

[Jonathan Jackson](#), [Jouni Kuha](#), Mike Hough, Ben Bradford, Katrin Hohl and Monica Gerber

Trust and legitimacy across Europe: a FIDUCIA report on comparative public attitudes towards legal authority

Project report

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FP7 RESEARCH PROJECT
FOR NEW EUROPEAN CRIMES
AND TRUST-BASED POLICY



**Trust and legitimacy across Europe:
A FIDUCIA report on comparative public attitudes towards legal authority**

Jonathan Jackson¹, Department of Methodology and Mannheim Centre for Criminology, LSE

Jouni Kuha, Departments of Methodology and Statistics, LSE

Mike Hough, Institute of Criminal Policy Research, Birkbeck, University of London

Ben Bradford, Centre for Criminology, University of Oxford

Katrin Hohl, Department of Sociology, City University, London

Monica Gerber, Department of Methodology, LSE

Abstract

FIDUCIA (New European Crimes and Trust-based Policy) seeks to shed light on a number of distinctively 'new European' criminal behaviours which have emerged in the last decade as a consequence of both technology developments and the increased mobility of populations across Europe. A key objective of FIDUCIA is to propose and proof a 'trust-based' policy model in relation to emerging forms of criminality – to explore the idea that public trust and institutional legitimacy are important for the social regulation of the trafficking of human beings, the trafficking of goods, the criminalisation of migration and ethnic minorities, and cybercrimes. In this paper we detail levels of trust and legitimacy in the 26 countries, drawing on data from Round 5 of the European Social Survey. We conduct a sensitivity analysis that investigates the effect of a lack of measurement equivalence on national estimates.

Key words: Public confidence; trust; legitimacy; compliance

¹ Dr Jonathan Jackson, Department of Methodology, LSE, Houghton Street, London WC2A 2AE, United Kingdom, Tel: 0044 207 955 7652, Email: j.p.jackson@lse.ac.uk

FIDUCIA

NEW EUROPEAN CRIMES AND TRUST-BASED POLICY

FIDUCIA (New European Crimes and Trust-based Policy) seeks to shed light on a number of distinctively ‘new European’ criminal behaviours which have emerged in the last decade as a consequence of both technology developments and the increased mobility of populations across Europe. A key objective of FIDUCIA is to propose and proof a ‘trust-based’ policy model in relation to emerging forms of criminality – to explore the idea that public trust and institutional legitimacy are important for the social regulation of the trafficking of human beings, the trafficking of goods, the criminalisation of migration and ethnic minorities, and cybercrimes.

Work Package 11 draws on European Social Survey (ESS) Round 5 data to assess the importance of trust and legitimacy in the context of ‘everyday crimes’ such as buying stolen goods. This overarching goal breaks down into three tasks. The first is descriptive – to document levels of trust and legitimacy across 27 countries (most of which are in the European Union). The second task is analytical – to explain individual and national variation in trust and legitimacy. The third task, also analytical, tests models of instrumental and normative compliance (Tyler, 2006a, 2006b, 2011a 2011b; Hough *et al.*, 2013a, 2013b; Bradford *et al.*, 2013a, 2013b). These tasks are contained in WP11.1, 11.2 and 11.3 respectively.

Deliverable 11.1, which summarises the work produced under WP11.1, is organised into five sections:

1. The introduction sets out the policy context of the work;
2. A conceptual roadmap elaborates the meaning of trust and legitimacy in the context of comparative public attitudes towards legal authority;
3. The first empirical section details levels of trust and legitimacy in the 26 countries using a single indicator for each construct (i.e. answers to one survey question for each dimension of trust and legitimacy);
4. The second empirical section presents levels of trust and legitimacy in the 26 countries using scales for certain relevant constructs. This involves conducting a sensitivity analysis that investigates the effect of a lack of measurement equivalence on national estimates; and,
5. The final section summarises the deliverable and provides a roadmap for the other deliverables in Work Package 11.



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1. INTRODUCTION

Concepts of trust and legitimacy speak to a number of important moral and practical connections between citizens and social systems. Individuals in a democratic society have the right and expectation to live under a system that operates within the rule of law, that acts effectively and fairly within commonly accepted norms, that demonstrates to itself and to citizens its rightful possession of power.

Trust and institutional legitimacy also help to sustain social and political institutions and arrangements. For institutions to flourish, they need to demonstrate to citizens that they are trustworthy and that they possess the authority to govern. In turn, legitimacy encourages public compliance with the law and cooperation with legal authorities, facilitating the function of justice institutions (Tyler, 2006a, 2006b, 2011a; Tyler & Jackson, 2013).

In this deliverable we outline the conceptual and methodological roadmap for a comparative analysis of trust in justice and the legitimacy of legal authorities. Do Europeans believe that their police and criminal courts are trustworthy? Do Europeans believe that the police and criminal courts hold legitimate power and influence? The indicators we present were developed by European Commission Seventh Framework Programme funded EURO-JUSTIS project (www.eurojustis.eu) and subsequently fielded in Round 5 of the European Social Survey (ESS). In this document we first present the theory and describe the methodological development process of the 45-item ESS module, which provides data on public perceptions of the police and courts in 26 countries.

We then document levels of trust and legitimacy across Europe (and beyond). Some of the concepts were measured using a single indicator (given pressure of space in the ESS module), while other concepts were measured using multiple indicators (see also European Social Survey, 2012; Hough *et al.*, 2013a, 2013b, 2013c). In the context of cross-national research, however, multiple indicators present an interesting challenge: namely, does the scale operate in comparable ways across different contexts?

In WP11.1 we present findings from single indicators, documenting country variation in trust and legitimacy. We also present an innovative new way of assessing and utilising the scales, involving sensitivity analysis of a particular sort. We estimate latent means/proportions under the assumption of measurement equivalence; we free up each individual indicator in the scale and estimate latent means/proportions; and we present these graphically to assess the extent to which estimates 'move around', i.e. whether national estimates shift when one allows the scales to operate differently in different contexts. The next step in this new and innovative methodological approach is to do some sort of model averaging, where a weighted mean/summary is taken from the various estimates, giving the measurement models with greater fit more weight (this analysis is underway and is not presented in this document).

WP11.1 presents social indicators of public trust and institutional legitimacy. Economic indicators are widely used to trace economic development and predict future economic performance, and while the social, cultural or educational provision in a nation depends critically on its economic condition, 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 areas such as health (e.g. life expectancy rates), crime (e.g. recorded crime figures) and education (e.g. school enrolment

rates). When taking the measure of a nation it is particularly important to assess how citizens view the way in which their societies operate. As Jowell & Eva (2009: 318) ask: 'Do they, for instance see their societies as generally fair or unfair? Do their country's institutions inspire trust or suspicion? Is their system of criminal justice seen to be even-handed or biased? Do their neighbourhoods feel safe or dangerous?'

What constitutes human well-being is, of course, a normative and political question. But once some level of consensus is reached, social indicators can help policy-makers understand the shifting circumstances of life in different countries. Social indicators of trust and legitimacy are based on the idea that European Member States need to pay closer attention to these issues if they are to achieve balanced and effective crime policies (Schulhofer *et al.*, 2011; Hough, 2013).

Social indicators of trust in justice (and 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 (Jackson *et al.*, 2011). 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 (Tyler, 2006a, 2006b).

2. CONCEPTUAL ROADMAP

Section 2 outlines what we mean by trust in justice and the legitimacy of legal authorities. A useful distinction can be made between legitimacy and trust. Legitimacy is a belief in the moral right of legal authorities to possess and exercise power and influence, while trust is a belief in how individual actors working for the institution perform their roles (Jackson & Bradford, 2010; Tyler & Jackson, 2013). In the words of Hawdon (2008: 186): “The role is legitimate; the individual is trusted.”

Measures of trust should focus on the intentions and capabilities of specific actors, e.g. whether the individuals or organizations can be trusted to fulfil specific institutional functions, like being effective, fair, dependable and have appropriate priorities. By contrast, measures of legitimacy should focus on judgements of the right to power, to prescribe behaviour, and enforce laws that emanate from the role and institution. They should address the authority that the institution and role confers onto individual police officers and, conversely, the specific moral validity that actions of individuals confer back to the institution and role.²

Trust in justice

To trust in the police and the criminal courts is to assume that criminal justice agencies and agents are *willing* and *able* to do what they are tasked to do (Jackson *et al.*, 2012a, 2012b). Spanning both intentions and abilities, trust is the belief that individuals working for criminal justice institutions have appropriate shared motivations and are able to fulfil their roles competently (cf. Hardin, 2002).

It is important to consider the roles that justice systems perform. On the one hand, criminal justice agencies are public services. Citizens look to them to respond to emergencies, to prevent crimes, to deal with criminals, to punish law-breakers, and so forth. Accordingly, trust in the effectiveness of an institution is focused on outcomes (rather than the efficiency of an institution, although an inefficient police force and inefficient court systems might be bad at providing services). To believe that the police are effective is to believe, for example, that one can rely upon police officers to be ‘out there’ performing their functions. It is also to believe that one can rely on police officers if one in the future were to need the police (to respond to an emergency, for instance).

On the other hand, criminal justice agencies are state-sponsored agents of violence and intrusion. To trust justice institutions thus implies that we believe that they use – and will use – their power wisely and fairly. We look to police officers not only to apprehend those who disobey the law, for example, but also to be impartial, fair and restrained in their use of authority. Trust in distributive justice refers to fairness of the ‘goods’ that the police and criminal courts distribute. Are the outcomes of justice distributed equally across society? Trust in the procedural fairness of an institution turns the focus onto the ways in which institutions wield their authority (Tyler, 2006a, 2006b). Do the police and criminal courts treat people with dignity and respect? Do they make fair, transparent and accountable decisions?

² The distinction between the role and the individual occupying the role should not be drawn too sharply, for the simple reason that people can only have encounters with police officers inhabiting their role – they cannot encounter the role without an individual embodying that role (representing the police as an institution). Public assessments of individual officers will flow into perceptions of the institution and the role. People will infer the moral basis of police power by the actions and values that are expressed by individual officers; the legitimacy of the role will thus be weakened by the actions of individuals who inhabit the role. Conversely, the authority emanating from the institution gives an individual officer the authority to prescribe authority and enforce laws.

When we trust a police officer we make a set of assumptions about the way he or she will behave in the future and how he or she currently behaves (Stoutland, 2001). The same is true for our sense of trust in police organizations: how do we think they behave now, and how do we think they will behave in the future? These assumptions are typically based on assessments of competence, predictability and motives (Luhmann 1979; Hardin 2006). Trust refers to people's assumptions and beliefs about both intentions (e.g. do police officers *want to be* effective and fair?) and competence (e.g. are police officers *able to be* effective and fair?). Trust is about expectations about the future behaviour of actors (e.g. can I rely on the police to be effective and fair in the future) and expectations about current and ongoing behaviour of the same actors. Given that citizens have incomplete information (about whether the police are effectively tackling drug dealing and drug use, whether the police would treat them with citizen if they came into contact with an officer, and whether people often receive fair outcomes from the police), judgements of trustworthiness are a leap of faith. Risk is inherent in these assessments of trustworthiness; people cannot be sure that police officers are always effective and fair – they need to trust that police officers are. Trust is partly a leap of faith (Mollering 2006) (that police officers, for example, are effective and fair) and partly an assessment of current performance (are police officers, for example, effective and fair).

Legitimacy of legal authorities

For Weber the legitimacy of institutions is indicated by approval or sincere recognition of a norm, law or social arrangement by citizens within a system. On this account the legal system is legitimate when people see the system and its representatives as having the right to exist, to set appropriate standards of conduct, and to enforce these standards (Tyler & Huo, 2002). Here, legitimacy is partly a psychological state of consent, with authorisation involving a belief that the law and justice officials are to be complied and cooperated with, not due to threats of sanction in the event of non-compliance, but because compliance and cooperation is the correct standard to maintain (Tyler, 2006a, 2006b).

But legitimacy is also a psychological state of normative justifiability of the possession of power (Jackson *et al.*, 2011, 2012a, 2012b). Legitimacy is constituted in part by public assessments of the moral validity of institutional authority, based on judgements of the moral values expressed by actors and institutional practice. In the ESS R5 module (Jackson *et al.*, 2011; European Social Survey 2011, 2012; Hough *et al.*, 2013a, 2013b, 2013c) we have conceptualised empirical legitimacy as having three sub-components – obligation to obey, legality and moral alignment – and we have constructed scales to measure each of these three components. This definition partly follows David Beetham (1991) in arguing that an authority has legitimacy when three preconditions are met:

1. The 'governed' offer their willing consent to defer to the authority; and that,
2. this consent is grounded
 - a) on the authority's conformity to standards of legality (acting according to the law) and
 - b) on a degree of 'moral alignment' between power-holder and the governed, reflected in shared moral values.

According to this definition, legitimacy is not simply signified by a positive duty to obey authority and a perception of that authority's entitlement to command. The second and third pre-conditions of empirical legitimacy – legality and moral alignment – ensure that the obligation to obey is built on a combination of perceived lawfulness and moral validity of institutions of justice (for discussion of the meaning of legitimacy see Jackson *et al.*, 2011; Bradford *et al.*, 2013a, 2013b; Bottoms & Tankebe, 2012; Tankebe, 2013; Tyler & Jackson, 2013).

Legitimacy is here defined as an additive function of all three components. To say that the police are legitimate, for example, is to show that people within a given population feel a positive duty to obey the instructions of police officers, feel aligned with the moral values of the police as an institution (believe that the police have an appropriate sense of right and wrong), and believe that police officers act according to the rule of law. While some variation in individual – and indeed aggregate – ‘scores’ on these variables is to be expected, significant shortfalls in any one set of opinions or propensities might lead us to infer that the institution involved suffers from some sort of legitimacy deficit.

3. PUBLIC TRUST AND INSTITUTIONAL LEGITIMACY: A FOCUS ON SINGLE INDICATORS

We next draw upon ESS R5 data to address national levels of public trust and perceived legitimacy of the police and criminal courts, using single measures of each core concept, i.e. we use answers to just one question fielded in the ESS to indicate national levels. The key constructs that we set out to measure in the module are set out in Box 1. In presenting selected results, we group countries into types, drawing on classifications used by Cavadino and Dignan (2006, 2013) and Seppi-Lappala (2011): Neo-liberal; Conservative corporatist; Social democratic corporatist; Southern European; Post communist; and Others (Israel).

