

Do Treaties Matter to Citizens Willingness to Punish Foreign Rights Abusers?

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Introduction

Do international treaties matter to efforts to improve human rights? Since the adoption of the Universal Declaration of Human Rights in 1948, some sixty multilateral treaties and conventions on various aspects of human rights have been enacted. Despite this proliferation of agreements, evidence of their impact on how governments treat their citizens is decidedly mixed (Hafner-Burton & Ron 2008). In countries where compliance with human rights laws is uniformly high, non-treaty factors are often credited (Von Stein 2005). In states that routinely violate the fundamental rights of their citizens, international human rights norms and treaties are criticized as ‘toothless’ and irrelevant. Indeed, several scholars have observed that the constraining effects of human rights treaties are often felt least where they are needed most: inside autocratic states controlled by governments with a history of brutality and repression against their own populations (Neumayer 2005; Hafner-Burton & Tutsui 2007).

International relations scholars and empirically-minded international lawyers attribute the lack of clear international human rights treaty effects among autocracies to two factors. The first is the lack of institutional means by which actors inside stable autocracies can press for government adherence to the norms and rules embodied in these commitments (Hathaway 2007, Simmons 2008). With regard to the toughest cases—countries in which military or police powers are firmly in control and allow citizens little in the way of personal rights and freedoms—openings for domestic-level efforts to improve human rights may well be few and fragile. The second factor is the relative dearth of enforcement activity on the part of states with the capacity, individually or collectively, to punish governments that fail to respect international human rights norms and/or live up to their treaty commitments. Punishing other governments’ rights violations often entails net economic and diplomatic costs to the enforcing state, particularly when undertaken unilaterally. As a consequence, decisions to punish—by using sanctions and embargoes for example—are often more difficult for leaders to explain than decisions favoring inaction.

Nevertheless, formal punitive measures intended to raise the costs to foreign governments of engaging in human rights abuses are sometimes undertaken. Most often the initiators are governments and non-governmental entities in economically advanced democracies. This stands to reason insofar as governments of these states, and their selectorates, generally attach a high degree of importance to observance of international human rights standards in their own spheres. The United States and the European Union in particular have some ability to impose costs on abusive governments by limiting commercial relations, conditioning military and development aid, or restricting the travel options of officials in offending governments. Still, the mechanisms that drive such responses inside democratic states with the capacity to undertake needed enforcement are relatively poorly understood (Busby 2007).

In this paper we combine experimental and case study methods to explore how international law influence the politics behind the external enforcement of international human rights norms. We first use an online survey of U.S. voting-age citizens to test whether support for sanctioning Myanmar for its forced labor practices is affected by

awareness that the Myanmar government's conduct violates international law. We also ask whether these individuals would, given the experimental conditions they were assigned, be inclined to put pressure on Myanmar by making personal consumer choices that would punish companies doing business in Myanmar. Our results demonstrate that international law affects support for punishment in an experimental setting. Whether these results tell us something about how international law affects the likelihood of punishment in reality depends on the external validity of our experiment and the processes by which leaders take citizens' preferences into account.

To verify that our experimental results offer explanatory insight into actual events, we use case methods to trace efforts inside the United States to mobilize support for punishing the Myanmar government for its numerous human rights violations. Three points jump out from this case study. First, the status of Myanmar's actions under international law impacted governmental debates over sanctions and non-governmental initiatives to impose costs on U.S. and foreign firms doing business in the country. Second, American political leaders believe citizens take international law into account in a manner consistent with our experimental results.¹ Third, politicians and NGO-activists responded to this belief. One shortcoming of case studies of this type is the tendency to emphasize the easily observable actions of 'norms entrepreneurs' while glossing over questions about specific mechanisms that condition underlying levels of public responsiveness to their efforts. Fortunately our experimental results identify just such a mechanism.

Our study builds on recent experimental work. Tomz (2007) finds American voters and British policy makers "...far more likely to oppose policies that would violate international law than to oppose *otherwise identical* policies that would not trammel on existing legal rights" (emphasis in original).² We explore the generalizability of Tomz' findings to the realm of human rights, and also whether the international law effect Tomz identifies extends to sanctioning *other* governments for failures to act within the constraints of international law. We frame the analysis of our experimental results against the backdrop of broader patterns of U.S.-based activism directed at raising the stakes of continued human rights violations for Myanmar's military government.

