A diffuse support deficit renders democratic institutions ineffective. Courts are uniquely dependent on the public’s support. Without it, they are relegated to impotence and irrelevance. Existing studies suggest that the U.S. Supreme Court is unique in its ability to inspire widespread diffuse support (institutional legitimacy) and that courts throughout the Americas lack institutional legitimacy. We show that, though Latin American courts do not inspire the public’s trust, they are viewed as legitimate by their constituents. Further, we show this is an important distinction, both theoretically and empirically. Relying on data from twenty-one countries throughout the Western hemisphere, we demonstrate that the correlates of trust and legitimacy are starkly different, lending important insights into the origins of public support for judicial institutions in Latin America, many of which challenge assumptions advanced by scholars of the U.S. Supreme Court.
A fundamental principle of representative democracy is the public’s support for political institutions (Easton 1965). Not only are political institutions meant to respond to the preferences of “the people” in democratic systems of government, but institutions must be considered legitimate by their constituents in order to serve their intended function. Legitimacy enables institutions to secure implementation, acceptance, acquiescence and compliance, even when the institution’s decisions are unfavorable to those most acutely affected by them (Caldeira and Gibson 1992). The question of public buy-in is of utmost important for courts, whose lack of resources to coerce or incentivize compliance with their decisions implies they must foster an environment of voluntary compliance. That institutional legitimacy is necessary for courts around the world suggests that understanding variation in judicial legitimacy is essential for a full understanding of the role that high courts play in politics and governance worldwide (Gibson, Caldeira and Baird 1998; Walker 2016).

In the United States, diffuse support for the U.S. Supreme Court is generally high and has been stable—at least at the aggregate level—over time (Gibson 2007). For decades, scholars have documented the widespread public support for the U.S. Supreme Court (Dolbeare and Hammond 1968; Murphy and Tanenhaus 1968; Kessel 1966; Caldeira and Gibson 1992), drawing contrast not only to other domestic institutions (e.g. Hibbing and Theiss-Morse 1995, 2001) but to other high courts around the world (Gibson, Caldeira and Baird 1998; Gibson 2007).

Yet outside the U.S. separation of powers system, public support for high courts is not widespread. Gibson, Caldeira and Baird (1998) suggested that the U.S. Supreme Court was an anomaly compared to constitutional courts across Western Europe: publics throughout Western European nations generally viewed their national high courts with caution.

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1 For a review of legitimacy, see Tyler (2006).
and skepticism. Outside of Western Europe, the picture is even more bleak: scholars and politicians alike are quick to characterize courts throughout the Americas as generally failing to inspire public confidence and therefore wholly lacking in legitimacy. Among politicians and would-be reformers, this fact is cited as a motivation to tinker with, vilify, or overhaul judicial institutions (Prillaman 2000; Domingo 2004; Hammergren 2007; Helmke 2010a, 2010b, 2017; Kapiszewski 2012). For outside observers, this low level of public support provides prima facie evidence of courts’ institutional impotence, inefficacy, and lack of institutional capacity (Prillaman 2000; Domingo 2004; Helmke 2010a; Helmke and Ríos-Figueroa 2011). Gibson (2007) summarized this corpora of research claiming that “in comparison to other national high courts, the U.S. Supreme Court enjoys an extraordinarily wide and deep ‘reservoir of goodwill’—only a handful of institutions have support percentages approaching those of the American court” (522).

We argue that this conventional wisdom regarding the public’s support for the high courts of the Americas is misplaced. Specifically, we demonstrate that the source of this broad misconception is the frequent use of the judicial trust and confidence measure from public opinion surveys, which is often the only cross-sectional time-series metric available to researchers. However, we demonstrate that, as in the case of the United States (Gibson, Caldeira and Spence 2003a), confidence in the judiciary correlates highly with relatively short-term evaluations not only of the court, but also the government and broader political environment. By contrast, our analysis of an institutional loyalty measure—similar to one identified by scholars as an appropriate measure institutional legitimacy—is only weakly related to short-term evaluations but more strongly correlated to respondents’ democratic (and autocratic) values. Contrary to findings in the U.S. case, but consistent with other cross-national research, we find little evidence that increased awareness of high courts fosters public support in Latin America. We conclude with a discussion of the implications of this research for future endeavors and make our case for more careful measurement of
these critical concepts in future projects.

I. Conceptualizing Support for Political Institutions

Without public buy-in, political institutions are unable to implement their decisions or achieve voluntary compliance, which risks rendering them impotent. Easton (1965) famously identified two sorts of public support for democratic institutions, differentiating between diffuse support and specific support.

Easton (1965) described diffuse support as forming a “reservoir of favorable attitudes or good will that helps members to accept or tolerate outputs to which they are opposed or the effect of which they see as damaging to their wants” (273). Beyond support that might result from agreement with institutional decisions or a strictly instrumental calculus, diffuse support represents a willingness to accept and acquiesce to institutional authority, even with in the face of disagreement with a particular institutional output or policy.2 Legitimacy is enduring and long-term—it may take considerable time to accumulate. But, once in place, it is relatively immune from short-term disturbances (Gibson, Caldeira and Spence 2003a). Indeed, institutional legitimacy enables high courts to enact policies that may be controversial; once institutional legitimacy is in place, the public will respect the court’s authority to decide, irrespective of the outcome of a particular case. In empirical research, scholars often query the public about the extent to which they support a variety of efforts to undermine a high court’s institutional integrity—whether they would support a reduction in the high court’s jurisdiction, the removal of judicial authorities from office, whether the institutional independence of a court should be curtailed, or whether the courts should be done away with entirely (Gibson, Caldeira and Spence 2003a). The logic that undergirds this battery of questions is the notion that institutional commitment—a

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2 As is common in this literature, we use the term diffuse support interchangeably with “legitimacy,” “commitment,” or “fealty.”
willingness to support the institution as it is, or an intolerance for fundamental changes thereto—represents the sort of diffuse support and institutional legitimacy that Easton famously described.

Specific support, by contrast, refers to performance satisfaction. Specific support for an institution increases when an individual agrees with an institution’s outputs, and it declines in the face of disagreement with an institution’s decisions. Specific support therefore refers to shorter-term agreement or disagreement with a political institution’s outputs (Easton 1965; Caldeira and Gibson 1992). Empirically, scholars include questions on public opinion surveys that tap into their approval of a high court’s decisions, the extent to which they view the Court as being “too liberal”, “too conservative”, or “about right,” or their general perception of the job performance of a judicial institution overall (Gibson, Caldeira and Spence 2003a).

Though the empirical study of diffuse support for the U.S. Supreme Court is in the midst of a renaissance (Christenson and Glick 2015; Bartels and Johnston 2013; Armaly 2017), institutional legitimacy as Easton originally defined it is less often the explicit object of study in research outside of the U.S. case. The most well-known consideration of diffuse support for national courts is Gibson, Caldeira and Baird (1998), who analyzed public opinion survey data on citizens’ evaluation of national judicial institutions in 19 European countries and the United States. Including a battery of questions tapping into respondents’ agreement with specific decisions as well as their willingness to tolerate fundamental changes to the judiciary’s institution, Gibson, Caldeira and Baird (1998) conclude that, though many Europeans approve of their national high courts, the United States Supreme Court generally enjoys more institutional fealty than its European counterparts.