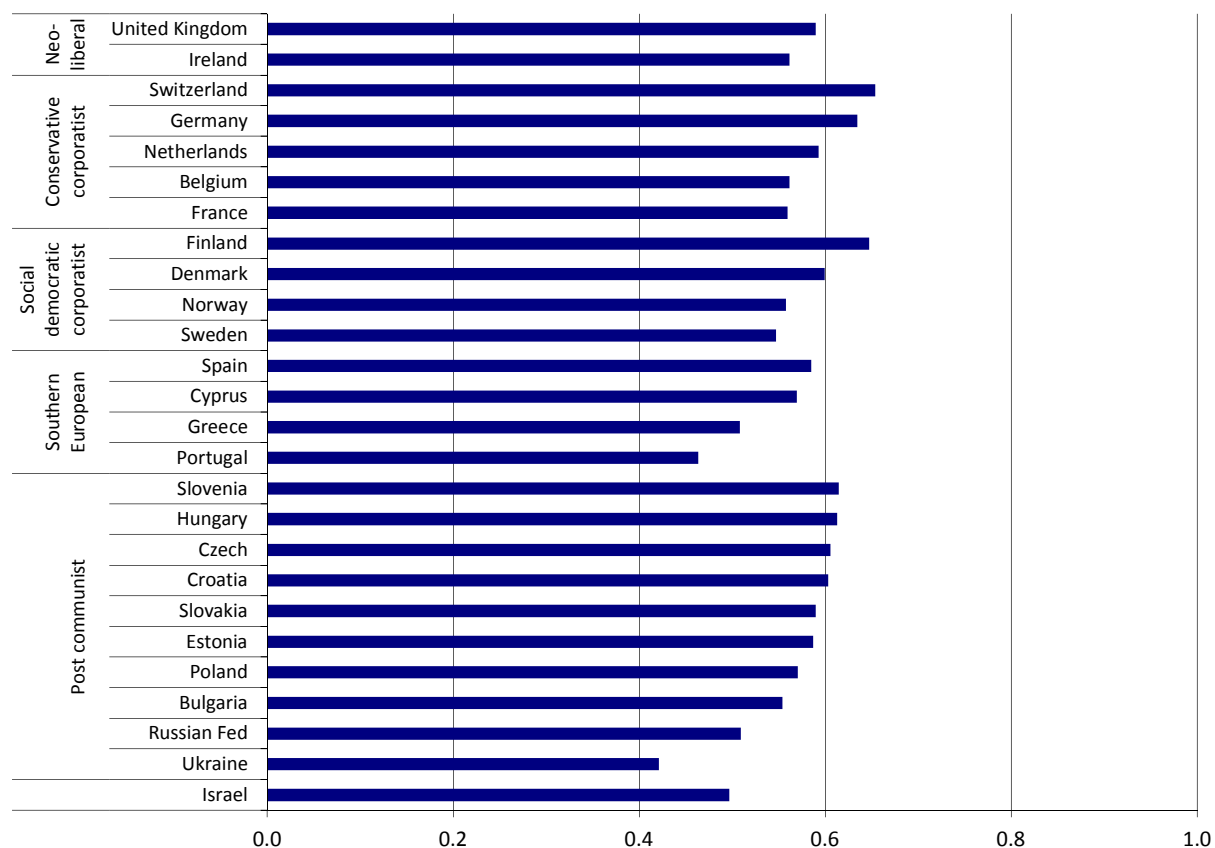
Box 1 Some of the key concepts measured in the Trust in Justice module of ESS Round 5

- a. Trust in justice institutions
 - i. Trust in police effectiveness
 - ii. Trust in police procedural fairness
 - iii. Trust in police distributive fairness
 - iv. Trust in court effectiveness
 - v. Trust in court procedural fairness
 - vi. Trust in court distributive fairness
- b. Perceived legitimacy
 - i. Consent to police authority (a sense of obligation to obey the police)
 - ii. Consent to court authority (a sense of obligation to defer to the authority of the courts)
 - iii. Moral alignment with the police (endorsement of the moral right to power)
 - iv. Moral alignment with the courts (endorsement of the moral right to power)
 - v. The perceived legality of the police (operating under the rule of law)
 - vi. The perceived legality of court officials (operating under the rule of law)
- c. Willingness to cooperate with the police and courts
 - i. Preparedness to report crimes to the police
 - ii. Preparedness to identify suspect to the police
 - iii. Preparedness to act as a juror in court
- d. Compliance with the law: self-report measures of law-breaking over the past 5 years

Variations in trust and legitimacy across country

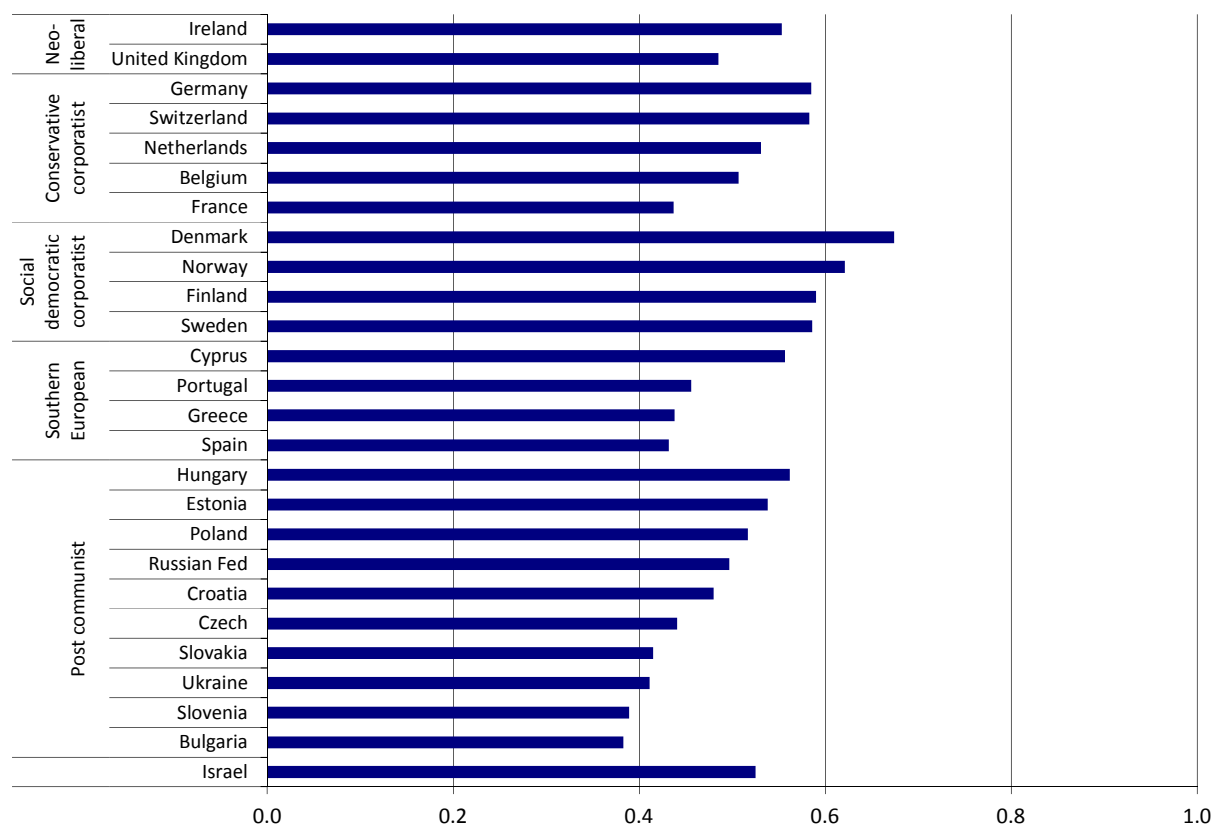
Figure 1 shows (weighted) data using one of three items used to measure trust in police effectiveness. The question asked respondents how quickly the police would arrive if a violent crime occurred near their home, using an 11-point scale (we convert it to 0-1 in Figure 1). We see limited variation across the 26 countries, with most ranging from 0.65 (Switzerland, with the highest mean) and 0.42 (Ukraine, with the lowest mean). Despite stereotypes of Scandinavian or northern European efficiency and southern or eastern European tardiness, it seems that Europeans have broadly equivalent beliefs and expectations about the ability of the police to turn up promptly when needed.

Figure 1: Trust in police effectiveness, by country



Question: "If a violent crime or house burglary were to occur near to where you live and the police were called, how slowly or quickly do you think they would arrive at the scene?" (11-point scale running from 'slow' to 'quick'. Converted in Figure 1 to 0 'slow' to 1 'quick')

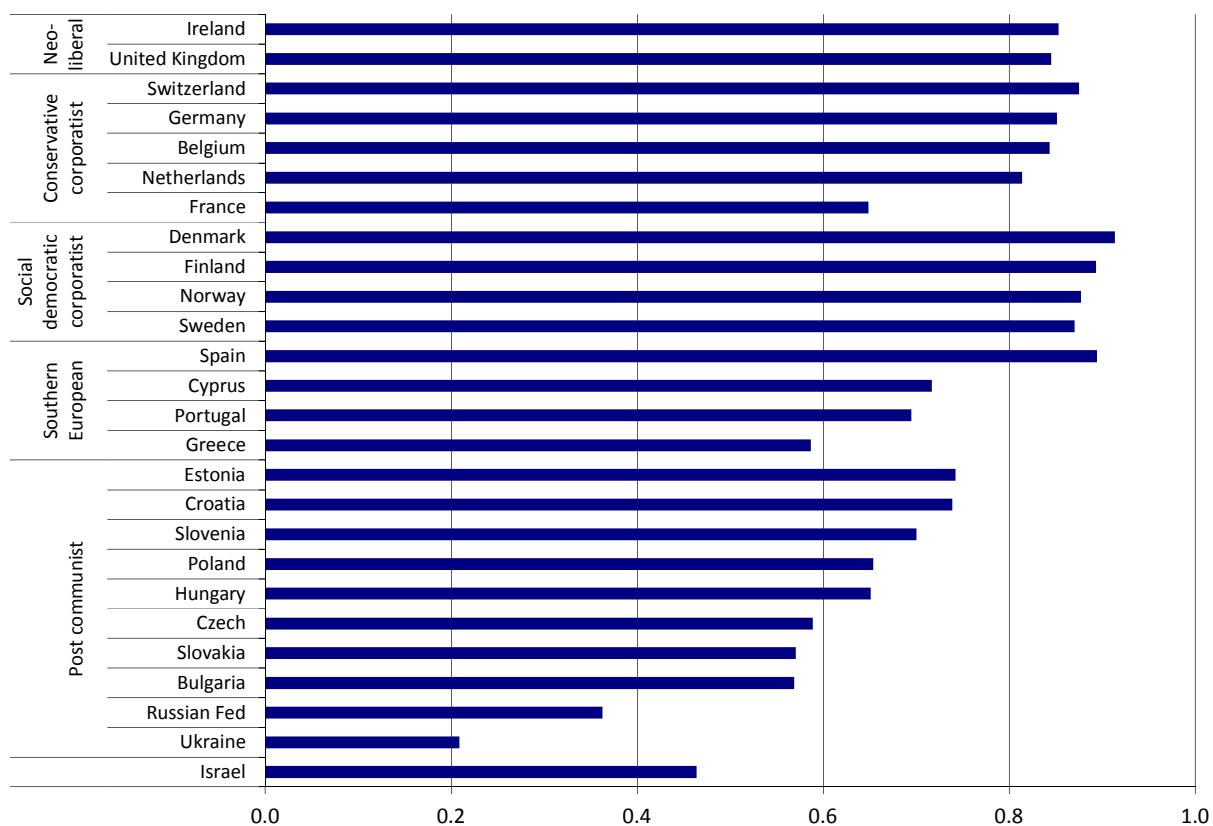
We see a little more country-level variation in levels of trust in court effectiveness (Figure 2). Respondents were asked how often they thought the courts in their country made mistakes that let guilty people go free. Lowest levels of trust are found in four post-communist countries (Bulgaria, Slovenia, Ukraine and Slovakia), two southern European countries (Spain and Greece) and one conservative corporatist country (France). Highest levels of trust are found in Denmark, Germany, Switzerland, Ireland and Hungary.

Figure 2: Trust in court effectiveness, by country

Question: "Please tell me how often you think the courts make mistakes that let guilty people go free?" (11-point scale running from 'never' to 'always'. Converted in Figure 2 to 0 'always' to 1 'never')

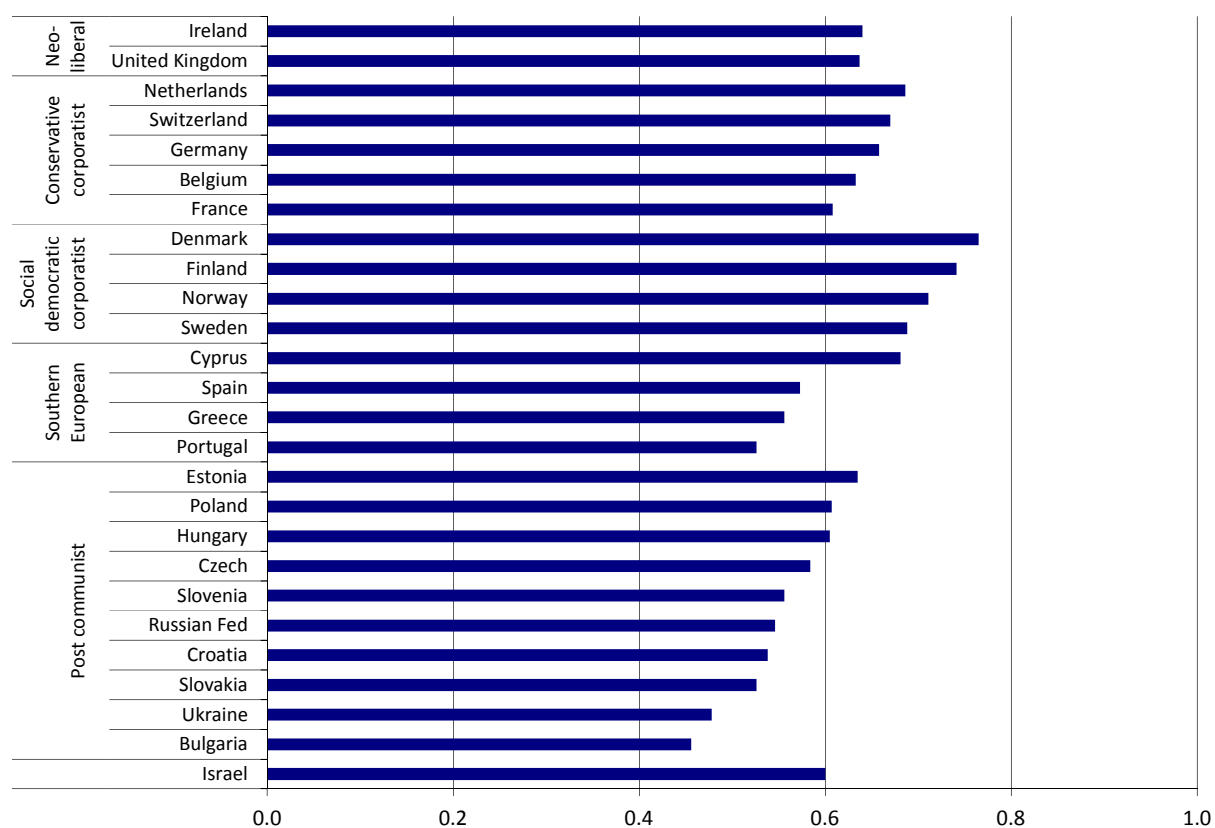
Figure 3 shows responses to an item about the procedural fairness of the police. The ESS R5 module asked respondents how often the police treat people fairly, with responses ranging from 'very often' to 'often' to 'not very often' and 'not at all often'. Figure 3 plots the (weighted) proportion of people who say 'often' or 'very often' (as opposed to 'not at all' or 'not very often'). Ukraine, the Russian Federation and Israel have the least positive views on how the police treat people, while Denmark, Finland, Norway and Spain have the most positive views.

In contrast to the picture in relation to trust in police effectiveness, we find here significant variation across the different *groups* of countries. Trust in the fairness of the police is highest in the social democratic Scandinavian countries, followed by the neo-liberal fringe of UK and Ireland and the conservative corporatist states. Trust in police fairness then declines as we move south and east, to what appears to be exceptionally low levels in the Russian Federation, the Ukraine, and Israel.

