

**TRUST AND LAW-ABIDINGNESS:  
A PROACTIVE MODEL OF  
SOCIAL REGULATION**

*Tom R. Tyler*



The Australian National University  
Australian Taxation Office

**Centre for Tax System Integrity**



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*Series Editor:*  
*Tina Murphy*

## Abstract

The purpose of my research is to look at how members of the public experience the social regulatory activities of the police and the courts. In particular, I am concerned about the experiences of the members of two minority groups—African-Americans and Hispanics. My goal is to explore the implications of my findings for models of policing and court administration. These models focus on finding effective ways to regulate social behaviour.

My argument is that we have a lot to gain by reframing the way we think about the general approach to social regulation that has dominated legal scholarship for several decades. I propose and defend empirically the value of a *proactive model of social regulation* that is based upon encouraging and maintaining public trust in the character and motives of legal authorities. The public trust in the police and courts central to this model is sustained by *process based policing* and *process oriented problem solving by the courts*. Process is the key issue in each case because public trust in these legal authorities is encouraged when they make their decisions through procedures that members of the public view as fair.

## Trust and law-abidingness: A proactive model of social regulation

*Tom R. Tyler*<sup>1</sup>

The purpose of my research is to look at how members of the public experience the social regulatory activities of the police and the courts. In particular, I am concerned about the experiences of the members of two minority groups – African–Americans and Hispanics. My goal is to explore the implications of my findings for models of policing and of court administration. These models focus on finding effective ways to regulate social behaviour.

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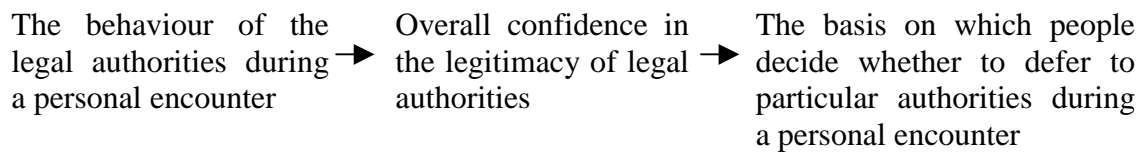
I make my argument on two levels. First, I explore the context of the immediate situation in which police officers or judges are seeking to solve a problem or enforce a rule. Here their concern is with their ability to secure acceptance of their actions by the particular members of the public, and to do so without creating hostility and resistance. Effectiveness in this context is linked to gaining compliance while minimising conflict escalation within the situation.

Second, my argument is concerned about the broader context of public confidence in the legitimacy of the police and courts. Personal experiences both shape that larger context and are shaped by it. Here I examine the influence of personal experiences on views about the legitimacy of law and legal authorities and, in addition, I explore the influence of views about

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the legitimacy of law and legal authorities on the psychological dynamics of particular experiences with legal authorities. This dual influence is shown in Figure 1.



**Figure 1: The relationship between the legitimacy of legal authorities and personal experiences.**

### **Social regulation from the perspective of legal authorities**

From the perspective of legal authorities, the issue central to being able to engage in effective social regulation is having an accurate understanding of why people are motivated to accept third-party decisions. This model of human motivation can be drawn from many sources. My particular concern is with the implications of psychological models of human motivation for the study of legal regulation.<sup>2</sup>

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<sup>2</sup> The efforts of psychologists to understand the motivations for human behaviour that inform the thinking of legal authorities reflect the development of a ‘psychological jurisprudence’ via the application of psychological knowledge to a core issue within the law. Of course, psychology has always been central to law, since ‘Laws embody theories of behaviour. Legal rules, doctrines, and procedures necessarily reflect basic assumptions about human nature’ (Haney, 1982).

The goal of psychological jurisprudence is to make these assumptions consistent with modern psychological knowledge. Doing so is central to the goal of psychology to use psychological knowledge as the basis for legal change (see Haney, 1980).

The idea of a complete ‘psychological’ jurisprudence can potentially have many facets. Some are linked to an understanding of human motivation, others to an understanding of human cognition and decision-making. My comments here will focus on issues of human motivation. However, I believe that the same core concept of psychological jurisprudence I am applying to motivation in this analysis has implications for many other areas of law and psychology. In each area the law benefits from being guided by a complete and accurate model of the psychology of the person. Psychological jurisprudence is the application of such models to important areas of the law.

Psychological jurisprudence is also a distinctly empirical perspective on the problems presented by the law. It argues that our conception of the person should be based upon research about people’s motivation, cognition and decision-making. Like psychology more generally, the application of psychology to jurisprudence is an effort to define human nature through systematic and scientific methods of study. The long-term goal is to establish a role for empirical findings in shaping the law. Like the proponents of the earlier legal realism movement, psychologists argue that the roots of effective legal doctrine must lie in an accurate understanding of the nature of the social world. Psychological jurisprudence carries this basic premise further by taking advantage of the methodological skills of psychology.

The third parties involved in social regulation include court officials such as judges, clerks, mediators/arbitrators and police officers. Irrespective of which legal authorities are involved, the key to their effectiveness is that they can gain acceptance for their decisions among the members of the public with whom they personally deal. The decisions of legal authorities mean little if the members of the public do not follow them (Tyler, 1990).

This analysis of the antecedents of acceptance explores the role that *motive-based trust* in legal authorities plays in encouraging public acceptance of their decisions. In particular, the empirical study I outline examines whether people are more willing to accept the decisions of those legal authorities whose motives they view as benevolent and caring (that is, more trustworthy).

The form of trust I examine reflects trust in the character of the authorities. It is based on judgments about whether or not their intentions are benevolent. Character judgments are distinct from consequence-based assessments about the favourability or fairness of their decisions. It is recognised by both the members of the public and by legal scholars and philosophers more generally that well-intentioned decisions by authorities can be unwise and can potentially lead to negative outcomes (Bok, 1978). Hence the consequences of decisions are distinguished from the motivations that lead to them. As an example, corporate law does not allow people to hold the directors of companies liable for losses due to decisions that were made in good faith (Mitchell, 1995). *Motive-based trust* focuses on the issue of the intentions of the authority—that is, on the good faith with which they are believed to be acting.

As a psychologist, my own work on acceptance has several characteristics. First, it focuses on the micro level of analysis. I am interested in the actions of individual people, either legal authorities or members of the public, rather than in the actions of institutions or societies. Second, I am concerned about people's subjective experiences. I am interested in people's thoughts and feelings, and the impact of those thoughts and feelings upon their actions. Third, my work is empirical. I interview people to determine their thoughts, feelings and actions, and I explore empirically the relationship among these various measures.



The interviews I examine concern two basic types of experiences with legal authorities. First, ‘service’ encounters, in which people approach the police and the courts seeking help with their problems. Here we can think of members of the public as consumers of police or court services, and we can ask how willing people are to accept the decisions that legal authorities make.

The second type of experience that people have with legal authorities involves ‘regulatory’ encounters, in which the legal system approaches people, seeking to bring their behaviour into line with legal rules. Although it is less intuitively obvious that people in such settings might be thought of as customers who are consuming the services of the legal system, we can nonetheless think of people as being more or less satisfied with their experiences, and more or less willing to acquiesce to and willingly ‘buy into’ the decisions of legal authorities. People can resist and seek to defy legal authorities, or they can cooperate with them and voluntarily acquiesce to their directives.

Irrespective of which type of experience we are concerned about, legal authorities have difficulty gaining public acceptance for their decisions within that type of experience. This is true for all the people with whom the police and courts deal, but is especially the case for minority group members, who are more likely to defy and resist the police and the courts (Tyler & Huo, 2000).

One clear reason why legal authorities experience difficulty securing public acceptance of their decisions is that the police and courts often deliver negative or undesirable outcomes, failing to solve people’s problems and/or seeking to limit or sanction their behaviour. The question is how acceptance for decisions that are frequently negative can be motivated in either service or regulatory encounters.

### **Approaches to gaining acceptance**

Currently police officers and judges typically approach the public from a force or control orientation. In other words, the style the police bring to their interactions with people is that of command and control – they try to dominate people and situations by displays of force or the potential for the use of force. Similarly, the courts seek to compel compliance by the threat or use of force – including fines and jail time.

This orientation is linked to two goals: (1) to effectively combat crime and deviance by stopping disorderly and illegal behaviour, either on the streets or via court-administered sanctions; and (2) to protect the personal safety of legal authorities. My argument is that the traditional approach to interactions with the public hurts the efforts of the police and courts to attain these goals, both in the short and the long term.

### **Gaining compliance with the law**

The first goal of legal authorities is to gain acceptance, both in the immediate situation and over time. Again, the police and courts typically approach this task by seeking to control people and situations, dominating members of the public in the effort to bring public behaviour into line with the law within the context of particular encounters. Further, these immediate activities are aimed at minimising future crime by communicating the potential costs of rule-breaking.

A large deterrence literature suggests that people's behaviour is shaped by the use or threat of force (Nagin & Paternoster, 1991; Paternoster, 1987; 1989; Paternoster & Iovanni, 1986; Paternoster, Saltzman, Waldo & Chiricos, 1983). However, such effects are typically weak. For example, a recent review of sanctioning and drug use suggests that approximately 5% of the variance in drug use can be explained by reference to risk estimates (MacCoun, 1993). This conclusion is consistent with the findings of numerous studies, which suggest that significant deterrence effects are not always found and, when they are found, they are typically modest in magnitude.

To effectively shape people's behaviour, the authorities need to be able to move beyond motivation linked to deterrence effects to elicit cooperation linked to people's desire to buy into the decisions of police officers or judges (that is, to willingly cooperate with them). Such an effort requires an understanding of other forms of motivation besides those linked to the fear of sanctioning.

## **Is there an alternative model of social regulation?**

These findings suggest the value of finding a new model of social regulation that moves beyond deterrence. I argue that there is such a viable alternative model of social regulation. That model is based on *motive-based trust* in the police and courts. My suggestion is that citizens dealing with the police or with judges focus on issues of 'good faith'. They seek to infer the intentions or motives of the legal authorities with whom they are dealing. If they believe the authorities are acting in good faith, they are more likely to willingly defer to their directives. The study presented in this paper tests this argument through an empirical analysis of the results of interviews about recent personal experiences with particular police officers or judges.