Recent work by Walker (2016) also draws the conceptual and empirical distinction between diffuse and specific support, showing that judicial independence fosters both specific and diffuse support for the national judiciaries of Latin America, though the effect is par-
tially conditioned by the extent to which liberal democracy is fully entrenched. Not only does this distinguish between specific and diffuse support, but Walker integrates insights from the literatures on democratic values and support for democratic regimes with those on institutional explanations and judicial independence.\(^3\)

Far more common is research that explores the correlates of public trust or confidence in national high courts available in survey data around the world \cite{Benesh2006, Helmke2010a, Salzman2013, Cakir2016, Buhrmann2011, Liu2012, Malone2018, Moehler2006, Voeten2013}. Salzman and Ramsey (2013) consider cross national variance in public confidence in Latin American judiciaries, assessing how both judicial performance and corruption can undermine the public’s evaluation thereof. Similarly, \citet{Cakir2016} analyze public support for the judiciary writ large in a larger sample of countries, and report that confidence in the judiciary is inversely related to various metrics of political sophistication in consolidating democracies, but positively related in consolidated democracies.

While this research lends important theoretical insights into the foundations of public support for courts, Easton’s distinction between the two conceptual dimensions of institutional support—much less their empirical differentiation—is rarely considered directly.\(^3\)

\(^3\)Though Walker distinguishes between specific and diffuse in his analysis, his measure of Diffuse Support is a composite measure of both the institutional fealty measure and a measure of citizens’ willingness to tolerate non-compliance with the Supreme Courts’ decisions. Though these two measures are statistically related, they are conceptually distinct \cite{Easton1965, Easton1975, Gibson1998}. Moreover, because the measure for compliance is an 8-point scale, and the measure for Diffuse Support a dichotomy, the bulk of the variance in Walker’s measure is attributable to the variability in citizens’ opinions with respect to (non)compliance, as opposed to institutional commitment.
Though cross-national researchers are often constrained by data availability, analyses of institutional confidence measures are often interpreted as measures of institutional legitimacy (Helmke 2010a, 2017; Kapiszewski 2012; Salzman and Ramsey 2013; Çakir and Şekercioğlu 2016). While the focus on institutional trust is understandable given the lack of adequate data and measures, this interpretation is all the more troubling in light of the work of Gibson, Caldeira and Spence (2003a), who demonstrate that measures of institutional trust or confidence are more closely related to short-term satisfaction with the political regime than to diffuse support. Specifically, Gibson, Caldeira and Spence (2003a) decompose the variance in the “confidence” measures in public opinion surveys, considering questions that differentiated short- (specific) and long-term (diffuse) measures of institutional support. They report that confidence measures are strongly correlated with performance satisfaction and approval of the political regime, though only weakly related to diffuse support. What is more, many respondents who were openly untrusting of the Supreme Court were nevertheless willing to ascribe institutional legitimacy, and were unwilling to tolerate changes to the national high court. The authors caution that “low levels of confidence should certainly not be interpreted as indicating low institutional legitimacy” (361). Instead, “[c]onfidence thus seems to reflect to some considerable degree what we think of as specific support” (364).\footnote{For additional discussion of the “confidence” measure in the U.S. setting, see Ura (2014).} Taken together, this suggests that many inferences drawn about the legitimacy of high courts throughout the Americas warrant reconsideration.

II. Theoretical Correlates of Diffuse and Specific Support

Given that diffuse and specific support are conceptually different concepts, we expect their empirical correlates to also differ. We are guided in our expectations by the rich body
of literature on institutional support for the U.S. Supreme Court. Our analysis of public support for Latin American high courts represents a major departure from the existing literature on the topic which, as discussed above, is either singlemindedly focused on U.S. courts or uses measures of diffuse support that have questionable validity.

We begin by addressing the relationship between satisfaction with political outputs and the two types of institutional support. Because, as Gibson, Caldeira and Spence (2003a) demonstrate, institutional trust is closely related to a specific support, a concept that definitionally relates to performance satisfaction, these two concepts should be tightly connected. Taking a cross-temporal view, for example, Caldeira (1986) finds judicial confidence is sensitive to presidential popularity and the broader political context, so political events such as Watergate and Nixon’s resignation had an appreciable effect on public confidence in the judiciary.

On the other hand, the extent to which diffuse support is related to satisfaction with institutional outputs has recently become a hotly debated topic (c.f. Bartels and Johnston 2013; Gibson and Nelson 2015). Easton (1965) suggests that the two should be only weakly related:

> The strength of [diffuse support] derives from the fact that it is not contingent on specific inducements or rewards of any kind, except in the very long run. On a day-to-day basis, if there is a strong inner conviction of the moral validity of the authorities or regime, support may persist even in the face of repeated deprivations attributed to the outputs of the authorities or their failure to act (278).

Indeed, if the reservoir of goodwill evaporated in the face of a single disagreeable decision, diffuse support would conceptually be no different than specific support. Caldeira and Gibson (1992) find some evidence that issue-specific disagreement correlates weakly
with diffuse support, though they found no evidence that trust in government or trust in institutions more generally predicted diffuse support for the Court.

Contemporary research has considered how specific and diffuse support for the judiciary is conditioned by not only individuals’ ideological convictions, but also their perceived divergence from the preferences of the court. The empirical results are mixed. In their analysis of Americans’ opinions of the U.S. Supreme Court, Bartels and Johnston (2013) present experimental evidence that even a single disagreeable decision can undermine diffuse support for the Supreme Court, suggest that there is a strong ideological foundation to the Court’s political legitimacy. Gibson, Caldeira and Spence (2003) examined cross-sectional survey data of the Court’s support before and after Bush v. Gore, finding no evidence that the Court’s aggregate support changed over time. These findings are somewhat reconciled by Christenson and Glick (2015), who find aggregate-level stability in the face of individual-level change in response to a controversial judicial decision in the United States. Still, in all of these studies, the substantive size of the performance satisfaction effect is rather small (Gibson and Nelson 2017). Thus, we expect approval of incumbents to correlate with specific support, though only weakly relate to diffuse support. 

We also expect that specific support will correlate with diffuse support.

Second, awareness of and attention to the court has widely been regarded as an important predictor of institutional support (Murphy and Tanenhaus 1968; Kessel 1966). Early scholars of institutional legitimacy were generally skeptical of the public’s ability to monitor, comprehend and evaluate institutions and political authorities, owing to widespread ignorance of American politics (Adamany and Grossman 1983), even Easton (1975) acknowledged his doubts that the specific and diffuse support concepts are relevant
for the politically unsophisticated, further reiterating the finding that Americans’ knowledge and/or awareness of the Supreme Court consistently predicts their level of support. These authors also suggested that these results held in cross-national research: Gibson, Caldeira and Baird (1998) demonstrated that citizens’ awareness of national high courts is generally associated with stronger ascription of diffuse support, which the authors attribute to greater short-term approval of the work of the court, as well as exposure to legitimizing symbols—a positivity bias (Gibson and Caldeira 2009). Thus, we expect that awareness should be positively related to diffuse support.