Figure 3: Trust in police procedural fairness, by country

Question: “Based on what you have heard or your own experience how often would you say the police generally treat people in [country] with respect? (4-point scale: ‘not at all often’, ‘not very often’, ‘often’ and ‘very often’. Converted in Figure to the proportion of people who said ‘often’ or ‘very often’)

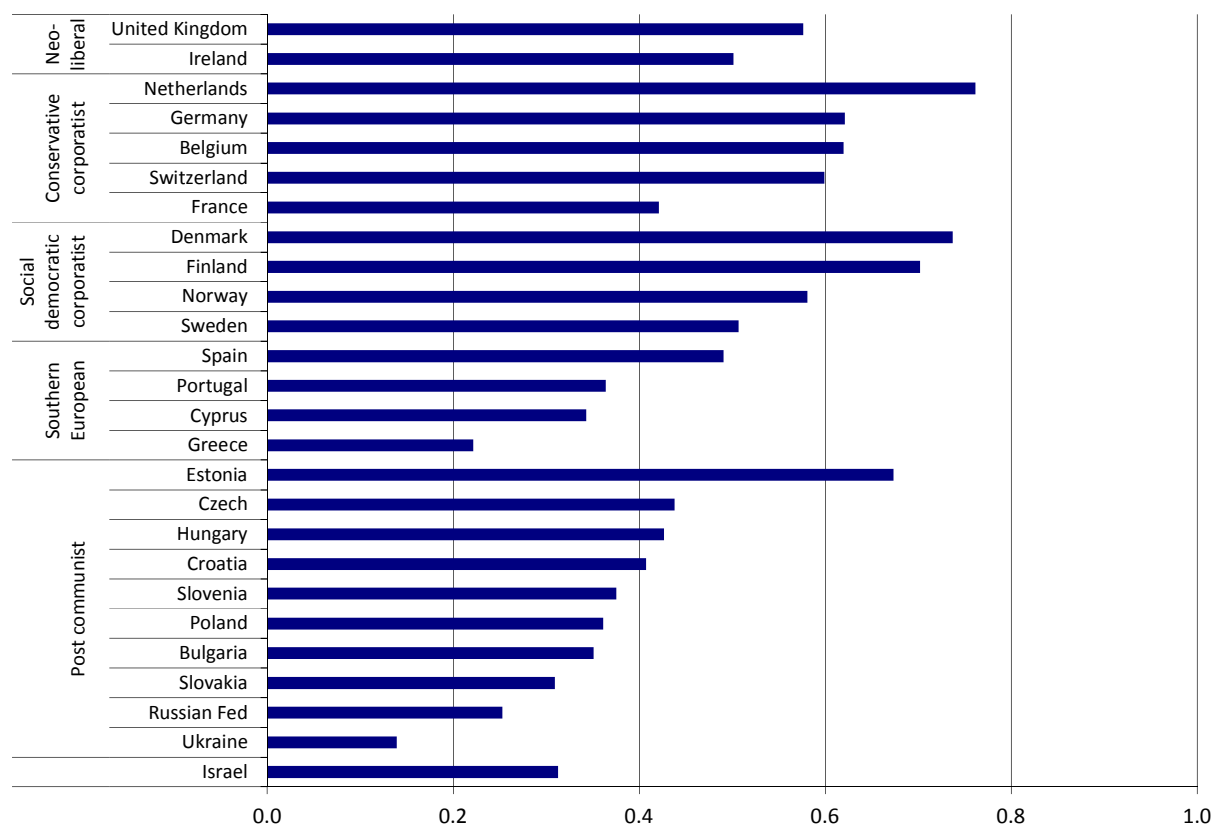
Figure 4 shows responses to an item about procedural fairness, but this time of the criminal courts. The focus here moves from interpersonal decision-making (of the police, see Figure 3) to neutral decision-making (in the criminal courts, see Figure 4). The question asked respondents how often the courts make fair, impartial decisions based on the evidence made available to them, using an 11-point scale (we convert it to 0-1). We find similar patterns to trust in court effectiveness (Figure 2), albeit with slightly less variation. Lowest levels of trust are found in six post-communist countries (Bulgaria, Ukraine, Slovakia, Croatia, Russian Federation and Slovenia) and three southern European countries (Portugal, Spain and Greece). Highest levels of trust are found in Denmark, Germany, Switzerland, Ireland and Hungary.

Figure 4: Trust in court procedural fairness, by country

Question: “How often do you think the courts make fair, impartial decisions based on the evidence³ made available to them?” (11-point scale running from ‘never’ to ‘always’. Converted to 0 to 1)

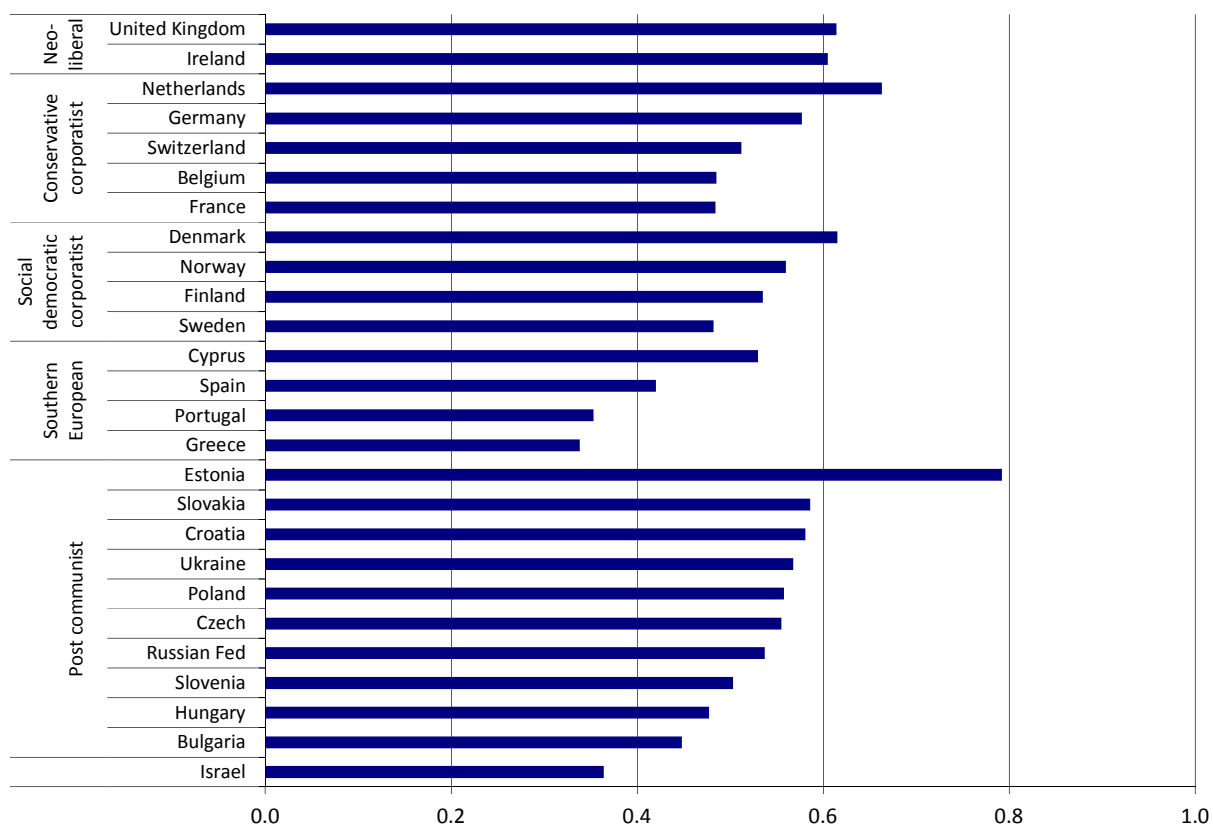
As for trust in police distributive fairness, Figure 5 shows the (weighted) proportion of people who thought that when dealing with victims of crime, the police tend to treat rich and poor people equally. The countries least trusting of the police in this regard are Ukraine, Greece, Russian Federation, Slovakia and Israel. By contrast, Netherlands, Denmark, Finland and Estonia score relatively well. Variation here appears less closely correlated with country type, although, in general, perceptions of distributive fairness are worse in the southern European and post-communist states and more favourable in the social democratic, conservative corporatist and neo-liberal countries.

³ Evidence refers to the ‘testimony’ a witness gives verbally in court AND other materials presented to the court.

Figure 5 Trust in police distributive fairness, by country

Question: "When victims report crimes, do you think the police treat rich people worse, poor people worse, or are rich and poor treated equally? Choose your answer from this card. (3 options: 'Rich people treated worse', 'Poor people treated worse', 'Rich and poor treated equally'). Proportion of people saying 'rich and poor treated equally' shown.

Figure 6 turns to trust in court distributive fairness. We see the (weighted) proportion of respondents who thought that people from different race or ethnic groups would have the same chance of being found guilty if they appeared in court, charged with an identical crime that they did not commit. Highest levels of trust are found in the neo-liberal countries (UK and Ireland), Netherlands, Germany Denmark, Estonia and Croatia. Lowest levels of trust are found in Greece, Portugal, Israel and Spain.

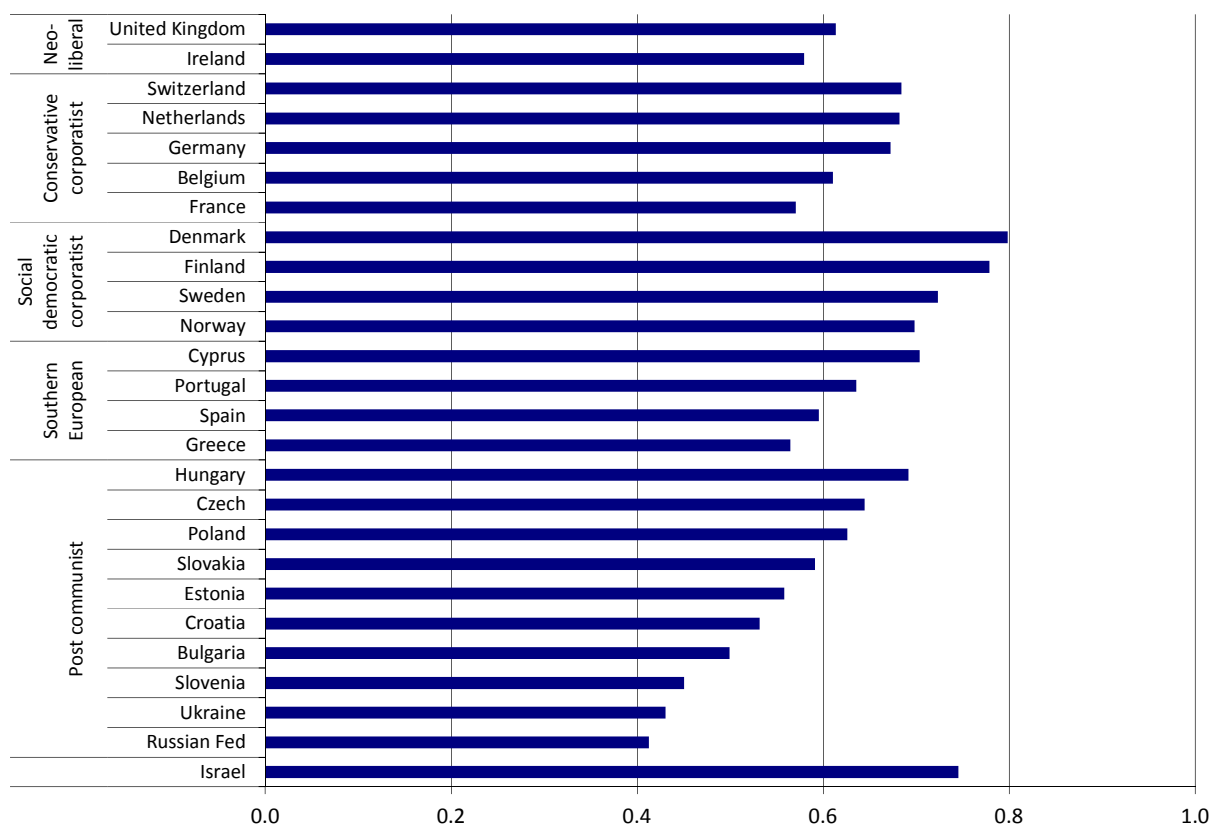
Figure 6 Trust in court distributive fairness, by country

Question: “Now suppose two people from different race or ethnic groups each appear in court, charged with an identical crime they did not commit. Choose an answer from this card to show who you think would be more likely to be found guilty.” (3 options: ‘The person from a different race or ethnic group than most people is more likely to be found guilty’, ‘The person from the same race or ethnic group as most people is more likely to be found guilty’, and ‘They both have the same chance of being found guilty’). Proportion of people saying ‘they both have the same chance of being found guilty’ is shown.

We now turn to legitimacy. As described above, the first dimension of legitimacy is consent and felt obligation. Consent refers to the agreement of the members of the public with decisions made by authorities. It “...precludes the use of external means of coercion; where force is used, authority itself has failed” (Bottoms and Tankebe, 2012, p.114). Obligation involves a social, legal, or moral tie – it is a constraining power of a promise, contract, law, or sense of duty. Asking people whether it is their ‘duty’ to obey the police seems to capture a positive sense of obligation (something that one is expected or required to do out of moral or legal obligation) rather than a negative sense of obedience out of fear of reprisal or a sense of powerlessness.

Figure 7 presents findings for a question measuring respondents’ sense of felt obligation to obey the police. Scores are highest in Denmark, Finland, Norway, Israel, Hungary, Sweden and Cyprus, and lowest in the Russian Federation, Ukraine and Slovenia.

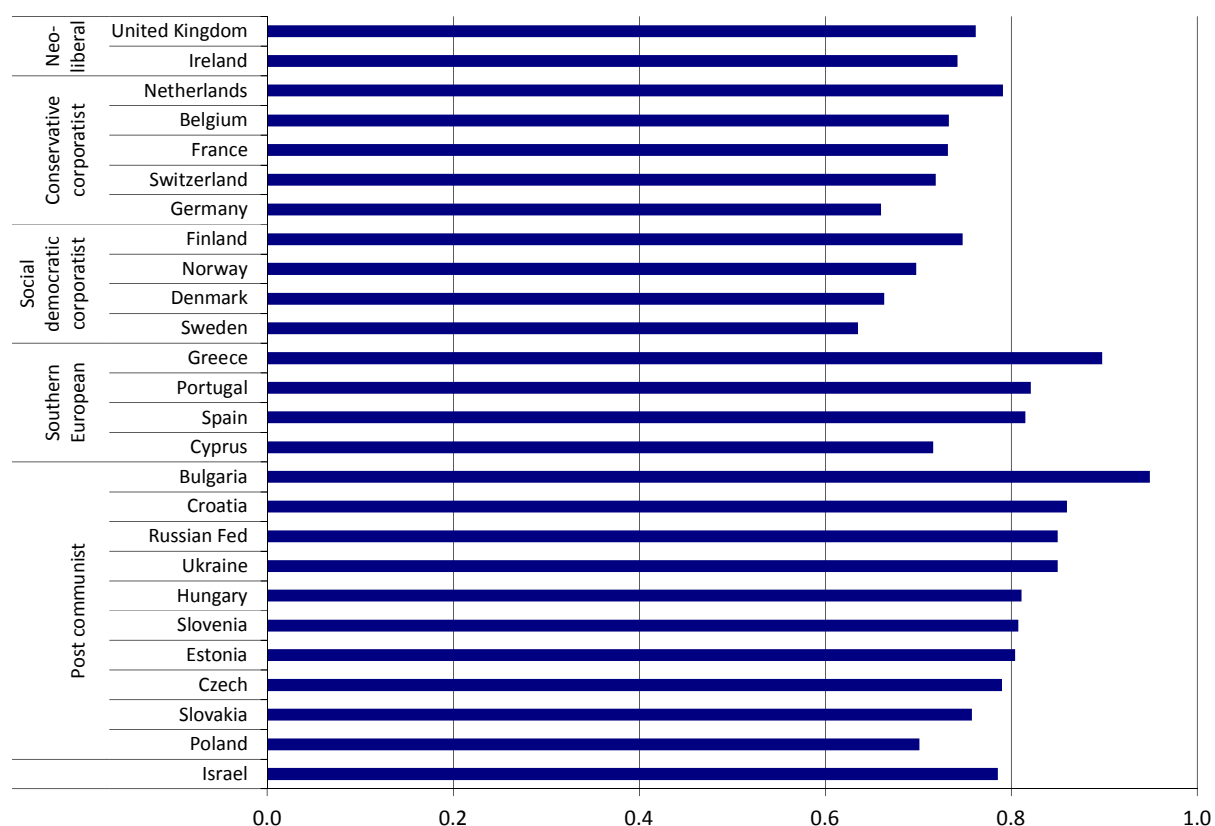
Figure 7 Legitimacy: felt obligation to obey the police, by country



Question: “To what extent is it your duty to do what the police tell you even if you don’t understand or agree with the reasons? (11-point scale, running from ‘not at all’ to ‘completely’, converted to 0 to 1)

Figure 8 presents findings for a question measuring respondents’ sense of felt obligation to obey the law, specifically the (weighted) proportion of people saying that they agree strongly or agree with the sentiment that ‘all laws should be strictly obeyed.’ At first glance the results are puzzling. Compared to felt obligation to obey the police, a different picture emerges. Specifically, the countries with highest levels of felt obligation are Bulgaria, Greece, Croatia, Russian Federation and Ukraine, while the countries with the lowest levels of felt obligation are Sweden, Denmark, Germany and Norway. Perhaps the answer lies in the wording of the sentiment: ‘*all* laws should be *strictly* obeyed’ (emphasis added). This may tap into a certain authoritarian worldview, as well as felt obligation of a more positive type.

