

Legitimacy, trust and legal cynicism

A review of concepts

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Introduction

In this paper we review the concepts of legitimacy, legal cynicism, and trust in the context of the debate about the meaning and measurement of police legitimacy (Tyler, 2006a, 2006b; Bottoms & Tankebe, 2012; Tyler & Jackson, 2013; Hamm *et al.*, 2017; Jackson & Bradford, 2019; Trinkner, 2019; Jackson *et al.*, forthcoming), an increasingly international evidence on the applicability of procedural justice theory (PJT) across the world (e.g. Sunshine & Tyler, 2003; Tankebe, 2009; Mazerolle *et al.*, 2013; Jackson *et al.*, 2014; Bradford *et al.*, 2014; Sun *et al.*, 2018; Jackson & Bradford, 2019; Trinkner, 2019), and Tyler's relational account of authority-subordinate relations (Tyler & Lind, 1992; Lind & Tyler, 1998; Tyler & Blader, 2000; Sunshine & Tyler, 2003; Tyler & Jackson, 2014).

We begin with an overview of PJT. Tyler (2006a, 2006b) defines popular legitimacy as the twin popular beliefs that the police, courts and law are (a) morally appropriate (acknowledging rightful power) and (b) have the authority to expect citizens to bring their behaviour in line with what is expected (recognising moral authority). To gain and maintain legitimacy, it is important that authority figures act in ways that accord with legitimating norms that have distinctive relational content.

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In particular, PJT predicts that when police officers exercise their power and authority in ways that indicate fair interpersonal treatment and decision-making, they signal positive identity-related messages to individuals of their status, value, respect and standing within the group that those authority figures represent.

After reviewing PJT, we then discuss legal legitimacy and socialisation. Following this, we consider the somewhat parallel literatures on legal cynicism and trust in the police – drawing out some points of connection and integration, we discuss what constitutes ‘good policing’ (i.e., judgements about police trustworthiness), what constitutes the legitimating use of power, and how negative relational messages of control, neglect and stigma may play out in legal authority-citizen relations. Following Tyler and colleagues’ work on the group value model and the group engagement model (Lind & Tyler, 1998; Tyler & Lind, 1992; Tyler & Blader, 2000, 2003), we underline the importance of identity-relevant normative police behaviour.

Beyond reviewing key concepts, our contribution in this paper is to offer some early, speculative thoughts on a how relational model of legitimacy can extend beyond procedural justice. We consider how other aspects of police behaviour can send relational messages not only about people’s status and value within group (via procedural justice), but also positive messages of agency and autonomy (via bounded authority; see Trinkner *et al.*, 2018) and negative messages of denigration, suspicion, control and lack of protection (via overpolicing and underpolicing; see Oliveira, 2021). These negative messages speak, potentially, to existing issues of social inequality – because of the location of groups in social hierarchies that tend to feel controlled, over-policed and denigrated – and are redolent of what Mackenzie (2020, p. 200) says when she writes:

To count as legitimate, institutions and command hierarchies must first abide to principles of non-domination. What this entails is that state institutions have obligations to ensure that the differential power, authority and status attached to office holders in these kinds of command hierarchies do not enable them to wield arbitrary power and dominate those who are subject to their commands.

Building on Mackenzie’s (2020, p. 197) point that signals of oppression, marginalisation and neglect have special moral significance – not least because they may shape people’s “self-identities, autonomy, and sense of self-respect”¹ – we argue that

1. Mackenzie’s (2020) goal is to develop a normative account of procedural justice and legitimacy that considers exactly why procedurally just treatment is a precondition for the justifiable exercise of legal power. Drawing on theories of relational equality (e.g., Anderson, 1999; and Scheffler, 2003) and Ceva’s (2016) interactive theory of procedural justice, her focus on issues of social inequalities, oppression,

perceiving that officers over-step their rightful authority, do not adequately protect themselves and/or certain social groups, and over-policing themselves and/or certain groups can be important to legitimacy because these actions, like procedural injustice, can send the important negative identity-related messages.

Procedural justice theory

From an empirical perspective – for a summary of the distinction between empirical and normative legitimacy in political philosophy, see Hinsch (2008, 2010) and Appalbaum (2019) – it is those who are subject to an institution’s power who judge the legitimacy of the moral claim to power and authority (Tyler, 2006b). Empirical judgements about the legitimacy of an authority figure refer to the normative justification of power in the eyes of those who are asked to abide by that power structure (Jackson & Bradford, 2019).

To be seen as legitimate, institutional actors need to show to citizens that they share and respect key normative expectations about the proper exercise of power: the acceptance of an authority’s claim to rightfully hold power is conditional upon background normative expectations regarding the appropriate use of power conforming with how people believe the power-holder actually behaves. Shared values refer to perceived appropriateness of power, generating the basis on which subordinates accept their *rightful authority to rule*. Viewed in this way, legitimacy is the belief that legal authorities exercise their power in normatively appropriate ways, and when institutions show that they are ruling over people *on behalf of people*, they generate consent and obligation among the governed. People internalise a normatively grounded sense of duty and obligation to obey the power-holder’s directives and rules, irrespective of the content (Tyler & Jackson, 2013; Trinkner, 2019).

At the core of PJT (Tyler, 2006a, 2006b; Tyler & Fagan, 2008) is the idea that the legitimacy of legal institutions relies in large part on legal agents exercising their

marginalisation and disrespect is in the service of deepening the argument that procedural justice has strong normative significance (this is how legal officials *should be behaving* if their legal power is to be viewed from the outside as morally justified). From an empirical standpoint, we are not denying that procedural justice could send a broad set of messages, that include respect, inclusion, recognition and reciprocity. Nor are we denying that procedural *injustice* could send a broad set of messages, that include disrespect, exclusion, powerlessness, and inequality, e.g. “[...] being silenced, ignored, or regarded as not credible in discursive and testimonial contexts, [and] being required to act towards one’s social superiors in ways that one finds demeaning, servile and shameful, and being vulnerable to violence” (Mackenzie, 2020, p. 198). The tentative point we are trying to make is that, beyond procedurally just policing, officers not respecting the limits of their rightful authority and over- and under-policing certain communities may also send important negative relational messages that might, because of their identity-laden nature, delegitimize the police, above and beyond the role of procedural (in)justice.

authority in ways that are fair in terms of interpersonal treatment (e.g., treating them with respect, dignity, and politeness, and allowing them a sense of voice in the interaction) and decision-making (e.g., making decisions in open, transparent and neutral ways, and taking citizens' concerns into account). A key element of procedural justice policing is that *process* is often more important than *outcome* when authority is exercised; the theory posits that people value *how* they were treated by police officers to a greater extent than they value the conclusions of whatever prompted an encounter with law enforcement agents (Tyler & Huo, 2002). For instance, using longitudinal survey data from New York City, Tyler and Fagan (2008) found that even when police officers delivered negative outcomes (e.g., administering a fine), judgements about the procedural fairness of the encounters were still associated with higher levels of police legitimacy.

Why is procedural justice so central to legitimacy? On the one hand, procedural justice is a fundamental normative expectation in many social, political and legal contexts about how police officers should exercise their authority (for a review and discussion of the international literature, see Jackson, 2018). Being seen to respect a key legitimating norm (that has strong relational content) helps to persuade people that the police have the moral right to power. On the other hand, fair process communicates status and value (Lind & Tyler, 1988; Tyler & Lind, 1992; Tyler & Blader, 2000, 2003). Procedural justice helps to affirm people's dignity and moral status as an agent (Ceva, 2020, p. 188) and embodies what Mackenzie (2020, p. 201) calls "[...] citizens' expectations of normative entitlement to be treated as social and moral equals".

It is this combination of (a) respecting normative expectations about the appropriate use of power and (b) signalling normative status and group standing, equality and inclusion that helps police to communicate to citizens that the power of the institution is being used on behalf of the collective good, thereby strengthening the social bonds between individuals, authority figures and the superordinate group that the legal institutions they represent (Tyler & Huo, 2002; Sunshine & Tyler, 2003; Tyler & Jackson, 2014). Legitimacy is about authority figures showing that they rightfully rule over the group, and this to some degree involves showing people that they are a valued part of that group. This echoes Applbaum's (2019) normative account of legitimacy, which has been pithily summarised by Brinkmann (2020, p. 1203) in his review of the book as: "[...] *we are ruling over you, but you are part of this we*".

How is this achieved? PJT is premised on the idea that police-citizen encounters are "teachable moments", whereby how officers act – and how they are seen to act – conveys messages about the nature of the power and authority of law enforcement, as well as the levels of respect, control, protection and so forth that the police accord

to individuals and social groups (Tyler *et al.*, 2014; Trinkner & Tyler, 2016; Tyler & Trinkner, 2017). Encounters can involve not just direct experience (e.g., police contact), but also indirect experience (e.g., witnessing an interaction or seeing something on social media). They can be citizen- or police-initiated – and even involuntary regulatory encounters based on proactive policing strategies could, theoretically, enhance or undermine legitimacy judgements, depending on the extent to which officers communicate procedural justice (Tyler *et al.*, 2015; Bradford, 2017). Even in what might generally be rather tense regulatory interactions, the experience of fair treatment can validate people's sense of self-worth and self-identity.