Yet recent comparative research comes to different conclusions. These studies analyze confidence rather than legitimacy and suggest that, perhaps because of negativity bias—in which high attention individuals are more likely to learn of displeasing decisions—the relationship between awareness and specific support might be reversed. For example, Salzman and Ramsey’s (2013) analysis of public confidence in courts throughout the Americas revealed an inverse relationship between awareness and confidence in the court. We therefore hypothesize that awareness should correlate inversely with specific support.

5This general skepticism that people could understand and evaluate political institutions, coupled with the empirical fact that many Americans know little about the political environment that surrounds them, led many early scholars to focus exclusively on “elites,” “opinion leaders” (Caldeira 1987; Caldeira and Gibson 1992), and “aware publics” (Gibson, Caldeira and Baird 1998). Caldeira and Gibson (1992) find that among the various indicators of attentiveness or political sophistication, attentiveness to the Supreme Court is the strongest (and lone, in fact) predictor of diffuse support.

6We acknowledge the possibility, demonstrated by Çakir and Şekercioğlu (2016), that this effect may be contingent upon the level of democratic consolidation. We leave a full investigation of this possibility to a later date.
A third body of scholarship relates citizens’ attitudes about procedural justice to their willingness to ascribe trust or institutional legitimacy to legal institutions. Tyler (1988) stresses that citizens’ perceptions of procedural justice are positively associated with institutional support. In other words, even when faced with an outcome with which they do not agree, those who believe they were treated fairly throughout the judicial process will still be willing to accept the court, and its controversial decisions, as legitimate and binding. However, Gibson (1991) finds scant evidence to support this assertion in his evaluation of other public opinion surveys, and Mondak (1991) finds mixed evidence of the procedural hypothesis in his laboratory experiments. We expect that citizens use perceptions of procedural justice to make performance evaluations—a concept closely related to specific support—but not more global evaluations of diffuse support. In other words, a belief in the fairness of the judicial process should affect one’s evaluations of institutional performance, but not more global assessments of fundamental institutional loyalty. As such, levels of institutional trust will be higher among respondents who have more positive perceptions of procedural justice, but diffuse support should be unrelated to perceptions of procedural justice.

Finally, recent work by Gibson and Nelson (2015) demonstrates that the one of the strongest predictors of diffuse support is individual-level democratic values. The strong relationship between democratic values and diffuse support has been widely established; Easton (1965), for example, writes that “part of the readiness to tolerate outputs that are perceived to run contrary to one’s wants and demands, flows from a general or diffuse attachment to regime and community” (272). At the crux of this theory is the notion that citizens’ support for democratic institutions is the product of civic education and socialization that create democratic attitudes that, in turn, are stable over time. Though most U.S. research acknowledges that democratic values matter in some sense, scant attention is
paid to theorizing which democratic values ought to be of most theoretical consequence.\footnote{Though \textcite{GibsonNelson2015} include measures of support for minority liberty and the rule of law, for example, \textcite{BartelsJohnston2013} and \textcite{ChristensonGlick2015} both use “political trust” as a measure of democratic values.}

We acknowledge democracy as a multifaceted concept, and disambiguate the catch-all notion of “democratic values” into two prominent constituent parts. We consider both liberal democratic values—the extent to which citizens overtly prioritize the protection of minorities from the tyranny of the majority, valuing the institutional separation of power and checks and balances—and majoritarian democratic values, which conceptualize democracy as an embodiment of the sovereign will of the majority (\textcite{CoppedgeEtAl2011}). We expect that \textit{democratic values will be positively correlated with public support for judicial institutions, though more strongly correlated with diffuse support than specific support or trust.}

III. Data

In sum, we build on a well-established literature that explores the foundations of public support for the courts. We anticipate that citizens’ specific and diffuse support for national judicial institutions will be related to their support for government incumbents, their awareness of the national court, their perceptions regarding procedural justice, and their commitment to democratic values. Our empirical evaluation of these hypotheses rests on the consideration of questions available in the Americas Barometers data, made available from the Latin American Public Opinion Project of Vanderbilt University. In line with the work of Easton, we differentiate between diffuse and specific support, conceptualizing specific support as a short-term evaluations of institutional output, while diffuse support is a more enduring form of institutional commitment.
A. Measuring Public Support for Latin American Judiciaries

Our measure of diffuse support is based on respondents’ answers to the question “Do you believe that there might be a time in which the president would have sufficient reason to dissolve the Supreme Court, or do you think that sufficient reason could never exist?” This question taps a concept similar to one identified by Gibson, Caldeira and Spence (2003a) and Gibson and Caldeira (1992) as an accurate measure of Easton’s (1965) original concept of “diffuse support.” Indeed, in their discussion of the various indicators of diffuse support, Gibson, Caldeira and Spence (2003a) contend that, lacking a multivariate composite score for diffuse support, this question alone is the next best option.

We note several potential objections to this item. In particular, this question is a single item whose wording differs from the one suggested by Gibson, Caldeira and Spence (2003a) and Gibson and Caldeira (1992). Of particular note, the question references “the President” and his role in court curbing. One might worry that the wording leads respondents to give responses that reflect presidential approval rather than institutional legitimacy. To this end, we conducted a survey of 1000 respondents on Amazon Mechanical Turk in December 2017. The survey included the Americas Barometer question alongside a standard four-question battery of diffuse support questions. Our scale generated a Chronbach’s alpha of .80, indicating high reliability, and it was also strongly unidimensional. This item also loaded onto the factor at conventional levels. This gives us confidence that our question is similar to other well-vetted measures of diffuse support. As to the possibility of a contamination

8The item recommended by Gibson, Caldeira and Spence (2003a) reads, “If the U.S. Supreme Court started making a lot of decisions that most people disagree with, it might be better to do away with the Court altogether.” Gibson (2007) provides information on the percentage of supportive replies for that item over time in the US case, with 82.7% of respondents agreeing with the item in 2001 and 68.9% supporting the Court in 2005.
effect, we report that the two measures do correlate more strongly with presidential support than the traditional phrasing of the question advocated by Gibson, Caldeira and Spence (2003a) and Gibson and Caldeira (1992). To combat contamination of this measure with presidential approval, we include the latter concept as a control variable in our multivariate analysis. We report the full results from our validity analysis in Appendix B.

