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Confidence in the Judiciary: Comparing the Independence and Legitimacy of Judicial Systems

MARC BÜHLMANN and RUTH KUNZ

This contribution investigates the determinants of judicial confidence. It argues that this is the decisive source of legitimacy for the third branch. Fairness and impartiality, i.e. the independence of the judiciary, are paramount in fostering citizens' confidence in the justice system. Through several multilevel analyses, the study tests whether judicial independence promotes the development of an individual's confidence in the justice system. The results show that judicial independence has a positive impact on the development of individual trust. However, public beliefs about the trustworthiness of judicial institutions do not seem to originate from constitutional rules (de jure independence) but from actual events and real life experiences (de facto independence).

The justice system plays an important role in democracies. In many countries, the judiciary is the final instance when it comes to controversial issues, which are very often of high political as well as societal relevance. The final decision of the US Supreme Court on the US presidential elections in 2001 or the annulment of the presidential election result by the Ukrainian Supreme Court in 2004 are only two examples.

It is striking that in these two, as in most of the cases, final decisions by the highest courts are accepted by society. This allows for the assumption that high courts generally enjoy high legitimacy. Given the fact that there usually is no formal link between judges and citizens, this is rather surprising. In contrast to the executive or the legislative powers, there are no institutionalised mechanisms to hold judges accountable. Thus, the legitimacy of the judiciary cannot be established on the basis of institutionalised procedures but depends on individual confidence. But how does confidence develop? On the grounds of the literature about the impact of institutions on the development of political confidence and societal trust (Freitag and Bühlmann 2009; Newton 2007; Rothstein and

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Stolle 2003), we suggest that the institutional qualities of the third power itself are the key factor. More precisely, we assume that the degree of independence of the judiciary influences its legitimacy, i.e. the public confidence it enjoys.

Distinctive for judicial independence is that the decisions of judges are exclusively based on the law and are not influenced by specific political interests or the other constitutional powers. Furthermore, independence is high when decisions do not reflect the balance of economic and political forces within the society. Unlike the executive and the legislature, an independent judiciary does not systematically produce winners and losers. Thus, in a country where the judiciary is independent, citizens have confidence in it even if they belong to the political or economic losers.

Of course, political confidence is not per se positive. High quality of democracy depends on a healthy amount of mistrust among critical citizens who do not blindly follow the rule of the political elite (Norris 1999). However, while mistrust is important to control the executive and the legislative powers, a low level of confidence in the judicial system can cause severe problems for a democratic regime. In order to control the other two powers effectively, the judicial system needs high levels of legitimacy since this is its chief political capital (Gibson 2006). Furthermore, a democracy can only exist under a secure rule of law (Dworkin 2006; Habermas 2001). Support for the rule of law is primordial to a democracy and support for the judicial system is essential for the operation of the rule of law. Thus, not only the strength of the judiciary but also the stability of a democracy itself depends on the individuals' confidence in the judicial system. It is therefore important to know how confidence in the judicial system develops.

While political theory on democracy as well as recent controversies about justicialisation (Tate and Vallinder 1995) and juristocracy (Hirschl 2004) ascribe great importance to the third branch, empirical research on the judiciary is very rare (Gibson 2006; Hirschl 2008). Although research on institutional confidence is by no means new (Anderson *et al.* 2005; Norris 1999), it is usually not confidence in the judiciary, but confidence in the parliament or government that is explored. Except for a few studies (Fix and Randazzo 2008; Gibson and Caldeira 1995; Remington and Randazzo 2005), research on confidence in the judicial system focuses on the US Supreme Court (e.g. Brace and Hall 2001; Caldeira 1986; Caldeira and Gibson 1992; Gibson 2008; Hall 2001; Segal and Spaeth 2002).

This contribution examines possible determinants of an individual's confidence in the judicial system in established democracies worldwide. The data for the analyses stem from the World Values Survey from 1995 to 2002 and – concerning the aggregate-level data – from various other sources. The dependent variable is the question about an individual's confidence in the judicial system.

We propose that it is primarily institutional factors in terms of independence of the judiciary system that foster the development of

individual confidence. However, the research on political confidence and trust brings forward further contextual as well as individual determinants. This is why we use multilevel analysis to illuminate individual, societal and particularly politico-institutional conditions for the creation of confidence in the judiciary in a systematic, comparative manner. We suggest that this method overcomes the micro–macro dualism because it is based on the idea that individual attitudes are structured by personal characteristics as well as by the social context (Herrerros and Criado 2008; Paxton 2007). Additionally, multilevel analysis allows for testing micro–macro interactions. To analyse whether judicial independence has an impact on confidence, we must consider not only its direct but also its possible interactive effects, such as its influence on the importance of individual properties for the development of confidence.

Legitimacy and Confidence

Legitimacy is crucial for the proper functioning of every democratic regime. This is because political decisions always benefit some members of society while they harm others. At the same time, the fact that both those favoured by a decision and those getting penalised by it accept the decision is one of the most important properties of democratic systems. However, this requires, first, that the procedure which leads to the decision is fair. Second, losers must have the chance to become winners. When these two conditions are met, political decisions and hence the regime as a whole are respected and considered legitimate.

Thus, legitimacy is understood in sociological terms, and not as a moral or a legal concept (Fallon 2005). A political institution or a political decision ‘possesses legitimacy in a strong sense insofar as the relevant public regards it as justified, appropriate, or otherwise deserving support for reasons beyond fear of sanctions or mere hope for personal reward’ (Fallon 2005: 1795). In this sense, legitimacy is not a constant. Institutions can enjoy high legitimacy in the eyes of some groups and low legitimacy in the eyes of others.

The two conditions for legitimacy are assured in different ways: the chance of becoming a winner in political terms can be institutionalised by free, fair, competitive, effective, and regular elections of the political elite because they allow citizens to sanction unpopular decisions. The perception of fair procedures depends – among other things – on characteristics of different political institutions themselves.

Here, the specific situation of the judiciary emerges. While the first and the second governmental branch can achieve legitimacy through procedures as well as through competitive elections, the legitimacy of the judicial system depends on procedural fairness only. This is actually rather astonishing, given the importance of legitimacy for the judicial system: courts must not only be legitimised to take decisions but they must also have the ability to

legitimise government policies (Gibson 1989; Rasinski *et al.* 1985). Thus, we should know how the judicial system achieves legitimacy.

The question then is what judicial legitimacy exactly means. The idea of fairness can be divided into different concepts (Fallon 2005: 1829 f.). Institutional legitimacy is rooted in the public's belief that the institution is generally trustworthy. Substantive legitimacy refers to the public's belief that a specific decision is correct. Authoritative legitimacy also refers to the decision itself: a judicial decision has authoritative legitimacy when the public thinks it should be obeyed. In political science, most empirically oriented scholars use Easton's (1965, 1975) concept of specific and diffuse support. While specific support denotes approval of policy outputs in the short term, diffuse support means 'institutional loyalty, i.e. support that is not contingent upon satisfaction with the immediate outputs of the institution' (Gibson and Caldeira 2009: 39). It is exactly this kind of legitimacy a judicial system needs to fulfil its role of controlling power. Diffuse support is the crucial foundation of court decisions that go against the preferences of determined majorities. If they lack institutional legitimacy, courts do not have enough leeway to decide against public opinion where necessary (for instance to protect political minorities).

