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

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Abstract

One of the mechanisms by which international law can shape domestic politics is through its effects on public opinion. However, a growing number of national leaders have begun to advocate policies that ignore or even deny international law constraints. This article investigates whether international law messages can still shift public opinion even in the face of countervailing elite cues. It reports results from survey experiments conducted in three countries – the USA, Australia and India – which examined attitudes on a highly salient domestic political issue: restrictions on refugee admissions. In each experimental vignette, respondents were asked about their opinion on a proposed or ongoing restrictive refugee policy that was endorsed by the government but also likely contravened international refugee law. Respondents were randomly exposed to messages highlighting the policy's illegality and/or elite endorsement. The results show that, on average, the international law messages had a small but significant persuasive effect in reducing support for the restrictive policy, at most 10 percentage points. Surprisingly, there was no evidence that the countervailing elite endorsement was a significant moderator of this effect. However, in the case of the USA and among Republican co-partisans of the president, the elite endorsement independently increased respondents' beliefs that the restriction was legal under international law while having no effect on support for the policy. The results suggest that cues from domestic elites do not strictly trump those from international sources and that, despite cues about national leaders' policy advocacy, international law can affect the attitudes of some voters even on an issue as heavily politicized as refugee policy.

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1 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 US 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 small, but statistically significant, 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 pre-existing beliefs and political identities. Support for international law encounters notable biases, indicating a need for its advocates to articulate how international

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1   Ikenberry, 'The Plot against American Foreign Policy: Can the Liberal Order Survive?', 96 *Foreign Affairs* (2017) 2, at 2: '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.'

2   Saunders, 'War and the Inner Circle: Democratic Elites and the Politics of Using Force', 24 *Security Studies* (2015) 466.

3   Chaudoin, 'Promises or Policies? An Experimental Analysis of International Agreements and Audience Reactions', 68 *International Organization (IO)* (2014) 235 (who 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); Chilton, 'The Laws of War and Public Opinion: An Experimental Study', 171 *Journal of Institutional and Theoretical Economics* (2015) 181 (who finds that providing information to respondents that a military bombing campaign would violate the laws of war reduced public support for military action); Kreps and Wallace, 'International Law, Military Effectiveness, and Public Support for Drone Strikes', 53 *Journal of Peace Research* (2016) 830 (who shows that criticisms by non-governmental organizations that cite violations of international legal obligations decrease support for the USA's drone program); Chilton and Versteeg, 'International Law, Constitutional Law, and Public Support for Torture', 3 *Research and Politics (RAP)* (2016) 1 (who 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).

law supports broader national interests. The good 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 USA, 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 therefore ought to articulate clearly the nature and reasons for international legal obligations to correct any impression of a 'legal vacuum' for policy choice.

This 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: USA, 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 towards 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 not only 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.

2 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,[4] 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.[5]

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[4]   For the foundational explanation of framing, see Tversky and Kahneman, 'The Framing of Decisions and the Psychology of Choice', 211 *Science, New Series* (1981) 453. For a recent review relating to public opinion, see Bachner and Hill, 'Advances in Public Opinion and Policy Attitudes Research', 42 *Policy Studies Journal* (2014) S51.

[5]   For example, B.A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (2009); X. Dai, *International Institutions and National Policies* (2007).

A Elite Cues versus Policy Information

Elite opinion and messaging is important in structuring how individuals think about political topics.[6] People often use simple decision rules when they lack the time – or motivation – to investigate policy issues in depth.[7] While people may seek policy-relevant information to make decisions,[8] they take shortcuts offered by trusted political leaders. Elite agreement is especially influential, while divisions among elites tend to water down their signalling influence.[9] Moreover, opinions derived from elite cues, once formed, are highly resistant to change from alternative competing information.[10] Some studies find elite cues to be surprisingly influential, even in the face of contrary policy evidence.[11]

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.[12] Treaties are also widely vetted, domestically and internationally, and therefore convey the idea of 'prudent' policy.[13] 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.[14]

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[6]   J. Zaller, *The Nature and Origins of Mass Opinion* (1992).

[7]   R.E. Petty and J.T. Cacioppo, *Attitudes and Persuasion: Classic and Contemporary Approaches* (1996).

[8]   Ciuk and Yost, 'The Effects of Issue Salience, Elite Influence, and Policy Content on Public Opinion', 33 *Political Communication* (2016) 328 (testing the salience hypothesis in the realm of environmental policy, they find that people are more likely to consider policy relevant information when an issue is highly salient – for example, in the case of hydraulic fracking – compared to low salience issues such as waste water management).

[9]   Berinsky, 'Assuming the Costs of War: Events, Elites, and American Public Support for Military Conflict', 69 *Journal of Politics* (*JP*) (2007) 975; Baum and Groeling, 'Shot by the Messenger: Partisan Cues and Public Opinion Regarding National Security and War', 31 *Political Behavior* (*PB*) (2009) 157 (showing that conflicting cues between the president and other partisan elites may temper public approval of the president's national security policy).

[10]   Druckman, Fein and Leeper, 'A Source of Bias in Public Opinion Stability', 106 *American Political Science Review* (*APSR*) (2012) 430.