Why does legitimacy matter? From a policy perspective, PJT makes a sharp distinction between consensual and coercive policing strategies. A strong deterrence standpoint holds that legal institutions could manage to enforce the law even without public support – after all they have plenty of coercive powers to apprehend, prosecute, and punish those who do not behave appropriately. As long as they convince people that the risks of criminal behaviour (e.g., certainty and severity of punishment; see Nagin, 2013) outweigh potential benefits, most people might be deterred from engaging in rule-violating behaviour.

Yet, policing works best when it is not needed. Relying on coercive crime-control strategies based on extensive police surveillance and severe punishment is a costly and ineffective way of ensuring acquiescent public behaviour (see Waddington, 1999; Reiner, 2010; Skogan & Hartnett, 1999; see also Kirk & Wakefield, 2018). Policies that promote self-regulation are the most effective crime-control strategy that law enforcement agencies can implement. Consensual crime-control strategies seek to enhance legitimacy judgements (Sunshine & Tyler, 2003), thereby motivating people to comply with the law and cooperate with the legal authorities (Tyler, 2006). When people believe that the power exercised by legal institutions is morally appropriate, they have (and act upon) a normatively grounded sense of duty to obey the law and the police. They voluntarily behave in ways that are socially desirable for the functioning and maintenance of power (Meares, 2017). This includes not only normatively-grounded compliance with the law (e.g., Walters & Bolger, 2019; Jackson *et al.*, 2012; Papachristos *et al.*, 2012; Hough *et al.*, 2013) but also proactive willingness to cooperate with the police and criminal courts (e.g., Jackson *et al.*, 2021b; Bolger & Walters, 2019; Murphy *et al.*, 2008).

Crime-control strategies that seek to enhance legitimacy judgements make the jobs of legal agents easier because consensual modes of social control encourage a cooperative and mutually promotive relationship (Tyler, 2004). Legitimacy helps to solve social coordination problems that involve the need for willing commitment on the part of diverse groups (with different values and conflicting interests) who

are nevertheless acting within – and subject to – the same structures of authority, rights and obligations. By promoting legitimacy beliefs, legal institutions foster self-regulation without the costs of communicating negative incentives that could deter people from breaking the law; people will comply simply because they think it is the *right thing to do*. Similarly, people will voluntarily cooperate with legal authorities because they believe that it is morally right. This is crucial as legal institutions need public support to function properly – only with widespread cooperative behaviour can law enforcement agencies effectively collect information on what is going on the streets and start criminal investigations accordingly.

Another downstream potential effect of police and legal legitimacy suggested by Jackson *et al.* (2013b) is “the belief that it is morally unacceptable to use violence to protect oneself, violence to take revenge and resolve disputes, and violence to achieve political objectives” (p. 481). Those authors argue that legitimacy may have a “crowding out” effect – to believe that legal institutions have the rightful monopoly of the use of force in society may also be to believe that it is morally wrong to use violence privately for purposes of social control and/or social change. In the context of eight neighbourhoods in São Paulo, Brazil, Oliveira (2021) also suggests that shifts in judgements about the legitimacy of the police could be related to changes in attitudes towards the acceptability of violence – he found that people who tended to reject the authority of the legal institutions also tended to have more tolerant views about the private use of violence (cf. Bradford *et al.*, 2017; Gerber & Jackson, 2017; Gerber *et al.*, 2018).

Legal legitimacy and legal socialisation

We now turn to legal legitimacy and legal socialisation. Judgements about the legitimacy of legal authority refer to perceptions of normative appropriateness and authority to govern of both the law *and* the legal institutions that enforce the law, such as the police. Perceptions of the law and perceptions of legal institutions that enforce the law (e.g., the police) are not interchangeable – it is possible, for instance, that some people have positive views of the content of the law but also antagonistic attitudes towards law enforcement agents (Kirk & Papachristos, 2011). Yet, law enforcement is likely to be tied to people’s orientations toward the law (Trinkner *et al.*, 2018), with legal legitimacy possibly flowing partly from police legitimacy (see Jackson *et al.*, 2012).

When people accept the law as a rightful authority in society, they feel that it is their obligation to obey the law (Tyler & Trinkner, 2017). There is a baked-in tension here: the perceived appropriateness of the law can be operationalised as the

degree to which values represented by the content of the law converge with people's expectations about the content of the law, while perceptions that the law has authority to govern is usually measured by the degree to which people have a normatively grounded sense of duty to obey, irrespective of its content (Trinkner *et al.*, 2018). Similarly, judgements about the legitimacy of law enforcement agencies are related to the degree to which people judge the power exercised by police officers to be normatively justifiable and develop a sense of duty to obey police officers' directives even if they disagree or do not understand the reasons for the order (Hough *et al.*, 2013; Jackson *et al.*, 2015).

But how do people, most notably children and adolescents, come to develop and understand their relationship with the law in the process of *legal socialisation* (Tyler & Trinkner, 2017)? As a subset of larger socialisation pressures, legal socialisation is concerned with the long-term development of legal values inscribed in society that instil in people a moral responsibility to obey the law and accept legal authority. It focuses on how people come to learn the nature of law, rights, responsibilities, and law enforcement over the life-course. Traditionally, research in this field has been dominated by a cognitive developmental approach and focused on assessing how individuals develop increasingly more complex abilities such as legal reasoning as they get older (see, e.g., Cohn & White, 1990). Tapp and Levine (1974) suggest two important processes that characterise legal socialisation. First, the internalisation of social norms and legal values that connect to one's sense of right and wrong and influence behaviour, including compliance with the law. Second, the development of positive orientations towards legal authority (Trinkner & Cohn, 2014). This process occurs through the life course, but by the time people become adults, most of their law-related attitudes are already formed and stable; it is during childhood and adolescence that legal socialisation occurs more predominantly (Tyler & Trinkner, 2017).

More recently, researchers have argued that legal socialisation is primarily driven by interactions with authority figures (Fagan & Tyler, 2005; Trinkner & Cohn, 2014; Piquero *et al.*, 2005; Trinkner & Tyler, 2016; Tyler & Trinkner, 2017; Geller & Fagan, 2019). The procedural justice model of legal socialisation premises that individuals learn about values important to legal authority based on how power is exercised in social interactions. When power is exercised appropriately – e.g., interactions occur with fairness and respect, decisions are made in neutral and transparent ways, and power is exercised within certain normative boundaries (Trinkner *et al.*, 2018) – individuals internalise a sense of duty to obey the authority because it is proper and right. Essentially, interactions with authority figures (e.g., parents, teachers, legal actors) are socialising moments that contribute to the process of legal socialisation

(Trinkner & Cohn, 2014; Tyler & Trinkner, 2017). The goal of this research agenda is to investigate the socialising moments that influence the development of legitimacy judgements – both police and the law.

Essentially, one key point of legal socialisation is to create a binding to the law whereby people accept its directives – either through consent or through coercion (Trinkner & Tyler, 2016). Tyler and Trinkner (2017) argue that the development of beliefs that the authority is appropriate and entitled to be obeyed occurs as a function of continuous experiences, predominantly during childhood and adolescence, of fairness in the interactions with authority figures. The procedural justice model of legal socialisation would then lead to the development of a consensual relationship with the authorities. On the other hand, when children and adolescents cumulatively experience harsh, aggressive, and unfair treatment from their parents, teachers, and any legal agents – i.e., when legal socialisation occurs through coercion – they tend to develop a relationship with legal authority based on fear (Geller & Fagan, 2019). Recent research on legal socialisation has emphasised the importance of police-citizen interactions to the development of legitimacy judgements, including among former youth offenders in the United States (Augustyn, 2016; Fine & Cauffman, 2015; Fine *et al.*, 2016; 2017; Schubert *et al.*, 2016; McLean *et al.*, 2019), a general sample of adolescents in Zurich, Switzerland (Eisner *et al.*, 2011; Nivette *et al.*, 2015; 2019), and a general sample of adolescents in São Paulo, Brazil (Trinkner *et al.*, 2019; Piccirillo *et al.*, 2021; Komatsu *et al.*, 2020).

Legal cynicism

Another framework to study attitudes towards legal authority comes from the sociological tradition of anomie, neighbourhood culture, and neighbourhood effects. Similarly to work on procedural justice, studies on *legal cynicism* focus on the causes and consequences of public judgements about the legitimacy of the law and the legal institutions, but legal cynicism is defined and measured in different ways, and there is greater emphasis placed on neighbourhood structural conditions and aggregate levels of public opinion.

There are two main approaches to conceptualisation and measurement. Sampson and Bartusch (1998) draw on the Durkheimian concept of “anomie” and define legal cynicism as a state of “normlessness” in which the law is not psychologically binding, while Kirk and Papachristos (2011) define it as a cultural frame through which the law and legal institutions (albeit primarily the police) are viewed as unresponsive and ill-equipped to ensure public safety.

