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Intolerant justice: ethnocentrism and transnational-litigation frameworks

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Abstract

In the age of globalization, a large number of transnational legal disputes come before domestic courts. To resolve these disputes, national legal systems have to cooperate with each other, yet their willingness to do so varies significantly. This article introduces the concept of transnational-litigation frameworks, which describes the extent to which national rules facilitate or constrain cooperation on litigation. Focusing on the socially embedded nature of law, we build an argument to explain variation in countries' openness to legal cooperation. This argument suggests that ethnocentric societies are less willing to circumscribe their legal sovereignty and cooperate on transnational litigation. A cross-national analysis of legislative policy on extradition and foreign-judgment enforcement finds strong support for this argument; so does a sub-national analysis of foreign-judgments policy across the American states. This study highlights the importance of domestic law in global affairs as well as the role of socio-cultural factors in explaining the contours of globalization. It also suggests an important new research agenda concerning the interaction of domestic legal systems in an age of complex interdependence.

Keywords Litigation · Domestic courts · Extradition · International cooperation · Ethnocentrism · Nationalism

Globalization is marked by transnational relations: Firms and citizens engage in business and personal activities that span geographic borders. Yet, as they take

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advantage of falling transportation costs and improving telecommunications technologies, these actors frequently become embroiled in legal disputes that involve courts in multiple countries (Baumgartner, 2004; Raustiala 2011; Putnam 2016). Ecuadorian villagers, for example, recently asked a Canadian court to enforce a controversial $9.5 billion judgment against energy giant Chevron, issued by a provincial Ecuadorian court. Should the Canadian court enforce this judgment rendered by a foreign court?[1] Transnational criminal activity poses a similar dilemma. A host of "bad" actors – from drug traffickers to terrorists – use global financial, information, and transportation networks to circumvent national rules and avoid prosecution (Andreas and Nadelmann 2006). Should states facilitate the enforcement of other states' criminal laws through the extradition of fugitives or the provision of evidence? The potential stakes have been made all too clear by the Russia-based cyberhackers who meddled in the 2016 U.S. presidential election. They are unlikely to be prosecuted in the United States, since Russia does not extradite its citizens.[2]

Political scientists and legal scholars have increasingly turned their attention to international courts and dispute-settlement mechanisms as key expressions of how law can mediate the frictions associated with globalization (Mitchell and Powell, 2011; Mattli and Dietz 2014). Yet this focus on international courts and arbitration misses much of the action in legal globalization. Litigation with an international dimension occurs not only before international tribunals; it occurs much more frequently before *domestic* courts (Whytock 2009; Kaczmarek and Newman 2011; Putnam 2016). Courts all over the world conduct and oversee *transnational litigation* – that is, litigation that involves foreign elements (Quintanilla and Whytock 2012).

Transnational litigation creates an inherent tension between national legal systems, which can be resolved in a cooperative or noncooperative manner. Importantly, the critical legislative framework for resolving such tensions is put in place well before any individual case reaches a judge. National legislation may call for greater cooperation by allowing the enforcement of foreign-court judgments, readily extraditing fugitives, or restraining courts' extraterritorial jurisdiction. Alternatively, states may choose to assert their legal sovereignty at the expense of foreign legal systems by declining to enforce foreign judgments, shielding fugitives from prosecution abroad, or exercising broad extraterritorial jurisdiction. While states may engage in bilateral or multilateral efforts to address such frictions, their baseline position is represented in their domestic *transnational-litigation framework*. It is this legislation that delineates the boundaries of legal sovereignty and determines the extent of cooperation with foreign legal systems (Baumgartner 2004; Quintanilla and Whytock 2012). Just as in other policy domains associated with globalization, such as migration or trade, transnational-litigation frameworks establish the extent of (un)openness of domestic law to international cooperation. Studying the sources of these national legislative frameworks is important, as it goes to fundamental issues relating to the boundaries of the nation-state, including states' sphere of influence, the limits of sovereignty, and the extent of sovereignty sharing in a globalized world. In other words, it speaks to the question of who has the authority to enforce and implement rules in a world characterized by multiple and overlapping jurisdictions (Whytock 2009; Raustiala 2011).

[1] http://fortune.com/2016/09/11/chevron-pollution-amazon-ecuador-canada/ (accessed December 16, 2018)
[2] http://www.nytimes.com/2016/12/15/us/politics/russian-hackers-election.html?smprod=nytcore-iphone&smid=nytcore-iphone-share&_r=0 (accessed December 16, 2018)

Despite the rise in transnational legal disputes and the importance of transnational-litigation frameworks, little work in law or political science has attempted to develop a systematic explanation for a state's approach to transnational litigation. Anecdotal evidence suggests that there is considerable variation in the approaches states take to addressing various aspects of such litigation (Silberman, 2002; Baumgartner 2004). Work that is more broadly concerned with international legal cooperation has typically emphasized domestic institutional conditions (Mitchell and Powell 2011) or demand-side pressures that states face (Keohane 1984; Raustiala 2002). We believe that these factors miss the politically sensitive nature of transnational-litigation frameworks and how societies interpret the political costs associated with them. Indeed, on the basis of such frameworks, states may take politically risky actions, including the sharing of evidence with other jurisdictions, the extradition of one's nationals to stand trial abroad, and the enforcement of foreign-court decisions. Our account highlights the costs of such actions. Drawing on work stressing the importance of socio-cultural factors in law and public policy (Kinder and Kam 2009; Knoll and Shewmaker 2015; Andrews et al. 2018), we offer an account that emphasizes the role of ethnocentrism and cultural intolerance in shaping policies on transnational litigation.

Ethnocentrism is the disposition to divide human society into in-groups and out-groups. To the ethnocentric, in-groups are communities of virtue, trust, and cooperation, whereas out-group members seem strange, discomforting, and even dangerous (Kinder and Kam 2009, 31). While ethnocentrism can be located at the individual level, it is also embedded within group structures and varies considerably across societies (Hooghe et al. 2009; Siegel et al. 2011, 2013). Ethnocentric attitudes, in turn, may come to shape economic and political policy-making as they influence the treatment of out-groups, including foreigners or foreign countries (Leong and Ward 2006; Wright 2011; Knoll and Shewmaker 2015; Bayram 2017; Andrews et al. 2018). We contend that policymakers' willingness to establish more open or closed transnational-litigation frameworks is similarly mediated by ethnocentric beliefs, as they filter the potential risks of cooperation. Policymakers more easily circumscribe national legal sovereignty and allow foreign encroachment into the local legal system where society exhibits high levels of tolerance vis-à-vis out-groups, whereas weaker tolerance results in policies that assert one's legal sovereignty and constrain foreign legal interference.

To test our argument, we constructed three original datasets that measure both criminal and civil components of transnational-litigation frameworks. These include cross-national legislative data on extradition policy, cross-national legislative data on the enforcement of foreign judgments, and sub-national data on foreign-judgments policy in the United States. This means that we couple cross-national analysis with time-series data in the sub-national U.S. analysis. Consistent with our argument, we find that countries marked by significant ethnocentrism are less likely to cooperate by extraditing their citizens or enforcing foreign judgments. We also receive support for our argument at the sub-national level: U.S. states that are more tolerant of out-groups indeed exhibit greater openness toward foreign judgments. We complement these econometric analyses with brief anecdotes concerning the reform of extradition legislation in the United Kingdom, which provides additional support for our hypothesized mechanism.

Our study has a number of important implications. It joins a growing body of research examining the diverse ways in which societies respond to the pressures of globalization. While extensive research has been devoted to the convergence or

divergence in market institutions, welfare-state systems, and migration regimes (Rudra and Haggard, 2005; Goodman 2015), judicial systems are a critical set of political institutions which have received relatively little attention from social scientists (Slaughter 1999; Kelemen and Sibbitt 2004; Putnam 2016). While research increasingly explores the interaction between national legal systems and international law (e.g., Simmons 2009), it gives much less attention to the direct interaction between national legal systems. Moreover, we relate the study of legal cooperation to the political economy literature on trade and immigration (Mansfield and Mutz 2009; Hainmueller and Hiscox 2010; Margalit 2012) by emphasizing socio-cultural factors as an important driver – or inhibitor – of global integration or isolation.

1 Transnational-litigation frameworks and their implications for sovereignty

The age of globalization has seen a dramatic expansion of transnational relations. Crossborder interactions in which nonstate actors play a predominant role – such as the movement of information and ideas, flows of goods and capital, and the travel of persons – have grown in size and importance (Keohane and Nye 1971). While governments do not centrally control these interactions, they play a major role in regulating them and in resolving the legal tensions and disputes that such interactions might raise. Indeed, the growth of transnational relations has led to considerable transnational litigation (Dubinsky 2008, 302; Quintanilla and Whytock 2012). We define transnational litigation as a legal process before a domestic court involving a foreign element. The legal process may be civil or criminal in nature, and the foreign element in it may take various shapes, including the application of national law to situations or activities outside the national boundaries, the involvement of foreign parties in the proceedings, the obtaining of evidence – or even the prosecuted person themselves – from abroad, or the enforcement of decisions issued by foreign courts.[3]

How states choose to handle the different aspects of transnational litigation matters for the transnational actors themselves and for the certainty, stability, and efficiency of transnational exchange (Dodge 2015). Yet transnational litigation also carries major significance for governments, as it determines the boundaries of governments' spheres of influence and the allocation of governance authority among them. The ability to apply and enforce its laws in transnational cases expands the state's influence and allows it to shape transnational interactions in accordance with its policy goals and preferences; an inability to do so limits the reach and effectiveness of national rules (Whytock 2009; Putnam 2016). Transnational litigation therefore raises a host of sensitive questions regarding sovereignty, statehood, and national control. The assertion of jurisdiction over conduct occurring in a foreign territory might clash with the foreign state's own claim of jurisdiction; enforcement of judgments issued by foreign courts could be seen as compliance with the orders of foreign sovereigns and an undermining of local legal sovereignty (Wasserstein-Fassberg 2013, 254–255); and the extradition of

[3] We use the term "transnational litigation" rather than draw a distinction between public and private law. As the article demonstrates, transnational litigation may involve legal claims between two private actors as well as between states and individuals.

one's citizens to stand trial abroad raises difficult questions concerning a state's obligation to protect its nationals and its willingness to trust foreign legal systems (Shearer 1966).

