The Impact of International Laws on Public Opinion: A Survey Experiment in Japan

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This brief document describes the results of an original survey experiment conducted in Japan between March 13th and 15th, 2020. This study was approved by the University of Michigan Institutional Review Board (HUM00175625) and the University of Tokyo's Research Ethics Review Committee (Institute of Social Science 2019-45). Survey data is available at Harvard Dataverse.

Background

What makes states comply with international laws is one of the central questions in international relations. This question is particularly challenging when human rights treaties are at stake. Because human rights practices are less likely to incur externalities compared to issues like security and trade, other signatories have fewer incentives to enforce treaty obligations. Although previous work has looked at inter-state mechanisms for compliance, such as peer pressure and reputation (Hafner-Burton 2008), unbiased empirical evidence is difficult to obtain because countries self-select into international laws and treaties (Von Stein 2005).

Recent studies increasingly look to domestic factors that undergird compliance. In particular, public support is considered vital for the self-enforcement of human rights treaties. International laws provide unique tools that empower individuals to fight for their own interests. They legitimize individual claims for rights and create a focal point by specifying what demands are globally accepted (Simmons 2009). International legal precedence can also be used to defend individual claims for rights, particularly in

countries where ratified international treaties become a part of domestic laws (Tsutsui 2018).

While the literature has long debated the theoretical salience of public support for international laws, there is still need for micro-level evidence about individual beliefs. A few notable studies have conducted survey experiments about the effect of international law on public opinion (Wallace 2013; Chilton 2014, 2016). However, these focus primarily on foreign / security policies; the effects of international laws on other issues such as gender, race, and labor, have yet to be addressed.

This paper also seeks to disaggregate two channels through which international agreements can influence public opinion. First, citizens may view these as being legally binding, and therefore penalize their governments for violating an agreed-upon contract. Second, citizens may see international agreements as reflections of broadly-shared norms, and thus penalize their governments for making their country a norm-breaker and pariah. This distinction goes beyond subtle differences in nuance. The former argument suggests that being a signatory is fundamentally important, and so if a country withdraws from an agreement because it does not want to abide by its terms, then citizens will accept the new status quo. The latter argument, however, implies that being a signatory is less important than alignment with international norms, and thus agreements that have a large number of signatories have a greater chance of being supported by citizens. More importantly, the first channel is exclusive to international laws while other types of international norms can substitute the second channel.

Research design

Based on this background, we conducted a survey experiment to examine how information about violations of international laws and norms can change public opinion. The survey was implemented on March 13th - 15th, 2020 in Japan, and 2220 respondents were recruited based on convenience sampling through Yahoo!CrowdSourcing.

The survey instrument measured public opinion on five legal and social practices in Japan. Prior to answering these questions, respondents were randomly assigned into one of five groups, each of which showed different types of information regarding international law and norms. In addition to the control group, we created three types of information treatments.

Treatment 1: International law

The first group is informed that a current legal or social practice is in violation of international law.

Treatment 2: International law + Constitution

The second group is informed that a current legal or social practice is in violation of international law, and that Article 98 of the Constitution of Japan requires that international law shall be faithfully observed. This additional information is included to highlight the constitutional status of international law.

Treatment 3: NGO criticism

The third group is informed that a current legal or social practice is criticized by international NGOs.

Following these information treatments, respondents were asked for their opinion on five Japanese legal or social practices, listed below.

Practice A: Mixed-surname marriages

Japan's civil code requires married couples to adopt a common surname. In 96% of cases, the wife changes her surname to that of the husband. This practice has long been controversial in Japan. Critics, including the Japan Federation of Bar Associations (2017), have argued that this requirement runs afoul of Convention on the Elimination of all forms of Discrimination against Women (CEDAW). We measure respondents' attitudes on this practice by three specific items: (1) Whether the respondent wants to use the same surname as their spouse; (2) whether he or she thinks that every married couple should share a common surname; (3) whether he or she thinks that Japan should maintain the current civil code requiring married couples to use a common surname.

Practice B: Gender-based wage gap

Among OECD countries, Japan ranks third from the bottom in terms of the wage gap between men and women (OECD 2017). The International Labour Organization (2018) has criticized Japan's wage gap as being in violation of the Equal Remuneration Convention, which Japan has ratified. We include two survey items for this practice: 1) Whether the respondent thinks that women personally close to them are paid less than men; 2) whether he or she thinks that the government should take measures to reduce the wage gap.

