

# “The Public as a Shield”: Does Trust in the Judiciary Condition Populist Attacks on the Judiciary?

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A question that remains unanswered is whether the judiciary can be protected from such attacks on their independence. I argue that trust in the institution can safeguard the independent judiciary from such attacks as it

## Introduction

Again and again, we hear warnings that populists - once in power - first dismantle the independent judiciary (Müller, 2017; Scheppele, 2019; **Vosskuhle.2023?**). One way to do so is by replacing or adding judges. We know that public support is a necessary condition for an effective judiciary otherwise there are too few reasons to

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comply with judicial decisions (Bühlmann & Kunz, 2011; Gibson et al., 1998; Krehbiel, 2021; Vanberg, 2001, 2015). But, can support among the public also prevent courts from being a target of executive aggrandizement? Using V-Dem, Euro- and Latinobarometer data, we examine whether high trust in the judiciary among the public safeguards the judiciary from attacks on its independence.

Populists are gaining power in more and more countries around the world (Vittori.2022?). Their core belief is that the will of the people is and should be the ultimate guide for political decisions. Any other actor is often described as part of a corrupt elite that obstructs the people’s right to power (Mudde, 2004). This leads them to challenge and often dismiss the of non-majoritarian entities like judiciary branches (Abts & Rummens, 2007; Mazzoleni & Voerman, 2020; Mudde & Rovira Kaltwasser, 2012). While there’s increasing interest in understanding the repercussions of populists in power for democracy (Huber & Schimpf, 2017; Kenny, 2020; Ruth–Lovell & Grahn, 2022), we’ve yet to understand whether institutions can effectively counter populists once they hold office.

We turn to the literature on judicial politics for answers. For decades scholar have emphasized the importance of citizens in enforcing democratic behavior by governments (Krehbiel, 2021; Vanberg, 2001; Weingast, 1997). According to this idea, politicians fear being punished at the next election and thus refrain from undermining judicial independence. But, if people do not trust their high court, they have few incentives to defend such an institution at the ballot box. Lately, studies have further shown that voters are willing to trade-off democratic norms, such as judicial independence, for economic or partisan gains (Bartels & Kramon, 2020; Gidengil et al., 2022; Graham & Svolik, 2020).

In our analysis, we test whether populists in office replace or add judges more frequently than other governments based on V-Dem data (vdem.2021?). Using data from Euro- and Latinobarometer, we estimate whether court purges and packing takes place more

frequently if fewer citizens trust the judiciary (European Commission, n.d.; **Latino-barometro.2023?**). Lastly, we combine these approaches and test whether populists in office have less of a negative effect on court composition if trust in the judiciary is high.

Our country fixed-effects model shows that populists in power are more likely to add or remove judges for political reasons. However, we do not find any evidence that an increase in trust in the judiciary within a country decreases the likelihood of court purges or packing, neither under populist nor non-populist governments.

## Theory

The increasing number of populists in office is frequently viewed as a threat to the independence of the judiciary (Arato, 2019; Müller, 2016; Scheppele, 2019). The populist ideology builds on the belief in a homogeneous people that is morally good and capable to govern itself. In contrast, elites are depicted as the enemy of the morally good people (Mudde, 2004). The populist vision of a democracy governed by majority rule directly challenges the system of checks and balances integral to liberal democracies (Abts & Rummens, 2007; Canovan, 1999; Mény & Surel, 2002). Liberal democracy is based on the separation of powers, a cornerstone of which is an independent judiciary (Abts & Rummens, 2007). This tension between populism and liberal democracy often leads to the claim that populists undermine judicial independence once in power (Arato, 2019; Müller, 2016; Scheppele, 2019).

Indeed, we frequently observe populists undermining judicial power once they are in government. In Hungary, Orbán has implemented a new constitution and replaced many judges with co-partisans (Bencze, 2022). In Poland, independent judges were forced to retire to change the court composition under the populist PiS' government (Sadurski, 2019). The populist Kirchner government in Argentina tried to push a senior

judge out of the court, who was forced to go through psycho-physical tests to not be removed from the Supreme court (Scribner, 2017). But, not in every case of populist government can we observe such a pattern. While SYRIZA's government in 2015-2019, judicial independence did not significantly decrease. Indeed, there constitutional reform proposal even included the implementation of a Supreme Court to strengthen the rule of law (**Lorencka.2019?**).

So far, most cross-country studies have investigated the effect of populists in power on democratic quality more generally, with judicial independence as a part of an index (Huber & Schimpf, 2017; Juon & Bochsler, 2020; Ruth-Lovell & Grahn, 2022; **Konig.2024?**). Their results paint a similar picture: Populists in power decrease the quality of liberal democracy, only (**Konig.2024?**) found a positive effect in Latin American countries. But, so far we lack studies on the distinct effects on the judiciary.

To undermine judicial independence governments can curb the court by changing its jurisdiction, for example limiting judicial review. Another option is to replace (purging) or add friendly judges (packing)(Arato, 2019; Huq & Ginsburg, 2018).

We expect that these strategies are used more frequently under populist governments due to their strained relationship to non-majoritarian institutions.

**Hypothesis 1:** Populist in power increase the likelihood that court packing or purges take place.

With the growing number of countries that experience a decrease in the quality of liberal democratic institutions (Laebens & Lührmann, 2021; Lührmann & Lindberg, 2019; Waldner & Lust, 2018), scholars are increasingly interested in what makes democracies resilient against the erosion of its institutions (Boese et al., 2021; de La Torre & Peruzzotti, 2018; Laebens & Lührmann, 2021; Merkel & Lührmann, 2021). Most studies agree that an organized and active resistance against autocratization among citizens is

crucial to avert the erosion of democratic institutions, such as the judiciary (Druckman, 2023; Laebens & Lührmann, 2021; Lührmann, 2021). Citizens have the power to hold the executive accountable for their actions (Druckman, 2023). As Bühlmann & Kunz (2011) (p. 318) write: “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.”

The importance of public support is particularly strong in the case of the judiciary. Especially high courts do not have the power to enforce their decisions themselves, and are volatile to attacks on their legitimacy (Vanberg, 2015). Governments might be driven by a set of motivations to respect judicial independence: constraints placed on future executives (e.g. Vanberg, 2015), informational advantages (Rogers, 2001), and fear of a public backlash (Krehbiel, 2021; Vanberg, 2001, 2005). The latter aspect has been the focus of research the most. The notion is that if citizens support and trust the judiciary, they will defend the institution in upcoming elections (Gibson et al., 1998; Krehbiel, 2021; Staton, 2006, 2010; Vanberg, 2001, 2005). “Public support provides a shield for judicial independence.” (Vanberg, 2015, p. 155)

The current case of Israel illustrates this logic: For months, citizens went to the streets against the executive’s decisions to restrict judicial review (Bazelon, 30.07.2023). Recently, the high court decided that at least some of the reform’s policies were unconstitutional (**reuters.2024?**). While we do not know yet whether the executive will accept the decision on the long-term, the public protests might have paved the way for the high court’s decision. The protesters signaled that non-compliance with the high court would backlash in any upcoming election.

If governments do indeed constrain their actions if they are worried about a public backlash, we should observe court packing or purges less frequently if trust in the judiciary is high.

**Hypothesis 2:** With increasing trust in the judiciary, the likelihood of court purges or packing decreases.

Combining the two strands of research, the question arises whether public trust in the judiciary can act as a shield against populist attempts to undermine judicial independence. I expect that the effect of populists in power on court packing and purges is higher when public trust is low.

**Hypothesis 3:** The effect of populists in power on court purges or packing is conditioned by citizens’ trust in the judiciary.

## Research Design

To study the effect of populists in government on judicial independence, we run an OLS model with country fixed-effects.

### Variables

The first dependent variable indicates whether a country has experienced politically motivated changes in court compositions. The V-Dem dataset collects this information in two variables on judicial purges (`v2jupurg_ord`) and court packing (`v2jupack_ord`) which indicate whether there was a “massive” or “limited, politically motivated increase in the number of judgeships” (Coppedge, John Gerring, Carl Henrik Knutsen, et al., 2022b, p. 163), or “removal of judges” (Coppedge, John Gerring, Carl Henrik Knutsen, et al., 2022b, p. 164).<sup>1</sup> We combine these into one variable, by choosing the score that indicates more political interventions. The new variable ranges from -1.98 to 4.27 (see appendix @fig-histdepv). Additionally, we run regressions with V-Dem’s variable on the frequency of attacks on the judiciary (`v2jupoatck`). The variable ranges from -2.86 to 4.4 (see appendix @fig-histdepv).

The data on populism is taken from Ruth–Lovell & Grahn (2022) who in turn have used the PopuList (Rooduijn et al., 2019) and data from Huber & Schimpf (2017)

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<sup>1</sup>See the appendix for robustness tests with different operationalizations of the variable.

additionally to their own coding. The variable is binary with 1 indicating that the head of government is populist, otherwise the variable is 0. We have updated the dataset for the years since 2018.

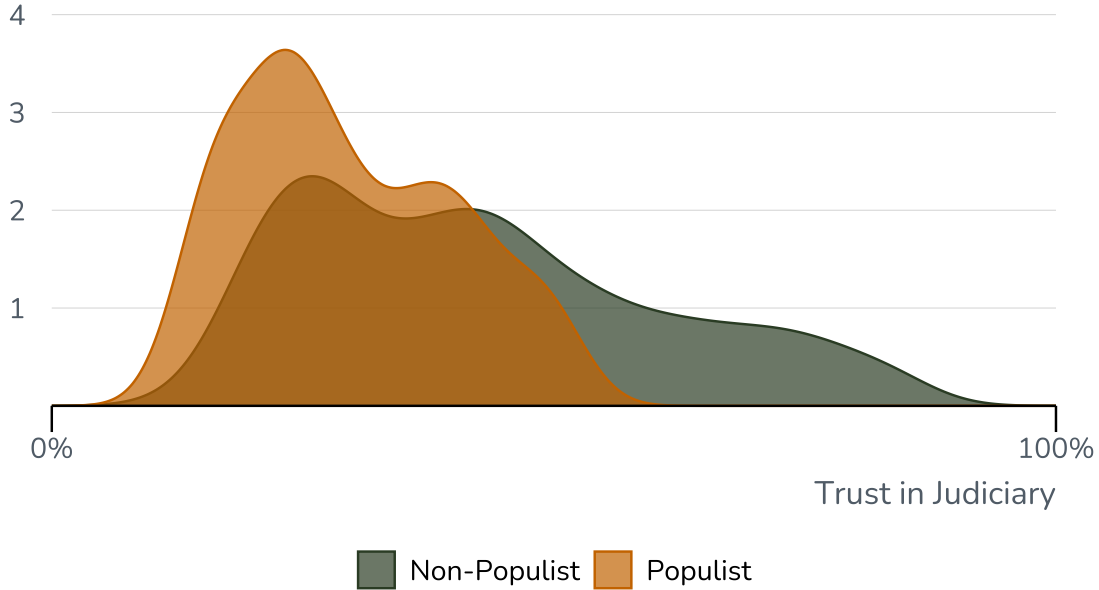


Figure 1: Density plot of dependent variables.

