whether any American interests are at stake. In INT 1, the survey specifies that punishing Myanmar will not hurt US interests. In INT 2, we make no mention of interests. In INT 3, we told respondents that punishing Myanmar will hurt American interests.

Respondents were asked to rate their (1) willingness to make consumer choices intended to impose costs on Myanmar's leaders and (2) support for US actions to punish Myanmar. Our approach allows for precise pair-wise comparisons about the source of citizens' willingness to punish. We also included a question to control for underlying interest in foreign affairs since the "relevant public" here may be voters who are interested enough in foreign policy that it enters into their voting decisions.

In addition, TESS provides researchers with demographic data about respondents. We verified that our treatment groups were well-balanced across potentially relevant control variables using a variety of tests. We found the groups well-balanced on age, gender, education, income, party affiliation, ideological position, and interest in foreign policy across a range of tests.<sup>17</sup> Appendix Table 6 provides basic demographics for the sample.

Table 1 summarizes the raw survey responses by treatment status. Because the randomization worked well, we report simple differences in means below, though all results are robust to using multivariate regression to control further for residual imbalance (Gerber and Green, 2012).

<sup>17</sup> Respondents in severity condition 2 were slightly more conservative on average than those in severity condition 1, but the difference in means is small, .135 on a 7-point scale. Respondents in interest condition 2 were more conservative on average than those in interest condition 3, but the difference in means was again small, .172 on a 7-point scale. Neither difference was significant in a Kolmogorov-Smirnov equality-of-distributions test.



**Table 1** Summary statistics

Question	Condition	<i>N</i>	Mean	95% CI
Willingness to take personal action (5-pt. scale)	High severity	1361	3.58	3.50–3.65
	Low severity	1361	2.98	2.91–3.04
	Control (IL1)	678	3.30	3.20–3.40
	Violates IL (IL2)	687	3.26	3.19–3.38
	Violates IL but no treaty (IL3)	679	3.29	3.16–3.36
	Violates IL and treaty (IL4)	680	3.26	3.16–3.36
Support for US Government action (5-pt. scale)	High severity	1362	3.75	3.70–3.81
	Low severity	1361	3.19	3.13–3.24
	Control (IL1)	678	3.43	3.34–3.51
	Violates IL (IL2)	686	3.54	3.46–3.62
	Violates IL but no treaty (IL3)	679	3.47	3.38–3.55
	Violates IL and treaty (IL4)	680	3.44	3.36–3.53
	Will not hurt interests (INT1)	895	3.50	3.43–3.57
	Interest control (INT2)	909	3.58	3.51–3.65
	Will hurt interests (INT3)	919	3.33	3.28–3.40

## Results

### Hypothesis 1: Support for Punishment Will Be Increasing in the Severity of the Violation

As Table 1 shows, there is strong support for the hypothesis that willingness to take personal actions is greater when violations are more severe. Our respondents' average self-reported likelihood of taking personal consumer action to punish Myanmar was .6 points higher on a 5-point scale in the high severity condition, a movement of .46 standard deviations. This difference was repeated in all four international law conditions and is statistically significant at the .01 level or better in each.

Similar patterns emerge with respect to respondents' support for government action to punish human rights violations. Our respondents' support for sanctions on Myanmar was greater in the high severity condition for the entire sample—across legal and interest conditions.<sup>18</sup> In the full sample, the difference is .57 points, more than .51 standard deviations.

Two aspects of these results warrant further discussion. The first is that individuals' willingness to punish is correlated with interest in foreign policy. Across every model, those who indicated a greater interest in foreign affairs reported a greater willingness to take action. This finding is consistent with earlier work on public opinion and foreign policy (Wittkopf 1990; Hurwitz and Peffley 1987). Interacting the severity condition with interest in foreign affairs shows the severity treatment increases support for

<sup>18</sup> Breaking the sample down by international law and interest conditions left the differences in mean responses in the expected direction, and with statistical significance at the .001 level in all but two conditions. The difference was significant at the .10 level in the (IL 4, INT 2) condition and was not significant in the (IL 4, INT 3) condition.

