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# Compliance and Legal Authority

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a0005 **Compliance and Legal Authority**

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**Abstract**

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This article addresses the question of how public compliance with the criminal law is cultivated and sustained. We first consider the empirical evidence for instrumental and normative modes of compliance and social regulation. After arguing that normative compliance with the criminal law is ethically and practically preferable to that secured by instrumental models of crime control, we outline some future directions of research into procedural justice and legitimacy.

p0015 According to <sup>ibid</sup>Bottoms (2002) there are four types of explanation for compliance with authority in general and with the criminal law in particular: (1) prudential or self-interested calculations about the potential costs and benefits of punishment, which take into account the risks and costs of punishment; (2) normative considerations about the 'rights and wrongs' of non-compliance; (3) the impact of obstructive strategies, such as locking up offenders to prevent their reoffending, as well as locking up the targets of criminal attention, literally or metaphorically; and (4) habit.

p0020 This article addresses the question of how public compliance with the criminal law is cultivated and sustained. It is concerned neither with obstructive (incapacitative) explanations nor with habit – though the latter is arguably the best explanation for why so many of us break the law so infrequently, and one that is much ignored by criminologists (a notable exception being <sup>ibid</sup>Wikström et al., 2012). Both these explanations are in a sense secondary, in that they presuppose (respectively) that something led to offending at such a level or rate that imprisonment was needed, or else created the habit of compliance with the law.

p0025 Our focus in this article is whether normative explanations for compliance – especially those that appeal to the legitimacy of institutions of justice (<sup>ibid</sup>Tyler, 2006a,b, 2011a,b) – are better in explaining public attitudes toward law enforcement than those that simply invoke the rational calculations of *homo economicus*. Exploring the nature and impact of legal authority, we first consider the empirical evidence for instrumental and normative modes of compliance and social regulation. After describing procedural justice and legitimacy as one of the most effective ways of securing normative compliance with the criminal law – and after arguing that such compliance is ethically and practically preferable to that secured by instrumental models of crime control – we outline some future directions for procedural justice research in the context of compliance and legal authority.

s0010 **Deterrence and Social Regulation**

p0030 Legal systems generally seek to improve legal compliance by using threat and punishment aimed at deterring people from

engaging in criminal behavior (<sup>ibid</sup>Nagin, 1998). In public and political discourse, answers to the question – why do people break the law? – typically revolve around the idea that crime occurs when the criminal justice system provides insufficient likelihood of punishment, or when insufficiently tough sentences are imposed. Mechanisms of coercive social control and credible risks of sanction hope to persuade the rational choice would-be offender that – while otherwise desirable – a criminal act is not worth the risk.

The argument driving deterrence strategies is threefold: that <sup>p0035</sup>fear of possible future punishment leads to compliance with the law; that risk calculations are partly shaped by both the anticipated likelihood of punishment and by judgments about its severity; and that the focus is (and should be) on the power of legal authorities and institutions to shape behavior by threatening to deliver (or by actually delivering) negative sanctions for rule breaking. This way of viewing the relationship between legal authorities and citizens is referred to as the 'deterrence' or 'social control' model. It is this model of human behavior that (for better or for worse) currently dominates law and public policy.

At the heart of the deterrence model of compliance is <sup>p0040</sup>rational choice theory. Derived from neoclassical economics (<sup>ibid</sup>Blumstein et al., 1978), a simple deterrence model assumes that people calculate expected utilities by multiplying the probability of an outcome (e.g., getting caught for armed robbery or drunk driving) by its valence or impact and then balance the result against the benefits of crime (<sup>ibid</sup>Paternoster, 2006). Rational self-interest is the motivational engine; if laws and sanctions are well calibrated then people will arrive at the conclusion that they should follow the law. It follows that to regulate behavior decision makers should adjust criminal sanctions to the required level; the expected losses associated with law breaking will then minimize the likelihood that people will break the law.

Yet, this is a costly and minimally effective system of social <sup>p0045</sup>control. It is costly because it assumes the need to create and maintain a credible threat of punishment. People will only change their behavior when they feel that there is a reasonable risk of being caught and punished for wrongdoing. They will also try to hide their illegal behavior, so a system of surveillance

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is needed to identify and deter wrongdoing. Such surveillance is often not possible, but even when it is possible, surveillance is costly and its magnitude of influence is at best weak. An authoritative recent review concluded that some studies have found that: "...punishment weakens compliance, some [have found] that sanctions have no effect on compliance, and some [have found] that the effect of sanctions depends on moderating factors" (Picquero et al., 2011: 1; see also Paternoster, 2006). When perceptions of the likelihood of being caught and punished do influence people's behavior, the effect seems to be relatively small. Consequently, social control strategies that are based exclusively on a deterrence model of human behavior have had at best limited success. Deterrence is a high-cost strategy that, at best, yields identifiable but weak results.

p0050 Under the rational choice/deterrence model we would expect crime to be more appealing and more pervasive than it actually is. Legal systems have become increasingly punitive, but the likelihood of being caught and punished for most criminal behaviors remains very low, and often too low to offset the potential gains of law breaking. Despite this, most people continue to follow the law, most of the time, even if they would bear very little consequence for breaking it.