Motive-based trust is central to situations in which people rely upon fiduciary authorities. Such authorities can be police officers, judges, mediators, lawyers, doctors, teachers, clergy, newspaper reporters/editors or public officials, among many others. In such relationships, authorities have expertise and access to resources. These allow them to act in the interests of members of the public. But members of the public are seldom in a position to monitor the behaviour of the authority, or to make informed evaluations of it. The public cannot follow the police to see if they actually do their jobs, nor can they evaluate the legal correctness of a judicial decision. The public can only make inferences about the 'good faith' being manifested by such authorities via the sincere effort of these authorities to do what they can to solve problems. Such good faith is the central element of motive-based trust.

I distinguish such motive-based trust from calculative trust (Williamson, 1993). Calculative or rational trust is based upon the belief that one can accurately predict how another person will behave. Such calculations are central to rational decisions about whether to defer to the decisions of others, since people can take the anticipated behaviour of others into account in utility calculations when they can accurately predict what they will do.

Motive-based trust is distinct from judgments about whether or not authorities behave as anticipated. It involves an inference about the 'spirit' or 'motive' that will shape behaviour, not what specific behaviour will occur. So, for example, a person might think that the police will do whatever is needed to best meet their needs in a situation, without knowing what specific actions the police will take or what specific resources they will receive from them.

People may, in fact, have no clear sense of how they expect a problem or dispute to be resolved, beyond thinking that the authorities will do ‘what is right’ when trying to find a resolution. The trust argument suggests that, by acting in ways that manifest good faith, legal authorities can discourage hostility and defiance, and encourage willing cooperation.

The second aspect of the argument is based upon the suggestion that there are ways in which legal authorities can be viewed as showing good faith in situations involving social regulation. Such situations involve, by definition, the need to limit the behaviour of community residents, telling people that they cannot do as they wish or have what they want. The data that will be outlined show that legal authorities can create trust in such situations.

The key to creating trust is to act in ways that community residents will experience to be fair. This argument is the core conclusion of the literature on procedural justice. That literature demonstrates that people’s reactions to their personal experiences with social authorities are rooted in their evaluations of the fairness of the procedures those authorities use to exercise their authority (Lind & Tyler, 1988; Tyler, 2000; 2001; Tyler & Blader, 2000; Tyler, Boeckmann, Smith & Huo, 1997; Tyler & Smith, 1997).

Like the trust literature, the procedural justice literature runs counter to everyday intuitions. When asked, people typically view themselves as reacting to their experiences based upon the favourability or fairness of their outcomes. This self-perception of motivation reflects their acceptance of the ‘myth of self-interest’ (Miller & Ratner, 1996), the mistaken belief that they are instrumentally motivated. Acting on this myth, people make choices based upon their expected gains and losses through various courses of action (Tyler, Huo & Lind, 1999).

In fact, studies of post-experience reactions to experiences with allocations and problem-solving by social authorities, whether legal authorities, managers, teachers, parents or others, consistently demonstrate that people react primarily to the process of allocation or problem-solving. This does not mean that outcomes are irrelevant. They do influence reactions to experiences with third parties, and they strongly influence satisfaction with outcomes. However, both the willingness to accept outcomes and feelings about the decision-maker are dominated by reactions to the process. Further, and directly relevant to the argument being made here, people’s judgments about motive-based trust are linked to their evaluations of the procedures by which authorities act (Tyler & Degoey, 1996).

## **Self-protection**

The second goal underlying the actions of legal authorities is self-protection. This goal is most central to the actions of the police, who face clear risks – they can be shot and killed, or otherwise injured – from those with whom they deal. Court officials such as judges also face threats of violence, as is illustrated by the extensive presence of armed officers in courtrooms.

Even if legal authorities thought that a trust-based strategy might encourage the acceptance of their decisions, they would be unlikely to endorse such a strategy if they felt it increased the danger of injury to themselves. Hence the viability of trust-based models ultimately depends upon demonstrating that they do not increase risk to police officers and court officials. Of course, ideally such strategies could be shown to actually *increase* the safety of police officers and judges.

The way legal authorities seek to lessen the danger of harm to themselves, and to other innocent bystanders, is by gaining and maintaining control over their potential adversaries – the community residents with whom they deal – and over the situations of personal contact with those people, during which the authorities are at risk.

My argument is that the effort to exert control over citizens that is central to command and control styles of legal authority can itself increase danger for and risk to the police and judges, as well as to community residents. In the case of the police, by approaching people from a dominance perspective, police officers encourage resistance and defiance, create hostility, and increase the likelihood that confrontations will escalate into struggles over dominance that are based on force (Sherman, 1993). The police may begin a spiral of conflict that increases the risk of harm for both the police and the public.

A key issue for legal authorities is whether the application of power creates any problems for the powerful person – in this case the legal authority. Police officers and judges are, quite reasonably, most directly worried about their own safety. Bargaining research suggests that power-based strategies do create risks, even for the powerful person in an interaction. Recent studies on bargaining suggest that unequal power in bargaining leads to counter threats by the weaker party, to anger and ‘irrational’ feelings, and to behaviour designed to defy and injure the dominating party (Lawler, Ford & Blegen, 1988).

One example of such research is found in studies of negotiation that show that introducing issues of unequal coercive capability into interpersonal interactions raises hostility, and lowers outcomes, even for the person possessing greater power (Deutsch & Krauss, 1962). This argument is reinforced by the literature on conflict escalation, which emphasises that, in conflicts about domination or 'winning', both parties lose sight of what is reasonable or 'rational' and engage in emotional acts of escalation (Pruitt; 1981; Pruitt & Carnevale, 1993).

Of course, this does not suggest that power should never be applied by legal authorities, or by anyone else. Studies also suggest that unilateral and unconditional deference leads to exploitation. When confronted with non-cooperation, legal authorities need to be able to respond with power.

Research suggests that the best strategies are those in which a person's own behaviour is contingent upon the behaviour of others. However, research also suggests that the most effective interpersonal strategies *begin* as non-coercive approaches that seek to gain cooperation without raising the threat of the possible application of force. Such strategies respond to threats of coercion from others, but do not begin with a force or control orientation (Axelrod, 1984; 1997).

In the case of the police and judges, these findings suggest that legal authorities gain if they can find alternative initial approaches to their dealings with the public besides presentations of power and threats of punishment that are linked to a strategy of seeking to dominate people and/or situations. Beginning with a non-confrontational strategy is valuable because it allows an authority to differentiate their behaviour based upon the response of particular members of the public. When approached non-confrontationally, most people respond with cooperation and deference. Hence police officers and judges maximise the likelihood that their interactions will generally be cooperative. In those few situations in which people respond with defiance, legal authorities can then enact a power-oriented strategy of dominance.

Such a model is similar to that advocated by those who argue that legal authorities should approach people by seeking to encourage cooperation based upon shared values and public feelings of responsibility and obligation (Ayres & Braithwaite, 1992). Only if people are found to be unresponsive to such appeals should legal authorities move to a model of social

regulation based on force or sanction. This model has the value of allowing legal authorities to concentrate their resources in those situations where self-regulation is unlikely, and with those people who are unable to be self-regulatory. The majority of people, however, can be induced to take personal responsibility for deferring to authorities. Among this group, hostility is minimised and the likelihood of voluntary acceptance increased.

In contrast to legal authorities who are initially cooperative, those authorities who approach people with a force orientation make every interaction into a contest of wills, encouraging defiance and resistance among even those people who are not initially inclined to defy or resist. The primary benefit of a cooperative strategy is that it minimises the number and degree of confrontational encounters, while a dominance approach heightens resistance among all those with whom an authority interacts.

Interestingly, studies suggest that those people who enter into interactions with a force orientation create by their own behaviour a justification for their future actions. When authorities approach others with a force or dominance orientation, they make every interaction a competition for dominance. Hence the experience of such authorities is that every person is resistant and non-cooperative. When asked to estimate the likely behaviour of others, such authorities predict that most other people will be competitive in their dealings with others (Kelley & Stahelski, 1970). On the other hand, those authorities who approach people cooperatively elicit cooperation from most people with whom they deal, and competition from a few people. These authorities estimate that a larger proportion of the people with whom they deal will be cooperative, since the initial cooperative behaviour of those authorities has elicited cooperation from most of the people they have dealt with in the past.

In other words, over time, those with a force or dominance orientation create the competitive world that justifies, in their minds, the need for a force or dominance orientation in the future. Cooperative authorities are much more aware that they benefit from differentiating among people and by gaining the widespread cooperation that results from approaching the public in an initially cooperative way.

The study I outline here does not directly explore whether or not a personal encounter between member(s) of the public and legal authorities leads to violence to either party. Such encounters are, thankfully, rare and are therefore difficult to study through surveys of the general population. Instead, I focus on the more modest goal of understanding the feelings towards the legal authorities that people have after their experiences.

### **The California study**

The key issue is to test empirically the actual viability of the models of legal authority outlined. That is, it is important to assess the degree to which legal authorities can effectively secure cooperation from members of the public through public trust in their motives, and can do so in ways that maintain public satisfaction with the legal authorities involved. These issues are of special importance in the case of community residents from disadvantaged and stigmatised minority groups. Further, it is important to show that public trust is generated when legal authorities treat community residents fairly. Addressing these issues requires first exploring the influence of trust on the willingness of members of the public to accept the decisions made by legal authorities. If an influence is found, we will then examine the role of justice in generating trust.

I will address these issues using a sample of people interviewed in two Californian cities: Oakland and Los Angeles. Within each city a stratified random sampling technique was used to draw samples of the population over-representing minorities (for sampling details see Huo & Tyler, 2000; Tyler & Huo, 2000). Each sampled person was called and screened on the telephone. Those with recent personal experiences with the police or the courts were interviewed about those experiences over the telephone. The resulting sample contained 588 whites, 512 Hispanics, and 556 African-Americans.

Each interview was constructed around the respondent's most recent personal experience with the police or courts. The primary type of experience respondents reported was calling the police for help (54%), followed by being stopped by the police (32%). Some respondents reported experiences with the courts (14%). In each interview respondents were asked about several types of reaction to their experience, including their willingness to voluntarily accept the decisions made by the legal authority, and about their satisfaction with the authorities.



My concern is with the influence of judgments about behaviour and inferences about the characteristics of the particular legal authorities involved on people's reactions to their personal experiences. I asked people about several aspects of their experience. First, people rated the favourability and fairness of their outcomes. I will refer to these judgments as outcome judgments. Second, people make judgments about their trust in the motives of the authorities.

