That the idea of legitimacy has become a key topic in criminal justice research is beyond question. Yet legitimacy remains under-theorised. Our aim in this seminar is to try to correct this lacuna in legitimacy research within criminology. We argue, developing an insight by Max Weber, that legitimacy is dialogic, involving continuous claims by criminal justice agencies and citizens’ responses to those claims. We further argue that the tension/conflict/consensus inherent in this claim–response dialogue reflects congruities and incongruities between law and morality in any ‘institutional normative order’ (an important concept developed by Neil MacCormick). It is argued that such an understanding of legitimacy moves attention quickly beyond its implications for legal compliance and cooperation with legal authorities (the principal focus of criminologists at present); instead, attention begins also to focus on the implications of legitimacy for the understanding of stability and change in criminal justice organizations, and their role within wider society.

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