



Martial Law? Military Experience, International Law, and Support for Torture¹

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A large body of work points to diverging civil–military views on the initial decision to use force, yet there is little sense if similar differences hold over appropriate conduct in the midst of armed conflict. The rise of international laws governing behavior during war has similarly raised the question of whether these rules can shape the beliefs of various domestic actors. This paper seeks to address both gaps in the literature by leveraging the use of experiments embedded in a pair of US national surveys to examine the impact of international law and military experience on individual attitudes toward torture. The results show veterans are significantly more likely to support torture compared to civilians without any prior military background. International law further reduces civilian support for torture, while veterans are largely unaffected by general legal appeals. However, when facing highly precise rules, or where the threat of punishment is delegated to third parties, more legalized agreements can significantly reduce veteran support for torture. The results have implications for the study of institutional design, the differential effects of legal norms on nonstate actors, and the potential for greater awareness of the laws of war to influence attitudes toward wartime violence.

What are the consequences of military experience for attitudes toward wartime violence and the international laws meant to regulate conduct during armed conflict? Several past episodes suggest current and retired soldiers, with their more intimate knowledge of the horrors of warfare, may exhibit greater reluctance to support highly coercive practices like torture. During the 2007 Republican presidential primary debates, where foreign policy issues played a prominent role, former navy pilot and prisoner of war John McCain unequivocally stated, “We do not torture people.”² Several of the opposing candidates such as Rudy Giuliani and Mitt Romney, who had no military background instead favored more aggressive practices toward detainees. Similarly, in the aftermath of the September 11 terrorist attacks, when high-ranking civilian officials in the George W. Bush administration almost universally backed rejecting the applicability of the Geneva

Conventions to al Qaeda and Taliban prisoners, one of the few internal voices of dissent came from Colin Powell, the member of the administration with the most military experience (Carter 2004; Greenberg and Dratel 2005:xix).

By contrast, numerous allegations of abuse during the War on Terror raised worries over the extent to which personnel in the armed forces tolerated or actively supported torture and other atrocities (International Committee of the Red Cross 2004:3). The number of resulting scandals seemed to confirm more general claims that military service could have a corrosive effect on individual attitudes toward violence (Moskos 1971). Furthermore, military experience may lead to a certain ambivalence regarding the rules intended to limit especially heinous practices or weapons (Liddell Hart 1946:62). It thus may come as little surprise that former Prussian general, Carl von Clausewitz, in his lengthy tome *On War*, devoted little space to the laws of war, describing them as “self-imposed, imperceptible limitations hardly worth mentioning” (von Clausewitz 1984:75). By comparison, many of those who played pivotal roles in formulating rules governing war, fighting and prisoner treatment in particular, such as Grotius ([1625]2004:275–7) and Lieber (1863:Art.56), were civilians with little if any direct background in the armed forces. Segments of the wider civilian populace have also sometimes acted as an important constraint on the conduct of governments during war due to their purportedly greater attachment to humanitarian norms, as with French opposition to abuses committed during the Algerian War (Merom 2003:145).

These conflicting viewpoints raise the question of whether military service leads to different opinions regarding appropriate wartime conduct. In this paper, I examine the beliefs of civilians and veterans³ in order to evaluate how prior military experience conditions the

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² For a full transcript of the relevant debate from May 15, 2007, see <http://www.nytimes.com/2007/05/15/us/politics/16repubs-text.html>. Hetherington and Weiler (2009:137) note McCain eventually adopted a more hard-line position on detainees as he emerged as the favored Republican nominee. Nevertheless, what ultimately matters is whether or not his views were still more moderate due to his military background compared to similarly placed civilian candidates.

³ Technically, veterans are no longer part of the armed forces and thus also considered civilians. However, for the purpose of this paper, I use the term “civilians” to refer to members of the public without prior military experience.

impact of exposure to international law on attitudes toward wartime violence. I focus on support for torture given the prominence of this issue in past scandals such as Abu Ghraib, as well as continuing debates over the merits of coercive interrogation techniques and other detainee policies (Desch 2010). Although what practices exactly constitute torture remains hotly contested, Article 1 of the Convention against Torture (CAT) offers a general definition as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person...”⁴ Torture is commonly viewed as an extreme form of abuse occupying a particularly heinous position in the hierarchy of both the laws of war and human rights (Rodley 1999:47–8).⁵ If differences between civilians and veterans are evident in response to international laws and support for torture, then military experience may also shape beliefs over related areas of wartime conduct, such as targeting noncombatants or the use of controversial weapons like landmines and cluster munitions.

To estimate more reliably how international law influences individual attitudes toward torture, I use an experimental design embedded in a pair of US national surveys. Consistent with the view of those with military experience holding distinct beliefs on appropriate wartime conduct, veterans are more likely to support the use of torture compared to the wider society. Furthermore, while civilians are sensitive to legal norms, general appeals to international law seem to have little impact on veteran attitudes. Veterans are far from unmoved by legal principles, however, as the design of international agreements turns out to matter a great deal. When facing highly precise prohibitions against torture or when the likelihood of external punishment is raised through the delegation of enforcement authority, veteran support for torture declines significantly. Taken together, the findings suggest that international law has the potential to alter beliefs even over high stakes issues such as wartime conduct, but the effects depend both on specific attributes of the law and the nature of the audience.

The paper proceeds in the following three sections. I first draw on existing research dealing with the military and international law to derive a number of hypotheses regarding the attitudes of veterans and civilians toward torture and the potential role for international legal rules to alter those attitudes. The second section outlines the research design and reports the results. The final section concludes by discussing the implications of the findings and suggestions for future research.

Theory

The military has traditionally been viewed as a pivotal institution for transforming the beliefs of citizens and promoting wider national values.⁶ Yet as policies of universal military service continue to decline across many countries (Horeman and Stolwijk 1998), individuals with military experience may be expected to hold values

distinct from their counterparts who have always resided in the civilian sector. In the United States, many observers lament what they see as a growing cultural divergence between those who have served in the military versus those who have not (Ricks 1997:228–37). Outside the US context, the question for most countries is often not whether the military imbues values in those passing through its ranks that are distinct from the broader civilian society, but rather the extent of this drift (Rosen 1995). A large body of public opinion research suggests many areas of divergence, but also sometimes convergence, between members of the armed forces and veterans on the one hand, and civilians on the other, across a wide range of policy issues (Holsti 1998–1999; Feaver and Kohn 2001). While scholars have examined civil–military differences over the initial decision to use force, attitudes toward wartime conduct largely remain unexplored (Feaver and Gelpi 2004:199). The existing literature nevertheless suggests several ways in which prior military experience may shape beliefs over support for the use of extreme forms of violence during war, such as torture.

Attitudes Toward Torture

The experience of participating in the armed forces may heighten tolerance toward violence. Vietnam veterans on average exhibited greater levels of anger and violence compared to their peers who were able to avoid military service (Yesavage 1983; Beckham, Moorea, and Reynolds 2000). Pronounced feelings of hostility and aggression were also evident in former soldiers returning from more recent conflicts in Afghanistan and Iraq (Jakupcak, Conybeare, Phelps, Hunt, Holmes, Felker, Klevens, and McFal 2007). Beyond the United States, serving in the armed forces has been connected to higher subsequent levels of aggression (Galiani, Rossi, and Schargrodsky 2011). Looking at patterns of violence in post-partition South Asia, Jha and Wilkinson (2012:4–5) show that districts witnessing higher levels of ethnic cleansing were also those where members of predominant ethnic groups previously gained greater combat experience during the Second World War.⁷ This seemingly greater comfort with violence may thus lead veterans to express higher levels of support for torture compared to less coercive interrogation techniques.

