Scientific Protocol: Public Reactions to Non-Compliance

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Abstract

The study asks how individuals react to learning about non-compliance with judicial orders. The study draws on previous research tracking compliance with direct orders from judges to state officials in the context of the Colombian tutela, a legal instrument designed to provide swift redress for the violation of constitutional rights. A nationally representative sample of Colombians will be informed of the results of the previous study, which uncovered a significant degree of non-compliance with many judicial orders. The experimental survey design calls for the randomization of three pieces of information in the study: the extent to which judicial orders were clear, the financial cost of non-compliance and the social status of the beneficiaries of compliance with the order. Respondents will give an attitudinal reaction to non-compliance, indicating how illegitimate they find the behavior of the state. They will also be given the opportunity to contribute to a system designed to provide Colombians with information about the compliance process in the tutela.

1 External Collaborators

The four collaborators on this project are listed below. You have asked me to indicate each person's involvement with human subjects research and whether the IRB at their institution will review their activities. I believe that neither Isabel Cristina Jaramillo Sierra nor Mariana Castrellón Pérez are involved in human subjects research. I am actually uncertain about the status of all of the collaborators. My best guess is that Gauri is involved in human subjects research but Carlin and I are not; however, I am uncertain and of course am anxious to be guided by your opinion.

1. Varun Gauri, Development Research Group, The World Bank (vgauri@worldbank.org)
2. Ryan E. Carlin, Department of Political Science, Georgia State University (rcarlin@gsu.edu)
3. Mariana Castrellón Pérez, School of Law, Stanford University (m-castre@uniandes.edu.co)
4. Isabel Cristina Jaramillo Sierra, Facultad de Derecho,
   Universidad de los Andes (ijaramil@uniandes.edu.co)

Human Subjects Research in this Project

I am not sure whether I am engaged in human subjects research as understood under 45 C.F.R. 46. There is no question that human subjects research is being conducted in the study. This is because the research involves an experimental survey, fielded among a representative sample of nationals of Colombia. The question I have is whether I am involved in it and whether the study should be exempt. I honestly do not know and for this reason I am making an application to Emory's Institutional Review Board.

There are several facts that make me uncertain about how to understand my role exactly (as well as the roles of all investigators).

1. Emory is not funding or actively engaged in the collection of human subjects data. I am working with Varun Gauri, a senior economist at The World Bank. The study is funded by The World Bank. I am working with Dr. Gauri on the design and analysis of the study. Emory funds are being used to fund work on survey questions, research design and analysis.

2. The study is funded by The World Bank. The Bank is an international organization and not bound by 32 C.F.R. 219. Its researchers are of course bound by international ethical understandings regarding human subjects and they are sensitive to doing ethical research.

3. Human subjects research will come in the form of an experimental survey; however, neither The World Bank nor Emory will carry out the survey.

4. The World Bank is paying a Spanish survey firm, Netquest (`http://www.netquest.com/en/home/online-panel-survey.html`), to carry out the study. Netquest has a long run relationship with the respondents in the sample. In particular, as we describe in our application, Netquest recruits a panel of survey responders who consent to being included in a variety of market and social research surveys and experiments. The firm is certified with ISO Standard specific to Access Panels (see `http://www.panelwithiso.com/andhttp://www.iso.org/iso/catalogue_detail.htm?csnumber=43521`).

   Netquest complies not only with the norms of ISO 26362 (`http://www.panelwithiso.com/#`) but also Spain's Federal Organic Law on the Protection of Personal Data of 13 December 1999 (`http://noticias.juridicas.com/base_datos/Admin/lo15-1999.html`). Importantly, as the information we provide shows, all participants may opt out of their relationship with Netquest at any time, including while they are taking the survey we helped design.

5. Critically, no researcher in the survey, whether at the World Bank, Emory University, Georgia State University or any other university will have any access to identifiable information about the subjects in the research. Netquest, pursuant to its own agreements with subjects, is legally prohibited from releasing to us any identifying information. And of course, Netquest seeks consent for inclusion generally and with the particular survey in question.

There is obviously a form of human subjects research here. It is being conducted by Netquest and funded by The World Bank. I will never have contact with individuals or indeed with Netquest. I will have access to the data, but it will come without identifiers. What is causing the uncertainty is whether Carlin and my involvement in designing the experiment and ultimately analyzing the data means that we are involved in human subjects research. I honestly do not know. Are we better conceptualized as consultants for The World Bank. Likewise, Mariana Castrellón Pérez and Isabel Cristina Jaramillo

Sierra have provided valuable opinions about word choice in the survey, ensuring that the words we choose are properly designed for the context. Like all study contributors, they will not have access to identifiable data. Are they also better conceptualized as consultants to The World Bank?

2 Background, Significance and Goals of the Study

The rule of law implies that the "governors" as well as the "governed" should obey the law. Just as individual interests and behaviors are shaped and constrained by the law, government itself is subject to legal constraints on power (Raz, 1997). In practice, whether because of bureaucratic errors, a lack of resources or more base political motivations, officials of the state do on occasion violate legal limits on their authority. Institutions of constitutional review exercised by judges represent remedial mechanisms for addressing many state violations of legal limits, especially the violation of individual rights (Gauri and Brinks, 2008; Ginsburg, 2003). Having found a legal violation, judges often order officials to take remedial actions; and when they do so, compliance with these orders is legally required. Yet even here, where judges duly empowered to review the actions of the state have found a violation and pursued some form of remediation, the law does not always control. Simply, the rule of law is stressed not only because governments sometimes act beyond their powers, but also because officials of the state do not always obey the judges charged with monitoring legal limits (Carrubba, 2005; Linde, 1972).