For our cross-national comparison of judicial systems, we focus on the idea of institutional legitimacy as measured by institutional confidence (Caldeira and Gibson 1992; Gibson *et al.* 1998, 2003; Kelleher and Wolak 2007; Norris 1999; Remington and Randazzo 2005). More precisely, we use the World Values Survey (WVS) question which asks about an individual's confidence in the justice system. The exact wording of the question is the following:

I am going to name a number of organisations. For each one, could you tell me how much confidence you have in them: is it a great deal of confidence (1), quite a lot of confidence (2), not very much confidence (3) or none at all (4)? – the justice system.

Naturally, we have to be aware of the limits of this measure (Fallon 2005). On the one hand, it only partly covers institutional legitimacy. On the other hand, 'confidence' can have different meanings. Thus, we cannot be sure whether respondents assign the term 'confidence' to our idea of institutional legitimacy.

Nevertheless, we consider this item to be appropriate for capturing at least a phenomenon related to the idea of a 'reservoir of support' (Tyler 2006: 381). Four reasons support this argument. First, even if the confidence measure does certainly not measure the whole concept of institutional legitimacy, it is seen as a necessary component (Remington and Randazzo 2005). Additionally, individuals who express confidence in institutions are more likely to see institutions as legitimate (Gibson *et al.* 2003).

Second, Gibson *et al.* (2003) argue that confidence questions measure specific support rather than diffuse support. They convincingly show that the confidence question from the US General Social Survey, asking for confidence in the 'people running the institution US Supreme Court' is not a valid measure for diffuse support (also see Cann and Yates 2008). However, we argue that the WVS item on confidence in the justice system we use for this study does not measure a respondent's specific judgement of outcomes of courts or judges but rather approximates an evaluation of fairness. As Tyler (2001) shows, the judgement of institutional legitimacy derives from the evaluation of procedural fairness rather than the specific impact of institutions. We thus suggest that our confidence measure serves at least as a proxy for diffuse support in a mid-range position between the most diffuse or abstract and the most specific form of support (Norris 1999).

Third, the WVS confidence item seems to measure different evaluations of institutions. One could argue that respondents do not distinguish between different institutions. In other words: item batteries measuring confidence in different institutions measure an overall satisfaction with the whole system and not institutional legitimacy of one institution (Caldeira 1986; Norris 1999). However, in our country sample, only about 50 per cent of all respondents indicate the same confidence level for government/parliament and the justice system whereas more than 65 per cent have the same degree of confidence in the government and the parliament. Given that there are only four categories for these items, this can be taken as a validity argument for our confidence measure.¹ Finally, as the quantitative research on the judiciary is not very advanced, alternative measures are rare. Therefore, even if this measure may be incomplete, we are limited to what is available.²

Table 1 shows that there is a high variance of judicial confidence between different countries. While in some countries only 16 per cent of the population trusts the judicial system, three out of four individuals have judicial confidence at the top of the ranking.

These figures undermine the idea that the level of confidence in the justice system could be linked one-to-one to a specific type of culture (Remington and Randazzo 2005). Most Western European countries come in a group, but are interspersed with other countries such as Uruguay, Taiwan, and Brazil. Countries from Eastern Europe, Asia, and Latin America can be found in the first, the second and the last thirds of the distribution. Thus, shared historical-cultural experiences and their expression in attitudes alone do not explain differences in confidence in the justice system. But how can we explain these differences? We try to provide an answer to this question in the next section.

The Determinants of Judicial Confidence

The major aim of this article is finding determinants of confidence in the judiciary. We mainly focus on the impact of the judiciary's institutional

TABLE 1
 CONFIDENCE IN THE JUSTICE SYSTEM IN 42 COUNTRIES
 AT THE END OF THE 1990s (%)

Country	High confidence in the justice system	Country	High confidence in the justice system	Country	High confidence in the justice system
Denmark	79.4	Greece	50.2	Romania	40.4
Iceland	76.1	Latvia	50.1	Russ. Federation	37.5
Switzerland	71.8	Netherlands	48.7	Belgium	36.7
Austria	70.4	UK	48.5	Slovakia	35.7
Finland	70.1	Azerbaijan	48.4	Estonia	35.5
Uruguay	64.1	New Zealand	47.9	Australia	34.6
Sweden	62.5	Slovenia	47.6	Italy	34.1
Germany	59.7	Malta	47.2	Ukraine	33.9
Luxembourg	58.8	France	46.9	Croatia	33.5
Taiwan	58.4	Spain	46.8	Bulgaria	31.0
Ireland	57.1	Georgia	46.6	Armenia	30.4
Brazil	56.3	Hungary	45.6	Czech Republic	24.5
Turkey	55.8	Poland	44.2	Dominican Rep.	16.3
Columbia	50.6	El Salvador	41.6	Lithuania	16.2

Notes: Data for all 42 countries covered in the World Values Surveys (WVS) from 1995 to 2002. Confidence in the justice system is measured using responses to the question: 'I am going to name a number of organisations. For each one, could you tell me how much confidence you have in them: is it a great deal of confidence (1), quite a lot of confidence (2), not very much confidence (3) or none at all (4)? – the justice system.' Respondents answering with categories 1 or 2 are coded as having high confidence. Calculations are based on weighted data (using the weightings provided by WVS) (Inglehart *et al.* 2004: 411).

attributes. We argue that the judicial system cannot obtain legitimacy through competition. Thus, it is the properties of the judicial system itself that must be perceived as generally trustworthy.

Research on trust shows that institutions indeed play a crucial role. The development of generalised trust is more likely in political settings where institutions are impartial and fair (Freitag and Bühlmann 2009; Rothstein and Stolle 2003). Fairness and impartiality are also important properties of the judicial system. In the notion of institutional legitimacy, both characteristics depend on the degree of independence of the judicial system.³

Again, judicial independence has different meanings (Stephenson 2009). First, independence means impartiality: judicial decisions must not be influenced by political interests. An important condition for impartiality is the appointment of judges by professional qualification and not according to party preferences (Feld and Voigt 2003; Landes and Posner 1975; Larkins 1996; Shetreet 1985).

Second, an independent justice system must not be manipulated by actors with an interest in the output of a given process. While the danger of manipulation predominantly stems from the actual incumbents trying to promote their preferences, the judicial branch must be as detached as possible from the other two constitutional branches. Judges must be granted

a high degree of autonomy (Ferejohn and Weingast 1992; Gely and Spiller 1990; Moser 2000). Autonomy is assumed to be high when the appointment of judges is executed by judicial experts instead of the executive or the legislative branch (Feld and Voigt 2003). Furthermore, tenure of judges is important. Lifelong tenure and the impossibility of facile dismissal increase judicial autonomy (Feld and Voigt 2003; La Porta *et al.* 2003).

Third, independence depends on resources. An adequate income for judges and a fixed budget for the judiciary as a whole can help in preventing corruption or the purchase of judicial decisions (Treisman 2000) and can serve as protection against punishment due to unpopular decisions.

Fourth, independence is also related to the degree of power that is assigned to the third branch by the constitution. The more often the judiciary has the final say in political decisions, the more power it has. Being commissioned to check the constitutionality of political decisions is seen as the most powerful instrument for the independence of the judiciary: the institution of constitutional courts is considered the culmination of power for a judiciary (Hirschl 2004; Tate and Vallinder 1995).

