

Human Rights versus National Interests: Shifting US Public Attitudes on the International Criminal Court*

Kelebogile Zvobgo[†]

International Studies Quarterly pre-publication version

Abstract

The United States—an architect of international criminal tribunals in the twentieth century—has since moderated its involvement in international justice. Striking to many observers is the US's failure to join the International Criminal Court—the institutional successor to the tribunals the nation helped install in Germany, Japan, the Balkans, and Rwanda. Interestingly, the US public's support of the ICC increases yearly despite the government's ambivalence about, and even hostility towards, the Court. Drawing on the US foreign policy public opinion literature, I theorize that *human rights* frames increase support for joining the ICC among Americans, whereas *national interest* frames decrease support. I administer an online survey experiment to evaluate these expectations and find consistent support. I additionally test hypotheses from the framing literature in American Politics regarding the effect of exposure to two competing frames. I find that participants exposed to competing frames hold more moderate positions than participants exposed to a single frame but differ appreciably from the control group. Crucially, I find that participants' beliefs about international organizations' effectiveness and impartiality are equally, if not more, salient than the treatments. Thus, the ICC may be able to mobilize support and pressure policy change by demonstrating effectiveness and impartiality.

* *Author's note:* I wish to thank Heidi Nichols Haddad, Christian Axboe Nielsen, and Nicholas Weller for motivating this inquiry. I wish to thank Heidi Nichols Haddad, Christian Axboe Nielsen, and Nicholas Weller for motivating this inquiry. For their invaluable advice and comments on earlier drafts, I am grateful to Miriam Barnum, Stephen Chaudoin, Gabrielle Cheung, Dennis Chong, Andrew Coe, Hannah Garry, Benjamin Graham, Christian Grose, Joseph Huddleston, Thomas Jamieson, Patrick James, Gerardo Munck, Mark Paradis, Kyle Rapp, Bryn Rosenfeld, Wayne Sandholtz, participants in the 2018 Journeys in World Politics Workshop, and two anonymous reviewers for *International Studies Quarterly*. I gratefully acknowledge research grants, from the USC Center for International Studies and the Program in Political Science and International Relations, used to field the experiment, and the USC Provost Fellowship in the Social Sciences. In addition, this material is based upon work supported by the National Science Foundation Graduate Research Fellowship Program under Grant No. DGE-1418060. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author and do not necessarily reflect the views of the National Science Foundation.

[†]Ph.D. Candidate, Political Science and International Relations, University of Southern California; Pre-doctoral Fellow, Global Research Institute, College of William & Mary. Email: kzvobgo@wm.edu.

1 Introduction

In 1945, the United States, together with the Allies of World War II, installed the Nuremberg and Tokyo tribunals to prosecute prominent German and Japanese leaders accused of war crimes, crimes against humanity, and crimes against peace. The first modern venues for international criminal justice, the tribunals aspired to strengthen adherence to the Geneva Conventions. Next, in 1993 and 1994, the US, together with members of the UN Security Council, established two tribunals to prosecute individuals accused of war crimes, crimes against humanity, and genocide in the Balkans and Rwanda, respectively. Innovating on the Nuremberg and Tokyo tribunals, which were criticized for being one-sided, the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) were granted jurisdiction over all parties to the conflicts, not only those who lost.^{1 2} Finally, in 1998, 120 states adopted the Rome Statute of the International Criminal Court (ICC), fundamentally altering the landscape of international law.³ No longer would international criminal justice be *ad hoc* or limited to just a few states. With its permanent seat in The Hague, the ICC was designed to “help end impunity for the perpetrators of the most serious crimes of concern to the international community” ([International Criminal Court 2011](#)). Striking to many observers is the US’s failure to join the ICC—the institutional successor to the tribunals it helped install.

There *is* evidence that the US continues to value international criminal justice institutions, even the ICC. The US was active in the drafting of the Rome Statute and has given the Court financial, logistical, and diplomatic support. Yet, despite its apparent willingness to develop and engage with this new institution, and notwithstanding its demonstrated support of *other states’* commitment to the ICC, the US seems reluctant to formally commit itself to the Court. Many scholars and policy makers conclude that the US is unlikely to support and join international organizations (IOs), and participate in international courts in particular, unless it can exercise significant control over them, as it did in the aforementioned institutions ([Amann and Sellers 2002](#); [Bolton 1998](#); [Cerone 2007](#); [Schabas 2004](#); [Sandholtz 2009](#)). Regrettably, US non-membership in the ICC may “sabotag[e] what most American allies consider a crowning achievement of the postwar move towards global governance” ([Ruggie 2009](#),

¹For more on this discussion, see [DeLaet \(2005\)](#), [Pearl \(1992\)](#), [Peskin \(2005\)](#), [Smith \(2012\)](#), and [Wright \(1947\)](#).

² While the expanded jurisdiction of the ICTY and ICTR to investigate all parties existed in principle, it was not always implemented. For example, the ICTY failed to address any concerns over NATO actions in the Balkans despite having the power to do so.

³For more on this discussion, see [Danner and Voeten \(2010\)](#).

306).

Based on these accounts, one might conclude that the fate of the US vis-à-vis the ICC is sealed. However, to do so would be to neglect the American public, whose views on foreign policy can diverge from government policy and subsequently change government policy (Chapman and Chaudoin 2013, 2018; Page and Shapiro 1983). Recent public opinion polls from the American Bar Association (ABA) report that awareness of and support for the ICC are steadily increasing among US adults (American Bar Association 2014a,b, 2015a,b, 2016a,b, 2017, 2018). The 2018 polls report that 45% of Americans know about the ICC (up from 40% in 2014) and 50% believe that the US should increase its engagement with the Court, including through membership (up from 34% in 2014). Yet, little is known about what factors motivate public support of the ICC—support which may be mobilized and leveraged to motivate the US to join the Court.

Scholarship on public opinion has established that attitudes may be influenced through framing devices that emphasize one dimension of an issue so an individual focuses on that dimension when developing her opinion (Chong and Druckman 2007a,b; Druckman 2001; Druckman and Nelson 2003). This leads me to ask to what extent different issue frames might resonate with Americans when making judgments about the ICC. How does the public respond to issue frames that have been deployed in elite discourse, by members of both political parties, by both those for and against US membership in the ICC? Does the public respond more strongly to human rights frames that emphasize the US's historical leadership in this policy realm relative to national interest frames that prioritize sovereignty?

The extant scholarship has not rigorously investigated these questions. Strands of literature explore elite attitudes and government policy vis-à-vis international courts,⁴ while other research inquires into the public's attitudes about domestic courts.⁵ Recent work by Guisinger and Saunders (2017) and Simmons (2017) investigates the effect of partisan cues and national chauvinism on Americans' foreign policy preferences, including about the jurisdiction of international courts. However, this research does not ascertain how the public responds to the competing arguments articulated by elites, notably arguments about human rights and national interests. Page and Shapiro (1983) demonstrate that changes in public opinion tend to drive changes in government policy, including foreign policy. In addition, public attitudes can motivate commitment to international legal instruments and norms, and strengthen subsequent

⁴See, for example, Amann and Sellers (2002); Wedgwood (1998); Wippman (2004); Schabas (2004)

⁵See, for example, Bartels and Johnston (2013); Benesh (2006); Clark and Kestelc (2015); Gibson, Caldeira and Baird (1998); Gibson, Caldeira and Spence (2003, 2005).

compliance (Nooruddin and Simmons 2006; Simmons 2009; Vreeland 2003). Thus, shifting US public attitudes on the ICC matter and we need to understand them better.

I draw on the US foreign policy public opinion literature to identify and subsequently evaluate issue frames likely to resonate with Americans when making judgments about the ICC. I argue that human rights frames and national interest frames will each resonate with the American public. Human rights frames centered around the US's historical support of international criminal tribunals should motivate Americans to support joining the ICC. In contrast, national interest frames centered around the US's ability to carry out its own investigations and prosecutions should motivate Americans to oppose joining the ICC. These frames are not only useful to the extent that they help us evaluate moral *and* instrumental rationales for joining and not joining the ICC; they also reflect much of the debate on US ICC membership since the late 1990s.

In addition to exploring frames in isolation, the framing literature in the American Politics subfield urges placing positive and negative issue frames in competition. Competing frames are argued to motivate more conscious deliberation (Higgins 1996). But, despite the articulated importance of evaluating competing frames, scholarship is divided on their effect. Sniderman and Thériault (2004) argue that experimental participants exposed to competing frames will revert to their original issue positions. In other words, their views resemble those of individuals in the control group. In contrast, Chong and Druckman (2007a) argue that participants exposed to competing frames will espouse a moderated position, i.e., between individuals exposed to a single frame and individuals exposed to no frame, given two frames of comparable strength.

To evaluate the foregoing expectations, I administered an online survey experiment taken by a convenience sample of 1,020 US residents 18 years of age and older. Survey participants were assigned to five experimental conditions. Half of the participants were exposed to background information on the ICC, assuring a common knowledge baseline for at least half of the participant population. Next, participants were exposed to one of four additional treatments: human rights, national interests, competing, and control. I expect that participants in the human rights treatment will be more likely to support US membership in the ICC than those in the control treatment. Inversely, I expect that participants in the national interest treatment will be less likely to support US membership. I additionally test the competing hypotheses from the framing literature regarding the effect of exposure to both frames, i.e. competing frames. Through the survey experiment, I extend and adjudicate between these compet-

ing expectations—which have traditionally been applied to domestic politics issues, such as balancing freedom of speech with concerns about hate speech—in the context of US foreign policy.

Consistent with my expectations, I find increased (decreased) support for US membership in the ICC among participants exposed to human rights (national interest) frames, relative to participants in the control treatment. I also find that participants exposed to competing frames hold more moderate positions than participants exposed to a single frame but differ appreciably from the control group, as [Chong and Druckman \(2007a\)](#) expect. Instead of reverting to a relatively high level of support for the US joining the ICC, participants exposed to competing frames become more negative about the Court. It appears that Americans, while responsive to human rights frames, ultimately prioritize national interests and sovereignty. Given this result, it seems unlikely that public opinion will swing towards the ICC and US membership. As will be further elaborated, the results of my study likely differ from the ABA study for one key reason: ABA respondents may be less informed about the contending arguments in the now decades-long debate on US membership in the ICC. When my respondents are fully informed, via the competing frames, a minority of Americans support US membership. Interestingly, I find that participants' beliefs about IOs are equally, if not more, salient to them than the treatments.