[11]   Druckman, Peterson and Slothuus, 'How Elite Partisan Polarization Affects Public Opinion Formation', 107 *APSR* (2013) 57 (demonstrating that cues from partisan elites often drown out other sources of information). Brulle, Carmichael and Jenkins, 'Shifting Public Opinion on Climate Change: An Empirical Assessment of Factors Influencing Concern over Climate Change in the US, 2002–2010', 114 *Climatic Change* (2012) 169 (finding that political elite messages have a more significant impact on public beliefs about climate change than do either the media, which is arguably epiphenomenal to elite cues, or extreme weather events themselves).

[12]   Fearon, 'Domestic Political Audiences and the Escalation of International Disputes', 88 *APSR* (1994) 577; Fearon, 'Signaling Foreign Policy Interests: Tying Hands versus Sinking Costs', 41 *Journal of Conflict Resolution* (1997) 68.

[13]   Endorsements from international organizations regarding the use of force may affect domestic support for a president's proposed use of force. See Grieco *et al.*, 'Let's Get a Second Opinion: International Institutions and American Public Support for War', 55 *International Studies Quarterly* (*ISQ*) (2011) 563.

[14]   Putnam and Shapiro, 'International Law and Voter Preferences: The Case of Foreign Human Rights Violations', 18 *Human Rights Review* (2017) 243 (showing that Americans were much more likely to say they supported sanctions when told a country was in clear violation of international law than in the absence of such information).

However, there are several well-known reasons why international law is likely to be a weak cue at best. Sceptics note its inherent weaknesses: its decentralization, lack of enforcement and the strength of countervailing norms and laws of state sovereignty.[15] Even some international law scholars consider its nature to be epiphenomenal.[16] Some research suggests that international law cues have varying influences in different national contexts.[17] So whether international law matters to the public is not fully settled and is likely to be context specific.

B 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 here probe a specific kind of contradiction: 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 they are paired with information that a policy may be unconstitutional or otherwise not legal.[18] Publics typically appear to be influenced by the most repetitive messages and the loudest messengers[19] and are confused by exposure to concurrent competing messages that cancel each other out.[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 those which are less so.[21]

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[15] For a brief review of realist international law positions, see Simmons, 'International Law', in W. Carlsnaes, T. Risse and B.A. Simmons, *Handbook of International Relations* (2012) 352.

[16] Downs, Rocke and Barsoom, 'Is the Good News about Compliance Good News about Cooperation?', 50 *IO* (1996) 379; J.L. Goldsmith and E.A. Posner, *The Limits of International Law* (2005).

[17] Lupu and Wallace, 'Violence, Non-Violence, and the Effects of International Human Rights Law', 63 *American Journal of Political Science* (*AJPS*) (2019) 411.

[18] However, see Nicholson and Hansford, 'Partisans in Robes: Party Cues and Public Acceptance of Supreme Court Decisions', 58 *AJPS* (2014) 620 (finding that political cues were strong even in the face of countervailing cues from no less a legal authority than the US Supreme Court).

[19] See the discussion in Chong and Druckman, 'A Theory of Framing and Opinion Formation in Competitive Elite Environments', 57 *Journal of Communication* (*JC*) (2007) 99.

[20] Chong and Druckman, 'Dynamic Public Opinion: Communication Effects over Time', 104 *APSR* (2010) 663.

[21] See the discussion in Chong and Druckman, *supra* note 19; Simon and Jerit, 'Toward a Theory Relating Political Discourse, Media, and Public Opinion', 57 *JC* (2007) 254. 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.

C 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 favour evidence that confirms their beliefs (confirmation bias)[22] and to process information such that it will yield a desired conclusion (motivational bias).[23] When individuals want to reach a particular conclusion, it influences their perceptions, attitudes and attributions,[24] especially for salient issues and given cues that stimulate emotional responses.[25]

These biases may be further reinforced by high levels of political polarization[26] as well as by the partisanship of individual respondents.[27] First, polarization has been shown in some contexts to enhance the appeal of nationalist rhetoric and policy messages.[28] Second, recent research finds that polarization itself reduces the influence of policy information in favour of cues from partisan leaders.[29] 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.[30] 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.

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[22] The foundational work is Lord, Ross and Leeper, 'Biased Assimilation and Attitude Polarization: The Effects of Prior Theories on Subsequently Considered Evidence', 37 *Journal of Personality and Social Psychology* (*JPSP*) (1979) 2098; see also the review by Kunda, 'The Case for Motivated Reasoning', 108 *Psychological Bulletin* (1990) 480; Nickerson, 'Confirmation Bias: A Ubiquitous Phenomenon in Many Guises', 2 *Review of General Psychology* (1998) 175.

[23] Boiney, Kennedy and Nye, 'Instrumental Bias in Motivated Reasoning: More When More Is Needed', 72 *Organizational Behavior and Human Decision Processes* (1997) 1; Nabi, 'Exploring the Framing Effects of Emotion: Do Discrete Emotions Influence Information Accessibility, Information Seeking, and Policy Preference?', 30 *Communications Research* (2003) 224.

[24] Boiney, Kennedy and Nye, *supra* note 23.

[25] Edwards and Smith, 'A Disconfirmation Bias in the Evaluation of Arguments', 71 *JPSP* (1996) 5.

