



# *AmericasBarometer* Insights: 2011

Number 54

## What Determines Trust in the Supreme Court in Latin America and the Caribbean?

By Arturo Maldonado  
[arturo.maldonado@vanderbilt.edu](mailto:arturo.maldonado@vanderbilt.edu)  
Vanderbilt University

**Executive Summary.** This AmericasBarometer *Insights Series* report examines the determinants of trust in the Supreme Court in Latin America and the Caribbean. The results show that trust in the Court is strongly related to the performance of the president. This close relationship suggests that individuals do not perceive the judicial and executive branches as entirely independent. Further, I find that citizens' economic evaluations are positively related to trust in the Court. Finally, negative experiences with crime and corruption erode trust in the Supreme Court.

*The Insights Series presents short reports on topics of interest to the policymaking and academic communities. The series is co-edited by Mitchell A. Seligson, Amy Erica Smith, and Elizabeth J. Zechmeister with administrative, technical, and intellectual support from the LAPOP group at Vanderbilt.*

[www.AmericasBarometer.org](http://www.AmericasBarometer.org)

How much do people trust the Supreme Court across the Americas? As the most prominent institution within the judicial branch, the Court can play an important role in issues of law and rights that affect the lives of individual citizens. Yet, the study of Latin American and Caribbean public opinion toward the courts is a relatively neglected research area. Drawing on the comparatively large body of research focused on the U.S. context<sup>1</sup>, I propose that trust in the Supreme Court ought to be related to evaluations of the executive, economic assessments, and experiences with crime and corruption. As I will show, each of these factors predicts trust in the Supreme Court in Latin America and the Caribbean.

Thus, this report in the *AmericasBarometer Insights Series* compares public trust in the Supreme Court<sup>2</sup> across the Americas, and then examines the roles of socio-economic, demographic, and other variables in explaining this attitude.<sup>3</sup> Data come from the 2010 round of the AmericasBarometer surveys by the Latin American Public Opinion Project (LAPOP).<sup>4</sup> In

<sup>1</sup> Research focused on the U.S. case discusses, for instance, how the Supreme Court affects public opinion (Caldeira 1986; Flemming, et. al. 1997; Hoekstra and Segal 1996; Johnson and Martin 1998) and how the public shapes the Court's decisions (Mishler and Sheenan 1993; Norpoth and Segal 1994; McGuire and Stimson 2004). With respect to Latin America, scholars have focused on the independence of the judicial sector (Verner 1984; Larkins 1996) and judicial reform (Dakolias 1996; Domingo 1999).

<sup>2</sup> I will use Supreme Court as a general name for the higher institution within the judicial branch, knowing that this institution has other names in some countries, such as High Court in Guyana or Federal Supreme Court in Brazil. In some countries, like Peru and to some extent Chile, the constitutional court is a separate and autonomous institution, whereas in the rest of Latin America, it is part of the Supreme Court (Navia and Rios-Figueroa 2005). For details see:

<http://pdba.georgetown.edu/Comp/Judicial/Suprema/suprema.html>

<sup>3</sup> Prior issues in the *Insights* series can be found at: <http://www.vanderbilt.edu/lapop/insights.php>. The data on which they are based can be found at <http://www.vanderbilt.edu/lapop/datasets>.

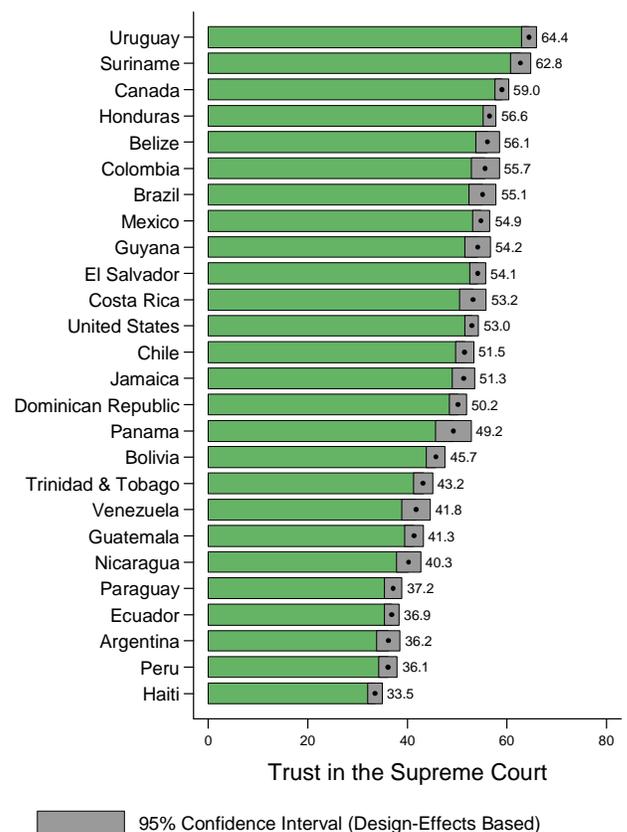
<sup>4</sup> Funding for the 2010 round mainly came from the United States Agency for International Development (USAID). Important sources of support were also the Inter-American Development Bank (IADB), the United Nations Development Program (UNDP), and Vanderbilt University.

