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Cultural Intolerance and Aversion to Foreign Judgments in the American States

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Abstract:
Is there hostility toward things foreign in the US legal system? Existing work examines the success of foreign litigants in American courts and fails to find clear evidence for the existence of xenophobia. We propose to shift the debate toward the legislative framework underlying transnational litigation. Specifically, this study examines the willingness to facilitate the enforcement of foreign judgments through state legislation. Our statistical analysis finds that cultural attitudes do matter: where society exhibits intolerance and xenophobia, foreign judgments are less welcome. By demonstrating how cultural attitudes shape the law, this study contributes to the debate on the social origins of legal norms, and also advances the analysis of legal-system interaction in the age of globalization.

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Introduction

Respect for the rule of law requires the legal process to be free of anti-foreign bias. Foreign litigants should receive treatment similar to that accorded to domestic litigants; courts should apply foreign law or enforce foreign judgments, irrespective of their non-local source, on the basis of legal considerations alone. Does the US legal system adhere to these ideals? Popular perception suggests that bias against foreigners indeed exists in American courts, putting foreign litigants at a disadvantage compared to their domestic counterparts (e.g. Johnson 1996). Whether there is truth in this perception has been the subject of an empirical scholarly debate. Launching this debate, Clermont and Eisenberg (1996), 1132 argued that "*the available data offer no support for the belief that there exists xenophobic bias in American courts*" (emphasis in original). By contrast, Moore (2003), 1504, looking at different data, suggested that it "validates concerns that American courts, and American juries in particular, exhibit xenophobic bias."

This article seeks to advance and expand the debate over xenophobia in transnational litigation by moving beyond the focus on courts. Thus far, this debate has understandably examined the behavior of courts – the central site of litigation. Yet transnational litigation relies, in part, on a legislative framework. Statutes may govern issues such as jurisdiction over foreign litigants, service of process on foreign litigants, and the enforcement of foreign-court judgments. Do these statutes reflect a xenophobic bias on the part of the legislatures that enact them? Answering this question promises to enrich our understanding of anti-foreign bias in the US legal system.

Our answer to this question focuses on an area of transnational litigation that has seen considerable growth in recent years: enforcement of foreign judgments (Quintanilla and Whytock 2012). We seek to explain why certain US states have established legislation that makes it easier to enforce foreign judgments, while other states have refrained from doing so. More specifically, we examine whether this variation may be the product of cultural (in)tolerance within the state population. Using multiple indicators of societal tolerance in a set of event-history models, we find that greater tolerance correlates with a more positive attitude toward foreign judgments and a willingness to facilitate their enforcement; xenophobic sentiments within society, however, result in a less welcoming treatment of foreign judgments. Overall, the evidence suggests that intolerance and xenophobia may indeed shape the legislative foundation of transnational litigation.

Beyond its contribution to the debate on xenophobia in the US legal system, this study adds to the literature on the social origins of the law, the dynamics of judicial globalization, and the cultural determinants of global integration. It demonstrates how *cultural attitudes may shape laws* – laws that govern the increasingly frequent interaction between legal systems.

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Xenophobia in Transnational Litigation: The Scholarly Debate and a Proposed Shift

Transnational litigation is a domestic legal process that involves foreign elements. Litigants of foreign origin may appear before the court; the court may be asked to enforce a judgment issued by a foreign court; or the resolution of the case may require the application of foreign law. The presence of foreign elements in an otherwise domestic process raises concern about a possible xenophobic or nationalist bias. Whether such bias indeed exists has been the subject of a scholarly controversy.

One branch of this debate examined whether foreign litigants before US courts are less likely to win, compared with domestic litigants. Kevin Clermont and Ted Eisenberg launched this debate in their 1996 analysis of "Xenophilia in American Courts." Examining cases before federal district courts in the period 1987–1994, Clermont and Eisenberg found no evidence to suggest a xenophobic bias. Surprisingly, their data showed that foreigners, in fact, do better: they win a *higher* percentage of cases, whether as plaintiff or as defendant, compared with domestic litigants. Their explanation for this finding focused on case selection. According to this logic, foreigners are reluctant to litigate in the United States for various reasons, including the costs of litigating in a distant place as well as apprehension about a xenophobic bias of American courts. These concerns induce foreigners to choose strong cases to pursue to judgment. They tend to abandon or satisfy most claims and persist in those cases that they are most likely to win (Clermont and Eisenberg 1996, 1133–1134). As the two scholars emphasized, foreigners' litigation success, induced by case selection, does not imply that a xenophobic bias in American courts is nonexistent. But if such bias does exist, it "is perhaps less serious than commonly thought" (Clermont and Eisenberg 1996, 1132–1134).

The next contribution to this debate was Kimberly Moore's analysis of patent cases in US federal courts (Moore 2003). According to Moore, her data do suggest the existence of xenophobic bias in American courts and, particularly, among American juries: "Domestic parties win 64% of cases tried to juries in which the adversary is foreign; foreign parties win the remaining 36% of such [jury-trial] cases" (Moore 2003, 1504). A study by Bhattacharya, Galpin, and Haslem (2007) also put forth evidence of anti-foreign bias. These authors first found that US corporations sued in US courts lose less of their market value than do foreign corporations sued in US courts. Why do shareholders react less negatively when an American firm is sued? Their study concluded that if a case goes to trial, US defendant firms are less likely to lose, suggesting that they enjoy a home-court advantage in US federal courts. By contrast, "foreign firms are disadvantaged in US courts" (Bhattacharya, Galpin, and Haslem 2007, 629). While Moore identified a jury bias, this study found prejudice in judge trials – but both studies argued that xenophobia in US courts is real. Revisiting the debate and critiquing the two studies, Clermont and Eisenberg (2007), 464 insisted that available data offer no support for the existence of xenophobic bias in American courts and cautioned against "drawing structural or cultural explanations from the changeable pattern of outcome data."

Beyond litigant win-rates, anti-foreign prejudice in US courts may also be reflected in judges' choice-of-law decisions: Faced with the choice between the application of domestic law or foreign law, courts may prefer the former. Several studies indeed detect a pro-domestic-law bias of US courts (Solimine 1989; Borchers 1992; Thiel 2000). These studies, however, combine international choice-of-law decisions with interstate choice-of-law-decisions (that is, decisions that select among the laws of different US states). By contrast, Whytock (2009) examined only international choice-of-law decisions. His analysis of such decisions, made by US district court judges in tort cases between 1990 and 2005, finds little evidence of a domestic-law bias. Choice-of-law doctrine, rather than prejudice, seems to influence judges' choice-of-law decisions (Whytock 2009, 764, 780).

Overall, the analysis of anti-foreign bias in transnational litigation has thus far yielded conflicting findings. Whereas some studies detected such bias in American courts, others did not. We propose to advance this debate by shifting the focus of investigation from the courts to legislatures. Indeed, it is courts that conduct the day-to-day of transnational litigation, and they often apply judge-made rules and doctrines on conflict of laws. But legislation also plays an important role in transnational litigation. Long-arm statutes grant courts the power to exercise personal jurisdiction over foreign defendants; the issue of sovereign immunity, which arises frequently in contemporary transnational litigation, is governed by the Foreign Sovereign Immunities Act; and the service of process on foreign defendants is also the subject of legislation (Born and Rutledge 2011, 81–82, 879). Given the role of legislatures in establishing a statutory framework for transnational litigation, a question arises: Do legislatures suffer from a xenophobic bias? Do the laws underlying transnational litigation exhibit aversion toward foreign litigants or foreign law?

The focus on legislative policy offers several benefits. First and foremost, it expands the boundaries of the analysis of transnational litigation, which thus far has largely focused on courts. Second, this move allows us to test for the existence of anti-foreign bias more directly and precisely than is possible in court-decision analysis. The aforementioned studies have sought to detect xenophobia through the calculation and comparison of win rates for domestic and international litigants. Yet, as Clermont and Eisenberg (2007), 459 argue, patterns of win rates "do not and cannot prove the existence of actual xenophobia or xenophilia." A study of legislation,

however, may come closer to identifying anti-foreign tendencies by estimating the effect of societal intolerance on legislative output.

