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Elizabeth Sklar April 13, 2015

Disaggregating Diffuse Support of Constitutional Courts: The Case of Spain

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Abstract
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This thesis examines how and why diffuse support for the Spanish Constitutional Court varies. The study stems from Vanberg's work on the German Constitutional Court. It disaggregates Vanberg's concept of diffuse support into several dimensions: economic, political, sociological, psychological, and regional factors. Additionally, it applies Vanberg's work to the case of Spain. The study finds that breaking down diffuse support is important in understanding variations in support for the Constitutional Court. Citizens who perceive a better economic situation and citizens of a higher social class are more likely to support the Constitutional Court, while citizens from the Basque and Catalonian regions of Spain are less likely to support the Constitutional Court. This research begins to answer the question, "Why do some courts succeed and other fail?" The findings support the idea that the economic situation and regional make-up of a state matter. Additionally, this study supports Vanberg's suggestion that Constitutional Courts may not be as significant a countermajoritarian force as expected, as the Constitutional Court is most popular among already well-represented majorities.

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Table of Contents

List of Figures

List of Tables

Vanberg

Georg Vanberg's book, *The Politics of Constitutional Review in Germany* (2005), is one of the most important works on constitutional courts. Vanberg studies the relationships between Germany's Constitutional Court, its legislature, and public opinion.

According to Vanberg, constitutional courts interact with legislatures due to the courts' implementation problem: they cannot enforce their own decisions, and they must rely on the legislature to do so. If the legislature does not enforce a court's decisions, and the court has the support of the public, the legislature will likely face backlash from the public. In this case, the court can be a powerful player in checking the legislature, which is its intended role. If the public does not find the constitutional court legitimate, the legislature is much less likely to face backlash if it ignores the decisions of the court. In this case, the court cannot act as a monitor for the legislature (Vanberg 2001; Vanberg 2005).

This implementation problem leads to monitoring among all three institutions, a diagram of which is shown below in Figure 1. The legislature watches the public to see its opinion of the court, and when the public favors the court, the legislature faces more pressure to implement the its decisions. The constitutional court watches the legislature, becomes aware of its patterns of implementation, and uses this knowledge when making decisions about cases. The constitutional court watches the public to learn its opinion on the court, and uses this to predict the legislature's actions. The public watches both institutions in order to determine its opinion toward to the constitutional court and to notice whether the legislature is enforcing the constitutional court's decisions. Figure 1 illustrates these relationships.

(Figure 1 here)

Vanberg presents a game-theory model to show that the legislature respects constitutional

court rulings when both transparency and public support are high. When either public support or transparency is low, the legislature is more likely to evade court rulings.

Key to the Vanberg argument is that public opinion matters in constitutional court rulings. German Constitutional Court justices are unlikely to make controversial rulings on politically significant topics if the political winds are blowing against the Court. In interviews, justices cited preserving public opinion as a reason for this (Vanberg 2005). I will study the part of Vanberg's theory that focuses on constitutional courts' relationship to public opinon.

This thesis strives to further investigate and expand upon Vanberg's ideas. I begin by briefly explaining the concepts of public opinion and legitimacy as they apply to Vanberg's work. Second, I describe the nature of constitutional courts as an institution, and I focus on how public opinion relates to their work. Third, I delve deeper into public opinion, disaggregating what Vanberg uses as one singular concept into several components. I will specifically focus on economic, political, sociological, psychological, and regional factors that may contribute to public opinion of the Court. I then apply Vanberg's ideas from his study in Germany to the case of Spain, justify this particular case study, and give an overview of Spain's political system. Fifth, I hone in on the dependent variable and show the basic variation in attitudes toward the Spanish Constitutional Court over time. Sixth, I present a series of hypotheses regarding how Vanberg's theory applies beyond the German case and how the component parts of public opinion relate to variation in attitudes toward the Court. I then test the relationship between the components of public opinion and the constitutional court using surveys of Spanish citizens. I follow this with a multivariate model to explain public attitudes toward the Constitutional Court of Spain. The thesis concludes with an analysis of its implications, a summation of its findings, and suggestions for future related research.

Public Opinion/Legitimacy

Because of the implementation problem, constitutional courts cannot fulfill their role as a powerful veto player without legitimacy. Legitimacy is a normative concept that refers to someone or something that is accepted as right and justified in its powers. There are two ways to approach the study of legitimacy: top-down and bottom-up. The top-down approach is based on the institution's formal properties. If an institution has top-down legitimacy, the set-up of the institution ensures that it provides opportunities for public participation, has procedural regularity, and creates a structure for accountability (Weatherford 1992). Bottom-up legitimacy examines the relationship between citizens and the government, and it looks at whether citizens' attitudes and actions reflect beliefs that institutions have the rightful authority to govern (Weatherford 1992; Caldeira and Gibson 1995).

According to Caldeira and Gibson (1995), approval and legitimacy are not necessarily tied. Discontent with a certain official or policy does not always translate to feelings that the institution as a whole is unjust in wielding power. For example, Gibson and Caldeira (2003) found that many people in South Africa would accept court decisions that they did not agree with and would follow them without challenging them. This suggests a certain legitimacy: the institution had the right to make the decision, even though citizens did not like it.

Vanberg (2005) explains that institutional support, which equates with legitimacy, is composed of two separate dimensions of support: specific support and diffuse support. Specific support refers to satisfaction with a particular person, policy, or decision. The lack of approval for the Court's particular decision in the South Africa case would constitute a lack of specific support. Diffuse support refers to satisfaction with the institution as a whole. In the South Africa case, the acceptance of the decision despite the lack of specific support for it shows that the

public had diffuse support for the institution in general. If an institution has diffuse support, the public will want the institution's decisions implemented regardless of whether it agrees or disagrees with them. In diffuse support, the public recognizes the rightful power of an institution to make a decision even when it disagrees. For an institution to have legitimacy, it must have diffuse support.

An institution is thus considered legitimate when the public accepts that it is morally justified in exercising its powers (O'Neil 2013, 40; Buchanan 2002). Legitimacy is based on the public's respect for and trust of the institution, and a sense that the institution's actions are just (Levi, Sacks, Tyler 2009; Gibson and Caldeira 2003). When an institution is legitimate, citizens have respect for it and are willing to obey its laws and decisions (Levi, Sacks, Tyler 2009). In terms of institutions such as the Spanish Constitutional Court, the Court would be considered legitimate if the public supports it and believes that the Court should have the power to make legal decisions that impact the public. In this case, the public would feel willing and obligated to follow the Court's decisions. They would also want other key political actors to enforce the decisions the Court makes, even decisions that the public does not particularly like.

Scholars have tended to agree on a theory that legitimacy can develop over time. If a court is not corrupt and does its job, positive attitudes toward it can accrue. The stream of positive stimuli reinforces "approving attitudes" toward the courts (Gibson, Caldeira, Baird 1998; Lodge and Taber 2000; Jennings 1989). As experience and reinforcement of courts' positive contributions continue to grow, so too does attitude stability among citizens. Researchers have found that diffuse support is cumulative. Lodge and Taber (2000), refer to this type of support as the "running tally" of diffuse support for institutions. However, unlike legislatures, courts do not have the legitimacy that comes from the public vote, so they begin with a shortage

of legitimacy compared to other institutions. Courts as a particular type of institution may take some time to build legitimacy.

One way this might work is that a specific support dimension of legitimacy comes first and, as this grows, diffuse support builds. Early in a constitutional court's history, the court may have high levels of specific support but low levels of diffuse support. Then, over time, instances of specific support accumulate and can grow into diffuse support for the constitutional court (Gibson and Caldeira 2003; Caldeira and Gibson 1995). The growth of support over time can relate to the theory that heightened knowledge of courts increases support for them. As time passes and a court makes more decisions, the public has more knowledge about its role. As the court's impact and saliency grows, citizens are more likely to hear and learn about it. They can make determinations of whether or not to support the institution. Without past evidence of the court's work, citizens have no knowledge upon which to base their support. The passage of time can contribute to increasing support for the courts, as long as the court behaves legitimately and effectively.

In special cases, legitimacy of constitutional courts has declined. Gibson, Caldeira, and Baird (1998) use the example of African Americans in the US. When the US Supreme Court was very active in making decisions that supported civil rights, they were highly supportive of it. However, when the general trend in the Court returned to more conservative policy-making decisions after 1968, their support for it decreased over time, even their diffuse support (Gibson, Caldeira, and Baird 1998, 344). In this way, court outputs should also be considered as a factor that could impact attitudes toward constitutional courts, and they should be considered a factor that could either increase or decrease support.