this round a total of 43,990 persons were asked the following question on a scale from 1 to 7, where "1" represents "Not at all" and "7" "A lot." This variable was later recalibrated on a 0-100 scale.

**B31.** To what extent do you trust the Supreme Court?<sup>5</sup>

Figure 1 presents mean levels of trust in each country. Uruguay and Suriname are at the top of this comparative ranking, while Haiti, Peru and Argentina are at the bottom. The figure shows great variation in mean levels of trust in the Supreme Court across countries. The difference between the country at the top (Uruguay) and the country at the bottom (Haiti) is 31 points. Considering all 26

**Figure 1. Trust in the Supreme Court, 2010**



Source: AmericasBarometer by LAPOP

<sup>5</sup> Non-response was 5.12% for this question across the sample as a whole.

countries, 15 have average levels of trust that exceed 50 points; in other words the average citizen in these countries is positively disposed toward trusting this institution. Interestingly, Costa Rica, the United States, and Chile are located in the middle of the ranking, around the 50-point position on the scale, whereas by other measures these judicial branches are considered the best developed in the region (Verner, 1984).

To what extent are individuals' attitudes toward the Supreme Court explained by their characteristics, evaluations, and experiences? The next sections take up this question.

## Trust in the Supreme Court by Socio-Demographic Groups

I first test the explanatory power of selected socio-economic and demographic variables in predicting trust in the Supreme Court in Latin America and the Caribbean.<sup>6</sup> I consider the following variables: education, age (coded in number of years), gender, wealth, racial self-identification, and urban/rural residence. All variables are standardized for ease of comparison. Dots represent the estimated effect of each variable, while the horizontal bars represent 95% confidence intervals for those effects. We can be at least 95% confident that a given effect is statistically significant if its confidence interval does not cross the vertical axis at 0. Effects to the left of the vertical axis are negative; ones to the right are positive.

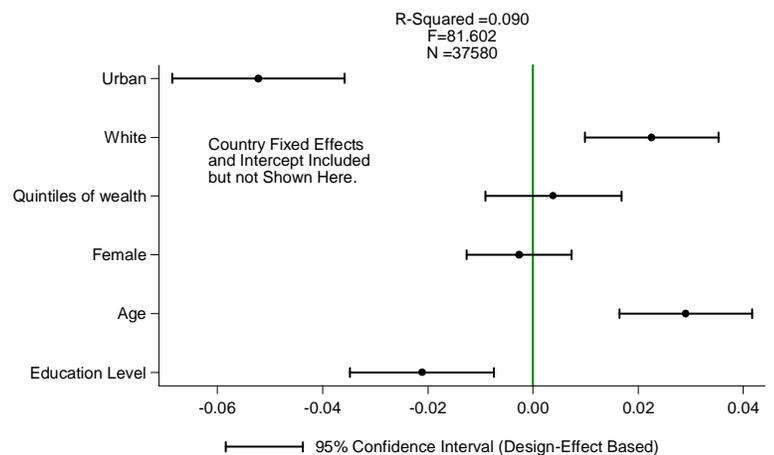
Figure 2 shows the results for a linear regression model that examines the relationship between these factors and trust in

<sup>6</sup> I exclude the USA and Canada, because some of these questions were not asked in these countries, and because the focus of this report is on Latin America and the Caribbean.

the Supreme Court. The results indicate that four out of the six variables included are statistically significant. Specifically, the less educated, the older, those who self-identify as white, and urban dwellers have more trust in the Supreme Court. Conversely, there is no significant difference between men and women in their trust in the judicial branch, and there is also no significant effect detected for the quintiles of wealth indicator.