sanctions most among those who express “moderate” or “very high” interest in foreign policy. Interestingly, ideology appears to correlate with individual willingness to take person action, but not with support for government action. More conservative respondents were generally less willing to take individual actions.<sup>19</sup>

### **Hypothesis 2: Support for Punishment Will Be Greater when the Behavior in Question Violates International Law**

Our results show clear support for the second hypothesis with respect to government action but not for personal action. Here, the key contrast is between respondents who received no information on the international legal status of Myanmar’s actions (IL1) and those told simply that the behavior violated international law (IL2).

As Table 2 shows, support for government action increases by approximately .11 when respondents are told the behavior violates international law, a .1 standard deviation effect. The difference is driven by respondents in the low severity group who are a full .2 standard deviations more supportive of sanctions when told Myanmar is violating international law. Taken together, these results indicate information about the international legal status of abusive practices generates no additional support for punishment when the behavior in question is extremely bad. When the conduct is less obviously repugnant (e.g., when those forced to work are compensated) information that it violates international law increases support for punishment above the baseline preference. This makes intuitive sense where the public’s willingness to punish more severe violations is already high independent of legal considerations.

H2 was not supported with respect to personal action. In the full sample, the difference in willingness to take personal action is a noisy zero. This suggests individuals who choose to participate in consumer boycotts do so on other (e.g., moral) grounds.<sup>20</sup> Interestingly, stratifying the sample by severity treatment reveals that the international law treatment has the opposite effect on those in the high and low severity conditions. In the low severity condition, it makes individuals more likely to take personal action, the same relationship we saw for supporting government action. In the high severity condition, however, informing respondents that Myanmar’s actions violated international law made them statistically and substantively *less* likely to take personal action. We suspect this may be because individuals told about egregious behavior assume someone else will take action if the behavior is illegal. But we can only speculate here.

### **Hypothesis 3: Support for Punishment Will Be Greater if the Behavior Violates a Treaty Obligation than if It Violates Customary International Law Alone**

More surprisingly, we find no support for H3. Table 3 repeats the analysis from Table 2 for the contrast between respondents who told Myanmar’s actions violate customary law but that they have not signed relevant treaties (IL3) and those told that the behavior

<sup>19</sup> More conservative respondents were slightly more supportive of sanctions when given no information about legal status and when told imposing sanctions would not hurt US interests. The effect was statistically significant ( $t = 1.95$ ).

<sup>20</sup> We similarly find no impact from the international law treatments on respondents’ likelihood to take personal action with an ordered probit model using the entire sample.

**Table 2** Testing the impact of international law

		Pooled sample		High severity		Low severity	
		Mean	Dif.	Mean	Dif.	Mean	Dif.
Question 2: Likelihood of consumer action	No information on international legal status ( <i>N</i> = 678)	3.30		3.73		2.88	
	Myanmar actions violate international law ( <i>N</i> = 687)	3.29	0.01 (0.81)	3.53	<i>0.20</i> ( <i>0.06</i> )	3.05	<i>-0.17</i> ( <i>0.06</i> )
Question 3: Support for gov. sanctions	No information on international legal status ( <i>N</i> = 678)	3.43		3.80		3.05	
	Myanmar actions violate international law ( <i>N</i> = 686)	3.54	<i>-0.11</i> ( <i>0.05</i> )	3.84	0.04 (0.68)	3.25	<i>-0.20</i> ( <i>0.01</i> )

Two-tailed *p* value in parentheses. Results rounded to hundredths. Results significant at .1 level or lower in italic

violated international law and treaty commitments Myanmar has made (IL4). The differences across IL conditions are statistically indistinguishable from zero in the full sample and for three of four contrasts when stratifying by severity condition. In the high severity condition, respondents told the behavior violates a treaty obligation were actually less supportive of sanctions than those told explicitly that no treaty obligation was violated. It appears that the additional information that behavior violates a treaty obligation has no impact on citizens' willingness to punish. We therefore reject H3; the additional information that forced labor violates a treaty obligation does not increase citizens' willingness to take personal actions or to support government sanctions.

