| QUESTION MODULE DESIGN TEAM (ESS ROUND 5) APPLICATION FORM FOR NEW MODULES[1] | |
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| Please return this form by email to: | Mary Keane<br>ess@city.ac.uk (PDF files only) |
| **CLOSING DATE FOR APPLICATIONS:** 17:00 hours (GMT) on 6th February 2009 | |

**USE THE ARROW KEYS TO NAVIGATE ROUND THE FORM**

## 1. Principal Applicant *(person to whom all correspondence will be sent):*

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|---|---|
| **Forename:** Jonathan | **Surname:** Jackson |
| Position: Lecturer in Research Methodology | |
| Department: Methodology Institute | |
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| Full Address: Methodology Institute<br>LSE<br>Houghton Street<br>London WC2A 2AE | |
| Tel No: + 442079557652 | Email: j.p.jackson@lse.ac.uk |

## 2. Co-Applicants *(up to 4):*

| | |
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| **(i) Forename:** Mike | **Surname:** Hough |
| Department: Law | |
| Institution: Kings College London | |
| Country: UK | Email: mike.hough@kcl.ac.uk |

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| **(ii) Forename:** Stephen | **Surname:** Farrall |
| Department: Law | |
| Institution: University of Sheffield | |
| Country: UK | Email: s.d.farrall@shef.ac.uk |

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| **(iii) Forename:** Kauko | **Surname:** Aromaa |
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| Institution: HEUNI | |
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| | |
|---|---|
| **(iv) Forename:** Jan | **Surname:** de Keijser |
| Department: | |
| Institution: Netherlands Institute for the Study of Crime and Law Enforcement | |
| Country: Netherlands | Email: JdeKeijser@nscr.nl |

[1] A totally new topic not previously fielded as a rotating module on the ESS OR a partial repeat of a prior rotating module where fewer than 60% of the questions are identical.

## 3. Proposed title of module *(max 80 characters):*

Trust in Criminal Justice: A Comparative European Analysis

## 4. Abstract *(max 200 words)*

This module examines public trust in criminal justice. Most EU Member States assess their crime policies narrowly, by reference to crime rates, detection rates and reconviction rates. It is important to do so, but it is equally important to assess whether citizens trust their institutions of justice. Public trust in justice is crucial to the rule of law, and governments need good survey-based indicators of this trust. Without such indicators, there is a risk that criminal policies will be skewed towards short-term, repressive measures which in the long term erode the legitimacy of the institutions of justice.

The module will capture information on trust, legitimacy, cooperation and compliance in relation to criminal justice. It will also test theories of institutional legitimacy. Tyler and colleagues argue that in the US the legitimacy of the police and courts depends centrally on fair and respectful treatment by justice personnel. Beetham and Robinson & Darley suggest that congruence of values, and perceived effectiveness, may be as important. Applying such theoretical work in the European arena, this module offers a pathbreaking and authoritative comparative study of public perceptions of justice.

## 5. Curriculum vitae

(Please provide a brief CV for each applicant, including subject expertise, questionnaire design and analysis experience, relevant publications and record of joint working – maximum one page per applicant.)

Principal Applicant:

JONATHAN JACKSON (LSE)

EDUCATION
MSc Social Research Methods and Statistics (Distinction) and PhD Psychology, LSE

EMPLOYMENT HISTORY
Lecturer in Research Methodology in the Methodology Institute, LSE
Visiting positions at New York University, University of Oxford, and University of Sydney

SUBJECT EXPERTISE
Criminology: fear of crime; public confidence in criminal justice; attitudes towards punishment.
Methodology: questionnaire design; comparative survey research; multi-level modelling; structural equation modelling.

SELECTED CURRENT RESEARCH GRANTS
EU FP7: Scientific Indicators of Confidence in Justice: Tools for Policy Assessment. €1,499,944. March 2008 – February 2011. Leader of a Work Package.
EU FP7: Sensitive Technologies and European Public Ethics. €865,729. May 2008 – April 2011. Co-applicant.
ESRC: Survey Resources Network. £1,198,225. November 2008 – October 2011. Co-applicant.
ESRC: Experience and Expression in the Fear of Crime. £120,261. January 2006 – June 2007. Co-applicant.

EXPERIENCE OF COLLABORATIVE RESEARCH
Worked on numerous collaborative projects, including FP7 JUSTIS project to develop social indicators of trust in justice across Europe, and a number of pan-European (Eurobarometer) surveys of public attitudes toward science and technology.

SELECTED PUBLICATIONS
Farrall, S., Jackson, J. and Gray, E. (forthcoming, 2009). Fear of Crime and Social Order in Contemporary Times. Oxford: Oxford University Press.
Jackson, J. (forthcoming, 2009). 'A Psychological Perspective on Vulnerability in the Fear of Crime', Psychology, Crime and Law.
Jackson, J., Bradford, B., Hohl, K. and Farrall, S. (forthcoming, 2009). 'Does the Fear of Crime Erode Public Confidence in Policing?', Policing: A Journal of Policy and Practice.
Bradford, B., Jackson, J. and Stanko, E. (forthcoming, 2009). 'Contact and Confidence: Revisiting the Impact of Public Encounters with the Police', Policing and Society.
Gray, E., Jackson, J. and Farrall, S. (2008). 'Reassessing the Fear of Crime', European Journal of Criminology, 5, 3, 363-380.
Jackson, J. (2008). 'Bridging the Social and the Psychological in Fear of Crime Research'. In Lee, M. & Farrall, S. (eds.), Fear of Crime: Critical Voices in an Age of Anxiety, Routledge-Cavendish, pp. 143-167.
Mulford, M., Jackson, J. and Svedsater, H. (2008). 'Encouraging Cooperation: Revisiting Group Identity and Cooperative Norm Effects in Prisoners' Dilemma Games', Journal of Applied Social Psychology, 38, 12, 2964-2989.
Jackson, J. and Sunshine, J. (2007). 'Public Confidence in Policing: A Neo-Durkheimian Perspective', British Journal of Criminology, 47, 214-233.
Jackson, J. (2006). 'Introducing Fear of Crime to Risk Research', Risk Analysis, 26, 1, 253-264.
Gaskell, G., Einsiedel, E., Hallman, W., Hornig Priest, S., Jackson, J. and Olsthoorn, J. (2005). 'Social Values and the Governance of Science', Science, 310, 1908-1909.
Gaskell, G., Ten Eyck, T., Jackson, J. and Veltri, G. (2005). 'Imagining Nanotechnology: Cultural Support for Innovation in Europe and the United States', Public Understanding of Science, 14, 1, 81-90.
Jackson, J. (2004). 'Experience and Expression: Social and Cultural Significance in the Fear of Crime', British Journal of Criminology, 44, 6, 946-966.
Gaskell, G., Ten Eyck, T., Jackson, J. and Veltri, G. (2004). 'Public Attitudes to Nanotech in Europe and the United States', Nature Materials, 3, 8, 496.
Jackson, J., Allum, N. and Gaskell, G. (2004). 'Perceptions of Risk', peer-reviewed Science Review commissioned by the Department of Trade and Industry (Foresight Directorate). Available on the World Wide Web at http://www.foresight.gov.uk.

