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Deconstructing public confidence in state courts

Joseph A. Hamm^{a,b*}, Lisa M. PytlikZillig^a, Mitchel N. Herian^a,
Brian H. Bornstein^{a,b}, Alan J. Tomkins^a and Lesa Hoffman^b

^aPublic Policy Center, University of Nebraska–Lincoln, Lincoln, NE, USA; ^bDepartment of Psychology, University of Nebraska–Lincoln, Lincoln, NE, USA

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Although researchers have consistently demonstrated the importance of confidence in public institutions like the courts, relatively little attention has been paid to understanding what confidence itself really is. This article presents data from two samples of community members, thereby building on and extending a preliminary investigation that sought to understand constructs related to confidence in state courts with student samples. Structural equation modelling results provide support for the dimensionality of the measures and indicate that dispositional trust has little to no independent effect on confidence. However, tendency to trust in governmental institutions, cynicism toward the law and felt obligation to obey the law are important predictive constructs. The current results are important both for researchers seeking to understand confidence in the courts and the judges and administrators who would seek to increase it.

Keywords: confidence; trust-related constructs; public perceptions; structural equation modeling; deconstructing confidence

Understanding confidence in the courts is a critical pursuit, not only in its own right, but also because it provides important insights into the interactions between citizens and governmental institutions. Recognising this importance, court researchers in the US have investigated *confidence* (Benesh, 2006; Benesh & Howell, 2001) and a wide array of related constructs like *support* (Caldeira & Gibson, 1992; Wenzel, Bowler, & Lanoue, 2003), *satisfaction* (Canache, Mondak, & Seligson, 2001; Van Ryzin, 2006), perceptions of *legitimacy* (Gibson, Caldeira, & Spence, 2003; Tyler, 2006; Tyler & Huo, 2002) and *procedural justice* (Mondak, 1993; van den Bos, 2001) and so on.

This important literature is limited, however, by persisting confusion about how the constructs are similar or distinct and this confusion is not unique to the courts. The ‘conceptual morass’ (Barber, 1983, p. 1) in which the construct of confidence in institutions is embedded is characterised by constructs that vary along numerous theoretically and empirically important dimensions. Such dimensions include whether the constructs are conceived as more global and general versus more situational and particularised or rational as opposed to normative, operationalised as behaviours versus psychological states, or focus inwardly (on the trust-levels of the trustor) versus outwardly (on the trustworthiness of the trusted; Hardin, 2006; Nannestad, 2008). From other social sciences literatures, we know that such

*Corresponding author. Email: jhamm@unl.edu

variations can impact empirical findings. For example, measures of self-efficacy are less predictive if they are not set at the same level of generality as the target behaviour (Bandura, 2001a, 2001b), and variations in valence have also been found to be important, as independence has been found between constructs such as positive and negative affect (Watson, Clark, & Tellegen, 1988).

Deconstructing confidence

Some researchers have initiated attempts to clarify the nature and characteristics of different specific conceptualisations and operationalisations of confidence. For example, Cook and Gronke (2005) argued that active distrust was not the same as a lack of active trust. They investigated the meaning of common measures of trust and confidence in governmental institutions (which are typically positively valenced and vary in globality), as compared to a measure of active trust-distrust in government. They noted that, 'given accumulating evidence of the predictive power of such measures, we need to figure out just what they mean' (p. 785). Using data from a national telephone survey sample, they created separate models for each of the different measures of trust or confidence in government by individually regressing each measure on demographics and variables related to connectedness, current evaluations of institutions and ideology. They found that many of the predictor coefficients differed significantly among the different measures. For example, their measure of active trust-distrust, measured by asking respondents to place themselves on an 11-point scale ranging from strong distrust to strong trust of government, appeared to be more closely related to global dispositions such as political interests and dispositional trust, and less influenced by specific and immediate political contexts. Meanwhile, trust-in-government, as measured by a positively-valenced question used on the National Election Survey ('How much of the time do you think the government in Washington can be trusted to do what is right?'), was uniquely predicted by one's current financial situation. Finally, average confidence across a number of specific institutions (whether averaged across the three branches of government or across 13 different government institutions) was uniquely predicted by education and partisanship.

More specifically relevant to confidence in the courts, Gibson et al. (2003) decomposed the variance of the General Social Survey's (GSS) single-item measure of confidence in the US Supreme Court that had an inward focus on the trustors' confidence levels, and compared it to the decomposition of a multi-item measure of institutional loyalty to the court that focused outwardly on the court (e.g. whether it favours some groups, and whether it should be eliminated). Using data from a nationally representative survey of adults, the authors regressed measures of these two constructs on each other and on general affect and specific support predictors. Because of the limited covariance shared by the confidence and loyalty measures and the fact that the independent predictors of each construct differed, the authors concluded that the measures could not reasonably be considered equivalent. Gibson and colleagues note the importance of their research for understanding what these measures of confidence and institutional loyalty are actually measuring. Their research indicates that people may be dissatisfied with the court and express low confidence in it, while still remaining loyal enough not to want to do away with it.

In order to shed further light on the separability and explanatory power of confidence-related constructs as predictors of different operationalisations of

confidence in the courts, we examined the dimensionality and predictive ability of four trust-related constructs (dispositional trust, trust in institutions, obligation to obey the law and cynicism toward the law) on confidence in the courts measured either as unspecified confidence, perceived trustworthiness or specific expectations of the courts (Hamm et al., 2011). The predictor constructs were chosen because they were both important theoretically relevant trust-related constructs in the literature, and because they varied on the potentially important dimensions of globality (dispositional trust is very global, trust in government is more specific, specific expectations are even more specific), valence (cynicism is negatively valenced while trust in government is positively valenced) and expectational focus (e.g. assessing expectations of one's self to obey the law versus specific expectations of the institution). The influence of these constructs on different measures of confidence in the courts was evaluated both cross-sectionally and, for one of the confidence operationalisations (perceived trustworthiness), longitudinally. Our sample was comprised of college students in two separate studies (total N was 324: 120 participants in Study 1, 204 in Study 2). Our results (see Tables 1 and 2, below) revealed that each of the four predictor constructs accounted for significant proportions of the variance in our outcome confidence measures. Significantly, however, the importance of these four constructs varied across studies and operationalisations of confidence (we treat this further in the discussion).