### s0015 Normative Modes of Social Regulation

p0055 Asking why not people *break the law* but why people *obey the law* brings into sharp focus the fact that most individuals obey most laws most of the time because they think it is the right thing to do, or they have simply acquired the habit of doing so. Formal criminal justice is only one of many systems of social control, most of which have a significant normative dimension (Tyler, 2003; Tyler et al., 2007; Jackson et al., 2012a,b; Mazerolle et al., 2013). Moral norms are learnt in childhood, with greater or lesser success. Institutions like the family, schooling, and (in some countries) religion have an important part to play. Developments in later life may further support or erode these norms.

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p0060 Importantly for the current article, a good deal of research supports the idea that perceptions of the legitimacy of the institutions of justice play a further role in normative compliance. A legitimate authority commands consent (a sense of obligation to obey) that is grounded in legality and moral validity (Tyler, 2006a,b; Hough et al., 2013a,b). Crucially, if legitimacy encourages people to self-regulate, this obviates the need for expensive and minimally effective deterrence strategies. Models of crime-control that recognize the importance of the legitimacy of justice institutions and the legal system may be more durable – and less costly to a society – than the coercive model that requires a credible deterrent threat. Legitimate institutions can avoid the cost, danger and alienation that are associated with policies based on external rules underpinned by deterrent threat (Schulhofer et al., 2011).

p0065 How does legitimacy shape law-related behavior? The dominant account in the field focuses on consent and authorization. When citizens recognize the legitimacy of an institution, they believe that the institution has the right to prescribe and enforce appropriate behavior, and they feel a corresponding duty to bring their behavior in line with that

which is expected. Kelman and Hamilton (1989) refer to legitimacy as 'authorization.' A person authorizes an authority to determine appropriate behavior within a situation, and then feels obligated to follow the directives or rules that authority establishes. Importantly, the authorization of actions by authorities "seem[s] to carry automatic justification for them. Behaviorally, authorization removes the necessity of making judgments or choices. Not only do normal moral principles become inoperative but – particularly when the actions are explicitly ordered – a different type of morality, linked to the duty to obey superior orders, tends to take over" (Kelman and Hamilton, 1989: p. 16).

Numerous empirical studies have shown that legitimacy judgments predict compliance behavior even after adjusting for perceptions of the morality of a particular act and perceptions of the chances of getting caught (e.g., Sunshine and Tyler, 2003; Jackson et al., 2012a; Papachristos et al., 2012a; Tyler and Jackson, 2014). Perceptions of the legitimacy of the police and the law seem to lead to a respect for legal guidelines for action that dictates what behavior is appropriate and personally binding. These guidelines may not be perfectly aligned with everyone's moral system; we do not always agree with the moral force of each and every law. But legitimacy involves the public recognition that the social order needs a system of laws that generate compliance and respect above and beyond individual preferences. When people believe it is morally just to obey the law, then so long as they know that a particular act is illegal, it becomes by definition wrong to commit it. A different sort of morality has 'kicked in' – one that focuses on the morality of the law in a general, not specific, sense.

### Procedural Justice

How do legal authorities generate and sustain legitimacy in the eyes of citizens? According to procedural justice theory, legal authorities build legitimacy by acting according to principles of procedural fairness (Tyler and Huo, 2002; Sunshine and Tyler, 2003; Tyler, 2006a,b; Hough et al., 2013a,b). On the one hand, fair and respectful treatment and neutral and objective decision making provides the moral validity that justifies their institutional position. People's judgments about the extent to which legal authority is just, fair, and valid are based in part on the degree to which individual justice agents wield their authority in just and fair ways.

On the other hand, the exercise of authority via the application of fair process – treating people in ways that are recognized to be fair, respectful, and legal, and making fair and neutral decisions – strengthens the social bonds between individuals and authorities. Procedural justice encourages not just the belief that institutions have "a just, fair, and valid basis of legal authority" (in the words of Papachristos et al., 2012: p. 417) but also identification with the group that the authority represents (typically assumed to be the state), as well as the internalization of the belief that one should follow the rules of the group (Sunshine and Tyler, 2003; Tyler and Huo, 2002; Tyler and Huo, 2002; Tyler, 2006a, 2011a).