Legal cynicism as a state of normlessness

Based on Durkheim's notion of anomie and Merton's concept of normlessness, Sampson and Bartusch (1998, p. 782) define legal cynicism as a state "in which the rules of the dominant society (and hence the legal system) are no longer binding in a community or for a population subgroup". When individuals feel like the law does not apply to them (Nivette *et al.*, 2015) – i.e. that acting in ways that are outside the community norms of appropriate conduct is appropriate (Fagan & Tyler, 2005) – they are in a state of cynicism towards the law and the legal institutions. Normlessness is a state wherein people do not recognise the law's authority to dictate the norms of appropriate public behaviour.

Crucially, Sampson and Bartusch (1998) argue that legal cynicism is part of a social system and not merely a property of the individual. As such, it is conceived as *both* a community *and* an individual attribute. Someone can be highly intolerant of crime and violence and yet feel like they live in a structurally disadvantaged context wherein legal norms are not binding or too weak to warrant social trust. As a neighbourhood-level attribute, legal cynicism is contextual in origin, emerging as a network of individuals who collectively perceive injustice in the application of legal norms and express cynicism about the ability of the legal institutions to do their job in an effective and non-discriminatory manner (pp. 784-785).

In order to empirically measure legal cynicism, Sampson and Bartusch rely on survey research and use measures adapted from Srole's (1956) anomie scale. Survey indicators measure the level of agreement with the following statements: "laws are meant to be broken," "it is okay to do anything you want as long as you don't hurt anyone", "to make money, there are no right and wrong ways anymore, only easy ways and hard ways," "fighting between friends or within families is nobody else's business", and "nowadays a person has to live pretty much for today and let tomorrow take care of itself." The measures thus tackle the unbinding aspect of social norms, reflecting a belief that the law lacks the authority to govern in one's present, everyday life.

Over the past two decades, legal cynicism as defined by Sampson and Bartusch has been extensively studied. Aggregate scores of cynicism about the legitimacy of the law have been shown, for instance, to correlate with neighbourhood-level properties such as crime rates, structural deprivations, and prisoner reentry (Sampson, 2012; Kirk, 2016). Yet, despite the emphasis that Sampson and Bartusch put on the contextual nature of the state of anomie and normlessness, most previous work has measured legal cynicism as an individual-level attribute. Research on legal socialisation usually finds that the individual development of cynical views about the law

during adolescence is associated with greater willingness to engage in rule-violating behaviour (Fagan & Tyler, 2005; Piquero *et al.*, 2005; Trinkner & Cohn, 2014; Fine & Cauffman, 2015; Schubert *et al.*, 2016; Kaiser & Reisig, 2019); some studies have also drawn on Sampson and Bartusch's measure and shown that individual attributes such as low self-control and other personality traits are linked to higher levels of legal cynicism (Reisig *et al.*, 2011; Nivette *et al.*, 2015; 2019); similarly, research on police-citizen relations usually shows that unfair interactions with police officers tend to breed legal cynicism, which in turn is associated with greater willingness to cooperate with the police (Carr *et al.*, 2007; Gau, 2015; Bell, 2016; Moule Jr *et al.*, 2019; Geller & Fagan, 2019).

Legal cynicism as a cultural frame

Kirk and colleagues offer an alternative approach to conceptualise and measure legal cynicism (Kirk & Papachristos, 2011; Kirk & Matsuda, 2011). Drawing on the fact that Sampson and Bartusch's definition does not involve people's perceptions of legal institutions, the authors sustain that the original concept does not handle a relatively common paradox: some individuals might have law-abiding beliefs but at the same time hold negative views towards legal agents. Conceiving of it more narrowly, and emphasising the *legal* aspect of the state of anomie, they think of legal cynicism as a cultural frame through which people view the law *and the legal institutions* as illegitimate, unresponsive, and ill equipped to ensure public safety (Kirk & Matsuda, 2011, p. 447; Kirk & Papachristos, 2011; p. 1191; Kirk *et al.*, 2012, p. 83).

The authors rely on Goffman's (1974) frame analysis, and build on the premise that people's perceptions of the law and the legal institutions are filtered through a particular cultural frame which shapes their views on social norms and their choices of action. Through this frame, individuals interpret the functioning and viability of the law and the police, especially in terms of their ability to provide protection and ensure public safety (Hagan *et al.*, 2016). They argue – as did Sampson and Bartusch (1998) – that cynicism becomes cultural through social interaction; it becomes part of the social fabric of neighbourhoods as individuals develop a shared (though not identical) meaning of the substance and the agents of the law. But unlike Sampson and Bartusch's emphasis on social norms, Kirk and colleagues' definition of legal cynicism is grounded on the idea that there is sometimes a gap between some people's beliefs in the substance of the law and their antagonistic views of legal officials, which “may propel [them] toward violence simply because they cannot rely upon the police to help them resolve grievances” (Kirk & Papachristos, 2011, p. 1191).

This approach on legal cynicism is typically measured by survey responses tapping into attitudes towards both the law and the police, such as “laws are meant to be broken,” “the police are not doing a good job in preventing crime in this neighbourhood,” and “the police are not able to maintain order on the streets and sidewalks in the neighbourhood”. There is, therefore, an emphasis on public assessments of the ability of legal institutions to protect people in the neighbourhood. Building on this assumption, Kirk and Papachristos (2011) showed that aggregate scores of legal cynicism are associated with neighbourhood-level crime rates (e.g., homicide) and Kirk and Matsuda (2011) reported the spatial association between legal cynicism and arrest rates, both in Chicago using data from the Project on Human Development in Chicago Neighborhoods (PHDCN, see Sampson, 2012). Additionally, this conception of legal cynicism has been associated with Sunni insurgent attacks in post-invasion Iraq (Hagan *et al.*, 2016) and less cooperation with the police in New York City (Kirk *et al.*, 2012), Chicago (Hagan *et al.*, 2018) and Milwaukee (Desmond *et al.*, 2016).

Antecedents of legal cynicism: structural features, violence, and police misconduct

Legal cynicism is produced by structural features of neighbourhoods – this is the core of the concept both in its original formulation as a state of normlessness and in its reformulation as a cultural frame. Studies suggest that economic disadvantage and violence are key drivers in the production of a state of anomie towards legal norms and values. Sampson and Bartusch (1998) showed that communities characterised by neighbourhood concentration of resource disadvantage – e.g., high levels of poverty, unemployment, and public assistance – were associated with cynicism toward societal institutions. Similarly, Kirk and Papachristos (2011) found that concentrated poverty, residential stability, and higher proportion of youth in a neighbourhood all predicted higher levels of legal cynicism. Kirk (2016) demonstrated that neighbourhoods where former prisoners tended to cluster also tended to concentrate cynical views of the law and the legal institutions. In violent neighbourhoods, people often need to adapt to their surroundings and behave differently than they would otherwise (e.g., staying close to home, refraining from leaving after dark, avoiding interactions with specific groups of people; see Harding, 2009; Carr *et al.*, 2007; Haldipur, 2019; Rios, 2011) – sometimes this adaptation involves scepticism about the interest of legal institutions in ensuring public safety (Kirk & Papachristos, 2011).

The idea is that cultural tools (e.g., legal cynicism) originate as an adaptation to neighbourhood structural conditions (see Sampson & Wilson, 1995). People interpret the viability of the law and the legal systems based on the structural condi-

tions around which they are surrounded (and behave accordingly); cynical attitudes towards legal institutions emerge in conditions of social and economic disadvantage and violence. Individual interpretation and adaptation to neighbourhood conditions is then transmitted and collectively shaped through social interaction (Kirk & Papachristos, 2011), with exposure to a violent environment possibly playing an especially important role in the transmission of cultural tools (Harding, 2009).

A second source of legal cynicism is public-police interactions, particularly harassing police behaviour (Kirk & Papachristos, 2011; Desmond *et al.*, 2016). Police misconduct can breed cynicism towards the law and the legal institutions because personal experiences of encounters with officers are communicated via social interaction and create a shared belief about how law enforcement agents usually behave. Policing is also a product of neighbourhood structural conditions (Kirk & Matsuda, 2011; see also Sampson, 2012; Terrill & Reisig, 2003). When interactions with legal officials foster a perception that the behaviour of the law excludes and mistreats neighbourhood residents, what emerges is a common understanding that the legal institutions are unable and disinterested in ensuring public safety (Hagan *et al.*, 2020).

Legal estrangement

Bell (2017) develops the concept of *legal estrangement*, which seeks to capture and expand the state of legal cynicism. The concept includes both the subjective cultural orientation through which the law and its agents are viewed as illegitimate, unresponsive, and ill equipped and the objective structural conditions that breed this cultural frame. Essentially, Bell's concept implies public detachment and alienation from the law – it reflects the perception that law enforcement agents operate to exclude disadvantaged groups, including poor communities of colour, from society. At both an interactional and structural level, legal institutions function to effectively banish whole communities from the body politic (Bell, 2017, p. 2067).