[26] Rising political polarization in the USA is documented in Bafumi and Shapiro, 'A New Partisan Voter', 71 *JP* (2009) 1 (documenting the increasing salience of partisanship and party identification in the formation of policy attitudes); Hare *et al.*, 'Using Bayesian Aldrich-McKelvey Scaling to Study Citizens' Ideological Preferences and Perceptions', 59 *AJPS* (2015) 759 (showing that polarization may even be under-estimated using existing techniques that do not account for respondent ideal points and showing some evidence that polarization and partisanship are related in both public opinion and party systems). See Lupu, 'Party Polarization and Mass Partisanship: A Comparative Perspective', 37 *PB* (2015) 331.

[27] Guisinger and Saunders, 'Mapping the Boundaries of Elite Cues: How Elites Shape Mass Opinion across International Issues', 61 *ISQ* (2017) 425 (showing that the value of information from neutral sources depends on the pre-existing polarization of the subject matter). Tesler, 'Elite Domination of Public Doubts about Climate Change (Not Evolution)', 35 *Political Communication* (2017) 306 (showing that partisan cues matter tremendously for public opinion on climate change, though not for belief in theories of evolution).

[28] Hooghe and Marks, 'Calculation, Community and Cues: Public Opinion on European Integration', 6 *European Union Politics* (2005) 419 (showing that elite division in the European context is associated with greater space for nationalist attitudes).

[29] Druckman, Peterson and Slothuus, *supra* note 11.

[30] Leeper and Slothuus, 'Political Parties, Motivated Reasoning, and Public Opinion Formation', 35 *Political Psychology* (2014) 129; Bolsen, Druckman and Cook, 'The Influence of Partisan Motivated Reasoning on Public Opinion', 36 *PB* (2014) 235.

3 The Policy Domain: Refugee Policy

A *International Refugee Law*

International law has been starkly challenged lately on many fronts, but nowhere as saliently as in the areas of the rights and responsibilities of states towards refugees. Refugee law is both customary and in treaty form. The 1951 Refugee Convention[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,[32] that refugees should not be penalized for otherwise illegal entry or stay[33] and that refugees should not be forcibly returned to a dangerous situation.[34] States maintained the right to deny refugee status to persons deemed threats to national security[35] and who had committed serious war crimes,[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 '[e]veryone has the right to seek and to enjoy in other countries asylum from persecution'.[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[38] and is widely recognized by the international community as a norm of customary international law, obligatory for all states.[39]

B *Opinion and Obligation in Three Cases: USA, Australia and India*

The USA has traditionally been a world leader in the resettlement of refugees, and while it is not a party to the 1951 Refugee Convention, it acceded to the 1967 Protocol

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[31] Convention Relating to the Status of Refugees 1951, 189 UNTS 137.

[32] *Ibid.*, preamble, Art. 3.

[33] *Ibid.*, Art. 31(1).

[34] *Ibid.*, Art. 33(1).

[35] *Ibid.*, Arts 9, 28(1), 32(1).

[36] *Ibid.*, Art. 1(F)(a).

[37] GA Res. 217A, 12 December 1948.

[38] For example, International Covenant on Civil and Political Rights 1966, 999 UNTS 85; the International Covenant on Economic, Social and Cultural Rights 1966, 999 UNTS 3; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1985, 1465 UNTS 85, have non-refoulement provisions.

[39] United Nations High Commission for Refugees, General Conclusion on International Protection, UN Doc. 12A (A/37/12/Add.1), no. 25 (XXXIII) (1982).

and, therefore, is committed to international legal norms through both treaty and customary international law.[40] American refugee admissions have drastically curtailed since 2017. By the end of 2017, the USA had settled 102 refugees per million people; during the same period, Australia had settled refugees at more than six times that rate.[41] In the USA, the public discourse about refugees tends to be overwhelmed by an obsession with unauthorized entry of immigrants.[42] What little is known about American public opinion towards 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 USA.[43]

Immigration and refugee policies as well as pre-existing preferences for international law tend to be partisan in the USA. 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).[44] 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.[45]

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 (in December 1973). Nonetheless, according to researchers, '[t]here 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'.[46] Refugee policy in Australia has become a matter of contentious domestic politics.[47] Since the mid-1990s, Australian politicians have often framed refugees as national and international crises to which

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[40]   Protocol Relating to the Status of Refugees 1967, 606 UNTS 267.

[41]   See statistics collected by the 'An Overview of U.S. Refugee Law and Policy', *American Immigration Council* (18 June 2019), available at www.americanimmigrationcouncil.org/research/overview-us-refugee-law-and-policy.

[42]   Murray and Marx, 'Attitudes toward Unauthorized Immigrants, Authorized Immigrants, and Refugees', 19 *Cultural Diversity and Ethnic Minority Psychology* (2013) 332, at 333 (claiming that there is very little evidence of public attitudes about refugees specifically in the USA).

[43]   Jones and Martin, 'Path-to-Citizenship or Deportation? How Elite Cues Shaped Opinion on Immigration in the 2010 US House Elections', 39 *PB* (2017) 177. Attitudes towards 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]   H. Hartig, 'Republicans Turn More Negative toward Refugees as Number Admitted to U.S. Plummets', *Pew Research Center* (24 May 2018), available at www.pewresearch.org/fact-tank/2018/05/24/republicans-turn-more-negative-toward-refugees-as-number-admitted-to-u-s-plummets/.

[45]   O.R. Holsti, *Public Opinion and American Foreign Policy* (1996); Johnson and Rickard, 'United Nations, Uniting Nations: International Support Cues and American Attitudes on Environmental Sustainability', 98 *Social Science Quarterly* (2017) 876 (finding that conservatives are more suspicious when they are cued that Agenda 21, an international environmental effort, was supported by United Nations [UN] consensus).