What is procedural justice? The two key issues affecting the generation of procedural justice are fairness of decision making processes (i.e., processes that are neutral, transparent, and allow

voice or the active participation of all the involved parties) and fairness of interpersonal treatment, sometimes referred to as interactional justice (i.e., treatment with respect and dignity). A key element of procedural justice is the implementation of voice practices. Voice means providing opportunities for individuals to participate in decision-making processes. In situations of everyday disagreements and conflicts it is important to provide opportunities for individuals to state their case before decisions concerning them are made. Informal dispute resolution mechanisms are popular in part because participating in decision making allows people to voice their own personal concerns, stating what they think the issues involved are, making suggestions for how they should be handled. Such opportunities for voice need not involve a formal or elaborate mechanism. Studies of police street stops, for example, indicate that when officers provide people an opportunity to tell their side of the story before they take action, people are much more likely to feel fairly treated (Tyler and Huo, 2002).

p0090 The element of neutrality refers to making decisions based on the consistent application of rules based on proper procedure rather than on personal opinions or prejudices. The discretionary nature of the criminal justice system provides considerable opportunity for the capricious and arbitrary exercise of power, and for authorities to act based on personal prejudice and implicit bias. By being seen as acting based on rules and by applying those rules evenly across people and time, authorities are viewed as acting fairly. Moreover, treatment with respect and dignity is consistently one of the most important issues that concern people when they are dealing with authorities. When people feel demeaned or subjected to negative stereotypes, they view themselves as diminished as people and disrespected by authorities. Conversely, when authorities acknowledge people's rights and act with courtesy, they tend to feel fairly treated regardless of outcome. People are influenced by their inferences about the motivations of the authorities with whom they are dealing. If they feel that authorities are acting out of a sincere desire to do what is right, then they view the authorities as acting more fairly. Authorities communicate trust by giving people a chance to explain their concerns, showing that what they say is being considered, and explaining why and how decisions are made.

### s0025 Future Directions of Research

p0095 The field of legitimacy and procedural justice has developed important insights about compliance with legal authority. But research continues. So below we outline what we believe to be four promising directions for future empirical inquiry.

### s0030 Boundary Conditions for Procedural Justice and Legitimacy

p0100 As others have noted (e.g., Tankebe, 2009; Murphy and Cherney, 2012; Bradford et al., 2013; Sargeant et al., 2013), we need a better understanding of the boundary conditions of procedural justice and legitimacy in the context of criminal justice. Are there some contexts under which procedural justice and legitimacy become more or less important in compliance with criminal laws? (Note that there are parallels here to

ongoing criminological work into the conditions under which deterrence and credible threat can be influential and the sorts of people who are motivated more by rational chance than by normative factors, see Picquero et al., 2011).

Might legitimacy be more of a motivational force for deterring some types of offending than other types of offending? Legitimacy may be a more important influence on people's behavior with respect to the sort of 'everyday crimes' that straddle the line between more serious crimes and those that according to Karstedt and Farrall (2006: p. 1011) "...fall into a grey zone of legality and morality." Yet, a recent study linked perceived police legitimacy to certain types of self-reported violent behavior, i.e., carrying a gun and getting into a fight (Papachristos et al., 2012). More work is clearly needed on this issue.

Procedural justice and legitimacy may also be more important for some individuals. One possible moderating factor is one's identification with the superordinate group that the authority is representing (Huo et al., 1996; Smith et al., 1998). The identity relevant information contained in individuals' treatment by authorities may be more or less salient or meaningful to them depending on the nature and strength of pre-existing group affiliations. For instance, procedural fairness may matter less to people with uncomplicated identification with the mainstream society that the police represent, since their status is not an issue (Sunshine and Tyler, 2003). Conversely, those on the margin of the group may pay relatively more attention to fairness since inclusion and status is an issue to them (De Cremer, 2002). People have varying psychological needs in relation to social groups, and people who have a greater need of 'belongingness information' (De Cremer and Tyler, 2005: p. 166) may place greater emphasis on fair treatment than those with less need of such information. Procedural fairness may also matter more in situations where group status is salient to actors. Greater salience increases their receptiveness to identity relevant messages (Prooijen et al., 2002), while lower salience (or lack of shared group membership) decreases receptiveness. Thus far, the extent to which group identity moderates and/or mediates the associations between procedural justice and legitimacy in real world setting is unclear (Bradford, 2012).

Another possible boundary condition is national context. Work on legitimacy originated in the US, but has since successfully migrated to the UK, Australia, Israel, and some other countries, with studies finding that procedural justice is central to legitimacy and that legitimacy is a key predictor of various law-related behaviors. Round 5 of the European Social Survey – a comparative, cross-national survey that is particularly strong in its commitment to equivalence in terms of sampling, mode of interviewing, weighting, and measurement – also shows strong and consistent associations between procedural fairness and legitimacy (Hough et al., 2013a,b).

But in Ghana and South Africa, effectiveness seems to be at least as important a predictor of legitimacy as procedural justice. In these countries, the basic social utility of police may be doubted more in the US or the UK. Under such conditions, people may draw more heavily on their assessments of the effectiveness of the public police when forming their legitimacy judgments. In the US, UK, and Australia the essential social utility of the police is often taken as a given; people's response to

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perceived crime problems is often not to blame the public police, nor to turn to alternative providers of policing services, but to call for a greater level of intervention from the police (Girling et al., 2000). It may be that a baseline assumption of police efficacy in the US, UK, and Australia opens up a greater space for procedural justice judgments, while at the same time dampening down variation in legitimacy linked to effectiveness judgments. In contexts like South Africa and Ghana, this baseline sense of usefulness is still to be established, resulting in a comparatively greater emphasis on instrumental concerns about effectiveness. The broader historical backdrop is important. In the case of Ghana, Tankebe (2009: p. 1280) refers to "... the failure of successive postcolonial governments to embark on any genuine and meaningful democratic reforms of the Ghana police to build strong attachments between the police and the citizenry."

