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ABSTRACT

This article examines to what extent the affinity with top-tier politician that has been convicted/acquitted by corruption can reduce/increase confidence in courts. Research has demonstrated that citizens' attitudes lean toward the punishment of corrupt politicians. However, are citizens capable of overcoming their political preferences to punish their favorite politician? We tested this framework using a survey experiment in a context where affective polarization and corruption intensify political cleavages: In Brazil during the presidential rally of 2022. Participants read a vignette about a fictional corruption scheme. We manipulated both the trial output (acquittal or conviction) and the political figures involved in the scheme (Luis Inacio Lula da Silva or Jair Bolsonaro). Our results suggest that participants do not trust in a court decision to convict their preferred candidate for corruption nor do acquit their rejected candidate.

INTRODUCTION

In a democracy, courts are expected to decide independently and impartially (Van Djik, 2021). However, courts often need to make decisions about ideological and political issues, such as the right to abortion or the right to burn a flag during a protest (Gibson, 2007). Depending on the decision, citizens see courts as liberal or conservative (Traut and Emmert, 1998; Sunstein, 2006), which may quest doubt about their impartiality. Therefore, citizens' confidence in court decisions are aligned with the extent to which the court's position converges or diverges from their ideological preferences (Bartels and Johnston, 2013; Durr et al., 2000; Hasen, 2019; Nicholson and Hansford, 2014). In the North American context, this is

specially problematic, since confidence in courts are (or used to be) generally high (Gibson, 2007).

In Latin America in general, and in Brazil in specific, confidence in courts is generally low (Staats et al., 2005). In Brazil, the public opinion considers the judiciary branch as slow, expensive, partial (supporting the defendant), complex, and corrupt (Falcão, 2012). Specifically, Brazilians have assumed their legal system as impotent to sanction political corruption. For example, in 2012, while 73% of Brazilians thought the Mensalão's (most massive corruption scheme up to Car-Wash Operation) defendants should go to prison, only 11% believed they would be punished (Almeida, 2018). In a country where the struggle against corruption seems slow and ineffective, it is hard to imagine someone who would challenge a court decision to convict a corrupt politician.

Research has demonstrated that citizens' attitudes lean toward the punishment of corrupt politicians. Ferraz and Finan (2008) presented the impact of information disclosure on political accountability. They found that the disclosure of illegal activities in local governments had a significant effect on incumbents' electoral performance. Voters punish politicians' wrongdoings more intensively in places with local radio stations that broadcast the findings of the audit reports. Barbabela et al. (2021) investigated how courts may influence citizens attitudes toward corruption. They figured out that court signals matter for citizen attitudes. That is, when the courts handle large corruption cases impartially (i.e. standing up against corrupt politicians), trust in courts and support for governmental anti-corruption programs increases.

However, are citizens capable of overcoming their political preferences to punish their favorite politician? According to Zaller (1992), people tend to see the political universe in a way that is consistent with their political predispositions. Ideology, which is part of a person's identity (Huddy, 2001; Iborra, 2005), functions as a cognitive and protective shortcut so that those who share similar beliefs and values can make choices (Huckfeldt et al., 1999). Identity, according to Brewer (1991), fills two basic competing psychological and social needs—one of inclusion (being part of the group) and one of exclusion or differentiation (distinguishing oneself from others). According to Mason (2018), "identity-based elements of ideology are capable of driving heightened levels of affective polarization against outgroup

ideologues, even at low levels of policy attitude extremity or constraint." Based on this rationale, a judicial decision contrary to the group's dominant identity-based ideology would be more likely to be considered baized by its members. Therefore, it is likely that people will reach conclusions that confirm their identity-based ideological bias. In other words, if courts convict politician X, politician X supporters will discredit the court decision.

Barros et al (2018) highlighted the tendency of citizens to perceive candidates as less corrupt when they share the same ideology. Their results suggest that there is no dilemma for citizens. If they choose between denying their political identity or a court decision, the resolution will be mostly not arduous. There is always room for people to distrust grounded court decisions. On the other hand, the identification rupture with a political party or public cause can be as costly as any other type of identity fracture related to "belonging," such as the link with a town, ethnic or cultural group, profession, or religion (Benabou, 2016). Thus, in Barros et al (2018) words, it is not surprising "that even for voters who perceive the corruption of their ideologically preferred candidate, a cost-benefit evaluation makes them believe that tolerating corruption is worthwhile." In this sense, it is more convenient for citizens to reduce their confidence in a court decision than in their preferred politician.

This article examines to what extent the affinity with top-tier politician that has been convicted/acquitted by corruption can reduce/increase confidence in courts. If, on the one hand there is research raising evidence that citizens are willing an effective struggle against corruption (Pfeifer et. Alvarez, 2016; Bauhr, 2017, Deininger & Mpuga, 2005; Serra, 2012, Bühlman et. Kunz, 2011, Ferraz and Finan, 2008), on the other, there are studies pointing out that citizens are more inclined to rely on their political preference rather on supporting the struggle against corruption (Anduiza, 2013; Barros et al, 2020; Boas et. al, 2019).