[46]   D. Muller, *'Islamisation' and Other Anxieties: Voter Attitudes to Asylum Seekers* (2016), at 14.

[47]   K. Neumann, *Across the Seas: Australia's Response to Refugees: A History* (2015).

they are compelled to respond decisively.[48] Refugee policy has arguably become increasingly sensitive to domestic public opinion over time.[49] A recent poll suggests that about 46 per cent of Australians favour accepting fewer permanent refugees.[50] Polling has typically revealed Australians to support fairly tough policies towards refugee interdiction and deflection, with these attitudes often driving domestic policy in a harsh direction.[51]

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 that 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 has been blatant discrimination among groups at different points in time.[52] 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 per cent of Indians polled agreed strongly or somewhat with the statement that '[w]e must close our borders to refugees entirely – we can't accept any at this time', which, among the 24 countries polled, was third only to Turks and Hungarians. By comparison, 40 per cent of Americans and 35 per cent of Australians answered similarly.[53]

In each of these three cases, the national leaders have openly endorsed refugee policies that, if implemented, would plausibly contravene each state's international law obligations. US 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.[54] Australia Prime Minister Malcolm Turnbull oversaw policies towards asylum seekers that were roundly criticized by the United Nations (UN) Human Rights Committee.[55] The administration of India's Prime Minister Narenda Modi advocated the wholesale

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48   Maley, 'Australia's Refugee Policy: Domestic Politics and Diplomatic Consequences', 70 *Australian Journal of International Affairs* (*AJIA*) (2016) 670.

49   McDonald, 'Australian Foreign Policy under the Abbott Government: Foreign Policy as Domestic Politics?', 69 *AJIA* (2015) 651.

50   According to a national poll by *The Guardian*. K. Murphy, 'Australians Growing More Concerned over Immigration: Guardian Essential Poll', *The Guardian* (23 April 2018), available at www.theguardian.com/australia-news/2018/apr/24/australians-growing-more-concerned-over-immigration-guardian-essential-poll.

51   Muller, *supra* note 46.

52   Sanderson, 'The Role of International Law in Defining the Protection of Refugees in India', 33 *Wisconsin International Law Journal* (2015) 46.

53   IPSOS Immigration and Refugee Poll, 'Global Views on Immigration and the Refugee Crisis', *IPSOS* (September 2017), at 23, available at www.ipsos.com/sites/default/files/ct/news/documents/2017-09/ipsos-global-advisor-immigration-refugee-crisis-slides_0.pdf.

54   See Protecting the Nation from Foreign Terrorist Entry into the United States, Executive Order 13769, 82 FR 8977, 27 January 2017, available at www.federalregister.gov/documents/2017/02/01/2017–02281/protecting-the-nation-from-foreign-terrorist-entry-into-the-united-states.

55   See the UN Human Rights Committee, 'Views Adopted by the Committee under Article 5 (4) of the Optional Protocol, Concerning Communication no. 2233/2013', UN Doc. CCPR /C/116 /D/2233/2013 (2016), available at https://uploads.guim.co.uk/2016/05/17/CCPR-C-116-D-2233-2013-English-cln-auv_(1).pdf.

deportation of Rohingya, despite their registered refugee status with the UN High Commissioner for Refugees.[56] These positions inform this study's treatment strategy, which is discussed below.

C 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 (Hypothesis 1). Second, the leader's policy treatment will increase support for restrictions on refugee admissions, compared to those exposed to neither treatment (Hypothesis 2). Third, cues related to a leader's advocacy for policies contrary to international law will erode the positive effects of the international law treatment (Hypothesis 3). Finally, respondents' party identification will moderate contradictory law and leader cues in favour of the leader, consistent with theories of motivated and confirmation bias (Hypothesis 4).

4 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 USA, Australia or India. The US experiment was conducted on 1,020 respondents recruited between August and November 2017 using Amazon's Mechanical Turk platform.[57] In order to obtain a sufficient number of Republican respondents, the study utilized a two-stage recruitment procedure.[58] Subsequent experiments in Australia and India were conducted in July and August 2018 and used opt-in

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[56]   See K. Das and S. Miglani, 'India Says to Deport All Rohingya Regardless of U.N. Registration', *Reuters* (14 August 2017), available at www.reuters.com/article/us-myanmar-rohingya-india-idUSKCN1AU0UC.

[57]   The US experiment was pre-registered with Evidence in Governance and Politics, 'Does International Law Affect Public Attitudes on Refugee Policy and Use of Torture?', ID 20170821AB, 21 August 2017. All interventions in all three experiments were reviewed and approved by the Harvard University Committee on the Use of Human Subjects under Protocol no. IRB17-0162.