The worldview in which military personnel are socialized may also create a legacy lasting long after their service ends. Outside groups are more likely to be framed as serious threats to national security (Huntington 1957:64–6). When deciding on how to deal with such perils, military experience often leads to a preference for more coercive policies along with an excessive optimism regarding their effectiveness (Posen 1984:58; Betts 1991:142). While Feaver and Gelpi (2004:53) find US civilians actually support using force across a wider range of situations, once conflict has been decided upon individuals with a military background prefer employing more severe levels of force. Given that torture represents an especially extreme form of violence, veterans might be more supportive of such practices relative to civilians. The particular organizational culture of the US military may have further engendered a certain

⁴ For the full text of CAT Art.1, see <http://www.hrweb.org/legal/cat.html>.

⁵ For instance, torture is considered a “grave breach” of the Third Geneva Convention (Art.130), constituting a war crime. Under the 1998 Rome Statute of the International Criminal Court (Art. 7), torture can further count as a crime against humanity.

⁶ There is a vast literature on the military and political development. Notable examples include Feld (1977) and Bond (1983). For a critique, see Krebs (2004).

⁷ Though, Jha and Wilkinson note that combat experience also provided groups with greater organizational skills to affect the ethnic composition of districts not only through violence, but also by less coercive means such as strengthening co-ethnic migration networks.

comfort with violence against captured combatants (Kahl 2007:8 note 3).

An alternative perspective emphasizes certain martial virtues inherited from military service that may lead to less approval for torture compared to civilians lacking such experience. Far from being inherently pacific, the public has often enthusiastically endorsed brutal wartime conduct (Reiter and Stam 2002:149–58). In particular, democracies may be more likely to engage in torture precisely because of their greater accountability to a citizenry fearful of security threats and consequently more supportive of harsh government responses (Rejali 2007:22–3).

By contrast, military service can strengthen social bonds so that members have a greater “stake in conformity,” which reduces both the resort to, and support for, extreme levels of violence (Sampson and Laub 1993: 139–140; Thyne and Schroeder 2012). Individuals with military experience may also exhibit greater caution in supporting torture because of more direct personal knowledge of the costs and risks associated with extreme violence (Maguen, Metzler, Litz, Seal, Knight, and Marmar 2009; Phillips 2010:130–32). In particular, military experience may lead to a greater sensitivity toward possible retaliation by adversaries against fellow soldiers still in uniform. Reciprocity can play a crucial role in generating either cycles of good conduct, such as the Live-and-Let-Live system that emerged on portions of the Western Front during the First World War, but also downward spirals of abuse (Axelrod 1984:73–87; MacKenzie 1994). It is indicative that Colin Powell’s primary rationale for the decent treatment of detainees in the War of Terror was out of the worry for what would happen to any US troops falling into enemy hands (Powell [2002] 2005:123). His civilian counterparts did not appear to be similarly concerned these points.

Recent polling offers some evidence that military personnel may be less willing to support torture than civilians. In the US Military Index (2008) survey of military officers, 53% of respondents said torture was never acceptable. By comparison, national surveys fielded around the same time showed wider public sentiment was more acceptant with slightly smaller numbers (49%) opposing torture.⁸ These results need to be interpreted with some caution. By focusing on elite officers, the US Military Index only covers a narrow segment of the US armed forces and does not include those no longer in uniform. It is unclear whether similar findings would hold across a broader sample of those with military experience. Furthermore, the surveys involved different sampling methods and question wordings, which makes direct comparisons difficult.⁹

Nevertheless, existing theory and evidence suggest that military experience may generate differences from civilians in support for torture, but the direction of this gap is not immediately clear. This leads to the following hypothesis.

Hypothesis 1: *Support for torture should differ between veterans and civilians.*

⁸ Figures drawn from Gronke, Rejali, Drenguisa, Hicksa, Millera, and Nakayama (2010).

⁹ Gronke et al. (2010:439) also find US service members are less likely to support torture than civilians, but this is limited to Army and Marine troops stationed in Iraq and involves similar issues of different question wordings.

Attitudes Toward International Law

Veterans and civilians may also diverge in the degree to which international law has the potential to alter their views regarding appropriate wartime conduct. Legal scholars emphasize the educational function of legal norms, which communicate the legitimacy of prescribed rules and the consequences for violations (Zemans 1983:697). Translated to the international level, treaties can offer new notions of human rights that transform the beliefs of domestic actors (Dai 2007:130–32; Simmons 2009:143–4).

Despite the allure of legal norms, there are reasons to remain cautious regarding the effects of international law on individual attitudes. The public is frequently portrayed as lacking consistent political preferences, especially over foreign policy (Almond 1950:67; Converse 1964:227). International law may thus have little impact on the incoherent masses, where attitudes toward torture (if they even exist) should remain largely unaltered. Subsequent research instead attributes much greater stability and coherence to foreign policy preferences (Hurwitz and Peffley 1987; Jentleson 1992). More coherent individual preferences do not necessarily mean that mass opinion will be sensitive to legal appeals. *Realpolitik* tendencies may run deep in the public, reflected in sometimes lukewarm feelings toward international laws and institutions (Drezner 2008; Kertzer and McGraw 2012).¹⁰

Beyond any general skepticism in the public at large, those with military experience in particular may be less susceptible to international legal appeals. Individuals coming from a military background are generally less internationalist in their foreign policy attitudes than civilians (Holsti 2001:41–2). Feaver and Gelpi’s (2004:53) finding that individuals with military experience prefer wars be fought with fewer constraints suggests these persons may also be resistant to international limits on wartime conduct. Potential differences in sensitivity toward international law as a result of military experience lead to the following hypothesis.

Hypothesis 2: *The effect of international law on support for torture should differ between veterans and civilians.*

International agreements are far from uniform and vary greatly not only in the substance of their content, but also in the form of their provisions (Raustilia 2005). One of the most prominent classification systems focuses on an agreement’s legalization, measured across three dimensions—obligation, precision, and delegation (Abbott, Keohane, Moravcsik, Slaughter, and Snidal 2000). Existing research largely examines the effect of institutional design on the decision making of states (Fortna 2003; von Stein 2008). To the extent that domestic actors often play a crucial role in compliance (Dai 2005), differences in an agreement’s legalization should also be expected to exert varying effects on public attitudes. In many ways, higher levels of legalization may actually have a moderating effect on differences between civilians and veterans in their response to international legal appeals.

First, obligation concerns whether rules are legally binding in contrast to noncompulsory recommendations or voluntary principles. The 1948 Universal Declaration

¹⁰ A recent study shows international law has a significant effect on public attitudes, though the analysis mainly focuses on support for economic sanctions rather than wartime conduct (Tomz 2008).

of Human Rights (UDHR) was one of the first agreements to prohibit torture, yet it is generally not considered a formal legal commitment (Rodley 2009:66–7).¹¹ By contrast, the 1966 International Covenant on Civil and Political Rights (ICCPR) reconfirmed the UNHR prohibition against torture, but was legally binding and from which no derogation was permitted even under national emergency.¹² While softer agreements offer greater flexibility, formal obligations are generally considered more consequential because they engage a country's reputation to a greater degree (Guzman 2008:59). Since domestic audiences are more likely to hold their governments accountable for more serious commitments (Lipson 2003:81), higher-level obligations are expected to have a larger impact on public attitudes compared to nonbinding rules. Even skeptics acknowledge that binding treaties invoke a set of legal expectations that can shape actor preferences (Goldsmith and Posner 2005:95).