Foreign-Judgments Legislation in the American States

Legislation underlies various issues and domains of transnational litigation. We selected foreign-judgment enforcement as the empirical focus of this study, as it presents a possible case for anti-foreign bias. One the one hand, the enforcement of foreign judgments aims to prevent repeated litigation and conflicting decisions and to promote legal certainty and stability (Michaels 2009). On the other hand, foreign judgments raise significant 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 defers to the foreign sovereign: It accepts the exercise of legal authority by a foreign system and gives it local effect. Enforcement of foreign judgments might thus be seen as an intrusion of a foreign sovereign and compliance with its orders, and even as an undermining of local legal sovereignty (Wasserstein-Fassberg 2013, 254–256). Legislators with an anti-foreign bias are likely to subscribe to this skeptical view of foreign judgments, to interpret enforcement as submission to foreign judicial authorities, and to highlight tensions between foreign judgments and domestic laws. Furthermore, such legislators might view foreign-judgment enforcement as promoting the interests of foreign plaintiffs at the expense of local defendants. As Born and Rutledge (2007), 1078 note, the increase in foreign-judgment enforcement actions in US courts stems from "increasingly frequent efforts by courts and legislatures around the world to impose substantial judgments against [American] companies perceived to have the wherewithal to pay them." Anti-foreign bias should thus yield a legislative policy that restricts or, at least, does not facilitate the enforcement of foreign judgments – a policy that protects the sovereignty of the local legal system and the interests of local defendants. By contrast, tolerance toward foreigners should result in a legislative policy that more easily admits foreign judgments and removes barriers to their enforcement.

The above quote from Born and Rutledge hints at another reason for studying foreign-judgment enforcement: the considerable growth of this practice in recent years. While little systematic data are available, Quintanilla and Whytock (2012), 35–37 assess, based on the experience of a federal judicial district where transnational litigation is common, that an increasing number of foreign judgments are brought to the United States for enforcement. Another study notes that 90% of references to the Supreme Court's decision in *Hilton v. Guyot* (1895) – a landmark case of foreign-judgments enforcement – have occurred in the last thirty years (Thomson and Jura 2011, 22). The rise of foreign judgments stands in stark contrast to the number of transnational cases litigated in US courts, which have been declining sharply since the mid-1980s. The overall picture is one of parallel and opposite trends: While US courts issue fewer judgments in cases involving foreigners, they are increasingly asked to enforce judgments issued by foreign courts (Clermont and Eisenberg 2007, 459–464; Quintanilla and Whytock 2012, 33–35). This emphasizes the need to enhance our understanding of foreign-judgment enforcement and the cultural biases that shape it.

The Uniform Acts of 1962 and 2005

In most countries, legislative policy on foreign-judgment enforcement is made at the national level. This issue presents a delicate matter of intergovernmental exchange, sovereignty costs, and openness to foreign influences, "an indisputable aspect of foreign relations." Yet the United States, as a result of "a coincidence of legal history" (Bellinger and Anderson 2014, 535), took another path – one that cedes the conduct of foreign relations in this area to the states. In the absence of legislative guidance from Congress, the enforcement of foreign judgments occurs either through the common law of state courts or through state laws that establish conditions for implementing foreign rulings. The latter form the empirical core of our study.

The US Supreme Court laid the foundation for foreign-judgment enforcement in a seminal 1895 decision in *Hilton v. Guyot* – a case involving a French judgment against an American citizen. The court determined that federal courts should usually enforce foreign judgments and specified the requirements for enforcement, among them reciprocity: US courts will only enforce judgments of countries that grant enforcement to American judgments.[1] This decision established a strong rhetorical position in favor of giving effect to foreign judgments alongside uniform standards for enforcement. Yet this uniformity was short-lived. In 1926, the New York Court of Appeals concluded that state courts were not bound to follow the *Hilton* precedent and could decide questions of foreign-judgment enforcement based on state law alone. Applying state law, the court rejected *Hilton*'s reciprocity requirement.[2] Other state courts followed, applying their own laws in enforcement decisions. Many courts likewise abandoned the reciprocity requirement. While state decisions generally relied on the *Hilton* cri-

teria – with the exception of the abandoned reciprocity requirement – the US system became a patchwork of state common-law (Bellinger and Anderson 2014, 507–508).

The reliance on state common-law made it difficult to have US judgments enforced abroad. In contrast to the liberal American approach, which eliminated the reciprocity requirement, 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 US 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 US judgments prompted an attempt to codify the most prevalent common-law rules governing enforcement. In 1962, the Uniform Law Commission (ULC) – a body that proposes legislation to bring clarity and stability to critical areas of state law – promulgated the Uniform Foreign Money-Judgments Recognition Act (hereafter the 1962 Act). This Act established a streamlined and relatively certain legislative framework for enforcement that would satisfy foreign courts requiring reciprocity and encourage them to enforce US judgments: "Codification by a state of its rules on the recognition of money-judgments rendered in a foreign court will make it more likely that judgments rendered in the state will be recognized abroad."[3] For proponents of the Act, facilitating the enforcement of US judgments overseas carries great importance in a time of increased foreign trade and need for international competitiveness.[4]

The 1962 Act largely follows in the footsteps of *Hilton*. It begins with a general presumption that a foreign judgment is enforceable, subject to a set of mandatory and discretionary exceptions. A judgment *must not* be enforced if the foreign legal system that rendered the judgment does not meet criteria of impartiality or due-process or if the foreign court lacked personal or subject-matter jurisdiction. Among the grounds that *allow* nonenforcement are fraud in obtaining the judgment, cause of action that is repugnant to the state's public policy, or conflict with another judgment.[5] If the foreign judgment does not meet any of these invalidating criteria, an American court must make it enforceable as a US judgment.

Since its promulgation, the 1962 Act was enacted by 30 states. The other states retained their common-law approach to foreign judgments, reflected in the Restatement (Third) of Foreign Relations Law (Brand 2013, 500–502). These common-law principles are very similar to those of the 1962 Act; yet, since they are not codified, the process of enforcement becomes more challenging to navigate and its outcome is less certain. By contrast, the Act's codification of enforcement rules "make[s] it absolutely certain that judgments from the courts of other countries are recognized and enforced in the US courts."[6]

Over time, however, it became clear that the 1962 Act required some revision and updating, given its divergent interpretation across states and several notable gaps. While the Act establishes substantive standards of enforcement, it is silent on the enforcement procedure; it lacks a statute of limitations; and it fails to specify the burden of proof. In 2005 the ULC therefore promulgated the Uniform Foreign-Country Money Judgments Recognition Act (hereafter the 2005 Act), presenting it as "a necessary upgrade for the 21st Century" that "builds upon the tried principles of the 1962 Act."[7] The 2005 Act fills the above-mentioned gaps, establishes two additional discretionary grounds for nonenforcement and contains some additional clarifications (Brand 2013, 502–503; Whytock 2014).

Indeed, a case can be made that the 2005 Act takes a *less* welcoming approach to foreign judgments than the 1962 Act. As Whytock (2014), 113 argues, "increasingly widespread adoption of state legislation based on the 2005 Uniform Foreign-Country Money Judgments Recognition Act (2005 Act), which adds new case-specific grounds for refusing enforcement, suggests growing skepticism (in the enforcement of foreign judgments)." Yet, on the other hand, the 2005 Act does modernize, clarify, and fill gaps in the 1962 Act and, therefore, we believe it is consistent with an overall approach that is favorable toward foreign judgments. By adopting the 2005 Act, states show awareness of foreign judgments and interest in establishing a solid foundation for their reception in the local legal system.