Bell introduced the concept of legal estrangement in the context of the discussion on police reform in the United States. By opposing legal estrangement and legitimacy theories, she argued that the main goal of reformed legal institutions should be ensuring social inclusion, not just fostering voluntary compliance with the law. This distinction traces back to different theoretical roots: while the legitimacy approach is analytically focused on the individual and is based on Weber's remarks about dominance, the legal estrangement approach emphasises cultural and collective processes and draws on Durkheim's remarks about anomie, collective alienation, and social cohesion. According to Bell, police reforms focused only on

implementing procedurally just policing² would not solve the main problem related to systemic racism in policing, as it would just seek more effectiveness at the work of crime deterrence (p. 2080). Only by acknowledging that some disadvantaged communities are estranged from legal authority and promoting structural inclusion would it be possible to reform legal institutions so as to ensure social inclusion for all groups and communities.

Legal estrangement, like legal cynicism, is founded on the idea of anomie about the law. This is more than distrust of the law: anomie is a broken social order in which some people are structurally unable to act in accordance with the cultural norms and goals, and therefore are not fully included in society. Bell sustains that while the concept “legal cynicism” as defined by Sampson and Bartusch (1998) or Kirk and Papachristos (2011) focuses on how communities relate to the law, legal estrangement theory emphasises the structural process that leads to a cultural orientation of distrust. Legal estrangement is a systemic mechanism that is partly representative of a state of anomie, and partly interactive with structural conditions that produce segregation (e.g., poverty and racism; p. 2086).

Understanding this crisis of estrangement described by Bell (2017) is important. The emphasis she puts on collective processes and structural conditions that produce a state of public detachment from the law and the legal institutions is crucial to comprehend the relationship between members of the public and legal authority. It is reasonable to assume that policing strategies that operate effectively excluding groups of people from society produce a state wherein a large number of people develop some type of alienation from the law. We argue below that judgements about the legitimacy of legal authority and legal cynicism can be studied together under a unified framework of legal attitudes; but this framework only makes sense taking into account the legal estrangement approach and structural conditions that give birth to a collective sense of distrust of the law.

Trust, legitimation and cynicism

We now consider a parallel criminological literature on trust in the police that sometimes connects to PJT, legal socialization and legal cynicism, but sometimes does not. Our goal in this section is to offer some thoughts on how we think people’s perceptions of the trustworthiness of the police might relate to both trust and le-

2. Although she mostly focuses on one aspect of procedural justice – namely, fairness and dignity in treatment – and neglects transparent and neutral decisions and the exercise of power within normatively appropriate boundaries (see Huq *et al.*, 2017; Trinkner *et al.*, 2018).

gitimacy. We then discuss the idea that it is not just procedural (in)justice that sends strong relational messages to individuals – over-policing and under-policing may also convey separate messages of protection and neglect, and equality and dominance.

Hamm *et al.* (2017) drew on Mayer *et al.* (1995) to distinguish between the ascribed quality that enables trust (willingness to be vulnerable regarding police action) and trustworthiness (subjective judgments that citizens make about the likelihood that officers will follow through with an expected and valued action under conditions of uncertainty). From this perspective, perceived trustworthiness references positive or negative expectations about the behaviour of the police as a collective actor – the intentions and capabilities of officers *and* organization in a general sense, i.e., the extent to which police are seen to behave in ways that enable trust (willingness to be vulnerable). People cannot know for sure whether police officers always act fairly, effectively, lawfully and so forth – but to believe that they do is to overcome uncertainty despite imperfect knowledge (Möllering, 2001). Trustor's positive expectations of the trustee (trustworthiness) then creates willingness to be vulnerable (trust) – see PytlikZillig and Kimbrough (2016), Schoorman (2005), Rousseau *et al.* (1998), Mayer *et al.* (1995).

For trust to occur, the trustor must either disregard or voluntarily submit to the risk inherent in the situation (McEvily & Tortoriello, 2011). And as Mayer *et al.* (1995, p. 729) say: “The question ‘Do you trust them?’ must be qualified: ‘trust them to do what?’”. So what do people trust the police to do? There is a trustor (officers), a trustee (citizens), and some uncertain behaviour/intention that the trustor wishes from the trustee. But what are the bases of perceived trustworthiness? To answer this question, one typically starts but asking oneself about (a) the sorts of tasks that police do in a given social, political and legal context and (b) the principles underpin the popular definition of ‘good policing’ in that local context? To take the example of Canada – although the same assumptions may reasonably apply to other contexts, e.g. US, UK, Australia, Israel and Brazil, for general discussion see Jackson & Gau (2016, pp. 53-56) – Jackson *et al.* (2021a) defined perceived police trustworthiness along five dimensions, which together overlap considerably with Mayer *et al.*'s (1995) general definition of trustworthiness as ability, benevolence and integrity.

The first was procedural justice. The second was community engagement, which refers to the extent to which people believe police listen to, understand and act on the concerns of the communities they serve. The third was distributive justice, which relates primarily to the fair allocation of scarce resources across aggregate social groups: are the benefits and impositions of policing distributed in ways matched to underlying needs (e.g. victimisation) and behaviours (e.g. offending), or in ways premised on bias and/or discrimination? The fourth was bounded authority, i.e.

whether police power is exercised within certain boundaries and limits (Huq *et al.*, 2017; Trinkner *et al.*, 2018). There are places and situations where they wish police not to intrude, for example, and tools and tactics they think inappropriate (like the over-use of aggressive stop-and-frisk tactics in certain minority communities). The fifth was effectiveness, which references among other things some outcome-related aspects of trust – the success of the police in securing the ends they are mandated to achieve, like for instance catching criminals, deterring crime, and turning up promptly in an emergency.

Having measured trustworthiness judgements, one can then examine which component(s) are most important to the willingness to assume risk (i.e. trust, see: Mayer *et al.*, 1995, p. 724). Hamm *et al.*'s (2017) application of Mayer *et al.*'s (1995) model measured willingness to be vulnerable to the police using the following three measures: “I am generally comfortable being vulnerable to the judgment of police in my community”, “I would be comfortable letting the police in my community handle a specific situation that was important to me”. Willingness to be vulnerable only makes sense if there is risk-taking involved. As Mayer *et al.* (1995, p. 711) put it: “The need for trust only arises in a risky situation.” When describing what this might risky situations might mean in the context of the police, Hamm *et al.* (2017, p. 6) say:

[...] vulnerability most obviously includes the potential for justified personal harms ranging from getting a ticket or being arrested, to more serious and unjustifiable harms such as experiencing excessive violence, bias, or disrespect at the hands of the police. In addition, however, vulnerability in this context would go so far as to include more amorphous/abstract harms such as violations of beliefs regarding the appropriate role of the police in society. Consider, for example, an ethnic majority member who believes that the police consistently respond disparately to minorities. For this individual, the salient vulnerability is not likely to be that she would personally be mistreated by the police. Instead, the salient harm may be a belief that the police are violating notions about their appropriate role as protectors of a fair and just society.

When testing the extent to which different, task-specific forms of good conduct predict willingness to be vulnerable, one is essentially testing which positive expectations of policing are most important in people's willingness to take a risk, to open themselves up to the possibility of negative treatment from the police. Let us say that the procedural justice component of trustworthiness is the strongest predictor of willingness to be vulnerable – having positive expectations about the degree to which officers will treat them with respect and dignity, make neutral and accountable decisions, and so forth may then be a key reason why people may be willing to accept the potential for harm.

One could also test the extent to which different trustworthiness components explain variation in legitimacy. The results can be interpreted as identifying which specific normative expectations of proper use of power define the legitimacy relationship between police and citizens. Hypothetically, legal institutions could gain legitimacy when people believe they effectively enforce the law, behave lawfully, fairly distribute their resources, and protect citizens and ensure public safety, among other common tasks police forces are usually expected to perform. Empirically, social science research seeks to identify to which task-specific assessments of police conduct that citizens give most importance to when forming legitimacy judgements (Trinkner, 2019; Jackson & Bradford, 2019; Tyler, 2006). While legitimacy judgements refer to perceived right to rule and moral authority to govern, *legitimation* refers to the normative criteria subordinates apply to judge whether an authority's claim of power is right and proper (Tyler, 2006). The sources of legitimacy can vary across social, political and legal contexts; the exact criteria citizens use to judge legal institutions' appropriateness of power – i.e., what citizens consider appropriate and expect from law enforcement agents – is an empirical question (Jackson, 2018; Jackson & Bradford, 2019; Trinkner, 2019).