Hungary is another example of declining confidence in courts. When Hungary transitioned to democracy, petitions to its courts were extremely high. Citizens were anxious to use their new right to use the court to monitor their government, and the Court did its job as they anticipated. However, as time passed the Court became increasingly obviously corrupt, and petitions to the court dropped drastically. Hungarians became increasingly convinced that the Court was not achieving their goals for it (Czarnota, Kyrgier, Sadurski 2005). In this example, the Constitutional Court did not do its job the way it was intended to, and thus, citizens' support dropped.

Lastly, it is possible that constitutional courts begin with "moral capital." Moral capital is a political value that inclines the public to grant authority, loyalty, and respect to an institution or actor (Kane 2001). Constitutional courts can begin with moral capitol due to its role, as Vanberg explains, as a theoretically countermajoritarian actor. Its moral capital could decline as it makes decisions that are less countermajoritarian, and in this case, support would drop.

Courts as Institutions

Political scientists study institutions often, yet not one singular definition of an institution is widely agreed upon (March and Olsen 2008). In general, an institution is a set of rules and procedures that endures and remains consistent through changes in circumstances and in people involved. It has specific purposes, which give direction to the actors, behaviors, and rules involved. March and Olsen write, "Institutions empower and constrain actors differently and make them more or less capable of acting according to prescriptive rules of appropriateness" (2008). Because of this, they can create order in the political and social interactions with which they are affiliated. They can also decrease deviations in behavior so that interactions can occur more predictably and orderly. This reduces the likelihood that behaviors are one-sided or based

on personal interests of the actors involved (March and Olsen 2008).

Judicial institutions in general are becoming increasingly important in politics, as judicial institutions are increasingly responsible for resolving disputes regarding law and politics (Tate and Vallinder 1995). Constitutional courts in particular are becoming especially relevant. As countries across around the world have transitioned to democracy in the last half-century, many of them have included constitutional courts as a vehicle for constitutional review. Examples include Spain, South Africa, and post-Communist countries across Eastern and Central Europe. These constitutional democracies include judicial oversight of the legislature through a constitutional court as part of their political processes (Vanberg 2005, 1).

Constitutional courts rule on many important political issues. In Europe, constitutional courts are relatively new. The tradition of constitutional courts in Europe began with Hans Kelsen's model in Austria in 1920, and the tradition has expanded across the continent since (Vanberg 2005, 10). Kelsen's model includes four key concepts. First, constitutional courts have final constitutional jurisdiction. Second, their jurisdiction is restricted to only constitutional disputes. Third, they are connected to yet formally detached from the rest of the judiciary and the legislature. Lastly, unlike in the U.S., they may review legislation before it is enforced (Stone Sweet 2002). In Europe and around the globe, constitutional courts, as well as courts in general, have been increasing in influence in national and international politics (Gibson, Caldeira, Baird 1998; Vanberg 2005). This has been referred to as a "judicialization of politics," (Stone Sweet 2000). Because of this, understanding constitutional courts and what influences their decisions is becoming increasingly necessary.

There are many examples of the highly influential decisions that high courts make. In 2004, the Ukrainian Supreme Court ruled that the election that had just occurred was

unconstitutional and that a new election was necessary. Because of this, a new president was elected to govern Ukraine (Gibson 2008). In the US, the Supreme Court decision in 2001 ruled that George W. Bush had won the presidency.[1] In 1996, Russia' Supreme Court overturned President Yeltsin's decree that allowed importing nuclear waste into Russia (and the funds Yeltsin's government would have made through processing the waste). These are just a few of the many possible examples of highly influential decisions high courts have made.

Constitutional courts are a particularly interesting example of an institution because of the ways in which they differ from other political institutions. The courts are different in that they are intended to be less partial and less political than other institutions (Vanberg 2005, 52). As previously mentioned, the public does not elect them or have direct influence upon them, so they begin with less democratic legitimacy formally installed into their processes than other institutions (Stone Sweet 2002). Nonetheless, Vanberg suggests that constitutional courts tend to be relatively popular institutions (2001).

Vanberg suggests that constitutional courts consider public opinion in their decision-making. Other research supports these claims. Research shows that even the United States Supreme Court, which is known as the most powerful court in the world, does not regularly deviate from prevailing public opinion (Norpoth and Segal 1994). Research on the Italian constitutional court has also reached the same conclusion (Volcansek 2000). Given that constitutional courts are becoming increasingly important in shaping political decisions, it is important that we know if and how public opinion shapes constitutional court decisions. If public opinion is important in shaping the decisions of constitutional courts, it is important that we

[1] It is important to remember here that while the U.S. Supreme Court is both an ultimate appellate court and a constitutional court, the tradition in Europe is to separate the two functions into two different courts. This thesis focuses on constitutional courts.

understand it.

Disaggregating Public Opinion

Vanberg refers to public opinion as a single coherent concept. In this thesis, I will attempt to analyze public opinion to look at its component parts that may influence public opinion of the constitutional courts. I will include economic, political, sociological, and psychological factors as potential components of public opinion. While there is little research on how these factors relate specifically to attitudes toward constitutional courts and government institutions, there is a great deal of research on how they impact public feelings toward the vote and government officials. I expect that they will have a similar impact on public feelings toward government institutions.

Economic Factors

Economic factors may impact public opinion about constitutional courts. In his book *Economics and Elections*, Michael Lewis-Beck shows that economic conditions shape electoral outcomes. Generally, when the economy is worse, the government incumbents are less likely to succeed in elections. Lewis-Beck shows that GDP, unemployment, and inflation all relate to vote outcomes. His results come from studies in the United States, Britain, France, Germany, and Italy (1988, 3-12). Additionally, he shows that those who perceive the government to have "good" economic policy are more likely to support the current government in an election. His work shows that people very much consider economics when choosing whom to support in elections. Moreover, he shows that they think very broadly about their country's economic performance, how it has improved or worsened, and how that relates to them personally. They then apply all of these considerations to their voting preferences (Lewis Beck 1988; 50).

Political Factors

Additionally, political factors may play a role in attitudes toward constitutional courts. Like economic factors, they matter in voting choices. In *Economics and Elections,* Lewis-Beck shows that non-economic political issues impact support in elections. Economic issues were more highly correlated with voting patterns than political issues. However, while individual issues do not separately impact vote outcomes significantly, as a combined group, non-economic political issues very much matter in voting preferences (1988, 72-73).

Sociological Factors

Social class is another concept that may impact public opinion as a whole. Lewis-Beck found that social class in general did not relate to voting for an incumbent party. However, he does show that people of a lower social class are more likely to perceive that their financial situation has worsened over the past year, and he shows that people who perceive that their financial situations have worsened are twice as likely to vote for an opposition party than people who perceive their financial situations to have improved (1988). Other research finds more direct relationships. Stanley Feldman (1984) found that voting preferences are modestly influenced by personal economic considerations. When people believe the government can have direct influence on their own financial situations, they vote accordingly. Additionally, Lancaster and Lewis-Beck researched this relationship in Spain specifically. They found that social class impacts whether Spanish citizens vote for a central or regional political party (1989).

Psychological Factors

People have different levels of enthusiasm regarding politics and political issues. This affects how political attitudes impact voting behavior. Krosnick (1990) defines attitudes importance as “the degree to which a person is passionately concerned about and personally invested in an attitude,” (60). Krosnick found that when policy attitudes are especially important

to people, they think about them often, view politicians as more polarized on them, and form voting preferences based on them (1990). This idea could relate to institutional attitudes, too. For example, people could be more polarized in their feelings toward a constitutional court if they are highly invested in certain policy or legal issues whose outcomes are determined by the court.

Regional-Nationalism

Regional relations often impact politics. Post-Soviet Ukrainian politics center on the split between the West and East. There are, of course, variations within the regions, but in general, the West tends to be Ukrainian and pro-European. The East holds a larger Russian-sympathizing population (Holdar 2013). According to Black and Black (2007), geographical divisions are at the heart of American party politics and are key to understanding American politics as a whole. The Democratic party is strong in the Northeast and on the Pacific Coast, while the Republican party is strong in the South and Mountains/Plains. The Midwest is an important swing region, playing a critical role in determining the outcomes of elections.

The Case of Spain

My research will add to Vanberg's work through its disaggregation of public opinion and also by adding a new case. Using another case study will allow me to achieve a similar depth and detail in my analysis. Additionally, the use of national survey data from one country, as opposed to a broader source of data, allows for the use of specific and numerous questions that relate to the research topic (Zahariadis 1997).

