

International law, military effectiveness, and public support for drone strikes

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Abstract

Despite the increased emphasis on domestic politics in the study of international law, scholars remain divided about whether and how international law affects domestic institutions. Moreover, while public support is a core ingredient for sustainable, legitimate policies in a democracy, research at the individual level of analysis remains limited. Weighing in on these areas of study, we investigate the use of drone strikes for counterterrorism, a subject of considerable debate. Proponents in the government point to drones as both effective for disrupting terrorist networks and compatible with international law. Critics from groups such as international organizations (IOs) and non-governmental organizations (NGOs) respond that attacks create more terrorists than they kill and violate legal commitments. The central question we ask in this article is whether these international legal criticisms impact public support for drone strikes, the centerpiece of US counterterrorism policy, or whether individuals are more persuaded by effectiveness-based arguments. Employing a survey experiment of a nationally representative sample of the United States, we find IO and NGO criticisms can shape public attitudes even around an important national security issue like drone strikes, but are most influential when messages center on legal critiques rather than matters of effectiveness. Our findings speak to fundamental questions about the domestic politics of international legal commitments, the role of IOs and NGOs in shaping political debates, and the durability of US counterterrorism policy.

Keywords

drones, international law, public opinion

Introduction

How does international law, and by extension actors such as international organizations (IOs) and nongovernmental organizations (NGOs) who frequently promote international legal principles, affect the domestic institutions that carry out states' commitments? This question remains the subject of considerable controversy. Some scholars suggest that international agreements provide a focal point for transnational and domestic groups lobbying for reform and compliance (Dai, 2007; Simons, 2009), thereby affecting states' tendency to adhere to international commitments. Others offer a less ambitious read of the record. Goldsmith & Posner (2005: 185) argue that even when domestic groups seem to have pressured governments into changing their behavior, it is

not through the influence of international law, since these groups 'complain regardless of whether the state has formally acceded' to a particular treaty. More damaging to the influence of international law, the authors claim (2005: 185), 'when the instrumental calculus suggests a departure from international law, international law imposes no moral obligation that requires contrary action'. Indeed, even those with a more optimistic view on the potential impact of international law acknowledge that legal appeals face an uphill battle when core security interests are at stake, as actors tend to emphasize more

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instrumental concerns in the face of high-level threats (Cardenas, 2007: 13).

We select a particularly useful test for the bottom-up impacts of international law by examining the use of force, specifically US drone strikes for counterterrorism, which have become a 'key feature of the administration's foreign policy' (Singer, 2013). Since 11 September 2001, the United States has conducted more than 500 non-battlefield strikes against suspected terrorists in countries such as Pakistan, Yemen, and Somalia, killing more than 4,000 individuals.¹ Responding to the frequent use of drones, outside groups raise concerns over the program's legality. In 2013, the United Nations (UN) Special Rapporteur for extrajudicial, summary or arbitrary executions presented a report to the General Assembly calling into question US use of drones (also known as unmanned aerial vehicles)² for counterterrorism, urging that 'the limitations posed by international law on the use of lethal force, as for any other lethal weapon, are strictly adhered to and not weakened by broad justifications of drone strikes' (UN, 2013). Non-governmental organizations (NGOs) joined criticisms of US drone strikes on similar legal grounds, with Amnesty International (2013) stating it 'is deeply concerned that targeted killings by US drones occurring outside the conditions of armed conflict violate the prohibition of arbitrary deprivation of life and may constitute extrajudicial executions'. The US administration has not reacted to these charges silently; as the White House Press Secretary put it, 'U.S. counterterrorism operations are precise, they are lawful, and they are effective' (Favole, 2013).

The central question we ask in this article is whether the international legal arguments put forward by these actors impact public support for drone strikes, or whether individuals are more persuaded by arguments rooted in the effectiveness of these strikes. We employ a series of survey experiments probing the influence of international legal principles versus military effectiveness on public support for the policy. Results show that appeals made by NGOs and IOs about the international legality of drone strikes resonate more with the public than arguments about effectiveness. We further suggest that public opposition is more deeply rooted in the normative basis of international legal appeals than the

instrumental value that may come with adhering to international law. By contrast, government appeals are less able to shift public attitudes across both the legal and effectiveness perspectives. The results show that NGOs and IOs can shape public attitudes even around an important national security issue such as drone strikes, but are most influential when their message is centered on legal critiques rather than effectiveness-based arguments.

This study expands the small but growing experimental literature on international law in a number of ways. First, it helps mediate existing debates about the effect of international law on domestic attitudes (Chaudoin, 2014; Chilton, 2015; Chilton & Versteeg, 2016; Tomz, 2008; Wallace, 2013), showing the strong impact of international law on public support. Second, by comparing the effect of different sources and frames on public attitudes, it overcomes some of the limitations in prior studies that address either NGOs or IOs but not both (Chapman, 2011; Davis, Murdie & Steinmetz, 2012) and effectiveness or international law but not both (Press, Sagan & Valentino, 2013; Wallace, 2013). Third, it tests several mechanisms to better understand *how* international law can influence public attitudes through various normative and instrumental channels (Chilton & Tingley, 2013). Fourth, it shows the persuasiveness of different actors on international legal arguments, thereby also extending the existing literature on whether and how NGOs and IOs influence policy debates (Hafner-Burton, 2008).

The remainder of the article proceeds as follows. After highlighting the turn to domestic politics in the study of international law, we show why the debate about drone strikes offers a fruitful avenue for studying how questions about international law and military effectiveness would theoretically impact public attitudes. Next, we present the design for a survey experiment to evaluate these arguments. We then discuss the empirical results as well as a follow-up study assessing competing mechanisms. The final section concludes by discussing the implications of the findings and avenues for further research.