[58]   Existing work on the representativeness of Mechanical Turk suggests behaviorally MTurk subjects respond to experiments similarly to respondents in more representative pools despite demographic differences. See Berinsky *et al.*, 'Evaluating Online Labor Markets for Experimental Research: Amazon.com's Mechanical Turk', 20 *Political Analysis* (2012) 351. However, because we are interested in examining heterogeneity by covariates, in order to design an experiment with enough power, we needed to obtain enough respondents with each political affiliation. We therefore followed the recommendations in Huff, Connor and Tingley, '"Who Are These People?" Evaluating the Demographic Characteristics and Political Preferences of MTurk Survey Respondents', 2 *RAP* (2015) 1, which suggests over-sampling less common subgroups in order to obtain a sample more representative of the target population. We acknowledge, however, that this subgroup of self-identified Republicans differs from the overall population of Republicans. It remains difficult to recruit older respondents on Mechanical Turk, which may limit our ability to extrapolate effect estimates beyond younger, more digitally literate Republican voters. See Munger *et al.*, 'Age Matters: Sampling Strategies for Studying Digital Media Effects', working paper (2019).

Table 1: Summary of the three survey experiments

	USA	Australia	India
1. Issue vignette	'There is currently a debate about whether the United States should limit the entry of refugees from certain predominantly Muslim countries.'	'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.'	'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.'
2. Law cue	'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.'	'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.'	'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.'
3. Leader cue	'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 USA and to protect the citizens of the United States from terrorist attacks.'	'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.'	'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.'

(Continued)

Table 1: Continued

	USA	Australia	India
4. Both law and leader cues (order of the two sentences is randomized)	'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 USA and to protect the citizens of the United States from terrorist attacks. 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.'	'The Government of Prime Minister Malcolm 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. 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.'	'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. 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'.
5. Policy attitude question (answers: definitely yes, probably yes, probably no, definitely no)	'Do you think the United States should limit the entry of refugees from certain countries, even if it means turning away vetted refugees?'	'Do you think the the Australian government 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?'	'Do you think the Indian government should expel all Rohingya who have entered India without authorization?'
6. Belief question	'In the first question, you were asked to consider if the US 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?'	'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?'	'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?'

panels maintained by commercial survey research firms.[59] The Australian sample consisted of 2,017 respondents who completed the survey. The India sample consisted of 1,491 respondents, 1,469 of whom answered all of the relevant survey questions. Both the US and Australian samples were nationally representative in regard to party identification, but the Indian sample had a disproportionately large number of Bharatiya Janata Party (BJP) supporters. As such, one should be cautious when generalizing from our Indian sample treatment effect estimates to the Indian population as a whole.[60] However, considering that the BJP is currently the dominant political party in India, studying the behaviour of this subgroup is highly salient to the study of Indian politics.

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.[61] Respondents were then asked about their attitude towards the policy described in the vignette (row 5). Finally, after a washout period, respondents were asked whether they believe that the policy described in the vignette is illegal under international law (row 6).[62] This was originally intended as a manipulation check to confirm that the law treatment was sufficiently well understood by respondents. However, the surprising behaviour of US 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 country's specific leader, context and policy, exact comparisons across cases could not be made. For example, some variation across cases was necessarily introduced by stipulating a law violation in the US survey and by mentioning that authoritative UN bodies had judged the advocated

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

[60] Details on the specific analyses used for the USA, Australia and India surveys can be found in Supplementary Appendices A, F and H. Appendices to this article are available at https://academic.oup.com/ejil/article-lookup/doi/10.1093/ejil/chaa002#supplementary-data.

[61] For respondents receiving the 'both' condition, the order of law/leader cue was randomized. We find no evidence of differences in how respondents reacted to these different orderings. See Supplementary Appendix E. In the US 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 Supplementary Appendices A, F and H.

[62] In the US 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 washout period. In both the India and Australia surveys, all respondents were asked the belief question after a washout period consisting of questions about their country's relations with neighbouring countries. Details on the survey texts used for the US, Australia and India surveys can be found in Supplementary Appendices B, C, D, G and I respectively.

policy – which itself differs across countries – to violate international law in the cases 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.

5 Results

A USA

In the US 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.[63] 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 nine percentage points less likely to say that the USA should limit the entry of refugees from certain countries ($p < 0.05$). The effect size suggests that the law cue has a limited, but statistically significant, effect on individuals. This difference dropped slightly to about four percentage points for respondents exposed to the additional presidential cue (Hypothesis 3), 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.

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: ($p > 0.05$). 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 US experiment found that international law cues had a small, but statistically significant, persuasive effect on reducing support for nationality-based refugee restrictions. We found that 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.[64] This was not originally proposed as a testable

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[63] All p-values and test statistics presented correspond to conventional asymptotic two-sided z-tests that the treatment effect differs from zero. Consult Supplementary Appendices A–E for more information regarding the post-stratification estimator used in the US experiment, which adjusts for potential prognostic covariates.