Absent coercive powers, the management of state compliance represents a fundamental problem of judicial politics (Vanberg, 2005). Scholars have suggested that the base of judicial authority lies in public support for courts and their powers (Clark, 2010; Stephenson, 2004; Rodríguez-Raga, 2011). Where courts are supported, the argument goes, state officials will perceive significant costs to be associated with non-compliance, and thus be more likely to implement judicial orders, when it is possible. For this mechanism to work, scholars have also suggested that it must be at least possible for the public to learn about and understand the conflicts judges are tasked with resolving. There must be a mechanism through which the public learns or could learn about non-compliance. Absent such a mechanism, we cannot plausibly argue for a public enforcement mechanism for judicial decisions. We would be imagining a process in which pressure for compliance is placed on state officials by people who do not realize that there is a problem (Staton, 2010; Krehbiel, 2013). Thus, for a public support mechanism to work four conditions must be satisfied: (1) courts must be sufficiently supported by the public,

(2) people must believe that non-compliance with judicial orders is inappropriate, (3) people must be willing to be mobilized to pressure for respect for the rule of law and (4) the conflicts courts resolve must be sufficiently transparent so that public support can be leveraged for pressure on state officials. This study considers the second two conditions. Specifically, we ask whether and under what conditions individuals interpret non-compliance as inappropriate; and, upon learning about non-compliance we also ask whether people are willing to take costly actions to address it.

2.1 Theoretical Framework

Empirical research on the public enforcement mechanism has focused on indirect evidence, considering how judicial decisions and compliance respond to the types of conditions that would make a public backlash (and thus the requisite public pressure) more likely (e.g. Clark, 2010; Vanberg, 2005). For example, Krehbiel (2016) finds that the Federal Constitutional Court of Germany is more like to hold public hearings in cases where it is likely to rule against the German government. Similarly Staton (2010) finds that the Mexican Supreme Court is more likely to publicize its decisions striking down federal laws than decisions upholding them, especially when the media has not already been covering the case. Although suggestive and consistent with theoretical expectations, the empirical findings in support of a public enforcement mechanism for judicial orders do not directly address whether, under what conditions, and to what extent individuals are willing to take actions to pressure for compliance. Our goal in this study is to to learn under what conditions individuals reject non-compliance and whether they are willing to do take costly actions to pressure for its legal remedy.

2.2 Core Hypotheses

We will consider three main hypotheses consistent with existing theoretical models of compliance in which the public is invoked as part of the mechanism creating pressure for implementation. We first consider the role of judges. In principle, judges can influence public reactions to non-compliance through the clarity of their orders. This is a key assumption of the model developed in Staton and Vanberg (2008), where order clarity influences the marginal cost to public officials of non-compliance, precisely because clear orders make it easier for individuals to identify non-compliance and harder for officials to deny that they have defied an order.

Second, scholars have also suggested that the real, financial costs of compliance influence how states respond to changes in their legal obligations (Gauri, 2011). For example, the constitutional right to health in Costa Rica required the state to provide universal access to the drugs necessary for the proper treatment of HIV/AIDS. Doing so required a significant increase in public expenditures (Wilson and Cordero, 2006; Wilson, 2011). In contrast, the constitutional right to petition government for information requires next to no increase in public spending. Governments need only respond to individual requests for information. While this may require a slight increase is staffing, even that expenditure is arguably unnecessary. It is entirely possible that individuals recognize that high real costs of compliance raise potential tradeoffs in the provision of public services. For that reason, individuals may be more (less) willing to forgive non-compliance in cases where the real costs of compliance are high (low).

Third, the literature on social and economic rights enforcement has been skeptical about the extent to which the legal system provides benefits to individuals independently of social class (e.g. Brinks and Gauri, 2014). Instead, scholars have generally found that the legal system's output is biased toward people with higher socioeconomic status. In so far as the social system that structures the law is organized around class, it may be that individuals perceive non-compliance with orders benefiting the poor and the less educated as less of a problem than non-compliance with orders that would have benefited middle class or wealthy, educated individuals. On the other hand, the legal system is an important potential source of redress for the implications of social and political inequality. It may be that individuals expect the educated and wealthy to be able to pursue their interests through normal means, reserving the legal process for individuals in great need of state assistance. If this is correct, then we might expect individuals to perceive non-compliance with orders benefitting the poor and/or less educated as particularly problematic.

We will consider three types of outcomes: (1) individual perceptions that non-compliance with a judicial order is acceptable or not, (2) willingness to place blame for non-compliance on the authorities being challenged or on judges themselves, and (3) individual willingness to take a costly action to promote compliance. To summarize, we consider the following main hypotheses.

1. *Individuals are less likely to perceive non-compliance as unacceptable, less likely to take costly actions to remedy non-compliance, and less likely to blame the state for non-compliance when*

    - *judicial orders are vague*

- *the financial costs of compliance are high.*

2. *Individuals are more likely to perceive non-compliance as unacceptable and more likely to take costly actions to remedy it when*

    - *the party aggrieved by the state's non-compliance has low social status.*

2.3 Additional Hypotheses

We will consider several additional hypotheses. First, we will consider whether simply providing individuals information about what we believe is a relatively high non-compliance rate decreases their willingness to accept non-compliance and increases their willingness to take costly actions to remedy this problem. An answer to this question serves as a test of the basic assumption of public support models of judicial power. Second, we ask whether pre-existing commitments to the rule of law and willingness to engage in sanctioning of anti-social behavior also condition the effect of learning about a relatively high rate of non-compliance. These hypotheses related to potential heterogenous treatment effects. Third, because our effort to learn about the effect of providing to the public information about the actual level of non-compliance in their state provides a particular result which might be compared to a prior expectation, we will also aks whether pre-existing beliefs about the extent of non-compliance with judicial orders condition the effect of learning about this rate of non-compliance. The logic behind these hypotheses is more fruitfully developed in the context of the research design, and so we will provide details below.

3 Study Design

3.1 Organizational structure of study team

The study is funded by The World Bank. The Bank pays NetQuest for carrying out the survey. Emory has paid Ryan Carlin for help in designing the survey and experiment. The Bank's expectations are that we report the findings to the Bank and to the Constitutional Court of Colombia. They also expect that the study team publish peer-reviewed research articles summarizing the findings.

