Violence Research Centre Working Paper

Does Low Legitimacy Cause Crime? A Review of the Evidence*

Prof. Manuel Eisner

Institute of Criminology

University of Cambridge

Email: mpe23@cam.ac.uk

Dr. Amy Nivette

Nuffield College

University of Oxford

Email: amy.nivette@sociology.ox.ac.uk

Abstract

Scholars have recently argued that legitimacy (i.e. the right to rule) should be at the core of criminology as the science of rule making, rule breaking and rule enforcement (Bottoms & Tankebe, 2012; LaFree, 1998; Tyler, 1990). In fact, it might be a crucial construct that could play an important role for understanding the link between social order and crime, for explaining the motivations behind compliance with the law, and in bridging the gap between macro- and micro explanations of crime. This paper reviews the empirical literature on whether legitimacy predicts crime. Findings suggest that many studies report a weak effect in the predicted direction. However, we also identify a number of limitations that future research should address. They include: 1) more consistent operationalisation of legitimacy, 2) better statistical control for potential confounding factors, 3) tests for alternative assumptions of the causal order between legitimacy and crime, 4) integration of macro- and micro-level research, and 5) more cross-cultural comparison.

In December 1988, while still in prison, *Nelson Mandela* wrote a memorandum in preparation for a meeting with the then President of South Africa, P.A. Botha. In the document Mandela outlined the view of the ANC on violence:

> The organisation has no vested interest in violence. It abhors any action which may cause loss of life, destruction of property and misery to the people. It has worked long and patiently for a South Africa of common values and for an undivided and peaceful non-racial state. But we consider the armed struggle a legitimate form of self-defence against a morally repugnant system of government which will not allow even peaceful form of protest.

The quote captures a core argument of freedom fighters and revolutionaries around the world: A state that is immoral, repressive, and corrupt has no moral authority and loses the exclusive right to use coercive physical force. Violent means hence become a legitimate strategy for self-defence, and for achieving liberty, independence or equality.

But is there also a link between the legitimacy of the state and more mundane refusals to comply with its rules such as shoplifting, burglary, or homicide? The 14th century artist *Ambrogio Lorenzetti* certainly thought so. In 1340 he painted the famous Allegories of Good and Bad Government in the town hall of Siena so that the city council would be reminded of the consequences of its actions (Rubinstein, 1958): Under a good and legitimate government, the paintings explain, there is peace, people obey the law, and trade and the economy prospers. Under a bad and illegitimate government, in contrast, one can see innocent people being arrested, homicides being committed, and economic life coming to a standstill.

Contemporary research suggests that Lorenzetti was up to something important. Thus, a growing number of studies show a substantial empirical link between political legitimacy and levels of rule-breaking behaviour. Potentially this means that mainstream criminology has to consider the fundamental question raised by *John Locke* much more seriously: Namely under what conditions the members of a society are obliged to comply with a state's laws? As is well known, Locke's answer was that an obligation to obey only exists if authority is based on legitimacy, which it gains through the free consent by those subjected to an institution (Locke, 1988 [1689]). *A legitimate authority is one that is "justified in claiming the right to hold power over other citizens"* (Bottoms & Tankebe, 2012: 124).

But how strong is the evidence for legitimacy as an explanation of compliance and crime? And what are the limitations of current research?

A Review of the Evidence

Evidence in support of the legitimacy-crime link comes from two research traditions: One is macro-level research on the factors that explain variation in levels of crime and violence over time and between nations, regions or neighbourhoods (e.g. LaFree, 1998). The other is micro-level research on the extent to which an individual's willingness to comply with rules is affected by the perceived legitimacy of those who make and enforce these rules (e.g. Tyler, 1990). Perhaps surprisingly, these two traditions have had rather limited contact.

The main purpose of the review is to document core findings in order to gain insight into important limitations of current research and to make recommendations about future strategies. While me made an attempt to find all major relevant publications available in English we do not claim to have covered all relevant studies. Also, it is important to note that we exclusively consider studies that examine actual compliant, norm-breaking or criminal behaviour rather than effects on norms, behaviour intentions, or beliefs.

Macro-Level Research

Empirical criminologists who tried to explain why levels of crime vary between societies and over time have mainly focused on economic, social and demographic predictors. This includes indicators such as urbanism, economic inequality, economic development, or female labour market participation (for an overview see Nivette, 2011).

Few studies, in contrast, have examined whether the legitimacy of the state and its institutions predicts variation in levels of crime. While understandable from a practical point of view - macro-level measures of legitimacy are far more difficult to obtain than measures of economic or demographic characteristics - the almost complete neglect of variables related to the state's 'right to rule' has no justification in criminological theory. Enlightenment theorists like Jeremy Bentham (2007 [1781]) and Cesare Beccaria (1764), for example, agreed that compliance with the law and co-operation amongst free citizens rested less on the harshness of punishment than on the rightness of the laws, the fairness of the judges, and the swiftness of the legal bureaucracy – in other words: on a law-

bound state that creates the very conditions under which citizens are prepared to self-regulate their behaviour.

But amongst empirical criminologists the idea that legitimacy could explain macro-level variation in crime only gained some prominence in the late 1990s. In *'Losing Legitimacy'* LaFree (1998) argued that three key social institutions – family, economic, and political –motivate citizens to abide by the rules, participate in social control, and obey the law. When these social institutions are seen as unfair, useless, or corrupt, they lose legitimacy and subsequently the ability to maintain social control. LaFree (1998) tested these arguments using post-WWII crime data in the United States. He measured legitimacy in a number of ways: by distrust in government and collective action or protest (political legitimacy), inflation and income inequality (economic legitimacy), and ideological challenges and structural change in the form of divorce rate and female-headed households, respectively (family institutions). LaFree found a positive bivariate relationship between these forms of institutional illegitimacy and violent crime, and that these effects are particularly strong for African Americans. He concluded that legitimacy was first lost in political and family institutions during the 1960s and 1970s, and that the crisis then spilled over into economic institutions, leading to the deterioration of social control and an increase in crime.

