Trust in Justice:
Topline Results from Round 5 of the European Social Survey

ESS Topline Results Series

1

Issue

Accessing the European Social Survey Data and Documentation

The European Social Survey provides free access to all of its data and documentation. These can be browsed and downloaded from its website: http://www.europeansocialsurvey.org/

Specific initiatives have been developed to promote access to and use of the growing dataset: these include EduNet, an e-learning tool and NESSTAR, an online data analysis tool.

EduNet

The ESS has a dedicated on-line e-learning tool, EduNet which was developed for use in higher education. It uses data from the first three rounds of the ESS and provides hands-on examples and exercises designed to guide users through the research process, from a theoretical problem to the interpretation of statistical results. These materials have been prepared by subject experts.

Seven topics are now available, drawing upon data from the first three rounds of the ESS. They are:

1. The evolution of anti-immigration attitudes
2. Personal and social well-being
3. Family, gender and work
4. Social and political trust
5. Human values
6. Analysing cross sectional survey data using linear regression methods
7. Weighting ESS data.

EduNet can be accessed here: http://www. europeansocialsurvey.org/index.php?option=com_ content&view=article&id=72&Itemid=232

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NESSTAR

ESS Online Analysis package uses NESSTAR which is a software system for data publishing and online analysis. The software consists of tools which enables data providers to disseminate their data on the Web. Further information about the Nesstar system is available from Norwegian Social Science Data Services (http://www.nesstar.com/ index.html).

The ESS Online Analysis tool can be accessed via the ESS website: www.europeansocialsurvey.org

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Introduction

Breakdown in trust appears to be at the heart of problems with our political institutions, with sectarian and religious conflict, and with the series of financial crises that are facing Europe. The causes of this breakdown in trust are central to current political and social debate.

It is not surprising, therefore, that criminologists have also become interested in questions about trust in justice, the legitimacy of justice institutions, and people's commitment to the rule of law

The fifth round of the ESS – which includes 45 questions on Trust in Justice – was conducted at the end of 2010 in 28 European countries. In this report we present key findings from the 20 countries for which comparative data were available in November 2011. Around 39,000 interviews were completed across the 20 countries, with each country organising its own translation and fieldwork, to standards specified by the ESS Core Scientific Team. Face-to-face interviews were conducted in people's homes.

Trust in justice – the theories being tested

Why do people break the law? This key criminological question tends to attract a particular sort of answer: that the risks of punishment are too low, or that insufficiently tough sentences are imposed.

However, turning this question on its head – to ask not why people break the law, but why they obey it – brings into sharp focus the fact that most people obey most laws most of the time, because they think it is the right thing to do, or they have simply acquired the habit of doing so.

Broadly speaking, two sets of considerations are seen as important in explaining why people obey the law. The first set centres upon self-interest; it is based upon an individual weighing up the risks and costs of detection and punishment (if one were to commit a crime). The second set centres upon normative or ethical considerations – the idea that people are motivated to behave in line with moral principles and to respect other people's rights.

If the normative route to compliance with the law can be achieved, it is likely to be more durable – and less costly to a society – than the coercive route that requires a credible deterrent threat. If normative considerations are an important influence on people's 'law related behaviours,' this would pose important but widely ignored questions for criminal justice policy. Can the central institutions of justice – such as the police and the courts – affect processes of normative compliance? Or is their role simply to be a force for deterrence and coerced compliance?

Concepts and measures

The questions asked in the ESS Trust in Justice module refer primarily to two important, interrelated, but conceptually distinct phenomena – trust and legitimacy. If securing normative compliance with the law is to be a key aim of criminal justice policy, then public trust in the system is required. It is equally important that citizens accept the legal institutions as having a legitimate right to exercise authority.

Police and criminal courts carry out important functions in society. We, the citizens, 'outsource' deterrence and justice functions to these

institutions, and in return we expect them to be fair, impartial, efficient and effective. Accordingly trust in justice is the belief that the police and criminal courts can be relied upon to act competently, to wield their authority in ways that are procedurally fair, and to provide equal justice and protection across society.

> ❝To say we trust you means we believe you have the right intentions toward us and that you are competent to do what we trust you to do.❞ [1]

Legitimacy refers to a fundamental property of legal institutions – the right to govern and the recognition by the governed of that right.[2] Legitimacy is partly the subjective state of mind of the governed.[3] When citizens see criminal justice institutions as legitimate, they recognise the system's authority to determine the law, to govern through the use of coercive force, to punish those who act illegally, and to expect cooperation and obedience.

