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The Influence of International Human Rights Agreements on Public Opinion: An Experimental Study

Adam S. Chilton*

Abstract

Scholars have long speculated that commitments to human rights agreements are unlikely to have an effect on domestic policy because they do not contain a threat of external enforcement. Recent research has challenged that belief by suggesting that ratification of human rights agreements leads democracies to change their policies because international commitments change public support for reform. Although considerable progress has been made, the empirical research in support of that theory has not directly tested the primary causal mechanisms speculated to produce policy changes. Experimental methods present a promising way to do exactly that. To leverage that fact, I have embedded an experiment within a survey in the first effort to explore whether information on the status of international law changes public opinion on a purely domestic human rights issue: the practice of subjecting prisoners to solitary confinement. The results show that, although generic appeals to human rights do not influence public opinion, references to prior treaty commitments do. In other words, the results demonstrate the plausibility of theories of compliance with human rights agreements that are based on the idea that international obligations alter the political climate within democracies.

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I. INTRODUCTION

Over the last decade, one of the most hotly debated questions in the study of international law has been whether states change their policies as a consequence of the international human rights agreements that they ratify.¹ Skeptics have long been critical of the idea that international agreements actually result in changes to state behavior,² and they especially question whether international treaty commitments could change human rights practices.³ After all, the most straightforward explanation for why states comply with international agreements is that other states and international institutions are able to use a variety of mechanisms to help enforce compliance,⁴ but human rights treaties do not contain strong external enforcement mechanisms and states have not taken steps to hold countries accountable for failing to live up to prior commitments.⁵

In response to that powerful argument, a number of scholars have begun to propose theories of why, even in the absence of any external enforcement, states might still change their behavior after ratifying human rights treaties. Although a number of theories have been put forward,⁶ the theory that has gained the most traction is that the presence of an international obligation changes public support for domestic efforts to bring a country's practices into compliance with its international commitments.⁷ Although this "domestic politics" theory of compliance does not predict that ratifying human rights agreements would change the human rights practices of autocracies, it does hypothesize that it would for states that are at least partially democratic.⁸ In other words, the theory is that in democracies, domestic actors are able to use the state's prior ratification of international treaties to bring about changes in human rights practices that would have otherwise not occurred because the presence of an international legal obligation changes political support for reform.

Two lines of empirical scholarship have emerged that support this theory. The first line of scholarship has used observational data to show that partially

¹ Beth Simmons, *Treaty Compliance and Violation*, 13 ANN. REV. POL. SCI. 273, 288–92 (2010).

² George W. Downs et al., *Is the Good News About Compliance Good News About Cooperation?*, 50 INT'L ORG. 379, 380 (1996).

³ JACK L. GOLDSMITH & ERIC A. POSNER, *THE LIMITS OF INTERNATIONAL LAW* (2005).

⁴ ERIC A. POSNER & ALAN O. SYKES, *THE ECONOMIC FOUNDATIONS OF INTERNATIONAL LAW* 26–36 (2013).

⁵ *Id.* at 205–6.

⁶ *See, for example*, Harold H. Koh, *Transnational Legal Process*, 75 NEB. L. REV. 181, 199–206 (1996).

⁷ BETH SIMMONS, *MOBILIZING FOR HUMAN RIGHTS: INTERNATIONAL LAW IN DOMESTIC POLITICS* (2009).

⁸ *Id.* at 15–16.

democratic states that ratify international human rights agreements may have corresponding changes in public policy.⁹ Using a variety of sophisticated statistical techniques—such as instrumental variable regressions¹⁰ and matching¹¹—these studies have even suggested that changes in policy can be *caused* by the treaty ratification.¹² The second line of scholarship has suggested that information on international obligations changes public opinion.¹³ The logical implication of this line of research is that, since democratic governments are constrained by the views of citizens, changes in “public opinion [create] some pressure towards compliance with international law.”¹⁴

Neither line of scholarship, however, has provided a direct test of whether states are likely to change their human rights practices after ratifying international agreements *because of* changes in domestic political support for reform. The first line of scholarship falls short because, although ratification of international agreements can be shown to correlate with policy changes within a country, the studies have not been able to directly test the hypothesized causal mechanism. That is, these studies have not included evidence that the policy changes are a result of changes in public support for reform. The second line of scholarship falls short because the studies that have shown that international obligations can change public opinion have only examined international issues where threats of external enforcement exist. Put differently, these studies have looked at the effect of international obligations on public opinion on the conduct of war, trade policy, or the treatment of foreign nationals—areas of

⁹ SIMMONS, *supra* note 7; Eric Neumayer, *Do International Human Rights Treaties Improve Respect for Human Rights?*, 49 J. CONFLICT RESOL. 925 (2005).

¹⁰ SIMMONS, *supra* note 7.

¹¹ Yonatan Lupu, *Best Evidence: The Role of Information in Domestic Judicial Enforcement of International Human Rights Agreements*, 67 INT'L ORG. 469 (2013) [hereinafter Lupu I]; Yonatan Lupu, *The Informative Power of Treaty Commitment: Using the Spatial Model to Address Selection Effects*, 52 AM. J. POL. SCI. 912 (2013) [hereinafter Lupu II]; Daniel W. Hill, Jr., *Estimating the Effects of Human Rights Treaties on State Behavior*, 72 J. POL. 1161 (2010).

¹² *But see* ERIC A. POSNER, *THE TWILIGHT OF INTERNATIONAL HUMAN RIGHTS LAW* (forthcoming 2014) (arguing against evidence that ratification of human rights agreements has changed state practice).

¹³ Stephen Chaudoin, *Promises or Policies? An Experimental Analysis of International Agreements and Audience Reactions*, 68 INT'L ORG. 235 (2014); Geoffrey P.R. Wallace, *International Law and Public Attitudes Towards Torture: An Experimental Study*, 67 INT'L ORG. 105 (2013); Tonya L. Putnam & Jacob N. Shapiro, *International Law and Voter Preferences: The Case of Foreign Human Rights Violations* (Working Paper, 2013), available at http://www.princeton.edu/~jns/papers/Putnam_Shapiro_2013_IL.pdf (last visited Mar. 25, 2014); Michael Tomz, *Reputation and the Effect of International Law on Preferences and Beliefs* (Working Paper, 2008), available at <http://www.stanford.edu/~tomz/working/Tomz-IntlLaw-2008-02-11a.pdf> (last visited Mar. 25, 2014); James D. Fearon, *Domestic Political Audiences and the Escalation of International Disputes*, 88 AM. POL. SCI. REV. 577 (1994).

¹⁴ POSNER & SYKES, *supra* note 4, at 27.

policy that can be directly influenced by the actions of other actors. As a consequence, neither line of scholarship has produced strong evidence that international obligations that do not include realistic threats of external enforcement—such as ratification of human rights agreements—will result in policy changes because of changes in public support for policy reform.