Eisner (2001) and Roth (2009) examined large-scale variation in homicide rates over several centuries in Europe and the United States, respectively. Both concluded that neither long-term economic development nor the rise in the coercive power of the state could model the long-term decline in homicide since the 16th century. Rather, it seems that on both sides of the Atlantic change in the legitimacy of the political and social order was a major force behind change in the likelihood that men would fight each other in public space.[1] Roth distinguished four aspects of legitimacy: the belief that government is stable and that its legal and judicial institutions are unbiased and will redress wrongs and protect lives and property; a feeling of trust in government and the officials who run it, and a belief in their legitimacy; patriotism, empathy, and fellow feeling arising from racial, religious, or political solidarity; and the belief that the social hierarchy is legitimate, that one's position in society is or can be satisfactory and that one can command the respect of others without resorting to violence. These constructs are difficult to measure over long periods of time but in a recent paper Roth (2012) has

---

[1] Elijah Anderson (1999) documented this in his ethnographic study of poor, urban residents in the United States. Residents alienated from police and society developed a 'code of the streets' to regulate status, public space, and social behaviours, including the use of violence.

proposed interesting approaches to addressing this issue. However, it is currently too early to say whether we will ever be able to subject hypotheses such as those developed by Roth to more rigorous empirical tests over historical time-spans.

Other macro-level research examined the link between legitimacy and crime cross-sectionally across modern nation-states. Chamlin and Cochran (2006) asked whether compliance with social institutions depends on the perception that these institutions function according to justifiable universalistic rules. They argued that states perceived as serving the interests of a few and allowing economic success based on ascribed rather than meritocratic principles would lose legitimacy and hence experience more violence. Moreover, they hypothesized that the perceived lack of legitimacy is the mechanism that accounts for the well-known link between economic inequality and homicide rates. They tested this hypothesis using a sample of 33 countries. Legitimacy was measured by two questions from the *World Values Survey*: "people in [this] country are poor because society treats them unfairly" (economic legitimacy) and "the government is run to further the interests of social elites rather than for the benefit of all" (political legitimacy) (p. 239).[2] Contrary to their hypothesis they found no direct effect of lacking economic or political legitimacy on homicide, and they found no empirical support for the idea that perceived lack of legitimacy can account for the effect of inequality on homicide rates. However, there was some evidence suggesting that in the subgroup of highly modernized countries a low level of political and economic legitimacy is associated with higher homicide rates.

In a recent cross-national study Nivette and Eisner (2013) extended the analysis to a much larger sample, using a broader measure of legitimacy. More particularly, they relied on Gilley's (2009) indicator of legitimate political power. This measure combines three components initially proposed by Beetham (1991): the *moral rightfulness* of laws and rules as seen by those subject to a power; *legality* in the sense of the conformity of power with the laws; and *consent* by those who are subject to those in power. Items included in Gilley's indicator are: evaluation of state respect for human rights, confidence in police and civil society (legality); satisfaction with democratic development, evaluation of the political system, use of violence in protest (justification); voter turnout and payment of quasi-voluntary taxes (consent). The covariates included income inequality, infant

---

[2] Arguably, these measures are limited in that they only capture perceptions about the distributive fairness of economic and political resources. While distributive justice in an important aspect of legitimacy (Beetham, 1991), overall legitimacy is the product of many parts: procedural justice, distributive justice, effectiveness, legality, and behavioural consent (Tankebe, 2013).

mortality rate, female labour force participation, young male population, population growth, GDP per capita, and a Latin American dummy variable. Their findings supported the idea that political legitimacy is negatively related to homicide rates (see also Nivette, 2012, on political legitimacy and homicide in Europe). In their sample of $N = 65$ countries the bivariate correlation between Gilley's measure of legitimacy and homicide was $r = -.51$, and in the multi-variate analysis the standardized effect of legitimacy on homicide rates was $\beta = -.34$.

The link between legitimacy and crime has also been examined at the level of neighbourhoods. In this research strand scholars have mainly focused on *legal cynicism* as a measure for the lack of legitimacy. This operationalization is based on a study by Sampson and Bartusch (1998). They interpreted legal cynicism as a form of anomie in which individuals perceive that the criminal justice system is unjust or illegitimate, and so legal norms are weak and not binding. Thus Kirk and Papachristos (2011) argued that sub-cultures of cynical attitudes "frame" situations in such a way that violence is more likely. This is in line with evidence that that shows that perceived unfairness, illegality, and ineffectiveness of the criminal justice system is positively related to violence across neighbourhoods (Kane, 2005; Kubrin & Weitzer, 2003).

In the first neighbourhood-level study on the effects of police legitimacy on violent crime Kane (2005) examined panel data for New York precincts from 1975 to 1996. Kane examined whether compromised police legitimacy can cause more violence by discouraging citizens from cooperating with the police, and hence encouraging the use of violent self-help (Black, 1983). The study did not measure police legitimacy directly, but relied on measures of police misconduct and over-policing (i.e. "aggressive" policing) as proxies. The sample was composed of 74 precincts in New York City from 1975 to 1995 (total of 1,628 precinct-years). Precincts were divided into three categories based on their level of structural disadvantage: low, high, and extreme. The study found that the first indicator of compromised police legitimacy, namely police misconduct, was related to more violent crime in high and extremely disadvantaged neighbourhoods, controlling for residential stability, youth population, as well as spatial and temporal effects. Over-policing was significantly related to high violent crime only in extremely disadvantaged neighbourhoods. In precincts with low disadvantage, however, the extent of police misconduct and aggressive policing had no effect on violence. Kane (2005) argues that this is likely because these more resourceful communities address misconduct through official means of accountability.

More recently Kirk and Papachristos (2011) examined the effects of legal cynicism on violent crime in Chicago, Illinois. They argue that legal cynicism is an adaptation to structural disadvantage, and that cynical attitudes discourage citizens from building social ties and reduce collective efficacy. Their sample, drawn from the *Project on Human Development in Chicago Neighborhoods* from 1994-1995, was composed of 343 neighbourhood clusters in which 8,782 residents were surveyed. Legal cynicism was measured on a three-point scale: 1) "laws are made to be broken", 2) "the police are not doing a good job in preventing crime in this neighborhood", and 3) "the police are not able to maintain order on the streets and sidewalks in the neighborhood" (p. 1207). The authors also accounted for a range of neighbourhood-level covariates, including collective efficacy, concentrated poverty, immigrant concentration, residential stability, proportion of youth, spatial effects, and tolerance of deviance. They found that in neighbourhoods where residents were more cynical towards the law, homicide was higher ($r = .49$) (Kirk and Papachristos, 2011). They also found that cynicism partially explains the link between poverty and homicide, and that cynicism discourages participation in neighbourhood social control (i.e. collective efficacy), resulting in higher homicide rates. Further, examining the residual change in homicide from the 1990's to the early 2000's (i.e. any changes not in line with the overall decline), they found that legal cynicism partially explained why homicide persisted in certain neighbourhoods when city-wide poverty and homicide declined.

