



When do governments attack the judiciary? The explanatory power of political corruption

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ABSTRACT

In recent decades, the world has witnessed various examples of elected governments verbally attacking the judiciary, accusing judges of bias, or claiming that court decisions are politically motivated. Despite the prevalence of such court-curbing practices, we know very little about when exactly governments decide to verbally attack the judiciary. Focusing on the effect of political corruption, the objective of this study is to understand 1) whether and, if so, how corruption affects governments' attacks on the judiciary and 2) whether and, if so, how its effect changes across different political contexts. We argue that in countries with fully or partially independent media, verbal attacks on the judiciary would increase with the level of corruption. However, in regimes where the media is not independent, political corruption would not have a significant effect on attacks on the judiciary. We conduct a time-series cross-sectional analysis across 165 countries (1991–2022) to test our hypotheses. The empirical results support our hypotheses. To better understand the causal mechanisms through which corruption and media independence together trigger governments' verbal attacks on the judiciary, we compare the cases of Argentina, Brazil, and Venezuela in the second part of the study.

1. Introduction

In recent decades, especially with the rise of populism and its anti-elitist rhetoric, democratically elected governments have increasingly sought to curtail the power and independence of the judiciary through various strategies. Beyond legal and institutional attempts to weaken the judiciary, verbal attacks against judges and courts have become more common. Numerous studies show that such government attacks violate the rule of law, trigger institutional crises, undermine judicial independence, and influence judicial behavior. However, despite the prevalence of these interbranch conflicts, relatively few studies have examined the conditions under which rulers are more likely to erode judicial independence.

Some scholars claim that governments curtail judicial independence when executive power is highly centralized (Helmke, 2010). The reasoning is that under a strong presidency, opposition forces have greater incentives to challenge the executive, which, in turn, increases the president's motivation to control the judiciary as a defensive measure. Referring to this as the “offensive strike logic,” Helmke (2017)

argues that rulers seek to curtail judicial power when they perceive an independent judiciary as a potential threat. Haggard and Tiede (2024) further argue that as horizontal constraints on the executive weaken and legislative support for the executive increases, the likelihood of judicial backsliding rises. Another line of research emphasizes the role of public support, asserting that when judges lack broad public backing, the political costs of attacking the judiciary are lower. In such cases, governments are more likely to undermine judicial independence without facing significant backlash (Vanberg, 2005; Staton, 2010).

While existing studies provide valuable insights into the conditions under which ruling governments attack the judiciary, two key gaps remain. First, these studies primarily examine the contextual factors that facilitate politicians' attacks on the judiciary while largely overlooking their motivation for doing so. Second, they do not distinguish between different court-curbing mechanisms but implicitly assume that the same contextual factors can explain all types of court-curbing practices. This study addresses these gaps by focusing on informal court-curbing practices, particularly verbal attacks against courts and judges, to explain when and why governments resort to such tactics.

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A common pattern emerges when examining instances of verbal attacks against the judiciary. Politicians frequently launch these attacks immediately after they become embroiled in corruption scandals. For instance, when Israeli Prime Minister Benjamin Netanyahu faced charges ranging from bribery to fraud, he described the case as a politically motivated “witch hunt” that resembled an “attempted coup d’état” aimed at overturning the will of the electorate (The Times of Israel, 2021). In South Africa, during Jacob Zuma’s presidency (2009–2018), multiple corruption-related charges -including fraud and money laundering- were initially dropped but reinstated in 2016. In a 2021 statement, Zuma stressed his strong agreement with “the public sentiment that is starting to see the emergence of a judicial dictatorship in South Africa” (News24.com, 2021). Similarly, when Peruvian President Pedro Castillo faced charges of running a criminal organization, he dismissed the accusations as a new form of coup d’état and accused the Attorney General of acting politically (BBC News Mundo, 2022). These cases illustrate a clear trend: corruption charges often serve as a key trigger for verbal attacks on the judiciary by the ruling government.

Drawing on these high-profile cases, this study empirically assesses the extent to which corruption influences an incumbent’s tendency to verbally attack the judiciary. We argue that the impact of political corruption³ varies across countries, depending on the level of media independence. Specifically, we assert that in countries with fully or partially independent media, verbal attacks on the judiciary increase as the corruption level rises. However, in regimes where the media is not independent, corruption does not significantly affect government attacks on the judiciary. To test these hypotheses, we conduct a time-series cross-sectional analysis across 165 countries from 1991 to 2022. To better understand the causal mechanisms through which executive corruption triggers governments’ verbal attacks on the judiciary, the second part of the study examines three Latin American countries -Argentina, Brazil, and Venezuela- which share high levels of corruption but display different patterns of attacks on the judiciary. This comparative approach allows us to identify factors that explain why, despite facing high-profile corruption allegations, executives in Argentina and Brazil frequently attack the judges, whereas Venezuela exhibits a different pattern.

This study contributes to both judicial independence and corruption scholarship. On the one hand, by treating verbal attacks on the judiciary as an informal court-curbing practice, it explores why, how, and under what conditions elected governments resort to these attacks. On the other hand, by examining how corruption allegations shape government behavior toward democratic institutions, it sheds light on how corruption influences interbranch relations.

The paper proceeds as follows. First, we present the theoretical framework and outline the main hypotheses. Next, we conceptualize and operationalize the key variables of the empirical models and present the data sources used in the empirical analysis. We then present and interpret the findings from the time-series cross-sectional analysis. In the penultimate section, we compare Argentina, Brazil, and Venezuela to understand why verbal attacks on the judiciary occur in Argentina and Brazil but not in Venezuela. Finally, the paper concludes by summarizing the key findings and outlining potential directions for future research.

2. Attacks on the judiciary and the explanatory power of corruption

Court-curbing is a broad term encompassing various attempts by ruling governments to curtail the power and independence of the judiciary. These efforts can be classified into formal and informal strategies.

³ In this study, “political corruption” refers to “executive corruption,” wherein elected officials are involved in corrupt acts and abuse public office for private gain (Winters and Weitz-Shapiro, 2013).

Formal court-curbing includes constitutional amendments and legislative measures designed to undermine judicial independence, such as restructuring higher courts or altering the appointment, removal, tenure, and salaries of judges. In contrast, informal court-curbing involves practices such as removing judges from office, verbally attacking them, or non-compliance with their decisions (Aydin-Cakir, 2024; Aydin-Cakir and Driscoll, 2024). Especially with the rise of populism and its anti-elitist rhetoric, elected governments increasingly accuse judges of bias or claim that judicial decisions are politically motivated. These verbal attacks on the judiciary represent a prominent example of informal court-curbing. Despite the global proliferation of court-curbing practices, there remains a lack of a comprehensive theoretical framework and empirical analysis explaining when and why ruling governments resort to such informal strategies.