Socio-economic and demographic variables explain some, but far from all of the variation in trust in the Supreme Court. Thus, in the next section I add to this model by considering the predictive power of individuals' evaluations and experiences.

**Figure 2. The Impacts of Demographic Factors on Trust in the Supreme Court, 2010**



Source: AmericasBarometer by LAPOP

## Predicting Trust in the Supreme Court with Political Evaluations, Economic Assessments, and Experiences with Crime and Corruption

Among a variety of factors that have been identified as potentially important for

predicting trust in the Supreme Court in the U.S. I selected the following: presidential popularity, economic performance, and experiences related to security. Given the dominance of the executive and the salience of economic and security issues in many countries, I consider these as likely predictors of trust in the court. Below I justify and describe the independent variables used to assess these relationships.

With respect to presidential popularity, as research on the independence of the Supreme Court in Latin America indicates, this institution is traditionally subordinate to the executive in some countries (Verner, 1984; Navia and Ríos-Figueroa, 2005). As such, the courts are seen as part of the ruling coalition, and support for these institutions may move hand-in-hand (Caldeira 1986, p. 1214). To assess this possibility, I include a measure of presidential approval.<sup>7</sup>

With respect to economic conditions, while the “court has no direct impact on economic evaluations” (Caldeira 1986, p. 1214), bad economic times could affect support for this institution. I test this hypothesis at the micro level using perceptions of the personal economic situation<sup>8</sup> and of the national economic situation.<sup>9</sup> Higher values on these

variables indicate better perceptions of the economic situation.

With respect to security experiences, I examine indicators related to both crime and corruption. Negative experiences in these realms may indicate failures within the judicial branch (see, e.g., Caldeira 1986, p. 1216). Thus, I hypothesize that being victimized by crime<sup>10</sup> and corruption<sup>11</sup> will be associated with lower levels of trust in the Supreme Court.

Do characteristics of judiciaries themselves affect support for these institutions? One may suspect that country-level factors such as Supreme Courts’ independence, autonomy, and visibility all help to explain variation among countries in support. As a preliminary step to assess such institutional explanations, I include dummy variables for each country. These country fixed effects are not shown in the figure for the sake of presentation.

Figure 3 presents the results of the new analysis. In the first place, the results show that presidential approval has the largest effect on judicial trust among this set of variables. Thus, it appears that in Latin America and the Caribbean, support for the executive and for the Court do indeed move in tandem. The substantive effect is overwhelmingly strong in comparison to the other variables.

I also find that evaluations of one’s personal economic situation and the national economic situation are significant, and in the expected direction. Those who perceive these economic situations poorly express lower trust in the Court. Finally, the results suggest that victimization by crime and corruption erodes

---

<sup>7</sup> M1: “Speaking in general, of the current administration/government, how would you rate the job performance of (Name of the president/Majority party in parliamentary countries)?” While differences exist across system types, this question taps approval of the sitting administration in both presidential and parliamentary systems.

<sup>8</sup> This variable is an index created from IDIO1 and IDIO2 (alpha=0.46). These variables gauge the retrospective and the current evaluation of the personal economic situation, and they were recoded on a 0-100 scale so that the final index also runs along this interval. I also ran a regression with each of these variables independently and the results are similar.

<sup>9</sup> This variable is an index created from SOCT1 and SOCT2. These variables also tap the retrospective and current evaluation of the national economic situation, and they were recoded in the same way as the previous index. I also ran a regression with each of these variables independently and found similar results.

---

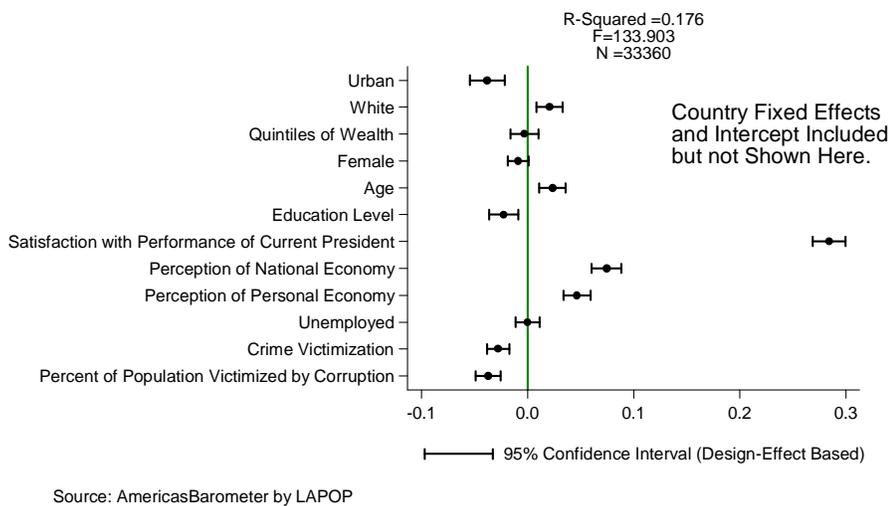
<sup>10</sup> VIC1: Have you been victim of any type of crime in the past 12 months? This question was recalibrated on a 0-100 scale.

