Rulers or Rules? International Law, Elite Cues and Public Opinion

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Introduction

We live in a world of growing conflict among sources of authority. Law-abiding publics are informed that recreational marijuana is a crime by the United States Federal Government but a growing number of states consider it a legitimate enterprise; reproductive practices forbidden in the sacred context are permitted in secular law; and domestic leaders advocate policies in disregard of international law. The last of these is the focus of this research. How do people process information that requires them to choose between contradictory policies advocated by their leaders and international obligations? This is becoming an increasingly urgent issue, as some major countries have begun to reorient their foreign policy away from participation in the global legal order.¹

On the one hand, many scholars of international relations have noted that public opinion on most complex international issues is driven by partisan cues.² On the other hand, a small but growing body of experimental survey research has shown that cues about international law can drive public policy support as well.³ When legal and political authorities clash, attitudes and beliefs may be shaped by legal criteria, or they may reflect partisanship spurred by elite cues. Both outcomes may be reinforced by cognitive and motivated biases based on ideology and partisan identity.

This study explores conflicting cues about policy. Is international law persuasive even in the face of high salience, countervailing partisan messaging? Somewhat surprisingly, the study finds evidence for a law effect on policy attitudes, but not much support for elite partisan cues. Moreover, when given conflicting cues – that a leader supports a particular policy and international law prohibits it – the study finds evidence that law retains a surprising degree of influence over attitudes. Most of these effects are mediated, however, through preexisting beliefs and political identities. Support for international law encounters notable biases, indicating a need for its advocates to articulate how international law supports broader national interests. The good

¹ G. John Ikenberry, The Plot against American Foreign Policy: Can the Liberal Order Survive, 96 FOREIGN AFFAIRS (2017), arguing “Trade, alliances, international law, multilateralism, environmental protection, torture, and human rights-on all these core issues, Trump has made pronouncements that, if acted on, would bring to an end the United States' role as guarantor of the liberal world order.” At 2.
³ Stephen Chaudoin, Promises or policies? An experimental analysis of international agreements and audience reactions, 68 INTERNATIONAL ORGANIZATION (2014), finds that informing respondents that a particular tariff violated a government’s commitment under international trade law reduced support for that policy, but only among those respondents with no pre-existing opinion on trade policy; Adam S Chilton, The laws of war and public opinion: An experimental study, 171 JOURNAL OF INSTITUTIONAL AND THEORETICAL ECONOMICS JITE (2015), finding that providing information to respondents that a military bombing campaign would violate the laws of war reduced public support for military action; Sarah E Kreps & Geoffrey PR Wallace, International law, military effectiveness, and public support for drone strikes, JOURNAL OF PEACE RESEARCH (2016). showing that criticisms by NGOs that cite violations of international legal obligations decrease support for the United States’ drone program. Adam S. Chilton & Mila Versteeg, International law, constitutional law, and public support for torture, 3 RESEARCH & POLITICS (2016). find however, no statistically significant effect of international law cues on torture on average, but do recover an effect for the sub-group of Democrats.
news is that it is not especially easy for leaders to move publics from their support for international law with mere policy statements. The bad news is that at least in the United States, there is suggestive evidence that the current President’s policy advocacy can convince some of his supporters that a policy is in fact legal, even if it is not. This suggests the possibility that leaders influence beliefs, in some cases more so than attitudes given those beliefs. Public international law advocates ought therefore to articulate the nature and reasons for international legal obligations to correct any impression of a “legal vacuum” for policy choice.

The study examines the evidence for these propositions in three democratic countries in which leaders have recently enacted or proposed policies that plausibly contradict international law: United States, Australia and India. These are all robust democracies of regional and even global importance. It focuses on one of the most controversial issues of the past several years: policies toward refugees. The survey experiments randomly alter the information respondents receive about legality and leaders’ policy advocacy. These experiments fielded across three continents probe how publics process sometimes contradictory authority claims across presidential and parliamentary systems; mature industrialized and developing settings; states with specific treaty commitments and one obligated primarily under customary international law; and very different contexts for refugee movements. The findings suggest that international legal obligations influence individuals’ policy attitudes, but also show that cues affect people in different ways, hinting that motivated biases may be at work as well.

Theory

Attitudes and opinions are influenced by a wide range of messages. Framing – or informational cuing that provides issue or policy context – can affect what people prefer and what facts they believe, which in turn is fundamental to democratic governance. But how do people distinguish competing political cues from relevant policy information, such as information that a policy is illegal? Do international law cues become irrelevant once a more salient partisan elite cue is available? Do partisan motivated, cognitive and motivational biases affect how individuals interpret policy information? Such questions are important for theories of how international law works, since many models of international compliance operate through domestic pressures that assume publics understand what is (il)legal and are motivated to punish or reward leaders accordingly.