Data on trust in the judiciary is aggregated from the Latinobarometer (**Latinobarometro.2023?**) and the Eurobarometer (European Commission, n.d.). From the survey data, we calculated a variable that indicates what percentage of respondents in the respective year trusted the judiciary in their country. While the Eurobarometer only includes two possible answers, *trust* or *do not trust*, the Latinobarometer includes four categories “A lot”, “Some”, “Little” and “No trust” (**Latinobarometro.2023?**). To calculate the share of people who trust the judiciary, we have recoded the variable into a dummy that codes people who trust the judiciary *a lot* or *some* as trusting the judiciary. We run a robustness check in which respondents who trust the judiciary *a lot*, *some* or *little* are included in the share of people who trust the court. Since the regression models include country fixed-effects, differences in the coding between the continents should not lead to wrong estimates as only the within country variance of the variable

is used.

Both, Latino- and Eurobarometer, include some years with missing observations. In these cases we have imputed data. Our imputation mechanism assumes that trust has developed linearly throughout the missing observations. In the main model, we use the last three years' mean for this variable. We include models in the appendix (see `?@tbl-indepv` and `?@tbl-indepv_w`) with other operationalizations (one year lag, mean of last 5 years) as well as different handling of the missing data on trust: In one, we drop the observations with missing values. In the other we use an imputation mechanisms that chooses the value from the closest date.

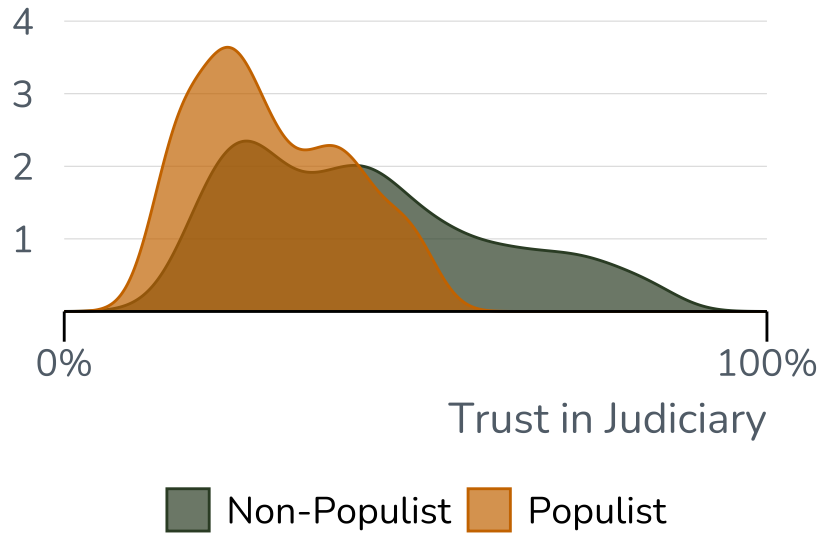


Figure 2: Density plot of independent variable trust in judiciary. Color indicates years under populist and non-populist governments.

## Controls

The models include controls for the power of the executive with an index built with the Comparative Constitutions dataset (Elkins et al., 2012, 2021). Further controls for the share of surplus seats of a government and whether it was a coalition based on the V-Party dataset (Lührmann et al., 2020). We include a dummy, whether the country



has a presidential system, and continuous variables on the regime age, and the average GDP growth from the last three years (**wdi.2020?**).

In one of our robustness tests that estimate the effect on court purges and packing, we include a variable that indicates whether court purges or packing has already occurred in the respective country in the last five years. We code this based on the ordinal variables of V-Party's **v2jupack\_ord** and **v2jupoatck\_ord**, and count any expert coding of political replacements (independent of scope and importance of court) as court purges and packing, see . The idea behind this model is that once the dam has been broken and court compositions have been changed, there is little reason to not do it again. With an interaction effect between populism, trust and court packing/purges in the last three/five years, we test whether trust only constrains executives from starting to replace judges but not on on-going phases of replacements.

Trust in the judiciary might have a particularly strong effect on executives' decisions to undermine the judiciary if judicial independence is high. In these cases citizens are more likely to perceive executive decisions as a deviation of the norm how the judiciary is usually treated. Krehbiel (2021) shows that particularly in environments with a strong norm for high court compliance, citizens punish the government if they do not comply with high court decisions. We include a model in which we interact trust and judicial independence to estimate whether the effect of trust is conditional on the judiciary's independence. To measure the latter we use the mean of the last three years' variable on judicial independence from V-Dem (Coppedge, John Gerring, Carl Henrik Knutsen, et al., 2022a).

## Results

Our findings corroborate the initial hypothesis that instances of court packing and judicial purges are more prevalent under populist governments. The same is the case with

regard to attacks on the judiciary. Consistently across various models, the coefficient associated with populism is positive and significant, reinforcing the prevailing notion that populists in government undermine judicial independence.

This outcome is robust in nearly all the models we examined. Even when we exclude the country-year observations in which Euro- and Latinobarometer have missing values, the effect of populism on court purges and packing as well as attacks on the judiciary are significantly positive. Within these intervals, populist governments have implemented notable transformations of the judiciary. In Hungary, for example, politically aligned judges were nominated in 2011 (such as Tünde Handó, the wife of the FIDESZ founder, as president of the National Judiciary Office). But, Eurobarometer did not collect information on trust in the judiciary that year. We include an overview of all country-year observations in which trust data is missing but judicial purges or packing took place in the appendix (Figure 4).

Table 1: OLS Regression Models

	Court Purges & Packing		Attacks on Judiciary	
	No Interaction	Interaction	No Interaction	Interaction
Trust $\bar{t}_{-1,-2,-3}$	0.748*	0.810**	0.430	-0.027
	[0.174, 1.321]	[0.254, 1.366]	[-0.447, 1.308]	[-0.904, 0.851]
Populist	0.611***	0.765**	1.010***	-0.121
	[0.405, 0.817]	[0.269, 1.261]	[0.740, 1.280]	[-0.666, 0.423]
Surplus Seats	0.061	0.057	-0.105+	-0.079
	[-0.032, 0.154]	[-0.035, 0.150]	[-0.218, 0.007]	[-0.193, 0.036]
Executive Power	0.062	0.076	0.163*	0.061
	[-0.141, 0.265]	[-0.113, 0.264]	[0.004, 0.322]	[-0.108, 0.230]
Presidential System	1.356***	1.401***	3.491***	3.158***
	[0.744, 1.968]	[0.819, 1.983]	[2.779, 4.202]	[2.434, 3.882]
GDP	-1.625*	-1.657*	-1.544+	-1.308
	[-2.964, -0.285]	[-2.973, -0.340]	[-3.339, 0.252]	[-3.087, 0.472]
Democracy Age	0.000	0.000	0.004	0.004
	[-0.005, 0.004]	[-0.005, 0.004]	[-0.004, 0.011]	[-0.004, 0.011]
Coalition Gov.	-0.107	-0.105	-0.259*	-0.277**
	[-0.258, 0.044]	[-0.259, 0.050]	[-0.459, -0.060]	[-0.474, -0.079]
Trust $\bar{t}_{-1,-2,-3}$ .Populist		-0.550		4.060***
		[-1.873, 0.773]		[1.981, 6.139]
Num.Obs.	746	746	746	746
R2	0.818	0.819	0.819	0.826
Country FE	Yes	Yes	Yes	Yes
R2 Adj.	0.806	0.807	0.807	0.814
AIC			2301.0	2303.3
BIC			2522.5	2529.4
RMSE			1.06	1.06

However, the results raise some doubts whether the public’s attitudes toward the court act as the shield, in the way we have always understood them to (see (Vanberg-2015?)). The analysis indicates that an increase in citizens who trust the judiciary does not reduce the likelihood of court packing and purges, nor of attacks on the judiciary. In the case of court purges and packing, our main model even shows a significant positive effect of higher trust (see Table 1, model 1). But, the significance of the coefficient is not robust across different operationalizations of the variable (see Table 7). Still, in all of the models we calculated, the effect of trust among the public in the judiciary has either the opposite effect as expect, or no effect at all. In none of our models do we find evidence that an increase of trust within a country decreases the likelihood of court purges or packing.

With regard to attacks on the judiciary, higher trust among the public does not seem to have an effect at all (Table 1, model 3). This result is robust across all our models (see appendix Figure 11 and Figure 13).

We only find the expected conditioning effect of trust on governments undermining judicial independence when we compare across countries (see appendix Table 4, model 4 and Table 5, model 4). As soon as we include a country fixed-effect, the effect reverses (see appendix Table 4, model 2 and Table 5, model 2). Thus, the positive effect of higher trust in the judiciary in the between country analysis might be driven by other factors that vary between countries.

This result holds once we include an interaction effect between populism and trust. We find that trust does not significantly condition whether populists replace or add judges to courts (see Table 1, model 2 and Figure 3). In all models, the coefficient ranges around 0 and is not significant (see Figure 12).

In the case of attacks on the judiciary, the results point in the opposite direction as expected: The higher the trust in the judiciary, the more populists attack the institution

(see Table 1, model 2 and Figure 3). If we also include people who only trust the judiciary *little*, the interaction effect is significant and negative.

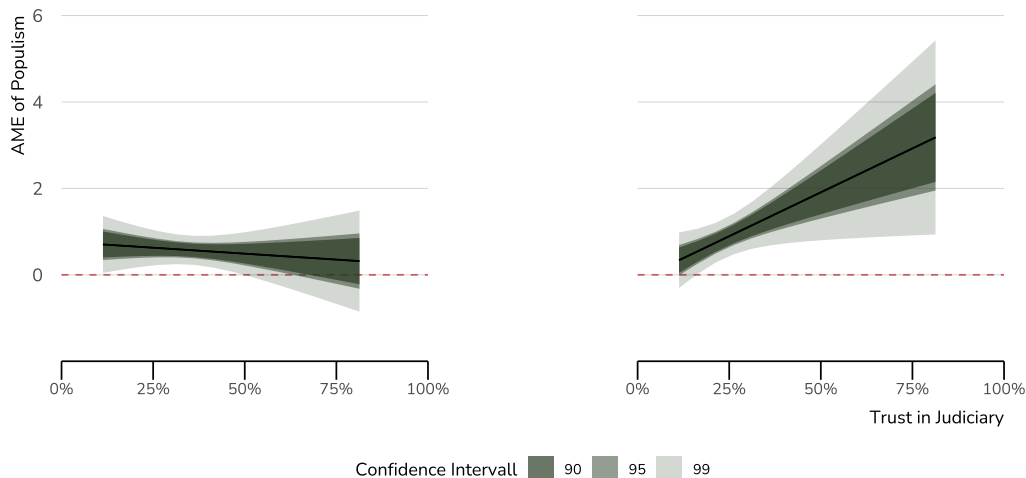


Figure 3: Average marginal effect of populist in power conditioned by share of respondents who trust the judiciary.

### Initial Court Purges and Packing

A previous decision by the executive to change court compositions for political reasons might impact their decision to take these steps again. Once the dam is broken, there is little reason to not take similar steps again. We test this by including an interaction effect with the dummy variable that indicates whether court purges or packing has taken place in the last three or five years. We ran one model including a simple interaction effect between trust and former court purges or packing to test whether this is a general relationship. The effect is not significant, even if there have not been any changes in court compositions in the years before trust does not have an effect on the likelihood of court purges or packing (see appendix, Table 9, model 2 and 4).