3.2 Setting and location

Our study is set in the context of the Colombian *tutela* action. The tutela is a constitutional action through which all Colombians may seek swift legal redress for the violation of fundamental liberties. The tutela action has played a critical role in the development of social and economic rights in Colombia, providing a means of addressing core challenges in the health system and in the system for providing support to victims of Colombia's long civil conflict, among many other topics. In 2014, the authors of this study, in collaboration with the Constitutional Court of Colombia began a project designed to track compliance with orders in the tutela action (IRB00057134). The study combined an observational study of compliance generally with a field experimental design in the context of health litigation, the aim of which was to estimate the causal effect of raising provider expectations that their responses to judicial orders would become public. We have now completed this study and its results give us an opportunity to consider how the Colombian public generally would react to information about the non-compliance we uncovered. Prior to releasing the study's results, we would like to learn how they might be received. This is particularly important in light of the normative importance related to remediating what our study team believes to be potentially significant problem in protecting individual rights in Colombia.

The current study will be carried out entirely online, and as we describe above it will be implemented by NetQuest. We have appended a Spanish and English version of their terms of service and privacy practices.

3.3 Goals of the Study

We are interested in both descriptive and causal inference in this study. Our first goal is to describe how Colombians would react to the information we uncovered in our study of compliance with tutela orders if we provided them with information about key results. We are interested in both attitudinal and behavioral reactions. Specifically, we wish to know how individuals perceive the non-compliance we uncovered in the study and we wish to know whether individuals would take costly actions to address it. To learn about these reactions, we will seek opinions from respondents about whether the non-compliance we found was acceptable or not. We will also give respondents the ability to take costly actions in order to contribute to a process of informing the Colombian public about non-compliance. Our second goal is to evaluate causal claims about the effect of certain features of non-compliance on

public perceptions of acceptability, public willingness to take costly actions to remedy non-compliance as well as the blame that people place on the state for non-compliance. We will seek to estimate the effect on individual reactions of three types of theoretically relevant pieces of information about the compliance process on individual reactions: (1) the clarity of judicial orders, (2) the social status of the beneficiaries, and (3) the financial cost of compliance.

3.4 Research Design

We field an experimental internet survey to a sample of Colombian nationals. We have attached English and Spanish versions of the questions we ask. Given the representativeness of the NetQuest panel, the Study group (described below) in our study will permit inference about how Colombians generally would likely react to the key result of the non-compliance study – that the overall non-compliance rate in our study was 30%. This is both a relatively high proportion on its own. Yet it also suggests that a genuinely large number of people are likely affected by this process each year. Considering the fact that there are nearly 400,000 tutela cases each year in a country of roughly 47 million people and that judges find constitutional violations in roughly 50% of these cases, our study suggests that roughly 60,000 cases per year contain orders that were violated. Since there is never less than one beneficiary per case, this implies a lower bound of a non-compliance rate of 127 per 100,000 Colombians each year. As we found in our study, this rate is far higher in particular legal areas, such as the law dealing with the protection of victims of the armed conflict. Other arms of the study will permit descriptive inference about reactions to other aspects of the study.

It is important to stress that there is no deception in the study. We believe that this is important since we are reporting on information that reflects a study of an important aspect of the Colombian legal system. We are keen not to misinform any respondent and would rather be truthful throughout rather than have to debrief respondents after the survey. A benefit of participating in the study is being informed about this critical part of the process by which individual rights are protected in Colombia. Deception, we believe, may undermine learning about the tutela process (however limited it may be) via participation. All of the information that we reveal accurately reflects our findings from the compliance study. What differs across the groups is what we choose to reveal or stress.

3.5 Experimental Design: Study 1

Our study involves two related experimental designs. In the first set up, respondents are randomly assigned to one of six groups. All participants in the study read the following description, which we refer to as the "main text." Respondents who only read the main text represent the control group, allowing us to assess outcomes in the absence of any information about the 2014 compliance study. Our compliance study was the first of its kind in the context of the Colombian tutela. More importantly we do not have a strong sense of how much non-compliance Colombians expect, or if they think about it at all. This control group will permit us to consider how providing simple information about the study and its core findings might change beliefs and behavior. Respondents assigned to control will read the following information.

> **Control:** *When Colombians feel that their fundamental rights (for example, rights to health, due process, information, etc.) are threatened or violated, they can present a tutela claim before a judge to demand protection of those rights. When the judges order an authority to protect the fundamental rights of a citizen, the authority is obligated to obey by law.*

Respondents in all other groups read the main text as well as additional information. The second arm of the study reveals the most general descriptive result from the study - the overall non-compliance rate, which was 30%. We refer to this description as the "study text." Respondents in this arm read the following.

> **Study:** *[MAIN TEXT] . . . An academic study in 2014 found much variation in compliance with judges' orders in these cases. For example, requested authorities failed to comply with the judge's order to fulfill fundamental rights in almost 30% of the total cases reviewed.*

The study's third, fourth and fifth arms include the main text, the study text, and text designed to inform respondents about findings in our compliance study related to theoretical constructs of interest. Respondents in these arms read the following information.

> **Vague Orders:** *[MAIN TEXT] . . . [STUDY TEXT] . . . The study also found that close to 40% of the orders that the judges gave to the defendant authorities were vague, for example they did not include a definite time frame.*

High Cost of Compliance: *[MAIN TEXT] . . . [STUDY TEXT] . . . The study also found that a significant percentage of the judicial orders required a significant monetary cost on the part of the defendant authorities.*

Low Social Status of Claimant: *[MAIN TEXT] . . . [STUDY TEXT] . . . The study also found that a significant percentage of the individuals that received protection through tutela claims only had a primary education.*

The sixth group receives the same information about the compliance study as does the Study group; however, respondents in this arm do not answer the series of questions administered pre-treatment, which we can use as covariates to increase the precision of the causal effects we seek to estimate. As we discuss below in the analysis section, we need to be careful to evaluate the extent to which these pre-treatment covariates prime particular kinds of answers and behavior in ways that might overstate treatment effects. We discuss how below. Table 1 provides a visual summary of the design. A full description of the flow of questions for each arm can be found in the Appendix.