*The willingness to accept decisions.* 'I willingly accepted the decision'; 'In a similar situation in the future, I would like to see the situation handled in the same way'; 'I considered going to someone else to try to change the decision (reversed)'; and 'The situation could have been handled better' (alpha = 0.80).

*Satisfaction with the decision-maker.* 'The person did a good job dealing with my situation'; and 'I was generally satisfied with the way he/she handled the situation' (alpha = 0.92).

*Feelings about the decision-maker.* Three items were used to assess feelings about the police officer or judge the person dealt with: 'How much did you respect [him/her]'; 'How much did you like [him/her]'; and 'How much did you fear [him/her] (reversed)' (alpha = 0.64).

*Outcome favourability.* Outcome favourability was assessed using a complex set of six judgments. Those judgments include: the objective favourability of the outcome; subjective evaluations of gain; subjective evaluations of loss; subjective evaluations of how good/bad the outcome was; evaluations of the outcome relative to expectations; and evaluations relative to what others would have received. The details of these scales are outlined in Tyler and Huo (2000).

*Outcome fairness.* 'According to the law, I received the outcome I deserved'; 'I received the outcome I feel I deserved'; and 'The outcome I received was fair' (alpha = 0.92).

*Trust in the motives of the authority.* Did the authority: 'consider your views'; 'try hard to do the right thing by you'; 'try to take your needs into account'; 'care about your concerns' and did you: 'trust him/her' (alpha = 0.93).

## **Do people defer to trusted authorities?**

I have identified two key empirical issues about the factors shaping reactions to experiences. First, what is it about a personal experience with a police officer or a judge that shapes a person's willingness to accept decisions from that particular authority within that particular situation? For the model I outline to be viable, people must be willing to defer to legal authorities because they trust their motives. To the degree that people defer to decisions because they view those decisions as favourable or fair, this model of social regulation is less viable and less likely to be an effective basis for the exercise of legal authority.

I use regression analysis to address this issue. In the analysis I examine the influence of the experience-based outcome and process judgments that people make about their personal experiences on: (1) decision acceptance, and (2) satisfaction/feeling about the authorities involved.

The results of this analysis are shown in Table 1. They support the argument that the trust people have in the motives of the legal authorities with whom they are dealing shapes their willingness to accept their decisions. For example, the beta weight linking trust in the motives of legal authorities to the willingness to accept their decisions is 0.70. In contrast, the beta weight for outcome fairness is 0.11, and for outcome favourability 0.11. This suggests that the key to enhancing voluntary acceptance is being viewed as trustworthy.

I also noted that the escalation of hostility towards legal authorities is an important issue, because it links up to their safety. It is interesting that satisfaction with the legal authority involved was primarily shaped by trust. In this case, the beta weight for trust is 0.76, while the beta weight for outcome fairness is 0.09, and for outcome favourability 0.14. Being trusted, in other words, increases satisfaction. Table 1 makes clear that trust also increases positive feelings about authority. The primary factor shaping feelings was trust (beta=0.69).

**Table 1: Beta weights for a regression analysis predicting acceptance of decision, satisfaction with decision maker and feelings about authority from trust, outcome fairness and outcome favourability**

	Beta weights in prediction		
	Accepting decision	Satisfaction with decision-maker	Feelings about authority
<b>Trust the motives of the authority</b>	.70***	.76***	.69***
<b>Outcome fairness</b>	.11***	.09***	.06**
<b>Outcome favourability</b>	.11***	.14***	-.01
<b>Adj. R-squared</b>	65%	75%	51%

\*p<0.05, \*\*p<0.01, \*\*\*p<0.001

Table 2 shows similar regressions among potentially important subgroups. The findings demonstrate that these results are true among minorities, in the case of non-voluntary encounters with legal authorities, and among high-risk community residents (young minority males).

**Table 2: Beta weights for subgroup analyses predicting acceptance of decision, satisfaction with decision maker and feelings about authority from trust, outcome fairness and outcome favourability**

	Beta weights in prediction		
	Accepting decision	Satisfaction with decision-maker	Feelings about authority
<i>Non-voluntary experiences (n = 687)</i>			
Trust the motives of the authority	.73***	.77***	.61***
Outcome fairness	.10***	.09***	.08**
Outcome favourability	.06*	.10***	.04
Adj. R-squared	62%	72%	43%
<i>African-Americans (n = 561)</i>			
Trust the motives of the authority	.77***	.79***	.73***
Outcome fairness	.00	.05*	.04
Outcome favourability	.11***	.13***	-.03
Adj. R-squared	68%	77%	54%
<i>Hispanics (n = 509)</i>			
Trust the motives of the authority	.63***	.71***	.57***
Outcome fairness	.21***	.15***	.10**
Outcome favourability	.08*	.17***	.09*
Adj. R-squared	56%	74%	42%
<i>High crime risk respondents (male, minority, 18–25, n = 123)</i>			
Trust the motives of the authority	.62***	.79***	.64***
Outcome fairness	.14*	.14**	.15*
Outcome favourability	.08	.12*	.07
Adj. R-squared	45%	73%	47%

\*p<0.05, \*\*p<0.01, \*\*\*p<0.001

## **Summary**

The findings presented suggest that trust plays an important role in shaping people's reactions to their personal experiences with legal authorities. This role is shown in two ways. First, people who trust the motives of the authority with whom they are dealing are more willing to defer to that authority. Such deference is voluntary and suggests that people are 'buying into' the authority's decisions about how to handle a problem or a conflict.

Second, trust leads to more positive feelings about the legal authority involved. As a result, it dampens the likelihood of conflict and escalation into confrontation and use of force situations. When people trust that authorities are acting in good faith, they are less likely to respond to their actions with hostility and resistance.

## **Justice and trust**

Where does trust come from? In particular, are authorities trusted because they act fairly? Fortunately, from the perspective of legal authorities, past studies suggest that legitimacy is linked to the fairness of the procedures used by authorities to make decisions (Kitzman & Emery, 1993; Lind, Kulik, Ambrose & de Vera Park, 1993; Wissler, 1995).

To explore this relationship in the California study, we asked people to give their evaluations of the fairness of the procedures used by the authorities, their judgments about the quality of the decision-making processes, and their assessments of the quality of their interpersonal treatment by authorities (for a detailed discussion of the theories of justice that lead to the focus on these issues, see Tyler & Blader, 2000).

*Procedural justice.* 'How fair were the procedures he/she used to make decisions about how to handle the situation'; and 'Overall, how fairly were you treated?' (alpha = 0.91).

*Quality of decision-making.* 'He/she treated me the same as he/she would treat anyone else in the same situation'; 'He/she is basically honest'; and 'He/she made decisions based on the facts' (alpha = 0.82).

*Quality of treatment.* ‘He/she treated me politely’; ‘He/she showed concerns for my rights’; and ‘He/she treated me with dignity and respect’ (alpha = 0.92).

Again, we use regression analysis to test this argument. The results of the analysis are shown in Table 3. They suggest that the key antecedent of being viewed as trustworthy is to use fair procedures (beta = 0.77 in Model 1). When we divide procedural justice into two components, we find that quality of treatment (beta = 0.55 in Model 2) has the primary influence, followed by an influence of the quality of the decision-making involved (beta = 0.30 in Model 2).

Further, the results shown in Table 4 suggest that justice is important to the members of minority groups. Even among the high-risk group of young minority males, it is procedural justice that dominates trust judgments and assessments of procedural justice.

**Table 3: Regression analyses predicting trustworthiness from procedural justice, outcome fairness and outcome favourability (Model 1), predicting trustworthiness from quality of decision making, quality of treatment, outcome fairness and outcome favourability (Model 2), and predicting procedural justice from quality of decision making, quality of treatment, outcome fairness and outcome favourability**

	Beta weights in prediction		
	Trustworthiness in Model 1	Trustworthiness in Model 2	Procedural justice
<b>Procedural justice</b>	.77***	–	–
<b>Quality of decision making</b>	–	.30***	.32***
<b>Quality of treatment</b>	–	.55***	.51***
<b>Outcome fairness</b>	.07***	.05***	.04*
<b>Outcome favourability</b>	.06***	.08***	.12***
<b>Adj. R-squared</b>	69%	75%	75%

\*p<0.05, \*\*p<0.01, \*\*\*p<0.001

**Table 4: Beta weights for subgroup regression analyses predicting trustworthiness from procedural justice, outcome fairness and outcome favourability (Model 1), predicting trustworthiness from quality of decision making, quality of treatment, outcome fairness and outcome favourability (Model 2), and predicting procedural justice from quality of decision making, quality of treatment, outcome fairness and outcome favourability**

	Beta weights in prediction		
	Trustworthiness in Model 1	Trustworthiness in Model 2	Procedural justice
<i>Non-voluntary experiences</i>			
<b>Procedural justice</b>	.76***	–	–
<b>Quality of decision making</b>	–	.29***	.29***
<b>Quality of treatment</b>	–	.54***	.55***
<b>Outcome fairness</b>	.02	.01	.04
<b>Outcome favourability</b>	.06*	.08**	.11***
<b>Adj. R-squared</b>	64%	68%	74%
<b>African-Americans</b>			
<b>Procedural justice</b>	.77***	–	–
<b>Quality of decision making</b>	–	.42***	.35***
<b>Quality of treatment</b>	–	.45***	.52***
<b>Outcome fairness</b>	.10***	.06***	.03
<b>Outcome favourability</b>	.07*	.07**	.08***
<b>Adj. R-squared</b>	71%	78%	77%
<b>Hispanics</b>			
<b>Procedural justice</b>	.73***	–	–
<b>Quality of decision making</b>	–	.22***	.35***
<b>Quality of treatment</b>	–	.62***	.43***
<b>Outcome fairness</b>	.01	.01	.04
<b>Outcome favourability</b>	.08*	.08**	.15**
<b>Adj. R-squared</b>	62%	72%	71%
<i>High crime risk respondents (male, minority, 18–25, n = 123)</i>			
<b>Procedural justice</b>	.80***	–	–
<b>Quality of decision making</b>	–	.23***	.29***
<b>Quality of treatment</b>	–	.67***	.65***
<b>Outcome fairness</b>	.03	.05	.01
<b>Outcome favourability</b>	.01	.03	.02
<b>Adj. R-squared</b>	62%	71%	80%

\*p<0.05, \*\*p<0.01, \*\*\*p<0.001

## Summary of findings

These findings provide strong support for the empirical underpinnings of a trust-based model of law-abidingness. First, the findings show that acceptance within the immediate situation is linked to trust in the motives of the authorities. Such motive-based trust has more influence upon the willingness to accept decisions than does either the favourability or the fairness of the decision itself. When we consider acceptance and satisfaction, we find very strong trust effects on both acceptance and satisfaction/feeling.

