

International Law as Legal Obligations or Global Standards?^{*†}

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Abstract

Despite significant debate about the ability of international law to constrain state behavior, recent research points to domestic mechanisms that deter non-compliance, most notably public disapproval of governments that violate treaty agreements. However, existing studies have not explicitly differentiated two distinct, theoretically important motivations that underlie this disapproval: respect for legal obligations versus the desire to follow global standards. We design an innovative survey experiment in Japan that manipulates information about these two potential channels directly. We examine attitudes towards four controversial practices—same-surname marriage, whaling, hate speech regulation, and capital punishment—and find that the legal obligation cue, when reinforced by constitutional obligations, has a stronger effect on respondent attitudes than the global standards cue. We also show subgroup differences based on partisanship and identification with global civil society. These results demonstrate that the legal nature of international law, rather than global norms, is crucial to domestic compliance pull.

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Scholars of international relations have long debated whether and why international law alters state behavior in the absence of external sanctions or material penalties.¹ Although early empirical studies suggested that international human rights treaties do not improve domestic practices (Keith, 1999; Neumayer, 2005), recent work reports a positive correlation between treaty ratification and human rights compliance (Hill Jr, 2010; Fariss, 2014). Many point to a variety of interconnected, domestic mechanisms through which governments are pressured to abide by international agreements (Moravcsik, 2000; Dai, 2005; Hafner-Burton and Tsutsui, 2005; Hafner-Burton, 2008; Simmons, 2009; Lupu, 2013; Tsutsui, 2018). While there is significant variation across issue areas, from human rights to *jus in bello*, there is a growing consensus on the existence of a domestic “compliance pull” for international law.

Since arguments for these domestic mechanisms rely implicitly or explicitly on the assumption that public opinion supports (or at least does not oppose) international law compliance, scholarly attention has shifted to verifying this public sentiment empirically. Existing experimental studies have produced mixed evidence. On the one hand, studies in the United States suggest that voters are more likely to support a policy change if the status quo violates international law. Across issue areas, experimentally manipulated information that a current U.S. policy does not conform to international law increases respondents’ approval for altering the policy (Wallace, 2013; Chaudoin, 2014; Chilton, 2014; Wallace, 2014; Chilton and Versteeg, 2016; Chilton, 2015; Kreps and Wallace, 2016; Wallace, 2019; Strezhnev et al., 2019; Linos, 2011, 2013).² On the other hand, experiments conducted outside of the U.S. show that there may be backlash effects to international law (Lupu and Wallace, 2019; Chapman and Chaudoin, 2020; Cope and Crabtree, 2020).³ These results imply that accusations of international law violations can actually cause citizens to dig in and strengthen their support for the policy or the government in question, at least under some

¹For seminal work, see Chayes and Chayes (1993) and Downs et al. (1996).

²Tingley and Tomz (2014) also show that the U.S. public are more likely to support trade sanctions on countries that violate environmental international law. For an extensive review of this literature, see Chilton and Linos (2020).

³However, not all experiments in non-US countries find a backlash. See Anjum et al. (2020)

circumstances.

One reason why existing experimental manipulations produce contradictory results may be that they do not fully identify which aspect of international law makes voters think that compliance matters. International law, much like its domestic counterparts, is a set of rules that legally binds its signatories. However, its specific manifestations, particularly multilateral treaties on transnational issues, also represent global practices that respectable members of international society are expected to follow. Existing studies have not explicitly differentiated whether voters want their government to comply because they value adherence to legal commitments, or because international law reflects global standards of acceptable practices. When (only) informed that a status quo policy or government action violates international law, respondents may view the policy as illegal, anomalous, or both.

In order to understand why the public prefers compliance in some cases but not in others, individual-level motivations for compliance must be disentangled. For example, Chilton (2014) attempts to address this question using causal mediation analysis and argues that citizens value conformity with international standards. However, since this preference for international conformity is measured after the respondents are informed of international law violations, its results do not necessarily mean that inconsistencies between domestic practices and international standards, independent of legal obligations, cause preferences to change.

To examine the relative salience of these two facets of international law, we conduct a survey experiment that randomly assigns information regarding legal obligations and global standards separately. We ask Japanese respondents for their views on four domestic practices and policies that have been criticized by international actors. Our treatments are designed to distinguish the effect of being told that these practices violate binding legal commitments, and the effect of being told that these deviate from standard practices in peer countries. To the best of our knowledge, this is the first experiment where the experimental manipulation is directly relevant to the motivation underlying preferences for international law compliance.

More specifically, our experiment randomly presents a nationally representative sample of Japanese voters with one of the following information treatments about domestic practices: (1)

they violate international law; (2) they violate international law, but the Constitution of Japan requires compliance with ratified international treaties; (3) they are rare in other industrialized countries. Our outcomes of interest are attitudes toward the following four status quo practices: (1) the family law clause under which married couples must choose a common surname, (2) commercial whaling, (3) the lack of penalties on hate speech, and (4) the death penalty.

Our research design has several important advantages over existing survey experiments. First, our treatments seek to distinguish the importance of international law in the minds of citizens. The first treatment is similar to those in previous studies and does not distinguish the “legal” and “global standards” connotations of international law compliance explicitly. By contrast, the second treatment underscores the constitutional importance of international law to emphasize the legal dimension, while the third treatment accentuates the global standards dimension. Second, Japan is a useful laboratory to address caveats relating to the generalizability of previous experimental studies. Japan has ratified numerous international treaties and conventions, but it has several controversial laws and social customs that do not conform to the norms stipulated in the treaties. This is partially related to the fact that Japan is a non-Western society, and therefore certain traditional customs are more likely to conflict with international standards (Anghie, 2007). In terms of political context, Japan is a democracy where public opinion is expected to matter in policy-making; our results thus have real world implications for the likelihood of political reforms. It is also the third largest economy in the world, and so mechanisms that may matter in developing countries, such as the importance of international law compliance to obtaining foreign aid, are less consequential.

The results of our experiment suggest that citizens’ views on international law compliance are driven by its legally binding nature, not by its reflection of global standards. While the second (constitution) treatment has statistically significant effects on some of the policy items, the estimated effects of the third treatment (global standards) are not significant for any outcome. In addition, we find that the effect of the second treatment is driven by a critical view of these controversial practices’ underlying values, consequences, and partisanship. Those who identify with global civil society, and who do not support the governing conservative party, are more likely

to favor treaty compliance under the constitution treatment. Overall, we find evidence that voters favor compliance with international law because they value honoring legal commitments rather than international standards.

The remainder of the paper proceeds as follows. The next section articulates our argument and hypotheses on why the public prefers compliance with international law. In the third section, we describe the case context and explain the specifics of our survey design. The fourth section presents our experimental results. We conclude the paper with remarks on the limitations and broader implications of our study.

Literature Review and Theory

While most scholars agree that there is no law enforcement in international society, they remain divided over whether states behave differently in the presence of international law than they would in its absence. Some argue that states adjust their behavior to conform to international law once they acquire the capacity to do so (Chayes and Chayes, 1993). Others contend that states join only those treaties that serve their national interest, and therefore their behavior would be identical regardless of international law (Downs et al., 1996). This debate is difficult to resolve through empirical studies at the state level due to unobserved counterfactuals, namely how states would have behaved had they not become signatories. (Simmons, 2000; Von Stein, 2005).