In sum, the neighbourhood-level studies suggest that a police force or legal system that is considered illegitimate can create cultural adaptations that favour the use of violence to resolve conflicts, particularly in disadvantaged communities, where social and political capital are already weak.

Individual-Level Research

Individual level research on the effects of legitimacy on crime is strongly influenced by the pioneering work of Tom Tyler and colleagues (Sunshine & Tyler, 2003; Tyler, 1990, 2006). In his work, Tyler analyses the factors that determine an individual's compliance with the law. He argues that there exist two strategies to obtain compliance. The first relies on coercion and the threat of punishment. It tries to increase the costs of rule breaking and assumes rational actors. This mechanism is, Tyler argues, largely ineffective. The second mechanism relies on self-regulation, i.e. the abstention from crimes due to internalized constraints. To be activated, it requires a motivational basis – a good reason to develop and use internal constraints. The most important such basis is

legitimacy - which Tyler (2009: 313) defines as "the feeling of responsibility and obligation to follow the law, to accept the decisions of legal authorities, and to cooperate with and help legal authorities to do their jobs". Tyler links this subjective sense of legitimacy to the actual performance of the criminal justice system and its representatives: If the legal authorities effectively manage problems, resolve conflicts, behave in a fair and transparent way, and treat citizens with dignity and courtesy – in short: if they are governed by *procedural justice* – than they are more likely to be seen as legitimate, hence making self-regulated abstinence from transgressions more likely.

Empirical research inspired by Tyler rarely refers to crime or delinquency as dependent variables. Its most common outcome is 'compliance', which is generally operationalized as the absence of norm-breaking. Thus, a typical item asks respondents how often they "follow the rule of *not* taking inexpensive items from stores without paying" (Sunshine & Tyler, 2003). Such items are really inversely worded delinquency items. Asking whether legitimacy increases compliance with the law is therefore equivalent to asking whether the lack of legitimacy leads to more crime.

Over the past 25 years a considerable number of empirical studies have examined the extent to which legitimacy predicts delinquent rule breaking, respectively compliance with the law.

To date, two panel studies have examined the effects of legitimacy on compliance (Tyler, 2006). The first study was conducted in 1985 in Chicago (Tyler, 1990). It entailed a panel design with 1,575 general population participants in wave 1 and 804 respondents re-interviewed a year later in wave 2. In that study the perceived legitimacy of the police or the courts in wave 2 was found to have a weak significant effect ($\beta = .11$, p<.05) on the level of compliance also measured in wave 2 when compliance in wave 1 was controlled.

The second study (Fagan & Piquero, 2007) investigated the short-term effects of legitimacy and legal cynicism on a sample of 1,355 adolescent offenders recently convicted of a serious felony offense in Philadelphia, PA and Phoenix, AZ. The participants were interviewed shortly after adjudication in court and re-interviewed in six-month intervals for two years. Legitimacy was measured based on Tyler's (1990) items, and legal cynicism was measured based on Sampson and Bartusch's (1998) scale. The authors also included a range of social, psychological, and prior offending variables, including perceptions on the social and personal rewards of crime, punishment costs, mental health, psychosocial maturity, court history, self-reported offending, and

substance abuse. Controlling for these factors, legitimacy only weakly predicted trajectories of self-reported offending (total offending: $b = -0.031$, p<.10; aggression (e.g. physical violence): $b = -0.034$, p<.10; income (e.g. theft, burglary): $b = -0.034$, p<.10). Legal cynicism was only predictive of total self-reported offending ($b = 0.027$, p<.01).

Furthermore, Sunshine and Tyler (2003) reported results from two cross-sectional studies. The first was based on a telephone survey amongst a general population sample of 586 respondents aged 19 to 88 in New York City. Legitimacy was operationalized via a 19-item questionnaire that included measures of the obligation to obey the legal authorities, the extent of trust in the police, and the feeling people had about the New York Police Department. Compliance was measured with a 7-item inverted delinquency scale (e.g. 'not take items without paying'). Results suggested that after controlling for demographic variables and risk estimates legitimacy had a significant association with compliance ($\beta = .22$). However, the model only accounted for a very small proportion (9%) of the overall variance in delinquency/compliance. The second study (Sunshine & Tyler 2003: 528ff) was also a based on telephone interviews and included a community sample of 1,653 respondents in New York City. The instruments for measuring legitimacy and compliance were similar to those used in the first study. In that study legitimacy ($\beta = .14$) was again found to be a significant predictor of compliance, but as in the first study only a very small amount of variation in compliance was accounted for in the model ($R^2 = 8\%$).

The small proportion (i.e. less than 10%) of the overall variance accounted for in the two studies reported by Sunshine and Tyler (2003) suggests that important known covariates of delinquency/compliance were not included in the models. This in turn means that the statistical effect of legitimacy on compliance may have been overestimated because of unmeasured shared covariates. Two recent studies have examined the impact of potential confounds. Reisig, Wolfe and Holtfreter (2011) examined the extent to which legitimacy and legal cynicism remain predictors of offending once variation in *self-control* was taken into account. This is important because aspects of self-control such as self-centredness and short-sightedness could influence both perceptions of the legitimacy of criminal justice agencies and the likelihood of delinquency. The authors used cross-sectional survey data from a convenience sample of 626 students at Arizona State University. They first showed that legitimacy and legal cynicism should be considered different constructs. Also, initial bivariate relationships with delinquency were in the expected direction but with a stronger association for legal

cynicism (r = .36) than for legitimacy (r = .16). The findings finally suggest that self-control considerably attenuates the effects of legitimacy and legal cynicism on delinquency. Furthermore, legal cynicism was found to be a more important predictor of offending (β = .247, p < .01) than legitimacy (β = -.087, p < .05).

The second study that controlled for a confounding factor is by Jackson et al (2012). It examined whether legitimacy predicts general everyday offending (e.g. shoplifting) and traffic offenses amongst a representative sample of 937 respondents aged 16 and over in England and Wales. Importantly, the study controlled for the respondents' *morality*, i.e. the perception that it was morally wrong to break the law. According to that study *legitimacy* only had a marginal effect on general offending behaviour once morality was taken into account in the model: The 'obligation to obey the police' was unrelated to offending, but there were effects in the expected direction of the 'obligation to obey the law' (β = -.20, p < .05) and the 'moral alignment with the police' (β = -.23, p < .01). Furthermore, legitimacy measures turned out to be completely unrelated to compliance with traffic laws, once the perceived wrongfulness of traffic offenses was taken into consideration (Jackson, et al., 2012).