These four components are mainly rules in law, i.e. chartered or *de jure* factors of judicial independence. To capture the *de facto* independence, we should account for rules that are effectively in use. Chartered rules can be unimplemented while informal ones can be in force (Feld and Voigt 2003). The development of an individual's confidence is probably more strongly influenced by the actual independence than by written norms. Of course, one can assume that *de jure* independence is connected to *de facto* independence (Camp Keith 2002): constitutional provisions can be seen as an indication for a given culture. Summing up, we argue that confidence in the judiciary depends on judicial independence, i.e. the impartiality, autonomy, and power of the justice system in terms of *de jure* as well as *de facto* independence.

This discussion leads to our first working hypothesis:

Hypothesis 1: The higher the degree of independence of a judiciary in a given country, the higher the probability that an individual has confidence in the justice system of this country.

However, the independence of the judiciary has an additional and interactive impact. As argued above, political decisions and their outcomes produce political as well as (socio-)economic winners and losers within the societies affected by it (Anderson and LoTempio 2002; Anderson *et al.* 2005).

Research on political confidence shows that winners generally have more confidence than losers (Anderson and LoTempio 2002; Newton 1999; Norris 1999; Tyler 2001). As far as confidence in the government or in the parliament is concerned, this gap can be seen as part of the political competition and therefore is not troublesome (Bühlmann *et al.* 2010). For

the purpose of legitimacy, winners and losers should have the same level of confidence in the justice system. Independent judiciaries should not be biased by political or social affiliations. Of course, in regimes where the judicial system is not independent, it is rational for political and economic losers to mistrust the judicial system too. However, given the fact that this mistrust cannot be voiced through elections, it is dangerous for the stability of the political system.

A second hypothesis derives from these reflections:

Hypothesis 2: Political and economic winners have more confidence in the justice system than losers. But the more independent a judicial system, the smaller the gap in confidence between losers and winners.

In addition to institutional and winner–loser variables, empirical research on political confidence suggests a number of other contextual and individual determinants (also see the appendix).

At the contextual level we control for the age of a democratic regime, its legal system, its wealth, the size of its population as well as for possible similarities based on geography. Political confidence depends on basic cultural norms (Mandt and Kaase 1995). Institutional trust seems to be higher in established democratic systems than in newly democratised countries (McAllister 1999). Furthermore, it is argued that a justice system can establish its independence primarily in stable and old democracies (Gibson *et al.* 1998; Hirschl 2008). We therefore include the democratic age of a country in our models based on the widely used Polity IV measure (Marshall and Jaggers 2005). As for the *legal system*, we test the assumption that ‘common law’ has different implications for confidence than ‘civil law’. On the one hand, it is argued that courts can achieve more independence in ‘common law’ systems than in ‘civil law’ systems (La Porta *et al.* 2003). On the other hand, ‘civil law’ systems are assumed to be more trustworthy because they aim at fair procedures while ‘common law’ systems rather focus on the efficiency of mediation. Institutional confidence as well as the autonomy of the judiciary depends on the wealth of a country although the direction of the effect is not clear. A high level of prosperity can either foster satisfaction (Lijphart 1999) or increase expectations concerning the efficiency of institutions (McAllister 1999). The probability of financial autonomy of the judicial system, however, is greater in richer countries. Furthermore, the population size of a country serves as a further macro control variable. We assume that population size could have important interactions with the other contextual variables. Finally, we test for possible similarities based on geography. As the comparative research on individual trust shows, confidence can be seen a cultural trait passed on from one generation to the next (Uslaner 2002). We suggest that the same could be true for institutional legitimacy. We therefore use a dummy that distinguishes Western European countries from countries in other regions.

We argue that – due to historic tradition – institutional legitimacy should have stronger roots in Western Europe than in former Soviet or Latin American countries (Remington and Randazzo 2005).

At the individual level, we include gender, age, education, and confidence in the national parliament in our models. Research on political confidence shows that women and well-educated individuals develop more trust in institutions. Additionally, confidence increases with age (Delhey and Newton 2005; Newton 1999, 2007; Norris 1999; Stolle 2001). A further control variable is the confidence in the national parliament. Based on Norris (1999) or Caldeira (1986), we suggest that the state is perceived as a ‘monolith’. Confidence in one branch is therefore related to confidence in another branch. If this really were the case, it would of course affect our findings because our dependent variable would not measure diffuse support for the judiciary but for the regime as a whole. We therefore use the confidence in the national parliament as a control.⁴

Data, Variables, and Method

The individual-level data are obtained from the World Values Survey 1995 to 2002 (Inglehart *et al.* 2004; WVS). Macro-level data originate from different sources. Depending on the availability of macro data, we test our hypotheses with two different samples. The first one includes 33,913 individuals in 42 countries; the second 24,862 individuals in 27 countries.⁵

Our dependent variable is the respondents’ confidence in the justice system of their country. For methodological reasons we combine categories 1 (a great deal of confidence) and 2 (quite a lot), and 3 (not very much) and 4 (none at all), respectively, to get a binominal distribution of confidence.⁶

To measure political winners and losers, we use the WVS question about the party the respondent would vote for. Respondents naming a party, which at the time of the survey was part of the executive, are coded as political winners. Accordingly, respondents are coded as political losers when they chose a party that was not in power at the time of the survey (Anderson *et al.* 2005; Bühlmann 2005). Economic winners and losers are determined by household income on a scale of 10 categories reaching from low to high income: the higher an individual’s income, the more they can be seen as an economic winner. The remaining individual variables, age, gender, education, and confidence in the parliament are also taken from the WVS (see the appendix for more details).

To assess the independence of the judiciary, we draw on different existing measures. First, we combine expert ratings of the independence as well as the impartiality of the courts as published by the Global Competitive Report (World Economic Forum; various years). Country experts rate the independence of high courts from political influence of members of the executive, of citizens, and of enterprises. Additionally, the impartiality is rated, i.e. whether courts decide on the grounds of an efficient, clear, and

neutral process. We combine these two ratings by means of factor analysis to get a first indicator for judicial independence.⁷

Second, to distinguish the impact of de jure independence and de facto independence as discussed above, we use data from Feld and Voigt (2003; also see Voeten 2008). Feld and Voigt (2003) base their index on ratings of professional experts (lawyers, judges, law professors) for several components of independence (including e.g. appointment, tenure, salary of judges, openness of courts, etc.). They measure not only chartered rules in form, i.e. de jure independence, but they also create a measure for de facto independence (including e.g. the mean effective tenure, the number of judges, the stability of the salary and the budget, the effective implementation of judicial decisions by the other branches, etc.). These measures only exist for 27 countries in our sample.

Third, to measure the power of the justice system, the possibility of judicial or constitutional review serves as a proxy (Hirschl 2004; Tate and Vallinder 1995). We use Maddex's indicator (1995), which designates whether the high court of a country has complete, partial or no possibility to check the constitutionality of political decisions.