We also assess institutional trust. We are reminded of a conclusion of Gibson, Caldeira and Spence (2003a): the question that is included on the vast majority of public opinion surveys, which queries the extent to which the public expresses confidence or trust in their national high court, closely approximates this concept. The Americas Barometer data includes questions regarding respondents’ trust in both the national supreme court, as well as the constitutional tribunal in the systems where one exists. In practice, and to most closely match the question wording in the diffuse support item, we used the measure of respondents’ trust in the supreme court, unless the question regarding the willingness to do away with the court made explicit reference to the constitutional tribunal, which was only the case in Brazil and Colombia. In these two cases, we use respondents’ trust in the

9. An ideal measure of specific support would probe respondents’ approval or evaluations of the work of the court.

10. As noted by Kapiszewski (2012), many public opinion survey instruments further frustrate researchers efforts to measure public support for courts, by conflating various institutions in the context of questions about confidence or trust, asking respondents their opinions regarding the “legal system,” “the judiciary,” “the courts,” or something similar.
constitutional tribunal.\textsuperscript{11}

Figure 1: Uniformly High Diffuse Support, Variable Trust for Supreme Courts, 2008

Darker colored bars represent the percentage of respondents answering in the negative to the question “Do you believe that there might be a time in which the president would have sufficient reason to dissolve the Supreme Court, or do you think that sufficient reason could never exist?” Lighter colored bars represent the percentage of respondents reporting trust in the supreme court, taken from the question “To what extent do you trust the Supreme Court?”\textsuperscript{12} The percentage of people reporting “Trust” includes all respondents claiming a 5, 6 or 7 on that 7-point Likert scale. To facilitate cross-national comparisons, the figures reported for the United States are taken from the 2006 AmericasBarometer. The question on diffuse support was not included in the 2008 U.S. questionnaire.

\textsuperscript{11}The global questionnaire for the 2008 LAPOP surveys included the question about doing away with a high court, and instructed enumerators to make reference to either the national supreme court or constitutional tribunal as it was applicable to each country. In practice, and from what we can discern from the country-specific questionnaires, the enumerators only made reference to the Constitutional Tribunals of Colombia and Brazil.
The distributions of these two variables deserve note. After all, to many scholars, reformers, politicians or casual observers of Latin American courts, there is one indisputable fact: the high courts of the Americas are lacking in the public’s trust. Though a strong majority of the American public has long expressed support for the U.S. Supreme Court (Gibson 2008), the regional average of public trust for supreme courts throughout the region has hovered around 35% for as many years as the data have been collected.

Figure 1 displays the percentage of respondents reporting ‘high trust’ in countries across the region. The lighter colored bars represent the percentage of respondents who reported a high level of trust for their national supreme court in 2008. Figure 1 shows that Latin American supreme courts do not generally inspire the public’s confidence: the regional

\[13\] Though the AmericasBarometer surveys differentiate between national supreme courts and constitutional tribunals in the countries where both exist, we focus here on the trust as it pertains to the supreme court, as the measure of institutional loyalty makes specific reference to the nations’ supreme courts. Notably, this feature of the AmericasBarometer is a distinct advantage over alternative cross-national public opinion studies, which tend to conflate citizens’ evaluations of the supreme court, the constitutional tribunal, other national courts, lower courts, and other justice system institutions or authorities into a blanket question about “the justice system” or the “judiciary” (Kapiszewski 2012).
average is only 38%.\(^{14}\) Moreover, and as Gibson has claimed (2007; Gibson et. al 1998), the United States Supreme appears to be an outlier, with more than 75% of Americans surveyed reporting confidence in the Supreme Court. In contrast to the high courts of places like Ecuador, Peru, Paraguay and Honduras, this difference is stark. As such, the prevailing wisdom appears correct that many Latin Americans profess a fundamental lack of trust in national judicial institutions.

Yet Figure 1 underscores the difference between institutional legitimacy and institutional trust. The darker colored bars represent the percentage of respondents who profess an unwillingness to do away with the court—the measure which Gibson, Caldeira and Spence (2003a) suggest is a more appropriate measure of diffuse support. Focusing instead on this metric of institutional legitimacy, we arrive at a starkly different conclusion. Contrary to conventional wisdom, the high courts of the Americas appear to enjoy the same sort of institutional fealty that has long been considered the exclusive privilege of the U.S. Supreme Court, a wide majority of Latin Americans appear unwilling to do away with the national court. The U.S. Supreme Court is no outlier in this respect: with 81% of Americans expressing an unwillingness to do away with the court, the U.S. is right on par with the regional average (79%). Far from a level of support that would imply widespread crises of institutional legitimacy, these figures paint a picture of national high courts that, \(^{16}\)

\(^{14}\)Notably, Caldeira’s (1986) chronological accounting of the American public’s confidence in the Supreme Court suggests that throughout the latter part of the 20th century, the average level of public confidence in the Supreme Court was only 32%, with a high of 50% and a low of 23%. We are reticent to make too much of these differences given the difference in time and variation in question wording, though this would suggest that public confidence in the Supreme Court in the latter part of the 20th century was more in line with the levels of public confidence expressed throughout contemporary Latin America.
despite the public mistrust they may inspire, are nevertheless broadly viewed by the public as a central component of the national constitutional system.

The 2008 values just discussed are not anomalous. As Table A2 in the Appendix demonstrates, diffuse support for national courts is consistently high throughout the region. Indeed, the national averages for diffuse support remain consistently high across cases, while the percentages of respondents reporting high levels of trust are consistently low.

As a final point of comparison, we situate these data in a broader cross-sectional landscape. Gibson, Caldeira and Baird (1998) provided the most prominent analysis of cross-sectional attitudes regarding national high courts to date, a subset of which we replicate in Figure 2 for the sake of a broader cross-sectional comparison. Gibson, Caldeira and Baird (1998) focus their analysis on the “Attentive Public,” limiting their empirical analysis to only those respondents who reported a sufficiently high level of awareness of the national supreme courts. Constraining our analysis to the more attentive half of respondents, we recreated Gibson, Caldeira and Baird’s data to enable a more direct cross-regional comparison.

15 Gibson, Caldeira and Baird (1998) directly gauge respondents’ awareness of high courts by simply asking them about their awareness. To our knowledge, this was the last time (circa 1992) said question was included on a cross-sectional public opinion survey, so we are unable to replicate this directly.

16 We created Attentiveness, an interaction between respondents’ self-reported Interest in politics and an index of respondents’ self-reported news consumption. To identify the attentive public, we include only those respondents who were above the median value for this variable. This excludes most of the respondents who claimed no interest in politics irrespective of frequent news consumption, as well as those who are interested but who only access the news infrequently.
Figure 2: Relationship between Institutional Legitimacy and Institutional Trust, Among Attentive Publics

Lighter bars represent the percentage of respondents (with 95% confidence intervals) reporting trust in the supreme court. Darker bars represent the percentage of respondents (with 95% confidence intervals) reporting diffuse support for the supreme court. The data from the LAPOP surveys comes from 2008, with the exception of the U.S. whose values are taken from 2006. The question on diffuse support was not included in the 2008 U.S. questionnaire. The data from Gibson, Caldeira and Baird (1998) is from Table 4.