In another model, we include a triple interaction effect between populism, trust and former court purges and packing. The results shows that trust does not condition populist executive's decisions to change court compositions, independent of whether

such actions were already taken in the years before (see appendix, Table 9, model 3 and 5).

### **Judicial Independence**

In Table 11 and Table 10, we test whether the effect of trust on executives' decisions to undermine the judiciary is conditioned by the former quality of judicial independence. But, contrary to our expectation, the model implies that in cases of high judicial independence, high trust increases the likelihood of court purges and packing (see Table 10, model 2 and Figure 8). Considering attacks on the judiciary, we do not find that judicial independence conditions the effect of trust (see Table 11, model 2 and Figure 10).

### **Discussion**

If we look at the data behind our models, we see that significant attacks on judicial independence such as in Poland in 2019 have taken place when trust in the judiciary was relatively high. In Poland, only 22% of the people trusted the judiciary in 2007, but the attacks on the judiciary took place between 2015 and 2019 when more than 40% of the people responded that they trusted the courts. One explanation as to why we find a conditioning effect of trust in the judiciary on attacks on the latter is that trust just has not risen high enough in countries that have experiences such attacks. Take Poland as an example, despite a significant increase in trust in the judiciary over time (almost 20%), a majority of the citizens still did not trust the judiciary when the PiS government decided to undermine judicial independence.

In general, our results can not speak to the mechanism behind our finding that within country increases of trust in the judiciary do not decrease the likelihood of attacks on the judiciary. Recently, many scholars have shown that voters lack the willingness to translate their diffuse support for the court into actions at the ballot box (Driscoll & Nelson, 2023; Wunsch & Gessler, 2023; **Jacob.2024?**). However, there might also be

other reasons for our finding. Short-term increases in trust might not have the same effect as long-term trust in the judiciary. A court that has been a trusted institution for multiple decades might be defended more willingly than a comparatively young institution, or one that has only gained the trust of the public. Another reason for this finding might be that the public does not recognize attacks on the judiciary as such (**Chiopris.2024?**). Magalhães & Garoupa (2023) show that trust in the judiciary in Hungary did not decrease once the judiciary’s independence was undermined by president Orbán. These results imply that citizens might not have recognized the actions as problematic.

So far, experimental studies are restricted to few countries. Our cross-country comparison corroborates the findings of earlier research that we might have overestimated the effect of voters’ support as a shield for the judiciary. The results show that we need more research on what drives citizens to punish incumbents’ undemocratic actions beyond partisanship and policy preferences.

## Conclusion

Our analysis shows that populists in government are indeed a danger to judicial independence, as depicted in many recent writings (Arato, 2019; Müller, 2016; Scheppele, 2019). But, different to our expectations we do not find that this is less the case if the public has high trust in the judiciary. Indeed, our results imply that government officials are not worried enough about a public backlash to constrain their actions, independent of them being populist or not.

Our findings contribute to the on-going debate about democratic backsliding with a focus on the erosion of judicial independence. By looking at 40 states across Europe and Latin America, we show that high trust in the judiciary alone does not create a shield that protects the institution. While we find the expected effect that trust

decreases the likelihood of governments undermining judicial independence between countries, we do not find any evidence that an increase in trust in the judiciary within a country has an effect on the likelihood of court purges and packing or attacks on the judiciary more generally.

This is in line with recent findings that highlight voters' willingness to trade of judicial independence for other factors such as economic growth, partisanship or policy congruence (Driscoll & Nelson, 2023; Graham & Svolik, 2020; Lewandowsky & Jankowski, 2023). Of course, our analysis does not allow any inferences about the distinct mechanisms behind this finding. Our findings indicate that the missing effect of citizens values on executive behavior, that many papers have found in survey experiments in different countries, might be a global phenomenon.



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## Appendix

### Court Purges and Packing

### **v2jupurge**

“Question: Judges are sometimes removed from their posts for cause, as when there is strong evidence of corruption; however, some judges are removed arbitrarily, typically for political reasons. With this distinction in mind, please describe the removal of judges that occurred this calendar year.

Clarification: The second and third response categories permit you to distinguish among limited arbitrary removals (i.e., when only a few judges are targeted) by the political importance of the removal. For example, you may consider the arbitrary removal of a few high court judges as more important than the arbitrary removal of a few lower court judges.

Responses:

0: There was a massive, arbitrary purge of the judiciary.

1: There were limited but very important arbitrary removals.

2: There were limited arbitrary removals.

3: Judges were removed from office, but there is no evidence that the removals were arbitrary.

4: Judges were not removed from their posts.”

**v2jupack**

“Question: The size of the judiciary is sometimes increased for very good reasons, as when judges are added to manage an increasing caseload; however, sometimes judges are added purely for political reasons. With this distinction in mind, please describe any increases in the size of the judiciary that occurred this calendar year.

Clarification: The second and third response categories permit you to distinguish among limited court packing efforts (i.e. when relatively few judgeships are added) by the political importance of the packing. For example, you may consider the packing of the high court to be more important than the packing of a lower court.

Responses:

0: There was a massive, politically motivated increase in the number of judgeships across the entire judiciary.

1: There was a limited, politically motivated increase in the number of judgeships on very important courts.

2: There was a limited, politically motivated increase in the number of judgeships.

3: Judgeships were added to the judiciary, but there is no evidence that the increase was politically motivated; or there was no increase

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<b>Country</b>	<b>Year</b>	<b>Closest Imputation</b>	<b>Linear Imputation</b>	<b>Missing Years</b>	<b>Change Between Observations</b>
Bolivia	2012	0.7	0.64	1	0.1
	2014	0.59	0.64	1	0.09
	2019	0.6	0.58	1	0.03
Ecuador	2012	0.74	0.73	1	0.01
	2014	0.73	0.76	1	0.06
Honduras	1999	0.74	0.74	1	0
	2012	0.59	0.49	1	0.21
Hungary	2011	0.53	0.5	3	0.12
	2012	0.53	0.47	3	0.12
Mexico	2019	0.58	0.62	1	0.08
Nicaragua	2012	0.56	0.6	1	0.07
	2014	0.63	0.65	1	0.04
	2019	0.34	0.43	1	0.18
Paraguay	1999	0.65	0.66	1	0.02
Peru	1999	0.52	0.59	1	0.14

Figure 4: Imputed values in years when court purges or packing occurred

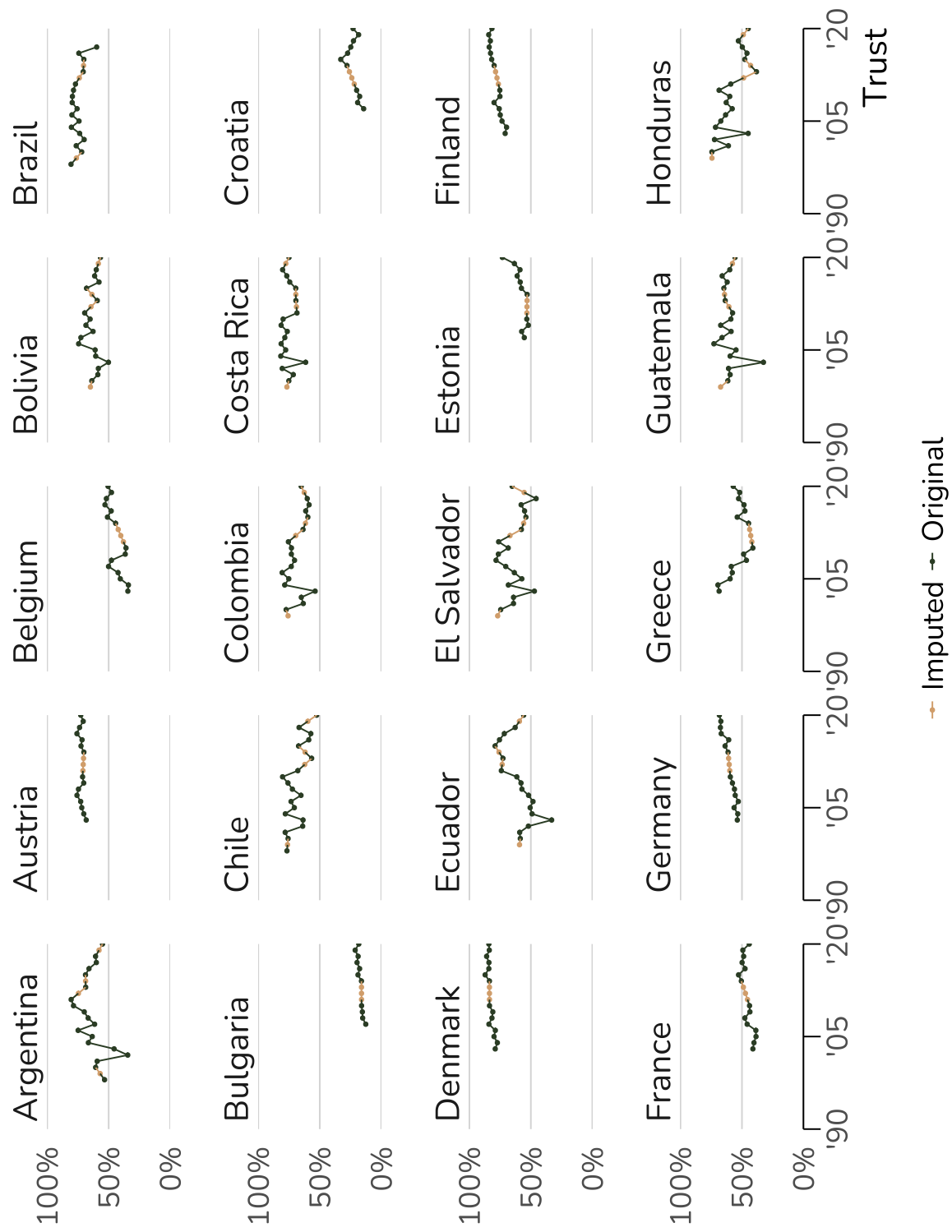


Table 3: Countries included in study

country	N	Start	End	Imputed
Argentina	24	1995	2018	1999, 2012, 2014, 2019
Austria	19	2000	2018	2011, 2012, 2013
Belgium	19	2000	2018	2011, 2012, 2013
Bolivia	23	1996	2018	1999, 2012, 2014, 2019
Brazil	23	1995	2017	1999, 2012, 2014
Bulgaria	15	2004	2018	2011, 2012, 2013
Chile	24	1995	2018	1999, 2012, 2014
Colombia	23	1996	2018	1999, 2012, 2014, 2019
Costa Rica	23	1996	2018	1999, 2012, 2014, 2019
Croatia	15	2004	2018	2011, 2012, 2013
Denmark	19	2000	2018	2011, 2012, 2013
Ecuador	22	1996	2018	1999, 2012, 2014, 2019
El Salvador	23	1996	2018	1999, 2012, 2014, 2019
Estonia	15	2004	2018	2011, 2012, 2013
Finland	19	2000	2018	2011, 2012, 2013
France	19	2000	2018	2011, 2012, 2013
Germany	19	2000	2018	2011, 2012, 2013
Greece	19	2000	2018	2011, 2012, 2013
Guatemala	23	1996	2018	1999, 2012, 2014, 2019
Honduras	23	1996	2018	1999, 2012, 2014, 2019
Hungary	15	2004	2018	2011, 2012, 2013
Ireland	19	2000	2018	2011, 2012, 2013
Italy	19	2000	2018	2011, 2012, 2013
Latvia	15	2004	2018	2011, 2012, 2013
Lithuania	15	2004	2018	2011, 2012, 2013
Luxembourg	19	2000	2018	2011, 2012, 2013

