On the dual motivational force of legitimate authority

Book section

On the Dual Motivational Force of Legitimate Authority

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In Bornstein, B. H. and Tomkins, A. J. (eds.) *Cooperation and Compliance with Authority: The Role of Institutional Trust. 62nd Nebraska Symposium on Motivation.* New York: Springer.

Abstract

In this chapter I consider two ways by which the legitimacy of legal authorities might motivate people to abide by the law. Following recent criminological research I define legitimacy along two different dimensions: the first is the public recognition of the rightful authority of an institution, and the second is a sense among citizens that the institution is just, moral and appropriate. Data from a randomized controlled trial of procedurally just policing provide further support for the idea that justice systems can secure compliance by (a) instilling in citizens a sense of deference and obligation, and (b) showing to citizens that they represent a requisite sense of moral appropriateness. While prior work has tended to focus on the idea that legitimacy shape compliance through felt obligation, the current analysis shows that compliance is predicted by both duty to obey and moral endorsement. Consistent with a good deal of existing evidence, the findings also indicate the importance of procedural justice and group identification in the production of institutional legitimacy. I conclude with the idea that legitimacy may be able to shape compliance through shape content-free obligation and shared moral appropriateness. [189 words]

Word count

9,862 words including references but not footnotes

Biography

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Acknowledgements

I would like to thank all of the organizers of the 2014 Nebraska Symposium on Motivation, especially Brian Bornstein and Alan Tomkins. It was a great honor to be invited to this superb event. I would also like to thank Yale Law School and Harvard Kennedy School for hosting me during research leave while I wrote this chapter. I am grateful to the UK's Economic and Social Research Council for funding that research leave (grant number ES/L011611/1).

Keywords

Legitimacy, legal compliance, policing, trust, measurement.

1. Introduction

The law imposes duties on citizens but when do these duties have moral weight in the eyes of citizens? In this chapter I consider legal duties through the lens of empirical legitimacy, i.e. the extent to which citizens believe that the power held by justice institutions is (a) entitled to be obeyed and (b) right, proper and appropriate (Tyler & Huo, 2002; Sunshine & Tyler, 2003; Tyler, 2006a, 2006b; Bottoms & Tankebe, 2012; Tyler & Jackson, 2014).

I argue that empirical legitimacy can be treated as not one but two – strongly connected – psychological states. The psychological mechanism linking legitimacy to legal compliance has traditionally been seen as consent and duty to obey (Tyler, 2003, 2004, 2009), with prior work viewing legitimacy through the lens of 'the willingness of people to defer to the decisions of authorities and to the rules created by institutions' (Tyler, 2006a: 375). On this account, legitimacy shapes behavior because people authorise legal authorities to dictate appropriate behavior. People internalize the moral value that they should obey the law or directive, and a sense of deference and content-free obligation then motivates law-abiding behavior (Tyler, 1997; Tyler & Jackson, 2013).

My goal in these pages is to consider the utility of disaggregating these two aspects of legitimacy when predicting compliance with the law. Building on prior work in this area (Jackson *et al.,* 2012a, 2014a; Tyler & Jackson, 2014) I examine the claim that consent and authorization is one thing; that moral endorsement and normative alignment (a shared sense of right and wrong) is another thing; and that while these two psychological states are likely to be strongly correlated, they may nevertheless play distinct motivational roles in shaping legal compliance. Assessing the dual motivational bases of legitimacy in the context of one type of 'system contact' (c.f. Wiley and Esbenson 2013) I present findings from a randomized controlled trial (RCT) set in Scotland (named ScotCET) designed to test principles of procedural justice and legitimacy in the context of traffic stops – itself a replication of the Queensland Community Engagement Trial RCT in Australia (see Mazerolle *et al*., 2013, 2014; Murphy *et al.*, 2014).

Examining people's contact with the criminal justice system via their experience of a road stop, I estimate the empirical links between (a) people's experience of procedural justice (how the encounter feels on the receiving end), (b) their beliefs about police legitimacy (differentiating between duty to obey and normative alignment) and (c) their willingness to comply with traffic laws in the future. An analysis of data from the ScotCET RCT indicates three significant pathways from procedural justice to legal compliance. One runs from procedural justice to felt obligation to compliance; this is consistent with prior work showing the importance of authorization and willing constraint (Tyler, 2006a, 2006b). But the single most important pathways suggests that when police officers treat people with fairness, they demonstrate to citizens (i) that they have an appropriate sense of right and wrong, and (ii) that they are right to be engaging in particular policing activities (in the current context, ensuring road safety). This in turn may motivate public compliance through a sense of the wrongfulness of breaking these particular laws.

I conclude with the idea that duty to obey and normative alignment play different roles in linking procedural justice to compliance commitment. The chapter proceeds in six parts. In section 2 I discuss how a classic philosophical question has been turned into an empirical question – under what conditions do citizens have a moral duty to obey the law? In section 3 I turn to a two-dimensional definition of legitimacy that embodies not just a positive and content-independent obligation to obey commands and laws (where authorities have the right to make rules and issue commands, and subordinates have a duty to follow them) but also a sense of moral endorsement and normative alignment (a shared sense of right and wrong between citizens and the legal system). In section 4 I discuss why procedural justice may encourage legal compliance via a number of different psychological mechanisms. In section 5 I present data from the RCT. In section 6 I discuss the findings in the context of ongoing work into legal socialization.

2. Psychological jurisprudence and the duty to obey

A philosophical question

A long-standing issue in political theory is whether there is – in the words of Simmons (in Wellman & Simmons, 2005: 93-94) – an 'external, neutral moral duty (or obligation) to discharge the internal duties imposed by law.' While people may obey laws proscribing burglary, armed robbery and shoplifting because they believe each of these acts is immoral, the more difficult question is whether there is ever a justified content-free duty to obey the law. Do citizens have the duty to suspend judgement to obey every law no matter their content? Does the state have the right to coerce in this way?