Several studies examined how different variables impact confidence in courts. Wenzel (2003), Gibson (2007), and Tyler (2001) investigated the importance of ethnicity. Wenzel (2003), Salzman and Ramsey (2013), and Pavão (2019) considered the educational level. Wenzel (2003) and Tyler (2001) explored peoples' personal experiences with the judicial system. Wenzel (2003) also explored the methods by which local judges are selected and the role of the mass media. Wenzel (2003) and Salzman and Ramsey (2013) studied the impact of trust in societal institutions and self-reported knowledge.

However few inquiries investigate confidence in courts from a perspective that takes into account the respondents' congruence with a court decision in a trial in which the defendant is an exponent of a political stream. For example, if the court convict respondent´s favorite politician in a corruption trial, would the participant support the decision? Or, if the court acquit the respondent´s rejected candidate in another corruption trial, would the participant support the decisions? Some research on the confidence in courts examines how citizens analyze court decisions (Segal and Spaeth, 1993; Anderson & Tverdova, 2003; Gibson, 2007; Gibson, 2008), however the literature on confidence in the courts lacks works that analyze the level of confidence in the decisions of the courts when the decisions relate to a first-tier politician. More specifically, when the defendant politician is the exponent of ideological movements and has been involved in corruption schemes.

Some studies raise pieces of evidence about citizens´ perception of corruption, given the congruence with the involved politician. Anduiza et. al (2013) have shown that citizens take corruption less seriously when it involves a politician from the party they identify with than when it involves a person from another party. In this experiment, respondents read a randomly assigned vignette, which consisted of a simulated newspaper article reporting a case of corruption. To prevent the newspaper´s partisan leanings from influencing the results, the vignette's design was purposefully different from every other state-wide newspaper that was known to exist. Given that citizens might consider newspapers less credible than courts, we cannot assume that they will distrust court decisions about corruption.

Other studies raise pieces of evidence about court confidence given citizens´ ideological preferences. Bartels and Johnston (2013) considered the subjective ideological disagreement (incongruence between ideological preferences and people's perception of the court's ideological tenor) to analyze confidence in courts. Their research focused exclusively on the ideological congruence (liberal or conservative) and did not include any decisions about corruption. The literature on confidence (legitimacy, in his words) in the American Supreme Court focuses on issues regarding ideology, behavior, and policies. As Gibson (2007) posits:*"Legitimacy becomes especially relevant when people disagree about public policy. When a court, for instance, makes a decision pleasing to all, discussions of legitimacy*

are rarely relevant or necessary and do not emerge. When there is conflict over policy, then some may ask whether the institution has the authority, the "right," to make the decision."

Although in Brazil, the Supreme Court has already handed down decisions on similar issues regarding behavior and policies (civil union between people of the same sex and termination of pregnancy of anencephalic fetuses), the discussion about confidence in court decisions does not rely on these topics. We believe that, in Brazil, confidence in court decisions is at risk when it has to rule about top-tier politicians involved in corruption deeds. We believe that citizens are not capable of overcoming their political preferences - which frequently means a rupture with social bonds like ethnic or cultural group, profession, or religion (Benabou, 2016) - to support the conviction of their preferred politician. Additionally, we also believe that citizens cannot overcome their political preferences to contest the acquittance of their preferred politician.

We test this framework using a survey experiment in a context where affective polarization and corruption intensify political cleavages (Hunter and Power, 2019; McCoy et al., 2018; Mason, 2019; Barros et al., 2018): in Brazil during the presidential rally of 2022. We understand affective polarization as the imputation of negative traits to the out-parties (Iyengar et al., 2012). Participants read a vignette about a fictional corruption scheme. We manipulated both the trial output (acquittal or conviction) and the political figures involved in the scheme (Luis Inacio Lula da Silva or Jair Bolsonaro). Each of them represents one side of the current political polarization in Brazil and has run the presidential elections in 2022. Then, we asked five questions related to confidence in courts. Our results suggest that participants do not trust in a court decision to convict their preferred candidate for corruption nor do acquit their rejected candidate.

HYPOTHESES

The Struggle Against Corruption in Brazil

Since the 1988 Constitution, the judiciary branch has been occupying an increasing space in Brazilian political life, defining and implementing the rules of politico-competitive electoral. For example, with the validity of the "Ficha-Limpa" law (convicted politicians,

even if provisionally, could not run for election and assume elective positions) for the elections of 2010 confirmed, the Supreme Court profoundly changed the likely outcome of electoral competition if the law did not have been applied (Falcão, 2012).

Beyond that, the corruption struggle has been an ascending valiance issue. Most of the corruption scandals have not achieved beyond second-tier politicians and frequently ended up with the defendant's absolution, although the pieces of evidence somehow suggested illegal activities. There was a predominant perception of impunity among public opinion. Nevertheless, the Lava-Jato (Car Wash Operation) introduced a relentless condemnatory pattern. What characterizes the last seven years as a remarkable period in Brazil are three relevant aspects: the amount of money involved, the prominence of involved politicians, and the potential impact of court decisions in the electoral run.

