

# Trust in the Judiciary and Partisan Reactions to Judicial Checks: Evidence from Argentina

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## Abstract

How do citizens evaluate the judiciary in the wake of politically salient rulings? I argue that judicial checks on the government shape citizens' attitudes about judicial institutions at large, but these effects are driven by instrumental considerations, namely partisanship. In particular, my account suggests that judicial checks—as specific instances of interbranch conflict—provide citizens with instrumental information that shapes their beliefs about the broader judiciary. Thus, I hypothesize that court rulings limiting the government's power will undermine support for the judiciary among individuals aligned with the incumbent, but increase support among opposition sympathizers. I test these expectations by exploiting the timing of two judicial decisions in Argentina (enacted by a lower court and the Supreme Court), which invalidated a highly salient judicial reform promoted by the government in 2013. Using data from a survey fielded before and after the court rulings, I show that the decisions significantly decreased government supporters' trust in the judiciary, while opposition supporters increased their trust only following the Supreme Court ruling. Moreover, suggestive evidence provides support for the mechanism proposed by my account—that judicial checks expose citizens to information that is primarily instrumental. This paper contributes to our knowledge of the determinants of public support for judicial institutions involved in inter-branch conflicts.

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# 1 Introduction

Understanding why people support democratic institutions is essential to many questions about political phenomena, and research on law and courts is no exception. As scholars have recognized, public evaluation of judicial institutions plays a critical role in explaining the behavior of courts and political elites in the United States and beyond (Vanberg 2001; Staton 2006; Clark 2009; Helmke 2010*a*; Carrubba and Zorn 2010; Krehbiel 2016). Under the premise that public support fosters judicial independence, the last decades have witnessed significant and diverse scholarly efforts devoted to better understanding this relationship (Gibson, Caldeira, and Baird 1998; Stephenson 2004; Carrubba 2009; Badas 2019; Driscoll and Nelson 2023; Bartels, Horowitz, and Kramon 2023).

But, what makes citizens more prone to support judicial institutions in the first place? While extant research has examined how characteristics of both individuals and contexts explain public evaluation of courts,<sup>1</sup> a fundamental aspect of our knowledge of public support for judicial institutions arises from understanding how citizens react to court decisions. In recent years, a growing body of work has explored how salient judicial decisions influence individuals' evaluation of courts (Bartels and Johnston 2013; Christenson and Glick 2019; 2015*b*; Nicholson and Hansford 2014; Bartels, Horowitz, and Kramon 2023). However, as this literature focuses on attitudes about specific (usually pinnacle) courts, we know little about whether and how salient rulings inform public beliefs about the judiciary writ large—that is, the broader, encompassing political institution at stake.

This is an important question to address. First, focusing on public beliefs about the judiciary as a whole helps us better understand broader, yet critical, questions in comparative politics, such as the conditions for judicial power and independence (Vanberg 2008) as well

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<sup>1</sup>See, among others, the work of Gibson, Caldeira, and Baird (1998), Gibson and Nelson (2014), Benesh (2006), Bartels and Kramon (2020), Walker (2016), Fix, Randazzo, and Martin (2021), Salzman and Ramsey (2013), Aydın-Çakır and Şekercioglu (2016), and Garoupa and Magalhães (2021).

as the incentives and constraints faced by elites seeking to engage in judicial backsliding (Haggard and Tiede 2024; Mazepus and Toshkov 2022; Ahmed 2023). Second, given that judicial institutions are generally not salient to the public, citizens may well draw conclusions about the entire judicial system based on high-profile actions of high courts. Thus, to understand citizens' attitudes about the judicial branch, it is crucial to examine how citizens react to politically salient court decisions.

This paper proposes an account of how publics evaluate the judiciary in the wake of judicial checks on the government, that is, salient rulings against the incumbent's interest. I argue that judicial checks affect support for judicial institutions writ large, but these effects are shaped by citizens' instrumental considerations—namely, partisanship. This is because if judicial checks are specific, salient instances of interbranch conflict, then they expose individuals to information that is fundamentally instrumental, allowing citizens to update their beliefs about the judiciary in light of such interbranch dynamics. My theory yields a main observable implication: following judicial checks on the government, we should expect incumbents' co-partisans to withdraw support from the judiciary, while opposition co-partisans should be more supportive of that institution.

I test these theoretical expectations by studying two politically salient judicial rulings released in Argentina in 2013. The decisions, enacted by a federal lower court and the national Supreme Court, invalidated a controversial judicial reform introduced by the government. Taking advantage of the fact that the 2013 *Latinobarómetro* survey was fielded before and after the courts rulings, I estimate the effect of these judicial decisions on respondents' trust in the judiciary. In line with my hypotheses, the results show that, among respondents who identified as supporters of the government, those interviewed after the rulings express less trust in the judiciary than those surveyed before the court decisions. In contrast, opposition supporters show higher levels of trust in the judiciary following the supreme court ruling, but not the lower court decision. These effects are substantial in magnitude and remain robust

to a variety of modeling specifications. Moreover, suggestive evidence indicates that these partisan effects of the Supreme Court decision were larger among better informed respondents. These findings provide support for the mechanism proposed by my account—that judicial checks expose individuals to information that is primarily instrumental.

This paper makes several contributions. First, by theorizing a channel through which judicial behavior influences trust in the judiciary, and empirically testing this account, I contribute to current scholarship on the determinants of public support for judicial institutions writ large (Bühlmann and Kunz 2011; Salzman and Ramsey 2013; Aydın-Çakır and Şekercioğlu 2016; Magalhães and Garoupa 2020; Garoupa and Magalhães 2021). Moreover, this paper provides further empirical support for the recent, but influential, literature emphasizing the instrumental foundations of citizens' support for judicial institutions (see Bartels and Johnston 2020). While this work has mostly studied the United States (i.e., Armaly 2018; Christenson and Glick 2015a), my empirical attention to Argentina takes the theoretical expectations of this literature to a context that is understudied, but typical of the developing world.<sup>2</sup> Importantly, by focusing on *politically* salient court decisions, I am able to assess specific observable implications of instrumental theories of public support for judicial institutions involved in interbranch conflicts. Further, my emphasis on explaining public evaluations of the broader judiciary contributes to a literature that has overwhelmingly focused on the effects of judicial decisions on citizens' attitudes towards pinnacle courts (Bartels and Johnston 2013; Christenson and Glick 2015a).

Second, this paper speaks to the larger literature on comparative judicial politics and the separation of powers. While a bulk of past research has advanced our knowledge about the conditions under which courts engage in interpower conflicts (Helmke 2002; Iaryczower, Spiller, and Tommasi 2002; Couso 2003; Bill Chávez 2004; Hilbink 2007; Carrubba, Gabel, and Hankla 2008), a subset of this literature has explained the role of public support in

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<sup>2</sup>But see Bartels and Kramon (2020) and Bartels, Horowitz, and Kramon (2023) for notable exceptions.

such instances ([Helmke 2010a](#); [Staton 2006](#); [Helmke and Staton 2011](#); [Pereira 2022](#); [Staton, Reenock, and Holsinger 2022](#)). Yet, to my knowledge, no prior work in comparative politics has empirically examined whether and how specific, real-world instances of interbranch dispute—particularly, judicial checks on the government—can influence public attitudes about the judiciary *writ large*. That judicial challenges of incumbents can trigger heterogeneous partisan reactions among the citizenry has crucial implications for our understanding of the role of public support amid interpower dynamics ([Vanberg 2001](#); [Krehbiel 2016](#); [2019](#); [Carrubba 2009](#); [Staton 2006](#)) and raises new questions about the strategic behavior of both courts and elected officials. More broadly, my findings underscoring partisan reactions to judicial checks speak to contemporary debates on citizens’ support for checks-and-balances institutions and democratic principles ([Svolik 2020](#); [Graham and Svolik 2020](#); [Singer 2018](#); [Mazepus and Toshkov 2022](#)).

This paper proceeds as follows. In the next section, I discuss the related literature and motivate my theoretical expectations. Section 3 describes the context this paper studies and its identification strategy. Section 4 presents the main results, while Section 5 address concerns over unobserved confounders. Section 6 discusses preliminary and suggestive evidence about the mechanism at play. Section 7 concludes by identifying avenues for future research.

## 2 Court Rulings and Public Support for the Judiciary

To endure and ensure their efficacy, all democratic institutions require some degree of support from the public. If disapproved by a sufficient number of citizens, institutions are feeble and rendered impotent to achieve their goals. Lacking the ‘purse and the sword,’ public support is particularly important for judicial institutions. As scholars have long recognized, citizens’ backing of courts nourishes autonomous judicial power (cf. [Murphy and Tanenhaus 1968](#); [Caldeira 1987](#); [Staton 2010](#); [Bartels 2024](#)), a condition for judicial institutions willing

to provide meaningful checks on incumbents' transgression of their constitutional authority (Gibson, Caldeira, and Baird 1998; Vanberg 2005).