To understand how, why, and through which mechanisms corruption influences the ruling government’s decision to attack the judiciary, it is essential to examine the potential benefits an incumbent government might gain from such attacks. For a government embroiled in corruption, the threat of public backlash, electoral defeat, and legal repercussions can be significant sources of concern. This fear is heightened by the personalization of politics (Cross et al., 2018), where the executive is under constant scrutiny, and corruption charges against them carry substantial consequences. Whether the chief executive is directly accused or perceives allegations against other government officials as personal attacks, they may adopt a defensive and combative stance. In such cases, the executive may choose to confront the judiciary directly, using verbal attacks as a strategy to discredit judicial institutions and deflect public scrutiny.

First, by blaming the judiciary and framing corruption allegations as politically motivated, the incumbent government may seek to diminish the perceived significance of political corruption in the eyes of the public. Research suggests that public awareness of corruption alone is not sufficient for voters to punish the government at the ballot box (De Vries and Solaz, 2017). Instead, how blame is assigned plays a crucial role. As rational actors seeking re-election, politicians may manipulate narratives about responsibility, shifting blame onto others. This strategy is particularly effective in cases of political corruption, where the citizens lack direct experience with the misconduct and may struggle to attribute responsibility to elected officials. At this point, “blame-shifting” tactics become instrumental in shaping public opinion (De Vries and Solaz, 2017). Existing research shows that, during a crisis, incumbent governments often blame external actors to prevent the public from holding them accountable (Schlippach et al., 2022). In this context, a government facing corruption allegations may accuse the judiciary of bias, political motives, or even corruption. Such accusations may serve a dual purpose: not only do they divert attention away from the government’s wrongdoing, but they also undermine the legitimacy of the allegations altogether. Thus, the desire to control public perceptions of corruption charges is a key mechanism through which political corruption drives governments to attack the judiciary.

The second possible benefit that those in power could derive from attacking the judiciary is the erosion of judicial credibility in the eyes of the public. Diminished public trust in the judiciary weakens its power and independence, making it more vulnerable to external intervention. Existing research suggests that when public confidence in the judiciary is low, citizens may perceive any political intervention in the judiciary as justified (Vanberg, 2005; Staton, 2010). Without strong public backing, judges may feel vulnerable to governmental pressure, potentially leading them to refrain from issuing rulings that challenge the executive (Carrubba, 2003; Stephenson, 2004). As a result, an incumbent government accused of corruption may have a strategic incentive to undermine judicial credibility, ensuring that the judiciary is less capable of harshly punishing the government for its misconduct. This represents another key causal mechanism linking corruption charges to governmental attacks on the judiciary.

Third, existing research suggests that when judges anticipate

pushback or an override of their rulings, they may strategically adjust their decisions, opting for compromise rulings that align with the preferences of other political branches (Ferejohn and Shipan, 1990; Ferejohn and Weingast, 1992; Spiller and Gely, 1992). In this context, verbal attacks on judges can serve as an intimidation tactic, discouraging them from issuing rulings that challenge the government. Thus, securing executive aggrandizement could be another reason for the incumbent government's attack on the courts. By portraying corruption allegations as politically motivated attacks, executives may not only deflect accountability but also use the moment to further undermine the judiciary's authority, thereby enhancing their control over democratic institutions.

Finally, undermining the credibility of the judiciary in the eyes of the public may provide electoral advantages for the ruling party. Research suggests that lower trust in political institutions correlates with higher support for populist parties (Fieschi and Heywood, 2004; Geurkink et al., 2020). To dismantle checks and balances, populists often seek to discredit the so-called "corrupt elite," positioning themselves as true representatives of "the pure people" (Mudde and Kaltwasser, 2013). In doing so, they frame democratic institutions -including the judiciary- as self-serving and detached from the interests of ordinary citizens. The erosion of public trust in political institutions further reinforces the perception that political elites no longer act in the public's best interest (Craig et al., 1990; Fieschi and Heywood, 2004), fueling the support for populist parties. By using anti-elitist rhetoric and attacking the judiciary, populist governments can undermine the credibility of the judiciary among the public, potentially increasing their vote share in upcoming elections. Given these mechanisms, we argue that:

Hypothesis 1:. As the level of executive corruption increases, the ruling governments will be more likely to attack the judiciary verbally.

In this paper, we go a step further by arguing that the effect of corruption can be different in different contexts. Specifically, we present media independence as a key factor that moderates the relationship between corruption and governments' attacks on the judiciary.

2.1. The moderating effect of media independence

Focusing on the moderating effect of media independence, we argue that when the media is independent, the costs of verbal attacks on the judiciary are lower, but their benefits are higher. First, one should note that a government is motivated to attack the judiciary to divert public attention only when the public is aware of corruption allegations and distrusts the government. Since political corruption is inherently difficult to detect, voters primarily learn about it through media reporting. Many scholars argue that democracies tend to exhibit less corruption because transparency and exposure are more likely, and voters can remove corrupt politicians from office after such exposure (Treisman, 1998; Gerring and Thacker, 2004). The media plays a crucial role in providing this transparency. For example, Ferraz and Finan (2008) show that audit reports influenced election results in Brazil only in municipalities where a local radio station was present to disseminate the information. Similarly, Chang et al. (2010) demonstrate that between 1948 and 1994, corrupt deputies were punished only during the 1992–1994 legislature, following extensive media coverage of the "Clean Hands" operation in the early 1990s. Thus, media coverage not only informs citizens about corruption but also enhances its salience, providing voters with a coordination signal- a cue that others are also likely to respond to corruption by punishing the government (Chang et al., 2010).

At this point, it is important to note that credible media coverage is essential for effective electoral accountability. Presenting evidence from a survey experiment conducted in Brazil, Winters and Weitz-Shapiro (2013) show that respondents are more likely to punish a candidate for corruption when the allegations come from a credible source. This underscores the role of an independent and impartial media in shaping

public perceptions of corruption. Accordingly, media independence influences a government's decision to engage in blame-shifting strategies, such as publicly attacking the judiciary. When the media is independent, government corruption is more likely to be exposed, increasing the need for diversion tactics. In contrast, in the absence of media independence, the public may remain unaware of the government's unlawful and unconstitutional policies and actions (Simon, 2004). Without an informed electorate, there is little incentive to manipulate public opinion or attack the judiciary, as voters are unlikely to hold the government accountable for corruption.

