

Four Tales of International Law: How Appealing to Legality and Rights Affects Americans' Views on Refugee Maltreatment

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I pay my respects to Bob Jervis, and send my deepest condolences to his family and to you, his colleagues and friends. This is such a hard loss to contemplate, at a time when we so desperately need our intellectual mentors and friends to help ground us. Bob's work was some of the first IR literature I read as an undergraduate in the 1990s, back in the dark ages when you had to go into the bowels of libraries to access a curious thing called "the internet." I later read his critiques of quantitative IR research and vowed to be wary of the "pitfall of pseudo-precision" he warned of. "Neither those who conduct these studies nor those who read them should be seduced by the existence of numbers, mathematical manipulations, and tests of statistical significance into believing that the results are automatically 'harder' and more significant than those produced by less quantitative methods." Those words were not his most famous, but they've guided my thinking the most palpably over the years. Put more simply: numbers don't necessarily get you any closer to "the truth" than other approaches do. So, stay humble and stay skeptical. That advice remains sage today. Bob, your work has fundamentally shaped our field. The world is messy and complex, but you've helped us to understand it better. Thank you. You'll be missed.

Four Tales of International Law: How Appealing to Legality and Rights Affects Americans' Views on Refugee Maltreatment

1. Introduction

When it came to light that the Trump administration was separating children from their parents at the US-Mexico border, activists, doctors, journalists, lawyers, and some policymakers were quick to condemn the practice (Wallace and Zepeda-Millán 2020). Amnesty International decried family separations not only as cruel and inhumane, but also as violating US and international law (Amnesty International 2018b). News anchor Jorje Ramos wrote in *Time* that the policy violated the Convention on the Rights of the Child (CRC) as well as the Convention Against Torture (CAT). Pediatricians, psychologists, and other health professionals were virtually unanimous in denouncing family separations, often emphasizing the breaches of human rights and international law (c.f., Keating 2018).

Appeals to international law (IL) are common in domestic policy debates in the US and beyond (Shepperd and von Stein 2022). This comes as no surprise to international human rights scholars, many of whom argue that laws and standards provide useful tools in the protection of human dignity. Setting aside their application via domestic courts, laws can be useful in stirring up citizen disapproval and inciting them to take action (c.f., Conrad and Ritter; Risse et al. 1999, 2013; Simmons 2009). A growing experimental literature generally supports this idea (Chaudoin 2014; Chilton 2014; Chilton and Versteeg 2016; Lupu and Wallace 2019; Wallace 2013, 2014), although there are exceptions and contingencies (Cope and Crabtree 2020, 2021).

We know little about *why* international human rights law might make people more critical of policy and, potentially, willing to take to the streets to voice their opposition. In this article, I argue that appealing to IL can invoke at least four distinct processes that, in turn, might incite attitudinal change.¹ First, framing debates in international legal terms can raise concerns about punishment or some similar cost a government might pay for noncompliance. Second, laws clarify – they make (more) evident what counts as a violation, potentially increasing sensitivity to “rights gaps” (Dai 2013; Simmons 2009). Third, people may believe there is an obligation to follow rules, and may therefore frown upon actions that appear to ignore those duties. Finally, legal appeals cause stir up cognitive or emotional linkages to morality, in turn generating stronger opposition.

To gauge each of these mechanisms, I conducted a survey experiment on Americans in September 2021. All respondents received a brief vignette detailing human rights abuses of immigrants in detention. The control condition received no further information. The IL group was informed of the breaches of international human rights law. The third group – a placebo of sorts – only received information about human rights. This approach enables us to identify how much of the impact is attributable to international law (vs. human rights alone).

The results provide strong evidence that Americans care about breaches of international law because it offers clarity, creates a sense of obligation, and increases concern about the moral implications of abusive detention conditions. Concerns about costs or punishment have more ambiguous impacts. Further, these reactions can be

¹ I set aside the question of political action for future research. While interesting and important, this is beyond the scope of this study.

attributed to the law itself. Human rights rhetoric matters, but international legal appeals have impacts that extend above and beyond those effects.

2. Four Tales of International Law

A growing experimental literature finds relatively strong evidence that people are more critical of policies that breach international human rights law. Americans oppose using torture on captured combatants in contravention of the Convention Against Torture, do not approve of solitary confinement if it violates international legal standards, and support punitive measures against abusive governments that breach international human rights law (Chilton 2015; Putnam and Shapiro 2017; Wallace 2013). Indian citizens are less willing to approve torture against opposition groups if inconsistent with international legal obligations, and Australians are more inclined to oppose their country's boat arrivals policy if told that it breaches IL (Lupu and Wallace 2019; Shepperd and von Stein 2022). Findings from the related but arguably distinct area of international humanitarian law echo these findings, with international legal frames reducing support for civilian bombings as well as drone strikes (Chilton 2015; Kreps and Wallace 2016).

There are some exceptions to these findings, particularly in non-US respondent pools. Turks are *less* likely to support increasing refugee intake, and Israelis are *more* willing to condone the use of torture, in breach of IL (Cope and Crabtree 2021; Lupu and Wallace 2019). Some studies of Americans find that IL has no discernable impact on support for the use of torture or migrant family separation (Chilton and Versteeg 2016; Cope and Crabtree 2022). Treatment effects sometimes are sometimes moderated by partisan preferences (Cope and Crabtree 2021; Wallace 2013).

While important, this research largely black-boxes the process that leads from learning that a practice defies IL to opposing that practice. Put more simply, *why* are people critical of policies that breach international legal standards? Before answering that question, it is important to clarify what I mean by rules (also referred to as laws in this article). My focus is on “primary rules” – those that build legal obligations and (potentially) consequences if a person or government disobeys them (Hart 1961). I set aside secondary rules (i.e., “rules about rules”) because they take us into the territory of institutional delegation, change, and adjudication, which are interesting but would require a significantly larger, more complex, survey experiment.

I consider four distinct reasons that invoking law can change how people think about a given policy. For illustrative purposes, I draw from the example of murder in discussing each reason. For my purposes, the reader should imagine that we live in a time or place where it is not universally accepted that murder is unacceptable in almost any circumstance. (I leave it to the reader to decide when, and/or where, that place is).

Rules are different from habits (Hart 1961). Both involve behavioral regularities and might be observationally equivalent. People are often unaware that they are doing things out of habit, but those whose behavior is governed by rules are aware that their actions are governed by rules (Summers 1963). Turning to our murder example, if people refrain from killing others out of habit alone, their actions are not governed by concerns about sanctions for rule-breaking, a clear understanding of what constitutes murder and what the consequences might be, a sense of obligation to obey the law, or an understanding that murder and breaking laws is immoral. They simply don’t kill because that is their habit.

Rules are also different from orders backed by sanctions. The latter have nothing to do with rules – people adhere to them solely out of a desire to avoid negative

repercussions. If person family threatens “an eye for an eye” if someone kills their loved one, that person’s decision to refrain from murdering can be entirely explained by a fear of losing one’s own life. But what about laws backed by sanctions? This is at the heart of Austin’s (1832 [1995]) theory of law, and forms the basis of one of my experimental treatments. The application to our murder example is obvious: people don’t murder others because murder is a felony punishable by law – the sanction is usually hefty and can even involve death.

Whether the “commands backed by sanctions” logic applies to international law is a question of significant debate (Guzman 2008). Some say it does not, because there is no global court with jurisdiction over all crimes and all countries, and no enforcement authority to execute sanctions. Others point out that international law is frequently enforced via domestic channels, and furthermore, international enforcement does occur via reciprocity and other types of punishment. Some of these mechanisms are problematic in the human rights arena: it is unthinkable that Sweden would retaliate against Afghanistan’s maltreatment of women by in turn doing the same to Swedish women. The possibility of domestic enforcement of human rights treaties, via legal or political channels, is central to many accounts (Conrad and Ritter 2019; Simmons 2009), though others caution that this possibility deters the very countries where IL has the greatest potential to effect human rights change from joining (von Stein 2015). In any event, I explore perceptions of punishment for rulebreaking in the survey experiment because this is a plausible scenario and worth investigating.

