Citizens Trust in Mexico' Supreme Court, 2004-2018: A Preliminary Approximation
(A Brief Research Note)

The aim of this research note is to study determinants of popular trust in Mexico's judiciary, using several measures of trust across time, trying to understand the specific impact of long- and short-term variables. Combining long standing theories of support for Courts elaborated for advanced countries, and further customizations of these theories for Latin American nations, this note offers a fruitful test of trust in the Supreme Court in one single country across time to make a relatively controlled comparison. Evidence from Mexico' samples of the Americas Barometer, the National Justice Survey, and *El Financiero* / Moreno Research survey suggests that long-term forces, such as support for democracy increase support for the Court, whereas short-term forces, such as corruption related variables, and ideology decrease trust in the Supreme Court.

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Introduction

In line with Salzman and Ramsey (2013: 74) "explaining public confidence in the judiciary has largely been confined to the developed contexts of Europe and North America". For that reason, Latin American countries represent a useful way to test popular support theories in "markedly distinct cultural and political dynamics". An important challenge however is the limited amount of research regarding sources of popular support for the judiciary in the region (Benesh 2006; Salzman and Ramsey 2013), and in Mexico (Barba and Sanginés 2010; Elizondo and Magaloni 2010).

In addition to limited research, another "disturbing fact is how poorly the public regards the judiciary -in Latin American countries between 1995 and 2008- those who had a lot or some confidence in the judiciary has varied between a high of 38 percent to a low of 20 percent" (Helmke and Ríos-Figueroa 2011: 3).

In the case of Mexico, the Supreme Court barely reaches, on average, 30 percent of public approval (Helmke and Ríos-Figueroa 2011: 4). In fact, there are variations across time in how the Mexican public evaluates the Court, generally ranging from 30 to 45 percent of some and a great deal of confidence (see graph 1). When considering trust in judges rather than the Court, numbers are even lower: 24 percent (INE 2014: 128).

These variations are probably related to two type of cases: rank and file citizen-oriented cases, and disputes among political elites. The former type of cases exercises a positive impact on trust in the Court, whereas the latter cases diminishes support for the Supreme Court (Elizondo and Magaloni 2010: 31-32). Therefore, it is plausible to believe that an erosion of Court's legitimacy could take place when the workload is plenty of disputes among political elites (Fix-Fierro, Suárez and Corzo 2015: 155).

Although additional theoretical and empirical work is needed to explain the gradual lack of confidence in the Latin American and Mexican judiciaries, this preliminary exploration suggests that trust in the Supreme Court among Mexico's citizens has been in decline, as shown in graph 1, in which there is a 40 years compilation of nationally representative surveys, from 1981 to 2019 across jurisprudential regimes (from the 7th to the 10th regime).

Despite just one data polling point is available for the 7th (1969-1988), and 8th (1988-1995) jurisprudential regimes, respectively, Mexico' Supreme Court received the highest levels of popular confidence around the transition between the 9th (1995-2011), and the 10th (2011-today) jurisprudential regimes, just after the human rights constitutional provisions were passed, in which the pro persona principles started to being fully applied across the nation. After some years, levels of public trust in the Court are clearly below 50 percent.

Mexico's Judiciary: A Brief Review

Mexico' Supreme Court has gained "respect and authority for its decisions in non-political cases" (Verner 1984: 485), and also, it has been "routinely respected by the government as

long as it restraints itself to non-political questions" (Verner 1984: 484). However, the Supreme Court's history is full of agreements and disagreements with the Executive branch, rather than just subordination to the President (Cossío 2014). In this way, Mexico's justices play different roles according to political times, adjudicators (1917-1940), regime supporters (1941-1997), and constitutional interpreters (1998-2013) (Pozas and Ríos Figuera 2016). Other studies divide the adjudicators' period, emphasizing the 1928 judicial reform, which changed the nomination process from the local level to the President, keeping Congress as responsible for confirmation (Domingo 2000; Pineda and Durazo 2010).

During the Porfiriato (1876-1910), the Supreme Court took several unfortunate decisions, such as denying the protection of the federal justice in the amparo procedure, which literally means support or protection of constitutional rights. Amparo is a writ of habeas corpus or injunction (Rossen 1974: 797). Examples of this unfortunate decisions were amparos denied to indigenous communities (1881-1882), and to the 1910 illegal imprisonment of Francisco I. Madero, during his electoral campaign in San Luis Potosí (González 2015: 15-16). During the Revolution, however, the Court changed its mind, granting amparos to indigenous communities in Hidalgo, and retaking into account legal precedents from Porfiriato's previous years, but at the same time, the Court did not support Madero's administration, pledging loyalty to a coup d'etat led by Huerta in 1913 (González 2015: 16-17).