International law, military effectiveness, and domestic politics

Structural theories, long dominant in the study of international relations, maintain that domestic politics has little impact on foreign policy outcomes. By the late 1990s, however, there was an observable turn to domestic factors that Waltz had dismissed as 'reductionist', with Fearon (1998: 289–290) observing that 'a significant amount of recent research in the international

¹ Data from the Bureau of Investigative Journalism, available at <http://www.thebureauinvestigates.com/category/projects/drones/drones-yemen/>.

² We use the term 'drones' throughout to refer to unmanned aerial vehicles (UAVs).

relations field advances the proposition that domestic politics is typically a crucial part of the explanation for states' foreign policies'. Many scholars focusing specifically on international law followed suit. As Slaughter & Burke-White put it (2006: 327), 'international law has traditionally been just that – international [...] international law has penetrated the once exclusive zone of domestic affairs to regulate the relationship between governments and their own citizens'. Opening up the black box of the state revealed that states are not billiard balls but rather individuals and groups within domestic society making rules that extend to transnational and international society (Slaughter, 2000). Whereas Slaughter's account might be viewed as a second image theory in which domestic politics affects international outcomes, others offer 'second image reversed' accounts that speak to the effect of international law on domestic policies, with the effect of law mediated through particular domestic groups (Dai, 2007; Simmons, 2009), domestic legal systems (Elkins, Ginsburg & Simmons, 2013), or regime types (Vreeland, 2008).

Although this research shows how international commitments can mobilize public audiences, most of these studies focus on collective outcomes of organized political mobilization or litigation. Research on the effect of international legal commitments on individual attitudes is relatively nascent, a notable oversight given that public support is a core ingredient for sustainable, legitimate policies in democratic polities (Holsti, 2004). Moreover, research that does examine public attitudes has produced mixed findings in terms of the public's responsiveness to international legal commitments. One camp shows that for issues ranging from political economy to human rights, the public is moved by these commitments (Tomz, 2008; Wallace, 2013). A competing camp is more dubious. Press, Sagan & Valentino (2013) show that as the effectiveness of a conventional strike declines, individuals become more approving of nuclear weapons despite the purported taboo against their use (Tannenwald, 1999). These findings are reinforced by research showing the public often prioritizes matters of military effectiveness and success over normative concerns when evaluating questions concerning the use of force (Gelpi, Feaver & Reifler, 2009: 21–22).

One way to reconcile the two perspectives is to suggest that they are grounded in contexts that present different costs of compliance with international law. Although Wallace's (2013) study of torture claims to be focused on an issue area likely confronting individuals with stark choices between a state's international legal commitments and its security, he acknowledges taking a

'neutral stance on the effectiveness of torture', and does not imply any sense of emergency (the 'Jack Bauer' scenario) where individuals might view torture as instrumentally useful (Gronke et al., 2010: 440). In this respect, the scenario implied little gain in terms of security and therefore offered no meaningful daylight between an instrumental calculus and international law, since individuals could express commitment to international law without necessarily suffering any security trade-offs. As Tetlock points out (2000: 263), however, in a democratic system of governance, 'we take sensitivity to trade-offs to be a necessary condition for thoughtful participation in a pluralistic polity'.

The less sanguine camp, which suggests that individuals privilege effectiveness over legal obligations, raises the near-inverse set of concerns. First, the study most representative of this camp describes an attack on a suspected Al-Qaeda atomic bomb laboratory (Press, Sagan & Valentino, 2013), which implies a life-or-death scenario that is a most-likely case for endorsing unsavory behavior. By contrast, the vast majority of military decisions do not involve such existential scenarios, questioning the study's external validity in terms of broader questions about international law and the use of force. Second, theories of democratic accountability point to the 'especially acute need to generate contemporaneous consent before going to war' and when continuing longer military campaigns (Reiter & Stam, 2002: 88). Based on this logic, leaders are unlikely to need popular consent for an isolated, one-off airstrike along the lines presented in Press, Sagan & Valentino (2013), thus raising question of whether the public is the appropriate unit of analysis. Third, the study is based on a soft norm of nuclear non-use, which could give the commitment less weight compared to longer-established obligations embedded in international law. Finally, the study does not directly evaluate the relative role of international law and military effectiveness on public attitudes despite the importance of policy trade-offs discussed earlier.

Issues and actors in the drones debate

To investigate the effect of international law on public attitudes, we focus on an issue addressing the concerns raised above, in particular that it present a context with trade-offs between security and international law, and in which decisionmakers would be expected to be attentive to public sentiments. With these features in mind, we turn to the question of drone strikes. Few foreign policy issues have garnered more attention in recent years than

the use of drones by the United States to target suspected militants.³ In 2002, the United States used an armed drone to kill a suspect in the attack on the *USS Cole* two years earlier. Since then, reliance on drones expanded gradually, with President Obama admitting in 2013 that he had come to ‘view drone strikes as a cure-all for terrorism’ (White House, 2013). The enduring nature of the policy means that public opinion has a chance to form and, as implied by both theories of democratic accountability, affect the policy’s sustainability. Corroborating this theoretical insight with regards to drone strikes, former CIA Director, Michael Hayden, observed ‘no president can do something repeatedly over a long term without that broad popular support’ (Hopkins, 2013).

Perhaps more importantly for studying the elasticity of public concern for international law – in particular, the extent to which it bends when faced with security trade-offs – the nature of the public debate about drone strikes is oriented around the questions of military effectiveness versus international legal compliance. On the one hand, these strikes have been viewed as effective in eliminating terrorists (Byman, 2013; Johnston & Sarbahi, forthcoming). As President Obama declared in a May 2013 speech, ‘dozens of highly skilled al Qaeda commanders, trainers, bomb makers and operatives have been taken off the battlefield [...] these strikes have saved lives’ (White House, 2013).