States address these sensitive issues through national legislative frameworks that define the extent to which their legal systems are open or closed to cooperation over transnational litigation. Indeed, just as capital accounts or trade may be liberalized or restricted unilaterally, so too can national legal systems. Some states make rules which generate opportunities for foreign parties to access the domestic legal system or allow domestic parties to seek legal resolution abroad. The legislative framework may also foster cooperation by allowing courts to enforce foreign judgments, extradite fugitives, or meet other requests of the foreign legal system with few conditions or requirements. Other states, by contrast, have national frameworks that establish barriers to cooperation or, in some cases, block it entirely. A noncooperative system would guard its own legal sovereignty to the exclusion of foreign legal authority, whereas a cooperative system would more readily accept the exercise of foreign legal authority, even at the price of compromising one's own sovereignty. The following section theorizes where states might fall along this continuum of cooperativeness.

2 Explaining cooperation over transnational litigation

To our knowledge, this is among the first studies to examine the broader political factors that shape national policies on transnational litigation. Before laying out our argument emphasizing the role of ethnocentrism, we present several alternative accounts that have been used to explain related issues and may serve as logical first steps in understanding such cooperative behavior.

Considerable research suggests a connection between demand-side pressures and cooperation to resolve the frictions raised by globalization (Keohane 1984; Drezner 2001; Raustiala 2002). As firms and individuals move across borders, they could become subject to the jurisdiction of multiple legal systems. Litigants may find themselves unable to enforce judgments in their favor, and their claims might be relitigated with potentially conflicting outcomes. This results in legal uncertainty and instability, which might hurt economic activity. This notion of commercial convenience dates back to the earliest legal examinations of conflict of laws and judicial comity. As Ulrich Huber, the seventeenth century legal scholar, argued in his treatise on choice of law, "nothing could be more inconvenient to commerce and to international usage than that transactions valid by the law of one place should be rendered of no effect elsewhere on account of difference in the law" (Huber 1947, 164–165). Translating this logic to the more general question of transnational litigation, one would expect countries that are deeply integrated economically to be more open to legal cooperation in order to facilitate crossborder economic ties (Kovar 2000; Dodge 2015). Similarly, countries committed to fighting crime would welcome cooperation on criminal litigation that would assist their domestic law-enforcement efforts (U.S. Department of State 2001).

Alternatively, work in international relations has stressed the linkages between domestic institutions and the propensity to cooperate. Research finds that systems with electoral control, checks and balances, and transparency – common in democracies – may be more prone to cooperative behavior (Mansfield et al. 2002; Bättig and Bernauer

2009). Another strain of scholarship has focused on different types of legal traditions and how they shape countries' attitude toward international law (Simmons 2009; Mitchell and Powell 2011). This work demonstrates that common law, civil law and Islamic law countries, for example, have different propensities to commit to and abide by cooperative agreements.

These approaches suggest plausible factors that may shape a state's transnational-litigation framework; but they likely underestimate its sensitive nature and the costs associated with it. We argue that socio-cultural forces, and in particular ethnocentric beliefs, act as a critical filter for these costs, leading some countries to adopt more cooperative transnational-litigation frameworks than others. Kinder and Kam (2009, 8) define ethnocentrism as "a predisposition to divide the human world into in-groups and out-groups ... Members of in-groups (until proven otherwise) are assumed to be virtuous, friendly, cooperative, trustworthy, safe, and more. Members of out-groups (until proven otherwise) are assumed to be the opposite: unfriendly, uncooperative, unworthy of trust, dangerous, and more. ... Ethnocentrism constitutes a readiness to act in favor of in-groups and in opposition to out-groups." While embedded within individual habit, ethnocentric beliefs are integrally tied to societal experiences and cultural contexts, which come to define perceptions and understandings of intergroup relations.

Although all societies make distinctions between in- and out-groups, ethnocentrism legitimizes the exclusion and penalization of out-groups. Ethnocentric sentiments might thus intensify the view of globalization as harmful: they inspire concerns that global integration might bring with it foreign intervention and the erosion of local traditions or values (Kinder and Kam 2009). As several studies have shown, such beliefs serve as an important filter on the material costs and benefits of openness as well as its political appropriateness, influencing agenda setting and political mobilization. Margalit (2012), for example, finds that it is the perceived social and cultural consequences of globalization that often drive individual-level anxiety toward trade, rather than concerns about trade's economic impact. Mansfield and Mutz (2009, 2013) find that ethnocentric sentiments reduce the support for free trade and for offshore outsourcing. Importantly, Bayram (2015 and 2017) argues that cosmopolitanism shapes policymakers' commitment to international law. Those with a cosmopolitan identity – the opposite of ethnocentrism – feel more closely connected to the international community and are more likely, as a default, to respect its rules.

Ethnocentric sentiments vary considerably across countries. In other words, societies differ in their willingness to express and act on out-group negativity (Schiefer et al. 2010; Torelli et al. 2011). In some communities, out-groups such as ethnic minorities or foreign nationals experience negative treatment, while in others they participate in the community while suffering few negative biases (Hofstede 1993; Schwartz 1994; Hooghe et al. 2009). We argue that this variation in societal tolerance accounts for states' approach to transnational litigation given the cultural resonance of the law. As the Law and Society movement within legal studies has long argued, law serves as a building block of culture and is deeply embedded within society. Considerable scholarship perceives of the law as constitutive of culture and social relations (Friedman 1986; Finnemore and Toope 2001; Sarat and Kearns 1998; Mezey 2001), and the close link between law and societal norms is evident to the lay person as well. Hot-button issues – from the role of the church in public life to racial discrimination and privacy matters – are settled through law (Hirschl 2008; Toobin 2008). All this suggests an

attachment of a country's citizens to their own national legal system (Demleitner 1999, 742): Since the law is tightly linked to a country's values and traditions, individuals should have the privilege and the obligation to be subject to the legal norms and institutions of the country of which they are nationals (Baumgartner 2013, 976).

The attachment to one's legal system translates into two types of concerns over transnational litigation: legal delegation and legal incompatibility. The former concerns the locus of decision-making: the extent to which one's own legal institutions retain legal authority or transfer that authority to another country. From an ethnocentric point of view, relinquishing legal authority in favor of another legal system poses a threat: foreign legal authorities, such as courts and prosecutors, seem alien, untrustworthy, even dangerous. As part of the out-group, foreign legal institutions cannot be trusted to handle a case fairly, and they surely cannot be trusted to give a fair treatment to members of the in-group. Indeed, they might exhibit bias and prejudice against them (Ford 2012; Simmons 2017).

A second set of sensitivities rests not on the locus of authority, but on the substance of the law itself: the rules applied and procedures implemented. Persons holding ethnocentric sentiments would take pride in and feel attachment to their own country's substantive rules and norms as well as its legal procedures. By contrast, they would be suspicious of foreign rules and procedures: those reflect the values, practices, and traditions of foreigners are therefore incompatible with one's own. In other words, ethnocentrism gives rise to a sense of legal absolutism, which envisions a hierarchical relationship between national legal systems. The home legal system serves as the metric and reference point: foreign legal systems are judged relative to the home system and are evaluated by its standards (Efrat and Newman 2016). Oftentimes, the results of such an evaluation will place the foreign system in a subordinate and inferior status to the home system and highlight the gaps and differences between the two systems. The foreign system's procedures could be seen as deficient, objectionable or of poor quality, and its substantive rules might be viewed as clashing with one's own rules or violating fundamental norms (Putnam 2016).

The differentiation between legal delegation and legal incompatibility mirrors the distinction between general ethnocentrism and negative attitudes toward specific out-groups (Valentino et al. 2013). Whereas concerns of legal delegation may arise toward any foreign legal system, the intensity of concerns about legal incompatibility varies in accordance with the specific attributes of the foreign legal system and how different it is from one's own system.

Both types of ethnocentric concerns question the very premise of an open transnational-litigation framework. Placing one's citizens under foreign legal authority and subjecting them to foreign rules and procedures looks dangerous when foreign legal institutions seem inferior and their fairness and impartiality are in doubt. Ethnocentric sentiments thus mute the benefits of legal cooperation (e.g., facilitating cross-border exchange and improving law enforcement), as the potential costs (e.g., unfair treatment or bias by foreign officials; the application of foreign legal norms) are accentuated.

The contemporary controversy over Britain's extradition arrangements demonstrates how ethnocentric concerns could undermine cooperation on litigation. Between 2003 and 2015, Britain's traditional willingness to extradite its citizens was challenged in a heated political debate, including numerous parliamentary discussions, acts of public protest, and extensive media coverage. Many of those opposing the more liberal extradition policy expressed concerns about legal delegation, that is, the subjecting of British citizens to

foreign criminal justice systems. As leader of the opposition, David Cameron declared that "it should still mean something to be a British citizen with the full protection of the British parliament, rather than the British government trying to send you off to a foreign court" (Drury 2009). The slogan "British Justice for British Citizens" served as a rallying cry for opponents of existing extradition arrangements and appeared in the public campaigns that they waged. In 2011, a petition carrying nearly 150,000 signatures called on the government not to extradite a British citizen named Babar Ahmad to the United States, where he was accused of supporting terrorism, and, instead, "put him on trial in the UK and support British Justice for British Citizens."[4]

At the same time, extradition critics emphasized the incongruity between British standards of justice and the lower standards of justice that, in their view, prevail in the U.S. and European legal systems. MP Dominic Grieve (Con) argued that the long prison sentences in the United States "can appear disproportionate by European and British standards" (Home Affairs Committee 2012, Ev 60). Some expressed concern that the American justice system obtains plea deals excessively and under pressure – "forc[ing] possibly innocent people to make guilty pleas," according to MP David Davis (Con) (HC Deb 16 October 2012, c171). The harsh prison conditions in the United States also attracted criticism. MP Douglas Hogg (Con), for example, argued that U.S. prisons are "ghastly … an affront to civilisation" (HC Deb 12 July 2006, c1440). Parliament's Joint Committee on Human Rights "highlight[ed] a number of areas where we believe the protection of rights for [extradited] persons is significantly below the standard which a UK citizen should expect. This is in part due to … the varying human rights protections within the European Union" (Joint Committee on Human Rights 2011, 7).