In this scenario, the Supreme Court and the lower courts convicted politicians from several parties. Many of those politicians belonged to legislative center-aligned parties, which traditionally have supported the executive branch in exchange for positions in the cabinet. This system has been frequently adopted by Presidents to build majorities in the House of Deputies, although it was always highly associated to corruption. Former President Luis Inacio Lula da Silva not only maintained this cemented strategy but also sped it up. The corruption networks were widespread in Brazilian political arrangements and politicians from various parties have faced a double degree conviction. Even though, when the corruption scam was unveiled, citizen's perception of Workers' Party (PT) leading wrongdoings in Brazil remained prevalent.

Perceiving that these bribery scams taint the Labor Party image, PT opposers firmly advocated for a relentless malfeasance combat. On the other hand, PT followers, trying to defend their leaders, contested illegal procedures during investigation and prosecution phases of Lava-Jato operation and praise for defendants' rights. Pavão (2019) investigated the extent to which anti-corruption attitude was associated with political variables like disapproving of former Brazilian President Dilma Rousseff's government (she succeeded Lula and belongs to PT). Her findings offer pieces of evidence that the efforts to struggle corruption have become an ideological subject.

Despite PT opposers frequently emphasized a relentless malfeasance combat, the rhetoric can quickly change depending on which politician faces corruption allegation. Likewise, PT supporters can also switch their discourse when a political opponent meet corruption allegations. At bottom line, citizens perceive and react to corruption depending on the congruence with the defendant.

Jair Bolsonaro uses the same strategy and defames the investigations against him and his relatives. According to him, "it is all about political persecution" (Orte, 2019). These allegations state that prosecutors utilize instrumental inquiryries on corruption offenses to get rid of their alleged "political rivals". Italy is a key example that must be taken into consideration when discussing the so-called political persecution phenomena. There, the parties that portrayed the judiciary's high levels of internal and institutional autonomy as a source of the judges' unchecked political power have always sought to undermine the independence of the judiciary. Politicians who were under investigation have alleged that the judiciary has stepped into a "world of electoral politics" that is beyond of its institutional purview in a number of cases (Sberna, 2013).

In this scenario, different political streams raise questions about corruption strive. Naturally, institutions are not immune to political interference, their decisions are not purely technical, and condemnatory processes can be biased. However, it is noticeable that, in Brazil as in Italy, the political persecution argument emerges mostly when the state's coercive power hits individuals' perspectives about the political arena. The Brazilian political dynamics represent a fertile field of research about corruption because it gathers the necessary conditions to develop this kind of study. In Brazil, we find high political polarization (Hunter and Power, 2019) and several corruption scams involving both sides of the political spectrum. Such an environment allowed us to simulate scenarios, in which corruption trials are plausible for each political group. Additionally, politicians and citizens from both factions of the political streams frequently discredit divergent court decisions. Under these circumstances, we claim that:

H1: In Brazil, voting on a top-tier politician that has been convicted/acquitted of corruption can reduce/increase confidence in courts

H2: Court decisions do not change citizens' beliefs about their preferred politician´s involvement in corruption

Confidence in Courts in Brazil

Confidence is a vague term used to specify complex sets of phenomena. In this paper, the concept of confidence reflects to what extent participants perceive a court decision as trustworthy institution to judge top-tier politicians.

Farejohn (2009) defines a court's independence as the ability it bears to act sincerely according to its preferences and judgments. For example, if courts can convict politicians free of influence from other political or public opinions, we can consider they are independent. The higher the independence, the lesser the level of input these actors have on the court's personnel, case selection, decision rules, jurisdiction, and enforcement of laws.

Beyond independence, legitimacy is the second pillar of citizens' confidence in courts. Legitimacy becomes vital when courts appreciate controversial issues. When justice, for in-stance, decides pleasing to all, discussions of legitimacy are barely heard. Although many contentious topics are waiting for judgment in Brazilian justice, the most questionable ones regard top-tier politicians' trials. According to local legislation (''Ficha Limpa'' law), this verdict may impact the electoral run because it removes a candidate from the dispute. As courts can directly interfere in the electoral run, legitimacy plays an essential role. When this type of defendant goes to trial, some may ask whether the institution has the authority, the "right," to decide (Gibson, 2008).

Because courts have been deciding about controversial political issues, these institutions have also faced the challenge to deal with political polarization. Consequently, throughout the world, legal institutions have become more influential in political disputes. Specifically, the Brazilian Supreme Court has become an unprecedent political protagonist. Three aspects potentialize its political relevance. First, the combination of high party heterogeneity in Brazilian political system with the individual way of deciding, delivering turnarounds that

completely rearranged the political arena. Second, the duty to counterbalance an authoritarian and populist Executive Branch, whose speech overtly supports antidemocratic acts. Finally, Supreme Court's verdicts on criminal subjects, during the greatest corruption ever seen, which compromised first tier politicians, including three former presidents (Melo, 2021).

If legitimacy is scarce, citizens can easily assume some political inclination in these circumstances. Thus, an important characteristic of political institutions is how loyal their supporters are; when courts possess legitimacy, they may expect compliance with (or at least acceptance to) rulings that go against the preferences of its supporters (Gibson, 2008).The judiciary's fundamental tenet, value, and performance barometer is independence. If a judge is not perceived by the parties as unbiased and independent, she cannot serve as an effective arbitrator. While impartiality refers to the court's (the judge's) attitude toward the issues and parties in a case, independence refers to a general state of mind as well as institutional structures (Van Djik, 2021).

