

When corruption investigations come to nothing: A natural experiment on trust in courts

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Abstract

Corruption scandals and their investigation have been shown to undermine support not only for the allegedly involved public officials but also for political actors and institutions more generally. However, we know little about what happens when those investigations end up failing to result in punishments. Is citizens' trust in the legal authorities in charge of prosecuting and punishing corruption also undermined? Do those effects spill over to political actors, institutions, and even the political regime? We address these questions by taking advantage of an April 2021 judicial decision to drop corruption charges against former Portuguese Prime Minister José Sócrates during the fieldwork of a public opinion survey. We show that the decision had a substantial negative impact on public trust in the courts. Furthermore, although political trust was not immediately affected, its overall levels also became lower in comparison to periods before the judicial decision, suggesting a spillover effect.

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1 | INTRODUCTION

Corruption scandals place political systems in a double bind with public opinion. On the one hand, they seem to do more than just undermine public support for the directly involved public officials. They also have been shown to produce “spillover effects” (Lee, 2018; 2019), eroding support for political parties and politicians as a whole (Bowler & Karp, 2004; Green et al., 2018; Maier, 2011), general political and institutional trust (Ares & Hernández, 2017; von Sikorski et al., 2020), and even satisfaction with democratic performance (Kumlin & Esaiasson, 2012).¹ On the other hand, investigating corruption cases may fail to produce the desired redemptive effects. Instead, by raising the salience of the issue and leading to additional revelations about corrupt behavior, anti-corruption drives may end up increasing perceptions of malfeasance among public officials, undermining the citizens’ belief in their integrity, and even, under certain conditions, decreasing support for the political regime itself (Sun et al., 2022; Wang & Dickson, 2021).

This study examines a third potential source of adverse public reactions related to corruption cases: the ultimate *absence of sanctions* for alleged political corruption. Concretely, it asks two questions. First, what happens when corruption investigations come to nothing in what concerns actual indictments and convictions? Do the legal institutions in charge of prosecuting and punishing corruption — anti-corruption agencies, public prosecutors, judges — end up becoming themselves the target of citizens’ distrust (Barbabela et al., 2022; Tsai et al., 2022)? Second, assuming that public support for those legal institutions is undermined by their inability to punish public officials investigated for corruption, does that effect spill over to other political actors, political institutions, or the regime itself? Or are such spillover effects conditional upon the perceived independence of legal authorities and how it may limit the political fallout of their failure to punish corruption (Ding & Javed, 2021; Lee, 2018)?

These questions are addressed here by analyzing the consequences of a judicial decision that followed a prolonged anti-corruption investigation initiated in Portugal in 2013. The so-called “*Marquês* Operation” targeted 19 individuals—including politicians, public managers, and businesspeople—and nine companies, but centered on the former Portuguese Prime Minister José Sócrates (2005–2011), accused of receiving kickbacks of 34 million euros in exchange for government decisions that favored the interests of private companies and his associates. On April 9th, 2021, in a highly publicized event, the judge examining the criminal charges brought against Sócrates decided that the evidence accumulated in the previous eight years was insufficient to indict him for corruption. This decision (from now on, the “Sócrates ruling”) took place during the fieldwork of a public opinion survey of a representative sample of the country’s adult population. This allows the adoption of an Unexpected Event during Survey Design approach (Muñoz et al., 2020) that uses the timing of the interviews (before and after the event) to estimate the decision’s causal effect on several dimensions of public opinion.

Previewing the findings, the decision not to indict Sócrates for corruption crimes produced a substantial and negative immediate effect on citizens’ trust in the courts. This negative effect seems to be conditional neither upon the partisanship of respondents nor their level of exposure to mainstream or social media. Finally, there is evidence of spillover effects. Although the evidence is insufficient to support an immediate impact of the ruling on political trust or citizens’ perceptions of the prevalence of corruption, those interviewed in the entire period after the ruling did end up with lower political trust and higher corruption perceptions. In sum, in Portugal, where trust in the judicial system is already quite low, the inability to sanction grand corruption in a high-profile case still managed to further undermine trust in courts. However, in

a context where most citizens perceive judicial independence vis-à-vis political pressures to be low, the spillover of those adverse effects to other political attitudes cannot be excluded.

2 | THE (IN)ABILITY TO SANCTION CORRUPTION AND ITS CONSEQUENCES

2.1 | Effects on oversight authorities

That some corruption investigations do not end in convictions or even indictments in light of the law and the available evidence is always possible in a well-functioning system of anti-corruption oversight. However, from the public's point of view, whether investigations result in sanctions is likely to matter. Sanctions fulfill a function that goes beyond increasing the perceived costs of crime: they should also help generating societal and institutional trust (Taylor, 2018, p. 69). Whether corruption is sanctioned should particularly affect trust in the authorities in charge of prosecuting and punishing it. As Barbabela et al. (2022) propose, signals about the willingness of legal institutions to fight corruption “are credible only if they are costly” (2022, p. 719). “Costly signals” are those that require not only the use of (scarce) time and resources to fighting corruption but also “standing up against corrupt politicians and state officials” (2022, p. 721). In contrast, if corruption investigations do not culminate in the emission of such signals, those who seemed to be acting against corruption are likely to become themselves the object of citizens' increased skepticism. Similarly, Tsai et al. (2022) emphasize the crucial role of sanctioning corruption in bolstering public support for the authorities in charge of exacting prosecution and punishment. Even if it is unclear that sanctions reduce overall levels of corruption, the ability to punish corrupt officials, particularly with the potential costs this may entail (Tsai et al., 2022, p. 603), becomes a credible signal of both the capacity of authorities to achieve their goals and their normative alignment with citizens' concerns.

Evidence supporting these arguments is not particularly abundant. However, the famous *Mani Pulite* (“Clean Hands”) operation in Italy, the extensive investigation into political corruption that started in 1992 and implicated hundreds of politicians, provides a possible historical illustration. In a country where corruption in politics was perceived to be endemic, the investigations initiated by the Milan prosecutors in 1992 were first met with strong support from public opinion (Guarnieri, 1997, pp. 166–167). However, with the exhaustion of investigative resources (Guarnieri et al., 2020, p. 311), the “slow judicial machinery, and the success of obstructionist political tactics” (Della Porta & Vannucci, 2007, p. 844), Italy became a case of “massive judicial activity with seemingly limited results” (Guarnieri et al., 2020, p. 330). The investigations lost momentum, many criminal proceedings were terminated due to lack of evidence or statutes of limitations, and only a few sentences were confirmed. The result was a public backlash against judges and courts, as the absence of convictions seems to have undermined the very legitimacy of judicial activism (Della Porta & Vannucci, 2007, p. 844).