Instead of trying to measure compliance at the state level, recent research has paid greater attention to the domestic mechanisms through which governments are pressured to abide by international law commitments. Theoretically, constituencies that stand to benefit from compliance should exert electoral leverage on their government to do so (Dai, 2005). Even when elected branches are apprehensive, domestic courts can facilitate the enforcement of ratified treaties (Lupu, 2013). Treaties also create normative pressure for compliance by empowering rights activists (Hafner-Burton and Tsutsui, 2005; Tsutsui, 2018) and by exposing states to international naming and shaming (Hafner-Burton, 2008).

Many of these domestic mechanisms implicitly or explicitly assume that public opinion supports

compliance. For international law to empower rights activists, the general public must consider the activists' claims of violations as something that should be rectified. The significance of international naming and shaming presupposes that voters are sensitive to their nation's international reputation. To establish whether governments risk electoral penalties for violating international agreements, it is critical to first determine whether the public actually cares about international law compliance.

One popular approach has been survey experiments that test whether voters are more likely to support a policy change when they are told that the status quo violates international law. However, the results of these tests have been mixed. On the one hand, the majority of studies conducted in the United States confirm this hypothesis. In one of the earliest such works, Wallace (2013) reports that respondents are more likely to oppose the use of torture in the U.S. War on Terror if they are informed that torture is prohibited by international law. Similar experiments have been conducted across issue areas, including trade policy (Chaudoin, 2014), the rights of prisoners (Chilton, 2014), the use of torture (Wallace, 2013, 2014; Chilton and Versteeg, 2016), the conduct of military operations (Chilton, 2015; Kreps and Wallace, 2016; Wallace, 2019), refugee policy (Strezhnev et al., 2019), and welfare policy (Linos, 2011, 2013).⁴ On the other hand, experiments conducted outside of the U.S. show that there may be backlash effects from international law. Informing citizens that a policy violates international law sometimes increases support for that policy, perhaps due to nationalistic sensitivity to criticism from outsiders. For example, Lupu and Wallace (2019) find that government approval increases among Israeli respondents when they are told that their government's repression of opposition groups violates international law. Similar backlash has been reported in experiments on International Criminal Court rulings in Kyrgyzstan (Chapman and Chaudoin, 2020) and refugee policy in Turkey (Cope and Crabtree, 2020). However, Anjum et al. (2020)'s study on women's rights in Pakistan demonstrates public preference for compliance. In sum, the current state of the literature suggests that public support for international law compliance may vary significantly across both countries and issue areas.

⁴Tingley and Tomz (2014) also show that the U.S. public is more likely to support trade sanctions on countries that violate international laws related to environmental issues.

The mixed nature of existing evidence suggests the need for caution in generalizing experimental results from the U.S. and calls for further studies on the conditions under which international laws influence public opinion positively or negatively (Chilton and Linos, 2020). To understand when citizens support international law and when they do not, it is important to decompose the reasons why they value compliance with international law in the first place. Although previous studies propose several mechanisms through which international law affects citizens' preferences, they have yet to propose a unified explanation as to why information about international law changes public opinion. In particular, they tend to ignore the distinction between the mechanisms exclusive to international *law qua law* and those that can be substituted by non-legal international *norms*.

Reasons for public preference for compliance

We argue that the mechanisms through which international law shapes citizens' preference can be broadly categorized into two groups, each of which stems from different aspects of international law. The first set of mechanisms derives from the legal aspect of international law, while the second arises from its implied association with global standards.

First, the legally-binding nature of international law can generate both normative and instrumental motivations for compliance. Some citizens may be skeptical about the legal legitimacy of international law, as implied by the backlash effects found in empirical studies outside of the United States. Nevertheless, its normative pressure is still relevant to skeptics because international law is, to various degrees, integrated into domestic law and legal practices. According to data from the Comparative Constitutions Project, 92% of national constitutions include provisions pertaining to international law, and 33% do so concerning customary international law (Elkins et al., 2009). In addition, states often change domestic laws to comply with international agreements, and international laws themselves can be used in domestic courts, though their specific treatment varies across states and legal traditions (Simmons, 2009; Lupu, 2013; Tsutsui, 2018). Even when international law itself may not generate strong moral pull for compliance, international law as an

integrated part of domestic legal systems is likely to be perceived as obligations that should be followed.

The legal aspect of international law also connects to instrumental explanations for compliance based on commitment mechanisms. Commitments to codified legal agreements make it difficult for leaders to back off or defect, due to international and domestic penalties from reneging (Chilton and Linos, 2020; Chilton, 2014). Internationally, citizens may believe that violating international law can harm the state’s reputation as a law-abiding country and impair its diplomatic capabilities. Domestically, the audience cost literature argues that citizens will punish leaders who fail to follow through on their international commitments (Tomz, 2008; Chaudoin, 2014). In sum, these mechanisms—moral pressure and instrumental incentives—arise from the legal feature of international law, and thus cannot be activated by non-legal norms.

The second set of mechanisms arises from the perception that international laws reflect widely-accepted “standard” behavior, regardless of legal obligations. International law may be seen as a representation of appropriate global practices that legitimate members of the international community should follow. This aspect is particularly relevant for multilateral treaties on global issues such as human rights and global warming, which have a strong ethical component. This perception can create social pressures for compliance, both at the individual and state levels. Regarding the former, information about what is internationally accepted or not can legitimize people’s claims regarding their rights. The knowledge that a specific right is guaranteed in peer countries but not in one’s own can motivate actions to close the gap between the two (Chilton, 2014; Simmons, 2009). Regarding the latter, states copy policies and institutions of peer countries to signal acceptance of global standards, which can enhance their status in the international community (Meyer and Rowan, 1977; Finnemore and Sikkink, 1998; Goodman and Jinks, 2004). In turn, membership in reputable international organizations (Gray, 2013), forging trade agreements with reputable countries (Gray and Hicks, 2014), or even adopting electoral gender quotas (Bush and Zetterberg, 2021) can improve a country’s standing among foreign publics. In the case of Japan, Gurowitz (1999) explains how the government strategically adopted global norms on immigration in order to claim legitimacy in the international community. Public sentiment underlies both individual-

and state-level arguments. Citizens who are concerned about national honor may receive psychic benefits from having their country viewed highly by peer states, and thus may pressure their government to abide by practices that follow international standards.

The distinction between the mechanisms derived from the legal versus global standards aspects of international law is more than a matter of nuance. Theoretically, it helps us distinguish whether legally-binding commitments are necessary to influence public opinion, or whether non-legal norms are sufficient. Although the legalization literature has argued that legal norms have distinct features from non-legal norms that facilitate inter-state cooperation (Abbott and Snidal, 2000), this contrast has yet to be addressed in terms of its effects on public opinion. One exception is Wallace (2013), which tests how the degree of legalization causes different levels of public response. However, this study uses different information about treaty violations to compare variations among legal norms, and does not explicitly address the salience of non-legal norms.