In a democracy, one expects that courts decide independently and impartially, however, courts sometimes act ideologically and politically, as Traut et Emmert (1998) and Sunstein (2006) have demonstrated. Their studies raised evidence that connects judges' ideological and political background with their sentences. The most notorious example of judicial partisanship may be Bush v. Gore U.S Supreme Court decision. While judges on the lower courts did not seem to exhibit partisan behavior, the judges of the Supreme Court twisted their legal reasoning to support a decision without any juridical precedent. Their usual jurisprudential understanding of the Constitution's Equal Protection Clause in election cases was left behind, to benefit the candidate congruent with their ideological perspective. In other words, the five conservative justices voted to stop the recounts, what ensured a Bush victory. The four liberal justices took the opposite resolution (D'Elia-Kueper and Segal, 2017; Hasen 2019).

Segal and Spaeth (1993) explain the underlying mechanism that makes Supreme Courts highly susceptible to being influenced by their own partisan and ideological preferences: the institutional rules and structure, mainly the fact that the Court's decisions are not subject to appeal, and the lack of electoral accountability or ambition for higher office. Although lower courts face more constraints than the Supreme Courts to act ideologically, scholars have

shown that lower court judges are also vulnerable to the influence of ideology. Thus, partisan and ideological considerations belong to the universe of lower courts, but to a lesser extent.

Traut and Emmert (1998) found a strong impact on judicial ideology. Their study demonstrates that conservative judges are significantly more likely than liberal judges to vote to uphold the death penalty. Curiously, this effect is diminished when the decisions of panels mix Republican and Democrats - appointed judges. When judges evaluated campaign finance cases, the effect of ideology upon the judges is decreased when there are judges of both parties serving on the panel and increased when the entire panel is of the same party (Sunstein, 2006). These findings reinforce the idea that the influence of ideology on judicial decision-making is not just limited to the U.S. Supreme Court and also affects lower courts (Traut and Emmert 1998).

Given that courts occasionally deviate from an impartial behavior (Traut and Emmert, 1998; Sunstein, 2006), to what extent can citizens trust in their decisions? Do people always perceive some kind of inclination emerging from the judiciary branch? Or does the congruence of ideological preferences with courts' decisions play a more salient role?

To address these questions, we depart from the theory proposed by Gibson (2007), who observed that loyalty toward the Supreme Court has very little to do with the ideological orientation of the citizens. He claims that Republicans and Democrats express the same support. However, he mentions that those who adopt a strong party attachment (Republican or Democratic) are more prone to be supportive. Thus, it seems justifiable to assume that in in other countries, like Brazil, with high level of political polarization, voters' preferred candidate would have an impact on the confidence on a court decision. Thus our third hypothesis states that:

H3: Courts legitimacy increases/decreases if the courts decide about citizens rejected/preferred candidate´s involvement with corruption

If on one hand, we believe that citizens will distrust a divergent court decision given an alleged political motivation. On the other, we expect citizens to demand political influence

from courts. That is, if a court decision can set aside their rejected candidate, citizens consider that the court should do it, even in an acquittance scenario. Hence, we claim that:

H4: Citizens expect that courts directly influence the electoral run (through the "Ficha Limpa" law) by banning their rejected politician.

SURVEY DESIGN

The satisfaction with courts' procedures in general and judgments in the long term directly affect citizens' perception of this institution (diffuse support) (Buhlman, 2011). Beyond this dimension, citizens analyze courts' legitimacy and independence through the verdicts in the short term regarding peculiar cases (specific support). In this study we focused on specific support, i.e, we asked participants about their confidence in a court decision aiming for one specific trial. In other words, we questioned to what extent they are confident in a court decision that convicted/acquitted a top-tier politician of corruption.

To examine these dynamics, we conducted a series of surveys with nationally representative samples of respondents during August 2022 (one month before the first round of the Brazilian elections on October 2nd). We do not believe that this period could have had any major effect on our data. We understand that during the electoral political affinities become more ardent and polarization increases, however, we assume that citizens' confidence in a court decision to judge top-tier politicians about corruption has not changed considerably during these weeks. The most controversial decisions - Lula´s arrest (April 2018) and release from jail (June 2021) - have been taken more than one year before the beginning of the electoral run and represent the most significant source of discredit in the court decision. Lula supporters claim political persecution in the lower instances (those who have imprisoned him), while his adversaries (Bolsonaro´s supporters) are convinced about the biased decision (from the Supre Court) that freed him.

We conducted our study with Toluna. This is a private company that maintains a sizable panel of respondents who participate in quick internet surveys in exchange for gift cards or

donations to their preferred charity. The survey company only accept respondents who met certain demographic requirements in order to ensure representativeness (for gender, age, education, income bracket, and region of residence). Thus our sample is not entirely random, respondents' demographic characteristics are comparable to the Brazilian population.