Another reason why people might be critical of practices that break rules is that law offers clarity, not only that a rule exists, but also around what constitutes a violation. For instance, a law prohibiting murder can be useful because it clarifies which actions “count” as murder and which do not (e.g., voluntary or involuntary manslaughter,

actions taken in self-defense). In the international sphere, governments often disagree significantly over whether a particular behavior is permissible. And even when there is general agreement, squabbles often exist on whether specific acts are allowable or not. Treaties can offer a solution because they offer a common document that lays out what practices are unacceptable (Morrow 2003; 2013). This can be especially useful in cases of noncompliance that result from misunderstandings or minor disagreements over what “counts” as noncompliance. Of course, international agreements vary widely in their precision, ranging from vague principles to highly elaborated rules (Abbott et al. 2000; Koremenos 2016).

Precision generally enhances compliance because it helps eliminate unintentional rule-breaking (i.e., resulting from a genuine lack of understanding that something is prohibited) as well as opportunistic rule-breaking (i.e., disingenuously claiming not to understand that something is prohibited). Consistent with this idea, Wallace (2013) finds that Americans are more likely to oppose the use of torture on enemy combatants if this breaches a precise international rule. Morrow (2007) finds that legal clarity helps reduce violations of humanitarian law. It is particularly interesting that this holds even in the absence of joint ratification, suggesting that clarity rather than legal bindingness matters most.

A third reason why invoking law might affect attitudes is that laws elicit a sense of duty or obligation. But where does that sense of obligation come from? Setting aside morality (which I consider below), Hart’s (1961) answer is that rules have a certain force in and of themselves – an internal aspect that gives them potency independent of a threat of punishment. Rules matter because society tells us they do, and because there is significant social pressure against those who deviate from those expectations (Hart 1961: 84). Society does this because it believes the rules are necessary for the

maintenance of social life. Returning to our murder example, consider a situation where a judicial system does not exist, or fails to deliver punishment. The societal pressures to obey the law and not to kill might be sufficiently strong to prevent us from “taking the law into our own hands.” Prohibitions in this kind of system would involve strong social taboos, perhaps combined with a rhetoric along the lines of “society will descend into anarchy if we take the law into our own hands.”

The premise that states have an obligation to follow international rules is *the* bedrock principle of IL. States can only join international agreements of their own accord. Therefore, under *pacta sunt servanda*, states have a duty to abide by those duties in good faith, and even when preferences or governments change (Abbott et al. 2000). Scholars disagree over what exactly drives this sense of obligation. Some locate the answer in the *pacta sunt servanda* principle, i.e. IL is binding because states consent to it (Goldstein et al. 2001). They also point to the sometimes complex arrangements states create to help ensure that this obligation sustains itself, including doctrines of legal responsibility, institutions that monitor compliance, and so on (Abbott et al. 2000). Others argue that the sense of obligation that IL carries cannot be explained by consent alone. IL carries a sense of obligation because people have psychological attachments to the idea that laws matter, and because society says that laws matter (Finnemore and Toope 2001; Reus-Smit 2003).

A final reason why people might be critical of practices that violate IL is that law invokes morality. For centuries, scholars have debated the relationship between law and morality, with legal positivists arguing that what makes law law is the governance structures that underpin it, and legal moralists maintaining that legal systems can never be understood without reference to the normative goals they intend to achieve (Dworkin 1978; Hart 1961; Fuller 1958; Raz 1958). This article is interested in how

individuals think about IL and morality; more specifically, does invoking law incite people to think or feel in moral terms?

Research on the laws of war suggests that they do. Kreps and Wallace (2016) find that US public opposition to drone strikes is more deeply rooted in IL's normative basis than in the instrumental value of complying with IL. Americans are also motivated by a sense of moral obligation in supporting military intervention on behalf of allies (Tomz and Weeks 2021). Other studies find that moral considerations play an important role in foreign policy attitudes, but do not specifically consider how law shapes these (c.f., Kreps and Maxey 2018).

3. A Survey Experiment on Americans' Perceptions of Refugee Detention

Survey Experiment Background and Design

To test these ideas, I fielded an online survey experiment on a sample of Americans using Qualtrics.² The survey proceeded in two phases (with a minimum of two weeks between first and second contact) so that I could ask questions that would later serve as potential moderators (discussed later) without priming respondents in ways that might contaminate the experiment. The first wave (fielded in September 2021) asked basic demographic and political ID questions, plus a brief battery of questions about respondent views on immigration, law, refugees, and international organizations. Two weeks after phase 1, respondents received an invitation to take the second wave. This second invitation did not mention the first wave, but it is possible that respondents remembered their initial responses. The two-week minimum aimed to strike a balance between avoiding priming respondents while also ensuring a sufficient response rate.

² The study was preregistered at <https://osf.io/kj56e>. IRB# Protocol 2019/003 (the Australian National University).

The survey experiment focused on treatment of refugees. I chose this for several reasons. First, it is a fundamentally important policy challenge. In 2021, the world's population comprised over 26 million refugees (UN High Commissioner for Refugees 2022). Maintaining domestic support for protecting these vulnerable individuals has always been challenging, but the COVID-19 pandemic has exacerbated this problem (Bansak et al. 2016; Foster et al. 2021). Second, the body of international law governing treatment of refugees is well-established, rendering the IL treatment plausible and policy-relevant. Third, the moral underpinnings of that body of law are evident (Rescher 1992).³ It would no doubt be interesting to gauge whether people think in moral terms even in areas of law that are less normatively charged, but I set that aside for future research.

All respondents receive the same information at the beginning of the wave 2 questionnaire. This served two purposes: to ensure that all respondents had a baseline of accurate background information on what a refugee is and what refugees are seeking/getting, and to describe the abuses that are allegedly taking place:

Each year, people from many regions of the world seek refuge in the US, having fled persecution, war, and other serious violence. If their refugee application is successful, they can settle in America. A recent report has revealed that thousands of these applicants are regularly held in restrictive detention. Men and women between 15 and 83 years of age are held in maximum security jails, sometimes in shackles. Solitary confinement for long periods is common. Application processing is unpredictable and slow, sometimes taking years.

This scenario draws directly from an Amnesty International Report detailing conditions of refugee detention in Canada, not the US (Amnesty International 2021). My goal was to present respondents with a situation that was plausible, but not so well-known that

³ This is not to suggest that everyone sees refugee treatment as an open and shut moral case. In the US and beyond, some maintain that restrictive detention conditions are necessary in order to ensure citizens' safety. Further, some argue that difficult detention conditions are ethical because they deter refugees from making potentially the treacherous voyage to the target country.

views are entrenched and (potentially) unresponsive to framing of any kind (Chong and Druckman 2007).

Respondents were then randomly assigned to one of three groups: a control condition, an international law treatment, and a human rights treatment. The human rights treatment is a placebo of sorts. This approach enables us to isolate the degree to which differences in attitudes are attributable to the law itself. Human rights and legal framing are often related, but conceptually distinct. Ultimately, this offers a ‘cleaner’ test than a simple comparison of a control condition (no additional information) vs. an IL treatment. Table 1 shows the three treatments. Words in bold indicate language that does not appear in the control condition. Underlined words indicate language that only appears in the international legal treatment.

Table 1. Experimental Treatments

Control	International Law	Human Rights
<i>Critics point out that the vast majority of applicants are found to be law-abiding, genuine, refugees. They say there are more humane ways to house them while keeping America safe.</i>	<i>Critics point out that the vast majority of applicants are found to be law-abiding, genuine, refugees. They say there are more humane ways to house them while keeping America safe. They also point out that restrictive detention <u>breaks international law</u>. Incarcerating refugees is a human rights violation that’s illegal under the <u>International Refugee Convention</u>. Lengthy solitary confinement is considered a form of torture, <u>prohibited under the Convention Against Torture</u>. Indefinite detention also breaches refugees’ civil and political rights, <u>in violation of other international agreements the US has ratified</u>.</i>	<i>Critics point out that the vast majority of applicants are found to be law-abiding, genuine, refugees. They say there are more humane ways to house them while keeping America safe. They also point out that incarcerating refugees is a human rights violation, and that lengthy solitary confinement is considered a form of torture. Indefinite detention also breaches refugees’ civil and political rights.</i>

Respondents then answered a question about how strongly they approved or disapproved of restrictive detention, followed by four questions (which appeared in randomized order) aimed at gauging each “tale” of IL. A manipulation check followed these questions. Further detail, including the full survey instrument, are in the Appendix.