Furthermore, this distinction may help explain why public responses to international law violations are positive in some cases but negative in others. For instance, some people may perceive information about standard practices in other countries as undue foreign interference in domestic matters. However, they may be more amenable to information that emphasizes violations of legal obligations, as these were entered into by their government's own volition.

Finally, as a practical matter, it is valuable to understand what types of messages can increase support for international law. Studies of norm diffusion often emphasize the role of norm advocates in promoting the value of international law among the public (Sikkink, 1993). More generally, if the adoption of global standards can reduce sovereign credit risk (Gray, 2013) or increase foreign aid (Bush and Zetterberg, 2021), then elites and citizens alike may agree on its material benefits. Understanding which aspect of international law is most appealing to citizens may help those advocates craft their messages in the most effective and efficient manner.

Empirical Strategy

Our study can be distinguished from previous research in three important respects, each of which addresses shortcomings in the literature mentioned above.

First and foremost, our experiment manipulates information about legal obligations and global standards separately. This allows us to test which of these two dimensions of international law is more salient to public opinion formation. Before measuring respondents' support or opposition to four domestic legal and social practices, we randomly assign respondents into three treatment groups, as well as one control group. The first treatment group receives information that the practice is in violation of international law, without further elaboration. This treatment is equivalent to those in canonical studies (Wallace, 2013; Chilton, 2014). The second group receives similar information about these violations, but with a further emphasis on the legally-binding nature of international law. To do this, we provide additional (factual) information that Article 98 of the constitution mandates compliance with international law. An important note is that this treatment only implies procedural violations of the constitution, rather than a substantive violation of a right that is explicitly enumerated in the constitution itself.⁵ In contrast to the first two treatments, the third treatment does not mention violations of international law per se. Instead, respondents receive factual information about the rarity of these practices in peer countries, thereby connoting violations of globally standard practices without suggesting any breaches of legal obligations.

Prior to the main outcome questions with the manipulated information, we also ask for respondents' political beliefs, which may reasonably produce heterogeneous treatment effects. First, we ask whether they see themselves as members of the international community, i.e. whether they identify with the values that international law represents. Second, we inquire whether they are supporters of the long-ruling Liberal Democratic Party, under which the controversial domestic practices have been fostered or tolerated. These two questions, which we will describe in greater

⁵In this sense, our second treatment differs from Chilton and Versteeg (2016), which informs respondents that torture is prohibited under the U.S. Constitution.

detail below, speak to the inherent value that citizens (may) place on international law and that underlies existing theories about the domestic pull for compliance.

This study's second innovation is its topical scope. We inquire about opinions on a wide variety of issues beyond national security matters, which have been the primary subject of analysis in previous experiments. These include practices that are domestic, social matters that do not impinge on the material welfare of other countries, and thus are unlikely to engender calls for penalties or economic sanctions from the international community. This should allow for a more straightforward test of the inherent "legal commitment" versus "global standards" perceptions of international law across issue domains.

Third, our study is conducted in Japan, which we consider to be an ideal laboratory for this subject matter. Japan has ratified numerous international treaties, but several of its legal and social practices have been criticized for being in violation of these commitments. This is partially related to the fact that Japan is a non-Western society, whose domestic social practices evolved outside of the debates and movements that shaped Western nations, which have had an outsized influence on the establishment of international norms and law (Anghie, 2007). In addition, Japan is a consolidated democracy, where public attitudes matter for policy choice. If information on treaty violations does change public opinion, such as towards the competence and ethics of their own government, then it is also more likely to translate into actual policy changes in democratic than authoritarian countries. Japan is also the third largest economy in the world, which enables us to exclude the possibility that compliance is supported for economic purposes, such as receiving foreign aid. While we do not discount the importance of this factor in developing economies, such countries vary in the degree and nature of aid desired, making raising challenges for external validity. Given mixed evidence on the effect of international law in non-Western countries, we believe that this new case can contribute to our understanding of the generalizable implications of international law.

Research Design

Case Context

Our outcomes of interest are responses to four Japanese customs and practices that have received international criticism. Their domestic and global salience vary: marriage surnames, hate speech, and the death penalty are mostly domestic matters, while commercial whaling involves global commons with cross-border implications. Let us begin by describing the background of these items briefly. The distribution of responses to related questions among our control group respondents is shown in Online Appendix.

Mixed-surname marriage and CEDAW

Since 1896, Japan's civil code has required married couples to adopt a common surname. This practice is rare globally: as of 2020, Japan is the only OECD country with this mandate. In 96% of cases, the wife changes her surname to that of the husband (Nippon.com, 2019). This legal mandate has long been controversial in Japan, even as the informal use of separate, pre-marriage surnames has become de facto accepted in professional life. Proponents of the status quo warn that separate surnames will weaken familial unity. Critics, including the Japan Federation of Bar Associations (2017), contend that this requirement runs afoul of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which Japan signed in 1985.

The provision has been contested in domestic courts since the late 1980s. However, the Supreme Court ruled in 2015 that the law does not discriminate against women because the adopted surname can be that of either spouse, the practice is well established in society, and there is a rational basis for its requirement.⁶ However, in a supplementary opinion, Justice Kiyoko Okabe argued that this practice is in tension with CEDAW; this conflict was also referred to in Justice Yoshiaki Yamaura's dissenting opinion. While the Ministry of Justice has drafted bills to allow separate surnames, this has been blocked repeatedly by the conservative Liberal Democratic Party,

⁶Judgment concerning Article 750 of the Civil Code and Article 13 of the Constitution (Minshu Vol. 69, No. 8, 2015)

which has argued that the family is the fundamental unit of society, and common surnames contributes to a stronger sense of familial unity.

On this issue, we ask respondents whether Japan should amend the civil code so that couples can choose their preferred surname. In our control group, the mean outcome value, measured on a 1 to 6 scale where higher values denote stronger agreement, is 4.08. This practice receives the strongest baseline support for change among our four dependent variables.

Whaling and the IWC

Japan, along with Iceland and Norway, is one of the few countries that engage in commercial whaling as of 2020.⁷ While some regions of Japan have a long tradition of whaling, the government has, in the past, bowed to international pressure and curbed these practices. As a member of the International Whaling Commission (IWC) since 1961, Japan halted commercial whaling when the IWC placed a moratorium in 1982, but it continued to hunt whales by utilizing the scientific research exception.⁸ Catalinac and Chan (2005) argue that this balance—agreeing to the moratorium on paper but utilizing the scientific exception as a work around—reflects Japan’s sensitivity to international norms. In principle, the government was opposed to the banning of commercial whaling, due to its closeness to the whaling industry and its belief that whaling was necessary for Japan’s resource security. The weakness and scattered nature of environmental civil society movements also limited domestic pushback. However, Catalinac and Chan (2005, p. 152) also contend that Japan could not object to the IWC for two reasons: the desire to be seen as an equal by Western powers, and to remedy its poor reputation with regard to environmental issues.

Commercial whaling has been criticized by the European Union and Australia, as well as by environmental NGOs such as Sea Shepherd. Strausz (2014, p. 457) argues that commercial whaling, and the subsequent usage of the scientific whaling exception, was seen domestically as hindering Japan’s attempts to flex its soft power globally. However, after the International Court of Justice ruled in 2014 that its continued whaling violated IWC regulations, Japan withdrew from

⁷Denmark and the United States permit limited whaling among aboriginal communities.