By April 2016, 20 states had enacted the 2005 Act; in 16 of those it replaced the previously adopted 1962 Act. The result is a patchwork of state laws, reflected in Table 1: 20 states currently apply the 2005 Act, 14 states are still governed by the 1962 Act, while the remaining 16 states enacted neither act and rely on common-law precedents. Critics argue that this variation reduces legal certainty, while raising the risk of forum shopping among states (Bellinger and Anderson 2014).

Table 1: Enactment of the 1962 Act and 2005 Act on Foreign-Judgment Enforcement.

	1962 Act	2005 Act
Alabama	–	2012
Alaska	1972	–
Arizona	–	2015
Arkansas	–	–
California	1967	2007
Colorado	1977	2008

Connecticut	1988	–
Delaware	1997	2011
Florida	1994	–
Georgia	1975	–
Hawaii	1975	2010
Idaho	1990	2007
Illinois	1990	2011
Indiana	–	2011
Iowa	1989	2010
Kansas	–	–
Kentucky	–	–
Louisiana	–	–
Maine	1999	–
Maryland	1963	–
Massachusetts	1966	–
Michigan	1967	2008
Minnesota	1985	2010
Mississippi	–	–
Missouri	1984	–
Montana	1993	2009
Nebraska	–	–
Nevada	–	2007
New Hampshire	–	–
New Jersey	1997	–
New Mexico	1991	2009
New York	1970	–
North Carolina	1993	2009
North Dakota	2003	–
Ohio	1985	–
Oklahoma	1965	2009
Oregon	1977	2009
Pennsylvania	1990	–
Rhode Island	–	–
South Carolina	–	–
South Dakota	–	–
Tennessee	–	–
Texas	1981	–
Utah	–	–
Vermont	–	–
Virginia	1990	2014
Washington	1975	2009
West Virginia	–	–
Wisconsin	–	–
Wyoming	–	–

Source: Rightmyer (1999), Chao and Neuhoff (2001), and Brand (2013); and checked against state sources.

Figure 1 and Figure 2 illustrate the cross-state variation in enacting the 1962 Act and 2005 Act, respectively.

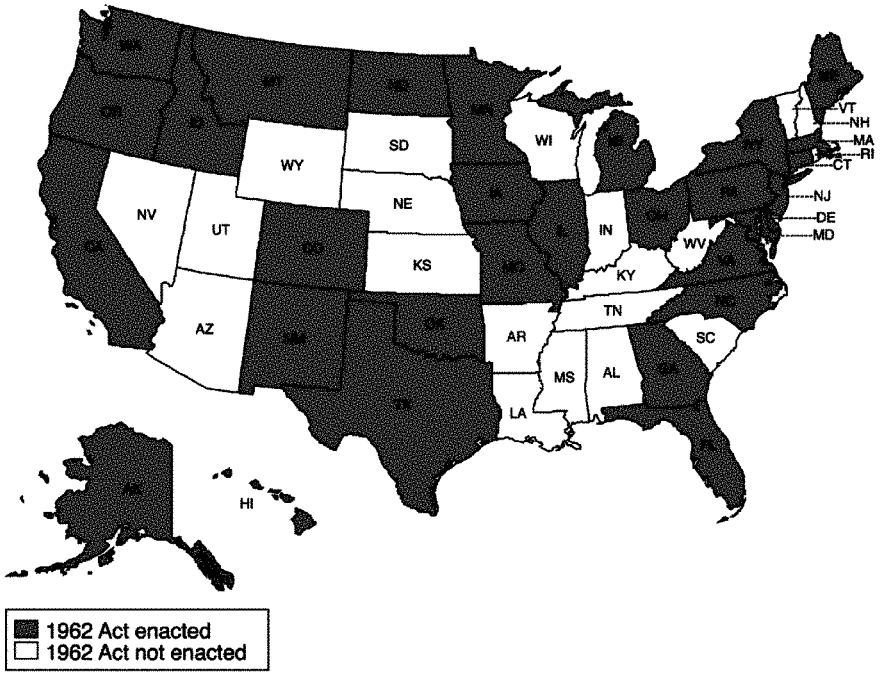

Figure 1: Enactment of the 1962 Uniform Foreign Money-Judgments Recognition Act.

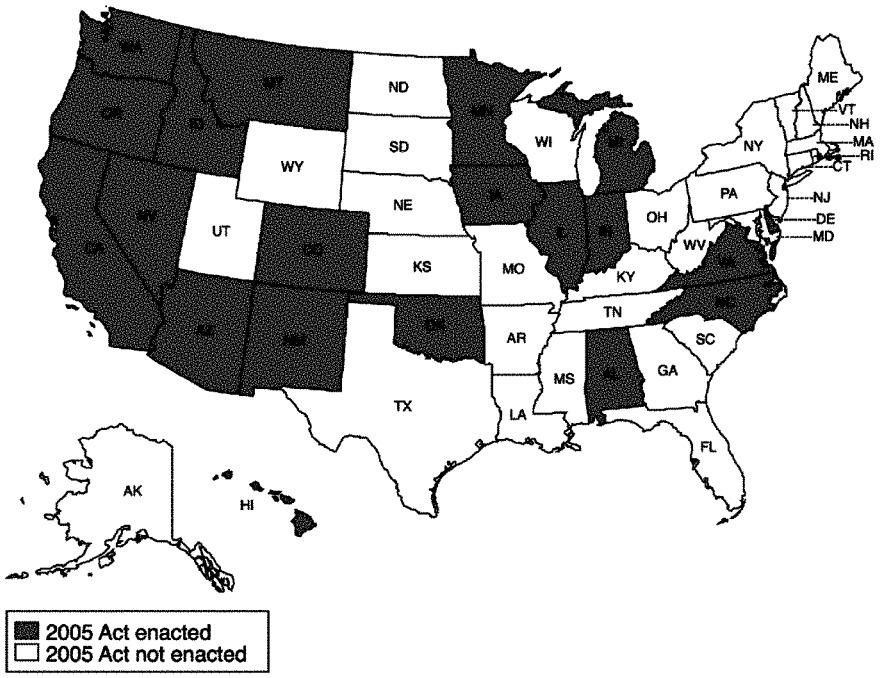

Figure 2: Enactment of the 2005 Foreign-Country Money Judgments Recognition Act (as of 4/2016).

Theoretical Expectations

We consider the enactment of the 1962 and 2005 Acts as expressing a greater acceptance of foreign-court judgments. By adopting these acts, states demonstrate the importance that they attach to the crossborder movement of judgments, and they make the enforcement of foreign judgments easier and more certain. By contrast, a continued reliance on common-law precedents and avoidance of codification send an opposite message – one that is less welcoming of foreign judgments and the integration of law across borders.

This cross-state variation allows us to test the xenophobia hypothesis. If indeed legislative policy on transnational litigation is shaped by cultural (in)tolerance, we would expect states that are more tolerant to enact the uniform acts and facilitate the enforcement of foreign judgments. By contrast, states where intolerance is widespread would be reluctant to defer to foreign courts and enforce their judgments. Xenophobic sentiments

intensify the view of foreign judgments as intruding on the state's courts and undermining their authority. Such sentiments would make legislatures less likely to enact the uniform acts.

But where do these sentiments come from to influence the legislature? They come from the public. A large body of literature finds that individuals holding xenophobic or ethnocentric views are more likely to resist the different expressions of globalization: trade (Mansfield and Mutz 2009; Margalit 2012), offshore outsourcing (Mansfield and Mutz 2013), and immigration (Hainmueller and Hiscox 2010). Foreign-judgment enforcement is another manifestation of globalization and the integration of judicial systems and, like trade and immigration, it might trigger deep-seated cultural attitudes and anxiety associated with resistance to foreign influences. Since 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), people associate law with local culture and may wish to protect the latter from the intrusion of foreign legal systems.

The public's cultural views should matter for policy on transnational litigation: societal tolerance would encourage state legislatures to facilitate cooperation with foreign courts and to enforce their judgments; by contrast, community's intolerance would lead to policies that restrict foreign-court encroachment into the state's legal system. Such 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. At the same time, 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 1991).