> 'What, then, is the moral justification for the claim to obedience made by the institutions of a formal domestic legal system?' (Simmons in Wellman & Simmons, 2005: 94):

One answer to this question centres upon the idea that obeying the laws created and enforced by justice institutions is justified when two conditions are met: first when those institutions are just; and second when the laws solve a difficult coordination problem (Tyler, 2004, 2006). To quote Christopher Wellman (the other author of Wellman & Simmons, 2005: 10-11):

> 'Without an authoritative legislative body to establish a definite set of rules that everyone must follow, there will be conflicts even among well-intentioned people who genuinely seek to treat each other according to the demands of morality. Without an effective executive body to ensure that a reasonable percentage of rule breakers are caught and punished, those disinclined to respect the moral rights of others will not be sufficiently deterred and, ultimately, everyone's incentives to pursue productive projects and meaningful relationships will diminish markedly. Finally, without a standing judicial body to impartially adjudicate conflicts and assign criminal punishments, attempts to exact revenge and mete out justice will lead to increasingly bloody conflicts. Moreover, it is important to recognize that the cumulative effect of these three factors is more than additive; these elements will combine to create a vicious cycle in which each consideration presents an aggravating factor that exacerbates the others.'

Wellman argues that so long as institutions are just; so long as obeying the laws is not a big hardship; and so long as the benefits of having laws and institutions to enforce those laws is strong – then one might conclude that there is a (collective) moral weight to legal duties. From a normative (philosophical) perspective citizens might feel a justified obligation to defer to the law, *whatever the content*, when the collective social benefits outweigh the individual costs in a stable and legitimate regime.

An empirical question

This classic political theory question (under what conditions *should* people feel a content-free duty to obey the laws of a state?) has been turned into an important empirical question (under what conditions *do* people feel a content-free duty to obey the laws of a state?) by programmatic research by Tyler and colleagues (e.g. Tyler & Huo, 2002; Sunshine & Tyler, 2003; Tyler, 2006a, 2006b; Tyler *et al.*, 2014; Tyler & Jackson, 2014). Assessing whether people feel a duty to obey the law (and if they do, why) this work is not philosophical. It does not address the normative question of when – if ever – a state has the right to enforce laws whatever the content of those laws. Representing a shift from a normative conception of legitimacy to an empirical conception of legitimacy (Hinsch, 2008, 2010), it addresses 'as a matter of fact' whether those who are subject to authority actually confer legitimacy on that authority.

The key contribution of this body of empirical research is to amass a good deal of evidence that fair and legitimate institutions can encourage people to internalize the moral value that they should obey the law, *simply because it's the law*. But they must first wield their authority in fair and neutral ways. On this account power is legitimate – transformed into authority – when its use follows rules that are regarded as fair by both power-holders and subordinates, and when the latter confer their consent to the use of this power (Sunshine & Tyler, 2003; Murphy *et al.*, 2009; Papachristos *et al.*, 2012; Jackson *et al.*, 2012a). When justice institutions treat individuals with fairness and are neutral in their decision-making,

this demonstrates their legitimacy to those they police and serve. Legitimacy leads people to willingly give up some of their freedom as part of the social obligations that constitute citizenship; they internalize the moral value that they should obey the law – whatever its content – as part of their civic duties.

Lessons for policy

This research has important implications for crime-control (Tyler, 2009). In the current policy climate answers to the question 'how can legal authorities encourage compliance?' often revolve around the idea that crime occurs when the criminal justice system provides insufficient likelihood of punishment, or when insufficiently tough sentences are imposed. To deter people from committing offences, police and other criminal justice agents need to signal effectiveness, force, a high probability of detection, and a swift recourse to justice. Mechanisms of coercive social control and credible risks of sanction seek to persuade homo economicus that – while otherwise desirable – a criminal act is not worth the risk.

Yet the work of Tyler and colleagues points to the value of a different model of policing (Sunshine & Tyler, 2003). The role of legitimacy in shaping a commitment to be law-abiding – and the mixed research evidence for the role of deterrence (see *inter alia:* Fagan, 2006; Nagin & Pepper, 2012; Nagin, 2013) – suggests that criminal justice institutions should try to shift the balance away from adversarial, 'crime-control' models of policing towards more consensual, 'due-process' models (Tyler, 2003, 2004, 2011a; Schulhofer *et al.*, 2011; Hough, 2012; Geller *et al.*, 2014). People (usually) obey the law and cooperate with the police and criminal courts because they think it is the right thing to do, or because they have simply acquired the habit of doing so. The fact that most people obey most laws, most of the time, suggests that criminal justice policy makers might profitably spend more time than is currently the case thinking about sources of voluntary compliance and cooperation, rather than triggers for offending and what should be done after an offence has occurred (important as these latter two aspects of policing continue to be).

3. Expanding the definition and motivating power of legitimacy

Whether legitimacy shapes law-abiding behavior is thus a pressing issue. Researchers from across the globe are becoming increasingly interested in legitimacy in the context of criminal justice systems (Tyler *et al.*, 2007; Tankebe & Liebling, 2013; Mesko & Tankebe, 2014; Persak, 2014; Mazerolle *et al.*, 2014). There is a growing body of observational evidence that legitimacy predicts self-reported offending behavior (Sunshine & Tyler, 2003; Fagan & Tyler, 2005; Tyler, 2006a; Fagan & Piquero, 2007; Cohn *et al.*, 2012; Jackson *et al.*, 2012a; Trinkner & Cohn, 2014; Tyler & Jackson, 2014; cf. Paternoster *et al.*, 1997; Nivette *et al.*, 2014).

My goal in this chapter is to add to this evidence base, comparing the role of deterrence (do people comply with the law because they fear getting caught and punished?) with the role of legitimacy (do people comply with the law because they believe that it is the right thing to do?) in explaining variation in legal compliance. Building on a small number of existing studies (Jackson *et al.*, 2012a, 2012b; Hough *et al.*, 2013c; Tyler & Jackson, 2014), I also examine the idea that legitimacy can motivate legal compliance not only through a sense of deference to authority and willing constraint, but also through a sense of shared moral appropriateness. While legitimacy has traditionally been seen as a motivating force because it constitutes a content-free sense of duty and obligation, I also explore the idea that legitimacy may also motivate through a sense of value congruence with legal authorities.

At its most basic, legitimacy refers to a fundamental property of legal institutions: the right to govern and the recognition by the governed of that right. When citizens see criminal justice institutions as legitimate, they recognise the system's authority to determine the law, to govern through the use of coercive force, to punish those who act illegally, and to expect from members of the public cooperation and obedience. As a psychological property of citizens (Tyler, 2006a, 2006b), legitimacy is both public recognition of authority (people's duty to obey) and public justification of power (a sense of moral endorsement of the institution). Legitimacy is not only about deference, it is also about appropriateness: when legal authorities have demonstrated their legitimacy in the eyes of the public, citizens not only feel a

content-free duty to obey, they also believe that institutions are policing in just, fair and appropriate ways (and thus that its power is justified).