This Article attempts to directly test whether ratification of human rights agreements increases public support for altering human rights practices. To do so, I have conducted a randomized experiment testing the influence of international law on a purely domestic human rights issue: reforming the use of solitary confinement in prisons. The experiment examined whether respondents held different opinions as a result of being told that critics of the use of solitary confinement argue that the United States is not living up to a human rights agreement it is party to that regulates the practice. The results of this experiment not only demonstrate that information on treaty membership does have a small but statistically significant effect on public opinion, but also show that generic appeals to human rights do not have such an impact. In other words, this Article makes an important contribution to the literature by showing that, when a state has previously joined a human rights agreement, political actors may have a better chance of changing public policy than they would without the treaty because appealing to the agreement has a substantive effect on public opinion.

This Article proceeds in four parts. Section II lays out the development of the domestic politics theory of compliance with human rights agreements, and discusses why experimental methods present a promising way forward to test the theory. Section III explains the experiment that I have designed and conducted on whether information on the status of international law changes the views of individuals on a proposed reform to American policy. Section IV presents the results of that experiment. Section V discusses the results and concludes.

II. THEORIES OF COMPLIANCE WITH HUMAN RIGHTS AGREEMENTS

One of the most important and active debates in international legal scholarship is whether states change their domestic policies as a consequence of making international commitments to human rights.¹⁵ In this Section I outline that debate and lay out the argument for why an experimental approach may help to advance it. First, I briefly review both the literature on international law that has expressed skepticism that states change their domestic policies as a consequence of ratifying international treaties without enforcement mechanisms, and the literature arguing that commitments to international agreements on

¹⁵ Simmons, *supra* note 1, at 288–92.

human rights are likely to result in changes to state behavior by altering the domestic politics within the country. Second, I explain that, although research has suggested that democracies may change their policies as a result of joining human rights agreements, these studies have not yet demonstrated *why* that may be the case. Third, I outline the merits of using an experimental approach to test the causal mechanism proposed by these domestic politics theories of compliance.

A. Domestic Theories of Compliance

Scholars of international relations have long been skeptical of the idea that states change their behavior as a consequence of international law.¹⁶ Scholars that hold these views—commonly associated with realism—have been willing to concede that states largely comply with their international legal obligations.¹⁷ They argue, however, that this fact should not be taken as evidence that international law changes state behavior.¹⁸ Instead, they contend, international legal agreements that are made reflect existing state power relationships and state interests at the time that the agreements are formed.¹⁹ As a consequence, treaties themselves do not actually change state behavior—they serve simply as a statement of existing realities about the state of the world. As a result, states should be expected to comply with international agreements when it is in their interest to do so, and disregard international commitments when they are no longer consistent with the state's interests.²⁰

Scholars that are skeptical about the power of international law to change state policies generally are especially critical of the idea that states alter their behavior as a consequence of ratifying international human rights agreements.²¹ Although there are several reasons that motivate this view, perhaps the most important is that states do not pay a large price for violation.²² Modern human rights treaties have not included strong external enforcement mechanisms, and

¹⁶ For a good discussion of the “conventional wisdom” of the influence of international law, see SIMMONS, *supra* note 7, at 114–16.

¹⁷ HANS J. MORGENTHAU, *POLITICS AMONG NATIONS: THE STRUGGLE FOR POWER AND PEACE* (Kenneth W. Thompson & W. David Clinton eds., 7th ed. 2006). For an articulation of the view that states generally comply with international law, see Abram Chayes & Antonia Handler Chayes, *On Compliance*, 47 INT'L ORG. 175 (1993).

¹⁸ See Downs et al., *supra* note 2.

¹⁹ See, for example, John J. Mearsheimer, *The False Promise of International Institutions*, 19 INT'L SECURITY 5 (1995).

²⁰ For a discussion of realists that hold this view, see XINYUAN DAI, *INTERNATIONAL INSTITUTIONS AND NATIONAL POLICIES* 16–19 (2007).

²¹ See GOLDSMITH & POSNER, *supra* note 3, at 107–34.

²² See *id.* at 120.

states have largely not retaliated against foreign states simply for failing to live up to the commitments that they have previously made in these agreements. As a result, the common refrain is that these treaties do not serve as a meaningful constraint on state behavior given the lack of external enforcement.²³

Against this backdrop, a number of scholars have begun to develop theories explaining how being party to international agreements might alter state behavior despite the absence of external enforcement mechanisms.²⁴ These scholars have agreed with realists that international human rights agreements do not provide a meaningful external constraint on state behavior. The argument that has been advanced, however, is that in the context of human rights, international treaties “empower individuals, groups, or parts of the state with different rights preferences that were not empowered to the same extent in the absence of the treaties.”²⁵ In other words, human rights treaties change state policies because they change the balance of power at the domestic level.

In the most extensive articulation of this theory, Beth Simmons argues that ratifying human rights treaties can result in changes to domestic policies, without any threat of outside enforcement.²⁶ Although Simmons suggests several potential mechanisms for how this may occur, the principal mechanism advanced is that treaty commitments change citizens’ willingness to support changes to human rights policies. When states ratify international human rights agreements, countries have made a public commitment to certain standards of rights protection. When individual citizens perceive that their rights do not correspond to that prior commitment, this has two important effects according to Simmons.²⁷ First, a perceived “rights gap” is created, which makes citizens more likely to demand that their rights be respected.²⁸ Second, the social environment is changed by making others more sympathetic and tolerant of such demands; this improves the likelihood that advocating for more rights will be successful.²⁹ The consequence is that the shift in public attitudes caused by the ratification of the treaty makes it more likely that a country that is at least partially democratic will alter its domestic policies in order to come into compliance with the treaty.

²³ See SIMMONS, *supra* note 7, at 116 (“If we are looking for empathetic enforcement [of human rights treaties] from other countries, we will be looking in vain for a long time.”).

²⁴ SIMMONS, *supra* note 7; DAI, *supra* note 20; Xinyuan Dai, *Why Comply? The Domestic Constituency Mechanism*, 59 INT’L ORG. 363 (2005).

²⁵ SIMMONS, *supra* note 7, at 125 (emphasis removed).

²⁶ See SIMMONS, *supra* note 7.

²⁷ See *id.* at 135.

²⁸ *Id.* at 135–36.

²⁹ *Id.* at 144–48.

B. Shortcomings of Existing Evidence

Scholars have made considerable progress testing the theory that states that are at least partially democratic are likely to change their policies as a result of signing human rights agreements even without external enforcement because of changes in domestic political support for reform. In fact, there have been two specific lines of research that have provided the domestic politics theory of compliance empirical support. Neither line of research, however, has been able to directly test the causal mechanism the theory proposes.