Sample Representativeness, Balance Testing

Table 1B in the Appendix shows that the wave 1 sample's underlying demographics are in line with US population parameters for the most part. The re-contact rate was 62.4%. A somewhat higher rate would have been desirable, but this is still within an acceptable range. The wave 2 respondents are somewhat more heavily male/US-born/educated/Caucasian than the general population or the Wave 1 respondents, but generally fall within acceptable bounds. Respondents who favored a decrease in the number of immigrants the US allows were more likely to take the second survey, as were Republicans (slightly). There were no differences across other pre-treatment attitudinal measures.⁴ On average, the wave 2 respondent pool is also older than the general US population and older than the wave 1 respondents.⁵ This is undoubtedly due to retirees having more time available to take follow-up surveys. These individuals also tend to be more conservative and are typically less supportive of pro-immigration policies, so it could be that availability, rather than a strong desire to voice opinions on immigration and refugee policy, is what explains the imbalance across waves. The main threat to inference here is that the findings may tell us more about how our treatments affect the perceptions of older, whiter, people who hold more conservative views. There are pros and cons to weighting (Mullinix et al. 2015). I conducted all analyses with a sampling weight (available upon request) and they did not differ notably.

Table 2B provides summary statistics on balance across treatment groups, and Table 3B provides results of probit models in which the dependent variable is assignment to one treatment group (vs. one other group). There is no evidence of imbalance across

⁴ For immigration views, a t-test of H_0 (of no difference across wave 1 and wave 2 samples) was rejected at $p < .001$. For partisanship, the null hypothesis was rejected at $p = .024$. For all other pre-treatment attitudinal measures, the null hypothesis was not rejected at standard thresholds.

⁵ A t-test of H_0 was rejected at $p < .001$.

treatment groups. This provides confidence in causal inferences about treatment impacts on outcomes.

The survey also included a manipulation check at the close of the survey. The results are heartening in the sense that they clearly show that people who received the international legal treatment understood that current policy breaches IL. At the same time, they are concerning in the sense that many respondents (over 60%, in fact) did not understand and/or did not remember that current policy breaches IL. I return to this point later. The findings for the human rights treatment group are similar in both regards. It is not surprising that we do not observe differences between the IL and human rights treatment groups when it comes to the statement “restrictive detention violates human rights,” given that both conditions included information about human rights violations.

Table 2: Manipulation Check Responses

	Control	Intl Law	Human Rights
There are more humane ways to house refugees during the application process	84.5%	82.0%	80.0%
Restrictive detention violates international law	19.4%**	39.0%**	25.8%**
Restrictive detention violates human rights	36.2%**	48.5%*	49.8%*

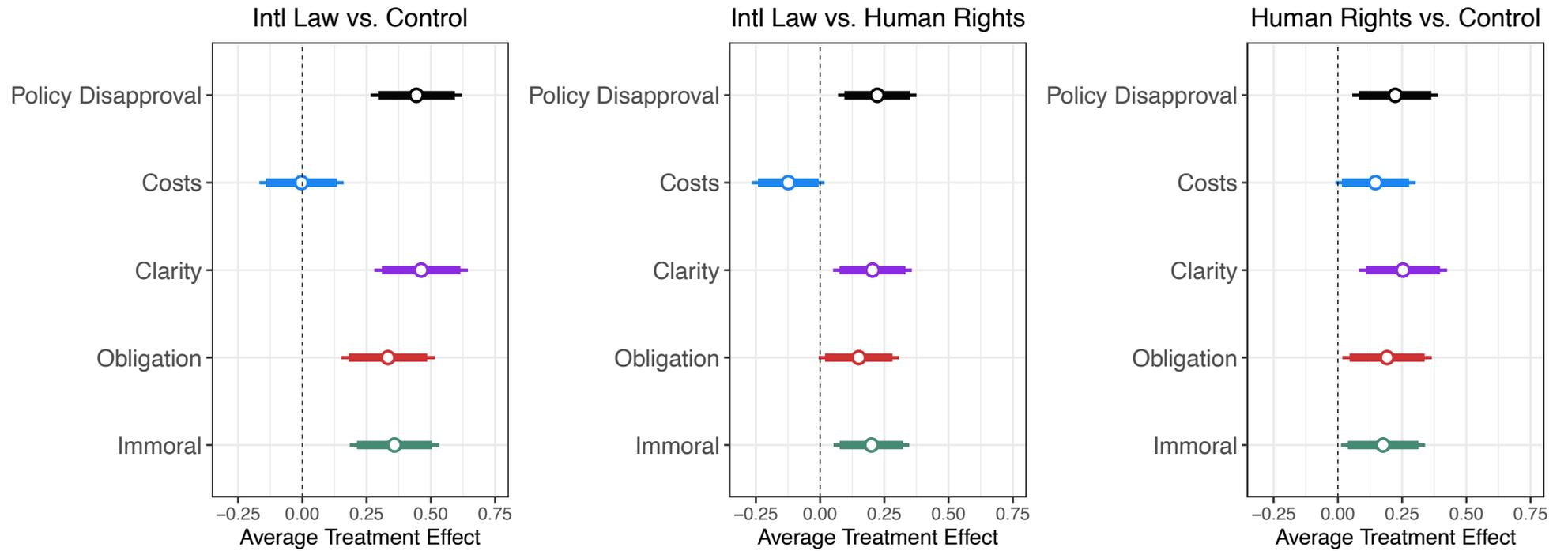
** p < .01, difference of means test, both other groups. * p < .01, difference of means test, one other treatment group only. *Percentage of respondents in treatment group who selected each answer in response to “Thinking back to the information presented earlier in the survey, which of the following points do critics of restrictive detention make? (Please select all that apply).”*

4. Results

I start with a basic test of the hypothesis that learning that restrictive detention breaches IL reduces support for the practice vs. no additional information (control) and reading a vignette that emphasizes human rights only (placebo of sorts). I also compare the human rights and control conditions. The first row in Figure 1 (in black) presents

those tests for each comparison pair. See Table 1 for full results. In both cases, the null hypothesis is rejected for the IL group at $p < .01$. The IL group opposes restrictive detention more strongly by about 12% in comparison to the control. That difference is much smaller in comparison to the human rights condition – about a 6% difference –

Figure 1. Hypothesis Tests: Policy Disapproval



Thick line represents 90% confidence interval; thin line represents 95% confidence interval. Scale ranges from 0 (strongly approve) to 4 (strongly disapprove). See Table 1 for full results.

but that comparison is also statistically significant at standard thresholds. The third slide also shows that framing US policy as a human rights violation reduces support for restrictive detention. Substantively, this equates to about a 6% reduction ($p < .01$).

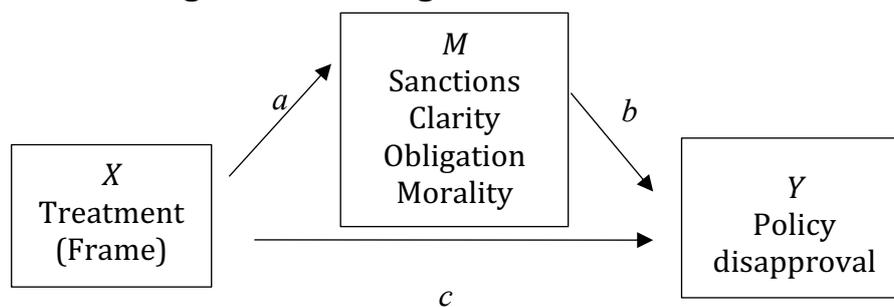
In addition to asking respondents to what degree they approved/disapproved of restrictive detention, the survey asked four questions aimed at gauging each “tale” of international law. Figure 1 shows simple hypothesis tests for each of these. For ease of interpretation, I rescaled each variable so that higher values denote higher perceived costs, clarity, sense of obligation, and sense that restrictive detention is immoral. As expected, those who received the IL vignette report a stronger sense of clarity that restrictive detention breaches standards⁶, a stronger sense of obligation, and a stronger impression that current practice is immoral – compared to the control as well as the human rights condition.