Thus, these studies of college students left some important questions unaddressed. Chief among these is generalisability. Because our studies included only students, the generalisability of the findings to other samples could arguably be limited. Although students are often likely to have as much and potentially more contact with the courts than the general public (Hayford & Frutsenberg, 2008; Newman, Shell, Major, & Workman, 2006), we found that only a small minority of our participants reported having any contact with the courts in our previous work (Hamm et al., 2011), thus providing no indication whether the results would hold in adult samples who have more knowledge about the courts or direct experience with them. Additionally, the limited statistical techniques used in the college student

Table 1. Study 1 unstandardised B (and standardised β) and standard error (SE) values for predictors in multiple regression models predicting each of the three confidence in the courts measures.

Predictor	Confidence in the courts measures								
	Unspecified			Trustworthiness			Specific expectations		
	B	(β)	SE	B	(β)	SE	B	(β)	SE
Dispositional trust	.27	(.33)	.07***	.33	(.22)	.05***	.11	(.18)	.05*
Trust in institutions	.21	(.13)	.15	.12	(.09)	.11	.32	(.26)	.11**
Obligation to obey the law	.03	(.03)	.08	.15	(.21)	.06*	.09	(.13)	.06
Cynicism toward the law	-.28	(-.31)	.08**	-.26	(-.36)	.06***	-.17	(-.26)	.06**
Model statistics	$adj R^2 = .31,$ $F(4,106) = 13.21^{**}$			$adj R^2 = .46,$ $F(4,97) = 22.46^{**}$			$adj R^2 = .32,$ $F(4,104) = 13.71^{**}$		

Source: Hamm et al., (2011), Table 3: study 1 item total regressions table.
* $p < .05$, ** $p < .01$, *** $p < .001$.

Table 2. Study 2 unstandardised B (and standardised β) values and standard errors (SE) for predictors in three models predicting confidence in the courts operationalised as perceived trustworthiness.

Predictor variables (PVs)	Model								
	T1 PVs predicting T1 Trustworthiness			T2 PVs predicting T2 Trustworthiness			T1 PVs predicting T2 Trustworthiness		
	B	(β)	SE	B	(β)	SE	B	(β)	SE
Dispositional trust	.13	(.14)	.06*	.15	(.18)	.07*	.13	(.15)	.10
Trust in institutions	.28	(.28)	.08***	.32	(.39)	.07***	.39	(.37)	.12**
Obligation to obey	.13	(.19)	.05*	.14	(.21)	.06*	.16	(.22)	.08*
Cynicism toward the law	-.16	(-.20)	.06**	-.12	(-.16)	.06 [†]	-.12	(-.14)	.09
Model statistics	$adj R^2 = .32,$			$adj R^2 = .41$			$adj R^2 = .34,$		
	$F(4,164) = 20.41***$			$F(4,94) = 17.84***$			$F(4,63) = 9.56***$		

Source: Hamm et al. (2011), Table 7: study 2 item total regressions.

Note: T1 = Time 1, T2 = Time 2. PV = predictor variable.

* $p < .05$, ** $p < .01$, *** $p < .001$; [†] $p < .10$.

studies necessarily resulted in some levels of imprecision in the results. Exploratory factor analyses, lacking a significance test of the constructs' dimensionality, rely on the researcher's interpretation of the factor structure, and classical test theory approaches treat all of the variance in an item as the 'true score', leaving room for the possibility that correlations between items may not indicate real associations between the underlying constructs.

The present research

The primary purpose of the current research was, therefore, to replicate and extend our previous findings using more relevant samples and more rigorous statistical techniques. Therefore, in line with our previous work, we hypothesise (see Figure 1):

- (1) *The analyses will provide evidence that the five predictor and criterion scales are separable (as assessed by a confirmatory factor analysis) and reliable (as assessed by model-based reliability estimates) indicators of the constructs.*
- (2) *The four predictor scales will account for independent variance in the criterion, confidence in the courts (as assessed by structural regressions).*

The current study utilises structural equation modelling to test the dimensionality and relationships of the constructs in two distinct samples – adults drawn from a Mid-Western community public engagement effort and misdemeanants from across a Mid-Western state whose perceptions are simultaneously most critical to the courts and potentially different from those of less experienced or knowledgeable (i.e. sophisticated) individuals. The present study's use of these more sophisticated samples is important because, as noted, our previous research sampled students who reported having very little contact with the courts. Aside from generalisability of results, however, the use of more sophisticated samples could also have important implications for the relationships between trust-related constructs and confidence in the courts. That is, because we know that individuals have generally low levels of

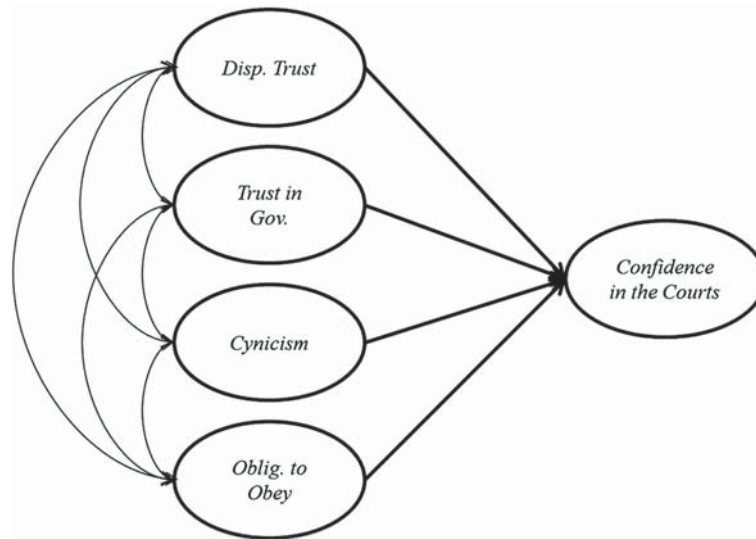


Figure 1. Model of confidence in state courts.