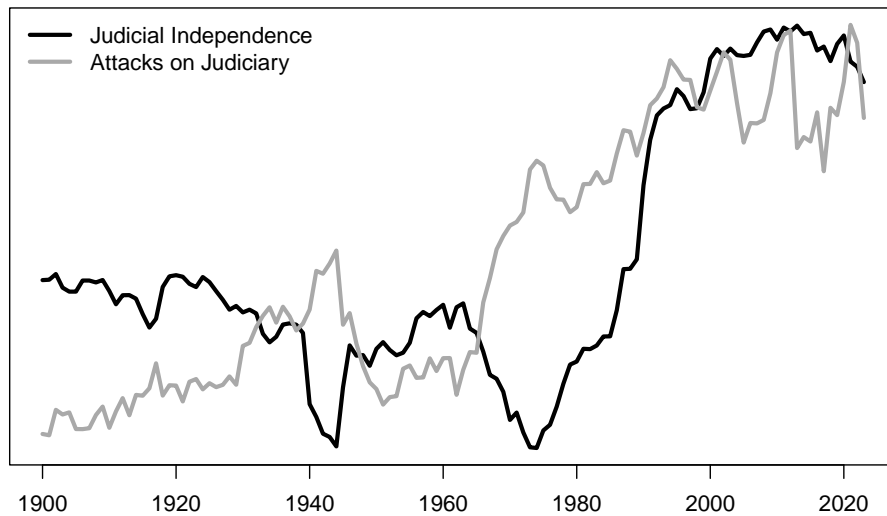
However, judicial review of governmental action is risky business for many courts around the world. When judges are called to place a check on other branches, they expand their province of jurisdiction (Vallinder 1995), venturing into deciding on issues politically sensitive to sitting, powerful officials. Critically, such involvement has the potential to expose courts to interbranch conflicts, including attacks on judicial institutions (Vanberg 2000; Helmke 2010a). Consider, for example, cross-national trends from the Varieties of Democracy (V-Dem) project, which are shown in **Figure 1**. The figure plots the annual average values of high court independence and government attacks on the judiciary worldwide.<sup>3</sup> The patterns displayed in the figure suggests that as courts decided more independently, they have also been exposed to greater public attacks from incumbents.

More broadly, the patterns in **Figure 1** raise some important questions. If public support is critical for judicial institutions, can citizens become bulwarks of judicial independence when governments attack courts for their decisions? More specifically, *how do citizens evaluate the judiciary in the wake of court rulings that are salient to incumbents?*

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<sup>3</sup>V-Dem measures *High Court Independence* by asking experts the following question: "When the high court in the judicial system is ruling in cases that are salient to the government, how often would you say that it makes decisions that merely reflect government wishes regardless of its sincere view of the legal record?" For *Government Attacks on the Judiciary*, V-Dem asks "How often did the government attack the judiciary's integrity in public?" For detailed information about these measures, see Coppedge et al. (2020; 2024).

Figure 1: Judicial Independence and Government Attacks on the Judiciary



*Note:* The figure plots mean levels of V-Dem’s *High Court Independence* and *Government Attacks on the Judiciary* indicators by year (Coppedge et al. 2020; 2024). Higher values scores indicate higher values of each variable, e.g., more independence and more frequent attacks. Variables were centered and scaled to facilitate comparability.

While the question of “how specific judicial decisions map onto public opinion” (Helmke 2010b, 397) has been widely studied in the literature,<sup>4</sup> existing work explores the effects of judicial rulings on public attitudes about specific (usually pinnacle) courts. Yet this approach leaves understudied any impact that these decisions may have on citizens’ evaluation of the judiciary as the broader, encompassing political institution at stake. This gap is all the more relevant as the public’s assessment of high court decisions could serve as a basis for their views on the judiciary as a whole. Examining whether and how these “spill-over” effects occur, then, is critical to gain a full understanding of the public-based sources of judicial legitimacy (Gibson, Caldeira, and Baird 1998; Easton 1975), a pre-requisite for the exercise of judicial power (Staton 2010; Vanberg 2005; Bartels 2024). In the next section, I propose an account of public support for the judiciary, which brings together scholarship on public

<sup>4</sup>See, for example, Christenson and Glick (2019); Mondak (1990); Grosskopf and Mondak (1998); Mondak (1991); Bartels and Johnston (2013); Christenson and Glick (2015b); Bartels, Horowitz, and Kramon (2023).

opinion about judicial institutions writ large and literature studying the effects of court rulings.

## Partisan Reactions to Judicial Checks

Given the centrality of public support for judicial power, a great deal of attention has been devoted to understanding the determinants of citizens' evaluation of the broader, encompassing judicial institution at stake (e.g., the 'judiciary,' 'legal system,' or 'courts of law'). Existing work shows that individual-level characteristics—such as awareness, knowledge, partisanship, and experience with courts—help explain variation in public trust in such institutions (Benesh 2006; Bartels and Kramon 2020).

Yet, context matters. The properties of judicial institutions play a crucial role in explaining citizens' trust in the judiciary writ large (Bühlmann and Kunz 2011; Salzman and Ramsey 2013; Walker 2016; Fix, Randazzo, and Martin 2021; De Micheli and Taylor 2024; Driscoll, Aydın-Çakır, and Schorpp 2024). These institutional indicators—such as the levels of judicial independence, judicial accountability, or democracy—matter because they proxy for the actual behavior and strategic environment of courts. This judicial behavior, in turn, becomes critical information for citizens evaluating the broader judiciary. Indeed, scholars have argued that public trust in the judiciary is higher among “citizens living in countries with well-performing judiciaries” (Salzman and Ramsey 2013, 76) or where “courts and judges perform well or behave independently from any external political influences” (Aydın-Çakır and Şekerciöglü 2016, 636).

This rationale that judicial behavior informs public beliefs about the judiciary has underpinned the theoretical foundation for comparative research showing that institutional and contextual factors moderate the effect of individual-level features on attitudes about judicial institutions (Staton 2010, Ch. 5-6; Gandur, Chewing, and Driscoll 2025). For example, comparative scholars have argued that increased knowledge and awareness about courts leads to better evaluations of the judiciary *only* where levels of judicial independence,



accountability, and democracy are higher. In contrast, in contexts where courts perform badly, non-independently, or are politically constrained, knowing more about these institutions leads to more *negative* views about the judiciary (Garoupa and Magalhães 2021; Salzman and Ramsey 2013; Aydın-Çakır and Şekercioğlu 2016; Staton 2010). The key idea is that public trust in the broader judicial institutions is a function of citizens' reaction to how courts *actually behave*: where tribunals perform as they should, publics increase their assessment of the judiciary (i.e., Bühlmann and Kunz 2011).

In line with previous work, I suggest that judicial behavior influences evaluations of the broader judiciary. Yet, my argument deviates from existing scholarship in two ways. On the one hand, I focus on specific instances of inter-branch conflicts—judicial checks by which courts limit incumbents' power on salient cases—rather than on the institutional features of the judicial branch. Such an approach, I suggest, is better suited to assess whether and how courts' behavior explains variation in citizens' trust in the judiciary (e.g., Magalhães and Garoupa 2020). On the other hand, my account differs from previous work in that I relax the assumption that individuals hold homogeneous and uniform perceptions of judicial behavior. Instead, I suggest that individuals vary in how they react to instances of judicial checks, and identifying the sources of such variation helps us understand citizens' attitudes about the broader judicial institutions in the wake of judicial checks.

My account theorizes one channel through which judicial behavior affects support for judicial institutions writ large. I argue that courts' politically salient decisions influence public trust in the judiciary, but this effect is fundamentally shaped by citizens' *instrumental* considerations, in particular partisanship. I suggest that these considerations dominate because of the salient nature of interbranch conflicts, where the information about courts that citizens are exposed to is primarily instrumental.

This argument builds upon two claims. First, recent work both in the United States and beyond has demonstrated that public attitudes about courts are endogenous to citizens' in-

strumental concerns—that is, individuals evaluate judicial institutions more positively when courts advance their partisan or ideological interests (Bartels and Johnston 2013). In particular, scholars have demonstrated that partisan preferences and support for the government shape how individuals evaluate judicial institutions (Bartels and Kramon 2020; 2022; Driscoll, Aydın-Çakır, and Schorpp 2024), and that these considerations also drive public reactions to court rulings (Nicholson and Hansford 2014; Christenson and Glick 2015a; Bartels, Horowitz, and Kramon 2023). Second, I suggest that instances of interbranch conflicts provide citizens with information that is essentially instrumental (Carrubba 2009): politically salient judicial checks help individuals better understand the alignment of judicial institutions relative to the government.<sup>5</sup> We have reasons to believe that this form of interpower dynamics prompts individuals to update their beliefs about judicial institutions. Not only can judicial checks on the government draw courts into conflict with incumbents, but they also increase the visibility of judicial institutions (Grosskopf and Mondak 1998; Gibson, Caldeira, and Spence 2003b; Krehbiel 2021), which tend to be largely overlooked by the public (Gibson, Caldeira, and Baird 1998; Bowal and Wanke 2001). Thus, we can expect sudden spikes in public attention to significantly impact citizens’ attitudes toward the judiciary, at least in the short term.<sup>6</sup>

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<sup>5</sup>Note that these instrumentally driven attitudes are likely to dominate even if we assume that court decisions *also* expose citizens to information about judicial impartiality or principled decision-making (Gibson, Caldeira, and Spence 2003b; Staton 2010). For example, the experimental evidence presented by Nicholson and Hansford (2014) indicates that “partisan” images of the US Supreme Court substantially affect public acceptance of its decisions; in contrast, “legal” images do not have a consistent or substantive effect on the public. Moreover, Magalhães et al. (2023) show that judicial decisions depicted as being motivated by policy goals do *not* undermine public perceptions of fairness compared to “legalistic” framings. Finally, recent research has documented *policy*-driven variation over how citizens evaluate legal principles (Rivero and Stone 2023), and even over which court decisions individuals actually perceive as legal or apolitical (Gadarian and Strother 2023). Together, this scholarship suggests that even if individuals care about intrinsic or value-based considerations, such as impartiality or principled decision-making, these concerns may well be driven by instrumental motivations (see, i.e., Driscoll et al. 2024).