Britain's extradition debate suggests that ethnocentric concerns about foreign legal systems may achieve political salience and ultimately affect policy (Efrat 2018). More generally, we think ethnocentric sentiments matter for policy on transnational litigation through two possible channels. On the one hand, expectation of compatibility between societal attitudes and transnational-litigation policy comes from a long line of literature on policy responsiveness. This literature demonstrates that popular attitudes and beliefs have the potential to influence and constrain decision-makers. Seeking popular support and reelection, elected officials, on average, enact policies that conform to the ideology or mood of the electorate (Lax and Phillips 2009). Bailey (2001), in particular, demonstrates that diffuse societal interests constrain legislative behavior through a process of 'anticipated reaction.' Policy-makers know that non-conforming positions can be used by challengers to punish them, and they may choose to follow community norms so as not to risk mobilizing diffuse interests. Furthermore, recent work on policy responsiveness shows that such channels of influence are not limited to democracies, but also shape the behavior of authoritarian governments, particularly those with electoral institutions (Miller 2015). On the other hand, work in a more sociological vein demonstrates the ways in which cultural norms (de)legitimize certain policy positions and thus influence agenda setting. This work suggests that the socio-political context – defined, in part, by community norms – shapes the menu of policy options that are considered. The driver here is not a direct electoral threat, but a process of cognitive constraints concerning what is considered legitimate in a society (Burstein

[4] https://petition.parliament.uk/archived/petitions/885 (accessed December 16, 2018).

1991). Here too, we expect this channel to shape the behavior of both democratic and autocratic regimes.

Following the literature linking ethnocentrism to crossborder exchange (Kinder and Kam 2009; Mansfield and Mutz 2009, 2013; Bayram 2017; Mutz and Kim 2017; Andrews et al. 2018), we argue that societies marked by low tolerance of out-groups will adopt more restrictive transnational-litigation frameworks. By contrast, cooperation with foreign legal systems is more likely to be established in a tolerant environment that is less wary of out-groups. This brings us to our key hypothesis:

H1: The higher the level of societal tolerance of out-groups, the more likely is a country to adopt legislative frameworks that facilitate cooperation over transnational litigation.

To evaluate our argument, we focus on two policies related to transnational litigation: Should one's nationals be extradited to stand trial abroad? Should the local legal system enforce a foreign judgment in the absence of reciprocity? These questions belong in two different domains – respectively, criminal and civil law – yet raise a similar underlying concern of vulnerability to the intrusion of foreign legal systems. Many countries have been grappling with these questions in recent years as transnational litigation has risen in frequency and importance. Increasing crossborder crime prompted governments to review and possibly revise their extradition arrangements (Australian Parliament 2001; UK Home Office 2011; New Zealand Law Commission 2016), and the growing volume of international civil disputes provided impetus for the modernization of conflict-of-laws rules, including those relating to foreign-judgment enforcement (Takahashi 2006; Huo 2011). We offer brief background on each issue and then present the empirical results.

3 The dilemma of citizen extradition

Extradition – the surrender of individuals to be tried or punished by a foreign legal system – is a legal process aimed at preventing offenders from escaping justice by crossing national borders. States rely on extradition to fight transnational terrorism as well as organized crime, including drug trafficking and money laundering. As a U.S. Senate report suggests, extradition allows the United States "to better combat international criminal activity" (U.S. Senate 1996). Modern communication and transportation and the increasing ease of personal movement have boosted transnational crime while making criminal law more difficult to enforce. States have responded by tightening the web of extradition arrangements – concluding new agreements and modernizing older ones – to deny criminals a safe haven (Zagaris 1999; UK Home Office 2011, 21). Yet at the heart of this increasing cooperation, a gaping hole persists: the refusal of many countries to extradite their own nationals. 78 countries out of the 171 covered in our dataset – nearly 50% – would not surrender their citizens to stand trial abroad. In some of these countries – such as Russia[5] – a complete ban on extraditing citizens is enshrined in the constitution. 53 additional countries would extradite their citizens only under certain conditions or in specific circumstances. Merely 40 countries fully accept that extradition may apply to *any* individual on their territory – citizen and noncitizen alike. Why do some states shield their citizens from the threat of criminal prosecution abroad, while others surrender their citizens?

[5] Article 61(1) of the Russian constitution.

Three arguments traditionally serve as justifications for the non-extradition of nationals. The first highlights the burden on the extradited person who would face trial in a foreign country and in a foreign language, cut off from the support of loved-ones. A second argument expresses a lack of trust in foreign legal systems with standards different than one's own. A third argument maintains that a person's natural judges are the judges of his own country and that a state should protect its citizens and not abandon them to the mercy of foreign law and judges (Shearer 1966, 294–296; Plachta 1999, 87–93).

Yet others argue that a ban on extraditing one's citizens could lead to "the complete frustration of criminal justice and the impunity of an offender, [leaving] gaps and loopholes in the system of international cooperation in the suppression of criminality" (Plachta 1999, 121). It is common-law jurists who have questioned the rationales of the ban – which is popular among civil-law countries – and denounced it as a "creature of national distrust, a relic of a more primitive order of civilization" (Manton 1935, 24; Shearer 1966, 297; Nadelmann 1993, 847). The U.S. government shares these objections, as the refusal of countries to extradite their citizens constantly frustrates American law-enforcement efforts. The United States itself has been willing to extradite its nationals and has sought to "convince individual countries and the world community that refusal of extradition on the ground of nationality is no longer appropriate, given the ease of flight and the increasingly transnational nature of crime" (U.S. Department of State 2001). Observers lament that governments have largely ignored these calls under the influence of domestic political considerations and sovereignty concerns (Nadelmann 1993, 851–852; Plachta 1999, 79–80).

The following section econometrically evaluates the drivers of states' willingness or reluctance to extradite their citizens. We expect ethnocentric societies to exhibit weaker cooperativeness by restricting the extradition of their citizens to foreign countries.

3.1 Data

National policy on extradition may find expression in various official texts: typically, the constitution, criminal code, code of criminal procedure, or an extradition law. To build our dataset, we relied primarily on national implementation reports submitted under the UN Convention against Corruption during the years 2013–2016. In these reports, states provide information on their legal and institutional framework relevant to the convention, including their extradition arrangements. Additional data on the extradition procedures of European countries come from information provided by states members of the European Convention on Extradition. As a supplementary source, we turned to an information sheet on the extradition of nationals, compiled by the Global Legal Research Center at the Law Library of Congress (Law Library of Congress 2013).

Our coding of the dependent variable – national rules on the extradition of citizens – forms a scale of increasing restrictiveness that takes three possible values. Countries coded 1 are those willing to extradite their nationals. Typically, these countries' extradition legislation is silent on the issue of extraditing citizens and makes no distinction between citizens and noncitizens. Countries coded 3, by contrast, completely prohibit the extradition of their nationals.

An intermediate category – coded 2 – includes countries that restrict the extradition of nationals, allowing it only under certain conditions or circumstances. Spain and Botswana, for example, condition the extradition of their citizens on reciprocity. Israel

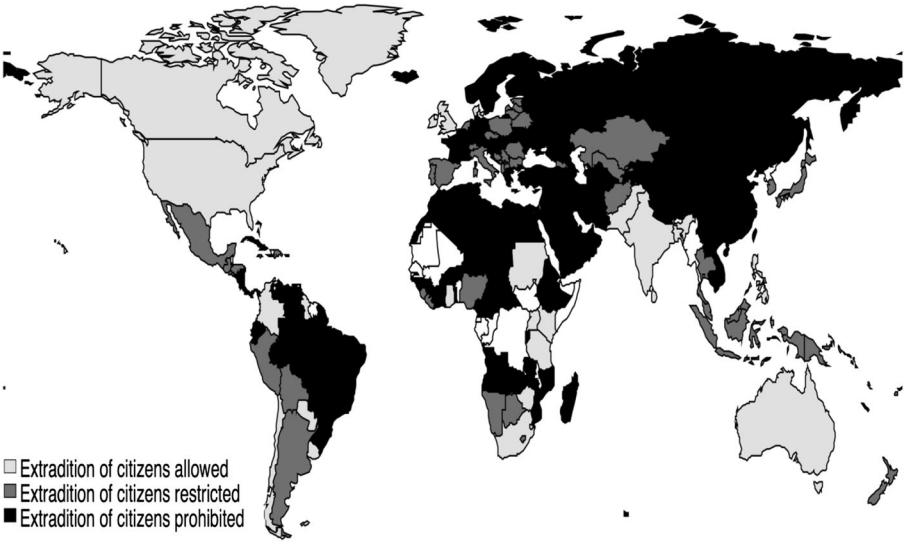

Fig. 1 National rules on the extradition of citizens

and the Netherlands will extradite their citizens only if those will be sent back for the serving of their sentence. Honduras will extradite its citizens only for very serious offenses: terrorism, drug trafficking, or involvement in organized crime. In South Korea, Malaysia, and Namibia, among other countries, the offender's local citizenship serves as a discretionary ground for the refusal of extradition.

Figure 1 portrays the variation in attitudes to the extradition of citizens on the world map.

Note that while a state may participate in a range of extradition treaties with various partner-countries, its national law determines whether a fugitive will be surrendered in accordance with the extradition treaty (Dugard and Van den Wyngaert 1998, 188). This includes the policy on extraditing citizens, which is set by national law and applies across extradition partners. This policy is therefore appropriately modeled as monadic, rather than dyadic.

We measure the key independent variable – societal ethnocentrism – through the World Values Survey. The survey contains a series of questions that ask respondents about certain people that they may not wish to have as neighbors: people of a different race, people of a different religion, people who speak a different language, and immigrants/foreign workers. The responses provide a measure of societal intolerance: the percentage of respondents in each country who indicated they would rather not have members of these groups as their neighbors. The data come primarily from Wave 6 of the survey (conducted 2010–2014), complemented by data from Wave 5 (2005–2009) for several countries not included in Wave 6.[6] We expect a positive association between these measures and the citizen-extradition scale: societies marked by ethnocentrism

[6] Data for these World Values Survey questions are available for 75–77 countries, restricting our sample size. This sample, however, is broadly representative, including developed and developing countries from all regions. This sample also shows significant variation on our dependent and independent variables, limiting potential biases.

should be more likely to guard their legal sovereignty and prohibit the surrender of their citizens to a foreign legal system.

The models control for the size of the country's population and for three domestic institutional features: regime type, legal-system quality, and legal tradition.

Regime type affects countries' attitude toward international cooperation: democracies tend to be more cooperative (Bättig and Bernauer 2009). Polity serves as our primary measure of regime type; as a robustness check, we employ a binary classification of regimes as democracy and dictatorship (Cheibub et al. 2010).

The quality of the legal system is another control. Countries with a robust rule of law or a strong judiciary may be more committed to the prosecution of their nationals and less willing to shield them from criminal liability by refusing extradition. Alternatively, countries with high rule-of-law standards may hesitate to subject their citizens to foreign justice systems that could be of lesser quality (Efrat and Newman 2016). The Rule of Law indicator from the World Bank's Worldwide Governance Indicators serves as the primary measure of legal-system quality; a measure of judicial independence developed by Linzer and Staton (2015) is used as a robustness check.