Note: For ease in interpretation we use a graphical representation of the model structure following the example of Brown (2006) where boxes are measured variables and circles are latent factors. In confirmatory factor analyses, unidirectional arrows pointing to the factor are factor loadings. In structural regressions, unidirectional arrows are regression paths and in both those pointing to the item from a non-outlined number are error variances. Bidirectional arrows always indicate correlations. Disp. Trust = Dispositional Trust; Trust in Gov. = Trust in Governmental Institutions; Cynicism = Cynicism towards the Law; Oblig. to Obey = Obligation to Obey the Law.

knowledge of political institutions in the US (Delli Carpini, & Keeter, 1996) and that individuals tend to process political and policy information differently based on their level of knowledge regarding an institution or issue (Zaller, 1992), it is possible that trust-related constructs may relate to confidence in the courts differently in more sophisticated samples as a result of their increased levels of knowledge and experience relevant to the institution. Other studies of trust provided some support for this postulation, consistently finding that sophistication affects the influence of trust-related constructs on other attitudes and behaviour (Herian, Hamm, Tomkins, & PytlikZillig, 2012; Siegrist & Cvetkovich, 2000; van den Bos, 2001; Winter & Cvetkovich, 2008). Although sophistication is not directly measured in the present research, consideration of samples who likely (community members) and by definition (misdemeanants) have more knowledge and experience with the courts in light of our findings with less sophisticated samples (students) provides potentially important insights into the influence of this construct.

Method

Constructs and measures

The measures of confidence and the trust-related constructs (dispositional trust, trust in governmental institutions, cynicism toward the law and obligation to obey) that were used in both studies were taken from our previous work (see Table 3 in the present article for items). For all items, negatively worded items were recoded before

analysis so that higher numbers indicated more positively valenced constructs (e.g. more dispositional trust, less cynicism, etc.).

Confidence in the courts emphasised an outward focus on the trustworthiness of the courts. In line with the definition of confidence proposed by Earle, Siegrist, and Gutscher (2007), this scale focuses on perceptions of competence and the general performance of the courts using six items developed by Tyler and Huo (2002) (e.g. ‘most judges in my community do their job well’ or ‘most judges in my community are dishonest’, reverse scored). These items were accompanied by 1–5 Likert-type response scales labelled from ‘strongly disagree’ to ‘strongly agree’.

Dispositional trust is a global construct, most often defined as the extent to which the focal person trusts others across situations (Kramer, 1999; Rotter, 1967, 1971). In other words, dispositional trust is roughly the level of trust a focal person will afford a target if no other information is available upon which to base the trust evaluation. Even though other constructs are likely to be more predictive of specific levels of trust in a given institution, conceptually, dispositional trust represents the starting point from which the individuating information increases or decreases trust. Despite criticism for its failure to account for situational characteristics like the identity of the trusted (or untrusted) entity (e.g. Hardin, 2006; Nannestad, 2008), it is nevertheless an important construct. Additionally, because it is always relevant, it can be measured, regardless of the sophistication of the respondent with the specific institution. This construct was measured as in the General Social Survey and the National Election Study, using three bipolar items regarding participants’ belief about the motives of ‘most people’. The five-point scales were labelled only at the end points (e.g. ‘generally speaking, would you say that (1) most people can be trusted, or that (5) you can’t be too careful?’).

Trust in governmental institutions is defined as the average extent to which the focal person trusts governmental institutions generally. Researchers like D’Amico (2003) and Mayer and colleagues (2006) have argued that as individuals gain more information about a target, this individuating information becomes relevant to a trust evaluation. We therefore conceptualised this construct as very similar to dispositional trust but in regard to a more specific target group – namely, governmental institutions. In other words, it is the average extent to which the focal person trusts a governmental institution about which he or she has no additional information, and it is therefore the anchor level of trust from which he or she would adjust in light of other information relevant to the specific institution, in this case, the courts. Much like global dispositional trust, this construct fails to account for individuating information that could be available to the focal person (other than that it is a governmental institution); however, its role as the default level of trust afforded an institution of government merits its inclusion in our model. To assess trust in governmental institutions, we included three items taken from the National Election Study. These items shared a common question stem which asked how often the participant trusts the federal, state, and local government to ‘do what is right’. The items were measured on five-point scales labelled as follows; 1 = ‘never’, 2 = ‘rarely’, 3 = ‘sometimes’, 4 = ‘very often’, and 5 = ‘always’.

Because the central focus of the courts is the interpretation of and adherence to the law, the remaining two constructs focus upon the focal person’s perceptions of and resultant reactions to the law itself. The first of these constructs was *cynicism toward the law*. Researchers have often argued that in order to capture confidence more completely, both positive and negative conceptualisations must be measured

Table 3. Study 1 and 2 item level statistics.

Scale/item	Study 1 (<i>n</i> = 173)			Study 2 (<i>n</i> = 391)		
	<i>M</i>	<i>SD</i>	<i>r</i> Item.Total	<i>M</i>	<i>SD</i>	<i>r</i> Item.Total
<i>Confidence in the courts</i>						
(1) Most judges in my community do their job well	3.71	.67	.74*	3.58	1.07	.81*
(2) Most judges in my community treat people with respect	3.77	.64	.74*	3.47	1.17	.82*
(3) The basic rights of citizens in my community are well protected by the police	3.70	.85	.63*	3.54	1.12	.78*
(4) The judges in my community have too much power	3.47	.84	.72*	2.85	1.09	.70*
(5) Most judges in my community are dishonest	4.08	.79	.74*	3.57	1.07	.76*
(6) Most judges in my community treat some people better than others	3.10	.87	.69*	2.46	1.25	.72*
<i>Dispositional trust</i>						
(1) Generally speaking, would you say that most people can be trusted, or that you can't be too careful?	2.66	.97	.88*	2.76	1.04	.82*
(2) Do you think that most people would take advantage of you if they got the chance or would they try to be fair?	2.57	.97	.93*	2.87	.95	.84*
(3) Would you say that most of the time people try to be helpful or that people are just looking out for themselves?	2.46	.93	.90*	2.83	1.04	.82*
<i>Trust in governmental institutions</i>						
(1) How much of the time do you feel you can trust the federal government in Washington DC to do what's right?	3.36	.81	.70*	3.15	.88	.84*
(2) How much of the time do you feel you can trust the state government to do what's right?	2.85	.69	.66*	3.25	.88	.92*
(3) How much of the time do you feel you can trust the local government to do what's right?	2.57	.69	.80*	3.09	.97	.88*
<i>Obligation to obey the law</i>						
(1) I feel I should accept the decisions made by legal authorities.	2.45	.78	.80*	3.58	1.16	.83*
(2) People should obey the law even when it goes against what they think is right.	2.27	.88	.83*	3.62	1.23	.85*
<i>Cynicism toward the law</i>						
(1) The law represents the values of people in power rather than the values of people like me.	3.04	1.04	.87*	2.41	1.22	.81*