This research engages two important debates in IR and IL scholarship. The first is whether international human rights norms and treaties affect the likelihood of external enforcement. One way they could do so is by altering the levels of political support for punishing other states' human rights violations. Our findings indicate that treaty commitments may be less important than establishing general legal norms for mobilizing support. This result is of general importance in situations where pressure to observe international legal standards is brought to bear primarily, or exclusively, through external enforcement. The second debate is over approaches to legalization, and, specifically, the tradeoffs between breadth of membership and depth of treaty commitments in the human rights realm (Downs, Rocke & Barsoom 1998; Hathaway 2002; Goldstein *et al.* 2003). We

¹ At least they behave as if they do.

² Tomz cautions, however, that individuals' preferences for foreign policy options consistent with international law are not absolute, and at some point increasing the strategic interests at stake will prompt respondents to favor protection of those interests regardless of international law.

find that where citizens are informed that abusive behavior on the part of a foreign government is contrary to international law, the effect is to heighten support for punishment. In most situations, however, informing citizens that identical foreign conduct also violates a treaty commitment does not increase this support, and in some instances may lessen it.

In focusing on questions surrounding the effects of treaty commitments on support for punishing foreign human rights violators we are, by necessity, bracketing other issues of undeniable importance. Most glaringly, we take no position in this paper on whether sanctions and boycotts are actually effective in curtailing the abusive practices of foreign governments generally, or whether they should be the preferred response to the situation in Myanmar.³ This issue is clearly central to wider policy debates. We maintain, however, that understanding how international law and treaty commitments factor into mobilizing governmental and public support for such measures is a prior question that deserves separate attention.

The paper proceeds as follows. Section I situates our research question more squarely in recent literature on international norms and treaty effects, with particular attention to arguments that touch upon human rights agreements. Section II draws on this discussion to identify five testable hypotheses. Section III briefly describes our method for testing these hypotheses. Section IV presents our results of the experiment. Section V provides background on the human rights situation in Myanmar and summarizes the evidence on how international law has been used as mechanisms for galvanizing and coordinating external enforcement efforts. Section VI reviews our findings and relates them to the broader issue of whether and when international law can contribute to external efforts to improve human rights.

I. Autocracies as ‘hard cases’ for finding human rights treaty effects?

International lawyers, as a rule, ascribe an almost mystical importance to treaty commitments when formulating expectations about state behavior. Political scientists (and particularly those in the realist tradition) have been considerably less willing to assign predictive or explanatory weight to the mere fact of such commitments (Mearsheimer 1994). Theories of international relations and collective action are clear about why we might expect enforcement of international legal obligations to be a chronically under-supplied public good, except in situations where the interests of great powers are directly threatened (Olson 1965; Goldsmith & Posner 2005). Less clear, however, is why outside governments sometimes deviate from such expectations. To the extent such phenomena are linked to domestic-level processes in established democracies, understanding whether and to what extent international legal commitments matter to levels of public support is key (Wittkopf 1990).

Several recent empirical studies have attempted to ‘de-mystify’ the relationship between treaty commitments and subsequent patterns of compliance, particularly among economically advanced states with democratic forms of government. Specific areas of

³ On these questions see Drezner 1999; Martin 1992; Baldwin 1985; Hadar 1998.

focus include the observed “shallowness” of many international treaty commitments as an explanation for high rates of compliance (Downs, Rocke, & Barsoom 1998); factors that select states into treaty membership (Von Stein 2005; Simmons 2005 & 2008); efforts to create enforcement linkages among ‘strong’ and ‘weak’ enforcement regimes (Hafner-Burton 2004; Alvarez 2002); and the nature and limits of states’ concerns about ‘reputation’ to function as an incentive for compliance both within and across issue areas (Downs & Jones 2002; Tomz 2007). Taken as a whole, this literature has laid the groundwork for a more nuanced understanding of what the ‘value-added’ of international legal commitments is in various contexts.

In many respects human rights present a particularly challenging test for theories of treaty effects. Unlike many types of economic commitments, human rights treaties are not self-enforcing—meaning the agreement does not, on its own, generate incentives sufficient to ensure its observation and continuation.⁴ The menu of options for human rights enforcement ranges from coercion to full norm internalization (Koh 1997). The space in between is occupied by incentive-based mechanisms that can increase expected benefits from compliance, or raise the costs of non-compliance. Efforts to better theorize this middle ground often emphasize the role of domestic level mechanisms in securing government adherence to minimal human rights standards (Koh 1997; Hathaway 2005 & 2007; Simmons 2008). The logic here is that threats of electoral punishment and/or judicial sanction can effectively check government infringements of human rights.⁵ Of course, for such mechanisms to operate, a baseline level of political rights and/or access to at least moderately independent judicial institutions are needed (Hathaway 2005 & 2007; Simmons 2008). Such rights and institutions, by definition, operate weakly, or not at all, in non-democracies (Schultz 2001; Slantchev 2006).