Even if veterans are wary of broad legal appeals, they may still be more sensitive to agreements exhibiting higher levels of obligation. Military service generally inculcates a code of conduct that emphasizes discipline, obedience, and the following of orders (Huntington 1957:73–4). This suggests that those with prior military experience may be more responsive to formal rules relative to more informal international recommendations. Binding treaties are also more likely to lead to changes in domestic laws (Abbott and Snidal 2000:428), which may help mitigate the skepticism previous research shows for those from the military toward multilateral tools.

Second, precision involves how clear and unambiguous an agreement defines key terms and expectations for appropriate behavior. For instance, the 1984 CAT provides far more extensive criteria when defining torture compared to the UDHR's relatively brief statement.¹³ Precision may impact preferences by setting coherent standards and avoiding confusion over expected behavior (Lipson 1991:508). Higher levels of precision also likely improve the informational function of international law by providing clearer signals that can more effectively alter the beliefs of domestic actors (Dai 2006:691; Simmons 2009:121). Since many violations are often the result of ambiguity in the rules rather than outright rejection of legal norms (Chayes and Chayes 1993:188–9), precision should be expected to have a substantial impact on support for torture.

Individuals with prior military experience may be especially affected by the level of precision. As laid out in the previous two hypotheses, veterans are likely to be more skeptical about the general value of international law and possibly also more supportive of torture. Research from political psychology on motivated reasoning shows individuals tend to interpret ambiguous information in ways supporting pre-existing beliefs (Taber and Lodge 2006:756–7). Just as people are prone to judging weak evidence in domestic legal cases to be consistent with their prior preferences (Braman and Nelson 2007:943–4), so veterans may be unaffected by imprecise international laws. By contrast, individuals have a harder time maintaining prior beliefs when confronted with unambiguous information. The beliefs of individuals with prior military experience may thus be relatively more affected by highly

precise rules condemning torture compared to vaguer prohibitions.

Lastly, delegation concerns how much third-party actors are authorized to interpret and enforce an agreement. For instance, although the ICCPR is legally binding, the enforcement powers of the convention's Human Rights Committee are limited to collecting information and offering good offices for conciliation. By contrast, the International Criminal Court (ICC) and similar tribunals serve as judicial bodies to prosecute individuals charged with war crimes and other abuses (Bass 2008). Higher levels of delegation to such tribunals can act as a deterrent by threatening punishment in response to violations (Simmons and Danner 2010). The use of external enforcement is commonly seen as a key factor for compliance with international commitments, especially those involving national security (Downs, Rocke, and Barsboom 1996:386–7). Delegation should thus have a greater impact on individual attitudes by putting into starker relief the consequences for their country of violating international rules.

As with precision, individuals with military experience may also be especially responsive to higher levels of delegation. From atrocities committed during the Dirty War in Argentina to prisoner abuses at Abu Ghraib, perpetrators in the armed forces have frequently later found themselves in criminal proceedings. While civilians have also sometimes been charged with war crimes, the Nuremberg trials set a precedent where claims to have simply been following orders are no longer considered a justifiable defense (Solis 2010:362–4). Although not personally at risk of punishment, veterans are likely more attuned to the greater potential dangers resulting from delegation for counterparts still in uniform to be prosecuted for crimes involving torture or other abuses.

Higher levels of legalization across each of the three dimensions of obligation, precision, and delegation should be expected to have a constraining effect on support for torture. Furthermore, even though veterans may be less affected by broad legal appeals, they may be more sensitive to more highly legalized agreements and adjust their support for torture accordingly. Taken together, the relationship between legalization and military experience on attitudes toward wartime violence leads to the following final hypothesis.

Hypothesis 3: *The difference in the effect of international legal appeals on support for torture between veterans and civilians should decrease as the level of legalization (obligation, precision, or delegation) increases.*

In sum, existing research suggests a number of hypotheses concerning both the baseline willingness of civilians and those with prior military experience to support torture, as well as each group's relative sensitivity to different forms of international law.

Data and Analysis

The research design employs experiments embedded in a pair of US national surveys to examine civilian and veteran attitudes toward torture and international law. Randomization increases the probability those exposed to information regarding the relevant international law "treatment" are as similar as possible to those in the "control" group across all observed and unobserved factors

¹¹ UDHR Article 5, available at <http://www.un.org/en/documents/udhr/>.

¹² ICCPR Articles 4 and 7, available at <http://untreaty.un.org/cod/avl/ha/iccpr/iccpr.html>.

¹³ This is illustrated when comparing CAT Article 1 to UDHR Article 5.

(Campbell and Stanley 1966:25–7). An experimental design thus increases the likelihood that any difference between groups is due to the legal treatment rather than other baseline covariates. To mitigate common concerns of external validity for survey experiments, I conducted several surveys across different points in time, relied on nationally representative samples, and attempted to construct fairly realistic scenarios.

The first survey was administered online by Knowledge Networks (KN) with support from Time-sharing Experiments for the Social Sciences (TESS).¹⁴ The survey was fielded between October and November 2008 to a random sample of 4,665 American adults.¹⁵ Of those invited to participate, 2,817 agreed to do so, producing a final completion rate of 60.4%. One of the advantages of KN is that it offers a probability-based panel covering the entire online and offline US population aged 18 years or older.¹⁶

All subjects were presented with the following hypothetical scenario:

- In conflicts ranging from World War I to the present, the United States has often captured combatants from the opposing side. These combatants may have information of interest for the conflict, such as plans for future attacks. Some US officials believe interrogating these combatants through a variety of methods is a useful way to obtain information.
- The interrogation methods would involve torture, meaning they would cause severe pain or suffering.
- The information may, or may not, be accurate or relevant.

The general scenario was intended to represent a realistic situation, while avoiding biasing support for torture in any particular direction. I sought to offer a clear definition of torture and its consequences, while avoiding overly inflammatory language that could unduly influence responses.¹⁷ The effectiveness of torture is also presented in a neutral manner given continuing controversy over this issue (Rejali 2007:446–79).

The experimental component of the survey involved randomly assigning subjects to additional pieces of information regarding the scenario. For international law, the treatment group was told the following statement: “The interrogation methods would violate international law. The United States has signed international treaties that do not allow the use of these methods under any circumstances.” Those receiving no international law prompt make up the control group. I also included two

additional treatments on the conflict context that past studies found to influence wartime conduct. First, for prisoner type, the treatment group was told the prisoners were insurgents, while the control group scenario involved captured regular combatants.¹⁸ Second, to assess possible retaliatory motives, the treatment group was told the adversary is abusing US prisoners, while the control group was given no such prompt.¹⁹ Three binary treatments imply a three-way ($2 \times 2 \times 2$) factorial design with eight experimental groups. The sequence of the additional pieces of information was also randomized to guard against possible order effects. The full text of the instrument, as well as for the second later experiment, is provided in the supplementary online appendices.

After reading the scenario and additional information, respondents were then asked to consider the following question: “To what extent do you agree or disagree with the following statement: The United States should use interrogation methods involving torture on captured combatants.” Responses were based on a seven-point scale ranging from strongly agree to strongly disagree. The rate of nonresponse was low at less than 1%.²⁰

The primary focus of this study is not on overall attitudes toward torture and international law, but rather the conditioning role played by military experience. In order to provide a general measure of military experience, *Veteran* is a dichotomous variable that equals 1 if a respondent reported being on active duty in the US armed forces either currently or in the past, and 0 otherwise.²¹ Approximately 13% of the sample falls into the veteran category, but the vast majority no longer continue to serve in the armed forces.²² Only 0.2% of the sample (6 respondents) reported being presently in the military.²³

The low percentage of active-duty soldiers is not a weakness particular to KN, but rather indicates some of the general difficulties when polling current members of the armed forces. KN’s panel includes neither soldiers currently serving overseas, nor households located on military bases within the United States.²⁴ As noted earlier, most existing surveys of the military involve elite officers, which comprise only around 6% of the armed forces (Feaver and Kohn 2001; Holsti 2004). While a great deal is gleaned from these sorts of surveys, the views of enlisted personnel often differ dramatically from those of

¹⁸ Past studies show levels of violence tend to be higher during insurgencies (Valentino, Huth, and Balch-Lindsay 2004). The language used for prisoner type presented several challenges, since terms such as insurgent, guerilla, or terrorist often have negative undertones that could bias responses. To lessen these concerns, the treatment group was told the prisoners are “not regular combatants,” while the control group was told they are “regular combatants.”