In addition, an examination of the importance of trust and justice among the members of disadvantaged groups also supports this argument. In this case, those groups are African-Americans and Hispanics. If law-abidingness is to be a viable basis for social regulation, motive-based trust needs to matter among these groups, since the members of minority groups are those people who most often experience difficulties when dealing with legal authorities. My findings suggest that these results do describe the reactions of minority group members to their experiences with the police and the courts.

Further, the findings support a model of *process-based policing* and *process-based problem-solving by the courts*. In the case of both types of legal authority, people's willingness to trust authorities and to defer to their decisions is rooted in people's judgments about the fairness of the processes through which those authorities exercise their authority. Both the quality of decision-making and the quality of treatment are found to influence overall procedural justice judgments and trust in the authorities.

Given the widely held assumptions of legal authorities, it is striking how little influence is found for outcomes. The favourability or fairness of the outcomes people experience when dealing with legal authorities has very little to do with their trust in those authorities or with their judgments about whether or not they evaluate their experiences with those authorities to be positive.



## **Implications for the exercise of legal authority**

This analysis is not only about policing. Citizens deal with both the police and the courts. However, the legal authorities most frequently personally dealt with by citizens are police officers. In their everyday lives, citizens are much more likely to have personal experiences dealing with police officers than they are to go to court. Further, many of the problems that have recently dominated the public discourse about legal authorities have been policing problems. While the courts also exercise authority over citizens, the police are especially likely to control citizens through the threat or application of force. They are, therefore, a natural focus of public hostility and resistance. Hence many of the implications of this research are especially relevant to the police and police practices.

The results outlined suggest that we might gain if we change the way we think about policing style or strategy. Such a reconceptualisation would lead to changes in the way we think about how the police should function and how the police should be trained. It would also change the way we think about the roots of such problems as police use of deadly force.

The strategy the police use is to seek to establish and maintain control over people and places. Such control is gained and maintained through the show, and if necessary, use, of force. To this end police officers carry clubs, mace and guns. As has been outlined, such shows of force are often experienced by citizens as hostile, confrontational, rude, abusive, demeaning, disrespectful and unfair. Our argument is that, as a consequence of the way citizens experience this type of policing, such approaches may be damaging to the goals of the police.

***Controlling crime.*** In most encounters with citizens, police officers focus on the issue of securing compliance with the law within that particular situation. Within the particular situation in which a police officer is functioning, non-confrontational approaches decrease hostility and resistance and increase the likelihood that citizens will voluntarily accept decisions. Further, as we have already noted, the likelihood that people will abide by police directives and adhere to the law over time is increased.

A focus on public concerns need not interfere with the control of crime. Citizens do not object to policing activities, per se. For example, they do not object to being stopped on the

street or in their cars, when those stops are handled in interpersonally sensitive ways. As a consequence, the police need not believe that by engaging in policing in ways that are sensitive to issues of interpersonal treatment they are giving away their ability to effectively manage social order and control crime.

It is further important to emphasise the generality of our findings about citizen concerns over policing activities. We find very similar concerns among white and minority citizens, among the rich and poor, the young and old. Perhaps most importantly, we find such concerns among the young minority males who are typically viewed by the police as the most potentially dangerous and difficult to manage group of citizens.

As this argument suggests, the police are better able to manage crime and maintain social order by adopting a problem-solving approach to policing that seeks to gain the cooperation of citizens. Such an approach focuses on the interpersonal treatment that citizens receive from the police.

***Self-protection.*** The police focus on their personal safety for obvious reasons. To minimise risk they attempt to stay ahead of citizens on the ‘force curve’, always using a higher level of force than the citizens with whom they are dealing. This approach has the benefit of allowing police officers to protect themselves. However, the focus on power and control that underlies this model also has hidden risks that impact equally on officer safety.

By focusing on issues of power and control, the police are creating a particular definition of their interactions with citizens. Unfortunately, power orientation in a conflict can lead to irrational escalations of conflict – to a spiral of conflict. In such a situation, people lose sight of their objective, rational goals and become invested in ‘winning’ a conflict of dominance and power. A control approach encourages such spirals by provoking hostility and encouraging resistance and defiance.

Consider, for example, how a police officer operating under a control orientation will respond to disrespect by citizens. They will view such hostility and disrespect as a threat to control, provoking a greater show of force. This will, in turn, further encourage defiance and disrespect.

The core point I wish to emphasise is that such spirals of conflict also increase the risk to officers. While the potential for injury to citizens is clear, and is often the result of spiralling conflict, there is also the possibility of injury to police officers. Both police officers and citizens increase their risks in power-orientated situations.

What is the alternative to a control orientation? The approach that is most consistent with the research reviewed here involves efforts to treat citizens fairly and respectfully, listening to them and communicating explanations for police actions. This approach dampens and de-escalates conflict. While the benefits to citizens are obvious, we also want to emphasise that police officers are at risk in conflict. Hence both the police and citizens can gain from using conflict-dampening approaches.

Consider a specific example of such an approach. The Memphis police department uses a therapeutic model of policing when dealing with mentally ill citizens. That approach involves sending officers specially trained in non-confrontational tactics to deal with mentally ill citizens. As we would expect, this approach has led to reductions in injury to citizens. It has also done so without changing the rate of injury to officers. Community residents gain from an approach that minimises the likelihood of conflict, and that gain occurs without creating risk for the officers (Dupont, 2000). Unfortunately, at this time, the type of detailed studies of officer risk that would compellingly show that risk for authorities remains stable or even decreases when process models are implemented are not available.

As I have noted, one benefit of such an approach is that it lowers the level of conflict and hostility in particular situations, increasing the likelihood of gaining voluntary cooperation and acceptance. By lowering the likelihood of escalating conflict, the police also lessen the likelihood of injury to themselves or to citizens.

Enacting new strategies of policing suggests the need to broaden the focus on police training. Rather than focusing primarily on tactical decision-making, training needs to also focus on interpersonal sensitivity. By approaching people in non-hostile, non-threatening ways, by treating people with respect, by explaining why they are engaging in policing actions, and by acknowledging innocence when they are wrong, the police can gain cooperation. All of these aspects of interpersonal sensitivity can be taught and worked into policing routines.

More broadly, the police need to expand their goals. Their role is not just to make arrests in an effort to control crime. Their role is also to build confidence and trust among citizens. By working with citizens and with the community, the police can create a context within which they facilitate law-abidingness among citizens. In the long run, such law-abidingness is a key facilitator of effective policing.

### **The influence of personal experience on judgments about the legitimacy of legal authorities**

From the findings outlined, it is clear that people's personal experiences with authorities shape their willingness to accept the decisions of those authorities. They also shape their feelings about the specific police officers or judges with whom they have interacted. It is similarly possible to view the relationship between citizens and legal authorities from a broader perspective. This article emphasises the value of this broader perspective.

One reason for a broader concern is that the police depend heavily on public cooperation in their efforts to control crime. Many crimes are voluntarily reported by citizens, and many citizens aid the police in solving crimes. Hence the police depend heavily on the public as active partners in the control of crime. The control of crime cannot be imposed upon the public, since community members have to cooperate for the police to be effective in this role.

In addition, most citizens voluntarily follow the law most of the time, freeing the police to focus their efforts on a subset of situations and people. Legitimacy is important because it shapes people's everyday compliance with the law. In prior research, I have found that those people who regard legal authorities as legitimate are, as a consequence, more law-abiding (Tyler, 1990). This compliance, furthermore, is separate from that which develops from people's fears about being caught and punished for law-breaking behaviour. It is compliance motivated by the assessment that law and legal authorities are legitimate and ought to be obeyed.

The importance of legitimacy suggests that an additional issue that needs to be considered is whether personal experiences generalise to shape broader views about law and legal authorities. The California study also explored whether personal experiences do, in fact,

generalise in this way. The focus of concern is upon legitimacy, the quality of authorities, which suggests that they are entitled to be obeyed.

Legitimacy has been operationalised in a variety of ways in past studies. I use four approaches here and combine their results. These four approaches assessed the obligation to obey authorities; institutional trust; cynicism about the law; and feelings about legal authorities as an overall group.

First, I assessed obligation to obey by asking respondents to comment on the following three questions: 'I feel that I should accept the decisions made by legal authorities'; 'People should obey the law even if it goes against what they think is right'; and 'It is difficult to break the law and keep one's self respect'.

I also assessed institutional trust by asking respondents questions about the particular legal authority they had recently dealt with: the police or the courts. The questions were: 'Most [police/judges] in [city] do their job well'; 'Most [police/judges] in [city] treat people with respect'; 'The basic rights of citizens in [city] are well protected by the [police/courts]'; 'The [police/courts] in [city] have too much power'; 'Most [police/judges] in [city] are dishonest (reversed)'; and 'Most [police/judges] in [city] treat some people better than others (reversed)'.

I assessed cynicism about the law by assessing respondents' answers to the following statements: 'The law represents the values of the people in power, rather than the values of people like me'; 'People in power use the law to try to control people like me'; and 'The law does not protect my interests'.

I assessed feelings about legal authorities using a thermometer scale. In the scale people were asked to make assessments thinking about a thermometer ranging from 0 to 10, with 0 being cold, 10 being warm, and 5 being neither cold nor warm. They evaluated the general authority whose representative they had dealt with during their personal experience.

These four aspects of legitimacy are related (average  $r = 0.40$ ). As a consequence, the items indexing these four elements of legitimacy were combined into a single 13-item index of legitimacy ( $\alpha = 0.83$ ).

A regression analysis was used to determine whether personal experiences generalise to shape legitimacy. The results of this regression analysis (shown in Table 5) suggest that generalisation to overall legitimacy judgments is shaped primarily by assessments of trustworthiness. The beta weight for trust is 0.50, while that for outcome fairness is 0.15, and for outcome favourability  $-0.07$ . So both immediate situational reactions and long-term impact are linked to trust.