##### s0035 More Experimental Work

p0125 Because a good deal of the evidence on procedural justice and legitimacy is survey based, it is limited in its ability to isolate and test causal effects. Observational data of this kind allows one to model conditional correlations in the broader population. But the design has three main weaknesses: (1) there may be any number of confounding variables; (2) the arrow of causality can go both ways; and (3) the time ordering may be unclear.

p0130 There is a pressing need for more randomized controlled trials (RCTs) in the vein of Mazerolle et al. (2013). To estimate the causal effect of procedural justice, Mazerolle and colleagues randomized police officers conducting alcohol breath tests in Queensland, Australia into two test conditions. In the control group it was 'business as usual.' In the experimental group police officers followed a script based on principles of procedural justice. Compared to the control group, citizens in the experimental group were more satisfied with how they were treated, were more likely to believe that the police exercise legitimate authority, and reported being more likely to comply in the future.

p0135 While RCTs can estimate the causal impact of procedural justice on legitimacy and other accounts, field experiments are often limited in their ability to assess *exactly why* the treatment affects the outcome. There is thus a need for laboratory-based experiments to uncover the psychological mechanisms that link procedural justice, legitimacy, and law-related behavior. Traditionally, legitimacy has been connected to internalization, in which one willingly consents to the demands of legal authorities to obey the law because one accepts their right to dictate appropriate behavior and feels a corresponding duty to obey (Tyler, 2006a,b). As an influence on criminal behavior, internalization differs from compliance because of its normative rather than instrumental character.

p0140 But legitimacy may also influence law-related behavior through identification (especially if one includes 'normative alignment' in the definition of legitimacy, see Jackson et al., 2012a,b; Tyler and Jackson, 2014). Legal authorities make demands on citizens, most forcefully to obey the law, and according to Kelman's (2006) typology of social influence, legal authorities can draw upon people's motivations to avoid punishment, to internalize the moral value that it is right to obey the law (and to internalize other values, like it is wrong to steal), and to identify with certain societal roles and

responsibilities. Identification refers to the idea that people are motivated to act in ways that satisfy a particular relationship because they draw value, worth, and status from that relationship. Conforming to the expectations of a social role shapes behavior because people want "to establish and maintain a satisfying self-defining relationship to another person or a group" (Kelman, 1958: p. 53). Conformity to the norms and values attached to the reciprocal role relationship gives satisfaction not only because one agrees with the norms and values (one internalizes the values and act in ways that are intrinsically rewarding) but also because one gains value and worth from the self-defining relationship.

We recommend future lab-based studies examine whether internalization and identification are two (mutually reinforcing) mechanisms by which procedural justice and legitimacy influence law-related behavior. How legal authorities treat individuals and make decisions conveys value, worth, and status to individuals within the wider group that the legal authorities represent (Tyler and Blader, 2003; Blader and Tyler, 2009). On this account, procedural justice leads not just to internalization of values (one of which is that it is right and proper to obey the law) but also to the merging of one's self-concept with the group, as well as the adoption of a reciprocal role relationship. Drawing upon panel data from a national probability sample of Australians, for instance, Bradford et al. (2014a) found that social identity – identifying themselves as Australian and adopting one proper role of an Australian citizen, that is, law abiding – mediated the association between procedural justice and perceptions of legitimacy. Procedural justice thus seems to encourage people to feel part of the system, to be normatively aligned with legal authorities, to be 'in it together,' and by extension, perhaps, to act accordingly. We need more work on identification as a mechanism of social influence linking procedural justice to law-related behavior.

Another possible mechanism links the effect of procedural justice to perceptions and experiences of power. Procedural justice operates in environments that are hierarchical by nature, and while the existence of hierarchy may be beneficial to authorities or social institutions, it is far riskier to subordinates. Consenting to authorities' power means that subordinates accept having less power, less control, and less choice over their circumstances. A new line of experimental work suggests that procedural justice can remove some of the threats inherent to having less power by changing subordinates' subjective perception of power in two important ways (Mentovich, 2012). First, procedural justice seems to empower subordinates – when treated fairly by an authority figure, subordinates experience themselves as having more autonomy and more power compared with when they are treated unfairly. Second, procedural justice seems to equalize power relations – the use of procedural justice causes the hierarchical power relations between subordinates and authorities to be seen more similarly to relations between equals. These effects have also been demonstrated in how citizens view their power in law enforcement settings and with regard to legal authorities (Mentovich, 2012). In describing their encounter with a police officer, for instance, citizens reported feeling more autonomous, more powerful, and more equal to the officer who treated them fairly compared with unfairly.