Thus, this recent attention to domestic enforcement mechanisms, while clearly important for understanding rights processes in certain classes of states, has little to say about how human rights practices might be improved in states most likely to violate them. Moreover, focusing on the internal constraining effects of treaty commitments overlooks such commitments’ possible effects on externally-generated incentives for compliance. If, for example, Tomz (2007) is correct that “...many observers, including expert policymakers, anticipate that signatories to international treaties will behave differently from non-signatories,” then violating a treaty may send an especially strong signal about a state’s type, and therefore carry costs that otherwise identical behavior would not.

Of course, states are not the only entities in the international system that can generate external enforcement costs. Studies of rights activism and transnational normative processes that focus on non-governmental actors and networks suggest that underlying preferences for enforcement in democratic polities may not be as nakedly instrumental in

⁴ One way human rights treaties might do so is by reducing the baseline level of violations, thereby increasing the prominence of subsequent violations and perhaps increasing the likelihood they are punished.

⁵ Recent research finds, however, that among established democracies with strong records of compliance with international human rights standards, norm-compliant behavior does not follow from the effects of international treaties. Rather, these high levels of compliance are more directly attributable to the coincidence of treaty requirements with prior norms and practices (Downs, Rocke & Barsoom 1998; Von Stein 2005).

material terms as realist accounts assume (Keck & Sikkink 1998; Risse, Ropp, & Sikkink 1999). This literature demonstrates how local activists may under some conditions encourage transnational non-governmental and foreign governmental allies to pressure their own governments to create ‘boomerang effects’ and ‘norms spirals’.⁶ One weakness of these arguments is their vagueness about the first order beliefs and preferences that underlie the strategies by which external actors may be persuaded to act on behalf of specific causes.

In short, the literature has not yet done enough, despite recent advances, to illuminate how international law impacts citizen activism and other second-order processes that can increase the expected costs of engaging in human rights abuses. This is surprising given the extensive focus on ‘audience costs’ in the IR literature (Martin 1993; Fearon 1994 & 1997). Several studies have found that the ‘shadow’ of electoral punishment for failing to follow through on threats affects the decisions of rational leaders, whether as a mechanism for selecting situations for issuing threats, or to increase resolve once a threat is made (Fearon 1994; Shultz 2001; Baum 2004; Tomz 2007b). It would be rather extraordinary if this ‘shadow’ had no function outside the narrowly stylized circumstances on which these studies are based.⁷ Of particular relevance to the question at hand is the possibility that leaders may sometimes pay an electoral price for failing to ‘do something’ in response to ongoing or developing humanitarian crises.

II. Hypotheses

In emphasizing the role of domestic enforcement to check the abusive practices of governments, the recent literature has given short shrift to at least two mechanisms by which international law may affect the incentives of the leaders of both transitional *and* autocratic states. The first is the potential for *other* governments to take punitive actions in response to human rights violations—*e.g.* using diplomatic censure, economic sanctions, embargoes on goods and investments, or by conditioning military aid and other forms of assistance on demonstrable improvements. To the extent international legal norms and treaty obligations heighten support (active or passive) for punitive actions among voting-age citizens in states with the capacity to impose costs on foreign governments, this constitutes another path by which such norms and laws operate.

The second mechanism is the willingness of citizens to take *direct* actions in response to the abusive practices of foreign governments. Such responses involve ‘high’ or ‘low’ degrees of commitment. We conceptualize human rights and humanitarian activists and lobbyists, together with legal professionals engaged primarily in human rights-related advocacy and litigation as exhibiting a ‘high’ degree of commitment. By contrast, a ‘low’ level of commitment might involve participation in voluntary consumer boycotts, socially

⁶ Norms ‘spirals’ arise from iterated ‘boomerangs’ in which demands and expectations are ratcheted upward through a series of interactions on a specific issue (Risse & Sikkink 1999:18).

⁷ The general scenario involves a leader who observes an unwelcome development involving a foreign government. The leader must choose, first, whether to make a threat and, second, whether to follow through on any threat issued. In these models electoral punishment is shown to follow *only* from failures to carry out articulated threats.

responsible investment funds, or financial contributions to activist organizations—as well as acquiescence to punitive measures preferred more strongly by others. In the experiment we test only for the latter type of actions. Doing so is important, however, since private activities may substitute for, or operate parallel to, formal government responses to foreign rights abuses (Friedman 1999; Rodman 1998). And each may be differently affected by citizen awareness of the legality of the practices in question.