We are agnostic as to whether policy is driven by electoral incentives or normative constraints and anticipate that both may play an important role. Both logics suggest that in an intolerant, xenophobic environment legislators will tend to avoid policy that facilitates cooperation with foreign courts, as it is inconsistent with the views of society. By contrast, such policy is more likely to be established in a culturally open environment, where it conforms with public beliefs. This brings us to our key hypothesis:

H1: The higher the level of cultural openness within society, the more likely it is to adopt policies that facilitate foreign-judgments enforcement.

Method and Data

We examine the enactment of the 1962 and 2005 Acts through event-history modeling that estimates the "risk" that an event of interest – the passage of legislation based on these Acts – will occur as time elapses. To increase the robustness of the results, two types of models are used. First, a Cox proportional hazards model explores the cross-state variation in the time to the passage of legislation. The Cox models report hazard ratios that express the proportionate impact of a given variable on the passage of legislation. Values greater than 1 increase the likelihood of establishing legislation, and values smaller than 1 reduce that likelihood.[8] Second, we employ discrete event-history analysis which uses a logistic regression combined with a cubic polynomial to adjust for time dependencies.

Our dataset is in the state-year format. For the 1962 Act, the analysis begins in the year of its promulgation – 1962 – and ends in 2004; the analysis of the 2005 Act covers the period 2005–2014. The dependent variable – passage of legislation based on the 1962 Act or the 2005 Act – is coded 0 for any year in which legislation does not exist. Once a state passes the legislation, the dependent variable is coded 1 and the state exits the analysis.

The key independent variable is a state's level of cultural tolerance and openness. Measuring cultural attitudes at the state level is very difficult. It is even more so when the measure needs to begin as early as the 1960s. In modeling the 1962 Act, we use the number of art museums within a state as an indicator of cultural receptiveness. Art museums aim to expose visitors to cultural objects of different countries or civilizations and to foster learning, understanding, and appreciation of foreign cultures. Indeed, they view their mission as promoting cross-cultural exchange and fostering global understanding through an awareness of shared interests and common values expressed in works of art (Cuno 2004; McClellan 2008). In their mission statements, American art museums often list the cultural enrichment and education of the population and the broadening of people's knowledge of the world as important goals.[9] States rich in museums are those where the population

has greater interest in and engagement with foreign cultures; by contrast, a museum-impoverished environment indicates a population with lesser enthusiasm for and little exposure to world culture. We identify the number of art museums in each state over time through membership in the Association of Art Museum Directors (AAMD) – a professional association consisting of the directors of major art museums in the United States, Canada, and Mexico.[10] 228 American art museums, spread throughout the country, currently belong in AAMD. AAMD member museums typically place a heavy emphasis on foreign art and culture: from the Flint Institute of Arts that prides itself for "acquiring, protecting and presenting a collection of art and artifacts spanning continents"[11] to the Jordan Schnitzer Museum of Art in Eugene, Oregon that displays works "representing many cultures of the world, past and present."[12]

Our three other measures of cultural acceptance cover recent years only, and we employ them in modeling the 2005 Act. The first is the number of internationally adopted children as a ratio of the state's population.[13] 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 therefore cross a racial, ethnic or cultural divide, and they also have to work toward the child's adjustment and integration into the social environment (Mohanty and Newhill 2006; Lindblad and Signell 2008). A significant number of international adoptees within a state thus indicates a more culturally open and tolerant environment that should be favorable toward foreign judgments.

Support for gay rights serves as another measure of cultural openness. While the US gay community is not foreign in the international sense, support for gay rights does imply an acceptance of a cultural "other" and may therefore be used as an indicator of tolerance (Andersen and Fetner 2008). We rely on Lax and Philipps's measure of 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 (Lax and Phillips 2009). We use the mean opinion across the eight policies – ranging from 38% in Utah to 68% in Massachusetts. Stronger support for gay rights indicates a more culturally open environment, which should also be receptive to foreign judgments.

Finally, we measure (in)tolerance as state-level anti-immigrant sentiment, since negative views of immigration are, at least in part, the product of deep-seated cultural factors, such as ethnocentrism or xenophobia (Burns and Gimpel 2000; Hainmueller and Hiscox 2010). 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. Higher values on this measure indicate a greater proportion of the state population holding anti-immigrant attitudes. We use the estimates based on responses to the 2008 American National Election Study and General Social Survey. These range from a low of 33.2% in California to a high of 62.7% in Arkansas.

We control for a state's population and income per capita[14] as well as for educational attainment. Various studies have identified education's tolerance-enhancing effect. Education stimulates cognitive and personal development, encourages more critical habits of thought, teaches people about the dangers of prejudice, and exposes them to different cultures, lifestyles, and ideas – all of which foster cultural openness and tolerance. The poorly educated thus tend to exhibit negative out-group attitudes and intolerance of other cultures, and they are more likely to hold ethnocentric or xenophobic views (e.g. Coenders and Scheepers 2003; Ostapczuk, Musch, and Moshagen 2009). Such attitudes generate resistance to trade and immigration as sources of cultural threat (Hainmueller and Hiscox 2007, 2010; Mansfield and Mutz 2009; Margalit 2012), and they could similarly fuel negative sentiments toward foreign judgments as a threat for the local legal system. Controlling for education allows us to isolate the impact of cultural tolerance beyond that which education induces. We measure educational attainment in two ways. The first measure is the percentage of a state's population with a high school diploma or higher – including those with some college education, a bachelor's degree, or a more advanced degree. The second and primary measure is the percentage of a state's population with a college education, that is, holding a bachelor's degree or higher.[15]

We also control for the percentage of foreign-born population within a state.[16] A large migrant population may encourage the adoption of policies that are pro-foreign. Yet, on the other hand, the presence of a sizable migrant population might fuel xenophobic attitudes within the majority population, creating a climate that is less hospitable toward foreign judgments (Hjerm and Nagayoshi 2011).

Two additional controls capture political attitudes within a state. The first is an indicator of citizen ideology, which represents the mean position on a liberal-conservative continuum of a state's active electorate. Higher values of this measure indicate a more liberal position.[17] A second indicator reflects the state legislature's partisan composition. Specifically, we use the percentage of Republicans in both chambers of the legislature.[18] Republicans are warier of external influences on the US legal system, be they in the form of international treaties or foreign-court judgments (Martin 2005; Kelley and Pevehouse 2015). Indeed, some Republican lawmakers have argued forcefully against the citing of foreign rulings by American courts (Seipp 2006, 1422–1424). Greater Re-

publican representation in the state legislature should therefore lower the likelihood of enacting the 1962 and 2005 Acts.

Another set of controls captures a state's involvement in international economic activity, since foreign-judgment enforcement is usually seen as means to create a stable legal foundation for commerce. As one scholar argues: "The recognition and enforcement of judgments rendered by the courts of other sovereigns is a central tool of trade integration. Traders seek the security provided by the enforcement of legal rights and the provision of an adequate remedy" (Perez 2001, 44). We therefore expect international economic activity to be positively correlated with the enactment of the uniform acts: states that engage with the global economy should be more open to the enforcement of foreign judgments as a means to facilitate commercial exchange. For the 1962 Act, our measure of international economic activity is the number of patents granted by each state, as increased patenting is a strong indicator of internationalized R&D activity (Hagedoorn and Cloodt 2003). Patent data disaggregated by state are available beginning in the early 1960s, and therefore cover the entire period under study.[19] By contrast, disaggregated trade and foreign direct investment (FDI) data have a more limited availability, and we use them in modeling the 2005 Act. Specifically, we use the share of exports in a state's Gross Domestic Product (GDP),[20] and the share of state population employed by affiliates of foreign multinational corporations.[21]

Various studies have documented a dynamic of diffusion among US states: policies and enactments may spread from one state to another (Berry and Berry 1990; Mintrom and Vergari 1998). To account for possible diffusion, we control for the proportion of a state's neighbors that had enacted the relevant Act – that of 1962 or 2005 (for example, if two neighboring states out of four had passed the relevant legislation, this variable equals 0.5). The diffusion variables are lagged 1 year.