Fagan and Tyler (2005) examined effects of legitimacy on compliance with the law amongst children and adolescents. The study used a sample of 215 respondents at ages 10 to 16 drawn from two racially and socio-economically contrasting neighbourhoods in New York City (Fagan & Tyler, 2005: 223). It distinguished three domains of legal socialization, namely *legitimacy*, *legal cynicism* and *moral disengagement*. In this study legitimacy was operationalized as the respondent's perception of fairness and equity of legal actors in their contacts with citizens, including both police contacts and court processing (e.g. "overall, the police are honest", see Fagan and Tyler, 2005: 228). An offending variety score based on 30 items was used to measure compliance/delinquency. In a multiple regression that controlled for, amongst others, violent exposure, delinquent peers and low self-control, the study found that legitimacy was a significant but relatively modest predictor of delinquency with a standardized effect of β = -.13, p < .01).[3] The two other components of legal socialisation, namely legal cynicism and moral disengagement failed to predict delinquency.

Two studies examined compliance in the domain of white collar crimes: Murphy (2005) examined whether the lacking legitimacy of the tax authorities predicted whether

---

[3] Standardized coefficient calculated by us, based on unstandardized coefficients and standard deviations in Fagan and Tyler, 2005: 235 and 237).

people pay taxes. Legitimacy was measured with two subscales, namely the legitimacy of the tax office and the obligation to obey. Compliance was also measured by two different subscales, namely an attitudinal component (psychological resistance to paying taxes) and engagement in actual acts of tax evasion. The study found that a lack of legitimacy was a highly significant predictor of resistance to paying taxes ($\beta = -.48$) but did not predict tax evasion itself (Murphy 2005: 18). In the second study Murphy used panel data to predict change in levels of 'resistance' and 'tax evasion'. The study confirmed the findings from the first cross-sectional study: legitimacy at t_0 predicted change in resistance from t_0 to t_1, but it had no effect on levels of actual tax evasion.

Tyler and Blader (2005) examined the role of legitimacy in shaping compliance with rules amongst 540 employees of a large financial services institution. In that study legitimacy had a small but significant effect on self-reported rule breaking ($\beta = -.10$). In a second study reported in the same paper Tyler and Blader examined 4,430 employees from a wide range of occupational backgrounds. In that study legitimacy was predictive of *self-reported* compliance with rules ($\beta = -.26$), but not predictive of *supervisor-assessed* compliance with rules ($\beta = -.01$).

Tyler, et al. (2007) examined a sample of 415 Australian adults who had been arrested for drunk driving and participated in a restorative justice experiment. Unlike most other studies they used police records to measure offending, which overcomes the problem of same-informant bias in many studies. They found that participants who viewed the law as more legitimate were less likely to be rearrested (Tyler, et al. 2007: 567). While the measurement of crime via police records is a strength of this study, one should not that the legitimacy of the law was operationalized by two questions that appear to measure anticipated compliance itself rather than legitimacy in the sense defined by Tyler ("The conference/court case will keep you from breaking the law in the future," and "What happened in the conference/court case will encourage you to obey the law in the future."). It is therefore perhaps not so surprising that respondents who thought that the criminal justice experience would keep them from re-offending actually did re-offend less frequently.

In a unique study, Papachristos et al. (2012) examined the role of social networks, gang membership, and legitimacy in relation to gun carrying and fighting in a sample of 141 randomly-selected residents of Chicago that were either on parole or probation. They measured legitimacy using four items: "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," The law represents the values of people in power rather than the values of people like me," and "People in power use the law to try and control people like me" (2012, p. 417). In addition, they include perceived risk of detection and punishment (deterrence), general perceptions of police and prosecutors (e.g. "Most police treat people with respect"), and the number, closeness, and types (e.g. criminal vs. legitimate) of social ties the respondent had. They found that offenders who saw the legal system as legitimate were significantly less likely to report carrying a gun ($b = -1.537$, $p < .05$), however perceptions of legitimacy were not significantly related to self-reported fighting in the last 6 months ($b = -0.581$). Instead, the criminal characteristics of an offender's social network determined their likelihood in being in a fight or carrying a gun, specifically more contacts with gang members and other offenders.

To our knowledge, only one paper has yet examined the psychological mechanisms through which perceived legitimacy may have an effect on compliance. Murphy and Tyler (2008) examined whether anger, respectively happiness mediate the effect of procedural justice on subsequent compliance. The study used longitudinal survey data collected in two real-life contexts, namely a taxation dispute ($N = 652$) and compliance at the workplace ($N = 2,366$)). They showed that perceptions of procedural justice influence the emotions experienced by people. In particular, perceived procedural justice or injustice at t_1 was found to be linked to greater happiness, respectively anger at t_2. These emotions, in turn, were shown to influence whether actors will or will not comply with authority decisions and rules.

Limitations

An impressive amount of work has tested the hypothesis that legitimacy increases compliance and reduces rule breaking. Studies have included different populations, various settings, and diverse outcomes. Most studies find a significant relationship in the predicted direction. This certainly holds for simple bivariate associations. In multivariate models the effects of legitimacy tend to be smaller and several studies find no effects of legitimacy after controlling for other predictors. In studies that use individual-level data the net effect sizes reported in multivariate models are in the small to modest range ($\beta = .10 - .20$). For aggregate level studies the findings are probably too varied to arrive at any overall conclusion, although the robust effect of legitimacy on homicide in the cross-national study by Nivette and Eisner (2013) is encouraging.

However, extant research has several limitations that constrain the extent to which we can draw firm conclusions on whether legitimacy is implicated in the causation of compliance and delinquency. In particular, we examine five issues: 1) the inconsistent operationalisation of legitimacy, 2) a lack of control for potential confounding variables, 3) a lack of concern for issues of causal order, 4) little integration between macro and micro perspectives, and 5) a lack of cross-cultural evidence.

1. Operationalizing legitimacy

First, conclusions about the effects of legitimacy on crime or compliance are hampered by the variation in how legitimacy is measured.