## Curriculum vitae (continued)*:*

Co-applicant 1:

MIKE HOUGH
Director, Institute for Criminal Policy Research
8th Floor, Melbourne House
King's College London
Strand, London WC2R 2LS

EXPERTISE AND EXPERIENCE
Extensive experience in quantitative research methods, especially large-scale sample surveys such as the British Crime Survey and the Policing for London survey. Published widely on attitudes to punishment. Author of 'Policing for London', a detailed examination of public attitudes and experiences of policing. Other work includes studies on sentencing and on drug use, and work on the policing of antisocial behaviour. Coordinator of the European Commission's FP7 JUSTIS project on indicators of confidence and trust in justice.

President of the British Society of Criminology. Co-ordinator of the crime data network set up by the Royal Statistical Society and the British Society of Criminology. Member of the Surveys, Design and Statistics Sub-Committee of Home Office Scientific Advisory Committee.

Previously advisor to the Home Office Crime Reduction Programme and on various aspects of drug policy and Senior Advisor to London Regional Crime Reduction Director. Author of guidance manuals for central and local government on crime reduction, on crime audits and on work with offenders. Extensive experience as evaluator of crime reduction programmes and programmes for drug offenders.

SELECTED PUBLICATIONS SINCE 2007
Hough, M. and Maxfield, M. (eds.) (2007) Surveying Crime in the 21st Century. Cullompton: Willan Publishing.
Morgan, R. and Hough, M. (2007) 'The Politics of Criminological Research', in (eds) R. King and E. Wincup. Doing Research on Crime and Justice. Oxford: Oxford University Press.
Jacobson, J and Hough, M. (2007) Mitigation: the role of personal factors in sentencing. London: Prison Reform Trust.
Roberts, J. V., Hough, M., Jacobson, J., Bredee, A. and Moon, N. (2008) 'Public attitudes to sentencing offences involving death by driving', Criminal Law Review, 7, pps 525-538
Hough, M., Roberts, J. V., Jacobson, J., Bredee, A. and Moon, N. (2008) Attitudes to the sentencing of offences involving death by driving. Sentencing Advisory Panel Report No. 5. London: Sentencing Advisory Panel.
Hough, M. and Hunter, G. (2008) 'The 2003 Licensing Act's impact on crime and disorder: an evaluation', Criminology and Criminal Justice, 8, 3, pps 239-260.
Hough, M. and Jacobson, J. (2008) Creating a Sentencing Commission for England and Wales: an opportunity to address the prisons crisis. London: Prison Reform Trust.
Hough, M, Allen, R. and Solomon, E. (eds) (2008) Tackling Prison Overcrowding. Bristol: Policy Press.

## Curriculum vitae (continued)*:*

Co-applicant 2:

STEPHEN FARRALL (University of Sheffield, UK)

EDUCATION
1998-2001 D.Phil, University of Oxford

EMPLOYMENT
1994-1996 Research Assistant, Department of Law, University of Sheffield; 1996-2000 Research Officer, Centre for Criminological Research, University of Oxford; 2000-present Research Fellow then Senior Research Fellow, Department of Criminology, University of Keele, September 2007 - : Reader in Criminology, School of Law, University of Sheffield.

SUBJECT EXPERTISE
Criminology: fear of crime; desistance.
Methodology: questionnaire design; validity and reliability testing of survey indicators; multivariate analysis.

RESEARCH GRANTS
Economic and Social Research Council, £32, 043, "Mrs Thatcher's Criminological Legacy – A Scoping Project", RES000222688. (With Jonathan Jackson, LSE). July 2008-October 2008.
European Commission "JUSTIS: Scientific Indicators of Confidence in Justice: Tools for Policy Assessment", FP7 Grant, under Theme 8, Socio-Economic Sciences and Humanities (SSH), FP7-SSH-2007-1, Proposal N°: 217311 (led by Mike Hough, Kings College, London. Farrall to lead Work Package 4 "Development of scientific survey-based indicators of public confidence in justice for policy assessment". £160,000 of € 1,499, 944. March 2008-February 2011.
Persistent Serious Offenders in the North West of England, 1880-1940 (£142, 785), ESRC with Dr Godfrey, March 2007 – December 2008.
Experience and Expression in the Fear of Crime (£120,261), ESRC, Principal Investigator, with Dr Jackson, January 2006 – June 2007.
The Impact of Dramatic Growth in Employment on Crime Over 70 Years (£113,661), Leverhulme Trust, co-applicant with Dr Godfrey, January 2004 – June 2005.
Tracking Progress After Probation (£51,878), Leverhulme Trust, Principal Investigator, Summer 2003 – Autumn 2004.
Measuring the Fear of Crime With Greater Accuracy (£10,973), ESRC, Principal Investigator, October 2002 – January 2003.

EXPERIENCE OF COLLABORATIVE RESEARCH
Worked on numerous collaborative projects, including a major ESRC funded project with Professor Ditton, Dr Bannister and Dr Gilchrist on: Questioning the measurement of the fear of crime.
Member of an ESS module team for the second round (30-items on economic morality).

SELECTED PUBLICATIONS
Lee, M. and Farrall, S. (2009) (eds) Fear of Crime: Critical Voices in an Age of Anxiety, Routledge, London.
Godfrey, B., Cox, D. and Farrall, S. (2007) Criminal Lives: Family Life, Employment and Offending, Clarendon Series in Criminology, Oxford University Press, Oxford.
Farrall, S. (2006) `Rolling Back the State´: Mrs Thatcher´s Criminological Legacy, International Journal of the Sociology of Law, 34(4):256-277.
Karstedt, S. & Farrall, S. (2006) The Moral Economy of Everyday Crime: Markets, Consumers and Citizens, British Journal of Criminology, 46(6):1011-1036
Sutton, R. and Farrall, S. (2005) Gender, Socially Desirable Responding, and the Fear of Crime: Are Women Really More Anxious about Crime? British Journal of Criminology, 45(2):212-24.
Farrall, S. (2004) Revisiting Crime Surveys: Emotional Responses Without Emotions, Int Jnl of Social Research Methodology, 7(2): 157-71.
Sutton, R. & Farrall, S. (2004) Gender, Socially Desirable Responding, and the Fear of Crime: Are Women Really More Anxious About Crime? British Journal of Criminology.
Farrall, S., et al, (2000) Social Psychology and the Fear of Crime: Re-examining a Speculative Model. British Journal of Criminology, 40(3):399-413.
Gilchrist, et al (1998) Women and Men Talking About the Fear of Crime: Challenging the Accepted Stereotypes, British Journal of Criminology 38(2): 284-299.
Farrall, S., et al (1997) Questioning the Measurement of the Fear of Crime: Findings From a Major Methodological Study, British Journal of Criminology, 37(4): 657-78.