Appendix Table 4 offers descriptive statistics of all variables.

Results

Table 2 presents the results of four event-history models, all estimating the effect of the independent variables on the time it took states to enact the 1962 Act.

Table 2: Influences on the Enactment of the 1962 Uniform Act.

	Model 1 (Cox)	Model 2 (Cox)	Model 3 (Cox)	Model 4 (logit)
Art museums	1.2*** (0.033)	1.214*** (0.059)	1.277*** (0.065)	0.212*** (0.06)
Population		1.316 (0.703)	1.344 (0.822)	0.258 (0.736)
Income per capita		1.231** (0.1)	1.135 (0.1)	0.213*** (0.082)
High school or higher		1.127** (0.053)		
BA or higher			1.244** (0.116)	0.174** (0.076)
Foreign-born population		0.841** (0.058)	0.536** (0.155)	−0.205** (0.1)
State-citizen ideology		1.025 (0.016)	1.187*** (0.054)	0.028* (0.017)
Republicans in legislature		0.963*** (0.014)	0.927* (0.041)	−0.023* (0.012)
Patents		0.982 (0.404)	0.869 (0.407)	−0.115 (0.53)
Neighboring states		0.427 (0.4)	0.413 (0.48)	−1.331 (1.273)
Enactments	30	30	30	
Observations	1518	1426	1426	1426
Prob > χ^2	0.00	0.00	0.00	0.00

Models 1–3 are Cox proportional hazard models; hazards ratios are reported. Model 4 is a logit model with a cubic polynomial. Model 3 includes 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 Models 2–4. Robust standard errors in parentheses. *$p < 0.10$; **$p < 0.05$; ***$p < 0.01$.

Model 1 is a Cox model that includes only our key variable of interest: cultural openness, captured through the number of art museums within a state. Indeed, consistent with our argument, art museums are positively and significantly associated with the enactment of 1962 Act: states with a greater appreciation of foreign cultures, as indicated by a larger number of museums, are more likely to facilitate the enforcement of foreign judgments by establishing a legislative framework for enforcement. By contrast, foreign judgments face a less welcoming attitude in museum-impoverished states where cultural openness is lower. Such states are content with the common law as the premise of enforcement and are reluctant to adopt legislation that would make enforcement easier and more certain.

The association between cultural openness and foreign-judgment enforcement holds when introducing an array of controls in Model 2. The museum variable is positive and statistically significant, and it has a large substantive effect: an increase of cultural tolerance, captured by one additional museum, raises the likelihood

of adopting the 1962 Act by 21%. Education also positively affects the acceptance of foreign judgments: as the population of high-school graduates increases, the likelihood of enacting the 1962 Act rises as well. Interestingly, a large migrant population within a state lowers the likelihood of enactment. Apparently, the presence of foreign-born individuals depletes some of the state's reservoir of tolerance, and reduces the willingness to enforce judgments from abroad. As expected, Republicans are warier of international legal influences: a higher percentage of Republican legislators reduces the likelihood of adopting the 1962 Act: each additional percentage point lowers the likelihood of enactment by 4%. Citizen ideology is positively associated with the passage of the 1962 Act – that is, liberal states are more hospitable to foreign judgments – but it is only marginally significant ($p = 0.105$). There is no evidence that economic engagement – measured through patents – enhances a state's receptiveness to foreign judgments. The results also do not indicate a diffusion dynamic: the passage of the Act by neighboring states does not alter one's own likelihood of enactment.

The results remain robust to an alternative measure of education. In Model 3, we measure educational attainment as the percentage of a state's population holding a bachelor's degree or higher, rather than a high school diploma. In this specification of the model, cultural tolerance as measured by museums remains positive and statistically significant; in fact, the substantive effect of this variable increases, compared to Model 2. An increase of one standard-deviation in the number of museums nearly triples the likelihood of adopting the 1962 Act. The positive relationship between education and the enactment of the 1962 Act also stays in place, notwithstanding the change of measure. Citizen ideology now gains statistical significance, indicating a pro-foreign-judgment tendency of liberal states. By contrast, the measure of economic ties – patents – still lacks significance.

We now seek to confirm the robustness of our findings to an alternative method of estimation. Model 4 is a logit model in which museums are positively and significantly associated with the enactment of the 1962 Act, similar to the Cox model. The results for the controls are also consistent with those of the Cox model.

Overall, these findings provide strong support for our hypothesis linking cultural tolerance to foreign-law receptiveness: where museums satisfy the population's interest in world culture, foreign judgments receive a more welcoming treatment, as evident by the enactment of the 1962 Act.

Do cultural attitudes shape the adoption of the 2005 Act as well? Table 3 provides evidence to that effect. Model 5 includes only a measure of cultural tolerance: international child adoption. Consistent with our argument, and similar to the museums measure used earlier, international adoption is positively and significantly associated with the enactment of the 2005 Act: a state that exhibits cultural tolerance by adopting foreign children tends to approach foreign judgments in a similarly accepting manner and establish legislation to facilitate their enforcement. This positive association is maintained in Model 6, which includes a set of controls, and 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%.

Table 3: Influences on the Enactment of the 2005 Uniform Act.

	Model 5 (Cox)	Model 6 (Cox)	Model 7 (Cox)	Model 8 (Cox)	Model 9 (logit)
Int'l child adoption	1.28** (0.137)	1.557** (0.278)			
Gay-rights support			1.206*** (0.072)		
Anti-immigrant sentiment				0.891** (0.04)	−0.122** (0.052)
Population		0.068 (0.12)	0.632 (0.934)	0.497 (0.788)	−0.513 (0.608)
Income per capita		1.513 (0.507)	1.179 (0.448)	1.309 (0.494)	−0.284*** (0.099)
BA or higher		0.75 (0.267)	0.587 (0.221)	0.578 (0.239)	0.12 (0.11)
Foreign-born population		1.811** (0.45)	1.401* (0.28)	1.368 (0.317)	0.071 (0.109)
State-citizen ideology		0.813* (0.1)	0.91*** (0.031)	0.954 (0.028)	−0.082** (0.039)
Republicans in legislature		0.959 (0.025)	0.955** (0.023)	0.962* (0.022)	−0.05* (0.025)
Foreign-affiliate employees		0.108* (0.133)			
Exports			0.606 (0.295)	0.694 (0.316)	0.154 (0.571)
Neighboring states		1.144 (0.784)	0.9 (0.846)	0.672 (0.647)	−0.777 (1.028)
1962 Act					2.239** (1.001)
Enactments		20	20	20	
Observations		355	355	355	355
Prob > χ^2		0.00	0.00	0.00	0.00

Models 5–8 are Cox proportional hazard models; hazards ratios are reported. Model 9 is a logit model with a cubic polynomial. Models 6–8 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. *$p < 0.10$; **$p < 0.05$; ***$p < 0.01$.

In Model 7, support for gay rights is also positively and significantly associated with the adoption of the 2005 Act. A culturally 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 Models 8 (Cox) and 9 (logit), cultural intolerance is measured as xenophobia toward immigrants. Consistent with our argument, in both models xenophobia is negatively associated with legal openness: where xenophobic sentiments run high, there is less appetite for enforcing foreign judgments, evident by a lower likelihood of enacting the 2005 Act. In Model 8, a one-point increase in anti-immigrant sentiment reduces the likelihood of enactment by 11%. Figure 3 plots the cumulative hazard of enactment at different levels of anti-immigrant sentiment: 41.2 (10th percentile), 50.4 (50th percentile), and 59.9 (90th percentile). As anti-immigrants sentiments intensify, there is weaker accumulation of the "risk" of enactment over time. Figure 4 paints a similar picture, based on Model 9, by plotting the predicted probability of enacting the 2005 Act at different levels of xenophobia. As hostility toward immigrants grows, so does the aversion to foreign judgments, expressed through a sharply declining probability of establishing a statute to facilitate enforcement. Model 9 also includes an additional control for the state's prior adoption of the 1962 Act which, as expected, positively correlates with the passage of the 2005 Act. This added control, however, does not affect the key result concerning the impact of cultural intolerance.