We now turn to the elaboration and discussion of four hypotheses about the relationship between the willingness of U.S. citizens to take punitive actions in response to foreign governments' abusive practices, and the international legal status of those practices. These hypotheses, summarized in Table 1 below, are intended to capture the effects of international law on survey respondents. This is reflected both in the inclusion of a relatively fine-grained set of international law treatments, and in our efforts to control for prominent limiting factors. These factors include the severity of the abuses involved and the potential for punitive measures against foreign governments to damage U.S. strategic interests (see below for a complete description of the experimental design).

The first hypothesis engages the question of whether the willingness of U.S. citizens to support punitive measures against foreign governments accused of human rights abuses is affected by the severity those abuses. We expect support for punishment to increase as the severity of abuses increases independent of any international law effect. Absent such an effect, there is little reason for leaders to take the preferences of foreign democratic citizens into account when deciding whether to violate their own citizens' human rights.

Our second hypothesis runs to the heart of our research question about international law effects. If international legal norms increase the costs of engaging in human rights abuses by increasing citizens' willingness to punish foreign governments, then we should find, all else equal, a higher degree of support for punitive actions when informed that the conduct in question violates international law. As noted above, this hypothesis is largely consistent with the expectations of much of the legal scholarship on international law, but contrary to common realist assumptions about irrelevance of international law to political processes in powerful states.

Implicit in the growing empirical literature on treaties and treaty effects, however, is the argument that states are more likely, as general matter, to respond negatively to violations of specific treaty obligations than to otherwise identical behavior that violates only customary legal norms (Hathaway 2002, Simmons 1998). We test for this effect with our third hypothesis. We expect that individuals who receive information that the conduct described in the experiment violates a specific treaty commitment in addition to general legal principles will be more supportive of punitive action. Our expectation is that this effect will be particularly pronounced among individuals with a strong degree of interest in foreign affairs (self-reported).

Table 1: Summary of Experimental Hypotheses

H1: U.S. citizens will be more likely to support punishing foreign governments for human rights abuses as the severity of the violations increases.

H2: U.S. citizens are more likely to support punishing foreign governments that abuse human rights when aware the behavior violates international law.

H3: Information that a foreign government has violated a specific treaty obligation in addition to other principles of international law will increase citizens' willingness to punish violations.

H4: U.S. citizens' support for government actions to punish foreign governments' human rights violators will diminish as U.S. strategic interests in the foreign country increase.

Hypothesis 4 tests for whether any effects from the first three hypotheses should be considered conditional on the likelihood that U.S. national interests could be affected by a decision to punishment a foreign government for human rights abuses. Because international law lacks centralized enforcement mechanisms, to the extent states and governments act to ensure compliance, or to punish non-compliance, they do so as part of a broader set of foreign and domestic policies that are responsive to popular opinion (Nye 1999). To the extent voters understand the links between different policy areas, we should expect that as enforcement actions increase risks to other important interests, underlying levels of popular support for these actions will decrease.⁸ And finally, we might also expect that citizens in democratic states may be more willing to risk harm to significant national interests when punishing actions that clearly violate international law.

III. Experiment design

Our survey-based experiment tested U.S. citizens' reactions to forced labor undertaken by government of Myanmar. The experiment was funded by Time Experiments in the Social Sciences (TESS), and was administered to online respondents by Knowledge Networks between September 12 and 22, 2007. The survey was administered to a nationally-representative sample of 2724 respondents using 2x4x3 full factorial design, encompassing a total of 7,992 respondent-questions and three experimental manipulations.⁹ (See Appendix for complete survey)

⁸ The rhetoric of “national interest” so commonly used by American politicians to justify foreign policy choices that run counter to commonly held moral values—supporting autocratic regimes in oil-rich states for example—provides *prima facie* evidence that American politicians believe voters understand such linkages.

⁹ The survey encompassed a total of 24 experimental conditions, thereby giving us 113 respondents per condition. The full survey can be found in Appendix A.

In the first manipulation respondents were randomly assigned receive one of two types of information about the severity of forced labor violations in Myanmar. Respondents in ‘low severity’ condition were told that officials in the country of Myanmar have forced citizens to contribute their labor to government projects, but that those citizens were paid for their labor and were not often subject to verbal or physical abuse. In the ‘high severity’ condition, respondents were also told that Myanmar officials forced citizens to contribute their labor to government projects. In the ‘high severity’ condition, however, respondents were told that those forced to contribute their labor were not paid, and were frequently subjected to verbal and physical abuse.