The first line of research has used observational data to empirically test whether states have complied with the human rights agreements that they have joined.³⁰ Although there have been differences in the research designs used by these studies, the basic approach has been to analyze whether the “treatment” of joining an international human rights agreement has an impact on a dependent variable associated with compliance. For example, studies have analyzed whether ratification of the Convention on Elimination of Discrimination Against Women (CEDAW) has been associated with changes in measures of women’s economic, social, and political rights; or whether ratification of the Convention Against Torture (CAT) has been associated with changes in violations of the physical integrity of citizens.³¹

Although this line of research has produced some evidence that ratification of human rights agreements can lead countries that are at least partially democratic to improve their human right practices,³² the research has not tested the mechanisms that have been hypothesized as having the potential to cause states to change their behavior as a consequence of prior commitments. As previously noted, Simmons and others have suggested specific mechanisms for how ratifying international agreements could alter the domestic political landscape in a way that results in changes in policy even in the absence of threats

³⁰ Lupu I, *supra* note 11; Lupu II, *supra* note 11; Hill, *supra* note 11; SIMMONS, *supra* note 7; Neumayer, *supra* note 9; Oona A. Hathaway, *Do Human Rights Treaties Make a Difference?*, 111 *YALE L.J.* 1935 (2002). It is worth noting that several early studies found that ratification of human rights agreements actually has a negative effect on human rights. *See, for example*, Hathaway, *supra*. More recent research, however, has suggested that these findings were due to selection and not treatment effects. *See* Lupu II, *supra* note 11. Moreover, there is additionally evidence that the effect of treaty commitments on behavior is conditional on regime type. SIMMONS, *supra* note 7; Neumayer, *supra* note 9.

³¹ Lupu II, *supra* note 11; Hill, *supra* note 11; SIMMONS, *supra* note 7; Hathaway, *supra* note 30.

³² Lupu II, *supra* note 11; SIMMONS, *supra* note 7. It is important to note that studies have also suggested that autocracies that join international human rights agreements might actually have worse human rights practices as a consequence. *See, for example*, Hill, *supra* note 11 at 1172; Neumayer, *supra* note 9; Emilie M. Hafner-Burton & Kiyoteru Tsutsui, *Human Rights in a Globalizing World: The Paradox of Empty Promises*, 110 *AM. J. SOC.* 1373, 1405 (2005); Hathaway, *supra* note 30.

of external enforcement. Although these mechanisms have been explored using qualitative analysis,³³ scholars have not yet empirically tested these mechanisms using quantitative data. As a result, a shortcoming of this line of research is that it has not been able to demonstrate the specific *causes* of policy changes that might have resulted from ratification of human rights agreements.

A second line of research has tested whether the presence of international obligations change public opinion.³⁴ The underlying premise of this research has been that democratic governments are responsive to the views of citizens.³⁵ The clear implication of that premise is that, if international obligations do change public opinion, democratic governments should change their policies as a consequence of those obligations even without external pressures. Since these studies have found evidence that information on the status of international obligations can in fact change public opinion, they thus provide evidence in support of the theory that democratic governments are likely to change their human rights policies as a result of joining international agreements.

Although this line of research helps lend credibility to domestic politics theories of compliance, it has not yet directly tested the theory. Among the limited number of experiments that have recently been conducted to test the influence of international law on public opinion,³⁶ there has not yet been a single effort to test whether ratification of human rights agreements could result in changes to domestic policies. Instead, the experiments that have been previously conducted have analyzed the relationship between information on the status of international law and public opinion on international issues.³⁷ For example, these experiments have tested whether information on international law makes individuals more supportive of torturing foreign detainees in the war on terror³⁸ or more supportive of imposing trade sanctions on foreign countries.³⁹ The significance is that respondents may only change their views on the policies studied because of the foreign policy dimensions of the subject area—such as

³³ SIMMONS, *supra* note 7; DAI, *supra* note 20.

³⁴ Fearon *supra* note 13; Tomz, *supra* note 13; Putnam & Shapiro *supra* note 13; Chaudoin, *supra* note 13; Wallace, *supra* note 13.

³⁵ POSNER & SYKES, *supra* note 4, at 27.

³⁶ Tomz, *supra* note 13; Putnam & Shapiro *supra* note 13; Chaudoin, *supra* note 13; Wallace, *supra* note 13.

³⁷ *But see* Michael G. Findley et al., *Using Field Experiments in International Relations: A Randomized Study of Anonymous Incorporation*, 67 INT'L ORG. 657 (2013) (using a field experiment to test how information on international law influences the willingness of private business to offer anonymous incorporation).

³⁸ Wallace, *supra* note 13.

³⁹ Chaudoin, *supra* note 13.

the potential for retaliation from external actors.⁴⁰ These theories thus do not provide a direct test of the causal mechanism suggested by the most prominent domestic theory of compliance.

C. Designing an Experimental Test

One promising way to gain leverage on the question of whether states change their behavior as a result of joining international human rights agreements is to conduct an experiment. Despite the fact that experimental methods have become increasingly used by political scientists and legal scholars over the last decade, they have been scarcely used to study international law.⁴¹ This is surprising given the fact that scholarship on international law has been increasingly concerned with finding ways to test for causal relationships,⁴² but has only slowly begun to turn towards experimental methods that randomize treatment as a way to do so.⁴³ An experiment has still not been conducted, however, that directly tests domestic theories of compliance with human rights agreements. This is a missed opportunity because experimental methods present an excellent way to directly test the key causal mechanism theorized as a way that ratifying international agreements changes domestic policy⁴⁴—that is, experimental methods may answer the question: does learning that their country has joined an international agreement make citizens more supportive of proposals to reform their governments' human rights policies on that issue area?

Of course, designing an experiment capable of answering this question without deceiving the respondents requires finding an issue area where the country the respondents live in is currently—at least arguably—not living up to its obligations under an international human rights agreement. This is a difficult task for a researcher proposing to conduct an experiment on a pool of American respondents; although the United States may have anomalous patterns of ratifying international agreements,⁴⁵ the United States is largely compliant with the human rights agreements that it has ratified.

One area, however, where some commentators have argued that the United States has policies that are inconsistent with the international agreements

⁴⁰ For example, Chaudoin tells respondents that a policy “violates trade agreements between the United States and Europe, and Europe would sue the United States at the World Trade Organization” (emphasis added). Chaudoin, *supra* note 13, at 243.

⁴¹ Adam S. Chilton & Dustin H. Tingley, *Why the Study of International Law Needs Experiments*, 52 COLUM. J. TRANSNAT'L L. 173 (2013).

⁴² Lupu II, *supra* note 11.

⁴³ See, for example, Findley et al., *supra* note 37.

⁴⁴ SIMMONS, *supra* note 7, at 139.

⁴⁵ *Id.* at 39–47.

that it has ratified is the use of solitary confinement. Even though solitary confinement is frequently used in American prisons,⁴⁶ it has been argued that this practice is inconsistent with a number of international agreements,⁴⁷ including the International Covenant on Civil and Political Rights (ICCPR)⁴⁸ and the Convention Against Torture (CAT).⁴⁹ The possibility that the United States was violating the ICCPR by extensively using solitary confinement was even recently raised by the United Nations Human Rights Committee.⁵⁰

It should be noted, however, that the United States filed reservations to both agreements stating that America would not recognize limitations that are more expansive than the limits on punishments provided by the US Constitution.⁵¹ It is thus controversial to claim that the frequent use of solitary confinement by the United States constitutes a violation of America's international agreements. That said, the use of solitary confinement is a clear policy area where it would be reasonable to say that critics argue that the US is currently in violation of the human rights agreements that it has ratified. As a result, in the first experimental test of whether the prior ratification of human rights treaties makes individuals more supportive of changes to domestic policies, I have conducted an experiment on how information on the status of international law changes support for the use of solitary confinement in American prisons.