**Table 5: Beta weights for a regression analysis predicting legitimacy from trust, outcome fairness and outcome favourability**

<b>Legitimacy of law/legal authority</b>	
Trust the motives of the authority	.50***
Outcome fairness	.15***
Outcome favourability	$-.07^{**}$
Adj. R-squared	29%

\* $p < 0.05$ , \*\* $p < 0.01$ , \*\*\* $p < 0.001$

It is possible to further explore the antecedents of generalisation among ethnic subgroups. Such an analysis is shown in Table 6. It suggests that trust is central to generalisations from specific personal experiences to overall views about the legitimacy of law and legal authorities among all three ethnic groups.

**Table 6: Beta weights for a subgroup regression analyses predicting legitimacy from trust, outcome fairness and outcome favourability**

<b>Legitimacy of law/legal authority</b>	
<i>Non-voluntary experiences (n = 687)</i>	
Trust the motives of the authority	.47***
Outcome fairness	.17***
Outcome favourability	-.10*
Adj. R-squared	25%
<i>African-Americans (n = 561)</i>	
Trust the motives of the authority	.47***
Outcome fairness	.15***
Outcome favourability	-.11*
Adj. R-squared	25%
<i>Hispanics (n = 509)</i>	
Trust the motives of the authority	.45***
Outcome fairness	.14***
Outcome favourability	.04
Adj. R-squared	27%
<i>High crime risk respondents (male, minority, 18 – 25, n = 123)</i>	
Trust the motives of the authority	.46***
Outcome fairness	.18*
Outcome favourability	.05
Adj. R-squared	26%

\*p<0.05, \*\*p<0.01, \*\*\*p<0.001

These findings suggest that trust is not only important because it shapes acceptance within the immediate situation. Dealing with an authority who is viewed as trustworthy also shapes people's general orientation towards the law and legal authorities. These findings suggest a further importance of personal experiences. They are one type of information that people use to make general judgments about authorities.

If we want to build and maintain confidence in the law and in legal authorities, we need to be sensitive to legitimacy. This study supports the conclusion of prior studies in suggesting that legitimacy is rooted in the experience of justice when dealing with legal authorities.

Fortunately, from the perspective of legal authorities, past studies suggest that acceptance is linked to the fairness of the procedures used by authorities to make decisions. This is consistent with the previously noted literature suggesting the importance of justice to authority relations (Lind & Tyler, 1998; Thibaut & Walker, 1975; Tyler, 1990; Tyler, 2000; 2001; Tyler Boeckmann, Smith & Huo, 1997; Tyler & Smith, 1997). These studies show that legal authorities can maintain their legitimacy by making decisions fairly.<sup>3</sup>

The procedural justice model directs the study of legitimacy and obligation to the feelings, needs and concerns of the people who deal with legal authorities. If those people believe that the legal authorities are exercising authority in fair ways, they are more likely to defer to those authorities. This is true for reactions to personal experiences with legal authorities (Tyler, 1990; Tyler, Casper & Fisher, 1989). It is also true when people are evaluating national level political and legal authorities like the Supreme Court (Tyler, 1994; Tyler & Mitchell, 1994).

Perhaps most importantly, from the perspective of the legal system, a number of recent studies link judgments about procedural fairness to the willingness to both accept particular legal decisions (Kitzmann & Emery, 1993; Lind, Kulik, Ambrose & de Vera Park, 1993; Wissler, 1995) and to generally follow laws and legal rules (Kim & Mauborgne, 1993; Sparks, Bottoms & Hay, 1996; Tyler, 1990). Procedural justice is found to play an especially important role in securing compliance over time (Dillon & Emery, 1996; Paternoster, Brame, Backman & Sherman, 1997; Pruitt, Peirce, McGillicuddy, Welton & Castrianno, 1993). It is clear that people's behavioural reactions to law and legal authorities are heavily influenced by their assessments of the fairness of legal procedures.

The California study reported here supports and extends these earlier findings. It shows that trust in the motives of authorities is central to judgments about their legitimacy. Further, the

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<sup>3</sup> For some possible risks linked to the use of this model, see Haney (1991) who argues that procedures often substitute the actual restoration of justice. Also see Tyler (in press).



findings outlined make clear that justice shapes trust. Hence, as in the earlier studies mentioned, the key to creating and maintaining legitimacy is to behave in ways that people experience to be just.

### **Does legitimacy influence personal experience?**

As I note, my prior research suggests that legal authorities want people to view them as legitimate because such views lead people to follow the law in their everyday lives. In fact, legal authorities rely heavily on the voluntary cooperation of most citizens, most of the time. They benefit when their legitimacy encourages such cooperation in the form of law-abiding behaviour motivated by feelings of responsibility and obligation.

There is also another potential advantage for legal authorities to dealing with people who view them as more legitimate that is more directly related to the issues of decision acceptance that initially framed this paper. Studies of authorities suggest that when people view them as legitimate, they are more likely to decide whether or not to accept the decisions those authorities make by evaluating the fairness of their decision-making procedures (Smith & Tyler, 1996; Tyler & Degoey, 1995), and less likely to decide whether or not to accept the policies of those authorities based on whether or not those decisions are favourable.

Since legal authorities are often in a position in which they cannot give people what they want, their effectiveness is enhanced when they can gain acceptance for particular decisions based upon the use of fair decision-making procedures. Testing this argument involves extending the prior finding of policy support to the more specific question of the willingness to accept decisions.

This study extends this argument to the area of decision acceptance. It examines whether those members of the public who generally view legal authorities as legitimate decide whether or not to accept the decisions of particular police officers or judges by deciding whether or not they trust those authorities.

I again use regression analysis to examine the influence of legitimacy on reactions to particular authorities. To simplify the analysis, I create overall indices of process (trust, procedural justice, quality of decision-making, and quality of treatment) and outcomes

(outcome fairness, outcome favourability). Since the four process indices are highly related (mean  $r = 0.81$ ), combining those indices seems reasonable. Outcome fairness and outcome favourability are less strongly related ( $r = 0.31$ ), but I combine them since a more complex analysis including each separately suggests that nothing unique is revealed by treating them separately. I also create a combined acceptance measure that reflects decision acceptance and decision satisfaction.

I first compare the influence of legitimacy and outcomes on acceptance and satisfaction. That analysis is shown in Model 1 of Table 7. It indicates that those people who believe legal authorities are more legitimate are more willing to accept decisions and feel more satisfied with the authorities with whom they have dealt. The strength of this influence is compared to the influence of the outcome of the experience, and the two are relatively equal (beta = 0.40 for outcome valence and beta = 0.38 for legitimacy). This means that people's willingness to accept a decision in a particular encounter with a legal authority is as strongly shaped by their general views about the legitimacy of legal authorities as it is by the outcome of that particular experience.

My primary concern is not with the direct influence of legitimacy, but with interactions between legitimacy and the influence of the outcome and process judgments. In this analysis interaction terms are used to test the argument that people put more or less weight on either process or outcome issues when deciding how to react to the decisions of legal authorities. In other words, beyond the general influence of process issues on acceptance/satisfaction, is there an additional influence when people view the authorities as more legitimate?

The results of the interaction analysis are shown in Model 2 of Table 7. The salient point in terms of the influence of legitimacy on reactions to decisions is the importance found for the interaction terms. Consistent with the findings of prior research, there is a significant interaction term, reflecting an interaction between views about the legitimacy of legal authorities and the weight placed on process issues when reacting to the decisions of particular legal authorities.

**Table 7: Beta weights from a regression analysis examining the effects of procedures, outcomes and legitimacy on decision acceptance and satisfaction**

	Beta weights	
	Model 1	Model 2
Process trust, procedural justice, quality of decision-making, quality of treatment (A)	–	.77***
Outcome fairness/favourability (B)	.40***	.11***
Legitimacy main effect	.36***	.05***
Legitimacy * A	–	.06***
Legitimacy * B	–	–.01
Adj. R-squared	38%	80%

\*p<0.05, \*\*p<0.01, \*\*\*p<0.001

To understand the nature of the significant interaction effect, we can look at subgroup regressions among those high and low in legitimacy. Those subgroup regressions are shown in Table 8. The results indicate that those high in legitimacy place greater weight on issues of trust and justice when deciding whether or not to accept decisions. They also place less weight on outcome fairness/favourability, but this interaction effect is not statistically significant.

**Table 8: Beta weights from a regression analysis examining the effects of procedures, outcomes and legitimacy on decision acceptance and satisfaction**

Decision acceptance/satisfaction	
<i>Low legitimacy</i>	
Process	.74
Outcome	.10
Adj. R-squared	75%
<i>High legitimacy</i>	
Process	.83
Outcome	.00
Adj. R-squared	75%

Note. Entries are the unstandardised regression coefficients for subgroup analyses among those high and low in legitimacy (median split). High numbers indicate placing greater weight on an issue when reacting to an experience with a legal authority.

This finding supports the value of legitimacy for police officers or judges within a particular situation where they are seeking to gain compliance by showing that when legal authorities are viewed as legitimate, they have fewer problems gaining acceptance for their decisions. To reap these advantages, the police need to maintain the trust and confidence of the public.

They can do so by focusing on the issues that matter to citizens when they evaluate the police. As we have noted, the accounts of citizens suggest that they focus on whether they are treated with respect and dignity, whether police actions are explained, and whether they are listened to and have their views considered.

### **Building a law-abiding society**

The research outlined demonstrates that an important contribution that legal psychology can make to the field of law, which seeks to understand ways in which the rule of law can be effectively maintained, is to help clarify how gaining public acceptance of the law can be facilitated.

The results discussed suggest that the current conventional wisdom – that seeks to produce acceptance by gaining acceptance that is motivated by external controls on citizens largely through the threat of punishment (that is, compliance) – is failing. Instead, we need to turn to creating a society in which people willingly abide by the laws – a ‘law-abiding’ society. This latter course involves socialising individuals into law-abidingness.

A better understanding of the psychology of human motivation is of great interest to legal authorities, to members of the legal profession, and to those working within legal institutions such as the courts, the police and prisons. During the last several years all of these legal actors have expressed concern about their inability to effectively secure citizen compliance with the law.