<sup>11</sup> Corruption is measured through a dichotomous variable that gauges whether respondents have been victimized by corruption at least once and is based on a series of questions asking whether the respondent has been asked for bribes in a number of public settings.

## Discussion

As mentioned at the beginning, public opinion toward Latin American and Caribbean courts is a relatively neglected research area, but also a fertile one. Scholars have mostly focused their attention on levels of judicial autonomy with respect to the executive within this region. This *Insights report* shows that people strongly relate their approval of the executive to their trust in the Court. This is consistent with the notion that, in the public's perception, the judicial institution is subordinate to the executive branch.

**Figure 3. The Impact of Demographic and Political Factors on Trust in the Supreme Court, 2010**



support for the judicial branch, represented here by the Supreme Court.

It is noteworthy that these results differ from the conclusions drawn by Caldeira (1986). In the U.S. case, Caldeira does not find significant effects of the economy, measured by inflation, or of crime measured at the aggregate level.<sup>12</sup> In contrast, in the Latin American and Caribbean context, these variables (measured at the individual level and also including corruption experiences) play important roles in explaining trust in the Supreme Court. Presidential popularity reaches statistical significance in both models.

I also test these findings by running separate regression in each country. The results follow the general trend for the economic and political factors discussed here.<sup>13</sup>

<sup>12</sup> Though the coefficient for inflation does not achieve standard levels of statistical significance in Caldeira's (1986) model ( $p < .23$ ), he concludes that inflation does have a substantively important effect on support for the U.S. Supreme Court.

<sup>13</sup> The results for education and age show notable differences by country. For instance, in South America, Peru, Paraguay, Ecuador, and Bolivia display negative

If separation of powers is one of the fundamental characteristics of a modern democratic regime, it may be desirable that people make independent evaluations of each branch of government. In other words, one might expect institutional separation of powers to be mirrored within public opinion as distinct evaluations of each political institution. To the degree that this is not the case, it could be that separation of powers is not achieved to the fullest degree possible or that the public, at least, does not perceive the Supreme Court as a completely autonomous agency.

coefficients for education and age. At the same time, these countries have low trust in the Supreme Court. On the other side, models for Argentina, Brazil, Uruguay, Chile, and Colombia all present positive coefficients for education and age; and they have high trust in the Court (except for Argentina). In sum, in countries with the lowest levels of trust in the Supreme Court, the most educated and older people are those who have least trust in the judicial branch. Conversely, in countries with highest support for the Supreme Court, the most educated and the older are those who most strongly support this institution.

I also find that people's evaluations of the economy affect their trust in the Court. The results suggest that people apply economic evaluations not only to the executive branch (Downs 1957; Fiorina 1981), but also to the judicial branch.

In addition, in the Latin American and Caribbean region, corruption and crime play a significant role in explaining trust in the Supreme Court. These problems are directly relevant to the job of the judicial branch. In this case, then, individuals are clearly applying germane performance evaluations to their assessments of trust in the Court. This finding suggests an opportunity for courts seeking to improve their public images. If the judicial branch achieves better results in the struggle against corruption and crime, there are likely to be positive returns with respect to the amount of trust the public places in the Court.

The Court is a principal representative and arbiter of the rule of law in a democracy. Further, in the Latin American region, it is an institution that has been undermined by military dictatorships in the past (Larkins 1996) and, in some countries at least, is currently threatened by political actors who seek to limit checks and balances among and across branches and levels of government. Therefore, research regarding public opinion toward the judicial branch in general, as well as the Supreme Court in particular, is important due to both the current and historical relevance of this branch to democratic politics.

