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Police legitimacy

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The concept of legitimacy has moved center-stage in police research. While students of policing in western democracies have always been concerned with legitimacy in some general sense (e.g. in the interpretation of the famous 'Peelian principles,' Reiner 2010; Reith 1952), in-depth consideration of legitimacy as a social science concept is largely a phenomenon of the last two or three decades, with research interest increasing hugely in the past ten years. Underpinning both long- and shorter-term interest is recognition that the question of legitimacy is central to the way we understand policing. The police represent the coercive arm of the state; they are empowered to use whatever level of force is deemed necessary to deal with issues of crime and disorder; questions concerning the rightful use of this power are never far from the surface. *Normative* concerns about the way officers wield their power are ever-present in the debates that almost continuously roil around policing, yet police in liberal democracies rely on the legitimacy they command and the public cooperation, deference and compliance it engenders, and this raises important *empirical* concerns about the extent to which the policed hold the police legitimate.

In this entry we concentrate on this second concept (Hinsch 2008, 2010) of legitimacy, i.e. empirical rather than normative legitimacy. Taking the perspective of those subject to (and beneficiaries of) police power, we first discuss the conceptual definition of legitimacy as a component of the relationship between police and public. On what basis can it be claimed that people believe that the police have the right to power and the authority to govern? Second, we briefly outline why legitimacy is so important in this relationship, especially in relation to the ways in which it can motivate behavior. Third, we consider issues of measurement. If police legitimacy is, indeed, in the eye of the beholder, how can we assess its quality and quantity? We call for greater standardization in the way legitimacy is measured before bringing the discussion back to the question of what 'normative concerns' means when we are thinking about legitimacy. As already suggested, our comments relate primarily to policing in liberal democracies, although much of what is said will likely apply to police in other contexts as well.

1. What is police legitimacy?

At the most fundamental level, legitimacy concerns the justification of power (do we believe that those who govern us have the right to do so?) and a felt moral duty to obey (do we believe that those who govern us have the right to command us?) (Coicaud 2002: 10). Legitimacy is central to solving social coordination problems that involve the need for willing commitment on the part of diverse groups (with different values and conflicting interests) who are nevertheless acting within – and subject to – the same structures of authority and right.

Scholars concerned with police and other criminal justice institutions typically identify two aspects of, or constituent parts to, legitimacy judgements that map closely to this general schema. The first is normative appropriateness.

Legitimacy is premised on a “fundamental accord” between rulers and ruled (Filiangeiri 1783-88, in Pardo 2000: 5) that is founded in shared norms and values and established via the ‘moral performance’ (Liebling 2004) of power-holders. Applied to the police, this process involves acceptance (or rejection) of the implicit and explicit claims that police make to be a morally appropriate institution. People judge such appropriateness against societal norms of conduct (e.g. do police officers make neutral and objective decisions when dealing with citizens?) and draw lessons from such judgements in relation to how they, as legal citizens, should correspondingly behave (e.g. should I report a crime to the police?).

Research conducted within the procedural justice paradigm shows that the most salient norms and values relate to fair process and just procedures. People believe, for example, that officers should make decisions in an objective and neutral fashion, treat people with dignity and respect, and be open and honest (Tyler 2006; Tyler and Huo 2002) and they make judgements about the moral rectitude of the police to a substantial degree on the basis of such behaviors (or their absence). Other norms and values may also be important, including effectiveness (an ineffective, inefficient police force seems unlikely to live up to normative expectations about how police *should* behave, cf. Tankebe, 2013), bounded authority (that the police should respect the boundaries of their rightful authority, cf. Huq et al. 2016, Trinkner et al. 2017) and a wider set of concerns about the nature of order in society and the types of behaviours needed to assert it (Bradford and Jackson 2016; Jackson et al. 2012a).

The second component of legitimacy is an internalized sense of consent to authority structures. Duty to obey echoes the Weberian insight that power is transformed into authority when it is seen to be legitimate (Tyler, 2003, 2004). When one recognizes the authority of the police, one feels a normatively grounded obligation to obey officers’ instructions and the rules and directives operative within the space governed by police (Tyler & Jackson, 2013). Implicit (and sometimes explicit – Van Damme 2017, Huq et al. 2016) is the idea that institutional normativity grants the right to dictate appropriate behavior in certain prescribed circumstances. Legitimacy is thus not only a multi-faceted phenomenon, its different components exist in relation to one another, with the former providing the basis for the latter.