The most relevant section of our study asked two open-ended questions: "if the elections were held today, on which candidate would you vote for" and "on which candidate would you not vote?". Additionally, we presented respondents with vignettes that requested to imagine a trial in which Lula or Bolsonaro was the defendant against a corruption indictment. Then, we manipulated the court decision (conviction or acquittance) on this trial. The differences across these four scenarios (Lula convicted, Lula acquitted, Bolsonaro convicted, Bolsonaro acquitted) are intended to test how respondents analyze courts' legitimacy and independence through the verdict in the short term regarding a peculiar case. More specifically, we planned to capture how participants perceive the court decision when their preferred/rejected politician is convicted/acquitted.

For the sake of simplicity, we presented the trial as a single decision, although, in the Brazilian legal system, there are four instances each of them with particular attributes (higher courts are usually perceived as more benevolent with defendants, while lower courts are more rigorous). We considered that these divisions and nuances are not that clear to most part of the Brazilian population. So, framing the vignettes in a more specific manner would harm participants' understanding without representing a more precise response.

Subsequently, respondents answered about: confidence ("To what extent do you trust this decision?"), involvement ("To what extent do you believe Lula/Bolsonaro is involved in corruption deeds?"), agreement ("To what extent do you agree with the court decision?"), political motivation ("To what extent do you believe the decision is politically motivated?"), and the "Ficha Limpa" law ("Do you believe that Lula/Bolsonaro should be legally banned from running in the next elections?"). Participants used a 1-7 Likert scale to present the extent to which they agree with the question (higher = 7). We expect that different candidate choices might resonate differently with citizens' perceptions of our measured variables about the court decision (confidence, involvement, political motivation, and the "Ficha Limpa" law). Given

that, the variables confidence and agreement presented similar results, we set the agreement aside.

RESULTS

The core hypothesis of the experiment is to assess to what extent voting on a top-tier politician that has been convicted/acquitted of corruption can reduce/increase confidence in courts. We analyze our outcome variables with 95% confidence intervals given participants' preferred candidate choice (Lula, Bolsonaro, or other candidates) in each of the four possible scenarios: Lula convicted, Bolsonaro convicted, Lula acquitted, Bolsonaro acquitted. The figures below show the results from the participants answering the question about each variable (1-7 Likert scale). The figures display separate means depending on whether participants were presented with the "Lula/Bolsonaro" trial or "Acquittance/Conviction" decision. We also categorized the results by preferred candidate choice in order to ease the comparison within each group of voters.

The strongest finding in Figure 1 is that candidate choice impacts confidence in courts decision about corruption. Bolsonaro voters present a higher level of confidence in courts when the court decision is congruent with their perspective. In other words, when the court convicts Lula or acquits Bolsonaro the confidence levels are higher in comparison to the scenario in which Lula is acquitted or Bolsonaro is convicted. Such a behavior is not exclusive to Bolsonaro voters. Lula voters present exactly the same pattern, i.e, when there is congruency, the confidence in court decisions is higher. It is worth highlighting that, according to our sample, 95,32% of Lula voters also selected Bolsonaro as the rejected candidate in our survey. While, among Bolsonaro voters, 95,28% of voters selected Lula as the rejected candidate.

Curiously, the confidence in court decisions of participants who selected another candidate is not influenced by the defendant in our manipulation. When Lula or Bolsonaro is convicted, voters of other candidates presented equal levels of confidence in court decisions. In the acquittance scenario, no matter if Lula or Bolsonaro is under trial, voters of other candidates present the same levels of confidence in court decisions. Interesting is that, as the literature claims, for these voters acquittance scenario yields lower levels of confidence in court decisions about corruption when compared to the conviction scenario. Thus, all these

pieces of evidence confirm H1 (In Brazil, the voting on a top-tier politician that has been convicted/acquitted of corruption can reduce/increase confidence in courts).

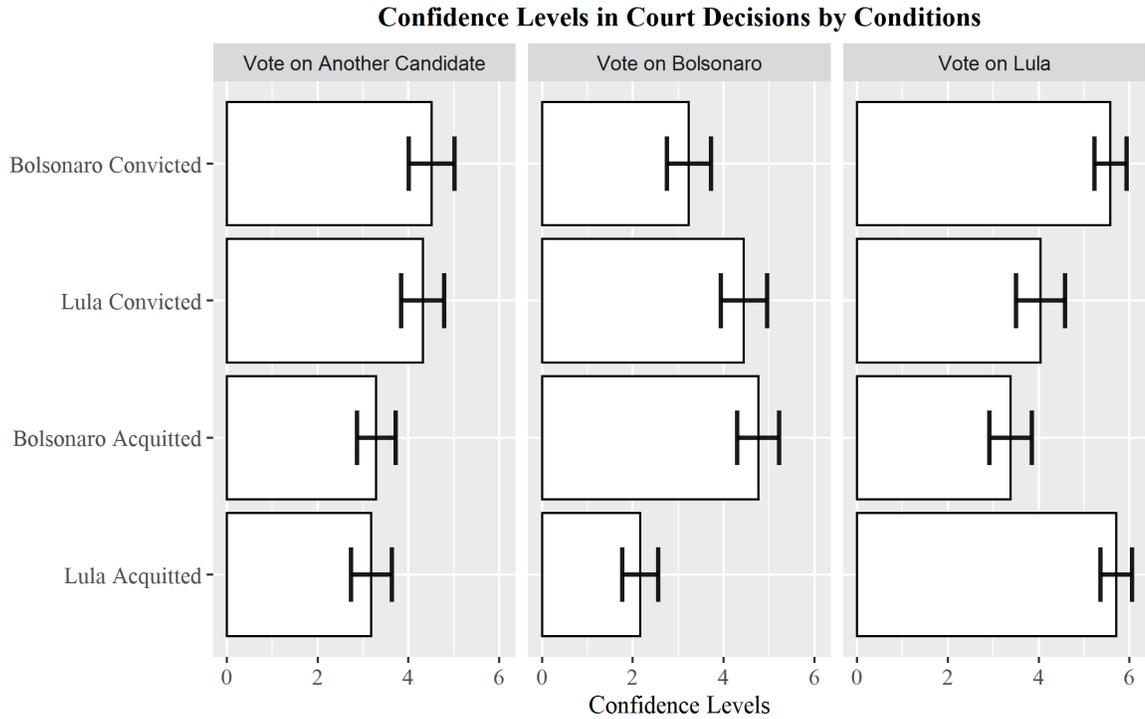**Confidence Levels in Court Decisions by Conditions**