Elite Cues versus Policy Information

Elite opinion and messaging is important in structuring how individuals think about political topics. People often use simple decision rules when they lack the time – or motivation – to

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5 For example, Beth A. Simmons, Mobilizing for Human Rights: International Law in Domestic Politics (Cambridge University Press. 2009); Xinyuan Dai, International Institutions and National Policies (Cambridge University Press. 2007).
investigate policy issues in depth. While people may seek policy relevant information to make decisions, they take short-cuts offered by trusted political leaders. Elite agreement is especially influential, while divisions among elites tends to water down their signaling influence. Moreover, opinions derived from elite cues, once formed, are highly resistant to change from alternative competing information. Some studies find elite cues to be surprisingly influential, even in the face of contrary policy evidence.

Does the international legal status of a policy influence attitudes about its appropriateness? The literature offers three arguments for the affirmative. Treaties create international obligations and embody a formal commitment to other states. Leaders may suffer a loss of domestic public support when they renege on a foreign policy commitment. Treaties are also widely vetted, domestically and internationally, and therefore convey the idea of “prudent” policy. Some people may infer a moral obligation from a legal one, even though there is no necessary relationship. For these reasons, one might expect information about the international legal status of a policy to affect respondents’ attitudes about policy appropriateness.

However, there are several well-known reasons why international law is likely to be a weak cue at best. Skeptics note its inherent weaknesses: its decentralization, lack of enforcement, and the strength of countervailing norms and laws of state sovereignty. Even some international
law scholars consider to be it epiphenomenal nature.\textsuperscript{16} Some research suggests that international law cues have varying influences in different national contexts.\textsuperscript{17} So whether international law matters to the public is not fully settled, and is likely to be context specific.

\textit{The Problem: When International Law and Political Leadership Collide}

How do people process policy information when their political leaders say “yes,” and law says “no”? Recently, national leaders have advocated refugee policies that contravene international law, which presents an opportunity to investigate this question. The surveys presented probe a specific kind of contradiction: \textit{advocacy by a head of government of policies that are currently illegal}, without any mention of changing international law or otherwise legally abrogating the international obligation.

Some studies suggest that partisan cues are influential, even when paired with information that a policy may be unconstitutional or otherwise not legal.\textsuperscript{18} Publics typically appear to be influenced by the most repetitive messages and the loudest messengers\textsuperscript{19} and confused by exposure to concurrent competing messages that cancel each other out.\textsuperscript{20} But some researchers argue that the public can sort through contradictory messages in a rational way, distinguishing the most credible, authoritative sources of information from that which is less so.\textsuperscript{21}

\textit{Confirmation and Motivational Biases as Mediators}

Decades of research in psychology show that people process information and draw inferences in predictably biased ways, causing them to seek and favor evidence that confirms their beliefs (confirmation bias)\textsuperscript{22} and to process information such that it will yield a desired conclusion.

\textsuperscript{18} However, see Stephen P Nicholson & Thomas G Hansford, \textit{Partisans in robes: Party cues and public acceptance of Supreme Court decisions}, 58 \textsc{American Journal of Political Science} (2014). Finding that political cues were strong even in the face of countervailing cues from no less a legal authority than the United States Supreme Court.
\textsuperscript{19} See the discussion in Dennis Chong & James N Druckman, \textit{A theory of framing and opinion formation in competitive elite environments}, 57 \textsc{Journal of Communication} (2007).
\textsuperscript{20} Dennis Chong & James N Druckman, \textit{Dynamic public opinion: Communication effects over time}, 104 \textsc{American Political Science Review} (2010).
\textsuperscript{21} See the discussion in Chong & Druckman, \textsc{Journal of Communication}, (2007). Adam F Simon & Jennifer Jerit, \textit{Toward a theory relating political discourse, media, and public opinion}, 57 \textsc{Journal of Communication} (2007). Simon and Jerit hypothesize that the public consider competing messages and develop political and policy opinions by subconsciously sorting and arriving at reasonable positions mediated neither by the frequency of the message nor by their own political or partisan predispositions.
When individuals want to reach a particular conclusion, it influences their perceptions, attitudes, and attributions, especially for salient issues and given cues that stimulate emotional responses. These biases may be further reinforced by high levels of political polarization, as well as the partisanship of individual respondents. First, polarization has been shown in some contexts to enhance the appeal of nationalist rhetoric and policy messages. Second, recent research finds that polarization itself reduces the influence of policy information in favor of cues from partisan leaders. Partisan cues are expected to tap differential citizen motivations to learn and make informed decisions, causing individuals to interpret information through the lens of their party preferences. Overall, both confirmation and motivational biases would lead one to expect very heavy influence of previous policy preferences, party identification, and support for specific leaders.