[64] 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 pre-registered.
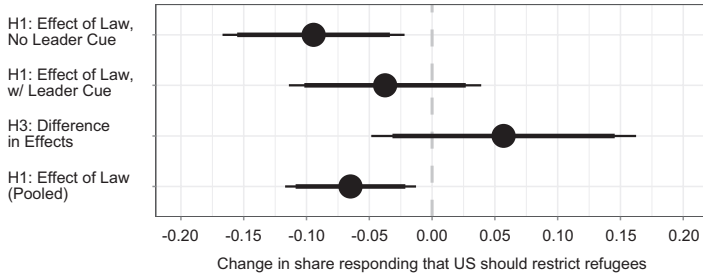
Figure 1: *USA: Effects of law treatment on support for refugee restrictions.*
Note: N = 1,020. Thick lines denote 90% confidence intervals; thin lines denote 95% confidence intervals.
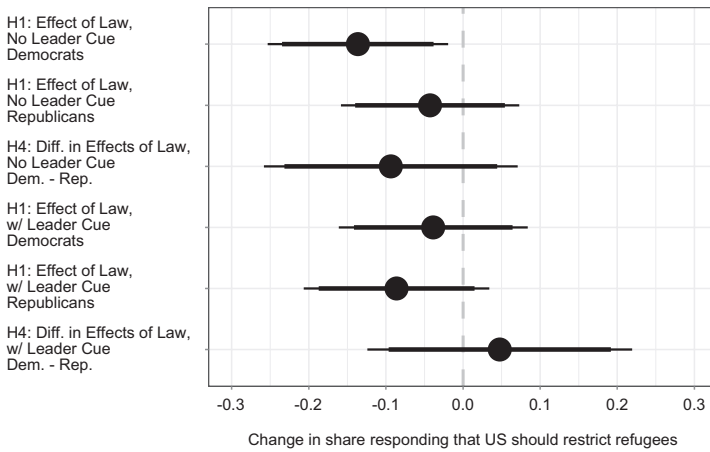

Figure 2: *Effects of law treatment on support for refugee restrictions: US experiment, by party.*
Note: Democrats: N = 395; Republicans: N = 302. Thick lines denote 90% confidence intervals; thin lines denote 95% confidence intervals.
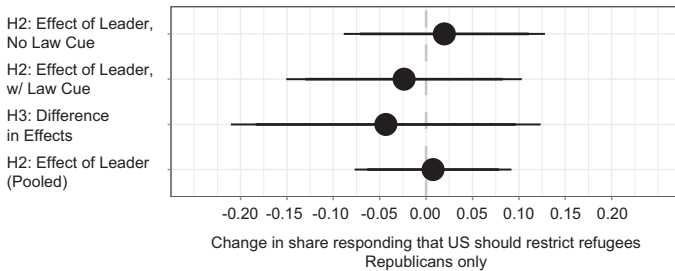

Figure 3: *Effects of leader treatment on support for refugee restrictions: US experiment, republicans.*
Note: Republicans: N = 302. Thick lines denote 90% confidence intervals; thin lines denote 95% confidence intervals.

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 the 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 4). In other words, co-partisans in the sample appear to treat the president's endorsement as evidence of legality itself. A leader can influence public perceptions of the legality of a salient policy, irrespective of his/her ability to influence public perceptions of the legitimacy of a salient policy. 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 wilfully (mis)interpreting the leader of one's party as 'law-abiding'.[65]

B 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 US experiment, the effect of law is slightly stronger among Democrats sampled than Republicans, although this difference is not statistically significant.[66] In Australia, however, there are notable 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 two to three 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. The difference between these two subgroup effects is statistically significant at the 0.1 level (p = 0.053).

In Australia, the leadership cue does seem to influence the attitudes of supporters of the centre-right Coalition, who were on average about six 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; see Figure 7). However, this estimate is only marginally significant at p < 0.1 and is at best weak evidence in favour of any partisan cuing effects. Unlike the USA, leader treatment had no effect on beliefs about policy legality, even among co-partisans. Overall, the

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[65]   Taber and Lodge, 'Motivated Skepticism in the Evaluation of Political Beliefs', 50 *AJPS* (2015) 755.

[66]   Though the existence of such a difference would be consistent with other work on the heterogeneous impact of international law cues by party.
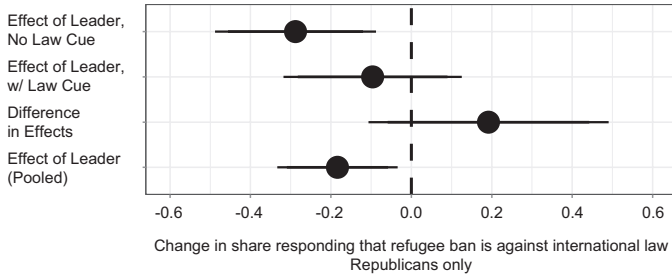
Figure 4: *Effects of law treatment on the belief that refugee restrictions are illegal. Republicans only.*
Note: N = 144 Thick lines denote 90% confidence intervals. Thin lines denote 95% confidence intervals. Since these coefficients were not explicit hypotheses prior to fielding the surveys, they are not labelled as such.
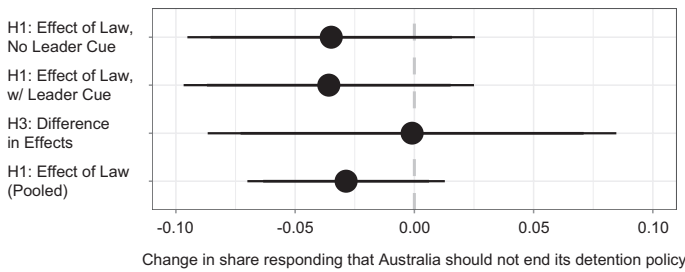

Figure 5: *Effects of law treatment on support for Australia's detention policy.*
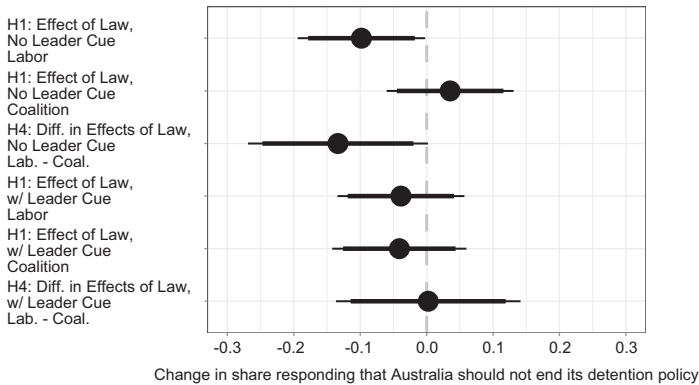*Note: N = 2017. Thick lines denote 90% confidence intervals; thin lines denote 95% confidence intervals.*

Figure 6: *Effects of law treatment on support for Australia's detention policy by party.*
Note: Labor N = 795; Coalition N = 716. Thick lines denote 90% confidence intervals; thin lines denote 95% confidence intervals.