I will study Spain's Constitutional Court. Spain is an important case for studying legitimacy and constitutional courts for several reasons. First, many scholars of legitimacy and courts suggest that much of this research area lacks longitudinal studies. More insight is needed into how public attitudes change over time (Gibson, Caldeira, Baird 1998; Gibson and Caldeira

2003, 24). The literature suggests that legitimacy varies as time passes, and specifically that it is possible that legitimacy can build slowly in the years after a court is created. It is thus important to consider the period just after the institution was created (Gibson, Caldeira, Baird 1998, 345). In many places, however, data limitations prevent lengthy longitudinal studies that range from the period when the constitution court was founded to the present. For example, it would be difficult to examine the United States Supreme Court because of the lack of data from early in the Supreme Court's history (Gibson, Caldeira, Baird 1998, 345). The Spanish Constitutional Court was founded in 1980. Data are available on public attitudes toward the Court almost from the start of its operations.[2]

Second, the best longitudinal study would be one that looks at a court that has had sufficient time to build support because constitutional courts are thought to garner support over time. The Spanish Constitutional Court again fits this description. For thirty-five years it has issued decisions, including controversial and impactful ones. The Spanish public has thus potentially observed and formulated attitudes toward the court for a long time. If such a trend of building support for the court occurs over time, these data should help demonstrate or refute this. Spain is therefore a very useful case in examining legitimacy and attitudes toward constitutional courts because it overcomes data limitations of other countries regarding longitudinal studies.

Third, the divisions of Spain into autonomous regions provide a useful variable through which to disaggregate public opinion on the Court. Research suggests that institutions, including constitutional courts, build legitimacy over time as they reinforce their value to the public. Initial indications are, such as from the popular press, that in a region like the Basque country, citizens

[2] CIS is the organization that provided the data for this study. Theoretically, CIS has data on the Constitutional Court that begins in 1984. I was unable to obtain data from CIS from before the year 1998. In the future, an even longer time frame would be ideal. Beginning in 1998, however, still provides a longer study than most other research on constitutional courts.

have become increasingly opposed to the Spanish central authorities. It is possible that the Basques have learned over time that they do not find centralized institutions such the Constitutional Court legitimate. This is an important disaggregate of public support, one specific to the case in which the theory is applied.

Fourth, Spain is an important case study of the importance of institutional legitimacy during and after a transition to democracy. Scholars, including Vanberg himself, have asserted the importance of testing theories of public support and constitutional courts in democratic transitions (Vanberg 2005; 174). Case studies and comparative analysis of democracies can demonstrate how courts develop their authority. Placing public support for Spain's Constitutional Court in the context of the state's transition to democracy, this research should advance our knowledge on how constitutional courts impact politics in the more recently democratized states of Central and Eastern Europe and elsewhere, and in states around the world that may one day transition to democracy. Spain is an ideal place to study this phenomenon. Spain's transition to and consolidation of democracy took place in the late 1970s and early 1980s. The Constitution of 1978 formed the basis of the new state, injecting liberal democratic values into its new institutions. The Constitutional Court was one such institution.

As with any case study, there are limitations of studying Spain. Spain, its history, and its politics are distinct. One key distinction reflects the very nature of Spain's transition to democracy. Many of Spain's government institutions began progressing toward democracy while its dictator was still in power, which is different than many other transitions to democracy. Despite this, due to the practical benefits of studying Spain and its similarities to many other democratic transitions, especially those in other parts of Europe, it makes for a highly valuable case study.

Spain's Constitutional Court is naturally part of Spain's larger political and legal system. Spain is a constitutional monarchy with a parliamentary government (Lancaster 2003). Spain's monarchy is mainly symbolic. The monarch is the head of state, but his role is largely to moderate and arbitrate. He is kept informed of the goings-on of parliament through regular meetings with the President of the Government. However, he has political influence in that, through speeches and attendance at events and royal functions, he symbolizes democratic Spain. The monarchy is a very popular government institution in Spain (Heywood 1995, 83-87).

Spain's parliament is fairly typical of others in Western Europe. Spain's head of government is the President of the Government, who fills the role typically referred to as premier. The President of the Government then chooses the cabinet members, and the parliament must approve of them (Lancaster 2003; 349). Parliament is the legislative body, and it supports the executive, which contains the premier and his government.

Spain's political party system is essential to its democracy. The party system represents the dimensions upon which Spaniards tend to base political opinions. One of these dimensions is the left-right ideological dimension. Like most places, the traditional left-right ideological scale is important in Spain. The party system reflects this. Currently, the Popular Party (PP) is the most influential party on the right of the political spectrum. It stands for market-oriented policies and privatization, fiscal conservatism, and strong foreign policy with pro-military ideals. Because Spain does not have an influential Christian democratic party, the PP tends to appeal to conservative Spaniards on religious and social issues (Lancaster 2003; 349-353). On the left, the Spanish Socialist Workers Party (PSOE) is most influential. Marxism greatly influenced the PSOE in its beginnings, though it has now moved toward the political center and represents social democrats and even relatively liberal economic policies. It is progressive on social issues

and issues of individual and civil rights, and it has worked hard to address Spain's regional question (Lancaster 2003; 353-355). Spain's leftist party, the United Left (IU), came from the Spanish Communist Party. It is further to the Left than the PSOE. It is a central party, attracting voters in many parts of Spain. Though its voters are small in numbers, they are quite loyal. For this reason, it is one of Spain's three most influential central political parties (Lancaster 2003; 355-356).

Spain also has a central-regional dimension to its party system. This dimension stems from the relevance of Spain's historical regions, many of which have their own political parties that compete in general elections (Lancaster 2003; 349-351). One of these is the Basque Nationalist Party, which promotes Basque culture and regional-nationalism, though it does not argue for Basque independence from Spain. Another regional party is The Convergence and Union (CiU). The CiU is a moderate party, and it defends Catalan interests. It has been very successful, and despite the fact that it is based in just one region of Spain, it is Spain's fourth strongest party in general elections. As a potential coalition partner for Spain's larger, central parties, the CiU is very powerful in Madrid-based politics for its size (Lancaster 2003; 356-357). Spain has many other regional parties, which vary in size and power. Despite the fact that these parties are generally small and not particularly powerful within the central government, the sheer number of them and their importance within their regions demonstrates how significant the regional nature of Spanish politics is on its party system (Lancaster 2003; 357).

Nationalism and the regional question are, in general, very important and highly contentious issues in Spain. As with all analyses of the Spanish political system, they must be included as potential explanatory factors affecting public opinion on the Constitutional Court. Spain is a unitary system in many respects, including in its judiciary and legal system, but the

country also has many federal components. It has Autonomous Communities, which are the foundation of its regionally-based politics and which include issues of "cultural, linguistic, and political identity and how to structure the Spanish state" (Lancaster 2014). Spain has long experienced conflict between its central government and these regions, and Spain's central government and its regions appeal each other's laws frequently. Since its founding, therefore, the Constitutional Court has been key player in addressing this conflict (Lancaster 2014).

The large majority of Spanish regions are not effectively independent from Spanish national politics. For example, when the PSOE party is in power in Madrid, it is also in power in Valencia. Some regions, however, are special cases. The Basque country and Catalonia are prime examples. They have separate party systems, and this often causes conflict with national politics. The Constitutional Court has been somewhat respectful of questions of federalism and regional self-government, but the regions often assert that the Court's decisions have too often restrained their governing of their own regions. It is a highly charged issue for both Spain's central authorities and its regions (Lopez 2008).

The Basque country is known for its desire for more autonomy or even independence, though opinions, of course, vary among citizens within the regions. Those who prefer more autonomy or independence cite their continued sense of separate culture and identity from the rest of Spain. They have their own legislature but, for the most part, are integrated into Spain's legal system. Some areas of law fall under the domain of their regional parliament, while others fall under the domain of the national government. This system was created in the Spanish Constitution of 1978 and the Basque Statute of Autonomy (Lancaster 2003, 132-136). In terms of electoral politics, the Basques have their own political parties, and many citizens of the region tend to support these over national parties (Lancaster and Lewis-Beck 1989). Party identification

in Spain is thus complex; citizens identify with parties based on ideology, but they have a regional basis for their voting identities as well. Citizens must consider that a party might win a majority in a regional assembly, but also be in a minority in the central legislature. This makes voting strategies complicated (Lancaster 1999).

Spain is a unitary state, however, and its legal system reflects that. The Basque country is fully integrated into the Spanish judicial system. The division of power between national law and Basque law is complex, and for this reason, the Constitutional Court has been instrumental in mediating conflicts between the two since its founding in 1980. Typically, the court slightly favors the central government, though it has on occasion given the Basques "victories" (Lancaster 2003, 132-136).

Catalonia is another historic autonomous region. Also linguistically and culturally different, its official languages include both Spanish and Catalan. While Catalan autonomy has varied through the centuries, the Catalan government has a legislature, a president, and Executive Council through the 1978 Spanish Constitution and the Catalan Statute of Autonomy. Its government controls certain domains of law, for which it makes the law exclusively (Poblet 2002; 270-272).