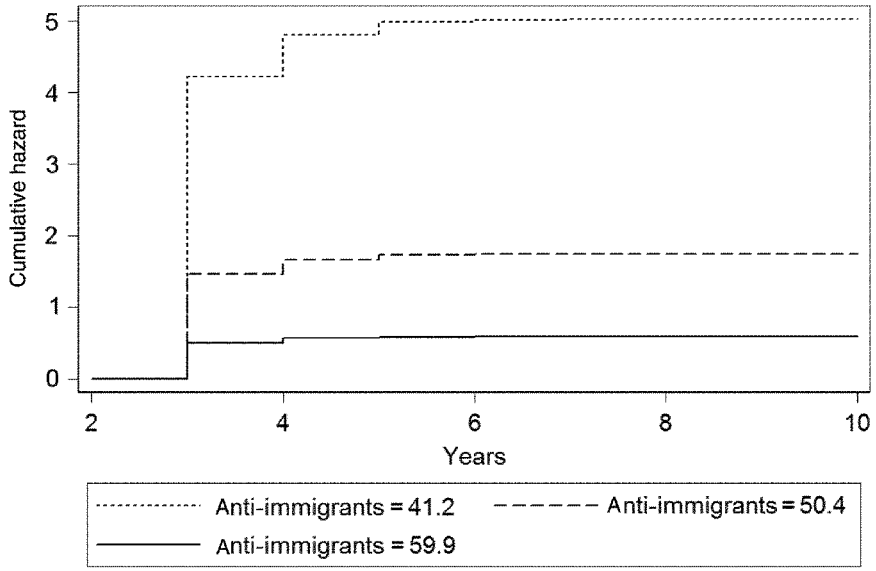

Figure 3: Cumulative Hazard of Enacting the 2005 Act at Different Levels of Anti-immigrant Sentiment.

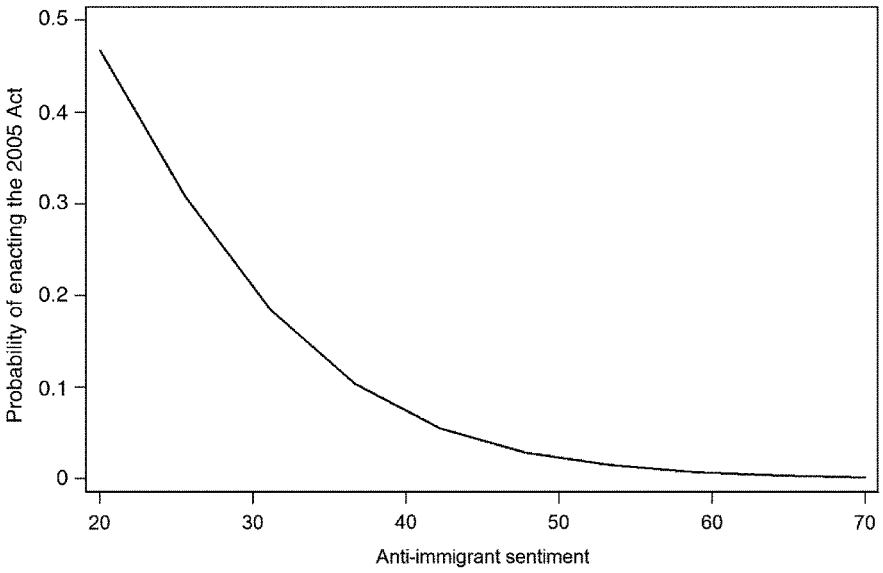

Figure 4: Predicted Probability of Enacting the 2005 Act at Different Levels of Anti-immigrant Sentiment.

Overall, the results for the three measures – international adoption, support for gay rights, and anti-immigrant sentiment – match those of the 1962 Act and conform with our cultural argument: An environment that is unwelcoming towards persons of foreign origin or culture is also unfriendly toward foreign judgments. Other possible rationales for the enactment of the 2005 Act receive little support. Similar to the 1962 Act, the 2005 Act does not follow a dynamic of diffusion across states: the passage of the Act by neighboring states does not increase the likelihood of its passage in one's state. Nor is there strong evidence for the economic logic of foreign-judgment enforcement, that is, enforcement as a means to facilitate international commercial activity. Our measures of international economic ties are weakly significant (foreign-affiliate employees) or not significant (exports). Cultural concerns – much more than economic motivations – seem to shape states' attitude toward judgments of foreign courts.

Indeed, one might criticize our results and argue that they do not capture aversion to foreign judgments as such. Perhaps they simply reflect hostility to the uniform acts, that is, the attempt to coordinate legislation across states. If this is the case, we should receive similar results for our cultural indicators when analyzing other uniform acts. We therefore ran the analysis for a different uniform act that is not concerned with foreign law: Uniform Child Abduction Prevention Act which addresses custody disputes and divorce proceedings in the United States where there is a risk that the child might be abducted by a parent. The child-abduction act was established in 2006, a year following the 2005 foreign-judgments act. By 2016, both acts were enacted by a similar number of states: 14 (child-abduction act) versus 20 (foreign-judgments acts). Yet our three cultural measures, which correlated with the enactment of the 2005 foreign-judgments act, do *not* correlate with the child-abduction act. This means that our results do not capture hostility to uniformity or to legislative coordination. Rather, they indicate the cultural concerns associated with openness to foreign law.

Conclusion

The study of xenophobia in the US legal system has thus far failed to reach conclusive findings. While some studies suggest, based on trial outcomes, that a bias against foreigners in American courts is real (Moore 2003; Bhattacharya, Galpin, and Haslem 2007), others warn that such evidence does not actually prove the existence of anti-foreign bias (Clermont and Eisenberg 2007). This study has taken another approach to this topic: rather than look at transnational litigation itself, we examine the laws governing it. Our analysis suggests that cultural attitudes indeed shape legislative policy as it relates to the interaction with foreign legal systems. Greater societal tolerance encourages legislators to adopt a more welcoming approach to foreign judgments and facilitate their enforcement. Where intolerance is rife, however, foreign judgments receive a less positive treatment. Hostility toward foreign people or cultures, our data show, correlates with aversion to foreign judgments and a reluctance to make their enforcement easy. In short, xenophobia in transnational litigation does exist – at least when it comes to the underlying legislative framework. That framework includes additional parts, beyond foreign-judgment enforcement, and future work may examine the generalizability of our findings to those parts as well.

This study also contributes to three additional bodies of literature. First, many scholars examine the relationship of law and society, seeking to identify the social and cultural origins and impact of legal norms (e.g. Eisenberg 1999; Tyler 2000; Ginsburg 2002; Licht, Goldschmidt, and Schwartz 2007; Licht 2008; Powell 2015; Verdier and Voeten 2015; Chilton and Versteeg 2016). This study shows that society's cultural attitudes may indeed shape legislation: Cultural openness within society allows the enactment of laws that are more favorable toward foreign legal influences. This finding should be of interest to those studying the relations between social norms and the law.

Second, this article advances the study of the globalization of law and judicial systems. Scholars of international law and international relations studying judicial globalization have tended to focus on a narrow set of questions related to constitutional cross-fertilization, also known as judicial dialogue, in which judges resort to foreign court decisions as a source of ideas and inspiration (Slaughter 2000; Waters 2005; Goodwin-Gill and Lambert 2013; Gelter 2014; Law 2015). Yet the practice of citing foreign rulings ultimately offers us limited insight into judicial globalization, since foreign law lacks an authoritative or binding effect on a court that cites it (Seipp 2006, 1440–1441). This study shifts focus to a more meaningful form of judicial globalization in which courts do not merely *cite* each other's decisions for inspiration or embellishment, but *enforce* each other's decisions. Studying foreign-judgment enforcement thus enhances and enriches our understanding of legal-system interaction in an age of interdependence. Furthermore, this study recasts crossborder judicial interaction as something that is not merely the purview of judges and judicial ideology. Instead, it highlights the ways in which jurisdiction and legal sovereignty are often bounded and shaped by cultural forces. We hope our study

will motivate scholars interested in judicial globalization to further examine foreign-judgment enforcement and other aspects of transnational litigation.