Despite the belief in the total subordination of the judiciary to the executive power during the 20th century, there were periods in which the Supreme Court showed a clear opposition to Mexico's presidential regime. Between 1917 and 1928, the Court enjoyed a relative independence in different aspects, such as the nomination process, regulation of tenure, and margin of freedom to interpret the law in controversial issues, such as social reforms derived from the enactment of the 1917 Constitution (González Casanova 1969; Clark 1974; Domingo 2000; Saavedra 2016).

Examples of this independence were resolutions about labor disputes, in which the Court went from a legalistic position to favor wide interpretations of the law, validating for example, Conciliation Boards and Arbitration (Suarez-Potts 2009), as well as land, and property conflicts, in which the Court reverted expropriations ordered by the president (Herrera 2014). In fact, one third of cases on matters of nationalization, expropriations, and labor rights, in which the executive power was the defendant, the Courte ruled in favor of the plaintiff (González Casanova 1969).

Nevertheless, these conditions were modified during Calles, Portes Gil, and Cárdenas administrations, in which the number and tenure of justices dramatically changed, altering the equilibria previously reached. In 1917, the total number of justices was 11, in 1928 was 16, and 21 justices in 1934. Tenure also changed, from an initial two years period in 1917, plus four more years, if justices were confirmed by Congress, under irremovability, to a fixed six years period in 1934 (Pineda and Durazo 2010). Arguably, these changes fueled Court support for postulates derived from the 1917 Constitution (Domingo 2000; Suarez-Potts 2009; Herrera 2014; Saavedra 2016).

During the following decades, Mexico' Supreme Court behaved in the way described by Verner (1984), i.e. granting protection to some individuals (Clark 1974) and avoiding political cases (Magaloni and Ibarra 2008). This legitimacy was built in a non-competitive electoral context, in which the Court did not take systematic actions against policy preferences of the seating president (Caballero 2010), and to some extent, several Court's decisions were in favor of nongovernmental organizations (Clark 1974: 432-435).[1]

After the 1994 constitutional reform, in which the Court practically emerged as a last resort tribunal with judicial review powers, a reduced number of justices (back to the 1917 number: 11), and a defined tenure (15 years), the Supreme Court started to decide over any sort of constitutional dilemmas across branches, and levels of government (Domingo 2000; Finkel 2004; Ríos-Figueroa 2007; Sánchez, Magaloni and Magar 2011). Although electoral affairs were entirely assigned to a specialized electoral tribunal (Díaz Domínguez 2017), the Supreme Court from time to time ruled cases closely related to electoral matters, in order to protect individual and groups rights under the Constitution (Barragán 2003).

Although there are reasons to believe that "the average citizen looks to the court for technical interpretation of the law o for protection against arbitrary application of capricious individuals", in reference to public servants (Verner 1984: 486), it less clear whether the average citizen perceives substantial differences among branches of the government (Caldeira and Gibson 1992). There are also reasons to believe that rank and file citizens are unclear about substantial differences within the judicial system (Fix-Fierro, Suárez and Corzo 2015: 143-144).

In addition, when thinking in an overall evaluation, a combination between lack of knowledge about how the judiciary works, and low confidence in receiving a fair trial, these factors could undermine trust in the Supreme Court (Barba and Sanginés 2010: 212). Finally, in methodological terms, differences in question wording among trust, opinion, support, and evaluation could also compromise any single measure of judicial system's legitimacy (Elizondo and Magaloni 2010: 32-33; Sinozich 2017).

In order to minimize these challenges, one plausible strategy is to explore one measure regarding trust in the Supreme Court across time in one single country. This strategy allows researchers to make a relatively controlled comparison across time, trying to disentangle whether some determinants of popular trust in the Court, such as, long and short-term forces, play a different role.