	Study Arm					
	Control	Study	Vague Orders	High Cost	Low Social Status	No Covariates
Text respondents see						
Covariates	✓	✓	✓	✓	✓	
Main	✓	✓	✓	✓	✓	✓
Study		✓	✓	✓	✓	✓
Vague			✓			
Cost				✓		
Education					✓	
Outcomes	✓	✓	✓	✓	✓	✓

Table 1: *Design Summary. A control group is exposed only to the main text summarizing the tutela process. In addition to the main text, the Study arm learns about the core finding of the 2014 tutela study. Vague Orders, High Cost and Low Social Status all read the main text, the text in the Study arm as well as text related to either vagueness or the cost of compliance or the education level of beneficiaries. The No Covariates arm receives the same condition as the Study arm. The difference is that respondents assigned to No Covariates do not answer any pre-treatment items.*

3.6 Manipulation Checks

To evaluate the success of our manipulations, we develop three questions. Respondents in the Control and Study arms will answer all three questions summarized below. Respondents assigned to the Vague Orders will answer the question designed to check the vagueness manipulation. Respondents assigned to the High Cost of Compliance treatment will only answer the question designed to check the cost of compliance manipulation, and so on. The text of those questions are as follows.

Vagueness Check: *To what extent would you say that in tutela claims the judges give clear vague to the defendant authorities? To answer, please utilize this scale which goes from 1, which means "none,", to 7, which means "a lot." You can choose any number on the scale. Identity the one that best represents your opinion.*

Not at all						*Very much*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

Cost of Compliance Check: *To what extent would you say that in tutela claims the judges give orders whose compliance requires a significant cost?*

Not at all						*Very much*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

Education Level Check *To what extent would you say that tutela claims mostly benefit the least educated?*

Not at all						*Very much*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

3.7 Outcome Measures

We will record three outcome measures, two of which are attitudinal, one behavioral. We ask the following attitudinal questions.

Acceptability: *To what extent would you say that the rate of non-compliance with judges orders in tutela cases is acceptable or unacceptable?*

Totally unacceptable						*Totally acceptable*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

Responsibility: *Who is responsible for the rate of non-compliance?*

☐ *The tutela judges*

☐ *The defendant authorities*

☐ *Both judges and the defendant authorities*

☐ *Neither the judges nor the defendant authorities*

The members of NetQuest's panels receive points (caracoles) for participation, which are exchangeable for goods. Respondents will have the ability to donate their own NetQuest points to our project for the purpose of designing a website to help inform the Colombian public about the results of our study. Since there is a points to dollar exchange with NetQuest, respondents really are able to contribute to the process of informing the public through a quality website. The item is as follows.

Donation Outcome *The authors of the study would like to inform the Colombian public about the level of non-compliance with tutela claims. How many of your caracoles would you be willing to donate to contribute to the fund the diffusion of the results?*

☐ *0 points*

☐ *1 point*

☐ *2 points*

☐ *3 points*

☐ *4 points*

☐ *5 points*

☐ *6 points*

☐ *7 points*

☐ *Other amount [Enter amount here]*

3.8 Pre-treatment covariates

In addition to a number of demographic characteristics, it is possible that pre-existing commitments to the rule of law will be associated with reactions to each of our outcomes measures. We will also be able to control for rule of law values by asking a battery of questions designed to reveal personal rule of law commitments. These questions follow. Assuming that we can demonstrate unidimensionality, we will construct an additive scale of rule of law values. Our expectation is that the questions elicit information about a person's commitment to consistent application of the law with one possible exception. We ask a question about support for the death penalty, which we believe may better tap into preferences regarding order in society, independently of commitment to the rule of law. We ask the following questions.

3.8.1 Rule of Law

Rule of Law 1: *There are times in which it is necessary to disobey the law. To what extent do you agree or disagree?*

Strongly agree						*Strongly disagree*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

Rule of Law 2: *There are times in which it is necessary for public officials to disobey the law. To what extent do you agree or disagree?*

Strongly agree						*Strongly disagree*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

Rule of Law 3: *Breaking the law is not so bad, it is only bad if you are caught. To what extent do you agree or disagree?*

Strongly agree						*Strongly disagree*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

Rule of Law 4: *A person who is guilty of murder should receive the death penalty.*

Strongly agree						*Strongly disagree*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

Rule of Law 5: *It is preferable for a citizen to shoot someone who commits a crime than to let that person escape.*

Strongly agree						*Strongly disagree*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

Rule of Law 6: *It is difficulty to obey the law when many people do not.*

Strongly agree						*Strongly disagree*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

In addition we ask respondents pre-treatment about their confidence in judges/local courts and in public officials. We ask these questions.

3.8.2 Confidence

Confidence in judges: *To what extent do you have confidence in the judges of local courts?*

Strongly agree						*Strongly disagree*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

Confidence in public officials: *To what extent do you have confidence in public officials?*

Strongly agree						*Strongly disagree*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

A second likely possibility we address is that individuals vary in their fundamental tastes for engaging in social sanctioning in any context. Research on collective action problems and institutional evolution suggests individuals (as well as groups) vary with respect to willingness to engage in behaviors that involve "costly punishment" in the service of social fairness norms of which a belief that the law should be enforced all individuals in a state, independent of social status or even position in government, is one (e.g. Bowles and Gintis, 2011; Knight, 1992). Pro-social norm enforcement mechanisms entailing "Costly punishment appears to have co-evolved with the spread of markets and religion, and their development permitted human expansion from kinship-based groupings to complex large-scale societies (e.g. Ensminger and Henrich, 2014; Fehr and Fischbacher, 2003). It is possible that the failure to implement a direct judicial order when doing so is required by law will be interpreted as a violation of a core social norm. This individual characteristic could, in turn, influence the willingness of a respondent to donate NetQuest points. We have considered measuring these preferences via simple behavioral games, in which respondents are able to spend NetQuest points to punish others for anti-social behavior. We are very concerned about the impact of such game play on subsequent decisions to donate, and so we instead approach this challenge through attitudinal measures, we now describe.