The contextual control variables are measured as follows. The democratic age is measured by the number of years a country is considered a democracy (Marshall and Jaggers 2005). The University of Ottawa provides data on whether a country uses common or civil law (Université Ottawa 2009). The size of a country's population is measured by the log of the number of inhabitants (UN Statistics Division). The log of GDP per capita in US dollars indicates the wealth of a country (International Monetary Fund 2008). Finally, the 17 Western European countries in our sample are coded 1 and all other countries 0.⁸ Availability permitting, data that temporally preceded the waves of the World Values Surveys was used.

To model contextual as well as individual variables explaining individual confidence in the justice system, we use multilevel analysis. This method simultaneously estimates both the influence of contextual and individual level factors (Steenbergen and Jones 2002). The key to this approach is to model variance at the macro level, such that:

- (1) $y_{ij} = \beta_{0j} + \beta_1 X_{1ij} + \varepsilon_{ij}$, where
- (2) $\beta_{0j} = \beta_0 + \mu_{0j}$ (μ_{0j} are the residuals at the contextual level).

Such a model implies that individual behaviour can vary according to context. Thus, we do not assume that basic confidence (the constant β_0) and the influence of the independent variables (β_1) are the same in all countries, but rather that we are dealing with effects which can vary depending on context. Additionally, we can model the influence of macro-level features (e.g. particular political institutions), which explain the cross-national variation of the dependent variable. Furthermore, cross-level interactions – the influence of societal structures on individual-level effects – can be

controlled for. Schematically, such a two-level model takes the following form:

$$(3) \quad y_{ij} = \beta_0 + \beta_1 X_{1ij} + \dots + \beta_{kj} X_{kij} + \dots + \beta_n X_{nij} + \alpha_1 W_{1j} + \dots + \alpha_n W_{nj} \\ + \gamma_1 W_{kj} X_{kij} + \mu_{1j} X_{kij} + \mu_{0j} + \varepsilon_{ij}$$

Confidence in the justice system (y) of an individual (i) in country (j) is explained by the global average (β_0), individual-level characteristics (X , or the coefficient β), and features of the country (W , or the coefficient α). In this manner, individual differences (ε_{ij}), context-dependent differences in the underlying level of confidence (μ_{0j}), and the effects of the independent variables ($\mu_{1j} X_{1ij}$) are all covered in the model. Using multilevel modelling, we estimate whether, and to what extent, the variance in individual confidence can be explained by differences between individuals, differences between countries, and differences in the effects of the independent variables across countries. Variation between individuals and between contexts are explained by individual-level and contextual factors; variation of the effects of the independent variable X_k (e.g. belonging to winners or losers) are explained by cross-level interaction effects between the k th individual (e.g. belonging to winners or losers) and the k th contextual variable (e.g. independence of the judiciary; $W_{kj} X_{kij}$, or the estimator γ). As such, the effect of the variable X_k is randomised (β_{kj}). Since our dependent variable has a dichotomous form, we use Logit analysis. The methods of estimation and interpretation follow the convention for Logit analysis.⁹

Empirical Findings

Following the logic of multilevel modelling, we present a series of models. In order to document the variation of the dependent variable at the individual and contextual level, we begin by estimating an empty model, excluding all independent variables (Table 2, model 1) for both samples. Building on these empty models, we can establish the variance to be explained for the individual and country level. Next, we estimate the impact of each of our main independent variables, the measures for judicial independence, in separate models (Table 3). We model them separately to get a first insight into their impact. In the following steps, we model the effects of the individual-level characteristics (Table 4, model 2) and then introduce the variables for judicial independence and the contextual control variables (Table 4, models 3 and 4). The tests for the interactive impact of judicial independence on the relationship between belonging to winners or losers and confidence are illustrated in Table 5 (models 7 and 8).

We can conclude from the null models in Table 2 that multilevel modelling is appropriate for both samples: as already observed in Table 1, confidence in the justice system not only varies between individuals but also

TABLE 2
EMPTY MODELS

	Model 1A (42 countries)	Model 1B (27 countries)
<i>Fixed effects</i>		
Constant	-0.10 (0.10)	-0.14 (0.12)
<i>Random effects</i>		
Contextual level ($\sigma_{\mu 0}^2$)	0.38 (0.08)***	0.37 (0.01)***
Individual level (σ^2)	1 (0) ***	1 (0)***
<i>Model properties</i>		
Number of cases (countries)	33,913 (42)	24,862 (27)
joint chi ² ; (degrees of freedom)	1.13 (1)	1.36 (1)

Notes: Dependent variable: confidence in the justice system; 0 = low; 1 = high; unstandardised coefficients; standard errors in parentheses; all variables are rescaled so that the lowest value is 0 and the highest 1. Calculations are based on weighted data (using the weightings provided by WVS) (Inglehart *et al.* 2004: 411). The Wald Test is an approximate chi² based test of the fit of the model.

***Significant at the 1% level or better; **significant at the 5% level or better; *significant at the 10% level or better.

TABLE 3
THE INFLUENCE OF JUDICIAL INDEPENDENCE ON INDIVIDUAL CONFIDENCE
IN THE JUSTICE SYSTEM (SIX DIFFERENT MODELS
BASED ON THE EMPTY MODELS)

	42 countries	27 countries
Independence (expert ratings)	1.30 (0.28)***	1.33 (0.33)***
Power of the judiciary	-0.38 (0.27)	-0.45 (0.38)
De jure independence		0.31 (0.44)
De facto independence		0.95 (0.37)**
N (countries)	33,913 (42)	24,862 (27)

Notes: Six different models; dependent variable: confidence in the justice system; 0 = low; 1 = high; unstandardised coefficients; standard errors in parentheses; all variables are rescaled so that the lowest value is 0 and the highest 1. Calculations are based on weighted data (using the weightings provided by WVS) (Inglehart *et al.* 2004: 411).

***Significant at the 1% level or better; **significant at the 5% level or better; *significant at the 10% level or better.

between countries. About 10 per cent of the total variance of confidence in the judiciary can be explained by differences between countries.¹⁰

Table 3 depicts six different models, based on the empty models and each including one of our measures of judicial independence. To demonstrate the strength of the several indicators, we only list the coefficients. In both samples, the judicial independence as rated by country experts shows the assumed positive impact on an individual's confidence in the justice system.¹¹ Contrary to our assumptions, the power of the judiciary has a negative but not significant effect on individual confidence. In terms of the de facto and the de jure independence tested only in 27 countries, the sample reveals a positive impact on political confidence. Despite this, it seems only