Second, an incumbent government is more likely to attack the judiciary when doing so incurs low costs. We argue that in regimes with free media, verbally attacking the judiciary is less costly than the fallout from a corruption scandal. In such contexts, shifting public perception becomes a strategic necessity for the government. Numerous empirical studies have shown a strong positive correlation between media independence and democratization (Karlekar and Becker, 2014). Based on this, we categorize countries with full media independence as "advanced democracies," those with partially independent media as "hybrid regimes," and those with non-independent media as "authoritarian regimes." Thus, when the media is independent, and the public is aware of corruption scandals, the government may feel compelled to shift public perception to mitigate potential backlash. For this reason, we argue that in countries with free media, as the corruption levels rise, governments are more inclined to attack the judiciary to discredit potential court decisions, divert attention from corruption scandals, and bolster public confidence in the government. Our second hypothesis, then, is:

Hypothesis 2:. In countries with independent media, governmental attacks on the judiciary will increase as the level of corruption increases.

However, in political regimes where the media is not independent, citizens are often unaware of corruption allegations, eliminating the need for the government to attack and discredit the judiciary. Additionally, such regimes are typically authoritarian, where citizens may have enduring memories of political corruption and political intervention in the judiciary. To hold the incumbent government accountable, the public must internalize democratic values and support the rule of law and judicial independence. However, empirical research has shown that in authoritarian regimes, most citizens prioritize materialist concerns -such as security and economic well-being- over democratic principles (Inglehart and Welzel, 2005). In these contexts, a submissive political culture prevails, where citizens rarely question or criticize those in power, reducing their willingness to punish corrupt politicians. Moreover, in countries where the media is not independent, other institutions, including the judiciary, are likely to be weak and subservient. High courts may already be packed with government loyalists through various mechanisms. This does not mean, however, that government attacks on the judiciary in such regimes are inherently low. Instead, we argue that despite high levels of corruption, governments in these contexts have little motivation to attack the judiciary, as it is already under their control. For all these reasons, our third hypothesis states that:

Hypothesis 3:. Under the rule of political regimes where the media is not independent, political corruption will not lead to governmental attacks on the judiciary.

In countries where the media is partially independent, democratic institutions such as the legislature, media, and judiciary exist but are subject to frequent government intervention (Levitsky and Way, 2002). Compared to regimes with fully controlled media, political competition is stronger in these contexts, increasing the likelihood that the government could lose the next election. Additionally, the judiciary tends to be more powerful and independent than in authoritarian regimes, making judicial rulings a greater potential threat to the government. As a result, the benefits of attacking the judiciary are higher for incumbents in these regimes.

First, by attacking the judiciary, the ruling elite can undermine court

rulings and corruption accusations in the eyes of the public. Second, given the weakness of checks and balances in these regimes, judges may feel pressured after verbal attacks from the government and become more likely to rule in its favor. This dynamic is particularly evident in polarized and highly competitive political environments, where partisan media outlets help shield the government from backlash. The incumbent can be confident that its supporters will remain loyal despite accusations against the judiciary. Consequently, even in a setting with partial media independence, where the public is accustomed to both corruption and court-curbing and lacks strong democratic values, the benefits of attacking the judiciary still outweigh the costs. Thus, our fourth hypothesis asserts that:

Hypothesis 4: When the media is partially independent, government attacks on the judiciary will increase as the corruption level increases.

If all these hypotheses are confirmed, we can conclude that in countries where the media is totally or partially independent, high levels of political corruption lead to increased government attacks on the judiciary. However, when the media is not independent, political corruption has little to no impact on government attacks on the judiciary.

3. Data, method, and design

We use a time-series cross-sectional dataset covering 165 countries from 1991 to 2022 to test our hypotheses. Our objective is to analyze the effect of political corruption and media independence on government verbal attacks against the judiciary. To achieve this, we estimate a series of panel-level models, using verbal attacks against the judiciary as the dependent variable, executive corruption as the key independent variable, media independence as the moderating variable, and a set of control variables. Since our key independent variables change over time, it is important to examine within-country variation across years. Additionally, since country-specific characteristics are not random and may influence the predictor or outcome variables, we need to control for them. Consequently, in this study, we use a fixed-effects model as our primary empirical model:

$$Y_{it} = \alpha_i + \hat{\beta}_1 X_{it} + \hat{\beta}_2 Z_{it} + \hat{\beta}_3 X_{it} * Z_{it} + \hat{\beta}_4 C'_{it} + u_i + e_{it}$$

In our empirical model, Y represents the dependent variable, capturing the government's verbal attacks on the judiciary. The key independent variable, X_{it} , measures the degree of executive corruption for country $i = 1, 2, \dots, N$ at time $t = 1, 2, \dots, T$. The moderating variable, Z_{it} , denotes the level of media independence for country $i = 1, 2, \dots, N$ at time $t = 1, 2, \dots, T$. The interaction term, $X_{it} * Z_{it}$, captures the moderating effect of media independence on the relationship between executive corruption and government attacks on the judiciary. The model also includes a vector of control variables, C , which accounts for factors such as economic development, the type of political system, government fragmentation, and the number of years the chief executive has been in office. Additionally, u_i represents unobserved country-fixed effects, while e_{it} denotes the overall error term.

To measure the dependent variable -governments' verbal attacks on the judiciary- we use data from the Varieties of Democracy (V-Dem) project. This variable captures the frequency of public statements in which governments attack the judiciary's integrity, including claims that the judiciary is corrupt, incompetent, or politically motivated. These attacks encompass statements reported by the media, press conferences, and interviews. The dependent variable aggregates expert responses at the country-year level using the arithmetic mean, resulting in a continuous measure ranging from 0 to 4. Originally, higher levels indicate a lower frequency of assaults on the judiciary. However, for consistency of interpretation, we have recoded the variable so that lower value levels represent fewer verbal attacks, while higher values indicate a greater frequency of such attacks.

Our key independent variable is the V-Dem's *executive corruption*

index, which measures the extent to which members of the executive or their agents routinely grant favors in exchange for bribes or other material inducements, as well as how frequently they steal, embezzle or misappropriate public funds or state resources for personal or family use. This variable is measured at the country-year level and ranges from 0 to 1, with higher values indicating greater corruption. The second key independent variable, serving as a moderating variable, is *media independence*. We calculate the media independence index using V-Dem indicators that capture *government censorship efforts*, *media bias*, and *harassment of journalists*. This index is a continuous variable ranging from (-3) to (+3), where higher values indicate greater media independence.

To test the robustness of our estimates and account for other possible determinants of government attacks on the judiciary, we include a set of control variables. Hayo and Voigt (2007), for instance, argue that judicial independence tends to be lower in presidential systems than in parliamentary systems. According to this perspective, strong presidents can more easily retaliate against courts for unfavorable decisions. As such, one might expect that incumbent governments in presidential systems are more likely to verbally attack the judiciary. To control for this potential effect, we include the *political system* as a control variable in our empirical analysis. This variable, drawn from the Political Institutions database, categorizes countries based on their system of government. It takes a value of 2 if the country has a parliamentary system, 1 if the country has an assembly-elected president, and 0 if it has a presidential system.