Figure 8 Legitimacy: felt obligation to obey the law, by country



Question: "All laws should be strictly obeyed" (Five point scale, running from 'agree strongly to 'disagree strongly'.) Proportion who 'agree strongly' or 'agree' is shown.

The first dimension of legitimacy is consent and felt obligation. Consent refers to the agreement of the members of the public with decisions made by authorities. It "...precludes the use of external means of coercion; where force is used, authority itself has failed" (Bottoms and Tankebe, 2012, p.114). Obligation involves a social, legal, or moral tie – it is a constraining power of a promise, contract, law, or sense of duty. Asking people whether it is their 'duty' to obey the police seems to capture a positive sense of obligation (something that one is expected or required to do out of moral or legal obligation) rather than a negative sense of obedience out of fear of reprisal or a sense of powerlessness.

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 its 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, in that institutions (specifically, actors working for institutions) act in ways that accord with – or are aligned with – public views about what is right or wrong. 'Alignment' is generated when there is accordance between the ethics of institutions and the ethics of citizens.

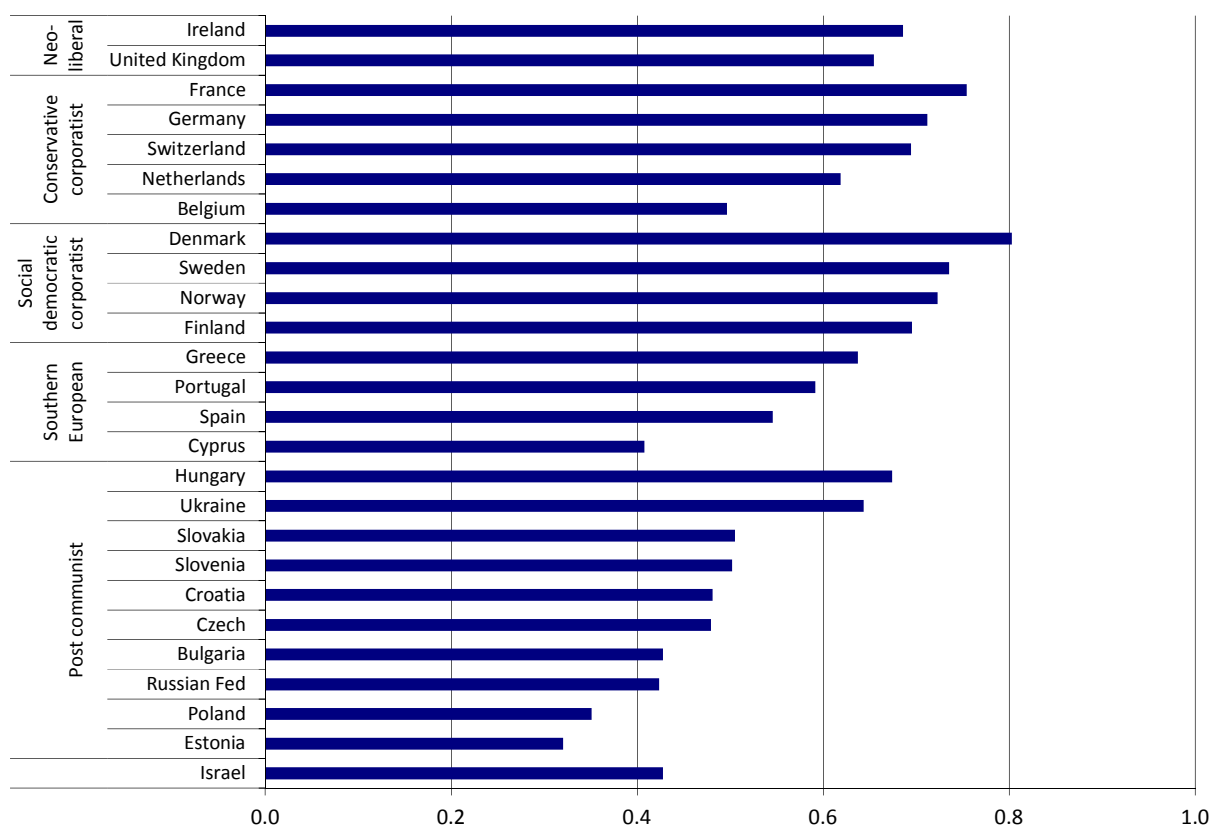
When one believes that police officers act in accordance with an appropriate sense of right and wrong, this constitutes a conferred moral validity to their possession of power. Recent UK research (Jackson *et al.*, 2012a, 2012b) has linked procedural justice to the public sense that police officers have the appropriate moral values. 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. Operating within an appropriate ethical and normative framework seems to validate possession of power in the eyes of citizens (Bradford *et al.*, 2013a, 2013b; Jackson *et al.*, 2013).

We measured the moral basis of police authority using questions such as ‘The police generally have the same sense of right and wrong as I do’. These items are assumed to indicate whether or not people believe the police are policing according to an appropriate a shared vision of appropriate social order, and thus have a sense of moral validity to their possessed power.

Figure 9 shows (weighted) levels of agreement with the statement ‘The police have the same sense of right and wrong as I do’. We see that 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.

Figure 9 Legitimacy: moral alignment with the police, by country

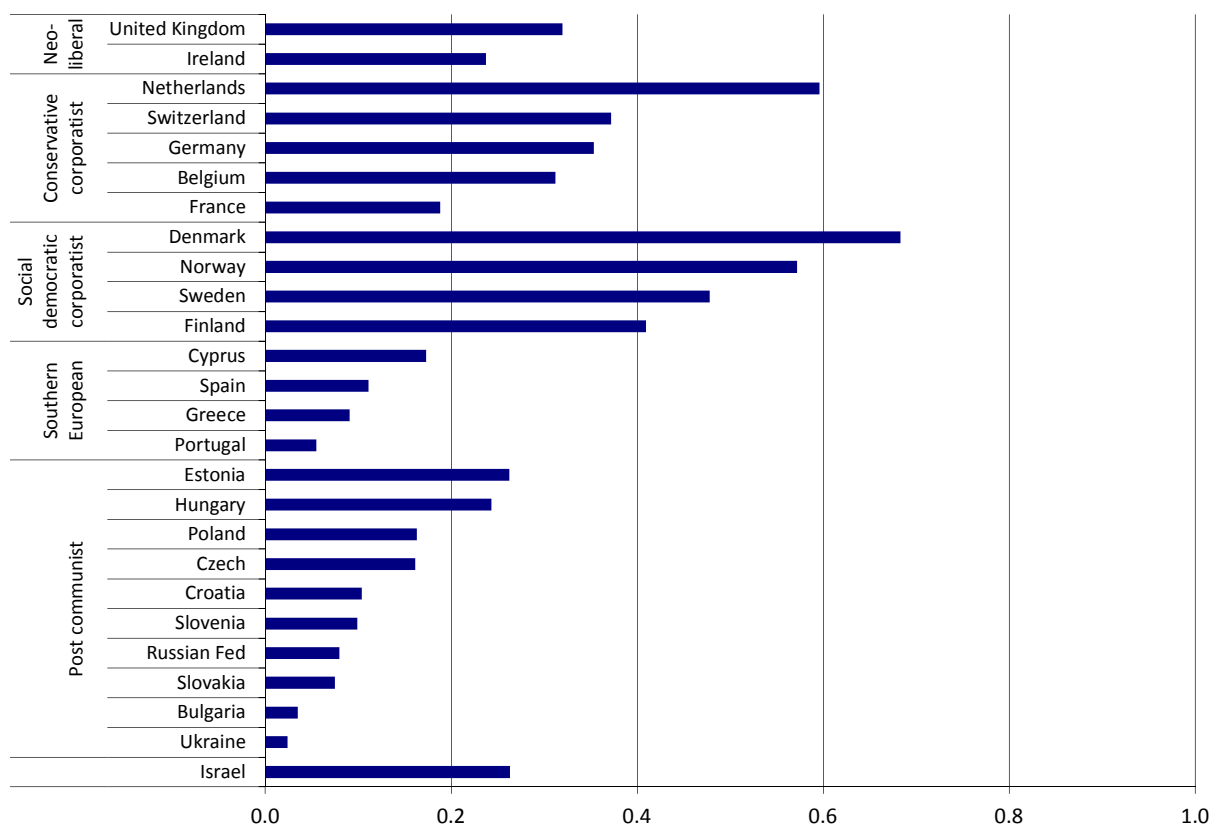


Question: “The police generally have the same sense of right and wrong as I do.” (Five point scale, running from completely agree to ‘completely disagree’). Proportion who ‘agree strongly’ or ‘agree’ is shown.

Figure 10 turns to the courts, showing levels of disagreement with the statement ‘Courts generally protect the interests of the rich and powerful above those of ordinary people.’ Note that there is some conceptual overlap with distributive justice. For the present purpose, however, we treat

disagreement to this statement as a sense of shared moral values (assuming that the vast majority of ESS respondents are not the rich and powerful) and a belief that the courts operate according to an appropriate sense of right and wrong. We see quite a lot of variation. Moral alignment with the courts is highest in Denmark, Norway, Netherlands, Sweden and Finland. Moral alignment with the courts is lowest in Ukraine, Bulgaria, Portugal, Slovakia and Russian Federation.

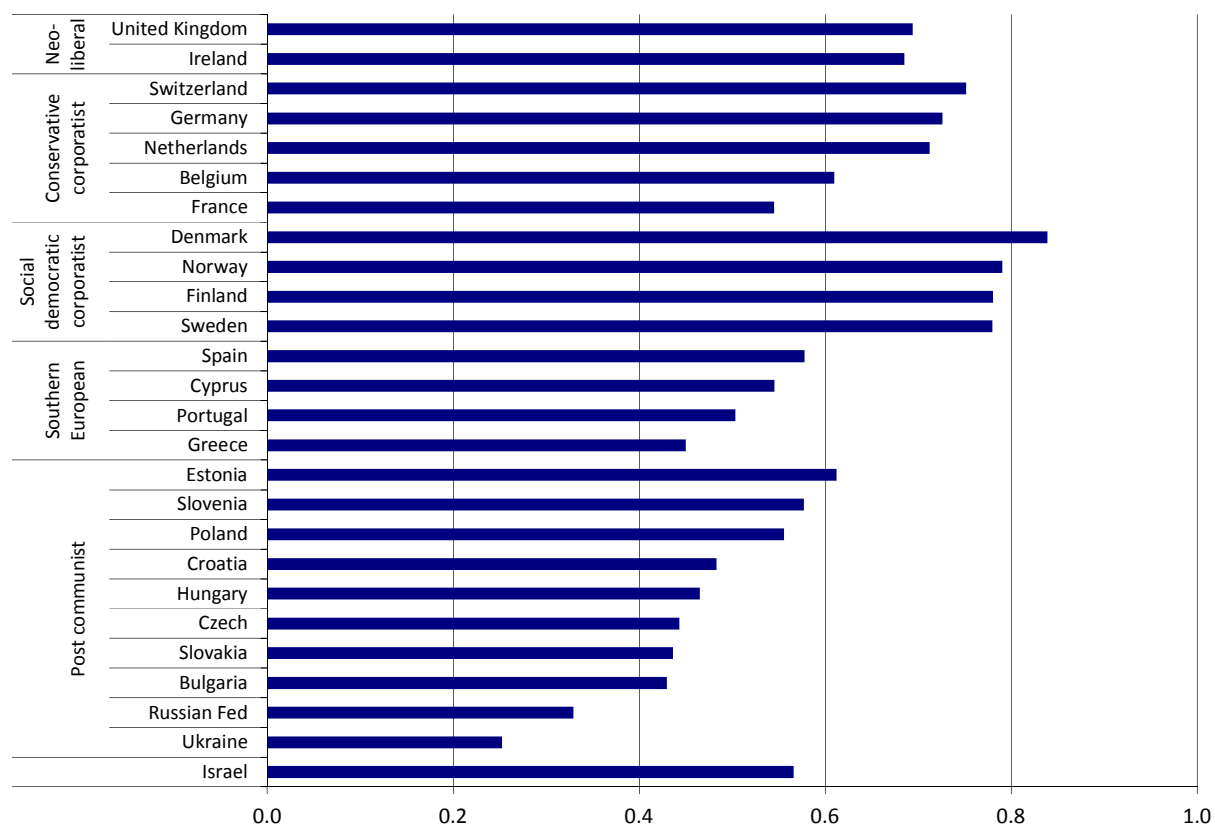
Figure 10 Legitimacy: moral alignment with the criminal courts, by country



Question: "Courts generally protect the interests of the rich and powerful above those of ordinary people." (Five point scale, running from completely agree to 'completely disagree'). Proportion who 'disagree strongly' or 'disagree' is shown.

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. Figure 11 shows 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 type. Perceptions of police corruption were most favourable in the social democratic Scandinavian states and least favourable in the Southern European and post-communist countries.