3.8.3 Social Sanctioning

Now we will present some phrases that people sometimes use to describe how they treat others. For each one, please indicate to what extent these phrases can be applied to you, using the scale from 1, "Does not apply to me at all" to 7 "Applies to me perfectly."

Positive Public Reciprocity 1: *If someone does someone else a favor, I am prepared to do a favor for him or her.*

Does not apply to me at all						*Applies to me perfectly*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

Positive Public Reciprocity 2: *I go out of my way to help somebody who has been kind to someone else before.*

Does not apply to me at all						*Applies to me perfectly*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

Positive Public Reciprocity 3: *I am ready to undergo personal costs to help somebody who has helped someone else even if that implies a personal cost to myself.*

Does not apply to me at all						*Applies to me perfectly*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

Negative Public Reciprocity 1: *If someone does someone else wrong, I will avenge that person as soon as possible, no matter what the cost.*

Does not apply to me at all						*Applies to me perfectly*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

Negative Public Reciprocity 2: *If someone puts someone else in a difficult or compromising situation, I will do the same to that person.*

Does not apply to me at all						*Applies to me perfectly*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

Negative Public Reciprocity 3: *If someone insults another person, I will insult him or her.*

Does not apply to me at all						*Applies to me perfectly*
☐	☐	☐	☐	☐	☐	☐
1	2	3	4	5	6	7

3.9 Experimental Design: Study 2

The core treatment in Design 1 reports on the bottom line finding of the 2014 compliance study, i.e., it informs subjects about the the 30% non-compliance rate. The hypothesis expecting more disapproval and a larger donation in the study group relative to control relies on the implicit assumption that learning that the overall non-compliance rate was 30% exposes the respondents to a problem. If respondents are expecting a low rate of non-compliance, 30% might appear to be problematic; however, if respondents are expecting a high rate of non-compliance than the rate that we report may actually appear to be better than their expectations. In such a case, our treatment could be providing potentially good

news. Psychologists have long contended that individuals evaluate outcomes with respect to a variable reference point (Kahneman and Tversky, 1979; Kahneman, Slovic and Tversky, 1982; Medvec, Madey and Gilovich, 1995), and an expectation about the performance of the state can be conceptualized as a reference point. A significant literature in marketing suggests that consumers are less (more) satisfied with products that perform below (above) expectations than they are with products that perform as expected (Erevelles and Leavitt, 1992; Oliver, 1977; Spreng, MacKenzie and Olshavsky, 1996). For these reasons, companies are strongly discouraged from over-promising with respect to expected results. Research in finance finds that stock prices are highly sensitive to earnings reports that exceed or fall below expectations (Shepperd and McNulty, 2002). And of course in political science, scholars have found that the approval of presidents, congresspeople and local political figures is also sensitive to prior expectations (Damore, 1997; Kimball and Patterson, 1997; Van Ryzin, 2004). It is plausible to worry that our treatment may be sensitive to this "expectation-outcomes" dynamic which is generally referenced to as the "disconfirmation hypothesis" in marketing.

In our context, if the expectations-outcome dynamic operates, then treatment effects will depend on prior beliefs about what the level of non-compliance is with judicial orders in the tutela. In particular, it could be that people who expect a higher level of non-compliance than what we report may be more willing to find non-compliance acceptable and less likely to donate than those who expected the level we report (or who expected a lower non-compliance rate). We are somewhat skeptical that individuals have given much thought to the tutela process, much less to the likely rate of non-compliance. Nevertheless, we can evaluate whether this is a potential problem with a simple additional design.

The second study design is largely the same as the first, but we should conceptualize treatment differently. Specifically, we include the same control and study groups as the first design. The difference is that members control and study in the second design also answer the following question after the main text.

> **Prior:** *Authorities do not always comply with judicial orders in tutela cases. Which of the following descriptions best reflects your assessment of the rate non-compliance in tutela cases in Colombia today?*
>
> ☐ *Non-compliance is rare, occurring in no more than 5% of tutela cases.*
>
> ☐ *Non-compliance is not rare, occurring in about 30% of tutela cases.*

☐ *Non-compliance is common, occurring in about 60% of tutela cases.*

☐ *I cannot give a confident estimate about the rate of non-compliance with judicial orders in tutela cases.*

Table 2 compares this set-up to the original control and study groups.

	Design 2		Design 1	
	Control 2	Study 2	Control 1	Study 1
Text respondents see				
Covariates	✓	✓	✓	✓
Main	✓	✓	✓	✓
Prior beliefs	✓	✓		
Study		✓		✓
Vague				
Cost				
Education				
Outcomes	✓	✓	✓	✓

Table 2: *Design Comparison. In both designs, a control group is exposed only to the main text summarizing the tutela process whereas the the Study group reads the main text as well as text about the core finding of the 2014 tutela study. The difference between the designs lies in the fact that in the second design, all respondents are asked to give information on their prior beliefs about compliance in the tutela. This changes the nature of the treatment, which is administered directly after the priors question. By priming prior beliefs, treatment is better conceptualized providing information that will present news that is better, worse or about the same as expected.*

3.10 Population to be studied

3.10.1 Sample

To obtain a sample of respondents, we use the survey firm Netquest. Netquest is certified with ISO Standard specific to Access Panels (see `http://www.panelwithiso.com/andhttp://www.iso.org/iso/catalogue_detail.htm?csnumber=43521`). It maintains a panel of 36,820 respondents in Colombia. In short this means that they recruit their panel by invitation only; they reward registration and participation, including that which is filtered; they don't over-survey (only 1-2 surveys per month); they cross-reference survey and registration information; they check open-ended questions; and they check control response time.