On the other hand, the use of force raises potential critiques about the legality of drones that could also resonate with the public. Opponents have articulated these concerns specifically regarding the compatibility of US strikes with two relevant bodies of international law rooted in just war theory:⁴ *jus ad bellum* – rules concerning recourse to the use of force – and *jus in bello* – rules governing wartime conduct (Ohlin, 2012). In terms of *jus ad bellum*, critics charge that drone strikes in places like Pakistan, Yemen, and Somalia are illegal since the United States is not directly at war with these states, but rather a non-state actor operating within their borders (O’Connell, 2011). The UN Charter does allow for self-defense (Article 51), which customary international law interprets as a threat that is ‘instant, overwhelming, and leaving no choice of means, and no moment of deliberation’ (*Caroline Case*, 1838). But legal scholars question whether the

threat posed by many militants legally justifies the recourse to force. According to one study, just 2% represented ‘high-level targets’ (Stanford & NYU, 2012) and most were ‘neither presently aggressing nor temporally about to aggress’ (Christopher, 2012).

Another strand of legal questions arises from whether the strikes are compatible with *jus in bello*. According to Article 48 of the 1977 Additional Protocol I to the Geneva Conventions (AP I), ‘the Parties to the conflict shall at all times distinguish between the civilian population and combatants’ while Article 57 requires that states ‘take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects’. As one analysis summarized the critiques about whether drone strikes comply with this aspect of international law, ‘every independent investigation of the strikes has found far more civilian casualties than administration officials admit’ (Shane, 2015).

Despite unresolved theoretical debates surrounding individual attitudes about international law, particularly versus effectiveness, and ongoing policy debates about the same questions, studies have thus far not subjected the competing views to a systematic empirical test. They have also not considered the source of these differing perspectives, which the next section suggests might weigh on the resonance of each view.

Who frames?

Whether legal commitments resonate with domestic audiences, or whether the public is more persuaded by arguments about effectiveness of strikes, may depend on which actors channel these arguments. Governments such as the United States typically possess an informational advantage over competing actors, both domestic and international, especially when it comes to foreign policy (Baum & Potter, 2008). This asymmetry is particularly stark concerning classified programs like drone strikes, where details concerning the number, accuracy, and circumstances of attacks remain closely held and selectively released. This could give the government a top-down rhetorical strength when it comes to making its case for the efficacy and legality of strikes.

Recent scholarship, however, suggests that nongovernmental actors, such as IOs and NGOs, might also be able to counter government policy positions and shape attitudes about drone strikes. While some scholars identify the potential to impact state policies directly when they “amplify” the demands of domestic groups’ (Keck & Sikkink, 1998: 93), much of the recent

³ For more on the topic of drones, see Kreps (2016).

⁴ With the codification of international humanitarian law, morality as associated with just war theory became intertwined with law itself, making the two less conceptually distinct. When we discuss international law, we implicitly refer to the moral principles that underlie it.

Table I. Experimental groups

Source	International law		Military effectiveness
	Sovereignty	Civilians	
International organization	Con	Con	Con
Nongovernmental organization	Con	Con	Con
Government	Pro	Pro	Pro

An additional baseline control group receives none of the source or issue frame treatments.

literature has focused on the bottom-up effects through which these nongovernmental groups – IOs and NGOs – influence state behavior. NGOs are thought to exert such influence in one of two ways. The first is to work with domestic rights groups that can then agitate through nonviolent or violent protests against particular state policies, providing them with resources and tactics that might otherwise be unavailable (Murdie & Bhasin, 2011: 167). Another pathway, and more relevant to our central question, is to influence members of the populace itself (Davis, Murdie & Steinmetz, 2012), with leaders having political and electoral incentives to bring policies in line with public preferences.

The theoretical influence of IOs operates through bottom-up processes but with potentially different associated pathways than NGOs. Scholars have noted that the UN in particular acts as an ‘opinion leader’ because of its heterogeneous representation (Chapman & Reiter, 2004; Thompson, 2006), such that endorsements legitimate a particular action because the organization is seen as reflecting an independently generated consensus that serves as an unbiased ‘second opinion’ on the use of force (Grieco et al., 2011).

Experimental design

To evaluate the influence of international law versus instrumental considerations about effectiveness, alongside the relevant actors involved, we carried out an experiment embedded in a US national survey. The experiment described below was included in a survey fielded by GfK from 6 September to 23 September 2013.⁵ Of those invited to participate, 2,394 agreed to do so, producing a final completion rate of 64.6%. GfK uses addressed-based sampling methods to generate a probability sample of the US population, and then administers the survey to panelists over the Internet.

⁵ Data collected by Time-sharing Experiments for the Social Sciences, NSF Grant SES-0818839, Jeremy Freese & James Druckman, Principal Investigators.

The survey instrument employed a modified 3x3 design, involving nine separate treatment groups, along with a control group receiving no additional prompts (see Table I).⁶ By randomizing survey participants to experimental conditions, it is possible to assess how the nature and source of arguments affect public attitudes toward drones, helping to overcome inference problems in observational studies, such as ‘endogeneity or spurious correlations’, which can obstruct assessing the independent effect of one factor on another (Tomz & Weeks, 2013: 852).

All subjects were first given the same background information: ‘There has been a lot of recent discussion about the use of unmanned aerial vehicles, also known as drones, by the United States to target suspected militants.’ While the control group only received this initial generic prompt, other respondents were assigned additional information based on the following two sets of treatments.

For the first treatment, we varied the particular issue frame to evaluate two of the main arguments made for or against the use of drone strikes: (1) whether strikes are effective at eliminating militants; or (2) whether they are consistent with prevailing international legal commitments. In terms of the effectiveness treatment, respondents were told ‘the strikes have been instrumental in killing suspected militants and making Americans safer’. We further disaggregated legal matters into either concerns over breaches of the target country’s sovereignty (*jus ad bellum*), or taking appropriate steps to prevent civilian deaths (*jus in bello*). For example, the *jus ad bellum* treatment indicated ‘these strikes violate international law because they break the sovereignty and territorial integrity of the country where the attack takes place’. Given often-heated claims regarding civilian casualties from drone strikes, we chose more measured language that, if

⁶ Online supplementary appendix A discusses the full design and instrument. We chose not to adopt a full factorial design allowing combinations of every treatment condition, since this would have involved 27 experimental groups in addition to the baseline control. Our design improves statistical power, while still offering a test of competing frames and voices.

anything, should underestimate the effects of civilian concerns. The *jus in bello* violation condition stated that ‘these strikes violate international law because they do not take necessary measures to prevent the death of civilians’.