As I have noted, examples of the policy problems arising out of difficulties securing compliance abound. The many problems involved in implementing laws have led to widespread calls from legal authorities and law scholars for social science help in understanding how to secure the effective rule of law. This call from legal authorities is an important opportunity for psychologists to put forward a new psychological perspective on people’s relationship to society and to social rules – a ‘psychological’ model of jurisprudence. The concerns being expressed by legal authorities suggest that the current models of the motivations that shape people’s behaviour are not providing legal authorities with an adequate basis for effective social regulation.

My call for increased attention to psychological jurisprudence is linked to a more complete model of human motivation that is based upon a broader psychology of the person. Our efforts to develop such a model build upon the prior efforts of psychologists and other social scientists to speak to this same question of human motivation (Chon & White, 1990; Krislov, Boyum, Clark, Shaefer & White, 1966; Melton, 1985; Tapp & Levine, 1977).

### **Deterrence: The standard approach to human motivation**

When we consider possible motivations for people's law-related behaviour, whether public or private, we can draw upon the extensive social psychological literature on the factors shaping people's behaviour. Based upon the field theory model originally developed by Kurt Lewin, social psychologists usually think of behaviour as being generated from two core motivations. The first is the set of forces exerted on the person by the external contingencies in the environment, while the second involves the motives and perceptions that the person brings to the situation. In Lewin's famous equation, behaviour is viewed as a function of the person and the environment ( $B = f(P, E)$ ).

Historically, those concerned with producing compliance with the law have been enthusiastic manipulators of the environment who have been preoccupied with shaping the contingencies in the environment in a particular way, with the intention of changing anticipated gains and/or anticipated losses. Calculation of each factor involves an assessment of the likelihood of potential gains and losses, as well as an evaluation of their expected utility (the amount to be gained or lost). This now is the classical subjective expected utility theory; taken together these calculations combine to tell people whether engaging in some action is likely to be beneficial to their personal self-interest.

The idea that people's behaviour with respect to the law is shaped by calculations of expected gain and loss is the core premise of rational choice theory (Blumstein, Cohen & Nagin, 1978). Within legal circles, the model is referred to as the 'deterrence' or 'social control' model of behaviour and it seems to us that it is this model of the person that dominates law and public policy at this time. It is the model that seems natural to legal authorities. To regulate behaviour, the rational choice model focuses upon adjusting criminal sanctions to the needed level so that the expected losses associated with law-breaking will lessen the likelihood that people will break the law. In the context of law, this model is referred to as the social control model of law-related behaviour.

The social control model is the primary model of human motivation that has guided the recent efforts of the American legal system to manage society. The application of this model of human motivation to the issue of social control has had dramatic effects on the nature of American society. Consider the case of the American prison population (Haney & Zimbardo, 1998). Because of the belief that crime is deterred by the threat and/or experience of punishment, a large number of American citizens have been convicted and sentenced to spend time in American prisons. Today the United States is a world leader in the proportion of its citizens it holds in prison.

An observer can see a good deal of evidence that deterrence theory is being drawn on by legislatures in their search for ways to control what they perceive to be an 'out of control' crime problem. Increasing the severity of criminal sentences or passing 'three strikes' laws are common examples of the effort to control crime (Tyler & Boeckmann, 1997). Ironically, as I have noted, research suggests that deterrence has only a modest influence on behaviour, and severity of punishment is less influential than the certainty of punishment.

One approach to the problems of deterrence is to try to fix the deterrence model. Recently such arguments have led to the idea of targeted deterrence strategies. One targeted strategy targets people. As I have noted, Ayres and Braithwaite (1992) suggest that societies should first approach citizens by appealing to their moral values. They can, by so doing, isolate the small group of citizens unable to respond to such an appeal. Those people should subsequently be the focus of surveillance and social control. This allows authorities to concentrate their resources on those people likely to need social control.

A second targeted strategy targets situations. Sherman (November, 1998) argues that the current deployment of police resources is more strongly shaped by political clout than it is by crime rates (Sherman, 1998). As a consequence, police officers do not most heavily patrol the highest crime areas. He suggests that a greater effort is needed to put surveillance where the crime problem lies. Both of these strategies accept the basic deterrence argument and suggest that the issue is how to more effectively implement deterrence.

Despite the efforts to improve the use of the deterrence model that I have outlined, there is an increasing questioning about whether this model is, in fact, fundamentally flawed. If so, then we need to rethink the model of human motivation we are applying to the law. To address the

problems posed by the legal system, we need to develop a broader model of motivation. A psychological jurisprudence approach to this need can do so by expanding the scope of our conception of possible motivating factors to be more consistent with psychological models of the person.

This expanded model of the person leads to an examination of a second type of factor that social psychologists view as central to the determination of people's behaviour. That factor is the set of internal values that shape people's feelings about what is ethical or appropriate to do. Psychologists study two such motivations: the belief that following the rules is the morally appropriate thing to do (morality) and the belief that rules are legitimate and ought to be obeyed (legitimacy). I will direct my comments primarily to issues of legitimacy.<sup>4</sup>

### **The role of legitimacy in producing law-abidingness**

My argument is that the influence of the social value of legitimacy on public behaviour provides an alternative model upon which an effective legal system can be created and maintained. It builds upon the recognition by social psychologists that people develop and are motivated by internal values. These values are distinct from contemporaneous judgments of self-interest. Further, they exercise an important independent influence on people's behaviour. Social values represent people's sense of what is ethically and morally appropriate behaviour.

The concept of social values is nicely captured in Hoffman's comment on the development of moral values. He suggests that: 'The legacy of both Sigmund Freud and Emile Durkheim is the agreement among social scientists that most people do not go through life viewing society's moral norms as external, coercively imposed pressures to which they must submit. Though the norms are initially external to the individual and often in conflict with his desires, the norms eventually become part of his internal motive system and guide his behaviour even in the absence of external authority. Control by others is thus replaced by self-control' (Hoffman, 1977, pp.85-86).

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<sup>4</sup> Both legitimacy and morality are social values and either could potentially be used as the basis for expanding the motivational model underlying social regulation. For a more detailed comparison of these two value approaches to regulation, see Tyler & Darley (2000).

This quote articulates a central feature of social values – that their influence on people’s behaviour separates that behaviour from the influence of factors in the external environment. Social values become a part of the person and lead them to self-regulate their behaviour. As a consequence, people do not so much comply with the law as they accept and consent to it, deferring to law and legal authority because they feel it is the right thing to do. In such a situation it is not necessary to shape people’s behaviour by threatening them with punishment for wrongdoing. People are taking the responsibility for following rules onto themselves. They do so if they feel the law is reasonable and fair, so that they feel it makes sense to them to be involved with legal authorities, to ‘sign on’ to participation in society and acceptance of its rules. They then become willing to be governed by law and take on the responsibility for following laws and obeying the directives of legal authorities.

A recognition of the role of internal values in shaping law-related behaviour suggests the possibility of a value-based perspective on people’s behaviour. That perspective emphasises the importance of developing and sustaining a value climate, a ‘legal’ or ‘civic’ culture, in which people accept decisions and abide by the law because they feel it is the right thing to do.

The key social value central to a law-abidingness perspective is legitimacy. If community residents view legal authorities as legitimate, they believe it is part of a person’s duty as a citizen to accept legal rules and obey the directives of legal authorities; that is, legitimate legal authorities are entitled to be obeyed. In such a situation they obey laws because they regard deferring to social authorities as part of the obligations associated with citizenship (that is, they view following rules issued by legitimate authorities as the appropriate social behaviour). If, for example, a police officer tells a citizen to pull to the side of the road or stop their car, the citizen typically accepts this directive. They regard it as appropriate for police officers to direct citizen behaviour, and they follow those directives without requiring an explanation or justification. Further, they follow those directives without thinking about whether they will be punished for failure to comply. The data presented here suggest that legitimacy directly shapes the willingness to defer to authorities. More legitimate authorities are more easily obeyed.



Legitimacy also shapes the basis upon which authorities are evaluated. If people think that the authorities in general are legitimate, they defer to particular authorities because they trust those individuals. Legitimacy changes the manner in which people evaluate and react to directives. When people view authorities as legitimate, they do so because they believe those authorities exercise their authority fairly, which reflects their benevolent and trustworthy motivations. Hence they ought to be deferred to on this basis, rather than because a person agrees with those decisions, or judges those decisions to be favourable. Since, as already outlined, the possibility of a law-abidingness model is linked to process-based policing and process-based problem-solving by the courts, legitimacy facilitates such a strategy.

These findings suggest that legal authorities need to create and maintain their legitimacy in the eyes of the public. If citizens believe that legal authorities are legitimate and entitled to be obeyed, they obey laws because they regard deferring to social authorities as part of the obligations associated with citizenship. They view following rules issued by legitimate authorities as the appropriate social behaviour. In other words, it is not only important that citizens follow legal directives. It is also important that they do so without thinking about whether they will be punished for failure to comply.

Our argument is that, although the threat of punishment is always in the background when dealing with legal authorities (Levi, 1997), most people accept the decisions of those authorities not because they fear them, but because they view their actions as legitimate. Studies of Americans find that people's feelings of obligation to obey the police and the courts are generally quite high, even in the face of widespread expressions of dissatisfaction with the law and with legal authorities (Tyler, 1997; 1998; in press).

The law-abidingness perspective directs our attention to the socialisation of feelings of obligation in individual citizens and the problems associated with sustaining a legal culture among adults. Put another way, we need to be concerned with creating citizens who respect the law, and legal authorities and laws capable of sustaining that respect. We will address these issues below.

## **Value socialisation**

Developmental psychologists link the development of social values to the socialisation experience of the child. Most children's basic orientation towards society and social institutions is most profoundly shaped during the early years of their lives, through their experiences with their families and school. A number of studies demonstrate this point through studies of moral values about right and wrong, while others focus on values about the legitimacy of legal and political authority.

The study of moral value socialisation suggests that a central factor shaping whether children take on key social values such as morality is the relationship with their parents. Through mechanisms of identification and internalisation, children develop a personal commitment to following moral rules, and link that commitment to their sense of themselves and their estimates of their self-worth. Thereafter the failure to follow moral rules leads to feelings of guilt, a negative emotional state that reflects a person's feeling that they have failed to act as they should. Of course, the form of moral values changes over time, and people can change their views about both what is morally right and why they should be concerned with following moral rules over the course of their lifetime.