¹⁹ On reciprocity and wartime conduct, see Axelrod (1984:83–5).

²⁰ Nonresponse rates were comparable across both civilians (0.78%) and veterans (0.54%). See below for how veterans and civilians are defined in the survey.

²¹ Reservists are excluded from the veteran category, but results do not change substantially if they are instead included.

²² This KN sample actually offers a slight oversample of veterans, since the corresponding figure from the Current Population Survey (CPS) benchmark was just under 11% nationally for the months during which the survey was fielded. CPS data are available at <http://www.census.gov/cps/>.

²³ Though in relative terms, active military personnel only make up around 0.5% of the total US population based on figures from the Correlates of War (COW) National Military Capabilities data (V4.0) for 2007, which is the most recent year available (Singer, Bremer, and Stuckey 1972).

²⁴ I thank the staff at KN for providing further details regarding their sampling of military personnel.

¹⁴ Knowledge Networks is now part of the company GfK. Data collected by Time-sharing Experiments for the Social Sciences, NSF Grant 0094964, Diana C. Mutz and Arthur Lupia, Principal Investigators.

¹⁵ There is a concern that responses may have been unusual since the survey overlapped with the 2008 presidential election, in which national security and detainee issues figured prominently. However, results from a pilot study conducted in January 2008 were largely similar, suggesting the timing of the survey did not introduce bias. All results are available from the author upon request.

¹⁶ For further details on KN’s sampling, recruitment, and fielding methods, see <http://www.knowledgenetworks.com/ganp/irbsupport/>.

¹⁷ Given debates over the definition of torture, I employ commonly accepted language from CAT Art.1. In an earlier pilot study, I used the alternative term “coercive interrogation techniques,” but results for the treatments remained substantially the same.

their superiors across a wide range of issues (Teigen 2007). Other projects like the 2004 Citizenship and Service (C&S) survey employ a more representative sample including both officers and enlisted personnel (Dempsey 2009). However, the C&S survey faces its own limitations in that only members of the Army were surveyed; even within this branch soldiers in combat zones are excluded, along with personnel at the lowest enlisted ranks (Dempsey 2009:5–6). Because any large survey of enlisted personnel normally requires the consent of the Department of Defense, asking politically sensitive questions also poses difficulties, which is especially problematic when seeking to investigate attitudes toward torture and international law.²⁵

In this study, I focus on the general distinction between civilians and veterans. Of course, veterans should by no means be considered a substitute for soldiers currently serving in the armed forces, nor should any findings for the former automatically be extended to the latter.²⁶ While the attitudes of veterans mirror those of active-duty personnel in some respects, on other issues the views of the two groups differ substantially (Feaver and Gelpi 2004:58–60). Nevertheless, veterans are important to study in their own right given the prominent role members of this group have historically played in government, especially for foreign policy (Feaver and Gelpi 2002).²⁷ Veterans may also exert a disproportionate influence on the political process through greater levels of political participation compared to nonveterans (Teigen 2006; Blattman 2009). Keeping in mind the challenges to querying active-duty personnel, the decision to rely on a national sample including veterans thus provides a useful first cut at the impact of prior military experience on attitudes toward torture and international law.

Randomization allowed for the experimental groups to be, as expected, similar across baseline characteristics that might confound comparisons, including prior military experience.²⁸ Randomization normally renders unnecessary the use of complex statistical models involving a host of other control variables. The hypotheses in this study focus less on general attitudes toward torture or the effect of international law, but rather on the conditioning role of prior military experience. Because veterans and civilians likely differ across a wide range of personal characteristics, such as gender or age, a number of additional variables are included in the analysis.²⁹ Several past studies have shown that supposed distinctions between those with military experience versus civilians largely disappear once baseline differences in the traits of each group are

taken into account (Dempsey 2009:68; Golby 2011). Including these other covariates also provides some comparison to other general studies on public opinion and foreign policy (Berinsky 2009; Gelpi, Feaver, and Reifler 2009).

Regarding the additional explanatory variables, *Political ideology* measures a respondent's ideological leanings on a seven-point scale where higher values indicate stronger liberal rather than conservative beliefs. *Partisanship* is a corresponding seven-point scale measuring a respondent's partisan identification, where higher values indicate stronger attachment to the Democratic as opposed to the Republican Party. *Age* is a categorical variable where higher values indicate older respondents. *Education* is a four-level variable for the level of education attained, ranging from less than high school to holding a college degree or higher. *Male* is a dichotomous variable, which equals 1 for males, and 0 for females. *Security issues* is a dichotomous variable that equals 1 if the respondent ranks some type of security issue, such as terrorism or the Iraq War, as the most important issue facing the United States, and 0 otherwise. Lastly, *White, Black, and Hispanic* are dichotomous variables that are included to reflect the race or ethnicity of the respondent. Full details for the coding of explanatory variables are included in the supplementary appendices.

Across all respondents in the first experiment support for torture was around 41%.³⁰ This is within range of several past opinion polls on torture (Gronke et al. 2010), suggesting the sample is not unusual but fairly representative of the wider US population. Disaggregating raw support for torture by prior military experience reveals a significant difference between veterans and civilians. More than half of veterans (51%) expressed some level of support for torture, while the figure for civilians was approximately 39%.³¹ In line with *HI*, respondents with prior military experience appear to hold distinct views on torture compared to civilians and are more likely to support such practices. The direction of this gap shows that veterans appear willing to accept more extreme forms of violence than civilians, which supports the notion of a general preference for those with military experience to favor more extreme levels of force (Feaver and Gelpi 2004:53).

In order to provide a more precise test of the impact of prior military experience, Model 1 in Table 1 below estimates an ordered logit regression model using the full seven-point measure of support for torture as the dependent variable along with the three treatments, veteran status, and the other explanatory variables.³² Even after controlling for other traits and political beliefs where veterans and civilians likely differ, Model 1 shows that respondents with prior military experience are more supportive of torture, and the coefficient for *Veteran* is statistically significant. This suggests there is something particular to the military experience of veterans beyond possible differences in background traits with civilians that is associated with alternate views on wartime violence.

²⁵ For instance, the C&S survey did not directly ask respondents their partisan identification, but rather derives partisanship from other questions (Dempsey 2009:95–8). Although conducted on a more regular basis, surveys of personnel living overseas by the Federal Voting Assistance Program are even more limited in that questions deal primarily with basic socio-demographic information and voting behavior. See <http://www.fvap.gov/reference/surveys.html>.

²⁶ I thank an anonymous reviewer for highlighting this issue.

²⁷ Though see Bianco (2005).

²⁸ I conducted a series of balance tests comparing the distributions of all available baseline covariates that likely affect foreign policy preferences across treatment and control groups.

²⁹ Though, it should be noted that randomization normally ensures that baseline covariates are evenly balanced across treatment and control groups not only for the sample as a whole, but also within any subgroups such as civilians or veterans. Though not reported here due to space constraints, the results remain substantially the same when the analysis focuses only on the treatments and civil–military status while excluding other control variables.