Sources of Public Trust in the Judiciary

There are different sources of public confidence on the judiciary in Latin American settings, such as long term attitudes or diffuse support, broadly understood as a reservoir of

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[1] The workload of amparo litigation was increasing across time, suggesting a wide use among some segments of the public: 123 amparos in 1869; 1697 in 1875; 2,108 in 1880; 4,160 in 1905 (Pozas and Ríos Figueroa 2010: 40); 2,843 from January to May of 1907 only (Cossío 2014); 2,000 in 1914; 12,072 in 1923; 27,000 in 1946; 10,000 in 1964 after a reform; and 20,000 in 1967 (Rossen 1974: 799). For data on workload in *amparo directo* in the Supreme Court during the 1940s, see (Caballero 2010).

goodwill that tolerate adverse outputs in name of an adequate institutional performance (Easton 1965: 273), institutional quality, and personal experiences (Caldeira and Gibson 1992; Barba and Sanginés 2010; Salzman and Ramsey 2013; Bartels and Johnston 2013; Gibson and Nelson 2015).

Regarding diffuse support, a measure of a long-term attitude that arguably tap the notion of a reservoir of goodwill, it is support for democracy. This is "not because of a synchronicity of the results with citizens' preferences in public policy, but because citizens value and esteem democracy as a political regime" (Barba and Sanginés 2010: 210). In other words, citizen would view the judiciary as one part of a larger democratic system (Salzman and Ramsey 2013).

In relation to specific support, measures that arguably capture short term evaluations based on immediate results are ideology, and personal experiences. On the one hand, political ideology is a measure that taps into specific public policy preferences, revealing a negative impact on Courts' legitimacy when displeasing decisions are ruled (Gibson and Nelson 2015: 162), when there is a previous set of decisions that affect specific parties on relatively frequent basis (Barba and Sanginés 2010: 214-216), or when there is a partisan divide (Dolbeare and Hammond 1968: 24). Although estimating the impact of ideology also requires respondents' ideological placement of the Court to calculate ideological distances (Gibson and Nelson 2015: 166-167), arguably, ideology as a simple measure at the individual level still could play a role.

On the other hand, negative personal experiences could diminish trust in the judiciary, such as corruption, and insecurity, because unfair or corrupt procedures lead to delayed or biased decisions (Salzman and Ramsey 2013: 77). This environment generates the idea that money or networks are more important than the law. Therefore, negatives personal experiences reduce the chances to believe that a fair trial is still possible.

Cognitive variables, such as levels of political knowledge play a different role when compared to advanced countries, in which knowledge and trust in institutions are positively related (Bartels and Johnston 2013: 190; Gibson and Nelson 2015: 169). In the Latin American context, however, knowing something about politics entails a basic understanding of how bad the judicial system is running (Salzman and Ramsey 2013: 76).

Regarding demographic variables, such as gender, wealth, levels of education, and age cohorts, they are usually considered just as controls (Barba and Sanginés 2010: 209; Salzman and Ramsey 2013: 83). Nevertheless, there are reasons to believe that resources and socialization derived from the human life cycle are related to views about the judiciary, because specific life stages increase the likelihood to interact with the judiciary, such as labor disputes, divorce, or illness.

Finally, other demographic variables, such as, urban dwellers, and indigenous people are also related to trust in the judicial system, because the urban-rural divide, and minorities could reflect negatives experiences. For instance, regarding minorities, there are negative effects on Court's legitimacy among indigenous and non-whites in Latin America (Basáñez

and Parás 2001: 141); Hispanics in the US (Gibson and Nelson 2015: 169), and among African-Americans in the US as well (Bartels and Johnston 2013: 192).

Data and Methods

Data come from three types of surveys. First, Mexico' samples of the Americas Barometer, nationally representative face-to-face surveys, biannually conducted between 2004 and 2012. The selected dependent variable to tap the notion of trust in the Supreme Court reads: "To what extent do you trust the Supreme Court of Justice?" ("¿Hasta qué punto tiene usted confianza en la Corte Suprema de Justicia?") from "not at all" (1) to "a lot" (7).

Second, the 2015 National Justice Survey, a nationally representative face-to-face poll, conducted during October and November of 2014. The question reads: "How much trust do you have in the Supreme Court of Justice of the Nation?" ("¿Cuánta confianza tiene usted en la Suprema Corte de Justicia de la Nación?") from "not at all" (0) to "a lot" (10).

Third, the 2018 *El Financiero* / Moreno Research survey, a nationally representative face-to-face poll, conducted in November of 2018. The question reads: "How much trust do you have in the Supreme Court of Justice of the Nation?" from "none" (1) to "a lot" (4).[2]

In all cases, ordered logit models were estimated year by year. Thus, seven models are shown in table 1, five using the self-weighted Americas Barometer, one analyzing the household weighted National Justice Survey, and the last one employing the demographically weighted *El Financiero* / Moreno Research survey.