⁸The moratorium was passed in 1982, and Japan began to comply in 1986.

the IWC in 2019.

We include one item on this practice: whether the respondent thinks that Japan should stop whaling. In our control group, the mean outcome value, measured on a 1 to 6 scale where higher values denote stronger agreement, is 2.73.

Hate speech and CERD

While hate speech laws have become commonplace among OECD nations, there are significant differences in enforcement and compliance. Japan passed an anti-hate speech law in 2016, motivated by racist protests and demonstrations by extreme-right organizations—dubbed the “Action Conservative Movement” (ACM)—against ethnic Koreans, Taiwanese, and Chinese who are long-term residents of Japan (Smith, 2018). However, this law does not impose legal penalties on hate speech itself. In their text analysis of media coverage of hate speech incidents, Merklejn and Wiślicki (2020) find that newspapers point to official statistics that show an increase in such crimes, but they rarely delve into underlying structural causes. Conservative outlets primarily treat these as isolated criminal cases, rather than as manifestations of deeper, societal issues. Even ostensibly center-left newspapers relegate hate speech incidents to back-page news items.

The lack of legal penalties has been criticized as being in violation of the International Convention on the Elimination of All Forms Racial Discrimination (CERD), of which Japan has been a member since 1995. In a 2013 report, its Committee on the Elimination of Racial Discrimination noted that Japan’s lack of a comprehensive law banning hate speech prevented victims of racial discrimination from seeking legal relief. This was reiterated in a 2017 report, which demanded that Japan pass specific legislation banning direct or indirect racial discrimination, including hate speech (Committee on the Elimination of Racial Discrimination, 2013, 2017).

We include one survey item for this practice: whether the respondent thinks that hate speech should be criminalized in Japan. As a baseline, the mean outcome value, measured on a 1 to 6 scale where higher values denote stronger agreement, in our control group is 4.04.

Death penalty and ICCPR

Japan’s criminal justice system currently allows for capital punishment, making it one of two OECD countries—along with the United States—that both permits and carries out death penalties against civilians. Notably, Japanese executions are carried out by hanging. Both the practice and its method have been protested by the European Union and human rights NGOs such as Amnesty International (European Union External Action Service, 2018; Amnesty International, 2019). Although Japan has not signed the second optional protocol of the International Covenant on Civil and Political Rights (ICCPR) that abolishes the death penalty, the manner in which executions are implemented has been criticized as a violation of the ICCPR.

In a comparative analysis of Japanese, Chinese, and American public opinion, Jiang et al. (2010) find that support for the practice is lowest in Japan, but also that there is strongest belief in its deterrent effects. However, Muramatsu et al. (2018)’s time series analysis demonstrates that neither death sentences nor executions reduces homicides or robbery-homicides. There is significant secrecy and silence surrounding the actual timing of executions (Johnson, 2006) not to say sentencing decisions (Johnson, 2013), producing a public that is both uninformed and misinformed about its effects.

We include one survey item for this practice: whether the respondent thinks that the death penalty should be abolished in Japan. The mean outcome value, measured on a 1 to 6 scale where higher values denote stronger agreement, in our control group is 2.48. It evinces the lowest level of support among our four dependent variables.

Treatment

Before asking questions about these items, we assign respondents to one of the four following groups randomly. The first group receives information about international law violations in general, which is in line with the design of most previous studies. We create two additional groups who receive information that highlights legal obligations and international standards separately. The fourth group is our control, with no information about legal or normative obligations.

The first group is informed that domestic rules and practices have been criticized as violations of specific international laws. For instance, in the case of the mixed-surname marriage, the respondents first see basic information about the current policy: “In Japan, married couples must use a common surname.” Then, they see the following text: “However, this system is said to be in violation of the ‘Convention of the Elimination of All Forms of Discrimination against Women’, of which Japan is a member.” This treatment measures whether information of international law violations changes public opinion, but it does not allow us to differentiate the underlying mechanisms. In other words, we expect this information to imply both a violation of legal obligations and a deviation from global standards. We label this the “International Law” treatment.

The second group receives information that emphasizes the legally-binding nature of international law. In addition to the information about international law provided in the first group, the second group receives additional information that Article 98.2 of the Constitution of Japan mandates compliance with international laws. This clause stipulates, “The treaties concluded by Japan and established laws of nations shall be faithfully observed”; as noted earlier, this type of procedural requirement is relatively common in national constitutions.⁹ This information is included to highlight the legal aspect of international law. Although the enforcement of ratified international laws in domestic courts varies across countries (Simmons, 2009), they are likely to have more teeth when mandated in the polity’s supreme law. In the case of mixed-surname marriage, the respondents see the following text: “Despite the fact that the Constitution of Japan stipulates the obligation to observe international treaties, this system is said to be in violation

⁹According to the CCP database, 92% of national constitutions make reference to international law, albeit with different levels of specificity. One type, which includes Japan, requires statutory and administrative compliance with international laws. For example, Article 9.1 of the Austrian Constitution writes, “The generally recognized rules of international law are regarded as integral parts of Federal law.” The second type of constitutional stipulation is to mention specific international treaties and laws. Article 16.2 of the Portuguese Constitution writes, “The provisions of this Constitution and of laws concerning fundamental rights shall be interpreted and construed in accordance with the Universal Declaration of Human Rights.”

of the ‘Convention on the Elimination of All Forms of Discrimination against Women’, of which Japan is a member.” Note that the constitutional information is about the *procedural obligation* to comply with ratified international laws, not that the domestic policy is in direct violation of constitutionally-enumerated rights. In this sense, our treatment is different from that in Chilton and Versteeg (2016), where one of the treatments states that the use of torture substantively violates the U.S. constitution. We label this the “Constitution” treatment.

The third group receives information about global standards that notes the rarity of Japanese practices in peer countries. Importantly, respondents in this group do not receive information about treaty violations. In the case of mixed-surname marriage, the respondents see the following text: “However, more than 80% of OECD countries do not have such a system.”¹⁰ This third treatment aims to measure the connotation of global standards associated with international law explicitly, while leaving out the legal obligation aspect completely. By doing so, we can better understand whether the legal component is required to shift public opinion. If this treatment causes significant changes in respondents’ attitudes towards status quo practices, then legal obligations may not be necessary to motivate compliance. By contrast, if this treatment elicits no change while the first or second treatments do, then we can conclude that the legal element is an essential facet of international law. To operationalize the global standards feature only, we provide factual information about practices in OECD countries, without mentioning treaty violations themselves. We label this the “Standards” treatment.

We should note that other ways to operationalize the global standards treatment were considered. One was criticism from a specific country, such as a major ally or superpower, and another was recommendations from international organizations or NGOs, which earlier research has flagged as being relevant (Linos, 2011). However, we use factual information about practices

¹⁰We informed respondents that OECD countries are a commonly-used representation of developed countries. Regarding the mixed-surname marriage item, Japan is the only country among OECD countries where married couples must use the same surname. However, in order to provide consistent information across all items, we chose to write “more than 80% of OECD countries” in all items.