This paper makes both a theoretical and empirical contribution to scholarship. I present them in turn. First, by focusing on the ICC and assessing instrumental and normative rationales for supporting or opposing US membership, this paper offers a much-needed extension of the US foreign policy public opinion literature. This literature predominantly investigates support for the use of force and a range of war-making strategies, such as drone warfare, with instrumental rationales typically undergirding the experimental frames. Since foreign policy goes beyond the use of force, we must accordingly extend inquiry into other policy realms. In particular, it is important that we study public attitudes towards international judicial institutions, such as the ICC. Insofar as public opinion can shape the effectiveness of international courts, we must determine how and why US public opinion may shift in favor of or against cooperation and membership.

Second, in addition to finding strong and consistent empirical support for the hypotheses, the results of this paper generate additional frames for future research to evaluate. As discussed, I find that beliefs about IOs' ability to meet their missions and beliefs about IOs' biases against some countries are equally, if not more, salient to participants than the treatments. This finding suggests that developing US public trust of the ICC, through frames about effectiveness and impartiality, may yield public attitudes sufficiently

positive and strong to motivate policy change. And, a concerted campaign shaping and mobilizing public opinion could assist in this endeavor ([Haddad 2013, 2018](#)).

2 The US Government and the ICC

Since the idea of a permanent, international criminal court was conceived, the US has had a complicated relationship with the institution. The nation's historical support for international criminal tribunals brought it to numerous conferences and, ultimately, the treaty drafting table. US President Bill Clinton even signed the Rome Statute during his last days in office. Nevertheless, the US did not ratify the Rome Statute nor does it appear closer to doing so. President George W. Bush was very hostile towards the ICC and its states parties in the early years of his presidency. Under the administration, military and other foreign aid was conditioned on recipient countries not turning over American troops to the ICC, as agreed in bilateral immunity agreements (BIA) ([Schabas 2004](#); [Zipprich 2010](#)). This hostility was later moderated. Many BIA were reversed due to pressure from the international community and even senior American military officials. In addition, the US abstained from the Security Council vote to refer the situation in Darfur, Sudan to the ICC, permitting investigations to commence. President Barack Obama, in turn, cautiously supported the ICC on a case-by-case basis. The Obama administration's diplomatic support of the Security Council's referral of Libya to the Court ([Lambert 2014](#)) and financial support for the arrest, transfer, or conviction of ICC fugitives ([American Bar Association 2016c](#)) are but two examples. Most recently, Donald Trump and his advisors, among them National Security Advisor John Bolton, threatened to sanction the ICC if, in its investigation of the situation in Afghanistan, the Court looked into possible war crimes perpetrated by US military and intelligence staff.

Scholars have endeavored to make sense of the US's failure to ratify the Rome Statute in particular and core international human rights treaties in general.⁶ Some scholars offer *geopolitical explanations*, proposing that the US fears the Court will be motivated by politics (opposition to US foreign policies, for example) and that, as a result, government leaders and members of the Armed Forces may be prosecuted ([Amann and Sellers 2002](#); [Schabas 2004](#); [Wedgwood 1998](#); [Wippman 2004](#)).⁷ Others have offered

⁶For example, the US failed to ratify both the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD) despite being an active participant in the drafting process. The CRPD was even modeled after the Americans with Disabilities Act and was designed to raise global standards to US domestic standards.

⁷Scholars have also raised the US's aversion to the Court's ability to bypass the UN Security Council, in which it enjoys veto powers.

normative accounts. For example, [Sandholtz \(2009\)](#) views US non-membership in the ICC as part of a larger pattern of behavior: the US generally respects international human rights norms but nonetheless fails to ratify important treaties which it thinks may undermine the supremacy of the constitution or sovereignty.⁸ Other scholars still have identified *structural barriers* to US accession to these agreements, namely federalism and an onerous system for treaty ratification ([Chemerinsky 2003](#); [Resnik 2001](#); [Rutkow and Lozman 2006](#); [Spiro 1997](#)). Finally, some scholarship has brought *cultural considerations* to the fore, suggesting that the US views itself as exceptional in world politics ([Ignatieff 2009](#); [Moravcsik 2009](#)). Though the US will not formally commit itself to some international institutions, it nevertheless supports other states' commitment to them. Indeed, the US has "assumed for itself a competence to judge the compliance of others with standards of human rights protection, without permitting the other to stand in judgement of its own conduct and institutions" ([Van der Vyver 2001](#), 831).

⁸See also, [Hathaway \(2002\)](#) and [Koh \(2002\)](#).

3 US Public Opinion and Foreign Policy

The extant literature has not investigated the effect of issue framing on the US public's attitudes about international courts in general and the ICC in particular. Realist scholarship in International Relations considers the public anti-realist, i.e. the public prefers "moral or ideological crusades designed to make the world more like America" (Drezner 2008, 52). From this, we might conclude that human rights frames may resonate strongly with Americans, whereas national interest frames may not. However, measured against the empirical record, Brewer (2006), Drezner (2008), and others find that the tenets of realism resonate just as much with the public as the tenets of liberal institutionalism. Thus, it is unclear what should be our *ex ante* expectations of factors that motivate public support of the ICC and the relative weight Americans assign to them.

If the US public increasingly supports joining the ICC, are elites likely to be responsive? *Does public opinion matter in the foreign policy realm?* Kreps (2010) suggests, no, arguing that "elite consensus inoculates leaders from electoral punishment," enabling them to defy negative or divergent public opinion (2010, 191). This sharply contrasts with the body of scholarship that finds that foreign policy is constrained, if not shaped, by public opinion in democratic polities where elites seek reelection (Aldrich et al. 2006; De Mesquita and Siverson 1995; Larson and Savych 2005). In addition, Page and Shapiro (1983) demonstrate that *changes in public opinion tend to drive changes in government policy*, even in the foreign policy realm. Moreover, public attitudes can motivate commitment to international legal instruments and norms and strengthen subsequent compliance (Vreeland 2003; Nooruddin and Simmons 2006; Simmons 2009). Thus, changes in Americans' preferences regarding the ICC matter and we need to understand them better.

But *what issue frames are likely to resonate with Americans* when making judgments about the ICC? The US foreign policy public opinion literature—which focuses predominantly on war, military and humanitarian intervention, and the use of armed drones and torture—provides some guidance. Scholars broadly find that *diplomacy* frames decrease support for military operations, *UN support* frames increase support for humanitarian intervention, and *international law* frames decrease support for drone warfare and torture (Flores-Macías and Kreps 2017; Hoffman et al. 2015; Kreps and Wallace 2016; Wallace 2013, 2017). Scholarship also finds that *national interest* frames influence the public's desire to go to war and shape Americans' approval of other countries. For example, Herrmann (1999) demonstrate that

Americans are more likely to support the use of force when US interests are at stake. In turn, [Brewer \(2006\)](#) finds that Americans hold favorable views of other countries to the extent that they perceive other countries to be interested in cooperating, rather than competing, with the US.

Instrumental rationales—e.g., concerns about effectiveness, UN sanctions, noncompliance with international agreements, and global competition and status—tend to undergird frames in the US foreign policy public opinion literature. However, there is a growing literature that investigates moral calculations. [Kreps and Maxey \(2018\)](#) find that framing humanitarian intervention as a moral obligation to protect civilians drives support for intervention. In a similar vein, [Busby \(2010\)](#) finds that moral action in US foreign policy arises when NGOs conduct campaigns and frame issues in ways that resonate with core values—values such as “respect for human rights domestically and general support for extending human rights in principle internationally” (2010: 234).

I build on research by [Busby \(2010\)](#) and [Ruggie \(2009\)](#) and theorize that human rights frames centered around the US’s historical support of international criminal tribunals will motivate Americans to support joining the ICC. I also extend [Brewer \(2006\)](#) and [Herrmann \(1999\)](#) and argue that national interest frames centered around the US’s ability to carry out its own investigations and prosecutions will motivate Americans to oppose joining the ICC.

4 The US Public and the ICC

4.1 Support of the ICC: Survey Evidence

The American Bar Association International Criminal Court Project (hereafter, ABA-ICC Project) began conducting regular polls on Americans’ support for the ICC, including membership, in 2014. The ABA-ICC Project has three central findings: (1) general knowledge of the ICC increases public support for the Court, including membership; (2) possible US implication in future ICC investigations neither drives support nor opposition; and (3) knowledge and support increase with time.

The ABA-ICC Project motivates a more rigorous inquiry under experimental conditions. Given random assignment to a variety of experimental treatments, do US adults respond more favorably to human rights arguments consistent with a Rooseveltian vision of “an international order based on rules and institutions promoting human betterment through free trade and American-led collective security [, and through] human rights” ([Ruggie 2009](#), 304)? Or, are they similarly or more sensitive to national interest

arguments?

4.2 Framing Attitudes about the ICC

Scholars have long held that people cope with our complex world and make decisions using cognitive shortcuts, or heuristics.⁹ One shortcut which can guide public opinion formation is issue framing ([Druckman and Nelson 2003](#)). A framing effect occurs when emphasis placed on one dimension of an issue (by a researcher, interest group, organization, or other actor) drives members of the target audience to focus on that dimension (at the exclusion or to the neglect of others) when forming their opinions ([Chong and Druckman 2007b](#); [Druckman 2001](#)).

As previously mentioned, the foreign public opinion literature investigates instrumental and normative rationales for supporting or opposing certain US foreign policies, such as humanitarian intervention. Human rights frames and national interest frames are two key frames that emerge from this literature and which are of particular theoretical interest for studying US public attitudes about the ICC. One is normative, one is instrumental, and both have been leveraged in elite discourse regarding the US's relationship with the ICC. Because they have been used by presidents and other policy makers at the highest levels of the US government, we should expect that these frames are effective in shifting—in one direction or another—the individuals these policy makers represent, the people who elected them.

For clarity, the US foreign policy public opinion literature is more useful for grounding this paper's exploration of what arguments are likely to resonate with Americans when making judgments about the ICC than the literature on courts. While the ICC is a court, it is perceived first and foremost as an international institution/organization ([Chaudoin 2016](#)). Indeed, the ICC is distinct from US courts due to two main features. First, in contrast to pre-existing state and federal courts, the US public and its elected representatives have the *choice* to join the ICC and submit themselves to its jurisdiction. This opens the Court to politicization in a manner distinct from domestic courts. Second, while general knowledge of the US Supreme Court is positively correlated with public support and loyalty, the ICC, its structure, case portfolio and judges are less well known by the US public ([Gibson and Caldeira 2009](#)).

⁹See for example, [Khong \(1992\)](#) and [Tetlock \(1998\)](#).