³⁰ Percentages are based on summing responses across all three levels of agreement (strongly agree/agree/somewhat agree) and disagreement, respectively.

³¹ The civilian-veteran pattern does not change substantially when including the middle category of neither agreeing nor disagreeing with using torture.

³² All analysis conducted using Stata 12.

TABLE 1. Ordered Logit Analysis of Support for Torture (International Law Experiment)

	(1) <i>Baseline</i>	(2) <i>Interaction</i>
Veteran	0.260 (0.115)**	0.076 (0.153)
International Law	-0.213 (0.071)***	-0.264 (0.076)***
Veteran x International Law	-	0.385 (0.210)*
Insurgent	0.284 (0.071)***	0.281 (0.071)***
Reciprocity	0.068 (0.071)	0.068 (0.071)
Political Ideology	-0.225 (0.030)***	-0.226 (0.030)***
Partisanship	-0.149 (0.022)***	-0.149 (0.022)***
Age	-0.098 (0.023)***	-0.100 (0.023)***
Education	-0.245 (0.037)***	-0.245 (0.037)***
Male	0.257 (0.075)***	0.256 (0.075)***
Security Issues	-0.006 (0.073)	-0.010 (0.074)
White	-0.099 (0.136)	-0.101 (0.136)
Black	0.216 (0.174)	0.213 (0.174)
Hispanic	-0.014 (0.166)	-0.007 (0.166)
Observations	2514	2514
Pseudo R^2	0.034	0.034
Log Likelihood	-4606.452	-4604.769
χ^2	325.206	328.573

(Notes. Standard errors in parentheses.

* $p < .10$; ** $p < .05$; *** $p < .01$.

Cutpoints for ordered logit models not shown.)

Looking at the other explanatory variables, respondents who are more liberal or identify more closely with the Democratic Party, are less likely to support torture. This is consistent with findings that more left-leaning individuals are more favorable toward humanitarian ideals (Rathbun 2007). Similarly, those with higher levels of education, or who are older, are less likely to condone the use of torture. Men are more favorable toward torture compared to women, which supports prior work showing a gender divide over issues involving the use of force (Eichenberg 2003). On the other hand, variables dealing with racial and ethnic background, or concern over security issues, have little significant impact.

The treatment variables show that legal rules can have a constraining effect on attitudes toward wartime violence, where respondents exposed to the international law treatment were significantly less likely to support torture compared with those in the control group. This finding offers direct evidence that legal rules can shape the preferences of domestic actors, which is a key assumption behind many domestic approaches to international law (Dai 2005; Simmons 2009). The type of prisoner also appears to matter a great deal; respondents were much more willing to favor the use of torture against insurgents than against captured combatants coming from the regular armed forces. By contrast, reciprocity did not figure prominently in mass attitudes toward wartime violence, where those told the other side was engaging in torture were no more likely to support torture compared to the control group. This nonfinding is somewhat surprising given the importance oftentimes placed on reciprocity in the wartime literature, but is consistent with other studies showing mass attitudes are relatively unaffected by reciprocal dynamics (Nincic and Ramos 2011).

Figure 1 below offers a better sense of the substantive impact of the results from Model 1. The figure reports first differences for each variable on the probability a respondent indicates any level of support for torture, while holding the treatment variables at 0 (the control group value) and other independent variables at their

median values. First differences were calculated by changing dichotomous variables from 0 to 1 and continuous variables from one standard deviation below their means to one standard deviation above.³³ Since the number of veteran observations is relatively small, especially after split across the number of experimental groups, 90% confidence intervals indicated by horizontal lines are reported here to remain consistent with later analyses that incorporate interaction effects involving veteran status. Figure 1 confirms that veterans are associated with a significant, though modest, increase in support for torture of around 5%. The effect for veterans is similar in size to the general effects for the international law and insurgent treatments, as well as for gender and age. The effects for education, political ideology, and partisanship are more pronounced at around 10%, while for the remaining variables the confidence intervals include zero, or no apparent effect.

Taken as a whole, prior military experience appears to have a significant enabling effect on support for torture, while international law acts as a corresponding general constraint in the opposite direction.³³ The results thus far offer an initial picture of the determinants of support for torture, but do not evaluate the relative impact of international law as a function of prior military experience. Model 2 from Table 1 uses the same set of covariates, but includes an interaction term to test for the possibility of a conditional relationship between veteran status and the international law treatment. The lower-order term for *International Law* measures the effect of international law for civilians and continues to show a negative and statistically significant effect on support for torture. By contrast, looking only at the coefficient for the interaction term suggests that international law might paradoxically *increase* support for torture among veterans. However, fully evaluating interaction effects depends not only on the coefficient for the interaction term, but also on the values and coefficients for the constituent lower-order terms (Brambor, Clark, and Golder 2006).

In order to better assess any conditional relationship between international law and prior military experience, Figure 2 reports the treatment effect (the difference between the treatment and control groups) for international law on the probability of indicating any level of support for torture, for civilians and veterans respectively. To calculate the treatment effect for international law, the other two treatment variables dealing with the type of combatant and reciprocity are set to zero, while all other independent variables are set to their medians.³⁴ As before, lines indicate 90% confidence intervals.

Civilians exposed to international law are around 5% less likely to support torture compared to those receiving no legal prompt. Though substantively of moderate size, the effect is still impressive given support for punitive policies like torture tends to be higher under threats to national security (Huddy, Feldman, Taber, and Lahav 2005). Since defenders and opponents of torture have recently garnered almost equal amounts of support within the United States (Gronke et al. 2010:438–9), a small effect could also translate into an overall shift in public attitudes. Counter the claims of many ardent skeptics,

³³ Estimates for first differences were generated using the *Clarify* package (Tomz, Wittenberg, and King 2003).

³⁴ Differences in the international law treatment effect for civilians and veterans do not change appreciably when setting the other treatment variables to alternate values.

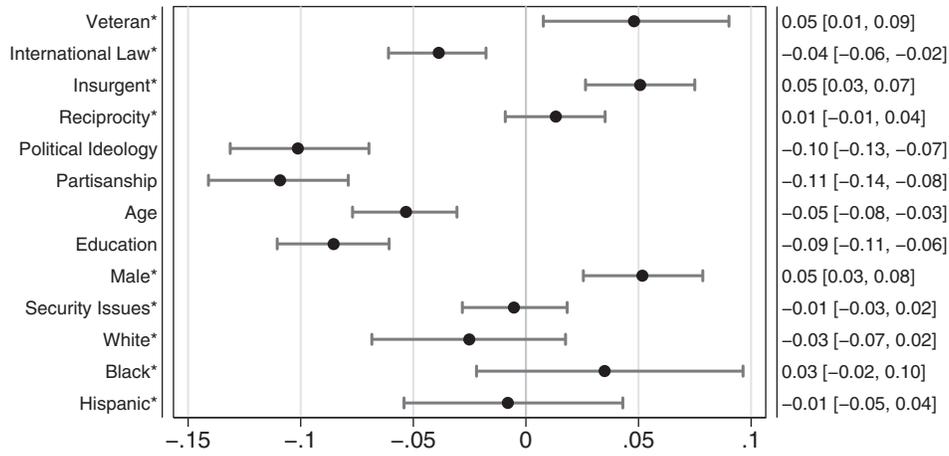


FIG 1. Substantive Effects for Determinants of Support for Torture (International Law Experiment) (Notes. Results based on Model 1 from Table 1. Values represent first differences for the effect of each variable on the probability of reporting any level of support for torture (either strongly agree, agree, or somewhat agree), while holding treatment variables at 0 and all other independent variables at their medians. Continuous variables are changed from one standard deviation below their mean to one standard deviation above, while dichotomous variables (indicated by a*) change from 0 to 1. Horizontal lines indicate 90% confidence intervals.)