While several past studies focus solely on manipulating the issue frame (e.g. Wallace, 2013; Chaudoin, 2014), the second set of treatments varies the specific source of the argument to assess whether theoretically credible sources, defined as having knowledge germane to the topic and being trusted for sharing relevant information (Druckman, 2001: 1045), shift the perceived importance of issue frames.⁷ For our NGO treatment we focused on Human Rights Watch (HRW) for reasons of external validity – namely, it has been one of the most active nongovernmental critics. For similar reasons, we selected the UN Special Rapporteur for Counter-terrorism and Human Rights as the IO source given its prominence in evaluating the merits of US drone policies. For the government voice, we chose the Joint Chiefs of Staff because we expect members of the military should be seen as especially credible. As Gelpi, Feaver & Reifler (2009: 118) note, the Joint Chiefs of Staff are ‘experts’ on the use of force who are likely to be viewed as less biased than other potential message senders, making them more likely to influence respondents’ attitudes.⁸

Our design integrated these sources alongside competing frames, with each source making assertions about the legality or effectiveness of drone strikes. Following Chong & Druckman (2007: 642), we included ‘pro’ and ‘con’ positions for each of the competing issue frames depending on the source in question. For external validity, the government was associated with taking the ‘pro’ side of military effectiveness and compliance with international law, while the UN/NGO cues are associated with the ‘con’ side that strikes are ineffective and violate legal obligations. Although these actors could hold issues of effectiveness and international law in tension, they have exhibited remarkable consistency in their assertions that drones are *either* effective and legal, *or* ineffective and illegal.⁹ In addition, since the government has

generally remained unified in supporting the use of drones in counterterrorism operations, we included only a single government ‘pro’ side, but future work might consider partisan cleavages to further test theories of elite consensus (Zaller, 1992). After reading the background information and relevant prompts, respondents were asked to indicate their approval for drone strikes on a five-point scale, ranging from strongly approve to strongly disapprove.¹⁰

We address external validity concerns in several ways (McDermott, 2002: 37–38). Unlike undergraduate student or online convenience samples, the GfK panel offers a more representative sample of the US adult population. Comparisons across a wide range of sociodemographic characteristics reveal that our sample deviated on average by only around 2% from standard US benchmarks.¹¹

A related concern deals less with the nature of the scenario than with whether survey experiments provide a clean stimulus compared to the ‘noisy’ environment that individuals face in the ‘real world’ (Barabas & Jerit, 2010: 227). While such problems with external validity may be sizable in situations where respondents are asked to evaluate hypothetical scenarios, tested in laboratory settings, or deal with low-salience issues, this is less of a worry in our study. We explicitly designed elements of our scenario to closely follow contemporary debates over an issue that has received considerable media attention. Polls consistently register between 60% and 65% of the populace as well informed about the use of drone strikes, suggesting that it is not a policy associated with low salience or political knowledge.¹² In addition, about two-thirds of the population typically reports approval for the policy.¹³ That support is strong and stable suggests that effects we find are not impulsive or spontaneous, which should make it more difficult for critical voices over compliance with international law to dislodge support (Sniderman & Bullock, 2004: 337).

Experimental results

Figure 1 shows how each experimental condition affects public opinion toward drones. Each column represents

⁷ See also Page, Shapiro & Dempsey (1987).

⁸ For other studies that use the Joint Chiefs of Staff, see Druckman (2001) and Press, Sagan & Valentino (2013).

⁹ To limit the total number of experimental groups, we did not manipulate the direction or intensity of the positions taken by each actor, though this is an interesting area for future research. Some research indicates that sources may have even greater effects when they act against ‘type’, meaning their expected position (Berinsky, 2009). Given the sources in our instrument all act in concordance with their expected positions, our design likely offers a conservative estimate for the effects of sources on public attitudes toward drones.

¹⁰ Rates of nonresponse were very low at around 1%.

¹¹ US benchmarks come from the September 2013 update of the Current Population Survey (CPS). Online supplementary appendix C provides further details.

¹² Monmouth University Poll, 15 August 2013; Fairleigh Dickinson, 7 February 2013.

¹³ Kreps (2014) offers a discussion of several past polls querying support for drone strikes.

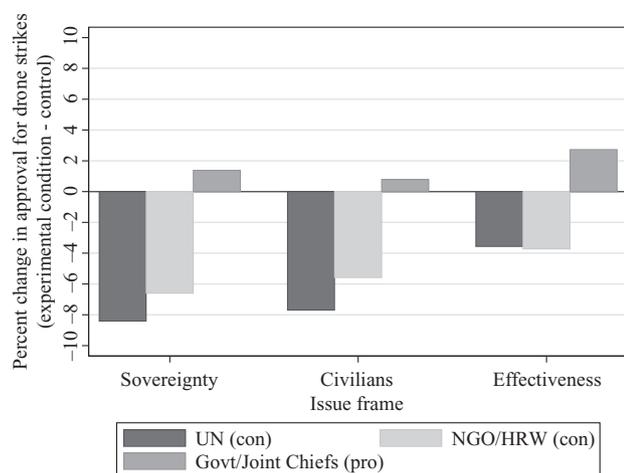


Figure 1. Support for drone strikes, by treatment condition
Values represent the first difference in the percentage of respondents approving of drones strikes (answering either 'Approve strongly' or 'Approve somewhat') for each issue frame-source treatment condition relative to the baseline control group.

the change in the percentage of respondents approving drone strikes for the relevant treatment group compared with the control baseline who were given only the generic background prompt.¹⁴ When evaluating various arguments concerning the merits of drone strikes, individuals appear moved more by international legal appeals than by arguments based on military effectiveness. References by either the IO or NGOs to drone strikes violating the sovereignty of target states are associated with a drop of between 6% and 8% in approval. Similar declines are evident when respondents are told drone strikes violate international law by not taking necessary measures to prevent civilian deaths. The size of both effects is in line with related studies examining the impact of international law (Wallace, 2013; Chilton, 2015). Compared to the declines resulting from IO or NGO criticisms, assurances by the Joint Chiefs that the government complies with international legal matters of sovereignty or civilian protections are associated with much smaller rises of around 1% in support.