TABLE 4
DETERMINANTS OF AN INDIVIDUAL'S CONFIDENCE IN THE JUSTICE SYSTEM

	Model 2A 42 countries	Model 2B 27 countries	Model 3A 42 countries	Model 3B 27 countries	Model 4 27 countries
FIXED EFFECTS					
Constant	-1.39 (0.10)***	-1.39 (0.13)***	-2.80 (0.46)***	-3.24 (0.74)***	-4.06 (0.83)***
<i>Individual level</i>					
<i>Winner vs. loser</i>					
Political winner	0.11 (0.03)***	0.05 (0.03)	0.11 (0.03)***	0.05 (0.03)	0.05 (0.03)
Economic winner	0.17 (0.05)***	0.14 (0.06)***	0.16 (0.05)***	0.14 (0.06)**	0.15 (0.06)***
<i>Control</i>					
Women	0.06 (0.02)***	0.06 (0.03)**	0.06 (0.02)***	0.07 (0.03)**	0.07 (0.03)**
Age	0.05 (0.07)	0.06 (0.08)	0.04 (0.07)	0.06 (0.08)	0.06 (0.08)
Education	-0.04 (0.04)	0.01 (0.05)	-0.04 (0.04)	0.01 (0.05)	0.01 (0.05)
Confidence in parliament	2.75 (0.05)***	2.72 (0.06)***	2.77 (0.05)***	2.76 (0.06)***	2.75 (0.06)***
<i>Contextual level</i>					
<i>Independence of the judiciary</i>					
Independence (experts)	-	-	1.18 (0.59)**	1.50 (0.65)**	-
De facto independence	-	-	-	-	0.91 (0.36)**
<i>Control</i>					
Age of democracy	-	-	0.44 (0.54)	0.48 (0.61)	0.73 (0.58)
Law system	-	-	0.63 (0.33)*	1.08 (0.57)*	1.33 (0.58)**
GDP per capita	-	-	-0.01 (0.64)	-0.63 (0.81)	0.95 (0.60)
Population size	-	-	0.26 (0.32)	0.67 (0.36)*	0.68 (0.36)*
Western Europe	-	-	-0.12 (0.27)	-0.11 (0.39)	-0.59 (0.40)
RANDOM EFFECTS					
Contextual level ($\sigma_{\mu 0}^2$)	0.32 (0.07)**	0.35 (0.01)***	0.22 (0.05)***	0.22 (0.06)***	0.21 (0.06)***
Individual level (σ^2)	1 (0)***	1 (0)***	1 (0)***	1 (0)***	1 (0)***
Number of cases (countries)	33,913 (42)	24,862 (27)	33,913 (42)	24,862 (27)	24,862 (27)
joint χ^2 (deg. of freedom)	3,303.6 (7)	2,364.2 (7)	3,303.9 (13)	2,259.3 (13)	2,277.4 (13)

Notes: Dependent variable: confidence in the justice system; 0 = low; 1 = high; unstandardised coefficients; standard errors in parentheses; all variables are rescaled so that the lowest value is 0 and the highest 1. Calculations are based on weighted data (using the weightings provided by WVS) (Inglehart *et al.* 2004: 411). The Wald Test is an approximate χ^2 based test of the fit of the model.

***Significant at the 1% level or better; **significant at the 5% level or better; *significant at the 10% level or better.

TABLE 5
INTERACTIVE IMPACT OF JUDICIAL INDEPENDENCE ON INDIVIDUAL CONFIDENCE

	Model 5A 42 countries	Model 6A 42 countries	Model 5B 27 countries	Model 6B 27 countries	Model 7 27 countries	Model 8 27 countries
FIXED EFFECTS						
Constant	-3.08 (0.45)***	-2.57 (0.45)***	-3.49 (0.68)***	-2.91 (0.54)***	-3.93 (0.80)***	-3.56 (0.69)***
<i>Individual level</i>						
<i>Winner vs. loser</i>						
Political winner	0.14 (0.12)	0.12 (0.03)***	0.05 (0.16)	0.06 (0.03)**	-0.28 (0.16)	0.06 (0.03)**
Economic winner	0.16 (0.05)***	-0.23 (0.20)	0.14 (0.06)**	-0.25 (0.22)	0.15 (0.06)***	-0.29 (0.23)
<i>Control</i>						
Women	0.06 (0.02)***	0.06 (0.02)**	0.06 (0.03)**	0.07 (0.03)**	0.06 (0.03)**	0.07 (0.03)**
Age	0.03 (0.07)	0.00 (0.07)	0.05 (0.08)	-0.02 (0.08)	0.05 (0.08)	-0.01 (0.08)
Education	-0.05 (0.04)	-0.06 (0.05)	0.00 (0.05)	-0.03 (0.05)	0.00 (0.05)	-0.03 (0.05)
Confidence in parliament	2.76 (0.05)***	2.78 (0.05)***	2.75 (0.06)***	2.75 (0.06)***	2.75 (0.06)***	2.75 (0.06)***
<i>Contextual level</i>						
<i>Independence of the judiciary</i>						
Independence (experts)	1.05 (0.56)**	0.94 (0.56)*	1.29 (0.60)**	1.75 (0.47)***	-	-
De facto independence	-	-	-	-	0.67 (0.35)*	0.81 (0.30)***
<i>Control</i>						
Age of democracy	0.71 (0.52)	0.21 (0.52)	0.87 (0.58)	-0.51 (0.46)	1.02 (0.56)	0.00 (0.48)
Legal system	0.78 (0.32)**	0.53 (0.32)	1.34 (0.52)**	0.88 (0.41)**	1.40 (0.56)**	1.08 (0.47)***
GDP per capita	0.08 (0.61)	0.14 (0.61)	-0.55 (0.74)	-0.60 (0.59)	0.75 (0.58)	1.02 (0.50)**
Population size	0.45 (0.31)	0.30 (0.31)	0.72 (0.33)**	0.65 (0.27)**	0.69 (0.34)	0.64 (0.30)**
Western Europe	-0.14 (0.26)	-0.13 (0.26)	-0.20 (0.36)	-0.09 (0.29)	-0.54 (0.38)	-0.55 (0.34)

INTERACTIONS									
Ind. (exp.) × Pol.winner	-								
Ind. (exp.) × Econ.winner	0.52 (0.31)*			0.50 (0.36)					
De facto ind. × Pol.winner	-							0.59 (0.24)**	
De facto ind. × Econ.winner	-								0.53 (0.35)
RANDOM EFFECTS									
Contextual level ($\sigma_{\mu 0}^2$)	0.20 (0.05)***		0.19 (0.05)***	0.12 (0.04)***		0.19 (0.06)***			0.13 (0.04)***
Individual level (σ_{μ}^2)	1 (0)***		1 (0)***	1 (0)***		1 (0)***			1 (0)***
Political winner	0.09 (0.03)***		0.11 (0.04)***			0.08 (0.03)**			
Covariance	0.02 (0.03)		0.04 (0.03)			0.01 (0.03)			
Economic winner	-			0.20 (0.08)**					0.20 (0.08)**
Covariance	-0.03 (0.04)			0.09 (0.04)**					0.07 (0.04)
Number of cases (countries)	33,913 (42)		24,862 (27)	24,862 (27)		24,862 (27)			24,862 (27)
joint χ^2 (degrees of freedom)	3,198.38 (14)		2,220.19 (14)	2,338.49 (14)		2,234.56 (14)			2,323.24 (14)

Notes: Dependent variable: confidence in the justice system; 0 = low; 1 = high; Coefficients are not standardised; standard errors in parentheses; all variables are rescaled so that the lowest value is 0 and the highest 1. Coefficients indicate the change associated with moving from the lowest to the highest value; Calculations are made using the WVS weightings (Inglehart *et al.* 2004: 411). The Wald Test is an approximate χ^2 based test of the fit of the model.

***Significant at the 1% level or better; **significant at the 5% level or better; *significant at the 10% level or better.

to be the *de facto* independence that significantly fosters individual confidence in the judiciary.

These results suggest that the independence of the judiciary might indeed have a positive impact on the development of individual confidence in the third branch, as assumed in hypothesis 1. However, it is not rules anchored in the constitution but effective independence that promotes individual confidence. Apparently institutional legitimacy, i.e. public beliefs about the trustworthiness of judicial institutions, does not originate from constitutional rules but actual events and real life experiences. Of course, we have to test and check these results further.