Conventional wisdom suggests that as the chief executive's time in office increases, so does their self-confidence, power, and ability to control various institutions. This consolidation of power can occur through multiple mechanisms, including attacks on the judiciary. One could argue that the longer a chief executive remains in office, the greater their potential to undermine judicial independence. Our second control variable is the *chief executive's years in office*, measured as the number of years since they assumed power. This continuous variable ranges from 0 to 50, with data sourced from the Political Institutions database. Some scholars argue that judicial independence is higher when political power is more fragmented (Chavez, 2004; Harvey and Friedman, 2006; Rios-Figueroa, 2007). The core idea behind this mechanism is that the dispersed political power makes it more difficult to obtain the necessary support to curtail judicial autonomy. Greater fragmentation within the government may thus serve as a check on incumbents' ability to interfere with the judiciary, whereas greater power concentration in the hands of the government will lead to higher levels of court-curbing practices. To account for this factor, we include *government power concentration* as a control variable in our empirical model. We measure it using country-year Hirschmann-Herfindahl indices of government power concentration for 1992–2020 (Cruz et al., 2018). This index is calculated as the sum of the squared seat shares of all parties in the government cabinet, where higher values indicate a greater concentration of power by a dominant political party. By considering varying levels of power concentration, we can assess

Table 1
Descriptive Statistics.

	# obs	Mean	Std	Min	Max
Dependent variable					
Government attacks on judiciary	5589	0.99	0.596	0	3.5
Key independent variables					
Executive Corruption	5.587	0.49	0.30	0.003	0.981
Media Independence	5.597	2.36	0.97	-3.04	3.39
Control variables					
Political system	4941	0.72	0.910	0	2
Government years in office	4941	7.281	8.091	0	50
Government power concentration	4928	1311	20.766	0	729.72
Real GDP per capita	4.956	13,978	15,777	286	100,865

Table 2

The Effect of Executive Corruption and Media Independence on Attacks on Judiciary.

	Fixed Effects		Random Effects		Two-Way Fixed Effects	
	(1)	(2)	(3)	(4)	(5)	(6)
Executive Corruption	.274 (.214)	.451** (.222)	.308 (.197)	.479** (.200)	.223 (.217)	.410* (.224)
Media Independence	-.324** (.111)	-.228** (.107)	-.283** (.093)	-.199** (.087)	-.339** (.113)	-.243** (.109)
Executive Corruption*Media Independence	.409** (.146)	.289** (.143)	.368** (.122)	.263** (.117)	.419** (.147)	.304** (.144)
GDP per capita		-.000 (.002)		-.000 (.002)		.001 (.002)
Political System		.024 (.040)		.026 (.032)		.023 (.040)
Chief executive's years in office		-.004** (.002)		-.004** (.002)		-.004** (.002)
Government power concentration		.0001*** (.000)		0.0001*** (.0000)		.0001*** (.000)
Country-Fixed Effects	YES	YES	NO	NO	YES	YES
Year-Fixed effect	NO	NO	YES	YES	YES	YES
# country-year observations	5587	4754	5587	4754	5587	4755
# countries	175	165	175	165	175	165
Within R2	0.07	0.06	0.07	0.06	0.08	0.07
Between R2	0.22	0.26	0.23	0.30	0.21	0.26
Overall R2	0.17	0.20	0.17	0.23	0.16	0.20
Rho	0.63	0.64	.58	.61	.64	.65
Hausman test	Chi-Squared: 27.89, P-value:0.0002					

Notes: Cluster-robust standard errors that account for heteroskedasticity across countries is given in parentheses.

* p < 0.10

** p < 0.05

*** p < .0001

whether a less concentrated and more competitive government is less inclined to engage in verbal attacks against the judiciary. Finally, to control for the relationship between economic development and government attacks on the judiciary, corruption, and media independence, we include *GDP per capita* as a control variable. Per capita GDP serves as a rough proxy for the level of economic development. Descriptive statistics for all variables are presented in Table 1.

4. Empirical analysis and results

To test our hypotheses, we analyzed a dataset covering government attacks on the judiciary, executive corruption, media independence, and relevant control variables for 165 countries between 1991 and 2022. To examine whether and to what extent the impact of political corruption on attacking the judiciary varies across different levels of media independence, we estimated an interaction model. Table 2 presents the results.

Columns (1) and (2) show the fixed-effects estimates of executive corruption and media independence on government attacks on the judiciary for the full country-level sample from 1991 to 2022. Column (1) includes the main and moderating effect of executive corruption and media independence while accounting for time-invariant country-level effects. Column (2) additionally contains control variables. Supporting our first hypothesis, results in column (2) show that as executive corruption increases, so do attacks on the judiciary. The coefficient of the interaction term is positive and significant, meaning that in countries with high media independence, the effect of executive corruption on government attacks on the judiciary is amplified. To test the robustness of our findings, we estimated additional models. For instance, to account for cross-country differences, we ran a random-effects model, and the results in columns (3) and (4) closely align with those of the fixed-effects model. Furthermore, the significance of the Hausman test confirms the fixed-effects model as the most appropriate specification for this study. To control for both time-invariant country effects and time-fixed effects (i.e., temporal shocks), we also estimated a two-way fixed-effects model. The results, shown in columns (5) and (6), remain consistent with our main findings.

To illustrate how the effect of executive corruption changes across different levels of media independence, we calculated the marginal effects of executive corruption on attacking the judiciary using our fixed-effects estimates. Fig. 1 presents the predicted level of government attacks on the judiciary across executive corruption for three hypothetical countries.⁴ The results show that in a country with fully independent (free) media, an increase in executive corruption from its minimum to maximum level leads to a nearly 1.5-point rise in government attacks on the judiciary. In a country with partially independent (partly free) media, as executive corruption goes from minimum to maximum, the government's tendency to attack the judiciary increases by approximately 0.5 points. However, in a country with non-independent (not free) media, higher corruption levels are associated with a decline in attacks on the judiciary by approximately 0.5 points.

Fig. 2, on the other hand, shows the marginal effect of executive corruption, with confidence intervals around the estimated effect. The graph is based on the estimates from the interaction model and the full sample of countries. The black line in the figure represents the change in attacks on the judiciary when the executive corruption variable shifts from 0 to 1. Fig. 2 reveals that the marginal effect of executive corruption on judicial attacks varies significantly across countries with different levels of media independence. Specifically, the effect of executive corruption is positive and significant in countries with high media independence. This effect decreases as media independence declines, becoming statistically insignificant in countries where media independence falls below 0. These findings align with our hypothesis that executive corruption positively influences attacks on the judiciary in

⁴ The estimates of the hypothetical country with free media (media independence index is set to 3) are represented on a solid line; the estimates of the hypothetical country with partially free media (media independence index is set to 0) are represented on a large-dashed line; and the estimates of the hypothetical country with not-free media (media independence index is set to -3) are represented on a small-dashed line. Except for their media independence levels, all three hypothetical countries share the same executive-legislative arrangements, GDP per capita, and power concentration.