Mexico	24	1995	2018	1999, 2012, 2014, 2019
Netherlands	19	2000	2018	2011, 2012, 2013
Nicaragua	23	1996	2018	1999, 2012, 2014, 2019
Panama	23	1996	2018	1999, 2012, 2014, 2019
Paraguay	24	1995	2018	1999, 2012, 2014, 2019
Peru	23	1995	2018	1999, 2014, 2019
Poland	15	2004	2018	2011, 2012, 2013
Portugal	19	2000	2018	2011, 2012, 2013
Romania	15	2004	2018	2011, 2012, 2013
Slovakia	15	2004	2018	2011, 2012, 2013
Slovenia	15	2004	2018	2011, 2012, 2013
Spain	19	2000	2018	2011, 2012, 2013
Sweden	19	2000	2018	2011, 2012, 2013
Uruguay	24	1995	2018	1999, 2012, 2014, 2019
Venezuela	24	1995	2018	1999, 2012, 2014, 2019

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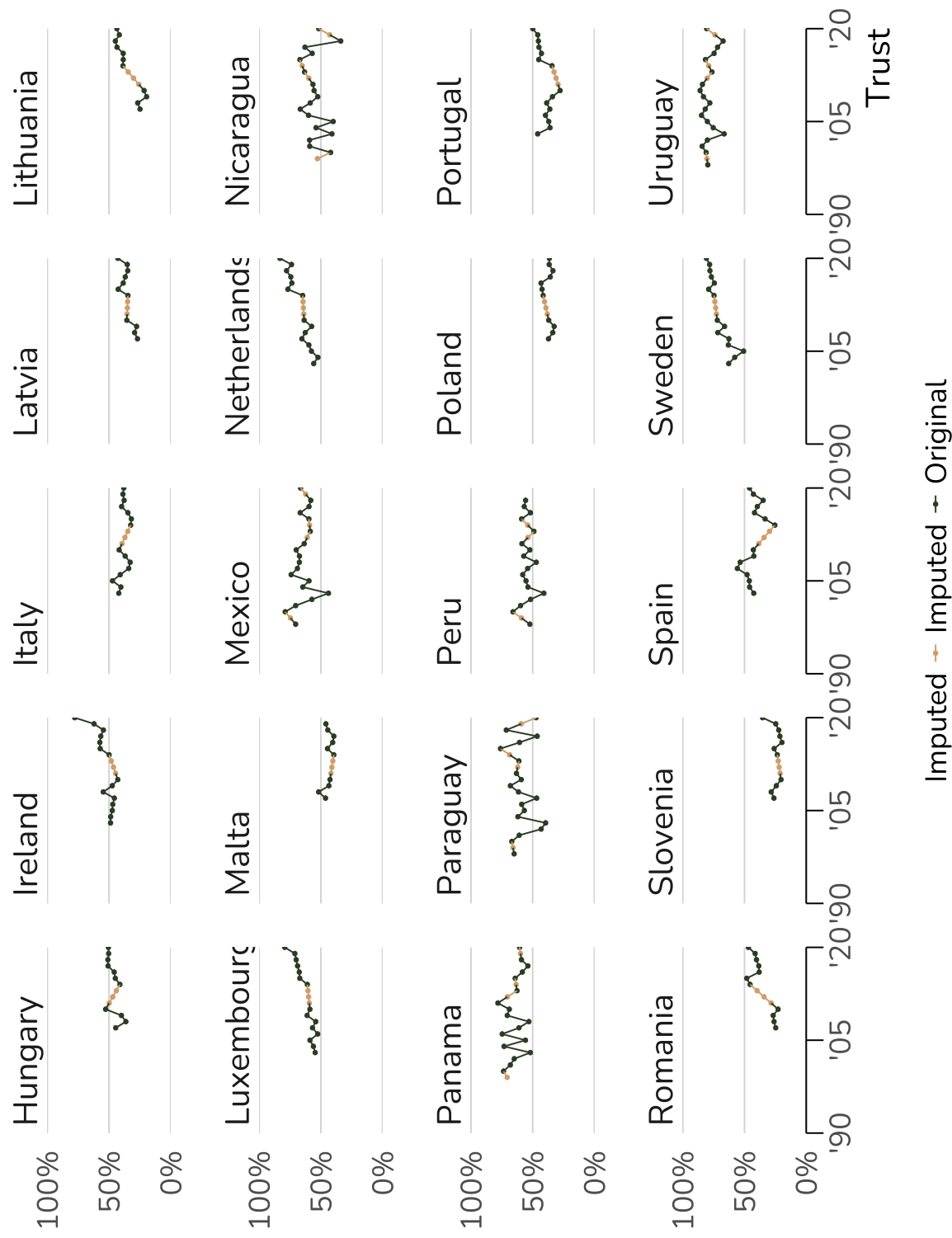


Figure 5: Trust in judiciary across countries in dataset over time.

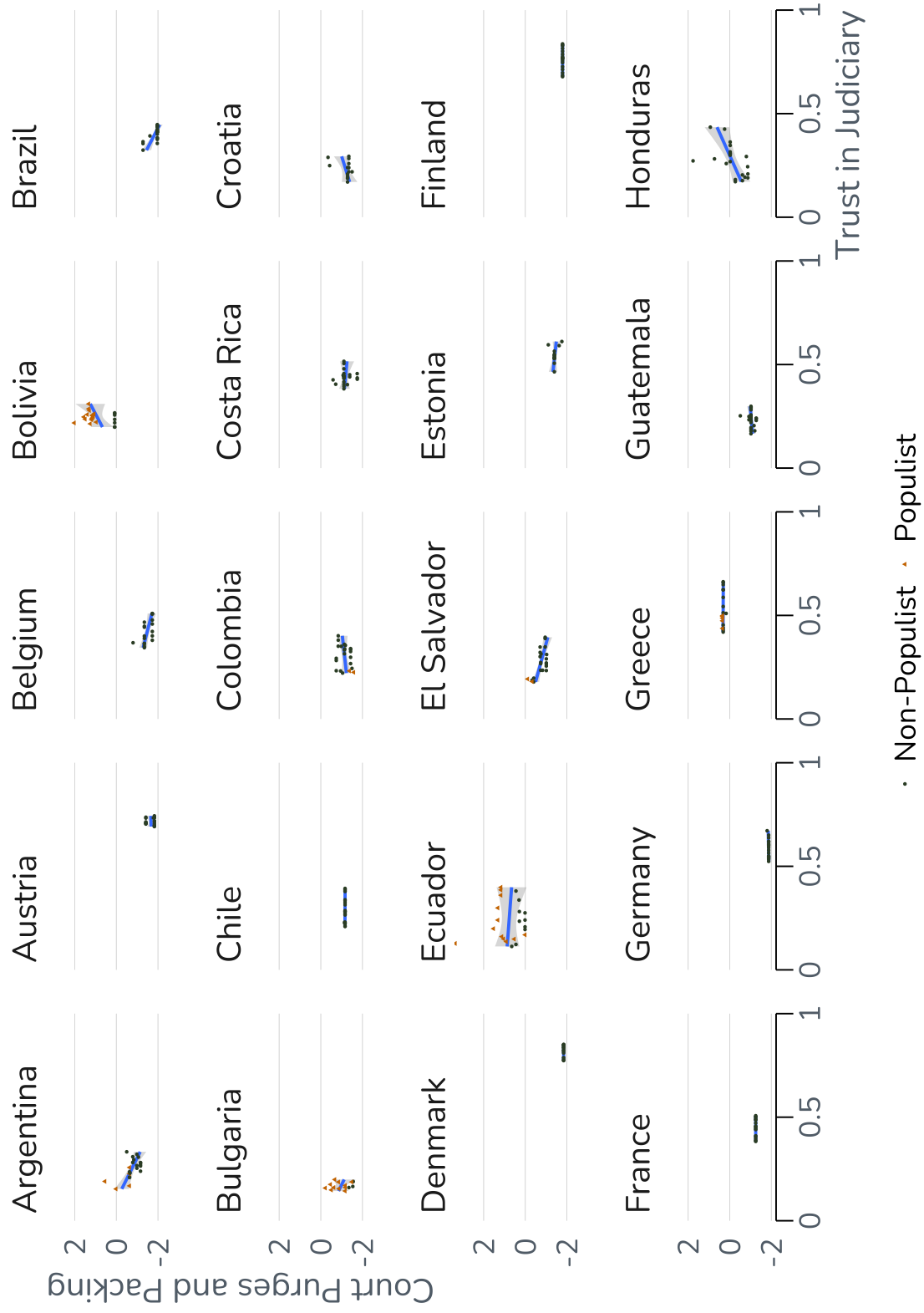




Figure 6: Trust in judiciary across countries in dataset over time.

Table 4: All regression for DV court purges & packing.

	(1)	(2)	(3)	(4)	(5)
Trust $_{t-1,-2,-3}$	-1.762*** [-2.004, -1.519]	0.751* [0.163, 1.338]	0.748* [0.174, 1.321]	-0.857*** [-1.231, -0.484]	0.810** [0.254, 1.366]
Populist	1.097*** [0.879, 1.316]	0.648*** [0.477, 0.820]	0.611*** [0.405, 0.817]	0.978*** [0.781, 1.174]	0.765** [0.269, 1.261]
Surplus Seats			0.061 [-0.032, 0.154]	0.193*** [0.086, 0.300]	0.057 [-0.035, 0.150]
Executive Power			0.062 [-0.141, 0.265]	-0.065** [-0.104, -0.026]	0.076 [-0.113, 0.264]
Presidential System			1.356*** [0.744, 1.968]	0.074 [-0.041, 0.189]	1.401*** [0.819, 1.983]
GDP $_{t-1,-2,-3}$			-1.625* [-2.964, -0.285]	-2.378* [-4.256, -0.501]	-1.657* [-2.973, -0.340]
Democracy Age			0.000 [-0.005, 0.004]	-0.006*** [-0.008, -0.003]	0.000 [-0.005, 0.004]
Coalition Gov.			-0.107 [-0.258, 0.044]	-0.637*** [-0.769, -0.505]	-0.105 [-0.259, 0.050]
Trust $_{t-1,-2,-3}$ :Populist					-0.550 [-1.873, 0.773]
Country FE	No	Yes	Yes	No	Yes
Num.Obs.	746	746	746	746	746
R2	0.387	0.815	0.818	0.521	0.819
R2 Adj.	0.386	0.804	0.806	0.516	0.807
AIC	1596.5	780.4	777.3	1424.6	778.0
BIC	1614.9	978.8	998.8	1470.8	1004.2
RMSE	0.70	0.39	0.38	0.62	0.38

Table 5: All regression for DV attacks on judiciary.