For the following empirical models, we only use the measures of independence that show a positive and significant impact on individual confidence (expert assessment of independence and *de facto* independence).

As for the individual-level models (Table 4, models 2A and 2B), most interesting for our purposes is the link between confidence and belonging to winners or losers. The results indicate that political as well as economic winners have a higher probability of trusting the judiciary than losers. This seems to confirm the first part of hypothesis 2. However, within the 27-country sample, the impact of being a political winner is just below the critical level of significance. Looking at the control variables at the individual level, gender and confidence in the parliament positively affect an individual's confidence in the justice system: as put forward in the literature, women have higher propensities for confidence in the judiciary than men. Furthermore, if individuals trust their national parliament they will have confidence in the justice system too. In contrast, neither age nor education seems to influence confidence in the third branch.

As models 3 to 4 in Table 4 demonstrate, the impacts of our measures of independence are persistent even if we check for important further contextual variables. This means that an individual who lives in a country with an independent judiciary has a 4 per cent (*de facto* independence; 27 countries) to 16.5 per cent (independence; 42 countries) higher probability of developing confidence in the judicial system than an individual who has exactly the same individual properties (i.e. the lowest parameter value for all other variables) but lives in a country where the judiciary is not perceived to be independent.¹² This presents further confirmation for hypothesis 1.

Two of the four control variables have significant effects too. It seems that civil law systems exert a positive influence on the development of individual confidence in the justice system.¹³ Additionally, population size has a positive impact in one of the three models, suggesting that judicial confidence is higher in large countries. This counterintuitive result could be explained by a finding of Brace and Hall (2001). In their analysis of US states they found that in highly populated states the share of disadvantaged litigants is higher than in small states. One could argue that this fact (if it holds in our country sample too) could foster the development of confidence. As for the other three control variables, neither the age of

a democratic regime nor the wealth of a country nor belonging to Western Europe has a significant impact on individual confidence in the justice system.

However, the most important result is the persistence of the influence of our two measures of independence. Based on our data, we can affirm hypothesis 1: *The higher the degree of independence of a judiciary in a given country, the more likely an individual is to develop confidence in the justice system of this country.*

In addition, we suggest a negative interactive impact of judicial independence on the relationship between being a political or economic winner on an individual's confidence in the judiciary. Table 4 shows that political as well as economic winners have more confidence in the justice system than losers do. We assume that these positive effects will be decreased by an independent judiciary because independent judges should be blind when it comes to the political preferences or socio-economic characteristics of plaintiffs. The interaction terms of the measures for individual winners and judicial independence should thus have negative signs. The six different models with the combination of our two measures for winners and losers and the two measures for independence for both samples are presented in Table 5.

Based on the interaction terms in Table 5, we must clearly reject the second part of hypothesis 2. The positive impact of belonging to the political and economic winners on the development of confidence in the justice system is definitely not attenuated by judicial independence. Even worse, in two out of the six models, independence even amplifies the winner effect: in countries with an independent judiciary, the confidence gap between political and economic winners and losers is greater than in countries where the judicial system is not perceived to be independent. Thus, judicial independence does not seem to level out the different degrees of confidence of political and economic winners and losers. Independence, it appears, does not produce the fairness required to initiate equal confidence among winners and losers.

Conclusions

Political science pays surprisingly little attention to the institutions of the judiciary (Gibson 2006). This study contributes towards overcoming this deficit. We argue that the judiciary is crucial for the stability of a democracy. The sole source of legitimacy for the judiciary is confidence. It is therefore important to know the determinants of confidence in the justice system. In proposing that it is the fairness and impartiality of institutions that foster confidence, we follow the contemporary literature on trust and political confidence (Freitag and Bühlmann 2009; Rothstein and Stolle 2003). Specifically, we study the impact of the independence of the judiciary as a cause for institutional legitimacy, i.e. of citizens' confidence in the justice

system. We assume that judicial independence promotes the public perception of fair and impartial courts and thus the development of an individual's confidence in the justice system in a direct as well as in an interactive way by levelling out the different degrees of confidence of political and economic winners and losers.

Our findings from different multilevel models can be summarised as follows. First, independence of the judiciary fosters political confidence: the more independent of external political and societal forces a judicial system in a given country is, the greater the probability that an individual living in that country has confidence in the judicial system. Two different measures of judicial independence prove to have a positive impact in two different samples. This positive effect persists even when we control for important individual as well as contextual variables.

Second, it is important to distinguish between judicial independence determined by chartered rules (*de jure* independence) and effective independence (*de facto* independence). It is neither the formal guarantees of independence nor the judiciary's power in terms of its ability to review political decisions for their constitutionality that increase institutional legitimacy, but independence in practice.¹⁴ An individual's perception of institutional fairness and impartiality as expressed by confidence obviously relies on real independence rather than formal guarantees.

Third, while the independence of the judiciary seems to have a direct impact on individual confidence, it does not exert the suggested interactive effect: political and economic winners have greater confidence in the judicial system than losers regardless of how independent a country's judiciary is. Contrary to our expectations, an independent judiciary does not level out the different degrees of confidence of winners and losers. In fact, a high level of judicial independence even seems to accentuate the gap between winners and losers, at least partially. This suggests that independence does not free the judiciary from influences of its social, political and economic context (Hirschl 2008). In other words: Judicial independence also grants judges freedom in decision-making and it cannot be ruled out that they will avail themselves of the opportunity to make ideological or arbitrary decisions.

Our findings should be viewed as provisional results of an empirical analysis of possible determinants of institutional judicial legitimacy. In order to assess the influence of independence on the development of confidence in a systematic manner, more precise estimates and measures of political-institutional configurations are needed. Further studies should take into account more finely grained concepts of judicial independence. Additionally, the problem of the accuracy of individual responses to the confidence item should be reflected (Fallon 2005). It is not clear whether individuals who are not familiar with their justice systems trust in the third branch as an institution with a mystical capacity to legitimate laws (Bickel 1962; Dahl 1957). It is therefore worthwhile to think about more differentiated measures to capture individual perceptions of different

institutions than simply asking about the degree of respondents' institutional confidence.