## Curriculum vitae (continued)

Co-applicant 3 *(if applicable):*

KAUKO AROMAA

EMPLOYMENT
Researcher of Institute of Criminology, Helsinki 1970-1973; Senior Researcher of National Research Institute of Legal Policy, Helsinki 1974-1992; Research director of National Research Institute of Legal Policy 1992-2000; Director of the European Institute for Crime Prevention and Control, Affiliated with the United Nations (HEUNI) 2000 – present.

AFFILIATIONS
Statistics Finland Crime Statistics Task Force 1972-1974; Task Force on Classifications in Administrative Statistics 1978-1979; Task Force on Total Reform of Justice Statistics 1980-1982; Project Groups "Victim 80"; "Security of Finns -88"; "Security -93"; "Victim -97" and "Victim -03", planning and developing the Finnish national crime victimisation surveys; Director of Labour Protection Foundation project "Preventing Violence at Work" 1992-1995; National Council for Crime Prevention 1995-present; Chief editor of Finnish crime prevention and criminal policy journal "Haaste" ["Summons"] 2004-2006

LANGUAGE SKILLS
Finnish (mother tongue), Swedish (working language), English (working language), German (school language).

SUBJECT EXPERTISE
Crime statistics; Crime trends; Violent crime; Victimisation surveys; Professional crime; Organised crime; Trafficking in human beings; Corruption; Crime prevention; Criminal policy

PUBLICATIONS
Together with Prof. Ahti Laitinen, two criminology textbooks (1993 and 2005), editor of book on crime in the adjacent region of Finland (The Baltic Region, 1998), over 60 other published research reports with other authors or on my own, 150 articles in journals or anthologies (about 60 of which are abroad), and a number of smaller texts.

**Curriculum vitae (continued)**

Co-applicant 4 *(if applicable):*

JAN DE KEIJSER

Jan de Keijser studied political science at Leiden University. In 2000 he got his Ph.D. (cum laude) at the same university. His Ph.D. research focused on consistency in sentencing in relation to the goals and functions of punishment. Apart from the process of sentencing in criminal cases, his research interests include public opinion towards punishment, confidence in the criminal justice system, the criminal justice system from the point of view of the accused, and the journey to crime. Within the NSCR he is senior researcher in the research group 'Citizens and the Criminal Justice System'.

This research group has as its focus the dynamics and manner in which the criminal justice system operates. The criminal justice system is regarded as a complex sequence of judicial authorities, procedures and decisions that cover the entire trajectory from reporting or notification right through to the execution of a sentence or disciplinary action. The interaction between citizens (including offenders, victims and witnesses) and the criminal justice system determines the legitimacy of the system and is indispensable for effective law enforcement that is supported in society. Legitimacy defines important issues, such as the willingness to report crime and the degree in which people are inclined to take the law into their own hands. Legitimacy also affects the acceptance of judicial decisions, co-operation with legal authorities (police) and in procedures. The manner in which criminal justice system functions, its transparency, the way that those who are directly involved are treated, the response to feelings within society, the fairness of procedures and decisions, these are all aspects of the interaction between the citizen and the criminal justice system that are of prime importance for the legitimacy of the administration of criminal justice in modern society.

SELECTED PUBLICATIONS


De Keijser, J.W. & Elffers, H. (2009, in press). Cross-jurisdictional differences in punitive public attitudes? *European Journal on criminal policy and research*.

Malsch, M., Groenen, A., De Keijser, J.W., Vervaeke, G. (2009, forthcoming). Dealing with stalking: Police intervention or court decision? *International review of victimology*.

De Keijser, J. W., & Elffers, H. (2009, in press). Public punitive attitudes: A threat to the legitimacy of the criminal justice system? In M. E. Oswald & S. Bieneck & J. Hupfeld (Eds.), *Social psychology of punishment of crime*. Chichester: John Wiley & Sons.

Keijser, J. W. de, & Elffers, H. (2008). Straffen in context: Het effect van referentiekaders op de publieke opinie over straf. *Tijdschrift voor Criminologie, 50,* 3, 233-247.

De Keijser, J. W., Elffers, H., & van de Bunt, H.G. (2008). Responsive but misunderstood: Dutch judges on their relation to society. In H. Kury, *Fear of Crime - Punitivity: New Developments in Theory and Research* (pp. 471-488). Bochum: Universitätsverlag Dr. N. Brockmeyer.

Elffers, H., & De Keijser, J.W. (2008). Different perspectives, different gaps: Does the general public demand a more responsive judge? In H. Kury, *Fear of Crime - Punitivity: New Developments in Theory and Research* (pp. 447-470). Bochum: Universitätsverlag Dr. N. Brockmeyer.

De Keijser, J. W., van Koppen, P. J., & Elffers, H. (2007). Bridging the gap between judges and the public? A multi-method study. *Journal of Experimental Criminology, 3,* (2), 131-161.

Elffers, H., de Keijser, J. W., van Koppen, P. J., & van Haeringen, L. (2007). Newspaper juries: A field experiment concerning the effect of information on attitudes towards the criminal justice system. *Journal of Experimental Criminology, 3,* (2), 163-182.

De Keijser, J.W. & P.J. van Koppen (2007). Paradoxes of proof and punishment: Psychological pitfalls in judicial decision making. *Legal and Criminological Psychology,* 12, 189-205.

Hessing, D.J., Keijser, J.W. de, & Elffers, H. (2003). Explaining capital punishment support in an abolitionist country: The case of the Netherlands. *Law and Human Behavior, 27,* 6, 605-622.

# Part 1: Theory behind proposed module

[5,204 words]

### 1. The problem to be addressed

This bid will:

- develop theoretical work around trust in criminal justice across most European jurisdictions;
- provide empirical insights into an important social and political topic; and,
- demonstrate the value to policy of a suite of survey-based European indicators on this topic.

The applicants are all involved in a European Commission FP7 project, JUSTIS, which involves the design and piloting of indicators of trust in justice (www.eurojustis.eu). For the investment in this work to pay off, we need to find a suitable survey 'vehicle' to carry the indicators. The ESS is by far the best option, and the timescales of JUSTIS dovetail perfectly with Round 5 of the survey.

Leaving aside these practicalities, the module is of considerable theoretical and practical importance across Europe. The interaction between citizens (including offenders, victims and witnesses) and the criminal justice system determines the legitimacy of the system, and legitimacy shapes consent to the rule of law. The module will provide a sophisticated comparative analysis of this topic that is based on the very latest conceptual and theoretical thinking in this area.

*The context*

EU Member States face the prospect of growing problems of crime and disorder. The global economic downturn, migration patterns and climate change all point to this as a realistic possibility. These factors will create the ingredients for a growth in income inequalities, and with income inequality will come rising crime.