<sup>6</sup>This view is consistent with recent work from Krewson and Masood (2024, 17), showing that citizens evaluate the U.S. Supreme Court *myopically*, “changing their views of the Court and even their willingness to accept decisions as authoritative from case to case.”

In sum, how courts behave and perform is crucial to understanding public evaluations of judicial institutions at large (i.e., [Bühlmann and Kunz 2011](#); [Aydın-Çakır and Şekercioglu 2016](#); [Garoupa and Magalhães 2021](#)). If interbranch conflicts can be instrumentally informative to citizens, then specific instances of courts challenging incumbents should have heterogeneous effects on public support for the judiciary: supporters of the government will react negatively towards judicial checks, and those politically opposed to the government will praise courts' limits on the power of the incumbent. If this logic is sound, court rulings that impose a check on the incumbent will decrease trust in the judiciary among individuals that are politically aligned with the government, whereas such judicial checks will increase trust among those politically identified with the opposition.

**Hypothesis 1 (H1):** *Exposure to court decisions against the incumbent will decrease trust in the judiciary among government supporters.*

**Hypothesis 2 (H2):** *Exposure to court decisions against the incumbent will increase trust in the judiciary among opposition supporters.*

### 3 Research Design

#### **Context: The 2013 Reform of the Argentinian Judicial Council**

During the opening of the legislative year in March of 2013, Argentina's President Cristina Fernández announced a series of judicial reform bills to be sent to Congress—reforms whose overall goal was to “democratize the judiciary,” but that most opposition groups saw as an attempt to undermine judicial independence and pack the federal judiciary ([Llanos 2014](#); [Elias 2015](#)). The most controversial reform involved substantial modifications to the Argentinian Judicial Council, an inter-branch constitutional body that has played a crucial role in the selection and removal of federal lower court judges since 1998 ([Bill Chávez 2007](#); [Elias 2015](#); [Walsh 2020](#)). The Judicial Council is composed of members that represent

Congress and the executive, as well as federal judges, attorneys, and the academic community throughout the country.

Although the Argentinian Constitution establishes *which* groups and institutions are to be represented in the Judicial Council (Congress, executive, judges, attorneys, and academics), a law by Congress determines the *exact* number of members and *how* those members are chosen to serve in the Council. Prior to the 2013 reforms, the Judicial Council had thirteen members.<sup>7</sup> While the executive and Congress selected their members to the Council, the representatives of judges, attorneys, and academics were chosen through elections in which only their peers (that is, other sitting federal judges, licensed attorneys, and academics, respectively) were allowed to vote.

On May 8<sup>th</sup>, 2013, with the support of parties aligned with the executive—and the disapproval of opposition parties—the Argentinian Congress passed the government’s bill to reform the Judicial Council. The reform increased the number of representatives of attorneys (from two to three) and academics (from one to six) on the Judicial Council. Moreover, the new law changed the selection method of the representatives of judges, attorneys, and academics, who would now be subject to popular elections—and not chosen by their peers exclusively, as before. Also, the reform required that candidates for these seats are affiliated with a political party. After the Judicial Council reform was passed, President Fernández issued an executive order which called for elections of representatives of judges, attorneys, and academics to be carried out during the mid-term primary legislative elections in August 2013.<sup>8</sup>

The reform of the Judicial Council was broadly controversial, triggering criticism from

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<sup>7</sup>Specifically, there were six legislators (three Deputies and three Senators), one representative of the Executive, three federal judges, two attorneys representing licensed law practitioners throughout the country, and one professor representing the academic community.

<sup>8</sup>**Supporting Information (SI) B2** reproduces the Constitutional provision about the Judicial Council and summarizes the relevant changes introduced by the 2013 reform.

political actors opposed to the government and even legal challenges to the new law. In particular, a ‘list’ (e.g., party) of candidates running for attorney seats in the Judicial Council filed a lawsuit questioning the constitutional validity of the judicial reform and requested the suspension of the elections for representatives of judges, attorneys, and academics.<sup>9</sup> On June 11<sup>th</sup>, a lower district court judge ruled that the reform of the Judicial Council was in conflict with Argentina’s Constitution. The judge also invalidated the call for elections concerning the representatives of judges, attorneys, and academics that the President had issued via executive order. In response, the government filed a direct appeal to the Argentinian Supreme Court, who released its decision on June 18<sup>th</sup>.<sup>10</sup> The Supreme Court’s ruling upheld the lower judge’s opinion, therefore striking down the Judicial Council reform and suspending the call for elections for Judicial Council representatives. These series of court rulings became known as the *Rizzo* decisions, given the plaintiff’s last name.

These two judicial decisions had widespread media coverage. **SI B3** shows that the three mainstream Argentinian newspapers featured *both* the lower court and Supreme Court decisions on their front cover the day after the rulings. More importantly, this media coverage evidenced the heightened partisan acrimony of the debates around the judicial decisions. In particular, government officials largely criticized the rulings, while opposition leaders applauded the court decisions. For instance, the then Chief of Staff characterized the Supreme Court ruling as an “affront to the Argentinian people,” considering “inconceivable that, after 30 years of our democracy, some institutions still maintain a retrograde vision, typical of other centuries” (Télam 2013a).<sup>11</sup> In contrast, the House leader of the main opposition party

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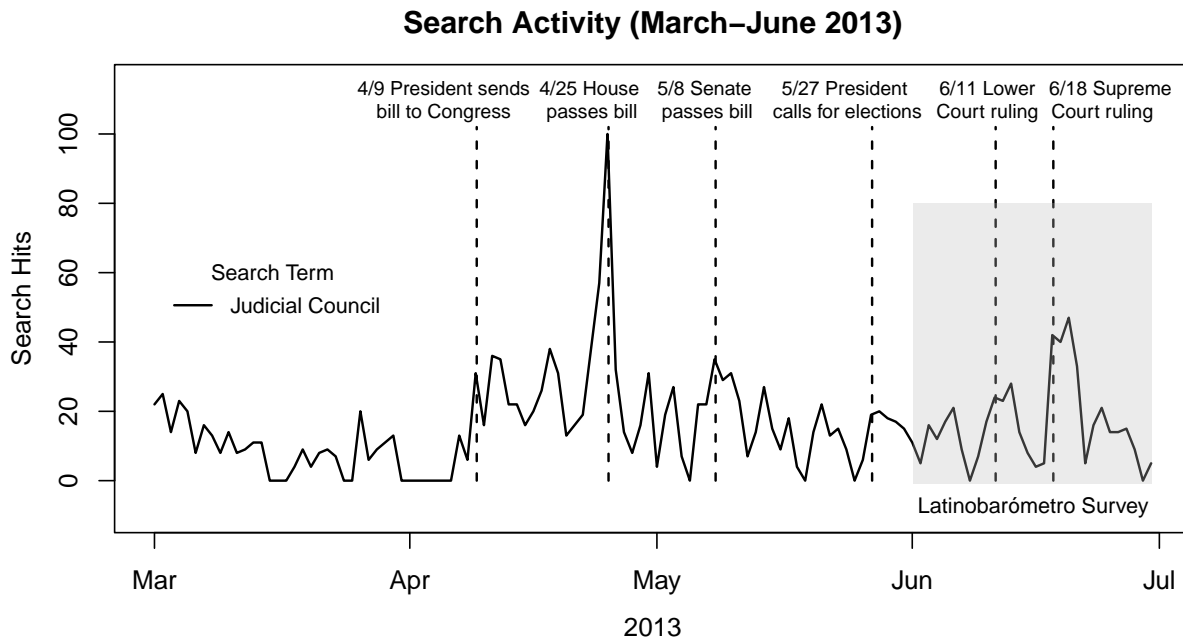
<sup>9</sup>The legal file of the case is “Rizzo, Jorge Gabriel (apoderado Lista 3 Gente de Derecho) s/ acción de amparo c/ Poder Ejecutivo Nacional, ley 26.855, medida cautelar (Expte. N° 3034/13).”

<sup>10</sup>Formally, this Supreme Court decision is cited as “CSJN, *Fallos* 336:760.” The full text of the ruling is available at <https://sjconsulta.csjn.gov.ar/sjconsulta/documentos/verDocumentoByIdLinksJSP.html?idDocumento=7026851> [www.perma.cc/9BF4-766T]. See also the report from the Supreme Court’s Center for Judicial Information (CIJ) at [www.cij.gov.ar/nota-11694-La-Corte-declar--inconstitucional-cambios-en-el-Consejo-de-la-Magistratura.html](http://www.cij.gov.ar/nota-11694-La-Corte-declar--inconstitucional-cambios-en-el-Consejo-de-la-Magistratura.html) [www.perma.cc/ACZ2-PBWE].