p0155 More experimental work in this vein may help our understanding of the role of procedural justice in fostering legitimacy and cooperation. Might power distance operate alongside internalization and identification to drive law-related behavior? One question is whether a sense of subjective empowerment is particularly conducive to public cooperation that, unlike obedience, is based on a sense of volition, choice, and the belief that one's action will make an impact. While disempowered subordinates are more likely to obey, those who are empowered are more likely to cooperate. And since empowerment is a positive psychological experience in and of itself, subjectively empowered citizens may continue to cooperate with the police simply since they view this experience as altogether positive. Conversely, while some degree of power inequality may be necessary in society, this can be difficult for the less powerful to accept, and it is easier for those who are in the lower side of the power ladder to accept arrangements that minimize power disparities to as large an extent as possible. We thus recommend experimental studies examine whether citizens – particularly those in democratic societies that are accustomed to relatively lower levels of power distance in relations to civic authorities – are more likely to legitimize systems and authorities that maintain a relatively minimal degree of power differentials over them.

#### s0040 Legitimacy as Dynamic and Interactive

p0160 Third, a recent theoretical paper expands upon the dynamic and interactive nature of legitimacy comprising claims to legitimacy from power-holders and audience reception of those claims (Bottoms and Tankebe, 2012). It certainly makes sense to study legitimacy over time as a dynamic interaction among power holders and subordinates. For example, one common comment about street stops is that a person who has been stopped repeatedly views an interaction differently from someone who has not. It may well be that, over time, the dynamic of such stops changes for both parties, in part based on the officer's changing sense of authority and power, and in part based on the citizen's reception of the officer's claims to power and authority. Understanding this dynamic requires longitudinal approaches of the type proposed by Bottoms and Tankebe. Longitudinal work would capture the citizen's sense of duty to authority, judgment of the morality of police action, and perceptions of the lawfulness of those actions. The same studies would also capture the officers' sense of power and authority, the moral values expressed in their actions, and the lawfulness of what they do and how they behave (cf Tyler et al., 2007; Bottoms and Tankebe, 2013; Jonathan-Zamir and Harpaz, 2014). Work is especially needed on the measurement of power-holders' beliefs about their own legitimacy and empirical insight into how and why these beliefs shape their subsequent behavior (see Bradford et al., 2014b for a discussion of what might shape police officers attitudes toward different policing styles).

#### s0045 Integrating Procedural Justice Theory with Criminological Accounts of Compliance

p0165 Finally, drawing links to existing criminological frameworks into offending may advance our understanding of compliance and

legal authority. Consider situational action theory (SAT). Locating individuals in the potentially criminogenic contexts within which they act, SAT helps us flesh out the way in which individual decisions about crime may be both structured and influenced by the actions of legal authorities (as well as many other factors). SAT sees intentional criminal acts as a subset of a wider universe of moral rule-breaking acts: "an act of crime is to intentionally break a prescription for behaviour stated in the law" (Wikström, 2006: p. 2). Importantly, for a person to commit a crime in a given situation, they must first perceive the criminal act to be an option; they then make a judgment about that option; and finally they must choose to act based on that judgment. Whether an actor sees a criminal act as an 'action alternative' is key. If – and only if – they perceive the possibility of crime in a given situation, then they must make a judgment is made based on this perception.

It is reasonable to speculate that people who perceive the police and other legal authorities to be legitimate are less likely to see crime as an action alternative. They internalize the value that it is morally just to obey the law. So an illegal act may not even cross their minds as an option; deterrence may not even be a factor driving the action alternatives. Bringing insights from SAT into procedural justice theory may thus shed light on some quite complex relationships among legitimacy, morality, deterrence, and criminal behavior.

Another criminological account of compliance and offending centers upon the idea of collective efficacy. Sampson and colleagues (Sampson et al., 1997, 1999; 2002) have shown that neighborhoods characterized by deprived social and economic conditions are limited in their ability to control or supervise behavior (primarily that of young people), and that the statistical effects of concentrated disadvantage, residential stability, and population heterogeneity on violence (and perceived violence) are partly mediated by 'collective efficacy,' i.e., shared values and shared propensities for action. First, particular patterns of social and economic life shape the extent to which neighborhoods develop shared dispositions to feel and act, fostering social control, and cohesion. Second, significant variation in these shared propensities to act on behalf of the collective good, which is then related to levels of violence, as well as people's perceptions of violence in their locality.

A recent London-based study found that collective efficacy in a given neighborhood was strongly linked to residents' beliefs about police legitimacy – the police have the right to exercise legitimate authority in the eyes of local residents partly when the object and purpose of their power (to effect social order and control) is achieved in the everyday (Jackson et al., 2012b). Because of the 'fit' of the police to the activity of policing, the police organization garners legitimacy from the extent to which the establishment and reproduction of normative social order is strong (most palpable in the informal social control mechanisms that regulate most conduct, rather than the formal policing that steps in when informal controls have failed). People feel more obligated to obey officers when the local community seems well policed, and are more likely to feel that the police share their values when the neighborhood seems orderly and well regulated. Conversely, they question police power and authority – and begin to doubt the desirability of conferring police power and authority – when they perceive quotidian processes of social ordering to be failing.