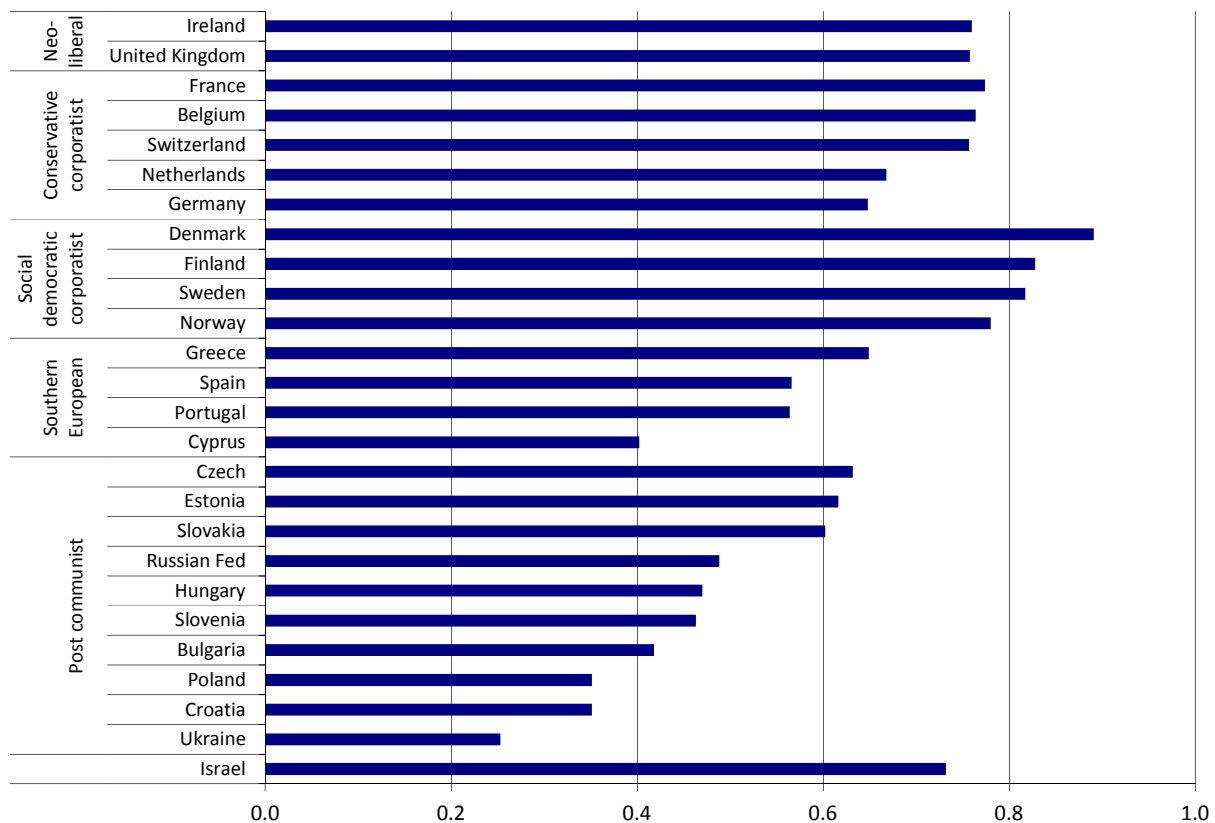
Figure 11 perceived legality of police action, by country



Question: "How often would you say that the police in [country] take bribes? (11-point scale where 0 is 'never' and 10 is 'always', converted to 0 to 1.)

Figure 12 shows how often people think judges take bribes. As with the police, we see that judge 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.

Figure 12 perceived legality of criminal court action, by country



Question: “How often would you say that the judges in [country] take bribes? (11-point scale where 0 is ‘never’ and 10 is ‘always’, converted to 0 to 1.)

4. PUBLIC TRUST AND INSTITUTIONAL LEGITIMACY: A FOCUS ON MULTIPLE INDICATORS

In section 4 we move beyond single indicators. In the case of trust in the police and perceptions of police legitimacy, multiple indicators were fielded to measure most concepts, and we assess here whether the scales for the appropriate constructs operate comparably in the different countries. We also examine the effect of a lack of measurement equivalence on national estimates.

When multiple items are used to represent abstract and complex constructs such as attitudes and values, they are often analysed using the statistical method of latent variable modeling. This technique represents responses to the items as measurements of unobserved (latent) constructs. The most widely used latent variable models are linear factor analysis models and their extensions. One of the key methodological challenges in international surveys is the question of cross-national equivalence of measurement. Essentially the issue is, does a survey question measure the same concept and in the same way in all countries? If it does not, respondents from different countries can give different expected responses even if they have the same level of the concept of interest.

Critically, lack of equivalence can compromise any substantive cross-national comparisons. It is quite plausible in surveys which cover many countries, perhaps because of cultural differences in how a question is understood, or variations in questionnaire translation. It has even been argued that measurements should be assumed non-equivalent by default (see e.g. Kohn 1987), in which case equivalence should always be demonstrated first of all.

Consider the three items that constitute each scale for trust in police effectiveness, trust in police procedural fairness, felt obligation to obey the police, and moral alignment with the police.

Three items for police effectiveness (eff1, eff2, eff3)

- D12 Based on what you have heard or your own experience how successful do you think the police are at preventing crimes in [country] where violence is used or threatened? Choose your answer from this card, where 0 is extremely unsuccessful and 10 is extremely successful.
- D13 And how successful do you think the police are at catching people who commit house burglaries in [country]? Choose your answer from this card, where 0 is extremely unsuccessful and 10 is extremely successful.
- D14 If a violent crime were to occur near to where you live and the police were called, how slowly or quickly do you think they would arrive at the scene? Choose your answer from this card, where 0 is extremely slowly and 10 is extremely quickly. [separate code for 'violent crimes never occur near to where I live']

Three items for police procedural fairness (pj1, pj2, pj3)

Next, some questions about when the police deal with crimes like house burglary and physical assault.

- D15 Based on what you have heard or your own experience how often would you say the police generally treat people in [country] with respect ...'not at all often' 'not very often', 'often' or 'very often'?
- D16 About how often would you say that the police make fair, impartial decisions in the cases they deal with? Would you say...'not at all often' 'not very often', 'often' or 'very often'?

- D17 And when dealing with people in [country], how often would you say the police generally explain their decisions and actions when asked to do so? Would you say...‘not at all often’ ‘not very often’, ‘often’, ‘very often’, or ‘no one ever asks the police to explain their decisions and actions’?

Felt obligation to obey the police (obey1, obey2, obey3)

Next, some questions about your duty towards the police in [country]. Use this card where 0 is not at all your duty and 10 is completely your duty. To what extent is it your duty to...

- D18 ...back the decisions made by the police even when you disagree with them?
- D19 ...do what the police tell you even if you don’t understand or agree with the reasons?
- D20 ... do what the police tell you to do, even if you don’t like how they treat you?

Moral alignment with the police (moralid1, moralid2 & moralid3)

Using this card, please say to what extent you agree or disagree with each of the following statements about the police in [country]. ‘Agree strongly’, ‘agree’, ‘neither agree nor disagree’, ‘disagree’, or ‘disagree strongly’.

- D21 The police generally have the same sense of right and wrong as I do.
- D22 The police stand up for values that are important to people like me.
- D23 I generally support how the police usually act.

We conduct a series of sensitivity analyses, which involves comparing estimated factor means given different assumptions about measurement equivalence. Each scale is analysed using standard multi-group factor analysis. As part of this, special response options which do not fit into the ordering of the other options are treated as missing data (as are of course actual missing responses); such options occur for eff3 and pj3. For each scale, we fit 7 models: one full equivalence model, 3 models where one item is non-equivalent across the countries, and 3 models where two items are non-equivalent. Note that two non-equivalent items are here the maximum possible, because a model with all three items non-equivalent does not allow the distributions (means and variances) of the latent variables to be compared between countries. When an item is equivalent, all of its measurement parameters (loading, intercept and error variance) are fixed to be equal across countries; when it is non-equivalent, all of them are allowed to be different across the countries.

The analysis is done in R, using the lavaan package. The results (see appendix) show standard goodness of fit statistics for all of the models for each scale, and likelihood ratio tests between the models. In each case, models which free 2 out of 3 items are favoured in terms of goodness of fit. There is thus little evidence for measurement equivalence in each of the four scales.

A question to address is what effect a lack of measurement equivalence has on the task of this article, namely estimating levels of trust and legitimacy in the 26 countries. Below we present three plots for each scale: one with estimated factor means (with 95% confidence intervals) from the equivalence model; one with means from the equivalence model and the three models with one item non-equivalent; and one plot with the means from all of the 7 models. In the latter, the models with one item non-equivalent are shown with solid thin lines, and models with two non-equivalent items with dashed thin lines. In each plot, the countries are ordered in decreasing order of estimated mean from the equivalence model for that construct.

The reference line in each plot is the weighted average of the estimated country means from the equivalence model, weighted by ESS population size. It thus represents, roughly, the estimated average for the combined population of these 26 countries.

Police effectiveness

Figure 13 shows estimated levels of trust in police effectiveness in each of the 26 countries (with 95% confidence intervals) when one assumes that the scales work the same in each context. This means that the factor loadings and intercepts are constrained to be equal.

Figure 13 trust in police effectiveness, measurement equivalence assumed

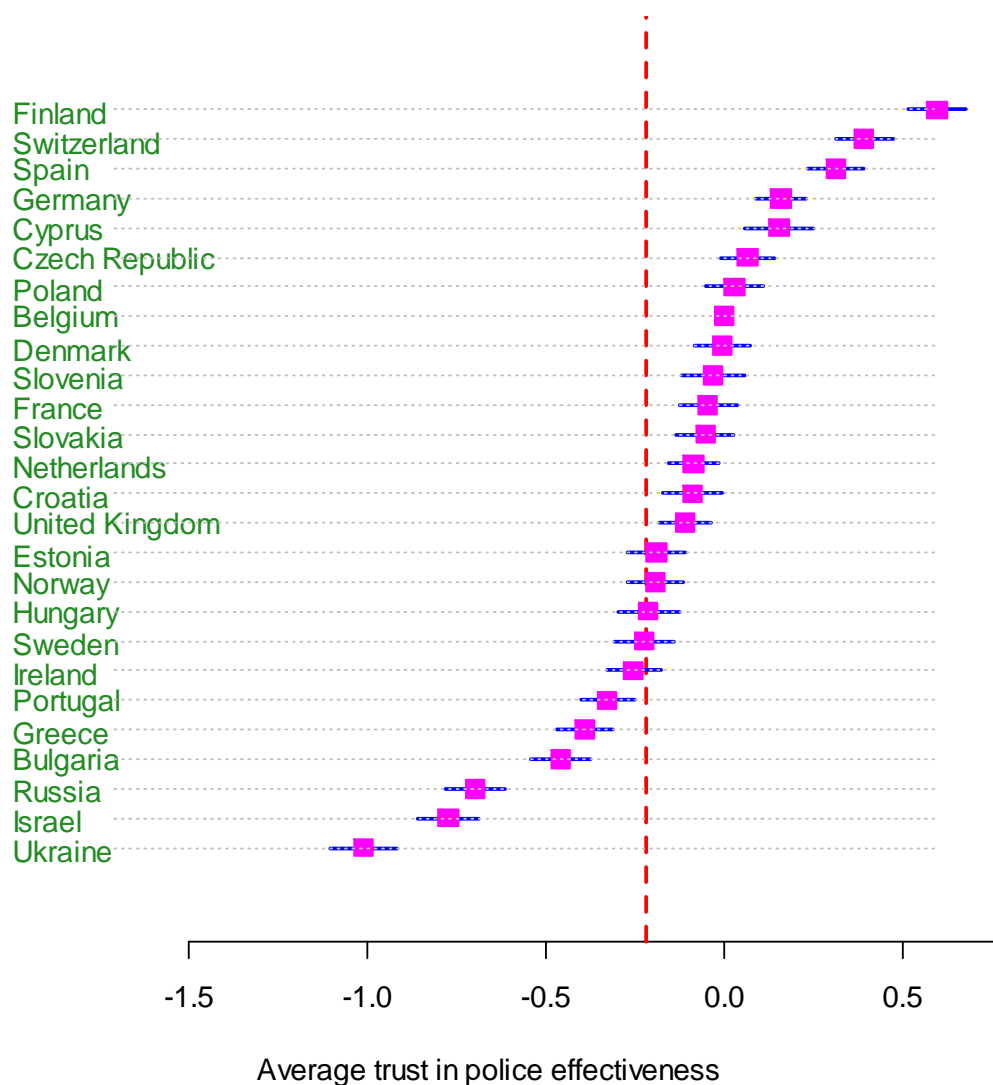


Figure 14 shows the means from the equivalence model but also plots means from the three models with one item non-equivalent. We can see that the estimates move around a small to moderate amount.

Figure 14 trust in police effectiveness, adding one item non-equivalence

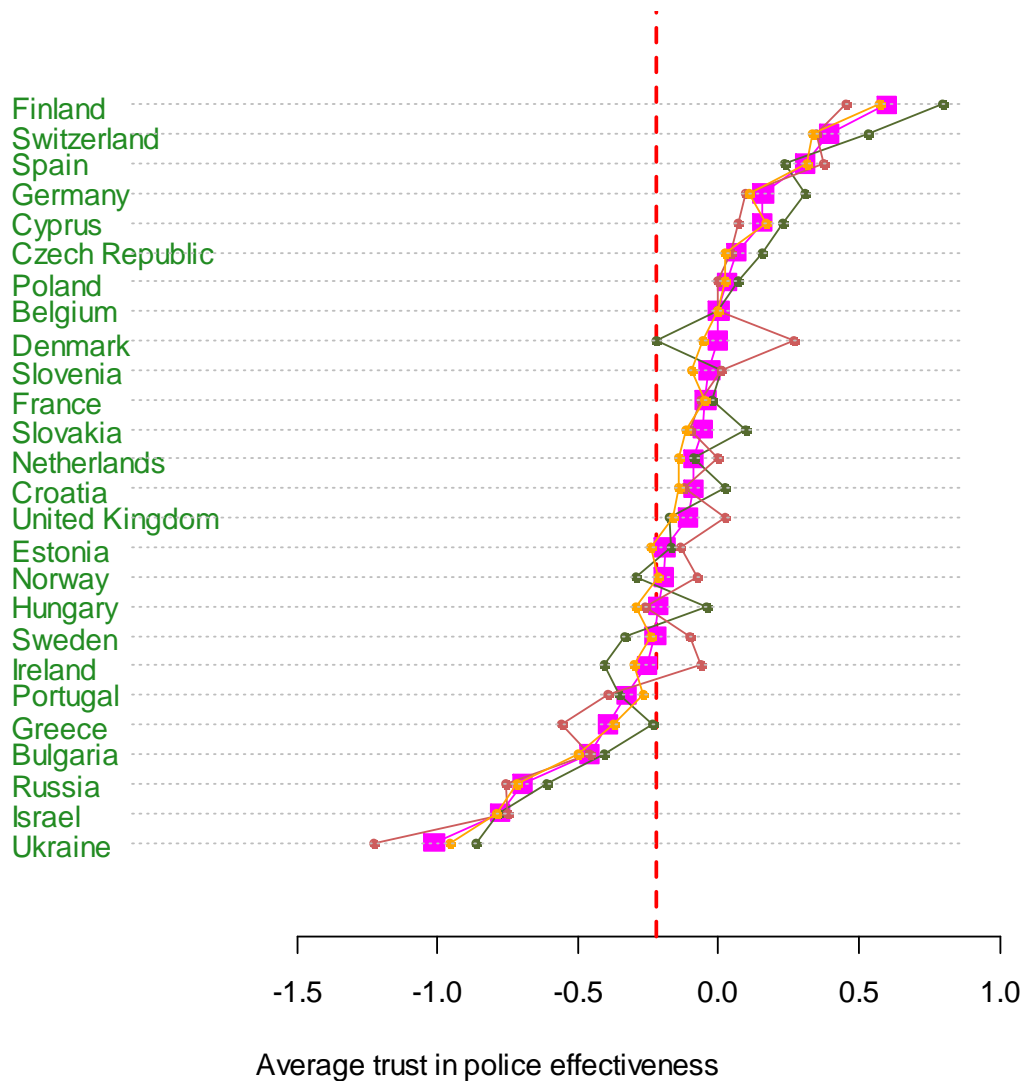
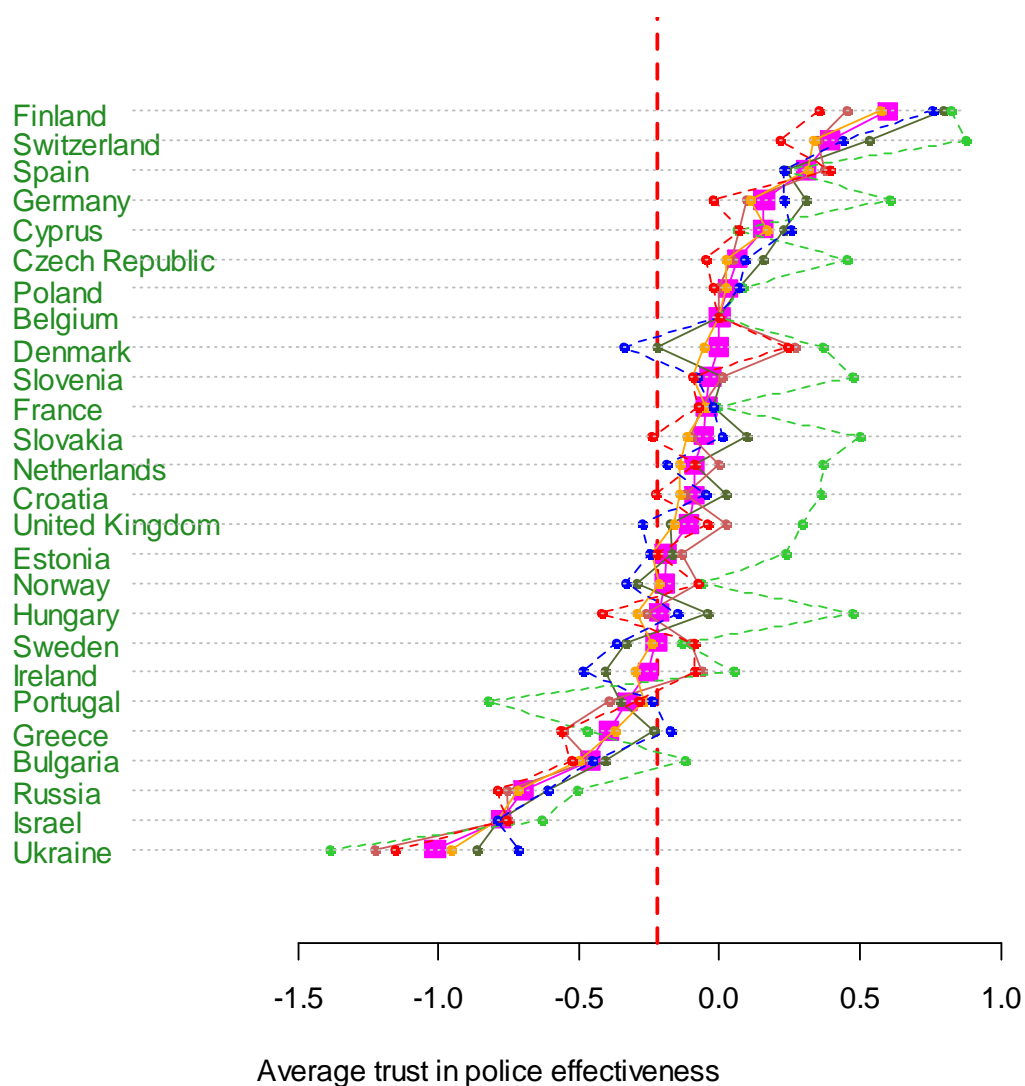