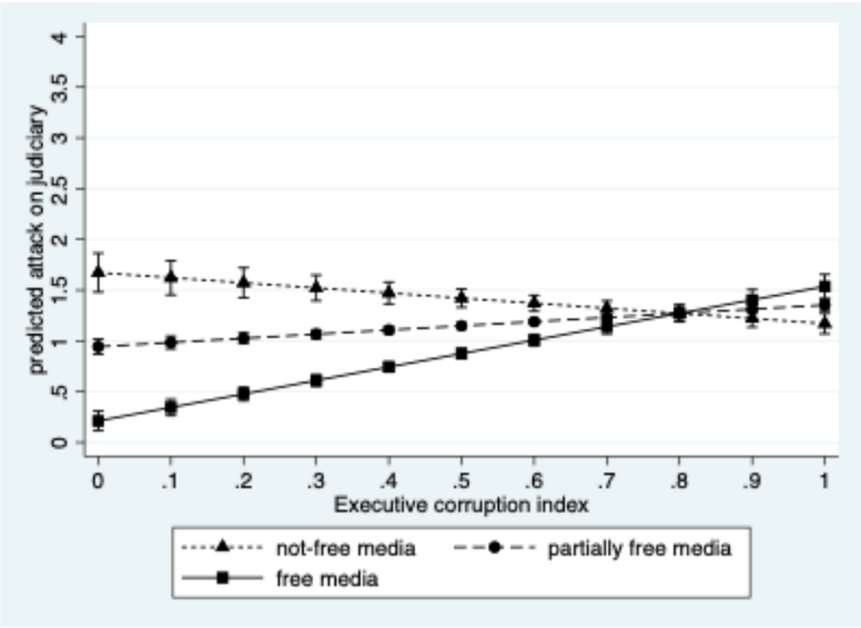


Fig. 1. Predicted Level of Government Attacks on the Judiciary.

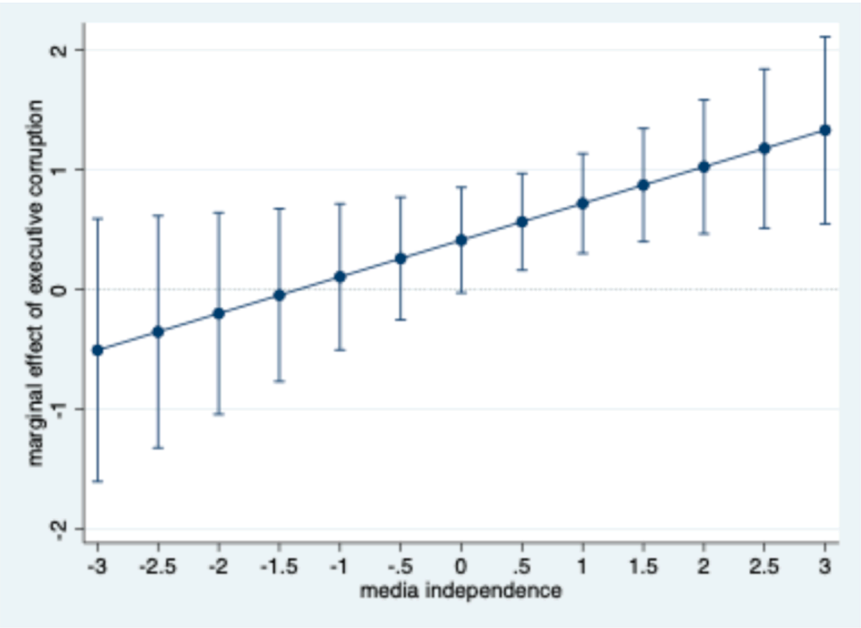


Fig. 2. Marginal Effect of Executive Corruption.

Table 3

The Effect of Executive Corruption on Attacks on the Judiciary Across Different Political Regimes.

	Advanced Democracies	Hybrid Regimes	Authoritarian Regimes
Executive Corruption	1.187** (.505)	.707** (.226)	.208 (.460)
GDP per capita	.001 (.004)	-.003 (.007)	-.0004 (.002)
Political System	.002 (.086)	.011 (.043)	.077 (.072)
Chief executive's years in office	.007* (.004)	-.004 (.002)	-.005 (.003)
Government power concentration	0.07 (.114)	.0001*** (.000)	-.004 (.045)
Country-Fixed Effects	YES	YES	YES
Time-Fixed Effects	NO	NO	NO
# country-year observations	1792	1750	1212
# countries	62	61	42
Within R2	0.07	0.05	0.04
Between R2	0.35	0.30	0.08
Overall R2	0.26	0.20	0.06

countries with free media. In countries with partially free media, the effect diminishes, and in countries with not free media, the effect becomes negligible.

As previously mentioned, many empirical studies show a strong positive correlation between media independence and a country's level of democratization (Karlekar and Becker, 2014). Based on this finding, we classify countries with complete media independence as "advanced democracies," those with partially independent media as "hybrid regimes," and countries with non-independent media as "authoritarian regimes." To explore whether and if so, how the effects of corruption vary across countries with different levels of democracy, we examine the impact of executive corruption on attacks on the judiciary in these three categories: "advanced democracies,"⁵, "hybrid regimes,"⁶, and "authoritarian regimes."⁷ For this categorization, we use Freedom House (FH) scores, which measure the political rights and civil liberties of each country through expert surveys. Based on the FH's classification of countries as *Free*, *Partly Free*, and *Not Free*, we define "advanced democracies" as countries with FH scores ranging from 1 to 2.5, "hybrid regimes" as countries with FH scores between 3 and 5.5, and "authoritarian regimes" as countries with FH scores between 5.5 and 7. The fixed-effects model estimates presented in Table 3 provide support for our hypotheses.

In advanced democracies, we observe that the positive effect of executive corruption is particularly strong. As the level of executive corruption increases from minimum to maximum, the government's tendency to attack the judiciary increases by 1,87 points (out of 4). In such regimes, the stability of the ruling government largely depends on public support. Given the high levels of media independence, the public is highly aware of corruption allegations. As a result, the government seeks to shift the blame or discredit these corruption allegations in the

⁵ By "advanced democracies," we refer to regimes where democracy and its rules are widely accepted as "the only game in town." In these regimes, democratic values are highly internalized by the citizens, and individual rights and civil liberties are protected by the rule of law (Linz and Stepan, 1996).