We illustrate the problem with individual-level research. Tyler assumes that the core component of legitimacy is the obligation to obey (Tyler, 2003: 309), but he also considers confidence in the police (e.g. "I feel proud of the Chicago police"), positive feelings about, respectively identification with the police, and the lack of legal cynicism as subdimensions of legitimacy (Tyler, 2003: 310). However, there is considerable variation in how legitimacy has been operationalized. For example, the legitimacy measure in Sunshine and Tyler (2003) included the *obligation to obey* and *confidence in the police* as the two main components. Piquero et al. (2005: 279), in contrast, operationalized legitimacy through items that bear on confidence in criminal justice actors, but hardly touch the component of the obligation to obey. Moreover, they considered *legal cynicism* a separate construct. Similarly, Fagan and Tyler (2005) operationalized legitimacy through items that measure the *perceived fairness and equity of legal actors*, using 11 items. Finally, in the Canberra drinking and driving experiment legitimacy was measured with two items that ask respondents about their future *likelihood* to comply with the law, a question that may only indirectly bear on the *obligation* to obey (Tyler et al., 2007: 582).

These examples show that within the tradition of micro-level research alone legitimacy has been variously operationalized through items that tap on the obligation to obey, the perceived fairness of legal actors, or the future likelihood of complying with the law. But the measures become even more heterogeneous when one considers meso- and macro-level indicators. On the level of cross-national comparison, for example, Chamlin and Cochran (2006) used survey items measuring perceptions of fairness, Nivette and Eisner (2012) used a composite score that includes items on trust, evaluations of performance, confidence in institutions, as well as measures of consenting behaviours (i.e. voting), while LaFree (1998) used a range of operationalisations, some are likely

predictors of illegitimacy, such as trust, while others are likely to be outcomes of illegitimacy, such as inequality or collective action. At the meso-level of neighbourhoods, finally, at least one study has interpreted legal cynicism as a measure of legitimacy, while most micro-level studies consider legal cynicism to be a different construct.

Although it is possible that all these approaches measure the same underlying construct, we along with a number of other scholars (see Kaina, 2008; Reisig et al., 2011; Tankebe, 2009, 2013) believe that this is unlikely. For instance, Kaina (2008) explicitly rejects the notion that *trust*, *legitimacy* and the *obligation to obey* are part of one underlying construct. She argues that trust is based on prior institutional performance, and consists of expectations about the future, whereas legitimacy is based on one's own moral principles. Obligation, or "decision acceptance" as she calls it, is not part of legitimacy because it "can also be attributed to other causes such as habits or utilitarian calculations" (p. 513). It seems that different theoretical approaches to legitimacy, such as the differences between the approach suggested by Bottoms and Tankebe (2012), Kaina (2008) and that proposed by Tyler (1990), would require different operationalisations, which in turn might lead to different conclusions about the extent to which legitimacy predicts crime or compliance with the law.

Part of the problem is the lack of theoretically-designed surveys on a cross-national scale, which leads researchers to either use objective or instrumental indicators of legitimacy (e.g. state-perpetrated violence, human rights violations), or aggregate survey items on loosely-related concepts such as confidence, trust and overall performance. However, part of the problem also lies in how legitimacy is defined. Nivette and Eisner conceive of legitimacy as a characteristic of the state, and consequently use an indicator that reflects both objective national characteristics and subjective individual perceptions. Others, such as Chamlin and Cochran, define legitimacy in the Weberian "what is believed to be legitimate" manner, and thus use only subjective survey data. There is generally little agreement as to whether legitimacy is most accurately measured using objective, subjective, or combined objective-subjective data.

2. Lack of control for confounds

A second limitation is the restricted extent to which research has adequately considered potential confounds, i.e. variables that affect both the perceived legitimacy of the criminal justice system *and* rule-breaking behaviour. Failure to do so can result in inflated estimates of the hypothesized causal link between legitimacy and crime.

The possibility that the association between legitimacy and crime may be at least partly due to shared factors is raised by the handful of individual-level studies that have looked at personality characteristics such as self-control and impulsivity (Reisig at al., 2011, Fagan and Tyler, 2005) or morality (Jackson et al., 2012). In these studies the effects of legitimacy were greatly attenuated once personality characteristics were taken into consideration. This suggests that people with low self-control are both less likely to perceive the police as legitimate and more likely to commit crimes. We are not aware of studies that have examined whether other personality characteristics may partly account for the association between legitimacy and compliance. But characteristics such as risk- and sensation seeking, low empathy, or low trustfulness would be merit closer scrutiny (see Ribeaud & Eisner, 2010, for comprehensive list of possible social, parental, and individual risk factors).

However, the list of potentially confounding variables that have only been partially considered does not end with personality characteristics. For example, it would seem plausible that experiences of personal victimization influence both the perceived legitimacy of the police and future offending. Thus, people who have been victims of abuse during childhood, or who have been bullied at school will probably be less likely to perceive the police as legitimate and be more likely to offend at a later stage. However, we are not aware of any studies on legitimacy that include victimization in their models.

## 3. Attention to reverse causal order

The problem of only partial control for potential confounds is connected to the issue of causal order. Throughout the reviewed literature researchers test a causal order whereby legitimacy makes people comply with the law, not the other way around. However, this causal order is often assumed rather than demonstrated, and one can plausibly interpret the observed correlations between legitimacy and crime as either a result of causal mechanisms in the opposite direction or a consequence of some shared underlying processes. For example, one of the most convincing empirical findings presented by LaFree (1998) on the effects of 'losing legitimacy' was the strong association between change in the extent to which Americans distrusted the government and levels of homicide rates after World War 2. In figure 1 we reproduce these data, but we extend the series until 2010.

For the period 1948 to 1995 the two series are in fact very highly correlated (r = .90) However, the series also illustrates two problems: Thus, the parallel movement up to 2000 is open to two opposite interpretations: In line with the legitimacy framework it is

possible that change in the legitimacy of the political system drove crime rates up and down. However, it is equally plausible that the boom periods of crime were perceived by contemporaries as evidence of the state's failure to control crime, and that this was a major factor that influenced people's perception of how well the government works for the good of the country. Moreover, starting in about the year 2000 the positive correlation between distrust in the government and crime breaks down entirely: While homicide – along with virtually all other types of crime – continued to decline over the past 12 years or so, distrust in the national government rose continuously and was back to levels as high as those last seen in the early 1990s.