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 centre-right Coalition largely unaffected (Hypothesis 4). There is no statistically significant moderating effect of leadership cues.
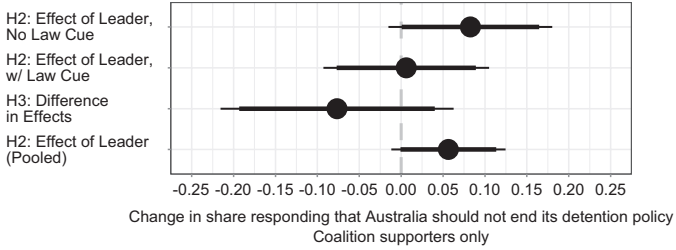
Figure 7: *Effects of leader treatment on support for Australia's detention policy: Coalition. Note: Coalition N = 716. Thick lines denote 90% confidence intervals; thin lines denote 95% confidence intervals.*

C 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 USA or Australia. In the online sample of 1,469 Indian nationals, 75 per cent of all respondents and 83 per cent 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 per cent of all respondents stated that the government should definitely or probably not end its offshore detention policy, rising to 61 per cent among Coalition supporters. In the US sample, 50 per cent favoured refugee restrictions (83 per cent among Republican respondents).

Despite much greater support for restricting refugees overall, India provided additional evidence in favour of the international law hypothesis. On average, respondents exposed to the international law cue were about five percentage points less likely to support the deportation of Rohingya refugees than those exposed to no cues, which supports Hypothesis 1, though the evidence for an effect is weaker than both the US and Australia samples ($p < 0.1$) (Figure 8). This result again suggests that the law cue can have a limited, but statistically significant, effect on public opinion in India. In contrast to results from Australia, however, the effect appears to be driven by supporters of the prime minister's ruling BJP party rather than by opposition party supporters. Figure 9 plots the estimated treatment effects for the BJP and Indian National Congress (INC) subgroups. On average, BJP supporters were about seven percentage points ($p < 0.1$) 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 USA 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 US sample, there was no effect of either treatment on the follow-up question regarding belief in legality.[67]

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[67] This may be partially due to respondents misunderstanding 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 ($p < 0.001$). This is quite surprising given that one would not expect supporters of a policy to be more likely to state that it is illegal compared to its opponents.
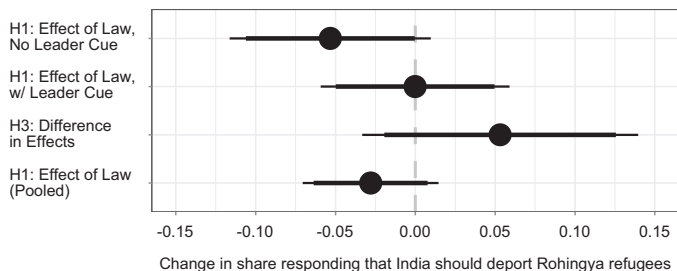
Figure 8: *Effects of law treatment on support for deportation of Rohingya.*
Note: N = 1,469. Thick lines denote 90% confidence intervals; thin lines denote 95% confidence intervals.
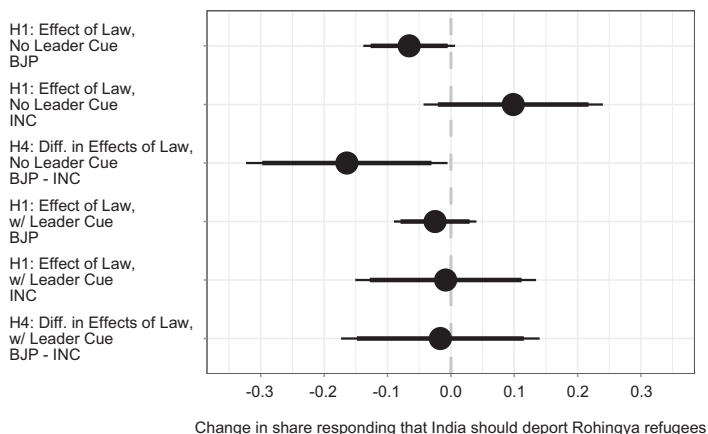

Change in share responding that India should deport Rohingya refugees

Figure 9: *Effects of law treatment on support for deportation of Rohingya: BJP and INC supporters.*
Note: BJP: N = 890; INC: N = 320. Thick lines denote 90% confidence intervals; thin lines denote 95% confidence intervals.