Interestingly, the IL group is no more likely to be concerned about the potential for costs/sanctions vs. the control, and it is *less* likely to be concerned about costs/sanctions than is the human rights group. It is difficult to say with certainty what is driving this finding. One possibility is that mentioning human rights invokes cognitive linkages to the Bill of Rights and the Constitution, which can and have involved domestic sanctions. In contrast, when these same rights are firmly tied to international law, perhaps respondents understand that the possibilities for costly enforcement are more limited. An additional experiment would be needed to assess this possibility.

⁶ See the Appendix for the full survey instrument. To avoid priming respondents, the survey did not ask respondents what type of standards they believed had been breached. It simply asked how certain/uncertain respondents were that standards had been violated. It would be interesting, in future research, to investigate what kind(s) of standards people had in mind when responding.

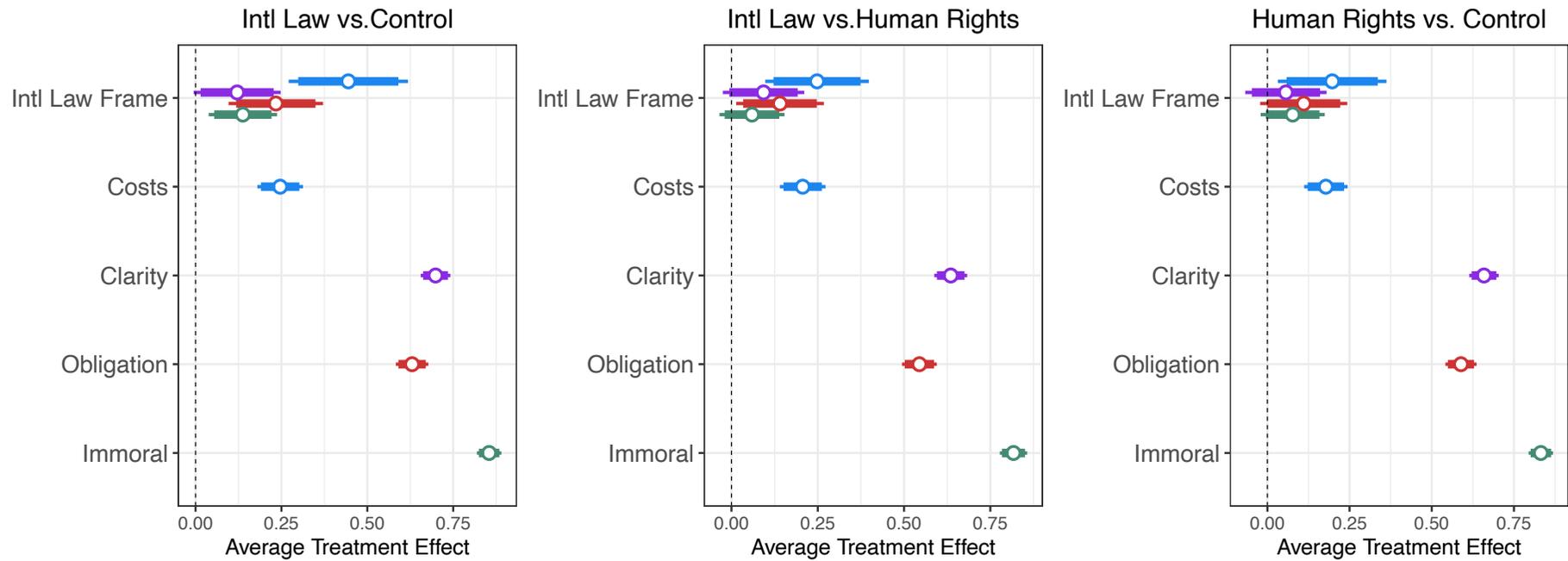
Figure 1 provides support for the idea that a relationship between the treatment and three of the four “tales” of IL exists. But do these in turn lead to a shift in policy attitudes? Ultimately, *that* is the hypothesis we want to test. Figure 2 provides a simple depiction of the causal process. Before conducting full mediation analysis, I first run simple OLS models of policy approval/disapproval, using each mediator as a predictor. The results appear in Figure 3 and Table 1. Whether this step is necessary is controversial (Baron and Kenny 1986; Zhao et al. 2010). I consider it worthwhile, but concur with Zhao et al. 2010 that even a non-significant mediator is worth exploring further due to the possibility of competitive mediation or other processes.

Figure 2. Path Diagram: Causal Mediation



The results are unsurprising given the findings so far (though costs could arguably have been linked to greater policy approval given the findings, but this analysis shows that this is not the case). Each mediator increases disapproval for restrictive detention. Including the mediators in the analyses does reduce the treatments’ effects, although the differences between treatment groups do remain in tact to some degree. This suggests that the mediators play a role, but may not individual capture all of the causal process that links the IL treatment to distaste for restrictive detention (i.e., partial mediation). The evidence is generally more suggestive of full mediation for the IL-human rights and human rights-control comparisons.

Figure 3. OLS Models of Policy Disapproval, Using Mediators as Predictors



Thick line represents 90% confidence interval; thin line represents 95% confidence interval. Scale ranges from 0 (strongly approve) to 4 (strongly disapprove). See Table 1 for full results.

I now turn to mediation analysis (Imai et al. 2011). Figure 4 presents the results for each group comparison. (Table 2a presents the full results). Several key findings emerge. First, in comparison to both the control and the human rights condition, the relationship between IL and policy opposition is strongly mediated by clarity, obligation, and morality. Put more simply, invoking IL makes people dislike restrictive detention because it makes it clearer to them that the practice violates standards, increases their sense of obligation, and heightens their concern that it is morally reprehensible.

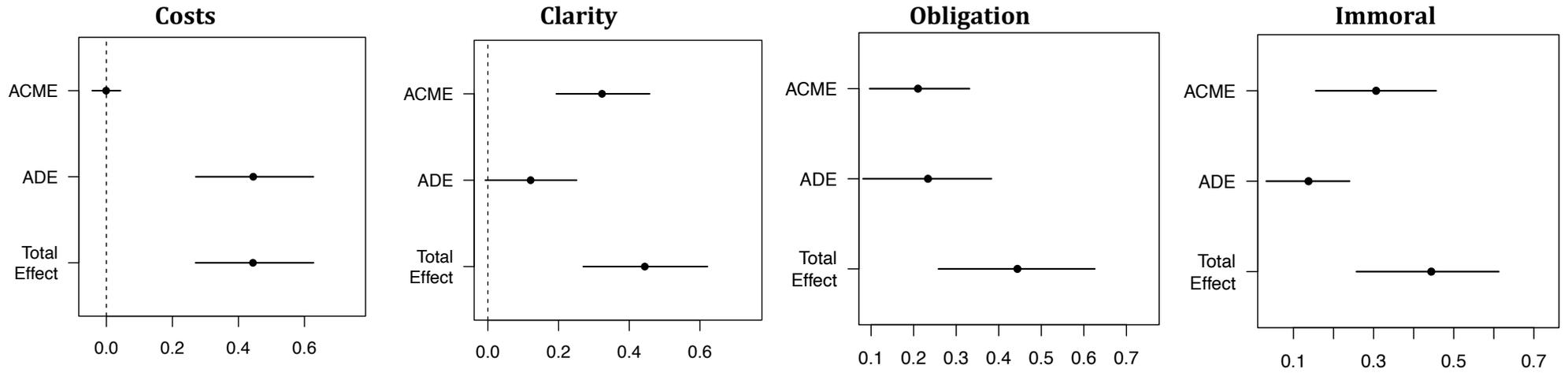
Second, concerns about punishment or some other cost for noncompliance are more mixed, as also suggested by Figure 1. In comparison to the control, changes in perceived costs have no bearing on policy support. However, in comparison to the human rights group, invoking IL appears to (marginally) *reduce* policy opposition by increasing perceived costs. Third, emphasizing human rights alone affects attitudes through each of the causal processes hypothesized. While substantively smaller in impacts than IL frames, human rights frames nonetheless significantly increase opposition through their impacts on perceived costs, clarity, obligation, and morality.

5. Moderated Treatment Effects

Whether/how strongly a treatment affects perceptions may depend on how a person sees the world, i.e., what cognitive and emotional understandings and biases they have. One of the main reasons for conducting the survey in two waves was precisely to consider how those might condition responses to hearing that restrictive detention violates IL and/or human rights. In this section, I investigate three such factors: education level, views on refugee policy, and views of law.