Table 3 (Continued)

Scale/item	Study 1 ($n = 173$)			Study 2 ($n = 391$)		
	<i>M</i>	<i>SD</i>	$r_{\text{Item.Total}}$	<i>M</i>	<i>SD</i>	$r_{\text{Item.Total}}$
(2) People in power use the law to control people like me.	2.85	1.00	.86*	2.64	1.28	.88*
(3) The law does not protect my interests.	2.46	.85	.79*	3.10	1.25	.82*

Note: Numbers to the left of the question wording correspond to the numbers in the figures. Items grouped by a priori scale. $r_{\text{Item.Total}}$ is the correlation between the item and the sum of the items on that specific scale. Responses to the confidence in the courts, obligation to obey and cynicism items were measured on a five-point (1 = 'strongly agree', 5 = 'strongly disagree') Likert scale with negatively worded items reverse coded before analysis. Responses to the trust in governmental institutions items were measured on a five-point scale labelled from 'never' to 'always' and reverse coded. Dispositional trust used item-specific five-point bipolar scales anchored with different statements at the extremes (e.g. 'people try to be helpful' versus 'people look out only for themselves').

* $p < .05$.

(Cook & Gronke, 2005; Lewicki, McAllister, & Bies, 1998). We define cynicism in line with Tyler and Huo (2002), who argue that cynicism toward the law is a belief that the law 'operate[s] to protect the advantaged' (p. 108). Cynicism was measured using the three-item scale developed by Tyler and Huo (2002). The scale asks participants to respond to items assessing their feeling that the law is against them (e.g. 'people in power use the law to control people like me'). Participants responded to items in this scale using five-point scales labelled as follows: 1 = strongly disagree, 2 = disagree, 3 = neither agree nor disagree, 4 = agree, and 5 = strongly agree.

The final construct was *obligation to obey the law*. This construct, which focuses internally on the trustors' expectations of their own obligations, is relevant to the courts 'having neither the power of the "purse" (control of the treasury) nor the "sword"' (control over agents of state coercion; Gibson, 2008, p. 61). Thus, the courts are particularly reliant on internalised obligations for obedience. The current measure of obligation to obey was adapted from Tyler & Huo (2002). Specifically, the items were 'I feel I should accept the decisions of legal authorities' and 'People should obey the law even when it goes against what they think is right.' Like cynicism, item responses were measured using five-point disagree/agree scales.

Analytic strategy

The current study utilised latent measurement models to evaluate the constructs' dimensionality and reliability, as well as relationships among the constructs. Latent measurement analyses isolate the variance in item responses that is shared and can therefore be reasonably assumed to be part of the latent or underlying trait of interest. Importantly, latent analyses provide tests of construct dimensionality and relationships by attempting to explain the covariance in responses using only the relationships specified by the model. This test is conducted by essentially subtracting the estimated covariance matrix from the data covariance matrix to create a single score (residual fit index) which represents the difference in covariance between the models. In the current studies, the data were evaluated using Mplus v.6 and models were estimated using the Maximum Likelihood-Robust (MLR) estimator. The MLR estimator is equivalent to the more common Maximum Likelihood (ML) estimator

except for the inclusion of a scaling correction factor for non-normal data. Note that when the item responses are normal (scale factor = 1), the results of MLR converge to those of ML.

In both of the current studies, all of the measures were first evaluated in a saturated confirmatory factor model. For ease of interpretation, the factors in these models were identified by setting the latent factor means to zero and the variances to one. This approach also allows all of the item loadings to be freely estimated. Scale reliability was next evaluated using model-based reliability estimates, or omega (ω), which are computed by taking into account the proportion of the item's variance which is (loading) and is not (residual variance) related to the latent factor (Raykov & Marcoulides, 2010). In observed variables analysis, reliability is usually considered 'excellent' if greater than .9, 'very good' if above .8, and 'adequate' if at or above .7. Few explicit recommendations exist for latent reliability analyses but general convention is that latent analyses are more tolerant of low reliability than analyses using observed variables (Kline, 2011, p. 70).

Model fit for both the measurement and structural models was evaluated via the χ^2 test of exact fit that tests whether a residual fit index is statistically significantly different from zero. As a χ^2 test, however, the numeric difference from zero required for significance is dependent upon the size of the sample. With large samples and models with many degrees of freedom, a non-significant test of exact fit is therefore unlikely, so alternative fit indices are usually recommended for identifying good fit (Kline, 2011). We followed this advice and primarily emphasised the Comparative Fit Index (CFI; in which values higher than .9 are indicative of sufficient fit) and Tucker Lewis Index (TLI; in which values higher than .9 are indicative of sufficient fit), Standardised Root Mean-Square Residual (SRMR; for which values lower than .08 are indicative of sufficient fit), and the Root Mean Square Error of Approximation (RMSEA) point estimate (in which values lower than .1 are indicative of sufficient fit; Brown & Cudeck, 1993) in evaluating the fit of our models. Potential sources of local misfit in the model were evaluated using the normalised residual covariance matrix and modification indices (available in Mplus via the MODINDICES output option).

Upon achieving sufficient fit, these latent factors were then subjected to structural linear regression to identify the independent predictive relationships of the four predictor constructs (*dispositional trust*, *trust in governmental institutions*, *cynicism* and *obligation to obey*) with the criterion construct, *confidence in the courts*. Nested model comparisons were conducted using the scaled change in Log-Likelihood ($-2\Delta LL$), which identified significant changes in model fit as a function of the difference in the number of estimated parameters.

Study 1

Six hundred and ninety individuals who had previously participated in an online public engagement survey about their local budgeting preferences, were emailed an invitation to take a follow-up online survey about city budgeting issues. The construct scales analysed here were included as an optional appendix to the survey. Of the individuals who completed the appendix materials, slightly more than half were female (58%) and primarily white (97%); well educated (41% reported having at least some graduate school education); and middle-aged (48% reported being at least 55 years old).

Results

Because the scales analysed here were an optional appendix, 517 participants were missing data on one or more of the scales and were therefore removed. The remaining 173 participants (25% of the original 690) were retained in the following analyses. ANOVAs were conducted comparing the means of participants with missing data to those without and failed to yield any significant differences between groups at $p < .05$. Item-level statistics were then evaluated (see Table 3) and revealed good evidence for item factorability (i.e. item total correlations greater than .3).