In all models, explanatory variables of interest included perceptions of corruption, and attitudes toward democracy, and a series of control variables, particularly demographics, such as gender (female), age cohorts, levels of education, wealth or income, urban places, religious attendance (religious groups or attendance to religious services), and geographical regions, such as, North, Central, and South, in which the West was the reference category.

In addition, models also included a measure of ideology in six estimations (except for 2015), corruption victimization, perceptions about crime, and interpersonal trust in 5 models (except 2015 and 2018). For some years, there were independent variables related to religious denominations, such as being Catholic, Protestant, and Evangelical, working class, TV news consumption, levels of political knowledge, interest in politics, attitudes toward society's priorities, such as rule of law, and a democratic society, and knowledge about the amparo procedure.

Discussion

Overall, short term forces, such as perception of corruption in both, government and administration of justice (process) are negatively related to trust in the Supreme Court across all surveys. In addition, being victim of corruption, and perceiving crime also diminish trust in the Court. In particular, corruption victimization exercises a negative effect on 2006, whereas perception on crime diminishes trust in the Court for three different years: 2004, 2008, and 2010. Regarding ideology, evidence from the Americas Barometer (2004-2012) suggest that closeness with the right-of-center increases trust in the Court.

In opposition, long term forces, such as support for democracy increase trust when analyzing the 2004-20012 Americas Barometer surveys, and the 2018 *El Financiero* / Moreno Research survey, as shown in table 2. Nevertheless, when analyzing the 2015 National Justice Survey (Encuesta Nacional de Justicia) first mentions of priorities in society, such as rule of law (with no effect), and a democratic society, it exercises a negative impact on Court trust.[3]

Control variables, such as interpersonal trust in three different years, and religious attendance, at the beginning and at the end, both increase support for the Supreme Court. The highest levels of political knowledge in 2004, however, and those who live in urban places (2004, 2006, 2012, and 2015) are less likely to support the Court.

Among indigenous people there is a mixed bag of evidence, that is, depending on the year, a negative influence is showed on 2004, and a positive one in 2008. Finally, regarding regions, those living in the North are more likely to support the Curt in 2012 and 2015, while they were more reluctant in 2006. Those who live in the Central region tend to show a lower level of support, when compared to the West, which is the reference category. Finally, the South also shows another mixed bag of findings, a negative effect on 2008, and a positive one on 2015.

In conclusion, there are reasons to believe that Mexico's citizens positively evaluate the Supreme Court as one part of a larger democratic system, but at the same time, there are negative aspects that reduce chances to trust in the Court, such as victimization and perception of corruption, which hold harmful effects, as short-term forces, on trust in the Supreme Court. In this way, the pervasive effect of corruption would successfully undermine citizens' confidence on the highest level of the judiciary, leaving room for (justified or unjustified) political attacks from another branches of government, due to, among other reasons, a gradual abandon of public support.

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[3] The questions read: "What is most important to you?" ("¿Qué es más importante para usted?") "A society where they apply and respect the law" ("Una sociedad donde se apliquen y respeten las leyes"), and "A more democratic society" (Una sociedad más democrática). These effects could be referred to the nature of a very specialized survey on the administration of justice context, in which negative evaluations of the specifics of the judiciary could being influential.

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Graph 1. Trust in Mexico' Supreme Court by Jurisprudential Regimes, 1981-2019