There are two broad policy responses to the problems of crime and disorder created by socially marginalised groups. The first is the deployment of *repressive* strategies, such as the mass imprisonment that characterises the US and Russia. The second covers various *inclusionary* strategies designed to increase commitment to the law and to mitigate the impact of social and economic inequalities. Repressive strategies rely for their effectiveness either on imposing a price on offending that is high enough to deter those who are tempted to crime or else on incapacitating these people through imprisonment. Repressive strategies are obviously unavoidable for some sorts of offender. But coercing compliance with the law is a less efficient route to social order than securing normative compliance – that is, getting people to accept the rule of law because they believe it is right to do so.

One can differentiate between inclusionary strategies that are premised on *economic inclusion* to achieve social justice and those that aim to demonstrate that the institutions of justice are themselves *fair and just*. It is the latter group of strategies with which this proposal is concerned. We believe that criminal justice systems must assess themselves not only against narrow criteria of crime control, but also against broader criteria relating to people's trust in justice. In the long term, public compliance with the law depends on the legitimacy of institutions of justice. Crucially, institutions command legitimacy if people recognise that they are fair, just and provide public security.

We therefore propose a 50-item module that measures trust in criminal justice (a term used to embrace issues relating to effectiveness, fairness, and legitimacy). The module will have both theoretical and practical payoffs. Governments across Europe are increasingly recognising that the governance of criminal justice requires them to take into account citizen perceptions as well as objective performance (Hale, 1996; Hough & Roberts, 2004; Roberts & Hough, 2005). But both policy and academic thinking on these topics needs refining. There is a general recognition that public

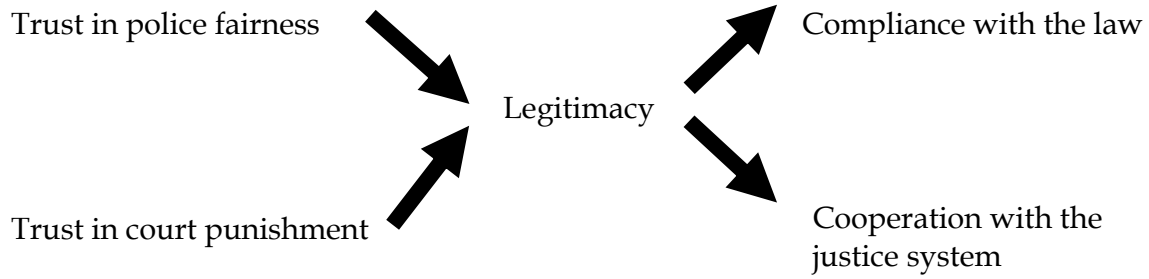
confidence in justice is important, but the precise reasons why confidence is to be valued are rarely articulated. This module will allow us to test out competing hypotheses about the relationships between public trust in criminal justice, the legitimacy of institutions of justice, and public compliance and cooperation with the law. It will also allow us to demonstrate the value of the indicators developed by both the JUSTIS project and the ESS team, chiefly by providing policy with a vital set of concepts and tools for thinking about and improving trust in justice across Europe.

*Theoretical underpinnings*

The proposed module is rooted in a psychological model of the dynamics of trust, legitimacy, cooperation and compliance. The model has two core components. The first is based around the work of Tom Tyler and colleagues on the group-value model of *procedural justice* (Lind & Tyler, 1988; Tyler & Lind, 1992). In *Why People Obey the Law*, Tyler (1990) demonstrated that policing styles influence public beliefs about police legitimacy which in turn can promote – or erode – compliance with the law. Tyler and Huo (2002) later showed that legitimacy can also lead to public cooperation with the police – for example in reporting crimes and acting as witnesses. The proposition is that the activation of individuals' feelings of responsibility and obligation to their community – and to community authorities – leads to a more favourable orientation towards those authorities. A model of social regulation based on such internal motivations – or normative commitment to the law – is both safer and more efficient then social control based on coerced compliance. Authorities can rely on citizens' internal motives for self control rather than risking the cost, danger, and alienation associated with using actual force or the threat of force. Equally, internal moral drivers to obey the law and cooperate with the system may be *more powerful* than an external set of rules involving deterrent threat. These internal moral drivers may be fundamentally linked to the perceived legitimacy of the justice system. And one way to foster legitimacy is to treat individuals with fairness and respect (Sunshine & Tyler, 2003a).

The second component centres upon the work of Robinson & Darley (2007) on intuitive justice. People care about morality, not least because morality facilitates social cooperation. We are predisposed to maintain cooperative systems by rewarding those who behave morally and punishing those who do not. The idea here is that when people believe that the criminal justice system is not adequately punishing law-breakers, the public sense of legitimacy of the rule of law may be eroded.

On the one hand, therefore, the procedural justice model links public trust in police fairness to police legitimacy and cooperation and compliance with the police and law. On the other hand, the intuitive justice model links public trust in court effectiveness and efficiency to the legitimacy of the law (and subsequent compliance).The figure below summarises the framework. We hypothesise that the impact of trust in police fairness and court punishment on compliance and cooperation flows through the perceived legitimacy of the criminal justice system.




Crucially, the module will allow this model to be contrasted with an instrumental model, where the perceived risk of sanction is the key determinant of compliance with the law and cooperation with the justice system. It is important to stress that the two models have quite different theoretical and policy implications. Coercing compliance with the law by increasing the chances of detection and prosecution may be both costly and minimally efficient. By contrast, fostering public trust and

perceived legitimacy through fair procedures and adequate punishment may be less costly and more productive. Or so the proposed module seeks to investigate.

**2. Module objectives**

The module contains 50 questions (designed to complement a number of existing items in the ESS, for example trust in a range of institutions, values and political attitudes) that combine to meet three interlinked objectives:

- To establish a cross-national dataset on trust in justice that will allow us to support the development of criminal justice policies built around concepts of procedural justice and institutional legitimacy;
- To provide the first truly international comparative analysis of trust in justice; and,
- To test a psychological model of trust, legitimacy, cooperation and compliance.

*Objective 1: supporting policy development*

The dataset will be an important resource for Member States in shaping criminal justice policy. As outlined above, insights into trust in justice will highlight to policy makers crucial relationships between trust in justice and legitimacy, compliance and cooperation. The module will allow the comparison of a model that links trust in police fairness and court punishment to legitimacy, compliance and cooperation, with an instrumental model that links public perceptions of the risk of sanction (the 'chances of getting caught') to legitimacy, compliance and cooperation.

*Objective 2: comparative analysis*

The second objective is to provide the first truly international comparative analysis that takes advantage of recent developments in the measurement and conceptualisation of trust in justice. There is little doubt that public attitudes towards crime and criminal justice have long been prominent social and political issues in Europe, not least because they palpably influence the direction of policy, the administration of justice, and the tone and tenor of political discourse. Yet despite the impact of public opinion and the topicality of lay anxieties about crime and criminal justice, we lack high-quality comparative data in Europe, and we lack clear and empirically tested definitions of the concepts involved. As Roberts & Hough (2005: 4) argue with respect to confidence in criminal justice:

> 'The field of public opinion and criminal justice has yet to develop a truly international foundation. Comparative research remains rare . . . While researchers have explored several issues in different jurisdictions, no public opinion database collects public attitude data using standardized questions and uniform sampling strategies across different countries . . . What is needed is a standardized survey instrument that explores a wide range of issues within the area of criminal justice, particularly those relevant to all countries (such as confidence in the justice system).'