⁶ Hybrid regimes are the regimes that meet the procedural minimum criteria for democracy -such as free, fair, competitive elections- but lack consolidation of democratic values and the institutionalization of political processes. In such regimes, democratic institutions such as elections, legislatures, media, and the judiciary exist, but the incumbent government frequently interferes with their functioning (Levitsky and Way, 2002).

⁷ Authoritarian regimes fail to meet even the procedural minimum for democracy. Power is highly concentrated and maintained through repression, co-optation, or coercion, with civil liberties and political rights constantly violated.

Table 4

Granger Causality Test.

Null Hypothesis	Lag	χ^2 statistic	Prob>chi2
Advanced Democracies			
Corruption does not Granger cause government attacks	3	8.353	0.039
Government attacks do not Granger cause corruption	3	3.605	0.612
Hybrid Regimes			
Corruption does not Granger cause government attacks	3	7.442	0.059
Government attacks do not Granger cause corruption	3	4.153	0.245
Authoritarian regimes			
Corruption does not Granger cause government attacks	3	4.692	0.196
Government attacks do not Granger cause corruption	3	4.692	0.192

eyes of the public, ultimately resorting to verbal attacks on the judiciary.

In hybrid regimes, while the effect of executive corruption remains significantly positive, its impact is less substantial. Although the erosion of media independence and the reduced effectiveness of public opinion as controlling mechanisms may somewhat lessen the government's need to manipulate public perception, legitimacy and public support remain important in hybrid regimes (Gerchewski, 2013). Consequently, the empirical results show that even in these regimes, once the government is involved in corruption scandals, it may still attempt to shift blame or manipulate public opinion by verbally attacking the judiciary.

In the context of authoritarian regimes, however, we observe that the effect of executive corruption is statistically indistinguishable from zero. In these regimes, due to the unfree media, the public may not even be aware of the corruption accusations. Even if they are aware, citizens often have enduring memories of political corruption or have an authoritarian political culture, meaning they may not be willing to punish the government for its misconduct. For these reasons, the government may not feel the need to manipulate public opinion by attacking the judiciary. Additionally, in such regimes, the judiciary is typically subservient to the ruling government, eliminating any need for verbal attacks on it.

Regarding the causal relationship between executive corruption and government attacks on the judiciary, some may argue that attacking the judiciary could incentivize further corrupt behavior by the executive branch. To empirically assess the direction of causality, we transformed our specification into a panel-vector autoregressive (PVAR) model and ran the analysis with three lags of executive corruption and government attack on the judiciary for the countries with free, partially free, and not free media. Accordingly, the first group of countries consists of advanced democracies, the second group includes hybrid regimes, and the third group comprises authoritarian regimes. In Table 4, the Granger causality test shows that in none of the country groups can the null hypothesis "government attacks on judiciary do not lead to executive corruption" be rejected. This suggests that the "reverse causality" argument cannot be statistically proven. In support of our hypotheses, the Granger causality tests show that, in advanced democracies and hybrid regimes with either fully or partially independent media, political corruption precedes the escalation of verbal attacks on the judiciary.

Although the Granger causality test can provide some indication of the direction of a causal relationship, it does not offer a clear understanding of the true causal relationship between two variables (Clarke and Granato, 2005). To gain a better understanding of how and through which mechanisms involvement in corruption scandals triggers the government to attack the judiciary, we use the most similar systems design and compare three Latin American cases in the next section: Argentina, Brazil, and Venezuela.

5. Incumbent attacks on the judiciary: Argentina, Brazil, and Venezuela

The standoff between populist presidents and the judiciary has become a defining feature of 21st-century politics in Argentina, Brazil, and Venezuela, with each side accusing the other of corruption. According to the Corruption Perceptions Index (Transparency International, 2024), all three countries exhibit high levels of public sector corruption. However, there is notable variation in the frequency with which executives resort to verbal attacks against the judiciary.

In Argentina, during Nestor Kirchner's presidency, evidence emerged of corrupt activities involving public officials, and the Kirchners were linked to fraudulent dealings in public projects. Accusing Supreme Court judges of a predisposition toward criminal behavior, Kirchner implemented a gradual purge of the judiciary during his term (Castagnola, 2020). The conflict between the executive and the judiciary intensified during Cristina Fernández de Kirchner's (CFK) presidency, as she faced multiple corruption allegations. In 2019, CFK testified before a federal court, asserting that she was facing a "lawfare tribunal" that had predetermined its ruling to facilitate the return of the International Monetary Fund (IMF) to Argentina. Her successor, Mauricio Macri, was portrayed as employing lawfare to the fullest extent to undermine CFK's popularity and dismantle the social and political organization she had built (Gindin, 2021). CFK also began referring to the judiciary as the "Judicial Party," characterizing it as a superpower operating above institutions that represented the popular will. She framed the demonstration organized a month after Prosecutor Nisman's death as an opposition march orchestrated by members of the judiciary against the executive (Estepa and Maisonnave, 2020). Regarding the money laundering case, she tweeted that the Judicial Party was backed and sustained by the "media party," alleging that the media conglomerate Clarín fabricating a "report" to justify judicial attacks (Gindin, 2021). Such perceptions influenced President Fernández's efforts during CFK's vice-presidential term to implement a federal judicial reform for creating new courts and prosecution offices to dilute the concentration of power among a small group of judges (Gindin, 2021). In December 2022, while serving as Vice President, CFK was sentenced to six years in prison and received a lifetime ban from holding public office due to fraudulent and overpriced public works contracts. Following the ruling, she intensified her verbal attacks on the court. Contrary to her previous criticisms, she stated, "This is neither lawfare nor the Judicial Party. This is a parallel state and a judicial mafia" (Gindin, 2021, p. 69). President Fernández, in turn, denounced stigmatization through the media and persecution, accusing "complacent judges who ride around in private jets and (stay in) luxury mansions on weekends" (Estepa and Maisonnave, 2020).

Similar to Argentina, legal cases involving corruption have been central to political conflicts in Brazilian politics. The *Mensalão* case, Operation Lava Jato, and Dilma Rousseff's early departure from the presidency were marked by the prominent role of the high courts, alongside the autonomy and discretion exercised by judicial institutions (Goulart and Coelho, 2020). As in Argentina, the presidents from the Workers' Party accused Brazilian courts of waging a lawfare campaign against them. The concept of lawfare was formally introduced during a press conference by Lula da Silva's lawyers on October 10, 2016, to describe media-driven persecution, stigmatization, and continuous legal harassment in what was considered a highly exceptional case (Salas Oroño, 2019). Bolsonaro also clashed with the judiciary. In 2021, he called on his supporters to attend a demonstration against the Supreme Court, raising concerns among critics that he was "encouraging supporters to the point that they might try to invade the court" (France24, 2021). Corruption cases ultimately escalated tensions between Bolsonaro and the judiciary. That same year, the prosecutor's office requested an investigation into Bolsonaro for "dereliction of duty in the process of procuring an Indian COVID-19 vaccine" due to alleged irregularities (Reuters, 2021).

