

When Rights Meet Political Motivation: Contextual Heterogeneity

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“Rights are entitlements (not) to perform certain actions, or (not) to be in certain states; or entitlements that others (not) perform certain actions or (not) be in certain states” (Wenar 2020). While rights provide the basis for formal legal actions, they are also normatively expected to influence the many choices of individuals and groups within society, when they confront dilemmas that involve practices that are protected by rights. Furthermore, quite often such practices involve political activities (e.g., free speech) that may effectively promote or undermine one’s political ideas and goals. Quite surprisingly, existing knowledge on the causal effect of rights on the decisions of individuals is rather limited. Moreover, little is known about the possible interactions between the effect of rights and political motivations.

Drawing on studies in politically motivated reasoning and empirical legal studies, we offer three hypotheses: (1) Rights increases the propensity to support rights-protected practices, regardless of political implications (additive effects); (2) Rights increases this propensity while diminishing the effect of political motivations (the de-biasing effect of rights); (3) The effect of rights on this propensity is moderated by political motivations (instrumental effect of rights). We further hypothesize that the likelihood of observing a de-biasing effect of rights (H2) or an instrumental effect of rights (H3) varies based on the status of rights and political polarization in society.

To test our theory we utilize a novel experimental decision task, which primes awareness to rights, and political motivations across two nationally representative samples in Canada and Israel. These countries provide theoretically contrasting cases based on the dimensions of the status of rights and polarization. We find strikingly opposite interaction effects of civil rights and political motivations in the two countries. In line with our expectations, rights appear to de-bias the effect of political motivations in Canada, in keeping with H2, whereas in Israel the effect of rights appears to be moderated by political preferences (H3). These results provide evidence for the effect of rights on citizens’ public decisions, and for the contextual heterogeneity of the interactions of rights and political preferences.