Figure 2 compares the results from the 2008 LAPOP sample (top panel) with the data reported in Table 4 of Gibson, Caldeira and Baird (1998) (bottom panel). Again, the LAPOP measure of diffuse support (shown in dark blue) is the percentage of respondents (with 95% confidence intervals) who reported opposition to the question “Do you believe that there might be a time in which the president would have sufficient reason to dissolve the Supreme Court, or do you think that sufficient reason could never exist?” The analogous
question in the Gibson, Caldeira and Baird (1998) surveys is the percentage of respondents who disagreed with the following statement: “If the [HIGHEST COURT OF THE COUNTRY] started making a lot of decisions that most people disagreed with, it might be better to do away with the [HIGHEST COURT OF THE COUNTRY] altogether.” The lighter indicators throughout both panels correspond to the level of Institutional Trust throughout the respective samples.

Two trends are immediately apparent. The first is that, with few exceptions, the recorded levels of Diffuse Support in our sample of Latin American countries exceed those reported by Gibson, Caldeira and Baird (1998). Of course, the two samples of countries resist direct comparisons in several respects: geographic coverage, question wording, and timing. As such, we cannot rule out the possibility that worldwide attitudes towards national supreme courts have uniformly improved in the past 10 years, or that the discrepancies we observe are not simply a result of inconsistent question wording. Nevertheless, we have an important bridge case to facilitate this comparison. Our data show that as of 2006, 83% of U.S. respondents expressed resistance to the notion that the Supreme Court should be disbanded if its decisions ran counter to the wishes of government or the majority. This figure is in line with the 79% figure that Gibson, Caldeira and Baird (1998) reported nearly one decade before (and what we would expect from a broadly legitimate national court). Our data suggest that the U.S. is quite typical among its pure presidential system peers in the Western Hemisphere, all of which appear to outpace the public support (at least

17This finding leads the authors to report: “It is certainly a widely supported institution in the United States, but, in comparative perspective, it is not inordinately well supported. The high courts of the Netherlands, Denmark, Germany (among West Germans), Greece, and even Poland have at least as much institutional legitimacy as the Supreme Court” (349).
among attentive publics) afforded to the high courts of Western Europe.

A second trend relates to the variability and distribution of the public’s institutional trust in their high court. Across the two samples, we see opposite trends: public trust among attentive publics appears, on average, much lower and more variable throughout the Americas than throughout the United States and Europe. On the other hand, Latin American respondents appear to ascribe institutional legitimacy to the supreme courts in spite of their general mistrust of those institutions. In Europe the opposite dynamic appears to be at play: though respondents find their courts to be generally trustworthy, Europeans reported a lower level of diffuse support.

As with the data presented in Figure 1 and Table 1, these patterns are merely descriptive, and without considerably more analysis we cannot draw decisive conclusions about exactly what these patterns might imply. But they stand as a striking challenge to previous research by suggesting that the relationship between trust and legitimacy is reversed in Latin America when compared to Europe, and that the United States Supreme Court is not an outlier in terms of its institutional legitimacy. Further, they challenge many extant accounts that characterize Latin American courts as totally lacking in public support. Taken together, these patterns suggest that we have more to learn about the origins of institutional trust and more profound institutional fealty for the high courts of Latin America, which may well lead us to reconsider many claims about the institutional legitimacy of high courts across the region.

B. Measuring the Correlates of Institutional Support

We focus our multivariate analyses on the Americas Barometer public opinion survey data from 2008. This year provides the largest number of countries in which data were collected for both our outcome and key explanatory variables. All told, our analysis includes representative public opinion samples from 21 countries throughout the Western
Our first outcome variable is the cross-national metric of individuals’ *Institutional Trust* in their judicial institutions described above. Because respondents answer on a 7-point scale, we use the full response set as the outcome variable rather than the collapsed indicator used for Figures 1 and 2. As those figures suggested, the modal response in our data is one that indicates a lack of institutional trust. Because the outcome variable has seven possible values, we estimate a linear regression; our results are substantively unchanged if we use an ordered logistic regression, the results of which are reported in Appendix C.

Our second outcome variable captures individuals’ *Diffuse Support*. As in the descriptive analyses, the measure is dichotomous. A respondent is coded as having diffuse support for the court if she indicated, “No, there’s no sufficient reason [to dissolve the SC].” As described above, this was the modal answer in all the countries in our survey. Because this dependent variable is dichotomous, we use logistic regression to estimate the regression equation.

The model specifications include a variety of variables of substantive interest and are nearly identical for both outcome variables. First, keeping with Easton (1965), we evaluate the connection between individuals’ diffuse and specific support for the supreme court. Lacking direct questions, such as a job performance evaluation or respondents’ evaluations of recent decisions (Gibson, Caldeira and Spence 2003b; Christenson and Glick 2015), to evaluate respondents’ perceptions of institutional performance, we draw upon the conclusions of Gibson, Caldeira and Spence (2003a)—namely, that measures of institutional performance do not necessarily predict perceptions of institutional trust.

18 As a robustness check, and in light of the different question wording employed in the 2010 waves of the Americas Barometer survey, we reran all of the following multivariate analyses using the 2010 version of the data. The results are substantively the same, and available from the authors upon request.
confidence tend to represent short-term performance evaluations—and use the institutional trust measure as a surrogate for specific support.

We also include measures of both Executive Trust and Government Trust, measured on a 1-7 scale, in the model. As a result, the interpretation of the Institutional Trust variable is the effect of trust in the supreme court, holding constant other general evaluations of political trust.19

Second, to evaluate the impact of citizen awareness of high courts, we include measures of respondents’ access to information based on the frequency of news consumption and their interest in politics. Though the ideal measure would probe the issue of citizens’ awareness of high courts directly, no such question has been included in the LAPOP AmericasBarometer surveys, nor any other cross-national survey since 1992/3 (Gibson, Caldeira and Baird 1998). The Politically Informed index is a composite of four separate survey items which query the frequency of respondents’ news consumption via newspapers, the radio, television and the internet.20 To gauge Political Interest, respondents were simply asked how much

19A factor analysis of the data suggests that respondents’ reported trust in the supreme court correlates strongly to their attitudes towards other actors and institutions in the system, loading on a common factor analytic dimension. Moreover, the Executive Trust and Government Trust questions load strongly onto a common factor analytic dimension, and are highly correlated ($\rho = .70$). We chose to include both in the individual-level analysis because the question relating to Diffuse Support included references to both the political executive and their subsequent governing, so our inclusion of both variables covers these references. Our results are unchanged if we include either, one, or both.

20The original items’ scores were inverted such that higher scores represent more frequent consumption of news, then summed to create the composite index, which ranges from zero (no news consumption) to 12 (daily news consumption from all four sources).
politics interested them.

Third, we include respondents’ perceptions of procedural justice. Though direct questions regarding respondents’ experience with the justice system as well as their perceptions of procedural experiences would be ideal in this respect, and experimental instruments still better, we rely instead on a battery of questions regarding respondents’ evaluation of the courts and justice system more generally. Respondents were asked whether they believed courts could ensure a *Fair Trial*, and in the case of their victimization, whether they expected the national courts would *Punish the Guilty* parties. A final measure evaluates the political system more broadly, in the extent to which it guarantees citizens’ perceptions regarding the regimes protection of *Basic Rights*.