#### **Hypothesis 4: Support for Punishment Will Be Decreasing in the Belief that Punitive Actions will Harm US Interests**

Turning to the influence of strategic interests on support for government actions, we find H4 is supported. The relevant statistic is the difference in mean responses between interest treatments. H4 would predict those told taking action will hurt US interests should be less supportive of sanctions. Table 4 shows this is the case.

These results confirm our expectation regarding the effects of countervailing interests. Respondents who are told applying sanctions will "hurt US strategic interests and the US economy" are appreciably less likely to support sanctions than those given no information about interests or told that applying sanctions will not hurt US interests. There is, however, an interesting salience effect in the top row of Table 4—namely, respondents who receive no information about interests are slightly more supportive of sanctions than those told applying sanctions will not hurt US interests. The result is statistically significant in the weak severity condition. This suggests that merely alerting respondents to the possibility that punitive actions can hurt interests reduces support for those actions.

**Table 3** Testing for treaty effects

		Pooled sample		High severity		Low severity	
		Mean	Dif.	Mean	Dif.	Mean	Dif.
Question 2: Likelihood of consumer action	Myanmar actions violate international law BUT NOT treaty commitments ( <i>N</i> = 678)	3.26		3.53		2.98	
	Myanmar actions violate international law AND treaty commitments ( <i>N</i> = 679)	3.26	0.01 (0.94)	3.51	0.02 (0.90)	3.00	0.02 (0.83)
Question 3: Support for gov. sanctions	Myanmar actions violate international law BUT NOT treaty commitments ( <i>N</i> = 678)	3.47		3.76		3.17	
	Myanmar actions violate international law AND treaty commitments ( <i>N</i> = 679)	3.44	0.02 (0.72)	3.61	<i>0.16 (0.05)</i>	3.27	-0.11 (0.19)

Two-tailed *p* value in parentheses. Results rounded to hundredths. Results significant at .1 level or lower in italic

Two important points follow from this part of the analysis. First, there is no increase in the willingness to punish when respondents are told sanctions will not harm interests, but being told sanctions will harm interests clearly reduces support. With our research design, we cannot tell whether this results from respondents' priors being that sanctioning will not hurt US interests, or from respondents giving greater weight to arguments about harm to interests.

Second, our results indicate that concern about the legality of foreign government behavior cannot offset countervailing fears about US interests. The relevant comparison is between the no-international-law/no-interests condition (IL1, INT2) and either the international-law/hurt-interests (IL2, INT3) or international-law-plus-treaty/hurt-interests (IL4, INT3) conditions. These differences, summarized in Table 5, are both positive and statistically significant, meaning willingness to punish is lower in the latter two conditions.

**Table 4** Difference in mean support for sanctions by interest and severity conditions

Interest condition	Pooled	Strong severity	Weak severity
Will not hurt - no info	-.0814 (0.35)	-.0213 (1.00)	-.1533 (0.09)
Will not hurt - will hurt	.1730 (0.00)	.2548 (0.00)	.1011 (0.46)
No info - will hurt	.2544 (0.00)	.2761 (0.00)	.2545 (0.00)

Bonferroni-corrected *p* values in parentheses. Results rounded to hundredths. Results in italic are statistically significant at .1 level or lower after applying Bonferroni correction for multiple hypothesis tests.

**Table 5** Mean willingness to punish, select conditions

Condition	Mean	Std. Err.	Diff. vs. IL 1, INT 2	<i>N</i>	<i>t</i> Statistic (one-sided)
No IL, no interests (IL 1, INT 2)	3.566	.0736		228	
IL violated, hurts interests (IL 2, INT 3)	3.386	.0672	.180	246	1.806
IL & treaty violated, hurts interests (IL 4, INT 3)	3.203	.0708	.363	222	3.555

We also considered the possibility that the interest condition might alter the marginal impact of international law treatments. Examining the difference-in-differences across interest conditions (IL2 INT2—IL1 INT2)–(IL2 INT3—IL1 INT3) revealed no statistically meaningful changes in the marginal effect of international law. Together, these results suggest that the rhetorical battlefield is skewed in favor of those who appeal to countervailing national interests to forestall punitive actions. This finding suggests that human rights advocates should not look to legal appeals as a one-to-one counterweight to instrumental arguments against taking action on human rights.

