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COMMENTARY

On the nature of acquiescence to police authority: A commentary on Hamm et al. (2022)

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Abstract

The excellent target article raises much food for thought. In this commentary we first discuss what is included in their proposed category of 'positive evaluations and responses to police assertions of power to attempt social influence'. We then consider some of the implications of the concentric diagram for our understanding of police authority and power.

KEYWORDS

authority, legitimacy, legitimation, police, trust

There is a lot in this excellent paper, but a few things stand out for us. In an area of psychological and criminological research that implicitly or explicitly equates police authority with police legitimacy,[1] Hamm et al. (2022) remind us that Weber's (1978) definition of authority includes a range of motivations to comply with power-holder requests, beyond public recognition of *rightfulness* (i.e. perceived legitimacy). Weber views authority as the 'probability that a command with a specific content will be obeyed by a given group of persons, despite resistance, regardless of the basis on which that probability rests' (Uphoff, 1989: 300–301). It is success in achieving compliance—or more correctly success in generating a higher probability of compliance among a relatively large number of people—that is important, not the motivations to comply among that group.

A key contribution of Hamm et al. (2022) is to think through the implications of a broader conception of authority than is typically employed. A launchpad for their organizing tool is Bottoms & Tankebe's (2012: 129) argument that legitimacy:

> …needs to be perceived as always dialogic and relational in character. That is to say, those in power (or seeking power) in a given context make a claim to be the legitimate ruler(s); then members of the audience respond to this claim; the power-holder might adjust the nature of the claim in light of the audience's response; and this process repeats itself. It

[1]Although in our own work, we try to be careful to define perceived legitimacy as ascribed *rightful* authority, that is as one subset of the recognition of police authority, see for example Posch et al. (2021).

> follows that legitimacy should not be viewed as a single transaction; it is more like a perpetual discussion, in which the content of power-holders' later claims will be affected by the nature of the audience response.

On Bottoms & Tankebe's dialogic account, legitimacy emerges from the ongoing and active processes by and through which power holders make claims on the right to power through the rightful exercise of authority and the subsequent positive responses to these claims by subordinates. Applying Tyler's (2006a,b) definition of perceived legitimacy, the affirmed rightfulness of authority would here refer to the institution being seen by citizens as moral, just and appropriate, and thus have the right to dictate appropriate behaviour and be obeyed (Tyler, 1997; Tyler & Jackson, 2013; Trinkner, 2019).

According to Hamm et al. (2022), if police authority extends beyond that which is perceived by citizens as *rightful* (i.e. rooted in the belief that the institution is moral, just and appropriate, cf. Posch et al., 2021), then the legitimacy dialogue between police and citizens can be conceived of as broader than the one typically described (e.g. Martin & Bradford, 2021). Their proposed dialogue focuses on the interplay between the efforts of power holders to achieve social influence (which could include officers making claims to rightful authority, but is not reducible to that) and the acquiescence of the people that police are trying to influence (which could include citizens positively responding to officers' claims to rightful authority, but is not reducible to that).

Crucially, the dialogue between police attempts to socially influence and citizen acquiescence (or not) to those attempts creates an ongoing, emergent property. In particular, legitimacy emerges and is maintained over time when power holder attempts to influence people's behaviour (the capacity of police 'to assert power in order to achieve social influence', with claims to rightful authority being only part of this) are positively evaluated and responded to the audience that police are trying to influence.

In an area of research that almost universally conceptualizes legitimacy as conferred *rightfulness* of the possession of power (albeit some scholars include the moral duty to obey in the construct, see Tyler, 2006a,b; Trinkner, 2019), Hamm et al. propose that any positive public response to police claim to authority (i.e. to exert social influence) from the public contributes to the legitimacy phenomenon. Legitimacy (as traditionally defined) is one motivation to comply that contributes to and defines authority, but it is not the only one, so while Martin & Bradford (2021: 560) describe Bottoms & Tankebe's (2012) dialogic account of legitimacy as 'Power-holders make claims to legitimate authority (and thus have the moral right to rule), which are responded to by one or more audiences, and this response may motivate power-holders to re-adjust their claims', Hamm et al.'s (2022) version might translate as 'Power-holders make claims to authority (and thus assert power to achieve social influence), which are responded to by one or more audiences, and this response may motivate power-holders to re-adjust their claims'.