These two aspects are central to the right to rule. On the one hand, felt obligation to obey emerges out of an officer's claim to authority and one's consequent processing of that claim (Tyler, 2006a, 2006b; Bottoms & Tankebe, 2012). If one accepts the authority of the police to dictate appropriate behavior, one feels a corresponding duty to obey those officers. One will comply with their directives willingly '…voluntarily out of obligation rather than out of fear of punishment or anticipation of reward' (Tyler, 2006a: 375). On the other hand, legitimacy is also one's belief that the legal system is right, proper and appropriate (Tyler, 2006a, 2006b). Officers need to act appropriate and just ways if institutional power is seen as appropriate and just (Jackson *et al.*, 2012a, 2012b; Tyler *et al.*, 2014). This accords with Suchman's (1995: 574) definition of legitimacy as "… a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions."

How, then, are these two aspects typically operationalized? Duty to obey tends to be measured by survey questions like: 'You should accept the decisions made by police, even if you think they are wrong' (Sunshine & Tyler, 2003); 'To what extent is it your duty to do what the police tell you even if you don't understand or agree with the reasons?' (Hough *et al.*, 2013a); and 'I feel that I should accept the decisions made by police, even if I do not understand the reasons for their decisions' (Kochel *et al.*, 2013).[1] Moral endorsement and appropriateness tends to be measured by survey questions like: 'The police in your neighborhood are generally honest' (Sunshine & Tyler, 2003); 'The police care about the well-being of everyone they deal with' (Tyler & Fagan, 2008); and 'People's basic rights are well protected by the police' (Reisig *et al.* 2007).[2]

Importantly for the current study, prior work often treats legitimacy as a unidimensional construct that explains variation in offending behavior. Combining survey indicators of both duty to obey and institutional trust into one formative index of legitimacy (e.g. Sunshine & Tyler, 2003; Tyler, 2006a; Papachristos *et al.*, 2012; Trinkner & Cohn, 2014), the resulting findings are interpreted through the lens that legitimacy shapes compliance out of a feeling of willing deference to an external authority (a sense that an institution is 'entitled to be deferred to and obeyed', Sunshine & Tyler, 2003*:* 514). While it is possible that the measures of appropriateness contribute to the explained variance in compliance (because the single index includes not only measures of duty to obey but also moral endorsement), the interpretation given often focuses only on the idea that legitimacy motivates compliance out of content-free deference to follow rules and comply with directives.

Some more recent studies have treated legitimacy as two-dimensional[3] and assessed whether the two aspects differentially predict cooperation (e.g. Tankebe, 2009; Diriyx & van den Bulck, 2014) and compliance (e.g. Jackson *et al.*, 2012a). In a US-based study, for instance, Reisig *et al.* (2007) found that institutional trust was a significant predictor of compliance, while obligation to obey the police was not. In a UK-based study – which differentiated between moral endorsement of the police, felt duty to obey the police, and felt duty to obey the law – compliance was linked to both obligation to obey the law and

[1] See also: 'You should obey police decisions because that is the right and proper thing to do' (Tankebe, 2013); 'I feel that I should accept the decisions made by legal authorities' (Kochel, 2012); 'It would be hard to justify disobeying a police officer' (Gau, 2014); and 'I feel a moral obligation to obey the police' (Bradford *et al.*, 2015).

[2] See also: 'When the police deal with people they almost always behave according to the law (Tyler & Jackson, 2014); 'The police act within the law' (Johnson *et al*., 2014); 'The police usually act in ways that are consistent with my own ideas about what is right and wrong' (Tyler *et al*., 2014); 'The police generally have the same sense of right and wrong as I do' (Bradford *et al.*, 2014ab); 'The police can be trusted to make decisions that are right for people in my neighborhood' (Jackson *et al*., 2012b); and 'Most police officers in your community do their job well' (Gau, 2014).

[3] In a formative approach one can *a priori* decide that legitimacy is uni-dimensional, but in a reflective approach dimensionality becomes an empirical question. Studies taking a reflective approach to measurement typically finds two dimensions to legitimacy. Two US-based studies found that felt obligation to obey the police and institutional trust indicators loaded on different dimensions (Reisig *et al*., 2007; Gau, 2011; see also Gau, 2014; Johnson *et al.*, 2014), as did Jackson *et al.* (2014b) in Pakistan. Jackson *et al.* (2012a, 2012b, 2014a) found that felt obligation to obey the police and believing that the police share one's sense of right and wrong loaded on two different dimensions in the UK, as did Bradford *et al.* (2014b) in South Africa.

normative alignment with the police (Jackson *et al.,* 2012a). In what is to date the most comprehensive assessment of different dimensions of legitimacy and different types of law-related behavior, Tyler & Jackson (2014) found that as the behavioral focus shifted from compliance through cooperation to facilitation, different aspects of legitimacy came to the foreground. Felt obligation and institutional trust was linked to one's commitment to not breaking the law, while institutional trust and normative alignment were more strongly linked to more proactive behaviors like cooperation. In short, it seems beneficial to differentiate between consent and endorsement, between authorization and appropriateness, when predicting certain key law-related behaviors.

4. Study objectives

By way of contribution, the ScotCet trial (MacQueen & Bradford, 2014; Bradford *et al.*, 2015) was a RCT designed to test procedurally just road policing. In the control group, police officers operated 'as normal,' stopping cars as part of routine vehicle safety checks (and breathalysing for alcohol if the officer deemed necessary). In the experimental group, police officers who interacted with members of the public received training on the principles of procedural justice, with a leaflet handed out to emphasise key messages. In both groups questionnaires were handed out to members of the public