4.3 Human Rights

The ICC represents a new era of global governance at a time when inter- and intra-state conflict persist, unspeakable violence abounds, and the international human rights regime is threatened. US membership in the ICC could serve compelling domestic and international interests, namely accountability and human rights. Historically, moral action in US foreign policy has arisen when politicians and interest groups, such as NGOs, have framed issues in ways that resonate with core values, among them support for human rights at home and abroad. We find a clear use of human rights framing from former President Clinton who authorized the US's signing of the Rome Statute. At the time of signature in December 2000, Clinton emphasized that, by signing, the US “*reaffirm[ed] our strong support for international accountability [...] from our involvement in the Nuremberg tribunals that brought Nazi war criminals to justice to our leadership in the effort to establish the International Criminal Tribunals for the Former Yugoslavia and Rwanda. Our action today sustains that tradition of moral leadership*” (Clinton 2000, Emphasis mine). These sentiments were echoed in contemporaneous statements from other interested individuals and groups such as Human Rights Watch and the American Bar Association (Council on Foreign Relations 1999).

I expect that human rights frames centered around the US's historical support of international criminal tribunals, and which articulate the ways in which the US could assist the Court while promoting US values, will motivate Americans to support joining the ICC.

Hypothesis 1 Human Rights

Participants who receive a human rights frame will be more likely to support the US joining the ICC than participants in the control treatment.

4.4 National Interests

National interest frames, in contrast to human rights frames, represent the inclination to exempt the US and its citizens from international norms and institutions, and it constitutes the principal frame against the US joining the ICC (Ruggie 2009). Using these frames, policy makers prioritize sovereignty over justice. One of the most vocal and staunch opponents of US membership in the ICC is National Security Advisor John Bolton. While serving as Under Secretary for Arms Control and International Security in the Bush administration, Bolton issued several statements regarding the Court, arguing that joining

would threaten US interests. Then-Under Secretary Bolton urged that “the ICC is an organization whose precepts go against *fundamental American notions of sovereignty* [...] It is an agreement that is harmful to the national interests of the United States [...] It is essential that we remain steadfast in preserving the independence and flexibility that America needs to *defend our national interests around the world*” (Bolton 2002, Emphasis mine).

I expect that raising the prospect of American military personnel and leaders being targeted by the ICC for political reasons will motivate Americans to oppose US membership in the ICC. While this expectation contradicts existing evidence from the ABA-ICC Project, it corresponds with Guisinger and Saunders (2017), as well as much elite discourse and behavior.

Hypothesis 2 National Interests

Participants who receive a national interest frame will be less likely to support the US joining the ICC than participants in the control treatment.

4.5 Human Rights versus National Interests

People may form their opinions without seriously deliberating and evaluating the merits and deficits of a given policy proposal (Higgins 1996). To motivate conscious deliberation, scholars recommend placing opposing frames in competition (Chong and Druckman 2007b). The US foreign policy public opinion literature does not provide us with a set of expectations about how Americans might weigh the ideals of human rights and national interests when both are articulated. On the one hand, the average American might give more weight to the human rights argument because joining the ICC would be norm consistent. In addition, it could serve American values. On the other hand, the average American might give more weight to the national interest argument because he thinks human rights represent a lower priority. Thus, I explore the effect of competing frames for the first time in this area.

Scholarship is currently divided on the effect of competing frames. On one side of the debate are Sniderman and Thériault (2004), who argue that framing effects vanish when experimental participants are exposed to competing frames. In other words, participants revert to their original opinions. This proposition remains to be tested in the US foreign policy public opinion literature, which only indirectly compares individuals who receive either a positive frame or a negative frame around a given issue.¹⁰ If Sniderman and Thériault are correct, we should expect experimental participants who receive both human

¹⁰See, for example, Brewer (2006).

rights and national interest frames to favor (oppose) US membership in the ICC to a similar extent as participants who receive the control treatment.

Hypothesis 3 The Neutralizing Effect of Competing Frames

Participants who receive competing national interest and human rights frames will be neither more likely nor less likely to support the US joining the ICC than participants in the control treatment.

Evaluating this proposition is critical, as it bears implications for efforts to mobilize support for US ICC membership. If Americans hew to their original opinions when given competing arguments, a pro-ICC campaign led by norm entrepreneurs, such as NGOs, may not be an efficient use of resources.

On the other side of this debate are [Chong and Druckman \(2007a\)](#), who submit that, given opposing frames, participants will engage in more deliberate evaluation and, provided that these frames are strong, they will be pulled to a more intermediate position. If Chong and Druckman are correct, we should expect participants who receive both the human rights and national interest frames to hold more moderate positions than participants exposed to a single frame yet differ appreciably from the control group.

Hypothesis 4a The Moderating Effect of Competing Frames

Participants who receive competing human rights and national interest frames will support the US joining the ICC to a lesser extent than participants exposed to the human rights treatment alone.

Hypothesis 4b *Participants who receive competing human rights and national interest frames will support the US joining the ICC to a greater extent than participants exposed to the national interest treatment alone.*

Hypothesis 4c *Participants who receive competing human rights and national interest frames will differ appreciably from participants in the control treatment.*

Evaluating this hypothesis is also vital, as it can help us conclude, albeit tentatively, that individuals driven towards human rights or national interests can be brought to a more moderate position, such that the political debate can move beyond the dichotomy of human rights *or* national interests. Human rights and national interests do not represent a binary. While there may be some tradeoffs between the two, the US need not surrender one in exchange for the other. Seriously engaging these two disparate viewpoints can allow for a more meaningful discussion on the principles of complementarity and justice.¹¹

¹¹ To be clear, ICC membership presumes that states will investigate and prosecute their nationals who are alleged to have committed acts in violation of the Rome Statute. Only when national courts have proven incompetent or unwilling to investigate and prosecute their nationals does the ICC investigate and prosecute. This is known as the principle of complementarity. Therefore, the ICC is not a substitute for national prosecution but, rather, its complement.

4.6 The Role of Information

In addition to theorizing different framing effects, I develop expectations about the role of general information on the ICC in shaping preferences for membership. Specifically, I expect that individuals who are given information about the ICC, namely about its goals and jurisdiction, will be more likely to support US membership than those who are not given information. Because the mission of the ICC—to hold accountable perpetrators of the most serious crimes of concern to the international community—is normatively good, one can conclude that the background information primes participants to support the Court, even if this information fairly describes the Court.

Hypothesis 5 Information

Participants who receive information about the ICC will be more likely to support the US joining the ICC than those who receive no prior information.

Some might argue that informing individuals of the inherent virtues of the ICC biases them towards human rights (essentially, that I provide a double treatment). However, specifying the goals and jurisdiction of the Court is foundational to an understanding of the Court—an understanding from which we can more clearly discern the effect of human rights and national interest frames. To address this concern, and as articulated in my experimental protocol, I provide background information about the ICC to half of my experimental participants. In this way, I am able to discern any attitudinal differences between participants who receive and who do not receive information, and determine if information accounts for a portion of the positive effect I expect to observe among participants in the human rights treatment.

5 Research Design

To test these hypotheses, I designed a survey experiment. Survey experiments empower the researcher to manipulate treatments and to distinguish between cause and effect. Given a representative sample “survey experiments can provide firmly grounded inferences about real-world political attitudes and behavior” (Gaines, Kuklinski and Quirk 2006, 2).

5.1 Survey Recruitment

Survey participants were recruited through Amazon’s Mechanical Turk (MTurk), which Berinsky, Huber and Lenz (2012) have determined a useful mechanism for inexpensively recruiting experimental partic-

ipants. While there is a lack of consensus among public opinion researchers about the acceptability of opt-in internet surveys, scholars, such as Ansolabehere and Schaffner have found that “a carefully executed opt-in Internet panel produces estimates that are as accurate as a telephone survey” (2014, 1). Of course, participants recruited through MTurk or “workers” are an imperfect representation of the American adult population (Huff and Tingley 2015). MTurk tends to oversample younger, more liberal, and less affluent individuals, and generally undersamples African Americans and Latinx (Berinsky, Huber and Lenz 2012). Nevertheless, MTurk has been used to successfully replicate established findings (Mullinix et al. 2015).

5.2 Survey Instrument

I randomly assigned 1,020 US adult participants to five experimental conditions. To ensure that (at least) half of the participants have a shared definition and basic understanding of the ICC, I provided background information to half of the sample before presenting the main treatment frames. The control group receives no information prior to being asked whether or not they believe the US should become a member of the ICC. As seen in Table 1, below, there are actually two controls groups: one for information, or the *information baseline*, and one for information and frames, or the *true baseline*. I also deploy standard controls on demographics, including age, race, sex, party identification, and educational attainment.

Table 1: Treatment Assignment Groups

| Frame | Information | No Information |
|-------------------|--------------------------|-------------------------|
| Human Rights | Group 1 | Group 5 |
| National Interest | Group 2 | Group 6 |
| Competitive | Group 3 | Group 7 |
| Control | Group 4 (Info. Baseline) | Group 8 (True Baseline) |

The human rights and national interest treatment vignettes are provided in full below. The competitive treatment is a randomized ordering of the human rights and national interest vignettes. (See the supplementary appendix for the information treatment.)

Human Rights Treatment

Before the International Criminal Court (ICC) was created, international criminal tribunals were established on an as-needed basis following conflicts during which serious crimes (e.g., willful killing, rape, torture, unlawful imprisonment, etc.) were committed. These tribunals include the Nuremberg and Tokyo trials in Germany and Japan following World War II, as well as the International Criminal Tribunal for the former Yugoslavia (ICTY), following the wars in the Balkans, and the International Criminal Tribunal for Rwanda (ICTR), following the Rwandan genocide.

The U.S. has long been a defender of the international investigation and prosecution of serious crimes. The U.S. was one of the leading supporters of the Nuremberg and Tokyo trials. The U.S. also provided financial and logistical support to the ICTY and ICTR, as well as the ICC. If the U.S. were to join the ICC, the U.S. could promote American democratic values, such as accountability and human rights, by helping the Court to investigate and prosecute individuals alleged to have committed serious crimes.

National Interest Treatment

Currently if, in the course of executing their duties, United States military personnel order or commit serious crimes (e.g., willful killing, rape, torture, unlawful imprisonment, etc.), these individuals can be prosecuted in U.S. domestic courts. The U.S. government has sufficient resources and institutional capacity to fairly investigate, prosecute, and, where appropriate, convict and sentence these individuals for committing such crimes.