<sup>11</sup>Even President Fernández implicitly criticized the Supreme Court while giving a speech in a public event

asserted that “the Supreme Court acted with honesty and judgmental independence, and it invalidated the [government’s] attempt to subjugate the Judiciary” (Clarín 2013). The lower court ruling triggered similar reactions among actors from the government and opposition parties (see Página12 2013; LaNación 2013).<sup>12</sup>

Figure 2: Google Trends Search Activity



*Note:* The figure uses Google Trends data to plot search interest in the term “Judicial Council” (*Consejo de la Magistratura*). The data were obtained using the `gtrendsR` package in R (Massicotte and Eddelbuettel 2022). See SI B4 for more information on how Google Trends collects and measures search activity.

that took place two days after the ruling: she claimed that “rather sooner than later, Argentines will be able to vote democratically for *all* the political bodies of the Argentine Constitution” (Notarfrancesco 2013).

<sup>12</sup>Before the June 11<sup>th</sup> decision, other judges around the country had issued rulings either striking down or upholding the judicial reform. Some of these rulings were enacted before the Latinobarómetro survey (Télam 2013b) and are therefore controlled by design; other five lower-court rulings were issued between June 4<sup>th</sup> and June 7<sup>th</sup> (Hauser 2013). Nonetheless, those specific decisions did not have widespread media coverage (especially relative to the June 11<sup>th</sup> and June 18<sup>th</sup> rulings) and were rarely commented on by political leaders, making it unlikely that respondents were exposed to judicial decisions other than the *Rizzo* rulings. Even if respondents were indeed exposed to those other rulings, this would bias *against* the effect of the *Rizzo* decisions under study. Following the recommendation by Muñoz, Falcó-Gimeno, and Hernández (2020), the analyses in SI G1 suggest lack of preexisting time trends unrelated to the *Rizzo* rulings.

Furthermore, both the lower court and Supreme Court decisions were highly salient to the larger citizenry, as **Figure 2** indicates. The figure plots Google Trends data on search activity in Argentina for the term “Judicial Council” (*Consejo de la Magistratura*) from March to June 2013 and shows that interest in the Judicial Council increased as it became politically salient. Importantly, the data also show that search activity on the Judicial Council increased notably following the lower and Supreme Court rulings (June 11<sup>th</sup> and June 18<sup>th</sup>, respectively). In sum, **Figure 2** suggests that Argentines were responsive to the political events surrounding the reform of the Judicial Council—including the court rulings in June—and provides evidence that the judicial decisions were salient to the general public.

### **The 2013 *Latinobarómetro* Survey in Argentina**

While these political events were taking place in Argentina, the *Latinobarómetro Corporation* was interviewing individuals for their 2013 nationally representative survey.<sup>13</sup> The survey was fielded from June 1<sup>st</sup> to June 30<sup>th</sup>, and it interviewed a total of 1,200 Argentinian respondents. **Figure 3** displays the distribution of respondents throughout June 2013 as well as the dates the lower and supreme court rulings were released.

Importantly, the *Latinobarómetro* survey included a four-point scale that asked respondents how much trust they had in the judiciary: “a lot,” “some,” “a little,” or “no” trust.<sup>14</sup>

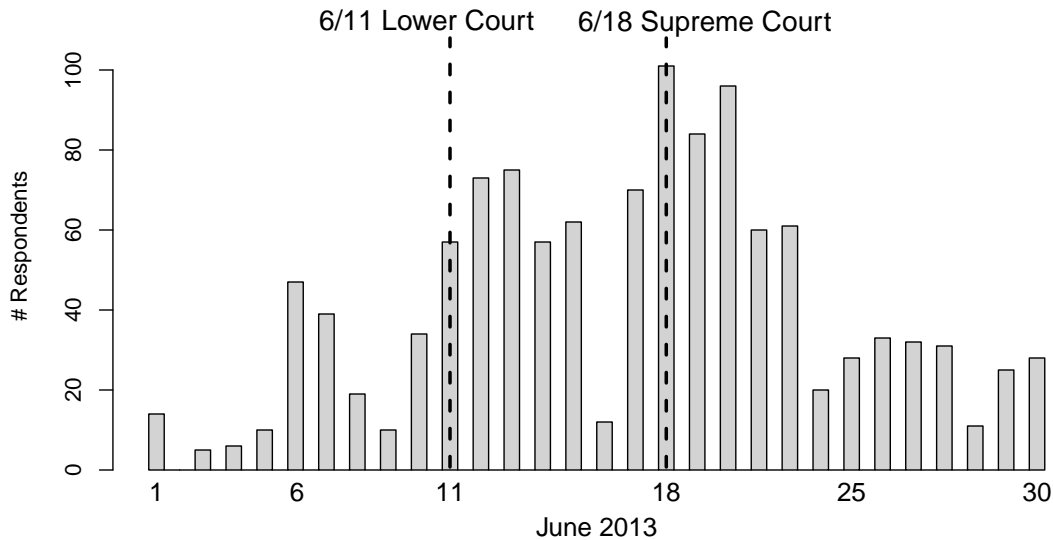
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<sup>13</sup>Corporación *Latinobarómetro*, Santiago, Chile, [www.latinobarometro.org](http://www.latinobarometro.org).

<sup>14</sup> The *Latinobarómetro* survey item I use as the dependent variable is “trust” (also referred as “confidence”) in the judiciary, which has been widely used in comparative courts and public opinion ([Helmke 2010b](#); [Salzman and Ramsey 2013](#); [Walker 2016](#)). A rich literature in studying support for individual courts has raised concerns about using trust or confidence items to measure citizens’ enduring loyalty toward judicial institutions. While I acknowledge the shortcomings of employing this item relative to measures of diffuse support or legitimacy, it is a valid outcome for this paper’s purposes. First, since debates around trust items have been theoretically and empirically circumscribed to attitudes about specific, pinnacle courts ([Gibson, Caldeira, and Spence 2003b](#); [Gibson and Nelson 2015](#)), the extent to which criticism towards these items applied to evaluation of broader judicial institutions is not clear. Second, even if these concerns apply to the outcome examined in this paper, scholars have suggested that the trust items reflect “a blend of short-term and long-term judgments of the institution” ([Gibson, Caldeira, and Spence 2003a](#), 364; see also [Driscoll and Nelson 2018](#)). This implies that trust items, albeit limited, still offer valuable insights into the public’s meaningful beliefs about judicial institutions. Third, theoretical debates and measures of diffuse support or legitimacy for the judiciary writ large (rather than individual tribunals) are scant ([Gibson 2006](#); [Bartels 2024](#)). To the best of my knowledge, only [Bartels and Kramon \(2020\)](#) discuss a legitimacy-related measure

**Figure 4** shows the distribution of the *Trust in the Judiciary* survey item, which I use as the outcome variable in the analyses. For simplicity, I employ the binary version, where 0 means a respondent had a little or no trust in the judiciary, and 1 reflects a lot or some trust.<sup>15</sup>

Figure 3: Distribution of Respondents during the 2013 Latinobarómetro Survey



*Note:* The figure shows the distribution of Latinobarómetro respondents by date of interview. The dashed lines mark the date of the lower court and Supreme Court rulings.

Taking advantage of the fact that the rulings were released while Latinobarómetro was in the field, I can divide the sample of respondents into three ‘quasi-experimental’ groups: a ‘control’ condition (respondents interviewed on or before June 11<sup>th</sup>) and two ‘treatment’ conditions (respondents interviewed between June 12<sup>th</sup> and June 18<sup>th</sup>, and respondents interviewed on or after June 19<sup>th</sup>).<sup>16</sup>

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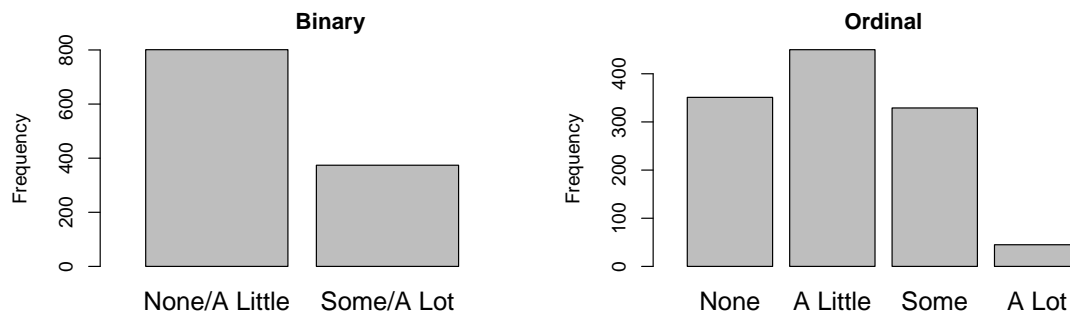
for the broader judicial institution, which they call “support for judicial power.”

<sup>15</sup>Results are robust to employing the original ordinal measure or a (scaled) continuous version of this outcome (see **SI F2**).