Figure 2 illustrates to what extent participants believe that a candidate (Lula or Bolsonaro) is involved in corruption given court decisions (acquittance or conviction). The results suggest that both Lula and Bolsonaro voters do not change their minds about their preferred or rejected politician´s involvement in corruption after court decisions. That is, Bolsonaro voters entirely believe that Lula has some type of involvement in corruption no matter if the court decisions have acquitted or convicted him. On the other hand, if court decisions convict Bolsonaro, this is not enough to make them believe that their preferred candidate has been involved in corruption. Lula voters do not behave differently. Their beliefs about Lula´s involvement do not change under conviction or acquittance. Accordingly, Lula voters´ beliefs do not shift if Bolsonaro is convicted or acquitted. A relevant finding regards the voters of other candidates. We might expect that if one candidate is perceived as more

honorable than the other, this difference might show up among these voters. However, this different status did not emerge. At the bottom line, this group of voters equally believed that Lula and Bolsonaro got involved in corruption. Given these pieces of evidence, we confirm H2 (Court decisions do not change citizens' beliefs about their preferred politician´s involvement in corruption).

Belief about Defedant´s Involvement in Corruption by Conditions
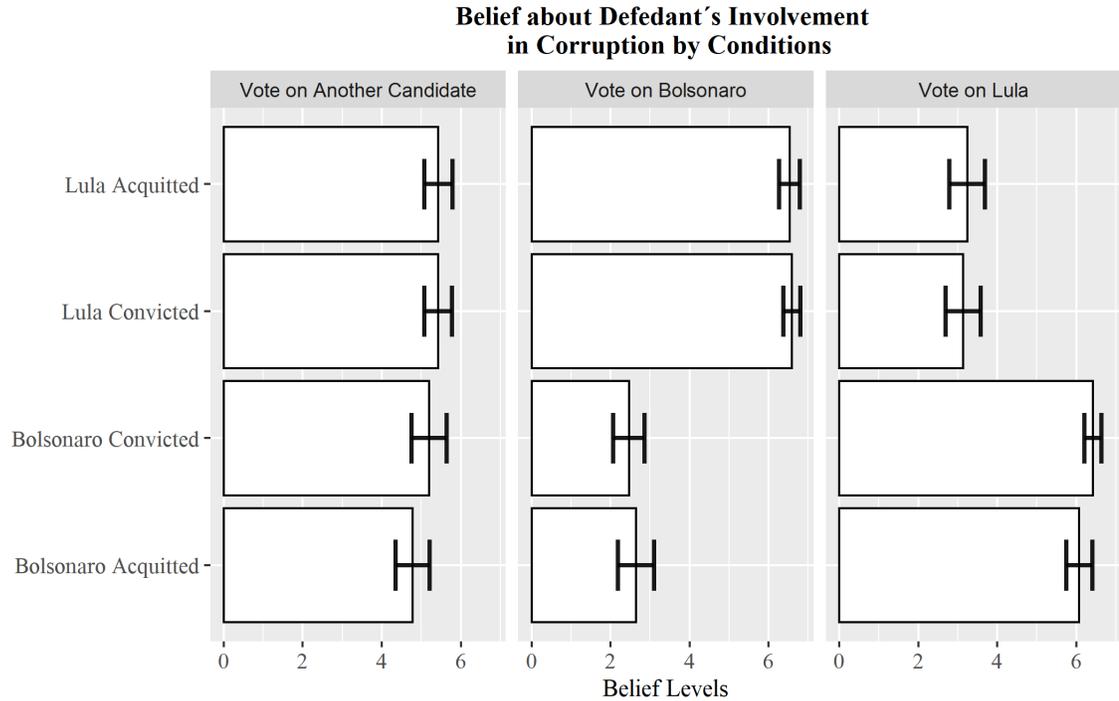