3.10.2 Recruitment

Netquest has built a panel of respondents to be as representative of the underlying population of Colombia as possible. To do so they use more than 50 online profiling modules that the respondent completes progressively, as if they were surveys. This information is used either to place them into their panel or to filter them out of it. Even those filtered out of the panel, for whatever reason, are remunerated in some way. Once respondents accept the invitation to join the panel, Netquest draws samples from the 36,820 panel respondents. They use quotas for gender, age, and geographic zone as criteria for inclusion in the study. Those who are filtered out/excluded based on reaching a particular quota criterion are forwarded and incentivized to/remunerated for taking an internal survey that has the same look and feel as any other survey Netquest conducts. Specifically, all respondents are invited to join from hundreds of websites of all kinds to ensure a diversity of recruitment and, thus, a high degree of representativeness in the samples they draw. More details can be found at http://www.netquest.com/en/panel/index.html.

Netquest does not use draws/lotteries, vouchers, or money. Rather, it compensates subject participation via a redeemable points system through which panel respondents can exchange the points given to them for their participation for more than 1,200 gifts. Even subjects who are filtered out by the quota are remunerated because they forwarded to an internal survey and incentivized to participate. For the subject, all the surveys look similar and are always rewarded. Each subjects is compensated 2 points for agreeing to participate and 1 point per minute thereafter.

By way of illustration, for participating in our 15-minute survey subjects will earn a minimum of 17 Netquest points. Subjects may also receive additional Netquest points based on the allocation decisions they and other subjects make in the behavioral games we describe below. From the outset of each game, subjects will be endowed with the same number of (X) Netquest points. Depending upon their actions and the actions of others, subjects can gain or lose Netquest points above the baseline rate they receive for completing the survey.

3.11 Informed Consent

All members of NetQuest panels have given informed consent for participation in a variety of social studies. We have attached a description of NetQuest's privacy and consent policies. In order to partic-

ipate in our particular studies, panelists will have to voluntarily select into the study. Prior to starting the study, respondents will see the following language.

> *You are invited to participate in a Nicequest survey for the Department of Political Science of Emory University, Georgia State University, funded by the World Bank.*
>
> *The purpose of the survey is to get to know the social preferences and opinions of persons about the politics of the country. Three thousand, two hundred (3,200) Nicequest collaborators will participate in the survey.*
>
> *We will publish a report of the studys findings in the following website:* `https://sites.google.com/site/ryanecarlin/` *antes del 31 de enero de 2017.*
>
> *Click* **HERE** *to begin.*

4 Potential Risks

We do not see any risks associated with participation. The information to which the respondents will be exposed is public. The summary of the findings are important to a member of a democratic society governed by the rule of law. And because of NetQuest's general policy of confidentiality, there is precisely no risk of individual names being released – our study team will never see or have access to identified data.

5 Benefits

We believe that the benefits to the respondents are relatively small, but important. Respondents will learn about a critical part of the process by which rights are protected in Colombia. They will be invited to learn about the full study results.

6 Compensation for time and effort

Respondents will be compensated for their participation with NetQuest points, per NetQuest's standard plan.

7 Analysis Plan

Our analysis plan clearly involves multiple comparisons. Our power calculations, discussed below, are extremely conservative. They assume that there is one family of independent hypothesis tests, and that we will control the familywise Type I error rate via the Bonferroni correction. This approach is far more conservative than necessary but is designed to ensure that we are properly powered under the worst case scenario. It is useful to consider why. Clearly, the tests we describe are far from independent. For sure, tests across outcomes should be highly correlated. Within an outcome (say the acceptability measure), tests comparing Vague to Study and High Cost to Study should be correlated. This should be even more true for the tests comparing Study, Vague, High Cost and Low Social Status to Control, where all of the treatment arms share the same baseline non-compliance information. Further, it would be appropriate to conceptualize the family of tests associated with the first design as likely distinct from the family of tests associated with the second, since the very nature of treatment is fundamentally different across the designs. Finally, the tests we conduct are not equally important. With respect to the first design, the most important tests are described in Section 7.1.1 and 7.1.2. The tests in Section 7.1.3, which deal with potential heterogenous treatment effects are of second order importance. Similarly, the tests in Section 7.2 are less important to our current interests. At present it best to think about them as an important check on the research design. While the findings will be of interest, they are not our primary concern.

The following discussion presents our tests in order of importance, by design. We will report uncorrected p-values for each test as well as a corrected p-values under one or more approaches to controlling the familywise error rate.

7.1 Design 1

Given the representative sample provided by Netquest, the mean of the Study group represents an unbiased estimate of the national level reaction to a key element of the 2014 study's findings. Indeed, the mean responses in each arm represents an unbiased estimate of the national level reaction to the information we provide.

7.1.1 Effects of Case Features on Donation and Acceptability Judgment

We can estimate treatment effects via simple difference of means tests (or potentially difference of proportions tests in the context of the blame outcome). Here we discuss the design via multiple regression largely so we can consider accommodating pre-treatment covariates as a means of getting more precise estimates of causal effects.

To focus on the effects of providing information on order vagueness, the cost of compliance, and the education level of beneficiaries, an appropriate baseline for comparison is the mean outcome in the Study group. Let Y_i^D and Y_i^A denote the values of the donation and acceptability outcome measures for respondent i. We regress Y_i^b for $b \in \{D, A\}$ on four dummy variables (D_i^v, D_i^c, D_i^{ses}, D_i^{noc}) marking the Vagueness, High Cost, Low Social Status and the No Covariates treatments. This model is written as

$$Y_i^b = \beta_0 + \beta_1 D_i^v + \beta_2 D_i^c + \beta_3 D_i^{ses} + \beta_4 D_i^{noc} + u_i, \quad (1)$$

where u_i is the error term. We also will report the following specification, which adds pre-treatment covariates. It can be written as

$$Y_i^b = \beta_0 + \beta_1 D_i^v + \beta_2 D_i^c + \beta_3 D_i^{ses} + \beta_4 D_i^{noc} + \sum_{k=1}^{K} \beta_k X_{ki} + u_i. \quad (2)$$

In the Y_i^D model, we expect to estimate $\beta_1, \beta_2 < 0$ and $\beta_3 > 0$. In the Y_i^A model, we expect $\beta_1, \beta_2 > 0$ and $\beta_3 < 0$, reflecting the fact that non-compliance should be more acceptable when judges are vague and costs are high. Non-compliance should be less acceptable when highlighting that the poor are commonly subject to this problem. To consider whether answering questions about the rule of law and social sanctioning causes respondents to be more likely to identify and wish to remedy rule of law violations, we also test whether $\beta_4 \neq 0$. In the donation model, priming effects would suggest that $\beta_4 < 0$. In the acceptability model, these effects would suggest that $\beta_4 > 0$.