¹⁴ Each value is calculated by taking the difference in percentage support for drone strikes between the relevant treatment and control groups. Percentages are calculated by aggregating responses across both levels of approval ('approve strongly'/'approve somewhat') and disapproval ('disapprove strongly'/'disapprove somewhat') respectively. For ease of presentation, we excluded those who neither approved nor disapproved of drone strikes, but the overall pattern holds when including these respondents.

These contrasting effects suggest that the public is swayed by IO and NGO arguments that legal principles are being breached, while public opinion is relatively unaffected by government claims that these legal principles are being followed. Indeed, another interpretation of these results is that still over 40% of the public approves of the strikes even when told they would violate international law, almost twice as many subjects as opposed the strikes. Nonetheless, that support drops by 6–8% to well below 50% has important policy implications. As Gilens (2005) notes, the relationship between public opinion and policy impact is S-shaped, where the key inflection point for public influence is around 50%, such that small changes in public opinion have a comparatively large policy impact compared to either much higher or lower levels of support. Similarly, Page & Shapiro (1983) note that effects of this size greatly increase the likelihood that official policy will become more congruent with public sentiment, further suggesting important substantive impacts of international law on this issue.

Across all three sets of sources, however, claims for or against the military effectiveness of drone strikes have more modest effects. While IO or NGO criticisms are still associated with declines in support, the effects are half of the size found for the sovereignty or civilian frames. The non-finding for the effectiveness argument compared with legal critiques suggests that respondents are influenced not only by the direction, but also the content, of frames. The boost associated with government praises of the efficacy of the strikes in eliminating militants is larger than defenses on legal grounds but still relatively small with a rise of less than 3%.

To assess the treatments more precisely, Table II estimates an ordered probit regression model using the five-point measure of support for drone strikes as the dependent variable, where higher values indicate greater levels of approval.¹⁵ The model uses all nine issue-source treatment conditions with the control group representing the excluded category. We also include a number of common socio-demographic covariates to adjust for any minor remaining imbalances among the experimental groups, as well as providing some comparison to prior research on public opinion and military force (e.g. Berinsky, 2009; Holsti, 2004).¹⁶

¹⁵ All analysis conducted using Stata 13. Because theoretical expectations for the coefficients of each issue frame-source are unidirectional, one-tailed tests are reported following Wooldridge (2006: 129–134).

¹⁶ Online supplementary appendix D provides coding details for the background covariates.

Table II. Analysis of issues, sources, and support for drone strikes

	(1)
UN/Sovereignty (con)	-0.16† (0.10)
NGO/Sovereignty (con)	-0.19* (0.10)
Govt/Sovereignty (pro)	0.01 (0.10)
UN/Civilians (con)	-0.20* (0.10)
NGO/Civilians (con)	-0.19* (0.10)
Govt/Civilians (pro)	0.00 (0.10)
UN/Effectiveness (con)	-0.10 (0.10)
NGO/Effectiveness (con)	-0.13† (0.10)
Govt/Effectiveness (pro)	0.13 (0.10)
Male	0.36** (0.05)
Age	0.10** (0.01)
Education	0.04† (0.03)
Income	0.08** (0.02)
Partisanship (Dem → Rep)	0.02* (0.01)
Interest in politics	0.08** (0.03)
Veteran	0.19** (0.07)
Activist	-0.09† (0.06)
Observations	2,324

Cell entries are ordered probit coefficients (cutpoints not shown). Standard errors in parentheses. † $p < .10$, * $p < .05$, ** $p < .01$; one-tailed tests.

Consistent with the initial findings, the regression analysis shows that international law continues to have the strongest impact on support for drone strikes, but is limited to the 'con' positions. The UN and NGO treatments dealing with violations of sovereignty are in the expected negative direction, and both are statistically significant at least at the 10% level. For civilian protections, UN and NGO criticisms decrease support for drone strikes and both effects are statistically significant. Across all three sources, prompts dealing with the effectiveness of drone strikes in eliminating militants (whether supportive or critical) have little discernable

impact on respondents' attitudes, except slightly in the case of NGOs. The remaining covariates show that several of the individual background traits are generally in line with past research on sources of foreign policy preferences.¹⁷

Who advances these various arguments is also important, as the preceding section suggests. The public was responsive to arguments by either IO or NGO sources, with small though statistically insignificant differences between the effects of arguments made by the UN actor versus those made by HRW in the scenario.¹⁸ Our results offer micro-level support for arguments that IOs and NGOs can effect change through naming-and-shaming against countries committing violations (Hafner-Burton, 2008; Lebovic & Voeten, 2009), in this case by influencing views held by a government's own citizenry. In contrast, the US government's voice appears to have little influence.