## 6 Compliance and Legal Authority

p0185 Future work might examine whether people recognize and justify police power not only when the police wield this power in a fair way (i.e., procedural justice) but also when social order in their local neighborhood seems to be adequately maintained – that is, when the broader activity of ‘policing’ appears successful. It may be that collective efficacy exerts a downward pressure on crime not only through a direct influence of informal social control mechanisms, but also because it encourages people to legitimize the police (they seem to justify their power because policing is strong in their local neighborhood, cf Jackson and Sunshine, 2007; Jackson and Bradford, 2009). Legitimacy may then have a knock-on effect on compliance.

### s0050 Final Words

p0190 In this article we have considered the research evidence for how legal authority can secure public compliance with the criminal law. Procedural justice theory is to date the best-evidenced theory explaining what generates legitimacy in criminal justice settings, and how legitimacy in turn influences law-related behavior. The lesson for policy is clear. A crime-control model driven by procedural justice in its structure, legislation, and day-to-day policing practice addresses dilemmas that are created by the tensions between crime-control models of the regulation of criminal behavior and due process ones, offering a resolution which privileges professional standards and the consolidation of institutional legitimacy over short-term goals of crime control.

p0195 But research continues and in this article we have recommended a broader integration with existing work on compliance and offending, more work on the boundary conditions of procedural justice and legitimacy, more experimental research into effects and mechanisms, and a new focus on the dialogues between power-holders and subordinates. These are exciting areas of research, with much to be done, and many important lines of inquiry to pursue.

[ED1]

See also: Crime: Knowledge about and Prevalence; 86147; 86155; Deterrence; Law: Defense of Insanity; 45008; 86101.

### Bibliography

- Blader, S., Tyler, T.R., 2009. Testing and expanding the group engagement model. *Journal of Applied Psychology* 94, 445–464.
- Blumstein, A., Cohen, J., Nagin, N. (Eds.), 1978. *Deterrence and Incapacitation: Estimating the Effects of Criminal Sanctions on Crime Rates*. National Academy of Sciences, Washington, DC.
- Bottoms, A., 2002. Compliance and community penalties. In: Bottoms, A., Gelsthorpe, L., Rex, S. (Eds.), *Community Penalties: Change and Challenges*. Willan, Cullompton, pp. 87–116.
- Bottoms, A., Tankebe, J., 2012. Beyond procedural justice: a dialogic approach to legitimacy in criminal justice. *Journal of Criminal Law and Criminology*.
- Bottoms, A., Tankebe, J., 2013. ‘Voice within’: power-holders’ perspectives on authority and legitimacy. In: Tankebe, J., Liebling, A. (Eds.), *Legitimacy and Criminal Justice: An International Exploration*. Oxford University Press, Oxford.
- Bradford, B., 2012. Policing and social identity: procedural justice, inclusion and cooperation between police and public. *Policing and Society*. <http://dx.doi.org/10.1080/10439463.2012.724068> fFirst.
- Bradford, B., Huq, A., Jackson, J., Roberts, B., 2013. What price fairness when security is at stake? Police legitimacy in South Africa. *Regulation and Governance*. <http://dx.doi.org/10.1111/rego.12012>.

[AU10]