However, if the U.S. were to join the International Criminal Court (ICC) and the ICC was not satisfied with the U.S.'s efforts to hold accountable the accused individuals, the Court could take over the investigations and prosecutions. The U.S. military has long been engaged in many different places around the world. And, there is opposition to U.S. involvement in some of these contexts. If the U.S. were to join the ICC, the Court could unfairly target U.S. leaders and military personnel for political reasons.

After random assignment to the active treatments or control treatment, participants were prompted:

Although the United States has not joined the International Criminal Court (ICC), it could do so. Please indicate how much you agree with the following statement: The United States should become a member of the ICC.

| | | | | |
|----------------|----------------|----------------------------|-------------------|-------------------|
| Strongly agree | Somewhat agree | Neither agree nor disagree | Somewhat disagree | Strongly disagree |
|----------------|----------------|----------------------------|-------------------|-------------------|

I code categorical and binary versions of the responses. For the binary version of *Join Court*, I coded a participant as supporting US membership in the ICC if she chose "Strongly agree" or "Somewhat agree" when asked how much she agrees that the US should join the ICC. The categorical version of this variable is an ordinal, 5-point scale, ranging from 1 (Strongly disagree) to 5 (Strongly agree).

5.2.1 Additional Questions

To determine the basis upon which each subject justifies his/her support of or opposition US membership in the ICC, I ask participants which factor or factors helped them respond to the main dependent variable

(i.e., “Please indicate how much you agree with the following statement: The United States should become a member of the ICC.”) for cross-examination. I do this via a multiple-choice question and an open-ended item.

I include two additional attitudinal indicators to better discern ICC attitudes by treatment group. The first attitudinal indicator captures participants’ belief that the US should (or should not) provide financial support to the ICC, regardless of membership (see supplementary appendix for analysis). The second attitudinal indicator captures participants’ reported likelihood of calling their US Senator about whether or not the US should join the ICC.

Since these are only stated, rather than revealed, preferences, I also developed two behavioral indicators to gauge participants’ degree of commitment to their responses. The first behavioral indicator requires participants to identify their willingness to give a portion of their MTurk earnings from this study to the ICC’s Trust Fund for Victims (TFV) which provides physical, psychological, and financial support to victims of genocide, crimes against humanity and war crimes and their families. The inclusion of this indicator reveals respondents’ preferences and the degree to which they are willing to engage in costly action. The second behavioral indicator asks respondents to send a letter to their US Senator, choosing from one of two form letters I provide, or send no letter. The inclusion of this indicator serves multiple purposes. Substantively, it helps us ascertain whether individual support for or opposition to US ICC membership actually has implications for policy makers. Methodologically, this and the previous behavioral indicator help address one of the most salient criticisms against survey experiments, i.e., that responses are merely “cheap talk”. This is especially important when one is working with a subject pool (i.e., MTurk workers) that may have “satisficing” tendencies.

Finally, I pose questions that tap into participant knowledge of global affairs like how often individuals read a newspaper or watch a regular news program. This helps me discern if individuals who are more informed about the world in general have more favorable views of the ICC, as well as helps me detect the average effects of the treatment frames on more- and less-knowledgeable individuals.

5.3 Sample Statistics and Randomization

Table 2 provides summary information on participants.¹²

¹²These descriptive statistics help us see what share of the participant population is represented in a given category. For example, 51% of survey participants identify as female, closely approximating the US national population.

Table 2: Summary Statistics of Participant Characteristics

| | <i>Mean</i> | <i>Min</i> | <i>Max</i> | <i>N</i> |
|-------------------------|-------------|------------|------------|----------|
| Human Rights Frame | 0.24 | 0 | 1 | 1020 |
| National Interest Frame | 0.26 | 0 | 1 | 1020 |
| Competitive | 0.24 | 0 | 1 | 1020 |
| Information | 0.52 | 0 | 1 | 1020 |
| Join Court (binary) | 0.52 | 0 | 1 | 1020 |
| Prior Knowledge | 0.50 | 0 | 1 | 1020 |
| Caucasian | 0.81 | 0 | 1 | 1020 |
| Female | 0.51 | 0 | 1 | 1015 |
| Democrat | 0.44 | 0 | 1 | 1020 |
| Republican | 0.24 | 0 | 1 | 1020 |
| Bachelor's Degree. | 0.56 | 0 | 1 | 1020 |
| Age Under 40 | 0.56 | 0 | 1 | 1020 |

I used the test from [Hansen and Bowers \(2008\)](#) to check for balance in treatment assignment before evaluating the treatment effects.¹³ I include indicator variables for the participant's race, sex, political party identification, whether she has a Bachelor's degree, and whether she is under 40 years of age. The overall χ^2 statistics and associated p -values for each treatment group are: human rights, 5.53 ($p = 0.477$); national interest, 4.83 ($p = 0.566$); competing, 2.98 ($p = 0.811$); and null, 8.29 ($p = 0.218$). I thus do not find evidence of imbalance.

6 Experimental Results

To assess the average treatment effect of each frame on attitudes towards the US becoming a member of the ICC, I conduct a difference-in-means test.¹⁴

Table 3 and Figure 1 show the percentage of participants who approved of the US becoming a member of the ICC across each of the treatment groups.

Consistent with Hypothesis 1, I find that participants who receive a human rights frame are more likely to support the US joining the ICC than participants in the control treatment. 64.6% of individuals in the

¹³When conducting an experiment, one does not want respondents with certain characteristics to be more likely to be assigned to treatment than control because then the groups are not comparable to each other. In my case, I do not want respondents with certain characteristics to be more likely to be assigned to either the human rights treatment, the national interest treatment, the competitive treatment, or the control. While a computer randomly assigned participants to each of my groups, I recognize that computer-generated randomization is not perfect/full-proof. The test from [Hansen and Bowers \(2008\)](#) assesses how close the distributions of participant characteristics are between the treatment and control groups. The overall χ^2 statistics and associated p -values from this test indicate whether or not groups are comparable.

¹⁴For clarity, the difference of means is the difference between approval rates by treatment group.

human rights treatment, compared to 55.9% of individuals in the control treatment, agreed that the US should become a member of the ICC. When respondents learn of the US's historical role in supporting international criminal tribunals, the US's potential positive influence on the ICC, and the importance of the ICC to American liberal values, there is a nearly 9-percentage-point increase in support of US membership. And, this difference is statistically significant ($p < 0.05$).

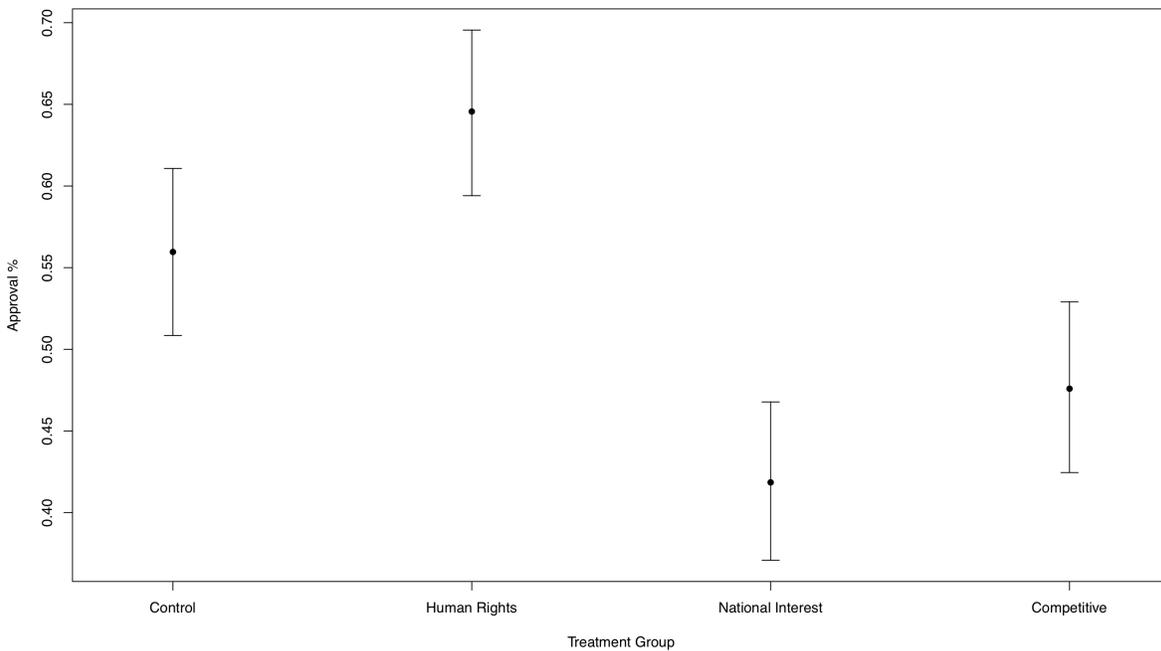
Table 3: Approval Rates by Treatment Group for *Join Court*

| <i>Treatment group</i> | <i>N</i> | <i>Proportion</i> | | <i>Standard</i> | | |
|------------------------|----------|-------------------|-------------------|------------------|--------------|----------------|
| | | <i>approval</i> | <i>Difference</i> | <i>deviation</i> | <i>tstat</i> | <i>p-value</i> |
| Control | 259 | 0.559 | | | | |
| Human Rights | 243 | 0.646 | 0.086 | 0.479 | 1.98 | 0.049 |
| National Interest | 270 | 0.419 | -0.141 | 0.494 | -3.28 | 0.001 |
| Competing | 248 | 0.476 | -0.084 | 0.500 | -1.90 | 0.059 |

Hypothesis 2 states that participants who receive a national interest frame will be less likely to support the US joining the ICC than participants in the control treatment. I find that 41.9% of individuals in the national interest treatment agreed that the US should become a member of the ICC. Indeed, there is a sharp decrease in agreement when respondents learn of the ICC's ability to take over an unsatisfactory investigation and a potential anti-US bias. Compared to individuals in the control treatment, there is a 14-percentage-point decrease in support of US membership among individuals in the national interest treatment. And, this difference is statistically significant ($p < 0.001$). I thus find support for Hypothesis 2. The national interest frame appears to be the stronger of the two frames.

This is likely due to the fact that participants have a relatively high level of baseline support for the US joining the ICC, as described in Table 3 and visualized in Figure 1.