Given that Lula and Bolsonaro voters do not believe in courts to resolve corruption, we considered that they might perceive courts as politically biased. Figure 3 demonstrates how participants perceived the political motivation of the court decisions across the diverse scenarios. The voters that selected another candidate do not perceive the political motivation of court decisions as an issue in any specific scenario. Although in the Lula/Bolsonaro acquitted scenario the belief about political motivation was a bit higher when compared to the Lula/Bolsonaro convicted scenario, this difference was not statistically significant.
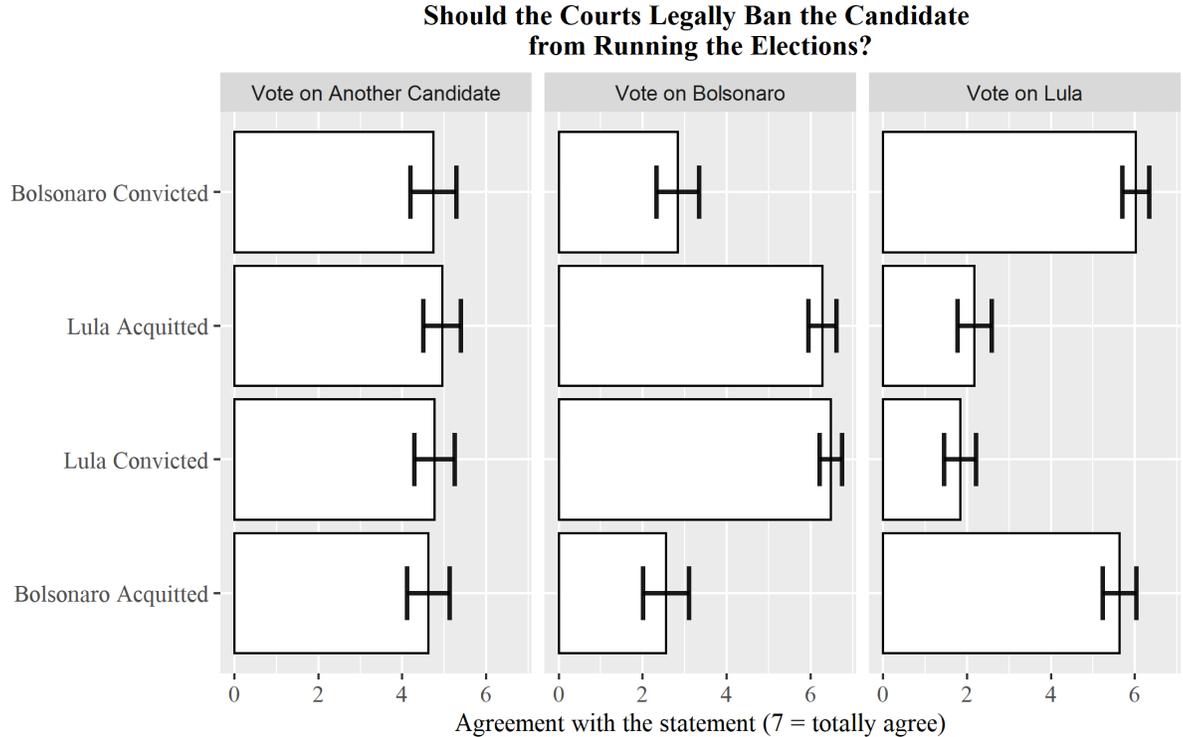
The differences in the political motivation of the court decisions emerged among Bolsonaro voters and Lula voters. Again, congruence played a relevant effect. As expected, Bolsonaro voters equally believe in the political motivation of court decisions when Lula is acquitted, or Bolsonaro is convicted. There is no statistically significant difference between these two scenarios. However, for Bolsonaro voters the political motivation argument seems

less plausible when Lula is convicted, or Bolsonaro is acquitted. Lula voters present a similar pattern. For them, the political motivation argument materializes when Lula is convicted, or Bolsonaro acquitted. These pieces of evidence suggest that we confirm H3 (courts legitimacy increases/decreases if the courts decide about citizens rejected/preferred candidate´s involvement with corruption).