Even more so than the Basque country, the Spanish national court system fully integrates Catalonia. Catalan laws and Spanish national law have disputes similar to those with Basque law. Constitutional Court decisions the final word in resolving such disputes (Poblet 2002; 270-272).

Spain's Constitutional Court is a special court in that it is not part of Spain's ordinary court system. It is governed by the Constitution of 1978 and is subject only to it and Spain's organic law. Spain's first constitutional court was created in 1931 during the 2nd Republic. In 1978, when Spain's new constitution was drafted, its writers wanted a constitutional court to

monitor the legislature and be independent of other state institutions.

Spain's Constitutional Court has twelve members. The selection process is not the same for all of them. Congress chooses four, the Senate chooses four, the Government chooses two, and the General Council of the Judiciary (CGPT) chooses two. When the Congress or Senate chooses judges, they must reach a three-fifths majority to make a selection. This often requires a political compromise between parties within the majority coalition, or even opposition parties (Lancaster 2014). Recruited Constitutional Court justices include lawyers, judges, civil servants, and prominent university professors with at least fifteen years of experience. Each judge serves for nine years and cannot be removed during that time, though there have been a few exceptions. The members of the Court choose their own President and Vice President.

The key functions of Spain's Constitutional Court are to determine whether laws are constitutional, to protect fundamental rights and freedoms, to ensure the proper distribution of power between government institutions, to check the distribution of power between the central state and the Autonomous Communities, and to ensure that Autonomous Community laws are constitutional.

Data

The data for this project come from a series of barometers by the *Centro de Investigaciones Sociológicas* (CIS). Each CIS barometer contains the results of interviews with approximately 2,500 people from Spain. Respondents are chosen randomly, and people from all over the country are interviewed. CIS has standardized methods that it uses each time they execute a barometer. The survey is conducted in person at the homes of the respondents. The respondents represent a sample of the population, which is people in Spain who are at least 18 years old. CIS chooses random participants through a three-part process. First, Spain is stratified

into municipalities. Then, in the second stage, the municipalities are broken up into sections, which are proportionally sized but randomly selected. Lastly, the individuals are selected randomly, with quotas for gender and age ("CIS" 2014). Barometers are taken monthly, and several times per year, the questions are especially politically focused. I will combine the surveys that ask questions of interest to create one dataset.

The surveys are intended to measure public opinion related to many types of institutions, issues, and people. The survey gathers extensive demographic and social information about its respondents. CIS began asking questions about the Spanish Constitutional Court in 1984. CIS has published the results of the surveys for the last twenty years on its website, and it is possible to access earlier surveys by contacting CIS. Having a large sample size and data over a long time period allowed me to investigate changes in attitudes over time, and across many different types of people.

I started by looking at how attitudes toward the Court have varied over time. To measure time, I used the month and year that the barometer was taken. I then divided the variables into theoretically based groups: economic variables, sociological variables, political variables, psychological variables, and regional-nationalism variables. Table 1 displays the specific questions used to operationalize each indicator.

(Table 1 here)

The Dependent Variable

The dependent variable in this study is confidence in the Constitutional Court of Spain. I use one survey question to capture individuals' attitudes toward the Spanish Constitutional Court. The question asks the respondents to rate their confidence in the Constitutional Court on a scale of 1-10 (10 being the highest level of confidence). Preferably, this question would

specifically inquire about feelings of "legitimacy." It is possible that confidence fluctuates slightly more than legitimacy would. However, this question is close to ideal because it solicits attitudes toward the Court as a whole, not attitudes toward specific decisions. The survey asks this exact question regularly. It is asked within a list of similar questions regarding other Spanish political institutions. The other institutions on the list vary somewhat over the years. [3] In addition to the Constitutional Court, surveys frequently ask about the parliament and the monarchy. I use these two institutions to compare to attitudes toward the Court to find out whether attitudes toward the institutions vary similarly.

(Figure 2 here)

I begin with a study of variation in attitudes toward the Court over time. Figure 2 is a bar graph of confidence in Spain's Constitutional Court over time.[4] The x-axis shows month and year, while the y-axis represents confidence levels from 1 to 10. Each bar represents an average of respondents' answers from the survey taken at the time indicated on the x-axis.[5]

Figure 2 shows a decline in confidence in the Court over time. Average confidence in the Court was highest in December 1998, the earliest year of data in this study. The average level of confidence was 5.53 at this time. Average confidence in the Court was lowest in April 2014, the most recent measure of confidence. The mean in 2014 was 3.34, which is a 2.19-point decrease

[3] Though the institutions vary, the question itself remains the constant in almost every survey. There are two exceptions to this. In July 2004 and December 2005, surveys asked the same question about confidence in institutions but gave only four answer choices: very confident, somewhat confident, a little confident, and not confident. I created a system to make these answers comparable to answers from surveys of other years. I converted an answer of 1 (very confident) to an 8.75, the midpoint of the highest quartile of confidence (7.5 and 10) in the typically asked question. If a respondent answered 4 (no confidence), I converted it to a 1.25, the midpoint of 0 and 2.5, which is the lowest quartile of confidence in the typically asked question. I followed the same procedure for the other two answer choices, converting an answer of 2 to a 6.25 and an answer of 3 to a 3.75. This system is not ideal, but given the data constraints, it is a good solution to allow comparison between the surveys.

[4] I used Stata statistical software to create this graph, as well as to analyze all of the data used in this study.

[5] The average excludes those who answered, "Not sure" or who did not answer at all. This applies to all statistics presented in this analysis.

from 1998. Figure 2 shows a general downward trend between these two measures, with slight rises in confidence in late 2005/early 2006 and in early 2011. The decline is modest but noteworthy.

(Figure 3 here)

Figure 3 is a bar graph of confidence in Spain's Constitutional Court, monarchy, and parliament.[6] Like Figure 1, the x-axis shows month and year, while the y-axis represents confidence levels from 1 to 10. The bars represent average confidence levels in the different institutions. These averages are taken from surveys at the times indicated on the x-axis. The different shades of gray represent the different institutions, as indicated in the key at the bottom of the figure. While confidence is not the same for each of these institutions, confidence in each of them has varied similarly over time. For all of three institutions, confidence has generally declined.

Confidence in the monarchy was highest in 1998, when the average level of confidence was 6.86. It was lowest in 2014, when the average level of confidence was 3.72. Confidence in the monarchy is generally higher than confidence in the Constitutional Court, though confidence in both institutions follows the same pattern. The trend is downward, with a slight uptick in 2006. However, there is no uptick in 2011 for the monarchy, so perhaps this rise in confidence comes from something specifically related to the constitutional court. I recognize that some variation in confidence in the Court may be a response to specific Court cases. This is a thesis about diffuse support, so I will not address that topic. However, looking at the influence of court outputs is an important topic for future research in this area.

[6] In October 2006 and November 2008, the CIS surveys asked respondents to rate their confidence levels in the two chambers of Spanish parliament separately instead of rating confidence in the parliament as a whole. For these two surveys, Figure 2 shows average confidence in the Congress of Deputies. The Congress of Deputies is the lower house, which is the chamber citizens tend to think of when they think of the parliament.

Figure 3 shows that confidence in the parliament is typically the lowest of the three institutions. Nonetheless, confidence in the parliament has also followed the same pattern as confidence in the Constitutional Court and the monarchy. Confidence in the parliament was highest in 1998, when the average confidence level was 5.59. Confidence in the parliament was lowest in 2014, when the average confidence level was a 2.62. This is a decline of 2.97 points. Like confidence in the monarchy, confidence in the parliament declines over time, with a rise in 2006 but no rise in 2011.

Confidence in the Constitutional Court varies like Spain's other institutions, so I am able to use it as an example in investigating patterns of confidence in Spanish institutions over time. This finding is important in itself. If confidence in the Court were declining while confidence in the legislature remained stable, according to Vanberg's findings, the structure of the political system would shift greatly. The legislature could evade Court decisions, and public backlash would be much less likely. In this case, the Court would lose its power as a monitor for the legislature. However, support for the institutions varies similarly. In this case, the institutions remain on equal footing, and the balance of power remains stable.

Now, I will begin exploring the causes of attitudes toward the Constitutional Court. To do so, I will put public support under a microscope, disaggregating it to investigate why these patterns have emerged.

Hypotheses

Economic Factors

I expect that when people have a better impression of the economy, they will be more supportive of government institutions, including Spain's Constitutional Court. Lewis-Beck shows that people who perceive a worse economic situation tend to have less confidence in

incumbent government officials during elections (1988). I expect this to apply to confidence in government institutions as well. Lewis-Beck finds that improving or worsening of the economy over time relates to the support people have for incumbent government officials (1988). I hypothesize that people who perceive the economy to have improved will have more confidence in the Court, and that people who perceive the economy to have worsened will have less confidence in the Court.

