

Chapter 4

Authority and Legitimacy: A Quantitative Study of Youth's Perceptions on the Brazilian Police

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ABSTRACT

Today, the majority of research has focused on legitimacy, while much less attention has been given to the sources of trust in the police (Nix et al., 2014). Limited attention has been also paid to the examination of legitimacy of the police services as viewed by those they serve (Bottoms & Tankebe, 2013), especially by the young people. Hence, the current study aims to add to this body of research in three ways. First, it examines the factors that influence peoples' beliefs about the police and their intentions to cooperate or exhibit confidence. Second, this study constitutes one of the first empirical analyses that highlight the importance of examining the relationship between police authority and legitimacy in Brazil. Aiming to understand the dynamics among those notions in relation to trust and obedience, the empirical part of the present study is conducted in the district of Jardim Ângela (Sao Paolo); once considered as the most violent urban region in the world. The final contribution lies in its focus on early adolescence as the particular age forms a crucial period in peoples' legal socialization (Dirikx & Van den Bulck, 2014). The statistical analysis shows significant relationships between the frequency of obedience in laws and trust in the police, and dimensions of perceived legitimacy.

INTRODUCTION

A Hybrid Approach to Legitimacy

Every authority system tries to cultivate a belief in its legitimacy (Zelditch & Walker, 2003, p. 217). But, what exactly is legitimacy? And how is perceived legitimacy assessed? As Bottoms and Tankebe (2012) point out, there is no universally recognized definition of legitimacy. Legitimacy is a multi-dimensional concept and all depends in the context we look at it, as there is no standard tool able to accurately measure or even define legitimacy (Grimes, 2006). Legitimacy has been described as a dynamic continuum

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on a scale that could range from the use of force and coercion (either direct or indirect through the exertion of religious authority) at one extreme to established reasons for accepting another's authority (Hegasy, 2007, p. 19). For its assessment, a simple approach (used in national surveys) is the "trust and confidence" index (Tyler, 2011) where legitimacy is defined as "the recognition of the right to govern" (Coicaud, 2002, p. 10). A significant merit of this short definition is that it refers to those who aspire to exercise power and authority, as well as to those from whom they seek obedience. Legitimacy involves the belief not only that authority figures are trustworthy, honest and concerned about the well-being of the people they deal with, but also that people accept such legitimacy, and voluntarily defer to the decisions and directives of power-holders (Tyler & Caine, 1981; Tyler et al., 1996; Lind et al., 1997; Sunshine & Tyler, 2003; Tyler & Wakslak, 2004; Tyler, 2007). Within this conceptual framework, citizens are more likely to regard authority as legitimate, and uphold laws when power-holders treat citizens with respect (Tyler, 2006a, 2006b; Levi et al., 2009).

At the same time, legitimacy is not a phenomenon that can be directly observed (Barker, 2001, p. 24); every encounter that the public has with criminal justice agents should be treated as a socializing experience that builds or undermines legitimacy (Tyler, 2011, p. 257). Such encounters may derive from individuals' personal experiences, or they may form an accumulated body of (positive or negative) perceptions that shape a generic view. The way in which behaviors by the power-holders (especially by the police) are interpreted could be easily colored by citizens' prior experience (Skogan, 1994). This means that legitimacy is a concept that does not exist independently of the day-to-day relationships between the power-holders and their audiences. As Weber (1968) suggests, claims to legitimacy by power-holders are constant, given that those in a position to issue commands never simply anticipate that citizens will obey them. Assuming that a key factor that shapes the success of any authority is the degree to which it can establish and maintain legitimacy among its citizens (Gibson, 2004), it is crucial that power-holders constantly cultivate belief in their legitimacy; a belief that the power they possess is morally justified (Wrong, 1995).

From the perspective of criminal justice, a hybrid approach to legitimacy is not hierarchically mono-dimensional. Although legitimacy refers to both the 'governing community' and the 'ordinary subjects' (Barker, 2001, p. 59), it also includes multiple in-between individual aspirations to legitimize themselves both upwards (to higher-level power-holders) and downwards (to citizens). In parallel, a hybrid approach to legitimacy possesses both normative and instrumental components (Hinds, 2009, p. 11), and it places emphasis on two principal issues: procedural justice and distributive justice (Tyler, 2001). On one hand, procedural justice denotes judgments about neutrality, accuracy, consistency and impartiality in the decision-making process (Leventhal, 1980). It signifies respect shown for citizens' rights, and inferences of honesty and fairness about the motives of the authorities (Lind & Tyler, 1988; Tyler, 2006b). Procedural justice theories reflect the maintenance of universally accepted and applied rules and regulations (Resh & Sabbagh, 2013). In essence, it is related to the use of authority by power-holders (Hough, 2012, p. 182) and the impact of their performance on peoples' trust (Weatherford, 1987). On the other hand, distributive justice refers to the perceived fairness of the outcome received when the allocation of this outcome is deemed as appropriate and consistent with the implicit norms of a particular situation (Adams, 1965; Jasso, 1980; Markovsky, 1985; Törnblom, 1992; Hegtvedt & Markovsky, 1995). Resh and Sabbagh (2013, p. 3) define distributive justice as "a subjective perception elicited by a comparison between actual and deserved rewards", meaning that a sense of justice (or injustice) arises when the actual rewards matches (or contradicts) the expected awards. In this respect, distributed justice is multi-faceted (Sabbagh et al., 1994; Dar & Resh, 2001) as it guides the construction of the perceived "deservedness" (Walzer, 1983).

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