Figure 4. Mediation Analysis

International Law vs. Control



International Law vs. Human Rights

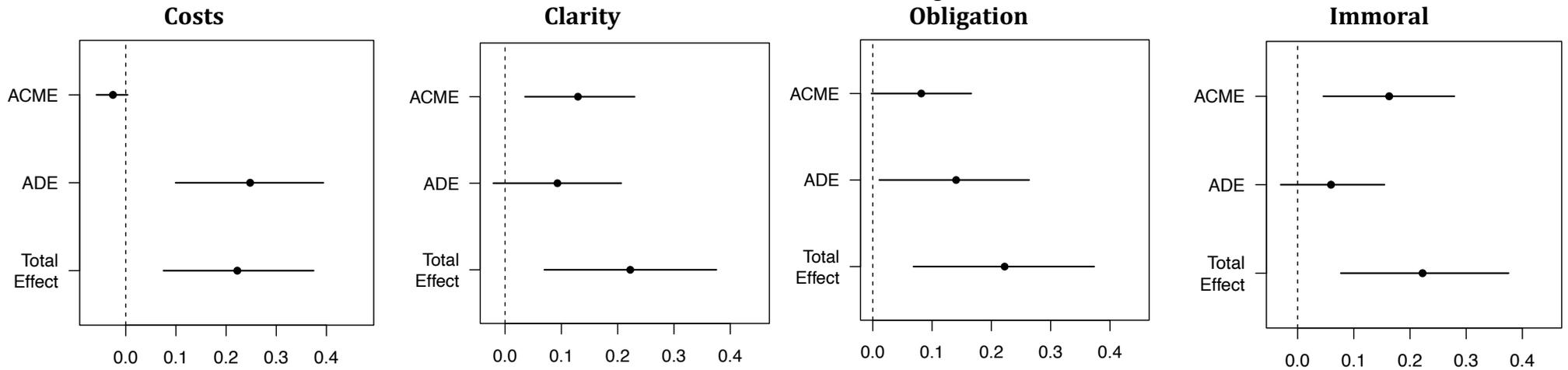
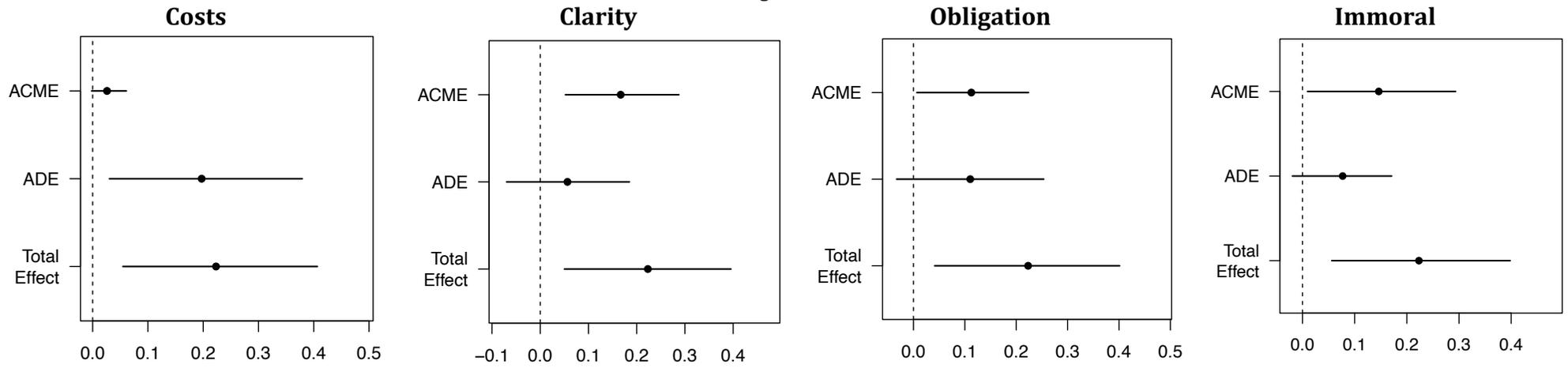
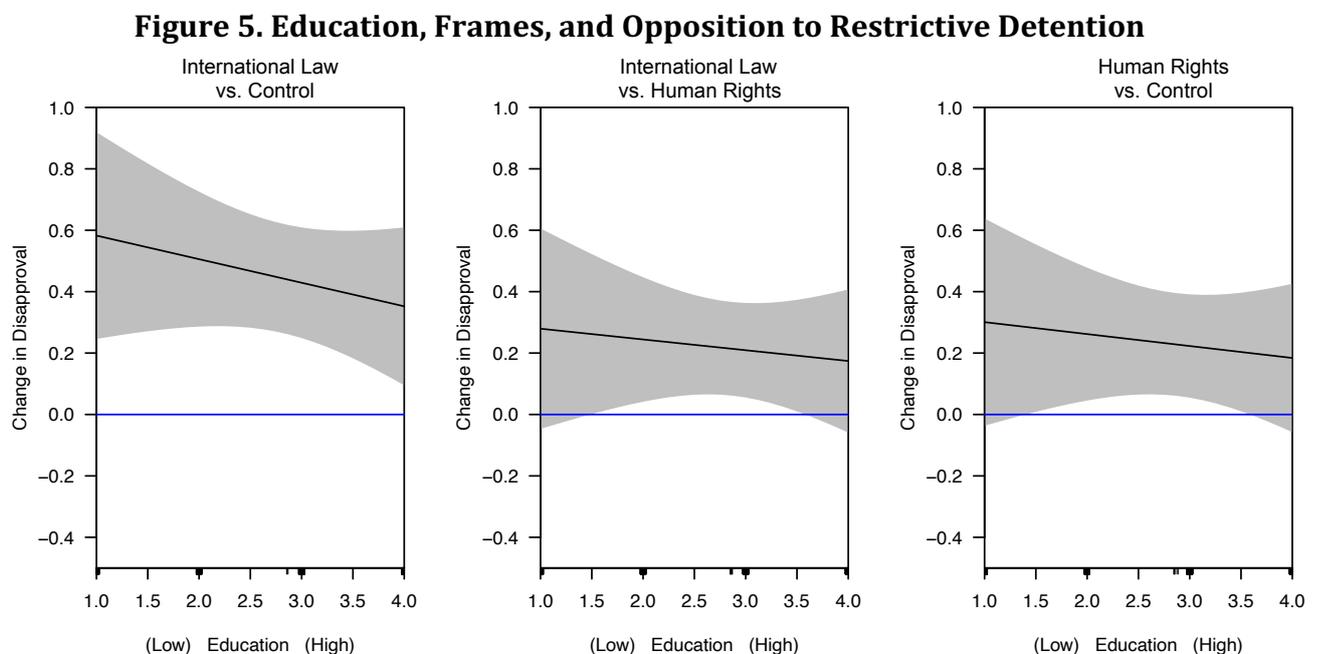


Figure 4 (continued). Mediation Analysis
Human Rights vs. Control



The idea that educational attainment might condition peoples' responses to frames is well-canvassed (Chong and Druckman 2007), although expectations are somewhat ambiguous. On the one hand, low-education respondents tend to have limited information and so are potentially especially susceptible to political messaging. But on the other hand, they are also usually less attentive and so may miss the message entirely (Zaller 1991). Conversely, highly educated respondents are usually attentive, but they already know a great deal about politics and policy; their views may consequently be less malleable.