Thus, the traditional account of Tyler et al. states that people positively responding to claims of *rightful* authority—that is to be moral, just and appropriate institution that has the moral right to dictate appropriate behaviour—helps to create and maintain an ongoing dialogue of legitimacy. But for Hamm et al. (2022), *any* positive evaluations and responses to police attempts of social influence help to create and maintain an ongoing dialogue of legitimacy. People comply, cooperate and passively support police attempts to influence their behaviour for a variety of different reasons, including legitimacy as traditionally defined—and so long as people acquiesce to police attempts to exert social influence, even if this is not situationally due to the active affirmation of *rightful* authority, then the emergent dynamic nevertheless creates legitimacy.

Yet, if acquiescence is 'the audience's positive recognition of and response' to 'authority (i.e. a powerholder's efforts to achieve social influence over the audience)', what exactly does 'positive' mean? Hamm et al. mention the recognition of rightful authority and trust (e.g. *I'll take a risk because I trust officers to act in my best interests*) as part of acquiescence, that is people will positively evaluate and respond because they believe police have the right to rule and they trust police. But, what other types of positive evaluations and responses are included here? Certainly, some police officers might view any kind of public acceptance, support and compliance that does not involve aggression, fear, the threat of force and similar factors, as positive, irrespective of whether it is motivated by recognition

of rightful authority (cf. Tyler et al., 2015). This might include habit (e.g. *I've always supported the police*), low-level concern about social sanction (e.g. *I do not want people in my community to think that I disrespect the police*), dull compulsion (e.g. *people like me have no choice but obey police*), strategic/pragmatic self-interest (e.g. *it's easier just to do what I'm told/what is expected*) and what Suchman (1995) calls cognitive legitimacy, or what might be termed unquestioning acceptance (e.g. *I just take for granted the role and position of the police*).

Beyond legitimacy and trust, which public motivations to evaluate and respond to police attempts at influence should be classified as 'positive'—a qualifier that Hamm et al. position as central to the notion of acquiescence?[2] This is an important question for research, policy and practice. As traditionally defined, legitimacy motivates compliance and cooperate because people recognize a power holder's right to dictate appropriate behaviour and assent to their claim of rightfully held power, leading to normative policy prescriptions (Tyler et al., 2015; see also Fagan & Meares, 2008). Police need to positively demonstrate and enact certain ideas, values and behaviours—for example that they construe those police as valued group members—if they are to obtain the active and willing *affirmatory* backing that manifests a positive commitment to the structures of authority and power in question. On this account, when people accept the implicit and explicit claims made by police to be a morally appropriate institution that has the right to expect obedience and support, they will cooperate and comply with the police in part because to do so is to respect and fulfil the group-based norms, values, interests and duties. This echoes Applbaum's (2019) normative account of legitimacy, which has been pithily summarized by Brinkmann (2020: 1203) in his review of the book as: '…*we are ruling over you, but you are part of this we*'.

Yet, one could read Hamm et al. (2022)'s account as implying that a range of instrumental, prudential, economic and other social motivations to positively evaluate and respond to police attempts at social influence also contribute to the legitimacy process. Police attempts to influence behaviour can, in certain circumstances, diverge from traditional normative accounts of fair process and consensual crime-control models. But, people can evaluate and respond positively to police policies and practices not because of legitimacy, but for other reasons, for example they can cede authority to reduce uncertainty about appropriate goals and actions. Hamm et al. note that acquiescence may be shaped by individual predispositions like guilt, morality and system justification that have '…little or nothing to do with the actions of the police themselves'. (p. 11).