Finally, we evaluate the effect of democratic attitudes on institutional support. We use a battery of questions meant to tap into respondents’ evaluations of the democracies in which they live and more general respect for political institutions, majoritarianism, minority rights, and the relative value of electoral democracy as opposed to strong leadership. *Respect for Institutions* taps into respondents’ professed respect for the political institutions of the country, we take this as one measure of liberal democratic values, or the extent to which respondents support the institutional separation of powers. Three variables we include tap into respondents’ majoritarian democratic values: *Majority Rule* evaluated the extent to which respondents would prioritize the viewpoints of the majority above all other perspectives; *Minority Threat* gauged the extent to which minorities are viewed as a threat to the country; and *Opposition Voting Rights* considered whether voting rights ought to be suspended for extremists or members of the political opposition. *Strong Leader* presents respondents with a hypothetical tradeoff: would they prioritize an unelected, but “strong” leader, or do they believe electoral democracy is always preferable, even if sometimes imperfect?

We also include controls for a variety of standard demographic characteristics, including
Age, Gender, Ethnicity, Education (Years), Socioeconomic Status and Interpersonal Trust. These demographic characteristics may be correlated with institutional trust or democratic values as well as with diffuse support. A full description of each of these variables, including statistics of their relative distribution, is detailed in Appendix A. Finally, we include in these models country-level fixed effects, to control for both the clustering of respondents into countries as well as for heterogeneity in our outcome variable owing to unobserved and unmeasured national factors. The completely unpoled country-level regressions for both outcome variables are shown in Appendix C.

IV. Results: Support for National High Courts

Table 1 reports the results of fixed-effects regressions of individual-level models of Institutional Trust in national supreme courts. Table 2 reports the same set of results for our Diffuse Support outcome variable. In both tables, the first four columns report the results from a model that evaluates our main four hypotheses in isolation, while the fifth column presents a fully specified multivariate model. The final column in Tables 1 and 2 constrains the analysis to respondents we believe likely to be “Attentive” to the politics of the supreme court to emulate the analysis undertaken by Gibson, Caldeira and Baird (1998).21

21The United States is not included in the current analysis because the Diffuse Support question was only asked in 2006 for that country. The 2006 survey did not ask a large number of questions that would allow us to test the hypotheses of primary theoretical interest, which is why the analysis is restricted to 2008.
Table 1: Individual-level Predictors of Public Trust for National Supreme Court (OLS)

<table>
<thead>
<tr>
<th></th>
<th>Political &amp; Attitudes</th>
<th>Awareness &amp; Knowledge</th>
<th>Procedural Justice</th>
<th>Democratic Values</th>
<th>Full Model</th>
<th>Attentive Public</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trust Executive</td>
<td>0.27*</td>
<td>0.21*</td>
<td>0.21*</td>
<td>(0.01)</td>
<td>(0.01)</td>
<td>(0.01)</td>
</tr>
<tr>
<td>Trust Government</td>
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<td>0.13*</td>
<td>(0.01)</td>
<td>(0.01)</td>
<td>(0.01)</td>
</tr>
<tr>
<td>Informed</td>
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<td>0.00</td>
<td>0.01</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
</tr>
<tr>
<td>Political Interest</td>
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<td>0.03*</td>
<td>0.03</td>
<td>(0.01)</td>
<td>(0.01)</td>
<td>(0.01)</td>
</tr>
<tr>
<td>Fair Trial</td>
<td>0.27*</td>
<td>0.20*</td>
<td>0.22*</td>
<td>(0.01)</td>
<td>(0.01)</td>
<td>(0.01)</td>
</tr>
<tr>
<td>Punish Guilty</td>
<td>0.23*</td>
<td>0.15*</td>
<td>0.17*</td>
<td>(0.01)</td>
<td>(0.01)</td>
<td>(0.01)</td>
</tr>
<tr>
<td>Basic Rights</td>
<td>0.28*</td>
<td>0.13*</td>
<td>0.12*</td>
<td>(0.01)</td>
<td>(0.01)</td>
<td>(0.01)</td>
</tr>
<tr>
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<td>0.08*</td>
<td>(0.01)</td>
<td>(0.01)</td>
<td>(0.01)</td>
</tr>
<tr>
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<td>0.00</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
</tr>
<tr>
<td>Majority Rule</td>
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<td>0.01</td>
<td>0.01</td>
<td>(0.01)</td>
<td>(0.01)</td>
<td>(0.01)</td>
</tr>
<tr>
<td>Opposition Voting Rights</td>
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<td>0.01</td>
<td>(0.00)</td>
<td>(0.00)</td>
<td>(0.00)</td>
</tr>
<tr>
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<td>−0.07*</td>
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<td>(0.02)</td>
<td>(0.04)</td>
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<td>(0.07)</td>
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</tr>
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<td>104002.01</td>
<td>97394.20</td>
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<td>104991.96</td>
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<td>−51881.01</td>
<td>−48573.10</td>
<td>−39690.83</td>
<td>−19589.41</td>
</tr>
</tbody>
</table>

Standard errors in parentheses, * indicates significance at $p < 0.05$. †Controls include measures of Age, Gender, Ethnicity, Education (Years), and Socioeconomic Status and Interpersonal Trust, as well as country-level dichotomous indicators. A full description of each explanatory variable is provided in Appendix A.

We begin by assessing the relationship between institutional trust and our explanatory covariates, so as to evaluate our first hypothesis. As with the research on the correlates of public support in the United States, Latin Americans’ Institutional Trust in their national judicial institutions is positively correlated with both their Trust in Government and Trust in the Executive (Caldeira and Gibson 1992 Caldeira 1986 Gibson, Caldeira and Spence 2003a). These results are robust to the inclusion of all other explanatory covariates, and
when we restrict our analysis to those respondents we identified as belonging to the “Attentive Public.” Though earlier analyses revealed no systematic effects of ideology, likely owing to the cross-national specificity with which judicial issues are politicized, this supports the hypothesis of Dolbeare and Hammond (1968) that political heuristics like partisanship and support for the government incumbents provide a useful shortcut for citizens’ evaluation of political institutions and the environment writ large. As such, and consistent with the analysis of Gibson, Caldeira and Spence (2003a), the cross-national measures of trust or confidence in the judiciary appear to be capturing relatively short-term responses not only to the court, but also to other political authorities and the broader political environment.

The same cannot be said for Diffuse Support.22 Looking across the two tables, this is an important distinguishing factor between the outcome variables of interest.23 Though Trust in Government and Trust in the Executive are positively correlated with citizens’ trust in their judicial institutions, these two measures of government support are inversely related to citizens’ evaluations of diffuse support. This finding provides further support for the assertion made by Gibson and Caldeira (2009) that citizens view courts as fundamentally different types of institutions, suggesting that their commitment toward the supreme court may be differentiable from their views of other branches of government, insofar as one’s opposition or mistrust of the government may not jeopardize one’s commitment to a national court. Though this is impossible to decisively parse with observational data, this

22Appendix D replicates this analysis among those respondents little institutional trust. The results demonstrate the primacy of democratic values in structuring diffuse support among this subsample.