To better evaluate the role of each source in terms of influencing individuals' views, we included a follow-up question asking respondents their beliefs about the credibility of the voice to which they were exposed, using a similar five-point scale. Because the control condition received no specific source, respondents in this group were not presented this item. Figure 2 shows the absolute percentage of respondents believing the government (Joint Chiefs), IO (UN), or NGO (HRW) is a credible source on the topic of drone strikes – with the definition of 'credible' interpreted by individual respondents – separated by each issue frame.¹⁹ In general, there is a clear divergence in the credibility of the government compared to either the UN or HRW.²⁰ Across all three issue frames at least 70% of respondents found the government credible, with the highest levels reserved for those in the military effectiveness treatment. While the UN's credibility matched the government fairly closely

¹⁷ We tested for possible conditional relationships between the treatments and various individual characteristics. These interaction effects were fairly weak and not consistently significant across different model specifications.

¹⁸ Wald tests indicate the hypothesis that the UN and HRW coefficients were equal for each issue frame could not be rejected. Nonetheless, both sets of law coefficients for the UN and HRW were statistically distinguishable from the government coefficients.

¹⁹ As with the drones approval measure, this corresponds to those who responded the source was either 'very credible' or 'somewhat credible'.

²⁰ While absolute levels of credibility differ by partisanship, with Republican respondents especially skeptical of NGOs, the government's advantage in credibility compared with other actors generally holds across partisan subsamples.

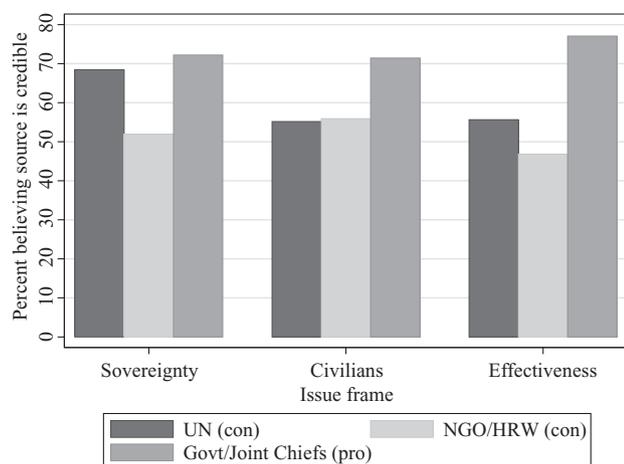


Figure 2. Credibility of source, by issue frame

Values represent the percentage of respondents believing the relevant source is credible (answered either 'Very credible' or 'Somewhat credible'), separated by each issue frame.

on issues of sovereignty (68% versus 72%), likely because of its reputation and relative expertise in this area, the organization's credibility was relatively lower across the civilian and effectiveness frames. HRW was generally viewed as the least credible source except for a narrow advantage over the UN on civilian matters, but in all instances with ratings around or below 50%, perhaps reflecting some of the broader skepticism toward NGOs' motives (Cooley & Ron, 2002).

The combined results from Figures 1 and 2 suggest that a source's credibility is neither a necessary nor sufficient condition for persuading the public. One possible explanation might be the presence of ceiling effects. Given higher overall support for drone strikes among the US public, the favorable government message may not be able to increase support further (Edwards & Swenson, 1997). However, the raw percentage of approval for drone strikes across the sample as a whole (48%), and for the baseline control group in particular (52%), shows that any ceiling is quite low with plenty of room for issue frames to move opinion. Levels of pre-existing support would also not account for why the legal messages deployed by IO and NGO voices were far more influential than messages rooted in military utility.²¹ A ceiling

²¹ As noted above, respondents' assessment of the credibility of the source for a given cue does not provide a convincing explanation for the non-findings of the effectiveness critique issue frame. For instance, the UN's civilian frame has a negative and statistically significant effect compared to the weak impact of its critical effectiveness stance, despite the organization being viewed by respondents as slightly *more* credible for the latter than the former.

effect thus does not seem to offer a convincing account of the findings.

Another reason why credibility might not necessarily translate into influence is that other factors are better determinants of the persuasiveness of an argument. Some scholars argue that actors are more likely to be trusted and credible when they act against type (Berinsky, 2009; Kydd, 2003). Doing so sends a strong signal of the objective merit of a policy, since the endorsement is perceived as acting against perceived biases (Chapman, 2011). If playing against type is important for being persuasive, then the government could be seen as credible but still not be influential because individuals expect the government to be supportive of the policy they have implemented for the last decade, in which case further endorsement would not reveal anything about the policy's objective merits. However, this logic does not explain why the UN and NGO *are* persuasive since they are associated with caution on the use of force, and the anti-drone messages in the experiment are congruent with those expectations.

A more likely reason for the government's limited persuasiveness despite it being considered credible, and vice versa for the UN and NGO, has to do with individuals' priors about the drone program. As Gaines, Kuklinski & Quirk (2006: 12) suggest, if 'research hypotheses have merit, the effects they simulate are likely to have occurred in the real world'. The more prior exposure to a particular message in everyday settings, the less significant the treatment effect will be in a subsequent experiment. Since the government often enjoys an informational advantage, especially over sensitive matters of national security (Baum & Potter, 2008; Western, 2005), then it follows that the public should likewise have been widely exposed to the government's message on the drone program. As a result, the public's initial understanding of drone usage is likely closer to that of the government, which perhaps accounts for why approval from those respondents in the Joint Chiefs treatments is relatively indistinguishable from the control group. Criticisms of drone strikes by the UN and NGO, in contrast, are likely providing newer information to respondents and thus shaping support for drones to a greater extent (Page, Shapiro & Dempsey, 1987), even if these actors' voices are not viewed as credible or do not play against type. Respondents' perceived credibility of a source thus likely plays a role, but does not appear to be solely determinate, as citizens appear equally if not more responsive to the particular content of the argument the source is putting forward.

