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Judicialization and Public Support for Compliance with International Commitments

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What effect does judicializing international commitments have on incentives to comply with international law? We study this question using experiments embedded in a survey of the American public. We find that non-compliance signals from an international court work precisely as theories of non-compliance anticipate, raising perceptions of legal obligation and support for returning to compliance relative to non-compliance signals from foreign state parties (i.e., the "victims" in a given dispute). At the same time, we find that signals from courts are no more (and no less) effective in generating public support for returning to compliance than identical non-compliance signals sent by international organizations or domestic political elites. These results suggest that courts are not uniquely positioned to shape the politics of compliance and that the often-rancorous debates over institutional design may be just as much about conflicts over institutional control as they are about conflicts over institutional forms or labels.

¿Qué efecto tiene la judicialización de los compromisos internacionales sobre los incentivos existentes para cumplir con el derecho internacional? Estudiamos esta cuestión utilizando experimentos integrados en una encuesta llevada a cabo con el público estadounidense. Concluimos que las señales de incumplimiento por parte de un tribunal internacional funcionan precisamente en la forma que anticipan las teorías del incumplimiento, lo que aumenta tanto las percepciones de obligación legal como el apoyo para el retorno al cumplimiento en relación con las señales de incumplimiento relativas a agentes de Estados extranjeros (es decir, las ≪víctimas≫ en una disputa determinada). Al mismo tiempo, encontramos que las señales que envían los tribunales no son más (ni menos) efectivas para generar un apoyo público para el retorno al cumplimiento que aquellas señales de incumplimiento idénticas que son enviadas por organizaciones internacionales o por élites políticas nacionales. Estos resultados sugieren que los tribunales no están en una posición única para dar forma a la política de cumplimiento y que los debates, a menudo dominados por rencores existentes, sobre el diseño institucional pueden ser tanto conflictos sobre el control institucional como conflictos sobre formas o etiquetas institucionales.

Quels sont les effets de la judicialisation des engagements internationaux sur la motivation à respecter le droit international ? Nous étudions cette question à l'aide d'expériences intégrées dans un sondage auprès de la population américaine. Nous observons que les signes de non-conformité donnés par un tribunal international fonctionnent exactement comme l'anticipaient les théories de non-conformité, en faisant naître des perceptions d'obligation juridique et un soutien du retour à la conformité par rapport aux signaux de non-conformité des partis étatiques étrangers (c.-à-d., les ≪ victimes ≫ d'un litige donné). Dans le même temps, nous observons que les signaux des tribunaux ne sont pas plus (et pas moins) efficaces quand il s'agit de générer un soutien populaire au retour à la conformité que des signaux identiques de non-conformité envoyés par les organisations internationales ou les élites politiques nationales. Ces résultats indiquent que les tribunaux n'occupent pas une position unique pour façonner la politique de conformité, et que les débats souvent chargés de rancœur quant à la conception des institutions se résumeraient tout autant à des conflits concernant le contrôle institutionnel qu'au sujet des formes ou étiquettes institutionnelles.

Introduction

What effect does judicializing international commitments have on incentives to comply with international law? Are signals of non-compliance from international courts (ICs) stronger than signals from other actors? States and scholars suggest that delegating international dispute settlements to courts makes rule violations clearer and raises costs of continued non-compliance. However, the mechanism is rarely described and often assumed. In this article, we test one potential pathway of IC influence, asking whether domestic publics react differently to decisions of ICs than to statements by other relevant actors.

Narratives about ICs assume that decisions from courts can constrain states above and beyond their substantive commitments to these regimes. The introduction of courts is often seen as a progressive development that strengthens regimes by enhancing the credibility of commitments

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(Helfer and Slaughter 2005, 931–5), clarifying rules (Chayes and Chayes 1993, 1998), and restraining domestic actors (Moravcsik 2000; Huneeus 2016; von Bogdandy and Urueña 2020). This is the story told of the shift to compulsory jurisdiction in the European Court of Human Rights (ECtHR) or the introduction of an Inter-American Court of Human Rights (IACtHR), an International Tribunal for the Law of the Sea, a permanent World Trade Organization (WTO) Appellate Body (AB), and potential permanent multilateral investment courts. On the flipside, the decreased flexibility and increased costs of non-compliance resulting from judicialization are proffered as explanations for "backlashes" (Pauwelyn and Hamilton 2018) against the International Criminal Court (ICC), the Southern African Development Community Tribunal (Alter, Gathii, and Helfer 2016), the advisory opinions of the IACtHR (Contesse 2018), decisions of the ECtHR on felon disenfranchisement (Land 2018), and the WTO AB on "remedies." In either telling, when a "court" speaks, states' freedom of action is curtailed.

This assumption is also evident in initial negotiations, in which the introduction of courts or the expansion of their jurisdiction is hard-fought and the choices between labels—expert bodies, tribunals, or courts, members, arbitrators, and judges—can be contentious. It is suggested by the shadow politics involved in avoiding adjudication before existing courts, wherein states work hard to avoid potential court censure (Alter, Hafner-Burton, and Helfer 2019). For proponents of international adjudication, the goal is to explain why the costs of negotiation and to sovereignty are worth it. For its opponents, the goal is to explain why they are too great.

But why would the introduction of "courts" matter, particularly in contrast to other methods of dispute resolution? One possibility is that within the community of international law practitioners, the terms court and judge exert special compliance pull (Franck 1988). But another argument is that labels like "court" and "judge" have special resonance among domestic audiences. When courts and judges speak, the argument goes, they send a clearer, more authoritative signal of compliance or non-compliance than other actors can. Whether individuals care about following international law or fear consequences of violation, they are more likely to react to a court decision than another signal of non-compliance. Those concerns, in turn, form a backdrop against which state leaders and governments make their decisions. In equilibrium, concern about ex post domestic political costs of violating reduces temptations to violate ex ante. Because judicialization makes the threat of punishment more credible, the argument goes, non-compliance is constrained and, in the event of a violation, pro-compliance coalitions can more easily mobilize and call for the state to change behavior.

Such assumptions seem natural given the role of courts in domestic society, but whether they hold true for international law is not obvious. Some studies suggest that it is the perceived expertise of international actors that drives public support (Linos 2011). Others suggest that the public's view of an IC like the Court of Justice of the European Union may be most closely tied to its view of the organization in which it is embedded (Voeten 2013; Pollack 2018). In addition, a growing survey experimental literature on international commitments shows that, across issues and contexts, the public is quite averse to non-compliance, regardless of who sounds the violation alarm (Wallace 2013; Kreps and Wallace 2016; Morse and Pratt 2022; Tomz and Weeks 2021; Powers Forthcoming). Other work suggesting that domestic audiences weight their policy preferences more heavily than concerns for honoring commitments (Chaudoin 2014; Madsen et al. 2022) similarly casts doubt on whether the source of the non-compliance signal really matters.

Whether domestic audiences react differently to non-compliance signals from ICs than from other actors is thus an assumption that requires testing. In this paper, we do just that, studying the effect on the public of judicializing non-compliance signals using survey experiments. Survey experiments allow us to directly test for variation in the effect of non-compliance signals from different international and domestic actors, all else equal. Here, this allows us to learn about how domestic audiences evaluate signals from ICs relative to signals from other actors able to signal non-compliance: international organizations (IOs), domestic courts, domestic political leaders, and other states. Clean tests of these counterfactuals are almost never possible in the real world. Our experimental approach allows us to make significant progress on questions related to the distinction between international and domestic judicial power (Staton and Moore 2011), the relative power of domestic and ICs compared to other actors who might send non-compliance signals, and how the power of courts is mediated by the geopolitical considerations of both plaintiffs and defendants.

What we find is that, at least in the United States, compared to complaints from foreign state parties (i.e., the "victims" of the violation), a finding by an IC does, in some cases, influence public views, increasing the likelihood that individuals will believe the United States has violated a treaty obligation and should change its behavior. But we also find that an IC's finding is no more influential than that of an IO or a bipartisan group of domestic political leaders and may be less influential than a decision by a US court. In other words, a signal of non-compliance with international law by a seemingly disinterested third party can be effective in shifting public views, but the form and identity of that third party do not seem to matter. At least as a signal to the public, courts and judges add little that IOs or domestic political elites (DPE) do not already provide.

Our results thus suggest that non-compliance signals from ICs are not uniquely persuasive in the eyes of domestic audiences; ICs may be sufficient but not entirely necessary to rally public support for compliance or to remedy a violation. From this perspective, the often-rancorous political fights over judicialization in international negotiations may be hiding the ball. Concerns about *institutional form* may simply be thinly veneered concerns about *institutional control*. If ICs, IOs, and DPE can all persuade the public to oppose a government action, the question for political leaders wishing to maximize their policy freedom will be which signals they can control. And leaders—especially those in powerful states—may believe that they are better able to shape the timing and form of signals from non-judicialized actors than judicialized ones.

Such concerns, however, are likely misplaced. Levels of delegated of authority can and do vary substantially within as well as across institutional forms, and a range of choices can be made about which actors may initiate disputes, under what conditions, and who is ultimately empowered to interpret legal obligations. While some ICs may be more independent and difficult to control, others may limit access and constrain jurisdiction before dependent arbitrators. On the flipside, non-court international actors may be more subject to political control or, like committees of experts or special rapporteurs, may be more independent. In fact, the latter may have fewer constraints in "speaking the law" than a

court delimited in its jurisdiction by a treaty. Finding that all of these actors, including courts, can be equally effective with domestic audiences should focus attention more on these features. Policymakers, less worried about particular labels or forms, might focus more on the features each regime might functionally need from dispute settlement, whether independent decision-makers, stakeholder access, expertise, prescribed processes, or something else. Future work on these questions may productively examine how variation in these institutional features might condition audience reactions to non-compliance signals.