	(1)	(2)	(3)	(4)	(5)
Trust $_{t-1,-2,-3}$	-4.055*** [-4.432, -3.678]	0.643 [-0.206, 1.492]	0.430 [-0.447, 1.308]	-3.453*** [-4.031, -2.875]	-0.027 [-0.904, 0.851]
Populist	1.447*** [1.210, 1.685]	1.103*** [0.844, 1.362]	1.010*** [0.740, 1.280]	1.497*** [1.266, 1.728]	-0.121 [-0.666, 0.423]
Surplus Seats			-0.105+ [-0.218, 0.007]	-0.141+ [-0.289, 0.007]	-0.079 [-0.193, 0.036]
Executive Power			0.163* [0.004, 0.322]	-0.020 [-0.095, 0.056]	0.061 [-0.108, 0.230]
Presidential System			3.491*** [2.779, 4.202]	0.177+ [-0.017, 0.370]	3.158*** [2.434, 3.882]
GDP $_{t-1,-2,-3}$			-1.544+ [-3.339, 0.252]	0.618 [-2.465, 3.702]	-1.308 [-3.087, 0.472]
Democracy Age			0.004 [-0.004, 0.011]	-0.003 [-0.007, 0.001]	0.004 [-0.004, 0.011]
Coalition Gov.			-0.259* [-0.459, -0.060]	0.018 [-0.147, 0.183]	-0.277** [-0.474, -0.079]
Trust $_{t-1,-2,-3}$ :Populist					4.060*** [1.981, 6.139]
Country FE	No	Yes	Yes	No	Yes
Num.Obs.	746	746	746	746	746
R2	0.491	0.814	0.819	0.498	0.826
R2 Adj.	0.490	0.803	0.807	0.493	0.814
AIC	2117.3	1445.5	1433.8	2118.9	1406.3
BIC	2135.8	1643.9	1655.3	2165.0	1632.4
RMSE	0.99	0.60	0.59	0.99	0.58



Table 6: Results of random effects models. Standard errors are clustered by country.

	Court Purges & Packing		Attacks on Judiciary	
	No Interaction	Interaction	No Interaction	Interaction
Trust $_{t-1,-2,-3}$	0.281	0.245	-0.804+	-0.380
Populist	[-0.257, 0.818] 0.706***	[-0.281, 0.770] 0.640***	[-1.638, 0.030] -0.126	[-1.211, 0.452] 1.039***
Surplus Seats	[0.408, 1.004] 0.070+	[0.526, 0.754] 0.071+	[-0.577, 0.325] -0.088	[0.863, 1.216] -0.111+
Executive Power	[-0.011, 0.150] 0.011	[-0.009, 0.151] 0.007	[-0.210, 0.034] 0.096	[-0.235, 0.013] 0.159*
Presidential System	[-0.083, 0.105] 0.451**	[-0.086, 0.100] 0.449**	[-0.058, 0.250] 0.730*	[0.005, 0.313] 0.706*
GDP $_{t-1,-2,-3}$	[0.136, 0.766] -1.534*	[0.138, 0.759] -1.518*	[0.171, 1.289] -0.880	[0.151, 1.262] -1.111
Democracy Age	[-2.880, -0.189] -0.003	[-2.863, -0.174] -0.003	[-2.911, 1.150] 0.000	[-3.183, 0.961] 0.000
Coalition Gov.	[-0.007, 0.001] -0.168**	[-0.007, 0.001] -0.171**	[-0.006, 0.006] -0.266***	[-0.007, 0.006] -0.254**
Trust $_{t-1,-2,-3}$ :Populist	[-0.271, -0.066] -0.237	[-0.273, -0.068] -0.273	[-0.422, -0.110] 4.145***	[-0.413, -0.094] 4.145***
	[-1.215, 0.741]		[2.661, 5.629]	
Num.Obs.	746	746	746	746
R2	0.207	0.207	0.254	0.225
Clustered SE	Yes	Yes	Yes	Yes
R2 Adj.	0.197	0.199	0.245	0.216
AIC	778.0	778.1	1388.1	1419.1
BIC	828.7	824.2	1438.8	1465.2
RMSE	0.40	0.40	0.60	0.62

Table 7: Regression models with different calculations of trust variable without interaction effect for DV court purges & packing.

	Trust High	No Imputation	Closest Imputation	Linear Imputation	Linear Imputation
Trust High $_{t-1,-2,-3}$	0.473+ [-0.046, 0.993]				
Populist	0.610*** [0.404, 0.817]	0.765*** [0.518, 1.012]	0.615*** [0.416, 0.815]	0.607*** [0.411, 0.804]	0.558*** [0.346, 0.769]
Surplus Seats	0.060 [-0.033, 0.154]	0.116+ [-0.022, 0.253]	0.060 [-0.033, 0.153]	0.097* [0.006, 0.188]	-0.004 [-0.093, 0.084]
Executive Power	0.065 [-0.138, 0.267]	0.031 [-0.230, 0.292]	0.061 [-0.141, 0.264]	0.065 [-0.118, 0.248]	0.058 [-0.198, 0.315]
Presidential System	1.068*** [0.486, 1.650]	0.234+ [-0.027, 0.495]	1.350*** [0.742, 1.957]	0.255** [0.082, 0.429]	0.347 [-0.264, 0.957]
GDP $_{t-1,-2,-3}$	-1.546* [-2.882, -0.210]	-1.467+ [-3.109, 0.175]	-1.647* [-2.984, -0.311]	-1.504* [-2.751, -0.257]	-1.437+ [-2.885, 0.011]
Democracy Age	0.000 [-0.005, 0.005]	-0.001 [-0.006, 0.005]	0.000 [-0.005, 0.004]	0.000 [-0.004, 0.004]	0.000 [-0.007, 0.006]
Coalition Gov.	-0.109 [-0.261, 0.043]	-0.098 [-0.315, 0.120]	-0.104 [-0.255, 0.047]	-0.142+ [-0.286, 0.002]	-0.065 [-0.207, 0.078]
Trust $_{t-1,-2,-3}$		0.927* [0.146, 1.708]	0.739* [0.161, 1.318]		
Trust $_{t-1}$				0.366 [-0.110, 0.843]	
Trust $_{t-1,-2,-3,-4,-5}$					0.968** [0.326, 1.610]
Num.Obs.	746	484	748	818	666
R2	0.818	0.834	0.818	0.806	0.843
Country FE	No	Yes	Yes	No	Yes
R2 Adj.	0.806	0.816	0.807	0.795	0.832
AIC	780.6	2545.1	1164.9	2431.4	2395.2
BIC	1002.1	2745.9	1386.5	2657.3	2611.3
RMSE	0.38	1.25	0.49	1.01	1.13

Table 8: Regression models with different calculations of trust variable without interaction effect for DV attacks on judiciary.

	Trust High	No Imputation	Closest Imputation	Linear Imputation	Linear Imputation
Trust High $\bar{t}_{t-1,-2,-3}$	0.352 [-0.427, 1.131]				
Populist	1.012*** [0.741, 1.283]	1.056*** [0.722, 1.389]	1.120*** [0.822, 1.417]	0.970*** [0.726, 1.214]	1.039*** [0.728, 1.349]
Surplus Seats	-0.106+ [-0.218, 0.006]	-0.074 [-0.232, 0.084]	-0.105+ [-0.219, 0.009]	-0.105+ [-0.211, 0.001]	-0.118+ [-0.245, 0.009]
Executive Power	0.162* [0.001, 0.322]	0.134 [-0.046, 0.313]	0.143+ [-0.016, 0.302]	0.211** [0.062, 0.359]	0.118 [-0.079, 0.315]
Presidential System	3.319*** [2.646, 3.993]	1.531*** [0.983, 2.079]	3.489*** [2.752, 4.226]	1.752*** [1.338, 2.167]	0.811* [0.044, 1.579]
GDP $\bar{t}_{t-1,-2,-3}$	-1.524+ [-3.308, 0.260]	-0.586 [-2.751, 1.579]	-1.699+ [-3.516, 0.119]	-1.198 [-2.814, 0.419]	-2.455* [-4.536, -0.375]
Democracy Age	0.004 [-0.004, 0.011]	0.002 [-0.007, 0.012]	0.006 [-0.002, 0.014]	0.003 [-0.004, 0.010]	0.010* [0.000, 0.019]
Coalition Gov.	-0.259* [-0.459, -0.059]	-0.347* [-0.637, -0.057]	-0.245* [-0.444, -0.046]	-0.262** [-0.448, -0.077]	-0.287** [-0.500, -0.074]
Trust $\bar{t}_{t-1,-2,-3}$		0.945+ [-0.126, 2.016]	0.232 [-0.758, 1.223]		
Trust $t_{t-1}$				0.178 [-0.490, 0.845]	
Trust $\bar{t}_{t-1,-2,-3,-4,-5}$					0.623 [-0.562, 1.808]
Num.Obs.	746	484	748	818	666
R2	0.819	0.845	0.810	0.825	0.816
Country FE	No	Yes	Yes	No	Yes
R2 Adj.	0.807	0.829	0.798	0.814	0.802
AIC	1433.9	3264.0	1930.6	3450.9	3155.7
BIC	1655.4	3464.8	2152.2	3676.9	3371.8
RMSE	0.59	2.02	0.82	1.88	1.88

Table 9: Regression models including interactions with dummy variable indicating whether court purges or packing already took place in the last 5 years for DV court purges and packing.