142 National Surveys, 1981-2019.
Dashed lines are 7th-10th jurisprudential regimes
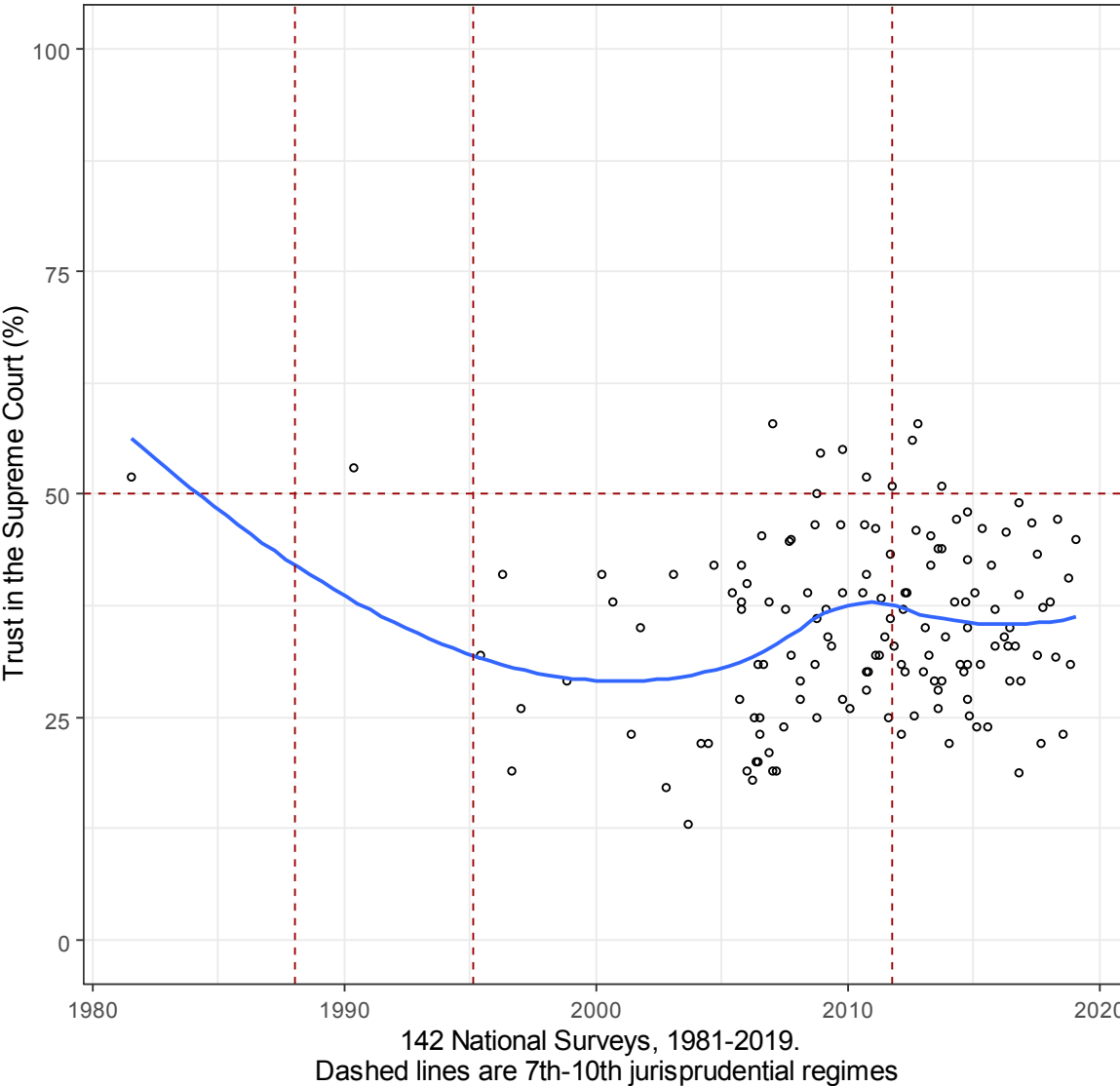
Source: 142 nationally representative surveys, 1981-2019. Compilation by the author.