Assuming the Role of Courts

Why Add ICs?

Scholars have posited various reasons why states might want to delegate decision-making to ICs. Karen Alter groups these reasons into managerialist and rationalist logics (Alter 2003). Managerialist logics suggest that courts can help states maintain their commitments by providing a neutral forum in which disagreements can be aired, expectations clarified, and rules developed (Chayes and Chayes 1993, 1998). The assumption behind these logics is that states generally want to comply. To the extent that is the case though, the form of the forum is less important than the functions it plays. If the authority of a "court" or "judges" is necessary, it suggests that managerialist assumptions have frayed and that states need some additional incentive to comply with a particular interpretation of the rules. The logic in these cases thus switches from managerialist to rationalist.

Rationalist logics tend to focus on how delegation can help facilitate agreements by insulating relationships from incentives that might undermine cooperation or compliance. The dominant logic here is of credible commitments (Alter 2003, 59–60; Helfer and Slaughter 2005, 931–6). Delegating disputes allows states to raise the cost of violations, decreasing the chances of non-compliance, raising the value of an agreement, and lowering the costs of negotiation. Agreements are easier to negotiate when parties have reasons to trust each other's intent to comply and easier to maintain when they have some guarantee against opportunistic non-compliance.

What is less clear is how or why delegating to courts, specifically, signals these more credible commitments. Delegating dispute settlement to independent decision-makers might insulate an international agreement from shifting domestic politics (Moravcsik 2000) or limit the ability of stronger states to leverage their power to excuse violations or influence interpretations in their favor. Delegating dispute settlement might also make violations more difficult to hide by providing a forum for raising and hearing complaints more easily monitored than state practice more generally. Cases before ICs act as "alarm bells" of potential non-compliance. But neither independence nor access is a necessary component of ICs nor exclusive to ICs. The level of political control over international judges is best viewed on a spectrum, with states exerting influence in a range of blunt or subtle ways. Experts appointed to UN treaty bodies, UN special rapporteurs, and members of regional human rights commissions may in practice be more independent of state authority (Farer 1997; Ulfstein 2018). Similarly, courts may have compulsory jurisdiction or require consent and may offer broad access to varied complainants or restrict access to state parties. Importantly, other non-court forms of dispute settlement reflect an equal range of access options and may perform alarm bell functions equally well.

Other theories suggest that delegating disputes to ICs increase the costs of non-compliance by activating naming and shaming or legitimating countermeasures (Hillebrecht 2012; Shikhelman 2019). As Finnemore and Hollis explain, "Public exposure or revelation of the bad behaviour ('naming') seeks to impose reputational damage and/or moral discomfort ('shaming') on the bad actor, thereby inducing a change in that behaviour" (Finnemore and Hollis 2020, 978). These theories suggest that ICs are particularly well suited to play these roles (Shikhelman 2019). But these theories also thus highlight unspoken, unexplored assumptions underlying all of these credible commitment theories, namely, that decisions of courts exert more pressure to comply and are harder to ignore. The assumption is that someone—whether state actors themselves, key advocacy constituencies, or the public at large—is more swayed by an IC's decision than by some other international actor's statements.[1]

Are ICs Legitimate?

These same assumptions drive a different literature focused on the legitimacy of ICs. Whereas the delegation literature assumes without testing that delegating to ICs represents a more credible commitment—a tighter rope to bind state hands—the legitimacy literature assumes that public support is a key element driving IC effectiveness. As Dothan writes, "If a court is considered legitimate, the public will demand compliance with its judgments and criticize a state if it fails to comply" (Dothan 2012, 458).

While some of this literature studies normative legitimacy (Grossman 2013), much focuses on sociological legitimacy and explores when and why various actors, including the public, will perceive either particular court decisions or decisions of a court generally as legitimate. Here, legitimacy is treated as a predictor of or proxy for support. Drawing on studies of domestic courts (Gibson, Caldeira, and Baird 1998; Vanberg 2005), this work assumes that public support for the court or its decisions will make it difficult for state actors to ignore or oppose them, creating pressure in favor of compliance (Krehbiel 2020). Courts will use a variety of means to maintain their perceived legitimacy, highlighting their legal pedigree, emphasizing fair procedures, and broadcasting the justice of their decisions (Dothan 2012). Many of these features have become associated with courts generally, providing them an initial well of legitimacy capital (Shany 2012, 2018). Shany suggests that this perception will at least initially carry over to ICs as well (Shany 2018, 357–8). It should be no surprise that ICs take on many of the symbolic trappings of domestic courts, from the architecture of courtrooms to robes (Shelton 2009, 540). The courts and their designers seem keenly attuned to the power of these symbols with their relevant audiences. For their part, states sometimes make significant efforts to reduce perceptions of the legitimacy of ICs by criticizing their decisions or raising concerns of bias (Dothan 2012). The most transparent and high profile of these efforts has been carried out by the United States against the ICC.[2]

[1] This could be because of the normative authority associated with terms themselves or assumptions about suite of functional features—independence, bindingness, and legality—associated with the terms.

[2] See Zvobgo (2019): even mild frames of the ICC having potential to "unfairly target US leaders and military personnel for political reasons" can reduce support for ICC membership among Americans.

Avoiding Courts

Much of the delegation literature focuses on delegation generally; ICs are but one form an institution can take, with the focus on the delegated function—monitoring, dispute settlement, rulemaking—rather than form. This should not be surprising. Many other types of institutions can perform the same functions as ICs. Independent experts and expert committees can monitor and call-out treaty violations; assemblies and commissions can resolve disputes or clarify rules.

And yet, "courts," whether simply a label or a description of a particular bundle of these roles, seem to present a special case. Reformers have held out special hope for ICs, which states have been notably slow to embrace. It took decades of negotiation to bring the Permanent Court of International Justice to fruition, and for many further decades, states proved uninterested in using it or the ICJ—their dockets remaining small. States rejected proposals to create a court to monitor the International Covenant on Civil and Political Rights (ICCPR). In Europe and the Americas, states were slow to recognize regional human rights courts' compulsory jurisdiction. More generally, until the end of the Cold War, the number of ICs remained tiny, even as other institutions, commissions, committees, and experts proliferated.

The US' campaign against the WTO AB is emblematic of states' perceptions of ICs and judges. As part of the negotiations that produced the WTO, members agreed to establish an AB that could review decisions by arbitral panels established to resolve disputes. While hailed by many as a success, the US complaints about AB decisions slowly built up. In 2017, the United States began blocking appointments to the AB as members' terms expired. By December 2019, there were too few members to hear appeals, and the AB was rendered unusable. A key US complaint was that the AB and other WTO members had wrongly treated the AB as a "court," a label echoed by scholars, politicians, and media. As the United States explained, "If WTO Members had intended to create a 'court,' they would have named it so. In this regard, it is notable that the Dispute Settlement Understanding refers to persons serving on the Appellate Body as 'persons,' not 'judges.'"[3]

Debates over the powers of UN human rights treaty bodies have taken similar form. As the Human Rights Committee established under the ICCPR considered the effect of its "views," states like the United States reminded the Committee that "[t]he travaux preparatoires show that the term 'Human Rights Committee' was chosen by the drafters of the Covenant over other potential designations, including 'Human Rights Tribunal.'"[4] "Indeed," the United States added, "the rationale for avoiding the term 'tribunal' was that such a term 'would be inappropriate for a body which was not of a juridical or arbitral character, nor confined to deliberative functions.'"[5] "Multiple States agreed that it was 'necessary to avoid the impression that the intention was to set up a judicial organ when in fact it was not the case.'"[6] The United Kingdom "emphasize[d] its position that the Committee is neither a court not[*sic*] a body with a quasi-judicial mandate."[7] In the views of such states, circumscribing judicialized terminology is meant to emphasize that Committee decisions are not binding—in contrast to those of regional human rights "courts"—and to blunt their potential force.

Domestic Audiences, Non-Compliance, and Judicial Influence

Both scholars and states thus seem to assume that ICs and judges can send more powerful signals of non-compliance than other actors, signals that might influence state behavior. One key pathway through which legal commitments might have these effects is by shifting the preferences of domestic audience members, either directly or through mobilization.

Scholars exploring the direct effects of violations on public attitudes often emphasize the material consequences of violations and anticipated punishments or the special "compliance pull" that legal commitments might generate for domestic audiences normatively sensitive to commitment violations. Work drawing on the logic of domestic audience costs (Fearon 1994) suggests that domestic audiences care about their state's reputation for credibility and punish leaders who damage that reputation by failing to make good on the state's international obligations (Tomz 2008; Chaudoin 2014; Powers Forthcoming). A growing stock of work shows that public concern for honoring international law, whether motivated by reputational concerns or otherwise, persists across a wide range of issue areas and contexts. For example, informing the public that the use of solitary confinement (Chilton 2014), torture (Wallace 2013), or drones outside a formal declaration of war (Krepps and Wallace 2016) violates international law reduces support for those tactics. Similar results are obtained regarding economic sanctions (Tomz 2008), climate cooperation (Tingley and Tomz 2020), trade agreements (Chaudoin 2014), and alliance commitments (Tomz and Weeks 2021). Some of this work suggests that responses to international law will be conditional on one's policy preferences (Wallace 2013; Chaudoin 2014; Madsen et al. 2022). None of these studies, however, focus on the role of courts relative to other actors.