It is important to note that, as theorized above, the ‘duty to obey’ is assumed to be characterized by *truly free consent*. To be considered part of legitimacy, obedience needs to rest only on the willed acceptance of rules and instructions. Yet, people could believe that they should accept the decisions made by police for other reasons, for example because they feel powerless to do otherwise or fear the repercussions if they did not (Tankebe, 2009; Bottoms & Tankebe, 2012; Tankebe, 2013; Johnson *et al.*, 2014) – a point that we return to in the discussion of measurement below.

Finally, the idea that legitimacy is closely related to identity and shared group membership is a consistent theme in the literature. On some accounts the moral performance of power is central to convincing the public that the police share group membership with them – or are valid partners within an intergroup relationship – and are the appropriate authorities to deal with issues of crime, disorder and accident, either in particular situations (Stott et al. 2012) or in a general sense (Pardo 2000). Some scholars stress the extent to which shared

social identities mediate the link between fairness judgements and legitimacy, treating some level of shared group membership as a given (Bradford 2014; Bradford et al. 2014; Blader and Tyler 2003; 2009). Police represent social identities that are salient to many people (and within which they recognize the figure of police officer as an important group representative) – something that chimes well with sociological accounts that position police as representative of nation, state and community (Loader and Mulcahy 2003; Manning 1977) – and the experience of procedurally just policing strengthens the bonds between individual and group, generates, encourages and/or enhances a sense of inclusion and value within this group, and promotes identification with the authority figure concerned, with the values it represents – and hence legitimacy.

2. The motivating power of legitimacy

It is clear that the *empirical* police legitimacy is important in the sense that it is *normatively* desirable that people are governed by institutions whose values broadly align with their own, and which they believe are thus entitled to be obeyed. Yet, interest in police legitimacy within criminology has tended to revolve around what legitimacy *does* in terms of motivating particular behaviours within the public, and one of the most consistent findings in the procedural justice literature is that legitimacy is a relatively strong positive predictor of people's willingness to cooperate, work with and defer to the police (e.g. Sunshine & Tyler, 2003; Huq *et al.*, 2011a, 2011b; Wolfe *et al.*, 2015). Equally, there is much to suggest that police legitimacy is linked to compliance with the law (Tyler 2006; Jackson et al. 2012b). This research suggests that the police, and indeed society, have much to gain from efforts to enhance legitimacy, and has triggered significant policy interest in recent years (e.g. President's commission).

From a social psychological perspective, legitimate authorities can affect individual's behavior in a number of distinct ways (Kelman and Hamilton 1989). One route is via *internalization*. Individual's value systems are shaped in large part by the institutional context into which they are born and socialised (Berger and Luckmann 1966) and legal authorities such as the police form part of those contexts. Processes of legal socialization lead many people to internalize the idea that it is right and proper to follow the dictates of such authorities because of the source of the instruction, not because of its content. People internalize the moral value that they should obey the rules and orders emanating from a given external authority – this is a sense of willing constraint and deference, a reciprocal civic obligation to respect authority and abide by the law that is partly shaped by experiences of policing (whether personal, vicarious or mediated). When police officers are restrained and respectful in their use of authority, they demonstrate to citizens that their authority is properly – i.e. morally – constituted (Tyler, 2006a, 2006b; Jackson et al., 2012a; Jackson 2015), in turn motivating appropriate (law-abiding, compliant) behavior in response.

Legitimate authorities can also influence people's behavior via the mechanism of *identification* (Kelman and Hamilton 1989). The ways in which authorities act, particularly in relation to the procedural fairness of their behaviour, can activate and strengthen individual's roles within important self-satisfying (and often self-defining) social relationships. Given that the police powerfully represent nation, state and community, the roles so activated may

include that of 'citizen' (in the Aristotlean sense of being a full member of society with a set of duties as well as rights). For example, a recent traffic-policing study in Scotland (Jackson 2015) linked perceptions of procedurally fair encounters with police to enhanced identification with the group they represent (here conceptualized as the law-abiding member of the Scottish community, cf. Bradford et al., 2014, 2015). Affiliation with this identity may motivate people to act in ways that allowed them to maintain positive social roles and bonds (Tyler & Blader, 2003; Blader & Tyler, 2009) – here, to cooperate with the police and comply with the law.