Figure 15 adds the estimated means from the last three models, where the models with two non-equivalent items are indicated with dashed thin lines. We see that the models with two non-equivalent items produce quite a lot of variation in the estimated means. Say, for example, one is interested in comparing the Finland and Switzerland. Depending on the specific method one uses, Finland has higher levels of trust than Switzerland, or it has very similar levels, or Switzerland has higher levels of trust than Finland.

Figure 15 trust in police effectiveness, adding two item non-equivalence



Police procedural justice

Figure 16 shows estimated levels of trust in police procedural fairness in each of the 26 countries (with 95% confidence intervals) when one assumes that the scales work the same in each context.

Figure 16 trust in police procedural justice, measurement equivalence assumed

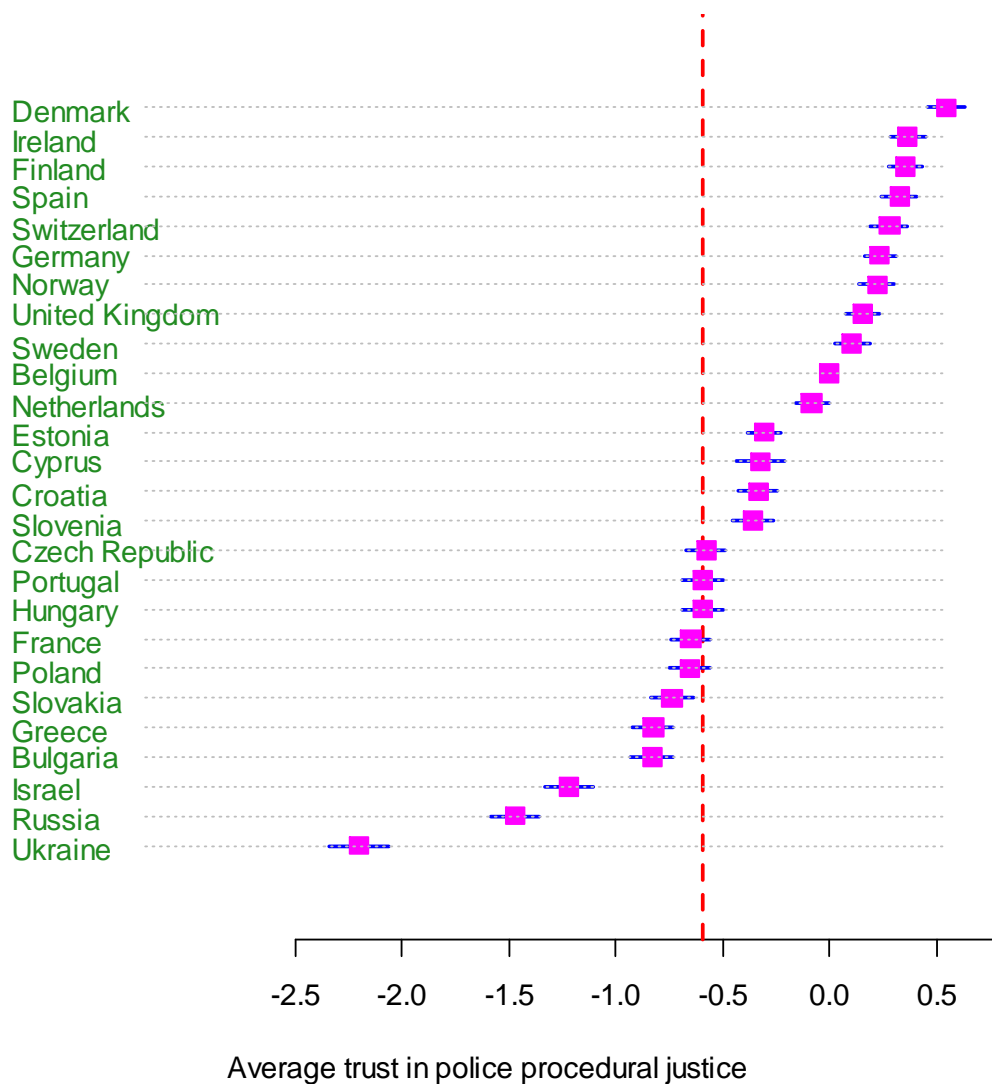


Figure 17 shows the means from the equivalence model but also plots means from the three models with one item non-equivalent. We can see that the estimates move around a small amount.

Figure 17 trust in police procedural justice, adding one item non-equivalence

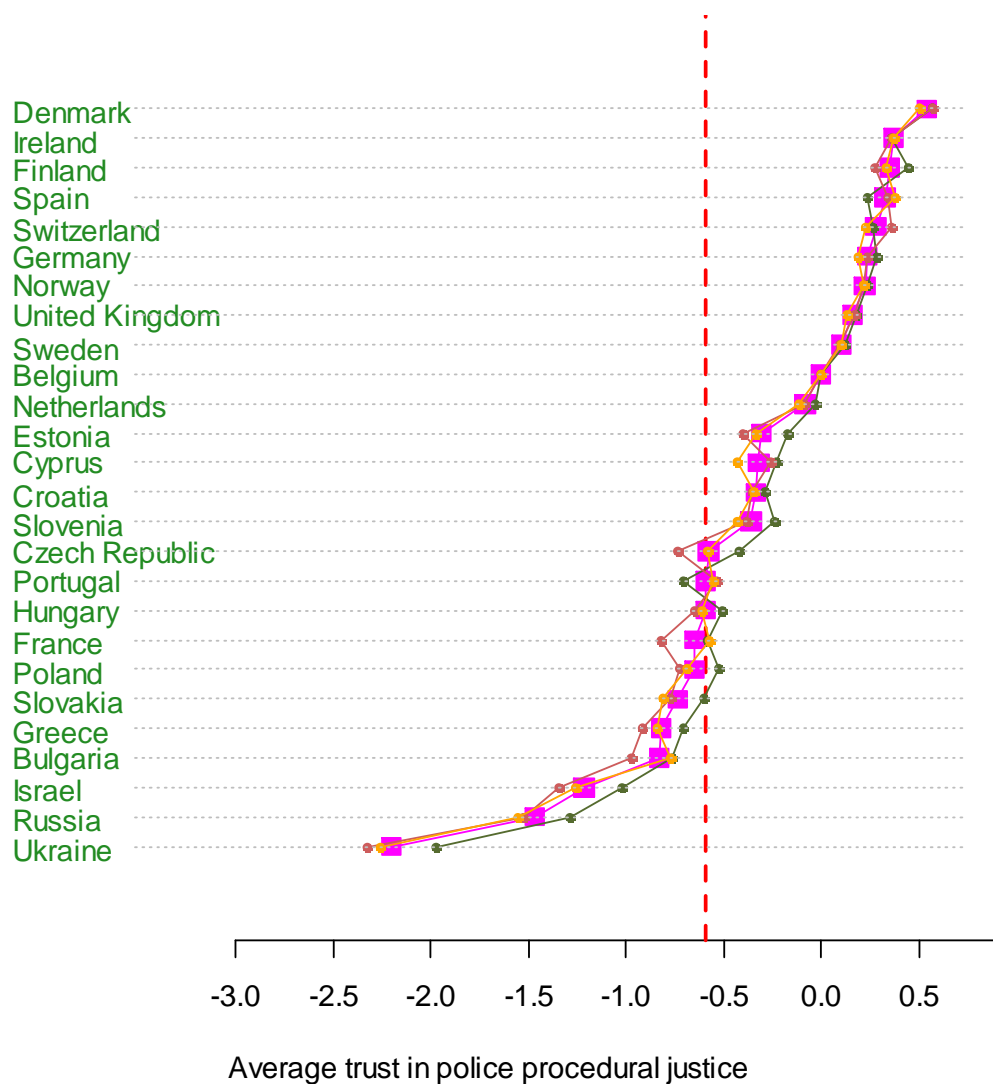
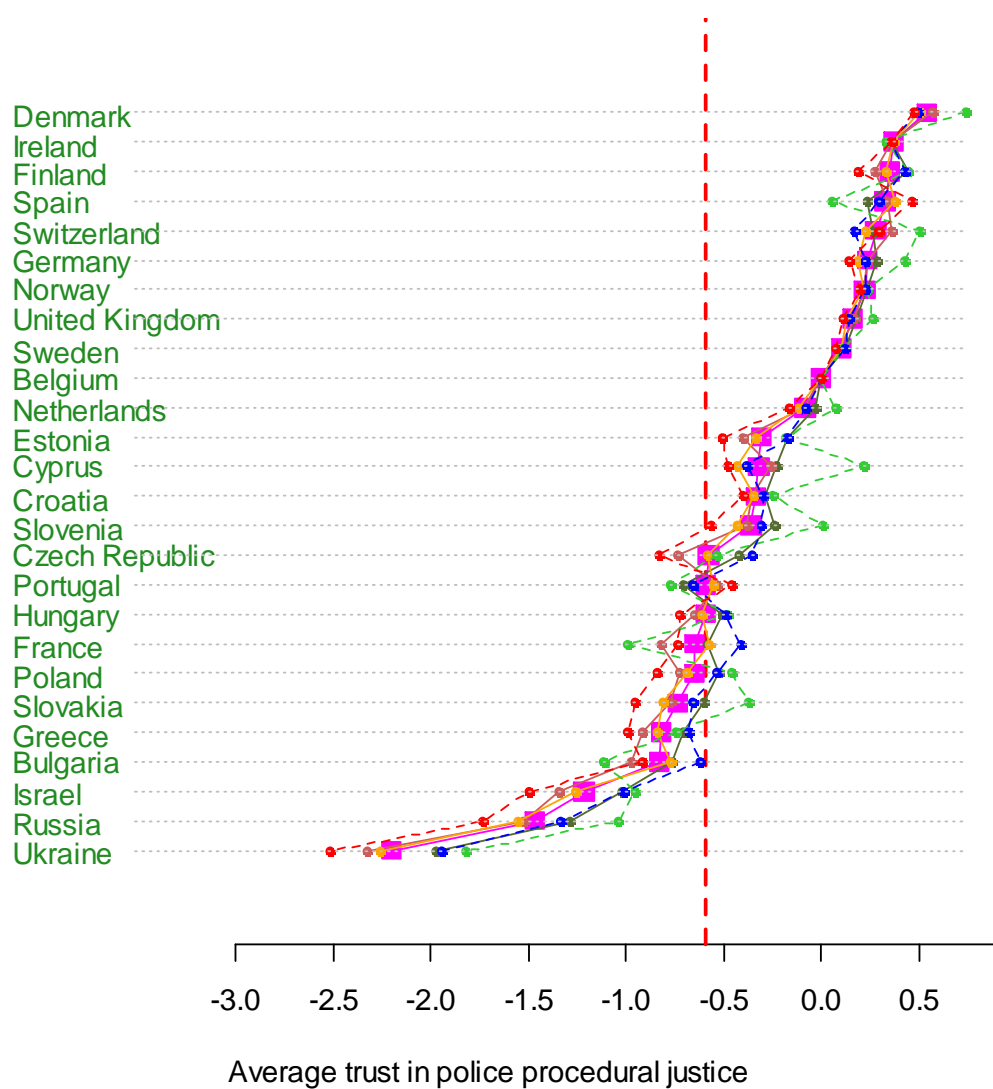


Figure 18 adds the estimated means from the last three models, where the models with two non-equivalent items are indicated with dashed thin lines. We see that the models with two non-equivalent items produce a fair amount of variation in the estimated means (although less than trust in police effectiveness).

Figure 18 trust in police procedural justice, adding two item non-equivalence



Obligation to obey the police

Figure 19 shows estimated levels of felt obligation to obey the police in each of the 26 countries (with 95% confidence intervals) when one assumes that the scales work the same in each context.