The study of the development of views about the legitimacy of authorities leads to a focus on political socialisation. The literature on political socialisation suggests that basic orientations towards law and legal authorities develop early in life (Greenstein, 1965; Hess & Torney, 1967; Hyman, 1959; Merelman, 1986; Niemi, 1973). Children learn a sense of responsibility to obey rules and to accept the directives of legal authorities, authorities they view themselves as obligated to obey. People's feelings about obligation evolve throughout life (Tapp & Levine, 1966), however, the basic feeling of obligation to authorities is rooted in childhood socialisation.

Key to the success of a strategy of social regulation based upon law-abidingness is the appropriate socialisation of children. The childhood socialisation process is the time during which basic social values develop and take on an independent role in shaping children's behaviour. That role is evident as early as the teenage years, during which law-abidingness is found to be linked to feelings of obligation towards legal authorities (Blasi, 1980).

Not all children learn social values. This is illustrated most clearly by the literature on moral socialisation. That literature makes clear that at least some children are socialised in ways that minimise the development of moral values. Their socialisation is characterised by inconsistent physical discipline (Blasi, 1980). It leads to a personality that is not guided by social value concerns, and to behaviour that flows from instrumental judgments about the potential gains and costs associated with rule-following and rule-breaking. Similarly, children may not learn to respect and trust legal authorities. They may learn to fear those authorities and to regard them as adversaries and agents of external control.

A law-abiding approach would not be possible with citizens who lack social values, since they do not have internal feelings of obligation that lead to law-abidingness. Hence the law-abiding society depends upon the successful socialisation of most citizens. If this is accomplished, legal authorities can then depend upon the voluntary deference of most citizens, most of the time. Such behaviour allows society to function efficiently, with legal authorities directing their coercive resources at the small minority of citizens lacking in social values. If, however, that group becomes too large, it would rapidly overwhelm the ability of legal authorities to effectively implement social regulations. There are some people in any society who are not responsive to appeals to social values, and those people must be regulated via sanctioning (Ayres & Braithwaite, 1992).

### **Sustaining a legal culture: The legitimacy of the legal system**

Irrespective of how they emerge from childhood, people live long adult lives. During those adult lives their social values continue to be shaped by the events of their society, as well as by their own personal and television-based experiences with the law. Those experiences can facilitate a continued respect for the law, or they can damage, shatter or destroy public beliefs that the law and legal authorities embody values that citizens ought to support and obey.<sup>5</sup>

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<sup>5</sup> These efforts are consistent with the more general recent trend within law and social science to examine the 'legal consciousness' of people within American society (see Ewick & Silbey, 1998; Flanagan & Longmire, 1996; Hamilton & Sanders, 1992; Haney, 1997; Merry, 1990).

The legitimacy of authorities is an especially promising basis for the rule of law because research suggests it is not linked to agreement with the decisions made by legal authorities. If people viewed as legitimate those authorities that make decisions with which they agree, it would be difficult for legal authorities to maintain their legitimacy, since they are required to make unpopular decisions and deliver unfavourable outcomes. As I have shown, the police are often required by their jobs to deliver undesirable outcomes to citizens. They need to be able to do so and still gain acceptance.

The key to understanding a psychological jurisprudence perspective is to recognise that the legal system relies upon the willingness of people to consent to the operation of legal authorities. Psychological jurisprudence emphasises the importance of the active cooperation and willing acceptance of law and legal authorities by members of the public. That willing acceptance comes about because people view legal authorities as making their decisions justly, and therefore trust them. For the psychological jurisprudence model to work, society needs to create and maintain supportive public values that facilitate this process.

This model reflects an expanded model of human motivation. It recognises that the roots of the effectiveness of regulatory authorities lie in the willingness of the public to be governed by the rules because they feel that their concerns and needs are being addressed by legal authorities. In the context of a specific personal experience with a legal authority, people are willing to voluntarily defer based upon their belief that the authorities are acting in a trustworthy manner. They infer trustworthiness from the justice of the actions of the authorities. Hence authorities can engage people's values and gain the benefits of willing acceptance of decisions.

More broadly, in a law-abiding society, most people will follow most laws most of the time because they think this is the appropriate manner in which to behave. This self-regulation enhances the effectiveness of legal authorities by freeing them to pay attention to those problems or people who, for whatever reasons, are less amenable to self-regulation.

Psychological jurisprudence has implications for a wide variety of areas in law. In each area, legal authorities need to focus on the issue of creating and maintaining supportive public values. Consider an example from a recent study of citizen-police experiences. In this study researchers examined what transpired when the police were called to homes to deal with

issues of domestic violence. The concern of the study was with subsequent compliance to the law on the part of the abusive men whose behaviour led to the initial call. From a social control perspective, we would expect that compliance to be increased by threats and/or punishments on the part of the police. From a psychological jurisprudence perspective, we would argue for the value of police efforts to create and maintain respect for the law on the part of the abuser.

The results support the value of a psychological jurisprudence perspective. If the police treat the abuser fairly during their encounter, that abuser is subsequently more likely to comply with the law. Fair treatment increases feelings of respect for the law, and leads abusers to be more willing to obey it in the future. This influence is greater than the impact of threatened or enacted punishments.

This study illustrates the core premise of the psychological jurisprudence perspective – that legal authorities should be concerned with developing the social values of citizens. This concern leads to a need to focus on the experiences of those citizens, on their judgments about the practices and policies of legal authorities. Thus psychological jurisprudence is a psychological perspective on the effective rule of law. It views the key to the successful rule of law as lying in an understanding of the social values of the citizenry, not in efforts to more effectively deploy coercive force.

### **Personal experience with the law and legal authorities and law-abidingness**

People have a wide variety of types of personal experiences with legal authorities, including but not limited to their experiences with the police. Three types seem relevant to our discussion: seeking help, being regulated, and serving as a citizen. People seek help when they go to the police or courts for help in resolving some problem. They experience regulation when a police officer gives them a ticket, a judge levies a fine, or they are tried and punished for some crime. Finally, they act as citizens when they are jurors or witnesses.

The law-abidingness perspective regards all these types of personal contact with law and legal authorities as a socialisation experience in which people refine their views about the law and legal authorities. The decisions made are evaluated via personal moral codes, and the authorities dealt with are evaluated through personal frameworks defining procedural justice.

Viewed from this perspective, each personal experience represents an opportunity for legal authorities to strengthen the loyalty and support of members of the public. To do so they must recognise the important role that people's sense of justice has in shaping their reactions to their experience.

Far from presenting a problem for police officers and judges, the centrality of justice to people's reactions to their experience actually provides authorities with the possibility of creating goodwill. If people acted based upon the favourability of their outcomes, the loser to a dispute would automatically be unhappy, as would anyone who received a ticket. But people do not. Instead, they evaluate their experience through a lens of justice. In the case of outcomes, authorities have the opportunity to frame and justify their decisions through reference to the moral values of those with whom they are dealing. In the case of procedures, they have the opportunity to treat everyone fairly.

A concrete example of the implications of these findings for strategies designed to build public respect for the law is shown by the area policing that is the focus of much of the evidence examined here. If the police are to act as agents of socialisation, they need to act in ways that people experience as respectful and fair. Efforts to gain public support for the police emphasise the need for respectful treatment of the public, as in the New York city police motto 'Courtesy, Professionalism, Respect'. Similarly, community policing initiatives are designed to increase personal interactions with police officers, interactions in which citizens will hopefully learn that the police are professional and fair (Friedmann, 1992; Rosenbaum, 1994; Skogan & Hartnett, 1997).

Consider an alternative problem central to law – responding to law-breaking behaviour. When a person is accused of breaking a law, there are several aspects of their experience with the legal system that are important from a psychological jurisprudence perspective. First, the procedure for determining guilt or innocence and for determining the punishment. This procedure has an important influence on the values of everyone involved – the offender, the victim, and others who personally experience the trial. All of these people react to the manner in which the legal system makes its decisions, as well as to the determination itself.

An important example of an approach to adjudication that emphasises the importance of encouraging law-abidingness among law-breakers is the restorative justice movement (Braithwaite, 1989). That movement has focused upon ways of reintegrating rule-breakers into the community. The rule-breaking behaviour is recognised and punished. But during the process of restorative justice conferences an effort is also made to encourage the rule-breaker to recognise that their behaviour violates moral and social codes that are a part of their own self-image and, as a consequence, should be upsetting to them. In other words, an effort is made to use the rule-breaking as a way to encourage the rule-breaker to identify with social rules and commit themselves to not breaking those rules in the future.

In addition, there is the experience of punishment. Studies consistently find that experiencing incarceration is not an effective way to encourage future law-abidingness. This is hardly surprising, since there is nothing in the experience of spending time in jail or prison that encourages the development of moral values or leads to greater respect for law and legal authorities. As a consequence, when people leave the structured environment of incarceration, the internal values that might encourage law-abidingness have not been strengthened.

For this reason, efforts such as reintegrative justice, that are based upon trying to strengthen the importance of people's social values in shaping their law-related behaviour, try to avoid punishments such as jail or prison. They emphasise punishments such as acknowledgment of wrongdoing, apology, and restitution that connect people with the wrongness of their actions.

## REFERENCES

- Axelrod, R. (1984). *The evolution of cooperation*. NY: Basic.
- Axelrod, R. (1997). *The complexity of cooperation: Agent-based models of competition and collaboration*. Princeton, NJ: Princeton.
- Ayres, I. & Braithwaite, J. (1992). *Responsive regulation: Transcending the deregulation debate*. Oxford: Oxford University Press.
- Blasi, A. (1980). Bridging moral cognition and moral action. *Psychological Bulletin*, 88, 1–45.
- Blumstein, A., Cohen, J. & Nagin, D. (1978). *Deterrence and incapacitation*. Washington, DC: National Academy of Sciences.
- Bok, S. (1978). *Lying: Moral choice in public and private life*. NY: Vintage.
- Braithwaite, J. (1989). *Crime, shame, and reintegration*. Cambridge: Cambridge University Press.
- Cohn, E.S. & White, S. (1990). *Legal socialization*. NY: Springer-Verlag.
- Deutsch, M. & Krauss, R.M. (1962). Studies of interpersonal bargaining. *Journal of Conflict Resolution*, 6, 52–76.
- Dillon, P.A. & Emery, R.E. (1996). Divorce mediation and resolution of child-custody disputes. *American Journal of Orthopsychiatry*, 66, 131–140.
- Dupont, R. (2000). Memphis police department crisis intervention team. Presentation at the conference on ‘Strengthening police-community relationships: Examining force policy and practice’. April, Washington, DC: Department of Justice.