In contrast to the extensive debate on lawfare in Argentina and Brazil, Venezuela has experienced the gradual cooptation of the judiciary, illustrating how verbal attacks may serve as a prelude to formal court curbing or packing. In a series of verbal attacks during the early years of his presidency, Chávez labeled the Supreme Court judges as counterfeiters and drunk while condemning the "detestable" ruling that exonerated four high-ranking officials involved in the April 11 coup (El País, 2002). In a 2007 speech, Chávez complained that, on multiple occasions, decisions favoring the Revolution were obstructed by a judge, a court, or the Supreme Court of Justice, which, according to him, acted against the Revolution from within (Álvarez Muro, 2018). Following a series of purges and court-packing efforts, the government gradually consolidated its control over the judiciary (Pérez Perdomo, 2007). As this control increased, verbal attacks by the executive against the judiciary in Venezuela subsided. Consequently, no court cases could be initiated within Venezuela against allegations of corruption involving the executive.

6. The interplay between corruption and media independence: Argentina, Brazil, and Venezuela

By comparing the cases of Argentina, Brazil, and Venezuela, we observe that, despite high levels of political corruption in all three countries, the extent of verbal attacks against the judiciary significantly varies. While such attacks are frequent in Argentina and Brazil, they have largely disappeared in Venezuela. We argue that the costs and benefits associated with attacking the judiciary differ across political contexts depending on the degree of media independence. In line with our theoretical framework, we first observe that by accusing the judiciary and asserting that charges were politically motivated, politicians in Argentina and Brazil sought to minimize the public impact of corruption allegations. In both countries, CFK and Lula da Silva constructed a narrative that framed their legal battles as politically driven and appealed to voters to rally against the court cases. This strategy contributed to Lula da Silva's return to the presidency and CFK's election as vice president despite the accumulation of legal cases against them. Within this narrative, CFK and Lula da Silva are perceived by a substantial segment of the left as victims of *neogolpismo* and lawfare, allegedly orchestrated through judicial plots. For instance, when asked about the primary objective of the judicial reform promoted by the Fernández government, 48 % of respondents in Argentina cited the prevention of judicial abuse of power (CELAG, 2020). While polarization in public opinion is evident, CFK's narrative appears to have resonated with nearly half of Argentine society.

According to our theoretical framework, a second potential benefit for power holders in attacking the judiciary is the erosion of judicial credibility in the eyes of the public. As corruption cases mounted against CFK during her second presidency (2011–2015) and continued into the Macri administration (2015–2019), CFK intensified her critical rhetoric against the judiciary. This period coincided with a persistent decline in public confidence in the judiciary, a trend that began in 2010. The lowest recorded confidence level since 2004 was observed in 2020, with only 16.7 % of respondents expressing confidence in the judiciary (Latinobarómetro Informe, 2021). CFK's attacks on the judiciary may have contributed to this decline. Similarly, in Brazil, following the 2014 Lava Jato case and Lula da Silva's 2016 assertion that he was a victim of lawfare, public confidence in the judiciary reached its lowest levels in the 21st century in 2015 and 2017 (Latinobarómetro Análisis Online, 1995–2020). Thus, the cases of Argentina and Brazil illustrate that incumbents' verbal attacks on the judiciary can contribute to the erosion of public trust in courts and judges.

Third, within our theoretical framework, we posited that judges may perceive verbal attacks on the judiciary as explicit threats. Such attacks could intimidate judges and discourage them from ruling against the government. The inability to prosecute or hear high-profile corruption allegations within Venezuela serves as a clear example of such

intimidation. Additionally, in Argentina and Brazil, judicial rulings in high-profile corruption cases during the presidencies of Macri and Bolsonaro had direct implications for their predecessors' prospects of returning to the presidency.

Finally, when public confidence in the government is low, the ruling elite may attempt to restore legitimacy by attacking other institutions, particularly those accusing the government of corruption. Examining the three cases, we observe a sharp decline in confidence in governments over the past decade. In 2011, public confidence in the government stood at 51 % in Venezuela, 48 % in Argentina, and 39 % in Brazil (*Latinobarómetro Informe*, 2011). By 2020, these levels had declined to 19 %, 22 %, and 27 %, respectively (*Latinobarómetro Informe*, 2021). In this context, executives in all three countries may have felt politically vulnerable due to diminishing public confidence. The effort to assert moral superiority and restore confidence in the government may have motivated these leaders to attack the judiciary. While governments sought to portray themselves as serving the people, they depicted the judiciary as self-serving. As previously noted, the then-Argentinian president described judges as corrupt and morally compromised. Supporters of CFK similarly accused the judiciary and certain Supreme Court judges of defending their privileges and the interests of the powerful rather than protecting the rights of the people (*El País*, 2022).

This study presents media independence as the key contextual factor influencing public awareness, interest in politics, attitudes towards institutions, and political behavior through disseminating information and disinformation. We argue that the degree of media independence moderates the explanatory power of corruption in shaping governmental attacks on the judiciary. When the media is independent, citizens are more likely to be aware of corruption scandals, leading to a decline in public confidence in the government. Consequently, blaming and accusing the judiciary can provide various benefits to the incumbent government, including restoring public confidence in the government, discrediting the judiciary, and diverting public attention from corruption scandals.

Examining media independence across Argentina, Brazil, and Venezuela, we observe significant disparities. According to the World Press Freedom Index, Argentina ranks 40th, Brazil 92nd, and Venezuela 159th (*Reporters Without Borders*, 2023). In Argentina, large media conglomerates have effectively opposed government actions. Notably, mainstream media extensively covered judicial filings against Kirchnerist officers, particularly after 2015 (*Kitzberger and Schuliaquer*, 2022; *Kitzberger*, 2016). Similarly, in Brazil, the media has maintained a critical stance, often overemphasizing the impeachment proceedings and the Petrobras investigations involving politicians from the Worker's Party, while other actors received lesser scrutiny (*Damgaard*, 2018). Consequently, leaks to mainstream media regarding judicial cases have significantly influenced public perceptions of political corruption (*De Albuquerque*, 2019).

As seen in Brazil and Argentina, public awareness of corruption accusations tends to be high in political regimes with independent or partially independent media. A free and critical press not only informs citizens about corruption but also erodes public confidence in the government, potentially leading to its electoral defeat. In response, accusing judges of political bias or attempting to overthrow a democratically elected government emerges as a rational strategy, offering significant benefits to the ruling party.