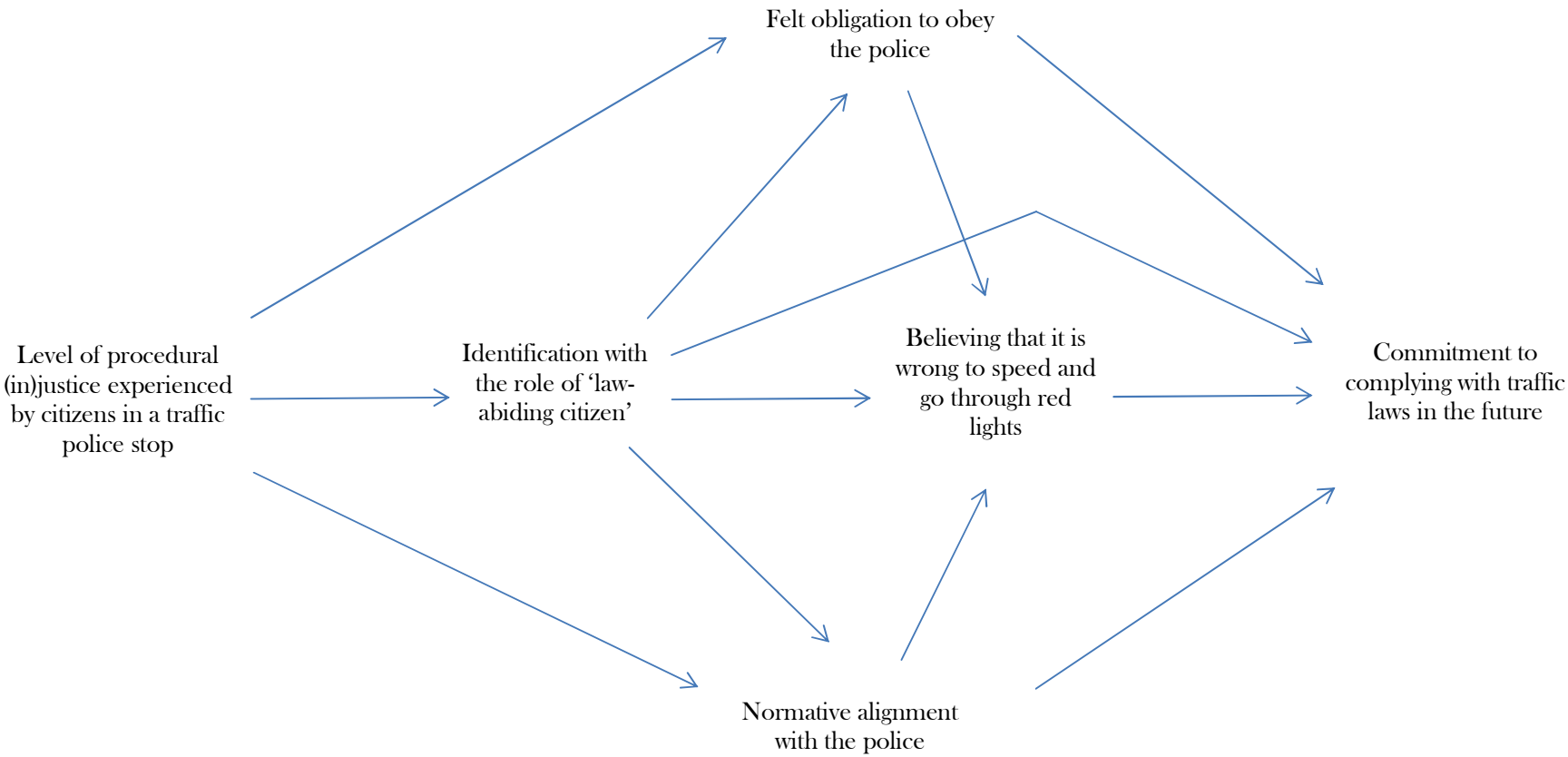
Before turning to the key goals of the current analysis, there are two features of the study initially worth mentioning. First, the treatment did not have a positive effect on procedural justice – this is probably to do with the particular nature of the treatment and the fact that 'business as usual' policy is relatively consensual in England (see MacQueen & Bradford, 2014). But the observational data remain of value: there was significant variation in people's experience of procedural justice (specifically in whether they felt that police officers were approachable and friendly, helpful, respectful, professional, fair, and clear in explaining why the respondent had been stopped) and one can link this variation to people's commitment to comply with traffic laws via a number of theoretically derived pathways.

Second, the interactions between individuals and officers occurred in the real world, not in the laboratory or via hypothetical scenarios given to research participants – and the study has a sole focus on traffic laws and traffic behavior. Participants were stopped in their cars by traffic police. They answered survey questions about not just the procedural fairness of the officers involved and their attitudes towards the legitimacy of the institution, but also their beliefs about the wrongfulness of speeding and going through red lights and whether they intend to comply with traffic regulations in the future. While the treatment had no positive effect – possibly because officers were following a script and this may, if anything, have hampered the quality of the interaction – the encounters did produce heterogeneity in the experience of procedural justice and one can link this variation to self-reported willingness to comply with laws that relate directly to the nature of the encounter.

Figure 1 provides an overview of the potential pathways from the procedural justice of the encounter to compliance. Three are of note:

1. Procedural justice to felt obligation to compliance;
2. Procedural justice to identification to compliance (perhaps via personal morality); and,
3. Procedural justice to normative alignment to compliance (perhaps via personal morality).

Figure 1: Pathways from procedural justice to legal compliance



According to the first pathway the experience of procedural justice activates a sense of felt obligation to authority,[4] and this sense of obligation then shapes compliance. Felt obligation to obey shapes compliance through the internalization of the overarching moral value that one should obey external authority. When people believe that the legal system has the right to prescribe and enforce appropriate behavior, they feel a corresponding duty to bring their behavior in line with that which is expected as willing self-constraint (Tyler, 1997, 2011a, 2011b). (Note that felt duty to obey the law was not measured due to the need to keep the questionnaire as short as possible to maximise the response rate.)

The second pathway specifies that procedural justice strengthens one's identification with the role of 'good and law-abiding citizen', which then motivates people to comply with the law (Figure 1). Tyler (2009) was the first to test the direct role of social identification on legal compliance. Analysing Afrobarometer data conducted in 2000, he linked people beliefs about the procedural fairness of South African society and its institutions to superordinate identification (feeling proud to be South African, for instance), to deference to the law (e.g. getting services like electricity or water without paying). He argued that a fair society conveys status and identity relevant information to its citizens, helping people to merge their sense of self with the wider group. People are motivated to act in ways that satisfy a particular relationship because they draw value, worth and status from that relationship (Tajfel & Turner, 1979), and in that context conforming to the expectations of a social role will shape behavior because people want 'to establish and maintain a satisfying self-defining relationship to another person or a group' (Kelman, 1958: 53). Conformity to the norms and values attached to the reciprocal-role relationship gives satisfaction, not only because only 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 (Tyler & Blader, 2003). One way of acting in group-serving ways is to abide by the rules and laws of the group.