Non-compliance signals may have important indirect effects even if the public is not regularly attentive to international law or the actions of courts. Indeed, scholars often anticipate that publics will learn of violations through mobilization campaigns of those most directly interested in returning to compliance—the legal community, activists, or directly affected parties (Moravcsik 2000; Simmons 2009). As Chilton and Linos (2021), 255) note, "it may be easier for political actors to convince the public that a policy is a bad idea if they can argue it violates international law." But whether the impact of these mobilization efforts is conditioned by the identity or form of the initial non-compliance signaler (e.g., IC vs. IO) is an open question.

Voeten (2013) shows that trust in ICs is correlated with trust in domestic legal institutions. This opens the door for not just null court effects, but backlash against ICs among those portions of the domestic audience who distrust both domestic and international legal institutions (Voeten 2020). Still, findings on this point are mixed, and it remains to be seen if backlash against courts is about courts, per se, or if it is simply a symptom of a general distaste for international obligations (see, e.g., Lupu and Wallace 2019). Much of the work studying whether publics are pulled toward com-

[3]Office of the US Trade Representative, Report on the Appellate Body of the WTO (February 2020) at 15 n.3.

[4]Comments of the United States on the Human Rights Committee's "Draft General Comment 33: The Obligations of States Parties Under the Optional Protocol to the International Covenant Civil and Political Rights" at 2.

[5]Ibid.

[6]Ibid.

[7]Comments of the United Kingdom on draft General Comment 33: "The Obligations of States Parties under the Optional Protocol to the International Covenant on Civil and Political Rights" at 3.

pliance or push back against it is simply silent whether the identity of actor signaling non-compliance matters.

Two exceptions are worth noting. First, Wallace (2013, 127) shows that informing the public that the use of torture is a violation of international law reduces support for torture. Notably, support for the use of torture is lower if respondents are informed that "[i]f U.S. officials used torture, then an international court could prosecute them for war crimes" than if they are informed that "[e]ven if U.S. officials used torture, no international court could prosecute them for war crimes." Importantly, however, this treatment mixes information about institutional form ("international court") with information about the potential costs of the violation ("prosecute them for war crimes"). To identify the effect of courts, we need treatments that vary the institutional form while holding the potential costs constant. Second, Krepps and Wallace (2016) make some progress on the role that different actors might play in shaping attitudes toward international law, showing that IOs are better able than human rights organizations to move the public even while relying on identical invocations of international law. In this case, however, courts do not make an appearance.

Finally, it is worth considering the perspective from which publics are asked to pass judgment on policies that may violate international law. In many of the experiments conducted to date, scenarios are implicitly *prospective* (e.g., Wallace 2013; but see Madsen et al. 2022). They ask about support for policies that the government might employ in the future while randomly varying information about international legal obligations. This is useful insofar as it reflects the question confronting practitioners as they make policy decisions in the shadow of international law (see also Press, Sagan, and Valentino 2013 in context of military operations). These experiments do not, however, accurately reflect how members of the public respond to information from ICs, organizations, or even domestic political actors that their state violated international law in the past and must now change policy to return to compliance. Indeed, the public may be willing to endorse very extreme government actions after they have taken place, even if they were unwilling to endorse them before the fact. Press, Sagan, and Valentino (2013) show, for example, that support for the use of nuclear weapons in hypothetical scenarios doubles when respondents learn that they have already been used relative to cases in which they are asked about support prior to the event.

Past experimental work thus sheds light on the role of international law and individual predispositions on support for compliance but does not address whether courts have any special influence. Below, we outline a research design that allows us to speak directly to whether signals of non-compliance from ICs are any more salient or potent to domestic audiences than those of other actors who might plausibly send such signals. In doing so, we focus attention on the relevant counterfactuals, systematically varying the identity of the actor sending the non-compliance signal across two important international treaties (WTO and Vienna Convention on Consular Relation [VCCR]) and in reference to two counterparties (China and Canada).

Research Design

We use scenario-based survey experiments fielded on the US public to study how judicialization of commitments affects the domestic public's views of the law and the need for changes in state behavior.[8] As a key player in the international order, the US's compliance is of particular concern for international law's effectiveness. The United States is also a central player in international regime design and has exhibited hostility to ICs. Of course, whether publics in other countries, subject to different histories, cultures, and politics, would react similarly requires further research (e.g., Lupu and Wallace 2019).

We rely on data from the public for two reasons. First, public reactions to international law violations are of direct interest to those studying how voters in democracies affect the decisions of policymakers. Linos and Chilton (2021, 248) characterize "changing public opinion" as "a primary mechanism" in theories of the domestic politics of compliance. This is also emphasized by a number of other past studies of public reactions to international law violations (e.g., Voeten 2013; Lupu and Wallace 2019). And second, recent work suggests that, in many domains, the public and elites react similarly to experimental stimuli (Kertzer 2022).

Respondents begin our survey by answering a battery of demographic questions, which includes a set of questions designed to measure their trust in courts and perceptions of IO effectiveness. Each respondent then participates in two randomly ordered experiments. In the experiments, we provide respondents with information about an international treaty commitment made by the United States. They learn that the United States has been accused of violating that commitment, and they are asked if the United States (1) has a legal obligation to and (2) should, in fact, change policy in order to comply. In one experiment, they learn that the United States has failed to comply with its obligations under the VCCR, and in the other, they learn that the United States has failed to comply with its obligations under the WTO. The two different scenarios, involving different types of obligations under different treaties, allow us insight into whether the effects we recover are particular to a given treaty or issue.

We employ two manipulations in each experiment. First, we randomly vary the actor accusing the United States of non-compliance (IC, IO, domestic political leaders, or foreign leaders).[9] In the WTO experiment, there is an additional condition in which respondents learn about US non-compliance from a domestic court. Second, we vary the state that is the victim of the non-compliance (Canada or China), allowing us to observe how public responses to non-compliance vary based on the identity of the partner. We summarize these treatment combinations in Figure 1 and 2. We chose Canada and China because they vary on important geopolitical dimensions (regime type and alliance status) but are both important economic partners of the United States and members of both the VCCR and the WTO. We can therefore also study whether the effect of a non-compliance signal depends on whether the wronged party is a close ally or a potential adversary. Notably, we have no pure control condition. This is because the key question under study relates to whether courts are more effective at mobilizing support for compliance *relative to other actors who*

[8] University of Georgia's Institutional Review Board approved this research (ID: PROJECT00002496).

[9] Respondents are exposed only to the signal-giver's identity, unmediated by advocates who might normally attempt to frame or counter frame the content of the signal (Chong and Druckman 2013; Zvobgo 2019). This has the advantage of capturing the background against which framing and mobilization efforts take place (see Disch 2011).

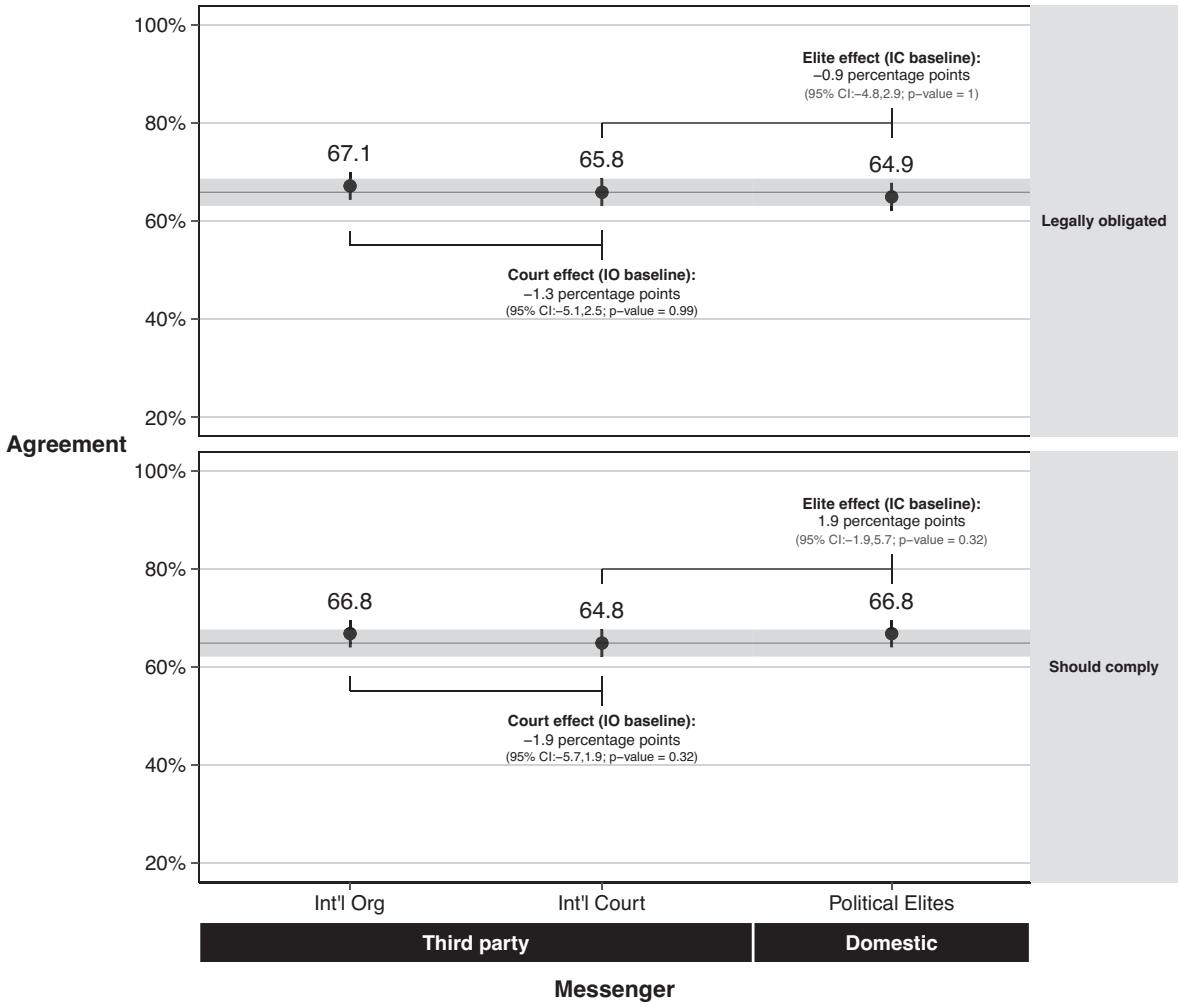

Figure 1. Judicializing multilateral signals does not increase perceptions of legal obligation or support for reversing policy. Solid circles represent percentage of respondents indicating agreement in each condition, and vertical bars are 95 percent CI.

generally send such signals.[10] As such, we focus attention on well-defined counterfactual signal senders drawn from the real world (e.g., domestic elites, domestic courts, IOs, and targeted states). These also provide important benchmarks against which to measure absolute levels of support for returning to compliance.