Further evidence of the causal relationship between the (in)ability to punish corruption and trust in oversight authorities comes from the Barbabela et al. (2022) study. Using a survey experiment in South Africa and Tunisia, they examine the effects of treatments manipulating the extent to which courts are shown to be able to effectively bring corruption cases to trial while displaying resistance to political pressures. They show these features positively affect citizens' perception of the seriousness of anti-corruption efforts, their trust in courts, and their sense of efficacy against corruption. In another experimental study, Tsai et al. (2022) show that public support

for township party secretaries increases when they have a track record of punishing corruption by local officials. Relatedly, investigating the relationship between corruption convictions in courts and trust in government in the United States, Zhang and Kim (2018) find that increases in convictions of politicians are associated with increases in trust in the judicial and even the executive and legislative branches. In contrast, when corruption convictions decline, citizens “perceive that anti-corruption efforts are insufficient, develop a negative perception of government performance, and therefore become less confident in government” (Zhang & Kim, 2018, p. 695). In sum, the public image of authorities in charge of punishing corruption seems to partially depend on their (in)ability to exact such punishment.

However, there are also reasons to be skeptical of the possibility that a single decision such as the “Sócrates ruling” may be enough to change public attitudes about the judicial system in Portugal. “Focusing events” (Birkland, 1998, p. 54) can change public attitudes when the information generated by them is so new, prominent, and unequivocal that it overwhelms people’s priors and leads them to update their beliefs (Gerber & Green, 1999). However, this does not always happen. Even unexpected, shocking, and highly mediatized events such as terrorist attacks may fail to affect public attitudes in any meaningful way if they do not contribute to any new information on issues that are already salient to people (Nussio, 2020).

In a context like Portugal, an event that signals the inability to punish corruption may similarly fail to constitute new and impactful information for citizens. The perception that corruption cases are insufficiently persecuted and punished already prevailed among citizens well before the Sócrates ruling. In successive Special Eurobarometer surveys on corruption in the last decade (2013, 2017, and 2019), close to 80% of Portuguese respondents agreed with the statement that “high-level corruption cases are not pursued sufficiently,” while a clear majority disagreed with the statement “there are enough successful prosecutions in Portugal to deter people from corrupt practices.”² In other words, “the popular image is that the repression of corruption is impotent (...), slow (...), and inconsequential” (Sousa, 2013, p. 46). In such a context, the inability to indict a high-profile politician investigated for grand corruption might be seen by citizens as “business as usual,” failing to make any further dent in people’s trust in courts. This is compounded by the fact that, in Portugal, trust in courts has been characterized by comparatively low levels at least since the beginning of the century, placing the country, based on European Social Survey data, at the very bottom of Western European countries, for reasons primarily related with judicial performance issues, particularly court delays (Magalhães & Garoupa, 2021). If baseline levels of trust in courts are already shallow, it would not be surprising if the public approval of courts ends up being unaffected by specific demonstrations of the (lack of) institutional capacity of the judiciary.

2.2 | Spillover effects

Let us nevertheless assume for a moment that the failure to indict Sócrates for corruption did result in a drop in the public’s confidence in the judicial system. If so, should we expect that effect to “spillover to public evaluations of other politicians, political groups, and the political system at large” (Lee, 2019, p. 450)? There is considerable evidence that corruption *scandals* produce such spillover effects, through which cases involving particular legislators (Bowler & Karp, 2004), politicians (Kumlin & Esaiasson, 2012; Maier, 2011) or parties (Ares & Hernández, 2017) erode support for politicians, parties, and institutions in general. Furthermore, intense anti-corruption *investigations* also seem to undermine support for political actors in general (Sun et al., 2022) and even regime support (Wang & Dickson, 2021). Therefore, it is conceivable that when such

investigations culminate in the absence of punishments, citizens may direct their additional frustration not only to the legal authorities directly associated with that outcome but also to the political system more generally.

Spillover effects should, however, depend on particular conditions. Lee (2018) proposes that they “are related to how people perceive the interconnections among objects” (2018, p. 715). For example, among people with high levels of “political cynicism” — a “theory” that assumes the fundamental equivalence of all politicians — the relationship between recall of a specific scandal and evaluations of political officials and the government as a whole becomes stronger (Lee, 2018, p. 727). A similar idea was advanced in connection with the effects of legal decisions on public opinion. For example, in China, where “the court system is an integral part of the party-state,” whether legal decisions affirm or contradict citizens’ beliefs is likely to “reflect not just on the court system but other state institutions” (Ding & Javed, 2021, p. 1004). In contrast, in systems where the courts are perceived to be independent, judicial decisions that conflict with popular morality do not necessarily lead to a loss of trust in other institutions or in diffuse support for the regime (2001, p. 994).

From this point of view, the Portuguese case should lead us to expect spillover effects. It is true that, institutionally, the interconnection between the judicial system and the other branches of government is weak. The Portuguese judiciary follows the French-Italian model of judicial councils in charge of selecting, evaluating, disciplining, and promoting judges, greatly limiting the ability of political actors to interfere with judicial careers and decisions, and the same happens to large extent with prosecutors (Garoupa & Tiede, 2022). However, the *perceived* political insulation of the Portuguese judicial system does not seem to match the institutional setting. A Flash Eurobarometer survey whose fieldwork was completed just before the Sócrates ruling (April 6th, 2021) showed Portugal ranking 19th among the EU27 countries in terms of citizen’s evaluation of the judicial system from the point of view of the independence of courts and judges, with 42% of respondents rating it as “bad” or “very bad.” About nine out of 10 of those expressed concerns with “interference and pressure from politicians.”³ Prior surveys suggest the resilience of these patterns, with public perceptions matching those of lawyers and judges themselves closely (van Dijk, 2021, p. 37). Therefore, from this point of view, Portugal is a likely candidate for the adverse effects of the inability to punish corruption spilling over from legal to political authorities.