The second manipulation varied the international legal status of Myanmar’s actions. Here there were four conditions. In IL 1, the severity treatment is given with no reference to international law. In IL 2, the respondents are told the action violates international law, but no indication is given about whether Myanmar has itself signed a treaty that specifically prohibits forced labor. In IL 3, the respondents were told the action violates international law but that Myanmar has not signed the relevant treaties. In IL 4, the respondents were told that Myanmar’s actions violate both international law and a treaty on forced labor that Myanmar has signed. A third manipulation varied whether any American interests are at stake. In interest condition 1 respondent are told that punishing Myanmar will not hurt U.S. interests. In interest condition 2 no mention is made of interests. In interest condition 3 respondents are told punishing Myanmar will hurt American interests.

Respondents were asked to rate: (1) their support for U.S. actions to punish Myanmar; and (2) their willingness to make consumer choices intended to impose costs on Myanmar’s leaders. This approach was designed to allow us to make precise pair-wise comparisons about the source of citizens’ willingness to punish human rights violations. We included a question to control for underlying interest in foreign affairs because the relevant public here may be those voters who are sufficiently interested in foreign policy that it enters into their voting decisions.

In addition, TESS provides researchers with demographic data about respondents to allow researchers to verify that treatment groups are well balanced across potentially relevant control variables such as age, gender, income, education, and ideological preferences. We verified that our treatment groups were balanced across potentially relevant control variables using a variety of tests. We found the treatment groups were well balanced with respect to respondent education, income, party affiliation, ideological position, and interest in foreign policy.¹⁰

IV. Results

¹⁰ Respondents in severity condition 2 were slightly more conservative on average than those in severity condition 1, but the difference in means was quite small, .135 on a 7-point scale. Respondents in interest condition 2 were more conservative on average than those in interest condition 3, but the difference in means was again small, .172 on a 7-point scale. Neither difference was significant in a Kolmogorov-Smirnov equality-of-distributions test.

Hypothesis 1

We found strong support for the hypothesis that willingness to take personal actions to punish human rights violations will be greater when the violations are more severe. Our respondents' average self-reported likelihood of taking personal consumer action to punish Myanmar was significantly greater in the high severity condition in both the entire sample and in every international law condition. The difference in mean responses between treatment groups were all statistically significant at the .01 level. To further check the results we estimated an ordered probit model using the severity condition as well as a vector of other characteristics which might impact respondents' willingness to take personal action to punish other states' human rights violations. These factors included respondents' interest in foreign affairs, their party affiliation, self-described ideological position, education, and household income. Once again the results were unambiguously supportive of H1 and remained consistent across international law conditions.¹¹

Similar patterns emerge with respect to respondents' support for government action to punish human rights violations. Our respondents' support for sanctions on Myanmar was greater in the high severity condition for the entire sample—across international law conditions, and across interest conditions.¹² We again confirmed the results using an ordered probit model.

Two aspects of these results are worth further discussion. The first is that individuals' willingness to punish is correlated with interest of foreign policy. Across every model, those who indicated a greater interest in foreign affairs reported a larger willingness to punish. This finding is consistent with earlier work on public opinion on foreign policy (Wittkopf 1990). Interacting the severity condition with interest in foreign affairs shows the severity treatment increases support for sanctions most among those who express 'moderate' or 'very high' interest in foreign policy. Interestingly, ideology appears to be correlated with individual willingness to take person action, but not with support for government action. In general more conservative respondents were less willing to take individual actions to punish human rights violations. Ideological position, however, had no statistically significant impact on support for government sanctions.¹³

Hypothesis 2

¹¹ The one exception is that in IL condition 4 under severity condition 2 for both Q2 and Q3 the coefficient on the severity treatment was not statistically significant at the .05 level in all models. It did remain substantively significant and its statistical significance never dropped below .112. The reason for this result is that when told nothing about interests respondents in the full treaty condition were more likely to support punishment in the weak severity condition. We discuss this result in more detail below.

¹² When we broke the sample down by both international law and interest conditions the differences in mean responses remained in the expected direction and were statistically significant at the .001 level in all but two conditions. The differences were significant at the .10 level in the (IL 4, INT 2) condition and was not statistically significant in the (IL 4, INT 3) condition.

¹³ When given no information about the legal status of the action and when told that imposing sanctions would not hurt U.S. interests, more conservative respondents were slightly more supportive of sanctions ($t = 1.95$).

H2 was not supported with respect to personal action. None of the international law treatments had any statistically meaningful impact on respondents' willingness to take personal action. Table 1 summarizes the observed difference in means on a 5-point scale and the resulting t-value for the entire sample.

Table 1: Difference in means by international law condition.

IL Condition	2	3	4
1	.0171 (.241)	.0487 (.678)	.0432 (.605)
2		.0316 (.443)	.0261 (.368)
3			-.0055 (-.077)

Question 2: Likelihood to take consumer action

We also found no impact from the international law treatments on respondents' likelihood to take personal action with an ordered probit model using the entire sample. Interestingly, when the sample was stratified by severity treatment, we found that the international law treatments had the perverse effect of making respondents in the high severity condition statistically and substantively *less* likely to take personal action to punish Myanmar. We thus feel comfortable rejecting H2 with respect to personal action.