So which motivations should be classified as 'positive', why, and what would the consequences be for policing policy and practice?[3] Take, for example, Hamm et al.'s (2022: 8) comment that passive support may be 'the most important form of acquiescence'. This, alongside the fact that standard dictionary definitions of acquiescence stress passive acceptance and submission (positioning it as tacit assent, perhaps even akin to begrudging consent), make us wonder whether cognitive legitimacy (unquestioning acceptance) is included as a form of motivation for acquiescence to police efforts to influence behaviour. According to Suchman (1995: 582, emphasis in original), cognitive legitimacy is about the '…mere acceptance of the organisation as *necessary* or *inevitable* based on some taken-for-granted cultural account'. It reflects a lack of evident questions about—or challenges to—an institution and its powerful position in society. Justifying rather than questioning the status quo is key, according to Tost (2011: 692):

[2]Of note is that the authors imply that assertions of police power that are seen to be a 'means for oppression' or to 'exacerbate the potential for interpersonal harm' (p. 4) would not create positive evaluations and responses.

[3]It is important to note that Hamm et al. (2022: 12) discuss the lack of specification in certain parts of their concentric account: 'In fact, it could be argued that an inclusive approach to the concept only serves to complicate this goal. Although we acknowledge this complication, we would highlight that legitimacy, as conceptualized within the Diagram, refers, not to an individual construct, but to the quality of the relationship generally and that the Diagram is designed to help identify its constituent elements. Thus, although multidimensional approaches to operationalizing legitimacy have tended to follow author-level idiosyncrasies, the Diagram provides an opportunity for assessing the elements that have been addressed and for moving towards greater consistency'.

> '…cognitive legitimacy does not represent a dimension of the substantive content of legitimacy judgments. Instead, it represents the absence of content. Indeed, this absence of content is its power: "for things to be otherwise becomes literally unthinkable" (Zucker, 1983:25). Organizations (or other social entities for that matter) with a high level of cognitive legitimacy require no justification, so there is no need for content to underlie a justification. For this reason Suchman contends that the taken-for-granted nature of cognitive legitimacy "represents the most subtle and powerful source of legitimacy identified to date" (1995: 583)'.

This would be consistent with Hamm et al.'s (2022) reference to system justification theory, which highlights people's motivations to justify the existing system of authority relations that they cannot change, especially when they are dependent upon authorities for desired resources (Jost & Banaji, 1994; Jost et al., 2004; Napier et al., 2020). Justifying the system in this way is partly to fulfil basic psychological needs for certainty, security and making a virtue out of necessity—even signalling a commitment to social harmony in the face of oppression and inequality (Jost, 2020).

It seems, therefore, that a notion akin to that of cognitive legitimacy could lie close to the heart of Hamm et al.'s model, or at the very least, it provides an important way in which legitimacy is reproduced without necessary recourse to actively affirmative moral judgements of police. Yet, an account of legitimacy in the context of policing that includes taken-for-granted acquiescence could be potentially problematic. As recent (e.g. the Black Lives Matter protests) and historic events underline, people may acquiesce or submit to police authority in particular moments—by obeying officer's contextual commands for reasons that include 'taken-for granted' cognitive legitimacy—while at the same time, engaging in a political movement that fundamentally challenges the idea this is a legitimate institution.[4] Indeed, officers may continue to be able to secure compliance with their commands via a variety of routes that do not involve the threat or application of force *even as* the institution of police moves from taken-for-granted status towards challenge and dispute (dull compulsion, habit and strategic self-interest may all be important factors here). Under such conditions, it would seem interesting to claim that the ability to secure compliance equals or is automatically generative of legitimacy—depending of course on what Hamm et al. (2022: 4) understand to be the full range of psychological factors defining and driving 'positive recognition of and response to' police attempts to influence social behaviour.