	5 Years			3 Years		
	Main Model	Interaction	Triple Interaction	Interaction	Triple Interaction	
$\text{Trust}_{t-1,-2,-3}$	0.810** [0.254, 1.366]	0.946** [0.274, 1.617]	0.847** [0.289, 1.405]	0.946** [0.274, 1.617]	0.825** [0.258, 1.392]	
Populist	0.765** [0.269, 1.261]	0.586*** [0.379, 0.792]	0.209 [-0.599, 1.016]	0.586*** [0.379, 0.792]	0.251 [-0.533, 1.035]	
Surplus Seats	0.057 [-0.035, 0.150]	0.055 [-0.038, 0.148]	0.024 [-0.063, 0.110]	0.055 [-0.038, 0.148]	0.014 [-0.071, 0.099]	
Executive Power	0.076 [-0.113, 0.264]	0.007 [-0.213, 0.228]	-0.078 [-0.305, 0.150]	0.007 [-0.213, 0.228]	-0.086 [-0.301, 0.130]	
Presidential System	1.401*** [0.819, 1.983]	0.236* [0.028, 0.445]	0.194+ [-0.024, 0.413]	0.236* [0.028, 0.445]	1.197*** [0.541, 1.852]	
$\text{GDP}_{t-1,-2,-3}$	-1.657* [-2.973, -0.340]	-1.646* [-3.009, -0.282]	-1.796* [-3.166, -0.426]	-1.646* [-3.009, -0.282]	-1.586* [-2.918, -0.254]	
Democracy Age	0.000 [-0.005, 0.004]	0.000 [-0.005, 0.005]	0.002 [-0.003, 0.007]	0.000 [-0.005, 0.005]	0.002 [-0.002, 0.007]	
Coalition Gov.	-0.105 [-0.259, 0.050]	-0.110 [-0.259, 0.040]	-0.064 [-0.206, 0.078]	-0.110 [-0.259, 0.040]	-0.061 [-0.201, 0.078]	
$\text{Trust}_{t-1,-2,-3}$ :Populist	-0.550 [-1.873, 0.773]		0.588 [-1.502, 2.679]		0.456 [-1.594, 2.507]	
Purge/Pack $\bar{t}_{t-1,-2,-3}$		0.560* [0.031, 1.090]	0.173 [-0.402, 0.748]	0.560* [0.031, 1.090]	0.447 [-0.265, 1.160]	
$\text{Trust}_{t-1,-2,-3}$ :Purge/Pack $\bar{t}_{t-1,-2,-3}$		-1.011 [-2.686, 0.665]	-0.260 [-2.285, 1.766]	-1.011 [-2.686, 0.665]	-0.853 [-3.205, 1.498]	
Populist:Purge/Pack $\bar{t}_{t-1,-2,-3}$			1.190+ [-0.114, 2.493]		0.886 [-0.399, 2.172]	
$\text{Trust}_{t-1,-2,-3}$ :Populist:Purge/Pack $\bar{t}_{t-1,-2,-3}$			-2.060 [-5.786, 1.665]		-1.057 [-4.814, 2.700]	
Num.Obs.	746	746	746	746	746	
R2	0.819	0.825	0.833	0.825	0.836	
R2 Adj.	0.807	0.813	0.820	0.813	0.824	
AIC	2226.4	2234.2	2247.6	2234.2	2248.2	
Country FE	No	Yes	Yes	No	Yes	
BIC	2452.5	2465.0	2492.2	2465.0	2492.8	
RMSE	1.01	1.01	1.02	1.01	1.02	

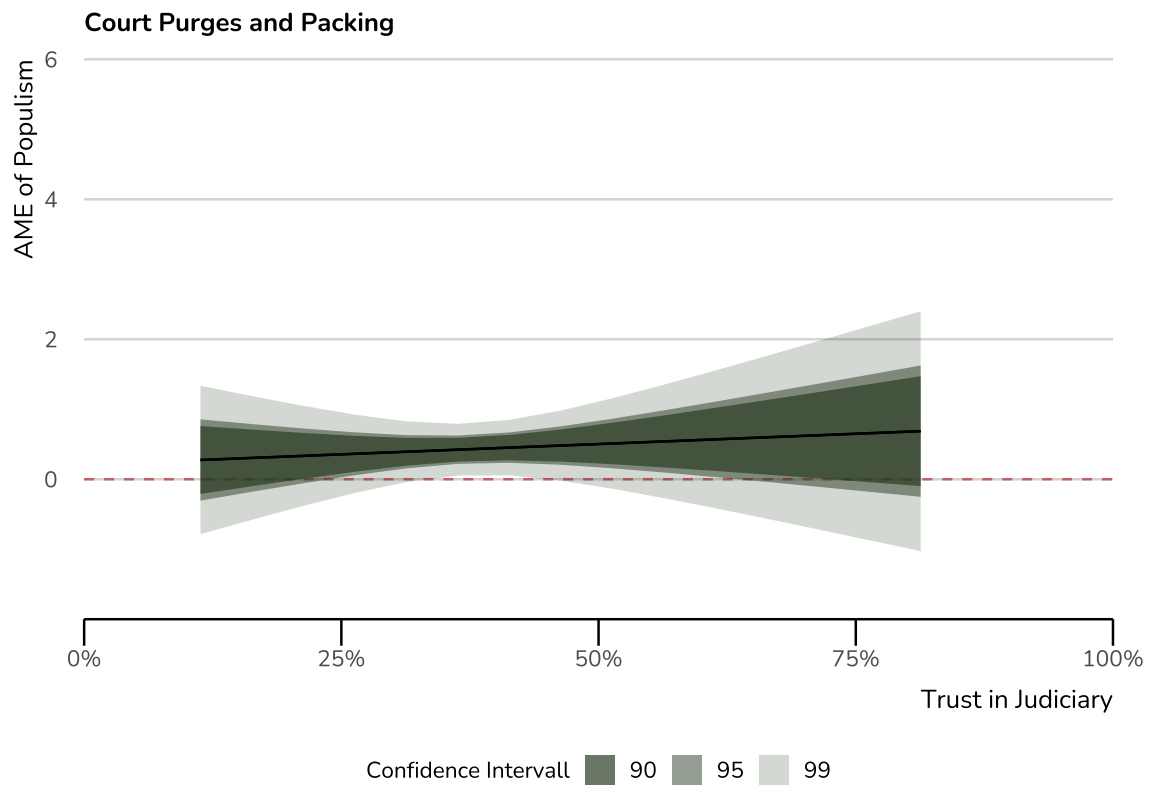


Figure 7: Average marginal effect of populism conditioned by trust if there were no court purges or packing in the last 5 years.

Table 10: Regression models including interactions with judicial independence in the last three years (mean) for DV court purges and packing.

	Main Model	Interaction	Triple Interaction
Trust $_{\bar{t}_{-1,-2,-3}}$	0.810** [0.254, 1.366]	-0.579 [-1.766, 0.607]	0.555 [-0.801, 1.912]
Populist	0.765** [0.269, 1.261]	0.545*** [0.366, 0.725]	1.305*** [0.644, 1.966]
Surplus Seats	0.057 [-0.035, 0.150]	0.055 [-0.029, 0.139]	0.038 [-0.044, 0.120]
Executive Power	0.076 [-0.113, 0.264]	0.001 [-0.188, 0.191]	-0.003 [-0.182, 0.175]
Presidential System	1.401*** [0.819, 1.983]	0.242 [-0.341, 0.824]	0.872** [0.299, 1.446]
GDP $_{\bar{t}_{-1,-2,-3}}$	-1.657* [-2.973, -0.340]	-1.226* [-2.436, -0.016]	-1.040+ [-2.249, 0.169]
Democracy Age	0.000 [-0.005, 0.004]	0.003 [-0.002, 0.008]	0.005+ [0.000, 0.010]
Coalition Gov.	-0.105 [-0.259, 0.050]	-0.084 [-0.213, 0.046]	-0.079 [-0.208, 0.050]
Trust $_{\bar{t}_{-1,-2,-3}}$ :Populist	-0.550 [-1.873, 0.773]		-2.571* [-4.630, -0.512]
Judicial Independence $_{\bar{t}_{-1,-2,-3}}$		-0.672*** [-1.034, -0.310]	-0.346+ [-0.732, 0.040]
Trust $_{\bar{t}_{-1,-2,-3}}$ :Judicial Independence $_{\bar{t}_{-1,-2,-3}}$		0.864* [0.177, 1.551]	0.130 [-0.643, 0.903]
Populist:Judicial Independence $_{\bar{t}_{-1,-2,-3}}$			-0.879*** [-1.364, -0.394]
Trust $_{\bar{t}_{-1,-2,-3}}$ :Populist:Judicial Independence $_{\bar{t}_{-1,-2,-3}}$			2.453** [0.943, 3.962]
Country FE	Yes	Yes	Yes
Num.Obs.	746	746	746
R2	0.819	0.844	0.854
R2 Adj.	0.807	0.833	0.843
AIC	778.0	667.8	623.9

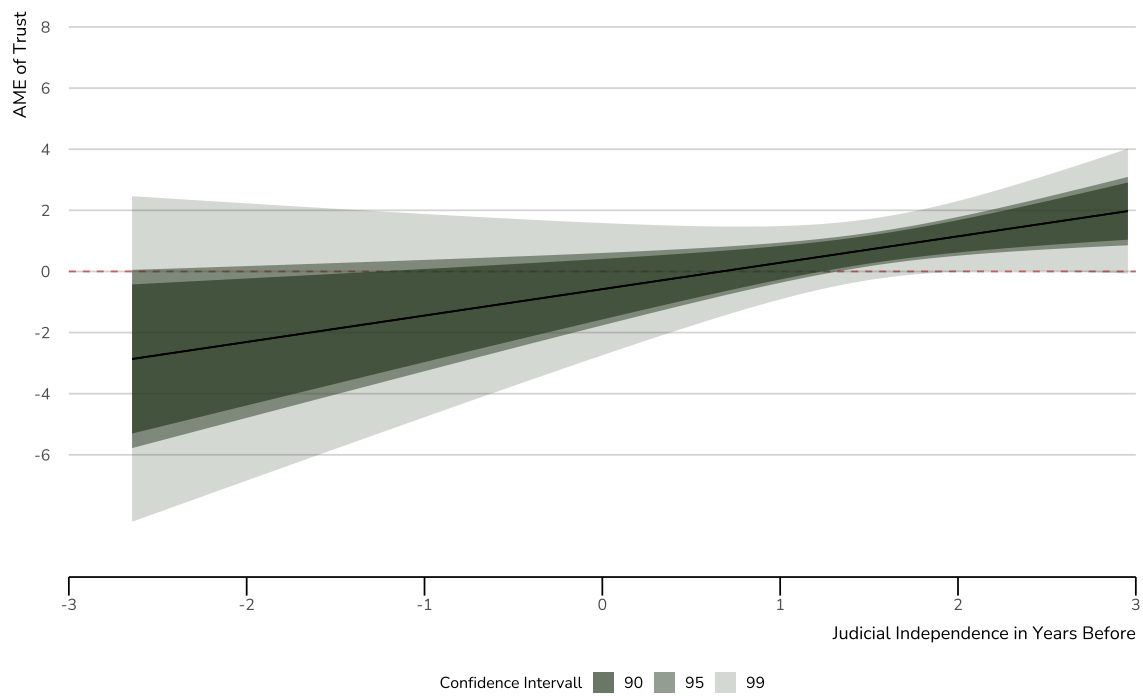


Figure 8: AME of trust on court purges and packing conditioned by judicial independence in the three years before.