- Bradford, B., Murphy, K., Jackson, J., 2014a. Officers as mirrors: policing, procedural justice and the (re)production of social identity. *British Journal of Criminology*.
- Bradford, B., Quinton, P., Myhill, A., Porter, G., 2014b. Why do the law comply? Procedural justice, group identification and officer motivation in police organizations. *European Journal of Criminology* 11 (1), 110–131.
- De Cremer, D., 2002. Respect and cooperation in social dilemmas: the importance of feeling included. *Personality & Social Psychology Bulletin* 28 (10), 1335–1341.
- De Cremer, D., Tyler, T.R., 2005. Am I respected or not?: inclusion and reputation as issues in group membership. *Social Justice Research* 18 (2), 121–153.
- Girling, E., Loader, I., Sparks, R., 2000. *Crime and Social Control in Middle England: Questions of Order in an English Town*. Routledge, London.
- Goudriaan, Heike, Wittebrood, Karin, Nieuwbeerta, Paul, 2006. Neighbourhood characteristics and reporting crime. *British Journal of Criminology* 46, 719–742.
- Hough, M., Jackson, J., Bradford, B., 2013a. The governance of criminal justice, legitimacy and trust. In: Body-Gendrot, S., Lévy, R., Hough, M., Snacken, S., Kerezi, K. (Eds.), *The Routledge Handbook of European Criminology*. Routledge, Oxon, pp. 243–265.
- Hough, M., Jackson, J., Bradford, B., 2013b. Legitimacy, trust and compliance: an empirical test of procedural justice theory using the European social survey. In: Tankebe, J., Liebling, A. (Eds.), *Legitimacy and Criminal Justice: An International Exploration*. Oxford University Press, Oxford, pp. 326–352.
- Huo, Y.J., Smith, H.J., Tyler, T.R., Lind, E.A., 1996. Superordinate identification, subgroup identification, and justice concerns: is separatism the problem, is assimilation the answer? *Psychological Science* 7, 40–45.
- Jackson, J., Bradford, B., 2009. Crime, policing and social order: on the expressive nature of public confidence in policing. *British Journal of Sociology* 60 (3), 493–521.
- Jackson, J., Bradford, B., Hough, M., Kuha, J., Stares, S.R., Widdop, S., Fitzgerald, R., Yordanova, M., Galev, T., 2011. Developing European indicators of trust in justice. *European Journal of Criminology* 8 (4), 267–285.
- Jackson, J., Bradford, B., Hough, M., Myhill, A., Quinton, P., Tyler, T.R., 2012a. Why do people comply with the law? Legitimacy and the influence of legal institutions. *British Journal of Criminology* 52, 1051–1071.
- Jackson, J., Bradford, B., Stanko, E.A., Hohl, K., 2012b. *Just Authority? Trust in the Police in England and Wales*. Routledge, Oxon.
- Jackson, J., Huq, A., Bradford, B., Tyler, T.R., 2013. Monopolizing force? Police legitimacy and public attitudes towards the acceptability of violence. *Psychology, Public Policy and Law* 19 (4), 479–497.
- Jackson, J., Sunshine, J., 2007. Public confidence in policing: a neo-Durkheimian perspective. *British Journal of Criminology* 47 (2), 214–233.
- Jonathan-Zamir, T., Harpaz, A., January 27, 2014. Police understanding of the foundations of their legitimacy in the eyes of the public: the case of commanding officers in the Israel national police. *British Journal of Criminology*. <http://dx.doi.org/10.1093/bjc/azu001>. First published online.
- Karstedt, S., Farrall, S., 2006. The moral economy of everyday crime: markets, consumers and citizens. *British Journal of Criminology* 46, 1011–1103.
- Kelman, H.C., 1958. Compliance, identification, and internalization: three processes of attitude change. *Journal of Conflict Resolution* 2, 51–60.
- Kelman, H.C., Hamilton, V.L., 1989. *Crimes of Obedience*. Yale, New Haven.
- Loader, I., Mulcahy, A., 2003. *Policing and the Condition of England: Memory, Politics and Culture*. Oxford University Press, Oxford.
- Mazerolle, L., Antrobus, E., Bennett, S., Tyler, T.R., 2013. Shaping citizen perceptions of police legitimacy: a randomized field trial of procedural justice. *Criminology* 51 (1), 33–63. <http://dx.doi.org/10.1111/j.1745-9125.2012.00289.x>.
- Mentovich, A., 2012. *The Power of Fair Procedures: The Effect of Procedural Justice on Perceptions of Power and Hierarchy*. Doctoral thesis. New York University.
- Murphy, K., Chemey, A., 2012. Understanding cooperation with police in a diverse society. *British Journal of Criminology* 52, 181–201.
- Nagin, D.S., 1998. Criminal deterrence research at the outset of the twenty-first century. *Crime and Justice: A Review of Research* 23, 1–42.
- Pagliari, S., Ellemers, N., Barreto, M., 2011. Sharing moral values: anticipated ingroup respect as a determinant of adherence to morality-based (but not competence-based) group norms. *Personality & Social Psychology Bulletin* 37 (8), 1117–1129.
- Papachristos, A.V., Meares, T.L., Fagan, J., 2012. Why do criminals obey the law? the influence of legitimacy and social networks on active gun offenders. *Journal of Criminal Law & Criminology* 102 (2), 397–440.
- Paternoster, R., 2006. How much do we really know about criminal deterrence? *Journal of Criminal Law and Criminology* 100, 765–824.
- Picquero, A., Paternoster, R., Pogarsky, G., Loughran, T., 2011. Elaborating the individual difference component in deterrence theory. *Annual Review of Law and Social Science* 7, 335–360.
- Prooijen, J.W. van, Bos, K van den, Wilke, H.A.M., 2002. Procedural justice and status: status salience as antecedent of procedural fairness effects. *Journal of Personality and Social Psychology* 83, 1353–1361.