Practice C: Whaling

Some regions of Japan have a long tradition of whaling. As a member of the International Whaling Commission, Japan ostensibly halted commercial whaling in the mid-1980s, but it continued to hunt whales as part of the scientific research exception. This practice has been criticized by the European Union and Australia, as well as by environmental NGOs such as Sea Shepherd.[1] However, after the International Court of Justice ruled in 2014 that Japanese whaling was against IWC regulations, Japan withdrew from the IWC in 2019. We include two items on this practice: 1) Whether the respondent thinks that Japan should stop whaling; 2) whether he or she thinks that the sale of whale meat should be prohibited.

Practice D: Legal penalties for hate speech

In Japan, no national law imposes criminal penalties on hate speech. Concerns about hate speech have risen in recent years, due to protests and demonstrations against ethnic Koreans, Taiwanese, and Chinese who are long-term residents of Japan. The lack of legal penalties has been criticized as being in violation of the International Convention on the Elimination of All Forms Racial Discrimination (CERD), of which Japan is a member.[2] We include one survey item for this practice: Whether the respondent thinks that hate speech should be criminalized in Japan.

Practice E: Death penalty

Japan's criminal justice system currently allows for capital punishment; executions are carried out by hanging. This has been criticized by both the European Union and human rights NGOs such as Amnesty International.[3] Although Japan has not signed the second optional protocol of the International Covenant on Civil and Political Rights (ICCPR) that abolishes the death penalty, the manner in which executions are implemented has been criticized as a violation of the ICCPR.[4] We include one survey item for this practice: Whether the respondent thinks that the death penalty should be abolished in Japan.

Hypotheses

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[1] https://www.independent.co.uk/news/world/asia/japan-whaling-scientific-minke-whales-kill-four-months-333-eu-countries-animal-rights-conservation-a8116106.html
https://www.seashepherdglobal.org/latest-news/japanese-whaling/

[2] https://www.mofa.go.jp/mofaj/files/000060749.pdf

[3] https://www.amnesty.org/en/latest/news/2018/07/japan-unprecedented-spate-of-executions-aum-cult/

[4] https://www.amnesty.org/download/Documents/44000/asa220052009eng.pdf

Our concrete hypotheses are as follows:

Hypothesis 1: Treatment group respondents (T1, T2, T3) are less likely to support domestic practices than control group respondents.

Hypothesis 2: Information about violations of international law (T1) will have a weaker effect than information about international law + constitution (T2).

As possible moderating variables, we include pre-treatment questions to measure underlying latent covariates for sexism, traditionalism, and internationalism. We also include items that test respondents' knowledge of international laws and events. For the exact wording of the questions, see the Appendix.