Ewick, P. & Silbey, S.S. (1998). *The common place of law*. Chicago: University of Chicago Press.

Flanagan, T.J. & Longmire, D.R. (1996). *Americans view crime and justice*. Thousand Oaks, CA: Sage.

Friedmann, R.R. (1992). *Community policing*. NY: Harvester Wheatsheaf.

Greenstein, F. (1965). *Children and politics*, New Haven: Yale.

Hamilton, V.L. & Sanders, J. (1992). *Everyday justice*. New Haven: Yale; Haney, C. (1997). Commonsense justice and capital punishment. *Psychology, Public Policy, and Law*, 3, 303–337.

Haney, C. (1980). Psychology and legal change. *Law and Human Behaviour*, 4, 147–199.

Haney, C. (1982). Criminal justice and the nineteenth-century paradigm. *Law and Human Behaviour*, 6, 191.

Haney, C. (1991). The fourteenth amendment and symbolic legality. *Law and Human Behaviour*, 15, 183–204.

Haney, C. & Zimbardo, P. (1998). The past and future of U.S. prison policy. *American Psychologist*, 53, 709–727.

Hess, R. & Torney, J (1967). *The development of political attitudes in children*. NY: Aldine.

Hoffman, M. (1977). Moral internalization. In L. Berkowitz (ed.) *Advances in experimental social psychology*, volume 10, quote appears on pp. 85–86.

Huo, Y.J. & Tyler, T.R. (2000). *How different ethnic groups react to legal authority*. San Francisco: Public Policy Institute of California.

Hyman, H.H. (1959). *Political socialization*. NY: Free Press.

- Kelley, H.H. & Stahelski, A.J. (1970). Social interaction basis of cooperators' and competitors' beliefs about others. *Journal of Personality and Social Psychology*, 16, 190–197.
- Kim, W.C. & Mauborgne, R.A. (1993). Procedural justice, attitudes, and subsidiary top management compliance with multinationals' corporate strategic decisions. *Academy of Management Journal*, 36, 502–526.
- Kitzman, K.M. & Emery, R.E. (1993). Procedural justice and parents' satisfaction in a field study of child custody dispute resolution. *Law and Human Behaviour*, 17, 553–567.
- Krislov, S., Boyum, K.O., Clark, J.N., Shaefer, R.C. & White, S.O. (1966). *Compliance and the law*. Beverly Hills: Sage.
- Lawler, E.J., Ford, R.S. & Blegen, M.A. (1988). Coercive capability in conflict: A test of bilateral versus conflict spiral theory. *Social Psychology Quarterly*, 51, 93–107.
- Levi, M. (1997). *Consent, dissent, and patriotism*. Cambridge: Cambridge University Press.
- Lind, E.A., Kulik, C.T., Ambrose, M. & de Vera Park, M. (1993). Individual and corporate dispute resolution. *Administrative Science Quarterly*, 38, 224–251.
- Lind, E.A. & Tyler, T.R. (1988). *The social psychology of procedural justice*. New York: Plenum.
- MacCoun, R.J. (1993). Drugs and the law. *Psychological Bulletin*, 113, 497–512.
- Melton, G.B. (1985). The law as a behavioural instrument. *Nebraska symposium on motivation*, vol. 33, Lincoln, NE: University of Nebraska Press.
- Merelman, R.M. (1986). Revitalizing political socialization. In Margaret Hermann (ed.) *Political psychology*. San Francisco: Jossey-Bass.

Merry, S.E. (1990). *Getting justice and getting even: Legal consciousness among working-class Americans*. Chicago: University of Chicago Press.

Miller, D.T. & Ratner, R.K. (1996). The power of the myth of self-interest. In L. Montada & M.J. Lerner (eds) *Current societal concerns about justice*. NY: Plenum, pp. 25–48.

Mitchell, L.E. (1995). Trust, contract, process. In L.E. Mitchell (ed.) *Progressive corporate law*. Boulder, Colorado: Westview, pp. 185–217.

Nagin, D.S. & Paternoster, R. (1991). The preventive effects of the perceived risk of arrest. *Criminology*, 29, 561–585

Niemi, R.G. (1973). Political socialization. In J. Knutson (ed.) *Handbook of political psychology*. San Francisco: Jossey-Bass.

Paternoster, R. (1987). The deterrent effect of the perceived certainty and severity of punishment. *Justice Quarterly*, 4, 173–217

Paternoster, R. (1989). Decisions to participate in and desist from four types of common delinquency. *Law and Society Review*, 23, 7–40

Paternoster, R., Brame, R., Bachman, R. & Sherman, L.W. (1997). Do fair procedures matter? *Law and Society Review*, 31, 163–204.

Paternoster, R. & Iovanni, L. (1986). The deterrent effect of perceived severity. *Social Forces*, 64, 751–777

Paternoster, R., Saltzman, L.E., Waldo, G.P. & Chiricos, T.G. (1983). Perceived risk and social control. *Law and Society Review*, 17, 457–479.

Pruitt, D.G. (1981). *Negotiation behaviour*. NY: Academic; Pruitt, D.G. & Carnevale, P.J. (1993). *Negotiation in social conflict*. Pacific Grove, CA: Brooks/Cole.

Pruitt, D.G., Peirce, R.S., McGillicuddy, N.B., Welton, G.L. & Castrianno, L.M. (1993). Long-term success in mediation. *Law and Human Behaviour*, 17, 313–330.

Rosenbaum, D. P. (1994). *The challenge of community policing*. Thousand Oaks, CA: Sage.

Sherman, L. (1993). Defiance, deterrence, and irrelevance: A theory of the criminal sanction. *Journal of Research in Crime and Delinquency*, 30, 445–473.

Sherman, L. (1998). Alternative prevention strategies and the role of policing. Paper presented at a symposium on 'Beyond incarceration: The economics of crime'. November. Cambridge, MA: Harvard University.

Skogan, W.G. & Hartnett, S.M. (1997). *Community policing, Chicago style*. Oxford: Oxford University Press.

Smith, H.J. & Tyler, T.R. (1996). Justice and power. *European Journal of Social Psychology*, 26, 171–200.

Sparks, R., Bottoms, A. & Hay, W. (1996). *Prisons and the problem of order*. Oxford: Clarendon.

Tapp, J. & Levine, F. (1966). *Law, justice, and the individual in society*. NY: Holt, Rinehart and Winston.

Tapp, J. & Levine, F. (1977). *Law, justice, and the individual in society*. NY: Holt, Rinehart and Winston.

Thibaut, J. & Walker, L. (1975) *Procedural justice*. NY: Erlbaum.

Tyler, T.R. (1990). *Why people obey the law*. New Haven: Yale.

Tyler, T.R. (1994) Governing amid diversity. *Law and Society Review*, 28, 701–722.

Tyler, T.R. (1997). Citizen discontent with legal procedures. *American Journal of Comparative Law*, 45, 869–902.

Tyler, T.R. (1998). Public mistrust of the law. *University of Cincinnati Law Review*, 66, 847–876.

Tyler, T.R. (2000). Social justice: Outcome and procedure. *International Journal of Psychology*, 35(2), 117-125.

Tyler, T.R. (2001). Social justice. In R. Brown & S. Gaertner (eds) *Blackwell handbook of social psychology* (volume 4: Intergroup processes). London: Blackwell.

Tyler, T.R. (in press). The psychology of legitimacy. In J. Jost & B. Major (eds) *The psychology of legitimacy*.

Tyler, T.R. (in press). The psychology of public dissatisfaction with government. In E. Theiss-Morse & J. Hibbing (eds) *Trust in government*. Lincoln, NE: University of Nebraska Press.

Tyler T.R. & Blader, S. (2000). *Cooperation in groups*. Philadelphia: Psychology Press.

Tyler, T.R. & Boeckmann, R.J. (1997). Three strikes and you are out, but why? The psychology of public support for punishing rule breakers, *Law and Society Review*, 31, 237–265.

Tyler, T.R., Boeckmann, R. J., Smith, H.J. & Huo, Y.J. (1997). *Social justice in a diverse society*. Boulder, Colorado: Westview.

Tyler, T.R., Casper, J. & Fisher, B. (1989). Maintaining allegiance toward political authorities. *American Journal of Political Science*, 33, 629–652.

Tyler, T.R. & Darley, J. (2000). Building a law-abiding society: Taking public views about morality and the legitimacy of legal authorities into account when formulating substantive law. *Hofstra Law Review*, 28, 707–739.

Tyler, T.R. & Degoey, P. (1996). Trust in organizational authorities: The influence of motive attributions on willingness to accept decisions. In R.M. Kramer & T.R. Tyler (eds) *Trust in organizations*. Thousand Oaks, CA: Sage, pp. 331–356.

Tyler, T.R. & Degoey, P. (1995). Collective restraint in a social dilemma situation. *Journal of Personality and Social Psychology*, 69, 482–497.

Tyler, T.R. & Huo, Y.J. (2000). *Trust and the rule of law*. New York: Russell-Sage Foundation.

Tyler, T.R., Huo, Y.J. & Lind, E.A. (1999). The two psychologies of conflict resolution: Differing antecedents of pre-experience choices and post-experience evaluations. *Group Processes and Intergroup Relations*, 2, 99–118.

Tyler, T.R. & Mitchell, G. (1994). Legitimacy and the empowerment of discretionary legal authority. *Duke Law Journal*, 43, 703–814.

Tyler, T.R. & Smith, H.J. (1997). Social justice and social movements. In D. Gilbert, S. Fiske & G. Lindzey (eds) *Handbook of social psychology*. 4<sup>th</sup> edition, volume 2. New York: McGraw Hill, pp. 595–629.

Williamson, O.E. (1993). Calculativeness, trust, and economic organization. *Journal of Law and Economics*, 34, 453–500.

Wissler, R.L. (1995). Mediation and adjudication in the small claims court. *Law and Society Review*, 29, 323–358.

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