Belief about the Political Motivation of the Court Decisions

Belief Levels (higher = 7)
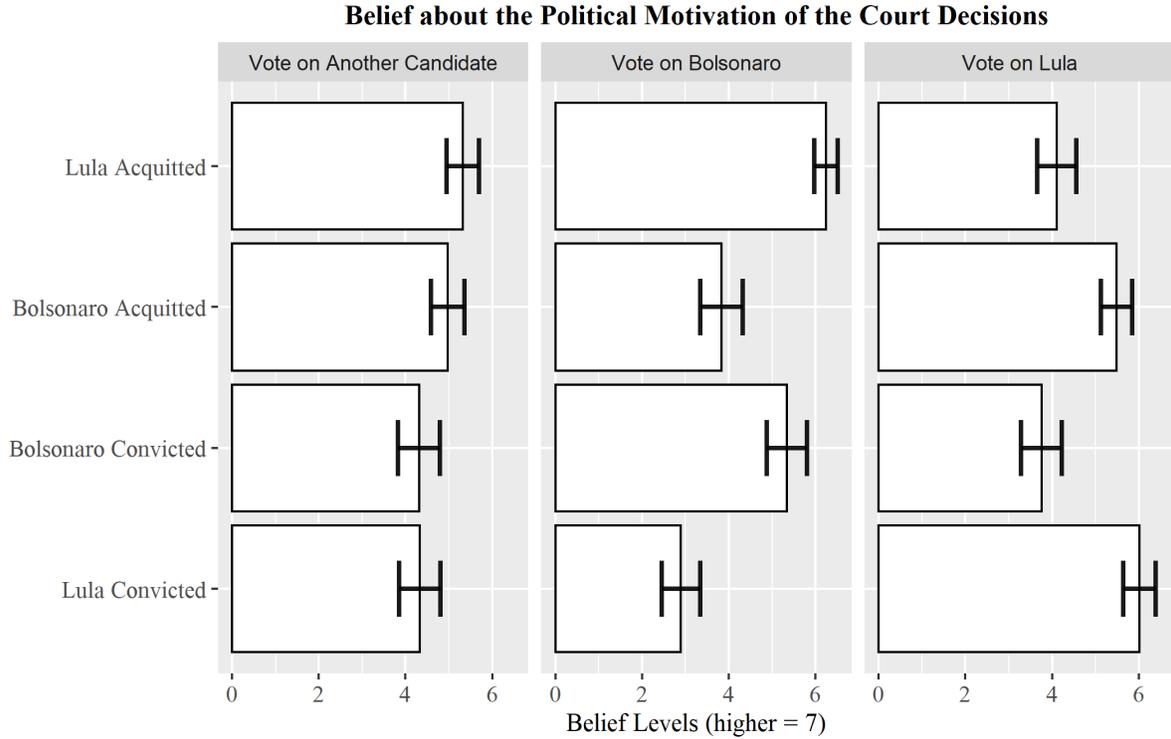
If Lula and Bolsonaro voters identify political motivation in court decisions, could they impartially consider how the court should decide if a candidate will be legally banned to run in the next elections? Figure 4 exhibits to what extent participants agree with the question: "Should the courts legally ban the candidate from running for the election?". Among the voters of other candidates, there was no statistical difference across the scenarios, still, we expected that, in the acquittance scenario, there should be lower levels of agreement. After all, according to the "Ficha Limpa" law only convicted candidates should be banned from elections. Lula and Bolsonaro voters display a much more passionate understanding about which names should be on the ballot in the next elections. For Bolsonaro voters Lula should be banned from running for election if he is convicted or acquitted and Bolsonaro should always run for election, even if he faces a conviction. Lula voters follow the same pattern and defend that Lula runs elections even after a conviction. For them, Bolsonaro should be banned

even after an acquittance decision from the courts. Curiously, although participants perceive courts as acting politically, they expect courts to influence the electoral run even if the legal system does not endorse this decision. Hence, we can confirm H4 (citizens expect that courts directly influence the electoral run - through the "Ficha Limpa" law - by banning their rejected politician).

Should the Courts Legally Ban the Candidate from Running the Elections?

Agreement with the statement (7 = totally agree)

DISCUSSION

If, in Brazil, citizens have seen courts as slow and ineffective, why someone would discredit a court decision to convict a defendant (Falcão, 2012)? Our study demonstrated that Brazilian courts do not enjoy of a necessary reservoir of goodwill to convict or acquit top-tier politicians. Our results suggest that depending on the combination of citizens´ preferred candidate, the top-tier politician under trial, and court decision the reported confidence level can deeply vary. In Brazil, a court decision does not bear enough legitimacy to hold the confidence of those who faced an incongruent scenario (preferred candidate convicted or the rejected acquitted) even if the defendant faces corruption allegations. Our data raised evidence to argue that citizens still perceive a political bias in a court decision. Additionally, we exposed that a court decision does not impact citizens´ beliefs about the defendant´s

involvement. Lula voters, Bolsonaro voters, and other candidate voters, equally believe in the defendants´ involvement despite the court's decision to acquit or convict.

While some studies suggested that courts can influence citizens´ fight against corruption by engaging them in anti-corruption action (Pfeifer et. Alvarez, 2016; Bauhr, 2017, Deininger & Mpuga, 2005; Serra, 2012), our study demonstrates that this engagement depends on congruency with the court decision. If the court convicts the citizens' rejected candidate, confidence in the decision increases. Still, if the court convicts citizens' preferred candidates, the willingness to oppose corruption vanishes, and the political persecution argument emerges. This finding brings an important variable to the research about institutional trust and the struggle against corruption: Citizens did not manifest any inclination to leave their preferred candidate behind in the quest to punish corruption. In the reliability battle, politicians' arguments seem to be much more influential than a court decision.

Thus, our research resonates with other studies that demonstrated citizens' bias in corruption perception and punishment expectation (Anduiza, 2013; Barros et al, 2020; Ferraz and Finan, 2008). This bias also appears when the court needs to decide if the defendant politician can run for election and assume elective positions. According to the "Ficha Limpa" law, only convicted candidates should be banned from elections. However, for Lula voters and Bolsonaro voters, it does not matter the verdict. Their rejected politician should be banned from running the elections. If citizens expect a court decision to influence the electoral run, how can courts untie their image from the political motivation argument?

These circumstances, in which courts face strongly biased scrutiny, harm the struggle against corruption. After all, there will always exist a relevant fraction of citizens who understand this quest as a political movement to set a candidate aside. Further research should consider investigating how courts can get free of this burden.

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