Following David Beetham we regard legitimate authority as made up of three elements: [4]

• legality (acting according to the law);
• shared values (values that are shared by those with authority and those subject to that authority); and,
• consent (the sense amongst the policed of a moral obligation to obey the authority).

Legitimacy is present not only when individuals recognise the authority of institutions and feel a corresponding duty of deference to them (consent); it is also present when individuals believe that justice institutions have a proper moral purpose (shared values), and that justice institutions follow their own rules as well as the rules that govern everyone in society (legality). Thus viewed, legitimacy is both the public recognition and public justification of power. We present findings of single-item indicators of

trust and legitimacy as topline findings from key questions in the survey.
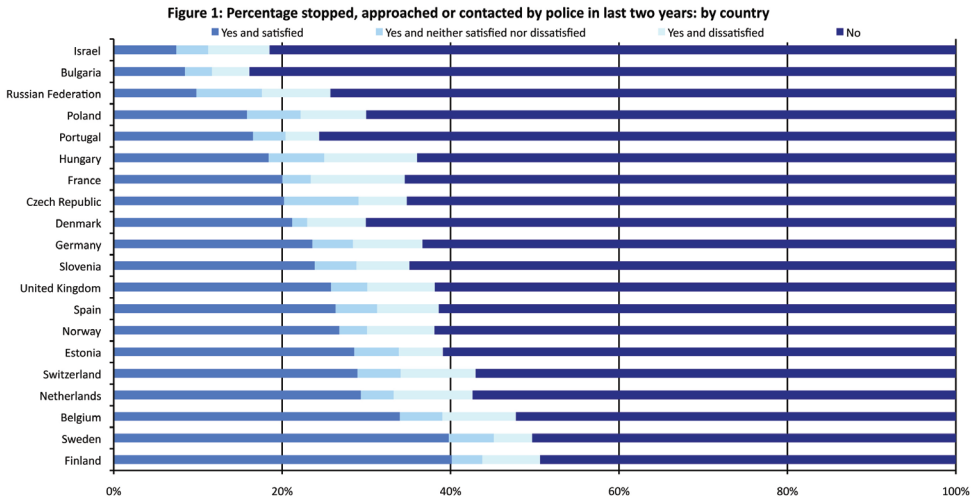
Topline findings

Contact with the police

Any consideration of public trust and institutional legitimacy must take into account people's encounters with justice officials. A good deal of research shows that personal contact with police officers is a key predictor of people's trust judgements.[5] While the ESS does not contain a full range of questions probing people's direct experiences of police, respondents were asked if the police had stopped, approached or otherwise contacted them in the two years prior to interview. Figure 1 presents the results. We see significant variation in the proportion experiencing a police-initiated contact across the 20 countries. Rates of police-initiated contact, at least according to this measure, range from 51 per cent in Finland to 16 per cent in Bulgaria.

Care should be taken when interpreting these data. The function of the police varies significantly across Europe. Police in some countries have a much wider role than in others. The high rates of police-initiated contact in Finland and in some other countries, for example, might not reflect police activity in terms of street and traffic stops but rather indicate other functions the police have in that country.

The ESS questions asked how contact with the police is judged. Considering those who have had such contact, Israelis, Russians and Hungarians tend to be least satisfied, while people in Sweden, Norway, Finland, Denmark and Belgium tend to be most satisfied. Figure 1 also shows that there is no necessary correspondence, or match, between (a) how much contact people have with the police and (b) levels of satisfaction with that contact. Some countries, such as Sweden and Finland, have high rates of contact and high levels of satisfaction;

Figure 1: Percentage stopped, approached or contacted by police in last two years: by country

■ Yes and satisfied   ■ Yes and neither satisfied nor dissatisfied   ■ Yes and dissatisfied   ■ No

Source: European Social Survey Round Five, 2010

while others, such as Switzerland, have a high level of contact but a lower level of satisfaction.

Trust in the police

As mentioned above, we divide trust in the police into:

- trust in their competence (e.g. in catching and deterring offenders and in responding quickly to emergencies);
- trust in their procedural fairness (wielding their power in a just manner); and,
- trust in their distributive fairness (treating all groups in society equally).