Common-law systems are known to take a more permissive approach to the extradition of nationals, compared with the civil law (Plachta 1999, 92). We therefore control for the legal system's origin in the common law. This variable equals 1 if the country's legal system is based on the common law (LaPorta et al. 2008).

Beyond domestic institutions, we control for demand-side pressures on extradition policy. Countries that experience greater criminal activity may face pressure to take measures against crime, including the extradition of their nationals. The State Department's annual ranking of money-laundering involvement, ranging from 1 to 3, serves as our proxy of criminal activity. This measure indicates the degree to which a country's financial institutions engage in transactions involving the proceeds of crime. As an alternative measure of criminal activity, we employ the U.S. "Majors list": an annual Presidential identification of the major drug-producing and drug-transit countries worldwide (listed countries that fail to make substantial efforts to adhere to their counter-narcotics obligations may face withholding of U.S. assistance).

Since the dependent variable reflects the legal reality as of 2013–2016, the control variables take their average value for the period 2005–2012. Full variable description and descriptive statistics appear in the online appendix.

3.2 Results

Table 1 presents a set of models examining the impact of ethnocentrism on rules regarding the extradition of citizens. Since the dependent variable is a scale of three values – allowing, restricting, or prohibiting the extradition of nationals – ordered logit serves as the primary method of estimation.

Model 1.1 includes only our key independent variable – ethnocentrism – measured as the percentage of people who shun neighbors of a different race. The result supports our argument: countries with greater intolerance of out-groups – where people do not welcome different-race neighbors – rank higher on our citizen-extradition scale, that is, they are more likely to prohibit the extradition of their nationals. This result remains in place when adding controls in Model 1.2. The substantive effect is large: A one standard-deviation increase in this measure of intolerance raises the probability of a

Table 1 Determinants of states' willingness to extradite their nationals

	Model 1.1	Model 1.2	Model 1.3	Model 1.4	Model 1.5
No different-race neighbor	0.053***	0.077***			
	(0.019)	(0.027)			
No different-religion neighbor			0.074***		
			(0.027)		
No different-language neighbor				0.066**	
				(0.032)	
No immigrant neighbor					0.04**
					(0.018)
Population		0.004	−0.036	−0.073	−0.04
		(0.197)	(0.217)	(0.226)	(0.217)
Democracy (Polity)		−0.111*	−0.103*	−0.124*	−0.099
		(0.057)	(0.057)	(0.063)	(0.069)
Rule of law		0.381	0.444	0.352	0.152
		(0.277)	(0.321)	(0.297)	(0.266)
Common law		−3.077***	−2.912***	−2.883***	−3.079***
		(0.642)	(0.619)	(0.638)	(0.7)
Money laundering		−0.786*	−0.733	−0.778*	−0.794*
		(0.436)	(0.468)	(0.461)	(0.455)
Observations	76	71	69	70	71
Prob > Chi^2	0.00	0.00	0.00	0.00	0.00

Ordered logit models; robust standard errors in parentheses. Cut points are not reported

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

complete prohibition on extraditing nationals by 0.23, holding all other variables at their mean. Changing the value of this measure from the 10th percentile to the 90th percentile increases the probability of a prohibition by 0.52. Put in terms of odds ratio, a one percentage-point increase in the rate of different-race repudiation raises the odds of a prohibition on extraditing nationals by 8%; a standard-deviation increase in such intolerance raises the odds of a prohibition by 168%. Figure 2 presents a similar picture, plotting the predicted probabilities of allowing, restricting, or prohibiting the extradition of citizens at different level of ethnocentrism. As ethnocentrism rises, with more people rejecting different-race neighbors, a prohibition on the extradition of citizens becomes more probable.

The results for the controls in Model 1.2 largely accord with expectations. Democracies have been shown to be more cooperative across issue areas – from trade to the environment (Mansfield et al. 2002; Bättig and Bernauer 2009) – and this tendency extends to extradition as well: Democracies are less likely to prohibit the extradition of citizens. The result for the common law also conforms with conventional wisdom: Common-law countries are significantly less likely to use citizenship as a barrier to extradition. In a common law country, the probability of a prohibition on the extradition of citizens is lower by 0.52, compared with a civil-law country. As expected, countries facing a considerable crime problem are more likely to tackle it through the extradition of citizens.

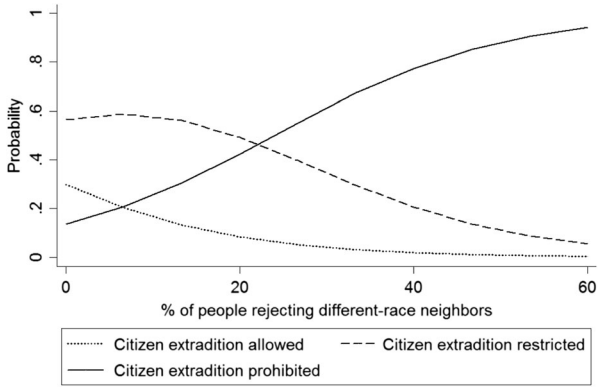

Fig. 2 Predicted probabilities of rules on citizen extradition at different levels of ethnocentrism

Different model specifications yield similar results. In Model 1.3, rejection of different-religion neighbors increases the likelihood of a prohibition on the extradition of nationals. In Model 1.4, reservations regarding speakers of a different language are similarly associated with a higher likelihood of a prohibition on extraditing citizens. In Model 1.5, concerns regarding immigrants or foreign workers also make such a prohibition more likely. As in Model 1.2, democracy and common law lower the likelihood of a prohibition on extraditing citizens.

Table 2 offers a set of robustness checks.

Model 2.1 employs a single measure of ethnocentrism which combines, through principal-components factoring, the four different measures: attitudes toward people of a different race, religion, or language or those who are immigrants. This composite measure indeed correlates positively with a prohibition on the extradition of one's nationals.

Model 2.2 employs alternative measures of regime type, legal-system quality, and criminal activity: respectively, a binary measure of democracy, an indicator of judicial independence, and the "Majors" drug list. The use of these alternative indicators leaves the key result unchanged: racist sentiments are positively associated with states' avoidance of extraditing their citizens.[7]

Further robustness checks include the adding of controls in Models 2.3 and 2.4. One may hypothesize that countries committed to human rights would be reluctant to extradite their citizens out of concerns about rights violations in legal processes abroad. In Model 2.3, however, a country's human rights record – measured through the physical integrity rights index (Cingranelli et al. 2014) – appears unrelated to the rules on extraditing citizens. Model 2.4 suggests that countries dependent on U.S. aid may succumb to the American pressure to relax the prohibition on extraditing citizens; by contrast, state power – measured through the Composite Index of National Capability – lacks a significant effect. These additional controls do not alter our key result: ethnocentrism – measured as the rejection of different-race neighbors – is positively associated with a ban on extraditing one's nationals. This provides strong support for our argument linking cooperation on transnational litigation to societal attitudes toward outgroups.

[7] We also ran the models with the KOF measures of globalization (Dreher et al. 2008). This addition did not alter the statistical or substantive effect of our key variables.

Table 2 Extradition of nationals: Robustness checks

	Model 2.1	Model 2.2	Model 2.3	Model 2.4
Ethnocentrism (composite)	0.811**			
	(0.313)			
No different-race neighbor		0.074***	0.084***	0.101***
		(0.025)	(0.027)	(0.029)
Population	−0.033	−0.353**	0.167	−0.264
	(0.22)	(0.17)	(0.244)	(0.282)
Democracy (Polity)	−0.102		−0.134*	−0.086
	(0.064)		(0.07)	(0.066)
Democracy (binary)		−2.435**		
		(0.995)		
Rule of law	0.346		0.112	−0.394
	(0.305)		(0.364)	(0.458)
Judicial independence		1.586		
		(1.598)		
Common law	−2.969***	−3.734***	−2.918***	−2.954***
	(0.645)	(0.786)	(0.686)	(0.706)
Money laundering	−0.803*		−0.794*	−1.085**
	(0.461)		(0.433)	(0.457)
Drug list		0.678		
		(0.69)		
Physical integrity rights			0.253	
			(0.237)	
U.S. aid				−0.247**
				(0.113)
National capability				18.253
				(13.089)
Observations	68	75	71	70
Prob > Chi^2	0.00	0.00	0.00	0.00

Ordered logit models; robust standard errors in parentheses. Cut points are not reported

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

4 Enforcement of foreign judgments

Transnational legal disputes might raise significant challenges of enforcement: the defendant or their assets may be located in a country other than the one that issued the judgment. The successful plaintiff therefore requests enforcement of the judgment in that country. The requested country faces a dilemma: refusing to enforce the foreign judgment undermines the plaintiff's rights and their legitimate expectations following the judgment. Such a refusal runs contrary to the public interest in maintaining transnational legal certainty and avoiding repeated litigation and conflicting decisions. Transnational legal certainty is, in turn, an important foundation of crossborder

personal and commercial relationships (Michaels 2009). As a U.S. State Department lawyer once noted, "[t]he recognition and enforcement of judgments from one jurisdiction to another has long been understood as a fundamental requirement for fully integrated markets" (Kovar 2000).

On the other hand, foreign judgments raise suspicions and concerns. Such judgments are products of processes and arrangements that express foreign values, carried out by foreign institutions. By enforcing the foreign judgment, a country seems to comply with the orders of a foreign sovereign and undermine its own legal sovereignty. This is particularly disconcerting for the United States, which faces an increasing number of requests for enforcing foreign judgments (Wasserstein-Fassberg 2013, 254–256; Quintanilla and Whytock 2012).

Given these concerns, each country sets its own regime to regulate foreign-judgment enforcement as part of its body of private international law – the set of national procedural rules governing legal disputes with a foreign element. Typically, the legislature lays out the conditions and requirements of enforcement in the code of civil procedure or in a specific statute. In common-law countries, the courts may also establish an enforcement framework. Overall, the enforcement regime reflects the dual considerations: legal certainty and stability versus the sovereignty costs of a foreign encroachment into the local legal system. Stability-related requirements aim to verify that the foreign judgment was produced appropriately and can be seen as establishing valid legal rights. Sovereignty concerns result in requirements that aim to protect the local legal system and mitigate the sovereignty costs of enforcement. Examples include the nonenforcement of foreign judgments that violate public policy; nonenforcement of judgments that conflict with a local judgment; as well as a requirement of reciprocal enforcement by the foreign legal system (Wasserstein-Fassberg 2013, 258–305). Reciprocity means that Country A will honor judgments of Country B only if Country B will enforce Country A's judgments in similar circumstances. Such a requirement reflects the view of foreign-judgment enforcement as a sacrifice of sovereignty, which could be justified as the price for inducing foreign courts to give effect to one's own judgments (Juenger 1988, 7).

