

# EUROPEAN POLICY BRIEF

## POLICY BRIEF ON LEVELS OF TRUST AND LEGITIMACY ACROSS EUROPE

Ongoing project

March 2014

### INTRODUCTION

#### Setting the scene

The central idea behind the FIDUCIA project is that public trust and institutional legitimacy are important for social regulation. If people believe that laws are legitimate and if they trust the courts and the police, then they are more willing to obey the law and cooperate with the justice system.

This idea sounds nice in theory, but is it backed by evidence? And does it apply in countries across Europe? Analysing data from 27 countries, FIDUCIA research shows that this is indeed the case. Legitimacy and trust are the strongest predictors of willingness to obey the law and to cooperate with authorities. Trust and legitimacy are fundamentally value-laden concepts. Our analysis shows that people trust institutions not because they judge them to be competent, but because they believe the institutions share their basic values and operate in a fair way.

This analysis suggests that a precondition for an effective justice system is that it should treat citizens fairly and respectfully. And if procedural fairness is a critical ingredient of effective justice, then we need reliable social indicators to measure trust and to monitor public beliefs in the legitimacy of the institutions of justice.

## KEY OBSERVATIONS

### Social indicators on trust and legitimacy

Economic indicators are widely used to trace economic development and predict future economic performance. While the quality of social, cultural and educational provision in a nation depends critically on its economic health, economic indicators do not tell us *everything* about a country's overall social condition. Combining national information with transnational objectives, *social* indicators provide measurements of human well-being and societal functioning, allowing us to monitor the broader system, identify change, and guide efforts to improve policy and conditions in different policy areas.

The 5<sup>th</sup> wave of the European Social Survey (ESS) included a series of questions about trust in justice. These questions were designed by members of the FIDUCIA team to measure public trust in the justice system and to shed light on the underlying relationships between trust, legitimacy and compliance. The ESS dataset has proved invaluable in extending our knowledge about trust and legitimacy and in supporting trust-based policy making.

### Levels of trust and legitimacy across Europe

Public perceptions about police and court effectiveness, fairness and legitimacy vary across Europe. In the following we present the concepts behind the indicators and some key findings. The main concepts that we wanted to explore were each measured by a series of questions which were combined into scales.

**Police effectiveness.** Trust in effectiveness was measured by a battery of questions including one that asked how quickly the police would respond if called to a burglary or violent crime. This question showed limited variation across countries, though Switzerland had the highest scores, on average, and Ukraine the lowest. The simplest explanation for the limited cross-country variation is that people become accustomed to the performance standards set by their own police.

**Court effectiveness.** We see a little more country-level variation in levels of trust in court effectiveness. For example, respondents were asked how often they thought the courts in their country made mistakes that let guilty people go free. Lowest levels of trust were found in France, Spain and Greece and in four post-communist countries (Bulgaria, Slovenia, Ukraine and Slovakia). Highest levels of trust were found in Denmark, Germany, Switzerland, Ireland and Hungary.

**Police procedural fairness.** We asked several questions to measure trust in procedural fairness, and responses varied more widely. Almost two thirds of citizens in Russia, Ukraine and Bulgaria thought that the police treated people with respect 'not very often' or 'not at all often'. The equivalent figure in Nordic countries was 11%.

**Procedural fairness in the courts.** Questions here focussed on the fairness and impartiality of court decisions. We found patterns similar to 'Trust in court effectiveness', albeit with slightly less variation.

**Police distributive fairness.** Questions here focussed on equality of treatment, for example between rich and poor, or majority and minority ethnic groups. The countries least trusting of the police in this regard were Ukraine, Greece, Russian Federation, Slovakia and Israel. By contrast, the Netherlands, Denmark, Finland and Estonia score well. Variation here appears less closely correlated with country type, although, in general, perceptions of distributive fairness are less favourable in the southern European and post-communist states and more favourable in Northern European countries. .

