

Can Constitutional Law Change Public Opinion? Evidence from Six Countries During the COVID-19 Pandemic

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The COVID-19 pandemic caused the **largest**
synchronous suspension
of global civil liberties in
the recent history.



Some of the most important aspects about it remain largely unknown.

i.e. Did the public support these efforts? Even when they violated national law?

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Outline

Motivation

Research design

Results

Discussion

Broader points

Motivation

Does the constitution limit the government?

- 1 Constitutions designed to protect rights.
- 2 Governments that are constrained by them are also charged with enforcing them.

Does the constitution limit the government?

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Enforcement of law by
public citizens.

↑ public opposition to
constitutional violations

↗ ↑ state compliance



Don't know if ordinary citizens will punish the government for rights violations.

Anecdotal evidence:

Suggests this rarely happens.

Empirical evidence: Mixed results.

Little work has been done on this in times of emergency, like the COVID-19 pandemic.

Public support for rights
restrictions ***should*** be
highest.

**To what extent does the
public support rights
restrictions that are
unconstitutional?**

**To what degree does this
support vary across
countries?**



Implications for how we understand the importance of constitutions and public law, public support for human rights, and interactions between the public and state more generally.

Research Design

We conducted survey experiments in 6 different countries during the COVID-19 pandemic.

Dartmouth IRB #STUDY00032077, OSF Prereg: <https://osf.io/4grqs/>



Nationally representative samples: USA (3,012), Japan (2,488), Israel (2,010), South Korea (1,419), Taiwan (804), and China (1,897).



Between-subjects design:

USA: March 15-17, 2020 (Lucid)

Japan: March 24-27, 2020 (Nikkei Research)

Israel: April 5-7, 2020 (Midgam Panel)

China, South Korea, & Taiwan: May 25-30, 2020 (Lucid)



N = 11,603



Asked respondents about their support for policies aimed at curbing COVID-19 infections.

Prohibit all non-essential movement of people outside of their homes and ban all large gatherings.

Prohibit all people – including
[Country] Citizens – currently
outside the country from
re-entering the country.

Prohibit all non-citizens – except legal permanent residents – currently outside the country from entering the country.

Suspend all non-essential public or government services, including all primary and secondary schools.

Prohibit all people from publicly spreading information about the virus that could have adverse health consequences, including downplaying the virus's danger or inducing panic.

Take over relevant business and seize useful property, including pharmaceutical companies or spaces typically used for government gatherings.

Suspend all religious services or gatherings, including regular church services.

Require some people to work for the government performing healthcare tasks for which there are shortages, like assisting in hospitals or distributing medical supplies.

Detain any individual exhibiting coronavirus-like symptoms and quarantine them in a government facility for at least two weeks.

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Outcome: Support

'Strongly oppose' to 'Strongly support'

1-4

Experimental treatment: Before continuing, it is worth noting that many legal experts believe that each of these policies may not comply with the [Country's constitution] by, for instance, violating basic civil liberties or not providing sufficient due process.

Results

Basic descriptive statistics
about support.

01

Right

Takeover Business and Property ·

Suspend Services ·

Suspend Religious Services ·

Prohibit Spreading Misinformation ·

Detain in Government Facilities ·

Conscript People to Work ·

Ban Non-Citizens From Entering Country ·

Ban Movement Outside of Homes ·

Ban All People From Entering Country ·

Average Across Policies ·

Right

Takeover Business and Property ·

Suspend Services ·

Suspend Religious Services ·

Prohibit Spreading Misinformation ·

Detain in Government Facilities ·

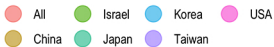
Conscript People to Work ·

Ban Non-Citizens From Entering Country ·

Ban Movement Outside of Homes ·

Ban All People From Entering Country ·

Average Across Policies ·



Right



Right



Takeaway: Majority of respondents in **every** country support **all** rights restrictions.

Right



Takeaway: Substantial variation across countries in support for certain rights.

To what extent is the public willing to support restrictions that are unconstitutional?

- ◊ Ban Movement Outside of Homes
- ◊ Ban All People From Entering Country
- ◊ Ban Non-Citizens From Entering Country
- △ Suspend Services
- ▽ Prohibit Spreading Misinformation
- ✦ Takeover Business and Property
- ✦ Suspend Religious Services
- ✦ Conscript People to Work
- ✦ Detain in Government Facilities

Israel

Constitution

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Israel

Constitution

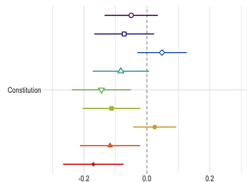
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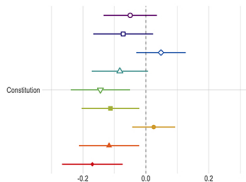
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Israel