Measures evaluation

As discussed in the analytic strategy section above, the measures were evaluated first using a confirmatory factor analysis model in which the structural model was saturated (i.e. all possible latent variable correlations were estimated; see Figure 2). Although the model failed to achieve exact fit, $\chi^2(110) = 174.01$; $p < .001$ (scale factor = 1.07), comparison of alternative fit indices with their suggested cutoffs indicated sufficient fit to the data (CFI = .93 and TLI = .91, both > the .90 cutoff; SRMR = .06 < .08 cutoff; RMSEA = .05 < .10 cutoff, $p = .20$). All items' standardised loadings on their factors were greater than .4 (see Figure 2 for standardised parameter estimates). Evaluation of the normalised residual covariance matrix revealed no relatively large residual covariances. Coupled with only three modification recommendations, this was taken as evidence of little local misfit in the model.

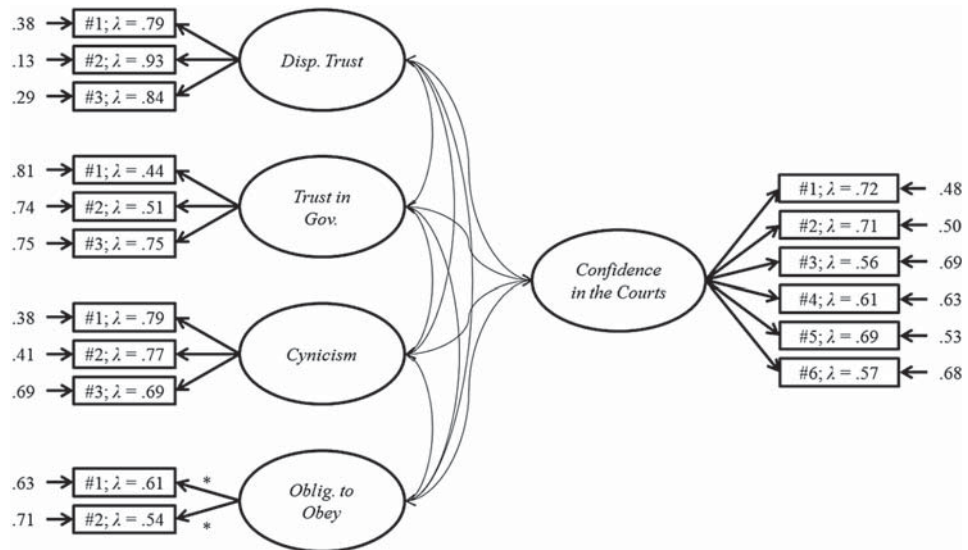


Figure 2. Study 1 measures evaluation model.

Note: Pathways with asterisks' (*) unstandardised estimates were constrained to be equal for local identification. Numbers within the item boxes correspond to the item numbers in Table 3. λ = item loading. The numbers outside of the boxes with arrows pointing to them are the item errors. Disp. Trust = Dispositional Trust; Trust in Gov. = Trust in Governmental Institutions; Cynicism = Cynicism towards the Law; Oblig. to Obey = Obligation to Obey the Law.

Next, scale omegas were computed and were good ($> .7$) for *dispositional trust* and *cynicism* but somewhat limited for *trust in governmental institutions* and *obligation to obey* ($< .6$; see Table 4). Finally, latent factor intercorrelations were evaluated and indicated that all of the scales – except for *obligation to obey*, whose correlation with the other predictor variables was only marginal, r 's = .17–.19, p 's $< .20$ – were significantly correlated (r 's ranging from .33 to .70, p 's $< .05$; see Table 4).

Measures relationships

Given the sufficient fit of the model, we next tested the hypothesis that the four predictor constructs accounted for significant unique variance in the criterion, *confidence in the courts*, which was identified by setting the first item as a marker. As an equivalent model, it also fit to the data, $\chi^2(110) = 174.01$, $p < .001$ (scale factor = 1.07); CFI = .93; TLI = .91; SRMR = .06; RMSEA = .05, $p = .20$, but returned no statistically significant independent relationships between the predictors and criterion (see Table 5). Given the correlated nature of the constructs, and the possibility that certain constructs might mediate the impact of others, is it possible that these non-significant effects were the result of multi-collinearity (note, however, that this was not hypothesised and may not generalise to other analyses). The regression coefficient of the predictor with the smallest coefficient and highest p -value in predicting *confidence in the courts*, *dispositional trust*, was therefore set to zero – essentially removing the predictor from the model but keeping the two models nested, permitting model comparison. The model was not significantly less able to recreate the pattern of observed covariance ($2\Delta LL(1) = .517$, $p = .47$). The *dispositional trust* items and factor were thus removed from the model and the resultant structural regression model fit well to the data with all four alternative fit statistics indicating sufficient fit to the data ($\chi^2(111) = 174.56$, $p < .001$ (scale factor = 1.07); CFI = .93; TLI = .91; SRMR = .06; RMSEA = .06, $p = .21$). *Trust in government* and *obligation to obey* significantly predicted *confidence in the courts* while *cynicism* remained non-significant (see Table 5). The model accounted for 55% of the variance in the latent factor of *confidence in the courts*, and the regression coefficients revealed positive relationships with it, such that a one standard deviation increase in *trust in governmental institutions* or a one standard deviation increase in

Table 4. Study 1 latent measures reliability and correlations.

Scale	Correlations				
	Omega	Disp. Trust	Trust in Gov.	Cynicism	Oblig. to Obey
Disp. Trust	.89	1	–	–	–
Trust in Gov.	.59	.46*	1	–	–
Cynicism	.79	.30*	.70*	1	–
Oblig. to Obey	.50	.18	.17	.19	1
Confidence in the courts	.81	.38*	.66*	.63*	.33*

Note: Disp. Trust = Dispositional Trust; Trust in Gov. = Trust in Governmental Institutions; Cynicism = Cynicism towards the Law; Oblig. to Obey = Obligation to Obey the Law.

* $p < .05$.

Table 5. Study 1 structural regressions predicting confidence in the courts.