Figure 1 Government Illegitimacy and Homicide Rate in the United States, 1948-2010
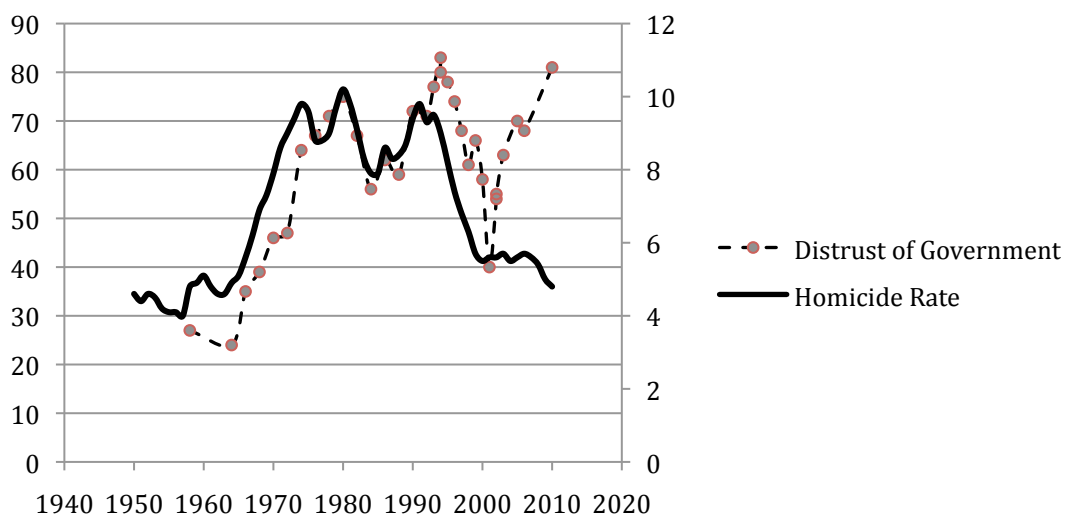
Source: Trust in Government: *The American National Election Studies, Trust in the Federal Government, 1958-2008, % trusting only 'some of the time' and 'never'.* http://www.electionstudies.org/nesguide/toptable/tab5a_1.htm. *Homicide: Bureau of Justice Statistics,*

A similar problem bedevils the micro-level link between legitimacy and compliance. In particular, one can make a plausible argument that the transgression of rules (i.e. crimes) reduces subsequent beliefs in the obligation to comply and the legitimacy of the police. For example, literature going back to the work by Sykes and Matza (1957) on neutralization techniques and Bandura's work on moral disengagement (Bandura, 1990) suggests that people who break moral rules develop inner excuses and justifications that make the transgression look more favourable (Barriga & Gibbs, 1996; Maruna & Copes, 2005; Ribeaud & Eisner, 2010). These justifications may develop before and/or after deviant activity in an attempt to rationalise the act: "disapproval

flowing from internalized norms and conforming others in the social environment is neutralized, turned back, or deflected in advance" (Sykes & Matza, 1957, pp. 666-667). Several of these justification techniques directly relate to issues such as the obligation to obey and the perceived trustworthiness of the police. For example, research has found that condemning the condemner (e.g. the police only serves the powerful), moral justifications (e.g. theft is merely informal redistribution of wealth) and making advantageous comparisons (e.g. in a world of injustice and hunger my own theft doesn't really count) are powerful excuses for past behaviour. This tradition of theoretical and empirical thinking has as yet only found limited impact on legitimacy research. However, we believe that causal pathways in both directions can be plausibly constructed, and that current research has hardly addressed the question of which logical pathway has more empirical support.

4. Lacking integration of macro and micro level perspectives

As we showed, the link between legitimacy and crime has been examined both at the micro-level of individuals and the macro and meso-levels of states or neighbourhoods. However, little has yet been done to integrate both perspectives. In the macro-level tradition legitimacy is conceptualized in a broad sense as the overall authority of those with power to impose rules and to request compliance. This can include parents, teachers, politicians, managers or any other person or institution that somehow imposes constraints on the interactions between humans (Trinkner et al., 2012). In the micro-level tradition, in contrast, legitimacy is generally addressed much more narrowly as something that relates to the quality of everyday interactions between citizens and police and the criminal justice system. Tyler (2011, p. 257) for instance argues that, "from a legitimacy perspective, every encounter that the public have with the police, the courts and the law should be treated as a socializing experience that builds or undermines legitimacy. Each contact is a "teachable moment" in which people learn about the law and legal authorities."

The difference between these two perspectives has important implications. In the criminal justice view of legitimacy crime can be kept low if the police and the courts operate fairly and effectively, no matter how the rest of society is organized. In the broader view of legitimacy, more common amongst researchers working in the macro perspective, the legitimacy of the social order matters, and the police and the judiciary only constitute one amongst other agents that produce and request legitimacy.

We find that focusing on one level of analysis inhibits a full understanding of how individuals interact with state institutions, structural characteristics, and (sub-) cultural environments to develop a sense of legitimacy. Multilevel models in particular can highlight the role of institutions - economic, political, family, welfare, education, criminal justice - in maintaining order by embedding individuals in obligations, instilling non-violent moralities, constructing social interactions based on trust and reciprocity, and overall encouraging obedience to authority and a willingness to cooperate as agents of informal social control (LaFree, 1998; Karstedt, 2010; Tyler, 2004).

Integrating macro- and micro-level perspectives can also tell us how the effects of legitimacy differ across and within groups (e.g. ethnicities, neighbourhoods, social classes, police districts, countries). On the one hand, state policies, scandals, and failures should impact the collective perception of the state's ability and moral right to rule. On the other hand, there is evidence to believe that changes in legitimacy only have an effect on individuals that are the most 'socially distant' or 'disengaged' from society (Murphy & Cherney, 2012). If we incorporate both contextual and individual background characteristics, we can sort out the more 'permanent' effects of legitimacy that develop over the life course among certain sub-groups from reactive effects to unfair situations that could occur across various populations.

5. Lack of cross-cultural evidence

Most of the studies reviewed here were conducted either in the United States or the United Kingdom. Even among the macro-level comparative evidence studies tend to focus on European or western, developed societies. This lack of cross-cultural evidence has two related implications for the study of legitimacy and crime: 1) we do not know if the theoretical model of legitimacy is relevant outside the western, democratic state-building tradition and 2) as such, we do not know whether the effects of illegitimacy are the same in totalitarian, underdeveloped, conflict-ridden, or newly democratizing states. Some models, such as Beetham's (1991) "legitimacy-in-context" and Bottoms and Tankebe's (2012) dialogical model, do not make assumptions about the actions, norms, and behaviours involved in the legitimation process, and therefore have some cross-cultural flexibility. Others, such as Buchanan's (2002) democracy model and Tyler's (1990) procedural justice model, argue for necessary and fundamental criteria for legitimation.