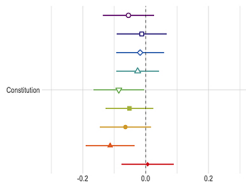


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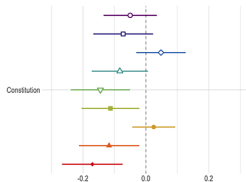


USA

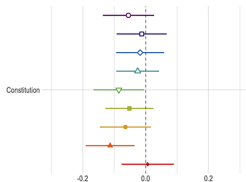


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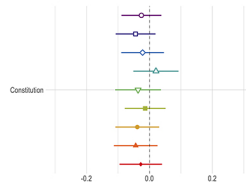
Israel



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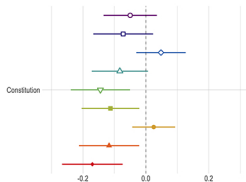


Japan

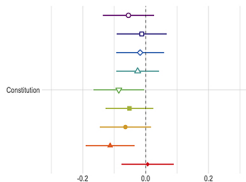


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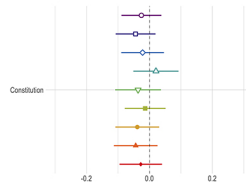
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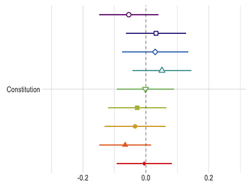
USA



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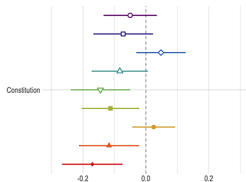


South Korea

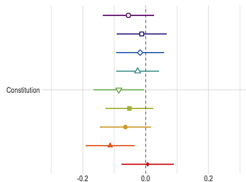


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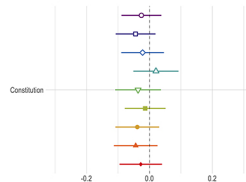
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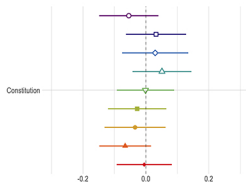
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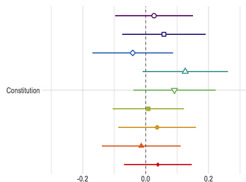
Japan



South Korea

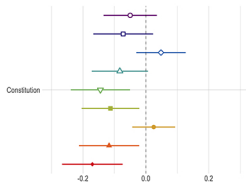


Taiwan

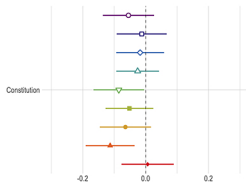


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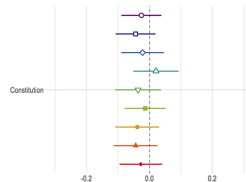
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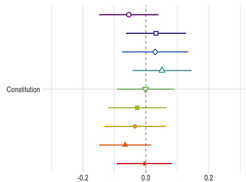
USA



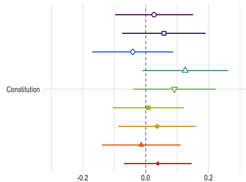
Japan



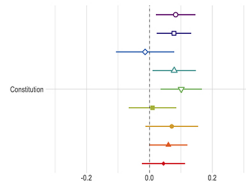
South Korea



Taiwan



China



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To what extent is the public willing to support restrictions that are unconstitutional?

Quite a lot

Discussion

Takeaway 1: Public
supports rights restrictions.

Takeaway 2: The effect of law, in this case constitutional law, varies across countries.

Takeaway 3: Telling people about constitutional law can actually create a backlash effect.

Takeaway 4: The nature of the proposed rights restrictions do indeed matter.

Broader Points

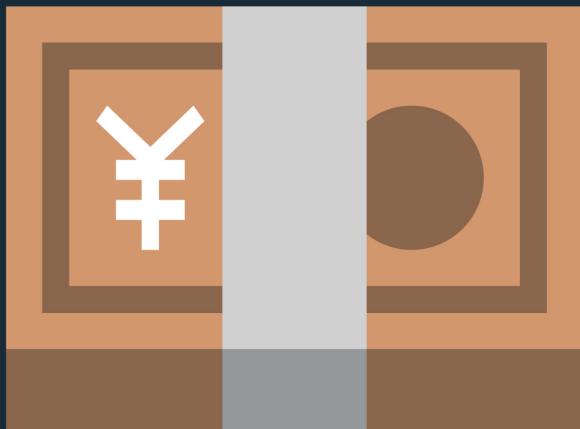


Open Questions

- 1 To what extent do Japanese residents support specific government policies?
- 2 What are the most effective arguments (or frames) that the government can use to mobilize public support?

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Future Opportunities

- 1 **Golden age** of social science — unprecedented research possibilities fueled by new data and statistical approaches.
- 2 Know very little about the relationship between citizens and the state.

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Thanks!

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