III. EXPERIMENTAL DESIGN

This Section describes the experiment that I have conducted to test whether ratification of international human rights agreements changes the views of Americans on domestic policy questions. In this Section, I first outline the

⁴⁶ For background on this topic, see AMERICAN CIVIL LIBERTIES UNION, *Unfinished Business: Turning the Obama Administration's Human Rights Promises into Policy* (March 21, 2012), http://www.aclu.org/files/assets/unfinished_business_aclu_final.pdf.

⁴⁷ See Tracy Hresko, *In the Cellars of the Hollow Men: Use of Solitary Confinement in U.S. Prisons and Its Implications Under International Laws Against Torture*, 18 PACE INT'L L. REV. 1 (2006); Elizabeth Vasiliades, *Solitary Confinement and International Human Rights: Why the U.S. Prison System Fails Global Standards*, 21 AM. U. INT'L L. REV. 71 (2006).

⁴⁸ International Convention on Civil and Political Rights, *opened for signature* Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976).

⁴⁹ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *opened for signature* Dec. 10, 1984, 1465 U.N.T.S. 85 (entered into force June 26, 1987).

⁵⁰ United Nations Human Rights Committee: Concluding Observations on the Fourth Report of the United States of America (Advance Unedited Version), pg. 8 (March 27, 2014).

⁵¹ For the reservation to the I.C.C.P.R., see 138 CONG. REC. 8070–71 (1992), *available at* <http://www1.umn.edu/humanrts/usdocs/civilres.html> (last visited Mar. 25, 2014); for the reservation to the C.A.T., see 136 CONG. REC. 36,198–99 (1990), *available at* <http://www1.umn.edu/humanrts/usdocs/tortres.html> (last visited Mar. 25, 2014).

motivations for the experiment. Second, I explain the survey recruitment process. Third, I describe the experiment itself. Fourth, I discuss the diagnostics conducted to test the reliability of the experiment before analyzing the results.

A. Motivations

The goal of this experiment is to gain insight into whether a prior commitment to an international human rights agreement changes the views that individuals hold on domestic policy. This experiment specifically seeks to address three questions. First, does learning the fact that the United States has previously joined an international human rights agreement on a topic change respondents' views on issues of domestic policy? As previously noted, one theorized mechanism for why democracies might change their policies after signing human rights treaties is that such an act changes domestic public opinion. To date, however, experimental research has not been conducted to establish this link.

Second, how does the magnitude of the effect of information of international law compare to similar arguments on the same topic? A claim necessary to the argument that international commitments can result in policy changes by altering public opinion is the corollary that information on international law results in larger changes in public opinion than other similar arguments that do not invoke international commitments. For example, if arguing that executing minors violates their human rights has the same effect on public opinion as arguing that executing minors violates human rights agreements, then the added benefit of the agreement is less clear.⁵²

Third, if information on international law changes public opinion, why is that the case? Does it change minds because people would prefer not to violate previous agreements, because they now are more likely to view the act as immoral, or because information on the status of international law creates a gap between the domestic policy and international standards? To answer this final question, this experiment directly tests several previously theorized mechanisms for how information on international law may change opinions.

B. Subject Recruitment

This experiment was administered to 1,859 respondents in April 2013. The respondents were all recruited online using Amazon's Mechanical Turk (mTurk)

⁵² Of course, it would still be possible that international agreements could have what Michael Tomz refers to as "additive effects." Tomz, *supra* note 13, at 19. That is, that being party to an international agreement provides an "extra" argument that can move public opinion further than simply using the arguments available without the agreement would. There is currently limited evidence that additive effects for international law are robust.

service. Through mTurk, individuals are able to offer a pool of users a small fee to complete a short task—in this case, completing a survey.⁵³ The appeal of mTurk is that it is a very cost effective, convenient, and fast way to recruit subjects for experimental research.⁵⁴ Although it might be reasonable to think that there is a trade-off associated with using mTurk compared with more traditional methods of subject recruitment,⁵⁵ a growing body of research has suggested that mTurk produces the same results as experiments conducted through other means.⁵⁶ For example, Berinsky et al. have replicated experiments that have been conducted using other methods on samples of subjects recruited through mTurk, and their results show that the results produced by mTurk are statistically the same as the results obtained using other pools of respondents.⁵⁷ Moreover, experimental research conducted using mTurk to recruit subjects has now appeared in the most respected peer-reviewed political science journals.⁵⁸ It is important to note, however, that subject pools recruited through mTurk tend to be younger and more liberal than the population as a whole.⁵⁹ This was the case for my sample as well, which does admittedly limit the generalizability of the results.⁶⁰

⁵³ Respondents were paid \$0.50 for completing this survey.

⁵⁴ See Winter Mason & Siddharth Suri, *Conducting Behavioral Research on Amazon's Mechanical Turk*, 44 BEHAV. RES. METHODS 1 (2012); Gabriele Paolacci et al., *Running Experiments on Amazon Mechanical Turk*, 5 JUDGMENT & DECISION MAKING 411 (2010).

⁵⁵ See Dan M. Kahan, *What's a 'Valid' Sample? Problems with Mechanical Turk Study Samples, Part 1*, available at <http://www.culturalcognition.net/blog/2013/7/8/whats-a-valid-sample-problems-with-mechanical-turk-study-sam.html> (last visited May 12, 2014). More specifically, it may be reasonable to think that there is a drawback to using respondents recruited using mTurk because they are completing the experiment for a small fee, and consequently, that the results might be biased in a number of ways (for example, the respondents might *In the Cellars of the Hollow Men: Use of Solitary Confinement in U.S. Prisons and Its Implications Under International Laws Against Torture* be biased because they are repeatedly taking survey experiments).

⁵⁶ See Laura Germine et al., *Is the Web as Good as the Lab? Comparable Performance from Web and Lab in Cognitive/Perceptual Experiments*, 19 PSYCHONOMIC BULL. REV. 847 (2012).

⁵⁷ Adam J. Berinsky et al., *Evaluating Online Labor Markets for Experimental Research: Amazon.com's Mechanical Turk*, 20 POL. ANALYSIS 351 (2012).

⁵⁸ See, for example, Gregory A. Huber et al., *Sources of Bias in Retrospective Decision Making: Experimental Evidence on Voters' Limitations in Controlling Incumbents*, 106 AM. POL. SCI. REV. 720 (2012); Kevin Arceneaux, *Cognitive Biases and the Strength of Political Arguments*, 56 AM. J. POL. SCI. 271 (2012).

⁵⁹ See Dustin Tingley & Mike Tomz, *Conditional Cooperation and Climate Change*, 47 COMP. POL. STUD. 344 (2013).

⁶⁰ Appendix A reports summary statistics of the subjects' demographic characteristics.