Model	Model Comparison	Criterion R^2	Predictor	Parameter estimates		
				Unstd. Coeff.	Std. Coeff.	p -Value
Complete model	n/a	$R^2 = .54^*$	Disp. Trust	.10	.07	.50
			Trust in Gov.	.58	.40	.11
			Cynicism	.43	.29	.15
			Oblig. to Obey	.28	.19	.06
Dispositional trust removed	$-2\Delta LL(1) = .52, p = .47$	$R^2 = .55^*$	Trust in Gov.	.71	.48	.02
			Cynicism	.37	.25	.22
			Oblig. to Obey	.31	.21	.04

Note: Disp. Trust = Dispositional Trust; Trust in Gov. = Trust in Governmental Institutions; Cynicism = Cynicism towards the Law; Oblig. to Obey = Obligation to Obey the Law.

obligation to obey would correspond to an increase of .71 or .31 in *confidence in the courts*, respectively.

Discussion

As hypothesised, the items used in this study were unidimensional indicators of their respective latent factors. The sufficient fit of the measures evaluation model and the lack of localised misfit indicate that the model was in fact able to reproduce the covariance in the data using only the relationships specified in the model. This supports the hypothesis that the relationships among the items measuring different constructs could be reasonably explained by the relationships among those latent constructs. The scale reliability hypothesis, however, was only partially supported. The scales were reasonably reliable (at least 50% of their shared variance was reliable), but the comparatively low omegas computed for the *trust in government* ($\omega = .59$) and *obligation to obey* ($\omega = .50$) scales indicate that there is room for improvement in these two scales.

As shown in Table 5, our second hypothesis, that the predictors would account for significant independent variance in the criterion, was not supported in the complete model. The four predictor scales were not significant predictors of *confidence in the courts*, but they did show the expected pattern of directionally positive regression coefficients (note that *cynicism* was reverse coded such that increases in the variable indicated decreases in *cynicism*). Suspecting a problem with multi-collinearity, we removed the effect of the variable with the highest p -value and lowest regression coefficient, *dispositional trust*, and re-estimated the model. The ability of the reduced model to recreate the covariance in the data was not statistically different from the complete model, and the reduced model revealed the hypothesised significant positive prediction of *confidence in the courts* by *trust in governmental institutions* and *obligation to obey*. However, *cynicism* was still not a significant predictor (see Table 5).

Study 2

Participants for Study 2 were drawn from a field experiment which sought to decrease failure-to-appear rates in the state of Nebraska (Bornstein, Tomkins, Neeley, Herian, & Hamm, in press). Researchers surveyed 335 misdemeanour defendants who appeared in court for their initial arraignment and 117 who failed to appear (452 total). Racially, the sample was predominantly White (77.6%); Blacks and Hispanics comprised 7.8% and 5.7% of the sample, respectively. The majority of the sample was male (69.1%), with a mean age of 29.8. Previously reported analyses tested only the relationships between the confidence constructs and the respondent's appearance in court, and, like our previous work, used only limited analyses of reliability (Cronbach's Alpha) and dimensionality (exploratory factor analyses). In addition, the prior analyses did not investigate the constructs' multi-variate relationships.

Results

As before, participants who were missing data on any of the scales were removed, ($n = 61$). ANOVAs were conducted comparing item means of participants with missing data to those without. Only one item ('judges in my community treat people with respect') was significantly different between groups at $p < .05$. Thus, the 391 participants with complete data were used in the analyses. We then computed means, standard deviations and item-total correlations (within dimensions) and identified the items' factorability as unproblematic (see Table 3).

Measures evaluation

The measures evaluation model included all four predictor scales and the *confidence in the courts* criterion in a saturated confirmatory factor model. Again, exact fit failed to hold for the model, $\chi^2(110) = 266.16$, $p < .001$ (correction factor = 1.16), but all four of the alternative fit indices indicated sufficient fit of the estimated covariance matrix to the data (CFI = .94; TLI = .92; SRMR = .06; RMSEA = .06, $p = .03$). As in Study 1, all standardised item loadings were greater than .4 (see Figure 3 for standardised parameter estimates), and evaluation of the normalised residual covariance matrix revealed limited evidence of local misfit. The residual covariance of one of the *cynicism* items with one of the negatively-worded *confidence in the courts* items was larger than the others, but the good fit of the model made the inclusion of an error correlation unnecessary. The modification indices suggested 20 recommended modifications, but only three of them were comparatively large ($\Delta\chi^2 > 20$). Given the good fit of the model and lacking theoretical justification for the modifications, no modifications were made. Omega was again computed for these scales and was adequate for all scales except for *obligation to obey* ($\omega = .60$). Finally, the scale interrelationships were evaluated and indicated that the scales were all significantly and positively correlated (see Table 6).

Measures relationships

Next, the structural regression model was estimated. Because the model was again equivalent to the measures evaluation model (note that, as in the previous structural

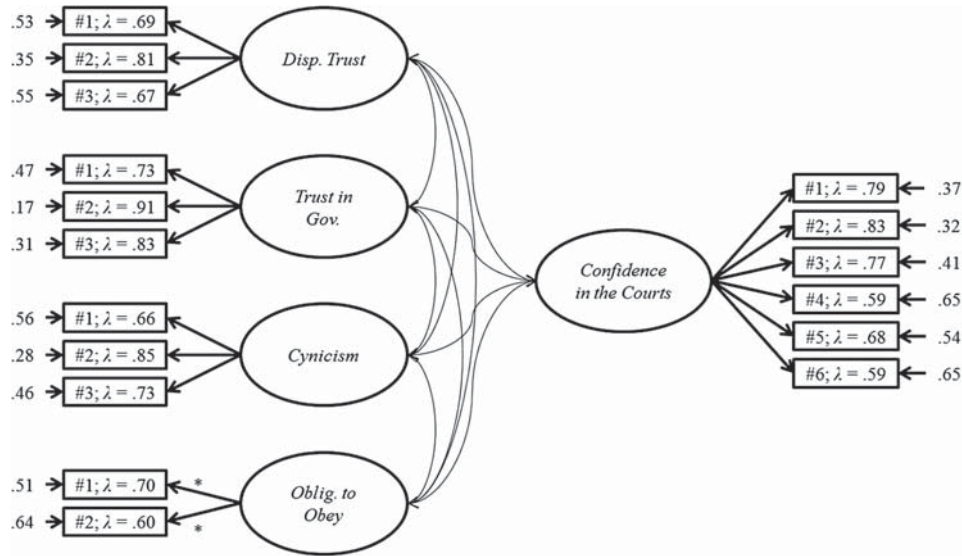


Figure 3. Study 2 measures evaluation model.