Political Factors

It is difficult to predict the impact of political factors on confidence in the Constitutional Court because of the multiple dimensions of the Spanish party system. I expect that people who voted for the party in power will be more likely to support the Court, but the party in power, of course, changes over time. The survey data in this study begins in 1998. The PP has been in power for nine years (1998-2004, 2011-2014) since that time. The PSOE has been in power for seven years (2004-2011). Based on this, I hypothesize that the right will be slightly more likely to approve of the court.

Sociological Factors

I expect sociological factors to relate to variation in confidence toward the Court. Social class impacts voting habits, and voting habits are an expression of confidence in government officials. I expect that to translate to expressions of confidence in government institutions. I do not, however, expect social class to be the most influential factor on attitudes toward the Court. As Stanley Feldman explains, citizens tend to consider their financial situations when voting only when they believe the government can directly impact their financial situations (1984). While some people may see the Constitutional Court as making decisions that influence social class, other may not. Based on that idea, I expect social class to have a modest impact on

confidence in Spain's Constitutional Court.

Psychological Factors

In general, I expect those who care more about politics to have higher confidence the Constitutional Court. I expect that those who are more invested in politics to think more about them and know more about them (Krosnick 1990), and I expect that to extend to the Constitutional Court. More specifically, I expect those who care more about politics to know more about the Court,[7] and therefore to have more support for it.

Regional-Nationalism

In terms of regionalism, I expect that residents of the Basque Country and Catalonia will have less confidence in the Constitutional Court than citizens in the rest of Spain. As previously discussed, these regions may have a special relationship with the Constitutional Court. Regional relations are highly volatile in Spain. When the Autonomous Communities challenge Spanish law and vice versa, the Constitutional Court makes decisions on them. This happens quite frequently. The central Spanish state appealed more than 120 of the 1500 regional laws passed between 1981 and 1991 to the Constitutional Court. In the same time period, the regional governments appealed 127 of 528 laws passed by the Spanish parliament to the Constitutional Court (Heywood 1995). These decisions are highly contentious, and many citizens in the Basque country and Catalonia feel that the Court restricts their power to govern their own communities. I expect, therefore, that the Basques and Catalonians will have less confidence in the Court.

Multivariate Analysis: A Single-Equation Model

I created a model to explain variation in confidence in Spain's Constitutional Court. Each part of the model represents an index of variables that are theoretically driven but operationalized

[7] Regrettably, the survey data I used does not regularly ask directly about knowledge of the Constitutional Court. A question along those lines would have been ideal.

with statistical analysis. I used these index variables in my model because there are so many potential independent variables of interest. Looking at each independent variable's impact on confidence in the court separately is difficult to understand.

Economic Index

The economic index uses four questions from the CIS survey to represent how respondents feel about Spain's economy. As Table 1 shows, one question asks how respondents feel about the Spanish economy as a whole. This variable is called "Economy in General." It uses two questions that ask the respondent to compare the Spanish economy to the past and future. The first asks whether the respondent believes that Spain's economy is currently better, worse, or the same as it was the year prior ("Economy in the Past"), and the second asks whether the respondent thinks that the Spanish economy will be better, worse, or the same in one year's time ("Economy in the Future"). It also uses a CIS question that asks for the employment status of the respondent, as well "Employment Status".[8] This question belongs in the "economic variables" group, rather than the "social class" group, because employment levels are perceived as directly related to the state of the economy. This is especially applicable in Spain where, following the start of the EuroZone Crisis in 2009, Spanish employment levels dropped drastically.

Political Index

This index uses respondents' self-identification on the left-right ideological scale, as well as their party affiliations, to create a political index. Lewis-Beck uses a similar ideological

[8] Employment is not an interval variable and, therefore, using it in the regression analysis is uncommon. In order to check that the model was properly representing the impact of employment on attitudes toward the constitutional court, I created a dummy variable for each answer choice: working, retried/receiving pension, and unemployed. I then used the three dummy variables in the economic index, and ran the model with that index. The results were very similar to using the original, simplified economic variable, so I proceeded using that.

identification variable to capture the impact of non-economic issues in his study (1988, 70). During the CIS surveys, respondents are asked to place themselves on a scale of 1 to 10, with 1 being “Extreme left” and 10 being “Extreme right.” Placement on the left-right scale does not predict all issue stances (Lewis-Beck 1988; 71), especially in Spain where politics are multi-dimensional. Because of this, the index also includes a measure of party affiliation. Party affiliation is measured through a question that asks respondents which political party they voted for in the last general election (if they voted at all). Each survey gives different options for political parties. These were recoded to include the four most major political parties, as well as an “other party” category.

Sociological Index

The sociological index uses two variables. One represents socioeconomic status and the other represents education level.[9] CIS created both of these by recoding answers to questions in the survey. The status variable is based on the respondent’s occupation type. More recent literature on social class (Hauser 1994; Ganzeboom, De Graaf, Treiman 1992) suggests that occupational prestige more accurately reflects social class than income. For this reason, using occupational categories is ideal in creating a social class variable. Respondents are placed into the categories “Upperclass,” “Middle class,” “Skilled worker,” and “Unskilled worker.” The education variable comes from a question about the respondents’ education levels. It is then recoded into the following categories: “No education,” “Primary education,” “Secondary education- first stage,” “Secondary education- second stage,” “Vocational training,” and “Higher education.” Ideally, this index would include a variable to represent self-identified social class, but unfortunately, there is no question in the CIS surveys that asks this.

[9] I also considered the influence of gender as another potential sociological factor. It related to the dependent variable, but washed out when included with the sociological index.

Psychological Index

In terms of psychology of respondents, political passion is the key variable in this survey. CIS did not directly ask respondents about their political enthusiasm regularly. Instead, this variable is operationalized using a CIS survey question that asks respondents whether or not they voted in the last general election. This shows their commitment to political participation, which starts to approach the idea of passion. This index also uses a question that asks respondents how often they discuss politics with friends. This gets at their level of political participation, demonstrating whether politics seeps into everyday life.

Spain's Regional-Nationalism

The Autonomous Community in which the respondent resides is used to analyze the impact of Spain's region. There are nineteen options to answer this question on the CIS survey: each of Spain's seventeen autonomous regions, plus Ceuta and Melilla, which are two small Spanish islands. This was recoded into two categories: "Basque or Catalan" and "Rest of Spain". The reason for this is that the Basque and Catalan peoples are likely to have the most regional-nationalism (rather than Spanish nationalism). While those from other regions might have alliance to their regions, it is likely to be less strong than those in the Basque Country or Catalonia. The two regions are different from each other in many ways, but their regional-nationalism is similar. For this reason, they are categorized together.

Analysis

After creating the variable groupings described previously, factor analysis was used to look at factor loadings within each variable group. The factor loadings were used to create new index variables that represent the weighted importance of each variable within the index.[10] Table

[10] For example: when I performed factor analysis on my economic variables, the coefficients were as follows: Economy in General: 0.26834, Economy in the Past: 0.40005, Economy in the Future: 0.27278, Employment Status:

2 shows the results of the regression analysis.[11]

(Table 2 here)

The regression analysis produced some null findings. Political ideology does not seem to impact attitude toward the court, nor do the psychological indicators used in this model. It is interesting that politics do not significantly impact support for the Court. The index measures ideological leanings, and the regression shows that certain parties and ideologies do not encourage support of the Court more than others. It is possible, however, that people are more likely to support the Court when their own parties are in charge of the Government. This potential political explanation is not measured in this study, as the party in power changes over time, and therefore, from survey to survey. Studying this in the future would provide a better understanding of the relationship between politics and attitudes toward the Court. Based on this model, other factors do relate to confidence in the Constitutional Court. Economic factors, sociological factors, region, and year all matter in determining attitudes toward Spain's Constitutional Court.

Following analysis of the initial regression, a second regression was used to decrease loss of cases. This analysis did not include the psychological index, and it used a new economic index that did not include Economy in the Past. Using this model doubled the sample size from 2204 to 4362. Table 2 displays the results of this analysis under column 3. The regression remained stable. The direction of coefficients and significance levels were consistent, and the coefficients themselves were relatively similar to the original, all-inclusive model.

-0.02116. The economic index variable was then created using the equation "Economic Index= (Economy in General*0.26834) + (Economy in the Past*0.40005) + (Economy in the Future*0.27278) - (Employment Status*0.02116).

[11] This "all-inclusive" model has a high loss of cases because it excludes any study that does not include all of the questions required in the model. Because of this, only the two most recent studies (October 2011 and April 2014) are included in this model.