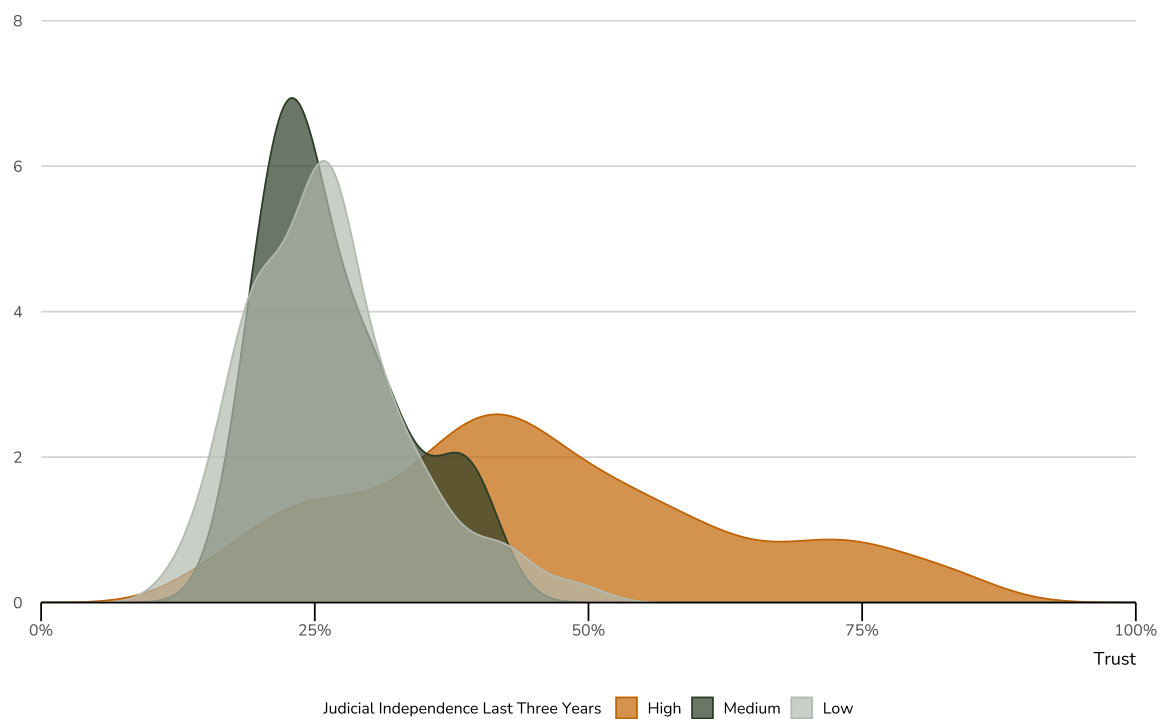


Figure 9: Density plot of high, medium and low judicial independence across trust.



Table 11: Regression models including interactions with judicial independence in the last three years (mean) for DV attacks on judiciary.

	Main Model	Interaction	Triple Interaction
Trust $_{\bar{t}_{-1,-2,-3}}$	-0.027 [-0.904, 0.851]	0.928 [-0.319, 2.176]	1.144 [-0.366, 2.654]
Populist	-0.121 [-0.666, 0.423]	1.001*** [0.735, 1.266]	0.528+ [-0.021, 1.076]
Surplus Seats	-0.079 [-0.193, 0.036]	-0.118* [-0.232, -0.004]	-0.078 [-0.194, 0.038]
Executive Power	0.061 [-0.108, 0.230]	0.120 [-0.073, 0.313]	0.120 [-0.068, 0.307]
Presidential System	3.158*** [2.434, 3.882]	0.175 [-0.630, 0.980]	1.775** [0.642, 2.908]
GDP $_{\bar{t}_{-1,-2,-3}}$	-1.308 [-3.087, 0.472]	-1.503+ [-3.290, 0.284]	-0.877 [-2.656, 0.903]
Democracy Age	0.004 [-0.004, 0.011]	0.005 [-0.004, 0.013]	0.004 [-0.005, 0.012]
Coalition Gov.	-0.277** [-0.474, -0.079]	-0.264** [-0.461, -0.067]	-0.255** [-0.444, -0.067]
Trust $_{\bar{t}_{-1,-2,-3}}$ :Populist	4.060*** [1.981, 6.139]		0.875 [-1.258, 3.008]
Judicial Independence $_{\bar{t}_{-1,-2,-3}}$		0.044 [-0.219, 0.307]	0.021 [-0.307, 0.349]
Trust $_{\bar{t}_{-1,-2,-3}}$ :Judicial Independence $_{\bar{t}_{-1,-2,-3}}$		-0.391 [-1.091, 0.308]	-0.562 [-1.320, 0.196]
Populist:Judicial Independence $_{\bar{t}_{-1,-2,-3}}$			-0.387 [-0.949, 0.175]
Trust $_{\bar{t}_{-1,-2,-3}}$ :Populist:Judicial Independence $_{\bar{t}_{-1,-2,-3}}$			2.356* [0.352, 4.360]
Country FE	Yes	Yes	Yes
Num.Obs.	746	746	746
R2	0.826	0.820	0.832
R2 Adj.	0.814	0.807	0.820
AIC	1406.3	1435.3	1389.0

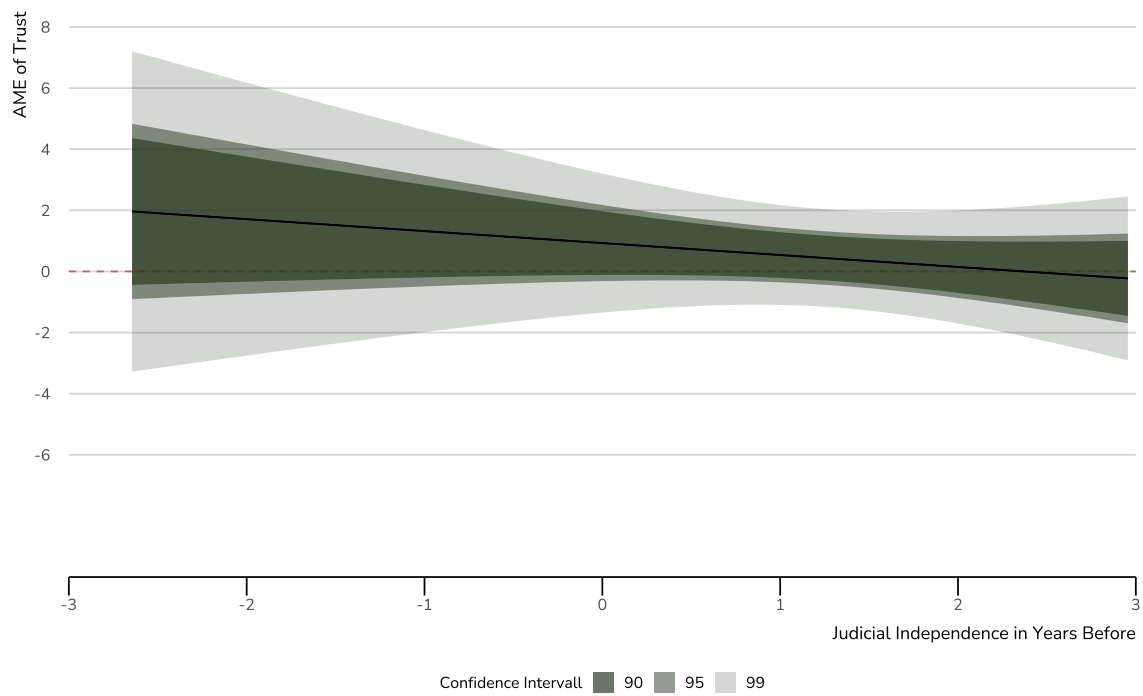


Figure 10: AME of trust on attacks on judiciary conditioned by judicial independence in the three years before.

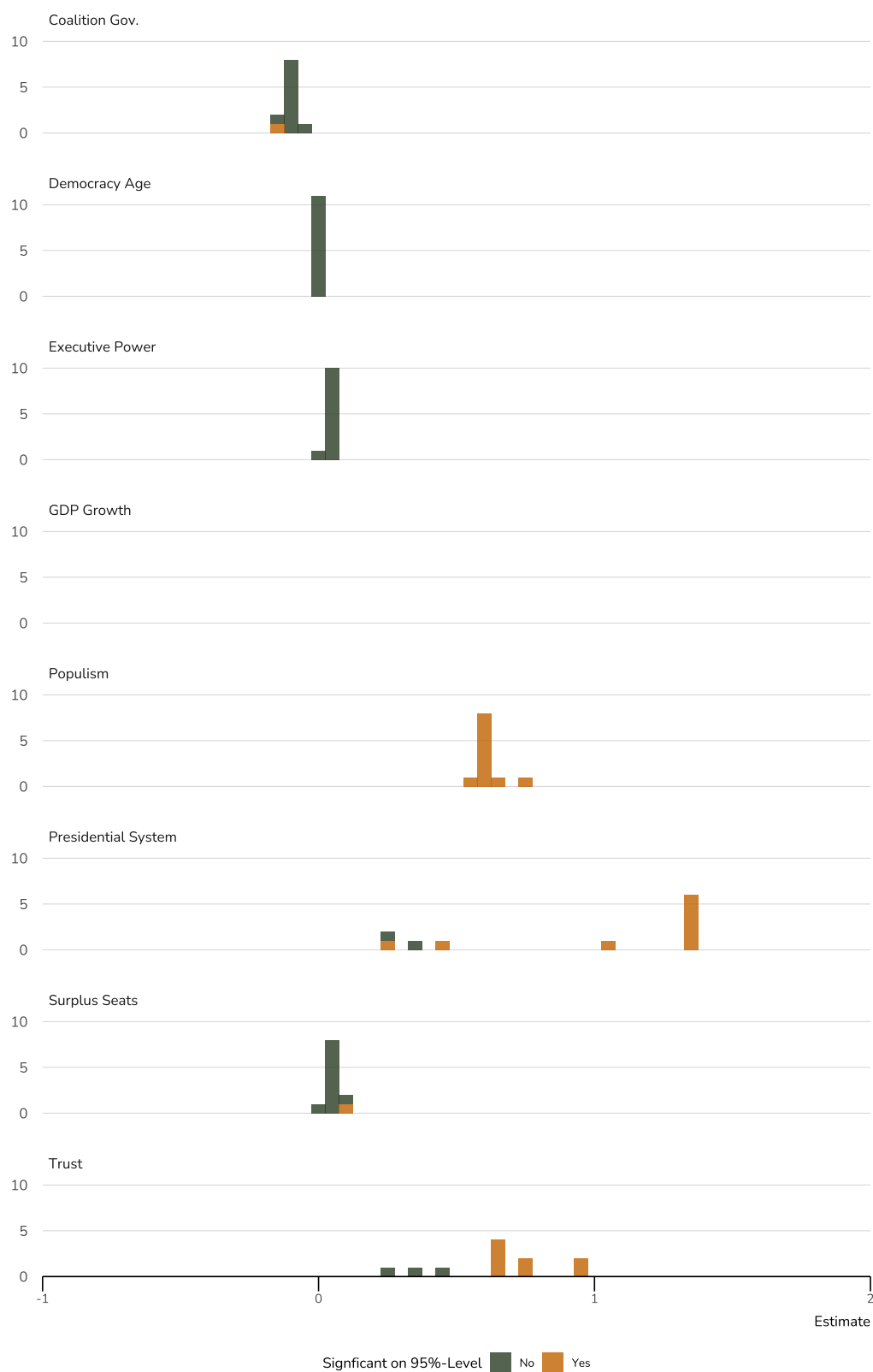


Figure 11: Distribution of coefficient size across all models estimating effect on court purges and packing without interaction.