*Objective 3: theory testing*

The third objective is to test a theoretical framework that locates public trust – or confidence – in justice as a central determinant of effective criminal justice. Minimally, public confidence is needed if victims and witnesses are to report crimes to the police, to act as witnesses in court and to serve as jurors. But as we have discussed, there is also a growing body of research into procedural justice that shows that trust in justice can also be central to people's propensity to comply with the law. It is clear that institutional legitimacy plays *some* role in determining levels of public cooperation and compliance, but we do not have any sense of whether these relationships are stable across different cultures and jurisdictions. Nor do we know whether the drivers of legitimacy vary across countries and cultures. The US procedural justice research indicates that in North American jurisdictions the fairness

of police and court procedures are the critical factors. We suspect that perceived effectiveness, and the degree of alignment of public and institutional values may – at least in some European jurisdictions – prove equally important, and we take some support for this view from the work of Robinson and Darley (2007).

## 3. Concepts

*In outline*

In broad summary, public *trust in justice* is the module's anchoring concept. It can be thought of as a key driver of *institutional legitimacy*. Institutional legitimacy yields two critical goods: public *compliance with the rule of law*, and public *cooperation with justice agencies*.

Trust in justice has three main sub-components:

- trust that the justice system will be fair and respectful
- trust that it will be effective
- trust that its values will be aligned with those of the public.

The rest of this section provides a detailed commentary on the core concepts

*Trust in justice*

Trust in justice has various dimensions to it: trust that the system will be effective; trust that the system will be fair; and trust that the system will display values that are aligned with our own. Sociological work tends to portray trust as pervasive – inherent in and formative of many social situations, including both face-to-face encounters and the relationships between individuals, organisations, institutions, and the state. Some theorists emphasise that trust reduces the complexity of the world by 'bracketing out' many possible events. Therefore, trust frees us up to act as if it is certain that such events are not going to occur (Luhmann 1979) – trust becomes necessary in situations of uncertainty and risk, particularly uncertainty regarding the motives, intentions and future actions of others on who we depend. Other theorists have described how (when placed) trust assumes that those who are trusted will in certain circumstances place one's interests above their own (fiduciary trust – Barber 1983). Since trust involves placing oneself or one's interests, for whatever reason and in whatever way, at the mercy of individuals, groups or institutions (Tilly 2005), it is embedded in our social relationships, and involves at its root tacit (or explicit) expectations that others will behave in predictable ways.

If trust creates a world that is stable and coherent; if trust allows us to get on with our lives; and if trust is embedded in our relationships with others and with institutions and social structures – what does this mean for trust in justice? We suggest that trust ranges from our expectations about others (both intimates and strangers) to our expectations about social and political institutions and processes. Key in these expectations are assumptions or perceptions of the effectiveness and fairness of actors who work in the criminal justice system (police officers or judges, for example) and the broader agencies of the system itself (the police force and the judiciary, for example). Indeed, effectiveness and fairness may be conceptually and empirically separate: systems of justice can be effective (in controlling crime, in responding to emergencies) without being particularly fair; and they can be fair without being particularly effective. At least in the medium term, repressive systems can control crime without respecting human rights, for example.

Moreover, US research on public trust in police fairness has differentiated between distributive fairness on the one hand, and procedural fairness on the other. Distributive fairness addresses public beliefs regarding the fairness with which services are distributed, whether the police provide help to all groups equally, or whether following interaction with the police, people typically get what they deserve. Sarat (1977) argues that the demand for equal treatment is a core theme running

through public evaluations of the police and courts in the US. He suggests that the '…perception of unequal treatment is the single most important source of popular dissatisfaction with the American legal system. According to available survey evidence, Americans' believe that the ideal of equal protection, which epitomizes what they find most valuable in their legal system, is betrayed by police, lawyers, judges, and other legal officials' (p. 434).

By contrast, procedural justice refers to perceptions of fairness related to the ways in which procedures, independent of their specific outcomes, are conducted. Tyler (1990; Lind and Tyler 1988) found that individuals' concerns about fair process are far broader than a simple emphasis on self-interest (which an outcome-based or instrumental model would privilege). People care about the type of authority exercising power as well as its motives for doing so, and they care about how they are treated and whether their rights are respected. These are issues unrelated to the substantive content of decisions made or the outcomes of a particular situation. Tyler (1990) also found that issues revolving around how people were treated were consistently more accurate predictors of perceptions of legitimacy than their assessments of the outcome.

It is also useful to distinguish between someone's expectation that they *personally* will receive effective and fair treatment from the system, and their belief that *overall* the system is effective and fair. A distinction for this module can therefore be made between institutional trust and interpersonal trust. We focus in this module on institutional rather interpersonal trust. Institutional trust comprises relatively stable attitudes towards the police, the prosecutors, the courts, and the correctional services. For example, an important element of trust in justice is public satisfaction with the sentences given out by the courts. Trust in the legal system directs our attention to public attitudes towards the effectiveness (or efficiency) of the courts, the fairness of its procedures and decisions, and the extent to which the sentences given out reflect the values and desires of citizens.

Institutional trust can be thought of as a 'system-level' public attitude towards the activities of the criminal justice system – something that is close to 'job rating' measures for the police and other criminal justice agencies. Sitting above actual encounters and specific moments of cooperation and compliance, institutional trust is the implicit or explicit belief that the criminal justice system (as a set of institutions) behaves effectively, fairly, and that it represents the interests and expresses the values of the community – whether locally or nationally. Institutional trust is likely to reflect orientations towards organisations that are fairly stable. People's views on the police, for example, are not in a state of constant review. Nevertheless, institutional trust is subject to revision through experience. If institutional trust is rooted in understandings of the role and nature of criminal justice – and if institutional trust involves rather abstract assessments of the behaviour of the police organisation, for example – it can be undermined by events or long term processes, including:

- single incidents, involving accidents, incompetence or malpractice;
- perceived declines in police visibility;
- perceived declines in availability and readiness to intervene; and,
- increasingly widespread ideas that police do not treat everyone equally.

Because it is based on and expressed by basic social understandings and assumptions, institutional trust may be relatively immune from short term change. But rather like an oil tanker, once a change of direction is underway, it might be difficult to halt or reverse.

So far we have discussed trust in justice in terms of public of the fairness and effectiveness of the police, the courts, and so forth. But trust may also involve some kind of value/moral alignment, where the police or the courts are seen to understand and represent the needs of the community – having 'our interests at heart,' as it were. Value alignment and, to use a social-psychological term, shared group membership, have been found to be central in trust relationships (Tyler 1990; Tyler and Huo 2002) and have also been suggested as core components of the legitimacy of institutions such as, perhaps, the police and the courts (Beetham 1991).