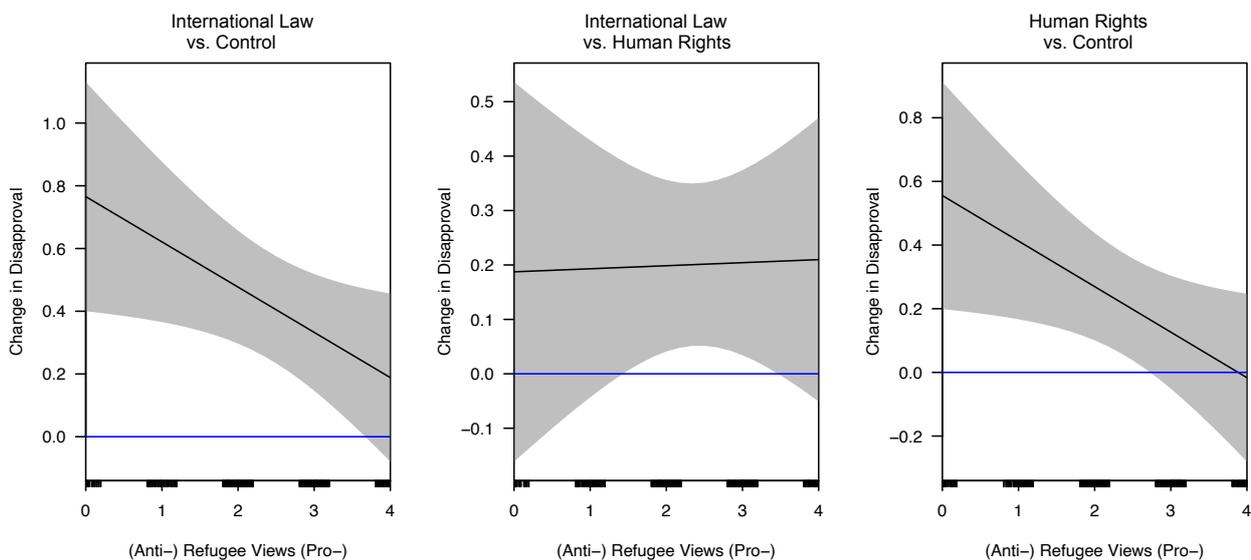
Figure 5 explores whether education moderates the relationship between the treatments and policy attitudes. There is some evidence that frames have stronger impacts on the less educated, but it is not overwhelming (interaction terms never approached statistical significance). I also conducted the analyses with a quadratic term to gauge non-linear relationships, but this did not improve model fit significantly.



Wave 1 of the survey also asked respondents their views on refugee policy, which enables me to explore whether pre-existing views of refugees condition treatment

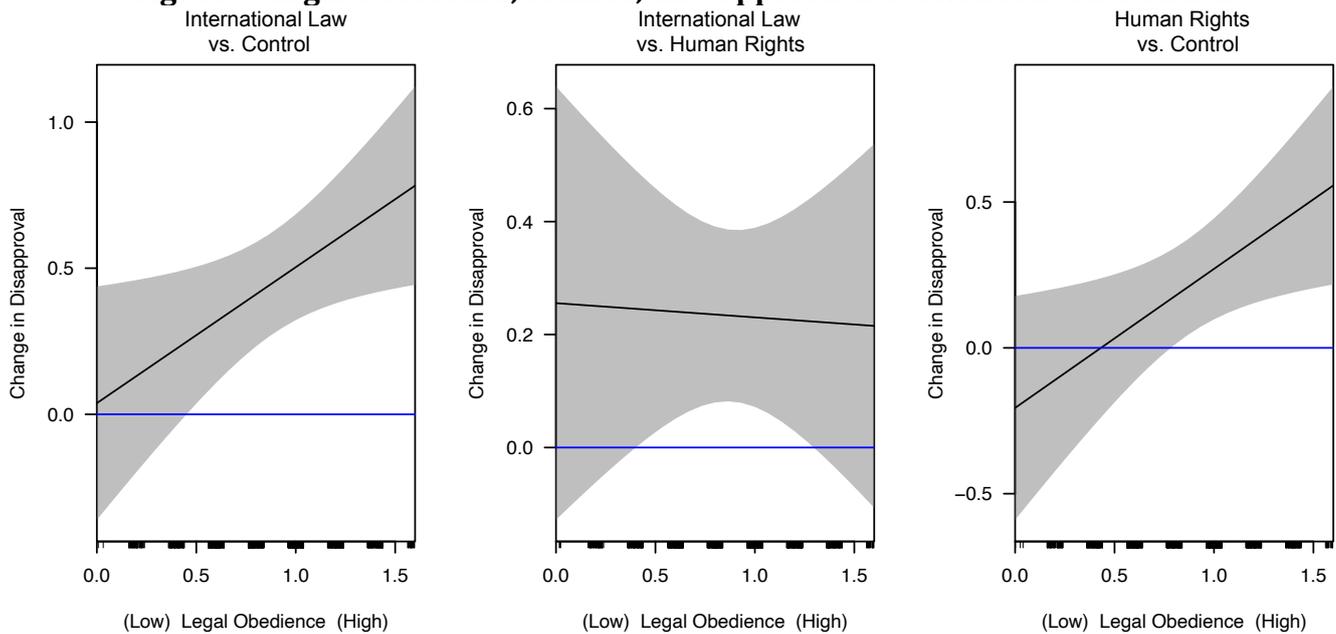
responses. Expectations are indeterminate here too. On the one hand, one might expect telling people about breaches of law and/or rights to provoke the strongest negative responses among people who care most about these individuals. But on the other hand, refugee supporters may already have well-established (negative) views on refugee maltreatment – regardless of whether/how it is framed. Figure 6 supports the latter interpretation for frames vs. the control condition: people who do not espouse refugee-friendly policies are the *most* likely to respond to “change their mind” in response to hearing that restrictive detention violates IL or human rights, whereas those who embraced pro-refugee policies from the get-go experienced no attitudinal shift (ostensibly because they already firmly opposed these policies). However, this was not the case in the comparison of IL and human rights frames. None of the difference in attitudes can be explained by peoples’ underlying attitudes toward refugees moderating how they responded to the treatments.

Figure 6. Attitudes Toward Refugees, Frames, and Opposition to Restrictive Detention



Wave 1 also asked respondents their views on laws and obedience. From it, I create a factor, which I call “legal obedience.”⁷ I expect treatment effects to be strongest among people who care most about legal obedience. Figure 7 displays the results for each treatment group comparison. The results are highly similar to those reported in Figure 6 (attitudes toward refugees), but reversed: international legal and human rights frames have their strongest impacts among people who think it is important to follow rules (although the effect is substantively stronger in the IL-control comparison than the human rights-control comparison). However, as in Figure 6, none of the difference in attitudes in the IL vs. the human rights groups can be explained by the moderating effect of legal perceptions.

Figure 7. Legal Obedience, Frames, and Opposition to Restrictive Detention



⁷ See the Appendix for the survey instrument, which includes the legal obedience questions. Cronbach’s alpha was .481. This is not as high as I would like, but I nonetheless proceed – albeit with caution.

6. Discussion and Next Steps

Overall, the findings are highly consistent with three of the four “tales” of international law advanced in the literature. Americans seem to care about international legal breach, and the survey experiment demonstrates that this is attributable to the impact of legal framing (above and beyond references to the related but distinct rhetoric of human rights). To some degree, moreover, peoples’ responses are conditioned by their educational level, underlying attitudes toward refugees, and views on whether laws must be obeyed.

Looking forward, there are several next steps in this research. First, I will investigate several other moderators, gauging (1) whether/how these condition peoples’ sense of costs, clarity, obligation, and morality, and (2) how these in turn affect policy attitudes. Second, how (if at all) do the attitudinal shifts that IL/human rights invoke affect willingness to mobilize? The survey also gauged respondents’ interest taking various types of action against restrictive detention, so understanding this process is an important next step.

Broader questions remain about whether the treatment effects isolated here exist in the “real world.” Appeals to IL and human rights are prevalent in the media (Shepperd and von Stein 2022), but it is still easier for citizens to these out in their everyday lives than in a survey setting. How these appeals stack up against counter-frames such as national security is an enduring question for scholars and policymakers.

Table 1A. Average Treatment Effects: Policy Disapproval

<i>International Law and Control Groups</i>						
Intl law Treatment	.444** (.266, .622)	.445*** (.271, .618)	.121* (.006, .248)	.234*** (.096, .371)	.138*** (.038, .237)	.075 (-.017, .166)
Costs	.246*** (.180, .313)					-.070*** (-.108, -.032)
Clarity	.699*** (.655, .742)					.182*** (.131, .234)
Obligation	.630*** (.583, .678)					.175*** (.130, .220)
Immoral	.855*** (.819, .890)					.631*** (.585, .678)
Constant	1.284** (1.09, 1.48)	.842*** (.621, 1.06)	.249*** (.100, .397)	.220*** (.053, .386)	.126** (.010, .242)	-.011 (-.131, .109)
N	979	979	979	979	979	979
R-squared	.051	.100	.533	.443	.710	.759

OLS coefficients. 95% confidence intervals in parentheses. *** p < .001. ** p < .01. * p < .05.