Figure 2 shows that opinions of the procedural fairness of the police vary widely across Europe. We asked respondents how often the police make fair and impartial decisions, with responses ranging from 'very often' to 'often' to 'not very often' and 'not at all often'. Figure 2 plots the proportion of people who say either 'not at all/not very often' (as opposed to 'often or very often'). Israel, Russian Federation and Bulgaria have the least positive

views on how the police treat people, while Denmark, Finland, Norway and Spain have the most positive views.

What about the treatment of different social groups by the police across Europe?

We asked:

❝When victims report crimes, do you think the police treat rich people worse, poor people worse, or are rich and poor treated equally?❞

Figure 3 shows the proportion of people, grouped by their own opinion of their financial situation (difficult, average, comfortable), who think that when dealing with victims of crime, the police treat poor people worse than rich people. The countries least trusting of the police in this regard are Russia, Israel, Bulgaria, Portugal and Poland. The Netherlands, Denmark, Finland and Estonia score relatively well on this measure. We also find that individuals struggling on their present income are more likely to believe that poor people would

Figure 2: Views on how often police make fair and impartial decisions: by country
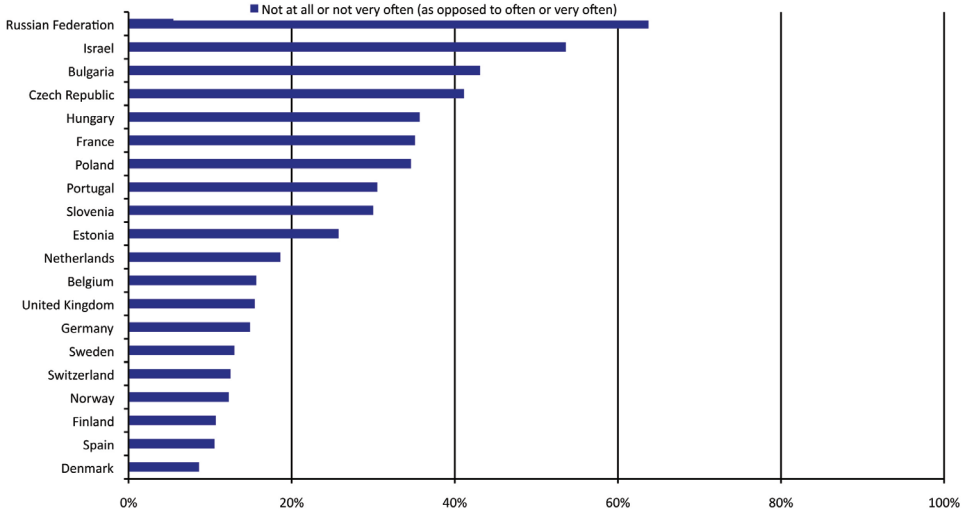
Source: European Social Survey Round Five, 2010

Figure 3: Views on how unfair the police are to poor people: by country
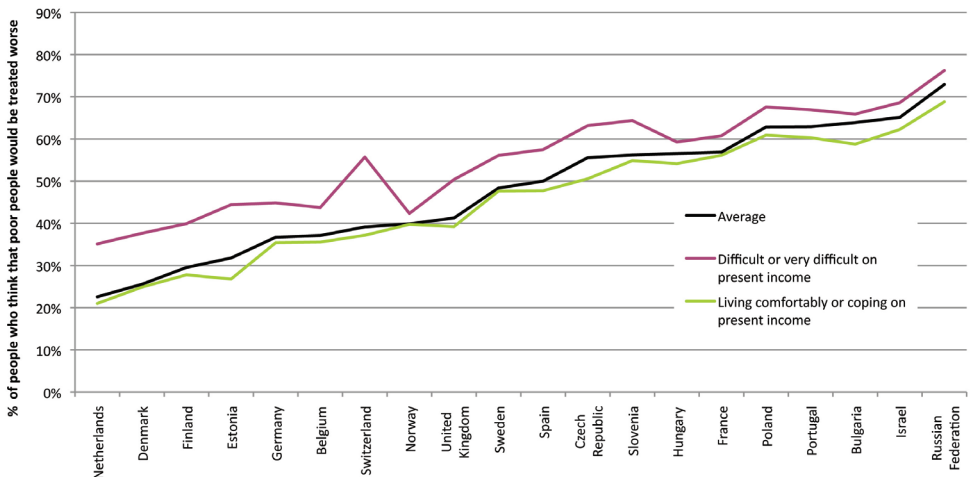
Source: European Social Survey Round Five, 2010

be treated worse than rich people, especially in countries like Netherlands, Denmark, Finland, Germany, Belgium and Estonia.