If, for example, empirical work shows that procedural justice is the strongest (positive) predictor of legitimacy, then one can infer that procedural justice is an important dimension of appropriate (legitimate) police conduct, i.e. that procedural justice is a defining feature of what “appropriate use of power” means in that specific setting. In the context of Canada, for example, Jackson *et al.* (2021a) found that procedural justice, community engagement, and bounded authority (in descending order of importance) explained variation in legitimacy (distributive justice and effectiveness were not significant predictors). The authors inferred from this that Canadian respondents judged the rightful exercise of police power and authority along three dimensions: (1) procedural fairness, (2) engagement (understanding and dealing with the issues that matter most to people in community, can be relied upon to be there when people need them, and being sensitive to the needs of different cultures), and (3) bounded authority (exceeding their authority). By contrast, other aspects of police trustworthiness have been shown to play a role in contexts outside of the ‘usual suspects’ of US, UK and Australia. For instance, in places in the Global South such as São Paulo (Brazil), Lahore (Pakistan), and Accra (Ghana), where the state's ability to control crime is low, trust in police effectiveness has also been found to predict police and legal legitimacy (Oliveira *et al.*, 2020; Jackson *et al.*, 2014; Tankebe, 2009).

Legitimation and expanding the range of relational norms

The basic idea beyond the relational model of legitimacy is that how citizens are treated by powerful institutions that they interact with reveals to those citizens the ways in which those institutions view them, whether as individuals or as members of a particular social group in society, and that acting in ways that respect key relational norms is central to police legitimation. By communicating value, status and esteem within hierarchical group settings, procedural justice encourages inclusion and identification within the group that the authority figure represents (Tyler & Lind, 1992; Tyler & Blader, 2000). Procedural justice helps institutions send the message that they view citizens as equal social, moral and political agents.

But there are reasons to suggest that identity-issues could extend beyond status, value and standing (procedural justice) to include agency, equality and the lack of domination. This may bring in aspects of police behaviour that extend beyond procedural justice. For instance, there is emerging work on bounded authority, which is the idea that people are sensitive to whether authority figures (e.g., police officers) overstep their rightful authority, getting into spaces that they have no right to be in (Tyler & Trinkner, 2017; Trinkner *et al.*, 2018; Huq *et al.*, 2017). Appropriate police conduct is not only about *how* police officers exercise their authority during an encounter, but also about *what* power they exercise, *when* and *where*. In addition to involving concerns about treatment and the decision-making process, legitimacy may be shaped by people's assessment of the extent to which law enforcement agents do not overstep their authority in resident-police interactions, thereby showing a respect for people's autonomy, dignity and agency.

For instance, intrusive police stops could be delegitimising, above and beyond unfair treatment and unfair decisions. Tyler *et al.* show that, in the context of pedestrian stops by the police in New York City, and separate to the statistical effects of procedural justice, "more police intrusion of any type in the lives of people in the neighbourhood was linked to lower legitimacy" (2014, p. 766). This intrusion could be delegitimising because it signals to communities that power is being used to dominate, stigmatise and control in a way that transcends concerns about fair process. If legitimacy is partly the belief that the police are moral, just and appropriate because they wield their power and authority in ways that align with people's sense of right and wrong (that respect the dignity and autonomy of group members), then procedural justice *and* bounded authority may be important bases on which legitimacy judgments are based, because of their relational, identity-relevant content: they collectively signal that citizens are not a valued part of the group (policing is not being done for them, it is being done against them).

Recent research has also examined perceptions of over-policing and under-policing in Brazil (Oliveira, 2021). In political philosophy, theories of distributive justice typically coalesce around the fairness of who gets what and why, at which scale (see, for example, Von Platz, 2020). How should social and economic institutions be designed to maximise the benefits and burdens of social cooperation, especially when people have competing needs or claims? Should deserving people/social groups be rewarded in accordance with their merits? Should distributive justice be about putting in place principles that regulating the balance of individual interest and claims to the wide range of social cooperation benefits? What about the different objects of distributive justice (e.g. economic, racial justice, education)? Should 'goods' and 'bads' be differentially distributed across different groups, in the context of social welfare, criminal justice etc.? Applied to the police, distributive justice can thus be viewed as the fair allocation of the finite resources of the 'goods' and 'bads' of policing across aggregate social groups. Distributive justice could be measured using items that tap into the sense that different groups are being given an appropriate amount of the burdens and benefits of policing.

By contrast, perceptions of over-policing and under-policing in one's neighbourhood tap into people's perceptions of whether the goods and bad of policing are fairly distributed in one's own neighbourhood, as opposed to beliefs about whether they are distributed fairly across aggregate social groups in society more generally. Using longitudinal survey data from São Paulo, Oliveira (2021) measured perceived over-policing as the extent to which police officers were expected to repeatedly intrude upon the lives of neighbourhood residents and perceived under-policing as the extent to which police officers were expected to fail to ensure public safety. He showed that perceptions of over-policing and under-policing mutually reproduce each other over time, in a type of vicious cycle, and are produced by similar social forces, such as aggressive police interactions and structural disadvantages. Crucially, he also showed that perceptions of both over-policing and under-policing undermine judgements about the legitimacy of the police, which indicates the delegitimizing nature of negative messages of denigration, suspicion, control and lack of protection.

Most prior research on over-policing and under-policing has focused on structural racism in policing in cities in the United States such as Oakland, Philadelphia, Cleveland, Chicago, Milwaukee, Baltimore, and Los Angeles, showing that racism is experienced by communities of colour not simply as a matter of police excesses nor police deficits but as a damaging complex of the two (Prowse *et al.*, 2019; Rios, 2011; Rios *et al.*, 2020). The well-documented over-regulation to which such communities are subject overlaps with an acute sense of police absence when it comes to protecting residents from harm – as one participant in the cross-city Portals

project told another, looking to police for help is “just like callin’ a phone with nobody on the other end” (Prowse *et al.*, 2019, p. 1436). An 18-year-old girl from Philadelphia interviewed by Carr *et al.* summarizes it this way: “I see cops so often in my neighbourhood, but when I see something bad going on, I look around and say, ‘Where are the cops?’” (2007, pp. 458-459). Individuals arrested in Cleveland describe feeling neglected by law enforcement “precisely when they are most in need of police response” (2020, p. 9).

Members of race-class subjugated communities may experience the disturbing contradictions of over-policing and under-policing as relational messages of both domination (over-policing) and neglect (under-policing). Ethnographer Victor Rios describes this racialized complex of law enforcement over-attention and neglect as an over-policing-under-policing paradox. The Black and Latino boys in California with whom Rios conducted his fieldwork witness and were subjected to high-contact, zero-tolerance policing targeted at relatively trivial forms of behaviour alongside a negligent lack of police responsiveness to harm. For them, the state was deeply and invasively present in their everyday lives for purposes of surveillance and punishment, but absent from the task of protecting their safety. Prowse and colleagues, drawing on data from the 10-site Portals study, dub this phenomenon “distorted responsiveness”: law enforcement in poor communities of colour is “everywhere when surveilling people’s everyday activity and nowhere if called upon to respond to serious harm” (Prowse *et al.*, 2019, p. 1423). Rather than understanding, acknowledging and addressing people’s concerns (communicating reassurance), the police attack and punish (communicating threat) (Fratello *et al.*, 2013; Stoudt *et al.*, 2011, 2012). This policing dynamic and its message about civic belonging may be especially potent in moments of collective pain and protest. Another Portals project participant, describing militarized police responses to protest in her community, explains that “When black people are hurt and we feel like we have to uplift our voice – instead of [the government response] being empathetic and compassionate... it’s almost like we’re invaders” (Weaver, 2018, p. 9651).

Policing seemed to be a ubiquitous part of the lives of many of these marginalized young people; however, the law was rarely there to protect (Rios 2011, pp. 64-65).

While excesses of policing are undeniably salient in communities of colour, qualitative research with such communities also highlights serious deficiencies of law enforcement. Previous research suggest that such perceptions of widespread incapacity of safety provision, in addition to being culturally transmitted (Anderson, 1999; Elliott & Reid, 2019; Cooper *et al.*, 2020), are grounded in an accumulated

abundance of direct observations of police non-response and ineffectiveness made by individuals in race-class subjugated communities (Brunson & Gau, 2015; Taylor *et al.*, 2009; Kirk & Papachristos, 2011; Kirk & Matsuda, 2011). Linking the discussion on the over-policing-under-policing paradox to Kirk and colleagues' approach to legal cynicism, one can view the construct being measured as combining the rejection of the binding nature of the law in somebody's everyday life with the sense of being under-protected by the police (see Oliveira, 2021). From this perspective, baked into the idea of legal cynicism as a cultural frame is the identity-relevant sense that the police are sending respondents messages of neglect and lack of care and protection.