Determinants of Trust in Mexico' Supreme Court, 2004-2018

	2004 coef/se	2006 coef/se	2008 coef/se	2010 coef/se	2012 coef/se	2015 coef/se	2018 coef/se
Victim corruption	0.03 (0.14)	-0.29** (0.13)	-0.09 (0.14)	-0.22 (0.14)	-0.07 (0.13)		
Percep Gov corrup	-0.27** (0.09)	-0.26** (0.07)	-0.27** (0.09)	-0.22** (0.09)	-0.17* (0.09)		-0.16** (0.04)
Percep corrup process						-0.42** (0.11)	
Perception crime	-0.21** (0.08)	0.01 (0.08)	-0.32** (0.08)	-0.16** (0.08)	-0.09 (0.08)		-0.02 (0.04)
Support democracy	0.10** (0.05)	0.08* (0.04)	0.21** (0.04)	0.23** (0.04)	0.22** (0.05)		0.27** (0.13)
Democratic society						-0.54** (0.20)	
Rule of Law						-0.14 (0.12)	
Interpersonal trust	0.06 (0.08)	0.14* (0.09)	0.05 (0.09)	0.05 (0.07)	0.17** (0.08)		0.62** (0.16)
Religious attendance	0.11** (0.05)	-0.04 (0.05)	0.07 (0.05)	0.05 (0.05)	0.02 (0.05)		0.09* (0.06)
Political knowledge	-0.20* (0.11)	-0.14 (0.18)	0.07 (0.15)	-0.17 (0.19)	-0.13 (0.16)		
Know what's Amparo						-0.10 (0.12)	
Interest in politics							0.10 (0.07)
Female	0.04 (0.12)	-0.16 (0.12)	0.01 (0.13)	-0.15 (0.13)	0.23* (0.12)	0.09 (0.13)	0.05 (0.12)
Age	0.04 (0.05)	0.05 (0.05)	-0.01 (0.05)	0.05 (0.05)	-0.01 (0.05)	-0.03 (0.05)	-0.41** (0.09)
Wealth	0.02 (0.05)	-0.04 (0.05)	0.07 (0.05)	-0.08 (0.05)	0.07 (0.05)	-0.03 (0.06)	
Working class							0.11 (0.16)
Urban	-0.13** (0.05)	-0.13** (0.05)	-0.02 (0.05)	0.08 (0.05)	-0.24** (0.06)	-0.16** (0.05)	-0.15 (0.12)
Education	0.04 (0.11)	0.17 (0.11)	-0.15 (0.11)	-0.11 (0.11)	0.06 (0.11)	0.01 (0.06)	-0.09 (0.09)
Left to right	0.10** (0.03)	0.05** (0.03)	0.14** (0.03)	0.14** (0.03)	0.12** (0.03)		
Left							0.02 (0.15)
Right							0.18 (0.16)
Indigenous	-0.65** (0.26)	0.14 (0.27)	0.49* (0.29)	0.29 (0.27)	0.59 (0.36)		
Catholic							-0.06 (0.27)
Protestant/Evangelical							0.41 (0.33)
TV News							0.03 (0.06)

	2004 coef/se	2006 coef/se	2008 coef/se	2010 coef/se	2012 coef/se	2015 coef/se	2018 coef/se
North	0.04	-0.48**	0.29	0.26	0.69**	0.36**	-0.02
	(0.17)	(0.18)	(0.19)	(0.18)	(0.17)	(0.15)	(0.20)
Central	-0.30	0.18	-0.69**	-0.45**	0.26	0.10	-0.30*
	(0.19)	(0.17)	(0.20)	(0.17)	(0.17)	(0.16)	(0.16)
South	-0.05	0.05	-0.48**	-0.08	0.01	0.30*	-0.30
	(0.21)	(0.17)	(0.20)	(0.19)	(0.21)	(0.16)	(0.19)
Cut1	-2.73**	-2.81**	-2.14**	-2.30**	-1.40**	-3.96**	-3.18**
	(0.58)	(0.61)	(0.63)	(0.65)	(0.62)	(0.39)	(0.59)
Cut2	-2.05**	-2.28**	-1.42**	-1.46**	-0.66	-3.58**	-1.44**
	(0.58)	(0.61)	(0.63)	(0.64)	(0.62)	(0.38)	(0.58)
Cut3	-1.11*	-1.46**	-0.59	-0.53	0.39	-3.21**	0.66
	(0.58)	(0.62)	(0.63)	(0.64)	(0.63)	(0.37)	(0.58)
Cut4	-0.17	-0.48	0.27	0.43	1.44**	-2.91**	
	(0.58)	(0.62)	(0.63)	(0.64)	(0.63)	(0.37)	
Cut5	0.95	0.59	1.47**	1.67**	2.65**	-2.49**	
	(0.58)	(0.62)	(0.63)	(0.64)	(0.64)	(0.37)	
Cut6	2.24**	1.92**	2.70**	3.21**	4.16**	-1.41**	
	(0.59)	(0.62)	(0.63)	(0.65)	(0.65)	(0.36)	
Cut7						-0.41	
						(0.36)	
Cut8						0.54	
						(0.36)	
Cut9						1.70**	
						(0.36)	
Cut10						2.99**	
						(0.40)	
N	858	930	853	902	932	1033	928
Pseudo R2	0.03	0.02	0.06	0.04	0.05	0.01	0.06
Log-likelihood	-1555.9	-1669.1	-1516.1	-1585.6	-1629.2	-2085.2	-1107.1

Notes: Ordered logit models, weights according to survey designs, cut points vary for different response categories of the dependent variable: 2004-2012 (1-7); 2015 (0-10); and 2018 (1-4). Religious Attendance includes attendance to religious organizations (2004-2012), and Church attendance (2018); Wealth includes wealth (2004-2012), and income (2018). * p<0.1, ** p<0.05.