Our investigation of cooperation on transnational litigation focuses on this last requirement: reciprocity. This requirement is not legal or technical in nature: it carries political significance and clearly signals the legal system's tendency to cooperate. An insistence on reciprocity reflects concern for legal sovereignty and greater wariness toward the crossborder movement of law: enforcement of a foreign judgment is an infringement of sovereignty – tolerated only in exchange for reciprocal treatment. Noninsistence on reciprocity, by contrast, indicates greater openness toward foreign legal systems: the enforcement of foreign judgments is not seen as a political matter that involves an infringement of sovereignty, but as a legal issue to be resolved on the basis of legal considerations.

Another motivation for focusing on the reciprocity requirement is the existence of significant cross-national variation. Some countries require strict reciprocity through a treaty providing for reciprocal enforcement of judgments; other countries have a softer requirement, asking courts to ascertain the existence of reciprocity; and yet for another group of countries, reciprocity does not matter.

How can one explain this variety of national attitudes to the question of reciprocity? Following the above hypothesis, we expect countries characterized by social and

cultural tolerance to more readily enforce foreign judgments and show less insistence on reciprocity as a requirement for enforcement. By contrast, countries marked by significant ethnocentrism will seek to hinder foreign encroachment into their legal system by requiring reciprocity.

4.1 Data

National rules on foreign-judgment enforcement can typically be found in the code of civil procedure, in a statute on foreign-judgment enforcement, or as part of the common law. Data on our dependent variable – the reciprocity requirement – come from these sources. To obtain that data, we use two publications that offer information on the enforcement regime in different countries: *Enforcement of Foreign Judgments* (Garb and Lew 2014) and *Enforcement of Money Judgments* (Newman 2015). We use the most recent editions that are current as of 2013 or 2014, depending on the country. Similar to the citizen-extradition policy above, a state's reciprocity requirement applies across partner countries and is not partner-specific.

The Reciprocity variable is a 1-to-7 scale of growing restrictiveness and decreasing receptiveness to foreign judgments. 7 indicates an outright rejection of foreign judgments. Two countries – Indonesia and Thailand – simply do not enforce judgments rendered by foreign courts. 6 indicates a strict reciprocity requirement: reciprocal enforcement must exist, and it needs to be established through formal channels. Typically, the country requested to enforce must have a treaty with the judgment's country of origin.

Coding of 5 indicates a de-facto softening of the treaty requirement: the law still requires a treaty with the judgment's country of origin; but in practice courts may enforce foreign judgments even in the absence of a treaty. Dutch courts often do so, and Russian courts occasionally do.

A score of 4 indicates reciprocity verified by the courts of the country where enforcement is requested. The party requesting enforcement has to demonstrate to the court – based on foreign legislation and jurisprudence – that requested state's judgments will likely be enforced by the foreign country's courts.

A score of 3 indicates reciprocity that courts should confirm, but this requirement is somehow relaxed. In Israel, for example, courts have discretion to allow enforcement even in the absence of reciprocity, upon application by the Attorney-General.

In the two remaining categories reciprocity is not mandatory. Some countries, such as India and New Zealand, are coded 2. In this category, nonreciprocity does not prevent enforcement; however, if the judgment originates from a reciprocating country, enforcement is easier.

Finally, countries coded 1 are those where reciprocity does not matter for the enforcement of foreign judgments.

Figure 3 depicts the variation in the reciprocity requirement on the world map, collapsing the seven values into three: reciprocity is not required (categories 1 and 2); reciprocity is required (categories 3 and 4); and a requirement of treaty-based reciprocity or nonenforcement of foreign judgments (categories 5, 6, and 7).

Similar to our analysis of extradition, measures of the key independent variable – a country's level of ethnocentrism – come from the World Values Survey: the percentage of respondents who would not like to have neighbors of a different race, neighbors of a different religion, neighbors who speak a different language, or neighbors who are gay.

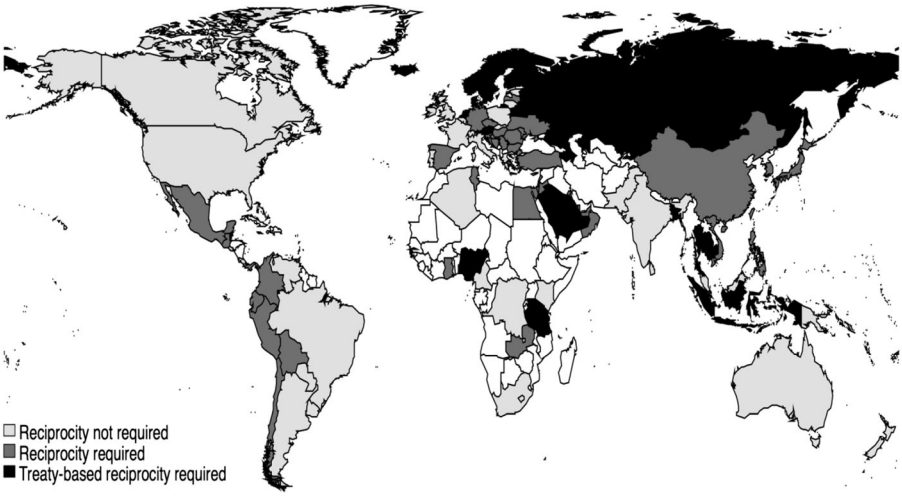

Fig. 3 The reciprocity requirement in foreign-judgment enforcement

The controls largely stay as in the citizen-extradition analysis: population, level of democracy, strength of the rule of law, and a common-law legal origin. Democracies' inclination for international cooperation may lead them to enforce foreign judgments without insisting on reciprocity, and observance of the rule of law should similarly yield respect for the authority of foreign courts and a willingness to enforce their judgments. Common-law systems, according to conventional wisdom, take a more permissive approach to foreign judgments, compared with the civil law (Baumgartner 2013, 969–970; Wasserstein-Fassberg 2013, 256). In addition to these domestic institutions, we control for a country's international economic ties, measured by the KOF index of economic globalization (Dreher et al. 2008). This expresses demand-side pressures: greater integration with the global economy may encourage states to enforce foreign judgments as a means of providing a stable legal foundation for economic exchange.

As the dependent variable reflects the legal reality as of 2013–2014, the controls take their average value for the period 2005–2012 (see details in the online appendix).

4.2 Results

Given the nature of the dependent variable – a scale of 1 to 7 – ordered logit serves as the primary method of estimation in Table 3. Model 3.1 offers support for our argument: ethnocentrism – measured as the desire to avoid different-race neighbors – is positively and significantly associated with the reciprocity requirement; that is, countries with ethnocentric tendencies are unfavorable toward foreign judgments, tending to condition their enforcement on reciprocal treatment. This result remains unaltered when adding controls in Model 3.2, and the substantive effect is large. Increasing this measure of ethnocentrism from the 10th percentile to the 90th percentile raises the probability of requiring treaty-based reciprocity (Reciprocity = 6) by 0.16; the probability of having no reciprocity requirement (Reciprocity = 1) drops by 0.21. Figure 4 presents a similar picture by plotting the predicted probabilities of not requiring reciprocity versus a requirement of treaty-based reciprocity at different level of ethnocentrism. As more people express negative sentiments toward different-race

Table 3 Influences on the reciprocity requirement in foreign-judgment enforcement

	Model 3.1	Model 3.2	Model 3.3	Model 3.4	Model 3.5
No different-race neighbor	0.06***	0.053**			
	(0.018)	(0.02)			
No different-religion neighbor			0.054**		
			(0.025)		
No different-language neighbor				0.069**	
				(0.029)	
No gay neighbor					0.028**
					(0.013)
Population		0.14	0.171	0.101	0.172
		(0.203)	(0.22)	(0.2)	(0.211)
Democracy (Polity)		−0.064**	−0.078**	−0.079**	−0.038
		(0.03)	(0.034)	(0.033)	(0.038)
Rule of law		−0.48	−0.463	−0.505	−0.509
		(0.409)	(0.407)	(0.424)	(0.464)
Common law		−0.965	−0.94	−1.068	−0.979
		(0.657)	(0.656)	(0.651)	(0.638)
Economic globalization		0.046	0.058	0.053	0.055
		(0.035)	(0.04)	(0.037)	(0.037)
Observations	63	60	58	60	58
Prob > Chi^2	0.00	0.00	0.00	0.00	0.00

Ordered logit models; robust standard errors in parentheses. Cut points are not reported

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

neighbors, a negative attitude toward foreign judgments – expressed through a treaty requirement – becomes more probable.

Models 3.3, 3.4, and 3.5 employ alternative measures of ethnocentrism: respectively, the percentage of people disliking neighbors who belong to a different religion, who speak

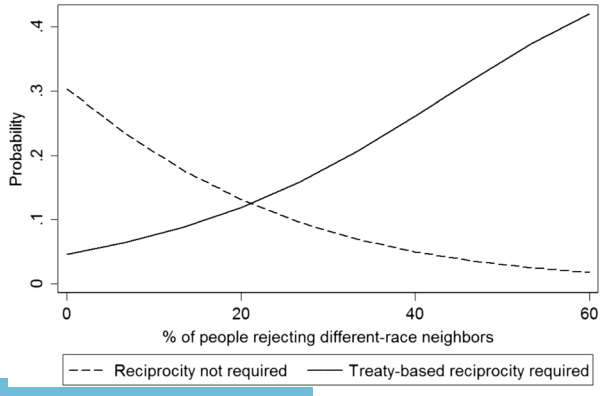

Fig. 4 Predicted probabilities of rules on reciprocity in the enforcement of foreign judgments at different levels of ethnocentrism

a different language, or who are gay. All three measures are positively and significantly associated with the reciprocity requirement: countries where ethnocentrism is rife show suspicion toward foreign judgments and restrict their local enforcement. The results for the controls partially accord with expectations. Demonstrating their affinity for international cooperation, democracies are more willing to enforce foreign judgments without insisting on reciprocity. The strength of the rule of law seems to have little impact and so does integration with the global economy. The nonsignificance of the common law in these model specifications defies conventional wisdom, which suggests the common law's openness to the enforcement of foreign judgments.