Final words

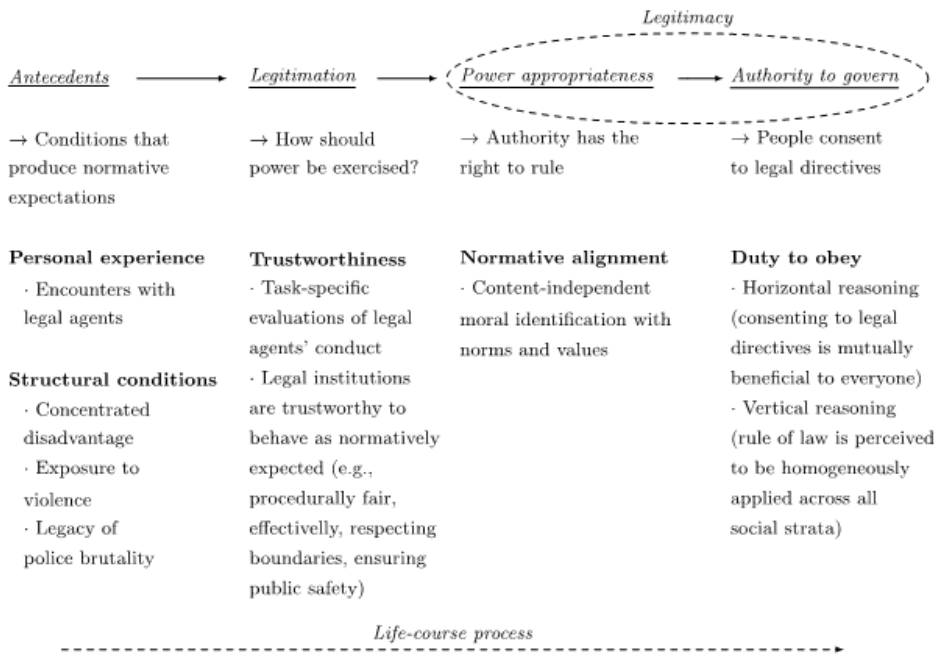
Concepts such as legitimacy, cynicism, and trust are sometimes loosely employed by studies on public attitudes towards legal authority, so the extent to which these constructs are distinct and/or overlap is often not that clear. We finish with some thoughts on the conceptual clarification and theoretical framing outlined so far in this paper on police legitimacy, drawing primarily on procedural justice theory, especially the importance of relational norms, but also relying on insights from the legal socialisation and legal cynicism approaches.

First, it is important to emphasise the distinction between legitimacy and legitimation, and in particular the distinction between the law and legal institutions' *authority to govern* (consent), perceptions of *power appropriateness* (assent) among members of the public (both of which constitute beliefs about the legitimacy of legal authority), the extent to which legal institutions are *trustworthy* to behave as normatively expected, and the *antecedents* and conditions that produce people's normative expectations about the exercise of power. These four aspects are depicted by Figure 1. We now explore each of them separately.

A legitimate claim of power essentially means that the law and the legal institutions have authority to govern. Members of the public recognise the right of legal authority to dictate and enforce appropriate behaviour and internalise a sense of duty to behave accordingly. Authority to govern implies that people consent to the directives of the law and its agents. The recognition of the ruling power of the law is horizontally and vertically motivated – i.e., people believe they should obey the law both because it mutually benefits everyone in society if everyone does so and because they perceive rule of law to be homogeneously applied across all social strata.

We frame what Sampson and Bartusch (1998) characterise as a state of normlessness as perceptions that the law and the legal institutions lack the authority to govern. The fact that law-related values and norms might not be binding in a community or

FIGURE 1
A conceptual diagram of legitimacy and legitimation.



for a population subgroup (i.e., normlessness according to Sampson and Bartusch) implies that some people do not recognise the ruling power of the law and do not consent to its directives; i.e., they do not internalise a normative sense of duty to obey the rules and norms of the dominant society. As Sampson and Bartusch emphasise, this usually happens when people perceive the law not to be the same for everyone, in what Gifford and Reisig (2019, p. 388) describe as the “legal corruption” aspect of legal cynicism: views that the law-making process has been corrupted by individuals who enact laws solely based on their own self-interest. Some people might not consent to legal directives because of vertical discrepancies in the behaviour of the law and the legal institutions³.

We assume that public recognition that the law and the legal institutions have authority to govern flows from perceptions that they have the right to rule, when members of the public perceive the ruling power that legal authority exercises as appropriate. Perceptions of power appropriateness refer to content-independent moral

3. This is not to say that the whole concept of legal cynicism as defined by Sampson and Bartusch is simply the other side of the coin of a normatively grounded sense of duty to obey the law. Legal cynicism is both an individual and a collective attribute that emerges as part of the social fabric of neighbourhoods, whereas we are exclusively assessing individual attitudes towards legal authority. But the specific individual perception of normlessness can be framed as a state in which legal institutions lack the authority to govern.

identification with norms and values represented by the law: law-related values are in line with people's moral expectations about what those values should be. This is a key aspect of beliefs that legal authority holds a legitimate claim of power.

What exactly are people's expectations about how power should be exercised is a different matter. The criteria that people use to judge whether legal authority is exercising its ruling power in normatively appropriate ways is an empirical question about *legitimation*. People evaluate specific tasks inscribed in the exercise of power, each of which can be a legitimising factor or not. For instance, members of the public might normatively expect legal institutions to control crime effectively; legal institutions therefore, in this hypothetical scenario, gain legitimacy when people evaluate and expect them to be effective at fighting crime. As discussed above, we frame task-specific evaluations of conduct as *trustworthiness*; in this case, that would mean that the police are trustworthy to act effectively. Encounters between members of the public and representatives of legal agents (e.g., police officers) are therefore crucial moments in the legitimation process, as they can be teachable moments about how legal authority usually exercises its power and the values it represents (Tyler *et al.*, 2014; Oliveira *et al.*, 2020). When people experience, during a direct interaction, power being exercised as they morally expect, this interaction can contribute to the process of legitimation of legal authority.

Legitimation is therefore about trustworthiness. When legal authority is judged to be trustworthy to act as normatively expected, people's beliefs of legitimacy are enhanced. One interesting research agenda is therefore investigating what makes power morally justifiable across people from different contexts and social groups (see, e.g., Bottoms & Tankebe, 2012) – i.e., investigating which aspects of perceived trustworthiness in legal authority enhance legitimacy judgements. PJT posits identity-relevant normative police behaviour communicates people's status and send messages that individuals are valued members of society (e.g., via procedural justice). But other aspects of police conduct could send relational messages of inclusion and exclusion. For instance, police conduct could send positive messages of agency and autonomy depending on officers' respect for the boundaries of their authority. Crucially, negative messages of denigration, suspicion, intrusion, and lack of protection (e.g., via overpolicing and underpolicing) could communicate otherness and social exclusion (Mackenzie, 2020; Oliveira, 2021).

Linking this discussion to what Kirk and Papachristos (2011) frame as "legal cynicism", a cultural orientation through which people perceive the law and the legal institutions as unfit and disinterested in ensuring public safety can also be framed as another aspect of (lack of) police trustworthiness – with a potential impact on public legitimacy judgements. If people's normative expectations about the exercise

of legal power involve the provision of protection to a community, their beliefs that legal authority is a legitimate force will be undermined when they evaluate and expect agents of the law to fail in the task of ensuring public safety⁴.

That said, it is important to build on some of the insights offered by studies on legal cynicism and neighbourhood effects to understand the antecedents of trust in legal authority. People can only judge the behaviour of the law in the context in which they are inscribed, so structural conditions play an important role (Sampson & Wilson, 1995). Residents of disadvantaged communities, where poverty and cases of violence are concentrated, might have distinct expectations about the exercise of legal power. Single encounters with agents of the law might do little to alter pre-existing perceptions among people who feel socially excluded by the legal institutions and who have been socialised to think that the police are racist and abusive – the historical legacy of police mistreatment in over-policed neighbourhoods could therefore influence the degree to which every encounter with the law is a teachable moment (Nagin & Telep, 2020).

Relatedly, it is important to take the matter of time seriously and consider the dynamics of public attitudes towards legal authority as a process that occurs during the life course, as emphasised by studies on legal socialisation. People's experiences with the law during their life course build on; perceptions that the law has the authority to govern and the right to rule, as well as task-specific evaluations of legal agents, are a reflection of all those cumulative experiences Tyler and Trinkner (2017). While encounters with the law can be teachable moments during which people update their beliefs about how legal agents tend to behave, they can also do little to alter judgements about legal authority when the specific experience contradict a lifetime of opposite expectations about the behaviour of the law. Understanding how people develop their normative expectations about the exercise of legal power and their legitimacy judgements is therefore crucial to comprehend the dynamics of legal attitudes.

In this context, some studies suggested that it is naïve to consider that single interactions with law enforcement agents are sufficient to alter historically built attitudes towards legal authority, regardless of the procedural fairness communicated during the encounter (see Epp *et al.*, 2014; Bell, 2017; Rios *et al.*, 2020; Nagin & Telep, 2017; 2020). Such scepticism is reasonable, as discussed above, considering the influence of the structural context in which people are inscribed and their life-

4. As before, we do not claim that the whole concept of legal cynicism as defined by Kirk and Papachristos can be captured by the umbrella definition of (dis)trust in the police. But the specific individual assessment that legal institutions fail to provide protection to community residents can be framed as one possible aspect of police trustworthiness with a potential undermining effect on legitimacy judgements (Oliveira, 2021).

course process of legal socialisation. However, most of these studies incur some type of misrepresentation of procedural justice theory. First, because they usually emphasise only one aspect of appropriate police behaviour – namely, respectful and fair treatment, even though making transparent and neutral decisions and respecting authority boundaries are equally important (Trinkner *et al.*, 2018). Second, procedural justice theory posits that the experience and expectation of procedural fairness in the exercise of police power *during the life course* and *taking into account contextual characteristics* boosts legitimacy judgements.