Figure 19 obligation to obey the police, measurement equivalence assumed

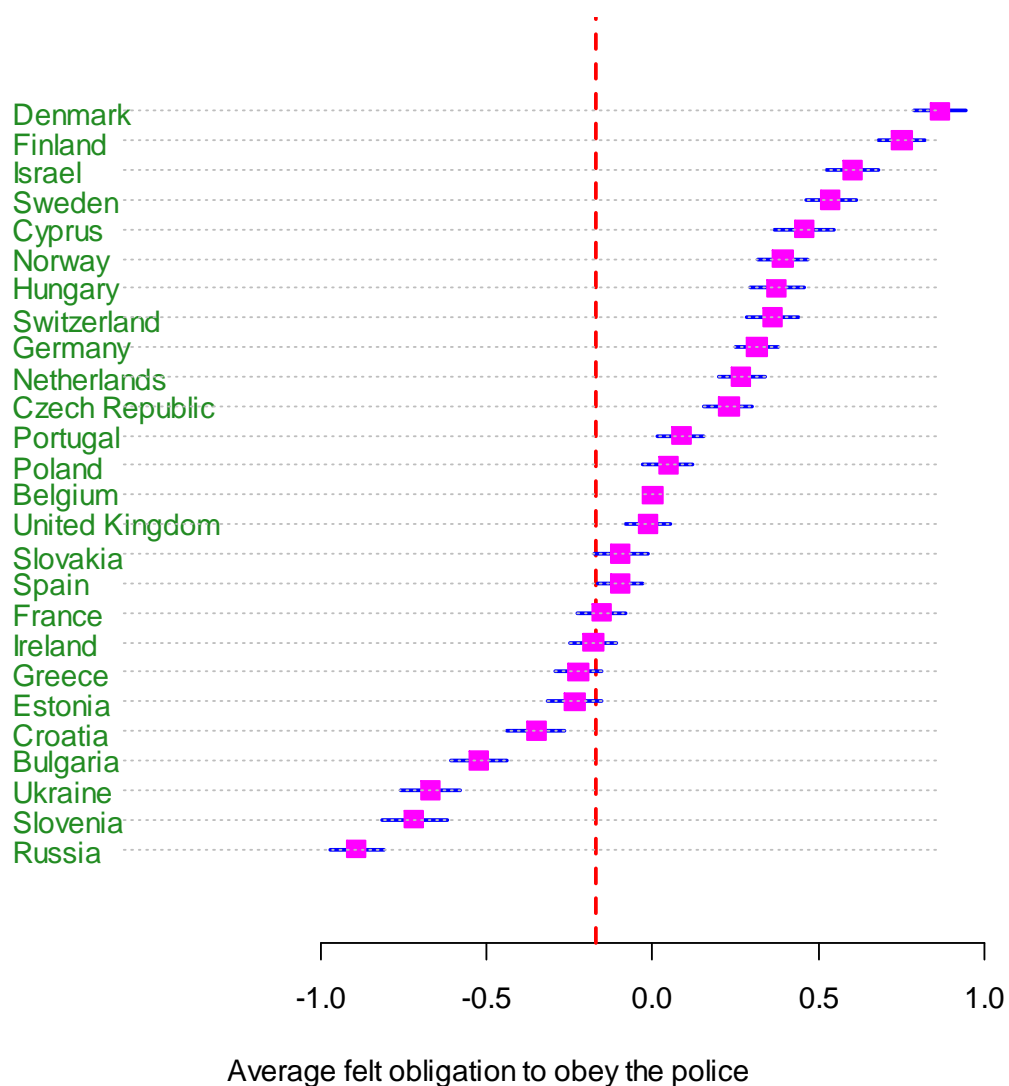


Figure 20 shows the means from the equivalence model but also plots means from the three models with one item non-equivalent. We can see that the estimates move around a small amount.

Figure 20 obligation to obey the police, adding one item non-equivalence

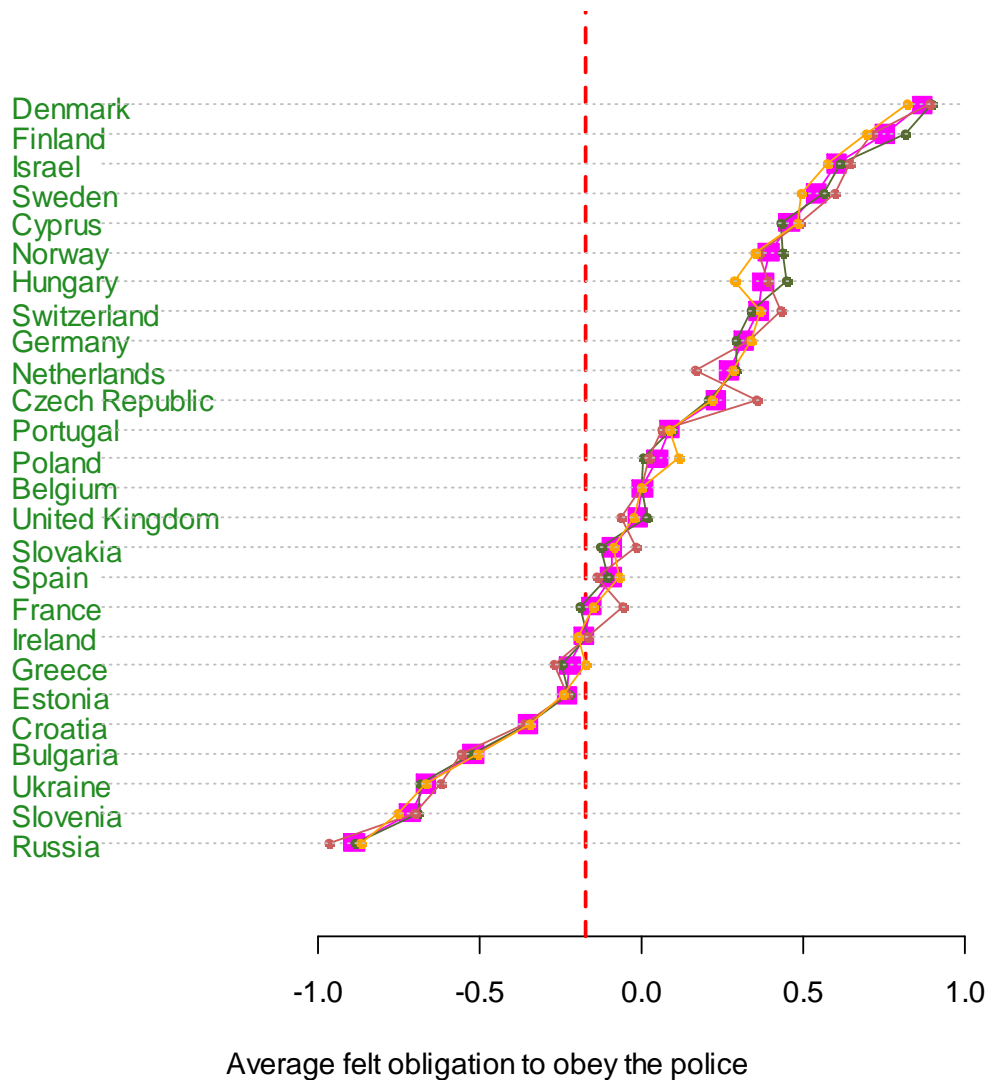
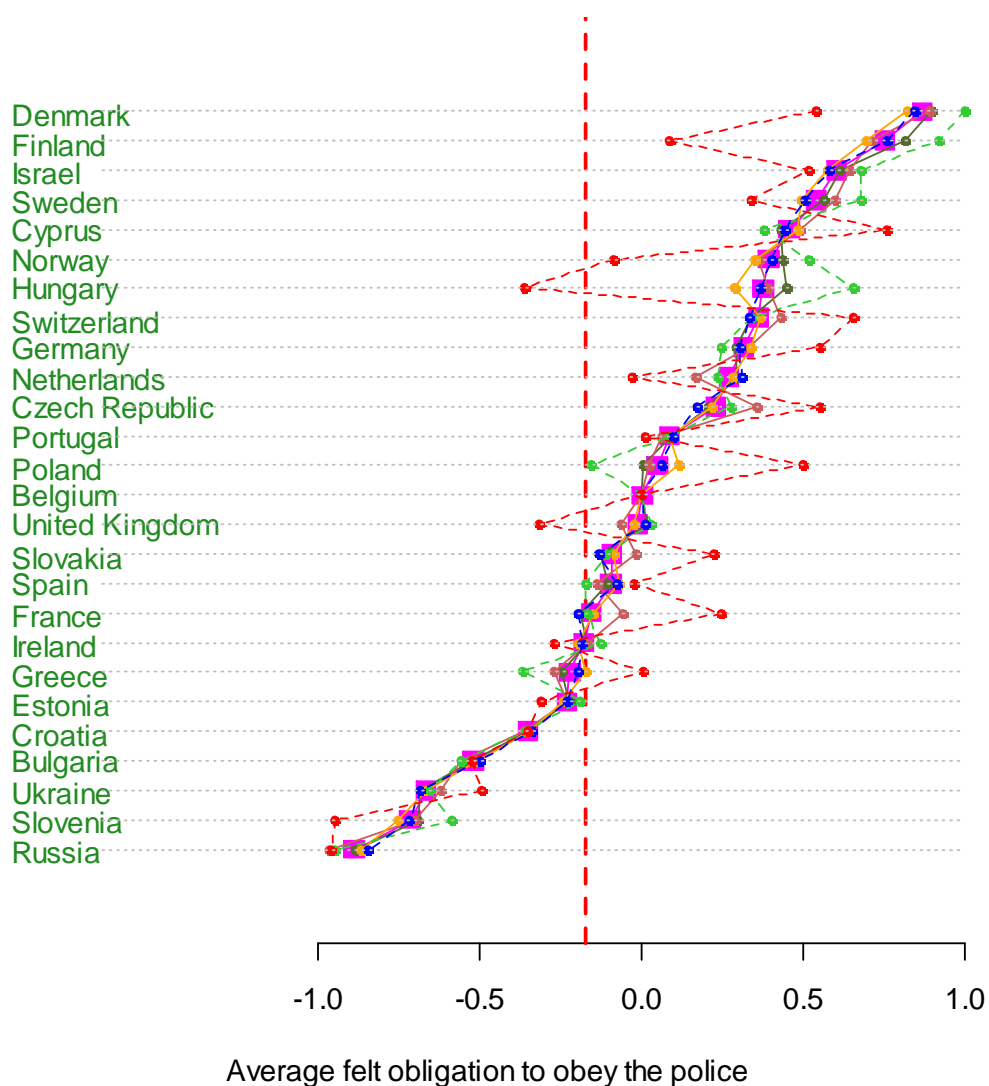


Figure 21 adds the estimated means from the last three models, where the models with two non-equivalent items are indicated with dashed thin lines. We see that the models with two non-equivalent items produce a fair amount of variation in the estimated means. Say, for example, one is interested in comparing the Norway and Hungary. Depending on the specific method one uses, Norway has higher levels of trust than Hungary, or it has very similar levels, or Hungary has higher levels of trust than Norway

Figure 21 obligation to obey the police, adding two item non-equivalence



Moral alignment with the police

Figure 22 shows estimated levels of moral alignment with the police (the belief that police officers share their sense of right and wrong) in each of the 26 countries (with 95% confidence intervals) when one assumes that the scales work the same in each context.

Figure 22 moral alignment with the police, measurement equivalence assumed

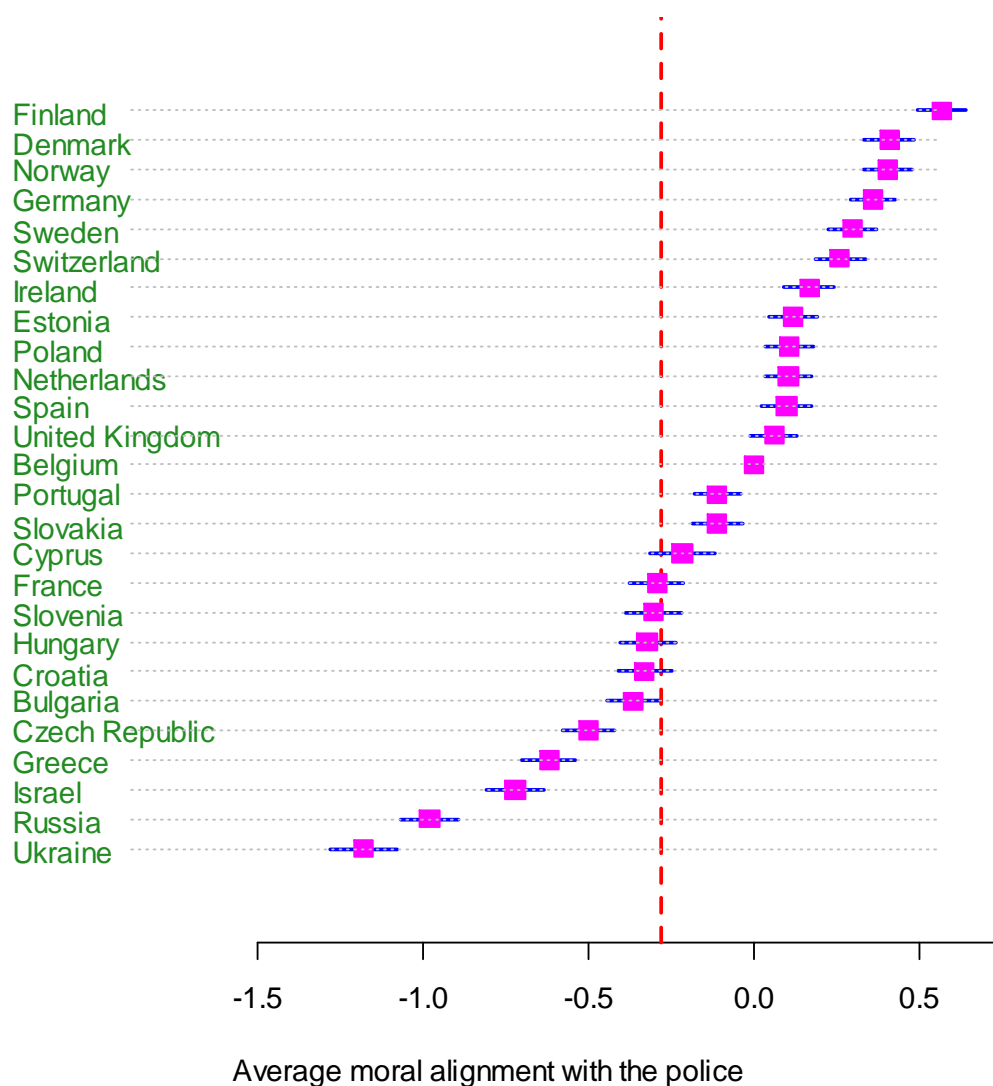


Figure 23 shows the means from the equivalence model but also plots means from the three models with one item non-equivalent. We can see that the estimates move around a small amount.