**The Policy Domain: Refugee Policy**

**International Refugee Law**

International law has been starkly challenged lately on many fronts, but nowhere as saliently as in the areas of the rights of and responsibilities of states toward refugees. Refugee law is both

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26 Rising political polarization in the United States is documented in Joseph Bafumi & Robert Y Shapiro, *A New Partisan Voter*, 71 THE JOURNAL OF POLITICS (2009). Documenting the increasing salience of partisanship and party identification in the formation of policy attitudes; Christopher Hare, et al., *Using Bayesian Aldrich-McKelvey Scaling to Study Citizens' Ideological Preferences and Perceptions*, 59 AMERICAN JOURNAL OF POLITICAL SCIENCE (2015). Showing that polarization may even be underestimated using existing techniques that do not account for respondent ideal points. Furthermore, there is some evidence that polarization and partisanship are related in both public opinion and party systems. See Noam Lupu, *Party Polarization and Mass Partisanship: A Comparative Perspective*, 37 POLITICAL BEHAVIOR (2015).


customary and in treaty form. The Refugee Convention of 1951\textsuperscript{31} gives refugees – persons who have been forced to flee their country because of persecution, war or violence, and who have a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group – the right to special protections. Originally limited to Europe, the convention was amended in 1967 to lift this geographical restriction, and it is now universally applicable. The convention is fundamentally based on three rules: that people who claim to be refugees should not be discriminated against on the basis of race, religion or country of origin,\textsuperscript{32} that refugees should not be penalized for otherwise illegal entry or stay,\textsuperscript{33} and that refugees should not be forcibly returned to a dangerous situation.\textsuperscript{34} States maintained the right to deny refugee status to persons deemed threats to national security\textsuperscript{35} and who had committed serious war crimes,\textsuperscript{36} but the convention solidified obligations otherwise to allow entry to persons who could make a credible claim to refugee status.

Refugees are protected under customary international law as well. Article 14(1) of the Universal Declaration of Human Rights, which is broadly considered by many as customary international law, recognizes that: “Everyone has the right to seek and to enjoy in other countries asylum from persecution.”\textsuperscript{37} Specifically, the principle of non-refoulement – no forcible return to a situation of danger or serious human rights abuse – is contained in several multilateral human rights treaties,\textsuperscript{38} and is widely recognized by the international community as a norm of customary international law, obligatory for all states.\textsuperscript{39}

\textit{Opinion and Obligation in Three Cases: United States, Australia and India}

The United States has traditionally been a world leader in the resettlement of refugees, and while it is not a party to the 1951 Refugee Convention, is has ratified the 1967 Protocol, and therefore is committed to international legal norms through both treaty and customary international law. American refugee admissions have drastically curtailed since 2017. By the end of 2017, the United States had settled 102 refugees per million population; during the same period, Australia had settled refugees at more than six times that rate.\textsuperscript{40} In the United States, the public discourse about refugees tends to be overwhelmed by an obsession with unauthorized

\textsuperscript{32} Refugee Convention, Preamble and Article 3.
\textsuperscript{33} Refugee Convention, Article 31(1).
\textsuperscript{34} Refugee Convention, Article 33(1).
\textsuperscript{35} Refugee Convention Articles 9, 28(1) and 32(1).
\textsuperscript{36} Refugee Convention, Articles 1(F)(a).
\textsuperscript{38} For example: The International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention against Torture (CAT) have non-refoulement provisions.
\textsuperscript{40} See statistics collected by the American Immigration Council, available at: https://www.americanimmigrationcouncil.org/research/overview-us-refugee-law-and-policy.
entry of immigrants. What little is known about American public opinion toward refugees is mixed, possibly due to the public’s confusion about what a refugee is and what rights they have by law. This could be why there is very little solid evidence of public opinion specific to refugees in the United States.

Immigration and refugee policies as well as pre-existing preferences for international law tend to be partisan in the United States. National surveys suggest that about half of all Americans believe their country has an obligation to accept refugees, but three times as many people who identify as Democrats (three-quarters) are likely to hold that opinion as Republicans (about one quarter). At the same time, American conservatives are more likely to be suspicious of international policies and obligations than are liberals, who tend to hold more multilateralist preferences.