[AU11]

- Robinson, G., McNeill, F., 2008. Exploring the dynamics of compliance with community penalties. *Theoretical Criminology* 12, 431–449.
- Sargeant, E., Murphy, T., Cherney, A., December 9, 2013. Ethnicity, trust and cooperation with police: testing the dominance of the process-based mode. *European Journal of Criminology*. <http://dx.doi.org/10.1177/1477370813511386>. Published online before print.
- Schulhofer, S., Tyler, T.R., Huq, A., 2011. American policing at a crossroads: unsustainable policies and the procedural justice alternative. *Journal of Criminal Law and Criminology* 101 (2), 335–375.
- Smith, H.J., Tyler, T.R., 1997. Choosing the right pond: the influence of the status of one's group and one's status in that group on self-esteem and group-oriented behaviors. *Journal of Experimental Social Psychology* 33, 146–170.
- Smith, H.J., Tyler, T.R., Huo, Y.J., Ortiz, D.J., Lind, E.A., 1998. The self-relevant implications of the group-value model: group membership, self-worth, and procedural justice. *Journal of Experimental Social Psychology* 34, 470–493.
- Sunshine, J., Tyler, T.R., 2003. The role of procedural justice and legitimacy in shaping public support for policing. *Law and Society Review* 37, 513–548.
- Tajfel, H., Turner, J.C., 1986. The social identity theory of intergroup relations. In: Worchel, S., Austin, W.G. (Eds.), *Psychology of Intergroup Relations*. Nelson-Hall, Chicago, IL, pp. 7–24.
- Tankebe, J., 2009. Public cooperation with the police in Ghana: does procedural fairness matter? *Criminology* 47 (4), 1265–1293.
- Turner, J.C., 1975. Social comparison and social identity: some prospects for intergroup behavior. *European Journal of Social Psychology* 5, 5–34.
- Turner, J.C., Brown, R.J., Tajfel, H., 1979. Social comparison and group interest in ingroup favoritism. *European Journal of Social Psychology* 9, 187–204.
- Tyler, T.R., Blader, S., 2003. Procedural justice, social identity, and cooperative behavior. *Personality and Social Psychology Review* 7, 349–361.
- Tyler, T.R., 2003. Procedural justice, legitimacy, and the effective rule of law. In: Tonry, M. (Ed.), *Crime and Justice* 30, 431–505.
- Tyler, T.R., 2006a. Psychological perspectives on legitimacy and legitimation. *Annual Review of Psychology* 57, 375–400.
- Tyler, T.R., 2006b. *Why People Obey the Law*. Princeton University Press, Princeton.
- Tyler, T.R., 2011a. *Why People Cooperate*. Princeton University Press, Princeton.
- Tyler, T.R., 2011b. Trust and legitimacy: policing in the US and Europe. *European Journal of Criminology* 8 (4), 254–266.
- Tyler, T.R., Boeckmann, R., 1997. Three strikes and you are out, but why? The psychology of public support for punishing rule breakers. *Law and Society Review* 31 (2), 237–265.
- Tyler, T.R., Lind, E.A., 1992. A relational model of authority in groups. In: Zanna, Mark P. (Ed.), *Advances in Experimental Social Psychology*, vol. 25. Academic Press, Inc., San Diego, pp. 115–191.
- Tyler, T.R., Fagan, J., 2008. Legitimacy and cooperation: why do people help the police fight crime in their communities? *Ohio State Journal of Criminal Law* 6 (1), 231–275.
- Tyler, T.R., Huo, Y.J., 2002. *Trust in the Law: Encouraging Public Cooperation with the Police and Courts*. Russell-Sage Foundation, New York.
- Tyler, T.R., Jackson, J., 2013. Future challenges in the study of legitimacy and criminal justice. In: Tankebe, J., Liebling, A. (Eds.), *Legitimacy and Criminal Justice: An International Exploration*. Oxford University Press, Oxford, pp. 83–104.
- Tyler, T.R., Jackson, J., 2014. Popular legitimacy and the exercise of legal authority: motivating compliance, cooperation and engagement. *Psychology, Public Policy and Law* 20 (1), 78–95. <http://dx.doi.org/10.1037/a0034514>.
- Tyler, T.R., Callahan, P., Frost, J., 2007a. Armed, and dangerous(?): can self-regulatory approaches shape rule adherence among agents of social control. *Law and Society Review* 41 (2), 457–492.
- Tyler, T.R., Sherman, L.W., Strang, H., Barnes, G.C., Woods, D.J., 2007b. Reintegrative shaming, procedural justice, and recidivism: the engagement of offenders' psychological mechanisms in the Canberra RISE drinking-and-driving experiment. *Law and Society Review* 41 (3), 553–586.
- Wikström, P.-H.O., 2006. Individuals, settings and acts of crime: situational mechanisms and the explanation of crime. In: Wikström, P.-H.O., Sampson, R.J. (Eds.), *The Explanation of Crime*. Cambridge University Press, Cambridge, pp. 31–60.
- Wikström, P.-H.O., 2010. Situational action theory. In: Cullen, F.T., Wilcox, P. (Eds.), *Encyclopedia of Criminology*, vol. 1. Sage, Thousand Oaks, pp. 1001–1007.
- Wikström, P.-H.O., Oberwittler, D., Treiber, K., Hardie, B., 2012. *Breaking Rules: The Social and Situational Dynamics of Young People's Urban Crime*. Oxford University Press, Oxford.