Table 4 offers a set of robustness checks.

Table 4 The reciprocity requirement: Robustness checks

	Model 4.1	Model 4.2	Model 4.3	Model 4.4	Model 4.5
Ethnocentrism (composite)	0.818**				
	(0.316)				
No different-race neighbor		0.058**	0.045**	0.069**	0.085***
		(0.025)	(0.017)	(0.034)	(0.032)
Superior culture				−0.009	
				(0.025)	
Protect our way of life					−0.038
					(0.024)
Population	0.17	0.105	0.124		
	(0.208)	(0.203)	(0.161)		
Democracy (Polity)	−0.07**		−0.055**		
	(0.034)		(0.026)		
Democracy (binary)		0.825			
		(0.836)			
Rule of law	−0.512		−0.376		
	(0.463)		(0.313)		
Judicial independence		−2.969*			
		(1.555)			
Common law	−0.917	−2.034**	−1.005**		
	(0.668)	(0.849)	(0.471)		
Economic globalization	0.064	0.041	0.039		
	(0.04)	(0.035)	(0.027)		
Constant			−1.284		
			(4.237)		
Observations	57	62	60	31	31
Prob > Chi²	0.00	0.00		0.11	0.02
R^2			0.28		

Models 4.1–4.2 and 4.4–4.5 are ordered logit models; Model 4.3 is an OLS model. Robust standard errors in parentheses. Cut points of Models 4.1–4.2 and 4.4–4.5 are not reported

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

In Model 4.1, a single measure of ethnocentrism combines, through principal-components factoring, the four different measures: attitudes toward people of a different race, religion, or language or toward gays. This composite measure indeed correlates positively with a greater insistence on reciprocity.

Models 4.2 and 4.3 perform additional robustness checks. Model 4.2 uses alternative measures of regime type and legal-system quality: respectively, the binary indicator of democracy and judicial independence. Additionally, the dependent variable is recoded into three values, as in Fig. 3: no reciprocity requirement, reciprocity requirement, and requirement of treaty-based reciprocity. Model 4.3 varies the method of estimation: given that the dependent variable has seven categories, this model uses an ordinary least squares (OLS) regression, rather than ordered logit (Angrist and Pischke 2009). These changes leave the key finding unaltered: ethnocentrism is associated with a less welcoming attitude toward foreign judgments expressed by a greater insistence on reciprocity.

What is the role of nationalism here, compared with that of ethnocentrism? Nationalism means national pride in its negative sense: feelings of national superiority over, and competitiveness with, other nations. de Figueiredo and Elkins (2003) find that nationalism is strongly associated with ethnocentric hostility against out-groups: those who believe in national superiority tend to derogate and disparage out-groups. Our data on nationalist attitudes come from the Pew Global Attitudes Project: the percentage of respondents in each country who completely agree with one of the following statements: "Our people are not perfect, but our culture is superior to others" or "Our way of life needs to be protected against foreign influence." The first question matches the definition of nationalism as a sense of national superiority, and the second similarly reflects a belief in the distinctiveness of the national culture and the tension with competing cultures. The responses to these questions, from the Spring 2007 Pew survey, indeed correlate with our measures of prejudice against out-groups: the questions about "different" neighbors from the World Values Survey (correlation between the questions about superior culture and different-race neighbor is 0.47, $p < .01$; correlation between the questions about national way-of-life and different-race neighbor is 0.46, $p < .01$). Models 4.4 and 4.5 include an ethnocentrism measure alongside a nationalism measure (cultural superiority and way-of-life protection, respectively). The limited availability of the Pew data reduces the number of observations to a mere 31, and therefore we include only the ethnocentrism and nationalism variables in these two models. In both models, ethnocentrism correlates with less openness to foreign judgments, manifested through a stricter reciprocity requirement; the nationalism variable has no significant influence. This could mean that non-cooperation on litigation is fueled by concerns about the unfairness of foreign legal systems, rather than a belief in the superiority of one's own system. This accords with Mansfield and Mutz (2009), who find that it is ethnocentrism, rather than nationalism, that reduces individuals' support for free trade.

5 Testing the argument subnationally: Foreign judgments in the American states

The literature on socio-cultural attitudes suggests the existence of contestation and variation within polities at the regional and sub-national levels (Schildkraut 2007; Chernyha and Burg 2012). While our argument about ethnocentrism received

considerable support at the cross-national level, we ensure the robustness of the results by exploiting sub-national variation in the treatment of foreign judgments across the American states. In most countries, policy on foreign-judgment enforcement is made at the national level, as it is a delicate matter of intergovernmental exchange and sovereignty costs. Yet the United States, as a result of a coincidence of legal history, left this issue to the states. In the absence of legislative guidance from Congress, the enforcement of foreign judgments was traditionally based on the common law of state courts – resulting in a patchwork of state common-law (Bellinger and Anderson 2014).

The reliance on state common-law made it difficult to have U.S. judgments enforced abroad. Many of the civil-law countries of Europe and Latin America require proof of reciprocity before giving effect to foreign judgments. In the absence of U.S. legislation governing enforcement, civil-law courts were not satisfied that their judgments would be enforced in American courts (Kulzer 1968, 2). The frequent refusal to enforce U.S. judgments prompted an attempt to codify the most prevalent common-law rules governing enforcement. In 1962, the Uniform Law Commission – a body that proposes legislation to bring clarity and stability to critical areas of state law – issued a uniform act on foreign-judgment enforcement; in 2005, a revised version was promulgated: Foreign-Country Money Judgments Recognition Act (hereafter 2005 Act). The 2005 Act, like the earlier 1962 version, established a clear, streamlined legislative framework for enforcement that would satisfy foreign courts requiring reciprocity and encourage them to enforce U.S. judgments.[8] Such a codification of common-law rules "make[s] it absolutely certain that judgments from the courts of other countries are recognized and enforced in the U.S. courts."[9] By choosing to enact this act, states, in fact, indicate their desire to facilitate foreign-judgments enforcement. By April 2016, 20 states had done so.

If our argument is correct, we would expect the states adopting the 2005 Act to be more tolerant of out-groups. Such tolerance should foster cooperativeness on transnational litigation and a favorable attitude towards the enforcement of foreign judgments – the kind of attitude that the 2005 Act reflects. By contrast, states characterized by ethnocentrism should be less welcoming toward foreign judgments and unlikely to pass legislation that would facilitate their enforcement.

Our empirical analysis of the enactment of the 2005 Act employs survival analysis. Through a Cox proportional hazards model, we explore the cross-state variation in the time to the passage of this Act, since its 2005 promulgation through 2014.

The key independent variable is a state's level of societal tolerance of out-groups. Measuring tolerance at the state level is difficult, and we operationalize this concept in three ways. The first is the number of internationally adopted children as a ratio of the state's population, using State-Department adoption data. International adoption connects American parents with children of a different race or culture. In the 2000s, it was China, Russia, Ethiopia, South Korea, Guatemala, Ukraine, and Vietnam that sent the highest numbers of children to the United States for adoption (Efrat et al. 2015). Internationally adoptive parents must cross a racial, ethnic or cultural divide, and they have to work toward the child's integration into the social environment (Mohanty and Newhill 2006). A

[8] http://www.uniformlaws.org/shared/docs/foreign%20money%20judgments%20recognition/ufmjra%20final%20act.pdf

[9] http://www.uniformlaws.org/ActSummary.aspx?title=Foreign%20Money%20Judgments%20Recognition%20Act

significant number of international adoptees within a state indicates a greater tolerance of foreigners which, we argue, should facilitate cooperation with foreign legal systems.

Support for gay rights serves as another measure of tolerance toward out-groups. While the U.S. gay community is not foreign in the international sense, support for gay rights does imply an acceptance of a cultural "other" and may be used as an indicator of tolerance (Andersen and Fetner 2008). We turn to Lax and Phillips (2009) who measure state-level public opinion on eight gay policy issues, such as gay marriage, protection against discrimination in housing and job opportunities, and inclusion of gays in hate-crime laws. We use the mean opinion across the eight policies – ranging from 38% in Utah to 68% in Massachusetts.

Finally, we measure ethnocentrism as state-level anti-immigrant sentiment. Butz and Kehrberg (2016) estimate the public's anti-immigrant sentiment in each state using a commonly employed survey question: whether the number of immigrants permitted to come to the United States should increase, decrease, or stay the same. We use the estimates based on responses to the 2008 American National Election Study and General Social Survey. On the high end, in Arkansas 62.7% of the population favor fewer immigrants, whereas in California only 33.2% of the population hold such preference.

We include a set of state-level demographic controls: population; income per capita; the percentage of the population with college education (bachelor's degree or higher); and the percentage of foreign-born population. Two additional controls capture political attitudes within a state: an indicator of citizen ideology, where higher values represent a more liberal position of the state's active electorate (Berry et al. 1998); and the state legislature's partisan composition – specifically, the percentage of Republicans in both chambers of the legislature. Given the economic rationale of foreign-judgment enforcement – a means to facilitate commercial exchange – we also control for the state's involvement in international economic activity: the share of state population employed by affiliates of foreign multinational corporations or the share of exports in a state's Gross Domestic Product (GDP). Since policies and enactments may diffuse from one state to another (Berry and Berry 1990), the models control for the proportion of a state's neighbors that had enacted the 2005 Act. See the online appendix for detailed variable description.

Table 5 presents the results of the Cox models as hazard ratios: Values greater than 1 increase the likelihood of enacting the 2005 Act, and values smaller than 1 reduce that likelihood. Overall, these subnational results are consistent with the earlier crossnational results and with our argument: societies that are tolerant of out-groups are more cooperative on transnational litigation, as evident by the enactment of a statute to facilitate foreign-judgment enforcement. In Model 5.1, the tolerance expressed by foreign-child adoption correlates with a positive attitude toward foreign judgments. The substantive effect is large: an increase of one standard-deviation in the child-adoption measure raises the likelihood of enacting the 2005 Act by 46%. In Model 5.2, a tolerant environment that is accepting of gays is also willing to accept foreign judgments and facilitate their local enforcement. The substantive effect is once again large: a one percentage-point increase in the support for gay rights translates to a 21% rise in the likelihood of enacting the 2005 Act. In Model 5.3, a one-point increase in anti-immigrant sentiment lowers the likelihood of enactment by 11%: an environment that is unwelcoming toward persons of foreign origin is also unfriendly toward foreign judgments.