<sup>16</sup>Newspapers reported the rulings in the night of June 11<sup>th</sup> (lower court decision) and the evening of June 18<sup>th</sup> (Supreme Court decision). Nevertheless, removing respondents interviewed on June 11<sup>th</sup> and June 18<sup>th</sup> does not substantially affect the results (see **SI F4**).



Figure 4: Trust in the Judiciary



*Note:* The figures show the distribution of the binary and ordinal measures of the outcome (*Trust in the Judiciary*) across Latinobarómetro respondents.

Moreover, the survey also included information about interviewees’ partisanship. In the analyses below, I employ the indicator *Government Supporter* to denote whether a respondent is a supporter of a party aligned with the government or a supporter of an opposition party.<sup>17</sup> Even though focusing on government and opposition supporters reduces the sample size considerably (by dropping respondents without any partisan identification), this measure has the advantage of identifying those unequivocally aligned with or opposed to the government, which is a fundamental component of theories of instrumental support for judicial institutions (see [Bartels and Kramon 2020; 2022](#)).

The timing of both the judicial invalidation of the Judicial Council reform and the Lati-

<sup>17</sup>To construct this partisanship indicator, I employ the Latinobarómetro survey item denoting which political party respondents ‘belong to:’ “government,” “opposition,” or “other/party not mentioned” (see documentation at <https://www.latinobarometro.org/latContents.jsp>). Although it is not explicitly stated in the Latinobarómetro documentation, this item is constructed from respondents’ answer to the question, “If elections were held this Sunday, which party would you vote for?” (see list of parties in **SI A3**). While this measure could potentially suffer from post-treatment bias ([Acharya, Blackwell, and Sen 2016](#)), such a scenario is unlikely. First, balance tests show that the conditions are balanced on the partisanship indicator (see **Table 1**), which suggests that the rulings did not influence respondents’ vote intention. Second, that court outputs shape voting behavior is inconsistent with theoretical and empirical research demonstrating that voters consider more salient factors (such as partisanship, policy issue positions, or economic performance) when casting their ballot for a given candidate. Relative to these more weighty considerations, judicial matters constitute a low-salience issue—topics on which voters tend to rely on partisan cues ([Downs 1957; Mummolo, Peterson, and Westwood 2021](#)). Moreover, [Driscoll and Nelson \(2023\)](#) show that, when voters are provided with information on candidates’ issue positions, vote choice is practically unaffected by candidates’ attempts to undermine judicial institutions.

nobarómetro survey offer an unusual opportunity to estimate the partisan reactions to the court decisions, as measured by Latinobarómetro respondents' expressed trust in the judiciary. My identification strategy exploits the fact that the *Rizzo* decisions were independent of the survey fieldwork, assigning pre- and post-*Rizzo* respondents as if randomly (Muñoz, Falcó-Gimeno, and Hernández 2020). Yet, a main concern threatens causal identification. The Latinobarómetro survey could have been administered in a way that citizens more or less prone to support the judiciary were systematically interviewed before or after the court decisions, making treated and control units fundamentally different.<sup>18</sup> For instance, since the nationally representative survey was not conducted simultaneously around the country, it is plausible that demographically dissimilar provinces, cities, or neighborhoods were surveyed earlier or later in the process. Indeed, although most provinces and cities have respondents in both the control or treatment groups, there are some regions that were interviewed only before or after the lower or supreme court rulings (see **SI AI**).<sup>19</sup> To make credible claims, however, this research design requires Latinobarómetro respondents surveyed before the rulings to be comparable to those interviewed the days following the rulings—otherwise, changes in trust in the judiciary could be an artifact of differences in other individual-level characteristics, rather than the court rulings' effects.<sup>20</sup>

To check for balance across groups, I use presumably pre-treatment survey items asked in the 2013 Latinobarómetro poll.<sup>21</sup> **Table 1** displays mean values, standard deviations, and

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<sup>18</sup>Alternatively, the timing of the decisions could have been driven by judges' attempt to maximize its support among those interviewed by the survey. If that were the case, treatment assignment would not be “as-if” random, but driven by the strategic calculation of the courts. However, it is highly unlikely that the (lower and Supreme Court) judges knew about the 2013 Latinobarómetro survey at all, let alone the timeline of the survey administration. Moreover, the timing of the *Rizzo* decisions was not in full control of the judges, as the legal processes depended also on the actions of plaintiffs and defendants (i.e., the filing of the lawsuit).

<sup>19</sup>**SI F5** and **F6** show that the results are substantially similar when running the analyses only on respondents from cities with observations *both* before and after the rulings.

<sup>20</sup>To account for regional-level differences, the statistical models include region (province or city) fixed effects.

<sup>21</sup>See **SI A2** for more information on these survey items. The main results are robust to employing an extensive set of (potentially post-treatment) covariates (see **SI F8**).

exact  $p$ -values using randomization inference tests (Young 2019). Although the groups seem fairly balanced, the table shows that there is imbalance with respect to respondents' education (more educated in treatment groups), SES ("Very good" category is more frequent in the treatment groups), and subjective income (higher in the *Lower Court* condition). Such imbalances are potentially problematic because research has shown that political sophistication and education are associated with support for courts (Fix, Randazzo, and Martin 2021; Benesh 2006). To deal with this concern and achieve balance across groups, the analyses presented below also employ (1) entropy weights (Hainmueller 2012) and, alternatively, (2) weights generated by genetic matching (Diamond and Sekhon 2013; Sekhon 2011). These methods help mitigate model dependency and improve balance, ensuring that the results are not driven by differences in *observable* covariates. Moreover, the matching specifications (which allow for matching with replacement and multiple matched control observations) employ a larger sample, which helps alleviate concerns over statistical power. While these methods address threats raised by observables, later in the paper I present analyses that tackle the concern that *unobservables* are confounding my findings.

These strategies rely on the *conditional ignorability assumption* (Muñoz, Falcó-Gimeno, and Hernández 2020): that conditional on a set of (observable) covariates related to how the Latinobarómetro survey was fielded, the rulings are independent of respondents' potential outcomes (see also Casas, Curci, and De Moragas 2024). Section 5 discusses analyses that address the concern that *unobservables* are confounding my findings.

While in studying the effects of salient judicial rulings I follow previous work,<sup>22</sup> my research design has the advantage of studying attitudes about the judiciary without the need to prime respondents about the court decisions—which may potentially introduce bias

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<sup>22</sup>For instance, past research has studied the impact of actual, salient court decisions on public attitudes about both the ruling tribunal (Christenson and Glick 2019; Bartels, Horowitz, and Kramon 2023; Gibson, Caldeira, and Spence 2003b) and policy issues (Christenson and Glick 2015b; Hoekstra 1995; Hoekstra and Segal 1996; Casas, Curci, and De Moragas 2024).

in respondents' evaluation of the judiciary (see [Hitt, Saunders, and Scott 2019](#), 37; [Grosskopf and Mondak 1998](#), 650).<sup>23</sup> Moreover, by exploiting real-world judicial rulings, this design achieves greater external validity as compared to survey and laboratory experiments that expose individuals to hypothetical court decisions (i.e., [Mondak 1991](#); [1990](#); [Bartels and Johnston 2013](#)).<sup>24</sup>

These methodological features make this paper well-suited to examine both whether courts' behavior influences public evaluation of judicial institutions writ large, and whether such attitudes are driven by citizens' instrumental concerns. To the extent that my theoretical expectations with respect to these questions apply broadly, Argentina is an excellent case to empirically focus on. As **SI B1** shows, Argentina is a representative case according to a number of institutional and public opinion indicators both historically as well as in 2013. The country's interbranch environment and levels of support for courts have been typical in comparative perspective, outside the oft-studied environments of the United States and Western Europe. In particular, **SI B1.1** suggests that overall levels of judicial independence, government compliance with court orders, and democracy in Argentina have been typical of most countries around the world, falling between those of more consolidated democracies and those in the developing world. Similarly, public opinion data indicate that average trust in the Argentinian judiciary has been close to the mean and median values across Latin

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<sup>23</sup>Even though I am not able to empirically determine whether the Latinobarómetro respondents had the rulings in mind when being asked about their trust in the judiciary, **Figure 2** above provides evidence that the Judicial Council reform was salient during the survey period and especially so after the court decisions. Moreover, **SI B4** shows that search interest in the last name of the lower court judge and in the Supreme Court increased right after the June 11<sup>th</sup> and June 18<sup>th</sup> rulings, respectively. It is very plausible, then, that 'treated' respondents were aware of the judicial rulings at the time of the Latinobarómetro interview.

<sup>24</sup>This paper's design and substance is most similar to [Bartels, Horowitz, and Kramon \(2023\)](#), who examine the effect of a ruling from Kenya's Supreme Court ruling—upholding the results of the 2017 presidential elections and allowing the incumbent's reelection—on respondents' support for judicial power. While these authors employ panel data, my design is limited by the cross-sectional nature of the Latinobarómetro data—and estimates between-subject change. However, whereas [Bartels, Horowitz, and Kramon \(2023\)](#) study a court decision in favor of the incumbent in an electoral autocracy, this paper examines the invalidation of a democratic government's policy.

American countries (see **SI B1.2**).