Note: Pathways with asterisks' (*) unstandardised estimates were constrained to be equal for local identification. Numbers within the item boxes correspond to the item numbers in Table 3. λ = item loading. The numbers outside of the boxes with arrows pointing to them are the item errors. Disp. Trust = Dispositional Trust; Trust in Gov. = Trust in Governmental Institutions; Cynicism = Cynicism towards the Law; Oblig. to Obey = Obligation to Obey the Law.

regression, the criterion was identified by setting the first item loading to 1), it also fit to the data, as evidenced by the fact that both the CFI and TLI were above the minimum recommended value of .9, the RMSEA was less than 1.0 and the SRMR was less than .8, ($\chi^2(110) = 266.16, p < .001$ (correction factor = 1.16); CFI = .94; TLI = .92; SRMR = .06; RMSEA = .06, $p = .03$) and left all item loadings significant on their factors. As hypothesised, most of the predictor scales significantly accounted for independent variance in the criterion, *confidence in the courts* ($R^2 = .66$; see Table 7). *Trust in governmental institutions* was most predictive with a one standard deviation increase in the construct corresponding to a .65 increase in *confidence in the courts*. *Cynicism* and *obligation to obey* were equally predictive,

Table 6. Study 2 latent measures reliability and correlations.

Scale	Omega	Correlations			
		Disp. Trust	Trust in Gov.	Cynicism	Oblig. to Obey
Disp. Trust	.73	1	–	–	–
Trust in Gov.	.87	.44*	1	–	–
Cynicism	.79	.43*	.55*	1	–
Oblig. to Obey	.60	.37*	.61*	.52*	1
Confidence in the courts	.86	.43*	.72*	.65*	.67*

Note: Disp. Trust = Dispositional Trust; Trust in Gov. = Trust in Governmental Institutions; Cynicism = Cynicism towards the Law; Oblig. to Obey = Obligation to Obey the Law.

* $p < .05$.

Table 7. Study 2 structural regressions predicting confidence in the courts.

Criterion R^2	Predictor scale	Parameter estimates		
		Unstd. Coefficient	Std. Coefficient	p -Value
$R^2 = .66^*$	Disp. Trust	.08	.05	.40
	Trust in Gov.	.65	.38	< .001
	Cynicism	.48	.28	.001
	Oblig. to Obey	.48	.28	< .001

Note: Disp. Trust = Dispositional Trust; Trust in Gov. = Trust in Governmental Institutions; Cynicism = Cynicism towards the Law; Oblig. to Obey = Obligation to Obey the Law.

* $p < .05$.

both corresponding to .48 increases. *Dispositional trust*, however, once again had no significant independent relationship.

Discussion

As in Study 1, our measurement hypothesis was largely supported by the results. The sufficient fit of the measures evaluation model, coupled with the limited evidence of local misfit in the residual covariance matrix, indicated that, again, the relationships among the items from each scale could be said to be accounted for by their relationship to a common, underlying construct. The modification indices in this study did reveal more evidence for multi-vocality than the Study 1 data, but did not result in an ill-fitting model. Additionally, the reliability of the scales in the Study 2 data was better than in Study 1, with all but one scale reporting approximately 80% of their variance as reliable. As in Study 1, however, *obligation to obey's* reliability was limited, suggesting room for improvement.

The hypothesis that the four predictors would independently account for variance in *confidence in the courts* was partially supported. Three of the predictors' regression coefficients were significant and indicated positive relationships with *confidence in the courts* (as before, *cynicism* was reverse coded before analysis). As in Study 1, *trust in governmental institutions* was most predictive of the criterion. *Obligation to obey* and *cynicism* were somewhat less related to the criterion and *dispositional trust* had no predictive value.

General discussion

The findings of the current research advance the literature on confidence in the courts by providing additional evidence for the characteristics of and relationships among constructs commonly studied as pertaining to confidence in the courts. Regarding the characteristics of the individual constructs and measures, the current research replicated the unidimensionality of the items hypothesised to measure the confidence-related constructs. In both studies, the alternative fit statistics from the measures evaluation models consistently indicated that the relationships among the variables were sufficiently represented by the relationships among their underlying latent constructs. The small increase in multi-vocality of the scales in Study 2 does suggest that misdemeanants' perceptions may be slightly less differentiated than

community members' perceptions, but the sufficient fit of both models indicates that the factor structure holds across samples.

Reliability, however, was somewhat problematic for some of the scales, underscoring a need for improvement in the scales themselves and for the use of latent measurement analyses to separate this error from the shared variance which can reasonably be argued to be the 'true score'. The measure of trust in governmental institutions was somewhat less reliable in the first study as compared to the second. It is possible that the civic engagement of the community members in Study 1 may have led to more developed perceptions of the city government as compared to state or federal government, decreasing the scale's reliability in the first study. Alternatively, the experiences of the defendants may have led them to have a more unified perception of all authority, thereby increasing the reliability in the second study.

In both studies, however, the obligation to obey items were particularly plagued with variance not relating to a common factor. Our previous work with this construct has also found low reliability (Hamm et al., 2011), and the present findings provide additional evidence that the items may tap somewhat different constructs, particularly in non-student samples. The low reliability might be the result of the fact that while the first item is a straightforward assessment of obligation ('I feel I should accept the decisions made by legal authorities'), the second item seems to pit obedience to legal authority against personal morality ('People should obey the law even when it goes against what they think is right'). Additionally, the third item of the original scale (not used in this article, but included in Hamm et al., 2011) goes even a step further and measures the extent to which obedience to the law has been incorporated into the respondents' self-concept ('It is difficult to break the law and keep one's self-respect'). Given the face validity of the first item, future researchers may wish to develop new items more closely correlated with this item for a more reliable multi-item measure of obligation to obey the law. Note that these increases in reliability are likely to increase the fit of the models, which, although sufficient, were more limited in Study 1 as compared to Study 2.

The structural regressions revealed that the latent predictor constructs accounted for roughly half of the variability in people's evaluations of their confidence in the courts. However, as in our previous work, not all of the constructs were predictive of confidence in the courts across models. Unlike the previous article, dispositional trust did not have a significant influence on the criterion in either Study 1 or Study 2. One possible explanation would be that, consistent with previous work regarding sophistication with an institution/authority (e.g. Herian et al., 2012; Lubell, 2007; van den Bos, 2001), these patterns of results suggest that the bases of perceptions like confidence in an institution may change from global to more institution-specific as the trustor becomes more sophisticated in his or her knowledge of the attributes and processes used by an institution.