Further testing the impact of international law

Our tests so far provide evidence that individuals are moved more by international law-based arguments about sovereignty and protecting civilians than arguments about the effectiveness of drone strikes. It is nonetheless possible that individuals are concerned about sovereignty and civilian deaths for more instrumental reasons, rather than by the normative pull of legal appeals (Reus-Smit, 2004). Members of the public may believe that repercussions from violating sovereignty or norms of civilian immunity are counterproductive to larger US strategic objectives (Drezner, 2008). This would be more consistent with arguments that compliance with international law is rooted in more instrumental calculations (Goldsmith & Posner, 2005; Guzman, 2008). To further unpack the mechanisms underlying international law's effect on public attitudes, we conducted a follow-up study using an online convenience sample of 601 US respondents in November 2013.²²

In the follow-up, we focused on international laws governing the treatment of civilians (*jus in bello*), which represent one of the most salient legal-based criticisms about drones. Respondents were randomly assigned to one of two groups: the control group received the same general background discussion of drones as in the original experiment; and a treatment group highlighted civilian deaths resulting from US strikes. For the treatment group, we chose slightly stronger language where respondents were told that drone strikes had led to civilian deaths (rather than the initial survey's focus only on taking necessary protective measures) to reflect the more strident tone of several notable NGO reports released after our first survey (Amnesty International, 2013; HRW, 2013). Furthermore, since our first survey indicated similar effects for both IO and NGO criticisms, we fixed the source as generic 'human rights groups', which also allowed us to limit the number of experimental conditions.

Both experimental groups were then asked the same question measuring levels of approval for the use of drone strikes. As expected, respondents in the treatment

group were less likely to approve of drone strikes than those in the control group. The decline of 13% in support for drone strikes was more than double the effect from our initial experiment (6%), which is not entirely surprising since the original survey employed a subtler civilian prompt. This difference points to the incentives NGOs may have to amplify or dramatize their critiques of government policies in the hope of generating stronger public reactions (Keck & Sikkink, 1998: 19), though this finding is only suggestive given the different timing and samples used in each survey.²³

Beyond raw support for drone strikes, we asked a series of follow-up questions probing whether factors associated more closely with either normative or consequentialist reasoning may account for the effects of the international law civilian frame.²⁴ To evaluate normative considerations, we asked whether respondents believed that drone strikes are morally wrong, as well as whether drone strikes hurt the US image in the world. To test whether concerns about civilians arise from more instrumental considerations, we asked whether individuals believed drone strikes were counterproductive by helping to recruit new militants. Although our original experiment showed that potentially fueling militant recruitment did not directly affect public opinion, such concerns may only become activated once respondents are exposed to information on legal violations of civilian immunity and the grievances that could ensue. Indeed, past research has shown how civilian deaths can be strategically counterproductive (Kocher, Kalyvas & Pepinsky, 2011). Additionally, to address possible questions of substitution between different types of military force, we asked respondents how much they would support using special forces in place of drones for more military missions, even if this would increase risks to US troops.²⁵

Figure 3 displays the results from these additional questions. Because the items involve different answer

²² Respondents were recruited using Amazon's Mechanical Turk (mTurk) service. While mTurk samples are generally less representative than those drawn from GfK or similar national panels, they fare better than other common convenience samples. Moreover, past research shows studies using mTurk generate comparable treatment effects in many instances to those employing more representative subject pools (Berinsky, Huber & Lenz, 2012). The findings of this follow-up experiment should be considered suggestive.

²³ Not surprisingly, absolute levels of support were lower in the mTurk study, since several traits shown to affect attitudes toward drones (younger, more educated, more Democratic) are generally over-represented in mTurk samples. Nevertheless, analysis from the first experiment indicated no consistent conditional effects between the civilian prompt and various individual characteristics. While suggestive, this indicates the mTurk study remains useful for assessing treatment effects. Results continue to hold when including other common sociodemographic covariates.

²⁴ For other studies employing a similar design to assess potential mediators, see Lupu (2013); Tomz & Weeks (2013).

²⁵ Online supplementary appendix B provides the full instrument for the November 2013 follow-up study.

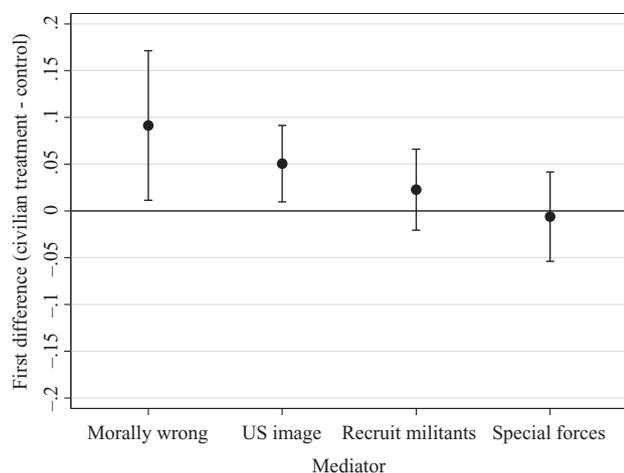


Figure 3. Civilian deaths, potential mediators, and support for drone strikes

Values represent first differences between the civilian deaths treatment and control group for each of the potential mediator outcomes. All outcomes were rescaled to range between 0 and 1. Vertical lines indicate 95% confidence intervals.

choices, we re-scaled each outcome so all values lie between 0 and 1.²⁶ We then report first differences for each item between the civilian deaths treatment and control conditions; vertical lines indicate 95% confidence intervals. More normative-based concerns appear to figure most prominently in the public's evaluation of drones, although there is some overlap in the confidence intervals with the effects for the alternative outcomes so we should take these results as suggestive. Respondents exposed to the prompt that drone strikes lead to civilian deaths were much more likely to believe drone strikes are morally wrong, or hurt the international image of the United States. The treatment effects for these two more norms-based outcomes were statistically distinguishable from 0, or no substantive effect. By contrast, more instrumental concerns continued to have little effect; hearing that civilians were being killed had no significant impact on the public's belief that drone strikes help militants in recruiting more members.