The key point here is that cognitive legitimacy does not require justification—it stands apart from a notion of legitimacy that concerns power holders actively showing they rightfully rule over the group. A good deal of research has shown that when people do not believe police act fairly, lawfully and appropriately, they also tend not to believe police represent and enact their values and legitimacy. But, because there is no necessary link between this process and contextual behaviours in relation to officers—because compliance with commands may continue even when people do not believe police act fairly, lawfully and appropriately—it would seem to us that the *reasons for* acquiescence should remain central to our understanding of legitimacy. This would be consistent with Beetham's (1991) critique of Weber (1978), which is that obedience is not enough and the reasons for obedience are central. Hamm et al. (2022) refer to Weber's classic definition of authority, and their use of the qualifier 'positive' may be critical to their contribution, but we would welcome some clarification on what comes under the umbrella.

Relatedly, our final point relates to Hamm et al. self-professed motivations for their paper, which stem in part from their argument that inconsistency in the conceptualization of legitimacy 'has stymied efforts to convincingly test hypothesized relations or their mechanisms and thus calls into question the efficacy of practical efforts that leverage those results', and that '[i]t is often unclear to what extent the

[4]Naturally, the reasons for acquiescence in for example a crowd event may change from moment to moment, and may cease altogether. Indeed, one aspect of the dynamics of police-public interactions at crowd events may the moments in which cognitive legitimacy becomes 'visible' to crowd members, and they realize they do not have to simply do what police tell them to.

various specific conceptualizations of legitimacy and the measures that flow from them are better or worse approaches to the same construct versus being ideal conceptualizations of distinct but related concepts'.

As researchers who are especially interested in conceptualizing and defining people's perceptions of the rightfulness of the police to have and to hold power, we wonder how big a problem there really is (in conceptualization, not in operationalization given the myriad measures that have been used in prior work), as well as how much clarity has been achieved by the concentric diagram when it comes to specifying people's positive evaluations and responses to police authority.

On the one hand, the diversity of approaches in extant research to conceptualizing legitimacy essentially (in our view) boils down to three: (a) legitimacy as citizens' beliefs that the police rightfully possess power and therefore have the right to dictate appropriate behaviour (assent *and* consent); (b) legitimacy as citizens' beliefs that the police rightfully possess power (assent); and (c) legitimacy as citizens' beliefs that the police act in fair, effective and lawful ways (positive evaluation). Of course, researchers have used a variety of different ways to operationalize and measure legitimacy. We believe that it is here where the potentially problematic diversity lies.

It seems to us that, when it comes to the evaluative part of citizens' understanding of the rightfulness of police authority—and the distinction between legitimacy and legitimation, see Trinkner, 2019)—Hamm et al. (2022) to some degree come down on the side of (a), in that assent and consent are included. Moreover, they refer to positive evaluations *and* responses to police attempts to exercise their authority, and from our reading, perceptions of the fairness, effectiveness and lawfulness of the police would be seen, through their lens, as capturing evaluations of legal actors that shape acquiescence, but are not the same as acquiescence. We believe that this distinction between legitimacy and legitimation (as traditionally defined) is helpful (cf. Jackson & Bradford, 2019). In this regard, they do provide 'a framework by which to identify what a given measure addresses, what it does not, and a potential rationale for explaining inconsistencies with studies that take other approaches' (p. 13).

On the other hand, the inclusive approach to conceptualizing acquiescence, specifically the lack of clarity to what exactly constitutes 'positive' evaluations and responses, means that it is not yet clear how useful the concentric diagram will be in helping researchers make sense of the diversity in current and past approaches in defining and measuring police legitimacy (for recent discussion, see Trinkner, 2019; Posch et al., 2021; Jackson et al., 2022). As discussed above, beyond legitimacy (traditionally defined) and trust, it is uncertain what exactly positive evaluations and responses are. Do, for example, they include 'dull compulsion' and/or cognitive legitimacy? Would habitual compliance count?

Building on this, the implications for practice and policy of Hamm et al. (2022) need to be developed in future work. The approach of Tyler et al. gives clear direction. People testing procedural justice theory invariably find evidence that procedural justice is key to the legitimation of the police, with perceived legitimacy being defined as assent and consent to the rightfulness of police power, and popular legitimacy being a normative motivation to cooperate and comply. The experience and impact of procedural justice during police encounters indicate that the interaction or procedure was conducted in line with widespread expectations concerning how authorities should treat subordinates (Tyler & Trinkner, 2017), and that the individual was considered *worthy* of respect and dignity (Tyler et al., 1996) by representatives of this important state institution. Legitimacy is thus founded in widely held norms of fair process: There is a commonly held normative expectation (*it's how it is*) that people who have authority over us within group contexts should treat us fairly—as rights-bearing citizens, for example but perhaps also simply as human beings. The normative and indeed moral nature of the relationship between police and public is central.