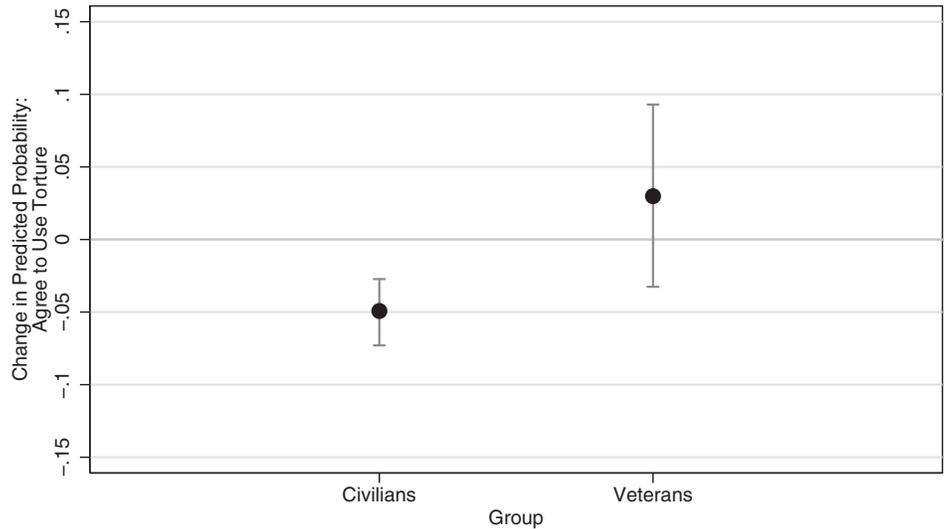


FIG 2. Effect of International Law on Support for Torture, by Civilian-Veteran Status (Notes. Results are generated from Model 2 in Table 1. Y-axis measures the first difference between the international law treatment and control groups on the probability of reporting any level of support for torture (either strongly agree, agree, or somewhat agree). First differences are calculated with the other treatments set to 0 and all other independent variables set to their medians. Vertical lines indicate 90% confidence intervals.)

legal appeals appear to influence public opinion even for matters of “high politics.”

Figure 2 also reveals, however, that the impact of international law is not felt equally by all groups. Consistent with *H2*, the international law treatment seems to have little systematic effect on those with prior military experience. Veterans’ exposure to international law actually leads to a slight increase in support for torture, though the confidence interval includes zero, or no apparent effect. The results indicate that the general constraining impact of international law on attitudes toward torture initially found in Model 1 from Table 1 is primarily driven by those respondents with no prior military experience. The findings thus point to the potential, as well as limits, of international law in shaping attitudes toward torture for different segments of society.

The first survey used a single binary treatment for international law, which does not consider variation in

the legalization of an agreement. I conducted a follow-up experiment to examine the effect of each legalization component on support for torture, especially since there may be mitigating effects for those with prior military experience. Similar to the initial experiment, the second survey was conducted by KN in conjunction with TESS.³⁵ The survey was fielded between June and July 2010 to a random sample of 9,213 American adults. Of those receiving the invitation, 6,101 agreed to participate, producing a final completion rate of 66.2%.

I employed the same prisoner interrogation scenario to keep aspects of both surveys as similar as possible. All respondents then received a prompt detailing an international agreement prohibiting torture, but which varied in the levels of obligation, precision, and delegation,

³⁵ Data collected by Time-sharing Experiments for the Social Sciences, NSF Grant 0818839, Jeremy Freese and Penny Visser, Principal Investigators.

respectively. Using a binary measure for each legalization component, the “high” version is considered the treatment, and the “low” the control.

As in the first experiment, three binary treatments normally suggest a similar three-way factorial design. However, agreements exhibiting high delegation combined with low obligation are rare in practice, since it is unusual to transfer authority to a third party to interpret and enforce nonbinding rules (Abbott et al. 2000:406). As a result, I excluded the two combinations involving high delegation and low obligation, leaving six total experimental groups.

In order to concentrate on the impact of legalization, I also omitted additional contextual treatments. The overall effect of reciprocity did not figure prominently in the first experiment, so this treatment was excluded. Given continuing concerns over threats posed by irregular combatants, however, all respondents were told the prisoners were insurgents.

I sought to employ language that captured the qualities of each legalization component, while avoiding technical jargon or extraneous information that could bias responses. First, respondents receiving the high-level obligation treatment were told the United States had signed “international treaties” prohibiting the use of torture, since a treaty is generally viewed as the most legally binding type of commitment (Posner and Sykes 2013:63–4). For the low-obligation control, respondents were told torture was against “general international values,” which do not necessarily involve any formal legal promise.

Second, precision measures how narrowly provisions proscribe the use of torture, whether or not the agreement is legally binding. The high-level precision treatment states the terms of the agreement “do not allow the use of torture under any circumstances against any prisoners.” The low-level control introduces more uncertainty, cautioning the agreement “might, or might not, allow for the use of torture against prisoners.”

Finally, delegation concerns how much authority is granted to a third party to punish officials for authorizing torture. I focus on international courts in light of the growing prominence of the ICC and other tribunals for torture and similar crimes. The high-level delegation treatment reads, “If U.S. officials used torture, then an international court could prosecute them for war crimes.” The low-level control remarks instead that “Even if U.S. officials used torture, no international court could prosecute them for war crimes.”

After receiving one of the versions of a legalized agreement, respondents were then asked to indicate their support for torture using a similar question to the prior survey.³⁶ As in the first experiment, the rate of nonresponse remained low at less than 1% overall, as well as for civilian and veteran subsamples.

The raw level of support for torture (46%) is slightly higher compared to the first survey. The rise in support is somewhat expected, since all respondents were told the prisoners were insurgents, which the first experiment showed to significantly increase support for torture. The general level of support for torture among respondents also remains within the range of comparable surveys, suggesting results are not likely driven by the sample.

The raw figures continue to show that a greater proportion of veterans (57%) are more favorable toward the use of torture compared to civilians (44%).

As with the first survey and in line with *H1*, Model 1 from Table 2 below reveals that the gap between veterans and civilians in attitudes toward torture endures even after including a corresponding set of control variables. The analysis also indicates that the other individual-level variables generally operate in the same direction as before.³⁷

The overall effects for the three legalization treatments in Model 1 reveal some intriguing results. As expected, greater levels of precision and delegation have a statistically significant negative effect on support for torture. More ambiguous legal rules appear to generate a greater tendency not to favor following prescribed rules, which is consistent with managerial approaches to compliance (Chayes and Chayes 1993). The precision finding also supports informational approaches to international law (Simmons 2009:143–4), where clearer signals are likely to be more successful in altering recipients’ beliefs. On the other hand, respondents also appear to be influenced by higher levels of delegation. This is consistent with a deterrent effect created by threats of external punishment, which provides individual-level support for the enforcement school of compliance (Downs et al. 1996). Given the managerial and enforcement approaches are often portrayed as mutually exclusive, the results suggest each offers useful insights into understanding how international law shapes actor preferences.

By contrast, the level of obligation appears to have little impact on support for torture; the coefficient is in the expected negative direction, but is smaller in size and fails to be statistically significant unlike the other legalization components. This nonfinding calls into question the common presumption that binding treaties are generally more effective than softer instruments (Guzman 2008:59). On the other hand, the result bolsters approaches arguing nonbinding agreements also impact the preferences and behavior of actors (Shelton 2000). Admittedly, there may be some concerns the language for the obligation treatment does not adequately capture the high-low distinction for this dimension of legalization.³⁸ The results for obligation should thus be treated as preliminary, but point to the importance of studying not only binding treaties but also more informal types of agreements.