We also examined trust in police effectiveness. We focus here on respondents' views on how quickly the police would arrive if a violent crime occurred near their home. ESS respondents were asked to rate the speed of police response (arrival at the scene of a violent crime) on a scale of 0-10. We do not graph this for reasons of space, but we did find relatively little variation in this measure across the 20 countries, with most ranging between 6.0 (Spain, with the highest mean) and 5.0 (Portugal). We also examined average country levels for victims of crime and non-victims of crime: victims of crime tended to view the police as slightly less effective than people who had not recently been a victim of crime.

Trust in the criminal courts

So far we have considered the police. But what about the criminal courts? Do Europeans believe that their courts are fair, for example?

We asked:

> ❝Suppose two people from different race or ethnic groups each appear in court, charged with an identical crime they did not commit … who do you think would be more likely to be found guilty?❞

Results for the question about how fair the courts are to majority versus minority race/ethnic groups across countries are presented in Figure 4.

The findings suggest that most people in most countries think that the courts treat different ethnic groups equally – that is, they think both majority and minority groups have the same chance of being found guilty. The exceptions to this are Portugal, Israel, Spain, Sweden, Hungary and Bulgaria. In these countries more people think

individuals from different ethnic groups would be treated differently in this situation, and in all these countries most believe someone from a minority group would be more likely to be found guilty.

Figure 5 shows the relationship between trust in the competence of the courts and trust in their procedural fairness, that is, how they treat those charged with a criminal act. The vertical axis of the figure shows trust in procedural justice, while the horizontal axis shows beliefs about court competence in convicting the right people. Respondents in Denmark, Norway and Finland have the highest levels of trust according to both measures and those in Bulgaria, the Russian Federation, Portugal and Slovenia report the lowest levels of trust. The figure shows a clear correlation, or link, between trust in judicial fairness and trust in judicial competence.

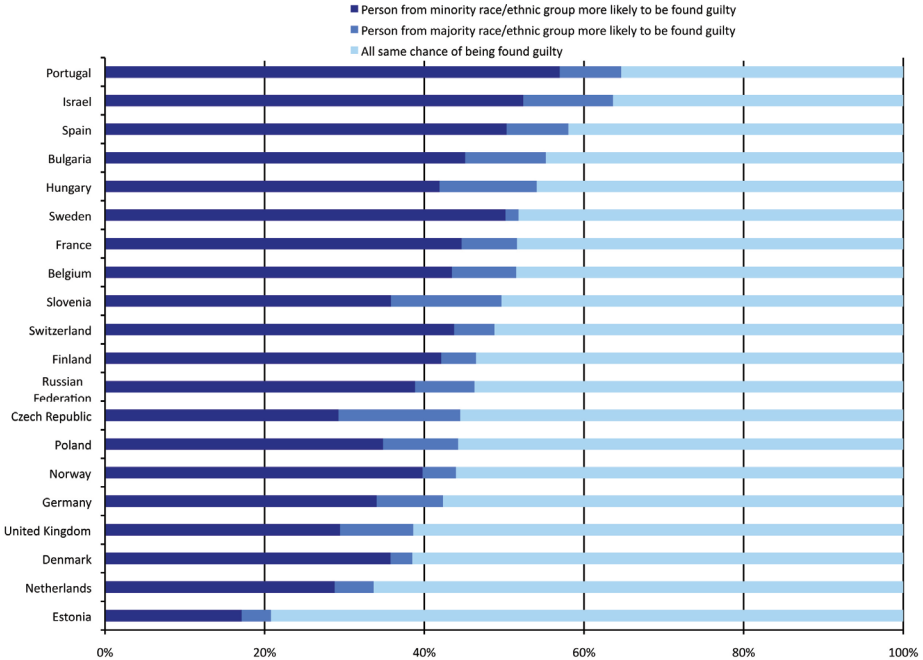### Perceived legitimacy of justice systems

When do the police hold legitimate authority? In our view, police legitimacy has three dimensions:

- people's felt obligation to obey the police (consent to power);
- people's moral alignment with the police (normative justifiability of power via shared values); and,
- people's perceptions of the legality of the police (normative justifiability of power via perceived institutional commitment to the rule of law).