Third, our analysis advances the understanding of the cultural determinants of globalization. Recent work in political science has found that social attitudes influence individuals' thinking on trade and immigration (Mansfield and Mutz 2009, 2013; Hainmueller and Hiscox 2010; Margalit 2012). We add to this work by highlighting the ways in which socio-cultural influences affect not only the economic dimensions of globalization, but its legal dimensions as well. Furthermore, whereas existing work focuses on the cultural drivers of individual-level preferences, this study shows that cultural influences shape *policy*. Rules structuring the interaction with foreign legal systems are shaped by people's attitude toward cultural foreigners – a finding that carries special importance in the current era of rising nationalism worldwide.

Appendix A

Table 4: Descriptive Statistics.

	Obs.	Mean	Std. deviation	Minimum	Maximum
1962 Act	2150	0.31	0.46	0	1
2005 Act	500	0.21	0.41	0	1
Art museums	2150	3.74	5.17	0	31
Int'l child adoption	500	−10.05	0.85	−12.12	−5.3
Gay-rights support	500	55.34	7	38	68
Anti-immigrant sentiment	500	50.57	6.86	33.24	62.72
Population	2650	14.92	1.03	12.41	17.47
Income per capita	2650	27.11	7.58	9.02	52.37
High school or higher	2650	67.61	16.93	27.6	93.5
BA or higher	2650	17.34	7.75	4.8	41.2
Foreign-born population	2650	6.28	5.57	0.28	30.31
Citizen ideology	2650	47.82	16.49	0.96	95.97
Republicans in legislature	2597	42.68	18.94	0	88.57
Patents	2600	6.14	1.49	1.95	10.61
Exports	500	−2.72	0.54	−4.82	−1.35
Foreign-affiliate employees	500	−10.99	0.34	−12	−10.24
Neighboring states (1962 Act)	2100	0.32	0.29	0	1
Neighboring states (2005 Act)	450	0.2	0.28	0	1

Notes

1 159 US 113 (1895).
2 *Johnston v. Compagnie Generale Transatlantique*, 152 N.E. 121 (1926).
3 Preparatory Note of the 1962 Act. http://www.uniformlaws.org/shared/docs/foreign%20money%20judgments%20recognition/ufmjra%20final%20act.pdf.
4 http://www.uniformlaws.org/ActSummary.aspx?title=Foreign%20Money%20Judgments%20Recognition%20Act.
5 1962 Act, Sections 3 and 4.
6 http://www.uniformlaws.org/ActSummary.aspx?title=Foreign%20Money%20Judgments%20Recognition%20Act.
7 http://www.uniformlaws.org/ActSummary.aspx?title=Foreign-Country%20Money%20Judgments%20Recognition%20Act.
8 The Schoenfeld test reveals that some of the variables are inconsistent with the proportional-hazards assumption. For those variables, we include interaction terms with the natural log of time. See Box-Steffensmeier, Reiter, and Zorn (2003).
9 See, for example, the mission statement of the Peabody Essex Museum (http://www.pem.org/about/mission_vision).
10 https://www.aamd.org/our-members/members.
11 https://flintarts.org/about/about-the-fia.
12 http://jsma.uoregon.edu/about.
13 Annual international-adoption data are from US Department of State website. This variable is logged.
14 Source: Both are from the Bureau of Economic Analysis. Income per capita is in 2005 dollars, measured in thousands of dollars.
15 Source: Decennial Census and American Community Survey.
16 Source: Decennial Census and American Community Survey.
17 Source: Berry et al. (1998). We use the revised citizen ideology measure.
18 Source: Berry et al.'s State Ideology data.
19 Source: US Patent and Trademark Office. This variable is logged.

20 Source: Export data are from TradeStats Express (http://tse.export.gov/tse/tsehome.aspx); GDP data are from the Bureau of Economic Analysis. This variable is logged.
21 Source: Foreign-affiliate employment data are from the Bureau of Economic Analysis. This variable is logged.

References

Andersen, Robert, and Tina Fetner. 2008. "Economic Inequality and Intolerance: Attitudes toward Homosexuality in 35 Democracies." *American Journal of Political Science* 52 (4): 842–958.

Bailey, Michael. 2001. "Quiet Influence: The Representation of Diffuse Interests on Trade Policy, 1983–94." *Legislative Studies Quarterly* 26 (1): 45–80.

Bellinger, John B. III, and R. Reeves Anderson. 2014. "Tort Tourism: The Case for a Federal Law on Foreign Judgment Recognition." *Virginia Journal of International Law* 54 (3): 501–544.

Berry, Frances Stokes, and William D. Berry. 1990. "State Lottery Adoptions as Policy Innovations." *American Political Science Review* 84 (2): 395–415.

Berry, William D., Evan J. Ringquist, Richard C. Fording, and Russell L. Hanson. 1998. "Measuring Citizen and Government Ideology in the American States, 1960–93." *American Journal of Political Science* 42 (1): 327–348.

Bhattacharya, Utpal, Neal Galpin, and Bruce Haslem. 2007. "The Home Court Advantage in International Corporate Litigation." *Journal of Law and Economics* 50 (4): 625–659.

Borchers, Patrick J. 1992. "The Choice-of-Law Revolution: An Empirical Study." *Washington and Lee Law Review* 49: 357–384.

Born, Gary B., and Peter B. Rutledge. 2007. *International Civil Litigation in United States Courts.*, 4th ed. New York: Wolters Kluwer.

Born, Gary B., and Peter B. Rutledge. 2011. *International Civil Litigation in United States Courts.*, 5th ed. New York: Wolters Kluwer.

Box-Steffensmeier, Janet M., Dan Reiter, and Christopher Zorn. 2003. "Nonproportional Hazards and Event History Analysis in International Relations." *Journal of Conflict Resolution* 47 (1): 33–53.

Brand, Ronald A. 2013. "Recognition and Enforcement of Foreign Judgments." *University of Pittsburgh Law Review* 74: 491–549.

Burns, Peter, and James G. Gimpel. 2000. "Economic Insecurity, Prejudicial Stereotypes, and Public Opinion on Immigration Policy." *Political Science Quarterly* 115 (3): 201–225.

Burstein, Paul. 1991. "Policy Domains: Organization, Culture, and Policy Outcomes." *Annual Review of Sociology* 17: 327–350.

Butz, Adam M., and Jason E. Kehrberg. 2016. "Estimating Anti-immigrant Sentiment for the American States Using Multi-level Modeling and Post-stratification, 2004–2008." *Research & Politics* 3(2): 1–7.

Chao, Cedric, and Christine Neuhoff. 2001. "Enforcement and Recognition of Foreign Judgments in United States Courts." *Pepperdine Law Review* 29: 147–165.

Chilton, Adam S., and Mila Versteeg. 2016. "Do Constitutional Rights Make a Difference?" *American Journal of Political Science* 60 (3): 575–589.

Clermont, Kevin M., and Theodore Eisenberg. 1996. "Xenophilia in American Courts." *Harvard Law Review* 109: 1120–1143.

Clermont, Kevin M., and Theodore Eisenberg. 2007. "Xenophilia or Xenophobia in U.S. Courts? Before and After 9/11." *Journal of Empirical Legal Studies* 4 (2): 441–464.

Coenders, Marcel, and Peer Scheepers. 2003. "The Effect of Education on Nationalism and Ethnic Exclusionism: An International Comparison." *Political Psychology* 24 (2): 313–343.

Cuno, James. 2004. "The Object of Art Museums." In *Whose Muse? Art Museums and the Public Trust*, edited by James Cuno, 49–76. Princeton: Princeton University Press.