International Law	
[Introduction]	At present, Japan has various systems and customs, some of which are said to be in violation of international law .
[Surname]	In Japan today, married couples must use the same surname . However, this system is said to be in violation of the “Convention on the Elimination of All Forms of Discrimination against Women” to which Japan is a member .
Constitution	
[Introduction]	At present, Japan has various systems and customs, some of which are said to be in violation of international law . Japan is a party to various international laws, and Article 98 of the Constitution of Japan says, “The treaties concluded by Japan and established laws of nations shall be faithfully observed.”
[Surname]	In Japan today, married couples must use the same surname . Despite the fact that the Constitution of Japan stipulates the obligation to observe international treaties , this system is said to be in violation of the “Convention on the Elimination of All Forms of Discrimination against Women” to which Japan is a member .
Standards	
[Introduction]	At present, Japan has various systems and customs, some of which are rare among the other developed (OECD) countries .
[Surname]	In Japan today, married couples must use the same surname . However, more than 80% of the developed countries do not have such a system.
Control	
[Introduction]	There are various systems and customs in Japan now.
[Surname]	In Japan today, married couples must use the same surname .

Table 1: An example survey question, translated from Japanese (bolded emphasis in original). “International Law”, “Constitution”, “Standards”, and “Control” correspond to the treatment assignment. [Introduction] is displayed as soon as the respondent is assigned to one of the treatment arms. Then, questions about mixed-surname marriage (shown here), whaling, hate speech, and death penalty are shown in random order.

in peer countries for the following reasons. First, providing information about the identity of the critic can confound respondents’ opinions. For instance, people who have favorable attitudes towards the U.S. may be more likely to change their opinion when the U.S. criticizes the pertinent domestic policy, but the same criticism may generate backlash among those who view the U.S. negatively. These would be the effect of affinity towards the U.S., not the effect of recognizing

global standards. Second, while we ask for respondents’ opinions about multiple policies, we could not identify real examples where the same actor criticized Japanese policies across domains consistently. For instance, U.S. could be criticizing Japan’s whaling activities but it will not criticize death penalty because some states in the U.S. also have death penalty.

Treatment effect heterogeneity based on individual beliefs

The effect of our three treatments should vary based on respondents’ prior beliefs about the value of international law and the consequences of non-compliance. These may relate to the meaning they attach to international law, the importance of compliance to the nation’s standing in the world, their identification with global civil society, and their support for the domestic government that has preserved the controversial domestic practices. To explore these differences, we include two related questions in the pre-treatment section of our survey instrument. The distributions of the outcome variables conditional on the responses of the pre-treatment questions and the raw distributions of the conditioning variables themselves are reported in Online Appendix.

First, previous studies have found that a “cosmopolitan identity” can be an important moderating factor. Bayram (2017) demonstrates that legislators with a cosmopolitan social identity are more likely to believe in the legitimacy of international law and prefer compliance. We replicate this at the level of voters by asking respondents whether they identify as a “citizen of the world”.¹¹

Second, partisanship is also reported to be an important source of heterogeneous effects (Chilton and Versteeg, 2016; Wallace, 2019; Chilton, 2014). Most domestic practices in Japan have been implemented—or at least remained unopposed—under the conservative Liberal Democratic Party (LDP), which has been in government for all but four years since its founding in 1955 (circa 2020). This can generate two complementary effects. First, respondents who sup-

¹¹Respondents chose from a six-point Likert scale. We consider people who answered either “Strongly agree,” “Agree,” or “Somewhat agree” as having strong cosmopolitan identity, and people who answered “Somewhat disagree,” “Disagree,” or “Strongly disagree” as having weak cosmopolitan identity.

port the LDP may be more conservative, and thus less likely to be convinced by global trends or international laws on ideological grounds. Second, they may be less likely to be swayed by implicit criticism of their favored party, under which these controversial practices were fostered or tolerated. While we do not aim to disentangle the motivations proxied by partisanship, our survey instrument asked respondents for their favored party. In our analysis, we examine the conditional effect of the treatment on people who support the LDP versus those who do not.

Sampling

Our survey experiment was conducted on August 5th–10th, 2020. Respondents were recruited through Nikkei Research, one of the largest survey vendors in Japan. We employed quota sampling by age (20-69), gender, and region to match the most recent national census distribution. 3212 respondents participated in the survey, and the final sample size in our analysis, after excluding incomplete or irregular responses, was 2954. We used a block randomization scheme, based on the respondents’ gender (male or not) and party identification (LDP supporters, independents, or other parties). All conditioning variables used in our analysis—trust in international law, Japan’s influence in world politics, identification with global civil society, and party identification—were asked prior to the experimental treatment.

Results

The results of our survey experiment can be summarized as follows. First, we find evidence that the constitution treatment, which reinforces the legal aspect of international law, shifts public opinion about some policy items. By contrast, we did not find any evidence that information about practices in peer countries moves public opinion. This suggests that legal obligations of international law has a stronger effect on public attitude than the global standards cue. Second, we find heterogeneous treatment effects across items based on prior beliefs. Respondents with stronger identification with global civil society and non-LDP supporters are more likely to be influenced by the constitution treatment.

Average Treatment Effect

Figure 1 shows the estimated average treatment effects of the basic international law information (top row), the international law with additional information about constitutional obligations (middle row), and the global standards cue about the rarity of Japanese practices among OECD countries (bottom row). The columns correspond to the policy items in our experiment: mixed-surname marriage, whaling, hate speech, and death penalty. In each column, we show point estimates with the 95% confidence intervals with and without multiple testing correction. The left bars show estimates without corrections. The point estimates are the difference-in-means estimates, and the confidence intervals are based on standard errors accounting for the block randomization. For the right bars, we use the adaptive shrinkage method (Stephens, 2017; Stephens et al., 2020) to correct for multiple hypothesis tests. In addition, we conducted the Benjamini-Hochberg (BH) procedure with the false discovery rate at .05 (Benjamini and Hochberg, 1995). “BH” is added to an estimate for which the null hypothesis is rejected after the BH procedure. The raw distribution of responses in the control group and the survey questions translated into English are in Online Appendix.