In the VCCR experiment, the United States is accused of failing to provide a foreign national with access to officials from their home country after being arrested and charged with a crime. We randomly set the target of the non-compliance and thus the nationality of the individual arrested to be either China/Chinese or Canada/Canadian. We then vary the identity of the actor sending the signal of non-compliance (see Table 1).[11]

Finally, we vary the crime of which the individual was convicted: murder, tax evasion, and espionage. We do so to ensure that whatever results we find are not driven by emotions that particular crimes might engender.

In the WTO experiment, respondents read information about trade policy commitments made by the US government and its trading partners. We then ask respondents to consider how they would feel after the United States was accused of violating its trade commitments. Respondents learn that the United States is accused of imposing trade restrictions against either China or Canada that a randomly assigned actor says are inconsistent with US commitments under the WTO (see Table 2).

While above we get an additional contrast with respect to the crime committed, here we get an additional contrast with respect to international vs. domestic judicialization. In particular, we are able to test for differences between the effect of a domestic court ("the Court of International Trade, an arm of the United States federal court system") and an IC ("World Trade Organization Dispute Settlement Body, an international court").[12] See the Online Appendix for the complete vignettes.

[10]Constructing a non-compliance signal without identifying a signaler would be difficult. We would risk violating information equivalence on the background conditions (Dafoe, Zhang, and Caughey 2018).

[11]The United States withdrew consent to ICJ jurisdiction over VCCR cases in 2005 after similar disputes. We do not believe that respondents here would know or were influenced by this.

[12]Strictly speaking, the WTO DSB is not a court but is typically described as a court in major news outlets.

Table 1. Treatment conditions for VCCR experiment

	Signal judicialized?	
Signal sender	*Judicialized*	*Not judicialized*
Third party	The International Court of Justice	The United Nations
Domestic	—	A bipartisan group of members of Congress
Foreign	—	China or Canada

Table 2. Treatment conditions for WTO experiment

	Signal judicialized?	
Signal sender	*Judicialized*	*Not judicialized*
Third party	The World Trade Organization, Dispute Settlement Body, an international court	The World Trade Organization
Domestic	The United States Court for International Trade, an arm of the United States Federal Court System	A bipartisan group of members of Congress
Foreign	—	China or Canada

Dependent Variables

We measure respondents' willingness to return to compliance by asking respondents whether they agree or disagree that the United States should hold a new trial (in the VCCR experiment) or the statement that the United States should remove the tariffs. To investigate whether the treatments affect perceptions of legal obligation, we also ask respondents whether they agree or disagree that the United States is legally obligated to hold a trial (VCCR) or to remove the tariffs (WTO). In both cases, respondents indicate their agreement using a five-point Likert-style response scale ranging from strongly agree to strongly disagree. By asking about these two separate outcomes, we are able to distinguish between the signaler's ability to shape views of the law and the signaler's ability to shape preferences over behavior.

Expectations

Our experiments are designed to test whether domestic audiences are more sensitive to non-compliance signals from ICs than to signals from other actors who might plausibly send them: the wronged parties, DPE, domestic courts, and other IOs. If that were the case, we would expect to see that the public feels a greater legal obligation to change policy and is, in fact, more willing to do so when receiving a non-compliance signal from an IC.

Results

We fielded our survey on a sample of about 3,000 members of the US public recruited by Lucid. The survey was in the field in late January and early February 2021. Lucid used recruitment quotas to ensure that the distribution of gender, region, and age in our sample is in line with those of the US census.[13]

Is There an IC Effect?

As we discuss above, if judicializing third-party signals for non-compliance increases their effectiveness, respondents in the *IC* treatment should be more likely to view the United States as legally obligated to change policy and more likely to agree that it should compared to respondents exposed to the *IO* treatment. Importantly, we do not have strong expectations about the baseline levels of either of these perceptions, so we benchmark our results against the *DPE* treatment, which past work suggests ought to be salient to domestic audiences (e.g., Grieco et al. 2011; Maliniak, Parajon, and Powers 2021).

We limit our initial attention to these three treatments because these are the treatments for which we have well-defined counterfactuals across both wronged countries (China and Canada) and in both versions of the experiment (WTO and VCCR). We estimate mean agreement and 95 percent confidence intervals for respondents assigned to each of these signal sender conditions averaging over two factors: the two versions of the experiment (VCCR and WTO) and the identity of the wronged country (China and Canada). To ease interpretation, we dichotomize our dependent variable such that those who expressed any level of agreement with the statements that the United States had a legal obligation to change policy or that the United States should change policy are assigned a value of 100 and all other responses a value of 0.[14] For our main tests, we estimate treatment effects using data from both experiments. In effect, we stack our data such that we have two observations per respondent (one for each experiment in which they participated). This has the benefit of increasing our statistical power, but limits our ability to speak to the presence of differential effects across experiments. As such, later in

[13]See the Online Appendix for demographic summary stats. We used pretreatment attention checks to screen for inattentive respondents as recommended by Coppock and McClellan (2019). Results are stable after restricting our analysis to even the most attentive respondents in our sample (see the Online Appendix).

[14]Those who indicated that they "strongly disagree," "disagree," "somewhat disagree," or "neither agree nor disagree" are assigned a value of 0, while those who indicated that they "somewhat agree," "agree," or "strongly agree" are assigned a value of 100.

the analysis, we disaggregate the data in various ways to study the stability of our results. In general, our results are stable across all of these analyses. We test for differences across conditions using ordinary least squares (OLS), regressing each measure of agreement on each of the treatment conditions and a battery of demographic controls, clustering our standard errors at the respondent level.[15] We use these models to estimate marginal mean levels of agreement for each treatment condition.

Figure 1 displays the results of our analysis. The top panel of Figure 1 plots the marginal levels of agreement that the United States has a legal obligation to change policy, while the bottom panel presents the same quantity for agreement that the United States should, in fact, do so for each of the following treatment conditions: *IO*, *IC*, and *DPE*. The dots in Figure 1 represent average agreement within each treatment condition, while the vertical bars represent 95 percent confidence intervals. The shaded region is the 95 percent confidence interval on the IC condition, while the annotations report estimated differences between the IC treatment and the other two conditions. The first two conditions—*IO* and *IC*—are the key contrasts needed to test for an IC effect, while the third condition—*DPE*—allows us to benchmark our results against messages from DPE.

In all three conditions, levels of perceived legal obligation and support for changing policy are relatively high; about two-thirds of the public agrees that the United States has a legal obligation to change policy and should, in fact, do so. This high level of support for compliance is both consistent with past experimental work on public reactions to non-compliance and with observational public opinion data in the United States and Europe. Notably, we see no statistically meaningful difference in agreement across the conditions for any of the dependent variables in question. The effect of judicializing a multilateral non-compliance signal in our experiments is not only statistically indistinguishable from zero, but also substantively small for both of our dependent variables.[16] With respect to legal obligation, 67.1 percent of respondents agreed in the *IO* condition, while 65.8 percent of respondents agreed in the *IC* condition, implying a court effect of −1.3 (95 percent CI: −5.1, 2.5; $p = 0.99$) percentage points. We see similar results with respect to agreement that the United States should change policy, with 66.8 percent of respondents agreeing in the IO condition and 64.8 percent of respondents in the IC condition agreeing. Here, the judicialization effect is −1.9 (95 percent CI: −5.7, 1.9; $p = 0.31$), also statistically insignificant. We see similarly modest effects when comparing respondents exposed to the *IC* treatment to those exposed to the *DPE* treatment; moving from the *IC* condition to the *DPE* reduces perceived legal obligation by 0.9 (95 percent CI: −4.8, 2.9, $p = 1$) percentage points for legal obligation and increases support for policy change by 1.9 (95 percent CI: −1.9, 5.7, $p = 0.32$) percentage points for mobilization.

Whatever the public learns about their state's legal obligations under international law by observing non-compliance signals from multilateral actors, it does not appear to be conditional on whether the multilateral messenger is identified as a "court" or not. Indeed, not only are perceptions of legal obligation no greater when the messenger is identified as a court, we see little evidence that non-compliance signals from ICs are more or less effective at mobilizing support for compliance than signals from IOs. This is important for two reasons.

First, as we discussed above, one potential mechanism through which court effects might manifest is by raising the expected costs of non-compliance. This might occur because audiences view courts as empowered to impose punishments or because they view threats of punishments from courts to be more credible. If such dynamics were at play, non-court messengers ought to be able to raise perceptions of legal obligation, but not necessarily mobilize support for returning to compliance. Court messengers, by contrast, ought to raise both perceptions of legal obligation and support for compliance. We do not observe this pattern of results, suggesting that the *IC* condition did not uniquely raise the expected costs of non-compliance for respondents.