3 | THE EVENT AND THE SURVEY

3.1 | The event

In the afternoon of April 9th, 2021, all television news channels in Portugal converged on a courtroom in Lisbon for a live broadcast of the reading of a judicial decision. The ruling was read by Ivo Rosa, the judge in charge of examining the criminal charges brought against former Socialist Prime Minister José Sócrates, to determine whether the evidence was sufficient to require him to stand trial. Almost seven years earlier, on November 21st, 2014, Sócrates had been arrested at the Lisbon airport as he arrived from Paris. His arrest resulted from an investigation of the vast sums of money held by a friend in a Swiss bank account, later transferred to Portugal. The public prosecutors believed this money belonged to Sócrates, having been obtained as kickbacks from private companies.

It took almost 3 years for the public prosecution to deduct formal charges against all individuals and companies accused in the *Marquês* Operation. Sócrates was accused of passive corruption, money laundering, document forgery, and tax fraud. Multiple appeals followed, delaying the

process. Many of the accused, including Sócrates himself, exercised their right to require an “examining judge” to scrutinize the inquiry conducted by the public prosecution. This judge’s ultimate responsibility would be to determine whether the accused should be formally indicted and taken to trial for the accusations deducted by the prosecutors. By September 2018, judge Ivo Rosa was drawn as the competent examining judge. For the next year and a half, many more court sessions took place, involving new witness testimonies and interrogations of the accused. The proceedings were suspended in March 2020 due to the Covid-19 pandemic. However, one year later, on March 26th, 2021, judge Rosa announced that the decision about indictments in the *Marquês* Operation would be announced 2 weeks later.

Therefore, although the content of the ruling remained unknown until April 9th, the event itself was not, strictly speaking, *unexpected*. A few days before the scheduled announcement of the decision, the media started covering the Sócrates affair with renewed intensity. Figure 1 shows the number of online news items containing the expression “José Sócrates” published per day in two daily newspapers—*Público*, the leading daily broadsheet in Portugal, and *Correio de Manhã*, the leading daily tabloid—and data from Google Trends for “José Sócrates”, both from December 19th to April 21st. These dates correspond to the fieldwork period of the survey used in this study. The gray area matches the period when the fieldwork was interrupted due to a Covid-19 lockdown. We can see how coverage and interest peaked on April 9th, the day of

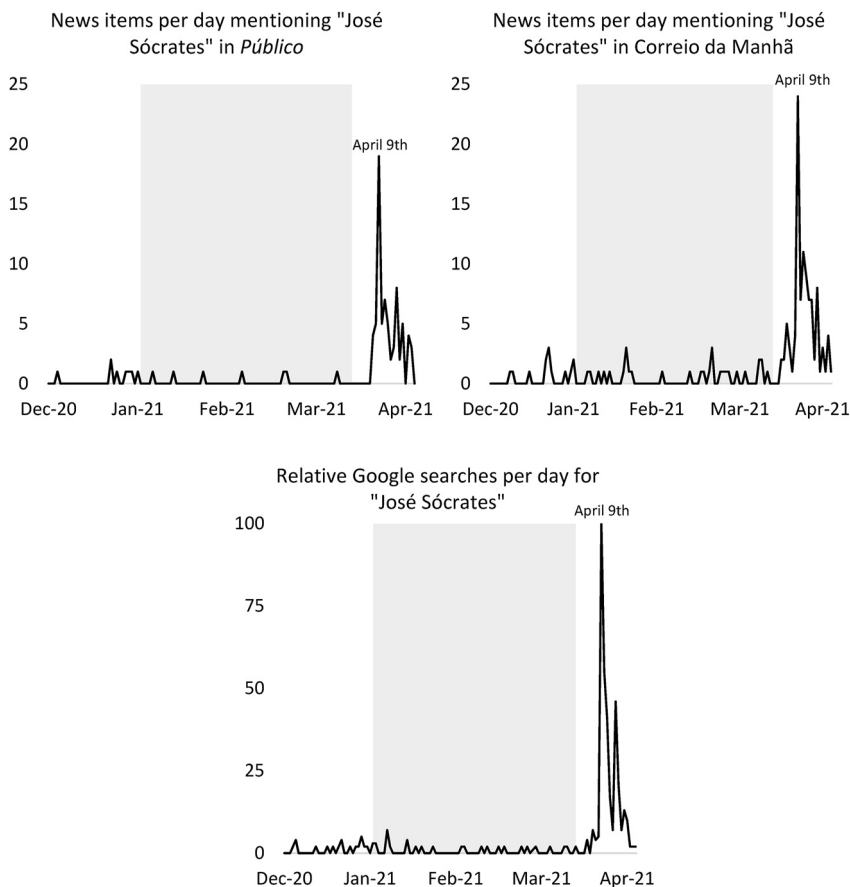


FIGURE 1 Mainstream media and Google Search interest in “José Sócrates” from December 19th, 2020, to April 21st, 2021.

the Sócrates ruling. However, regarding media coverage and web searches, those peaks were preceded by small but visible rises in coverage and interest on the day before the event.

The front pages of the morning newspapers on the day of the ruling, whose headlines are reproduced and translated in the Supplementary Information S1 file, help give a sense of the anticipation with which the decision was awaited, as all morning newspapers on April 9th gave their headlines to the event. The afternoon court session where the decision was announced lasted approximately 3 hours, obtaining an average television audience of about 1.8 million viewers, no less than one-fifth of the Portuguese adult population.⁴ Criticizing investigators for “lack of coherence” and “acting without the necessary thoroughness,” judge Rosa declared that much of the collected phone-tap evidence was ineligible, that the time specified in the statute of limitations had elapsed for several of the alleged crimes, and that “the facts (...) are clearly insufficient to uphold an indictment for passive corruption in any way.”⁵ In other words, almost 7 years after his dramatic arrest at the Lisbon airport, Sócrates would only stand trial for comparatively minor charges related to money laundering and document forgery and not for the corruption accusations that had extensively circulated in the media since 2014.