The international law treatments, however, do appear to be correlated with respondents' support for government actions to punish human rights violations—here specified as trade sanctions. Table 2 summarizes these results. The prominent result is that being told the behavior in question violates international law increases respondents' support for sanctions, but being told the behavior violates international law and a treaty does not. The figure in bold shows the difference in means between IL 1, where respondents get no information about the international legal status of the violator's behavior, and IL 2, when they are told that behavior violates international law. H2 suggests the coefficient should be negative. Thus, applying a one-tailed t-test allows us to reject the null that the difference in means is positive at the 95% confidence level.

Table 2: Difference in means by international law condition.

IL Condition	2	3	4
1	-.1146 (-1.92)	-.0391 (-.640)	-.0178 (-.030)
2		.0754 (1.27)	.0967 (1.66)
3			.0212 (.354)

Question 3: Support for sanctions against Myanmar.

These results give us some pause, however, as they suggest the possibility that the international law treatments were misunderstood by respondents. This is because there is no *a priori* reason to expect that being told a behavior violates international law should have a larger impact than being told a behavior violates both international law and a state's treaty obligations. We therefore reran the analysis after stratifying the sample according to the severity treatment the respondents received. These results reveal a potentially interesting influence of severity on the international law effects.

In the strong severity condition we find that IL 2 and IL 3 have no impact on support for sanctions relative to receiving no information, IL 1. However, respondents in IL 4 were less supportive of sanctions. Using an ordered probit model, we find this result is statistically significant and has a meaningful substantive impact for those who are either very supportive or very unsupportive of punishment. In the low severity condition, there is a clear international law effect though it is attenuated when respondents are told the behavior in question does not violate a treaty obligation. Table 3 summarizes the differences in means between IL treatments for respondents in the weak severity condition. There is a statistically significant international law effect for two of three treatments. Only when respondents are explicitly told that abusive behavior does not violate treaty obligations are we unable to reject the null of no international law effect. We verified these results, again, using an ordered probit model controlling for interest in foreign policy and other potentially influential covariates. The results remained the same.

We thus find moderate support for H2 with respect to state behavior and reject H2 with respect to personal action.

Table 3: Difference in means by IL condition, low severity condition.

IL Condition	2	3	4
1	-.1985 (-2.54)	-.1123 (-1.34)	-.2238 (-2.78)
2		.0863 (1.04)	-.0253 (-.318)
3			-.1116 (-1.31)

Question 3: Support for sanctions against Myanmar.

Hypothesis 3

Having found ambiguous support for H2, we turn to H3. Here we find an identifiable treaty effect. Tables 2 and 3 remain instructive. The relevant difference in means is between when respondents are told the behavior violates international law (IL 2) and when they are told it violates international law and specific treaty obligations (IL 4). If there were a specific treaty effect, we would expect these differences to be negative. We cannot, therefore, to reject the null that the additional information that behavior violates a treaty obligation has no impact on citizens' willingness to punish for either the entire population, or the weak severity sub-sample.¹⁴

Our results suggest that respondents are not more (and may be less) likely to support punishing foreign governments if abusive behavior violates a treaty obligation in additional general international legal norms. We used an ordered probit model to more fully explore this possibility. Table 4 summarizes these results.

¹⁴ We can also reject this null for the strong severity sub-sample where the additional information that the behavior violates a treaty actually makes respondents less supportive of sanctions.

Table 4: Ordered probit estimates of influence of IL on support for sanctions

	High Severity Condition	Low Severity Condition
Not Interested	-0.755*** (-8.83)	-0.279*** (-3.36)
Slightly Interested	-0.373*** (-4.80)	-0.205*** (-2.74)
Very Interested	0.281*** (3.10)	0.171* (1.93)
Extremely Interested	0.200 (1.41)	0.488*** (3.98)
IL 2	0.0138 (0.17)	0.192** (2.38)
IL 3	-0.0668 (-0.81)	0.102 (1.26)
IL 4	-0.222*** (-2.69)	0.219*** (2.69)
\tau_1	-2.077*** (-22.0)	-1.347*** (-16.4)
\tau_2	-1.656*** (-19.1)	-0.728*** (-9.60)
\tau_3	-0.572*** (-7.37)	0.422*** (5.66)
\tau_4	0.342*** (4.45)	1.309*** (16.2)
Observations	1362	1361
Pseudo R-squared	0.0422	0.0159
z statistics in parentheses, *** p<0.01, ** p<0.05, * p<0.1		

What we see is that in the more severe condition there is no positive international law effect, and, furthermore, that being told the behavior in question violates a treaty obligation may perversely make respondents less supportive of sanctions. In the less severe condition, respondents become more supportive of sanctions when told the behavior violates international law (IL 2) or when told the behavior violates international law and a specific treaty obligation (IL 4). The difference between the coefficients is not statistically significant. However, when respondents in this condition are told the behavior violates international law but none of the relevant treaties apply (IL 3), they are no more supportive of sanctions than those in the control group (IL 1).