Table 1: Covariate Balance Across Conditions

	Control		Lower C.		Supreme C.		(exact) $p$ -value	
	Mean	sd	Mean	sd	Mean	sd	Lower vs Control	Supreme vs Control
Gov. Supporter	0.782	0.415	0.724	0.448	0.741	0.439	0.288	0.457
Female	0.455	0.500	0.449	0.499	0.500	0.501	0.615	0.636
Age	44.356	16.431	43.281	17.838	43.356	17.116	0.913	0.476
Education	4.208	1.444	4.551	1.371	4.575	1.495	0.049	0.049
SES								
Bad/Very bad	0.069	0.255	0.059	0.237	0.063	0.244	0.741	0.846
Not bad	0.426	0.497	0.341	0.475	0.310	0.464	0.157	0.053
Good	0.485	0.502	0.508	0.501	0.471	0.501	0.714	0.827
Very good	0.020	0.140	0.092	0.290	0.155	0.363	0.018	0.001
Subj. Income								
Insufficient and problems	0.059	0.238	0.032	0.178	0.046	0.210	0.288	0.646
Insufficient	0.327	0.471	0.200	0.401	0.236	0.426	0.018	0.102
Just sufficient	0.535	0.501	0.665	0.473	0.575	0.496	0.030	0.526
Sufficient and save	0.079	0.271	0.103	0.304	0.144	0.352	0.521	0.118
Class								
Lower	0.099	0.300	0.054	0.227	0.144	0.352	0.160	0.288
Middle-lower	0.337	0.475	0.422	0.495	0.351	0.479	0.161	0.815
Middle	0.515	0.502	0.481	0.501	0.466	0.500	0.588	0.430
Middle-upper/upper	0.050	0.218	0.043	0.204	0.040	0.197	0.824	0.716
Religion								
Agnostic/Atheist/None/NA	0.089	0.286	0.146	0.354	0.138	0.346	0.172	0.234
Catholic	0.822	0.385	0.800	0.401	0.741	0.439	0.653	0.125
Evangelic	0.069	0.255	0.038	0.191	0.075	0.264	0.246	0.872
Other	0.020	0.140	0.016	0.127	0.046	0.210	0.836	0.273
N	101		185		174			

*Note:* The table shows means and exact  $p$ -values (Young 2019) using randomization inference tests with 100,000 random samples.

## 4 Results

**Table 2** presents the results of fitting linear probability models of the relationship between the court rulings and trust in the judiciary.<sup>25</sup> To examine the heterogeneous effects of

<sup>25</sup>See **SI C** for the full regression table of the results presented in **Table 2**. All models include controls and province fixed effects. I follow work using a similar identification strategy and employ robust standard errors clustered by city and date of interview (see Casas, Curci, and De Moragas 2024). Nevertheless, **SI F2** shows that the results are robust to clustering either by city or date of survey interview as well as using cluster bootstrap procedures (i.e., Cameron, Gelbach, and Miller 2008; Webb 2014). Results are also robust to fitting binary logit and ordered probit models as well as linear models using a continuous (scaled) version of the outcome (see **SI F1**). Moreover, results do not change when employing city, instead of province, fixed

the judicial decisions, all models include an interaction term between the treatment indicator and the government supporter variable. The columns in **Table 2** show the effect of the lower court (models 1-3) and supreme court (models 4-6) rulings on respondents' trust in the judiciary. The table presents three main specifications: OLS (models 1 and 4), weighted least squares (WLS) with entropy balance weights (models 2 and 5), and WLS using multivariate matching and weights computed by genetic optimization (models 3 and 6), as discussed in the previous section.<sup>26</sup>

Table 2: Main Results

	Lower Court			Supreme Court		
	OLS (1)	EB+WLS (2)	GM+WLS (3)	OLS (4)	EB+WLS (5)	GM+WLS (6)
Court Ruling	0.054 (0.126)	0.038 (0.082)	-0.033 (0.071)	0.245* (0.108)	0.265*** (0.073)	0.294*** (0.070)
Government Supporter	0.463*** (0.076)	0.470*** (0.069)	0.405** (0.144)	0.464*** (0.045)	0.553*** (0.042)	0.525*** (0.085)
C. Ruling × Gov. Supporter	-0.325** (0.110)	-0.324*** (0.085)	-0.284* (0.125)	-0.526*** (0.128)	-0.632*** (0.107)	-0.585*** (0.073)
Constant	0.156 (0.208)	0.038 (0.283)	0.392 (0.351)	-0.373* (0.184)	-0.292 (0.284)	-0.298 <sup>+</sup> (0.154)
Mean(Trust)	0.416	0.416	0.449	0.418	0.418	0.425
sd(Trust)	0.494	0.494	0.498	0.494	0.494	0.495
Controls?	✓	✓	✓	✓	✓	✓
Province FE?	✓	✓	✓	✓	✓	✓
Observations	286	286	372	275	275	348
Adjusted R <sup>2</sup>	0.126	0.204	0.164	0.098	0.221	0.238

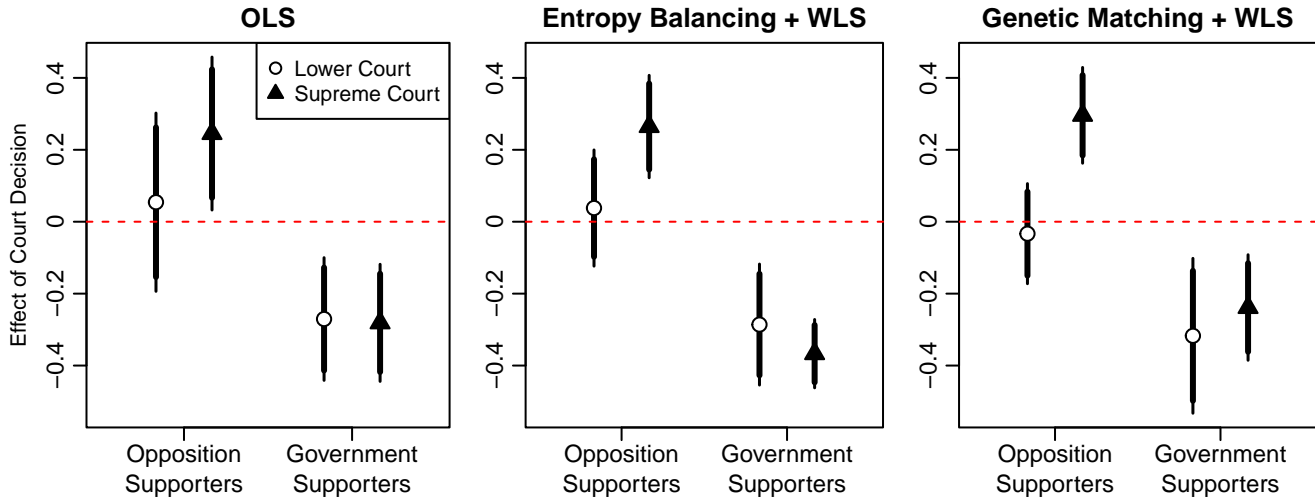
*Note:* Outcome: Trust in the Judiciary (0 = “A little”/“None”; 1 = “A lot”/“Some”). Robust standard errors clustered by city and date of survey interview. Controls: *Age, Female, Education, SES, Subjective Income, Class, Religion* (see **SI A2**). Models 2 and 4 employ entropy balance weights ([Hainmueller 2012](#)) (see **SI E1**). Models 3 and 6 employ multivariate matching ([Sekhon 2011](#)) with optimal balance weights computed using the genetic matching algorithm by [Diamond and Sekhon \(2013\)](#) (see **SI E2**). <sup>+</sup> $p < 0.1$ ; \* $p < 0.05$ ; \*\* $p < 0.01$ ; \*\*\* $p < 0.001$

**Table 2** shows that all the coefficients on the interaction terms between the court rulings and the co-partisanship indicator are negative and statistically significant at the 5% effects (**SI F3**) and when using an extended set of (potentially post-treatment) covariates (see **C2**).

<sup>26</sup>See **SI E** for details about the entropy balancing and genetic matching specifications.

level or less. This result indicates that the rulings had a significant negative effect among government supporters, as compared to opposition supporters. To better understand these heterogeneous effects, **Figure 5** plots the expected average changes (first differences) in trust in the judiciary following the court decisions by respondents' partisanship.

Figure 5: Heterogeneous Effects of the Court Rulings



*Note:* The panels show the expected effect (first difference) of the lower court (white circle) and supreme court (black triangle) rulings on trust in the judiciary among government supporters and opposition supporters. The vertical axis indicates the first difference in the outcome following each judicial ruling. The panels are based on the analyses presented in **Table 2**: models 1 and 3 (OLS, left), models 2 and 5 (EB+WLS, middle), and models 3 and 6 (GM+WLS, right). Thick and thin lines correspond to 90% and 95% confidence intervals, respectively.

Substantively, the panels in **Figure 5** show that both court rulings had significant, negative effects on government supporters' trust in the judiciary. In particular, the lower court ruling (white circle) decreased the probability of trusting the judiciary by about 0.27-0.32 ( $p < 0.01$ ), and the supreme court decision (black triangle) decreased the probability of trusting the judiciary by about 0.26-0.37 ( $p < 0.01$ ). These effects are of considerable magnitude—they represent, on average, about 63% (lower court) and 70% (supreme court) of the outcome mean values and translate into average decreases more than half of a standard deviation in respondents' trust in the judiciary (lower court: 0.54; supreme court: 0.63).