The main result is that Constitution treatment has significant effect estimates on some items, while we do not find statistically significant evidence for the International Law or Standards treatments after multiple testing correction. Specifically, the effect of the International Law treatment is estimated to be 0.13 on the hate speech item; this is statistically significant at the 5% level. However, the estimated effect is no longer statistically significant after performing multiple testing correction. Estimates for the Constitution treatment are significant on two items: the legalization of mixed-surname marriage (0.16) and the prohibition of whaling (0.20), and the significance on the whaling persists after multiple testing correction. Regarding the hate speech item, we cannot reject the null hypothesis that the Constitution treatment has no effect, though the difference between the International Law and Constitution treatments is negligible. In contrast to the first two treatments, the Standards treatment does not have any effects significantly different from zero on any of the items. However, all point estimates are either positive or very close to zero, which

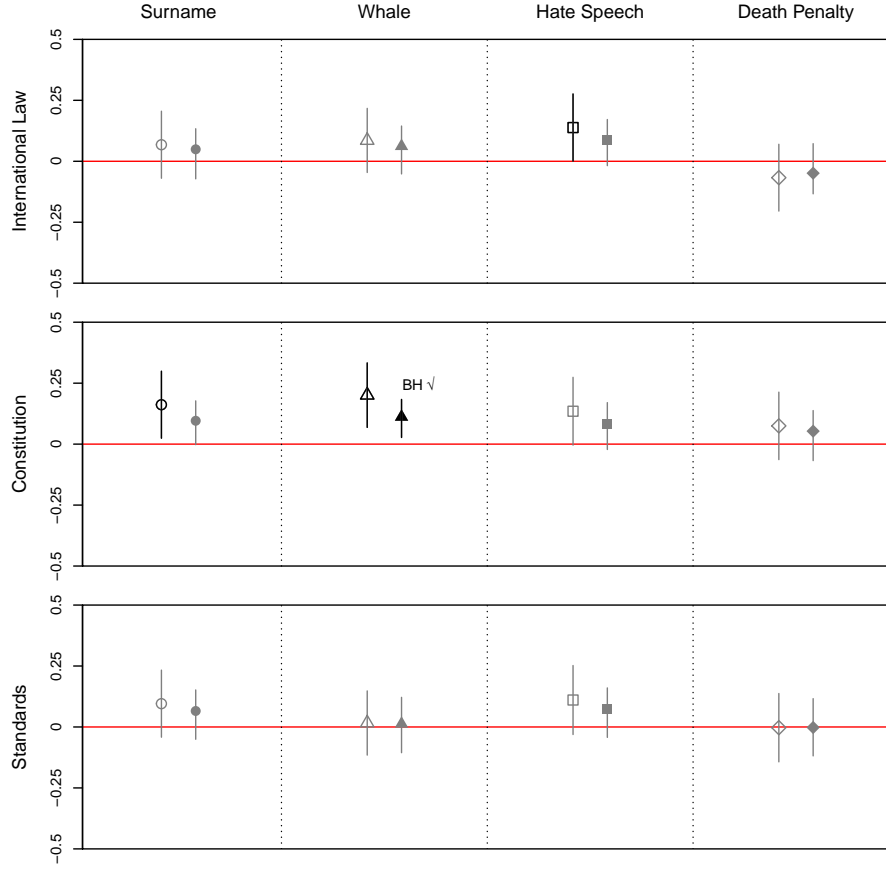


Figure 1: Estimated average effect of the International Law (top row), Constitution (middle row), and Standards treatments (bottom row). The columns correspond to the survey items: mixed-surname marriage, whaling, hate speech, and death penalty. In each column, the left bars present the difference-in-means estimates and the 95% confidence intervals without multiple testing corrections. The right bars show the results using the adaptive shrinkage method (Stephens, 2017). Statistically significant estimates are shown in black; those that are not are in gray. The dependent variables range from 1 to 6 (Strongly disagree, Disagree, Somewhat disagree, Somewhat agree, Agree, Strongly agree). The International Law treatment has a significant effect on the hate speech item, and the Constitution treatment has significant effects on the mixed-surname marriage and whaling items. Standards treatment does not have significant effects on any items. The Benjamini-Hochberg procedure rejects the null hypothesis of no effect for the Constitution treatment on the whaling item only.

is the expected direction.

The magnitude of these positive and statistically significant estimated effects is substantively meaningful. For example, the estimated effect for the whaling item (0.20) means that the average response on a six-point Likert scale in the treatment group is higher than the control group by

0.2. To interpret this number in terms of potential outcomes, consider a hypothetical profile of potential outcomes in which the treatment effect on each respondent is either zero or one. The average effect of 0.2 in this scenario implies that the treatment shifts the preferences of 20% of respondents upwards by one point on a six-point scale. In general, it is not easy to change the opinion of 20% of voters simply by providing information.

The most important implication of these results is that information about treaty violations can nudge public opinion to favor domestic reforms, particularly when respondents are told that the constitution obliges compliance. By contrast, respondents are not sensitive to information about standard practices in peer countries. This suggests that legal obligations, not global standards, are the key feature that influences citizens' views about the need to abide by international law.

Our results may seem to differ from Chilton (2014), which argues that the effect of informing citizens of international law violations is mediated by their preference for conforming domestic practices to “international standards”. The Standards treatment in our experiment is, however, conceptually different from his measurement of respondents' policy positions. In the causal mediation analysis by Chilton (2014), the mediator is whether the respondents think that the solitary confinement of prisoners in the U.S. should conform to international standards, which is measured after the respondents are informed that the practice violates international law and after they answer if they support or oppose its reform. Thus, the concept of international standards in the survey item involves international law explicitly. By contrast, our Standards treatment informs respondents of deviations from accepted practices among peer countries without priming them about international law violations. This treatment allows us to distinguish the effect of respondents recognizing that their country is an aberration, from the effect of their awareness that their country is violating legal obligations. In other words, while Chilton (2014) shows that the public considers international law to reflect international standards, we test whether global standards can influence public opinion in itself.

The second notable result is that none of the effect estimates is distinguishable from zero to the negative direction, suggesting that neither implicit nor explicit international criticism generates public backlash. This result is consistent with most studies conducted in the U.S., but goes

against some studies conducted outside the U.S. that found backlash against international law. While we also explore whether backlash effects exist among respondent subpopulations later, our main result supports the hypothesis that international law shifts public opinion positively rather than negatively, at least at the level of the general population.

Overall, none of the three treatments has a statistically significant estimate on preferences about the death penalty. The null effect on the death penalty may be because of the low political salience of this matter in Japan, or because of voters' strong prior preferences for maintaining the practice. In our survey, the average support for the abolition of the death penalty in the control group is 2.48, which is the lowest among the four dependent variables. 27.1% of control group respondents expressed strong disagreement (1 on the 6-point scale) with abolishing the death penalty, which is the highest proportion among all items.

In order to corroborate our finding that information about constitutional obligations reinforces the effects of international law, Figure 2 shows the difference-in-means between the effects of the Constitution and International Law treatments (as opposed to the difference between each treatment arm and the Control group) on the four items. We find that all point estimates are either positive or close to zero, and the positive estimate of the effect on the death penalty item is statistically distinguishable from zero without multiple testing correction. Although not all items evince statistically significant differences, these results support the argument that additional constitutional cues about the procedural requirement to follow international laws can strengthen the effects of information about international law violations.

Heterogeneous effect

Respondents' underlying sentiments about law and politics are likely to moderate their sensitivity to our treatments. In this section, we explore the conditional effects of information about international law violations on two dimensions: identification with global civil society and party identification. Overall, we find that people with stronger identification with global civil society and non-LDP supporters are more likely to change their opinions when shown the treatments.