<i>International Law and Human Rights Groups</i>						
Intl law Treatment	.445*** (.271, .618)	.121* (-.005, -.248)	.234*** (.096, .371)	.138*** (.038, .237)	.075 (-.017, .166)	
Costs	.246*** (.180, .313)					-.070*** (-.108, -.032)
Clarity	.699*** (.655, .742)					.182*** (.131, .234)
Obligation	.630*** (.583, .678)					.175*** (.130, .220)
Immoral	.855*** (.819, .890)					.631*** (.585, .678)
Constant	.842*** (.621, 1.063)	.249*** (.100, .397)	.220*** (.053, .386)	.126** (.010, .242)	-.011 (-.131, .109)	
N	999	979	979	979	979	
R-squared	.070	.482	.402	.678	.708	

OLS coefficients. 95% confidence intervals in parentheses. *** p < .001. ** p < .01. * p < .05.

Table 1A (continued). Average Treatment Effects: Policy Disapproval

<i>Human Rights and Control Groups</i>					
Human rights	.197**	.056	.111	.077	.054
Treatment	(.032, .362)	(-.067, .180)	(-.022, .243)	(-.020, .174)	(-.038, .146)
Costs	.178***				-.066***
	(.112, .244)				(-.105, -.026)
Clarity		.659***			.132***
		(.614, .704)			(.078, .186)
Obligation			.589***		.173***
			(.541, .636)		(.127, .220)
Immoral				.832***	.641***
				(.795, .869)	(.591, .691)
Constant	1.007***	.295***	.294***	.187***	.056
	(.789, 1.225)	(.141, .450)	(.124, .463)	(.067, .307)	(-.072, .184)
<i>N</i>	988	988	988	988	988
R-squared	.070	.482	.401	.677	.715

OLS coefficients. 95% confidence intervals in parentheses. *** p < .001. ** p < .01. * p < .05.

Table 2A. Causal Mediation Analysis

<i>International Law and Control Groups</i>				
	Costs	Clarity	Obligation	Immoral
Average causal mediation effect	-.001 (-.044, .040)	.323*** (.189, .460)	.210*** (.093, .330)	.306*** (.152, .460)
Average direct effect	.445*** (.275, .620)	.121** (-.012, .260)	.234*** (.089, .380)	.138*** (.036, .260)
Total effect	.444*** (.276, .630)	.444*** (.259, .650)	.444*** (.256, .630)	.444*** (.250, .640)
Proportion Mediated	-.002 (-.114, .100)	.728*** (.517, 1.040)	.474*** (.251, .720)	.690*** (.464, .900)

95% confidence intervals in parentheses. *** p < .001. ** p < .01. * p < .05.

<i>International Law and Human Rights Groups</i>				
	Costs	Clarity	Obligation	Immoral
Average causal mediation effect	-.026 (-.059, .000)	.129** (.033, .230)	.082 (-.004, .170)	.163** (.045, .280)
Average direct effect	.248** (.105, .390)	.093 (-.026, .210)	.141* (.014, .270)	.059 (-.031, .160)
Total effect	.222** (.074, .370)	.222** (.077, .380)	.222*** (.070, .370)	.222** (.070, .360)
Proportion Mediated	-.115 (-.508, .010)	.582** (.226, 1.290)	.368 (-.025, .880)	.733** (.347, 1.260)

95% confidence intervals in parentheses. *** p < .001. ** p < .01. * p < .05.

<i>Human Rights Group and Control Group</i>				
	Costs	Clarity	Obligation	Immoral
Average causal mediation effect	.026 (-.003, .060)	.167** (.054, .290)	.113* (.008, .230)	.146* (.009, .290)
Average direct effect	.197* (.031, .370)	.056 (-.068, .190)	.111 (-.018, .260)	.077 (-.019, .180)
Total effect	.223** (.058, .390)	.223* (.030, .390)	.223** (.045, .400)	.223** (.041, .400)
Proportion Mediated	.117 (-.017, .480)	.747* (.370, 1.970)	.505* (.042, 1.130)	.655* (.090, 1.150)

95% confidence intervals in parentheses. *** p < .001. ** p < .01. * p < .05.

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Table 1B. Summary Statistics: Survey Respondents

Variable	US Population	Wave 1	Wave 2
Sample size	N/A	2373	1483
Gender			
Non-binary	3.6%	2.0%	1.4%
Female	50.6%	47.7%	40.3%
Male	49.1%	50.50%	58.3%
Age			
18-24	15.0%	7.3%	1.2%
25-34	23.0%	12.0%	4.6%
35-44	20.6%	15.6%	11.2%
45-54	20.6%	8.7%	8.8%
55-64	20.9%	12.0%	15.2%
65+	26.8%	44.5%	59.1%
Highest education completed			
High school or less	38.3%	29.1%	14.0%
Trade/tech/associate's	13.9%	13.9%	15.9%
BA	30.4%	33.0%	40.6%
MA or higher	17.4%	24.0%	29.5%
Born			
Abroad	13.7%	5.8%	6%
USA	86.3%	94.2%	94.0%
Race/ethnicity			
African American/Black alone	13.4%	6.5%	2.6%
Asian alone	5.9%	4.5%	4.5%
Caucasian/White alone	60.1%	83.6%	85.7%
Hispanic/Latino alone	18.5%	4.1%	1.8%
Race/ethnicity: 2+	2.8%	1.3%	5.5%
Household income			
<\$15,000	9.4%	10.1%	4.6%
\$15,000 to \$24,999	8.7%	8.4%	6.1%
\$25,000 to \$34,999	8.1%	10.3%	7.1%
\$35,000 to \$49,999	11.6%	10.7%	9.5%
\$50,000 to \$74,999	16.5%	18.2%	21.1%
\$75,000 to \$99,999	12.2%	14.0%	17.5%
\$100,000 to \$149,000	15.3%	21.2%	25.1%
\$150,000 and above	18.3%	7.1%	9.0%
Region			
Midwest	20.8%	17.6%	16.0%
Northeast	17.4%	22.0%	22.8%
South	38%	32.7%	30.0%
West	23.7%	27.8%	31.3%
Immigration should be...			
Decreased/decreased a lot		36.7%	40.0%
Kept same as now	N/A	36.0%	36.2%
Increased/increased a lot		27.3%	23.8%
Refugee views			
Disagree/strongly disagree		20.9%	18.9%
Neither/nor	N/A	29.7%	31.3%

Agree/strongly agree		49.4%	49.8%
Racial distance			
Disagree/strongly disagree	N/A	61.4%	62.0%
Neither/nor		20.6%	20.6%
Agree/strongly agree		17.9%	17.4%
Pro-intl org views			
Disagree/strongly disagree	N/A	25.2%	28.7%
Neither/nor		48.4%	44.6%
Agree/strongly agree		26.4%	26.7%
Partisanship			
Democrat/strong Democrat	N/A	31.3%	30.3%
Independent leaning Democrat		22.5%	19.5%
Independent leaning Republican		19.8%	20.1%
Republican/strong Republican		26.5%	30.1%

US population figures draw from the 2020 US Census.