For instance, Rios *et al.*'s (2020) descriptions of police officers starting interactions with procedural fairness but then engaging in punitive practices in the context of police stop-and-frisk powers should not be treated as evidence against procedural justice claims, but rather as evidence *for* procedural justice claims. Despite those police officers' first attempt to treat citizens with dignity and respect, they clearly did not communicate procedural justice throughout the interaction, as they did not make open and impartial decisions and overstepped their authority during such punitive practices. Citizens who have received this type of treatment from police officers throughout their life course and who have seen fellow neighbourhood residents receiving this type of treatment would therefore question the appropriateness of the power exercised by legal institutions, thus questioning the legitimacy of legal authority. Evidence brought by Rios *et al.* (2020) therefore *backs* some of the theoretical claims made by procedural justice theory.

This also relates to Bell's (2017) juxtaposition of legitimacy and legal estrangement approaches. According to Bell, the final goal of procedural justice policing is simply fostering voluntary compliance with the law, whereas legal estrangement theory emphasises structurally ensuring social inclusion. However, group inclusion has always been at the heart of procedural justice theory (Lind & Tyler, 1998). Fostering legitimacy judgements across members of the public implies fostering social inclusion – and even though the procedural justice approach does not emphasise collective processes and structural conditions that produce normative expectations about the exercise of legal power, this is by no means contradictory to its theoretical claims. Procedural justice policing is not about punctual fairness on top of punitive and aggressive practices, but about an alternative policing strategy that focuses on officers throughout the life course treating citizens with dignity and respect, making high-quality, impartial, and transparent decisions, and never overstepping their authority; and the point is not short-term changes after a few interactions, but the cumulative effect of several demonstrations of procedural fairness during people's lifetime – which could even lead to structural changes, in the sense of different perceptions of the context.

References

- APPLBAUM, Arthur Isak. (2019), *Legitimacy: The right to rule in a wanton world*. Cambridge, MA, Harvard University Press.
- AUGUSTYN, Megan Bears. (2016), "Updating perceptions of (in)justice". *Journal of Research in Crime and Delinquency*, 52 (2): 255-286.
- ANDERSON, Elijah. (1999), *Code of the street: decency, violence, and the moral life of the inner city*. New York, NY, W. W. Norton.
- BELL, Monica. (2016), "Situational trust: how disadvantaged mothers reconceive of legal cynicism". *Law & Society Review*, 50 (2): 314-347.
- BELL, Monica. (2017), "Police reform and the dismantling of legal estrangement". *The Yale Law Journal*, 2014-2150.
- BOLGER, P. Colin & WALTERS, Glenn D. (2019), "The relationship between police procedural justice, police legitimacy, and people's willingness to cooperate with law enforcement: a meta-analysis". *Journal of Criminal Justice*, 60: 93-99.
- BOTTOMS, Anthony & TANKEBE, Justice. (2012), "Beyond procedural justice: a dialogic approach to legitimacy in criminal justice". *Journal of Criminal Law and Criminology*, 102 (1): 119-170.
- BRADFORD, Ben. (2017), *Stop and search and police legitimacy*. London, UK, Routledge.
- BRADFORD, Ben; HUQ, Azis; JACKSON, Jonathan & ROBERTS, Benjamin. (2014), "What price fairness when security is at stake? Police legitimacy in South Africa". *Regulation and Governance*, 8: 246-267.
- BRADFORD, Ben; MILANI, Jenna & JACKSON, Jonathan. (2017), "Identity, legitimacy and 'making sense' of police use of force". *Policing: An International Journal*, 40 (3): 614-627.
- BRINKMANN, Matthias. (2020), "Legitimacy: the right to rule in a wanton world. By Arthur Isak Applbaum". *Perspectives on Politics*, 18 (4): 1203-1204.
- BRUNSON, Rod & GAU, Jacinta. (2015), "Officer race versus macro-level context: a test of competing hypotheses about black citizens' experiences with and perceptions of black police officers". *Crime & Delinquency*, 61 (2): 213-242.
- CARR, Patrick; NAPOLITANO, Laura & KEATING, Jessica. (2007), "We never call the cops and here is why: a qualitative examination of legal cynicism in three Philadelphia neighborhoods". *Criminology*, 45 (2): 445-480.
- CEVA, Emanuela. (2016), *Interactive justice: a proceduralist approach to value conflict in politics*. New York, Routledge.
- COHN, Ellen & WHITE, S. (1990), "Comparing theories of legal socialization". In: *Legal socialization: A study of norms and rules*. New York, Springer.
- COOPER, Shauna *et al.* (2020). "'That is why we raise children': African American fathers' race-related concerns for their adolescents and parenting strategies". *Journal of Adolescence*, 82: 67-81.

- DESMOND, Mathew; PAPACHRISTOS, Andrew V. & KIRK, David S. (2016), "Police violence and citizen crime reporting in the black community". *American Sociological Review*, 81 (5): 857-876.
- EISNER, Manuel, *et al.* (2011), "Large-scale criminological field experiments: the Zurich Project on the social development of children". In: GADD, David; KARSTEDT, Susanne & MESSNER, Steven F. (eds.). *The Sage handbook of criminological research methods*. London, Sage Publications, pp. 410-424.
- ELLIOT, Sinikka & REID, Mega. (2019), "Low-income black mothers parenting adolescents in the mass incarceration era: the long reach of criminalization". *American Sociological Review*, 84 (2): 197-219.
- EPP, Charles, *et al.* (2014), *Pulled over: how police stops define race and citizenship*. Chicago, IL, The University of Chicago Press.
- FAGAN, Jeffrey & TYLER, Tom. (2005), "Legal socialization of children and adolescents". *Social Justice Research*, 18 (3): 217-241.
- FINE, Adam & CAUFFMAN, Elizabeth. (2015), "Race and justice system attitude formation during the transition to adulthood". *Journal of Developmental and Life-Course Criminology*, 1 (4): 325-349.
- FINE, Adam *et al.* (2016), "The role of peer arrests on the development of youth's attitudes towards the justice system". *Law and Human Behavior*, 40 (2): 211-218.
- FINE, Adam *et al.* (2017), "Is the effect of justice system attitudes on recidivism stable after youth's first arrest? Race and legal socialization among first-time youth offenders". *Law and Human Behavior*, 41 (2): 146-158.
- FRATELLO, Jennifer *et al.* (2013), "Coming of age with stop and frisk: experiences, self-perceptions, and public safety implications". *New York: Vera Institute of Justice*.
- GAU, Jacinta. (2015), "Procedural justice, police legitimacy, and legal cynicism: a test for mediation effects". *Police Practice and Research*, 16 (5): 402-415.
- GELLER, Amanda & FAGAN, Jeffrey. (2019), "Police contact and the legal socialization of urban teens". *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 5 (1): 26-49.
- GERBER, Monica & JACKSON, Jonathan. (2017), "Justifying violence: legitimacy, ideology and public support for police use of force". *Psychology, Crime & Law*, 23 (1): 79-95.
- GERBER, Monica *et al.* (2018), "On the justification of intergroup violence: The roles of procedural justice, police legitimacy, and group identity in attitudes toward violence among indigenous people". *Psychology of Violence*, 8 (3): 379-400.
- GIFFORD, Faith & REISIG, Michael. (2019), "A multidimensional model of legal cynicism". *Law and Human Behavior*, 43 (4): 383-396.
- GOFFMAN, Erving. (1974), *Frame analysis: an essay on the organization of experience*. Cambridge, MA, Harvard University Press.
- HAGAN, John; KAISER, Joshua & HANSON, Anna. (2016), "The theory of legal cynicism and Sunni insurgent violence in post-invasion Iraq". *American Sociological Review*, 81 (2): 316-346.