Figure 6 plots national averages of felt obligation and moral alignment, showing a relatively strong national-level correlation between the two. Countries with a relatively strong sense that the police share a common moral framework with its people also tend to have a populace who feel a relatively strong duty to obey police directives. Israel, Hungary and Czech Republic buck this trend, having relatively low levels of moral alignment but higher levels of felt obligation. Otherwise, in a now familiar pattern, Scandinavian

Figure 4: Views on how fair the courts are to majority versus majority race/ethnic groups: by country

■ Person from minority race/ethnic group more likely to be found guilty
■ Person from majority race/ethnic group more likely to be found guilty
■ All same chance of being found guilty

Source: European Social Survey Round Five, 2010

countries come out most positively; and some of the ex-Communist countries come out most negatively on both of these measures.
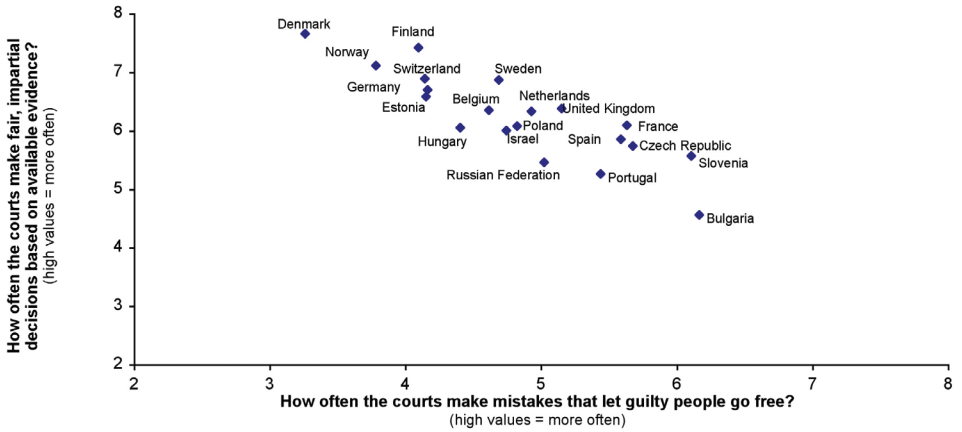
Figure 7 plots perceptions of police corruption and perceptions of court corruption, focusing in particular on whether police and court officials (judges) are thought to take bribes (and if so, how often). Again there is a strong national-level correlation between the two assessments. And again the same countries fall at the top and the bottom of the scales. Within countries, views about the probity of the police and courts tended to be similar, while across countries, public perceptions of corruption in the criminal justice system were very much more favourable in Scandinavian and Northern European countries than in the ex-Communist countries.

Conclusions

Presenting the key findings from questions asked about the trust in police and courts in the fifth round of the ESS illustrates the variation in trust in justice and legitimacy of justice institutions across Europe. Some clear patterns emerge: the Nordic countries are most trusting of their police and courts and believe that their institutions are legitimate holders of power and authority; while Eastern and sometimes Southern European countries tend to be less trusting.

An important part of our initial country-level comparison is the multi-dimensional nature of both trust and legitimacy. Trust, we assume, is revealed in public assessments of the trustworthiness of institutions along three dimensions: effectiveness,

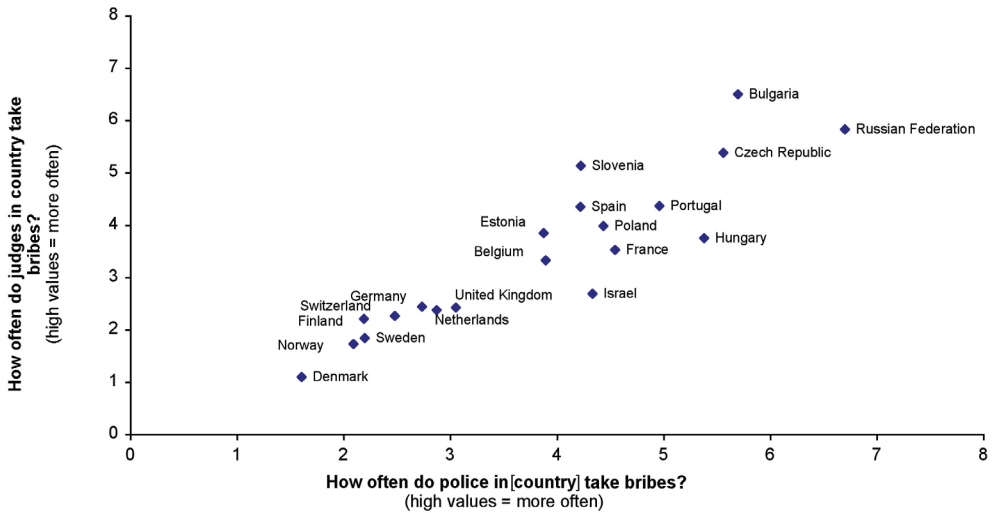**Figure 5: Trust in courts' procedural fairness and trust in their competence**