Figure 1: Treatment Effects with 95% Confidence Intervals, All Respondents, DV = *Join Court*

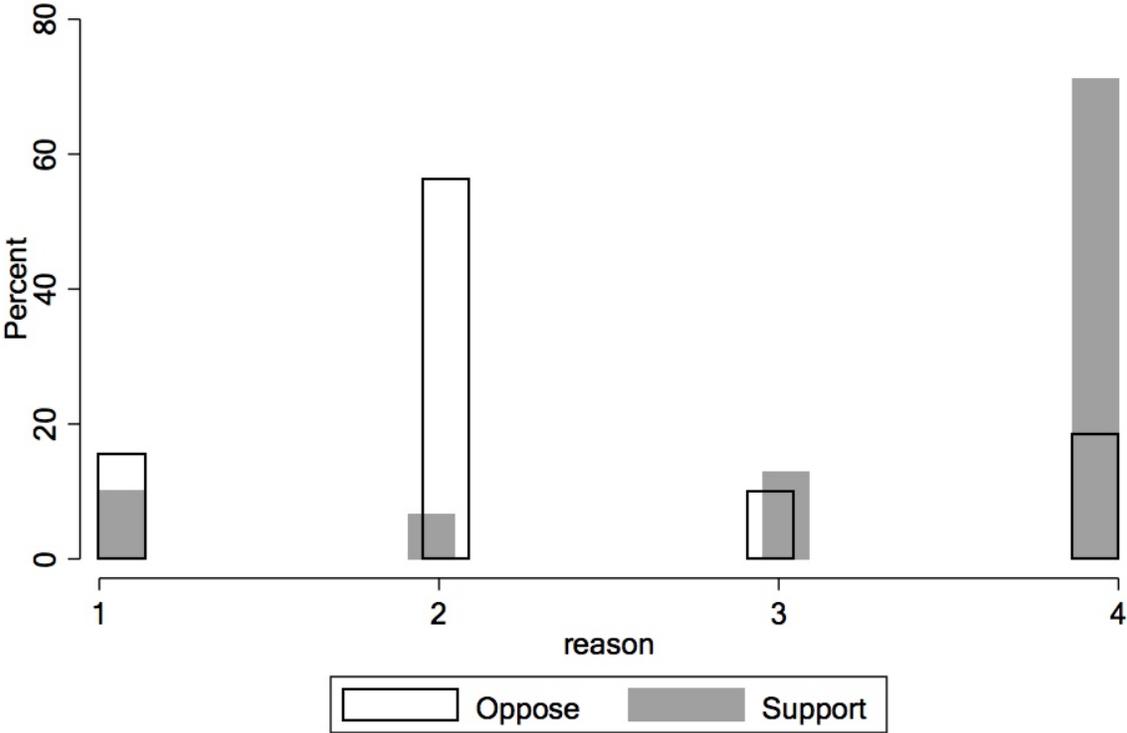


The final two hypotheses compete. Hypothesis 3 holds that participants who receive both human rights and national interest frames will favor (oppose) US membership in the ICC to a similar extent as participants in the control group. In contrast, Hypothesis 4 holds that participants exposed to both human rights and national interest frames will (a) favor US membership less than those exposed to the human rights treatment alone, (b) favor US membership more than those exposed the national interest treatment alone, and (c) differ appreciably from those in the control treatment. I find that 47.6% of individuals in the competitive treatment agreed that the US should become a member of the ICC. When respondents were exposed to both human rights and national interest frames, there is an 8-percentage-point decrease in support of US membership, though this is only statistically significant at the 10-percent error level. Thus, I do not find support for Sniderman and Thériault’s argument, that framing effects vanish when experimental participants are exposed to competing frames (H3). Rather, as Chong and Druckman argue, I find participants in the competitive treatment espouse a moderated position, compared to individuals exposed to a single treatment—either human rights or national interests (H4). Notably, individuals in the competitive treatment are less likely to support US membership in the ICC than participants in

the control treatment. Thus, it seems that ABA respondents are under-informed about the contending arguments regarding US membership. When my experimental participants are more informed, via the competing frames, a minority of Americans, albeit a large minority, support membership.

Moving on to rationales for their choice of position, when asked which factor or factors motivated their support of the ICC, participants who do not agree that the US should join the Court generally cited the ICC's potential anti-US bias (274 of 487, or 56%). In contrast, an overwhelming majority of participants who agree that the US should join the Court cited the US's potential influence on the ICC and human rights globally (378 out of 533, or 71%). These relationships are visualized in Figure 2.

Figure 2: Rationale for ICC Support/Opposition, All Respondents, DV = *Join Court*

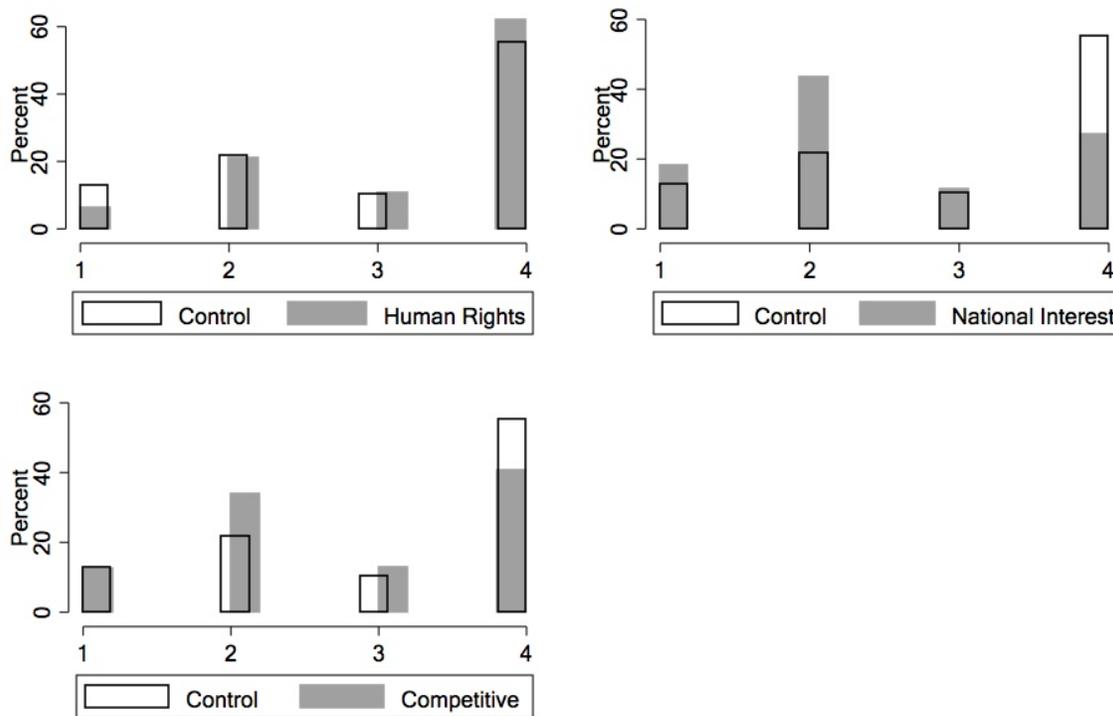


Rationale for Support/Opposition: 1 = Possible Prosecution of US Leaders and Military Personnel, 2 = Potential Anti-US Bias, 3 = Past US Leadership, 4 = Potential US Leadership

As visualized in Figure 3 and consistent with expectations for the treatment groups, participants in the human rights treatment are more likely to cite the US's potential influence on the ICC and human rights globally, relative to the control group, while participants in the national interest treatment are more likely to cite the ICC's potential anti-US bias. Across the treatments, participants are less likely

to cite among their reasons for support or opposition the US's past leadership in international tribunals and the possibility of US military personnel being prosecuted if the US joins the ICC. The latter finding is especially interesting. Consistent with the ABA-ICC Project's findings, it suggests that Americans do not oppose alleged US perpetrators being pursued by the ICC as such. Rather, they oppose Americans being targeted more frequently or more severely relative to nationals of other countries, i.e., not solely on the merits of the case.

Figure 3: Rationale for ICC Support/Opposition by Treatment Group, All Respondents, DV = *Join Court*



Rationale for Support/Opposition: 1 = Possible Prosecution of US Leaders and Military Personnel, 2 = Potential Anti-US Bias, 3 = Past US Leadership, 4 = Potential US Influence

In addition to the multiple-choice item, I included an open-ended item for participants to communicate other reasons for their support for or opposition to the US joining the ICC.¹⁵ This item provides just a glimpse into the range of rationales participants provided. One participant argued that the “ICC helps

¹⁵The open-ended item was optional, so only a fraction of the participants, 236 of 1,020 elaborated on their decision. Of the 236 participants who answered this item, 50 were in the control treatment, 67 in the human rights treatment, 64 in the national interest treatment, and 55 in the competitive treatment. Thus, no single treatment group is overrepresented.

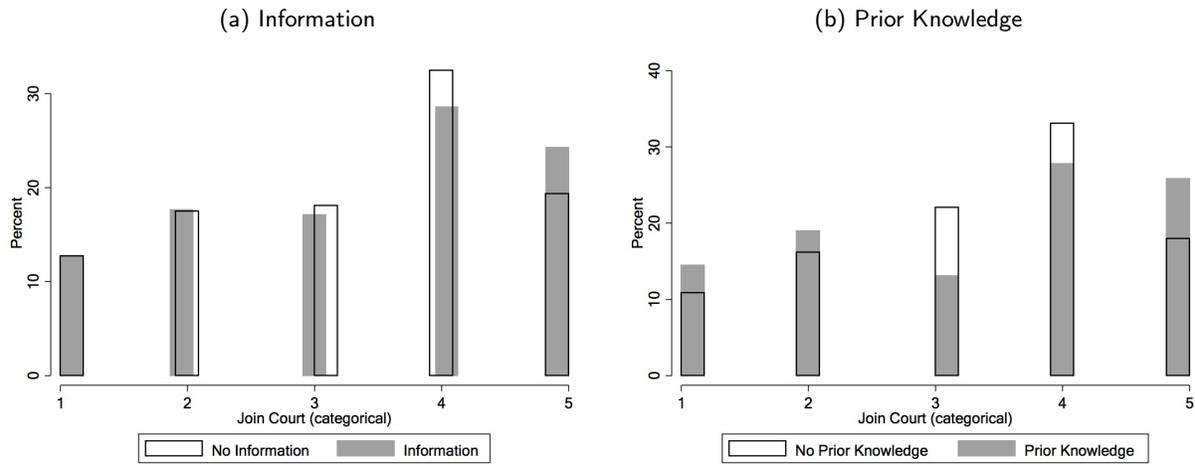
to uphold human dignity, and we should support that (and hold ourselves accountable),” while another warned, “The surrender of sovereignty isn’t worth whatever gains are promised.” Several participants held that accountability for US leaders and military personnel would be much more likely were the US a member of the ICC, suggesting shaken confidence in domestically-administered justice. Several others communicated concerns related to the Trump administration. One respondent shared an especially poignant remark, “I can no longer trust my government to uphold the values we have fought for [...] Having an additional [*sic*] check on a leader with clear authoritarian tendencies would help.”

