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When lockdown law is effectively unenforceable, what motivates people to obey it?

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Do people obey lockdown rules because the law demands it, or out of a sense of collective duty? Jonathan Jackson (LSE) and Ben Bradford (UCL) argue that law has offered a powerful way for people to understand their social obligations during the pandemic.

Until widespread vaccination rollout brings population-level immunity, governments will continue to rely on public health measures, lockdowns and travel restrictions to control the spread of COVID-19. To put in place

the right package of policies, it is vital to understand what motivates people to adhere to recommendations and requirements.

We ran a study into the predictors and dynamics of lockdown compliance back in spring 2020 (details can be found in a paper soon to be published in [LSE Public Policy Review](#)). This was a fascinating time in the history of the UK. The powers that Parliament passed on 26 March 2020 were unprecedented, as basic freedoms enshrined in law on free movement and assembly were taken away overnight. Yet, while the legal system was tasked to enforce the legal requirement for social distance, public compliance was remarkably widespread, and the police have **only rarely had to intervene**. Current figures, which now relate to the first 11 months of the pandemic, suggest police in England and Wales have issued Fixed Penalty Notices for breaches of COVID regulations to just 0.1% of the population.

We tracked the experiences, attitudes, and behaviours of 1,200 people recruited on the platform Prolific Academic, living in Birmingham, Cardiff, Edinburgh, Glasgow, Leeds, Liverpool, London Manchester, Newcastle and Sheffield. The first wave was fielded one month after the first lockdown began. The second wave was fielded the day after Prime Minister Boris Johnson's address to the nation announcing an easing of the initial lockdown restrictions. These changes involved revised messaging from 'stay at home' to 'stay alert' as well as some rule changes (e.g. allowing more outdoor activities within households, and more contact between them), and came into force on 13 May. The data collection of the third wave took place ten days after the nation learnt about the lockdown breach by Dominic Cummings, the prime minister's chief advisor, which was followed by a national outcry. The data collection for wave three also coincided with further easing of the

restrictions, including permitting up to six people to meet outside, the reopening of some childcare facilities, and so on.

We wanted to understand the psychological bases of lockdown compliance—the balance between consent and compulsion. We were especially interested in the role that the law played alongside social norms. Because the lockdown was effectively unenforceable—the police cannot be on every street corner, in every park—we expected deterrence (fear of the police) to play a negligible to small role. If people were worried about the consequences of non-adherence, we reasoned, it would be because of disapproval from others—social sanctions rather than legal sanctions. And this was what we found.



*Hampstead Heath, March 2021. Photo: **Adrian Scottow***

We found that compliance was about voluntary norm abidance and willing self-regulation—that is to say, it was more normative than instrumental. A common view of the legal system is that it shapes behaviour through enforcement and the threat of punishment, yet existing work in criminology and legal theory suggests that the law can provide two potentially complementary motivations to act, distinct from

the threat of punishment. On the one hand, when people see the institutions that enact and enforce the law as legitimate, they are more likely to abide by legal regulations. Imbuing a legal institution with rightful authority – seeing it as legitimate – means accepting its role as a regulator of behaviour. People draw positive identity from respect for the law. Legal authorities are powerful group representatives, and legitimacy leads to the internalisation of the duties and responsibilities attached to group membership, part of which is a sense of obligation to obey rules and laws, irrespective of their content.



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On the other hand, the law can have an expressive function that can influence behaviour in a way that moves beyond obligation (legitimacy) backed up by sanction (deterrence). Expressive laws change and/or signal community values; they regulate actions by regulating the acceptable justifications for those actions. Positioning something as

'against the law' communicates and/or creates social values, and tells people what they should do (and why). By providing guidelines through which to organise, law provides a focal point around which people can coordinate their behaviour and thereby solve collective action problems.

We found evidence for this second, expressive function of the law.

Framing the problem and the solution at the collective level, lockdown law changed the social meaning of certain actions and provided a set of guidelines towards which people could orient their behaviour.

Expressive and coordinating qualities gave the law a binding quality in a way strengthened and built upon the effect of social norms. By abiding by the law, and acting upon mutual expectations to protect each other and help the National Health Service, people expressed to each other a sense of in-group identity. Notably, it was norms premised on shared moral values and collective action against the virus that appeared important. These were beliefs that 'everybody' should follow social distancing to help prevent the spread of COVID-19 and that it was important that 'everybody' did so in order to protect the NHS.



The law seems important in indicating to people how “we” should behave, and it affords moral and practical underpinning to the collective effort.



So where does this leave us? Lessons from the first lockdown are still important today. We are now in lockdown 3.0 and just like before, many elements of the restrictions and guidelines, like legally mandated social distancing and quarantine measures, are effectively unenforceable. Police cannot present a credible threat of sanction to most/all people in most/all situations. While restrictions will be gradually eased in the coming weeks (and we continue to hope that new variants do not undercut the effectiveness of first-generation vaccines) a successful exit from lockdown—that keeps excess illness and deaths to a minimum—will require people to follow the path set out and not, for example, construe the initial, cautious easing as signalling that the restrictions still in place are no longer binding.

Social norms will matter in this process. There is a continuing need to stress the collective struggle against the virus. In addition, using force, or fear of sanction, to ensure compliance will not be the most effective way of procuring it. But enshrining restrictions in law still seems to be important. This has the dual effect of signalling their importance—indicating that it is now inappropriate to behave in particular ways – and providing a set of guidelines around which people can organise.

There are often concerns that ‘making something illegal’ (e.g. a new drug) is an empty threat and a diversion from policies that would address the underlying issues (e.g. why people use drugs). This may often be the case. But in the unheralded context of the pandemic, the law seems important in indicating to people how “we” should behave, and it affords moral and practical underpinning to the collective effort. Indeed, the threat of punishment could work not through its pure

deterrent value, but rather because the existence of the sanction serves to convince people that the behaviour it targets is immoral.

We should note that concern about catching COVID only came in as a predictor of compliance when lockdown started to ease. Prudential compliance based on a desire to avoid infection only 'kicked in' once the easing of lockdown restrictions indicated that the threat of the virus had receded (which felt like a reasonable assumption in May 2020). The easing of restrictions indicated that the collective effort had been successful, meaning "me" related factors emerged as more important. This may become a particular issue now, as a growing proportion of the population receives vaccines yet will still be required to comply with restrictions. Instrumental concerns about personal safety are likely to become less and less important to this group, suggesting a need to continue focusing on the wider good their compliance will bring.

Overall, our data support the idea that government and public health messaging should focus on normative rather than instrumental reasons to adhere to guidelines and regulations. Pandemic legislation can play a role, but at least according to our analysis, it is not about deterrence nor legitimacy—but rather, it is about communicating the rights and wrongs of certain behaviours in a way that highlights a collective solution to a collective problem. When combined with widespread internationalisation of social norms, this could be a powerful way of securing compliance. Indeed, if it is true that norms hold less sway in 'loose' societies (of which the UK is **apparently** one), then perhaps the use of the law as a coordination mechanism can go some way to addressing the challenge for collective action that looseness presents.

*This post represents the views of the authors and not those of the COVID-19 blog, nor LSE. It draws on the **Policing the Pandemic project**,*

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