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, albeit to a limited degree. Combined, the Australia and India results suggest that findings from the US 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 clarify US results 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. Considering results from all three countries together, it appears that a leader can influence public belief in the state of law only in limited circumstances. Only respondents in the USA, the most highly politically polarized country among our three case studies, were susceptible to the leader

cue. Given that highly politicized settings are more likely to elicit emotional responses to political salient issues, it appears that our results are in accordance with the afore-mentioned psychological literature, which suggests that people are more susceptible to universal psychological biases when cues stimulate emotional responses. In sum, leaders are better able to take advantage of confirmation and motivational bias to shape the public's belief about legality in politically charged settings.

6 Discussion and Conclusions

Three of the world's largest democracies have faced intense political pressure re-cently 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 to never 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 de-tectable ability to shape public opposition to policies that contravene international law. Law treatment effects were on average largest in the USA, moving opposition to restrictions by nine 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 five 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 has 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 signifi-cantly 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 USA, restrictions were advocated 'to protect the citizens of the USA from terrorist attacks'; in Australia, they were said to be neces-sary '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'. While theories of elite messaging predict that these cues would 'undo' law's constraining influence on public opinion, amaz-ingly the leader cues did not.

Third, the study looks beyond how international law shapes public support for sa-lient policies and examines public belief in the legality of salient policies. That is, the study differentiates between how a leader can shape the public's view of the legitimacy of a refugee policy (that is, should the USA implement this policy) and the public's

view of the legality of a refugee policy (that is, is it illegal for the USA to implement this policy). In doing so, the study finds troubling evidence of a potentially serious form of confirmation and motivational biases. In the USA (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 had advocated refugee entry restrictions, Republicans were much more likely to answer that they believed the policy to be legal, even when told specifically that it was not. This is in line with other studies suggesting elite cues tend to dominate policy relevant information.[68] 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. Given that this troubling result is only found in the USA, not in Australia or India, it seems that the findings may be limited to highly politically polarized settings such as the USA. The circumstances in which the public becomes more susceptible to psychological biases to the point where leaders are able to persuade the public of the state of law may be limited. The diverging findings among the three countries suggest the potential for an especially serious form of confirmation and motivational biases only under conditions of highly polarized politics. Future studies could explore the conditions in which leaders are able to leverage universal psychological biases to affect public perceptions of legality.

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.[69] 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, have likely already been heavily exposed to their leader's messages on refugee policy. The study's treatment effects, therefore, may not be independent effects from the treatment itself. Nonetheless, designing a study to test salient issues, where pre-existing beliefs may have made up respondents' minds, created a hard test to explore the effects of the international law cue and the leader cue. The fact that this study found significant effects, despite respondents' potential pre-existing beliefs, adds confidence in our results. Meanwhile, designing an experiment with a hypothetical case where pre-existing beliefs could not have played a role would have reduced the substantive significance of the study and may have undermined the internal validity of the experiment by requiring a greater suspension of disbelief.

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.[70] This study's survey experiments were conducted under the sponsorship of Harvard

[68] Druckman, Peterson and Slothuus, *supra* note 11; Brulle, Carmichael and Jenkins, *supra* note 11.
[69] Slothuus, 'Assessing the Influence of Political Parties on Public Opinion: The Challenge from Pretreatment Effects', 33 *Political Communication* (2016) 302.
[70] Berinsky, 'Rumors and Health Care Reform: Experiments in Political Misinformation', 47 *British Journal of Political Science* (2017) 241.

University, which may have affected some respondents' willingness to believe provided information.[71]

Third, as with all experimental studies, there is a question of external validity. How much can one infer about real life conditions from experimental studies? It is unclear whether this study's results hold up in real life conditions in which the public is bombarded with other information. However, the study was careful in its design to mimic real life through careful wording of the survey text to describe salient issues in an accurate manner. As such, it is the authors' contention that many of the effects will survive outside the survey context. At the very least, the study provides a first-cut measure of the impact of international law and leaders on public perceptions of refugee policy. We are also cognizant of slight differences in the structure of how the questions are worded that may affect comparability due to differences in respondents' default tendencies. When faced with uncertainty, individuals will tend to prefer, all else being equal, maintaining a present policy versus enacting a change – a 'status quo bias'.[72] In the US and India vignettes, respondents were presented with potential policy changes, while in the case of Australia, respondents considered ending a policy that was currently in force. While this would affect the overall magnitude of support elicited in the vignettes, it is not clear that such a status quo bias would affect respondents differently across treatment conditions. Therefore, we are not particularly concerned that differences in policy baselines have influenced the treatment effect estimates.

Finally, the hypotheses concerning respondents' beliefs about legality were not explicitly pre-registered, and the sample sizes for these subgroup analyses are much smaller than the sample sizes for the main, pre-registered analyses of respondents' policy attitudes. Given the unexpected findings regarding the US 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. But, disturbingly, they may be able to change those beliefs themselves in some situations.

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[71]   Existing work suggests that there is little effect of university sponsorship on respondent behaviour. See Leeper and Thorson, 'Should We Worry about Sponsorship-Induced Bias in Online Political Science Surveys?', *Journal of Experimental Political Science* (2019), available at https://s3.us-east-2.amazonaws.com/tjl-sharing/assets/JournalOfExperimentalPoliticalScience2018.pdf. However, this remains an under-studied question.

[72]   Samuelson, William and Zeckhauser, 'Status Quo Bias in Decision Making', 1 *Journal of Risk and Uncertainty* (1988) 7.