The following day, newspapers' front pages—also reproduced in the Supplementary Information S1 file—were overwhelmingly dominated by the ruling. *Público's* April 10th headline noted how “Sócrates escapes accusation for 25 crimes.” *Correio da Manhã's* front page highlighted the crimes for which Sócrates would stand trial but also noted how “Ivo Rosa frees former prime-minister of 25 crimes.” *Jornal de Notícias* was titled “Arrasador” (“Devastating”), stressing that.

“Ivo Rosa withdraws corruption charges against José Sócrates.” *Diário de Notícias's* headline was “Only six crimes,” while *Sol* opted for a more dramatic approach: a black and white front page with the title “The darkest day of justice,” illustrated with a blind Lady Justice that had dropped her scales on the floor. The central message was clear: the courts had failed to indict Sócrates for most of the charges brought upon him, including those related to corruption crimes.

3.2 | The survey

December 19th, 2020, was the first day of fieldwork of a household survey conducted under the aegis of the research project EPOCA.⁶ The survey was conducted in Portugal near a representative sample of residents 18 years and older. Respondents were selected by quotas (age and gender), and sampling points were randomly selected within strata defined by NUTSII regions (seven regions nationally) and size of locality (five categories). The interviews were conducted using Computer Assisted Personal Interviewing.

By January 15th, a Covid-19 lockdown entered in effect in Portugal, leading to an interruption of the fieldwork. By then, 468 interviews had already been conducted and validated. Two months later, the lockdown was partially lifted, allowing fieldwork to resume on April 1st and continue until April 21st. Our main analysis will focus on this second post-lockdown wave of the survey. In this second wave, 552 interviews were conducted and validated, 213 from April 1st until the 9th (the day of the “Sócrates ruling”) and 339 from the 10th to the 21st of April. This allows us to use the timing of the interviews to estimate the effects on citizens' trust in the courts of the judicial decision that dropped corruption charges against Sócrates.

Trust in courts was gauged in one of the items included in the survey, an 11-point scale from 0 (“not at all”) to 10 (“completely”). A total of 545 respondents of 552 interviewed in the post-lockdown wave provided valid responses to this question. After normalizing responses to make them range from 0 to 1, we obtain an average of 0.45 and a standard deviation of 0.23.

4 | ANALYSIS

4.1 | Plotting the data

We start by plotting respondents' trust in courts during the survey's second post-lockdown fieldwork wave against the running variable—days since April 9th—with 0 (zero) here representing the day of the Sócrates ruling. Instead of displaying all the 545 observations in the raw data, we show local sample means using evenly-spaced bins. In the plot presented on the left of Figure 2, the number of bins on either side of the cutoff is IMSE-optimal, that is, it minimizes an approximation to the integrated mean-squared error. In the plot on the right, the number of bins is obtained so that their variability approximates the variability in the raw data (Cattaneo et al., 2019). Second-order polynomial fit lines are adjusted to the data before and after the event.⁷

Both plots suggest a discontinuity at the cutoff. Furthermore, if the trend before the cutoff was negative, the apparent negative drop in trust in courts would have to be taken with great caution as evidence of a discontinuity (Muñoz et al., 2020, p. 190). However, what we see is the opposite: in the raw data, there is preliminary evidence of an *increase* in trust in courts in the days before the ruling.

4.2 | Models

In order to estimate the *immediate* intention-to-treat effect of respondents' exposure to the Sócrates ruling on their trust in courts, we employ Model 1. It consists of a parametric sharp regression discontinuity (RD) analysis (Angrist & Pischke, 2014, p. 155; Muñoz et al., 2020, p. 201) that allows the estimation of the jump in trust in courts that occurred around the April 9th cutoff:

$$Y_i = \alpha + \rho D_i + \beta_1 x_i + \beta_2 x_i^2 + \gamma_1 D_i x_i + \gamma_2 D_i x_i^2 + \eta_i \quad (1)$$

Y_i is trust in courts while D_i is the treatment indicator, a dichotomous variable coded 0 for all observations between April 1st and 9th (control) and 1 for all observations between April 10th and 21st (treatment). The running variable x_i (*Days*) represents the number of days starting on April 1st until April 21st. It is centered on the day immediately following the event, April 10th, with negative values before and positive values after. To capture the trends in trust in courts in the periods both before and after the decision, the treatment variable is interacted with the running

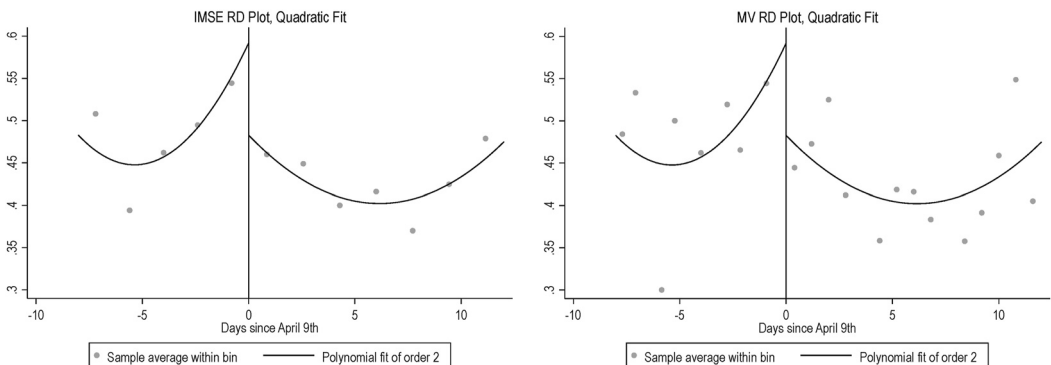


FIGURE 2 Regression discontinuity plots.

variable, and both linear and quadratic terms for x_i are included to allow such trends to be non-linear (although we stay clear of higher-order polynomials to prevent bias and overfitting—Gelman & Imbens, 2019). Here, ρ represents the jump in the values of trust in courts when $x_i = 0$, that is, on April 10th, the first day after the decision.