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Notes

1. Data regarding confidence in the government were collected in only 12 countries. Overall, in these 12 countries, 49.7 per cent of the respondents indicated the same category for their confidence in the government as well as in the judicial system. The degree of concordance varies from 28.6 per cent in Azerbaijan to 66.2 per cent in the Dominican Republic. As for the concordance between confidence in the parliament and in the judicial system, the overall mean for all 42 countries in the sample is 50.2 per cent, ranging from 39.0 per cent in Azerbaijan to 66.7 per cent in Lithuania. Finally, the mean accordance between confidence in parliament and confidence in government is 65.4 per cent, ranging from 58.3 per cent in El Salvador to 78.2 per cent in New Zealand.
2. A much more sophisticated measure is suggested by Gibson *et al.* (2003) and Cann and Yates (2008). They measure the multidimensional and complex construct 'institutional legitimacy' with several different indicators of attitudes towards the courts. However, such data only exists for US Supreme Court (Gibson *et al.* 2003) or the state courts (Cann and Yates 2008) but not for comparative cross-national surveys. This could be one of the reasons why comparative research on judicial systems is so rare (Gibson and Caldeira 1995; Remington and Randazzo 2005).
3. Substantive as well as authoritative legitimacy rely on the fairness and the impartiality of the judges that administer judicial decisions.
4. We estimated our models in Table 4 with the confidence in parliament indicator as a dependent variable. In all these additional models, the measures for the independence of the judiciary at the contextual level are no longer significant. Thus, judicial independence predicts confidence in the judicial system, but not legislative confidence. This can be seen as an increase of the strength of our initial argument that the institutional independence of the judiciary has a positive impact on an individual's confidence in the justice system. These results are presented in the appendix (Table A2, p. 344f). We would like to thank one of the two reviewers for this argument.
5. The countries within the 27-country sample are: Armenia, Australia, Austria, Belgium, Brazil, Bulgaria, Columbia, Croatia, Czech Republic, Denmark, Estonia, France, Georgia, Germany, Greece, Hungary, Italy, Lithuania, Netherlands, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Taiwan, Turkey; the 42-country sample completes the 27-country sample with the following 15 countries: Azerbaijan, Dominican Republic, El Salvador, Finland, Iceland, Ireland, Latvia, Luxembourg, Malta, New Zealand, Poland, Romania, UK, Ukraine, Uruguay. All individual cases without missing data in any of the investigated individual level variables are included in the samples.
6. We argue that we should not treat a variable with four categories as a metrical one. The binominal distribution across the whole sample is nearly 50:50, which suggests that logit analysis is appropriate. However, we have also conducted OLS regressions, treating the confidence variable as metrical. The results are robust.

7. The two ratings correlate with a Pearson's r of 0.88. The factor analysis generates one factor with an Eigenvalue of 1.88 that explains 93.8 per cent of the variance.
8. These 17 countries are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Malta, Netherlands, Spain, Sweden, Switzerland, and UK.
9. For a more thorough discussion of the method, we refer to the relevant literature on MLA (Goldstein 1991, 1995; Hox 2002; Jones 1997). All models were calculated with MLwiN 2.10 (Rasbash *et al.* 2009) using Iterative Generalised Least Squares (IGLS), and second order PQL (see Goldstein 1995).
10. $0.38 / (3.29 + 0.38)$.
11. Further tests not presented here show that the two indicators of this variable – the rating for independence and the rating for impartiality both have positive impacts with similar strengths.
12. The probability is calculated as follows: $p = [1 + \exp(-X\beta)]^{-1} = [1 + \exp(2.80 - 1.18)]^{-1} = 0.165$; $= [1 + \exp(3.24 - 1.50)]^{-1} = 0.149$; $[1 + \exp(4.06 - 0.91)]^{-1} = 0.041$.
13. This result should be treated with caution: only six out of the 42 countries have a common law or a mixed system (Australia, UK, Ireland, New Zealand, Malta, and Taiwan). Thus, this variable is not normally distributed.
14. We can give two examples to illustrate how de jure independence is really not the same as de facto independence. While the Czech Republic ranks high in terms of de jure independence (Feld and Voigt 2003), confidence in the judicial system in this country is rather low. This could be due to high level of corruption, a lack of professional judges and a long delay of results in judicial processes. And indeed, concerning de facto independence, the Czech Republic ranks low. By contrast, the Swiss justice system is heavily constrained by the other two constitutional branches in terms of de jure independence. However, there are several 'unwritten laws': for instance, tenure of judges is restricted, but re-election is a question of routine. This is expressed by the high de facto independence of Switzerland's judiciary. Consequently, confidence in the justice system in Switzerland is rather high (see Table 1). Hence, the real independence of a judiciary must not necessarily coincide with its formal independence (Feld and Voigt 2003; Kneipp 2008; Stephenson 2009).

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APPENDIX

TABLE A1
HYPOTHESES AND OPERATIONALISATIONS

The table presents the applied variables and hypotheses, their operationalisations and sources, and the expected directions of the relationships (Exp). The final column (Hyp) indicates whether the hypotheses were confirmed (Conf.) or falsified (Fals.).

Variable	Hypothesis	Operationalisation and source ¹	Exp ²	Hyp ³
Dependent variable Confidence in the justice system		<i>Please look at this card and tell me, for each item listed, how much confidence you have in them, is it a great deal, quite a lot, not very much or none at all? The justice system. A great deal = 1, Quite a lot = 2, Not very much = 3, None at all = 4. Recoded: 1 and 2 = 1; 3 and 4 = 0 [WVS variable E085].</i>		
Individual level <i>Winner vs. loser</i> Political winner/loser	<i>Winners have more confidence in the justice system than losers.</i>	To measure political winners and losers, we use the WVS question on the party, the respondent would vote for: <i>If there were a national election tomorrow, for which party on this list would you vote? Just call out the number on this card.</i> Respondents indicating a party that at the time of the survey was governing are coded as political winners (1). Accordingly, respondents are coded as political losers when they indicated a party that was not in power at the time of the survey (0); [WVS variable E179].	+	Conf.
Economic winner/loser	<i>Winners have more confidence in the justice system than losers.</i>	Economic winners and losers are measured with the WVS question on household income: <i>Here is a scale of incomes and we would like to know: in what group your household is, counting all wages, salaries, pensions and other incomes that come in. Just give the letter of the group your household falls into, after taxes and other deductions. Lowest = 1 to highest = 10; [WVS variable X047].</i>	+	Conf.

Control Women	Sex of respondent. Male = 1, Female = 2; Recoded: Male = 0; Female = 1; [WVS variable X001].	+	Conf.
Age	Can you tell me your year of birth, please? This means you are XX years old. [WVS variable X003].	+	Fals.
Education	What is the highest educational level that you have attained? Inadequately completed elementary education = 1, Completed (compulsory) elementary education = 2, Incomplete secondary school: technical/vocational type = 3, Complete secondary school: technical/vocational type = 4, Incomplete secondary: university preparatory type = 5, Complete secondary: university preparatory type = 6, Some university-level education without degree = 7, University-level education with degree = 8; [WVS variable X025].	+	Fals.
Confidence in parliament	Please look at this card and tell me, for each item listed, how much confidence you have in them, is it a great deal, quite a lot, not very much or none at all? The Parliament. A great deal = 1, Quite a lot = 2, Not very much = 3, None at all = 4; Recoded: A great deal = 3, Quite a lot = 2, Not very much = 1, None at all = 0; [WVS variable E075].	+	Conf.