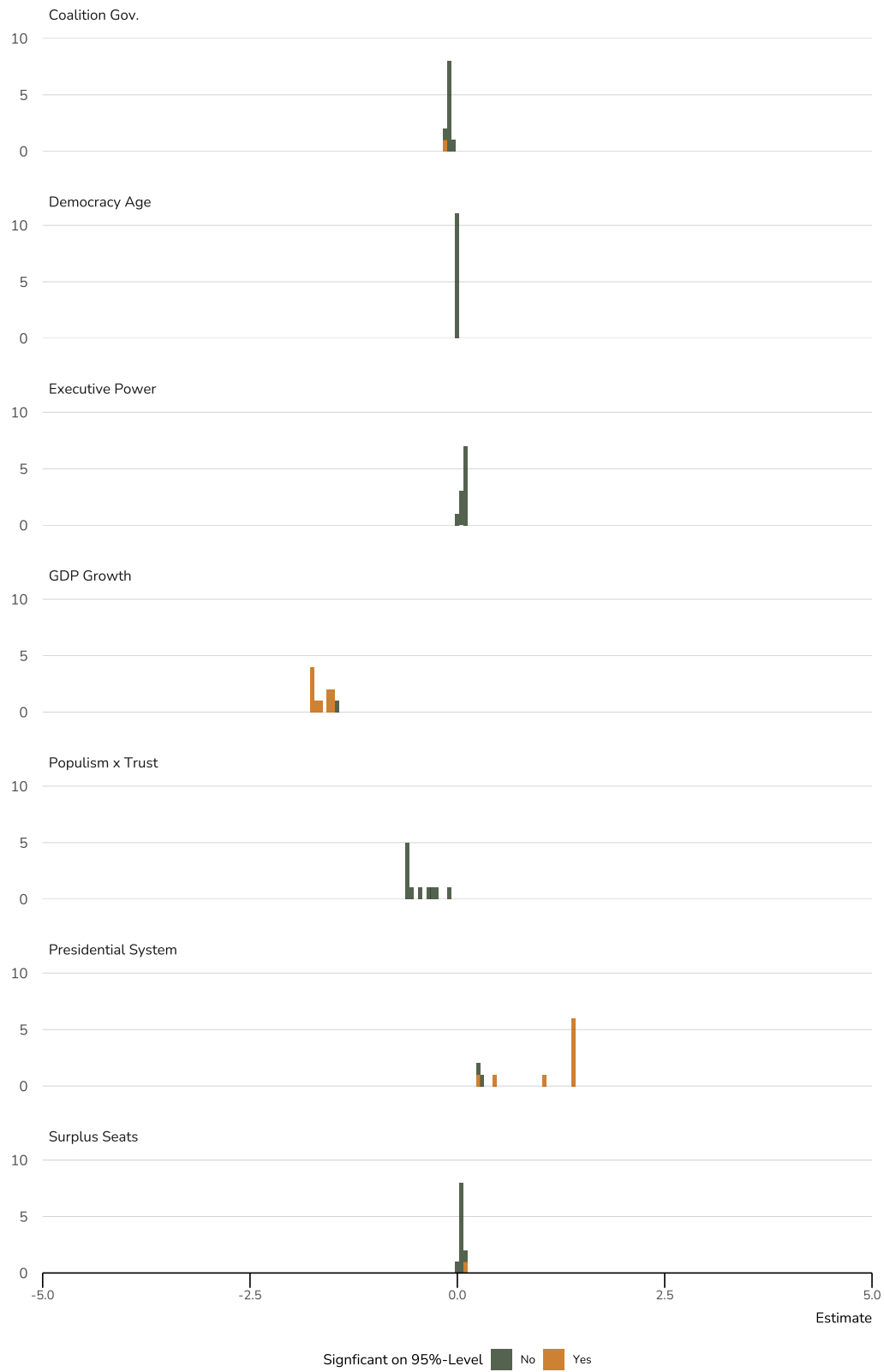


Figure 12: Distribution of coefficient size across all models estimating effect on court purges and packing including interaction between populism x trust.

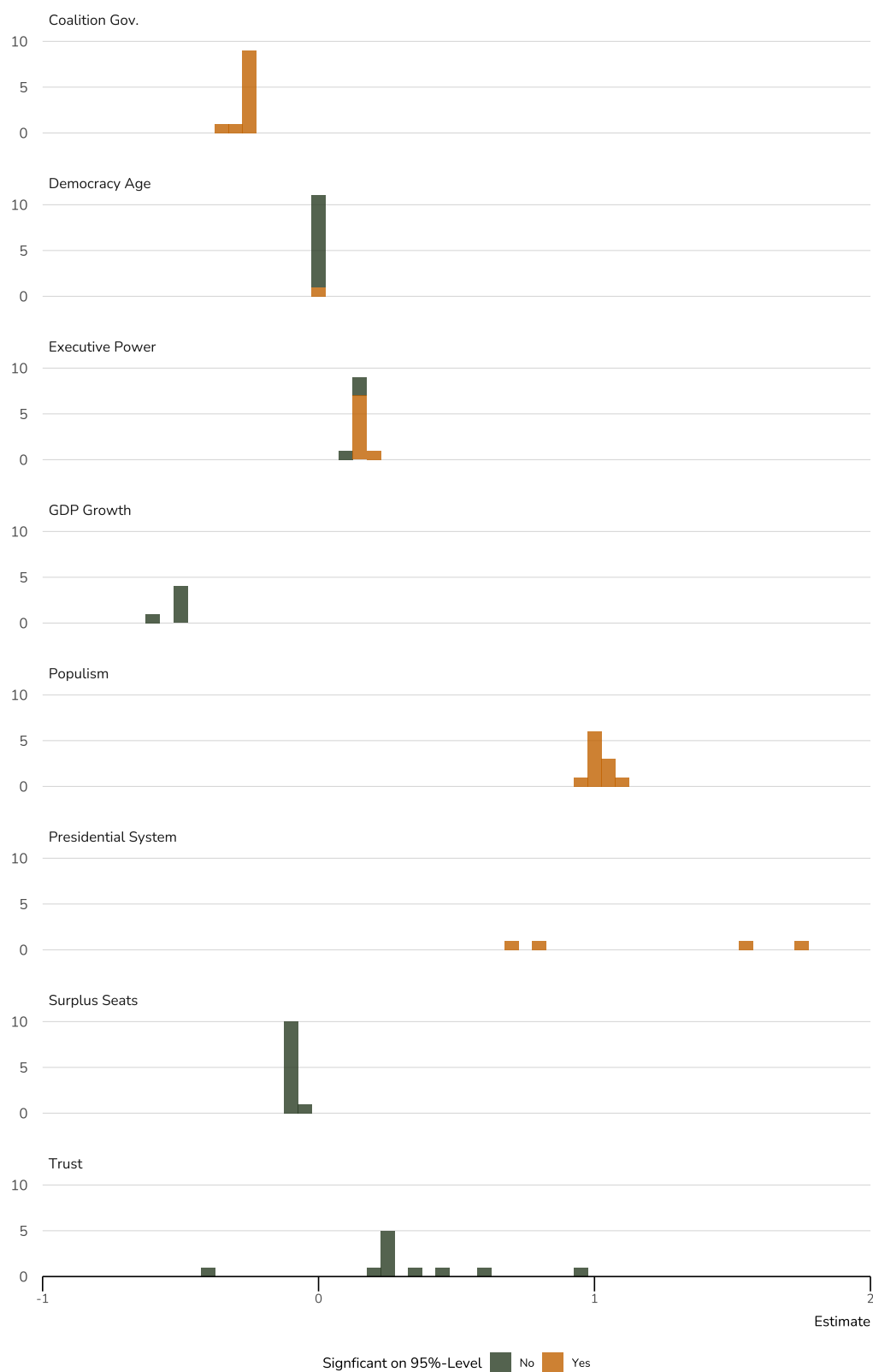


Figure 13: Distribution of coefficient size across all models estimating effect on attacks on judiciary without interaction.

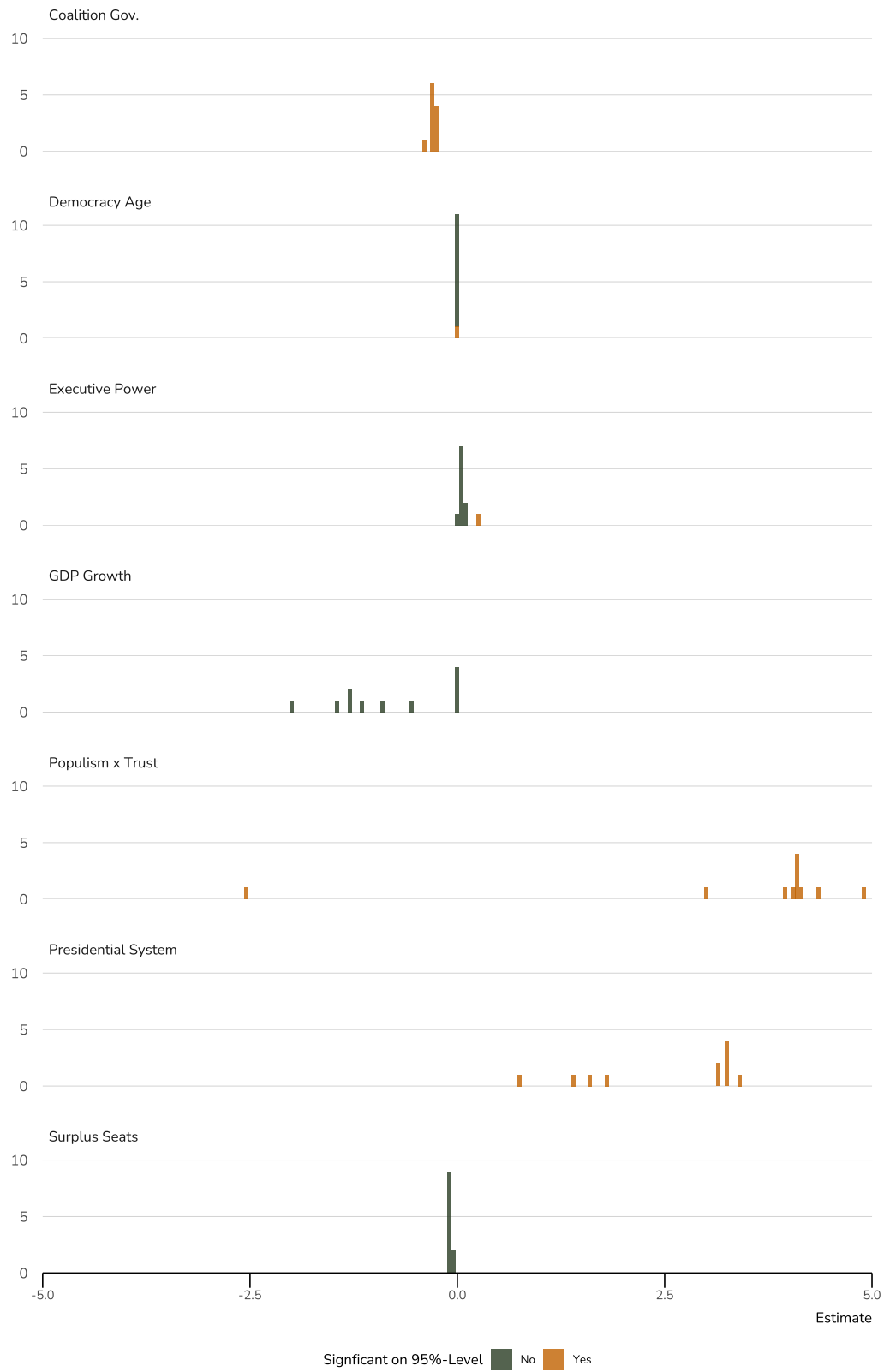


Figure 14: Distribution of coefficient size across all models estimating effect on attacks on judiciary including interaction between populism x trust.