Together, these results provide strong support for **H1**, which predicted the judicial decisions to have a negative impact among those respondents who support the government.

Among respondents who identified as supporters of an opposition party, only the supreme court ruling had positive, statistically significant effects on public trust in the judiciary. As the table indicates, the judicial decision against the government increased the probability of trusting the judiciary by about 0.25 (OLS model,  $p < 0.05$ ) and 0.27-0.30 (EB and GM models,  $p < 0.001$ ). Again, these magnitudes are not trivial, as they denote more than half of the mean value of the outcome—a positive average change of more than 0.54 standard deviations in respondents’ trust in the judiciary. This finding indicates that opposition supporters were more trustful of the judicial institution after the supreme court invalidated the reform of the Judicial Council. This providing support for **H2** with respect to the supreme court decision, but not regarding the lower court ruling.

In **SI D**, I provide further suggestive evidence consistent with these heterogeneous partisan effects of the court rulings. In particular, **SI D1** shows that the supreme court ruling had a stronger effect among those opposition supporters who identified as strongly attached to their party—yet the ruling’s effects among government supporters are similar regardless of their partisanship strength.

## 5 Unobserved Confounders

This paper’s design relies on the assumption that, other than the covariates I balance and match on in the statistical models, there are no other omitted variables. However, I cannot reject the possibility that *unobservables* are confounding the results. In particular, it is possible that the treatment groups are unbalanced on some unobserved factors. Even though this paper’s design does not allow me to rule out that possibility entirely, this section presents two sets of analyses that help me address this concern. First, I conduct placebo tests. The logic underlying this exercise is the following. If respondents in the control and



treatment conditions are systematically different on some unobserved, relevant covariates, then such imbalances should show up as differences in respondents' beliefs and attitudes towards institutions and actors unrelated to the judiciary.

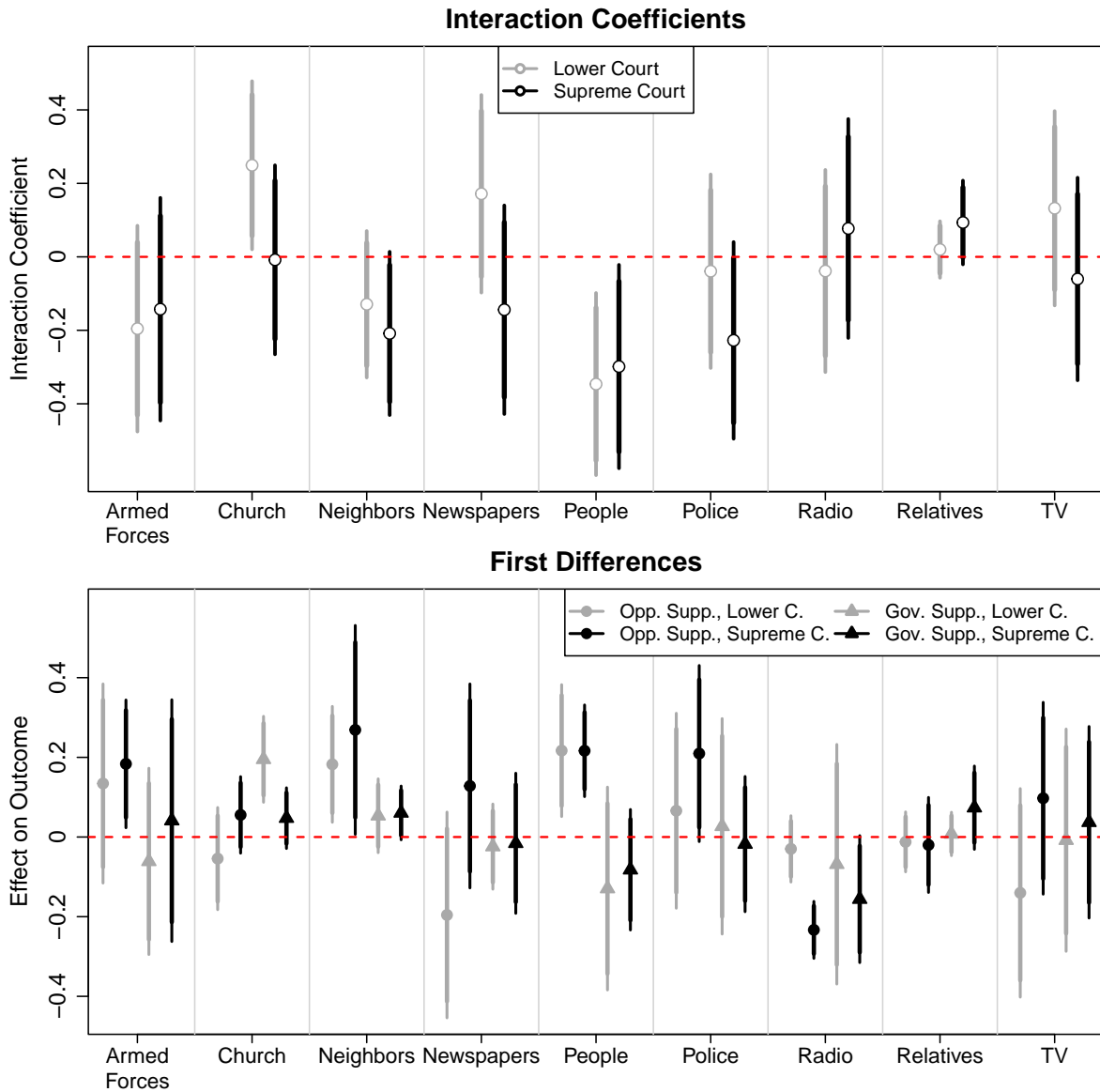
To examine this alternative, I run placebo regressions in which the outcome is trust in different groups and institutions (i.e., the police, church, armed forces, television, neighbors, etc.) included in the 2013 Latinobarómetro poll (see **SI H1**). As with the main analyses, I fit linear models with entropy balance weights.<sup>27</sup> For each outcome, **Figure 6** plots the  $C. Ruling \times Gov. Supporter$  interaction coefficients (upper panel) and first differences (lower panel) of the lower court (gray lines) and supreme court (black lines) rulings across government and opposition supporters. **Figure 6** shows that—except for a few cases—the court rulings are insignificant predictors of government and opposition supporters' attitudes about a wide array of institutions and groups unrelated to the judiciary.

Moreover, note that the magnitude of the few statistically significant coefficients and first differences displayed in **Figure 6** is considerably smaller than the effects on public trust in the judiciary shown in **Table 2** and **Figure 5**. Most importantly, the panels do not display clear partisan trends, which suggests that any differences in the figure do not explain the main findings. Overall, these results indicate that, after accounting for imbalance on the covariates included in the main models, the treatment and control groups do not seem to be substantially different from each other. In other words, if respondents interviewed before and after the *Rizzo* decisions vary systematically in some (unobserved) characteristics, such dissimilarities are not associated with the extensive set of attitudes shown in the panels.

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<sup>27</sup>I employ a binary measure of these outcomes. These models employ controls, province fixed effects, and robust standard errors clustered by city and date of interview.

Figure 6: Placebo Tests



*Note:* The panels show the effect of the lower court and supreme court rulings on different outcomes across government and opposition supporters. See **SI G2** for information about these outcome items. The top panel plots the coefficient on the *C. Ruling*  $\times$  *Gov. Supporter* interaction (lower court, gray; supreme court; black) with respect to each outcome. The bottom panel plots the first differences in each outcome (lower court, gray; supreme court, black) among government supporters (triangles) and opposition supporters (circles). The panels are based on linear models using entropy balance weights. Thick and thin lines correspond to 90% and 95% confidence intervals, respectively.

In addition to these placebo tests, **SI G3** presents the results of sensitivity analyses

(see [Cinelli and Hazlett 2020](#); [Frank et al. 2023](#)). These exercises also support the credibility of the main results. For example, with respect to the supreme court decision, sensitivity analyses based on  $R^2$  parameterization (**SI G3.1**) indicate that any unobserved confounders must explain at least between about 23-32% of the residual variance *both* of the treatment and of the outcome to reduce to zero the interaction coefficients reported in **Table 2**.<sup>28</sup>

More importantly, the analyses also suggest that, in most of the models, any hypothetical confounders as strong as *Government Supporter* are not sufficient to explain away the observed interaction estimates. In other models, such a hypothetical confounder would need to explain about 45% or 70% of the variation in the outcome. Given the extensively documented strong association between government co-partisanship and support for judicial institutions (i.e., [Bartels and Kramon 2020](#); [Armaly 2018](#); [Nicholson and Hansford 2014](#); [Sen 2017](#); [Bartels and Kramon 2022](#); [Driscoll, Aydın-Çakır, and Schorpp 2024](#)), these sensitivity analysis results lend greater confidence in the main findings.<sup>29</sup> Indeed, it would be difficult to imagine an unobserved confounder stronger than the *Government Supporter* indicator.