The third pathway specifies that procedural justice enhances the sense that police officers share one's moral values[5] (and hence that the institution's possession of power is appropriate, proper and just) and this sense of moral validity then shapes compliance. This may be a direct effect (see the arrow in Figure 1 linking normative with the police to compliance) and indirect (see the arrow from normative alignment to believing it is wrong to break traffic laws and the arrow from the morality of traffic laws to compliance). A direct effect here bypasses the rightfulness of abiding by traffic laws (e.g. it is wrong to speed and go through red lights): believing that the police as an institution represents a sense of morality and justice may enhance one's motivation to act in ways that support that institution.

The indirect effect links normative alignment to legal compliance via a heightened belief in the rightfulness of the traffic laws being regulated – that that it is wrong to speed (for example) or go through red lights. The idea is simple. When an officer stops someone in a car for a roadside vehicle safety check (and possibly an alcohol breath test) the experience of procedural justice may strengthen people's belief in the moral validity of the police as an institution, which in turn may activate people's belief that it is right and proper that they are policing this sphere of action (in this instance ensuring road safety). The

[4] The link between procedural justice and felt obligation may be direct and indirect via identification (Tyler & Blader, 2003; Blader & Tyler, 2009; Bradford *et al.,* 2014a). On the one hand, wielding their authority in fair and just ways indicates to observers that the power-holder is worthy of holding power, creating a direct sense of obligation and duty to obey among citizens (see the arrow in Figure 1 linking procedural justice to felt obligation). On the other hand, procedural justice can activate identification with the group that the authority represents (presumably society and the law-abiding citizens that constitute that society), and people are motivated to defer to authorities of groups that they have social bonds with (see the arrow in Figure 1 linking procedural justice to identification and the arrow in Figure 1 linking identification to felt obligation).

[5] As with felt obligation the effect of procedural justice on normative alignment may be direct and indirect (Figure 1). On the one hand, making neutral decisions, treating members of the public fairly, and wielding authority in a restrained and respectful way accord with people's expectations about how the police should behave, creating a sense that the police have an appropriate sense of right and wrong (Jackson *et al*., 2012a, 2012b, 2014a). On the other hand, people are motivated not only to support the leaders of groups to which they belong, but also to they believe they share moral values with proto-typical representatives of groups within which they feel status and standing (Tyler & Blader, 2003; Blader & Tyler, 2009; Jackson & Sunshine, 2007).

enactment of procedural justice in interactions between legal authorities and citizens may help to persuade people of the rightfulness of the laws being enforced in the specific type of encounter.

Imagine you are driving your car through the Scottish Highlands. A police officer stops you. She treats you with respect and dignity. She explains that you were stopped to ensure traffic laws are being obeyed in order to help keep the roads safe. She listens to everything you have to say. Regardless of the outcome of the interaction, would this fair treatment and decision-making encourage you to abide by traffic laws in the future? According to the traditional account of procedural justice and legitimacy, the experience of procedural justice would strengthen your belief that the authority has the right to command and constrain. Content-free deference would motivate your behavior: you will obey traffic laws not only because you believe that it is wrong to speed (for example) but also because you believe that it is wrong to break the law (Tyler, 2006a, 2006b).

What I wish to pursue is whether, on top of strengthening content-free obligation, the experience of procedural justice reinforces your belief that the police are a morally valid institution (and hence that is power possession is normatively justified). In this particular instance, the officer used her power and authority in morally appropriate ways; she treated you with respect; she explained the moral validity of traffic laws; she demonstrated the importance of road safety. This sense of the moral grounding of the police as an institution may have what is, in essence, a persuasion effect: the encounter may strengthen your belief that it is wrong to break specific traffic laws and this in turn may strengthen your commitment to comply with traffic laws.

5. A study of people's willingness to comply with traffic laws

Data

ScotCET was funded by the Scottish Government to inform their Justice Strategy for Scotland. Vehicle stops were conducted by 20 road police units within Police Scotland during the Festive Road Safety Campaign 2013/14 (which addressed drink-driving and vehicle safety), with the 20 units divided into 10 matched pairs ('blocks') according to shared geographical and practice characteristics. Within each pair, one unit was randomly assigned to the control group, and the other unit to the treatment group. The control group involved 'business as usual' traffic stops, while the treatment group received basic training on the concept of procedural justice and how to successfully apply it during routine encounters with the public. Core aspects of procedural justice were explained to officers to be dignity and respect, equality, trustworthy motives, neutrality of decision making, clear explanation, and the opportunity for citizen participation or 'voice'. Drivers were also given leaflets reinforcing these key messages (for more information see MacQueen & Bradford, 2014).

Data were collected via issuing all drivers who were stopped with a self-completion questionnaire with a prepaid envelope to return (an online alternative was also offered). 816 completed questionnaires were returned, with the overall response rate being 6.6%. In terms of descriptive statistics, 63% of respondents were male, and the mean age of the sample was 50.7 (SD=14.8, min=17, max=87). Three quarters (75%) of respondents were home owners; 40 per cent had a university degree or higher, while 12 per cent reported holding no qualifications. The majority were employed (71 per cent), and 73 per cent were married or in a relationship.

Measures

To measure their experience of the encounter, respondents were asked whether police were approachable and friendly, helpful, respectful, professional, fair, and clear in explaining why the respondent had been stopped. The response alternatives ranged 'yes, completely' to 'no, not at all.'

Police legitimacy was measured using two sub-scales. To assess people's felt obligation to obey the police, respondents were asked the extent to which they either agreed or disagreed to the following statements: 'I feel a moral obligation to obey the police, ' I feel a moral duty to support the decisions of police officers, even if I disagree with them' and 'I feel a moral duty to obey the instructions of police officers, even when I don't understand the reasons behind them'. Given debate about the importance of

measuring truly free consent (Bottoms & Tankebe, 2012; Tankebe, 2013; Tyler & Jackson, 2013; Johnson *et al.*, 2014) the use of the phrase 'moral duty to obey' was used in order to best maximize a positive sense of obligation (see also the measures of duty to obey the police in the European Social Survey, Jackson *et al.*, 2011; Hough *et al.*, 2013a, 2013b).

To measure normative alignment with the police, respondents were asked the extent to which they either agreed or disagreed to the following statements: 'The police have the same sense of right and wrong as me', 'The police stand up for values that are important for people like me' and 'I support the way the police usually act.' While studies often measure the normative justifiability aspect of legitimacy using indicators of institutional trust (for discussion see Jackson & Gau, 2015), normative alignment was measured in the current study, since shared moral values may motivate legal compliance more readily than institutional trust (cf. Jackson *et al.*, 2012a, 2012b). For all legitimacy questions, response alternatives were 'strongly disagree', 'disagree', 'neither agree nor disagree', 'agree' and 'strongly agree.'