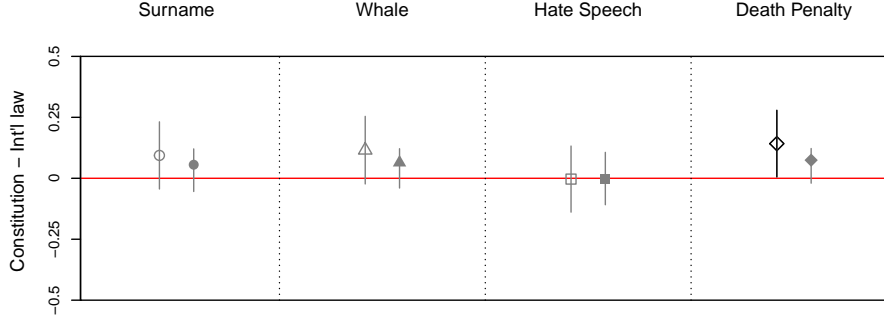


Figure 2: Estimated difference between the effects of the International Law and the Constitution treatments. The columns correspond to the survey items: mixed-surname marriage, whaling, hate speech, and death penalty. In each column, the left bars present the difference-in-means estimates and the 95% confidence intervals without multiple testing corrections. The right bars show the results using the adaptive shrinkage method (Stephens, 2017). Statistically significant estimates are shown in black; those that are not are in gray. The dependent variables range from 1 to 6 (Strongly disagree, Disagree, Somewhat disagree, Somewhat agree, Agree, Strongly agree). All point estimates are either positive or close zero, although the only statistically significant estimate is for the death penalty item without multiple testing corrections.

First, we believe that respondents’ identification with the global civil society is an important moderator of the treatment effect as previous studies find that cosmopolitan identity is an important factor in compliance with international law (Bayram, 2017). Figure 3 presents the estimates of the conditional treatment effects by respondents’ identification with global civil society. Our survey instrument asked respondents whether they identified as “a citizen of the world” on a 1 to 6 scale, which we then dichotomized.¹² Our results confirm those from earlier research: people with stronger identification with global society are more likely to be influenced by the treatments. In particular, the International Law treatment has a significant and positive estimated effect on the hate speech item, and the estimated treatment effects the Constitution treatment on the mixed-surname, whaling, and hate speech items are positive and statistically significant at the 5% level. The significant estimated effects of the Constitution treatment on the mixed-surname and whaling persist after multiple testing correction.

Second, partisanship is another well-known factor that moderate the treatment effect. This dimension is widely explored in the literature, particularly in the U.S. context. To the extent

¹²This survey item was taken from World Value Survey (Inglehart et al., 2014).

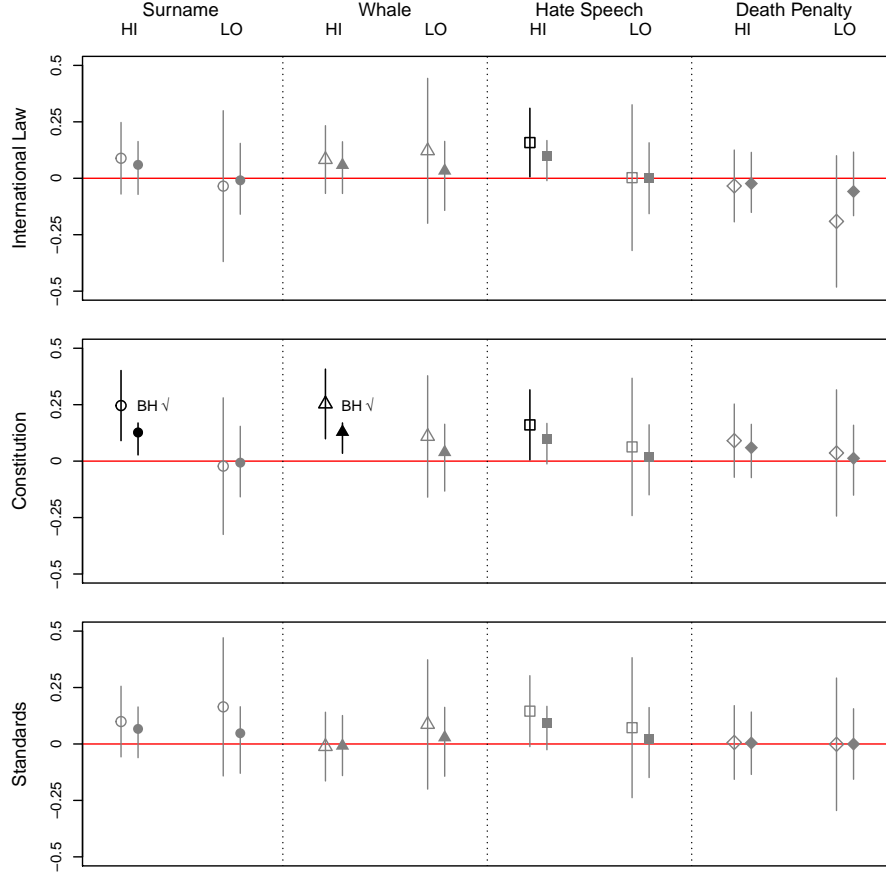


Figure 3: Estimated treatment effects conditional on identification with global civil society. The columns correspond to the survey items: mixed-surname marriage, whaling, hate speech, and death penalty. For each item, the left (right) two bars show the conditional treatment effect among people with higher (lower) identification with global civil society. The unfilled symbols present difference-in-means estimates with the 95% confidence intervals without multiple testing corrections. The filled symbols show the results using the adaptive shrinkage method (Stephens, 2017). Statistically significant estimates are shown in black; those that are not are in gray. The dependent variables range from 1 to 6 (Strongly disagree, Disagree, Somewhat disagree, Somewhat agree, Agree, Strongly agree). People with stronger identification with global society are more likely to be influenced by the treatments.

that individuals sort into parties based on ideological leanings and/or take policy cues from party elites, we can expect variation in treatment effects by partisanship. Figure 4 shows the estimates conditional on party identification. The “LDP” column indicates the treatment effect among supporters of the conservative Liberal Democratic Party, while the “Other” column includes all other respondents. While none of the estimates is significant on LDP partisans, there are some notable patterns among non-LDP supporters. The International Law treatment is estimated

to have positive and significant effects for non-LDP supporters on the hate speech item, and estimates for the Constitution treatment are positive and significant on mixed-surname marriage and whaling. The significant estimated effect of the Constitution treatment on the whaling item persists after the adaptive shrinkage correction while none of the estimated effects are statistically significant after the BH correction.

The stronger effect among non-LDP respondents is consistent with previous survey experiments in the U.S., which found that liberals are more likely to change their opinions when shown information about treaty violations (Wallace, 2013). In the Japanese context, our results can be interpreted in two ways. First, LDP supporters are more likely to be conservative, and thus may be less amenable to liberal policy changes such as the legalization of mixed-surname marriages or the penalization of hate speech. Second, LDP supporters may oppose significant changes to the status quo to avoid cognitive dissonance, given that current policies were established or tacitly accepted by the long-ruling LDP. In either case, the Constitution treatment makes even LDP supporters more likely to support liberal policy changes on items other than the death penalty, though the estimates are not statistically significant. As the governing party, the LDP has blocked the proposals of these policy reforms, but our results suggest that its supporters may be amenable to pro-revision arguments based on the state’s legal obligations.