Figure 3 below illustrates the substantive effects for the results from Model 1 in Table 2. In a similar manner to the analysis from the first experiment, the figure reports the first differences for each variable while setting obligation to high (because the low obligation–high delegation combination was not included in the design), precision and delegation set to low, and all other variables to their medians. The impact for veterans is a similar 5% increase in support for torture compared to civilians. The overall constraining effects of precision and delegation are of a similar magnitude in the opposite direction, while obligation has little evident impact.

³⁶ One slight difference is that the first experiment referred to captives as “captured combatants,” while the second uses the term “prisoners.” A subsequent trial reveals the difference in terminology has no substantive impact on attitudes toward international law or torture.

³⁷ One exception is that the coefficient for African American continues to be positive and around the same size, though it now becomes statistically significant at the 5% level.

³⁸ Compared to the other two dimensions of legalization, devising the obligation treatment presented several challenges, since employing more technical language, such as a “nonbinding accord” or similar terms, may overly confuse respondents’ understanding of the prompt.

TABLE 2. Ordered Logit Analysis of Support for Torture (International Legalization Experiment)

	(1) Baseline	(2) Obligation Interaction	(3) Precision Interaction	(4) Delegation Interaction
Veteran	0.201 (0.075)***	0.129 (0.123)	0.174 (0.100)*	0.174 (0.091)*
Obligation	-0.040 (0.056)	-0.054 (0.059)	-0.041 (0.056)	-0.040 (0.056)
Precision	-0.249 (0.046)***	-0.249 (0.046)***	-0.256 (0.049)***	-0.249 (0.046)***
Delegation	-0.238 (0.057)***	-0.239 (0.057)***	-0.238 (0.057)***	-0.248 (0.060)***
Veteran x Obligation	-	0.105 (0.143)	-	-
Veteran x Precision	-	-	0.054 (0.133)	-
Veteran x Delegation	-	-	-	0.069 (0.137)
Political Ideology	-0.247 (0.020)***	-0.247 (0.020)***	-0.247 (0.020)***	-0.247 (0.020)***
Partisanship	-0.181 (0.014)***	-0.181 (0.014)***	-0.181 (0.014)***	-0.181 (0.014)***
Age	-0.075 (0.014)***	-0.075 (0.014)***	-0.075 (0.014)***	-0.075 (0.014)***
Education	-0.157 (0.023)***	-0.158 (0.023)***	-0.158 (0.023)***	-0.158 (0.023)***
Male	0.353 (0.050)***	0.353 (0.050)***	0.353 (0.050)***	0.353 (0.050)***
Security Issues	0.117 (0.099)	0.118 (0.099)	0.118 (0.099)	0.117 (0.099)
White	0.059 (0.095)	0.058 (0.095)	0.058 (0.095)	0.059 (0.095)
Black	0.238 (0.119)**	0.236 (0.119)**	0.237 (0.119)**	0.237 (0.119)**
Hispanic	0.007 (0.122)	0.005 (0.122)	0.005 (0.122)	0.006 (0.122)
Observations	5989	5989	5989	5989
Pseudo R^2	0.04	0.04	0.04	0.04
Log Likelihood	-10905.35	-10905.07	-10905.26	-10905.22
χ^2	969.25	969.79	969.41	969.5

(Notes. Standard errors in parentheses.

* $p < .10$; ** $p < .05$; *** $p < .01$.

Cutpoints for ordered logit models not shown.)

The results for the remaining independent variables remain comparable to those from earlier.

The first experiment indicated that the effect of international law was limited to civilians with no prior military experience, since veterans were relatively unresponsive to legal appeals. To test whether the conditional relationship between international legal principles and prior military experience is mitigated by the level of legalization, the remaining regression models in Table 2 above include an interaction term between veteran status and each legalization treatment. In Model 2, the interaction term is not statistically significant, nor are either the lower-order obligation or veteran terms, though this does not necessarily imply the absence of a conditional relationship. In Models 3 and 4, the coefficients for the interaction terms continue in failing to be statistically significant. However, for both models, the lower-order veteran coefficient is positive and significant, which confirms that veterans are more supportive of torture, at least at lower levels of precision and delegation. On the other hand, the lower-order legalization terms are negative and significant in Models 3 and 4, suggesting that higher levels of precision and delegation reduce support for torture among civilians in a similar manner to the single binary international law treatment from the first experiment.

Since the regression coefficients on their own make it difficult to determine whether veterans are similarly influenced by legalization, Figure 4 reports the treatment effect of each legalization dimension on any level of support for torture separately for civilians and veterans. Treatment effects continue to be calculated with obligation set to high, precision and delegation both set to low, and other variables to their medians.

In line with the overall findings, obligation appears to have little substantive influence on either civilians or veterans, where the estimated treatment effect is negligible and the confidence intervals for both estimates include zero. The absence of any influence for obligation does not mean that veterans are unaffected by

every element of legalization. The impact from higher levels of precision is not limited to civilians, but similarly reduces veterans' support for torture by 6% compared to those receiving the more indeterminate prompt. The precision finding for veterans stands in contrast to the initial appeal to international law in the first experiment, where attitudes toward torture for those with prior military experience were largely unmoved. Consistent with *H3*, greater precision diminishes the conditional effect of prior military experience on legal appeals. More precise agreements appear to reduce the capacity or willingness of veterans to reinterpret rules to be consistent with their pre-existing beliefs, where they may be initially more skeptical toward international law and limits on wartime conduct.³⁹ The role of precision is also compatible with psychological research showing the impact of generic statements based on prior individual beliefs (Cimpian, Brandone, and Gelman 2010:1454).⁴⁰

Higher levels of delegation also appear to have a significant impact on those with prior military experience. Evoking concerns over external punishment actually leads to a slightly larger decline in support for torture among veterans (5%) compared to civilians (4%), though the difference between the two groups is minor. This may be due to those with prior military experience having a greater sensitivity to the prospects for punishment resulting from government agents employing torture compared to situations where no external enforcement mechanisms exist. The delegation findings provide further support for *H3*, where higher levels of delegation lead to similar responses from civilians and veterans in contrast to the original international law treatment from the first experiment.

³⁹ A similar pattern has been found for political ideology, showing the relative impact of different types of international legal agreements on the foreign policy attitudes of conservatives compared to liberals (Wallace 2013).

⁴⁰ I thank an anonymous reviewer for pointing to this additional implication.

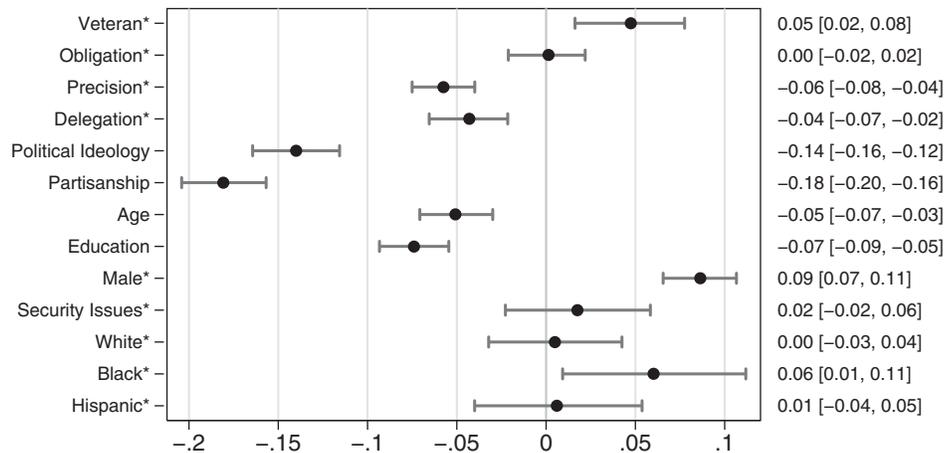


FIG 3. Substantive Effects for Determinants of Support for Torture (International Legalization Experiment) (Notes. Results based on Model 1 from Table 2. Values represent first differences for the effect of each variable on the probability of reporting any level of support for torture (either strongly agree, agree or somewhat agree), while holding obligation as high, precision and delegation as low, and all other independent variables at their medians. Continuous variables are changed from one standard deviation below their mean to one standard deviation above, while dichotomous variables (indicated by a*) change from 0 to 1. Horizontal lines indicate 90% confidence intervals.)