Second, it is possible that domestic audiences might be convinced by these signals that the law had been violated and still prefer that their state follow its chosen policy. But these parallel results remind us that domestic audiences generally prefer to comply with their state's legal obligations. We do not explore the reasons for that here, but this taste for compliance is a common finding in the experimental international cooperation and compliance literature (Tomz 2008; Wallace 2013; Chaudoin 2014; Chilton 2014).

We take these initial results as evidence against the judicialization hypothesis: Signals from ICs do not appear to have any special status for the US domestic public when it comes to providing information about legal obligations or mobilizing public support for compliance. Importantly, we also see no difference in legal obligation or support for compliance between the third-party messenger conditions and domestic elites.

This null effect against the domestic political elite baseline may be either good news or bad news for theories premised on domestic audiences mobilizing in support of compliance in the wake of a non-compliance signal. If these results mean that ICs are *as effective* at generating support for compliance as DPE, that would suggest that multilateral actors have an important, potentially decisive, role to play in mobilizing public support for returning to compliance in the wake of defiance, as others have argued (Simmons 2009). While it may be rare for voters to witness a broad coalition of DPE calling out their own country for non-compliance (Kreps and Wallace 2016), wronged parties may still convince a court to do so. Thus, ICs may matter not in their unique ability to persuade, but because their existence raises the probability that a persuasive non-compliance signal gets sent at all. On the other hand, if these results hint at a public that has a generalized taste for compliance but does not possess the knowledge or savvy needed to screen non-compliance signals for quality, it may be that models of compliance based on signaling theory are just not that useful when it comes to understanding how mass publics, and perhaps other domestic audiences, respond to violations of international law. The results thus far do not allow us to distinguish between these two possibilities. Studying perceptions of legal obligation and support for policy change when the signal comes not from a multilateral actor or DPE but instead from the wronged country will help us distinguish between these two possibilities.

Does the Public Distinguish between Non-Compliance Signals at All?

To distinguish between a world in which the public is naïvely responsive to all non-compliance signals and one in which the public is more discerning, we must move away from

[15] Full results tables are in the Online Appendix. Results are similar if we use the original scale and if we include no control variables.

[16] Following the second experiment, respondents correctly recalled the targeted country at much higher rates than the signaler suggesting that the identity of the target is more salient to the public than the signal sender. See the Online Appendix for full discussion.

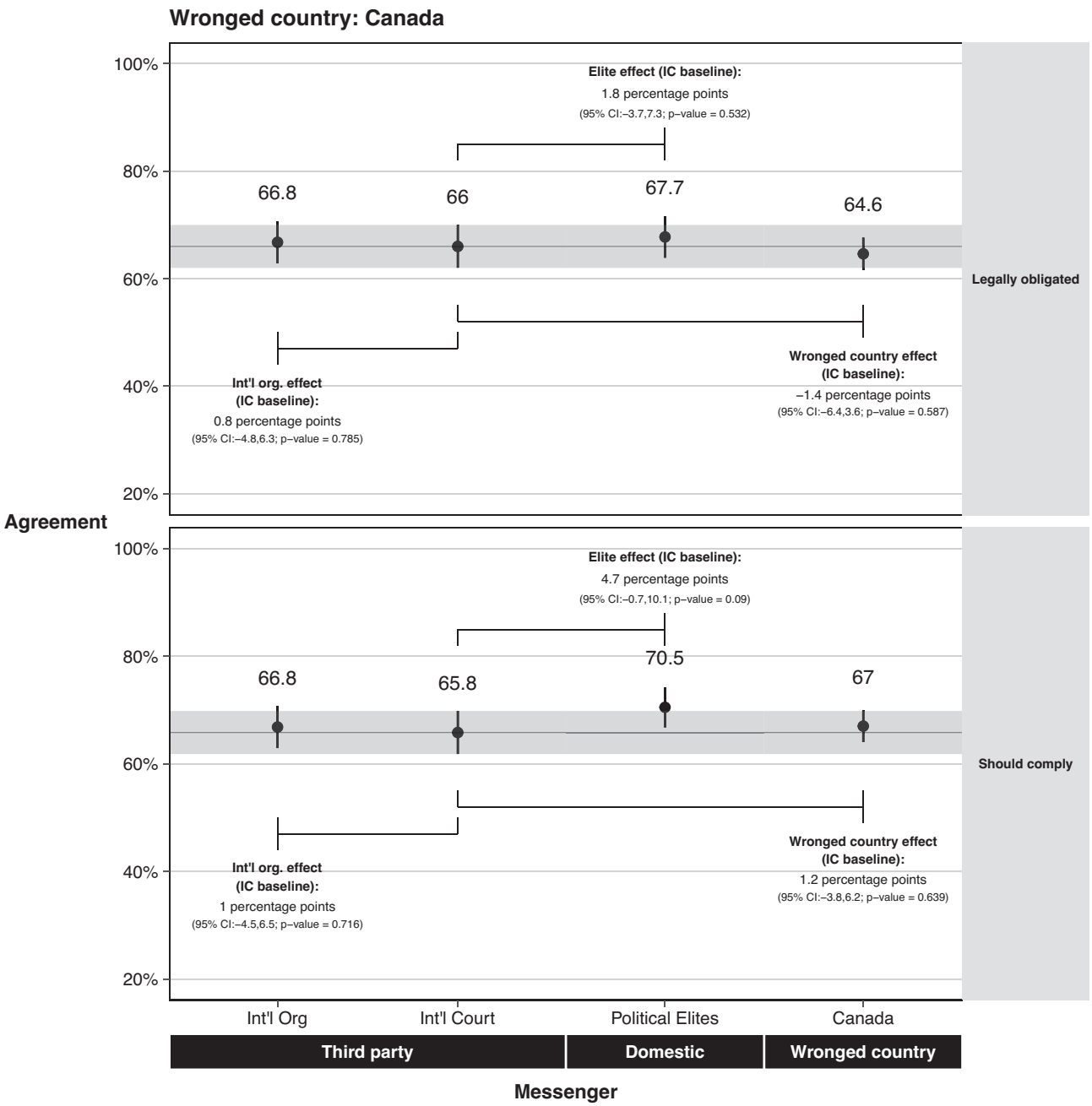

Figure 2. Non-compliance signals from wronged parties are just as effective as those from other actors when conflict of interest is narrow.

messengers whose interests are directly aligned with respondents (i.e., DPE) or plausibly disinterested in the situation (i.e., ICs and IOs). We do this by studying perceptions of obligation and support for compliance among those exposed to non-compliance messengers with a direct interest against the United States: the wronged party in the dispute.

In our experiment, some respondents were exposed to non-compliance messages from a wronged party with narrowly conflicting interests (dispute occurs in context of general geopolitical *alignment*), while others were exposed to a non-compliance message from a wronged party with broadly conflicting interests (dispute occurs in context of general geopolitical *competition*). We identified Canada as a country that respondents would likely view as an example of the former and China as an example of the latter.[17]

In our experiment, respondents only received a signal from China when the wronged country was identified as China and from Canada when the wronged country was identified as Canada. Our analysis is implemented as above, but we now sub-sample by the identity of the wronged country to generate estimates for the wronged country signals alongside estimates for the *IC*, *IO*, and *DPE* conditions. We present the results of these sub-sample analyses in Figure 2

[17] Chen, Pevehouse, and Powers (2023) show that the public is sensitive to the regime type and alliance status of cooperative partners. See the Online Appendix for more detailed discussion.