## Robustness Check

As a check, we re-ran the analysis using only the interested public—those who reported being moderately, very, or extremely interested in foreign policy. All the substantive results became stronger or remained the same. H1 was more strongly supported in the more interested sample. H2 was also supported with respect to government policy and rejected with respect to personal action. H3 was again rejected in the more interested sub-sample. In that sample, the international law effect was stronger in the low severity condition, as both IL 2 and IL 3 made respondents significantly more supportive of sanctions. Our results supporting H4 also became stronger. For the interested sub-sample, being told US interests will be hurt if sanctions are applied reduces willingness to punish further, with considerations of international legality again having no discernable effect.

Full replication data files and analysis code are available at authors' websites.

## Discussion

Overall, our results indicate that international law has an identifiable, albeit conditional, effect on public support for human rights enforcement. Informing voting-age adults that a foreign government's conduct violates international law heightens support for punishment in some situations, but not others. The effect is most evident where violations are less severe, respondents are informed of general international law prohibitions against forced labor, and where no possibility of harm to US national interests is raised. Informing respondents that the conduct also violates a treaty commitment does not increase this support. Where violations are severe or countervailing interests are a factor, awareness of the international legal status of foreign government conduct has no positive effect on support for US sanctions.

When evaluating these results, readers should keep in mind the conservative character of our tests. First, we selected an issue area in which punitive government actions are the exception—not the rule.<sup>21</sup> Second, in our survey treatments, we directly juxtapose national interests with human rights enforcement. Empirically, such tensions are not a given; indeed, a desire to prevent human rights abuses is frequently part of political efforts to justify military interventions on humanitarian grounds. We tilted our interest treatments still further against finding an international law effect by choosing a negative linguistic frame for our US interests treatments (i.e., hurting/not hurting) and by presenting respondents with uncontested, and, therefore, presumptively accurate claims about the expected effects of punitive actions on US interests. This combination may have shifted the preferences of especially the least informed respondents toward inaction (Sniderman and Thierault 2004; McFarland and Mathews 2005).

These results may understate the influence of international law in one additional respect—by not capturing effects on magnitudes of support. In our survey, we test only for willingness to punish or its absence. This tells us nothing about the strength of underlying support (or antipathy) among respondents. Information that a particular practice violates international law may increase the strength of support among those already inclined to favor sanctions on non-legal grounds in both the low and high severity conditions. Where such increases translate into more active forms of political engagement, this too may have threshold-shifting effects.

Our results both underscore and extend key findings in experimental work on public opinion and international law, and highlight several additional puzzles. For example, what explains stronger support for government enforcement as compared to individual consumer actions? Why does support for US government-led enforcement not change when respondents are informed that abusive actions violate specific treaty commitments in addition to customary international law? Where punishing foreign violators is congruent with other US interests, does awareness of international law strengthen public support?

One possible explanation for greater levels of expressed support for government versus individual consumer actions is a difference in the anticipated impact of each course of action. Respondents may simply place less confidence in the ability of loosely coordinated consumer initiatives to penalize violator regimes as compared to US government actions. Or they may not want the personal inconvenience. Either way, individuals most likely to take personal actions may already be among those most willing to punish foreign violators on non-legal grounds.

Finally, we cannot be certain that the observed increase in support for government and personal action in the low severity condition is wholly attributable to a preference for rule-following or for upholding international law per se. It could be that information about the illegality of the behavior instead serves as an indicator of a violation's severity in ambiguous situations. The fact that highlighting the absence of a treaty obligation reduces the international law effect in the low severity condition suggests that this is unlikely, but it is not a direct test.

