

## HOW INTERNATIONAL NORMS SHAPE VOTER CHOICES

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Scholarship on policy diffusion has grown dramatically in recent years in law, sociology, and political science. We now know that there is substantial conformity in the policy choices very different countries make. We know that international models shape policy fields as diverse as education, trade, finance, human rights, and state administration, even when there is no binding international law, no threat of force, no economic advantage to be gained.<sup>1</sup>

However, we do not know why this happens—what mechanisms generate conformity in the absence of material incentives. The best work on why states respond to the choices of other states, and to the recommendations of international organizations, focuses on the mechanisms of learning and socialization. Policy elites are at the center of these models. In some accounts, experts form transnational networks and use these networks to spread new ideas.<sup>2</sup> In other accounts, government leaders attend international meetings and change their thinking as a result. At these meetings, politicians might be persuaded that new policies are best for their countries. Or they might be socialized into international norms, deciding to adopt these to gain the approbation of their foreign counterparts or to avoid shame.

There is a key problem with these explanations. They assume that once political leaders change their minds on an issue, they can go home and change government policy. However, in democracies, publics hold leaders accountable. Substantial research shows that politicians pay close attention to what voters want and rarely deviate from that, for fear of losing elections.<sup>3</sup>

How can politicians, who are severely constrained by domestic publics, make the policy changes necessary to adopt international norms domestically? I develop a theory about voters' roles in policy diffusion, and then test this theory using empirical methods.<sup>4</sup> My central claim is that the domestic electoral incentives politicians face account for important patterns of cross-national policy diffusion.

### THEORETICAL CLAIMS

Voters, unlike politicians, have limited information about policy models. They want their government to enact successful policies, but unlike politicians, they have neither the resources, nor the incentives, to conduct extensive searches. Voters get information passively, from the media. The media covers some foreign developments, but this coverage is severely biased, towards culturally proximate countries, and towards economically powerful states. When a large and proximate country enacts a policy change, voters may hear about it. When a small or distant country enacts a policy change, it is unlikely that this information will reach voters.

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<sup>1</sup> See, e.g., Frank Dobbin, Beth Simmons & Geoffrey Garrett, *The Global Diffusion of Public Policies*, 33 ANN. REV. SOC. 449 (2007); Ryan Goodman & Derek Jinks, *How to Influence State: Socialization and International Human Rights Law*, 54 DUKE L.J. 621 (2004).

<sup>2</sup> See, e.g., ANNE MARIE SLAUGHTER, A NEW WORLD ORDER (2004); Kal Raustiala, *The Architecture of International Cooperation: Transgovernmental Networks and the Future of International Law*, 43 VA. J. INT'L L. 1 (2002).

<sup>3</sup> See, e.g., Bruce Bender & John Lott, *Legislative Voting and Shirking: A Critical Review of the Literature*, 87 PUB. CHOICE 67, 68 (1996); Bingham G. Powell, *Political Representation in Comparative Politics*, 7 ANN. REV. POL. SCI. 273 (2004).

<sup>4</sup> For debates surrounding the use of empirical methods in international law, see Oona Hathaway, *The New Empiricism in Human Rights: Insights and Implications*, 98 ASIL PROC. 206 (2004); Ryan Goodman & Derek Jinks, *The Difference Law Makes: Research Design, Institutional Design, and Human Rights*, 98 ASIL PROC. 198 (2004).

When voters hear about an international model, their support for this policy can increase for two reasons. First, international models can provide voters with valuable information. When a foreign government adopts a policy, it conveys a strong signal that it expects the policy to succeed. Voters know that someone outside their own political system has vetted this policy proposal. When many foreign governments adopt the same policy, or when an international organization translates the experience of many countries into a recommendation, the signal voters get is even stronger. Second, some voters may be internationalists: they may prefer that their country conform with international norms, regardless of the norm's content and likely consequences.