Also important are the ways in which encounters with officers can activate the process of identification. Both instrumentally and expressively, police serve as arbiters of moral conduct. They can define respectable and disrespectable behaviour. They can delineate the normative from the deviant. Encounters with police can spur a situation of self-appraisal, social comparison, and stock-taking: one must reflect on behaviour (Why was I stopped? Was anyone else?) as well as one's (and one's group) treatment by police. This process of social comparison, of self-evaluation and comparison with referent social groups following a situation of uncertainty or questioning (Festinger 1954), involves a self-conscious desire to reassert a positive, coherent social identity – to "self-enhance" (Sedikides and Strube 1997). Treatment by police can thus relay important, identity-relevant feedback as to what is or should be appropriate. In addition to indicating probity and respect, fair treatment by police may thus provide a sense of validation, inclusion, and affirmation of one's "rightness" and one's group. It can strengthen social bonds between group members and reinforce the behavioral norms of the group (to drive within the speed limit, to comply with police directives, or even to simply avoid police suspicion).

Feelings of inclusion, recognition and shared values in one's relations with police may thus activate attendant expectations for behavior. And, all else equal, we may expect that cooperating with the police and abiding by the law to be among those expectations (since being a 'citizen' involves adhering to properly established norms of conduct). To do otherwise – to act contrary to role expectation – risks undermining self-image and damaging the relationship between individual and group. Naturally, there is the real possibility of the opposite occurring: an illegitimate police force may activate different roles that do not discourage, and may even promote, law-breaking behavior. People who feel they do not share norms and values with police are less likely to believe they should behave in ways that support this authority, and are less motivated to comply with the norms of the wider group it represents. Moreover, negative or unfair treatment can incite existential anxiety and uncertainty as to one's status and social value, or one's membership of a group, further weakening the pull of behavioral norms.

More tentatively, there is early evidence that legitimate authorities can exert influence by creating situations wherein certain actions are encouraged or precluded in order that individuals maintain congruence with their own internal value-systems. The sense that crime is wrong is very widely shared (Robinson and Darley 2007) but people are more likely to act in accordance with their personal moral judgements concerning criminal acts if they feel the social context they inhabit is integrated and functions in accordance with their own

values. In particular, a legitimate police force may provide one element of a strong normative framework toward which people orient themselves and through which they experience and understand the social world (c.f. Wikström *et al.* 2012). Procedurally fair policing accords with people's expectations about how the police should behave (cf. Jackson *et al.*, 2012a, 2012b), and when people's values about the appropriate use of authority are enacted by an actual authority, this strengthens normative alignment (Tyler & Trinkner, forthcoming). In the aforementioned study of traffic-policing in Scotland, normative alignment predicted traffic compliance through mediating beliefs about the morality/immorality of breaking traffic laws (Jackson, 2015). The argument was that the police as an institution are synonymous with policing as an activity; that the values officers express to citizens when wielding their authority help to persuade people of the morality of the specific laws being enforced in that encounter; that treating people fairly encourages a sense of value congruence between officers and the citizens in question; and that this, in turn, may help to promote those citizens that the substantive goals driving this regulatory stop are moral and valid.

3. Measuring legitimacy

While there is widespread agreement that normativity lies at the heart of the empirical concept of legitimacy (and that since this form of legitimacy is primarily perceptual and experiential it can be captured by asking people about their views of and orientations toward the police) there is much less agreement on how it should be measured.

The now voluminous literature on police legitimacy comprises largely survey-based studies that rely on producing scales of legitimacy using formative or reflective approaches to measurement. But the measures vary significantly from study to study. Consider the first component of legitimacy – the perceived moral appropriateness of the institution. Believing that the police have the right to power is sometimes operationalized as institutional trust; normative justifiability is here inferred to be present when public believe that officers can be trusted to act in ways that encapsulate the interests of citizens through the application of power (Sunshine & Tyler, 2003; Tyler *et al.*, 2010; Geller *et al.*, 2014). Institutional trust is commonly captured by asking people to agree to disagree to statements like '*people's basic rights are well protected by the police*', '*the police in your neighborhood are generally honest*' and '*the police try to find the best solution for people's problems.*'

The concepts of trust and legitimacy can be viewed to be distinct from one another (Hawdon 2008; Jackson *et al.* 2012a). Trust refers primarily to relations among and between individuals and organizations, whereas legitimacy is an emergent property of those relations that attaches primarily to the *institution* of police and the validity of its claims to rightful power. More prosaically, and as Hawdon (2008: 186) notes, "it is possible to 'trust' that an officer will be honest, fair ... and treat residents with respect without believing that an officer has the 'legitimate authority' to dispense justice". To put it another way, 'I trust *this* officer, but I don't believe *the police* have the moral right to tell me what to do'.