Source: European Social Survey Round Five, 2010

Figure 6: Consent to police authority and perceptions of shared moral values (% agree)
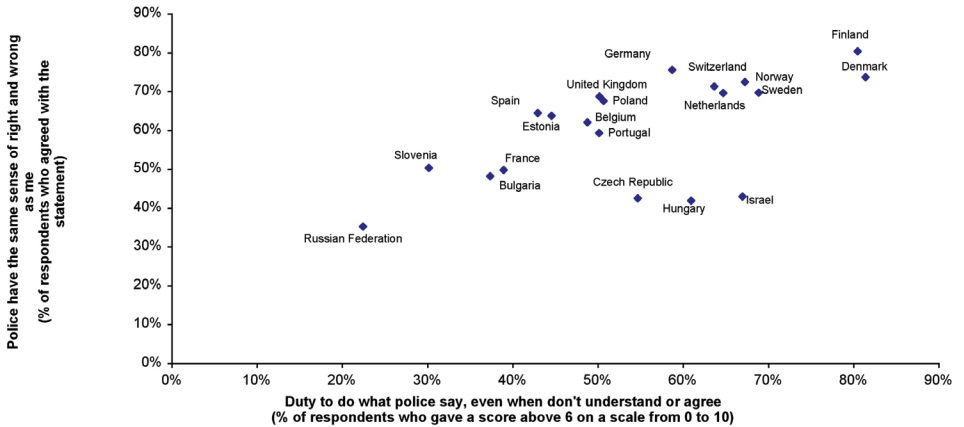
Source: European Social Survey Round Five, 2010

Figure 7: Perceptions of judicial and police corruption

Source: European Social Survey Round Five, 2010

procedural fairness, and distributive fairness. Legitimacy, we assume, is revealed in people's consent to power and their sense of the normative justifiability of power. These definitions help us to bring to life the complex and multi-faceted nature of these vital social and political phenomena.

Where next?
The ESS data can be put to many uses. One is to form the basis for a system of social indicators of public trust and institutional legitimacy[6]. If they are to devise, track and evaluate effective criminal justice policies, European Union (EU) institutions and Member States need evidence-based indicators of public trust and institutional legitimacy. Trust and legitimacy indicators are important for (a) better formulation of crime-control policy and (b) more effective monitoring of changes in public trust and institutional legitimacy in response to policy innovation.

Measures of trust and legitimacy can be used to inform careful, long-term policies that foster public compliance and cooperation, instead of short-

term 'electioneering' strategies that exploit public feelings for political gain, and which are skewed towards short-term crime-control strategies.

A second use of the ESS data lies in its ability to test hypotheses. There are several questions associated with 'procedural justice' theory that can be explored. Theories of procedural justice propose, for example, that if people in authority, whether employers, police officers, teachers or parents, behave fairly and respectfully to those they direct, the latter will regard the authority of the former as legitimate, they will defer to this authority, and they will justify the power that the authority figure wields.

Are people more likely to comply with the law, and to cooperate with the justice system, when they regard criminal justice institutions as legitimate? Existing evidence suggests that perceptions of legitimacy may be stronger predictors of compliance with the law than perceptions of deterrent risk. If normative factors, i.e. those related to socially expected behaviours, are more

important than instrumental ones (i.e. those which involved in individual assessments of benefits and drawbacks) in shaping compliance with the law, then the implications for criminal policy are clear. Strategies for crime control should not simply focus on deterrence – increasing the risks of sanction, or the weight of punishment. Politicians and justice managers need to attend to the capacity of the police and courts to command legitimacy.