A third regression used only the most significant factors from the initial multivariate model. This allowed an even larger sample that spanned a longer period of time (n=14240).[12] This model compared the economic index (without Economy in the Past), the region variable, and year to attitudes toward the Constitutional Court. Table 2 displays the results of this analysis under column 4. Again, the coefficients remained relatively consistent, demonstrating the stability of the model and that these key factors have had similar impact on attitudes toward the Constitutional Court over the last sixteen years.

Economic Factors

Analysis of all three regressions shows that those who believe the economy is in better condition are more likely to support the Court.[13] As the country's economic situation changes- or more accurately, as people perceive the country's economic situation to change, attitudes toward the Constitutional Court change, too. Economic perceptions account for a large portion of differences in diffuse support, but they are not solely responsible for variations in attitudes.

Sociological Factors

Sociological factors are also significant, and respondents of a higher social class tend to be more supportive of the Constitutional Court. However, these social class variables seem to be less important than economics or region in sculpting attitudes toward the court. As Stanley Feldman explains, people tend to consider their social class to form political attitudes only when they believe the government will impact their social class. The relationship between social class and attitudes toward the Court may be somewhat weak because people did not view the Court as having influence over social class.

[12] This model uses eight studies beginning in July 2004.
[13] Economy in General, Economy in the Past, and Economy in the Future all give answer choices in which the lowest number indicates the best possible perception of the economy. Employment Status is opposite ("Employed" is coded as the lowest number), which explains why Employment Status is negative in the economic index.

Region

People in the Basque Country and Catalonia are less supportive of the Constitutional Court. The Basque and Catalonians have a different relationship with central Spain, the Court included- or perhaps in particular. A comparison of means shows that those living in the Basque country or Catalonia rated their confidence in the Constitutional Court across the studies at an average of 4.06 (Standard error=.04). The rest of Spain's average was 5.0 (Standard error=.02), a relatively wide difference. The total combined mean of confidence in the Court was 4.79. The difference may be wide because citizens of the Basque Country and Catalonia are less supportive of government institutions as a whole, or it may be wide because of their special relationship with the Constitutional Court.

To further investigate this issue, a comparison of means was used. For the monarchy, the average confidence for the Basques and Catalonians was 4.24 (Standard error=.05), while the average confidence for the rest of Spain was 5.85 (Standard error=.02). The combined mean was 5.5. Like that of the Court, this difference is quite large. These findings suggest that Basques and Catalonians are similarly less supportive of all government institutions. However, comparing means of confidence in parliament showed the Basques and Catalonians had an average confidence level of 4.11 (Standard error=.03). The rest of Spain's average confidence level was 4.66 (Standard error=.02). The combined mean was 4.54. The Basques and Catalonians are less supportive of the parliament than citizens of other regions, but the difference in attitudes is smaller. It is possible that the Basques and Catalonians do, in fact, have a special relationship with the Constitutional Court that makes the difference in attitudes so wide. The monarchy is the institution that most represents the Spanish central authorities, which Basques and Catalonians tend to reject. This could explain why the difference in attitudes toward the monarchy is also so

wide. A study including more institutions would be enlightening on this topic, as would an in-depth study of Constitutional Court outputs and public opinion. A study of outputs would allow comparison between specific Court decisions and changes in attitudes in different regions.

Because the difference in confidence in the Constitutional Court is so wide, I used the single-equation model to see if the same factors influence public opinion in the Basque country and Catalonia as in the rest of Spain. This part of the study used the original "all-inclusive" model, applying it first to only Basque and Catalonian respondents and then only to respondents in the rest of Spain. Table 3 displays the results of this analysis.

(Table 3 here)

Economics impact Basques and Catalonians similarly to the way they impact other Spanish citizens when it comes to the Constitutional Court. The political index was not significant, nor was the psychological index. Year also impacted Basques and Catalonians similarly. Social class, however, impacted Basques and Catalonians very differently than it affected the rest of Spain. Earlier, we saw that in Spain as a whole, people of a higher social class tended to have a slightly higher confidence level in the Constitutional Court than people of a lower social class (Coefficient=.14). Using the model to look at Basques and Catalonians on their own, the analysis tells a different story. For Basques and Catalonians, higher social class relates to a lower confidence level in the Constitutional Court. For the rest of Spain, higher social class relates to a higher confidence level in the Constitutional Court. Additionally, when the two are separately, both coefficients are higher- the relationship is stronger. It seems social class does not impact Spanish citizens' attitudes toward the Constitutional Court slightly; it affects them moderately, but in two different directions.[14] This finding is indicative of the strength of regional

[14] I also analyzed the model on Basques and Catalonians separately from each other to ensure that social class influenced citizens in both regions similarly. It did, so I proceeded with analyzing them together.

differences in Spain. Perhaps the Constitutional Court has made decisions that specifically relate to social class in the regions. Again, a study of Court outputs would be revealing in this case.

Time

Time itself impacts attitudes toward the Constitutional Court. Even when incorporating all of these other concepts, year still matters. As time passed, attitudes toward the Court declined. This contradicts the literature, which suggests confidence in the Court should grow over time. This is not unprecedented, however. In special cases, such as the examples of Hungary and the U.S. mentioned previously, confidence in constitutional courts has dropped in other countries.

To further investigate the impact of time on attitudes, this survey employs a model designed specifically to incorporate the earliest data available. This model included employment status,[15] the political index, the sociological index, region, and year. Table 4 displays the results of this analysis, which includes six surveys taken between 1998 and 2014.

(Table 4 here)

It is difficult to make a comparison with the economic index, one of the strongest influences on attitudes toward the Constitutional Court. Employment status does not impact attitudes toward the Constitutional Court on its own. Other than that, however, the breakdown of public opinion has remained relatively consistent. Year mattered less when the earliest years were included in the model. It seems that in years past, as time went by, people's attitudes changed based on other factors, such as economic situation or social status. More recently, the passage of time itself has become more important; despite changes in other factors, confidence declines as years pass.

Implications and Conclusion

The spread of constitutional courts to Europe and around the world is relatively recent,

[15] CIS did not ask other economic questions in the earliest years of the survey data.

and thus, research on them is relatively limited. Vanberg's work is one of the most significant on the topic, but as one of the first expansive studies of a European Constitutional Court, it leaves much room for further work. First, it uses public opinion as one aggregated concept. Second, Vanberg's work is contained to only one case, Germany.

This thesis begins to address those two opportunities for expansion. Public attitudes are broken down into several dimensions: economic, political, sociological, psychological, and regional factors. This research shows that some matter more than others, and through that, we see that the breakdown itself is significant. The Spanish case overcomes data restrictions and provides an opportunity to apply Vanberg's ideas outside of Germany.

This analysis provides explanations for attitudes toward the Spain's Constitutional Court. The first is economic. It is important to note that citizens see the Constitutional Court as less legitimate when the economic situation is worse. It could mean that in times of economic hardship, the legislature can more easily evade constitutional court rulings is important. In future research, it would be quite interesting to see if the legislature is more likely to evade court rulings during economic downturns. This is an important finding in Spain, but it is also an important finding for application to other countries. Perhaps the reason confidence toward constitutional courts has grown over time in other countries is not only related to accumulating specific support. Perhaps it also relates to growth of the economy as democracy consolidates. This would be a highly informative topic to study in future research.

The second is sociological. Other than regional outliers, citizens of a higher social class tend to have more diffuse support for the Constitutional Court. Originally, it seemed the relationship was quite weak; however, when the Basques and Catalonians were removed from the analysis, the relationship became slightly stronger. This implies that some people may, in

fact, believe the Constitutional Court can impact their social status.

The third explanation for attitudes toward the Spanish Constitutional Court is regional. Region tends to matter in Spanish political attitudes, but Spain's regional system is unique. Applying the findings of this aspect of the study elsewhere would be interesting because it is a factor that so much varies from country to country.

Fourth, this research shows that year is still significant with the addition of other variables. That is a key finding in itself. Despite other factors that can change or fluctuate in Spain, the Constitutional Court is losing diffuse support. Will that pattern continue? Will average confidence eventually stabilize? It would be highly informative to see longitudinal research on Germany's Constitutional Court. This research would show how Vanberg's model applies over time, which would give added credence to the model and also make a very interesting comparison to Spain. It would show whether confidence in Germany's Constitutional Court varies in the way the literature suggests it should or whether it varies similarly to confidence in the Spanish Court. Especially since the German Court was founded earlier than Spain's (in 1951), it would be enlightening to see attitudes toward the German Court in recent years. Perhaps this could be predictive of how attitudes toward the Spanish Court may change in the future.