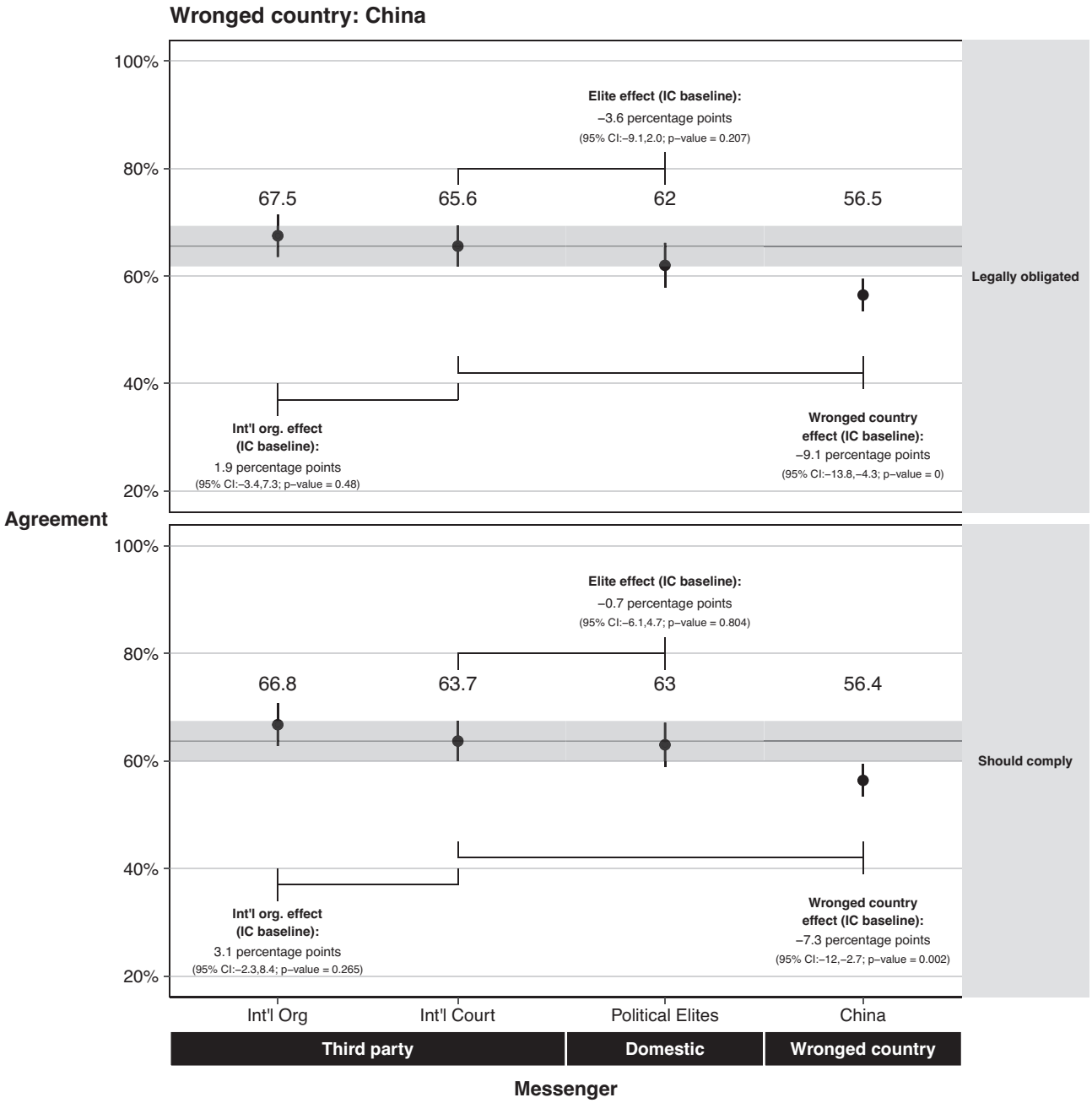

Figure 3. Non-compliance signals from wronged parties are less effective than those from other actors when conflict of interest is broad.

(when the wronged country is Canada) and Figure 3 (when the wronged country is China).

The left side of both figures shows that the identity of the target country has no statistically discernable effect on the magnitude of the *IC* effects we recover. When Canada is the wronged country, perceptions of legal obligation are 0.8 (95 percent CI: −4.8,6.3; $p = 0.785$) percentage points lower in the *IC* condition than in *the IO* condition. Similarly, support for policy change is 1 (95 percent CI: 4.5, 6.5; $p = 0.716$) percentage points lower in the *IC* condition than it is in the *IO* condition. Neither effect is substantively or statistically significant. Importantly, for the robustness of the null IC effects we reported above, we obtain similar results for both dependent variables when China is the wronged party as well. When China is the wronged country, moving from the *IO* condition to the *IC* condition reduces the average level of perceived legal obligation by 1.9 (95 percent CI: −3.4, 7.3; $p = 0.48$) percentage points and support for policy change by 3.1 (95 percent CI: −2.3, 8.4; $p = 0.265$). In sum, we find no evidence that the null effects reported above are biased by strong heterogeneity in the effect of courts across wronged countries. Whether the wronged country is a potential adversary with different political institutions, cultural practices, and ethnic origins, or a close ally with very similar political institutions, cultural practices, and ethnic origins, the public is no more convinced by a signal from an IC than one from an IO.

We see similarly modest results when moving from the *IC* condition to the *DPE* condition for Canada, increasing perceived legal obligation by just 1.8 (95 percent CI: −3.7,

7.3; $p = 0.532$) percentage points and support for policy change by 4.7 percentage points (95 percent CI: −0.7, 10.1; $p = 0.09$). Again, these effects are both substantively and statistically insignificant.

When the wronged country is China, moving from *IC* condition to the *DPE* condition reduces perceptions of legal obligation by −3.6 (95 percent CI: −9.1, 2; $p = 0.207$) percentage points. Similarly, support for policy change in the *DPE* condition is not statistically distinguishable from that of the *IC* condition, reducing support for policy change by just 1.1 (95 percent CI: −6.5, 4.3; $p = 0.69$) percentage points.

Thus far, we have seen that domestic audiences generally do not condition their perceptions of legal obligation or willingness to change policy on the identity of the signal sender. This trend continues when we examine the case of a non-compliance signal from a wronged country whose interests are generally aligned with those of the US. Estimates of perceived legal obligation and support for a return to compliance when exposed to a non-compliance signal from Canada are displayed in the rightmost panel of Figure 2. In this context, there is no difference in either legal obligation or support for policy change between the *IC* condition and the *Wronged Country* condition. As above, in both cases, about two-thirds of the public perceive the United States to be legally obligated to change policy and support doing so. The public appears ready to take Canada's word for it when it comes to non-compliance, suggesting that the public does not readily screen signals when there is a relatively narrow divergence of interests between the messenger and the receiver.

As is evident from the right side of Figure 3, the story changes when it comes to broader divergence in interests. Here, we see that when China signals non-compliance, perceptions of legal obligation are just about 9.1 (95 percent CI: −13.8, −4.3, $p < 0.000$) percentage points lower than when an otherwise identical signal is sent by an IC. Signals from the court not only increase perceptions of legal obligation, but also mobilize public support for returning to compliance. When China complains of non-compliance, support for returning to compliance is about 7.3 (95 percent −12, −2.7, $p = 0.002$) percentage points lower than in the case of an otherwise identical signal from an *IC*.[18]

Second, we find evidence that plausibly disinterested third parties—ICs and IOs alike—can increase perceptions of legal obligation and mobilize support for returning to compliance in precisely those conditions they are most needed: when trust between the two parties to the dispute is relatively low. When the wronged country is sounding the alarm, the US public appears willing to go along when they view the country as trustworthy (as with Canada) but is less willing to do so when they view the country as untrustworthy (as with China). As noted above, the gap in legal obligation and support for compliance across the China and Canada treatments, however, disappears when the signal of non-compliance is sent from plausibly disinterested third parties. Furthermore, as the estimates of legal obligation and support for policy change in the *DPE* condition demonstrate, these third-party actors may more effectively mobilize support for returning to compliance than DPE.

Taken together, these results show that the public is, in fact, willing and able to screen non-compliance messages based on the identity of the sender and does so in precisely the ways hoped by cooperation theorists. When relations are characterized by a significant lack of trust, non-compliance signals from the wronged party are met with more skepticism by domestic audiences in the violating country. In contrast, messages from plausibly disinterested third parties increase perceptions of legal obligation and support for compliance to levels observed when a close ally and trade partner makes similar complaints of non-compliance.

Is There a Domestic Court Effect?

A final feature of our experiments provides some insight into why we do not observe an IC effect. One possibility is that courts, international or otherwise, are not viewed as uniquely able to sound the alarm on non-compliance. Another is that the public simply views domestic and ICs differently, taking special heed from domestic courts, but treating ICs as just another broadly credible signal. To shed light on this question, we included a *Domestic Court* condition in our WTO experiment. We present those results in Figure 4. Here, we average over the wronged country, comparing perceptions of legal obligation and support for returning to compliance in the Domestic Court condition to that IC and DPE.

The results show evidence of a small domestic court effect, at least when it comes to legal obligation. Perceptions of legal obligation in the *Domestic Court* condition are about 6.8 (95 percent CI: 0.9, 12.7; $p = 0.023$) percentage points higher than those in the *DPE* condition. The effect of the *Domestic Court* condition was smaller regarding support for returning to compliance, increasing support for returning to compliance by a statistically insignificant 4.3 (95 percent CI: −1.6, 10.1, $p = 0.154$) percentage points. Still, relative to the IC, the domestic court does appear to increase support for returning to compliance. Sub-sampling by target country yields inconclusive results. We take these results as suggestive evidence that court labels may shape perceptions of legal obligation and mobilize political support for changing policy somewhat. Given that ICs do not have the same impact, the "court" label by itself may not be responsible for this effect. Something else about the perception of domestic courts seems to be at play, though we cannot say whether it is a difference in perception of the legal authority of the bodies or something related to the role of domestic courts within domestic constitutional structure and rule of law.

Robustness of Our Null IC Effects

Our null effects are worth some additional discussion. Above, we demonstrated that the null IC effects in our main analysis were not biased by heterogeneous effects across wronged countries. The estimated level of perceived legal obligation and support for changing policy in both the *IC* and *IO* conditions was similar whether the wronged country was identified as China or Canada. The same is true if we sub-sample by scenario context, as can be seen in Figure 5. While perceptions of legal obligation and support for returning to compliance differed across the WTO and VCCR versions scenarios, the estimated magnitude of the IC effect did not.

We can additionally probe our null effects by disaggregating them based on relevant features of the respondents themselves, checking that the pattern of results is consistent with null IC effects. One reasonable expectation is that one's trust in courts generally might condition responses to signals from ICs relative to other actors (Voeten 2013). We construct a "trust in courts" measure by asking several questions related to the confidence that individuals have in

[18]These results are consistent with other work suggesting that the US public has a relatively strong taste for compliance with international law. See Tomz (2008), Wallace (2013), Chilton (2014), and Kreps and Wallace (2016).