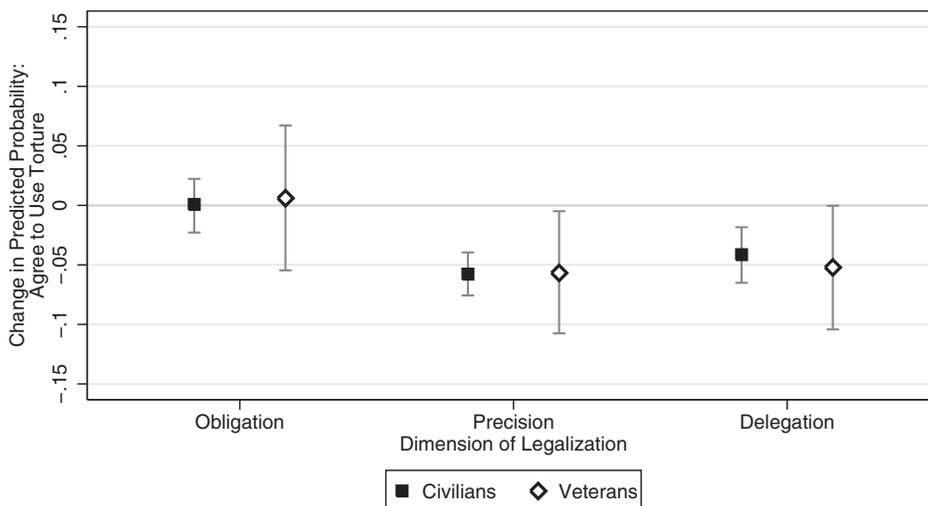


FIG 4. Effect of International Legalization on Support for Torture, by Civilian-Veteran Status (Notes. Results are generated from Models 2–4 in Table 2. Y-axis measures the first difference between the treatment and control groups on the probability of reporting any level of support for torture (either strongly agree, agree, or somewhat agree) for each of the obligation, precision, and delegation treatments respectively. First differences are calculated with obligation set to high, precision and delegation to low, and all other independent variables set to their medians. Vertical lines indicate 90% confidence intervals.)

The results from the second experiment thus show that international law can affect the attitudes of both civilians and veterans, but these effects are conditioned by the specific design of the agreement. What appears to matter is not simply the existence of international rules, but rather how unambiguously behavior is circumscribed or the potential for third-party enforcement, particularly in the case of veterans.

Conclusion

The results from the analysis suggest caution, but also some promise, that international law can shape support for wartime violations like torture. For civilians, general appeals to international law, as well as more legalized

commitments, can substantially alter attitudes toward torture. Yet for those with prior military experience, the outlook is more mixed. Not only do veterans exhibit a higher baseline willingness to support torture, but merely introducing general legal norms appears to have little impact. Only when international laws are highly legalized in terms of precision and delegation, though not necessarily obligation, will legal norms have a moderate though still significant impact on veterans' support for torture.

The results have implications for a number of related questions, in particular the prospects for programs seeking to disseminate knowledge about the laws of war. Several humanitarian organizations, such as the International Committee of the Red Cross (ICRC), view such

programs as promising tools in transforming attitudes toward violence held by civilians, as well as current and ex-combatants, in societies engaged in or emerging from armed conflict.⁴¹ While there is little systematic evaluation of their actual effectiveness, the combined findings from the two experiments presented here offer a few conjectures as to how educational programs on international law can be optimally devised. Generic messages about obeying the laws of war are unlikely to have much impact on those possessing prior military experience, but may be sufficient to influence largely civilian audiences. For former combatants, programs rather need to offer more precise guidelines regarding what types of conduct are prohibited, which consequently may make such initiatives more costly and of a longer duration. Emphasis should also be placed on enforcement and likely material consequences resulting from such violations. By contrast, abstract discussions of the binding and obligatory nature of the laws of war are unlikely to be very persuasive. The most appropriate design for such programs is thus likely to depend on the nature of the audience. Given the frequent obstacles to reintegrating ex-combatants (Humphreys and Weinstein 2007), properly implemented educational programs on the laws of war could play a constructive role in conjunction with broader initiatives seeking to transform the preferences of those with prior military experience.

Of course, the extent of translating the implications from the findings here to such questions needs to be treated with some caution, since the analysis is limited to the US context and largely excludes active members of the armed forces. This also leaves open whether similar findings would hold for other countries or situations. Significant cross-national differences are evident in general preferences toward violence, as well as among armed actors (International Committee of the Red Cross 1999; Humphreys and Weinstein 2006). Conducting survey research in conflict settings involves its own difficulties, but several studies show the potential for such work to offer valuable insights into the preferences and behavior of both veterans and civilians (Blattman 2009). Given the programs of the ICRC and other humanitarian actors are often focused on war-torn societies, investigating attitudes toward violence and legal norms in these contexts could be especially fruitful. Coordinating with NGOs also offers the possibility of conducting field experiments to assess the impact of educational programs on international humanitarian law and other activities on the ground. Such initiatives would help overcome some of the limits to the generalizability of the present study, which relies on a hypothetical scenario in a controlled setting.

The results also suggest several additional avenues for future research. While there is an evident gap in civilian and veteran attitudes toward torture and international law, the exact sources for this distinctiveness deserve further attention. A number of possible explanations might account for why the beliefs of those with prior military experience diverge from the wider civilian populace, including self-selection in enlistment (Dempsey 2009:174–5), socialization into the organization's culture (Kier 1997:28–30), or brutalization from the battlefield

(Bartov 2001:4). Furthermore, while the analysis stressed overall similarities across those with prior military service, the opening example of John McCain indicates that specific wartime events may have the ability to transform later beliefs. Indeed, the particular experiences encountered by combatants can have important consequences for their subsequent preferences and behavior (Horowitz and Stam Forthcoming). Although surveying active members of the armed forces continues to present challenges, more fine-grained questions on the military background of veterans would provide a better understanding of the specific sources for their attitudes toward international law and wartime conduct.

Lastly, it is unclear whether differences between civilians and veterans would remain for other areas of wartime conduct. In recent years, many international legal efforts have not only dealt with wartime practices, but also attempted to restrict particular instruments of war, such as landmines (Price 1998). Future work should examine the extent to which legal instruments can influence attitudes toward prohibitions against specific weapons of war, especially for individuals with prior military experience who are likely more familiar with their use and effects. Results from this study on torture suggest the institutional design of agreements, and how they are situated within the broader legal arena, will likely shape the prospects for new international rules to transform individual attitudes toward what is, and is not, considered legitimate during war.

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⁴¹ On the ICRC, see <http://www.icrc.org/eng/what-we-do/building-respect-ihl/education-outreach/index.jsp>. For similar work by the International Institute of Humanitarian Law (IIHL), see <http://www.iihl.org/Default.aspx?pageid=page12045>.

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