We also estimate Model 2, which contains only the treatment indicator (D_i), with Y_i again as trust in courts. Here, ρ is the difference-in-means (between the control and the treatment period) estimate of the *overall* effect of the Sócrates ruling on individuals' trust in courts.

$$Y_i = \alpha + \rho D_i + \eta_i \quad (2)$$

4.3 | Balance tests

Before estimating these models, it is important to recall that those interviewed before and after the event were not randomly assigned. The survey's fieldwork and data collection procedures may have followed geographic patterns that create correlations between subject location and timing of the interview, and subject location can be associated with variables related to the outcome of interest. The quota sampling employed in the survey is another potential source of correlations between survey timing and features of the respondents (Muñoz et al., 2020, p. 191). Therefore, it is important to determine whether having been interviewed before or after the event is systematically related with features of respondents that may, in turn, be related with trust in courts.

The features we propose to examine are whether respondents are *Female* (dummy variable); their *Age* (in years); their *Secondary* and *Tertiary* education (dummy variables); their subjective *Feeling about income* (an ordinal variable ranging from 1—“Finding it very difficult on current income”—to 4—“Living comfortably on present income”); whether they were *Unemployed* at the time of the survey (a dummy variable); and their *Habitat/size of locality* (an ordinal variable coded 1 for localities with less than 2000 inhabitants, 2 for 2000–9999 inhabitants, 3 for 10,000–99,999 inhabitants, 4 for 100,000–499,999 inhabitants, and 5 for 500,000 inhabitants or more). Furthermore, we also examine asymmetries in the extent to which respondents from different regions were interviewed before or after the event. The NUTSII Portuguese regions where interviews were conducted in the post-lockdown wave of the survey were *North*, *Center*, *Lisbon*, and *Alentejo* (no interviews were done in the Algarve and the islands of Madeira and Azores in the entire post-lockdown wave). Finally, we also address possible imbalances and discontinuities in non-response rates to the question on trust in courts.

We estimate models 1 and 2 using these covariates as dependent variables. Table A1 in the Supplementary Information S1 file shows the values of ρ and heteroskedasticity-consistent—HC3—standard errors. It shows neither discontinuities around the cutoff for most covariates nor significant differences between control and treatment groups. The same occurs in the propensity to provide valid responses to the trust in courts item. However, the results suggest not only a discontinuity in the size of locality where the interviews took place but also relevant discontinuities and imbalances in terms of the regions where respondents were interviewed. Therefore, we will estimate not only models 1 and 2 (with Y_i representing trust in courts) but also additional models where we add a vector including all the individual-level covariates discussed above (models 1 and 1b) as well as region fixed effects (models 1c and 2c), in order to minimize biases.

4.4 | The Sócrates ruling and trust in courts

Table 1 shows the main results concerning the impact of the Sócrates ruling on trust in courts. Given missing answers in the dependent variable, we are left with 545 observations. The inclusion of individual-level covariates causes a further drop to 536, primarily due to missing answers in the feeling about income item.

The results suggest that the Sócrates ruling caused a significant immediate drop in trust in courts. The coefficients for *Treatment* in Model 1, capturing the jump in trust in courts in the first day after the decision, are all negative. Estimates are sensitive to the reduction of bias allowed by the introduction both covariate adjustments and especially region fixed effects. After these adjustments, the effect is found to be significant and largest, approximately -0.16 , more than two-thirds of a standard deviation in the dependent variable.

The coefficient for *Treatment* in Model 2 represents the overall difference between the treatment and the control groups, that is, between respondents interviewed after and before the Sócrates ruling. The result remains unchanged when controls for pre-treatment covariates are introduced (Model 2b) and when region fixed effects are added (Model 2c): a significant negative effect of 0.05, on a 0 to 1 scale. Comparatively speaking, this negative overall effect is very similar to those found in studies of corruption scandals and political support using the same approach (Ares & Hernández, 2017; Solaz et al., 2019).

A complementary approach to Model 1 is to employ a non-parametric RD analysis, using a narrower set of observations close to the April 9th cutoff and weighing them according to their distance to that day. As advised by Cattaneo et al. (2019), we estimate a local linear regression where a mean squared error (MSE) optimal bandwidth of observations is used, combined with a triangular kernel function for the assignment of weights to observations and including

TABLE 1 Estimating the effects of the Sócrates indictment decision on trust in courts (heteroskedasticity-consistent—HC3—standard errors in parenthesis)

	Model 1			Model 2		
	(a)	(b)	(c)	(a)	(b)	(c)
Treatment	−0.05 (0.07)	−0.11 (0.07)	−0.16* (0.08)	−0.05* (0.02)	−0.05* (0.02)	−0.05* (0.02)
Days	0.02 (0.03)	0.03 (0.03)	0.05 (0.03)	-	-	-
Days ²	0.001 (0.003)	0.002 (0.003)	0.003 (0.003)	-	-	-
Treatment*Days	−0.05 (0.03)	−0.05 (0.03)	−0.07* (0.03)	-	-	-
Treatment*Days ²	0.002 (0.003)	−0.001 (0.003)	0.001 (0.003)	-	-	-
Controls for sex, age, education, subjective income, unemployed and habitat	No	Yes	Yes	No	Yes	Yes
Region fixed effects	No	No	Yes	No	No	Yes
N	545	536	536	545	536	536

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$. Constant not shown.

a regularization term. Also as advised by Cattaneo et al. (2019), although we report the results of the MSE-optimal point estimator, robust bias-corrected estimation is used for inferential purposes (standard errors and p -values).⁸ Replicating the strategy employed with the parametric estimation, we start with no covariate-adjustments, follow up by introducing them, and ultimately add region fixed effects. Finally, to appreciate the sensitivity of the estimates to bandwidth choice, we also show results using a CER-optimal (minimizing an approximation to the coverage error of the confidence interval), 2*MSE-optimal and 2*CER-optimal bandwidths (Cattaneo et al., 2019). Table 2 shows the results.

The estimates do not differ in any relevant way from those obtained with the parametric sharp RD analysis: when covariates and fixed effects for regions are included, the decision's immediate effect is estimated to be negative, significant, relatively large, and robust to different bandwidths. These results should be taken, however, with a grain of salt. In the context of non-parametric approaches, the discontinuity problems posed by the regional imbalances we have detected early on cannot be “fixed” by simply adding covariates. Although packages like *rdrobust* (Calonico et al., 2017) allow the inclusion of covariates in the estimation of effects and confidence intervals, it does so for efficiency gains, not to correct continuity problems (Cattaneo et al., 2019). However, despite this important limitation, the broad convergence in results with those of the parametric RD is nevertheless reassuring.