Earle and Cvetkovitch (1995) suggest that people require rather a lot of information about actors and institutions in order to decide whether or not to grant trust. So while the function of such trust may be a reduction of cognitive complexity, the basis on which it would be granted would itself require considerable cognitive effort. Instead, Earle and Cvetkovitch claim that trust is often based on a more general salient value similarity – a 'groundless' trust, needing no justification, inferred from 'value-bearing narratives'. These could be information shortcuts, available images, schema and the like. People trust institutions that tell stories expressing salient values that are similar to their own. Similarity of values between trustor and trustee is inferred from the trustee's words, actions, perceived cultural/social group membership. As applied to trust in justice, trust in the police (for example) may be conferred not only on the basis of a detailed appraisal of the likely competence and fiduciary responsibility of the actor, but also on the perception of shared salient values – the evaluation of 'value-bearing narratives' regarding the roles, intentions, goals and behaviours of the police force.

*Compliance and cooperation*

Politicians and criminal justice managers are increasingly recognising the importance of fostering trust in justice – or confidence in justice, a term which serves broadly as a synonym. Sometimes public confidence-building is regarded simply as a strategy for enhancing the cooperation provided by the 'law abiding majority' to the criminal justice system – for example in reporting crimes and acting as witnesses and jurors. A more subtle perspective, which has emerged from procedural justice thinking, is that compliance with the rule of law is most likely to occur when the population trusts the criminal justice system. Thus, trust in justice is important because it promotes compliance with the rule of law, as well as citizen cooperation.

Cooperation, of course, has different shades of meaning. One could argue that *compliance*, in the sense of obedience to the law, is a form of cooperation. We have taken the view that it is simpler and less confusing to define cooperation and compliance as conceptually and empirically separate processes.

The procedural justice perspective provides a compelling argument as to why people do, or do not, cooperate with the police and other criminal justice agencies. Backed by a wealth of empirical evidence, the procedural justice approach holds that public perceptions of fairness, equitability and transparency of procedure are central in securing support for and cooperation with criminal justice institutions. Fair and decent treatment fosters satisfaction with the authority involved and enhances its legitimacy. This enhanced legitimacy is then itself linked not only to greater compliance with the authority's instructions but increased propensities to assist it in the future (Tyler 1990; Tyler and Huo 2002). Indeed, for Tyler and colleagues the defining feature of a legitimate authority is that those subject to it feel that it should be deferred to and obeyed as of right (and not, for example, because of the threat of physical force).

In contrast, if the police are perceived to be illegitimate not only will cooperation decline but people will be less likely to obey the law, encouraging or forcing authorities to take a more punitive or coercive stance – which will likely be perceived as procedurally unfair by members of the public. A downward spiral of increasing separation and antagonism between police and public is therefore one possible outcome from public perceptions that police are procedurally unfair or unjust.

To this we would add an emerging perspective on intuitive justice. Put at its simplest, people care about the ways in which the legal system punishes law-breakers. People may want the justice system to treat people fairly and with dignity, but they also want the justice system to punish those who do break the law. If the level of punishment is not perceived to be adequate, whether through incompetence to bring cases to trial or the leniency of judges and juries in handing out sentences, the legitimacy of the system suffers. In other words, the public will come to the view that the legal system is not representing the values and morals of the general populace.

*Legitimacy*

Legitimacy is therefore another key concept for the module. It provides the explanatory linkages between trust and compliance with the law. The 'drivers' of legitimacy are trust (or confidence, or the belief) that the criminal justice system is effective, fair, and displays values that are aligned with those of the public, whether they are the policed, the governed, or the served. This can be communicated by the procedures used by authorities to wield their authority, and the actions of the courts in punishing law-breakers. Systems that command legitimacy have *authority*, and it is this authority that yields compliance. Normative compliance (i.e. the compliance that flows from institutional legitimacy) is more stable, and less painfully bought, than coerced compliance that is achieved through threat or duress.

Legitimacy is a 'psychological property of an authority, institution, or social arrangement that leads those connected to it to believe that it is appropriate, proper, and just' (Tyler, 2006). In political philosophy, theories of legitimacy are often confined to a very specific set of social relationships: namely, those between individuals and institutions – such as the police – or even more overarching structures such as the state. The concept of legitimacy is generally bound up with the right to be recognised, to have remit over a certain area of life (Habermas, 1979), and to command and be obeyed (Weber, 1978; Tyler, 1990). Applied to the criminal justice system, the concept of legitimacy brings to the fore notions of power and authority.

Some political philosophers have followed a loosely Weberian tradition, situating legitimacy in individual's perceptions that the rule of an authority is justified. Others maintain that in as much as legitimacy is granted by the individual to the institution, it must contain a normative element – a decision by the individual, whether conscious or not, that the institution shares a certain moral or ethical position (Beetham, 1991). Legitimacy is not just an excuse for power, so the argument goes. It is also a justification of that power. Judgements among individuals about the legitimacy of an institution must be based to some degree on assessments of the congruence between its goals, practises and behaviours and their own. More broadly, legitimacy is about the moral justifiability of the power relations bound up in the state and its justice system – conformity to people's values, its ability to satisfy public interests and normative expectations, and in the legality of police power.

We define legitimacy as a multi-dimensional construct with three interlinked elements:

- The obligation to obey – the perceived legitimacy of the police (for example) is measured by asking people whether they would obey the directives of the police, *even if they disagreed with the reasons*. A legitimate authority garners obedience from subordinates
- Moral alignment or normative justifiability – the perceived legitimacy of the courts (for example) is measured by asking people whether the courts make decisions that accord with the values and morals of themselves and their social group. Legitimacy needs a moral foundation, otherwise compliance with authority directives is blind
- Legality – a legitimate authority follows its own rules. So we measure this by asking people for their perceptions of illegal behaviour of the police (for example). A legitimate authority exercises that authority according to established principles.

It is useful to differentiate between high-level and low-level legitimacy: institutional or high-level legitimacy can be built up, and this then cascades down to individual post-holders. At its highest level, legitimacy may lie at the core of a deeper connection between individuals and the social and political structures that surround them (Habermas 1979; Barker 1990). However, our approach is this module is to follow Tyler and his collaborators in approaching legitimacy as a set of more 'everyday' concerns. We concentrate on that legitimacy which grants individuals or institutions the entitlement to command and be obeyed in specific circumstances (Tyler 1990). We also agree with Beetham (1991), who insists that the moral entitlement lying behind legitimacy properly understood is actively assessed within ongoing relationships between individual and authority. Legitimacy in these latter senses

becomes both more mundane and more immediate, involving assessments of the nature and content of rule systems and the behaviours of authorities.