<sup>21</sup> Note the USTR under the Obama Administration was heavily involved in efforts to improve labor practices and collective bargaining rights around the globe, in part to try to prevent situations in which congressional sanctions might be credibly threatened. <http://ustr.gov/sites/default/files/USTR%20DOL%20Trade%20-%20Labor%20Report%20-%20Final.pdf>. We thank an anonymous reviewer for raising this point.

The relationship between voter preferences and legislative behavior is complex, and public opinion is only one input. We would not, therefore, expect information about the international legal status of foreign government behavior to dominate any particular policy decision, although it may matter at the margins of many. Where appealing to particular values widely shared by the voting public—here, respect for international law—shifts public opinion in systematic and measurable ways, it can alter thresholds for political action.

## Conclusion

A core question in the study and practice of international law is how international treaty commitments and customary norms affect the behavior of states (Chayes and Chayes 1993; Henkin 1979; Koh 1997). Absent standing mechanisms for enforcement of international human rights law the willingness of established democracies to impose sanctions is one of the few available mechanisms for punishing foreign human rights violators. Nevertheless, decisions to punish abusive foreign regimes are rare. This study asks whether drawing attention to international law in the public discourse surrounding human rights violations can shift public opinion and therefore incentives for leaders. Our results support a qualified “yes.”

These results suggest that activist efforts to garner support for more muscular responses to human rights abuses may be helped by appealing to the (il)legality of foreign government behavior, particularly in situations where making moral judgments is difficult. At the same time, the ability of directly conflicting interests to overwhelm the identified effects indicates that they are limited and conditional. However, more research is needed to learn at what thresholds the marginal impact of invoking international legality should be expected to kick in, when other factors begin to outweigh it, and whether and how each of these might vary depending on the legal issue and the stakes involved.

Still, whether and to what degree attention to international law may affect outcomes depends on numerous factors, and gauging potential impact requires acknowledging that public opinion may matter to foreign policy decisions more at some times than at others. Our results suggest that where enforcing human rights externally is expected to put US interests at risk, then international legal considerations will not shift public opinion toward punishing abuses. This is in line with other work that shows policy elites place greater emphasis on public opinion when responding to crises and other situations characterized by high levels of policy ambiguity (Powlick and Katz 1998; Sniderman and Thierault 2004). A key question for human rights advocates, therefore, is whether focusing discourse on value-based variables can increase the range of situations in which enforcement is considered.

Of course, using this information effectively requires knowing where governmental decision makers are likely to be most attuned to public opinion. Even scholars who argue the overall effect of public opinion on foreign policy is slight concede its salience in the US House of Representatives (Jacobs and Page 2005). The actual record of Burma/Myanmar sanctions is consistent with this view. During the 1990s, the House was assertive in authorizing sanctions, but President Clinton delayed their enactment. At every stage, this legislation had broad co-sponsorship, especially among districts with significant Burmese populations.<sup>22</sup> This is precisely what we would expect where US elected officials are responding to motivated pockets of public opinion (Lax and Phillips 2009).

<sup>22</sup> This information is on file with the authors and is available upon request.



Finally, our analysis has implications for whether breadth or depth of international treaty commitments should be preferred in the legalization of international human rights (Goldstein et al. 2001; Hathaway 2002; Simmons 2009). Among our respondents, we found general appeals to international law more likely to increase support for punitive actions against foreign governments than citing treaty violations. In other words, violator states need not have previously entered into a “hard” commitment for the US public to support external enforcement. Increasing public support appears to turn instead on invoking a clear international legal norm without being overly technical. This suggests the breadth of treaty membership may not be a limiting factor in generating public support for state-based human rights enforcement against foreign violators, provided the norm at issue is well established in customary terms.