4.5 | Placebo treatment and unrelated outcomes

To assess the plausibility that trust in courts was indeed affected by the Sócrates ruling, we conducted two additional types of tests. The first is a placebo treatment test. By replacing April 9th, the true cutoff value, with a different date where the treatment status did not change, no significant treatment effect should emerge. Thus, instead of coding treatment as 0 (zero) up to April 9th and 1 (one) afterward, we replace April 9th with the empirical median of the control group (Imbens & Lemieux, 2008; Muñoz et al., 2020), April 5th. We also recoded the running variable, coding it 0 (zero) on April 6th. We re-estimated parametric models 1c and 2c and show the results in Table A2 in the Supplementary Information S1 file. We find neither immediate effects of that placebo treatment nor significant differences in trust in courts between those interviewed before and after April 5th.

On the other hand, we can also examine whether the Sócrates ruling has relevant effects on variables theoretically unrelated to the event. Conceivably, a drop in trust in courts may have occurred not as a result of the Sócrates ruling but rather of some other simultaneous event. If alternative outcomes theoretically unrelated to the event are also affected by it, this possibility gains credence, decreasing the plausibility that changes in trust in courts are attributable to the Sócrates ruling (Muñoz et al., 2020, p. 198).

We selected two dependent variables for this purpose: respondents' evaluation of the government's performance in response to the Covid-19 pandemic and their perception of the prevalence of corruption in football.⁹ The first, like trust in courts, captures evaluations of an institution, but a political rather than a judicial one, and addresses an issue that has no direct relationship with corruption. The second variable is indeed related to corruption but focuses on an area without connection to the Sócrates affair or the *Marquês* Operation. In the Supplementary Information S1 file, Table A3, find no immediate effects of the Sócrates ruling on respondents' evaluation of the government's response to the pandemic or in their perception of corruption in football. Similarly, there are no significant differences between those interviewed after and until April 9th.

TABLE 2 Sharp RD non-parametric estimates of the causal effect of the Sócrates indictment decision on trust in courts (triangular kernel, robust-bias corrected standard errors in parenthesis)

Covariates	MSE-optimal bandwidth		Other bandwidths			
	None	Sex, age, education, subjective income, unemployed and habitat	Sex, age, education, subjective income, unemployed and habitat + region fixed effects	Sex, age, education, subjective income, unemployed and habitat + region fixed effects	Sex, age, education, subjective income, unemployed and habitat + region fixed effects	Sex, age, education, subjective income, unemployed and habitat + region fixed effects
Effect	-0.13 (0.11)	-0.15 (0.11)	-0.21** (0.10)	-0.21* (0.11)	-0.12* (0.08)	-0.16* (0.11)
Bandwidth	MSE-optimal 3.19	MSE-optimal 3.09	MSE-optimal 3.15	CER-optimal 2.30	2*MSE-optimal 6.30	2*CER-optimal 4.60
N	545	536	536	536	536	536
Effective N	182	180	180	116	302	221

* $p > 0.05$; ** $p > 0.01$; *** $p > 0.001$.

4.6 | Heterogeneous effects

Do the negative effects of the Sócrates ruling on trust in courts depend on particular groups of respondents? Based on the data available in the survey, we can explore two theoretically relevant sources of heterogeneous effects. *Partisanship* is a first well-studied source of heterogeneity in the effects of corruption scandals (see De Vries & Solaz, 2017 for a review). To the extent that people's political predispositions work as a “perceptual screen” that leads them to “accept what is congenial to their partisan values and to reject what is not” (Zaller, 1992, p. 241), the failure to punish a former party leader for alleged corruption could have generated different reactions among citizens, depending on their proximity to his party, the Socialist Party (PS), or to their proximity to the other (opposition) parties. A second potential source of heterogeneity is *media exposure*. Although the Sócrates ruling was massively publicized, people with higher exposure to the media are more likely to have been “treated” by the event. Furthermore, differential media exposure also raises the question of whether the negative effect of the decision on trust in courts was a reaction to the *fact* of Sócrates' non-indictment or a reaction to particular aspects of the content and framing employed by the media when covering the event. Although we cannot fully answer the latter question, as we lack measures of media tone or framing and voters' exposure to them, effects of the Sócrates ruling conditional on media exposure would lend credence to such media effects.

In Tables A4 and A5, in the Supplementary Information S1, we show results for models for the immediate effects of the decision and for the difference between control and treatment groups by adding, first, a dummy variable for *PS partisan* and its interaction with our treatment indicator (Table A4) and, second, a dummy variable for *Opposition partisan* and its interaction with treatment (Table A5). No significant interactions are found. There is no evidence that either the immediate effects of the decision or the overall difference between the treatment and control groups in terms of trust in courts were conditional upon the partisanship of respondents.

In Table A6, we show results from replacing partisanship with a variable capturing self-reported frequency of *Exposure to news media*, measured on a five-point scale from 1 (“never follows news about politics and society in the news media”) to 5 (“daily or almost”). In Table A7, the same is done with a variable measuring the self-reported frequency of *News exposure through social media*, using the same scale. Again, no significant interactions are found. The negative effect of the Sócrates ruling on individuals' trust in courts seems to have occurred irrespectively of their self-reported exposure to news through conventional or social media.

4.7 | Spillover effects

Beyond its negative impact on trust in courts, did the Sócrates ruling affect other political attitudes? Besides a question on trust in courts, the survey also included similarly worded questions about trust in government, parliament, and political parties, using the same 0–10 response scale. They were used to build a *Political trust* variable, on the basis of regression-based factor scores following a varimax rotation, which were then normalized from 0 to 1 for comparability purposes. Higher values represent higher levels of political trust.¹⁰ Furthermore, the survey also contained questions about respondents' rejection of non-democratic forms of government, employing items from the World Values Survey widely used in the study of democratic support (Ariely & Davidov, 2011). Respondents were asked to rate the following forms of government using a five-point scale, from 1 (“very good”) to 5 (“very bad”): “Having a strong leader who does not have to bother with parliament and elections”; “Having experts, not government, make decisions according to what they think is best for

the country”; and “Having the army rule”. Regression-based factor scores, normalized from 0 to 1, were again used to build a *Rejection of autocracy* variable, with higher values representing a greater rejection of non-democratic forms of government.¹¹ Finally, we also assess the effects of the ruling on citizens’ perceptions of corruption. Although we have so far assigned the observed negative effects on trust in courts to the failure to indict former Prime Minister (PM) Sócrates for corruption, it is conceivable that *any* decisional outcome could have undermined such trust. For example, Poertner and Zhang (2021) show that the 2013 *conviction* of former President Carlos Menem in Argentina also produced negative effects on judicial and political trust, arguing that the event served to highlight the prevalence of corruption in the country and how it normally goes unpunished (2022: 3). In other words, the Sócrates ruling may have decreased trust in courts not so much as a reaction to the ruling itself but simply to the increased salience of the corruption issue. We therefore assess the ruling’s effect on corruption perceptions by using the answers to a question about respondents’ belief about “how many politicians in every 100 are corrupt” (again normalized from 0 to 1).¹²