Overall we can reject H3. The additional information that a behavior violates a treaty does not increase citizens' willingness to take personal actions or to support

government sanctions.¹⁵ Respondents who were told behavior violates international law but not a treaty were more supportive of sanctions but the result is not statistically significant at traditional levels. Our results do suggest, however, that informing citizens a state that commits less severe human rights violations has not signed the relevant treaties may make them less supportive of sanctions than when they are told only that the behavior violates international law.

Hypothesis 4

Turning to the influence of strategic interests on support for government actions to punish human rights violations, we find H4 is generally supported. The relevant statistic is the difference in mean responses between interest treatments and H4 would predict these differences should be positive. Table 5 summarizes these results with t-statistics in parentheses. Respondents who are told applying sanctions will hurt U.S. interests are statistically significantly less likely to support sanctions than those given no information on interests. Those told that applying sanctions will hurt U.S. interests are less supportive of sanctions than those receiving information that applying sanctions will not hurt U.S. interests in both the pooled population and under the strong severity condition.

Table 5: Difference in mean support for sanctions by interest and severity conditions.

Interest Condition	Pooled	Strong Severity	Weak Severity
WON'T HURT	-.0814	-.0213	-.1533
- NO INFO	(-1.562)	(-.301)	(-2.161)
WON'T HURT	.1730	.2548	.1011
- WILL HURT	(3.324)	(3.586)	(1.426)
NO INFO	.2544	.2761	.2545
- WILL HURT	(5.031)	(4.003)	(3.643)

There is an interesting salience effect revealed in the top row of table 5 in that those who receive no information on interests are actually more supportive of sanctions than those who are told applying sanctions will not hurt U.S. interests. The result is statistically significant in the weak severity condition where having interests highlighted reduces support for sanctions.

Of course, international law and interests may have opposite effects on support for punishing human rights violations. When they do, which is more powerful is an open question. Table 6 summarizes the results on the interaction between strategic interests and international law. We find three interesting patterns. First, the perverse salience effect disappears when respondents are told behavior violates international law. With that information in hand there is not statistically significant difference in means between the first two interest conditions. Second, the additional information that a behavior violates international law appears to increase the salience of the interest information. This is driven

¹⁵ None of the differences in the mean responses to question 2 between IL conditions 2, 3, and 4 were statistically significant in either severity condition.

by the fact that those given no information or told imposing sanctions won't hurt U.S. interests become more supportive of sanctions if told the behavior in question violates a specific treaty obligation. Third, the impact of interests becomes even greater when respondents are told the behavior in question violates a specific treaty obligation, but the difference-in-differences between IL condition 2 and IL condition 4 is not statistically significant.

Table 6: Difference in means by interest condition over IL conditions.

	No IL information	Violates IL	Violates IL, but No Treaty Obligations	Violates IL and Treaty Obligation
WON'T HURT - NO INFO	-.1737 (-1.631)	-.0045 (-.044)	-.1000 (-.941)	-.0379 (-.369)
WON'T HURT - WILL HURT	.0737 (.687)	.2388 (2.373)	.0583 (.556)	.3386 (3.257)
NO INFO - WILL HURT	.2474 (2.400)	.2433 (2.535)	.1583 (1.503)	.3765 (3.810)

Sensitivity Testing

As a sensitivity test we re-ran the analysis using only the interested public, those who reported being moderately, very, or extremely interested in foreign policy. All the substantive results remained the same. H1 was strongly supported in that sample. H2 was also supported with respect to government policy and rejected with respect to personal action. H3 was again rejected in the more interested sub-sample. In that sample the international law effect was stronger in the low severity condition as IL 2, IL 3, and IL 4 all made respondents statistically significantly more supportive of sanctions. The results were substantively significant for individuals in who were somewhat supportive, neutral, or somewhat opposed to sanctions.

Our results supporting H4 become stronger in the interested sub-sample. There being told interests will be hurt by imposing sanctions reduces willingness to punish further. In the interested sub-sample we again found that international law does not moderate the effect of interests.

Case Analysis: Myanmar

[TO BE ADDED...]