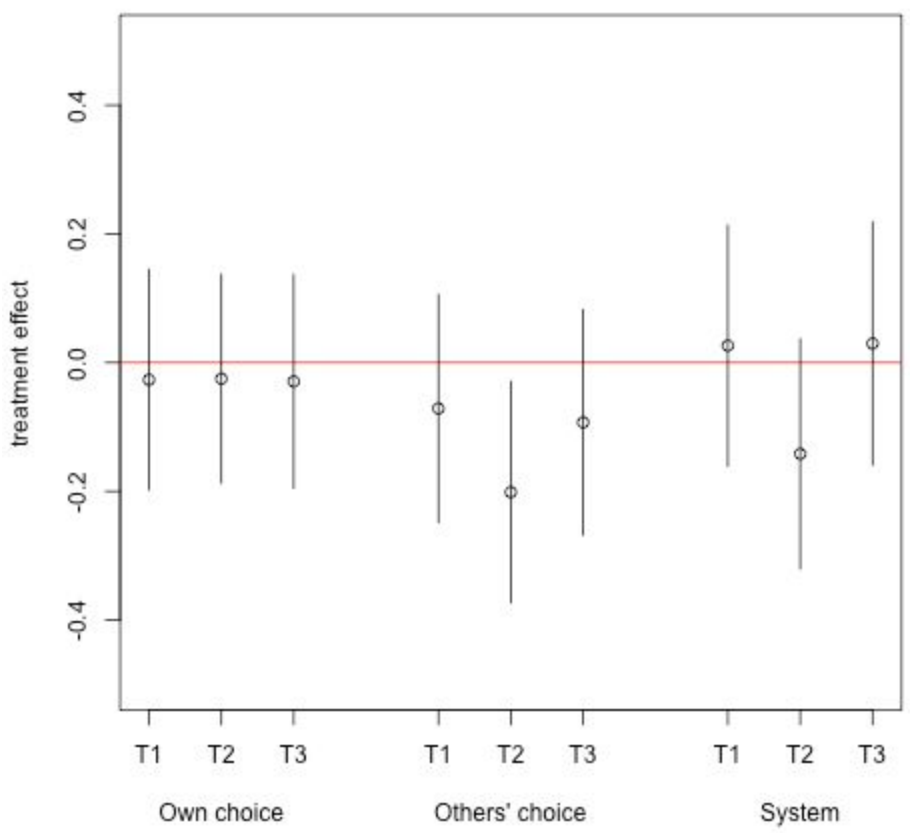
Results

The following figures present the estimated treatment effects. In each figure, estimates for the four treatments (International law, International law + Constitution, Country criticism, NGO criticism) are shown with the 95% confidence intervals. The dependent variable ranges from 1 to 6 (Strongly disagree, Disagree, Somewhat disagree, Somewhat agree, Agree, Strongly agree), and the treatment effects are estimated by difference-in-means.

Mixed-surname marriage

Figures 1 shows the results on the marriage surname issue. A negative sign means that people become more supportive of mixed-surname marriages. When respondents are asked about their own choice ("You want to use the same surname as your spouse"), none of the estimates is statistically significant. However, when they are asked about other people's choices ("Other married couples should use the same surname"), the estimated effect of the constitution treatment is significant in the expected direction. The constitution treatment also has a negative effect on attitudes towards Japan's current system ("Japan should maintain the current system"), but the null hypothesis of the effect being zero is not rejected at the .05 significance level.

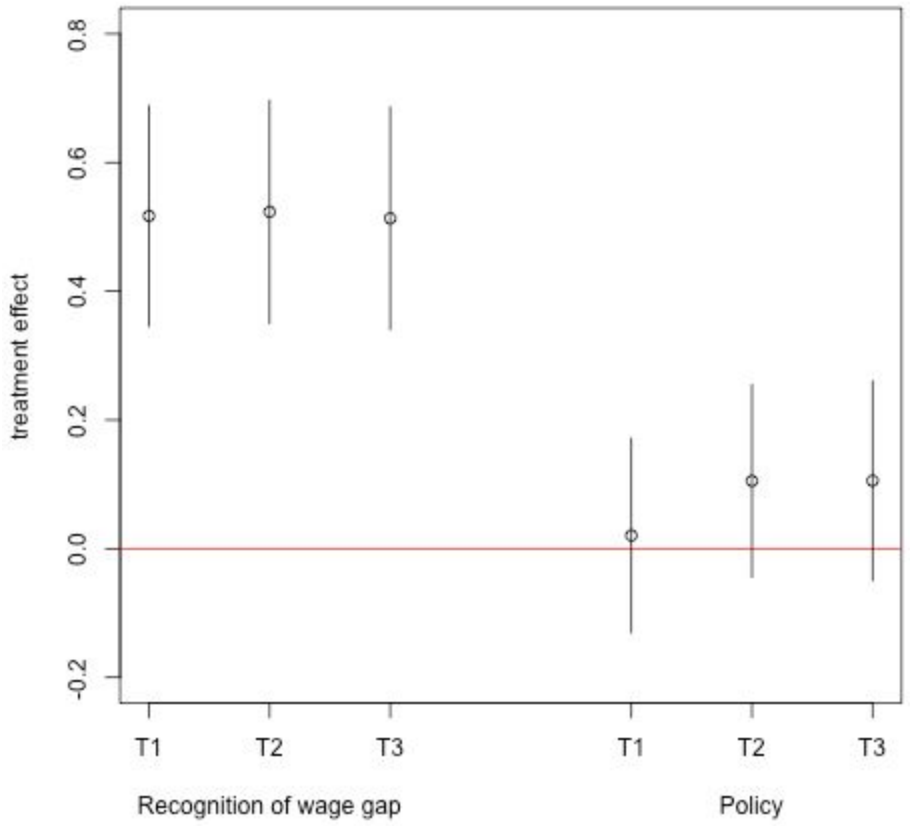
Figure 1: Mixed-surname Marriage



Gender wage gap

Figure 2 shows results concerning the gender wage gap. Positive values mean that respondents are in favor of each statement. In the first item ("Women close to you are paid less than men."), all treatments have positive effects and are significant at the 95% level. This indicates that more respondents in each of the treatment groups recognized the gender pay gap than in the control group. In contrast, all estimated treatment effects on support for policies to reduce the gap are statistically indistinguishable from zero. The strong effect in the first item may be due to the wording of the question, which asked for respondents' perception of the status quo, rather than their opinion about possible policy changes.