Legitimacy can thus be understood as a dynamic process which – although rooted in deeply entrenched structures of power and affect – is also something which is experienced and indeed tested by and through everyday existence. This dual-layered legitimacy has a number of interesting implications when considering the criminal justice system. For example perhaps there is a distinction between the legitimacy of the police as an institution and as an organisation. On one level we have the police institution, entrusted with the power to intervene into people's lives to keep the peace and maintain the social order (Manning 2003). This legitimacy appears, in England and Wales at least, to be largely unchallenged, although this has happened in Northern Ireland. It is rare indeed to hear arguments for the dismantling the police – problems are usually to be solved by more, or different methods of, policing rather than a turn to alternative monopolists of legitimate force or entirely new methods of formal social control.

On the other hand, at the level of personal interaction, legitimacy is much more contested. Here, judgements about the behaviour of the police as an organisation are much more important, and individuals are more ready to challenge police behaviour or question officer's right to compel obedience. As Mawby notes: 'The legitimacy of the public police is potentially held up for scrutiny when any policing activity is engaged in' (2002: 53). Although as outlined above, such scrutiny of the police organisation seems only very rarely to become a problem for the institution, this remains a possibility. One only has to think of views among some parts of the UK's Black Caribbean population to see how a long history of illegitimate organisational behaviour has resulted in challenges to the very idea of policing as it is currently understood (although it should be noted that even here most people retain quite high levels of support for the police).

**4. Research team**

All members of this team are involved in the JUSTIS project, and have well-established collaborative relationships. The team comprises scholars from several social science disciplines (sociology, social psychology, law, and criminology) although we all share an interest in the substantive topic of crime and criminal justice. We all have extensive experience in designing survey questions and working with comparative data. For example, Mike Hough was one of the designers of the British Crime Survey. Kauko Aromaa has been involved in numerous European-wide surveys, including the International Crime Victimisation Survey. Stephen Farrall helped designed the 'economic morality' module in round 2 of the ESS. Jan de Keijser works on the 'Citizens in the role of judges' section of 'The citizen and the criminal justice system' theme at the Netherlands Institute for the Study of Crime and Law Enforcement. Jonathan Jackson has helped design sections of various Eurobarometers on public attitudes towards science and technology, and conducted a number of studies into fear of crime and public confidence in criminal justice.

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## Part 3: Proposed module design

[2,495 words]

Embedded in the theoretical framework developed above, and complementing a number of existing ESS questions, we propose a ESS module that has two sections:

(a) trust in the justice system; and
(b) legitimacy, cooperation and compliance.

A number of basic conceptual and practical foundations underpin the module:

- we approach 'trust' as institutional rather than interpersonal trust, meaning (for example) that we consider trust in the police force in general rather than trust in individual police officers
- we see trust as having three interlinked dimensions: effectiveness, fairness, and value alignment. Trust in the police (for example) means assumptions or assessments of police effectiveness, police fairness, and the extent to which the police are seen to represent and understand personal and group values
- we mean in this module to cover the full criminal justice system, but inevitably we are tracking attitudes where people have some knowledge of and experience with the institution. This means a focus on the police and the courts
- legitimacy broadly means undisputed credibility, conforming to or in accordance with established rules and standards, as well as lawfulness by virtue of being authorized or in accordance with law. However, we follow Tyler's (2006: 375) more specific definition of legitimacy: 'Legitimacy is a psychological property of an authority, institution, or social arrangement that leads those connected to it to believe that it is appropriate, proper, and just.'
- we treat legitimacy as having three dimensions that together combine to provide European citizens with moral grounds for compliance or cooperation with authority:

    - obligation to obey (a legitimate authority gathers obedience from subordinates);
    - value alignment and normative justifiability (legitimacy without a moral foundation is blind compliance); and
    - perceived legality (a legitimate authority follows its own rules).

  These combine to produce a kind of legitimacy that leads actors to behave in ways that conform to internal or subjective constraints – that is, the decision taken is based solely on personal considerations, free of external pressures. The subject *wants* to behave in a certain way, rather than comply with a request or order because he/she is forced or intimidated to do something he/she would not otherwise do.
- cooperation relates to cooperation with the police and cooperation with the courts, chiefly where the respondent is reporting crimes and giving evidence in court
- compliance refers to compliance with the law, and following Tyler (1990) we focus on less serious offences, on the assumption that more serious offences are both rare and unlikely to be reported in the ESS (and other surveys)
- the module is designed to be fielded in a repeat cross-section survey that covers over 30 diverse countries including non-EC countries. We hypothesise that in each of these countries public trust in justice plays a fundamental role in determining compliance with the law and cooperation with the legal system: our concepts are basic psychological and sociological concepts. However, the concepts are also multi-dimensional. Therefore, the module is designed specifically to test whether some dimensions of trust and legitimacy have greater

prominence in some countries than other countries. While we have not had the space to discuss this issue in the current module bid, we are interesting in analysing the ESS data with such an objective in mind.

- For example, we will examine whether trust in justice in a particular country places public perceptions of effectiveness at the forefront rather than public perceptions of fairness. The specific social and political trajectory of a given country may mean that citizens are more attuned to issues of effectiveness and efficiency; we would thus find stronger associations between trust in effectiveness and legitimacy than between trust in fairness and legitimacy.
- We will also examine whether legitimacy has different meanings in different countries. In some countries, obligation to obey may be the most important predictor of compliance with the law, while in other countries it may be value alignment or perceived legality. Again, this may be interpretable against the backdrop of the specific history of that country: citizens of an Eastern European country, for example, may be more sensitive to moral justifiability of the power of the legal system, so obligation to obey may not be as strong predictor of compliance as value alignment.

**Trust in justice**

*Top-level trust in the range of criminal justice agencies*

Items B4-B10 in ESS R3 asks respondents: 'Using this card, please tell me on a score of 0-10 how much you personally trust each of the institutions I read out. 0 means you do not trust an institution at all, and 10 means you have complete trust.' The institutions are: the [country's] parliament, the legal system, the police, politicians, political parties, the European parliament, and the United Nations.

Depending on the outcome of development work, we propose to add in the module similar items to capture views about the less visible criminal justice agencies (prosecutors, corrections agencies). Indeed we suppose that single indicators of trust combine separate public assessments of effectiveness, fairness and value alignment. There is some evidence of this from a London-based study (Jackson & Bradford, 2007), although it is of course an empirical question that can be assessed by the ESS data.

*Trust in the effectiveness of the criminal justice system*

Regarding the police, an indicative question structure is as follows:

'Here is a list of services that the police provide. For each one, I would like you tell me firstly how well you think the police actually carry out each of them:'

- Tackles serious crime
- Responds to emergencies promptly
- Deals effectively with public disorder, anti-social behaviour and vandalism.

Regarding the courts, questions will address judicial effectiveness in: identifying guilt and innocence; imposing suitable sentences; and conducting business in a timely way.