Moreover, the ESS data will allow the scientific community to examine whether relationships of this sort exist in the varied contexts of European criminal justice systems, and whether and to what extent they vary across the different jurisdictions. Questions include:

❝*Does public trust in justice flow from beliefs about fairness or about effectiveness? Does trust in justice shape perceptions of institutional legitimacy? And does legitimacy affect compliance and cooperation with the police and the courts?*❞

For all the reasons outlined above, an important part of this analysis is to test whether normative factors carry more weight than instrumental ones in shaping compliance with the law.

Overall, the ESS data will allow researchers to investigate the best ways of building the legitimacy of the criminal justice system. Research in the United States suggests a strong and consistent relationship between people's trust in the fairness of the police and the courts, and their sense of the justice system's legitimacy. If the same holds across Europe, the implications of these findings will again be clear: the quality of policing and justice is as or more important than the competence of criminal justice agencies.

There is always an undercurrent in debates about criminal policy that suggests fairness and due

process are constraints on effective crime control, and even that an emphasis on due process is therefore unwelcome. Yet our initial analysis of the ESS suggests quite the reverse. Justice is a precondition for effective crime control across Europe, and that policy-makers and practitioners need to focus on ensuring that the police and justice system operate in ways that are genuinely fair, just and respectful of people's rights.

Further details of the ESS can be found at www.europeansocialsurvey.org, including details of participating countries, sample sizes, questionnaires and response rates.

[1] Hardin R. (2006) Trust. Cambridge: Polity Press.

[2] Beetham, D (1991) The Legitimation of Power. London: Macmillan; Coicaud, J-M 2002, Legitimacy and Politics, Cambridge: Cambridge University Press; Tankebe J (2007) Policing and Legitimacy in a Post-Colonial Democracy: A Theoretical and Empirical Study of Ghana. Ph.D. Thesis (Unpublished), University of Cambridge.

[3] Legitimacy is partly conferred by the performance and arrangements of the system. 'Normative' legitimacy is the recognition and justification of power, whereby the actions of authorities meet certain substantive requirements (usually requirements of justice and rationality, such as efficiency, accountability and legality, for which objective evidence can be adduced). Tyler TR (2006a) Why People Obey the Law (second edition). New Haven: Yale University Press.

[4] Beetham, op cit. See also Bottoms, A and Tankebe, J. (in press) Beyond Procedural Justice: A dialogic approach to legitimacy in criminal justice, Journal of Criminal Law and Criminology.

[5] Skogan WG (2006) Asymmetry in the Impact of Encounters with the Police. Policing and Society 16(2): 99–126. Tyler, T.R. and Fagan, J., 2006. 'Legitimacy and cooperation: why do people help the police fight crime in their communities?', Public Law and Legal Theory Working Paper Group, Columbia Law School. Paper Number 06-99. Bradford, B., Jackson, J. and Stanko, E. (2009). 'Contact and Confidence: Revisiting the Impact of Public Encounters with the Police', Policing and Society, 19, 1, 20-46.

[6] Jackson, J., Bradford, B., Hough, M., Kuha, J., Stares, S. R., Widdop, S., Fitzgerald, R., Yordanova, M. and Galev, T. (2011). 'Developing European Indicators of Trust in Justice', European Journal of Criminology, 8, 4, 267-285.

About the ESS

The ESS is a biennial survey of social attitudes and behaviour which has been carried out in up to 34 European countries since 2001. Its dataset contains the results of over 200,000 completed interviews which are freely accessible. All survey and related documentation produced by the ESS is freely available to all.

Multinational governance
Supported up by a formidable array of multinational advisory groups (a Scientific Advisory Board, a Methods Group, Question Design Teams and National Coordinators) the ESS is designed and coordinated by seven institutions (its Core Scientific Team): City University London GESIS, Mannheim NSD, Bergen University Pompeu Fabra, Barcelona The Netherlands Institute for Social Research/SCP, The Hague Catholic University of Leuven University of Ljubljana

ESS topics:
- Trust in institutions
- Political engagement
- Socio-political values
- Moral and social values
- Social capital
- Social exclusion
- National, ethnic and religious identity
- Well-being, health and security
- Demographic composition
- Education and occupation
- Financial circumstances
- Household circumstances
- Attitudes to welfare
- Trust in criminal justice
- Expressions and experiences of ageism
- Citizenship, involvement and democracy
- Immigration
- Family, work and well-being
- Economic morality
- The organisation of the life-course

Find out more about the ESS and access its data at www.europeansocialsurvey.org

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