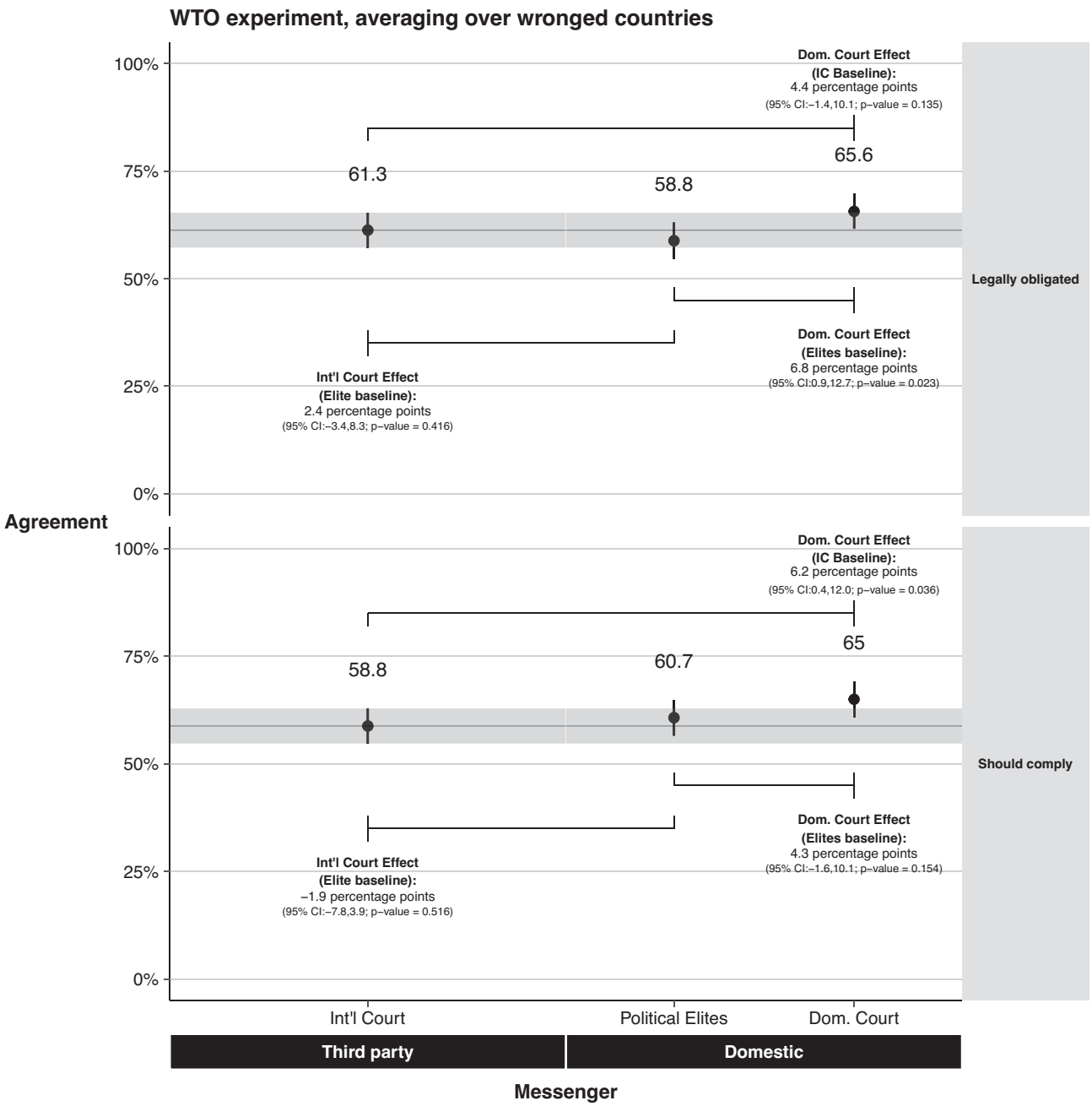

Figure 4. Is there a domestic court effect? Solid circles represent percentage of respondents indicating agreement in each condition, and vertical bars are 95 percent CI.

courts to effectively reach just conclusions.[19] To avoid making the overly restrictive assumption that the effect of trust in courts is linear across its range, we adopt an approach similar to that recommended by Hainmueller, Mummolo, and Xu (2019). We bin our courts measure, assigning individuals to a low, medium, or high court confidence value based on whether they fall in the bottom third, middle third, or top third of the index. We return to our pooled analysis of IC effects in which we focus on the contrast between the *IC* condition and the *IO* treatment. We average over the experiments and the target countries but add an interaction between the treatment condition and the individual's level of confidence in courts. For completeness, we also estimate models in which we treat trust in courts as a continuous measure.[20] We plot the effect of moving from the IO sender condition to the IC sender condition across the range of the trust in courts variable in Figure 6. While we view these results as largely exploratory, they show that to the extent any court effect exists, it is *negative*. Among those with either high or middling levels of trust in courts, the effect of moving from the *IO* condition to the *IC* condition is the now familiar null effect. These individuals presumably care a lot about compliance with the law and wish to avoid court sanction, even if a court has not yet spoken. Evidence in favor of

[19] Full details on the construction of this measure are in the Online Appendix.

[20] Results tables are in the Online Appendix.

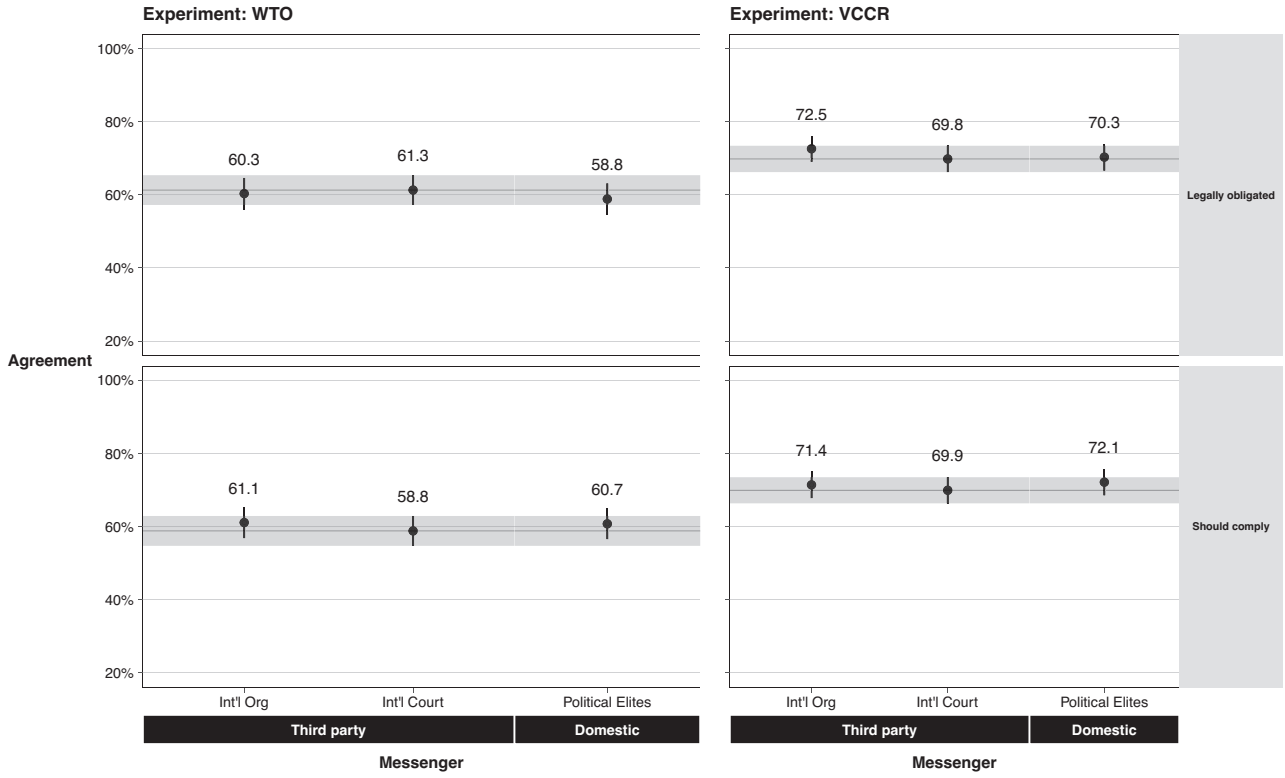

Figure 5. Results by experiment. Solid circles represent percentage of respondents indicating agreement in each condition, and vertical bars are 95 percent CI.

this conjecture can be seen in the very high levels of perceptions of legal obligation and support for compliance in both treatment groups. About 70 percent of those with high levels of confidence in courts support returning to compliance and perceive a legal obligation to do so. For those with middling levels of confidence in courts, we see absolute levels of agreement in line with those reported on average across the sample. While the effect of courts in this group is again statistically insignificant, the estimated effect is positive. For those with low levels of confidence in courts, average levels of legal obligation and support for returning to compliance are much lower across the board. Furthermore, moving from the *IO* condition to the *IC* condition induces a kind of "backlash" in which respondents reduce their reported perceptions of legal obligation and support for changing policy. Those with low confidence in courts in the *IC* condition are 13 (95 percent CI: −20, −5.9; $p < 0.000$) percentage points less likely to perceive a legal obligation and about 8 (95 percent CI: −15.2, −1.3; $p = 0.021$) percentage points less likely to support returning to compliance than those with low confidence in courts in the *IO* condition. These heterogeneous effects across court confidence appear to be driven entirely by the WTO version of the experiment, and we found no strong evidence of heterogeneous treatment effects across levels of other standard demographic characteristics like political affiliation, providing further evidence that our null results are not hiding strongly conditional (but counterbalancing) treatment effects.