Australia was one of the first countries to become a state party to the 1951 Refugee Convention (in January 1954) and to ratify the 1967 Protocol (December 1973). Nonetheless, according to researchers, “There is almost no knowledge among Australian voters about Australia’s obligations under the 1951 Refugee Convention or even awareness of the Convention’s existence. Hence there is very little appreciation of Australia’s legal obligations to asylum seekers.” Refugee policy in Australia has become a matter of contentious domestic politics. Since the mid-1990s, Australian politicians have often framed refugees as national and international crises to which they are compelled to respond decisively. Refugees policy has arguably become increasingly sensitive to domestic public opinion over time. A recent poll suggests that about 46% of Australians favor accepting fewer permanent refugees. Polling has typically revealed Australians to support fairly tough policies toward refugee interdiction and deflection, with these attitudes often driving domestic policy in a harsh direction.

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41 Kate E Murray & David M Marx, Attitudes toward unauthorized immigrants, authorized immigrants, and refugees, 19 CULTURAL DIVERSITY AND ETHNIC MINORITY PSYCHOLOGY (2013). Claiming that there is very little evidence of public attitudes about refugees specifically in the US. At 333.
42 Bradford Jones & Danielle Joesten Martin, Path-to-Citizenship or Deportation? How Elite Cues Shaped Opinion on Immigration in the 2010 US House Elections, 39 POLITICAL BEHAVIOR (2017). Attitudes toward migrants generally seem to be affected by salience, with areas of new immigration being more sensitive to political messages from elites about the value of restrictions, at least among Republicans. It is unknown whether this applies to attitudes about refugees specifically.
44 OLE R. HOLSTI, PUBLIC OPINION AND AMERICAN FOREIGN POLICY (University of Michigan Press. 1996). Tyler Johnson & Victoria Rickard, United Nations, Uniting Nations: International Support Cues and American Attitudes on Environmental Sustainability*, 98 SOCIAL SCIENCE QUARTERLY (2017). Finding that conservatives are more suspicious when they are cued that Agenda 21, an international environmental effort, was supported by UN consensus.
45 Denis Muller, Islamisation’ and other anxieties: Voter attitudes to asylum seekers, MELBOURNE, AUSTRALIA: THE UNIVERSITY OF MELBOURNE (2016).
46 KLAUS NEUMANN, ACROSS THE SEAS: AUSTRALIA’S RESPONSE TO REFUGEES: A HISTORY (Black Inc. 2015).
48 Matt McDonald, Australian Foreign Policy under the Abbott Government: Foreign Policy as Domestic Politics?, 69 see id. at (2015).
50 Muller, MELBOURNE, AUSTRALIA: THE UNIVERSITY OF MELBOURNE, (2016).
India is the only state in this study that is not a party to the 1951 Refugee Convention or the 1967 Protocol. However, as noted above, India does have obligations under customary international law which provide for basic rights of asylum seekers and in particular bar their return to dangerous and life-threatening situations. In general, analysts consider India to have historically been fairly generous to refugees, though domestic law is inconsistent and there is blatant discrimination among groups at different points in time. People in India are among the world’s most likely to say their borders should now be closed to refugees. In a poll conducted in 2017, 60 percent of Indians polled agreed strongly or somewhat with the statement that “We must close our borders to refugees entirely – we can’t accept any at this time,” which, among 24 countries polled, was third only to Turks and Hungarians. By comparison, 40 percent of Americans and 35 percent of Australians answered similarly.

In each of these three cases, national leaders have openly endorsed refugee policies that if implemented would plausibly contravene each state’s international law obligations. President Donald Trump issued the first of three versions of a travel ban that was to apply, at least temporarily, to refugees from certain Muslim countries. Prime Minister Malcolm Turnbull oversaw policies toward asylum seekers that were roundly criticized by the United Nations Human Rights Committee. The administration of Prime Minister Narendra Modi advocated the wholesale deportation of Rohingya, despite their registered refugee status with the United Nations High Commissioner for Refugees. These positions inform this study’s treatment strategy, which is discussed below.

**Hypotheses:**

The theories reviewed above motivate four explicit hypotheses:

First, the international law treatment will reduce support for restrictions on refugee admissions, compared to those exposed to neither treatment (H1).

Second, the leader policy treatment will increase support for restrictions on refugee admissions, compared to those exposed to neither treatment (H2).

Third, cues related to a leader’s advocacy for policies contrary to international law will erode the positive effects of the international law treatment (H3).

Finally, respondents’ party identification will moderate contradictory law and leader cues in favor of the leader, consistent with theories of motivated and confirmation bias (H4).

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Experimental Design

The survey experiments evaluate how cues from national leaders interact with messages regarding each country’s international legal obligations to influence policy attitudes (Table 1). The study carried out three survey experiments in total, each describing an analogous scenario in the United States, Australia, or India.