In sum, although the placebo tests and sensitivity analyses reported in this section do not conclusively rule out unobserved confounding, these exercises do provide empirical evidence against the possibility that partisan reactions to the rulings are driven by unobserved differences across treatment groups.

## 6 Exploring the Mechanism

My theory suggests that judicial checks provide citizens with information that is primarily instrumental in nature. If such information is driving the partisan reactions to the

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<sup>28</sup>The quantities must be about 20-29% to make the observed interaction coefficients statistically insignificant at the 5% level.

<sup>29</sup>Employing the approach proposed recently by [Frank et al. \(2023\)](#) leads to similar conclusions (see **SI G3.2**). For instance, to make the interaction coefficient statistically insignificant at the 5% level, an omitted variable would need to be correlated with the outcome at about 0.15-0.17 (lower court) or 0.34-0.43 (supreme court). For comparison, consider data from the *Latinobarómetro* (2008-2013). The correlations between being a supporter of the government and trust in the judiciary are about  $\rho \approx 0.13$ .

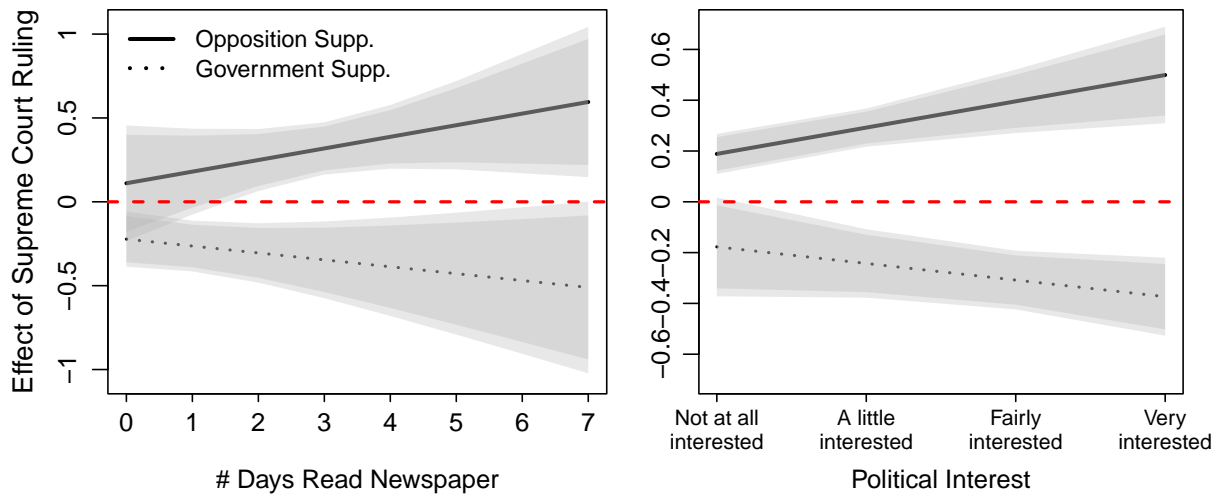
*Rizzo* rulings, then we should expect to see stronger effects among better informed respondents. **Figure 7** provides suggestive evidence in support of this expectation by examining the impact of the Supreme Court decision across values of newspaper frequency (the number of days last week respondents read news in a newspaper) and political interest (from “not at all” to “very” interested). Assuming that these variables are valid measures of how well or poorly informed the Latinobarómetro respondents were about the interbranch conflict, these data allow us to uncover suggestive patterns consistent with the information mechanism. **Figure 7** reveals that, as respondents become better informed and more politically interested, the effect of the Supreme Court decision on public trust in the judiciary increases in magnitude. Notably, these effects move in opposite directions depending on whether respondents support the government or the opposition.<sup>30</sup> Yet, while **Figure 7** is consistent with the mechanism suggested, concerns about post-treatment bias and power demand caution in interpreting these findings.

Despite these limitations, the suggestive patterns shown in the figure nicely complement existing comparative work on judicial institutions and public opinion. Extant research shows that the relationship between courts’ performance and public evaluations of the judicial institution is stronger among more aware, informed, or knowledgeable individuals ([Salzman and Ramsey 2013](#); [Aydın-Çakır and Şekercioğlu 2016](#); [Garoupa and Magalhães 2021](#)). The reason is that these subgroups hold more accurate beliefs about the actual functioning of courts in a given environment. **Figure 7** adds another layer to this story. If the judicial behavior citizens observe provides instrumental information, this implies that more knowledgeable publics will be more likely to express more polarized views about the judiciary—regardless of whether the courts decided independently.

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<sup>30</sup>The figure is based on models employing genetic matching weights and the extensive set of covariates with province fixed effects and robust standard errors clustered by city and date of interview. **SI D2** shows that the patterns hold when employing a binary version of these moderators.

Figure 7: Supreme Court Ruling Effect by Newspaper Frequency and Political Interest



*Note:* The panels show the expected effect (first difference) of the supreme court ruling on trust in the judiciary across values of *Newspaper Frequency* (left panel) and *Political Interest* (right panel) among opposition supporters (solid line) and government supporters (dotted line). The panels are based on analyses employing genetic matching weights and the extensive set of covariates. Lighter and darker shaded areas indicate 95% and 90% confidence intervals, respectively.

## 7 Conclusion

This paper contributes to existing work on trust in the judiciary by proposing an account that explains why and how court behavior can influence public attitudes about judicial institutions writ large. The results indicate that judicial checks, as specific instances of interbranch conflict, influence public assessments of the judiciary. Importantly, the paper demonstrates that instrumental concerns (i.e., partisanship) drive citizens' reactions to judicial behavior.

This paper advances our knowledge of both the determinants of citizens' support for judicial institutions writ large and public reactions to judicial checks. This study, nonetheless, is not without limitations, which in turn suggest fruitful avenues for future research on courts and law, especially in comparative perspective. For one thing, the political context studied in this paper can limit the generalizability of the results. The fact that the reform

involved changes to the judicial institution itself as well as the high saliency of the policy can imply that the effects described in this paper may not generalize to other policy areas. In addition, the outcome I examined—trust in the judiciary—is conventionally understood to be a measure of *specific* (in contrast to *diffuse*) public support for courts (c.f. [Driscoll and Nelson 2018](#)). To the extent that new conceptual and empirical work develops more enduring measures of citizens’ attitudes about judicial institutions writ large, future research should inquire whether and how judicial checks can affect public legitimacy of the judiciary. Similarly, the data and design discussed in this paper do not allow us to examine how enduring the (partisan) effects of these rulings might be.

Second, in line with recent research by [Magalhães and Garoupa \(2020\)](#), this paper calls for more direct indicators of the behavior and performance of courts when studying public evaluation of the judiciary. Yet, unlike those authors, the nature of my data and design forecloses a macro or cross-national examination of how judicial checks shape public attitudes about the judiciary. Efforts oriented to the collection of aggregated measures of these indicators (that is, judicial rulings against the government) will help researchers advance the literature theoretically and empirically.

Third, despite the suggestive evidence in the last section, the data employed in this paper are not well-suited to fully address the causal mechanisms underlying the partisan reactions to the court rulings. Besides the mechanism discussed above, other plausible alternatives for the effects shown in this paper are that Latinobarómetro respondents took cues from their preferred political leaders (i.e., [Nicholson and Hansford 2014](#); [Clark and Kestelc 2015](#); [Sen 2017](#); [Armaly 2018](#)), that interviewees ideologically disagreed with the judicial decisions themselves (i.e., [Bartels and Johnston 2013](#); [Gibson, Caldeira, and Spence 2003a](#); [Christenson and Glick 2015a](#); [Carrubba 2009](#)), or media framing effects ([Baird and Gangl 2006](#)). Research examining these alternative mechanisms would make a meaningful contribution to the scholarship on support for the judiciary and public opinion.

Finally, the findings discussed in this paper raise new questions relevant for two sets of literatures. A prominent body of work has argued that public support serves as a protective mechanism for judicial institutions facing attacks from the other branches (Vanberg 2001; Krehbiel 2016; Staton 2006; Helmke 2010*b*). If judicial actors care about the citizenry, my results showing that judicial checks bring about public opinion costs and rewards imply that courts' strategic calculation will have to take into account the partisan nature of individuals' regard for judicial institutions. While a great deal of recent work has been devoted to showing that citizens evaluate courts through partisan lenses both in the US and beyond (i.e., Nicholson and Hansford 2014; Bartels and Kramon 2020), the judicial politics literature has yet to incorporate this instrumental dynamic of public support into their models of the separation of powers, constitutional review, and judicial behavior.<sup>31</sup>

On the other hand, my results indicating that government supporters react negatively to judicial checks on incumbents, along with the possibility that political leaders can shape such attitudes (i.e., Sen 2017), raises new questions about elite behavior in the wake of politically salient court challenges, such as incumbents' compliance with judicial orders and advancement of court-curbing proposals. Future efforts in these directions will undoubtedly advance our knowledge about the role of public support for judicial institutions amid interbranch politics.

## 8 Funding Declaration

None.

## 9 Competing Interests Declaration

None.

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<sup>31</sup>Alternatively, it could be the case that judicial actors do not primarily care about mass publics but seek instead to engage with other audiences (see Baum 2006; Black et al. 2016), which could explain courts' willingness to engage in potentially costly institutional conflicts.

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