(continued)

APPENDIX (Continued)

Variable	Hypothesis	Operationalisation and source ¹	Exp ²	Hyp ³
<p>Macro-context level variables Independence of the judiciary (experts)</p> <p><i>The higher the degree of independence is, the more likely an individual is to develop confidence in the justice system.</i></p>		<p>Factor analysis (principal components analysis) is used to generate a single significant factor from the following two indicators (Eigenvalue = 1.88) that explains 93.8% of the variance:</p> <ul style="list-style-type: none"> ● <i>Is the judiciary in your country independent from political influences of members of government, citizens, or firms? Answers: No – heavily influenced = 1 to Yes – entirely independent = 7</i> (source: Economic Freedom of the World Index from the precedent year of the survey year); and ● <i>The legal framework in your country for private businesses to settle disputes and challenge the legality of government actions and/or regulations is inefficient and subject to manipulation = 1 bis is efficient and follows a clear, neutral process = 7</i> (source: Economic Freedom of the World Index from the precedent year of the survey year); 	+	Conf.
<p>Power of judiciary</p> <p><i>The more power a judiciary has to check the constitutionality of political decisions, the more likely an individual is to develop confidence in the justice system.</i></p>		<p>This variable measures the degree of possibilities for the highest court within a country to check the constitutionality of political decisions on a scale from 0 to 2, whereas 2 means entirely possible, 1 means limited possibilities, and 0 means not possible at all. Source: Maddex 1995. We completed the Maddex data base for the following missing countries on the basis of Kritzer 2002: Luxembourg 1, Poland 1, Slovakia 2, Czech Republic 2, and Hungary 2.</p>	+	Fals.
<p>De jure independence</p> <p><i>The higher the degree of de jure independence is, the more likely an individual is to develop confidence in the justice system.</i></p>		<p>Index of <i>de jure</i> independence based on expert ratings. Source: Feld and Voigt (2003).</p>	+	Fals.
<p>De facto independence</p> <p><i>The higher the degree of de facto independence is, the more likely an individual is to develop confidence in the justice system.</i></p>		<p>Index of <i>de facto</i> independence based on expert ratings. Source: Feld and Voigt (2003).</p>	+	Conf.

Control	<p><i>The longer a country has democratic structures, the more an independent judiciary is accepted and, thus, the more likely an individual is to develop confidence in the justice system.</i></p> <p><i>In civil law systems an individual develops confidence in the judiciary / In common law systems an individual is to develop confidence in the justice system.</i></p>	<p>Age of democracy is measured by the corresponding variable in the Polity index (durable; see Marshall and Jaggers 2005); Iceland was coded as democratic since 1944; Luxembourg was coded as democratic since 1945; Malta was coded as democratic since 1947 (all three countries are missing in Polity).</p>	+	Fals.
Law system	<p><i>In civil law systems an individual develops confidence in the judiciary / In common law systems an individual is to develop confidence in the justice system.</i></p>	<p><i>Civil law = 1; Common law = 0; Mixed systems = 0.5.</i> Source: Université Ottawa, http://www.droitcivil.uottawa.ca/world-legal-systems/fra-population.php.</p>	+/-	Conf./Fals.
GDP per capita	<p><i>The wealthier a country, the more likely an individual is to develop confidence in the justice system.</i></p>	<p>Log of GDP per capita in constant US\$. Source: <i>International Monetary Fund: 2008 World Economic Outlook</i>, www.imf.org/external/pubs/ft/weo/2008/01/index.htm. www.unstats.un.org.</p>	+	Fals.
Population size	<p><i>The smaller the population, the more likely an individual is to develop confidence in the justice system.</i></p>	<p>Log of population size (midyear estimates). Source: http://www.unstats.un.org.</p>	+	Fals.
Western Europe	<p><i>The culture of institutional legitimacy is more widespread in European countries than in Latin American or former Soviet countries. Thus, confidence in the justice system is higher in European countries.</i></p>	<p>The following countries are coded as Western European countries: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Malta, Netherlands, Spain, Sweden, Switzerland, and UK.</p>	+	Fals.

Notes: All individual-level data come from the World Values Surveys 1995 to 2002 (Inglehart et al. 2004).

TABLE A2
DETERMINANTS OF AN INDIVIDUAL'S CONFIDENCE IN THE PARLIAMENT^a

	Model 2A.b 42 countries	Model 2B.b 27 countries	Model 3A.b 42 countries	Model 3B.b 27 countries	Model 4.b 27 countries
FIXED EFFECTS					
Constant	-2.44 (0.11)**	-2.35 (0.11)**	-2.17 (0.52)**	-1.76 (0.62)**	-1.99 (0.72)**
Individual level					
<i>Winner vs. loser</i>					
Political winner	0.41 (0.03)**	0.42 (0.03)**	0.42 (0.03)**	0.42 (0.03)**	0.42 (0.03)**
Economic winner	0.14 (0.05)**	0.16(0.06)**	0.14 (0.05)**	0.16 (0.06)**	0.16 (0.06)**
Control					
Women	-0.03 (0.03)	-0.04 (0.03)	-0.03 (0.03)	-0.04 (0.03)	-0.04 (0.03)
Age	0.52 (0.07)**	0.39 (0.08)**	0.52 (0.07)**	0.39 (0.08)**	0.39 (0.08)**
Education	0.25 (0.05)**	0.19 (0.05)**	0.25 (0.05)**	0.19 (0.05)**	0.19 (0.05)**
Confidence in judiciary ^b	2.77 (0.05)**	2.70 (0.06)**	2.80 (0.05)**	2.73 (0.06)**	2.73(0.06)**
Contextual level					
<i>Independence of the judiciary</i>					
Independence (experts)	-	-	0.49(0.65)	0.68 (0.55)	-
De facto independence	-	-	-	-	0.28 (0.31)
Control					
Age of democracy	-	-	-0.58 (0.60)	-0.59 (0.51)	-0.44 (0.50)
Law system	-	-	0.15 (0.36)*	-0.54 (0.48)	-0.49 (0.50)
GDP per capita	-	-	-1.06 (0.71)	-1.11 (0.68)*	-0.44 (0.52)
Population size	-	-	-0.59 (0.36)	0.05 (0.31)	-0.07 (0.31)
Western Europe	-	-	1.00 (0.30)**	0.93 (0.33)**	0.76 (0.34)**

RANDOM EFFECTS					
Contextual level ($\sigma^2_{j(0)}$)	0.40 (0.09)***	0.22(0.06)***	0.27 (0.05)***	0.15 (0.04)***	0.16 (0.04)***
Individual level (σ^2)	1 (0)***	1 (0)***	1 (0)***	1 (0)***	1 (0)***
Number of cases (countries)	33913 (42)	24862 (27)	33913 (42)	24862 (27)	24862 (27)
Joint χ^2 (deg. of freedom)	3557.1 (7)	2518.8 (7)	3516.9 (13)	2489.1 (13)	2487.8 (13)

Notes: Dependent variable: confidence in parliament binomial; 0 = low; 1 = high; unstandardised coefficients; standard errors in parentheses; all variables are rescaled so that the lowest value is 0 and the highest 1. Calculations are based on weighted data (using the weightings provided by WVS) (Inglehart *et al.* 2004: 411). The Wald test is an approximate χ^2 based test of the fit of the model.

***Significant at the 1% level or better; **significant at the 5% level or better; *significant at the 10% level or better.

^aConfidence in parliament binomial: Please look at this card and tell me, for each item listed, how much confidence you have in them, is it a great deal, quite a lot, not very much or none at all? The Parliament. A great deal = 1, Quite a lot = 2, Not very much = 3, None at all = 4; Recoded: 1 and 2 = 1; 3 and 4 = 0; [WVS variable E075].

^bConfidence in the judiciary metric: Please look at this card and tell me, for each item listed, how much confidence you have in them, is it a great deal, quite a lot, not very much or none at all? The justice system. A great deal = 1, Quite a lot = 2, Not very much = 3, None at all = 4. Recoded: A great deal = 3. Quite a lot = 2, Not very much = 1, None at all = 0; [WVS variable E085].