6.1 Evaluating the Role of Information

I next examine the role of general information in shaping attitudes about US membership in the ICC. Inconsistent with Hypothesis 5, I find no statistically significant difference between individuals who received or did not receive information on the ICC. This result is somewhat surprising. Since the mission of the ICC—to hold accountable perpetrators of the most serious crimes of concern to the international community—is normatively good, we might expect that background information on the Court primes participants to support the Court. But, this is not what I find. What’s more, this null result holds across the treatment groups. As seen in Figure 4(a), of participants who are given information on the ICC, 30.2% either strongly or somewhat disagree with US membership, 52.7% either strongly or somewhat agree, and 17.1% neither agree nor disagree.

I additionally explore the role of prior knowledge of the ICC in shaping attitudes about US membership. As with individuals in the information treatment, I find no statistically significant difference between individuals who are already aware of the ICC and those who are not yet aware. This also holds across the treatments. As seen in Figure 4(b), of participants who are already aware of the ICC, 33.4% either strongly or somewhat disagree with US membership in the ICC, while 53.5% either strongly or somewhat agree, and 13.9% neither agree nor disagree.

Figure 4: *Join Court* by Information and Prior Knowledge



6.2 Political Action around the ICC

I next capture and evaluate respondents' stated likelihood to call their US Senator(s). As seen in Table A5 in the supplementary appendix, the only statistically significant difference in means ($p < 0.05$) is between the human rights and control treatments, with 24% and 16.9%, respectively, stating that they are somewhat or very likely to call their Senator(s). One possible reason why only participants in the human rights treatment are more likely to contact their elected officials is because this action may help to change the status quo. Participants in the national interest treatment may be confident in the status quo remaining so and thus, do not act.

Moving on to the behavioral indicators, the first behavioral indicator I introduce is respondents' willingness to donate to the ICC's Trust Fund for Victims (TFV). As seen in Table A6 in the supplementary appendix, 34.2% of individuals in the human rights treatment, 33.7% of individuals in the national interest treatment, and 27% of individuals in the competitive treatment were willing to donate some portion of their earnings to the TFV, relative to 27% of individuals in the control treatment. With respect to the willingness to donate, the difference between the human rights treatment and the control treatment is statistically significant at the 10-percent error level, as is the difference between the national interest treatment and the control treatment. Interestingly, participants in the human rights and national interest groups are similarly willing to donate. Participants in the national interest group's willingness to donate to the TFV might be caused by a desire to signal that they are sympathetic to the cause of victims and

to the work of the ICC in general. Much like the US government, they might be interested in providing financial, logistical, and diplomatic support to the Court, but not as a member.

The second behavioral indicator I introduce is respondents' willingness to send a letter to one or both of their US Senators, choosing from one of two form letters, or no letter. Only 95 participants, less than a tenth of the sample, chose to send a letter, with 77 individuals writing support letters and 16 writing opposition letters. As seen in Tables A7 and A8 in the supplementary appendix, I do not find a statistically significant difference between the control group and the treatment groups either in the choice to write a letter or the type of letter written. Given such a small sub-sample, these comparisons are statistically underpowered.

6.3 IO Attitudes and Knowledge of World Affairs

Of course, there may be other reasons why participants may support or oppose US membership in the ICC. For example, there are people who generally support the missions of IOs but are skeptical about their: (1) usefulness for solving practical world problems, (2) ability to accomplish their missions, (3) resource efficiency, and (4) impartiality vis-à-vis certain countries. Certainly, each of these concerns may shape attitudes about the ICC as one type of IO. Therefore, I use logit regressions to control for these potentially confounding factors, with respect to IOs in general and the United Nations in particular since it is among the most, if not the most, well-known IO.¹⁶ I also control for demographic characteristics, such as race, gender, and party identification.¹⁷

Models 1 to 5 in Table 4, below, present the results of logit regressions with *Join Court* as the dependent variable. Model 1 presents the treatments, Model 2 adds demographic characteristics, Model 3 adds indicators of global affairs knowledge, and Models 4 and 5 add indicators of IO and UN attitudes, respectively.¹⁸ Across the models, I find consistent statistically significant effects in the expected directions for the human rights ($p < 0.05$) and national interest ($p < 0.01$) treatments.

I find weaker support for the moderating effect of competing frames. The coefficient estimates for

¹⁶These supplementary questions are randomly assigned to appear before and after the experimental treatments. Before the regression analysis, I split the participant sample into two: those who were asked about their attitudes towards IOs before being exposed to the treatment frames and those who were asked about their attitudes towards IOs after the treatment frames. I did not find a statistically significant difference between the two groups. Thus, there is not a priming effect at work.

¹⁷In expectation, randomized treatment assignment attenuates concerns about bias. Nevertheless, introducing demographic controls is useful for ruling out with greater certainty bias in estimation.

¹⁸I include in the supplementary appendix models in which I interact the treatments with indicators of IO attitudes, UN attitudes, and global affairs knowledge.

the competitive treatment *are* between coefficient estimates for the human rights and national interest treatments. However, I do not find a consistent, statistically significant effect for the competitive treatment. In only two models is the effect statistically significant and, even then, only at the 10-percent error level. In some ways, this finding raises more questions than it answers. Is it possible to move beyond the dichotomy of human rights *or* national interests? Might there be space and interest to more seriously consider the principles of complementarity and justice in national debates? These and other questions should be advanced in future research.

Returning to the multivariate analysis, I estimate several noteworthy effects among the control variables. First, with respect to demographic characteristics, *Democrat* is a strong positive predictor of support for joining the ICC ($p < 0.001$) and, inversely, *Republican* is a negative predictor of support for joining the ICC ($p < 0.05$), relative to the omitted third party, *Independent*. In addition, participants under the age of 40 are more likely to support the US joining the ICC and this relationship is statistically significant ($p < 0.001$) across the five models. *Prior Knowledge of the ICC* is also a positive predictor of support for joining the ICC ($p < 0.10$) across two of the three models in which it is included.

Second, with respect to IO and UN attitudes, I find positive and statistically significant effects for IOs and the UN being useful for solving practical world problems ($p < 0.001$ and $p < 0.01$, respectively), IOs and the UN accomplishing their missions ($p < 0.05$ and $p < 0.01$, respectively), and IOs being efficient with resources ($p < 0.05$). Individuals who think IOs are useful for solving practical world problems are more likely to support the US joining the ICC, as are individuals who think IOs generally accomplish their missions and are efficient with resources. I also find negative and statistically significant effects for IOs and the UN being biased against some countries ($p < 0.01$ and $p < 0.001$, respectively). Individuals who think IOs are biased against some countries are less likely to support the the US joining the ICC. It appears from these two sets of results that individuals may analogize the performance of IOs in general, and the UN in particular, to the performance of the ICC. Those who view IOs positively support the US joining the ICC, while those who view IOs negatively oppose the US joining the ICC. The information treatment, race, sex, education, and regular reading and watching of the news deliver null results.

Figures 5 and 6 are coefficient plots that summarize the results of Models 4 and 5. As seen in both the regression table and coefficient plots, the IO and UN attitudes coefficients are as large if not larger than the treatment coefficients, indicating the importance of these beliefs in shaping attitudes about the ICC.

Table 4: Framing Effects on Support of US Membership in the ICC

| | DV = <i>Join Court</i> | | | | |
|-----------------------------------|------------------------|---------------------|---------------------|---------------------|---------------------|
| | (1) | (2) | (3) | (4) | (5) |
| Human Rights | 0.367* (0.18) | 0.488* (0.20) | 0.486* (0.20) | 0.547** (0.21) | 0.568** (0.21) |
| National Interest | -0.571** (0.18) | -0.676*** (0.19) | -0.683*** (0.19) | -0.654*** (0.20) | -0.665*** (0.20) |
| Competitive | -0.337+ (0.18) | -0.305 (0.19) | -0.323+ (0.19) | -0.298 (0.20) | -0.304 (0.20) |
| Information | 0.079 (0.13) | 0.041 (0.14) | 0.041 (0.14) | 0.061 (0.14) | 0.028 (0.14) |
| Caucasian | | 0.263 (0.17) | 0.265 (0.17) | 0.243 (0.18) | 0.273 (0.18) |
| Female | | 0.062 (0.14) | 0.105 (0.14) | 0.007 (0.15) | -0.010 (0.15) |
| Democrat | | 1.039*** (0.16) | 1.040*** (0.16) | 0.684*** (0.17) | 0.724*** (0.17) |
| Republican | | -0.452* (0.18) | -0.450* (0.19) | -0.495* (0.20) | -0.396* (0.20) |
| Bachelor's Degree | | 0.093 (0.14) | 0.060 (0.14) | 0.125 (0.15) | 0.089 (0.15) |
| Age Under 40 | | 0.622*** (0.14) | 0.674*** (0.15) | 0.652*** (0.15) | 0.624*** (0.15) |
| Prior Knowledge of ICC | | | 0.168 (0.15) | 0.295+ (0.16) | 0.327* (0.16) |
| Regularly Reads News | | | 0.021 (0.16) | 0.000 (0.17) | 0.035 (0.17) |
| Regularly Watches News | | | 0.081 (0.15) | 0.007 (0.16) | 0.052 (0.16) |
| IOs Useful | | | | 1.120*** (0.20) | |
| IOs Accomplish Mission | | | | 0.419* (0.17) | |
| IOs Efficient with Resources | | | | 0.376* (0.17) | |
| IOs Biased Against Some Countries | | | | -0.439** (0.15) | |
| UN Useful | | | | | 0.545** (0.19) |
| UN Accomplishes Mission | | | | | 0.596** (0.19) |
| UN Efficient with Resources | | | | | 0.185 (0.18) |
| UN Biased Against Some Countries | | | | | -0.534*** (0.15) |
| Constant | 0.198 (0.14) | -0.785** (0.27) | -0.948** (0.30) | -1.851*** (0.36) | -1.379*** (0.34) |
| Observations | 1020 | 1015 | 1015 | 1015 | 1015 |

Standard errors in parentheses

+ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Figure 5: Model 4 Coefficients with 95% Confidence Intervals