Figure 23 moral alignment with the police, adding one item non-equivalence

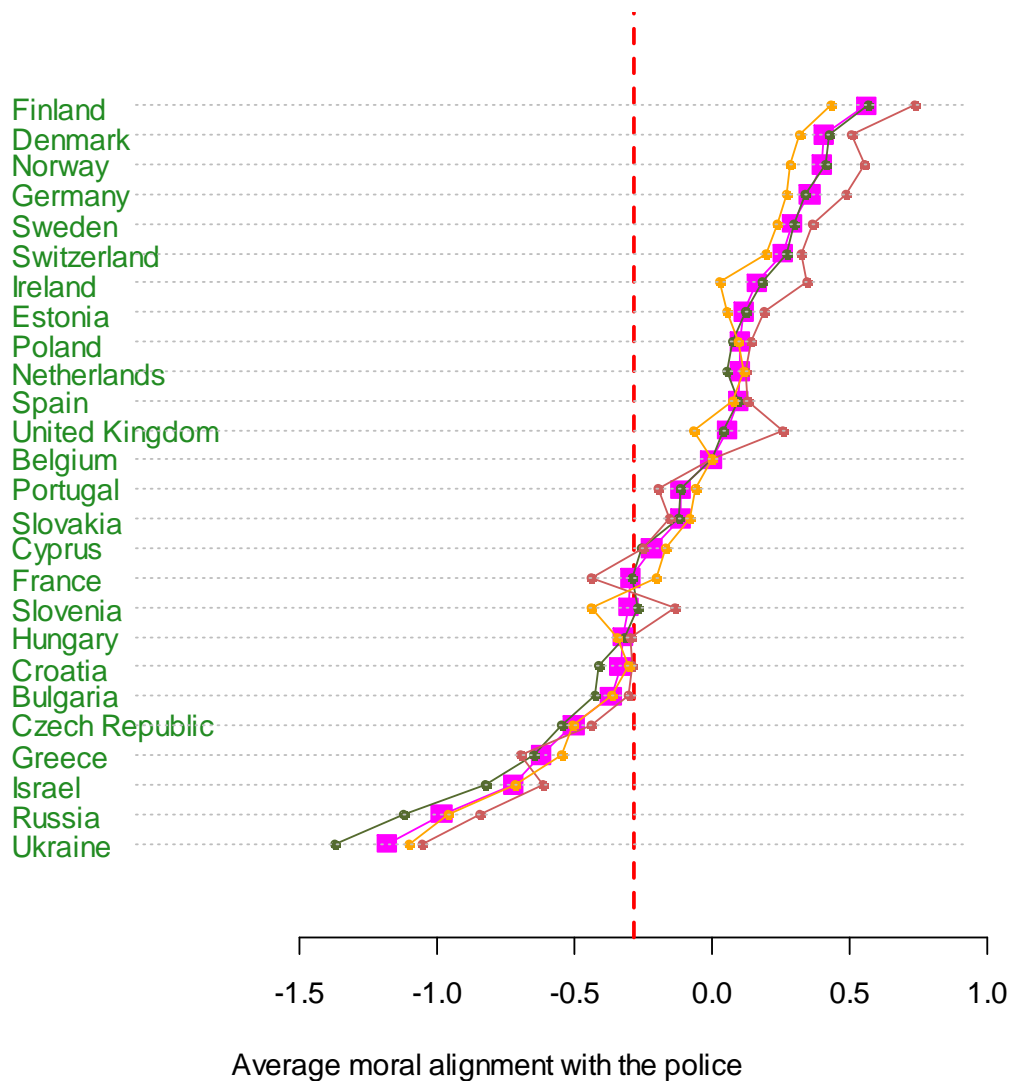
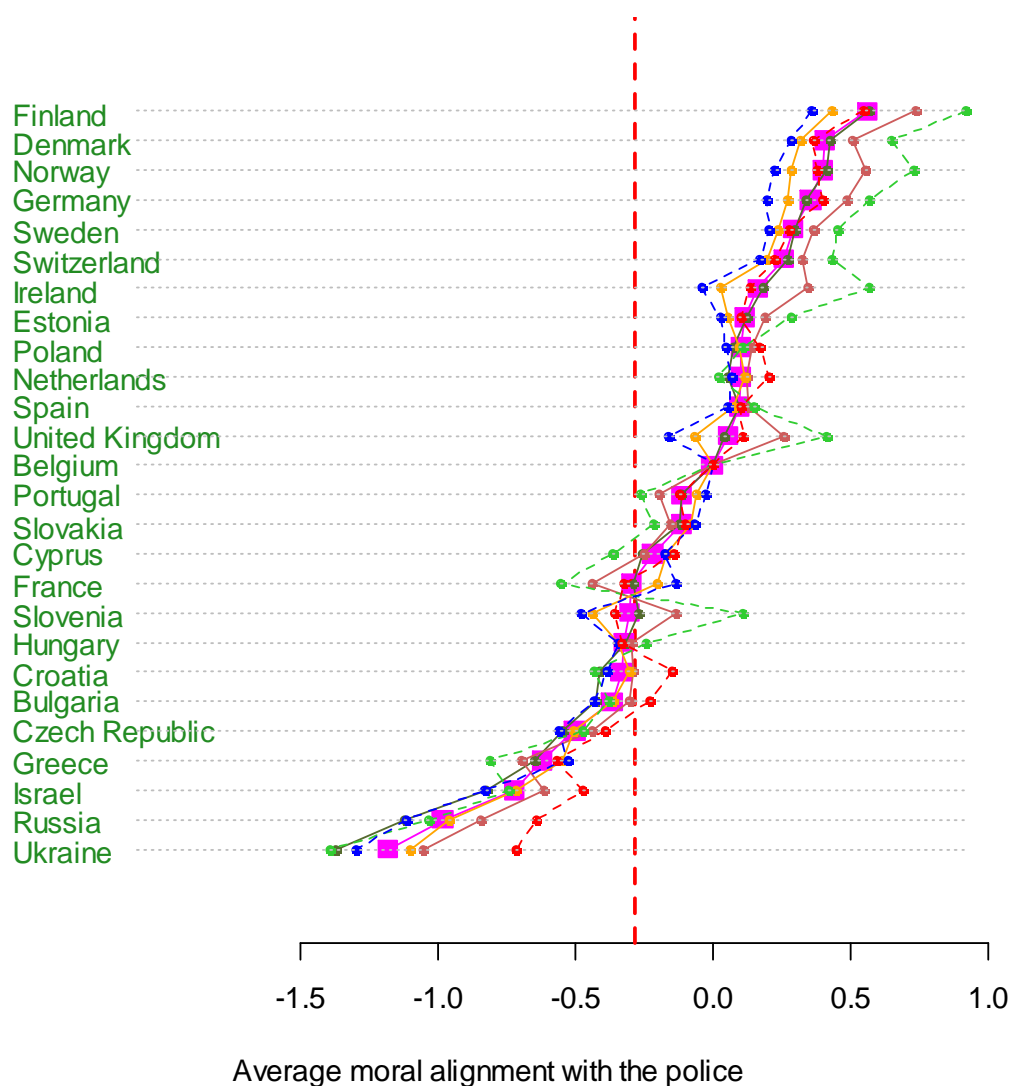


Figure 24 adds the estimated means from the last three models, where the models with two non-equivalent items are indicated with dashed thin lines. We see that the models with two non-equivalent items produce quite a lot of variation in the estimated means. Say, for example, one is interested in comparing the Ukraine and Russian Federation. Depending on the specific method one uses, Ukraine has higher levels of trust than Russian Federation, or it has very similar levels, or Russian Federation has higher levels of trust than Ukraine.

Figure 24 moral alignment with the police, adding two item non-equivalence



5. SUMMARY AND NEXT STEPS

In this FIDUCIA deliverable to the European Commission we have outlined the importance of social indicators of trust and legitimacy in the domain of criminal justice. We have defined and measured trust and legitimacy, and we have provided levels of trust and legitimacy in 26 countries using two methods. The first method draws upon a single measure of each construct, weighted to form national estimates using Round 5 European Social Survey (ESS) data. The second uses multiple indicators of certain constructs. Because the data are cross-national, and because the scales can work differently in different contexts, we assessed the comparability of the scales and the effect of any lack of direct comparability on national estimates.

We have shown levels of trust and legitimacy in 26 countries. Reporting findings using a single measure of each construct we found that levels of trust tended to be lowest in Greece, Portugal, Ukraine, Bulgaria and Russian Federation, and highest in Switzerland, Finland, Denmark and Netherlands. Levels of legitimacy tended to be lowest in Ukraine and Russian Federation, and highest in Denmark, Finland, Sweden and Norway.

Second, some of the constructs are measured using scales in R5 ESS, and we found a lack of measurement equivalence. We also found that a lack of equivalence potentially compromises any substantive cross-national comparisons. The next step is use some kind of model averaging to estimate national levels, weighting different estimates according to measurement equivalence model fit.

Work Package 11 has two other tasks. Task 11.2 turns to the explanation of levels of trust and legitimacy across Europe. This task will address a wealth of individual and national/contextual factors which may help explain why some individuals find the police (for example) trustworthy while other individuals do not, and why the police (for example) are seen by citizens to be legitimate in some countries than in other countries. Task 11.2 will also add measures of normative legitimacy, e.g. national level measures of corruption, accountability and transparency.

Furthermore, Task 11.3 examines whether public compliance with the law regarding everyday-crimes (such as buying stolen goods) and intentions to cooperate with the police and courts are linked to trust and legitimacy. We will explore two models of crime-crime policy. The first is based on an instrumental model of public behaviour. Here, people's reasons for law-breaking and cooperating with legal authorities are based on self-interested calculation – that is, driven by “what is in it for me?” If this model holds, then it follows that compliance and cooperation will be secured by the presence of formal or informal mechanisms of social control and the existence of severe sanctions for wrong-doers. The second model is based on normative motivations. It is based upon the belief that it is right to obey the law – simply because it is the law – and it is right to help justice systems in the fight against crime. Legal legitimacy is the belief that laws are personally binding, that one has a moral obligation to abide by the law. When people believe that rules are binding, they feel a duty to obey the rules put in place by authorities, regardless of the morality of a given act or the unfamiliar nature of the offence.

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APPENDIX

Police effectiveness

 LCAT output

Log-likelihood and information criteria:

Model	Observations	Parameters	LL	AIC	BIC	AICmin	BICmin	
1	eff.eq	49972	59 -292441.1	585000.1	585520.5	0	0	1
2	eff.eff1	49972	134 -290960.3	582188.5	583370.3	0	0	2
3	eff.eff2	49972	134 -290707.6	581683.2	582865.0	0	0	3
4	eff.eff3	49972	134 -291302.2	582872.3	584054.1	0	0	4
5	eff.eff12	49972	209 -289946.9	580311.7	582154.9	0	0	5
6	eff.eff13	49972	209 -289746.7	579911.3	581754.5	0	0	6
7	eff.eff23	49972	209 -289634.4	579686.7	581529.9	1	1	7

 Other fit statistics for linear factor analysis:

Model	Chi2	df	P-value	CFI	TLI	RMSEA	RMSEA95l	RMSEA95u		
1	eff.eq	5750.212	175	0	0.866	0.940	0.129	0.126	0.132	1
2	eff.eff1	2788.603	100	0	0.935	0.950	0.118	0.115	0.122	2
3	eff.eff2	2283.275	100	0	0.948	0.959	0.107	0.103	0.110	3
4	eff.eff3	3472.385	100	0	0.919	0.937	0.132	0.129	0.136	4
5	eff.eff12	761.803	25	0	0.982	0.945	0.124	0.116	0.131	5
6	eff.eff13	361.409	25	0	0.992	0.975	0.084	0.076	0.091	6
7	eff.eff23	136.818	25	0	0.997	0.992	0.048	0.041	0.056	7

 Likelihood ratio tests:

	H0	H1	LR.test	df	P.value
1	eff.eq	eff.eff1	2961.610	75.000	<0.0005
2	eff.eq	eff.eff2	3466.938	75.000	<0.0005
3	eff.eq	eff.eff3	2277.828	75.000	<0.0005
4	eff.eff2	eff.eff12	1521.472	75.000	<0.0005
5	eff.eff1	eff.eff13	2427.194	75.000	<0.0005
6	eff.eff2	eff.eff23	2146.456	75.000	<0.0005

Police procedural justice

LCAT output

Log-likelihood and information criteria:

Model	Observations	Parameters	LL	AIC	BIC	AICmin	BICmin
1	48953	59	-119522.0	239162.0	239681.1	0	0
2	48953	134	-118955.8	238179.7	239358.7	0	0
3	48953	134	-119038.2	238344.4	239523.4	0	0
4	48953	134	-118859.4	237986.9	239165.9	0	0
5	48953	209	-118428.2	237274.3	239113.2	0	0
6	48953	209	-118377.4	237172.7	239011.7	1	1
7	48953	209	-118396.8	237211.5	239050.5	0	0

Other fit statistics for linear factor analysis:

Model	Chi2	df	P-value	CFI	TLI	RMSEA	RMSEA95l	RMSEA95u
1	2449.624	175	0	0.936	0.972	0.083	0.080	0.086
2	1317.282	100	0	0.966	0.973	0.080	0.077	0.084
3	1481.984	100	0	0.961	0.970	0.086	0.082	0.090
4	1124.470	100	0	0.971	0.978	0.074	0.070	0.078
5	261.896	25	0	0.993	0.979	0.071	0.063	0.079
6	160.338	25	0	0.996	0.988	0.054	0.046	0.062
7	199.138	25	0	0.995	0.985	0.061	0.053	0.069

Likelihood ratio tests:

H0	H1	LR.test	df	P.value
1	pj.eq	1132.342	75	0.0005
2	pj.eq	967.640	75	0.0005
3	pj.eq	1325.154	75	0.0005
4	pj.pj2	1220.088	75	0.0005
5	pj.pj1	1156.946	75	0.0005
6	pj.pj2	1282.848	75	0.0005

Obligation to obey the police

LCAT output

Log-likelihood and information criteria:

	Model	Observations	Parameters	LL	AIC	BIC	AICmin	BICmin
1	obey.eq	49501	59	-313977.8	628073.7	628593.5	0	0
2	obey.obey1	49501	134	-310472.6	621213.2	622393.7	0	0
3	obey.obey2	49501	134	-313146.3	626560.6	627741.1	0	0
4	obey.obey3	49501	134	-312935.3	626138.7	627319.2	0	0
5	obey.obey12	49501	209	-309683.8	619785.5	621626.8	0	0
6	obey.obey13	49501	209	-309621.6	619661.1	621502.4	1	1
7	obey.obey23	49501	209	-310960.1	622338.1	624179.3	0	0

Other fit statistics for linear factor analysis:

	Model	Chi2	df	P-value	CFI	TLI	RMSEA	RMSEA95l	RMSEA95u
1	obey.eq	8872.600	175	0	0.902	0.956	0.162	0.159	0.164
2	obey.obey1	1862.096	100	0	0.980	0.984	0.096	0.092	0.100
3	obey.obey2	7209.508	100	0	0.920	0.937	0.193	0.189	0.197
4	obey.obey3	6787.588	100	0	0.924	0.941	0.187	0.184	0.191
5	obey.obey12	284.450	25	0	0.997	0.991	0.074	0.066	0.082
6	obey.obey13	160.060	25	0	0.998	0.995	0.053	0.046	0.061
7	obey.obey23	2837.018	25	0	0.968	0.901	0.243	0.236	0.251

Likelihood ratio tests:

	H0	H1	LR.test	df	P.value
1	obey.eq	obey.obey1	7010.504	75.000	<0.0005
2	obey.eq	obey.obey2	1663.092	75.000	<0.0005
3	obey.eq	obey.obey3	2085.010	75.000	<0.0005
4	obey.obey2	obey.obey12	6925.058	75.000	<0.0005
5	obey.obey1	obey.obey13	1702.036	75.000	<0.0005
6	obey.obey2	obey.obey23	4372.490	75.000	<0.0005

Moral alignment with the police

LCAT output

Log-likelihood and information criteria:

	Model	Observations	Parameters	LL	AIC	BIC	AICmin	BICmin
1	moralid.eq	49969	59	-164041.3	328200.5	328720.8	0	0
2	moralid.moralid1	49969	134	-163370.6	327009.1	328190.9	0	0
3	moralid.moralid2	49969	134	-162771.1	325810.2	326992.0	0	0
4	moralid.moralid3	49969	134	-162114.5	324497.1	325678.8	0	0
5	moralid.moralid12	49969	209	-161779.9	323977.8	325821.0	0	0
6	moralid.moralid13	49969	209	-161444.1	323306.2	325149.4	1	1
7	moralid.moralid23	49969	209	-161451.1	323320.1	325163.3	0	0

Other fit statistics for linear factor analysis:

	Model	Chi2	df	P-value	CFI	TLI	RMSEA	RMSEA95l	RMSEA95u
1	moralid.eq	5420.236	175	0	0.896	0.954	0.125	0.122	0.128
2	moralid.moralid1	4078.826	100	0	0.921	0.939	0.144	0.140	0.148
3	moralid.moralid2	2879.937	100	0	0.945	0.957	0.120	0.117	0.124
4	moralid.moralid3	1566.790	100	0	0.971	0.977	0.087	0.084	0.091
5	moralid.moralid12	897.490	25	0	0.983	0.946	0.135	0.127	0.142
6	moralid.moralid13	225.912	25	0	0.996	0.988	0.065	0.057	0.073
7	moralid.moralid23	239.832	25	0	0.996	0.987	0.067	0.059	0.075

Likelihood ratio tests:

	H0	H1	LR.test	df	P.value
1	moralid.eq	moralid.moralid1	1341.410	75	0.0005
2	moralid.eq	moralid.moralid2	2540.300	75	0.0005
3	moralid.eq	moralid.moralid3	3853.446	75	0.0005
4	moralid.moralid2	moralid.moralid12	1982.448	75	0.0005
5	moralid.moralid1	moralid.moralid13	3852.914	75	0.0005
6	moralid.moralid2	moralid.moralid23	2640.106	75	0.0005