- Would you say that the courts convict the wrong person [often/sometimes/rarely/never]?
- Would you say that sentences handed down by the courts are? [much too lenient/a little too lenient/about right/a little too tough/or much too tough]
- Would you say that [the courts deal with serious criminal cases quickly enough/too slowly]?

*Trust in the fairness of the criminal justice system*

Indicative questions are:

Confidence in police treatment (first aspect of procedural justice)

- Treat people with respect
- Take time to listen to people
- Treat people fairly

Confidence in police decision-making (second aspect of procedural justice)

- Make decisions based upon the facts
- Explain their decisions to the people they deal with
- Make fair decisions when handling problems

Confidence in police distributive justice

- Provide the same quality of service to everyone
- Enforce the law consistently when dealing with all people
- Make sure people receive the outcomes they deserve under the law

Confidence in court fairness

- Would you say that criminal court procedures are balanced [in the accused's favour/neutral/against the accused]?
- Are crime victims given enough opportunity to put their views to the court?

*Trust: value-alignment, or the extent to which the police and courts act in the interests of the perceiver*
Here are some possible measures of value-alignment with respect to the police. We should note that we aim to develop similar measures with respect to the courts. Although we accept that there is some conceptual overlap with trust in court effectiveness (more specifically, the perceived leniency of the courts).

To what extent do you agree with these statements about the police in this area?

- They understand the issues that affect this community
- They are dealing with the things that matter to people in this community
- The police in this area listen to the concerns of local people

**Legitimacy**
Legitimacy has three dimensions: obedience, normative justifiability, and perceived legality.

*Legitimacy: obligation to obey*
'People have different opinions about how important it is to obey police officers, judges and the law. The following questions are concerned with your own feelings about obeying the law. Please tell me if you agree or disagree with each of these statements:'

- You should do what the police tell you to do even if you disagree
- You should accept the decisions made by police, even if you think they are wrong
- You should do what the police tell you to do even when you don't like the way they treat you

*Legitimacy: moral alignment*

- The police usually act in ways that are consistent with my own ideas about what is right and wrong
- The police can be trusted to make decisions that are right for people in my neighbourhood
- My own feelings about what is right and wrong usually agree with the law

*Legitimacy: legality of police actions*

- "When the police take written evidence from people, do you think what they write down is always a fair and accurate record of what was said?"
- "Police officers have to use force to defend themselves when they are making arrests or restraining prisoners. Apart from this, do you think the police ever use more force than is necessary when making arrests?"
- "And do you think the police ever use violence on people held at police stations without good reason?"
- "From what you have heard, do you think police officers ever make up evidence or plant evidence on people?"

**Cooperation**

Cooperation turns the attention to intentions to support the police. The focus here is on behaviours that help the function of the police, whether this be reporting crimes or giving other information. Importantly, these are voluntary behaviours.

*Police & courts*

'If the situation arose, how likely would you be to do the following things … Would you be 'very likely', 'somewhat likely', 'not too likely', or 'not likely at all':'

- Call the police to report a crime you witnessed
- Report suscipious activity near your house to the police
- Provide information to the police to help find a suspected criminal

**Compliance with the law**

Compliance keeps with the theme of voluntary intentions, but here the focus is on behaving in ways that are congruent to criminal law.

'I'd also like to ask you about some things that some people have done at one time or another. We are trying to find out which of these things have been done by the largest number of people. Please tell me if you have done each of these things 'often', 'sometimes', 'seldom', or 'never' during the past six months:'

- Bought something you thought might be stolen
- Illegally disposed of rubbish or litter
- Committed traffic offences

**Risk of being caught**

A core objective of the module is to contrast the legitimacy/procedural justice model with an instrumental model of compliance and cooperation (cf. Tyler 1990; Sunshine & Tyler 2003). Thus far, the available pertains only to the US. The key instrumental motivation is the perceived risk of sanction, chiefly whether people think it is likely that they will be caught and punished if they committed a crime.

'People have different opinions about how likely it is that they would be caught and punished for breaking different laws and rules. Do you think it is very likely, somewhat likely, not too likely, or not likely at all that you would be caught and punished by being fined and/or arrested if you….'

- Bought something you thought might be stolen
- Illegally disposed of rubbish or litter

- Committed traffic offences

**Additional analysis variables**

The ESS core provides many of the analysis variables that we shall need, but it is possible that we may need to supplement the items of perceptions of security with one or two additional questions. We also need to ask about personal experience of the criminal justice system (at this stage we envisage public contact with the police, divided up into police-initiated and public-initiated). Finally, it would be valuable to present respondents with a vignette about an offender, and ask them to 'pass sentence'. This would give us some insight into the congruence between public sentencing preferences and actual court practice.

**Dovetailing with the FP7 JUSTIS project**

We have, in this module bid, highlighted the fact that all members of the proposed module team are involved in an ongoing FP7 funded project to develop European social indicators of trust in justice. We would therefore like to finish this proposal by stressing the significant added value that this brings to an ESS module on trust in justice across Europe. We should, however, be crystal clear that the work package of JUSTIS that concerns question development runs from May 2009 to March 2010. If this proposal is successful, the work of the ESS module team will be fully integrated with the development with the JUSTIS indicators. We should also be clear that JUSTIS does not have the resources to field these survey items beyond two small-scale 'demonstration surveys,' so the JUSTIS project obviously benefits enormously from a successful ESS module bid.

Yet the module will also benefit from the extensive investment in JUSTIS development work. The reasons for this are threefold. First, the JUSTIS project began in March 2008, and is based in seven countries: UK, France, Italy, Finland, Lithuania, Hungary and Bulgaria. We have completed a review of need for social indicators of justice across Europe, involving elite interviews with policy makers and criminal justice practitioners, and we are currently nearing the end of the conceptualisation stage of the project, which defines the constituent elements of 'trust in justice'. Our next step is to design survey questions (and contextual data), using cognitive question testing procedures in several European countries. This section of the project runs from May 2009 to March 2010. The timetable therefore fits perfectly with Round 5 of the ESS. The ESS module will benefit from all of this careful development work, and no doubt we can work out ways of integrating the development work of JUSTIS with the development work of the core ESS team.

Second, attitudinal social indicators often demand contextual data for interpretation. In the current field of enquiry, it is important to relate public perceptions of justice to the actual and substantive quality of justice as reflected in the practical, day-to-day workings of the justice process. The JUSTIS project will assemble such contextual data that aid interpretation of the survey data, and it will develop tools for presenting and interpreting the indicators in ways that are intuitive and accessible.

Finally, the JUSTIS project is already gathering a good deal of interest from academics and policy makers across Europe. A core element of JUSTIS is to disseminate the importance of social indicators of trust in justice and highlight our own particular ways of linking trust, legitimacy, cooperation and compliance. The JUSTIS project has a series of high-profile dissemination events in which the ESS module can be highlighted, and it is events such as these, alongside our ongoing commitment to engage with colleagues, that will ensure that the proposed module makes a significant impact in academic and policy arenas across Europe.

**Please note that the references can be found in part 1.**