To measure social identification, respondents were asked the extent to which they either agreed or disagreed to the following statements: 'I see myself as a member of the Scottish community'; 'It is important to me that others see me as a member of the Scottish community'; 'I see myself as an honest, law abiding citizen'; and 'It is important to me that others see me as an honest, law-abiding citizen'. Response alternatives were: 'strongly disagree', 'disagree', 'neither agree nor disagree', 'agree' and 'strongly agree.' This was a measure of identification to a social group that the police in Scotland can plausibly be said to represent: namely, the community of law-abiding Scottish citizens (cf. Bradford, 2014; Bradford *et al.*, 2014b).

To measure people's beliefs about the morality of two traffic laws, respondents were also asked (on a four-point scale ranging from 1 'very' to 4 'not at all') how wrong they thought it is to jump a red-light and to break the speed limit. Because it is important to adjust for people's perception of the risk of sanction when predicting compliance (Tyler, 2006a; Jackson *et al.*, 2012a), respondents were asked how likely they thought it was that they would be caught if they did break the speed limit and jump a red light. Response alternatives ranged from 1' very likely' to 4' not at all likely'.

Finally, compliance was measured in terms of people's commitment to complying with traffic laws in the future. Respondents were asked: 'All things considered, how likely are you in the future to ...' 'break the speed limit while out driving' and 'jump a red light if you are in a hurry.' The response alternatives ranged from 1 'very likely' to 4 'not likely at all'. 26% of respondents stated they would be 'very' or 'fairly likely' to break the speed limit in the future (22% stated this was 'not likely at all'). Only 4% said they would be 'very' or 'fairly likely' to jump a red light (68 said 'not likely at all').

Results

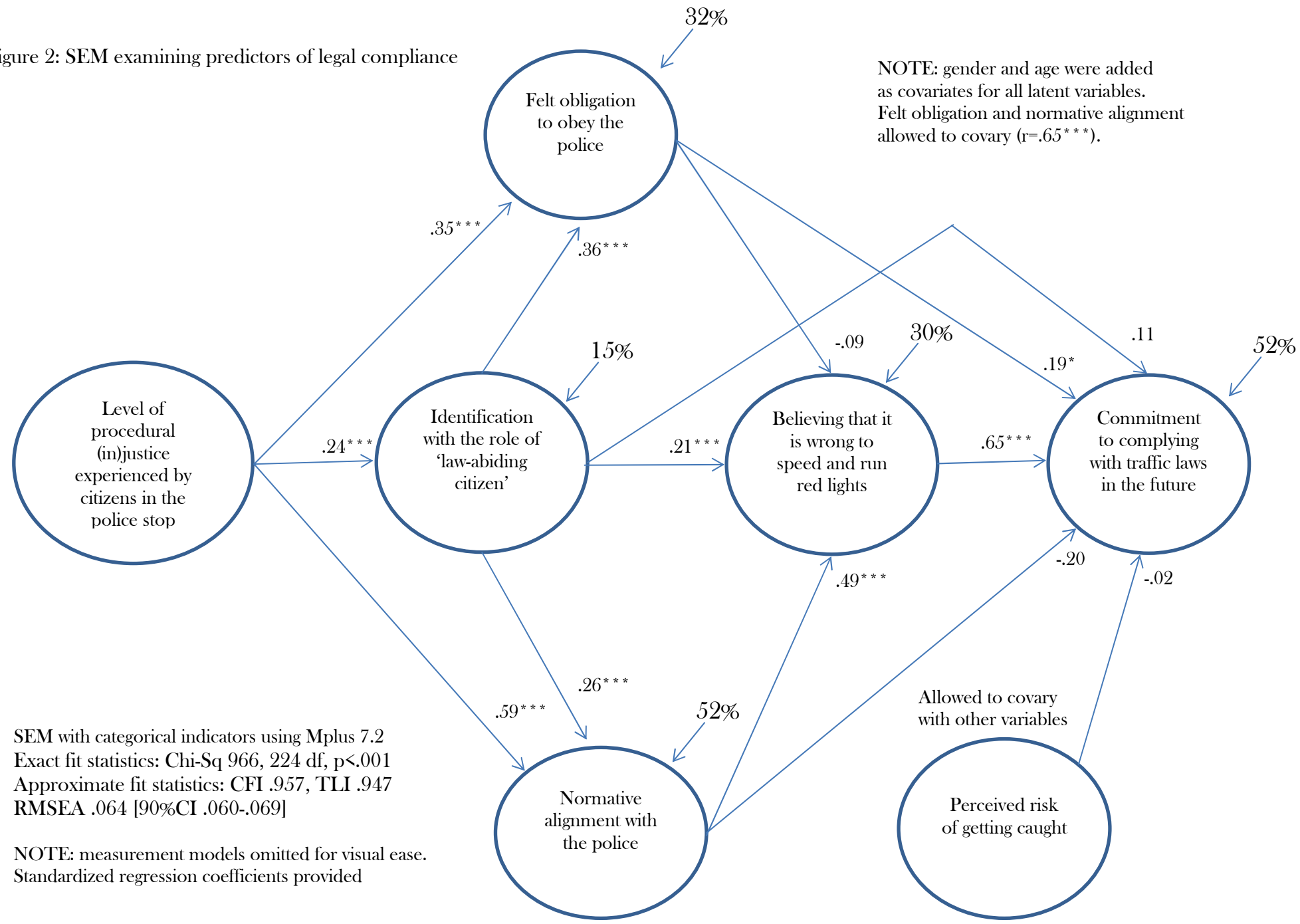
Figure 2 reports key findings from a fitted structural equation model (SEM) using MPlus 7.2 (with categorical indicators set where appropriate). The fit of the model was acceptable according to approximate fit statistics. Starting at the right-hand side of the model we see that a relatively large amount (52%) of the variation in compliance commitment can be explained by a linear combination of the various predictors. Of particular note is that believing that it is wrong to speed and jump red light is the strongest predictor of cooperation (B=.65, p<.001). Those who believed that the laws that ban these behaviors are justified (because they prohibit wrongful acts) were more likely to say they will comply with traffic laws in the future, compared to those who did not (adjusting for other factors, like the perceived risk of getting caught if one were to break traffic laws). The other significant predictor of intentions to comply is felt obligation to obey the police (B=.19, p<.05). Those who felt obligated to obey the police were more likely to say that they intend to comply with traffics laws in the future.