The U.S. experiment was conducted on 1,020 respondents recruited between August and November of 2017 using Amazon’s Mechanical Turk platform. In order to obtain a sufficient number of Republican respondents, the study utilized a two-stage recruitment procedure. Subsequent experiments in Australia and India were conducted in July-August of 2018 and used opt-in panels maintained by commercial survey research firms. The Australian sample consisted of 2017 respondents who completed the survey. The India sample consisted of 1491 respondents, 1469 of whom answered all of the relevant survey questions.

After reading each country’s refugee vignette, quoted in full in the first row of Table 1, respondents were randomly assigned to be exposed to one of the four conditions: the law cue (row 2), the leader cue (row 3), both (row 4) or neither. Respondents were then asked about their attitude toward the policy described in the vignette (row 5). Finally, after a wash-out period, respondents were asked whether they believe that the policy described in the vignette is illegal under international law (row 6). This was originally intended as a manipulation check to confirm that the law treatment was sufficiently well-understood by respondents. However, the surprising behavior of U.S. Republican respondents with respect to this outcome made the question of belief worthy of further theoretical consideration. The outcome responses were in all cases dichotomized to a discrete “yes” or “no” variable, and all analyses were conducted on this binary outcome.

Because the surveys were necessarily tailored for each countries’ specific leader, context and policy, exact comparisons across cases cannot be made. For example, some variation across cases was necessarily introduced by stipulating a law violation in the US survey, and mentioning

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56 The U.S. experiment was pre-registered with Evidence in Governance and Politics (EGAP) ID 20170821AB, "Does International Law Affect Public Attitudes on Refugee Policy and Use of Torture?" All interventions in all three experiments were reviewed and approved by the Harvard University Committee on the Use of Human Subjects under Protocol #IRB17-0162.

57 The Australia survey was conducted through YouGov. The India survey was fielded by the research firm Robas Research.

58 In the U.S. case, covariate information on respondents was obtained before randomizing, allowing for block-randomization within strata based on party identification, political ideology, and education level strata. All effect estimates are stratified on these groupings established before fielding the experiment. In the follow-up Australian/Indian surveys, there was no pre-treatment blocking due to the use of third-party survey recruitment firms. However, in these cases, the analysis post-stratifies on strata defined by two highly predictive covariates: party ID and age. Details on the specific analyses used for the US, Australia and India surveys can be found in Appendices A, E and G.

59 In the U.S. experiment, another vignette on international law and torture was also fielded. The order in which the vignettes was presented was randomized and therefore the half of respondents who were given the refugee vignette first were subsequently asked about their beliefs about the refugee policy’s legality, with the second vignette serving as the wash-out period. In both the India and Australia surveys, all respondents were asked the belief question after a wash-out period consisting of questions about their country’s relations with neighboring countries. Details on the survey texts used for the US, Australia and India surveys can be found in Appendices C, F and H respectively.
that authoritative UN bodies had judged the advocated policy – which itself differs across countries – to violate international law in the case of Australia and India. Both the US and the India leader cues mention specific groups (Muslims, Rohingya) while the Australia leader cue does not. Such variations may reduce comparability somewhat, but they better assure the overall appropriateness of each survey instrument.

**Results: United States**

In the U.S. experiment, there was significant evidence that respondents were, on average, more likely to oppose nationality-based restrictions when exposed to the law treatment, which supports Hypothesis 1. Figure 1 plots the estimated treatment effects. Compared to respondents who received neither the law nor the presidential cues, respondents receiving the law cue were on average about 9 percentage points less likely to say that the United States should limit the entry of refugees from certain countries \( (p < .05) \). This difference dropped slightly to about 4 percentage points for respondents exposed to the additional presidential cue (Hypothesis three), but the difference between these two effect estimates is not statistically significant. Therefore, somewhat surprisingly and contrary to Hypothesis 3, the study does not find that the inclusion of President Trump’s endorsement significantly eroded the effect of the law prime.

![Figure 1. United States: Effects of law treatment on support for refugee restrictions.](image)

*Note: N=1020. Thick lines denote 90% confidence intervals. Thin lines denote 95% confidence intervals.*