Table 5 Influences on the enactment of the 2005 Uniform Act

	Model 5.1	Model 5.2	Model 5.3
International child adoption	1.557**		
	(0.278)		
Gay-rights support		1.206***	
		(0.072)	
Anti-immigrant sentiment			0.891**
			(0.04)
Population	0.068	0.632	0.497
	(0.12)	(0.934)	(0.788)
Income per capita	1.513	1.179	1.309
	(0.507)	(0.448)	(0.494)
BA or higher	0.75	0.587	0.578
	(0.267)	(0.221)	(0.239)
Foreign-born population	1.811**	1.401*	1.368
	(0.45)	(0.28)	(0.317)
State-citizen ideology	0.813*	0.91***	0.954
	(0.1)	(0.031)	(0.028)
Republicans in legislature	0.959	0.955**	0.962*
	(0.025)	(0.023)	(0.022)
Foreign-affiliate employees	0.108*		
	(0.133)		
Exports		0.606	0.694
		(0.295)	(0.316)
Neighboring states	1.144	0.9	0.672
	(0.784)	(0.846)	(0.647)
Enactments	20	20	20
Observations	355	355	355
Prob>chi^2	0.00	0.00	0.00

Cox proportional hazard models; hazards ratios are reported. The models include interaction terms with the natural log of time for variables that are inconsistent with the proportional hazards assumption. Nebraska has a nonpartisan legislature and drops from the analysis. Robust standard errors in parentheses

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

6 Conclusion

Research on globalization has long noted the inherent conflict states face as they attempt to engage in open exchange while maintaining control over their societies. This work has focused on a range of policy sectors, from welfare to migration (Rudra and Haggard 2005; Goodman 2015). In this article, we demonstrate how the law and legal systems raise similar tensions as they interact across borders. As a result of legal processes known as transnational litigation, fundamental questions of governance and sovereignty become blurred: Whose rules apply in a world of multiple and overlapping jurisdictions and who has the authority to enforce those rules?

Importantly, some states are more willing to open up their legal systems to such interpenetration than others. As we demonstrate, national policies towards extradition and the enforcement of foreign judgments vary widely across countries, and we know from secondary sources that this is also true in other relevant domains, such as the exercise of extraterritorial jurisdiction, assistance in crossborder evidence collection, information sharing, recognition of arbitration decisions, and transnational family law (Baumgartner 2004; Efrat and Newman 2016, 2018; Putnam 2016). The stakes of such intermittent cooperation are high: Major corporations have much to win or lose from the enforcement of foreign judgments by U.S. and foreign courts (Thomson and Jura 2011; Bellinger and Anderson 2014); families and children may suffer tremendous psychological damage because of the lack of effective cooperation over transnational family issues (Greif 2009); and cybercriminals, drug traffickers, and terrorists may go unpunished due to the refusal of extradition.

In this article, we shift focus from arguments that emphasize the benefits to openness. Instead, we underscore the sensitive nature of such transnational interactions and the implicit sovereignty sharing they rely upon. Here, we stress the ways in which attitudes of ethnocentrism and intolerance may shape the prospect of legal globalization. Across policy domains and both at the cross-national and sub-national level, the findings offer considerable support for our argument that societal tolerance of out-groups influences a state's cooperativeness on transnational litigation. While this study examines instances from both civil and criminal law in three new datasets, future work will need to examine the generalizability of our argument to other issue-areas and to dyadic interactions between states. In particular, our observational study could be bolstered and the causal link may be more clearly demonstrated through detailed case studies and experimental research focusing on the channels through which ethnocentrism translates into policy outcomes.

Our article makes a number of important contributions to scholarship on globalization. First, we join work that highlights the ways in which domestic law carries international consequences. Research in law and political science tends to emphasize *international law* and the vertical interaction between the international legal system and national legal systems (Simmons 2009; Mitchell and Powell 2011). Our work suggests that greater attention should be paid to *horizontal interactions between national legal systems* (Slaughter 1999). These interactions create much of the legal friction associated with globalization, and it is *domestic* laws that determine whether this friction will be resolved in a cooperative or noncooperative manner.

At the same time, our argument joins a growing body of literature that underscores the cultural and social foundations of globalization. Work on trade openness has long emphasized economic class or business-production profiles as determinants of preferences or policies on trade. More recent work, however, has found that socio-cultural attitudes affect individuals' thinking on trade as well as immigration (Mansfield and Mutz 2009, 2013; Hainmueller and Hiscox 2010; Margalit 2012; Andrews et al. 2018). We add to this work by highlighting the ways in which socio-cultural influences shape not only the economic dimensions of globalization, but its legal dimensions as well. How states treat foreign legal systems is shaped by how people treat foreigners.

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References

Andersen, R., & Fetner, T. (2008). Economic inequality and intolerance: Attitudes toward homosexuality in 35 democracies. *American Journal of Political Science, 52*(4), 942-958.

Andreas, P., & Nadelmann, E. (2006). *Policing the globe: Criminalization and crime control in international relations*. New York: Oxford University Press.

Andrews, S., Leblang, D., & Pandya, S. S. (2018). Ethnocentrism reduces foreign direct investment. *Journal of Politics, 80*(2), 697–700.

Angrist, J. D., & Pischke, J.-S. (2009). *Mostly harmless econometrics: An Empiricist's companion*. Princeton: Princeton University Press.

Australian Parliament. Joint Standing Committee on Treaties. (2001). Extradition: A review of Australia's law and policy. Canberra: Commonwealth of Australia.

Bailey, M. (2001). Quiet influence: The representation of diffuse interests on trade policy, 1983-94. *Legislative Studies Quarterly, 26*(1), 45–80.

Bättig, M. B., & Bernauer, T. (2009). National Institutions and global public goods: Are democracies more cooperative in climate change policy? *International Organization, 63*(2), 281–308.

Baumgartner, S. P. (2004). Is transnational litigation different? *University of Pennsylvania Journal of International Economic Law, 25*(4), 1297–1393.

Baumgartner, S. P. (2013). Understanding the obstacles to the recognition and enforcement of U.S. judgments abroad. *NYU Journal of International Law and Politics, 45*, 965–1001.

Bayram, A. B. (2015). What drives modern Diogenes? Individual values and cosmopolitan allegiance. *European Journal of International Relations, 21*(2), 451–479.

Bayram, A. B. (2017). Due deference: Cosmopolitan social identity and the psychology of legal obligation in international politics. *International Organization, 71*(S1), S137–S163.

Bellinger, J. B., & Anderson, R. R. (2014). Tort tourism: The case for a Federal law on foreign judgment recognition. *Virginia Journal of International Law, 54*(3), 501–544.

Berry, F. S., & Berry, W. D. (1990). State lottery adoptions as policy innovations. *American Political Science Review, 84*(2), 395–415.

Berry, W. D., Ringquist, E. J., Fording, R. C., & Hanson, R. L. (1998). Measuring citizen and government ideology in the American states, 1960-93. *American Journal of Political Science, 42*(1), 327–348.

Burstein, P. (1991). Policy domains: Organization, culture, and policy outcomes. *Annual Review of Sociology, 17*, 327–350.

Butz, A. M., & Kehrberg, J. E. (2016). Estimating anti-immigrant sentiment for the American states using multi-level modeling and post-stratification, 2004–2008. *Research & Politics, 3*(2), 2053168016645830.

Cheibub, J. A., Gandhi, J., & Vreeland, J. R. (2010). Democracy and dictatorship revisited. *Public Choice, 143*, 67–101.

Chernyha, L. T., & Burg, S. L. (2012). Accounting for the effects of identity on political behavior: Descent, strength of attachment, and preferences in the regions of Spain. *Comparative Political Studies, 45*(6), 774–803.

Cingranelli, D. L., Richards, D. L., & Clay, K. C. 2014. The CIRI Human Rights Dataset. Version 2014.04.14. Retrieved Feb 20, 2015 from http://www.humanrightsdata.com.

de Figueiredo, R. J. P., & Elkins, Z. (2003). Are patriots bigots? An inquiry into the vices of in-group pride. *American Journal of Political Science, 47*(1), 171–188.

Demleitner, N. V. (1999). Combating legal ethnocentrism: Comparative law sets boundaries. *Arizona State Law Journal, 31*, 737–762.

Dodge, W. S. (2015). International comity in American law. *Columbia Law Review, 115*(8), 2071–2142.

Dreher, A., Gaston, N., & Martens, P. (2008). *Measuring Globalisation – Gauging its Consequences*. New York: Springer.

Drezner, D. (2001). Globalization and policy convergence. *International Studies Review, 3*(1), 53–78.