A central implication of Hamm et al.'s (2022) approach is that police should be acting in ways that generate positive public evaluations and responses, but given the lack of clarity about what exactly defines 'positive', what should researchers say to the police regarding normative versus instrumental modes of social control, and how officers should act in order to achieve legitimacy? If ways can be found to generate acquiescence that bypasses or fails to reference norms of fair process, is that 'OK'?

Moreover, given Hamm et al.'s emphasis on the interplay between power-holder authority and audience acquiescence, it is important to also consider how police officers' understand their own ability to influence people's behaviour. Like other researchers before them (Bottoms & Tankebe, 2013; Bradford & Quinton, 2014; Brimbal et al., 2020; Kyprianides et al., 2021; Mccarthy et al., 2021; Meško et al., 2017; Tankebe, 2014; Trinkner et al., 2016, 2019), Hamm et al. (2022) argue that how police understand their own power, authority and position in society is just as central to the legitimacy dialogue as how citizens think about—and respond to—the power and influence of the police. They focus on self-legitimacy, that is how officers think about the 'rightfulness of their authority' and how they 'justify their own assertions of power' (p. 5), judgements that are partially founded in organizational support and public approval and which produce, in turn, a sense of authority.

But, because authority can be exercised in a number of different ways, and because people can acquiesce to officers' authority for reasons that extend beyond legitimacy, it may be that officer's perceptions of their right and ability to wield power stem from other factors, too. The semiotics of policing, for example—the uniforms, technologies, media representations and dramatization, 'the office of constable', etc.—may help to generate passive support or cognitive legitimacy from the public and a corresponding sense among officers that they have (or are an) authority. Officers may experience 'taken-for-granted' passive support from significant sections of the population, and they may construct their own sense of authority from sources beyond relations within the police organization and expressions of active approval from the public. Indeed, the semiotics of policing seems likely to have a direct effect on this sense of rightful authority, suggesting to police that their use of power is made right by the office that they hold.

This possibility seems to us both a strength and a weakness of Hamm et al.'s model. It casts light on the multiple factors that may generate officer's sense that their use of power is justified and appropriate, decoupling it from purely relational concerns within and across the boundary of the organization. Yet, it also elides a potential tension between the acquiescence of the public, which as Hamm et al. (2022) rightly argue may stem from multiple sources, and the extent to which officers' perceptions of their right to wield power are founded in their experience of public *approval*, and the extent that the former may be conflated with the latter. There is a distinct possibility that police confuse authority in the Weberian (1978) sense, a high probability that their orders will be obeyed, with legitimacy as we conceptualized it above, where the reasons for obedience are vital. There seems to us to be a qualitative difference between obedience founded in habit or prudence, which may well evidence authority, and obedience founded in willing acceptance of that authority—but from the perspective of the power holder, this distinction may be hard to glean.

Put another way, whether the perceived right to wield power is not founded in active public approval based on widely shared norms about how authority should be exercised, but in some other set of factors too, can it be stated that the resultant sense of authority corresponds, in fact, to legitimacy? It depends, again, on one's concept of legitimacy. But psychologically speaking, if legitimacy is defined as any kind of positive acquiescence, irrespective of whether it is rooted in the sense that power is rightfully held and exercised, then this might stretch the meaningfulness of the concept of legitimacy itself, rendering it too broad to be analytically useful.

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Jonathan Jackson: Conceptualization; Writing – original draft; Writing – review & editing. **Ben Bradford:** Conceptualization; Writing – original draft; Writing – review & editing.

CONFLICT OF INTEREST

We have no conflict of interest and we worked jointly on this paper.

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