23In the country-level regressions, one or both of the Trust variables are statistically significant predictors of Institutional Trust in all 20 countries, though they are only statistically significant predictors in half of the country-level regressions of Diffuse Support.
is an avenue for future research which is worthy of additional consideration.

Table 2: Individual-level Predictors of Diffuse Support for National Supreme Court (Logit)

<table>
<thead>
<tr>
<th></th>
<th>Specific Support &amp; Political Attitudes</th>
<th>Awareness &amp; Knowledge</th>
<th>Procedural Justice</th>
<th>Democratic Values</th>
<th>Full Model</th>
<th>Attentive Public</th>
</tr>
</thead>
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<td>Institutional Trust</td>
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<td></td>
<td></td>
<td>0.10*</td>
<td>0.11*</td>
</tr>
<tr>
<td></td>
<td>(0.01)</td>
<td></td>
<td></td>
<td></td>
<td>(0.01)</td>
<td>(0.02)</td>
</tr>
<tr>
<td>Trust Executive</td>
<td>−0.06*</td>
<td></td>
<td>−0.05*</td>
<td>−0.07*</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.01)</td>
<td></td>
<td>(0.01)</td>
<td>(0.02)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trust Government</td>
<td>−0.05*</td>
<td></td>
<td>−0.06*</td>
<td>−0.06*</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.01)</td>
<td></td>
<td>(0.01)</td>
<td>(0.02)</td>
<td></td>
<td></td>
</tr>
<tr>
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<td>−0.01</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
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<td>(0.01)</td>
<td>(0.01)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<td>−0.04*</td>
<td>0.04*</td>
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<td></td>
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<tr>
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<td>(0.03)</td>
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<td></td>
</tr>
<tr>
<td>Fair Trial</td>
<td>0.03*</td>
<td>0.02</td>
<td>0.04*</td>
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<td></td>
<td></td>
</tr>
<tr>
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<td>(0.01)</td>
<td>(0.02)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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</tr>
<tr>
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<td></td>
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</tr>
<tr>
<td></td>
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<td>(0.01)</td>
<td>(0.02)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Respect Institutions</td>
<td>0.03*</td>
<td>0.03*</td>
<td>0.03*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.01)</td>
<td>(0.01)</td>
<td>(0.02)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minority Threat</td>
<td>−0.06*</td>
<td>−0.06*</td>
<td>−0.07*</td>
<td></td>
<td></td>
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<tr>
<td></td>
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<td>(0.01)</td>
<td>(0.01)</td>
<td></td>
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<td>−0.04*</td>
<td>−0.04*</td>
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<td>(0.01)</td>
<td>(0.01)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Opposition Voting Rights</td>
<td>0.02*</td>
<td>0.02*</td>
<td>0.02*</td>
<td></td>
<td></td>
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<td>(0.01)</td>
<td></td>
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</tr>
<tr>
<td>Strong Leader</td>
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<td>−0.19*</td>
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<td>(0.05)</td>
<td>(0.07)</td>
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<td></td>
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</tr>
<tr>
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<td>1.17*</td>
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<td>1.17*</td>
<td>1.17*</td>
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<tr>
<td></td>
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<td>(0.12)</td>
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<td>(0.14)</td>
<td>(0.16)</td>
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<td>−12649.91</td>
<td>−11877.44</td>
<td>−10507.53</td>
<td>−9457.54</td>
<td>−4867.71</td>
</tr>
</tbody>
</table>

Standard errors in parentheses, * indicates significance at $p < 0.05$. † Controls include measures of Age, Gender, Ethnicity, Education (Years), and Socioeconomic Status and Interpersonal Trust, as well as country-level dichotomous indicators. A full description of each explanatory variable is provided in Appendix A.
Second, we consider the relationship between attentiveness and support. Recall that Gibson, Caldeira and Baird (1998) found a positive relationship between increased attentiveness and diffuse support for national supreme courts. Our data tell a different story. We have little evidence to suggest that Awareness is positively related to Diffuse Support: increased access to the news media has virtually no statistical association with the likelihood of professing institutional support of either kind. Indeed, it seems that those respondents who are Informed are no more or less likely to express trust or fealty to their national courts. We therefore fail to reject the null hypothesis of no effect. In fact, our constrained model points to a negative relationship between Political Interest and Diffuse Support, suggesting that those with more interest in politics (who may also be more attentive), are actually less likely to ascribe legitimacy to the supreme court. This finding runs counter to a broad literature on diffuse support for the Supreme Court in the United States, which generally suggests that citizens with elite status, education, and political knowledge show more support for the courts (Murphy, Tanenhaus and Kastner 1973; Adamany and Grossman 1983; Caldeira and Gibson 1992; Gibson and Caldeira 2009). 24

Similarly, the relationship between awareness and Institutional Trust also defies our expectations, as well as those of recent comparative studies of institutional confidence (Salzman and Ramsey 2013; Çakir and Şekerçioğlu 2016). Indeed, it appears that those who are more politically interested have higher levels of institutional trust. This is a finding in line with the expectations of Positivity Theory—championed most prominently by Gibson

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24 As an alternative metric, the coefficient for Education (years) is positive and statistically significant from zero in the constrained model of Diffuse Support, with a magnitude of effect which is roughly one third of that of Political Interest. However, this coefficient does not meet conventional levels of statistical significance in the full model when other explanatory factors are included.
(2007) who claims that public support for courts grows via repeated exposure to legitimizing symbols, though we note that that theory relates to diffuse support, not institutional trust. Clearly, additional work needs to probe the relationship between awareness and institutional support in Latin America.

Third, there has been considerable debate regarding the effect of citizens’ perceptions of procedural justice on subsequent correlates of institutional support (Tyler 1988; Gibson 1989). Our analysis suggests, in line with our theoretical expectations, that these factors are positively correlated with the public’s expressed Institutional Trust in the supreme courts of the Americas but are largely unrelated to these institutions’ Diffuse Support. Principal-component analysis suggests that two of these three measures—in particular those relating directly to the courts—also load heavily on a common factor along with respondents’ trust in the government and political executive. Though this does not allow for any definitive claims regarding the hypothesis as it relates to Procedural Justice, this reinforces the impression that the measure of institutional trust or confidence in the national high courts is really capturing a short-term performance evaluation—akin to specific support—rather than the broader institutional loyalty characteristic of diffuse support.

Fourth, some of the most interesting differences across the two outcomes come from the performance of the Democratic Values indicators. Predictably, Institutional Respect is positively associated with both measures of support for supreme courts, though the magnitude of the coefficient is much larger in the case of Institutional Trust. Strikingly, attitudes about majority rule and minority rights, though only weakly correlated in either case, appear to work in opposite directions for our types of institutional support.\textsuperscript{25} These

\textsuperscript{25} Though the variables Minority Threat and Majority Rule jointly load on a common analytical factor, they are positively correlated with citizens’ trust in high courts. Both are inversely related to respondents’ willingness to Diffuse Support for the supreme court.
patterns corroborate the assertions and findings of existing studies claiming that democratic values are among the strongest predictors of *Diffuse Support* (e.g., Walker 2009). Moreover, our results suggest that omitting these critical explanatory variables is detrimental to our broader inferences and generalizations.