This study also illuminates factors that are not relevant. Political ideology did not significantly impact attitudes toward the Court. This is surprising because Vanberg suggests that it should. It is clear that politics do not matter in a classic partisan or ideological sense. Perhaps Spain's political system is more complicated than ideology. Of course, there is the influence of Spain's regional-nationalism dimension. Additionally, Spain has an alternation of power, and it is possible that this factor cancels out the importance of ideology. A better question to investigate

the impact of an alternation of power might be: “In the last election, did you vote for the winning party or a losing party?” Future research could study this to improve our understanding of the impact of politics upon the Constitutional Court.

As he concludes, Vanberg proposes several implications of his own study and questions how they will apply more broadly. He also discusses several questions that his work brings up for future research. This thesis begins to address several of his questions.

Vanberg asks, “Why do some courts succeed and others fail?” (2005). He cites examples of constitutional courts in Eastern Europe, some of which have fared better than others. This research starts to approach an answer to that question. It shows that the economy matters. Whether a constitutional court succeeds could relate to the economic situation at the time it is created. It is also feasible that the regional structure of a country could relate to the success of its court.

Vanberg talks at length in his conclusion about the “guardian vision” of courts. The “guardian vision” is the idea that a court should be a countermajoritarian influence, preventing tyranny of the majority and providing representation for the minority (Vanberg 2005). Vanberg questions whether courts can fill that role. He writes that the assumption is that they can, but that his book’s findings suggest the answer is not so clear. If the Constitutional Court must constantly consider public opinion, it may not be as “above” politics as the “guardian vision” would hope (2005; 175). This thesis suggests Vanberg is correct. Its findings show that people who have diffuse support for the Court tend to have a higher social status, to have a higher education level, to perceive a positive economic situation, to be employed, and to be from regions that are more aligned with Spain’s central authorities. Alienated minorities, such as those from Spain’s culturally and linguistically different regions and those of a lower social class, are less likely to

have diffuse support for the Constitutional Court. Based on this research, the Court is more popular among the already-represented majorities. As Vanberg says, courts still make highly influential policy decisions. This is true of the Constitutional Court of Spain as well. However, it may not be as significant of a countermajoritarian force as expected.

While much remains to be studied, hopefully this research advances our understanding of constitutional courts and public opinion. I expect the findings produced in this study to replicate themselves in similar research efforts in other parts of Western Europe, such as Germany. It would be quite interesting to see how they relate to future studies in newer democracies, such as those in Eastern and Central Europe, and even elsewhere across the globe.

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Appendix

Figure 1: Monitoring Relationships Among the Constitutional Court, the Legislature, and the Public

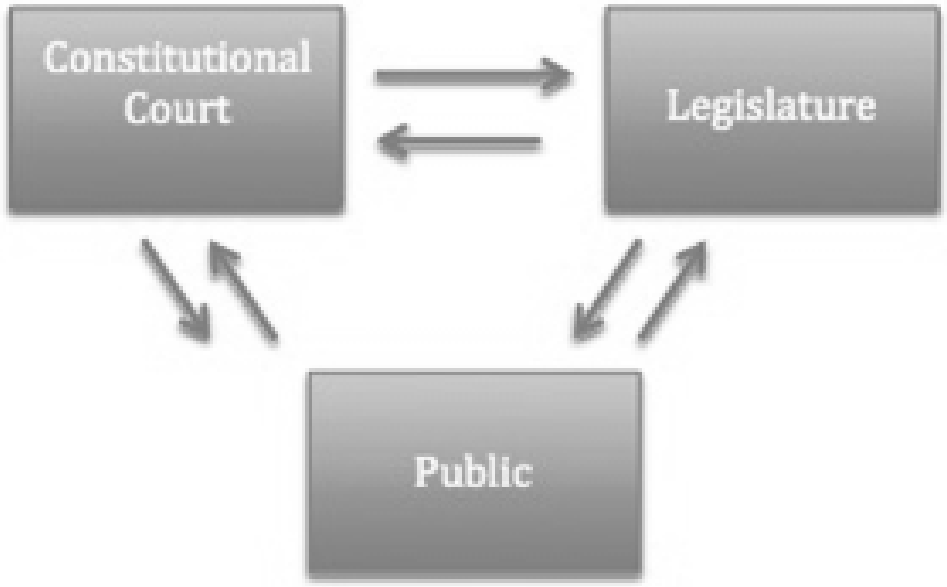

Figure 2: Confidence in the Constitutional Court Over Time

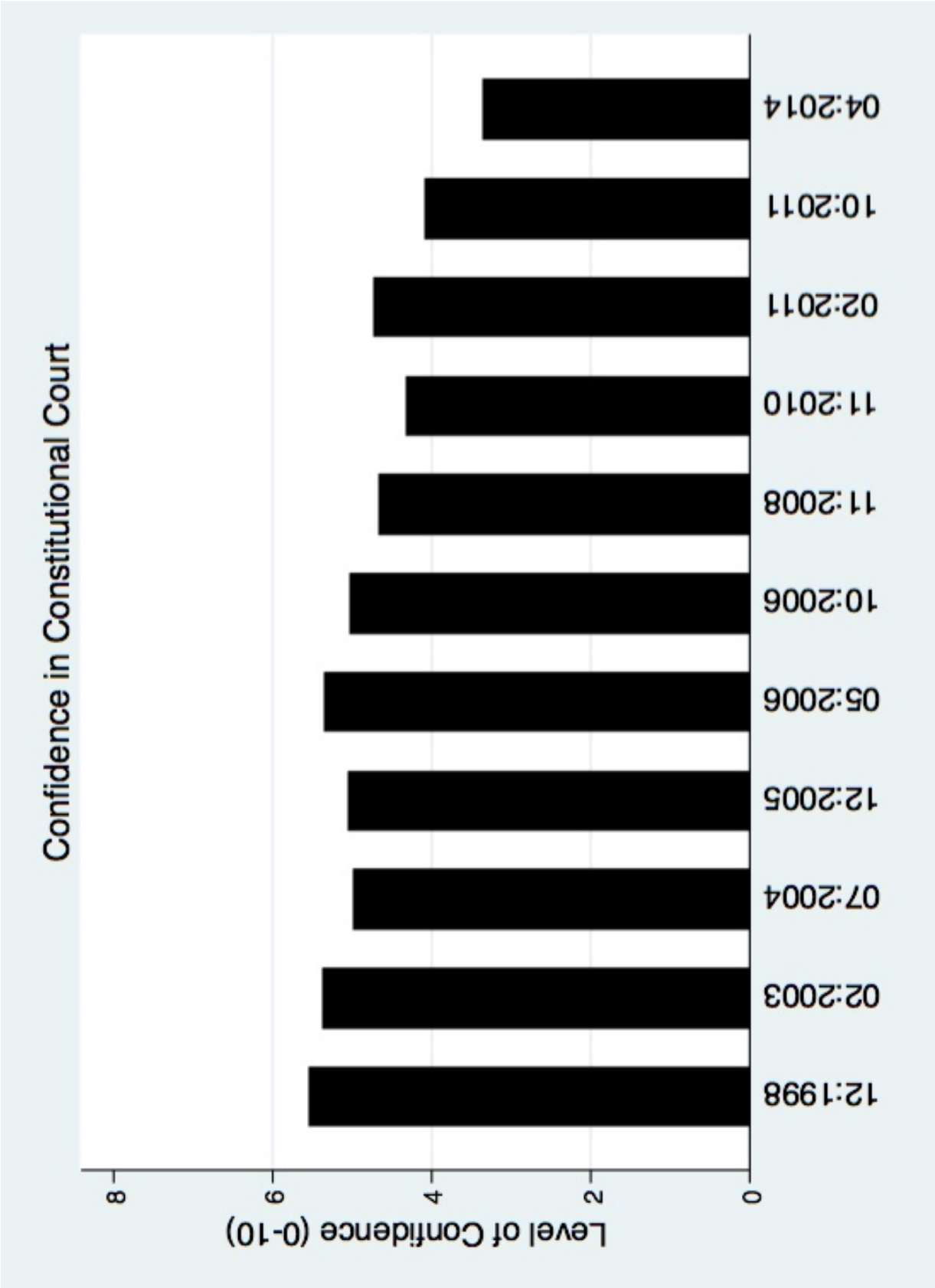

Figure 3: Confidence in the Constitutional Court, Parliament, and Monarchy Over Time