7.1.2 Effects on blaming defendant state officials

We will let $Y_i^B \in \{0, 1\}$ denote a binary indicator of whether the respondent blames the defendant authorities for the non-compliance we observe. We fit the following model first and then add the pre-treatment covariates in equation 2.

$$Y_i^B = \beta_0 + \beta_1 D_i^v + \beta_2 D_i^c + \beta_4 D_i^{noc} + u_i, \tag{3}$$

Here we expect $\beta_1, \beta_2, \beta_3 < 0$. We fit this linear probability model for ease of comparison with the other outcomes. As a robustness check we will consider a logistic regression specification.

7.1.3 Effects of Providing Information on Non-compliance

Let D_i^s be a dummy variable marking inclusion in the Study group. We then fit the following models, with and without the addition of pre-treatment covariates.

$$Y_i^b = \beta_0 + \beta_1 D_i^s + \beta_2 D_i^v + \beta_3 D_i^c + \beta_4 D_i^{ses} + \beta_5 D_i^{noc} + u_i \tag{4}$$

$$Y_i^B = \beta_0 + \beta_1 D_i^s + \beta_2 D_i^v + \beta_3 D_i^c + \beta_4 D_i^{ses} + u_i \tag{5}$$

In this setup, β_0 gives the mean of the control group or the predicted probability of blaming the defendant authorities in control. Relative to this group, we expect that the study, low social status and no covariate groups to find non-compliance to be less acceptable and to be more willing to donate than control. We do not have strong expectations about the the behavior of the other two groups, relative to control, since they are provided mixed information – they learn about a problem but that the state may have an excuse. With respect to blaming defendant authorities, we expect that the vagueness and high cost groups to be less likely to blame than the control group ($\beta_v, \beta_c < 0$). We do not have strong expectations about the behavior of the other two groups.

7.1.4 Heterogenous Treatment Effects

We consider two possibilities.

Rule of Law Beliefs It is possible that pre-existing commitments to the rule of law will condition the effect of treatments on perceptions that the non-compliance we report is acceptable. Specifically, individuals with strong rule of law commitments may be particularly likely to respond to information reporting on non-compliance. Let RoL_i denote person $i's$ score on the rule of law scale we construct from the items above. Limiting the sample to the control and study groups, we fit the following models.

$$Y_i^A = \beta_0 + \beta_1 D_i^s + \beta_2 RoL_i + \beta_3 (D_i^s * RoL_i) + u_i \quad (6)$$

We expect that $\beta_1, \beta_3 > 0$, and that $\beta_1 + \beta_3(RoL) > 0$ for all values of RoL, suggesting that the effect of treatment is positive but increasingly so as rule of law values increase.

Social Sanctioning It is possible that pre-existing commitments to the punishment of behavior that violates social norms of fairness will condition the willingness of a person to donate, i.e., to take a costly action to remedy an injustice. Specifically, individuals who report a willingness to punish violations of fairness norms may be particularly likely to donate. Let $Sanction_i$ denote person $i's$ score on the social sanctioning scale we construct from the items above. Limiting the sample to the control and study groups, we fit the following models.

$$Y_i^D = \beta_0 + \beta_1 D_i^s + \beta_2 Sanction_i + \beta_3 (D_i^s * Sanction_i) + u_i \quad (7)$$

We expect that $\beta_1, \beta_3 > 0$, and that $\beta_1 + \beta_3(Sanction) > 0$ for all values of $Sanction$, suggesting that the effect of treatment is positive but increasingly so a person's self-reported willingness to engage in costly punishment of violations of social norms increases.

7.2 Design 2

We define two indicator variables (D_i^{below} and D_i^{above}) which indicate whether the i^{th} person reported an expected compliance level below or above what we report in the study arm. The binary indicator $D_i^{\neg know}$ reflects whether person i reported that they did not know. Limiting the sample to those in the

Control and Prior groups, we then fit the following model, where D_i^p indicates membership in the Prior arm.

$$\begin{aligned} Y_i^b &= \beta_0 + \beta_1 D_i^p + \beta_2 D_i^{below} + \beta_3 D_i^{above} + \beta_4 D_i^{\neg know} + \beta_5 (D_i^p * D_i^{below}) + \quad (8) \\ &\quad + \beta_6 (D_i^p * D_i^{above}) + \beta_7 (D_i^p * D_i^{\neg know}) + u_i, \quad (9) \end{aligned}$$

Given the interactions, it is useful to provide a brief interpretation of the coefficients reflecting the main effects in the model. Consider Y_i^A. The constant term, β_0, reflects the mean outcome for the acceptability measure for members of the control group who reported a prior expectation equal to what we report. β_1 gives the difference between the mean in control and treatment for individuals who expected the level we reported. β_2 gives the change in the mean response for control for individuals who expected a non-compliance rate below what we report. β_3 gives the change in the mean response for control for individuals who expected a non-compliance rate above what we report; and, β_4 gives the change in this mean response for control for individuals who chose not to answer the question for lack of confidence.

7.2.1 Acceptability Outcome

Considering Y_i^A, if prior beliefs condition effects as we suspect we anticipate that $\beta_1 + \beta_5(D_i^{below}) < 0$ when $D_i^{below} = 1$, i.e., the effect of the study treatment on acceptability should be negative for people who expected a lower rate of non-compliance than we reported. Similarly, we expect that $\beta_1 + \beta_6(D_i^{above}) > 0$ when $D_i^{above} = 1$, reflecting the positive effect of exceeding expectations.

We anticipate that $\beta_1 < 0$. This is the effect of learning about the study's results when the expected level of non-compliance is equal to what we report.

We also expect that $\beta_1 + \beta_7(D_i^{\neg know}) < 0$ when $D_i^{\neg know} = 1$.