## Appendix: Sample Demographics

**Table 6** Sample demographics

Variable	Mean/N	Std. Dev./%	Min	Max
Region				
Northwest	489	17.95		
Midwest	691	25.37		
South	945	34.69		
West	599	21.99		
Age	46.50	17.30	18	96
Education				
Less than HS	375	13.77%		
High school	845	31.02		
Some college	781	28.67		
Bachelor's or higher	723	26.54		
Gender (1 = male, 2 = female)	1.52	0.50	1	2
HH income	49,771	35,874	2500	187,500
Ideology				
(1 = extremely liberal, 7 = extremely conservative)	4.14	1.43	1	7
Party				
(1 = strong republican, 7 = strong democrat)	4.27	2.07	1	7

Income was taken at the midpoint of categories. The reported minimum value is the midpoint of the lowest bin (0–5000). The reported maximum of 187,500 is taken from the response “\$175,000 or more” and an arbitrary cap of \$200,000 (175,000 plus the range of the previous bin. 34 of 2724 households fell into this category

## Appendix: Questionnaire—To Be Hosted Online

We'd like to ask you some questions about foreign policy.

Q1. How interested are you in foreign policy?

Not interested at all .....	1
Slightly interested .....	2
Moderately interested.....	3
Very interested .....	4
Extremely interested .....	5

### **R1: [RESPONDENTS ARE RANDOMLY ASSIGNED TO ONE OF TWO SEVERITY CONDITIONS.]**

#### **[SEVERITY CONDITION 1:]**

The government of the country of Myanmar, including the local and regional political leaders, the military and various militias, has forced the people of Myanmar to carry out a wide range of tasks. Workers were not paid or compensated in any way for providing their labor and were commonly subjected to various forms of verbal and physical abuse including rape, torture and killing.

#### **[SEVERITY CONDITION 2:]**

The government of the country of Myanmar, including the local and regional political leaders, the military and various militias, has forced the people of Myanmar to carry out a wide range of tasks. Workers were paid for providing their labor and were not subjected to verbal or physical abuse.

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### **R2: [RESPONDENTS ARE RANDOMLY ASSIGNED TO ONE OF 4 INTERNATIONAL LAW CONDITIONS.]**

#### **[IL CONDITION 1:]**

[No additional treatment. Skip to next page.]

#### **[IL CONDITION 2:]**

The government of Myanmar's use of forced labor violates international law.

#### **[IL CONDITION 3:]**

The government of Myanmar's use of forced labor violates international law, however Myanmar has never joined any of the relevant international treaties banning forced labor.

#### **[IL CONDITION 4:]**

The government of Myanmar's use of forced labor violates international law and violates Myanmar's treaty obligations under the 1930 Geneva Convention on Forced Labor which Myanmar joined in March 1955.

Q2. How likely would you be to take personal action to punish Myanmar by boycotting firms that do business there if you had a list of those firms?

Very unlikely .....	1
Somewhat unlikely.....	2
Neither unlikely nor likely .....	3
Somewhat likely.....	4
Very likely .....	5

**R3: [RESPONDENTS ARE RANDOMLY ASSIGNED TO ONE OF THREE INTEREST CONDITIONS.]**

**[INTEREST CONDITION 1:]**

Q3a. Punishing Myanmar would have no impact on U.S. strategic interests or the U.S. economy. How do you feel about the U.S. punishing Myanmar for its actions by imposing a trade embargo?

Strongly oppose .....	1
Somewhat oppose .....	2
Neither oppose nor support.....	3
Somewhat support.....	4
Strongly support .....	5

**[INTEREST CONDITION 2:]**

Q3b. How do you feel about the U.S. taking punishing Myanmar for its actions by imposing a trade embargo?

Strongly oppose .....	1
Somewhat oppose .....	2
Neither oppose nor support.....	3
Somewhat support.....	4
Strongly support.....	5

**[INTEREST CONDITION 3:]**

Q3c. Punishing Myanmar would hurt U.S. strategic interests and the U.S. economy. How do you feel about the U.S. punishing Myanmar for its actions by imposing a trade embargo?

Strongly oppose .....	1
Somewhat oppose .....	2
Neither oppose nor support.....	3
Somewhat support.....	4
Strongly support .....	5

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