A different way of operationalizing appropriateness, then, centers on the notion of normative alignment – a notion intended to capture the reciprocal relationship between power-holders and subordinates through which legitimacy

is generated (Jackson *et al.*, 2012a, 2012b; Tyler & Jackson, 2014; Tyler *et al.*, 2015). On this account, citizens *judge* police behaviour against commonly accepted values and norms. They form an opinion about the extent to which there is alignment between certain salient values of the police and their own, and what is at stake is not the view that officers are trustworthy (technically competent, fair and lawful), or that they behave in other, specific, socially valued ways, but a more general sense that they act in ways aligned with an established, shared, normative and ethical framework (Jackson and Gau 2015). Normative alignment is commonly captured by asking individuals whether they agree or disagree with statements like *'the police usually act in ways that are consistent with your sense of right and wrong'*, *'the police generally have the same sense of right and wrong as I do'* and *'the police can be trusted to make decisions that are right for my community'*.

Duty to obey has likewise been measured in a number of different ways. On the one hand, respondents are typically asked questions like *'you should accept the decisions made by police, even if you think they are wrong'*, *'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?'*, and *'people should do what the police tell them to do'*. Such items, however, risk eliding the consent-based underpinning of this aspect of legitimacy. People may have other reasons for thinking they 'should' obey police – for example if they fear the consequences of not obeying. Obedience out of fear and/or powerlessness cannot represent normative obligation. Other approaches get closer to the concept at hand: *'you should obey police decisions because that is the proper or right thing to do'*, *'I feel that I should accept the decisions made by legal authorities'*, and *'it would be hard to justify disobeying a police officer'*. Such measures hope to capture the sense that the individual is allowing the authority to determine what is appropriate because one believes that it has gained the moral right to do so.

Measurement issues are important because they are currently impeding development of the study of police legitimacy within criminology. For example, among seven articles that included empirical measurement of police legitimacy published in the first half of 2017, approaches to measurement ranged from scales representing: duty to obey, captured in a way that did not account for the possibility of obedience through fear (Kochel and Weisburd 2017; Kochel 2017); felt obligation to obey and moral alignment treated as distinct constructs (Gerber and Jackson 2017; Mehozay and Factor 2017; Van Damme 2017); a combined scale representing perceived obligation, trust and normative alignment (Akinlabi 2017); and a combined 'trust and satisfaction' scale (Karakus 2017). One consequence of this muddled picture is that while procedural justice tends to predict legitimacy however it is operationalized, a whole range of other factors have been found to be predictors of legitimacy in some studies, but not in others. It is unclear whether this is due to variation in context (e.g. across countries) or simply variation in the way legitimacy has been conceptualized and/or measured. The ways in and the extent to which legitimacy seems to motivate behavior also varies from study to study, which again might be due to differences in the ways it is measured.

4. Concluding remarks

We finish this entry with two pleas concerning the measurement of legitimacy. There is, first, a need for greater standardization, particularly in relation to the nature of duty to obey. It is important to ensure that survey items are clearly tapping into a normatively grounded sense of obligation to obey the police. One approach is to use indicators closer to sentiments like '*I feel a moral obligation to obey the police*' and '*I feel a moral duty to support the decisions of police officers, even if I disagree with them*' – measures which specifically reference a sense of moral duty. There may also be a need to utilize cognitive question testing procedures to examine how people interpret and respond to different survey indicators. Do standard indicators really conflate a moral obligation to obey with a more instrumental and pragmatic form of compliance rooted in apathy?

Second, there is a need to more clearly differentiate between norms (that make up the preconditions of legitimacy) and normativity (the imbued validity and authoritative nature of an institution). Norms refer to widely held expectations about how legal officials should wield their power (e.g. procedural justice). Respecting norms creates normativity in the eyes of citizens, so the argument goes, and it is important that empirical studies allow the value content of the norms to be an open and empirical question – to allow the factors that legitimate in a given context (e.g. country, community, social group) to emerge *a posteriori*. Legitimacy needs to be considered as an overarching (content-independent) attitude towards the validity and moral standing of the institution, and it needs to be defined in such a way that does not *a priori* presume how exactly people believe authorities should behave. Questions concerning the normative aspect of legitimacy should not, therefore, reference specific acts or behaviors on the part of the police, but rather a general view of its adherence (or not) to a moral/value framework that aligns with the respondent's own. This leaves as an empirical question *why* people may believe police do or do not share their own moral values, allowing us to better explore contextual variation in the norms underpinning legitimacy.

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