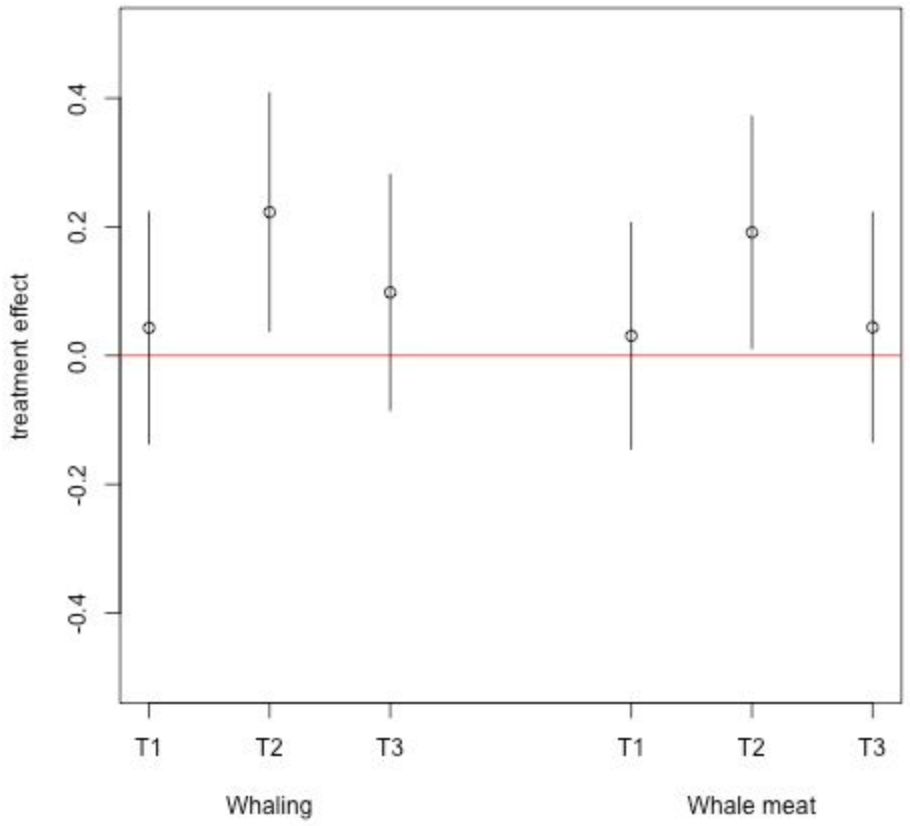
Figure 2: Gender Wage Gap



Whaling

Figure 3 shows the results concerning whaling. The first item is support for the statement that “Japan should stop whaling” and the second item is support for the statement that “Japan should regulate the sale of whale meat”. The positive estimated effect indicates that the treatment increases the respondents’ support for a ban on whaling. Only the estimated effect of the second treatment (international law + constitution) is statistically significant in both items.