Conclusion

One core question for the study and practice of international law is whether norms and treaties can improve the human rights situation in those regimes that are most likely to treat substantial portions of their citizens poorly. Despite a proliferation of treaties and conventions on human rights, there is decidedly little convincing evidence that human rights treaties, or the norms they embody, make a difference in repressive governments. Part of the challenge is that efforts to isolate and explain the impact of international treaties on state and government behavior unavoidably involve dealing in marginal effects that depend on hard-to-quantify variables such as the underlying value of violating human rights (Putnam and Shapiro, n.d.).

Rather than try to identify such effects through cross-national analysis, we directly tested whether domestic processes in countries with the capacity to enforce international human rights law can create costs for foreign governments that violate human rights.¹⁶ We examined two mechanisms that could create such external enforcement costs. First, we studied the American public's willingness to make consumer choices that punish foreign governments' actions. Second, we analyzed whether public support for external enforcement varies in ways that create incentives for democratic leaders to punish human rights violations by foreign governments.¹⁷

We found that both mechanisms operate. Respondents in our nationally-representative sample of 2,724 voting-age adults were significantly more likely to take personal action to punish the government of Myanmar when told that country's use of force labor involved torture and killings than when told simply that Myanmar used forced labor. Respondents in the high severity condition were also significantly more supportive of the U.S. government using economic sanctions to punish Myanmar. Having shown that more severe human rights violations create the conditions for greater external enforcement costs, we turned to the thornier question of when and how international law impacts the mechanisms that create these costs.

Here our results were mixed. We found that being told Myanmar's behavior violated international law did not increase our respondents' likelihood of taking personal consumer action to punish Myanmar's behavior. Indeed, we found that for respondents in the low severity condition, being told Myanmar's behavior violates international law actually decreased their likelihood of taking personal action. One possible explanation for this perverse finding is that by telling our respondents that Myanmar's actions violate a legal obligation, we created the expectation that those actions would be punished. The logic being 'if it's illegal, it will be punished, so why do I need to do anything?'. This result merits further exploration as it suggests that NGO efforts to legalize a wide variety

¹⁶ Our approach follows Tomz (2007). The motivation for doing so is very well explained in his discussion of the limits of existing evidence on the impact of international law.

¹⁷ That we found public opinion moves in ways that create incentives to punish foreign human rights violations does not mean that leaders in the U.S. or other states actually respond to such incentives. Whether they do or not depends on a host of further causal steps. A null result, however, would have decisively refuted the notion that external enforcement costs are driven by domestic processes in states with the capacity to punish foreign human rights violations.

of less-egregious behaviors may actually reduce their ability to bring pressure through consumer activism.

The impact of international law on support for government actions to punish human rights violations was similarly mixed. There was a clear international law effect such that being told Myanmar's actions violated international law increased support for sanctions. However, the additional information that behavior violated a specific treaty obligation did not increase support for sanctions. In the high severity condition the additional information actually reduced support for sanctions relative to the pure international law treatment. In the low severity condition the positive international law effect was the same whether or not respondents were told Myanmar's behavior violated a treaty obligation. This result carries the practical implication that weakening treaties to gain marginal signers is a misguided policy, at least for treaties where the threat of external enforcement is expected to be central to long-term compliance.

Our respondents did take interests into account when evaluating their support for sanctions against Myanmar. Respondents who were told imposing sanctions would U.S. strategic and economic interests were much less supportive of sanctions. However, there was little interaction between interests and the impact of international law. It was not the case that the fact that behavior violated international law made interests less salient. The implication of this finding is that activists should not expect the rhetoric of international law to outweigh the rhetoric of underlying interests in efforts to create domestic pressure for external enforcement against resource-rich human rights violators.¹⁸

Finally, our results are relevant to important academic and policy debates. Our results show that appeals to international law to rally support for external enforcement against a target state are just as strong when they discuss international law in the abstract as when they identify a specific treaty violation by the target. Thus to the extent that public opinion creates pressure for external enforcement it does so equally for signatories and non-signatories alike.

¹⁸ Resources here include both material resources and strategic resources.

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Appendix A: Questionnaire

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

Q1. How interested are you in foreign policy?

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

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

[SEVERITY CONDITION 1:]

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

[SEVERITY CONDITION 2:]

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

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

[IL CONDITION 1:]

[No additional treatment. Skip to next page.]

[IL CONDITION 2:]

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

[IL CONDITION 3:]

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

[IL CONDITION 4:]

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

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

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

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

[INTEREST CONDITION 1:]

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

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

[INTEREST CONDITION 2:]

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

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

[INTEREST CONDITION 3:]

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

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