**Court distributive fairness.** As with the equivalent police questions, the focus here was on the equality of treatment between different groups. Highest levels of trust were found in the UK and Ireland, Netherlands, Germany Denmark, Estonia and Croatia. Lowest levels of trust were found in Greece, Portugal, Israel and Spain.

### Explaining trust and legitimacy and cooperation

**Legitimacy of the police.** The first dimension of legitimacy is consent to police authority, or a 'felt obligation to obey'. Consent can be contrasted to compliance that results from coercion; where coercive force is used, authority itself has failed. Questions asking about perceived 'duty' to obey the police seem to capture this positive sense of obligation. Scores are highest in Denmark, Finland, Norway, Israel, Hungary, Sweden and Cyprus, and lowest in the Russian Federation, Ukraine and Slovenia.

**Moral alignment.** The second dimension of police legitimacy is moral alignment. For the policed to regard power-holders as having legitimate authority, they must to a certain extent believe that their power is normatively justified. Moral alignment can be seen as a constitutive element of legitimacy because it embodies a sense of normative justifiability of power and authority in the eyes of the citizens. Institutions (specifically, actors working for institutions) are seen to act in ways that accord with – or are aligned with – public views about what is right or wrong. Moral alignment is highest in Denmark, France, Sweden and Norway, and lowest in Estonia, Cyprus, Poland and Russian Federation. The pattern here is broadly similar to that in relation to felt obligation, and citizens of northern and western European countries generally felt more morally aligned with their police, while scores on this measure were generally lower in the post-communist countries.

**Legality of police actions.** The final sub-component of police legitimacy is the perceived legality of their actions. For the police to have the right to rule, they must not abuse their entrusted power; they must act according to the rule of law. One question aimed at measuring this component, asked how often people think the police take bribes. We see that police bribe-taking is seen to be lowest in Denmark, Finland, Norway and Sweden, and highest in the Ukraine, the Russian Federation, Bulgaria and Slovakia. There is again significant variation by country. Perceptions of police corruption were most favourable in the social democratic Scandinavian states and least favourable in the Southern European and post-communist countries.

**Court corruption.** As with the police, we see that

judicial bribe-taking is seen to be lowest in Denmark, Finland, Norway and Sweden, and highest in the Ukraine, Croatia, and Poland. As with the police, perceptions of court corruption were most favourable in the social democratic Scandinavian states and least favourable in the Southern European and post-communist countries.

An important finding is that although there are differences in trust levels across countries, the same mechanisms seem to be at work at the individual level in different parts of Europe. That is, people in the new democracies of Eastern and Central Europe and in the old democracies of the West use similar evaluative criteria when developing trusting attitudes towards the authorities. These criteria are to a great extent linked to moral evaluations of police and court performance. Trust and legitimacy depend to a great extent on the perceived moral alignment of the authorities and the perceived fairness of their operations.

Our findings largely support the hypotheses of procedural justice theory, which predicts that when the police are seen to make fair decisions and interact fairly and respectfully with individuals, subordinates recognize the legitimacy of an institution. That means, they believe that the institution has the right to prescribe and enforce appropriate behaviour. They believe that they have a corresponding duty to bring their behaviour in line with what is expected. Equally, when officers wield their power in fair and just ways, this seems to imbue them with a sense of appropriate moral purpose and values in the eyes of citizens, generating and sustaining the moral validity of their power and authority.

That is, trust and legitimacy strengthen the willingness to obey the law and to cooperate with the authorities.

The model applied in FIDUCIA research included measures of trust in police competence and effectiveness, and indices of fear of crime. These factors appeared to have *some* influence on people's preparedness to obey and to cooperate. However, fairness, moral alignment and normative legitimacy

proved to be more important predictors of the willingness to cooperate with the police.

FIDUCIA research confirmed previous results on the role of personal experiences with authorities in creating or destroying trust. Personal encounters with officers have a strong effect on how people rate police fairness. Negative experiences are more important, that is, they depress perceptions of police fairness much more than positive experiences improve perceptions. However, positive experiences do have a role in creating trusting attitudes.