Research conducted outside Europe hints at the likelihood of different cross-cultural models of legitimacy. In Ghana, Tankebe (2009) found that utilitarian criteria

were more important in explaining co-operative behaviours than procedural justice. He attributes this association to the division between authority stemming from the traditional and ethnic realms and authority stemming from imported state structures. In postcolonial African societies, moral obligations to obey are grounded in traditional social structures, whereas criminal justice institutions may elicit only instrumental compliance. Whether or not this argument is generalizable to other postcolonial societies has yet to be seen, but Tankebe's point is that the role of the police are not necessarily a "moral authority" across all societies, contexts and eras, and so we cannot assume that legitimacy and procedural justice will lead to more law-abiding behaviours in all contexts.

Conclusion and Outlook

Legitimacy is an exciting new construct for criminology that asks important questions about the link between offending, cooperation, and social order. The idea that individuals behave according to rules not because of the costs of punishment, but due to feelings about the rightfulness of authority has made criminologists rethink traditional models of crime and offending. Also, the notion that levels of crime are influenced by the legitimacy of the police and the criminal justice system has important implications for crime-reduction strategies. This review suggests that legitimacy is a promising concept, and that it is worth investigating further. However, we also believe that progress along several lines is needed to clarify the nature of the link between legitimacy and crime.

1. Operationalisations of legitimacy should be consistent and valid. On the macro-level, there is the question as to whether measures of legitimacy such as voting behaviours and state corruption actually translate into individual beliefs about the fairness of institutions. Likewise, micro-level research comes from a subjectivist perspective on what causes legitimacy, and is unclear about how legitimacy fits in as a property of an institution. Furthermore, on the individual-level we have seen a range of different scales used to represent the concepts of legitimacy, procedural justice, and compliance. A consistent and reliable scale must be used to systematically examine the relationship between legitimacy and compliance. Overall, it is important to think about how we operationalize legitimacy so we can test the power of legitimacy against similar but related concepts such as good governance, legal cynicism, inequality, social welfare, and the balance of power in society.

2. In order to bring legitimacy into mainstream criminology, we believe that legitimacy must be tested against important confounds, theories, and hypotheses. The present review suggests that the effect of legitimacy was significantly attenuated when confounds (e.g. self-control, morality) were included. Other individual and social risk factors should be considered: low empathy, moral neutralization, prior victimization, prior offending, substance abuse, single-parent household, low socio-economic status, ethnicity, parental education, arrest rates in neighbourhood, police presence in neighbourhood.

3. Longitudinal data are essential to testing causal order. Theory suggests that the legitimation process has a feedback loop between the state and citizens, but this has not been empirically examined. The example of trust and homicide in the United States showed that legitimacy might be a reaction to the state's failure to control crime rather than a cause of crime. On the individual-level, we must examine the effects of victimization or perpetration of criminal acts on perceptions of legitimacy and future behaviours, because it is possible that delegitimization occurs as a result of moral neutralization.

4. Researchers must think about how legitimacy operates and interacts between different levels of analysis. Part of this involves linking observed characteristics of the state (e.g. corruption, violence, ineffectiveness) with individual beliefs about the state, but this also means investigating links between legitimacy and other sociological constructs (e.g. poverty, neighbourhood characteristics, immigrant concentration). Some have proposed ways in which macro- and micro-level legitimacy are linked: for instance, Nivette and Eisner (2013) propose that when citizens perceive that the state does not protect them, they begin to distrust the police to solve their problems, and consequently turn to (sometimes violent) self-help.

References

Anderson, E. (1999). Code of the Street: Decency, Violence, and the Moral Life of the Inner City. New York: W.W. Norton & Company.

Bandura, A. (1990). Mechanisms of Moral Disengagement. In W. Reich (Ed.), Origins of Terrorism: Psychologies, Ideologies, Theologies, States of Mind. Cambridge: Cambridge University Press.

Barriga, A. Q., & Gibbs, J. C. (1996). Measuring cognitive distortion in antisocial youth: Development and preliminary validation of the "how I think" questionnaire. Aggressive Behavior, 22(5), 333-343.

Beccaria, C. (1764). Dei delitti e delle penne.

Beetham, D. (1991). The Legitimation of Power. Atlantic Highlands: Humanities Press International.

Bentham, J. (2007 [1781]). An Introduction to the Principles of Morals and Legislation. Oxford: Clarendon Press.

Black, D. (1983). Crime as Social Control. American Sociological Review, 48(1), 34-45.

Bottoms, A., & Tankebe, J. (2012). Beyond procedural justice: A dialogic approach to legitimacy in criminal justice. The Journal of Criminal Law & Criminologyy, 102(1), 119-170.

Buchanan, A. (2002). Political legitimacy and democracy. Ethics, 112(4), 689-719.

Chamlin, M. B., & Cochran, J. K. (2006). Economic Inequality, Legitimacy, and Cross-National Homicide Rates. Homicide Studies, 10(4), 231-252.

Eisner, M. (2009). The uses of violence: An examination of some cross-cutting issues. International Journal of Conflict and Violence, 3(1), 40-59.

Eisner, M. (2001). Modernization, Self-Control and Lethal Violence – The Long-Term Dynamics of European Homicide Rates in Theoretical Perspective. British Journal of Criminology, 41(4), 618-648.

Fagan, J., & Piquero, A. R. (2007). Rational Choice and Developmental Influences on Recidivism Among Adolescent Felony Offenders. Journal of Empirical Legal Studies, 4(4), 715-748.

Fagan, J., & Tyler, T. (2005). Legal Socialization of Children and Adolescents. Social Justice Research, 18(3), 217-241.

Gilley, B. (2009). The Right to Rule; How States Win and Lose Legitimacy. New York: Columbia University Press.

Hobbes, T. (1968 [1660]). The Leviathan. Harmondsworth: Penguin.

Jackson, J., Bradford, B., Hough, M., Myhill, A., Quinton, P., & Tyler, T. R. (2012). Why do People Comply with the Law? Legitimacy and the Influence of Legal Institutions. British Journal of Criminology, 52(6), 1051-1071.

Kaina, V. (2008). Legitimacy, trust and procedural fairness: Remarks on Marcia Grimes' study. European Journal of Political Research, 47(4), 510-521.

Kane, R. J. (2005). Compromised police legitimacy as a predictor of violent crime in structurally disadvantaged communities. Criminology, 43(2), 469-498.

Karstedt, S. (2010). New institutionalism in criminology: Approaches, theories and themes. In E. McLaughlin & T. Newburn (Eds.), The Sage Handbook of Criminological Theory (pp. 337-359). London: Sage.