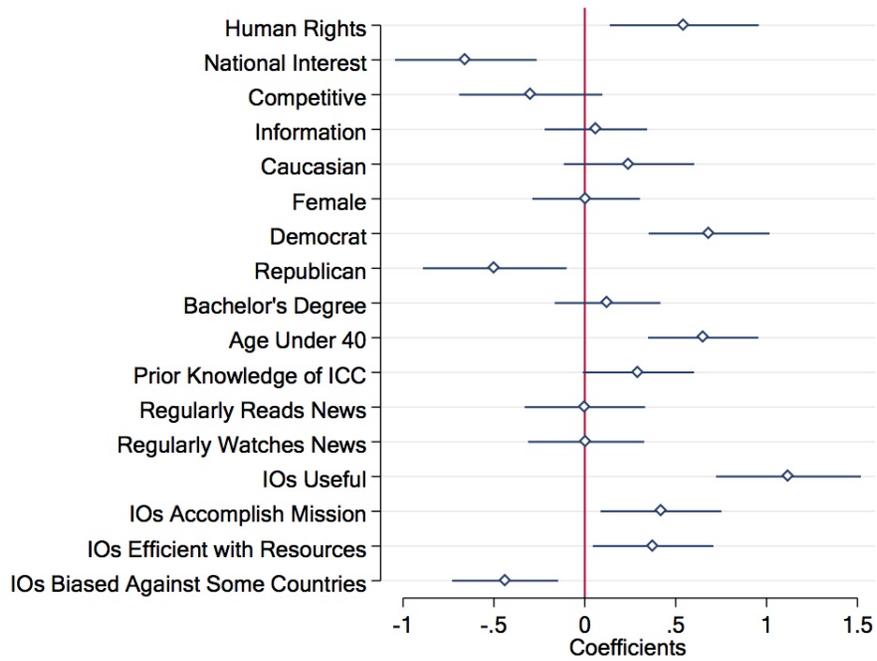
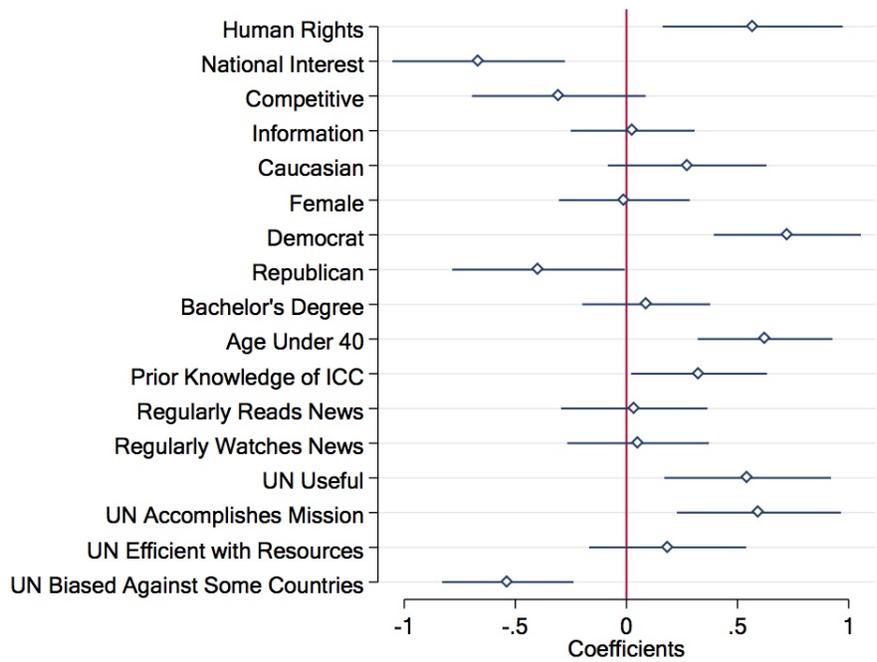


Figure 6: Model 5 Coefficients with 95% Confidence Intervals



6.4 Limitations

There are a few limitations to this study that merit discussion here. Americans have different foreign policy positions which may influence their views of the ICC—policy positions that are more meaningful or salient to them than the treatment frames. Accordingly, study participants with a baseline preference for international cooperation may have thought more positively of the ICC when introduced to it, while others with a baseline aversion to international cooperation may have thought more negatively of the ICC. I did attempt to control for these factors by developing indicators of IO attitudes and including them in the regression analysis.

Relatedly, given that many respondents—though a minority—did not know about the ICC prior to this study, they may have attempted to draw analogies to institutions familiar to them. This is information I could not capture, let alone capture systematically. Positive or negative views could have been triggered depending on the analogies they drew. If, for example, participants not in the human rights and competitive treatment groups made the connection between the ICC and previous international tribunals, more positive views were likely triggered, as the US has led previous tribunals and these tribunals have convicted and sentenced individuals determined to have perpetrated atrocity crimes. Similarly, if participants not in the national interest or competitive treatment groups made the connection between the ICC and a potential anti-US bias, more negative views were likely triggered. As in any empirical study, and especially an experimental one, I cannot unreservedly say that I accounted for and mitigated against every possible confound. Even under experimental conditions, inferences in social scientific research are complicated by exceedingly complex human subjects.

There may also be spillover between the human rights and national interest treatments. The human rights frame may trigger a variant of national interest concerns if survey participants believe that the US has historically shouldered the burden of providing international public goods, such as the creation of international criminal tribunals, and that another country or group of countries should now assume the helm of leading international justice. If the human rights frame *does* trigger this variant of national interests, then the positive and statistically significant results associated with the human rights treatment may actually be underestimated.

7 Discussion

This paper evaluated the effectiveness of different policy arguments in shaping American public opinion on the ICC, and US membership in particular. Prior scholarship concludes that the US government is unlikely to join IOs unless it can exercise significant control over them. Yet, US public attitudes do not necessarily correspond to government policy and may actually change government policy. Recent public opinion polls report both increasing awareness and support of US membership in the Court. Given that changes in public opinion tend to drive changes in government policy, it was and remains important to study public opinion further.

I sought to clarify to what extent different issue frames resonate with Americans when making judgments about the ICC, in particular human rights frames and national interest frames. Consistent with prior survey research by the ABA, my survey participants had a relatively high baseline level of support for the US joining the ICC. However these attitudes shifted as participants were exposed to human rights, national interest, and competing frames. Consistent with my theoretical expectations, I found that support of US membership in the ICC increased when participants learned of the US's historical role in supporting international criminal tribunals, the US's potential positive influence on the ICC, and the importance of the ICC to American liberal values. I also found that support of US membership in the Court decreased when participants learned of the ICC's ability to take over an unsatisfactory investigation and a potential anti-US bias. The results also begin to adjudicate on a long-standing American Politics debate on the effect of exposure to competing frames. I was able to bound and extend extant theories when applied to a different policy arena. Specifically, I found support for Chong and Druckman's argument that individuals exposed to competing frames hold more moderate views than individuals exposed to a single frame but differ appreciably from individuals exposed to no frame.

This study helped bridge scholarship on US domestic and international politics. While much scholarship on American attitudes towards judicial institutions focuses on domestic courts, namely the Supreme Court of the United States, this paper explored American attitudes towards not only an international court, but the apogee of international criminal justice. This research is informed by and invites continued theorizing and testing of how various actors can induce the US public to buy into normative causes via issue framing in foreign policy areas such as humanitarian intervention, military intervention, and charity and philanthropy. Framing public opinion on the ICC is but one application of a more generalizable

mechanism. The experiment suggests that norm entrepreneurs and policy framers, such as NGOs, can mobilize pro-ICC public opinion among Americans by using human rights frames. This study also indicates that the ICC itself may be able to increase popular support by demonstrating its effectiveness and impartiality. Public opinion may, in turn, be leveraged to motivate US accession to the Rome Statute.

References

- Aldrich, John H., Christopher Gelpi, Peter Feaver, Jason Reifler and Kristin Thompson Sharp. 2006. "Foreign Policy and the Electoral Connection." *Annual Review of Political Science* 9:477–502.
- Amann, Diane Marie and M.N.S. Sellers. 2002. "The United States of America and the International Criminal Court." *American Journal of Comparative Law* 50:381–404.
- American Bar Association. 2014a. December 2014 Ipsos Polling Data. Technical report.
- American Bar Association. 2014b. February 2014 Ipsos Polling Data. Technical report.
- American Bar Association. 2015a. April 2015 Ipsos Polling Data. Technical report.
- American Bar Association. 2015b. November 2015 Ipsos Polling Data. Technical report.
- American Bar Association. 2016a. April 2016 Ipsos Polling Data. Technical report.
- American Bar Association. 2016b. July 2016 Ipsos Polling Data. Technical report.
- American Bar Association. 2016c. The U.S.-ICC Relationship. Technical report.
- American Bar Association. 2017. July 2017 Ipsos Polling Results. Technical report.
- American Bar Association. 2018. April 2018 Ipsos Polling Results. Technical report.
- Ansolabehere, Stephen and Brian F. Schaffner. 2014. "Does Survey Mode Still Matter? Findings from a 2010 Multi-Mode Comparison." *Political Analysis* 22(3):285–303.
- Bartels, Brandon L. and Christopher D. Johnston. 2013. "On the Ideological Foundations of Supreme Court Legitimacy in the American Public." *American Journal of Political Science* 57(1):184–199.
- Benesh, Sara C. 2006. "Understanding Public Confidence in American Courts." *The Journal of Politics* 68(3):697–707.
- Berinsky, Adam J., Gregory A. Huber and Gabriel S. Lenz. 2012. "Evaluating Online Labor Markets for Experimental Research: Amazon.com's Mechanical Turk." *Political Analysis* 20(3):351–368.
- Bolton, John R. 1998. "Courting Danger: What's Wrong With the International Criminal Court." *The National Interest* (54):60–71.
- Bolton, John R. 2002. "The United States and the International Criminal Court." *Remarks from the Under Secretary for Arms Control and International Security* .
- Brewer, Paul R. 2006. "National Interest Frames and Public Opinion about World Affairs." *Harvard International Journal of Press/Politics* 11(4):89–102.
- Busby, Joshua W. 2010. *Moral Movements and Foreign Policy*. Cambridge University Press.
- Cerone, John P. 2007. "Dynamic Equilibrium: The Evolution of US Attitudes Toward International Criminal Courts and Tribunals." *European Journal of International Law* 18(2):277–315.
- Chapman, Terrence L. and Stephen Chaudoin. 2013. "Ratification Patterns and the International Criminal Court." *International Studies Quarterly* 57(2):400–409.