## POLICY IMPLICATIONS AND RECOMMENDATIONS

### **Encouraging the use of indicators of trust and legitimacy in assessing justice policy**

An emphasis on public trust and institutional legitimacy can be contrasted with more short-term and ‘populist’ policies, which exploit public feelings for political gain at the expense of ensuring that the justice system commands legitimacy and that citizens feel safe and secure. Social indicators of trust in justice and institutional legitimacy are vital for better formulation of the problems facing criminal justice agencies, as well as more effective monitoring of changes in public attitudes in response to policy innovation.

FIDUCIA research tested the usefulness of trust and legitimacy indicators in the ESS 5<sup>th</sup> round module on trust in justice. While other indicators reflecting specific local concerns may also be developed and added to them, this set of indicators seems to be useful tools to measure and assess trust in justice.

#### Recommendation:

**Different indicators of trust, perceived effectiveness and fairness can help better understanding the specific problems of justice systems in different contexts. European Member States and the EU should make use of the available trust indicators to assess the legitimacy of the justice system. Indicators of trust in, perceived effectiveness and fairness of, justice should be made part of Eurobarometer surveys and data channelled to European decision makers.**

### **Trust and legitimacy: relevant concepts all over Europe**

Levels of trust and legitimacy are different in different countries. Patterns of underlying causes are also different. Therefore one should be cautious when comparing measures of trust and legitimacy across countries. However, the dynamics of trust and legitimacy seem very similar all over Europe. Trust in the justice system appears to be an important precondition for conferring legitimacy on the institutions of justice and securing compliance with the law and cooperation with the authorities.

#### Recommendation:

**European Member States and the European Union need to pay closer attention to issues of trust and legitimacy if they are to achieve balanced and effective crime policies.**

### **Procedural fairness as a key source of trust and legitimacy**

FIDUCIA research indicates that, in most of the 27 countries, people's willingness to cooperate with the police is more strongly correlated with people's perceptions of procedural justice and legitimacy than fear of crime and people's perceptions of the effectiveness of the police in deterring crime. Addressing people's willingness to cooperate with the police and criminal courts, our findings support the idea that procedural justice theory is portable across diverse social, political and legal contexts. It is difficult to assess how people form their evaluative attitudes concerning justice, but personal experience do certainly play a role in it.

FIDUCIA research suggests that police fairness and the effectiveness of policing are not in inevitable tension, as argued by opponents of rights-based approaches to policing and exponents of 'law and order': these 'rights sceptics' tend to argue that more fairness, at least implicitly, means less effectiveness. By contrast, procedural justice theory offers the possibility of moving from a zero-sum to a positive-sum context. Put simply, policing that builds trust and legitimacy will in the long run be more effective. Legitimate policing encourages normative compliance with the law and garners public support in dealing with those crimes that do occur.

#### Recommendations:

European Member States need to implement policies that improve the fairness of the procedures used by justice authorities. While the meaning of fairness may slightly vary according to different social, cultural and political contexts, it certainly embodies the legality of actions, the fairness of treatment and the fairness of decisions.

Personal contacts with justice institutions play a key role in influencing trusting attitudes. The *quality* of relations between police and public may be as important as, or more important than, police *competence*. Therefore policies should be designed to improve the fairness of procedures in situations involving personal contact, and to train officers, judges and the personnel of justice institutions to apply principles of procedural justice in all aspects of their work.

## RESEARCH PARAMETERS

### Objectives of the research

The objective of this research was to describe the levels of trust in, and legitimacy of, justice and to investigate the constituent elements of trust. The research also aimed at comparing different explanations of trust across countries.

### Methodology

The research used statistical analysis of publicly available data of the European Social Survey (5<sup>th</sup> round).



## PROJECT IDENTITY

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