As Figure 2 shows, there is also little evidence for Hypothesis 4 as there is no clear effect moderation even when the sample is split and each party is considered separately: \( (p > .05) \). Indeed, there is no evidence for even a marginal effect of the leadership cue on attitudes towards refugee restrictions (Hypothesis 2). Republicans in the sample exposed to the leadership cue were not more supportive of the refugee ban than those unexposed (Figure 3). Overall, the U.S. experiment finds that international law cues had a small but statistically significant persuasive effect on reducing support for nationality-based refugee restrictions. To our surprise, the inclusion of a countervailing presidential cue did not significantly attenuate that effect (Hypothesis 3 received no support), nor is there a statistically significant difference between Democrats and Republicans.
The absence of a partisan elite cue effect, even among Republican respondents may be explained by respondents already having strong pre-existing attitudes towards refugee restrictions. However, could partisan elite cues manifest through other means? The study found that, among Republican respondents, the leader cue treatment had surprising effects on beliefs about
legality.\textsuperscript{60} This was not originally proposed as a testable hypothesis in the pre-analysis plan, but surfaced as a byproduct of testing for respondents’ attention to prompts. When Republican respondents were exposed to the statement saying that President Trump endorsed a refugee ban, they were about 29 percentage points more likely to say that these restrictions were not illegal relative to the control condition (no cues; \(p = 0.005\)). The magnitude of this estimate is attenuated slightly when the law cue is introduced (though the study cannot reject the null of no difference here). On average, in-sample, Republicans were about 18 percentage points more likely to say that they believed the refugee ban was probably or definitely legal under international law when told that President Trump supported it during the campaign (Figure 3). In other words, co-partisans in the sample appear to treat the president’s endorsement as evidence of legality itself. This finding is consistent with previous research on confirmation bias in which respondents weigh their co-partisan elite cues extremely heavily while dismissing policy information contrary to their preferences. This also suggests that respondents may be affected by motivational bias and engage in wishful thinking by willfully (mis)interpret the leader of one’s party as “law-abiding.”\textsuperscript{61}

Figure 4: Effects of law treatment on belief that refugee restrictions are illegal. Republicans only. Since these coefficients were not explicit hypotheses prior to fielding the surveys; there are not labeled as such. Note: \(N=144\) Thick lines denote 90\% confidence intervals. Thin lines denote 95\% confidence intervals.

\textbf{Results: Australia}

The survey of 2017 Australian voting-age adults finds additional evidence that international law cues shift opinions, but primarily among Labor party supporters. In the U.S. experiment the effect of law is slightly stronger among Democrats sampled than Republicans,

\textsuperscript{60} This is a serendipitous discovery arising from our manipulation check question. The original purpose of the question was simply to assess whether respondents assigned to the law cue actually changed their beliefs about the legality of the policies in the experiment. As such, it was not explicitly preregistered.

although this difference is not statistically significant.\textsuperscript{62} In Australia, however, there are significant differences in how Labor supporters respond to treatment in contrast to supporters of the more conservative Coalition. Figure 5 plots the estimated effect of the law treatment on whether respondents support ending Australia’s offshore detention policy, both with and without the corresponding cue mentioning the Prime Minister’s support for the policy. The point estimates are positive but small (about 2-3 percentage points) and not statistically significant (that is, there is no support for hypotheses 1 and 2). Significant differences emerge by party, however (Figure 6). On average, Labor supporters are 10 percentage points more likely to say that they think the policy should end when exposed to the law cue compared to the condition where they receive no cues (Hypothesis 4). Among Coalition supporters, the effect is statistically indistinguishable from zero.

\textsuperscript{62} Though the existence of such a difference would be consistent with other work on the heterogeneous impact of international law cues by party.
In Australia, the leadership cue does seem to influence the attitudes of supporters of the center-right Coalition, who were on average about 6 percentage points less likely to support ending the detention policy when exposed to any mention of the Prime Minister’s policy (that is, there is some support for Hypothesis 4; Figure 7). However, this estimate is only marginally significant at \( p < .1 \), and is at best weak evidence in favor of any partisan cuing effects. Unlike
the U.S., leader treatment had no effect on beliefs about policy legality, even among co-partisans. Overall, the results from Australia provide further evidence for Hypothesis 1 that informing voters that a given restrictive refugee policy violates international law cues can reduce support for that policy. In Australia the law treatment operates primarily through supporters of the Labor party, with supporters of the center-right Coalition largely unaffected (Hypothesis 4). There is no statistically significant moderating effect of leadership cues.

**Results: India**

India is a hard case for the international law hypothesis (Hypothesis 1) given the significantly higher levels of support for refugee restrictions in this sample relative to either the U.S. or Australia. In the online sample of 1,469 Indian nationals, 75 percent of all respondents and 83% of those who support the BJP stated that the Indian government should definitely or probably deport all Rohingya refugees. Contrast this with the Australia sample where only about 49% of all respondents stated that the government should definitely or probably not end its offshore detention policy, rising to 61% among Coalition supporters. In the U.S. sample, 50% favored of refugee restrictions (83% among Republican respondents).