Efrat, Asif, David Leblang, Steven Liao, and Sonal S. Pandya. 2015. "Babies across Borders: The Political Economy of International Child Adoption." *International Studies Quarterly* 59: 615–628.

Eisenberg, Melvin A. 1999. "Corporate Law and Social Norms." *Columbia Law Review* 99 (5): 1253–1292.

Gelter, Martin and Mathias Siems 2014. "Citations to Foreign Courts—Illegitimate and Superfluous, or Unavoidable? Evidence from Europe." *American Journal of Comparative Law* 1: 35–85.

Ginsburg, Tom. 2002. "Confucian Constitutionalism? The Emergence of Constitutional Review in Korea and Taiwan." *Law and Social Inquiry* 27 (4): 763–799.

Goodwin-Gill, Guy S., and Helen Lambert. 2013. *The Limits of Transnational Law: Refugee Law, Policy Harmonization and Judicial Dialogue in the European Union*. Cambridge: Cambridge University Press.

Hagedoorn, John, and Myriam Cloodt. 2003. "Measuring Innovative Performance: Is There an Advantage in Using Multiple Indicators?" *Research Policy* 32 (8): 1365–1379.

Hainmueller, Jens, and Michael J. Hiscox. 2007. "Educated Preferences: Explaining Attitudes Toward Immigration in Europe." *International Organization* 61 (2): 399–442.

Hainmueller, Jens, and Michael J. Hiscox. 2010. "Attitudes Toward Highly Skilled and Low-skilled Immigration: Evidence from a Survey Experiment." *American Political Science Review* 104 (1): 61–84.

Hirschl, Ran. 2008. "The Judicialization of Mega-Politics and the Rise of Political Courts." *Annual Review of Political Science* 11: 93–118.

Hjerm, Mikael, and Kikuko Nagayoshi. 2011. "The Composition of the Minority Population as a Threat: Can Real Economic and Cultural Threats Explain Xenophobia?" *International Sociology* 26 (6): 815–843.

Johnson, Kevin R. 1996. "Why Alienage Jurisdiction? Historical Foundations and Modern Justifications for Federal Jurisdiction over Disputes Involving Noncitizens." *Yale Journal of International Law* 21: 1–66.

Kelley, Judith G., and Jon C. W. Pevehouse. 2015. "An Opportunity Cost Theory of US Treaty Behavior." *International Studies Quarterly* 59 (3): 531–543.

Kulzer, Barbara 1968. "Recognition of Foreign Country Judgments in New York: The Uniform Foreign Money-Judgments Recognition Act." *Buffalo Law Review* 18: 1–51.

Law, David S. 2015. "Judicial Comparativism and Judicial Diplomacy." *University of Pennsylvania Law Review* 163: 927–1036.
Lax, Jeffrey R., and Justin H. Phillips. 2009. "Gay Rights in the States: Public Opinion and Policy Responsiveness." *American Political Science Review* 103 (3): 367–386.
Licht, Amir N. 2008. "Social Norms and the Law: Why Peoples Obey the Law." *Review of Law and Economics* 4 (3): 715–750.
Licht, Amir N., Chanan Goldschmidt, and Shalom H. Schwartz. 2007. "Culture Rules: The Foundations of the Rule of Law and Other Norms of Governance." *Journal of Comparative Economics* 35 (4): 659–688.
Lindblad, Frank, and Sonja Signell. 2008. "Degrading Attitudes Related to Foreign Appearance: Interviews with Swedish Female Adoptees from Asia." *Adoption & Fostering* 32 (3): 46–59.
Mansfield, Edward D., and Diana C. Mutz. 2009. "Support for Free Trade: Self-Interest, Sociotropic Politics, and Out-Group Anxiety." *International Organization* 63 (3): 425–457.
Mansfield, Edward D., and Diana C. Mutz. 2013. "US versus Them: Mass Attitudes Toward Offshore Outsourcing." *World Politics* 65 (4): 571–608.
Margalit, Yotam. 2012. "Lost in Globalization: International Economic Integration and the Sources of Popular Discontent." *International Studies Quarterly* 56: 484–500.
Martin, Lisa L. 2005. "The President and International Commitments: Treaties as Signaling Devices." *Presidential Studies Quarterly* 35 (3): 460–465.
McClellan, Andrew. 2008. *The Art Museum from Boullée to Bilbao*. Berkeley, CA: University of California Press.
Michaels, Ralf. 2009. Recognition and Enforcement of Foreign Judgments. In *Max Planck Encyclopedia of Public International Law*, Vol. 8, edited by Rüdiger Wolfrum. New York: Oxford University Press.
Mintrom, Michael, and Sandra Vergari. 1998. "Policy Networks and Innovation Diffusion: The Case of State Education Reforms." *Journal of Politics* 60 (1): 126–148.
Mohanty, Jayashree, and Christina Newhill. 2006. "Adjustment of International Adoptees: Implications for Practice and a Future Research Agenda." *Children and Youth Services Review* 28 (4): 384–395.
Moore, Kimberly A. 2003. "Xenophobia in American Courts." *Northwestern University Law Review* 97 (4): 1497–1550.
Ostapczuk, Martin, Jochen Musch, and Morten Moshagen. 2009. "A Randomized-Response Investigation to the Education Effect in Attitudes Toward Foreigners." *European Journal of Social Psychology* 39: 920–931.
Perez, Antonio F. 2001. "The International Recognition of Judgments." *Berkeley Journal of International Law* 19: 44–89.
Powell, Emilia Justyna. 2015. "Islamic Law States and the Peaceful Resolution of Territorial Disputes." *International Organization* 69 (4): 777–807.
Quintanilla, Marcus S., and Christopher A. Whytock. 2012. "The New Multipolarity in Transnational Litigation: Foreign Courts, Foreign Judgments, and Foreign Law." *Southwestern Journal of International Law* 18: 31–49.
Rightmyer, Robert. 1999. "Accrual of Time for Statute of Limitations Purposes on Foreign (Country) Money Judgments." *University of Miami Business Law Review* 7: 375–390.
Seipp, David J. 2006. "Our Law, Their Law, History, and the Citation of Foreign Law." *Boston University Law Review* 86: 1427–1446.
Slaughter, Anne-Marie. 2000. "Judicial Globalization." *Virginia Journal of International Law* 40: 1103–1124.
Solimine, Michael E. 1989. "An Economic and Empirical Analysis of Choice of Law." *Georgia Law Review* 24: 49–93.
Thiel, Stuart E. 2000. "Choice of Law and the Home-Court Advantage: Evidence." *American Law and Economics Review* 2 (2): 291–317.
Thomson, William, and Perlette Jura. 2011. *Confronting the New Breed of Transnational Litigation: Abusive Foreign Judgments*. Washington, DC: U.S. Chamber Institute for Legal Reform.
Toobin, Jeffrey. 2008. *The Nine: Inside the Secret World of the Supreme Court*. New York: Anchor Books.
Tyler, Tom R. 2000. "Multiculturalism and the Willingness of Citizens to Defer to Law and to Legal Authorities." *Law and Social Inquiry* 25 (4): 983–1019.
Verdier, Pierre-Hugues, and Erik Voeten. 2015. "How Does Customary International Law Change? The Case of State Immunity." *International Studies Quarterly* 59 (2): 209–222.
Wasserstein-Fassberg, Celia. 2013. *Private International Law*, vol. I. Jerusalem: Nevo.
Waters, Melissa A. 2005. Mediating Norms and Identity: The Role of Transnational Judicial Dialogue in Creating and Enforcing International Law. *Georgetown Law Journal* 93: 487–574.
Whytock, Christopher A. 2009. "Myth or Mess? International Choice of Law in Action." *New York University Law Review* 84: 719–790.
Whytock, Christopher. 2014. "Faith and Skepticism in Private International Law: Trust, Governance, Politics, and Foreign Judgments." *Erasmus Law Review* 7: 113–124.