Drury, Ian. 2009. An affront to British justice: Cameron attacks McKinnon hypocrites. Daily Mail, July 19.
Dubinsky, P. R. (2008). Is transnational litigation a distinct field? The persistence of exceptionalism in American procedural law. *Stanford Journal of International Law, 44*, 301–357.
Dugard, J., & Van den Wyngaert, C. (1998). Reconciling extradition with human rights. *American Journal of International Law, 92*(2), 187–212.
Efrat, A. (2018). Resisting cooperation against crime: Britain's extradition controversy, 2003-2015. *International Journal of Law, Crime, and Justice, 52*(1), 118–128.
Efrat, A., & Newman, A. L. (2016). Deciding to defer: The importance of fairness in resolving transnational jurisdictional conflicts. *International Organization, 70*(2), 409–441.
Efrat, A., & Newman, A. L. (2018). Divulging data: Domestic determinants of international information sharing. *Review of International Organizations, 13*(3), 395–419.
Efrat, A., Leblang, D., Liao, S., & Pandya, S. S. (2015). Babies across borders: The political economy of international child adoption. *International Studies Quarterly, 59*(4), 615–628.
Finnemore, M., & Toope, S. J. (2001). Alternatives to "legalization": Richer views of law and politics. *International Organization, 55*(3), 743–758.
Ford, S. (2012). A social psychology model of the perceived legitimacy of international criminal courts: Implications for the success of transitional justice mechanisms. *Vanderbilt Journal of Transnational Law, 45*, 405–476.
Friedman, L. M. (1986). The law and society movement. *Stanford Law Review, 38*(3), 763–780.
Garb, L., & Lew, J. D. M. (2014). *Enforcement of Foreign Judgments*. Deventer: Kluwer Law.
Goodman, S. W. (2015). Conceptualizing and measuring citizenship and integration policy: Past lessons and new approaches. *Comparative Political Studies, 48*(14), 1905–1941.
Greif, G. L. (2009). The long-term aftermath of child abduction: Two case studies and implications for family therapy. *American Journal of Family Therapy, 37*, 273–286.
Hainmueller, J., & Hiscox, M. J. (2010). Attitudes toward highly skilled and low-skilled immigration: Evidence from a survey experiment. *American Political Science Review, 104*(1), 61–84.
Hirschl, R. (2008). The Judicialization of mega-politics and the rise of political courts. *Annual Review of Political Science, 11*, 93–118.
Hofstede, G. (1993). Cultural constraints in management theories. *Academy of Management Executive, 7*(1), 81–94.
Hooghe, M., Reeskens, T., Stolle, D., & Trappers, A. (2009). Ethnic diversity and generalized Trust in Europe: A cross-national multilevel study. *Comparative Political Studies, 42*(2), 198–223.
Huber, U. (1947). De Conflictu Legum Diversarum in Diversis Imperiis. In E. G. Lorenzen (Ed.), *Selected Articles on the Conflict of Laws* (Vol. 162). New Haven: Yale University Press.
Huo, Z. (2011). Highlights of China's new private international law act: From the perspective of comparative law. *Revue Juridique Themis, 45*(3), 637–684.
Joint Committee on Human Rights. House of Lords and House of Commons. (2011). *The Human Rights Implications of UK Extradition Policy*. London: The Stationary Office.
Juenger, F. K. (1988). The recognition of money judgments in civil and commercial matters. *American Journal of Comparative Law, 36*, 1–39.
Kaczmarek, S. C., & Newman, A. L. (2011). The long arm of the law: Extraterritoriality and the national implementation of foreign bribery legislation. *International Organization, 65*(4), 745–770.
Kelemen, R. D., & Sibbitt, E. C. (2004). The globalization of American law. *International Organization, 58*(1), 103–136.
Keohane, R. O. (1984). *After hegemony: Cooperation and discord in the world political economy*. Princeton: Princeton University Press.
Keohane, R. O., & Nye, J. S. (1971). Transnational relations and world politics: An introduction. *International Organization, 25*(3), 329–349.
Kinder, D., & Kam, C. (2009). *Us against them: Ethnocentric foundations of American opinion*. Chicago: University of Chicago Press.
Knoll, B. R., & Shewmaker, J. (2015). "Simply un-American": Nativism and support for health care reform. *Political Behavior, 37*(1), 87–108.
Kovar, J. D. (2000). Negotiations at the Hague conference for a convention on jurisdiction and the recognition and enforcement of foreign civil judgments. Statement before the Subcommittee on Courts and Intellectual Property, House of Representatives. June 29.
Kulzer, B. (1968). Recognition of foreign country judgments in New York: The uniform foreign money-judgment recognition act. *Buffalo Law Review, 18*, 1–51.
LaPorta, R., Lopez-de-Silanes, F., & Shleifer, A. (2008). The economic consequences of legal origins. *Journal of Economic Literature, 46(2)*, 285–332

Law Library of Congress. Global Legal Research Center (2013). Law on Extradition of Citizens. July. Available at https://www.loc.gov/law/help/extradition-of-citizens/extradition-of-citizens-chart.pdf (accessed December 16, 2018).

Lax, J. R., & Phillips, J. H. (2009). Gay rights in the states: Public opinion and policy responsiveness. *American Political Science Review, 103*(3), 367–386.

Leong, C.-H., & Ward, C. (2006). Cultural values and attitudes toward immigrants and multiculturalism: The case of the Eurobarometer survey on racism and xenophobia. *International Journal of Intercultural Relations, 30*(6), 799–810.

Linzer, D. A., & Staton, J. K. (2015). A global measure of judicial Independence. *Journal of Law and Courts, 3*(2), 223–256.

Mansfield, E. D., & Mutz, D. C. (2009). Support for free trade: Self-interest, Sociotropic politics, and out-group anxiety. *International Organization, 63*(3), 425–457.

Mansfield, E. D., & Mutz, D. C. (2013). US versus them: Mass attitudes toward offshore outsourcing. *World Politics, 65*(4), 571–608.

Mansfield, E. D., Milner, H. V., & Rosendorff, B. P. (2002). Why democracies cooperate more: Electoral control and international trade agreements. *International Organization, 56*(3), 477–513.

Manton, M. T. (1935). Extradition of nationals. *Temple Law Quarterly, 10*, 12–24.

Margalit, Y. (2012). Lost in globalization: International economic integration and the sources of popular discontent. *International Studies Quarterly, 56*(3), 484–500.

Mattli, W., & Dietz, T. (2014). *International arbitration and global governance: Contending theories and evidence*. Oxford: Oxford University Press.

Mezey, N. (2001). Law as culture. *Yale Journal of Law & the Humanities, 13*, 35–67.

Michaels, R. (2009). Recognition and enforcement of foreign judgments. In R. Wolfrum (Ed.), *Max Planck encyclopedia of public international law* (Vol. 8). New York: Oxford University Press.

Miller, M. K. (2015). Electoral authoritarianism and human development. *Comparative Political Studies, 48*(12), 1526–1562.

Mitchell, S. M., & Powell, E. J. (2011). *Domestic law Goes global: Legal traditions and international courts*. Cambridge: Cambridge University Press.

Mohanty, J., & Newhill, C. (2006). Adjustment of international adoptees: Implications for practice and a future research agenda. *Children and Youth Services Review, 28*(4), 384–395.

Mutz, D. C., & Kim, E. (2017). The impact of in-group favoritism on trade preferences. *International Organization, 71*(4), 827–850.

Nadelmann, E. A. (1993). The evolution of United States involvement in the international rendition of fugitive criminals. *NYU Journal of International Law and Politics, 25*, 813–885.

New Zealand Law Commission. (2016). Modernising new zealand's extradition and mutual assistance laws. Available at https://www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC-R137.pdf . Accessed 16 Dec 2018.

Newman, L. W. (2015). *Enforcement of Money Judgments*. Huntington: Juris.

Plachta, M. (1999). (Non-)extradition of nationals: A Neverending story? *Emory International Law Review, 13*, 77–159.

Putnam, T. L. (2016). *Courts without borders: Law, politics, and U.S. extraterritoriality*. New York: Cambridge University Press.

Quintanilla, M. S., & Whytock, C. A. (2012). The new multipolarity in transnational litigation: Foreign courts, foreign judgments, and foreign law. *Southwestern Journal of International Law, 18*, 31–49.

Raustiala, K. (2002). The architecture of international cooperation: Transgovernmental networks and the future of international law. *Virginia journal of international law, 43*, 1–92.

Raustiala, K. (2011). *Does the constitution follow the flag? The evolution of territoriality in American law*. New York: Oxford University Press.

Rudra, N., & Haggard, S. (2005). Globalization, democracy, and effective welfare spending in the developing world. *Comparative Political Studies, 38*(9), 1015–1049.

Sarat, A., & Kearns, T. R. (1998). *Law in the domains of culture*. Ann Arbor: University of Michigan Press.

Schiefer, D., Möllering, A., Daniel, E., Benish-Weisman, M., & Boehnke, K. (2010). Cultural values and outgroup negativity: A cross-cultural analysis of early and late adolescents. *European Journal of Social Psychology, 40*(4), 635–651.

Schildkraut, D. J. (2007). Defining American identity in the twenty-first century: How much 'there' is there? *Journal of Politics, 69*(3), 597–615.

Schwartz, S. (1994). Are there universal aspects in the structure and contents of human values? *Journal of Social Issues, 50*(4), 19–45.

Shearer, I. A. (1966). Non-extradition of nationals: A review and a proposal. *Adelaide Law Review, 2*(3), 273–309.
Siegel, J. I., Licht, A. N., & Schwartz, S. H. (2011). Egalitarianism and international investment. *Journal of Financial Economics, 102*(3), 621–642.
Siegel, J. I., Licht, A. N., & Schwartz, S. H. (2013). Egalitarianism, cultural distance, and foreign direct investment: A new approach. *Organization Science, 234*(4), 1174–1194.
Silberman, L. (2002). Comparative jurisdiction in the international context: Will the proposed Hague judgments convention be stalled? *DePaul Law Review, 52*(2), 319–350.
Simmons, B. A. (2009). *Mobilizing for human rights: International law in domestic politics*. New York: Cambridge University Press.
Simmons, A. J. (2017). Domestic attitudes towards international jurisdiction over human rights violations. *Human Rights Review, 18*(3), 321–345.
Slaughter, A.-M. (1999). Judicial Globalization. *Virginia Journal of International Law, 40*, 1103–1124.
Takahashi, K. (2006). A major reform of Japanese private international law. *Journal of Private International Law, 2*(2), 311–338.
Thomson, W. E., & Jura, P. M. (2011). Confronting the new breed of transnational litigation: abusive foreign judgments. U.S. Chamber Institute for Legal Reform. Available at https://www.instituteforlegalreform.com/uploads/sites/1/TransnationalLitigation_AbusiveForeignJudgments.pdf . Accessed 16 Dec 2018.
Toobin, J. (2008). *The nine: Inside the secret world of the supreme court*. New York: Anchor Books.
Torelli, C. J., Chiu, C.-Y., Tam, K.-P., Au, A. K. C., & Keh, H. T. (2011). Exclusionary reactions to foreign cultures: Effects of simultaneous exposure to cultures in globalized space. *Journal of Social Issues, 67*(4), 716–742.
U.S. Department of State. (2001). Report on international extradition submitted to congress pursuant to section 3203 of the emergency supplemental act, 2000 as enacted in the military construction appropriations act, 2001, public law 106–246 relating to plan Colombia. Available at https://2009-2017.state.gov/s/l/16162.htm . Accessed 16 Dec 2018.
U.S. Senate. (1996). Extradition treaty with Switzerland. 104th Congress. Executive Report 104–32. July 30.
UK Home Office. (2011). A review of the United Kingdom's extradition arrangements. Available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117673/extradition-review.pdf . Accessed 16 Dec 2018.
Valentino, N. A., Brader, T., & Jardina, A. E. (2013). Immigration opposition among U.S. whites: Ethnocentrism or media priming of attitudes about Latinos? *Political Psychology, 34*(2), 149–166.
Wasserstein-Fassberg, C. (2013). *Private international law* (Vol. I). Jerusalem: Nevo.
Whytock, C. A. (2009). Domestic courts and global governance. *Tulane Law Review, 84*(1), 67–123.
Wright, M. (2011). Policy regimes and normative conceptions of nationalism in mass public opinion. *Comparative Political Studies, 44*(5), 598–624.
Zagaris, B. (1999). Extradition, evidence gathering, and their relatives in the twenty-first century: A U.S. defense counsel perspective. *Fordham International Law Journal, 23*(5), 1403–1443.