Figure 3 allows the visualization of the estimated coefficients for treatment from models 1c and 2c not only for trust in courts but also political trust, rejection of autocracy, and perception of the prevalence of corrupt politicians (see Table A8 in the Supplementary Information S1).

Starting with Model 1c on the left, the only outcome that we can confidently assess to have experienced an immediate change as a result of the Sócrates ruling—in this case, a drop—is, as shown before, trust in courts. The same does not occur with political trust, rejection of autocracy, or the perceived prevalence of corrupt politicians.¹³ Model 2c, however, suggests that while trust in courts and political trust decreased for the respondents interviewed in the entire period after the decision, the perceived prevalence of corrupt politicians increased. Only for regime attitudes do we lack evidence of any kind of change. In other words, there is evidence that a spillover effect occurred to some extent: although we fail to find support for a significant drop in political trust or a rise in political corruption perceptions immediately following the ruling, an overall difference between respondents interviewed before and after the decision does emerge in those respects.

4.8 | Using the pre-lockdown respondents as a control group

A last issue is raised by a close observation of Figure 2: the reading of the decision on April 9th may have been preceded by an *increase* in trust in courts in anticipation of the event. Suppose

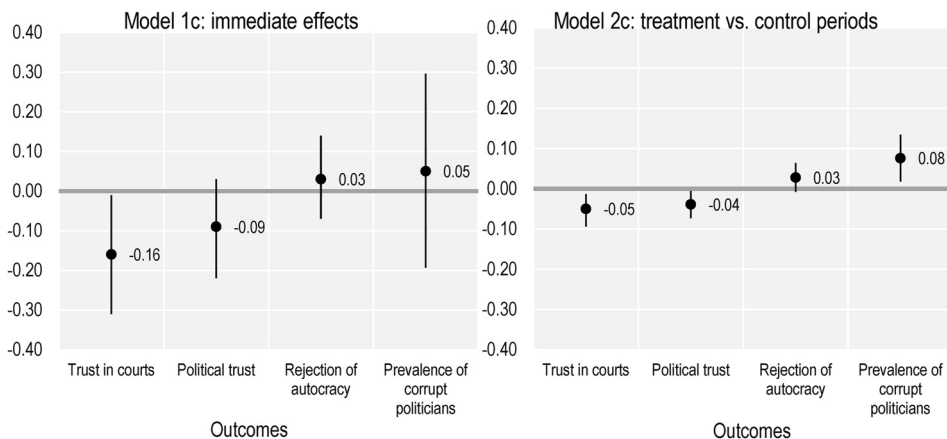


FIGURE 3 Effects of the Sócrates ruling in trust in courts, political trust, and rejection of autocracy (95% CI).

the coverage of the affair in the last few days before the ruling itself (see Section 3.1) led to an increase in trust in courts. In that case, this begs the question of whether the overall effect of the ruling was anything more than a mere “correction” of that previous short-term increase. Given that the control group is composed of interviews conducted little more than a week before the decision, is it possible that any estimated differences between the control and treatment groups during the post-lockdown wave of the survey may just reflect the inflated expectations of citizens about what the ruling might bring and its subsequent deflation as the decision not to indict was known, rather than reflecting any fundamental change in citizens' trust in courts.

To obtain evidence about whether the ruling produced effects in relation to a baseline level of trust in courts in Portugal, we re-estimated model 2c but, this time coding D_i as a dichotomous variable with 1 for all observations between April 10th and 21st (treatment) and 0 for all observations collected in the first pre-lockdown wave, between December 19th, 2020 and January 14th, 2021. This was a period before the expected date for the ruling was unknown, and when, as can be seen in Figure 1, coverage of the Sócrates affair was very low. Table 3 shows the results for trust in courts, political trust, and perceived prevalence of corrupt politicians.

Those interviewed after April 9th showed significantly lower levels of judicial and political trust than those interviewed during the first pre-lockdown wave. The estimates are very similar to that obtained when the control group was composed of those interviewed before the decision during the second post-lockdown wave (the same does not occur, however, in what concerns the perceived prevalence of corrupt politicians). In other words, the overall effect of the Sócrates ruling on both judicial and political trust emerges even when using a different control group.

5 | CONCLUSION

Corruption cases pose complex challenges in what concerns citizens' views of public authorities. Scandals cause backlashes in support that often extend beyond the involved public officials to other political actors and institutions. Anti-corruption investigations, rather than serving to redeem the system in the eyes of the public, may end up deepening the backlash, by raising the salience of corruption and exposing new corrupt practices. This study examines the consequences of a third potential source of adverse public reactions: when corruption investigations come to nothing in terms of actual sanctions. It focused on the high-profile case of the grand corruption allegations against a former Portuguese Prime Minister, taking advantage of the fact that the 2021 judicial decision that dropped corruption charges against him took place during the fieldwork of a representative survey.

TABLE 3 Estimating the overall effects of the Sócrates indictment decision on trust in courts and political trust, with pre-lockdown interviewees as the control group (heteroskedasticity-consistent—HC3—standard errors in parenthesis)

	Trust in courts	Political trust	Perceived prevalence of corrupt politicians
Treatment	−0.06** (0.02)	−0.04* (0.02)	−0.002 (0.02)
Controls for sex, age, education, subjective income, unemployment, and habitat	Yes	Yes	Yes
Region fixed effects	Yes	Yes	Yes
N	776	780	702

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$. Constant not shown.

