

Introduction

This book addresses issues of regulation and examines the role of outcomes, procedural justice, and trust in shaping public willingness to defer to legal authorities. We focus on the strategies that legal authorities can use to bring public behavior into compliance with the law and increase the likelihood that members of the public will more willingly accept the directives of police officers and judges, two key points of public contact in our legal system.

Legal authorities have focused on laws and directives because they may restrict people's freedom of behavior or provide them with outcomes that are less than what they desire or feel they deserve. For these reasons, legal authorities are justifiably concerned about their ability to secure public compliance with their decisions, and they view willing cooperation from community members as a desirable, but sometimes elusive, goal.

The problem of regulation is made more difficult by the need to gain compliance with the law that continues over the long term. Judges and police officers do not want people to comply with their orders only when they are present and can readily sanction lawbreaking behaviors. Without ongoing, voluntary compliance, legal authorities must revisit problems and problem people, continually seeking to bring the behavior of lawbreakers into line with the law through the threat or actual use of sanctions.

The desirability of being able to obtain continued compliance suggests that legal authorities benefit when people accept their decisions and become self-regulating. Self-regulating people are law-abiding. They follow legal decisions and rules because they think that they ought to do so, irrespective of whether they believe that legal authorities might sanction them for noncompliance.

In this book, we explore the impact of two factors that shape willing deference to the law: the actions of particular police officers and judges, and people's views about the overall legitimacy of these authorities.

One of our goals is to show that the behavior of the police officers and judges with whom people have personal experiences can encourage voluntary decision acceptance. We argue for the value of a “process-based” approach to encouraging voluntary decision acceptance. This model is based on the argument—empirically tested in this study—that individual legal authorities can behave in ways that encourage the voluntary acceptance of their directives.

We show that people are more willing to consent to the directives of legal authorities when police and court procedures are in accord with people’s sense of a fair process for handling a dispute, and when people believe that the motives of the authorities are trustworthy. We demonstrate that strategies of regulation based on the way in which members of the public are treated by legal authorities—process-based policing and process-based problem-solving by the courts—can enhance their willingness to cooperate with and defer to those legal authorities. We focus on two key judgments: assessments of the procedural justice of the actions of the authorities, and evaluations of the trustworthiness of the motives of authorities.

We also examine the influence of the second factor—overall views about the legitimacy of the police and the courts—in shaping an individual’s decision acceptance. Legitimacy is the belief that legal authorities are entitled to be obeyed and that the individual ought to defer to their judgments. This belief is distinguished from the view that it is in one’s self-interest to accept those judgments. Legitimacy is a value in the sense that it is a feeling of obligation or responsibility that leads to self-regulatory behavior—that is, voluntarily bringing one’s behavior into line with the directives of those authorities one feels ought to be obeyed. Individuals with strong beliefs in the legitimacy of the police and the courts are more inclined to self-regulation; they take personal responsibility for following laws, accept the decisions of legal authorities, and are more likely to defer voluntarily to individual police officers and judges.

In part II, we focus on the effects of different views of the legitimacy of the police and the courts. We show that people’s views about that legitimacy shape their reactions to the behavior of the particular legal authorities with whom they are interacting. Those who view the police and courts as legitimate authorities defer to particular police officers and judges because they think those individuals are acting fairly or because they trust their motives. Those who do not view the police and the courts as legitimate societal authorities decide how to react to their decisions in terms that are more strongly outcome-based.

In part III, we present findings showing that people generalize from their personal experiences with individual police officers and judges to form an overall view about the legitimacy of the police and the courts.

The degree to which people experience fair procedures and are able to trust the motives of individual legal authorities in personal encounters helps to shape more accepting views of societal authorities.

These results suggest that, by focusing on how they treat the people with whom they interact in the community, legal authorities can engage in a process-based strategy of regulation whose goal is to build their legitimacy in the eyes of the public. By reinforcing their legitimacy, legal authorities would thus both increase voluntary public deference to police and court directives and encourage long-term public acceptance motivated by a sense of personal responsibility to follow the law. We refer to this approach to regulation as the effort to create a law-abiding society. In this effort, the goal is to build supportive public values that encourage voluntary deference to the police and the courts. Thus, not only is the behavior of legal authorities important in the immediate situation, but it is also a form of civic education that shapes people's broader, long-term relationship to law and legal institutions.

In part III, we also explore the role of people's identification with society and their communities in shaping their reactions to the law and legal authorities. We argue that people are affected by their connections to their communities, and that the strength of these connections shapes not only their law-abidingness but their views about the legitimacy of authorities. Those who feel a connection to their community are more deferential to legal authorities. Further, they are more likely to evaluate their personal experiences with those authorities in procedural and trust-based terms than in terms of the outcomes they receive. Therefore, like legitimacy, societal connection facilitates process-based regulation and encourages law-abiding behavior.

Part IV examines the role played by differences in ethnicity or race in people's views of the law and legal authorities. The sample used to study this issue was designed to include large groups of African Americans and Hispanics in addition to a group of white respondents. Consistent with past studies, we find that minority group members are less willing to defer to the decisions of legal authorities. They are also more negative in their assessments of the authorities with whom they have had personal experiences. Our findings suggest that a process-based model explains such ethnic group differences: lower levels of acceptance prevail among minority respondents because they feel that they are treated less fairly and because they are less trusting of the authorities' motives.

Part IV also explores the role of ethnic group identification in shaping reactions to authorities. Minority group members are found to identify more strongly with their ethnic groups than do whites. However, it does not appear that ethnic group identification influences the willingness to accept the decisions made by legal authorities.

In part V, we draw conclusions and discuss the implications of the research presented for strategies of regulation. An analysis of a series of national-level studies of public evaluations of legal authorities suggests that the general public's attitudes toward the law and legal authorities are based on judgments similar to those we find to be important in personal encounters with police officers and judges. People's evaluations are linked to their views about how the police and the courts generally treat citizens. Factors that are more strongly based on outcomes, such as the ability of the police to control crime or the cost or speediness of court processes, are found to be secondary considerations when the public assesses legal institutions. This suggests that policies focusing on providing greater levels of justice to those who deal with legal authorities would resonate strongly with the public.

We conclude by arguing for a process-based model of regulation. Under this model the key to both the short-term and long-term success of a legal authority is rooted in the ability to gain the cooperation and consent of members of the public. In the short term such cooperation and consent are gained by fair decision making and treatment on the part of individual police officers and judges when exercising authority. In the long run cooperation is reinforced by building and maintaining favorable societal orientations toward legal authorities among the members of the community. The societal orientations of value include the public view that legal authorities are legitimate, public trust in others in the community, and identification with that community.