INSERT FIGURE 2 ABOUT HERE

Turning to the predictors of alignment with the morality of traffic laws – of which 30% of the variance is explained – the biggest predictor is normative alignment with the police (B=.49, p<.001) and the next biggest predictor is identification with the role of law-abiding citizen (B=.21, p<.001). Of note is

that identification also predicts felt obligation and normative alignment (B=.36, p<.001 and B=.26, p<.001 respectively). Finally, the procedural justice of the encounter is a strong predictor of identification (B=.24, p<.001), felt obligation (B=.35, p<.001) and normative alignment (B=.59, p<.001). Clearly, how officers treated people was linked to a fair amount of variation in theoretically-relevant potential outcomes.

Figure 2: SEM examining predictors of legal compliance



SEM with categorical indicators using Mplus 7.2
Exact fit statistics: Chi-Sq 966, 224 df, p<.001
Approximate fit statistics: CFI .957, TLI .947
RMSEA .064 [90%CI .060-.069]

NOTE: measurement models omitted for visual ease.
Standardized regression coefficients provided

Did procedural justice have an indirect statistical effect on future intentions to comply with the law? If it did, through how many pathways? These two questions – central to the current chapter – were assessed using the effect decomposition function in MPlus. Table 1 shows the three statistically significant indirect pathways from contact to compliance. In terms of the magnitude of statistical effects, the most important pathway was from contact to normative alignment to the morality of traffic laws to compliance. Believing that one had been treated in procedurally fair ways by the police was associated with a heightened intention to comply with traffic laws via what is assumed to firstly be a mediating sense of shared values with the police, and secondly a mediating belief that it is wrong to speed and run red lights. A similar and statistically significant pathway was found via contact, identification, alignment with the morality of traffic laws and compliance (although the estimated effect size was much smaller). Finally, there was a significant pathway from contact to felt obligation to obey the police to compliance, suggesting a role not just for normative alignment for also for the other dimension of legitimacy (consent and willing constraint).

Table 1: Indirect statistical effects of the procedural fairness of the encounter with the police on people's commitment to complying with traffic laws in the future

PATHWAY VIA	COEFF.	SE	COEFF./SE	P-VALUE
Procedural justice to normative alignment to beliefs about the morality of traffic laws to compliance	.187	.047	4.017	<.005
Procedural justice to identification to beliefs about the morality of traffic laws to compliance	.033	.013	2.624	.009
Procedural justice to obligation to compliance	.067	.033	2.012	.044

NOTE: standardized coefficients estimated within the structural equation model (see Figure 2). COEFF = regression coefficient. SE=standard error.

In sum, the findings support the idea that police legitimacy motivates legal compliance through two routes: the first through a sense of moral duty to comply with police directives; and the second through a sense that the police represent a sense of moral appropriateness. While I was unable to assess whether felt duty to obey the law mediates the estimated effect of felt duty to obey the police (as was found in Jackson *et al.*, 2012a), I was able to show that the moral appropriateness of traffic laws mediates the statistical effect of normative alignment with the police, suggesting (in the current context at least) that the police can persuade people that they are right to be enforcing certain laws, helping to encourage a sense of the harmfulness of the behaviors being regulated.

6. Conclusions

A good deal of prior empirical work supports the notion that legal duties have moral weight in the eyes of citizens when the institutions that impose those duties are viewed as legitimate (Sunshine & Tyler, 2003; Fagan & Tyler, 2005; Tyler, 2006a; Fagan & Piquero, 2007; Reisig *et al.*, 2007; Murphy *et al.*, 2009; Papachristos *et al.*, 2012; Jackson *et al.*, 2012a; Tyler & Jackson, 2014; Trinker & Cohn, 2014). Individuals give up some of their freedoms when they hold justice institutions to be legitimate and institutions generate legitimacy when they wield their authority in fair and neutral ways during day-to-day interactions with citizens. In the words of Tyler *et al.* (2014: 754) the 'legitimacy of legal authorities is earned, if not negotiated, through actions that demonstrate its moral grounding…Legitimacy is not a given power, but accumulates through dense social interactions with authorities, where accounts and evaluations of experiences with the police are shared through efficient information markets and social networks.'

On the one hand, fair/respectful treatment and neutral/objective decision-making provides the moral validity that justifies their institutional position. People's judgment about the extent to which legal authority is legitimate is 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 recognised 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: 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 & Tyler, 2003; Tyler & Huo, 2002; Tyler, 2006a, 2011b).

My goal in this chapter was been to make one small extension to this well-evidenced framework. Following recent work (Jackson *et al.*, 2012a, 2012b; Bradford *et al.*, 2014a, 2014b) I have pursued the conceptual claim that legitimacy has two dimensions: (a) recognition of rightful authority (viewed through the lens of felt obligation to obey rules and commands) and (b) normative justification of power (viewed through the lens of shared moral values between power-holders and subordinates, where power-holders act in ways that align with the values of citizens). I have considered the idea that legal compliance may be influenced first by a content-free duty to obey that shuts down action alternatives (if one knows something is illegal one will not consider it as an option) and second by a sense that legal authorities are appropriate, proper and just, which creates a sense of normative alignment (and in this study a particular type of value congruence).

Including also the role of social identification, I have discussed three ways in which fair and respectful treatment by power-holders to subordinates plausibly enhances citizen commitment to the rules that the police enforce. Each of these three theoretical pathways is relational rather than instrumental (Tyler, 1997). According to the first pathway, procedural justice activates the sense that the police are entitled to be obeyed. When police officers are restrained and respectful in their use of authority, this encourages a sense of reciprocal civic obligation to respect their authority and abide by their laws (Tyler, 2006a, 2006b; Jackson *et al.*, 2012a). The second is that procedural justice enhances one's identification with the group that authority represents (here conceptualized as the law-abiding member of the Scottish community, cf. Bradford *et al.*, 2014a, 2015), motivating one to act in ways that allow people to maintain positive social bonds (Tyler & Blader, 2003; Blader & Tyler, 2009).