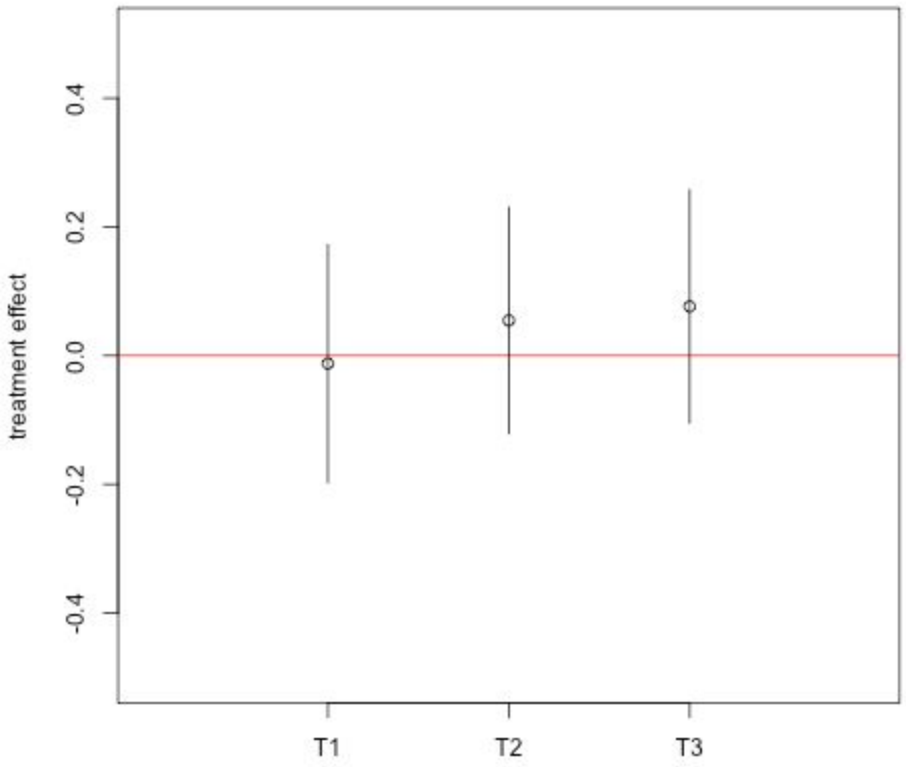
Figure 3: Whaling



Hate speech

Figure 4 shows the result on hate speech restrictions. The outcome is support for the statement that “[t]he government should regulate hate speech with punishment,” and a positive value of the response variable means stronger support for this statement. None of the treatment effects is significantly different from zero.

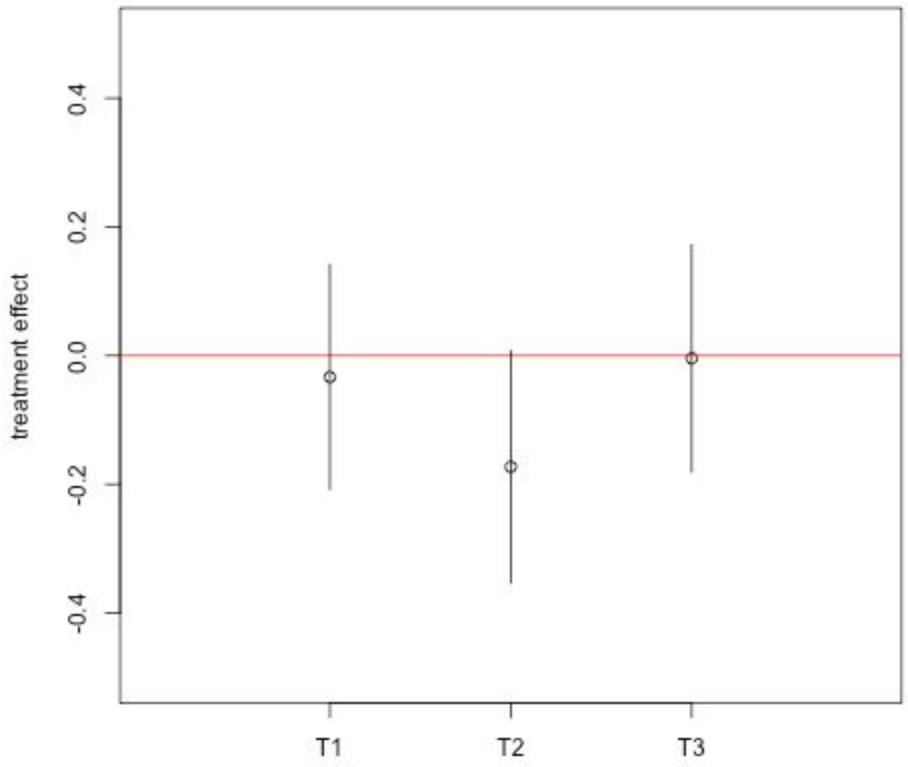
Figure 4: Hate Speech



Death Penalty

Figure 5 presents the results for the death penalty question. Respondents were asked whether they supported maintaining capital punishment in Japan. Figure 5 shows that neither the international law nor the NGO criticism treatments alone move public opinion. However, those who receive the constitutional reinforcement are less likely to be in favor of the status quo, though the null hypothesis cannot be rejected at .05 significance level.

Figure 5: Death Penalty



Discussion

The results of our survey experiment suggest that international law and norms by themselves do not move public opinion. However, when information of international law violations is reinforced by the constitutional importance of abiding by international law, respondents are more likely to change their views about status quo practices.

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