Finally, and also quite striking, is the effect of respondents’ attitudes regarding a *Strong Leader*, who may come to power from democratically dubious means. While the coefficient is negatively signed in both equations, implying that those who prefer a strong leader to democracy are less likely to profess support for the court, the coefficient for *Strong Leader* is far and away the largest in terms of the magnitude of effect in terms of explaining *Diffuse Support* for the judiciary. This appears to be a meaningful distinction between the *Institutional Trust* outcome and our outcome for *Diffuse Support*; *Strong Leader* is a statistically significant predictor in only 1 of 20 country-level regressions of *Institutional Trust*, though it is significant in 9 of 20 regressions of *Diffuse Support*. For those who a *Strong Leader* is preferred to an electoral democracy, the probability of protecting the institutional integrity of the court declines by about 7%. This is also the singular case where the distinction between “Attentive Public” appears to be meaningful, and also only in the case of *Diffuse Support*. Comparing the coefficient for *Strong Leader* in the “Attentive Public” model to that of the full population, we can see that the large coefficient on *Strong Leader* is largely fueled by those who are on the unsophisticated end of the political spectrum, at least with respect to political *Information* and *Interest*. These findings underscore the need to more fully explore Easton’s (1965) concept of personal legitimacy, which suggests that individuals—especially those who are relatively uninformed about politics and

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26 This question reads “There are people who say that we need a strong leader who does not have to be elected by the vote of the people. Others say that although things may not work, electoral democracy, or the popular vote, is always best. What do you think?”
government—might generalize their attitudes from a charismatic leader to an institution and vice-versa.

V. Discussion

In this paper, we have evaluated institutional support for high courts across Latin America. A central identifying assumption in many theoretical models of comparative separation of powers is that the presence of a supportive public is critical for the maintenance of judicial independence: fearing electoral retribution from an attentive public for attacking or ignoring high courts, incumbents will concede political territory to national judicial institutions, comply with controversial decisions and generally abstain from inter-branch attacks (Vanberg 2001; Whittington 2003; Staton 2006; Clark 2009; Krehbiel 2016). This logic, coupled with the objective fact that Latin American courts are widely lacking in public trust, has led many observers to explain the frequency of inter-brach crises, the lack of checks and balance or strong judicial institutions with reference to these high courts’ fundamental lack of institutional legitimacy (Prillaman 2000; Domingo 2004; Hammergren 2007; Helmke 2010a,b, 2017; Kapiszewski 2012). This lack of institutional legitimacy is widely assumed, though has infrequently been subjected to systematic evaluation.

Our results suggest that, contrary to the conventional wisdom, these courts are not lacking in diffuse support; they are widely perceived as a necessary component to the modern democratic state. Indeed, our data suggest that Latin American supreme courts are on par with the U.S. Supreme Court in the level of institutional commitment they inspire, which has been widely regarded as the most legitimate constitutional court in the world (Gibson 2007). This descriptive fact alone challenges the widespread impression that Latin American courts are lacking in public support, and implies that future empirical research must take care in our interpretation of existing data. From a more theoretical angle, this finding may lead us to reconsider assumptions about the true aim of incumbents’ attacks or threats of non-compliance (Clark 2009), or further theorize the motives behind judicial
elites’ willingness to engage in potentially destabilizing inter-branch conflicts.

We must take care so as to not misconstrue: Latin American high courts are not adored, and our measure of diffuse support is best interpreted as an outer bound of institutional support. Rather, we underscore an important difference—both conceptually and empirically—between individual’s trust in an institution and her belief that said institution is legitimate. Put differently, it appears that many Latin American citizens actually do recognize high courts’ important role in constitutional order, in spite of the fact that they espouse little trust in their national courts. This conclusion generalizes the important conceptual differences enumerated by Easton (1965) and Gibson, Caldeira and Spence (2003a): diffuse support is very different than institutional trust, and scholars risk drawing invalid conclusions when they treat the two concepts as synonymous.

The differences between these two concepts is particularly apparent in their correlates. Following Gibson, Caldeira and Spence (2003a), we have demonstrated that institutional trust more closely follows performance satisfaction (specific support) than diffuse support. We find that the strongest correlates of institutional trust are indicators that tap into respondents’ procedural evaluations of the courts, as well as the broader political environment, including their reported trust for the government, the executive, and democracy more broadly. Diffuse support, by contrast, is most strongly associated with democratic—as well as autocratic—values. This is consistent with the earlier conceptual work of Easton (1965, 1975), as well as more recent empirical work Gibson and Nelson (2015). Moreover, the fundamentally different structure of these two outcomes is even further evidence that measures of institutional trust should not be analyzed as measures of institutional legitimacy.

This research therefore underscores the importance of more research on the micro-foundations of public support for high courts and political institutions writ large and for the inclusion of valid indicators of diffuse support in cross-national surveys. Much of what we know about public support for judicial institutions comes from the study of a
sing, potentially anomalous case of the United States (Caldeira 1986; Caldeira and Gibson 1992; Gibson and Caldeira 1992; Gibson, Caldeira and Spence 2003a; Gibson 2007; Bartels and Johnston 2013; Christenson and Glick 2015). Outside of the U.S., much of what we know of the public’s diffuse support for national courts is based on a single cross-national study (Gibson, Caldeira and Baird 1998), one which is now a quarter century out of date. The research presented here raises several discrepancies that simply cannot be reconciled with existing data. Future research should prioritize the collection of comparative data, with careful attention paid to the conceptualization and measurement of key quantities of interest.

Finally, we acknowledge some data limitations. These data are observational in nature, and we make no claims regarding causal pathways. More experimental approaches to the study of institutional support, like those that increasingly popular in the United States (e.g. Bartels and Johnston 2013; Clark and Kastellec 2015) are necessary. Second, we, like many scholars of Latin American public opinion, stand on the shoulders of the immensely important data gathering capabilities the Americas Barometer survey and other cross-national surveys. While some of the questions on these large-scale survey operations are ideal for our purposes, others—like the lack of a general job performance measure of specific support—are not. Thus, our analysis is limited to the measures available to us. However, our analysis suggests that scholars, like us, who use existing surveys to study institutional support need to take care to interpret measures as applying to specific concepts only when such a linkage is clear. Also, when scholars have the opportunity to design and implement their own surveys, they need to take care to ask appropriate questions that provide valid representations of the concepts of interest. Indeed, our analysis, like Gibson, Caldeira and Spence (2003a) before us, underscores the important difference between institutional legitimacy and other types of support, like trust and confidence.


Caldeira, Gregory A. 1986. “Neither the Purse Nor the Sword: Dynamics of Public Confidence in the Supreme Court.” *The American Political Science Review* pp. 1209–1226.