Collectively, these tests of conditional average treatment effects further confirm that legal obligations, not global standards, are the primary channel through which information about international law violations stimulates voters to change their views of status quo practices. The Constitution treatment prompts greater support for legal reforms among those who self-identify with global civil society (Figure 3) and do not support the governing Liberal Democratic Party (Figure 4). These findings are, to a large extent, intuitive. People who share the values underlying international law and who disapprove of the government’s tolerance of controversial Japanese practices, are more sensitive to accusations that domestic practices run afoul of international legal commitments.

Our non-findings are arguably more consequential to our understanding of public opinion towards international law. First, the Standards treatment does not alter people’s views consistently

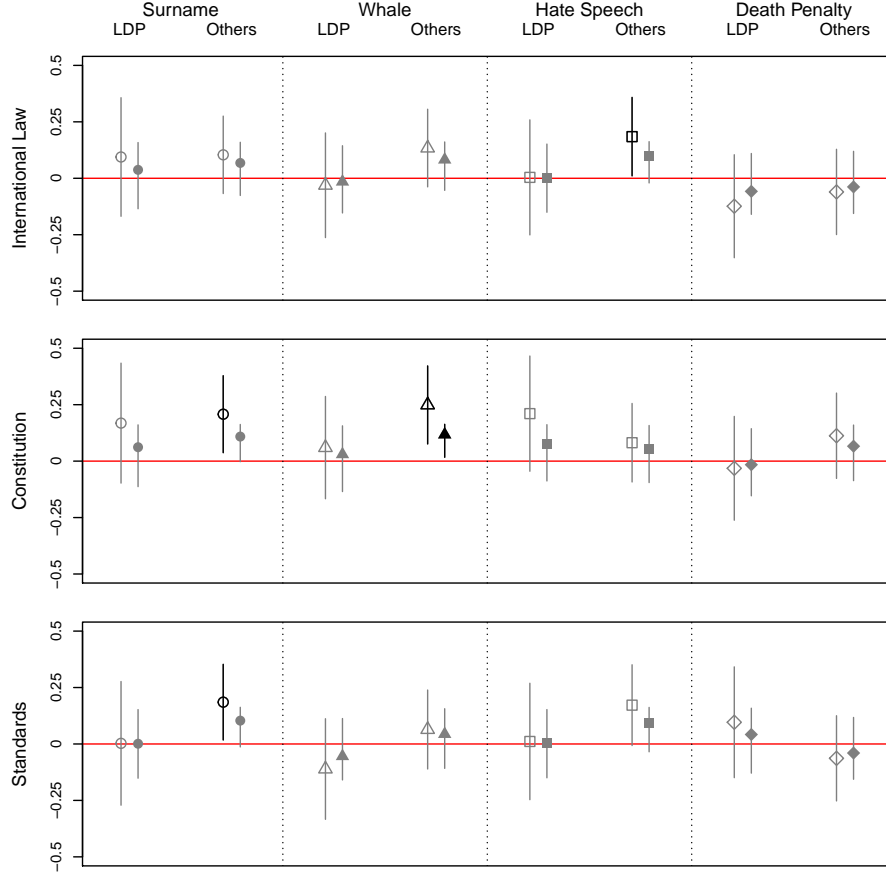


Figure 4: Estimated treatment effects conditional on partisanship. The columns correspond to the survey items: mixed-surname marriage, whaling, hate speech, and death penalty. For each item, the left (right) two bars show the conditional treatment effect among the LDP (non-LDP) supporters. The unfilled symbols present difference-in-means estimates with the 95% confidence intervals without multiple testing corrections. The filled symbols show the results using the adaptive shrinkage method (Stephens, 2017). Statistically significant estimates are shown in black; those that are not are in gray. The dependent variables range from 1 to 6 (Strongly disagree, Disagree, Somewhat disagree, Somewhat agree, Agree, Strongly agree). Non-LDP supporters are more likely to be influenced by the treatments than LDP supporters.

(Figure 1). Second, we do not observe strong backlash effects (significant, negative coefficients) from any treatment or subgroup. This suggests that people do not reflexively prefer the status quo because of international criticism, at least among the practices we examine in this paper.

Concluding Remarks

The determinants of state compliance with international law is a long-standing debate in international relations. Recent studies have focused on domestic mechanisms through which governments can be pressured to change status quo policies to conform with international laws. This paper examined the motivations of individual voters to support or oppose compliance, as public support is implicitly or explicitly assumed to underlie most domestic mechanisms. Our experiment shows that citizens prefer policies that comply with international laws, not because they value conformity with global standards, but because they think the government should abide by legally binding commitments. Information that emphasized the government's constitutional obligation to comply with international law made respondents more supportive of revisions to current practices that violate international treaties. Given that more than 90% of national constitutions have such provisions, our results are relevant to the vast majority of polities around the world. The effect of this Constitution treatment is stronger among those who have a low opinion of Japan's international influence, identify themselves with global civil society, and do not support the long-ruling conservative party. At least in the Japanese context, voters do not necessarily care about global standards, but do want to honor their government's legal commitments.

As is the case with any other studies, ours is not without limitations. First, our study is not an exception among existing experimental studies on public attitudes toward international law, in the sense that the survey experiment is conducted within a single country. Although our results confirm U.S.-based findings that citizens generally prefer compliance with international law, we cannot attest to whether the legally-binding nature of commitments are the primary motivation underlying public support in other countries. To address this question, future research involving similar experiments in other countries is warranted.

Second, although we described common practices in other industrialized countries as “global standards” and found no effect of that information, there may be other ways to conceptualize or signal international norms. In particular, our experiment deliberately did not specify who—foreign nations, environmental NGOs, expert commissions, and the like—accused Japan of international

law violations. The null results of this treatment may result from the fact that we showed global standards in this manner. While our intention was to identify the pure effect of Japan being described as an outlier, the Japanese public may react differently depending on who they think is setting global standards. It may be useful to consider including different versions of “global standards” in future experiments, particularly when conducted in non-Japanese contexts. For example, comparisons to regional neighbors or to those who share similar colonial histories may be more relevant in other countries.

Third, the interpretation of the constitution treatment requires some caution. Our information treatment took pains to emphasize that the constitution *procedurally* required compliance with international law. However, respondents *may* nevertheless have interpreted the treatment as a claim about substantive, rather than procedural, constitutional violations. Although we cannot discount this possibility completely, we believe that in the survey context, most respondents know that the controversial policies are not substantively unconstitutional. For instance, Supreme Court rulings that upheld the current civil code’s requirement of same-surname marriage have been widely reported in Japanese media. Another issue is that the effect of the “constitution” treatment may vary across countries, depending on people’s veneration of the supreme law. However, there is, to our knowledge, limited cross-national work on attitudes towards constitutional performance. To address these points, further work is required to examine public opinion on the specific relationship between constitutions and international law.

On a final note, unlike some previous experiments in non-US countries, we did not observe a significant backlash against international law. On all items, none of the treatments significantly increase respondents’ opposition to compliance with international law. This is true even for whaling. The literature has argued that international criticism has been seen as an attack on Japan’s traditional culture, but information that Japanese practices violated international law did not increase support for the status quo. Unfortunately, neither this study nor previous scholarship has further evidence on why domestic publics sometimes react negatively to international law. This is a crucial question that future studies on public attitudes toward international law are encouraged to address.

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