C. The Experiment

The survey had three parts. First, the respondents were asked a series of demographic questions about their background and political beliefs. Second, the respondents were told of a proposed policy reform, randomly assigned into one of three treatment groups that altered the slate of arguments that they received in support of the change in policy, and then were asked if they approve or disapprove of the proposed policy reform. Third, the respondents were asked a series of questions that directly tested possible causal mechanisms for how information on the status of international law might change their opinions.

The second part of the survey contained the experiment. For the experiment, the respondents were told that they were going to read about a policy currently used in American prisons that lawmakers have been considering reforming.⁶¹ The survey then described the current use of solitary confinement in American prisons. Respondents were told that prisoners are often subject to solitary confinement for extended periods of time, and that these periods can last for years. Respondents were further told that, while in solitary confinement, prisoners can be held in their cell for up to twenty-three hours a day, and that during these periods the prisoners are deprived of human contact.

Every respondent then received the same argument in support of the continued use of solitary confinement. The respondents were specifically told that: “Supporters of the use of solitary confinement argue that its use is necessary to maintain prison discipline and ensure the safety of prisoners and guards alike.” After being presented with that argument, the respondents were randomly assigned to one of three treatment groups. These treatment groups either were not presented with additional information (the control group), or were presented with one of two arguments against solitary confinement (the placebo and international law groups). The specific text of the three treatments was:

- **Control Treatment:** (None).
- **Placebo Treatment:** “Critics of the use of solitary confinement argue that it should be eliminated except in the most extreme cases because it violates the human rights of the prisoners held in solitary confinement.”
- **International Law Treatment:** “Critics of the use of solitary confinement argue that it should be eliminated except in the most extreme cases because it violates international human rights treaties that the United States has signed.”

⁶¹ Exact wording of the experiment is in Appendix B.

The first treatment provided a control group for the experiment. This group was not presented with an argument against solitary confinement. The responses of the control group thus provide a baseline that can be used to measure how critical arguments against solitary confinement influence public opinion.

The second treatment was a “placebo” that referred to human rights generally. The treatment informs subjects that critics of the use of solitary confinement contend that the practice violates human rights, but the source of the human rights referred to in this treatment was left intentionally vague. Respondents are free to infer that the human rights invoked are rights in a general moral sense, or human rights that are specifically codified in domestic or international laws. Additionally, the treatment does not make any arguments about consequences that result from violating the human rights of prisoners. The presence of this treatment helps to test the effect that a general argument against solitary confinement has on changes in public opinion, and to invoke the concept of human rights but without a codified international agreement behind it.

The third treatment specifically refers to the presence of an international human rights treaty. The intent of this treatment is to test whether international law changes opinions on a specific policy issue as directly, and simply, as possible. Unlike some other experiments that have tested the influence of international law on opinions over foreign affairs treaties, this experiment did not include any claims about what the consequences of violating international law would be. There are two rationales for this decision. First, specifically stating a consequence of violating international law might simply pick up changes in opinion due to the risk of consequences that have nothing to do the prior commitment to international law. Second, in the human rights context, international law does not in fact have an enforcement mechanism. This is why critics have been especially skeptical that joining human rights agreements might change policy. As a result, the treatment simply states the fact that previously signed agreements would be violated.⁶² This provides the cleanest test of whether signing international treaties might change opinions on domestic policy issues.

⁶² It is worth noting that the treatment intentionally said that the policy violates international agreements that the United States has “signed,” and not agreements that the United States has “ratified.” Of course, there is a distinction between signing and ratifying agreements, and the United States has ratified the relevant agreements on the topic. The word choice was chosen, however, to avoid confusing respondents by presenting an argument that sounds too technical.

The placebo and international law treatments were intentionally designed to be similar in as many respects as possible. They employ parallel sentence structures, comparable tones, and the same number of words. The hope was that, by designing the treatments in this way, it would be possible to isolate what effect, if any, international law had on changes in public opinion.

After receiving either the control, placebo, or international law treatment, the respondents were told that: "American lawmakers have been considering reforms that would eliminate the use of solitary confinement except in extreme circumstances where keeping the prisoner in the general population would pose immediate safety risks." The respondents were then asked whether they Approve, Disapprove, or Neither Disapprove nor Approve of the proposed reform. Immediately after, respondents that approved were asked whether they "strongly approved" or "somewhat approved"; respondents that disapproved were asked whether they "strongly disapproved" or "somewhat disapproved"; and respondents that indicated neither preference were asked whether they "lean towards approving" or "lean towards disapproving." The result was that respondents offered their opinion along a six-point scale.⁶³

D. Survey Balance and Receipt of Treatment

Before analyzing the results, conducted two tests of the reliability of the results. The first test is an analysis to ensure that the treatment assignment was not skewed among respondents based on their demographic characteristics. To test this, I regressed a dummy variable for each of the three treatments on six demographic factors recorded for each respondent.⁶⁴ Specifically, I regressed the treatment received on the respondents' age, gender, education level, political party, citizenship, and race.⁶⁵ In that analysis, not a single demographic variable was a statistically significant predictor of being assigned to a particular group. Based on these regressions, we thus cannot reject the null hypothesis that treatment assignment is balanced across all three treatment groups.

As an additional test of the reliability of the experiment, I included a question at the end of the survey to test whether respondents had actually

⁶³ This approach follows Chaudoin, *supra* note 13. Previous experimental research on the effect of international law on public opinion had used a seven-point scale; the difference being that respondents could say they neither leaned towards agreeing or disagreeing. See Wallace, *supra* note 13; Tomz, *supra* note 13. The downside of doing so, however, is that many responses have to be discarded for analysis because the respondent did not choose between whether he or she approved or disapproved.

⁶⁴ This approach is following Chaudoin, *supra* note 13.

⁶⁵ Appendix C reports the results of this analysis.

received the desired treatment.⁶⁶ First, respondents were presented with two arguments in support of the continued use of solitary confinement and asked to correctly identify which one they had received initially.⁶⁷ Respondents were able to correctly identify the argument in support that they received at a 98 percent rate. Second, all respondents were asked whether they were told that critics of the use of solitary confinement have argued that it “violates the rights of prisoners,” “violates international treaties the United States has signed,” or “neither.” The wording of the options presented were intentionally slightly different than the wording used when the treatments were presented to serve as a test of whether respondents actually processed the argument they were given. Despite that fact, over 50 percent of respondents could correctly identify the treatment they received. For both of these questions, I can easily reject the null hypotheses that respondents randomly guessed at which arguments they had been told at the 0.001 level.⁶⁸

IV. EXPERIMENTAL RESULTS

This section presents the results of my experiment.⁶⁹ First, I discuss the results of the primary experimental manipulation embedded in the survey. Second, I analyze the influence that political ideology had on the results. Third, I present the results of the mechanism questions asked during the third part of the survey.

A. Primary Results

The primary results from the experiment are presented in Figure 1. The first treatment group shown in the graph is the control group; that is, the respondents who did not receive an argument in favor of solitary confinement

⁶⁶ This test also follows the approach used by Chaudoin, *supra* note 13 at 245.