Table 2B. Summary Statistics Across Treatment Groups

Variable	Control	International Law	Human Rights
Sample size	484	495	504
Gender			
Female	33.4%	34.4%	32.2%
Male/Non-binary	32.1%	32.7%	35.2%
Age			
18-24	44.4%	27.8%	27.8%
25-34	29.2%	33.8%	36.9%
35-44	31.9%	40.5%	27.6%
45-54	32.3%	28.5%	39.2%
55-64	38.2%	35.1%	26.7%
65+	31.4%	32.4%	36.2%
Highest education completed			
High school or less	38.0%	32.7%	29.3%
Trade/technical/Associate's	26.2%	39.1%	34.8%
Bachelor's degree	33.3%	33.5%	33.2%
Master's degree or higher	33.0%	30.7%	36.2%
Born			
Abroad	32.5%	33.6%	33.9%
USA	34.4%	30.0%	35.6%
Race/ethnicity			
African American/Black alone	28.2%	38.5%	33.3%
Asian alone	23.5%	42.6%	33.8%
Caucasian/White alone	33.0%	32.3%	34.8%
Hispanic/Latino alone	51.9%	33.3%	14.8%
2+	24.2%	45.5%	30.3%
Other race/ethnicities	28.6%	35.7%	35.7%

Continued on next page

Table 2B. Summary Statistics Across Treatment Groups (continued)

	Control	International Law	Human Rights
Household income			
<\$15,000	33.8%	41.5%	24.6%
\$15,000 to \$24,999	30.6%	31.8%	37.6%
\$25,000 to \$34,999	32.7%	31.7%	35.6%
\$35,000 to \$49,999	31.6%	27.8%	40.6%
\$50,000 to \$74,999	30.9%	35.6%	33.6%
\$75,000 to \$99,999	33.8%	41.5%	24.6%
\$100,000 to \$149,000	33.2%	33.8%	33.0%
\$150,000 and above	28.3%	37.8%	33.9%
Region			
Midwest	32.6%	30.1%	37.3%
Northeast	32.8%	37.9%	29.3%
South	32.7%	33.3%	34.0%
West	32.3%	31.9%	35.8%
Immigration			
Decreased/decreased a lot	33.3%	32.3%	34.3%
Kept same as now	31.2%	34.6%	34.2%
Increased/increased a lot	33.6%	33.3%	33.0%
Refugee views			
Disagree/strongly disagree	31.4%	32.9%	35.7%
Neither/not	32.5%	33.3%	34.2%
Agree/strongly agree	33.2%	33.6%	33.2%
Racial distance			
Disagree/strongly disagree	32.1%	33.9%	33.9%
Neither/not	34.4%	33.8%	31.8%
Agree/strongly agree	32.4%	30.9%	36.7%
Pro-intl org views			
Disagree/strongly disagree	28.3%	28.5%	29.4%
Neither/not	44.8%	45.1%	44.1%
Agree/strongly agree	26.9%	26.5%	26.4%
Partisanship			
Democrat/strong Democrat	31.2%	32.5%	27.2%
Independent leaning Democrat	19.6%	17.6%	21.4%
Independent leaning Republican	21.1%	20.2%	18.8%
Republican/strong Republican	28.1%	29.7%	32.5%

See the Appendix for full survey instrument.

Table 3B: Additional Balance Tests

	International Law vs. Control	International Law vs. Human Rights	Human Rights vs. Control
Gender: male or non-binary	.003 (.972)	-.060 (.491)	.060 (.491)
Age group	.004 (.905)	-.028 (.399)	.028 (.399)
Education	-.000 (.950)	.001 (.076)	-.001 (.076)
US-born	.258 (.164)	.259 (.167)	-.259 (.167)
Ethnicity: African American	.218 (.655)	.130 (.778)	-.130 (.778)
Ethnicity: Asian American	.373 (.424)	.305 (.485)	-.305 (.485)
Ethnicity: Caucasian/White	-.114 (.787)	.031 (.938)	-.031 (.938)
Ethnicity: Latino/Hispanic	-.232 (.633)	.699 (.174)	-.699 (.174)
Income	.003 (.895)	.015 (.515)	-.015 (.515)
Immigration views	-.006 (.898)	-.028 (.539)	.028 (.539)
Refugee views	.016 (.720)	.020 (.665)	-.020 (.665)
Race views	-.046 (.187)	-.050 (.148)	.050 (.148)
Int'l organization views	-.011 (.838)	-.006 (.917)	.006 (.917)
Partisanship	.015 (.504)	-.013 (.558)	.013 (.558)
Constant	-.181 (.726)	-.107 (.829)	.107 (.829)
Observations	968	992	992

Probit coefficients with p-values in parentheses.
No results are statistically significant at standard thresholds.

Survey Instrument

Wave 1

0.	[Obtain consent]
1.	What is your age?
2.	Please enter your zip code
3.	What is your gender?
4.	Where were you born?
5.	What is your ethnicity?
6.	What is your highest level of education completed
7.	Thinking back to 2020, approximately what was your household income?

[Transition: In this section, we'll ask you a few questions on your policy views and news consumption. There are no right or wrong answers -- your view is what matters]

Randomize order	Randomize order	8.	Do you think the number of immigrants who are permitted to come to the USA should be decreased, kept the same as it is now, or increased?
		9.	What are your views on the following statement? <i>People who have arrived in the US, having fled persecution, serious violence, or war should be granted the right to settle here.</i> Strongly disagree/disagree/Neither agree nor disagree/Agree/Strongly agree.
		10.	What are your views on the following statement? <i>I would be uncomfortable if a close member of my family married someone of a different race/ethnicity to ours.</i> Strongly disagree/disagree/Neither agree nor disagree/Agree/Strongly agree.
	Randomize order	11.	What are your views on the following statement? <i>We shouldn't let international organizations and other countries tell the US what it can and can't do.</i> Strongly disagree/disagree/Neither agree nor disagree/Agree/Strongly agree.
		12.	What are your views on the following statement? <i>The US should work more through international organizations, like the UN.</i> Strongly disagree/disagree/Neither agree nor disagree/Agree/Strongly agree.
			13.

		USA Today/Wall Street Journal, NY Times, LA Times, NY Times, Washington Post Yahoo!News, CNN, MSNBC, CBS, ABC Fox News BBC/Al Jazeera, other international Facebook, Twitter, Instagram, or other social media Last Week Tonight, Daily Show, Colbert Report Mark Levin, Glenn Beck, Sean Hannity, Mike Gallagher Other (fill in)
	14.	Which of the following best describes your political views? Strong Democrat/Democrat/Independent leaning Democrat/Independent leaning Republican/Republican/Strong Republican

Wave 2

Thanks for taking our survey. In the following slides, we'll present you with some information. Please read carefully -- we'll ask some questions afterward.

Each year, people from many regions of the world seek refuge in the US, having fled persecution, war, and other serious violence. If their refugee application is successful, they can settle in America. A recent report has revealed that thousands of these applicants are regularly held in restrictive detention. Men and women between 15 and 83 years of age are held in maximum security jails, sometimes in shackles. Solitary confinement for long periods is common. Application processing is unpredictable and slow, sometimes taking years.

<u>Control</u>	<u>Human rights treatment</u>	<u>International law treatment</u>
Critics point out that the vast majority of applicants are found to be law-abiding, genuine, refugees. They say there are more humane ways to house them while keeping America safe.	Critics point out that the vast majority of applicants are found to be law-abiding, genuine, refugees. They say there are more humane ways to house them while keeping America safe. They also point out that incarcerating refugees is a human rights violation, and that lengthy solitary confinement is considered a form of torture. Indefinite detention also breaches refugees' civil and political rights.	Critics point out that the vast majority of applicants are found to be law-abiding, genuine, refugees. They say there are more humane ways to house them while keeping America safe. They also point out that restrictive detention breaks international law. Incarcerating refugees is a human rights violation that's illegal under the International Refugee Convention. Lengthy solitary confinement is considered a form of torture, prohibited under the Convention Against Torture. Indefinite

		detention also breaches refugees' civil and political rights, in violation of other international agreements the US has ratified.
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	1.	Do you disapprove or approve of refugees being placed in restrictive detention while their applications are processed? Strongly disapprove/disapprove/neither approve nor disapprove/approve/strongly approve
		How do you feel about the following statements?
Randomized order	2.	Restrictive detention of refugees whose applications are being processed is moral. Strongly disagree/disagree/neither agree nor disagree/agree/strongly agree
	3.	The US has an obligation to stop placing refugees whose applications are being processed in restrictive detention. Strongly disagree/disagree/neither agree nor disagree/agree/strongly agree
	4.	Independent of whether you think the US should use the practice, which of the following best describes your views on whether restrictive detention violates standards? I'm highly certain that it violates standards/I'm somewhat certain that it violates standards/I'm uncertain whether it violates standards/I'm somewhat certain that it doesn't violate any standards/I'm highly certain that it doesn't violate any standards
	5.	How likely do you think it is the US will face some kind of negative repercussion(s) as a result of its restrictive detention practices? Highly unlikely, Unlikely, Equally likely/unlikely, Likely, Highly likely
	6.	Thinking back to the information presented earlier in the survey, which of the following points do critics of restrictive detention make? (Please select all that apply; answers appear in randomized order). There are more humane ways to house refugees during the application process. Restrictive detention violates human rights. Restrictive detention violates international law.