7.2.2 Donation Outcome

Now consider Y_i^D. Our expectations for this measure are simply flipped. If prior beliefs condition effects as we suspect we anticipate that $\beta_1 + \beta_5(D_i^{below}) > 0$ when $D_i^{below} = 1$, i.e., the effect of the study treatment on donations should be positive for people who expected a lower rate of non-compliance than

we reported. Similarly, we expect that $\beta_1 + \beta_6(D_i^{above}) < 0$ when $D_i^{above} = 1$, reflecting the negative effect of falling below expectations.

We anticipate that $\beta_1 > 0$. This is the effect of learning about the study's results when the expected level of non-compliance is equal to what we report.

We also expect that $\beta_1 + \beta_7(D_i^{\neg know}) > 0$ when $D_i^{\neg know} = 1$.

7.3 Power

Our design clearly allows for a variety of comparisons. Consider just the first outcome in the first design, with six arms. There are 15 possible pairwise comparisons here alone. Of course, we are not intending to consider all pairwise comparisons, but rather the number that is implied by the analysis plan summarized above. Considered as one family, there are a total of 76 possible comparisons in the plan we describe. Again, we should consider there to be one family, the tests are very far from independent, and some tests matter more for us than others. Still, we can seek a sample size for sufficient power under the assumption that we will treat all tests as independent and correct for multiple comparisons in the most conservative manner. This will provide tests sufficiently powered for less conservative approaches.

We seek 80% power for difference of means test for independent samples, with a standardized effect size of 0.3 (assuming constant variance across groups) and $\alpha = .05$. This requires 400 respondents per group. With 8 groups, we require a total sample size of 3,200.

8 Confidentiality

No person in the study will receive identifiable information. We have submitted the NetQuest's general policy for confidentiality.

9 Appendix

The following figure describes the flow of information to which respondents are exposed in each arm of the study.

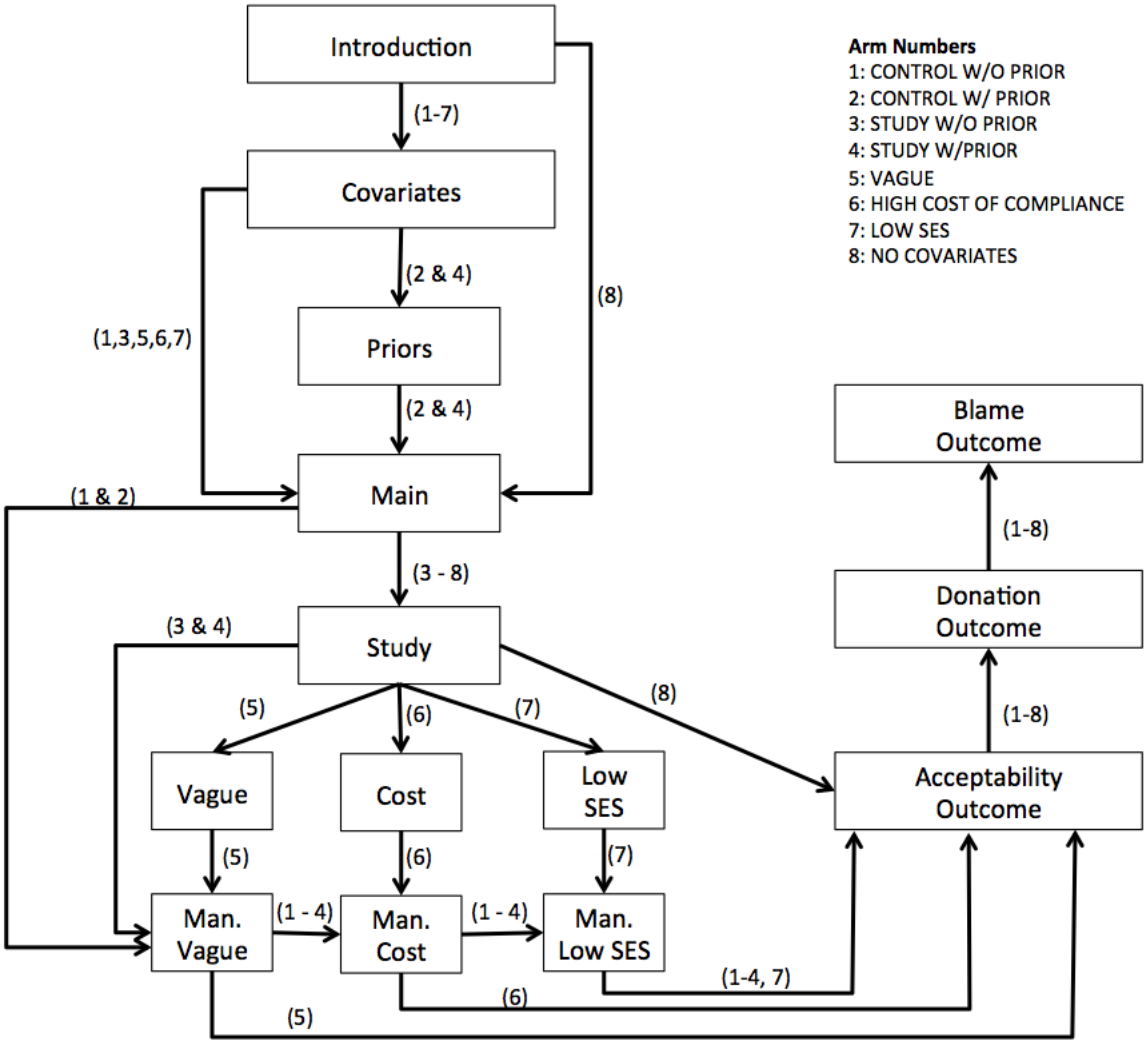

Figure 1: *Information Flow Chart. The figure shows the flow of information flow for each arm of the study. Nodes in the flow chart reflect text, questions or batteries of questions to which respondents are exposed. Links between notes are labeled with the arm number, as described in the legend.*

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