#### REFERENCES

Caldeira, Gregory. 1986. "Neither the Purse nor the Sword: Dynamics of Public Confidence in the Supreme Court." *The American Political Science Review*, Vol. 80, No 4, pp. 1209-1226.

Dakolias, Maria. 1996. "The Judicial Sector in Latin America and the Caribbean: Elements of Reform". World Bank Technical Papers Number 319. The World Bank. Washington D.C.

Downs, Anthony 1957. *An Economic Theory of Democracy*. New York: Harper and Row.

Domingo, Pilar. 1999. "Judicial Independence and Judicial Reform in Latin America" in Schedler, Andreas et. al. *The Self Restrained State: Power and Accountability in New Democracies*. Lynne Rienner Publishers. London, UK.

Fiorina, Morris. 1981. *Retrospective Voting in American National Elections*. New Haven: Yale.

Flemming, Roy B. and B. Dan Wood. 1997. "The Public and the Supreme Court: Individual Justice Responsiveness to American Policy Moods." *American Journal of Political Science*, Vol. 41, No 2, pp. 468-498.

Hoekstra, Valerie J. and Jeffrey A. Segal. 1996. "The Shepherding of Local Public Opinion: The Supreme Court and Lamb's Chapel." *The Journal of Politics*, 58: 1079-1102.

Johnson, Timothy R. and Andrew D. Martin. 1998. "The Public's Conditional Response to Supreme Court Decisions." *American Political Science Review*, Vol. 92, No. 2, pp. 209-309.

Larkins, Christopher M. 1996. "Judicial Independence and Democratization: A Theoretical and Conceptual Analysis." *The American Journal of Comparative Law*, Vol. 44, No. 4, pp. 605-626.

McGuire, Kevin T. and James A. Stimson. 2004. "The Least Dangerous Branch Revisited: New Evidence on Supreme Court Responsiveness to Public Preferences." *Journal of Politics*, Vol. 66, Issue 4, pp. 1018-1035.

Mishler, William and Reginald S. Sheehan. 1993. "The Supreme Court as a Countermajoritarian Institution? The Impact of Public Opinion on Supreme Court Decisions." *The American Political*

- Science Review*, Vol. 87, No. 1, pp. 87-101.
- Navia, Patricio and Julio Ríos-Figueroa. 2005. "The Constitutional Adjudication Mosaic in Latin America." *Comparative Political Studies*, 38: 189-217.
- Norpoth, Helmut and Jeffrey A. Segal. "Comment: Popular Influence on Supreme Court Decisions." *American Political Science Review*, Vol. 88, No. 3, pp. 711-716.
- Verner, Joel G. 1984. "The Independence of Supreme Courts in Latin America: A Review of the Literature." *Journal of Latin American Studies*, Vol. 16, Issue 2, pp. 463-506.

## Appendix

Appendix Table 1. Ordinary Least Squares Model of Trust in the Supreme Court (Design Effect Adjusted)<sup>14</sup>

	Coefficient	t-value
Victimization by Corruption	-.040*	-6.09
Victimization by Crime	-.028*	-5.16
Unemployed	-.001	.02
Perception of Personal Economy	.047*	7.14
Perception of National Economy	.074*	10.46
Satisfaction with Perf. of Current President	.284*	36.16
Education Level	-.022*	-3.20
Age	.024*	3.69
Female	-.009	-1.7
Quintiles of Wealth	-.003	-0.42
White	.021*	3.29
Urban	-.038*	-4.54
Mexico	0.002	0.3
Guatemala	-0.08*	-10.12
El Salvador	-0.04*	-5.26
Honduras	-0.022*	-3.31
Nicaragua	-0.092*	-9.54
Costa Rica	-0.044*	-4.3
Panama	-0.076*	-5.54
Colombia	-0.033*	-3.22
Ecuador	-0.19*	-19.21
Bolivia	-0.115*	-9.66
Peru	-0.1*	-12.09
Paraguay	-0.146*	-19.08
Chile	-0.056*	-6.43
Brazil	-0.065*	-5.87
Venezuela	-0.076*	-8.2
Argentina	-0.095*	-11.53
Dominican Republic	-0.044*	-5.54
Haiti	-0.065*	-6.57
Jamaica	0.013	1.23
Guyana	-0.027*	-2.78
<i>Number of Observations</i>	33,360	
<i>R-squared</i>	0.174	
<i>F</i>	134.02	

Note: Coefficients from weighted linear regression are significant at \*p< .05.

<sup>14</sup> Uruguay is the country of reference.