To win elections, politicians have strong incentives to propose policies that they expect voters to like. Politicians can expect policies that have been enacted by culturally proximate and economically powerful countries to garner higher voter support than new, untested proposals. Therefore, when politicians are persuaded by, or socialized into, a policy that comes from a large and proximate country, the electoral mechanism gives them the opportunity to advocate for this policy domestically. In contrast, politicians persuaded by models adopted by small and remote countries face uphill battles in getting these policies enacted domestically. Furthermore, politicians who have strong personal doubts about dominant international models nonetheless have electoral incentives to set aside their doubts and mimic these models.

#### EMPIRICAL TESTS

Do voters in fact increase their support for a policy when told that it constitutes an international model? And does such a shift in voters' views change government policy? I address these questions by examining international influences in the field of family policy. Because of high-quality cross-national data in this field, the analysis can overcome criticisms that international influences shape law on the books but fail to change government behavior.

To study how voters respond to information about foreign models, I conducted an experiment on a representative sample of the U.S. public. Respondents were randomly assigned either to a baseline group or to one of four experimental groups. In the baseline group, respondents were asked whether they supported a tax increase in order to introduce paid maternity leave. In the various experimental groups, people got the same question prefaced by different prompts. Respondents were told either that Canada provided paid maternity leave, or that most Western countries provided paid leave, or that the UN recommended this policy, or that U.S. experts recommended the policy.

Very large shifts in public opinion occurred when respondents were told about foreign models. Examining which people shifted their views most lends support to both the informational and to the conformity mechanisms. As the informational theory predicts, shifts in opinion across each of the prompts were larger among persons with limited prior information about social policy. The strongest evidence for a conformity effect is the fact that the UN recommendation resulted in significantly larger responses than any of the other prompts, even among well-informed persons.

How responsive are politicians to voters' views, when diverse interest groups may push them in opposite directions? In a second empirical analysis, I looked at two policy areas, family benefits and paid maternity leaves, in eighteen OECD countries over twenty-five years. I examined both international organization effects and country-to-country learning. I looked at three measures of international influence, controlling for domestic factors.

First, I examined whether countries that have ratified relevant international instruments—in this case ILO conventions—have more expansive policies consistent with these instruments.

I found a small but positive effect. Surprisingly, the ILO was more effective than the EU in influencing state choices on maternity leave because the ILO started advocating for maternity leaves in 1919 while the EU waited until the 1990s, after its members had already adopted these policies.<sup>5</sup> The second test examines whether citizens can function as a channel of international organization messages. I found that the ILO was particularly influential in countries with many international NGOs. Finally, I examined country-to-country diffusion by looking at what happens when influential countries change their family policies. When countries covered in the national media change their policies, the country receiving these news reports also introduces similar changes.

#### POTENTIAL IMPLICATIONS

This argument could have important implications for the study of diffusion and international organization influence. First, we should expect greatest international influence, and strongly biased diffusion, in policy areas and countries where voters hold elites accountable. We should see greater international influence in policy fields where elected officials, rather than, for example, judges, make decisions. We should expect democratic countries to adopt international models more readily than autocracies. Indeed, a superpower like the United States might adopt international templates precisely because of its strong domestic democratic traditions.

Second, international organizations and activists interested in spreading particular messages cross-nationally should focus on citizens, not on governments. Efforts at getting governments to sign and ratify binding conventions might be more costly and time-consuming, and thus ultimately less cost-effective, than efforts at developing soft law and publicizing it widely.

Finally, we should revisit questions about the democratic deficit of international organizations and transnational networks. If elites adopt international norms only to the extent that voters' change their minds, we have less reason to worry that international norms might supplant domestic constitutional order. However, the argument advanced here also suggests that suboptimal models may spread widely.

<sup>5</sup> For a more extensive discussion of E.U. social directives and their impact on E.U. member state countries, see Katerina Linos, *How Can International Organizations Shape National Welfare States? Evidence from Compliance with European Union Directives*, 40 *COMP. POL. STUD.* 547 (2007). See also Katerina Linos, *Path Dependence in Discrimination Law*, 35 *YALE J. INT'L L.* 115 (2010) (discussing ECJ interpretations of E.U. Directives and Treaty provisions in the social policy field).