Despite much greater support for restricting refugees overall, India provides additional evidence in favor of the international law hypothesis. On average, respondents exposed to the international law cue were about 5 percentage points less likely to support deportation of Rohingya refugees than those exposed to no cues (Figure 8) in support of Hypothesis 1, though the evidence for an effect is weaker than both the U.S. and Australia samples (p < .1). In contrast to results from Australia, the effect appears to be driven by supporters of the Prime Minister’s ruling BJP party rather than opposition-party supporters. Figure 9 plots the estimated treatment effects for the BJP and INC sub-groups. On average, BJP supporters were about 7 percentage points (p < .1) less likely to say they supported the expulsion of Rohingya refugees when exposed to the law treatment relative to the control (Hypothesis 1). Contrary to Hypothesis 3 and consistent with findings in the U.S. and Australia, this study finds no significant moderating effect of the leadership cue or evidence that it has an independent effect on attitudes. And in contrast to the United States sample, there was no effect of either treatment on the follow-up question regarding belief in legality.\(^6\)

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\(^6\) This may be partially due to respondent mis-understanding the wording of the question. Respondents who supported the expulsion of refugees were about 17 percentage points more likely to say that the policy was illegal under international law (p < .001). This is quite surprising given that one would not expect supporters of a policy to be more likely to state that is illegal compared to its opponents.
Overall, the Indian survey experiment finds that even among supporters of the ruling party, messages regarding international legal obligations were able to shift expressed attitudes on refugee restrictions. Combined, the Australia and India results suggest that findings from the U.S. sample about public attitudes can generalize to other, similar settings in other countries. Where refugee policies adopted by governments conflict with governments’ international legal
obligations, the study finds that international law can persuade individuals to oppose those policies even in the face of countervailing partisan cues. Moreover, the effect need not be limited to opposition party supporters as one can see in the India experiment. The results also highlight the limitations of the U.S. findings regarding elite cues and beliefs about legality. The finding that messages highlighting Trump’s endorsement increase Republicans’ beliefs that refugee restrictions are legal under international law does not have an analogue in either of the two follow-up experiments.

Discussion and Conclusions

Three of the world’s largest democracies have faced intense political pressure recently to restrict the flow of refugees across their borders. Each is also obligated under international law to respect refugee rights, to consider plausible cases of asylum, and never to return human beings to situations in which their basic human rights would be egregiously violated or their lives endangered. In each case, political leaders have proposed refugee policies that are highly questionable if not outright illegal under international law. What is the effect of these contradicting signals on public opinion?

First, cuing respondents with an international law obligation has a limited but detectable ability to shape public opposition to policies that contravene international law. Law treatment effects were on average largest in the United States, moving opposition to restrictions by 9 percentage points, and very large among opposition labor party supporters in Australia (whose opinion shifted by 10 percentage points). The average effects in India were smaller: an estimated a 5 percentage point shift against restrictive policies compared to no treatment. This finding is consistent with other studies of the effects of cuing respondents about international law obligations, but this is the first time it been demonstrated in a policy area as salient and resonant as refugee policy.

Second, international law tends to withstand an instance of contradiction. Cuing respondents with both international law violation and leader advocacy never significantly attenuates these estimates, even when respondents are cued to the fact that presidents or prime ministers have advocated those policies. This finding is even more surprising since the policy cue in each case clearly justifies restrictions on the basis of national security. Specifically, in the United States, restrictions were advocated “to protect the citizens of the United States from terrorist attacks;” in Australia they were said to be necessary “to secure the border and deter human smugglers;” and in India the leader cue included information that “the unauthorized immigration of Rohingya migrants to India threatens India’s national security.” It was fully expected that these contradictory treatments would “undo” law’s constraining influence on public opinion. Amazingly, they did not.

Third, the study does find troubling evidence of a potentially serious form of confirmation and motivational biases. In the U.S. (though not elsewhere), the current President appears to have the ability to shape co-partisans’ perception of the state of the law itself. When told that the President advocated refugee entry restrictions, Republicans were much more likely to answer that they believe the policy to be legal, even when told specifically it is not. This is in line with
other studies suggesting elite cues tend to dominate policy relevant information. Not only that, it suggests a leader’s ability to shape his or her co-partisans’ beliefs about the legality of his or her policies may be possible in highly polarized partisan settings. Thus, these findings suggest the potential for an especially serious form of confirmation and motivational biases under conditions of highly polarized politics.

There are some important caveats and limits to this study’s findings. First, as with all studies of partisan cuing based on survey experiments, it may have been unable to detect an effect of a policy prime simply because respondents come in to the study pre-exposed to the treatment’s message. Respondents may have already made up their minds about refugee policy, or about their political leaders’ policies specifically, making it hard for cues to alter opinions. Strong partisans in particular are have likely already been heavily exposed to their leader’s messages on refugee policy.

Second, the source of the “law cue” may affect respondents’ willingness to believe it. Individuals are more likely to accept information when it comes from an “unlikely source” that is not perceived to have private interests in advancing that information. This study’s survey experiments were conducted under the sponsorship of Harvard University, which may have affected some respondents’ willingness to believe provided information.