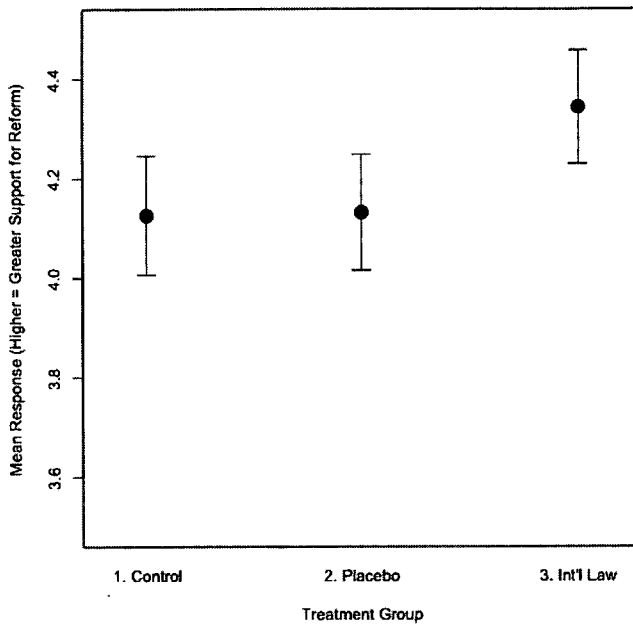
⁶⁷ Respondents were asked whether they were told the argument they actually received or whether solitary confinement should continue to be used because the prisoners that receive the punishment deserve it.

⁶⁸ For both questions, this is based on using t-tests. For the first question, since there were two possible responses, respondents would be expected to randomly guess the correct answer 50 percent of the time. The t-test was thus used to test whether the proportion of correct responses was statistically different than 0.5. For the second question, since there were three possible responses, the t-test was used to test whether the proportion of correct responses was statistically different than 0.33.

⁶⁹ Given the random assignment of treatment and the balance among the treatment groups, this section simply reports the difference in mean responses for the treatment groups. Appendix D, however, reports the results of an ordered logit model estimating the effects of the treatments while controlling for demographic characteristics. The results of that analysis are consistent with the results reported in body of the paper.

reform. On a scale from 1 to 6—with 1 strongly disagreeing with solitary confinement reform and 6 strongly agreeing with it—the control group’s average response was 4.13 (90% CI: 4.01, 4.25). The second treatment group shown in the graph received the placebo treatment. Specifically, they were told that solitary confinement violates the human rights of prisoners. These respondents had a near identical response to the control group—their average response was also 4.13 (90% CI: 4.02, 4.25). The final treatment group shown in the graph is the one of primary interest for this experiment—the respondents who were told solitary confinement violated human rights treaties the United States has signed. This group had an average response of 4.34 (90% CI: 4.23, 4.46).

FIGURE 1: TREATMENT EFFECTS FOR OVERALL SAMPLE



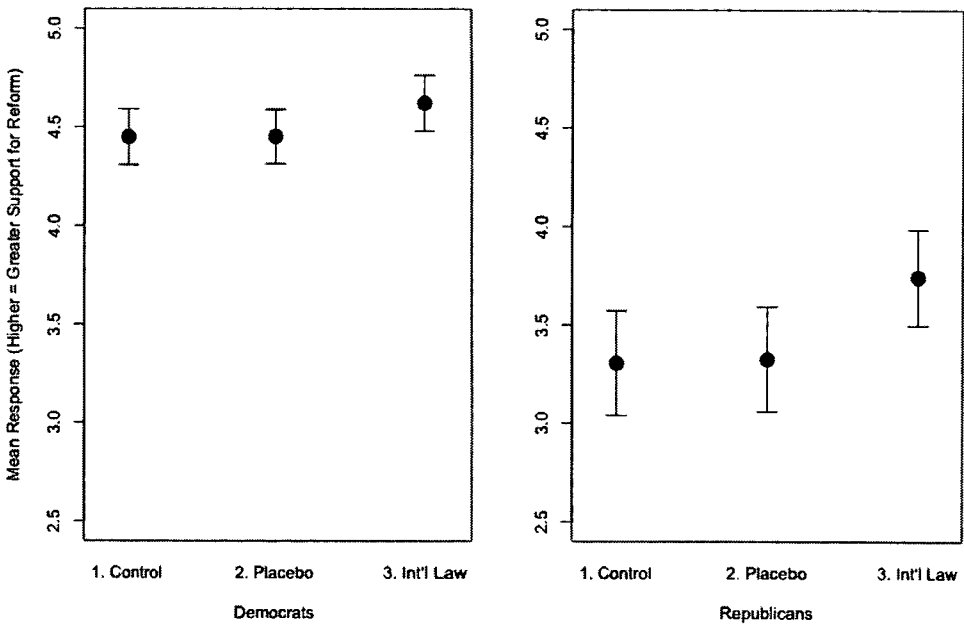
There are several interesting things about these results. First, the overall level of support for solitary confinement reform is generally high. For example, without receiving an argument in favor of doing so, 66 percent of respondents in the control group expressed approval for reform.⁷⁰ Second, the placebo treatment did not move the needle at all. Being told that solitary confinement “violates the human rights of the prisoners” had no effect on support for reform. This is surprising because it would be reasonable to think that *any*

⁷⁰ This is the percentage of respondents that leaned towards agreeing with reform, somewhat agreed, or strongly agreed.

argument against solitary confinement would increase support for reform compared to the control group. A generic appeal to human rights, however, did not have that effect. Third, being told that critics argue that the widespread use of solitary confinement “violates international human rights treaties that the United States has signed” had a modest but statistically significant effect on public opinion. This information increased support for reforming the practice over both the control group (p-value = 0.03) and the placebo group (p-value = 0.03).⁷¹ Although the effect was small in magnitude, this is still compelling evidence for the proposition that ratification of international human rights treaties has at least the potential to result in changes in public policy, because information on ratification resulted in a statistically significant change in opinion over a near identically worded treatment that did not mention international agreements.

B. Results by Partisan Identification

FIGURE 2: TREATMENT EFFECTS BY PARTISAN IDENTIFICATION



⁷¹ This translates into roughly a 4 percent increase in support for reform. This is roughly consistent with the 6 percent change that Wallace found in his study. Wallace, *supra* note 13.

Of course, it is possible that this treatment effect is not consistent across ideology. As was previously noted, subjects recruited through mTurk skew younger and more liberal than the overall population, and there is evidence that suggests that reactions to international law vary based on political ideology.⁷² To investigate this further, I subset the sample into two groups: respondents who self-identified as Democrats (or Democratic leaning) and Republicans (or Republican leaning).⁷³ The results of this analysis are presented in Figure 2.