- Chapman, Terrence L. and Stephen Chaudoin. 2018. "Public Reactions to International Legal Institutions: The ICC in a Developing Democracy." *Working Paper* .
- Chaudoin, Stephen. 2016. "How Contestation Moderates the Effects of International Institutions: The International Criminal Court and Kenya." *The Journal of Politics* 78(2):557–571.
- Chemerinsky, Erwin. 2003. "Empowering States When It Matters-A Different Approach to Preemption." *Brooklyn Law Review* 69:1313–1334.
- Chong, Dennis and James N. Druckman. 2007a. "Framing Public Opinion in Competitive Democracies." *American Political Science Review* 101(04):637–655.
- Chong, Dennis and James N. Druckman. 2007b. "Framing Theory." *Annual Review of Political Science* 10:103–126.
- Clark, Tom S. and Jonathan P. Kastellec. 2015. "Source Cues and Public Support for the Supreme Court." *American Politics Research* 43(3):504–535.
- Clinton, William J. 2000. "Statement on the Rome Treaty on the International Criminal Court." *Weekly Compilation of Presidential Documents* 37(1):4–31.
- Council on Foreign Relations. 1999. *Toward an International Criminal Court?: Three Options Presented as Presidential Speeches*. Council on Foreign Relations archive publications Council on Foreign Relations.
- Danner, Allison and Erik Voeten. 2010. *Who is Running the International Criminal Justice System?* Cambridge University Press.
- De Mesquita, Bruce Bueno and Randolph M. Siverson. 1995. "War and the survival of political leaders: A comparative study of regime types and political accountability." *American Political Science Review* 89(4):841–855.
- DeLaet, Debra L. 2005. *The Global Struggle for Human Rights: Universal Principles in World Politics*. Thompson Wadsworth.
- Drezner, Daniel W. 2008. "The Realist Tradition in American Public Opinion." *Perspectives on Politics* 6(1):51–70.
- Druckman, James N. 2001. "The Implications of Framing Effects for Citizen Competence." *Political Behavior* 23(3):225–256.
- Druckman, James N. and Kjersten R. Nelson. 2003. "Framing and Deliberation: How Citizens' Conversations Limit Elite Influence." *American Journal of Political Science* 47(4):729–745.
- Flores-Macías, Gustavo A. and Sarah E. Kreps. 2017. "Borrowing support for war: The effect of war finance on public attitudes toward conflict." *Journal of Conflict Resolution* 61(5):997–1020.
- Gaines, Brian J., James H. Kuklinski and Paul J. Quirk. 2006. "The Logic of the Survey Experiment Reexamined." *Political Analysis* 15(1):1–20.
- Gibson, James L. and Gregory A. Caldeira. 2009. "Knowing the Supreme Court? A Reconsideration of Public Ignorance of the High Court." *Journal of Politics* 71(2):429–41.
- Gibson, James L., Gregory A. Caldeira and Lester Kenyatta Spence. 2003. "Measuring Attitudes toward the United States Supreme Court." *American Journal of Political Science* 47(2):354–367.

- Gibson, James L., Gregory A. Caldeira and Lester Kenyatta Spence. 2005. "Why do people accept public policies they oppose? Testing legitimacy theory with a survey-based experiment." *Political Research Quarterly* 58(2):187–201.
- Gibson, James L, Gregory A. Caldeira and Vanessa A. Baird. 1998. "On the legitimacy of national high courts." *American Political Science Review* 92(2):343–358.
- Guisinger, Alexandra and Elizabeth N. Saunders. 2017. "Mapping the boundaries of elite cues: How elites shape mass opinion across international issues." *International Studies Quarterly* 61(2):425–441.
- Haddad, Heidi Nichols. 2013. "After the norm cascade: NGO mission expansion and the Coalition for the International Criminal Court." *Global Governance* 19(2):187–206.
- Haddad, Heidi Nichols. 2018. *The Hidden Hands of Justice: NGOs, Human Rights, and International Courts*. Cambridge University Press.
- Hansen, Ben B. and Jake Bowers. 2008. "Covariate balance in simple, stratified and clustered comparative studies." *Statistical Science* pp. 219–236.
- Hathaway, Oona A. 2002. "Do Human Rights Treaties Make a Difference?" *Yale Law Journal* 111(8):1935–2042.
- Herrmann, Richard K .and Tetlock, Philip E .and Visser Penny S. 1999. "Mass public decisions on go to war: A cognitive-interactionist framework." *American Political Science Review* 93(3):553–573.
- Higgins, E. Tory. 1996. Knowledge Activation: Accessibility, Applicability, and Salience. In *Social Psychology: Handbook of Basic Principles*, ed. E. Tory Higgins and Arie W. Kruglanski. Guilford Press pp. 133–168.
- Hoffman, Aaron M., Christopher R. Agnew, Laura E. VanderDrift and Robert Kulzick. 2015. "Norms, diplomatic alternatives, and the social psychology of war support." *Journal of Conflict Resolution* 59(1):3–28.
- Huff, Connor and Dustin Tingley. 2015. "'Who Are These People?' Evaluating the Demographic Characteristics and Political Preferences of MTurk Survey Respondents." *Research & Politics* 2(3):1–12.
- Ignatieff, Michael. 2009. Introduction: American Exceptionalism and Human Rights. In *American Exceptionalism and Human Rights*, ed. Michael Ignatieff. Princeton University Press pp. 1–26.
- International Criminal Court. 2011. Understanding the International Criminal Court. Technical report International Criminal Court.
- Khong, Yuen Foong. 1992. *Analogies at War: Korea, Munich, Dien Bien Phu, and the Vietnam Decisions of 1965*. Princeton University Press.
- Koh, Harold Hongju. 2002. "On American Exceptionalism." *Stanford Law Review* 55:1479.
- Kreps, Sarah. 2010. "Elite Consensus as a Determinant of Alliance Cohesion: Why Public Opinion Hardly Matters for NATO-led Operations in Afghanistan." *Foreign Policy Analysis* 6(3):191–215.
- Kreps, Sarah E. and Geoffrey P.R. Wallace. 2016. "International law, military effectiveness, and public support for drone strikes." *Journal of Peace Research* 53(6):830–844.

- Kreps, Sarah and Sarah Maxey. 2018. "Mechanisms of Morality: Sources of Support for Humanitarian Intervention." *Journal of Conflict Resolution* 62(8):1814–1842.
- Lambert, Caitlin. 2014. The Evolving U.S. Policy Towards the ICC. Technical report International Justice Project.
- Larson, Eric V. and Bogdan Savych. 2005. *American Public Support for US military Operations from Mogadishu to Baghdad*. Arlington: Rand Corporation.
- Moravcsik, Andrew. 2009. The Paradox of U.S. Human Rights Policy. In *American Exceptionalism and Human Rights*, ed. Michael Ignatieff. Princeton University Press pp. 1–26.
- Mullinix, Kevin J., Thomas J. Leeper, James N. Druckman and Jeremy Freese. 2015. "The Generalizability of Survey Experiments." *Journal of Experimental Political Science* 2(02):109–138.
- Nooruddin, Irfan and Joel W Simmons. 2006. "The Politics of Hard Choices: IMF Programs and Government Spending." *International Organization* 60(4):1001–1033.
- Page, Benjamin I. and Robert Y. Shapiro. 1983. "Effects of Public Opinion on Policy." *American Political Science Review* 77(1):175–190.
- Pearl, Elizabeth L. 1992. "Punishing Balkan War Criminals: Could the End of Yugoslavia Provide an End to Victors' Justice." *American Criminal Law Review* 30(4):1373–1414.
- Peskin, Victor. 2005. "Beyond Victor's Justice? The Challenge of Prosecuting the Winners at the International Criminal Tribunals for the Former Yugoslavia and Rwanda." *Journal of Human Rights* 4(2):213–231.
- Resnik, Judith. 2001. "Categorical federalism: Jurisdiction, gender, and the globe." *Yale Law Journal* 111(3):619–680.
- Ruggie, John Gerard. 2009. American Exceptionalism, Exemptionalism and Global Governance. In *American Exceptionalism and Human Rights*, ed. Michael Ignatieff. Princeton University Press pp. 304–338.
- Rutkow, Lainie and Joshua T. Lozman. 2006. "Suffer the Children: A Call for United States Ratification of the United Nations Convention on the Rights of the Child." *Harvard Human Rights Journal* 19:161–190.
- Sandholtz, Wayne. 2009. "L'Europe, les États-Unis et la Cour Pénale Internationale." *Politique Étrangère* (1):117–130.
- Schabas, William A. 2004. "United States Hostility to the International Criminal Court: It's All About the Security Council." *European Journal of International Law* 15(4):701–720.
- Simmons, Alan J. 2017. "Domestic Attitudes Towards International Jurisdiction over Human Rights Violations." *Human Rights Review* 18(3):321–345.
- Simmons, Beth A. 2009. *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge University Press.
- Smith, Charles Anthony. 2012. *The Rise and Fall of War Crimes Trials: From Charles I to Bush II*. Cambridge University Press.

- Sniderman, Paul M. and Sean M. Thériault. 2004. "The Structure of Political Argument and the Logic of Issue Framing." *Studies in Public Opinion: Attitudes, Nonattitudes, Measurement Error, and Change* pp. 133–65.
- Spiro, Peter J. 1997. "The states and international human rights." *Fordham Law Review* 66:567–596.
- Tetlock, Philip E. 1998. "Social Psychology and World Politics." *Handbook of Social Psychology* 4:868–914.
- Van der Vyver, Johan D. 2001. "American exceptionalism: Human rights, international criminal justice, and national self-righteousness." *Emory Law Journal* 50:775–832.
- Vreeland, James Raymond. 2003. *The IMF and Economic Development*. Cambridge University Press.
- Wallace, Geoffrey P.R. 2013. "International Law and Public Attitudes Toward Torture: An Experimental Study." *International Organization* 67(1):105–140.
- Wallace, Geoffrey P.R. 2017. "Supplying Protection: The United Nations and Public Support for Humanitarian Intervention." *Conflict Management and Peace Science* pp. 1–22.
- Wedgwood, Ruth. 1998. "Fiddling in Rome: America and the International Criminal Court." *Foreign Affairs* 77:20–24.
- Wippman, David. 2004. The International Criminal Court. In *The Politics of International Law*, ed. Christian Reus-Smit. pp. 151–88.
- Wright, Quincy. 1947. "The Law of the Nuremberg Trial." *American Journal of International* 41:38–72.
- Zipprich, Scott E. 2010. "The International Criminal Court: Time to Adjust U.S. Foreign Policy." *Orbis* 54(4):644–655.