Still, while our study was not designed to conclusively explain the origins of the observed backlash or why it might be more pronounced in the WTO experiment than the VCCR experiment, one possibility is that those with high confidence in ICs may be driven by logics of appropriateness, while those with low confidence driven by logics of consequences. The first group, constituted by individuals we might associate with H.L.A. Hart's internalizers of legal obligation (Hart 1961), gravitates toward compliance. This group is perhaps the most likely to be swayed by the IC judgments, but as this experiment suggests, it does not need an IC judgment to affect its views of the law or to demand a change of behavior. The second group, with lower confidence in courts, nonetheless wants the United States to get the benefits of its deals. These "Holmesian bad men" (Holmes 1897) look for signals that US actions will have negative repercussions for the United States (Stone 2016). The trade scenario may be one where the IO judgment signals disapproval by treaty partners, perhaps auguring that deal might unravel or reciprocal sanctions. If such a theory were true, this result would suggest that signals from IOs might be more powerful than those from ICs because of their unique impact on a key sliver of the electorate. While we can only speculate about this here, the result does suggest interesting avenues for further research.

Conclusion

So, do ICs matter? Our study suggests that they do, but perhaps not in the ways those fighting over them imagine. Our experiment suggests that at least for the American public, ICs can provide a credible signal that the United States has violated a treaty obligation and can ignite the American public's general preference for compliance. In this regard, ICs can be as effective as a group of bipartisan political leaders, a rare signal in American politics, and more effective than

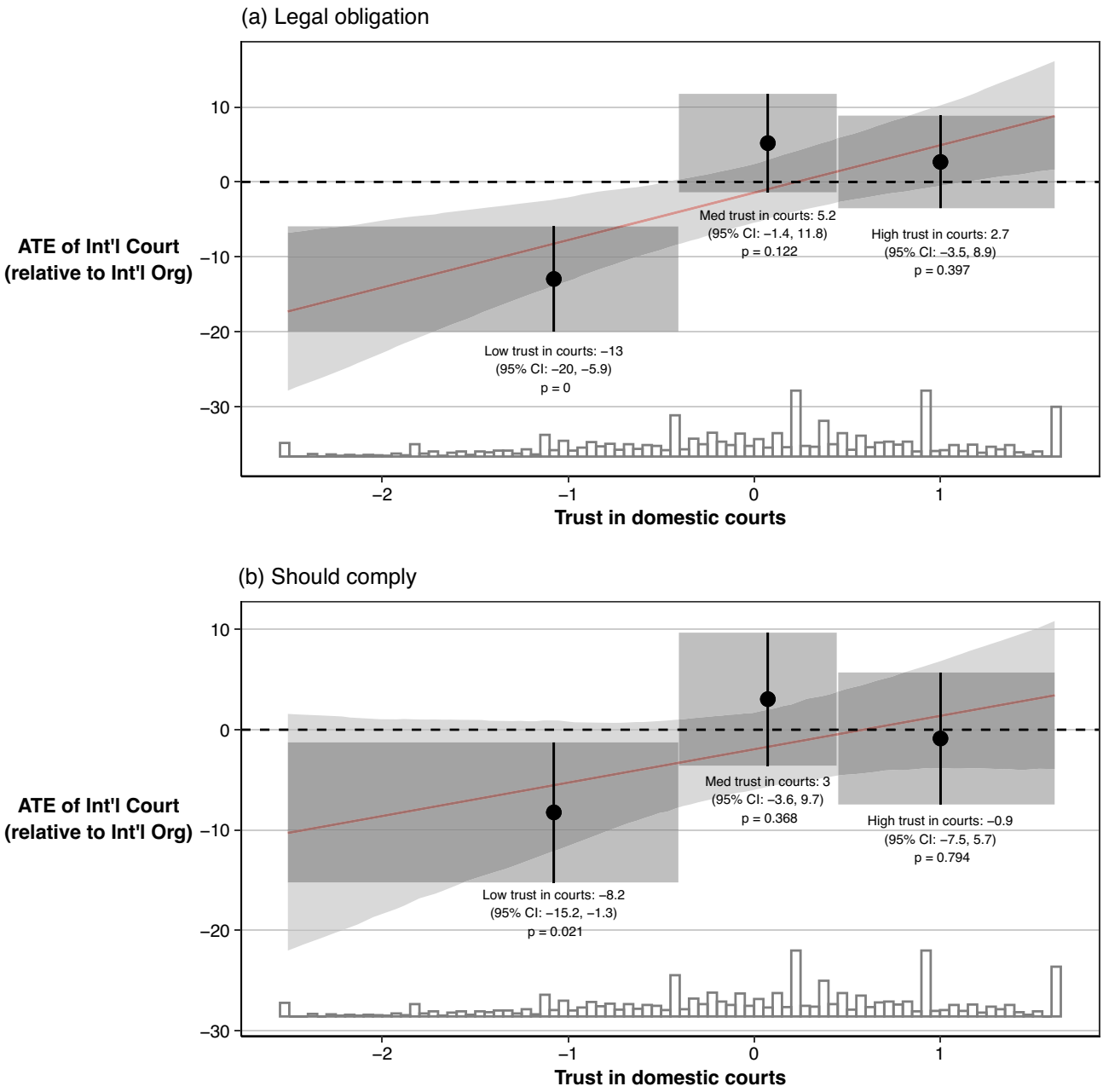

Figure 6. Effects by trust in courts. Percentage of respondents indicating agreement in each condition with 95 percent CI

complaints by the allegedly harmed states. In fact, ICs can effectively signal violation even when the other state is perceived as a US rival and has trouble doing so itself. ICs can thus serve as neutral arbiters of a treaty's meaning, even with an interested public. But ICs do not appear to be unique in these abilities. IO statements seem to have equal weight among the American public to IC judgments. Americans seem equally convinced by IOs that the United States has violated its obligations and equally moved by IOs to change US policy.

These findings have a range of interesting implications for compliance theory, legalization studies, and the study and use of ICs. First, our experiment confirms prior studies, if only indirectly, suggesting that the American public has a preference for compliance with international law (Chilton and Linos 2021). That being said, future work should study how these preferences are moderated or magnified by domestic and/or international mobilization efforts (Simmons 2009; Disch 2011). We do not know how clear or unclear respondents found the underlying treaty obligation, but the fact that ICs and IOs were as effective as bipartisan American political leaders and that the percentages held steady across two very different treaties covering very different subjects is highly suggestive. More importantly, as hoped by their proponents, ICs and IOs seem to be perceived as neutral (or at least non-adverse) interpreters, capable of signaling the proper interpretation of law even when others might not be trusted and against the backdrop of geopolitical rivalry.

Second, form and labels seem of far less relevance at the international level than at the domestic one. A US court seems to be uniquely able to convince the American public to shift US policy, confirming that courts can send

different sorts of signals from political leaders. That effect is not visible though with regard to ICs. There are innumerable reasons why a domestic court might be perceived differently from an IC, including both potential public bias against ICs or a special understanding of domestic court's role within domestic rule of law and separation of powers. Key though, any special implications of the court label seem less powerful at the international level.

What seems to matter more, and what seems common to both ICs and IOs, is a perception of neutral expertise. This suggests that international policymakers may have many more options to consider when delegating interpretative authority and many more fine-grained considerations to weigh. If a range of different interpreters, from ICs to assemblies of state parties to IO secretariats to special rapporteurs, can similarly impact public opinion in state parties, focus should turn to exactly who those interpreters are, how they are chosen, funded, and constrained, the scope of their jurisdiction, the level of process provided to stakeholders in a dispute, and the range of voices who can access them, initiate disputes, and make arguments. "Courts" may be a proxy for these considerations, but they are not particularly good ones: While some courts may be highly independent and difficult to control, other courts may be far less independent, far harder to access, far more delimited in their jurisdiction, and far more constrained than committees of experts, for example. And it should be noted (see above) that for a particular group court-skeptics, the word of an IO may be even more effective in signaling a need to comply. Key, ICs should not be presumed to be the ultimate form of legalization, something at least some of the current literature seems to assume without proving.

Of course, these considerations and the attendant policy fights will have to be attendant to specific circumstances. Our experiment only considered the American public. Publics elsewhere may attach different cultural meaning to the court label. Further studies would be needed to generalize across states, and going forward, we hope to extend this survey to additional populations. However, we have also assumed here relatively generic international law scenarios involving legal regimes that the American public is unlikely to know well. It is entirely possible, and worthy of deeper study, that the court label, together with its visible trappings—courtrooms, oral arguments, and judicial robes—might have significant impacts in situations where international law is highly salient, as in transitional justice settings.

Third, the results of our experiment raise questions why international actors seem to believe that the court label matters as much as they do. Could they simply be wrong in their assumptions about the public, or could the court form and label matter in other ways? One possibility is that courts do have special significance, not among the public, but among the community of international law practitioners and policymakers (Madsen 2007; Soave 2020), the national court judges who implement IC decisions (Voeten 2012; Huneeus 2016), or specific advocacy groups (Finnemore and Sikkink 1998; Simmons 2009). Those trained as lawyers, for example, may imbue courts with special significance as legal interpreters or embodiments of rule of law. Non-compliance signals from an IC may be more significant to them than to publics they represent, and it may be harder for them to turn a blind eye. At the same time, those with specialized knowledge of a country's legal obligations might not need a signal from a court to judge that a given event or policy violates international law or to be moved to return to compliance. These are pathways worthy of further study requiring different research designs and new data collection (Hafner-Burton 2021). The press also plays a key role in filtering and transmitting these signals to the public and may be more likely report statements by "courts." Future study might explore whether such a bias actually appears. Alternatively, the court label might influence interpreters themselves, suggesting to them a more neutral, less constrained role to play in interpreting international law. This idea is hinted at in US complaints about the WTO AB. Whether that is true, particularly compared to the range of other labels available, is also worthy of study. These are all questions we hope to explore in future work. Altogether though, the goal of these further studies should be the same as the goal of this one—to help clarify the choices available to resolve disputes over international law and the stake involved in choosing each.

Supplementary Information

Supplementary information is available in the *International Studies Quarterly* data archive.

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