Finally, the hypotheses concerning respondents’ beliefs about legality were not explicitly pre-registered and the sample sizes for these sub-group analyses are much smaller than the sample sizes for the main, pre-registered analyses of respondents’ policy attitudes. Given the unexpected findings regarding the U.S. President’s influence over co-partisans’ perception of legality, a future study could focus on whether a political leader could maintain his or her influence over co-partisans’ perceptions of reality in the face of more extensive factual information, from varied sources, about the nature of the law obligation and the seriousness of the risks to national security.

Despite these caveats, the evidence presented here suggests that cues about international legal constraints can play an important role in some circumstances. While important biases seem present in some cases, this research suggests politicians cannot simply disregard beliefs about international law, though in some situations they may be able to change those beliefs themselves.

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[65] Rune Slothuus, Assessing the influence of political parties on public opinion: The challenge from pretreatment effects, 33 POLITICAL COMMUNICATION (2016).
[67] Existing work suggests that there is little effect of university sponsorship on respondent behavior, see Leeper, Thomas J. & Thorson, Emily. “Minimal Sponsorship-Induced Bias in Web Survey Data” Working Paper. Accessed 01/02/2018 at https://s3.us-east-2.amazonaws.com/tjl-sharing/assets/SurveySponsorship.pdf. However, this remains an understudied question.
Table 1: Summary of the Three Survey Experiments

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<th>USA</th>
<th>Australia</th>
<th>India</th>
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<tr>
<td><strong>1. Issue vignette</strong></td>
<td>“There is currently a debate about whether the United States should limit the entry of refugees from certain predominantly Muslim countries.”</td>
<td>“There is currently a debate about whether the Australian government should continue to detain refugees and asylum seekers attempting to reach Australia by boat in processing centers located in Papua New Guinea and Nauru.”</td>
<td>“There is currently a debate about whether the Indian government should deport about 40,000 Rohingya refugees and asylum seekers who have crossed into India from Myanmar without authorization by the Indian government.”</td>
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<td><strong>2. Law cue</strong></td>
<td>“Discrimination against refugees on the basis of nationality is outlawed by the Refugee Convention of 1951 and its 1967 protocol, legally binding international treaties to which the United States is committed.”</td>
<td>“According to a report by the United Nations Human Rights committee, this policy violates the International Covenant on Civil and Political Rights, an international treaty which Australia has ratified.”</td>
<td>“According to the United Nations High Commissioner for Human Rights, expelling Rohingya would violate principles of customary international law by returning refugees to a country where they face the threat of violence.”</td>
</tr>
<tr>
<td><strong>3. Leader cue</strong></td>
<td>“During the 2016 Election campaign, President Trump advocated for limiting the entry of refugees from certain predominantly Muslim countries on the grounds that these measures are necessary for the national security of the United States and to protect the citizens of the United States from terrorist attacks.”</td>
<td>“The Government of Prime Minister Malcom Turnbull, leader of the Liberal party, has defended this policy on the grounds that it is necessary to secure the border and deter human smugglers.”</td>
<td>“The Government of Prime Minister Narendra Modi, a member of the Bharatiya Janata Party (BJP), supports deportation, arguing that the unauthorized immigration of Rohingya migrants to India threatens India's national security.”</td>
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<tr>
<td><strong>4. Both law and leader cues</strong></td>
<td>[Order of the two sentences is randomized.]</td>
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<td>5. Policy attitude question</td>
<td>“Do you think the United States should limit the entry of refugees from certain countries, even if it means turning away vetted refugees?”</td>
<td>“Do you think the Australian should end its policy of detaining refugees and asylum seekers in these offshore processing centers even if it means that more refugees and asylum seekers might attempt to arrive in Australia?”</td>
<td>“Do you think the Indian government should expel all Rohingya who have entered India without authorization?”</td>
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<tr>
<td>6. Belief question:</td>
<td>“In the first question, you were asked to consider if the United States government should limit the entry of refugees from certain countries. Do you consider restrictions on allowing refugees to enter the United States that are made on the basis of a refugee's country of nationality to be illegal under international law?”</td>
<td>“In an earlier question, you were asked to consider whether the Australian government should end its policy of detaining refugees and asylum seekers in offshore processing centers in Papua New Guinea and Nauru. Do you consider this detention policy to be illegal under international law?”</td>
<td>“In an earlier question, you were asked to consider whether the Indian government should deport about 40,000 Rohingya refugees and asylum seekers who have crossed into India from Myanmar without the Indian government's permission. Do you consider the deportation of Rohingya in India to be against international law?”</td>
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