As Figure 2 shows, the pattern for both Democrats and Republicans is roughly the same. Democrats are slightly more supportive of solitary confinement reform than the overall population. Democrats in the control treatment group supported solitary confinement reform at a 4.45 rate. Information on international law increased support by 0.17 to 4.62, but this increase falls short of conventional levels of significance (p -value = 0.16). Republicans, on the other hand, were less supportive of solitary confinement reform overall—the control treatment group averaged 3.31. Information on international law, however, increased approval to 3.74. This was an increase of 0.43, which was both substantively and statistically significant (p -value = 0.05). This suggests that information on the status of international law on domestic human rights practices, at least with respect to solitary confinement, actually has a greater effect on Republicans than on Democrats. This result is perhaps surprising given the fact that previous research has suggested that Republicans' opinions are less affected by information on international law.⁷⁴ Moreover, although the larger treatment effect for Republicans compared to Democrats may be specific to this topic or simply be driven due to ceiling effects, it is significant nonetheless because it suggests that the overall treatment effect found in this study would be even larger if the sample were more representative and contained a greater proportion of conservatives.

C. Mediation Analysis

As the results presented so far have shown, information on the fact that the United States was party to a human rights treaty has a statistically significant impact on support for reforming solitary confinement practices. This raises the question of why that might be the case. One advantage of experimental methods is that they make it possible not only to directly test whether hypothesized treatment effects exist, but also to directly test causal pathways. This can be done if the experiment measures both the effect of a particular treatment on an

⁷² Tingley & Tomz, *supra* note 59.

⁷³ Independents who did not indicate a leaning were excluded.

⁷⁴ Wallace, *supra* note 13.

outcome of interest, and the changes caused by the treatment that would affect the outcome. For example, the treatment of providing people with information on international law may change respondents' support for solitary confinement reform either because it makes them believe that the punishment is immoral or because the punishment breaks an important commitment.

To take advantage of that fact, after respondents completed the main experiment, I asked their opinion on three questions designed to test what considerations may be mediating any treatment effect caused by information on international law.⁷⁵ The order these questions were presented was randomized to avoid the possibility of any ordering effects. Those questions were specifically designed to test the following possible mediators:

- **Commitment:** One hypothesis that has been previously put forward to explain why international law might change opinions is that people find it important to honor commitments.⁷⁶ To test this possibility, I asked respondents how important they believed it was for the United States to honor the international treaties that it has previously signed.
- **Morality:** Another possibility is that information on the status of international law increased the likelihood that individuals will view a particular action as immoral. This idea is simply that individuals' views on the acceptability of a given practice will change once they think that others have labeled it unacceptable. To test this possibility, I asked respondents whether they viewed subjecting prisoners to solitary confinement as immoral.
- **International Standards:** One hypothesis, specifically put forward by Simmons, is that information on prior ratification of human rights treaties creates an expectation gap.⁷⁷ That is, finding out that the government has made a pledge to honor a right internationally, but that it is not actually providing that right domestically, makes respondents crave that right more. In an attempt to test this possibility, I simply asked whether respondents believe that the United States' treatment of prisoners should conform to international standards.

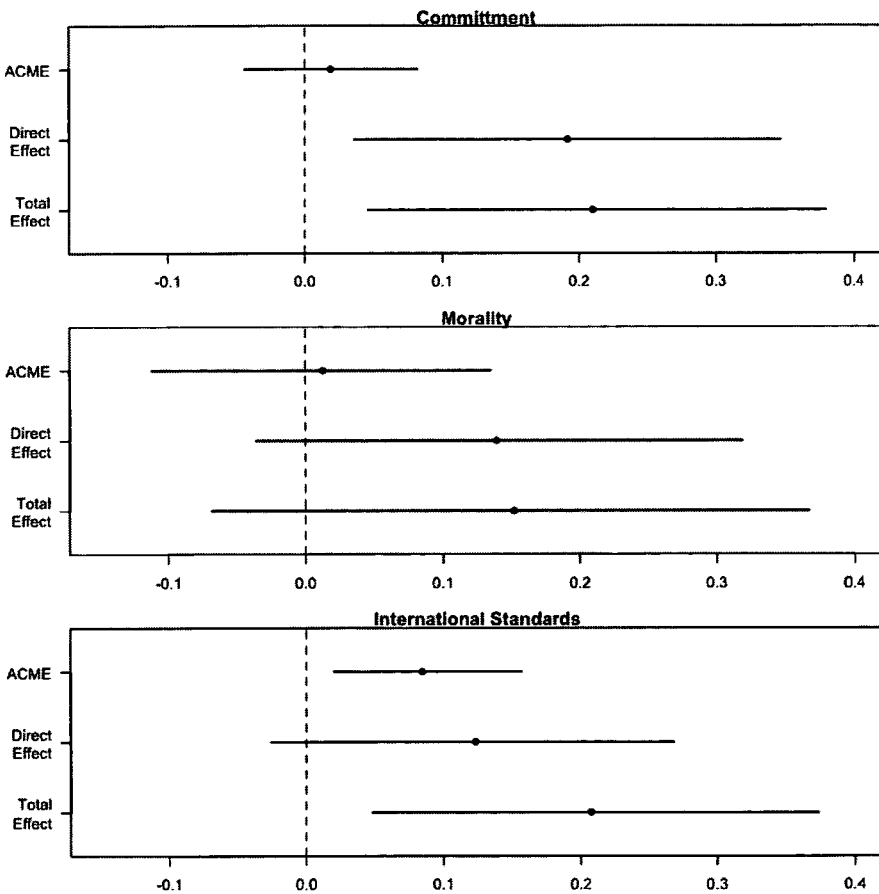
⁷⁵ Exact wording of these questions is in Appendix B.

⁷⁶ See Tomz, *supra* note 13.

⁷⁷ SIMMONS, *supra* note 7, at 136.

Using mediation analysis methods developed by Imai et al., it is possible to directly test whether a treatment effect is due to a hypothesized mediator.⁷⁸ The basic intuition of these methods is that they use a two-stage process: first, they estimate the impact of the treatment on a potential mediator; and second, they estimate the effect of the treatment and mediator on the dependent variable of interest (in this case, support for solitary confinement reform). In other words, using this process, it is possible to test the extent to which information on international law changed public opinion as a consequence of changing respondents' views on one of these three mechanism questions.

FIGURE 3: MEDIATION EFFECTS OF CAUSAL MECHANISMS



⁷⁸ Kosuke Imai et al., *Unpacking the Black Box of Causality: Learning about Causal Mechanisms from Experiments and Observational Studies*, 105 AM. POL. SCI. REV. 765 (2011).

To use this method, I first subset the data to include only respondents that received the control treatment or the international law treatment. I then used the “mediate” software designed by Imai et al. to test the three causal mechanisms previously discussed.⁷⁹ The results of this analysis are presented in Figure 3. For each of the three possible causal mechanisms, the figure shows the estimated influence of the treatment that is conducted through the hypothesized mechanism (the “Average Causal Mediation Effect” (ACME)), the direct impact of the treatment itself (the “Direct Effect”), and the overall effect of these two effects (the “Total Effect”).