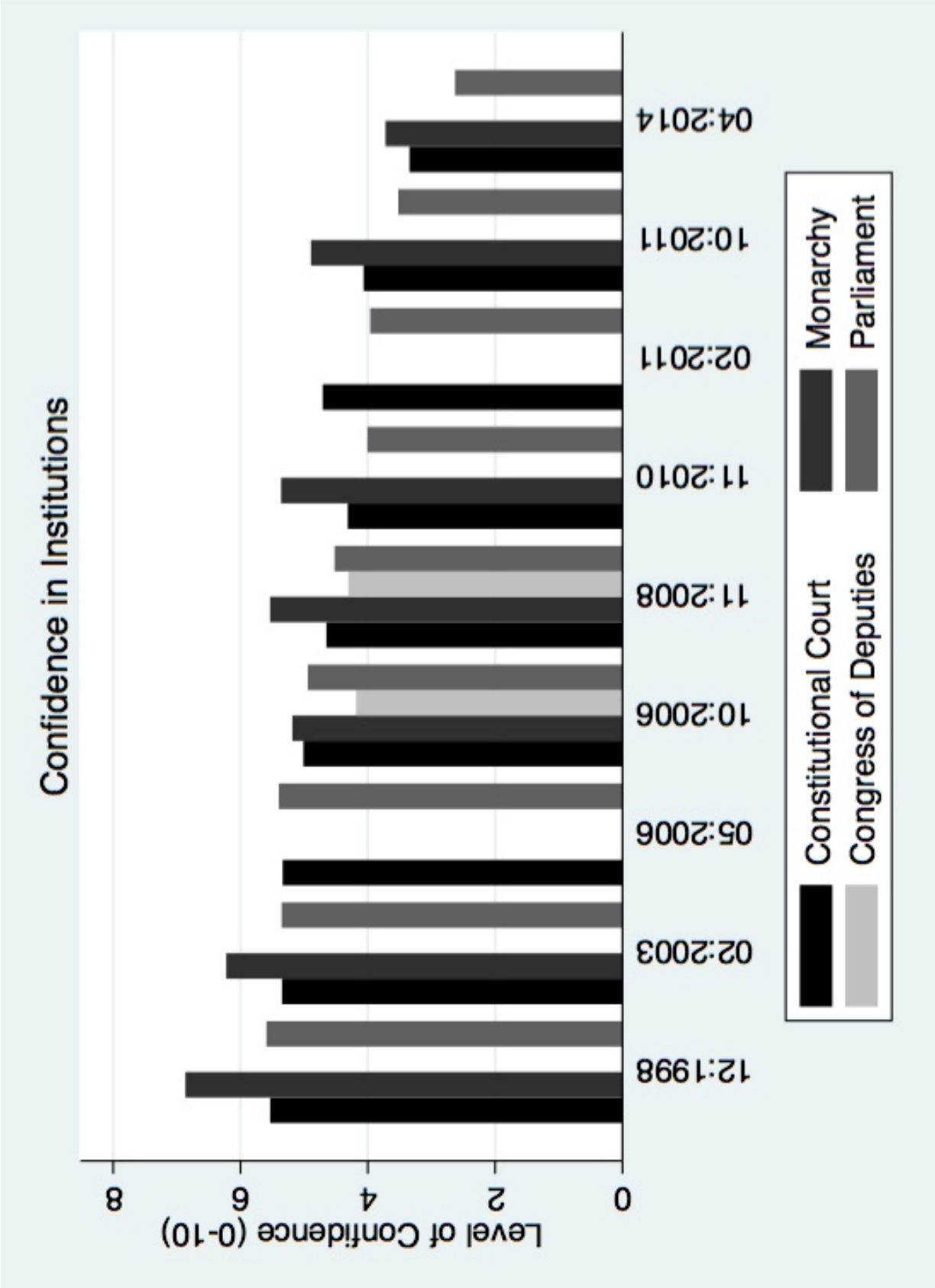

Table 1: Operationalizing the Dependent and Independent Variables

Group	**Label**	**Question (English)**	**Question (Spanish)**
Dependent Variable	Constitutional Court	I would like you to tell me the level of confidence that you have in a series of institutions, using a scale of 0 to 10 in which 0 means that you have "no confidence" in it and 10 that you have "a lot of confidence".	*Me gustaría que me dijese el grado de confianza que tiene Ud. En una serie de instituciones, utilizando una escala de 0 a 10 en la que 0 significa que no tiene Ud. "ninguna confianza" en ella y 10 que tiene "mucha confianza".*
Economic	Economy in General	Referring to the general economic situation of Spain, would you describe it as: very good, good, average, bad, or very bad?	*Refiriéndonos a la situación económica general de España, cómo la calificaría Ud.: muy buena, buena, regular, mala, o muy mala?*
	Economy in the Past	Do you think that the economic situation of the country is better, equal to, or worse than a year ago?	*Cree Ud. Que dentro de un ano la situación económica del país será mejor, igual o peor que ahora?*
	Economy in the Future	Do you think that in a year the economic situation of the country will be better, equal to, or worse than it is now?	*Cree Ud. Que la situación económica actual del país es mejor, igual o peo que hace un ano?*
	Employment Status	In which situation do you find yourself? Working, retired or receiving pension, unemployed and worked before, unemployed and looking for your first job, a student, unpaid domestic worker, other?	*En cuál de las situaciones se encuentre Ud. Actualmente? Trabaja, jubilado o pensionista, parado y ha trabajado antes, parado y busca su primer empleo, estudiante, trabajo domestico no remunerado, otra*
Political	Left-Right Scale Placement	When talking about politics, you normally use the expressions left and right. In which box would you place yourself? (Show scale). 01=left, 10=right	*Cuándo se habla de política se utilizan normalmente las expresiones izquierda y derecha. En qué casilla se colocaría Ud.? (Mostrar tarjeta escala, 01=Izda., 10=Dcha.)*
	Party	Which party or coalition did you vote for in (date of the most recent general election)?	*Me podría decir a qué partido o coalición votó Ud. En las elecciones generales de (el elección general más reciente)?*
Sociological	Status	Status[16]	*Estatus*
	Education	Education[17]	*Estudios*
Psychological	Vote	Can you tell me in en the general election on (date)…? You went to vote and voted, you were not old enough to vote, you went to vote but were not able, you preferred not to vote, you don't remember, no answer	*Me podría decir si en las elecciones generales del (fecho)...? Fue a votar y votó, no tenía edad para votar, fue a votar pero no pudo hacerlo, prefirió no votar, no recuerda, no contesta*
	Political Discussion	How frequently do you talk about or discuss politics when you meet with your friends?	*Con que frecuencia diría Ud. Que habla o discute de política cuando se reúne con sus amigos?*
Region	Region	Autonomous Community	*Comunidad Autónoma*

[16] CIS created the status variable by recoding a question about occupation. The full explanation is provided in the text of "Multivariate Analysis: A Single-Equation Model" in the "Sociological Index" section.

[17] CIS created the education variable by recoding a question about education level. The full explanation is provided in the text of "Multivariate Analysis: A Single-Equation Model" in the "Sociological Index" section.

Table 2: A Single-Equation Model of Public Opinion of the Spanish Constitutional Court

Independent Variables	Specification 1	Spec. 1, Standardized	Spec. 2	Spec. 3
Economic Index	-1.30 (Std. Error .12)*	-.25	--	--
Econ. Index (No "Past")	--	--	-1.18 (.09)*	-1.07 (.05)*
Political Index	-.05 (.15)	-.01	-.15 (.10)	--
Sociological Index	.14 (.06)*	.05	.14 (.04) *	--
Psychological Index	.38 (.26)	.03	--	--
Region	-1.35 (.13)*	-.21	-1.14 (.09)*	-.93 (.05)*
Year	-.35 (.04)*	.20	-.12 (.01)*	-.09 (.01)*
R-squared	.13		.12	.10
N	2204		4362	14240

Table 3: A Single-Equation Model of Public Opinion of the Spanish Constitutional Court, Regional Analysis

Independent Variables	All of Spain	Basque or Catalan	Rest of Spain
Economic Index	-1.30 (Std. Error .12)*	-1.44 (.24)*	-1.27 (.12)*
Econ. Index (No "Past")	--	--	--
Political Index	-.05 (.15)	-.19 (.31)	.034 (.17)
Sociological Index	.14 (.06)*	-.30 (.14)*	.26 (.07)*
Psychological Index	.38 (.26)	.61 (.61)	.29 (.28)
Region	-1.35 (.13)*	Omitted	Omitted
Year	-.35 (.04)*	-.35 (.08)*	-.35(.04)*
R-squared	.13	.11	.09
N	2204	454	1750

Table 4: A Single-Equation Model of Public Opinion of the Spanish Constitutional Court, 1998 to 2014

Independent Variables		Specification 1
Economic Index		--
Econ. Index (No "Past")		--
Employment Status		.06 (.04)
Political Index		-.11(.08)
Sociological Index		.15 (.04)*
Psychological Index		--
Region		-1.13 (.07)*
Year		-.12 (.01)*
	R-squared	.11
	N	6670