We found that citizens' trust in courts experienced a relevant, significant, and robust drop as an immediate result of the judicial decision not to indict Sócrates for corruption. No similar immediate effect was found for citizens' political trust, their perception of the prevalence of corruption in the political class, or their regime preferences. To be sure, the anticipation of the decision may have served to fuel a short-run increase in trust in the courts, which the decision ultimately "corrected." However, such correction nevertheless left citizens' trust in courts at a lower level not only in comparison to that found in the few days before the decision but also in comparison to a "baseline" level measured several months earlier. Furthermore, spillover effects seem to have occurred. Although, unlike what occurs with trust in courts, we have no conclusive evidence that political trust dropped immediately following the decision, overall levels of such trust have also become lower in the overall period after the ruling. The only redeeming feature in this picture is that such spillover was not extended to citizens' diffuse support for the democratic regime. These findings support the idea that the inability to generate punishment following corruption investigations has negative effects on public opinion. As the historical example of the Italian "Clean Hands" suggested, and as recent studies by Barbabela et al. (2022) and Tsai et al. (2022) have shown, while anti-corruption drives may embolden the public, the lack of credible signals about the ability and/or willingness to punish corruption ultimately undermines oversight institutions themselves.

Having said that, it is important to note that while the study of naturally occurring events provides a level of external validity that experimental manipulations typically lack (Muñoz et al., 2020), the specificity of those events and the context in which they occur introduce other limitations to generalizability. First, this study analyses a high-profile case involving a former Prime Minister, unlike many other kinds of corruption investigations and rulings. Different targets, intensities, and tones of media coverage may produce different results. Furthermore, the generalizability of these results may hinge on citizens' level of consensus around the appropriate decision the courts should have taken. Although survey evidence on Portuguese citizens' views of the Sócrates affair is fragmentary, it suggests that a clear majority of citizens found the former PM unlikely to be innocent of corruption charges.¹⁴ Different cases, particularly if they elicit greater divisions among the public, may yield different results, especially in what concerns the (lack of) heterogeneous effects along partisan lines. Second, to the extent that spillover effects result from citizens' assessment of the interconnections between actors and institutions, contexts where the perceived independence of legal institutions in charge of punishing corruption is higher than in the case of Portugal may fail to show such spillover effects. Conversely, in authoritarian regimes where anti-corruption investigations are launched by authorities seeking their legitimization, the failure to exact punishments may produce spillover effects to diffuse political support itself, unlike what occurred in our case. Finally, given the window of observations we had available — 12 days after the decision — there is nothing we can say about the long-term persistence of the negative effects uncovered. Still, the available evidence from our case favors the notion that there are circumstances when the inability to make corruption investigations result in actual sanctions matters for citizens' evaluations of both the judicial and the political systems, even when they already see such inability as "business as usual."

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CONFLICT OF INTEREST

The author declares no conflicting interests.

DATA AVAILABILITY STATEMENT

The data that support the findings of this study and all other replication materials are openly available at Open Science Framework: <https://osf.io/ezpny/> (DOI: 10.17605/OSF.IO/EZPNY).

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ENDNOTES

- ¹ See Ares et al. (2019) for reviews of the relevant literature.
- ² Special Eurobarometers 397, 470, and 502. Available at: https://data.europa.eu/data/datasets/s1076_79_1_397?locale=en; https://data.europa.eu/data/datasets/s2176_88_2_470_eng?locale=en; https://data.europa.eu/data/datasets/s2247_92_4_502_eng?locale=en.
- ³ Flash Eurobarometer 489 (March–April 2021). Available at: <https://europa.eu/eurobarometer/surveys/detail/2272>.
- ⁴ Miguel Cunha dos Santos, “Audiências. Operação Marquês dá melhor resultado do ano a ‘Primeiro Jornal’,” *Espalhafactos*, April 10th, 2021.
- ⁵ Paul Ames, “Portuguese court orders ex-PM Sócrates to stand trial for money laundering,” *Politico.eu*, April 9th, 2021.
- ⁶ EPOCA (Corruption and Economic Crisis). PIs: Luís de Sousa and Pedro C. Magalhães, funded by the *Fundação para a Ciência and Tecnologia*, Portugal (PTDC/CPO-CPO/28316/2017).
- ⁷ The Stata *rdplot* command (Calonico et al., 2015) was employed to produce these plots.
- ⁸ The Stata command *rdrobust* (Calonico et al., 2017) was employed.
- ⁹ The first variable was measured with an 11-point scale, from 0 to 10, in response to the question “Think now about how the Portuguese government has performed so far in response to the Covid-19 pandemic. How satisfied are you with the way the government is performing? Please answer using this scale, where 0 means ‘extremely dissatisfied’ and 10 means ‘extremely satisfied’”. The second also employs a similar scale, in response to the question “Some people say that corruption in football in Portugal is very rare, while other people think it is very frequent. Using a scale of 0–10, where 0 means that you think it is very rare and 10 that you think it is very frequent.” Both normalizing responses to make them range from 0 to 1.
- ¹⁰ Factor analysis shows that only one factor has an eigenvalue larger than one (1.96).
- ¹¹ Following Ariely and Davidov (2011), the overt democratic support item (“Having a democratic political system”) was not included, given problems of validity and reliability. We obtained a single factor with an eigenvalue close to 1 (0.95).
- ¹² We are grateful to one of the anonymous reviewers of a previous version of the article for this important suggestion.
- ¹³ See also Table A9 for similar results using non-parametric estimations.
- ¹⁴ A 2014 poll found that 63% of those surveyed thought Sócrates was guilty of corruption (see https://cdn.cmjournal.pt/files/2014-12/06-12-2014_22_06_33_Sondagem_InocenciaJoseSocrates.pdf), while, in another 2020 poll, 88% were not persuaded by the former PM's explanations about the sums of money to which he had access. See Leonardo Ralha, “Possível condenação de José Sócrates divide opinião dos portugueses,” *Jornal Económico*, 3rd January 2010. Available at: <https://jornaleconomico.pt/noticias/possivel-condenacao-de-jose-socrates-divide-opiniao-dos-portugueses-531155>.

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SUPPORTING INFORMATION

Additional supporting information can be found online in the Supporting Information section at the end of this article.

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