As Figure 3 shows, the first two hypothesized mediators did not have a statistically significant impact on the influence of international law to changes in public opinion. This suggests that information on international law did not have a treatment effect because of the respondents’ views on the importance of commitment or the morality of the practice. The third mechanism, however, did have an effect. The international law treatment mediated through the international standards mechanism had a 0.1 effect on the overall outcome. This result is statistically significant at the 0.05 level. The overall treatment effect for the international standards mechanism is 0.21, which is also significant at the 0.05 level. This result suggests that at least part of the reason that information on international law changes public opinions on domestic policies is by changing attitudes about what the international standard of human rights practices is in a given issue area. In other words, being told that the use of solitary confinement violated international law made respondents believe that the US practice was not consistent with international human rights standards, which made those respondents more likely to support reform to the current human rights practices.

V. DISCUSSION AND CONCLUSION

One of the most important questions in international law is whether ratification of international human rights treaties can actually cause countries to change their human rights practices. Recently, research has suggested that ratification of these agreements may have a causal impact on the human rights practices of states that are at least partially democratic.⁸⁰ As this paper has argued, however, previous studies have not directly tested exactly *why* ratification might alter human rights practices in democratic states.

This paper is an effort to start answering that question. The results of this survey show that information on prior treaty commitment has a statistically

⁷⁹ I specifically used the “mediate” package for R.

⁸⁰ See SIMMONS, *supra* note 7. *But see* POSNER, *supra* note 12 (raising concerns with Simmons’s results).

significant impact on public opinion. Moreover, this study also showed that it is not the case that any arguments would have this same impact on opinion—a nearly identically worded treatment that appealed to human rights without mentioning treaty ratification did not sway opinions at all. This suggests that joining human rights treaties can change public support for reforms, which in turn improves the political climate for activists and politicians that hope to push policy changes consistent with those prior commitments. In other words, commitment to human rights treaties may help pave the way for later policy reforms.

Of course, these results should be viewed in context. First, this survey only tested how information about how the presence of a human rights treaty changed public opinion in one substantive issue area—solitary confinement reform. It is thus obviously possible that information on prior treaty commitments might have smaller or larger treatment effects in other issue areas. Second, it is possible that the treatment effects of this experiment are biased because international legal commitments may have already influenced the opinions of the experimental subjects. For example, even if the subjects were not directly aware of international legal commitments, those commitments may have changed societal attitudes more broadly, which thus could influence the results of this experiment. Third, America might not be a typical case. Other countries might have divergent changes in public opinion as a consequence of joining human rights agreements. For example, Simmons has suggested that commitment to human rights treaties has the largest impact in states that are transitioning democracies (and not stable democracies like the United States).⁸¹ This might suggest that the treatment effects found in this experiment could actually be larger if the experiment were conducted on a sample of respondents from a country that is transitioning to democracy. Fourth, recruiting the sample through mTurk may bias the results, and other experiments should be conducted on samples conducted through other methods. Finally, it is important to note that modest changes in public opinion do not automatically result in changes in public policy. This study has not demonstrated the entire causal chain between commitment to human rights treaties and improved human rights practices; it instead has simply tested one link in that chain.

With those caveats in mind, this study still makes an important contribution. If information on human rights treaties can change public opinion where generic appeals to human rights cannot, the trend of increased legalization of human rights over the last sixty years may have done more to improve human rights practices than many scholars have given it credit for. This is not because joining human rights treaties is a panacea that automatically results in improved

⁸¹ SIMMONS, *supra* note 7, at 152–53.

human rights practices; it is instead because treaty commitments help to improve the baseline political support for activists and politicians striving to change public policies. In other words, commitment to human rights treaties might matter—but only if that commitment is used as a tool in a broader mobilization effort for change.

* * *

APPENDIX A: SUMMARY OF SUBJECTS' DEMOGRAPHIC CHARACTERISTICS

	Mean	SD	Min	Max
Male	0.55	0.50	0	1
Age	32.71	11.69	18	76
College Educated	0.45	0.50	0	1
Republican	0.28	0.45	0	1
US Citizen	0.98	0.13	0	1
White	0.76	0.43	0	1
Black	0.06	0.24	0	1
Asian	0.10	0.29	0	1
Hispanic	0.06	0.23	0	1
Other	0.03	0.16	0	1

APPENDIX B: WORDING OF THE EXPERIMENT

Vignette

“The United States often subjects prisoners to solitary confinement for extended periods of time. These periods can last years. When in solitary confinement, prisoners are held in their cell for up to twenty-three hours a day and are deprived of human contact.”

“Supporters of the use of solitary confinement argue that its use is necessary to maintain prison discipline and ensure the safety of prisoners and guards alike.”

[Treatment]

“American lawmakers have been considering reforms that would eliminate the use of solitary confinement except in extreme circumstances where keeping the prisoner in the general population would pose immediate safety risks.”

“Do you approve, disapprove, or neither approve nor disapprove of these reforms?”

Treatments

1. **Control Treatment:** (nothing)
2. **Placebo Treatment:** “Critics of the use of solitary confinement argue that it should be eliminated except in the most extreme cases because it violates the human rights of the prisoners held in solitary confinement.”
3. **International Law Treatment:** “Critics of the use of solitary confinement argue that it should be eliminated except in the most extreme cases because it violates international human rights treaties that the United States has signed.”

Mechanism Questions

Commitment: “The United States often makes international commitments with other countries and the international community by signing treaties. Do you believe that the United States should change its domestic policies to honor international legal commitments?”

Morality: “Is the use of solitary confinement immoral?”

International Standards: “Should the United States’ treatment of prisoners conform to international standard?”

APPENDIX C: LOGIT REGRESSIONS ESTIMATING
TREATMENT PROBABILITY

	Control Treatment	Placebo Treatment	Int'l Law Treatment
Male	0.01 (0.11)	-0.03 (0.11)	0.03 (0.11)
Age	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)
College Educated	0.10 (0.11)	0.02 (0.11)	-0.12 (0.11)
Republican	0.00 (0.12)	-0.07 (0.12)	0.08 (0.12)
US Citizen	0.60 (0.42)	-0.10 (0.44)	-0.61 (0.51)
White	0.02 (0.19)	-0.04 (0.19)	0.02 (0.19)
Black	0.21 (0.28)	-0.07 (0.28)	-0.14 (0.29)
Hispanic	0.03 (0.30)	0.04 (0.29)	-0.07 (0.30)
Other Race	-0.47 (0.44)	-0.07 (0.40)	0.47 (0.39)
Observations	1,535	1,535	1,535

- * significant at $p < 0.05$; ** $p < 0.001$; *** $p < 0.001$.
- Standard errors are in parentheses.
- Intercept not reported.

APPENDIX D: ORDERED LOGIT REGRESSIONS RESULTS

	Model 1
Placebo Treatment	-0.01 (0.11)
International Law Treatment	0.26* (0.11)
Male	-0.07 (0.09)
Age	-0.01* (0.00)
College Educated	0.01 (0.09)
Republican	-1.04*** (0.11)
US Citizen	0.73 (0.39)
White	0.34* (0.16)
Black	0.10 (0.24)
Hispanic	0.01 (0.24)
Other Race	1.01** (0.35)
Observations	1,535

- * significant at $p < 0.05$; ** $p < 0.001$; *** $p < 0.001$.
- Standard errors are in parentheses.
- Cut-points not reported.