To be sure, attempts at disaggregating treatment effects into component mediators in a way that privileges norms over interests have their limits (Chong, 2000: 4–5; Simmons, 2010: 277). For example, individuals

²⁶ The morality answer options are binary and draw on prior research (Tomz & Weeks, 2013), while the remaining items use five-point scales measuring levels of (dis)agreement. The binary nature of the morality measure accounts in part for the larger confidence intervals compared with the other items.

might worry that undertaking actions that are immoral or harm the US image could also undermine the country's ability to achieve its wider strategic goals. As a first step in mediating among causal factors, however, these results point to first-order concerns about normative principles even if respondents are also considering the second-order instrumental consequences ensuing from such normative transgressions. There do appear to be some pragmatic limits to the public's attachment to normative ideals and their willingness to put these principles into practice. Figure 3 shows that greater awareness of the harm done to civilians by drone strikes does not make the public more willing to put their own troops in harm's way by relying more heavily on special forces. Taken together, the results from the follow-up experiment suggest that worries over international laws governing civilian deaths markedly reduce support for drone strikes, and this effect appears to be due more to normative than instrumental concerns.

Conclusion

Even though the US government may traditionally occupy a privileged position in establishing the baseline view on questions concerning the use of force (Baum & Potter, 2008), our analysis showed that dissenting voices from the UN and NGOs still have significant sway on the public's willingness to support drone strikes. Importantly, however, the type of frame employed proves to be crucial. Criticisms focusing on the effectiveness of strikes had little impact; only those highlighting inconsistency with international legal principles significantly altered public attitudes toward drone warfare. This should not suggest that the public is indifferent to concerns about the policy's effectiveness – indeed, opposition even in light of concerns about international law is not particularly high – but that concerns raised about legality move public attitudes more than those about effectiveness, which did not have a significant impact either positively or negatively.

These findings have important implications for both theory and policy. In terms of theory, we challenge existing accounts that privilege military effectiveness over international norms or law in terms of public support for the use of force (Gelpi, Feaver & Reifler, 2009; Press, Sagan & Valentino, 2013). Instead, we provide evidence for the role of international law, channeled either by IOs or NGOs, on public support for a key part of US foreign policy – the use of drone strikes against suspected militants. In making this claim, we help address unresolved questions about the

evolving relationship between international law and armed conflict (Ohlin, 2015). We also speak to the literature on source credibility (Page, Shapiro & Dempsey, 1987), showing that whether a source is seen as credible is neither a necessary nor sufficient condition for affecting foreign policy attitudes. This finding offers some qualifications to existing arguments that ‘source credibility appears to be a prerequisite for successful framing’ (Druckman, 2001: 1061).

In terms of policy, our findings suggest that campaigns pursued by IOs such as the UN, and NGOs like HRW, can have some traction. These sources, even groups that are seen as less credible on some dimensions of international law than the government, tend to move public attitudes about drones, especially when they focus on questions of civilian casualties and sovereignty as by-products of these strikes. Given the relationship between declines in public support and policy change (Gilens, 2005; Page & Shapiro, 1983), loss in support would ultimately threaten the program’s viability. Indeed, some accounts suggest that recent shifts by the US government in its tenor and policy on drones are the result of increasing scrutiny and criticism brought about by opponents (Cortright, Fairhurst & Wall, 2015). Obama’s repeated references to ‘criticism about drone strikes’ provided the point of departure for his major policy address in May 2013. Skeptics might respond that addressing criticisms with speeches does not amount to policy change, but the declining number of drone strikes suggests a more judicious eye in terms of when the United States engages in such strikes.

Critics might also suggest that our findings amount to framing effects that are ephemeral rather than enduring reflections of changed opinions. However, the real-world corollary of our experiment involves sustained argument and debate in which individuals are exposed to these critiques repeatedly. Thus, even framing effects that might be short-term in an experimental setting would be enduring in a context where those individuals are consistently exposed to particularly influential messages,²⁷ as they would be in a campaign by IOs or NGOs critiquing US drone strikes.

This research brings together literatures on international law, the role of outside actors like IOs and NGOs, public opinion, and the use of military force. Recognizing some of the general limits in the utility of

experimental research for understanding such complex and contested issues (McDermott, 2002), we fully acknowledge this study is not the last word on addressing the intersection of these methodological and substantive issues. First, do these findings travel to countries beyond the United States, or do different political settings and cultures mediate various types of arguments and sources in different ways?²⁸ Second, our study focused on the international legal implications of drone strikes, yet international laws on this issue are in many respects deeply entangled with normative questions related to core principles of just war theory. While some other work has sought to investigate certain normative underpinnings of the use of force (e.g. Tannenwald, 1999; Walsh, 2015), future work could look to more systematically isolate the relative role of normative versus legal appeals.

Lastly, although we focused on drones as the vehicle through which the government has targeted suspected terrorists, another study might investigate whether a more conventional platform, such as strikes by a manned aircraft, would elicit similar reactions. To what degree are individuals responding to the particular technology used, as opposed to the broader normative and instrumental considerations raised by targeting suspected militants? As a practical matter, these cannot be separated fully given that almost all targeted killings have been conducted by drone strikes (Zenko & Kreps, 2014: 9–10), but it would nonetheless be worthwhile to disaggregate and test the conceptual point about the relative impact of the technology versus policy. Examining the role of different technologies highlights the need to consider other possible contextual factors, including the value of the target or offering more precise figures on the number of civilians killed, which could moderate the effects of the treatments evaluated in our study. We suggest these as additional avenues of research for gaining a fuller understanding of how the combination of international law and norms, strategic calculations, and wide-ranging voices inside and outside of the government affect public attitudes toward foreign policy.

Replication data

Replication files and the Online appendix for this article can be found at <http://www.prio.org/jpr/datasets>.

²⁷ Chong & Druckman (2007: 116) make a related point about the strength of a frame that is deployed consistently across an ongoing debate.

²⁸ While not employing an experimental design, recent work has begun looking at attitudes toward drones in other countries, such as Pakistan (Fair, Kaltenthaler & Miller, 2014).

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