Kirk, D.S., & Matsuda, M. (2011). Legal cynicism, collective efficacy, and the ecology of arrest. Criminology, 49(2), 443-472.

Kirk, D. S., & Papachristos, A. V. (2011). Cultural Mechanisms and the Persistence of Neighborhood Violence. American Journal of Sociology, 116(4), 1190-1233.

Kubrin, C. E., & Weitzer, R. (2003). Retaliatory homicide: Concentrated disadvantage and neighborhood culture. Social Problems, 50(2), 157-180.

LaFree, G. D. (1998). Loosing Legitimacy; street crime and the decline of social institutions in America. Boulder: Westview.

Locke, J. (1988 [1689]). *Two Treatises of Government*, P. Laslett (ed.), Cambridge: .Cambridge University Press.

Loeber, R., & Farrington, D. P. (2001). Young children who commit crime: Epidemiology, developmental origins, risk factors, early interventions, and policy implications. Development and Psychopathology, 12(04), 737-762.

Loeber, R., & Farrington, D. P. (Eds.). (1998). Serious and Violent Offenders; Risk Factors and Successful Interventions. Thousand Oaks: Sage.

Lösel, F., & Farrington, D. P. (2012). Direct Protective and Buffering Protective Factors in the Development of Youth Violence. American journal of preventive medicine, 43(2), S8-S23.

Maruna, S., & Copes, H. (2005). Excuses, Excuses: What have we learned from five decades of neutralization research. Crime and Justice, 32, 221-320.

Murphy, K. (2005). Regulating More Effectively: The Relationship between Procedural Justice, Legitimacy, and Tax Non-compliance. Journal of Law and Society, 32(4), 562-589.

Murphy, K. & Cherney, A. (2012). Understanding cooperation with the police in a diverse society. British Journal of Criminology, 52(1), 181-201.

Murphy, K. & Tyler, T.R. (2008). Procedural justice and compliance behaviour: the mediating role of emotions. European Journal of Social Psychology, 38(4), 652-668.

Murray, J., Farrington, D. P., & Eisner, M. (2009). Drawing conclusions about causes from systematic reviews of risk factors: The Cambridge Quality Checklist. Journal of Experimental Criminology, 5(1), 1-23.

Nivette, A.E. (2012). Spatial patterns of homicide and political legitimacy in Europe. International Journal of Comparative and Applied Criminal Justice, 36(3), 155-171.

Nivette, A. E. (2011). Cross-national predictors of homicide: A meta-analysis. Homicide Studies, 15(2), 103-131.

Nivette, A. E., & Eisner, M. (2013). Do legitimate polities have fewer homicides? A cross-national analysis. Homicide Studies, 17(1), 3-26.

Papachristos, A.V., Meares, T.L., & Fagan, J. (2012). Why do criminals obey the law? The influence of legitimacy and social networks on active gun offenders. Journal of Criminal Law & Criminology, 102(2), 397-440.

Piquero, A., Fagan, J., Mulvey, E. P., Steinberg, L., & Odgers, C. (2005). Developmental Trajectories of Legal Scoialization among Serious adolescent offenders. Journal of Criminal Law and Criminology, 96(1), 267-298.

Reisig, M. D., Wolfe, S. E., & Holtfreter, K. (2011). Legal Cynicism, Legitimacy, and Criminal Offending: The Nonconfounding Effect of Low Self-Control. Criminal Justice and Behavior, 38(12), 1265-1279.

Ribeaud, D., & Eisner, M. (2010). Are Moral Disengagement, Neutralization Techniques, and Self-Serving Cognitive Distortions the Same? Developing a Unified Scale of Moral Neutralization of Aggression. International Journal of Conflict and Violence, 4(2), 298-315.

Roth, R. (2009). American homicide. Cambridge, MA: Belknap Press.

Roth, R. (2012). Measuring Feelings and Beliefs that May Facilitate (or Deter) Homicide. Homicide Studies, 16(2), 197-216.

Rubinstein, N. (1958). Political Ideas in Sienese Art: The Frescoes by Ambrogio Lorenzetti and Taddeo di Bartolo in the Palazzo Pubblico. Journal of the Warburg and Courtauld Institutes, 21(3/4), 179-207.

Sampson, R.J. & Bartusch, D.J. (1998). Legal cynicism and (subcultural?) tolerance of deviance: The neighborhood context of racial differences. Law& Society Review, 32(4), 777-804.

Sunshine, J., & Tyler, T. R. (2003). The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing. Law & Society Review, 37(3), 513-548.

Sykes, G., & Matza, D. (1957). Techniques of Neutralization: A theory of delinquency. American Journal of Sociology, 22, 664–670.

Tankebe, J. (2013). Viewing things differently: The dimensions of public perceptions of police legitimacy. Criminology, 51(1), 103-135.

Tankebe, J. (2009). Public cooperation with the police in Ghana: Does procedural justice matter? Criminology, 47(4), 1265-1293.

Trinkner, R., Cohn, E.S., Rebellon, C.J., & Van Gundy, K. (2012). Don't trust anyone over 30: Parental legitimacy as a mediator between parenting style and changes in delinquent behavior over time. Journal of Adolescence, 35(1), 119-132.

Tyler, T.R. (2011). Trust and legitimacy: Policing in the USA and Europe. European Journal of Criminology, 8(4), 254-266.

Tyler, T.R. (2009). Legitimacy and criminal justice: The benefits of self-regulation. Ohio State Journal of Criminal Law, 7(1), 307-359.

Tyler, T. R. (2006). Psychological perspectives on legitimacy and legitimation. Annual Review of Psychology, 57, 375-400.

Tyler, T.R. (2004). Enhancing police legitimacy. The Annals of the American Academy of Political and Social Science, 593, 84-99.

Tyler, T.R. (2003). Procedural Justice, Legitimacy, and the Effective Rule of Law. Crime and Justice, 30, 283-357.

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

Tyler, T. R., & Blader, S. L. (2005). Can Businesses Effectively Regulate Employee Conduct? The Antecedents of Rule following in Work Settings. The Academy of Management Journal, 48(6), 1143-1158.

Tyler, T. R., Sherman, L., Strang, H., Barnes, G. C., & Woods, D. (2007). Reintegrative Shaming, Procedural Justice, and Recidivism: The Engagement of Offenders' Psychological Mechanisms in the Canberra RISE Drinking-and-Driving Experiment. Law & Society Review, 41(3), 553-586.

Weber, M. (1978). Economy and Society. Berkelely: University of California Press.