By verbally attacking the judiciary, the government can discredit court rulings or legal investigations, shifting public attention away from corruption scandals and restoring public confidence in the government. For instance, both CFK and the Fernández governments in Argentina have aggressively accused the judiciary of being corrupt, politicized, and self-serving in response to media-driven corruption allegations. The extensive media coverage not only increased public awareness but also facilitated the dissemination of the government's narrative, which sought to create a rift between the judiciary and the people. This narrative framed judicial reform as an effort to "democratize the

judiciary" and make it more accessible to ordinary citizens (*Holgado*, 2023, p. 59). CFK, for example, claimed that the courts were attempting to "ban" her from running for office (*Buenos Aires Times*, 2023). To avoid potential disqualification, she raised doubts on the judiciary's true motives, portraying the judiciary as an aristocratic caste that favors corporate interests, allies with the political opposition, and restricts access to legal careers to their own children and friends (*Holgado*, 2023, p. 44). Such a narrative seemingly planted doubts in citizens' minds about the fairness of corruption cases against the executive and the judiciary's moral integrity. As a result, public attention could be shifted from corruption accusations to judicial misconduct, ultimately discrediting court proceedings.

In Brazil, extensive media coverage of the case against Lula da Silva allowed him and his defense team to discredit the judiciary's conduct. Lula da Silva publicly denounced the case as a witch hunt (*Voice of America*, 2017), an "illegitimate" proceeding, and a "farce" (*BBC News*, 2017). He framed the judiciary's actions as politically motivated, stating, "Never in the history of Brazil has someone been so persecuted and massacred as I have been in the last years" (*The Guardian*, 2017). This rhetoric invited the public to question their confidence in the judiciary. His legal team further challenged the credibility of the case, frequently complaining about the lack of evidence and stating that "It is time to rebuild trust in the Brazilian rule of law" (*Zanin Martins, Teixeira Zanin Martins, V.*, 2017), which was tarnished by the corruption case against their client. This case illustrates how media independence can influence public awareness of corruption allegations, affecting the government's cost-benefit calculations when deciding whether to attack the judiciary.

Conversely, when the media is not independent, the public remains unaware of government misconduct, eliminating the need to manipulate public opinion or attack the judiciary. In Venezuela, for example, judicial capture has been a key pillar of autocratization under the Maduro regime (*Corrales*, 2024, pp. 327–339). The regime's court-packing strategy ensured judicial support for executive encroachment and power consolidation (*Holgado and Urribarri*, 2023, p. 352). Rather than attacking the judiciary, Maduro co-opted it to defeat, pacify, and even criminalize the opposition, using it as an instrument to reinforce confidence in his government. The asymmetrical power distribution between the executive and judiciary was established when media repression intensified, preventing government attacks on the judiciary from gaining public attention. Under Chavez, media pluralism and independence were systematically curtailed, shifting the balance in favor of state-controlled media (*Corrales*, 2015, p. 40). Due to the intimidation of the media, media outlets self-censored and repositioned themselves in critical debates -including corruption scandals- leading to a shortage of investigative reporting. This lack of coverage dampened public awareness and backlash, shielding the government from potential consequences.

7. Conclusion and discussion

In recent decades, the world has witnessed an increasing number of cases in which elected governments verbally attack judges. Despite the prevalence of these interbranch attacks, little is known about the conditions under which governments are more likely to engage in such behavior. This study seeks to examine whether and, if so, how political corruption influences government-led verbal attacks on the judiciary. Additionally, it explores how the effect of political corruption varies across different political contexts. We argue that media independence plays a crucial role in shaping a government's cost-and-benefit calculations when attacking the judiciary, thereby moderating the explanatory power of political corruption. In political regimes with high levels of media independence, public awareness of corruption accusations and government attacks on the judiciary is heightened. Consequently, in countries with a free press, as corruption levels rise, governments may resort to attack the judiciary in order to undermine its credibility, divert public attention from corruption scandals, or strengthen public

confidence in the government. However, in regimes where the media is not free, citizens are often unaware of corruption accusations, eliminating the need for the government to attack or discredit the judiciary. Furthermore, in such regimes, the judiciary is likely weak and subservient, rendering verbal attacks on the courts unnecessary. In highly corrupt environments where the judiciary is either controlled by the government or lacks independence, there is little incentive for the executive to undermine judicial credibility in the eye of the public, as no significant backlash is expected.

Analyzing data from 165 countries between 1991 and 2022, we find that political corruption significantly increases the likelihood of government attacks on the judiciary. However, this relationship is conditioned by media freedom. Specifically, the impact of political corruption on judicial attacks is most pronounced in countries where the media is fully or partially independent. Conversely, in regimes with non-independent media, political corruption does not appear to influence government attacks on the judiciary.

To further explore why corruption accusations in countries with relatively free media often lead to government attacks on the judiciary, we conducted a comparative analysis of Argentina, Brazil, and Venezuela. Our examination of these politically similar three cases reveals that in regimes with independent or partially independent media, public awareness of corruption allegations is high. This heightened awareness erodes public trust in the government, potentially threatening its political survival. As a result, governments in such contexts may adopt a blame-shifting strategy, accusing judges of being politically biased or attempting to undermine democracy. This strategy serves multiple purposes: diverting public attention from corruption accusations, eroding public trust in the judiciary, restoring public confidence in the government, and intimidating judges. Overall, this study highlights the central role of media independence in shaping executive-judiciary relations in the aftermath of political corruption allegations. Our findings suggest that media freedom is a key factor in determining whether governments resort to verbal attacks on the judiciary when faced with corruption scandals.

Existing literature has shown that informal court-curbing practices, including verbal attacks on courts and judges, undermine judicial independence and erode public confidence in the judiciary (Aydin-Cakir, 2024). A decline in public trust weakens the judiciary, making it more vulnerable to further governmental attacks (Helmke, 2017; Staton, 2010; Vanberg, 2005). This erosion of judicial legitimacy can, in turn, enable the executive to consolidate power, potentially leading to executive aggrandizement and a weakening of horizontal accountability. In the long run, such dynamics threaten the resilience of democracy and the rule of law. Given these risks, it is crucial to understand why and under which conditions governments engage in verbal attacks against the judiciary. Our study finds that governments facing corruption scandals often resort to these attacks as a blame-shifting strategy, seeking to divert public attention from the allegations.

However, these attacks can have lasting consequences, gradually weakening judicial authority and legitimacy. At this critical juncture, the media plays a key role as the primary conduit between the public and the government. By shaping public perception, media coverage can amplify or mitigate the negative effects of verbal attacks on the judiciary. Future research should explore the interplay between media coverage and public awareness, specifically examining which media narratives contribute to -or counteract- the erosion of confidence in the judiciary.

Data availability

Data will be made available on request.

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