The third – and the strongest empirical pathway in the current data – starts with procedural justice activating the sense that police officers share one's moral values. When police officers treat people fairly, when they make neutral decisions, when they use their authority in a restrained manner, this accords with people's expectations about how the police should behave when wielding their authority in interactions with citizens (cf. Jackson *et al.*, 2012a, 2012b, 2014a). Normative alignment is strengthened when people's values about the appropriate use of authority are being extolled by actual authority (Tyler & Trinkner, forthcoming). In the current study, normative alignment predicted traffic compliance through mediating beliefs about the morality of the compliance behaviors. The police as an institution are synonymous with policing as an activity, and the values they express to citizens when wielding their authority may help to persuade people of the morality of the specific laws being enforced in that encounter. Treating people fairly may encourage a sense of value congruence between officers and the citizens in question, which in turn may help to promote those citizens that the substantive goals driving this regulatory stop are moral and valid.

Earlier in this chapter I discussed a long-standing philosophical question about whether citizens ever have a (content-free) duty to obey the law. I also briefly reviewed research that has turned this into an empirical question. According to procedural justice theory, institutions can strengthen people's sense of legal obligation by wielding their power in fair and just ways, and from this perspective legitimacy is an all-purpose social coordination mechanism (Tyler, 2006a, 2006b). Based not on material interest, nor on the substance of decisions, the sway of legitimacy remains salient in situations where citizens disagree with the specific actions of authorities. The moral beliefs of anti-abortion activists may directly conflict with the views of the Supreme Court – for example – but the legitimacy of a Supreme Court ruling on abortion must still be conceded. Legitimacy thus conceived may be especially important in pluralistic and diverse societies in which widespread agreement about morality cannot simply be assumed (Tyler and Huo, 2002). A content-free duty to obey is key to legitimacy having this coordination capacity: while people can hold very different moral positions about different key issues, if they all allow an external authority to dictate appropriate behavior, they will nevertheless bring their behavior into line with that which is expected.

In the current study, duty to obey was found to be a significant predictor of compliance, but a stronger predictor was the belief that the police as an institution is appropriate, moral and just (assuming that people judge the moral validity of the institution on the basis of the moral grounding of police officers). The current study suggests that legitimacy can motivate legal compliance via a particular form of value congruence. In the current context at least, legitimacy seemed to enhance the belief that the laws being enforced in the encounter are appropriate, moral and just (assuming that people judge the moral validity of the laws on the basis of the wrongfulness of the behaviors being prohibited). This may be a route to public compliance with the law that is less about authorisation and more about persuading citizens of the morality of policing and proscribing certain behaviors (in this case, traffic-related behaviors). Encouraging people to align themselves with the values of the legal system, legitimacy may not just be about solving a coordination problem by getting people to comply with laws they disagree with; it may also have a impact on compliance through persuading people that it is right and proper to avoid certain harmful behaviors.

Limitations of the research

A number of limitations to the current study must, of course, be acknowledged. First, the setting is a relatively homogeneous country that engages in styles of policing that are more consensual than aggressive (at least compared to certain metropolitan areas of the US). It may be that relatively easy to persuade people to comply with traffic laws in such a situation; it is for future research to assess whether the findings replicate in other countries, regarding other crimes, in other regulatory contexts. Second, the RCT's treatment did not produce a positive effect on procedural justice so the data are only observational. The analysis reported in this chapter reflect descriptive not causal inference, so it is for future research to estimate causal effects. Third, the study did not measure actual compliance. I had to rely on a self-reported willingness to comply in the future; an important next step in this field of enquiry is to measure actual behavior.

Finally, I should also note that a different analysis of the same data found slightly different results. Bradford *et al. (*2015) combined duty to obey and normative alignment sub-scales of legitimacy into one index (justified by the strong association between the two sub-scales and the desire to avoid multi-collinearity issues).[6] When legitimacy was treated un-dimensionally, it was no longer a statistically significant predictor of legal compliance (identification and the perceived risk of sanction were the significant predictors). The sensitivity of the results to how legitimacy is scaled is indeed puzzling; it is certainly worthy of further investigation. But it does point to a very real issue when modelling data such as these. One makes judgements calls when specifying measurement models and structural paths between latent constructs. These judgements can have a real impact on the sort of conclusions that one draws. It is important, above all, to be transparent about analytical decisions and modelling strategies.

Final thoughts on legal socialization

By way of closing, I would like to discuss the findings of the current study in the context of ongoing work into legal socialization by Tyler & Trinkner (forthcoming). Trinkner & Cohen (2014: 1) define legal socialization as: 'the process by which individuals develop their understanding of laws or rules within society, the institutions that create those laws or rules, and the people within those institutions that enforce the laws or rules.' Part of this is the adoption of the values inscribed in laws and the legal system. One learns about the things that are illegal and one internalizes the social norms related to prohibited behavior. One is taught that it is wrong to steal, for example, and wrong to put other's safety at risk.

Another part of legal socialization is one's relationship with the legal system and its constituent authorities (most powerfully the police). Working within the US context, Tyler & Trinkner (forthcoming) argue that people are socialized into a relationship with the legal system that is based on three 'dimensions' of values: (a) treatment, (b) decision-making, and (c) boundaries. On the one hand, legal

[6] In the current analysis the correlation between felt obligation and normative alignment after adjusting for procedural justice and identification was .65; in a confirmatory factor analysis of the key constructs it is .76.

authorities should treat citizens with respect and dignity, and citizens should treat legal authorities with respect and dignity. On the other hand, decision-making and boundaries refer to the process by which outcomes are decided and the limits to power shown by authority actions.

An important part of their argument is that when authorities demonstrate procedural fairness, they are acting according to societal values about how citizens and authorities should interact. They are, in short, showing to citizens that they share their values regarding how they are supposed to behave. When authorities act in procedurally fair ways, they demonstrate to citizens that they have an appropriate sense of right and wrong. This is consistent with research showing strong empirical links between procedural justice and normative alignment with the police (Jackson *et al.*, 2012a, 2012b, 2014a; Bradford *et al.*, 2014a; Hough *et al.*, 2013a, 2013b, 2013c). Procedural justice seems to instill a sense in citizens that the police share their values and thus that the institution more generally is appropriate, proper and just.

The findings reported in this chapter suggest that procedural justice may be able to enhance one's sense that the values of the police accord with one's own, but in addition to this, the resulting sense of moral aprpopriateness may be able to strengthen one's values regarding the wrongfulness of the behaviors that the law prohibits. This is not just about values about how one should interact with legal authorities; it is also about one's sense of right and wrong of specific illegal behaviors. Procedural justice may be able to strengthen people's alignment to the values inscribed in law and the legal system, with encounters with the police being 'teachable moments' (Tyler, 2011a) not only about the nature of legal authorities, but also about the morality of the laws that legal authorities enforce.

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