Although sophistication was not measured directly in the present research, we might expect the engaged adults from Study 1 to have relatively high knowledge of government generally by virtue of their civic engagement. The misdemeanour defendants in Study 2 are, by definition, more sophisticated in their knowledge and experience of the courts in relation to the 'average' citizen, given that misdemeanour defendants came into direct contact with the courts. The pattern of results across the present studies and our previous work is such that the most general of the constructs, dispositional trust, did not have a significant independent relationship with confidence in the courts for the current, likely more knowledgeable and experienced,

participants. Furthermore, dispositional trust was the predictor with the smallest – albeit significant – bivariate relationship with confidence in the courts in both of the current studies. Conversely, in the previous work, the relatively unsophisticated students' confidence in the courts was significantly predicted by dispositional trust in all five cross-sectional item total regressions. Although the results in the student (least sophisticated) and defendant (most sophisticated) samples are unsurprising in light of this sophistication postulation, the community sample results are less clear. Given the status of the community sample as civically engaged (recall that these participants had already participated in a city budgeting survey), they would likely be more sophisticated than students regarding government generally, potentially explaining dispositional trust's lack of an independent relationship with confidence in this sample. This explanation, though we believe compelling, is not directly testable in the current data. Thus, additional research is needed to address this speculation.

The reasons for the varied relationships between confidence in the courts and trust in governmental institutions is equally unclear but reasonable in light of the sophistication hypothesis. In both of the models tested in the present research, trust in governmental institutions was the strongest predictor of confidence in the courts. In the previous samples of students (Hamm et al., 2011), trust in government was similarly strong in Study 2, but in Study 1 it was significant only when predicting confidence assessed with an emphasis on specific expectations. Notably, however, Study 2 of the previous research utilised a slightly modified version of the trust in government scale. Specifically, the scale was modified to include four other institutions thought to be more relevant to students (the President, the university administration, the United States Supreme Court, and the United States military). Because this scale was modified, its ability to predict confidence in the courts in the student sample may have increased. If true, consideration in light of the sophistication hypothesis would indicate that for individuals who are more knowledgeable of the measured institutions, the more specific trust construct (trust in institutions versus trust in people generally) has a stronger influence on confidence evaluations.

Obligation to obey and cynicism were more consistent in their ability to predict confidence in the courts across articles. In the current article and our previous work, obligation to obey was frequently a significant predictor. Cynicism also tended to predict confidence in the courts, predicting it significantly for the misdemeanor sample in the current article, and also predicting confidence assessed as perceptions of trustworthiness, in all three Time 1 cross-sectional analyses of our previous work. Conversely, other results from our previous work indicated that cynicism was not a significant predictor of trustworthiness-based confidence in the courts in the longitudinal model or cross-sectionally at Time 2, nor was it significant in Study 1 of the current article. Thus, these results seem to indicate that, at least under some circumstances, obligation to obey and cynicism are important aspects of confidence in the courts, but further research is needed to understand their inconsistent predictive ability.

Implications

The current research contributes to the understanding of confidence in the courts. Our findings have specific implications for both theoretical research investigating confidence in the courts and court practice. We identify three constructs that are

important for individuals' confidence in the courts. Roughly half of the variance in confidence assessments was accounted for by some combination of the three predictor constructs.

The fact that dispositional trust was a consistently poor predictor of individuals' confidence in the courts holds out hope that courts can work to increase public confidence. Although it would be hard to argue that the courts could have much influence on how much individuals trust others generally, the courts do have a central influence on how the public perceives government, the presented 'intentions' of the law and potentially therefore, the resulting willingness to obey them.

The results also indicate that the effects of the various related constructs are not consistent. The current research suggests that, in line with other researchers' arguments both in the governmental context (e.g. Herian et al., 2012) and in other domains (e.g. Siegrist & Cvetkovich 2000; Winter & Cvetkovich, 2008), the sophistication of the evaluator may be an important construct for understanding that person's confidence in an institution. Moreover, it also points to the importance of how confidence (or trust) is conceptualised and measured.

In conclusion, the present studies demonstrate the importance of several distinct trust-related constructs – dispositional trust, trust in governmental institutions, cynicism toward the law and obligation to obey the law – for predicting confidence in the courts. Specifically, while trust in governmental institutions, cynicism toward the law and obligation to obey it seem to be important considerations in determining confidence in the courts, dispositional trust seems to be much less important for sophisticated individuals relative to the other predictors. Additionally, although the measures used in this study appear to be reasonably reliable and unidimensional, there remains a considerable amount of unexplained variance in confidence in the courts. Given the importance of confidence and in light of the current ambiguity about what precisely is meant by and how best to measure these related constructs, research like that reported here is not only critical for theoretical development, but it also has the potential to contribute to effective and efficient governance.

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Notes on contributors

Joseph Hamm is a graduate student in the university's law and psychology PhD/M.L.S. program, a trainee in the school's NSF IGERT program, and a graduate research assistant at the University of Nebraska Public Policy Center. His research investigates public trust in institutions of authority – notably including the courts, local government and natural resource regulators – and the behavioural implications of those perceptions.

Lisa PytlikZillig is a researcher at the University of Nebraska Public Policy Center. Her work focuses on 'what works for what purposes and why?' when it comes to engaging the public in social or policy-related information and decisions. She has examined impacts of different forms of public engagement on outcomes such as trust, knowledge gains and participant

satisfaction and engagement; and has conducted her work in public engagement contexts involving public budgeting, nanotechnology, energy and climate change.

Mitch Herian is a Faculty Fellow with the University of Nebraska Public Policy Center. His research interests include public perceptions of government and policy, state and local policy making and intergovernmental relations.

Brian Bornstein is Professor of Psychology and Courtesy Professor of Law at the University of Nebraska–Lincoln, where he is also Associate Director of the Law-Psychology Program. His primary research interests are distributive and procedural justice, jury decision making and eyewitness testimony.

Alan Tomkins is director of the University of Nebraska Public Policy Center and professor of psychology and law at the University of Nebraska–Lincoln. He currently is testing a theory of trust in government and the impacts of public budgeting on trust and confidence in government; distrust and unauthorised online activities, such as hacking; and effective public participation and science communication.

Lesia Hoffman is Associate Professor of Psychology at the University of Nebraska–Lincoln. Her research involves the integration of advanced quantitative methods (multi-level, structural equation and item response models) into the study of cognition and human development, with particular emphasis on cognitive ageing.

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