- HAGAN, John *et al.* (2018), "Dual-process theory of racial isolation, legal cynicism, and reported crime". *Proceedings of the National Academy of Sciences*, 115 (28): 7190-7199.
- HAGAN, John *et al.* (2020), "What the study of legal cynicism and crime can tell us about reliability, validity, and versatility in law and social science research". *Annual Review of Law and Social Science*, 16: 1-20.
- HALDIPUR, Jan. (2019), *No place on the corner: the costs of aggressive policing*. New York, NY, NYU Press.
- HAMM, Joseph; TRINKNER, Rick & CARR, James. (2017), "Fair process, trust, and cooperation: moving toward an integrated framework of police legitimacy". *Criminal Justice and Behavior*, 44 (9): 1183-1212.
- HARDING, David. (2009), "Violence, older peers, and the socialization of adolescent boys in disadvantaged neighborhoods." *American Sociological Review*, 74 (3): 445-464.
- HINSCH, Wilfried. (2008), "Legitimacy and justice: a conceptual and functional clarification". In: Kühnelt, J. (org.). *Political legitimization without morality?*. Springer.
- HINSCH, Wilfried. (2010), "Justice, legitimacy, and constitutional rights". *Critical Review of International Social and Political Philosophy*, 13 (1): 39-54.
- HOUGH, Mike; JACKSON, Jonathan & BRADFORD, Ben. (2013), "Legitimacy, trust and compliance: an empirical test of procedural justice theory using the European Social Survey". In: TANKEBE, Justice & LIEBLING, A. *Legitimacy and criminal justice: An international exploration*. Oxford, Oxford University Press.
- HUQ, Aziz; JACKSON, Jonathan & TRINKNER, Rick. (2017), "Legitimizing practices: revisiting the predicates of police legitimacy". *The British Journal of Criminology*, 54: 1101-1122.
- JACKSON, Jonathan. (2018), "Norms, normativity, and the legitimacy of justice institutions: international perspectives". *Annual Review of Law and Social Science*, 14 (1): 145-165.
- JACKSON, Jonathan & BRADFORD, Ben. (2019), "Blurring the distinction between empirical and normative legitimacy? A methodological commentary on 'Police legitimacy and citizen cooperation in China'". *Asian Journal of Criminology*, 14 (4): 265-289.
- JACKSON, Jonathan & GAU, Jacinta. (2015), "Carving up concepts? Differentiating between trust and legitimacy in public attitudes towards legal authority". In: SHOCKLEY E.; NEAL T.; PYTLIKZILLIG L. & BORNSTEIN B. *Interdisciplinary perspectives on trust: towards theoretical and methodological integration*. New York, Springer.
- JACKSON, Jonathan *et al.* (2012), "Why do people comply with the law? Legitimacy and the influence of legal institutions". *The British Journal of Criminology*, 52 (6): 1051-1071.
- JACKSON, Jonathan *et al.* (2013a), *Just authority? Trust in the police in England and Wales*. London, UK, Willan.
- JACKSON, Jonathan *et al.* (2013b), "Monopolizing force? Police legitimacy and public attitudes toward the acceptability of violence". *Psychology, Public Policy, and Law*, 19 (4): 479-497.

- JACKSON, Jonathan *et al.* (2014), "Corruption and police legitimacy in Lahore, Pakistan". *The British Journal of Criminology*, 54 (6): 1067-1088.
- JACKSON, Jonathan *et al.* (2021a), "Developing core national indicators of public attitudes towards the police in Canada". *Policing and Society*.
- JACKSON, Jonathan *et al.* (2021b), "Police legitimacy and the norm to cooperate: using a mixed effects location-scale model to estimate the strength of social norms at a small spatial scale". *Journal of Quantitative Criminology*, 37: 547-572.
- JACKSON, Jonathan *et al.* (forthcoming), "Fear and legitimacy in São Paulo, Brazil: police-citizen relations in a high violence, high fear city. *Law & Society Review*.
- KAISER, Kimberley & REISIG, Michael. (2019), "Legal socialization and self-reported criminal offending: the role of procedural justice and legal orientations". *Journal of Quantitative Criminology*, 35: 135-154.
- KIRK, David S. (2016), "Prisoner reentry and the reproduction of legal cynicism". *Social Problems*, 63 (2): 222-243.
- KIRK, David S. & PAPACHRISTOS, Andrew V. (2011), "Cultural mechanisms and the persistence of neighborhood violence". *American Journal of Sociology*, 116 (4): 1190-1233.
- KIRK, David S. & MATSUDA, Mauri. (2011), "Legal cynicism, collective efficacy, and the ecology of arrest". *Criminology*, 49 (2): 443-472.
- KIRK, David S. & WAKEFIELD, Sara. (2018), "Collateral consequences of punishment: a critical review and path forward". *Annual Review of Criminology* 1: 171-194.
- KIRK, David S. *et al.* (2012), "The paradox of law enforcement in immigrant communities: does tough immigration enforcement undermine public safety?". *The Annals of the American Academy of Political and Social Science*, 641 (1): 79-98.
- KOMATSU, André *et al.* (2020), "Contacts with police officers and changes in police legitimacy perceptions among Brazilian adolescents over time". *International Annals of Criminology*, 58 (2): 237-252.
- LIND, Edgar & TYLER, Tom. (1998), *The social psychology of procedural justice*. Springer Science and Business Media.
- MACKENZIE, Catriona. (2020), "Procedural justice, relational equality, and self-respect". In: MEYERSON, Denise *et al.* *Procedural justice and relational theory: empirical, philosophical, and legal perspectives*. London, Routledge.
- MAYER, Roger *et al.* (1995), "An integrative model of organizational trust". *The Academy of Management Review*, 20: 709-734.
- MAZEROLLE, Lorraine *et al.* (2013), "Procedural justice and police legitimacy: A systematic review of the research evidence". *Journal of Experimental Criminology*, 9 (3): 245-274.
- McLEAN, Kyle *et al.* (2019), "Legitimacy and the life course: An age-graded examination of changes in legitimacy attitudes over time". *Journal of Research in Crime and Delinquency*, 56 (1): 42-83.

- MCDEVILY, Bill & TORTORIELLO, Marco. (2011), "Measuring trust in organizational research: review and recommendations". *Journal of Trust Research*, 1: 23-63
- MEARES, Tracy. (2017), "Policing and procedural justice: shaping citizens' identities to increase democratic participation". *Northwestern University Law Review*, 111 (6): 1525-1535.
- MÖLLERING, Guido. (2001). "The nature of trust: from Georg Simmel to a theory of expectation, interpretation and suspension". *Sociology*, 35: 403-420.
- MOULE JR., Richard *et al.* (2019), "The long shadow of Ferguson: legitimacy, legal cynicism, and public perceptions of police militarization". *Crime & Delinquency*, 65 (2): 151-182.
- MURPHY, Kristina *et al.* (2008), "Encouraging public cooperation and support for police". *Policing and Society*, 18 (2): 136-155.
- NAGIN, Daniel. (2013), "Deterrence: A review of the evidence by a criminologist for economists". *Annual Review of Economics*, 5 (1): 83-105.
- NAGIN, Daniel & TELEP, Cody. (2017), "Procedural justice and legal compliance". *Annual Review of Law and Social Science*, 13: 5-28.
- NAGIN, Daniel & TELEP, Cody. (2020), "Procedural justice and legal compliance: A revisionist perspective". *Criminology & Public Policy*, 19 (3): 761-786.
- NIVETTE, Amy *et al.* (2015), "The social and developmental antecedents of legal cynicism". *Journal of Research in Crime and Delinquency*, 52 (2): 270-298.
- NIVETTE, Amy *et al.* (2019), "Evaluating the shared and unique predictors of legal cynicism and police legitimacy from adolescence into early adulthood". *Criminology*, 58 (1): 70-100.
- OLIVEIRA, Thiago R. (2021), "Violence and coercive policing: dynamics and consequences of the overpolicing-underpolicing paradox in Brazil's largest city". *Working paper*. Available at <https://doi.org/10.31235/osf.io/89jkv>.
- OLIVEIRA, Thiago R. *et al.* (2020), "Are trustworthiness and legitimacy 'hard to win, easy to lose'? A longitudinal test of the asymmetry thesis of police-citizen contact". *Journal of Quantitative Criminology*, 1-43.
- PAPACHRISTOS, Andrew V.; MEARES, Tracy & FAGAN, Jeffrey. (2012), "Why do criminals obey the law? The influence of legitimacy and social networks on active gun offenders". *The Journal of Criminal Law and Criminology*, 102 (2): 397-440.
- PICCIRILLO, Debora *et al.* (2021), "The role of police contact and neighborhood experiences on legal socialization: Longitudinal evidence from adolescents in Brazil". *Journal of Social Issues*.
- PIQUERO, Alex *et al.* (2005), "Developmental trajectories of legal socialization among serious adolescent offenders". *Journal of Criminal Law and Criminology*, 96 (1): 267-298.
- PROWSE, Gwen; WEAVER, Vesla & MEARES, Tracy. (2019), "The state from below: distorted responsiveness in policed communities". *Urban Affairs Review*, 56 (5): 1423-1471.
- PYTLIKZILLIG, Lisa & KIMBROUGH, Christopher. (2016), "Consensus on conceptualizations and definitions of trust: Are we there yet?". In: SHOCKLEY E.; NEAL T.; PYTLIKZILLIG L. &

- BORNSTEIN B. *Interdisciplinary perspectives on trust: towards theoretical and methodological integration*. New York, Springer.
- REINER, Robert. (2010), *The politics of the police*. Oxford, UK, Oxford University Press.
- REISIG, Michael *et al.* (2011), "Legal cynicism, legitimacy, and criminal offending: The non-confounding effect of low self-control". *Criminal Justice and Behavior*, 38 (12): 1265-1279.
- RIOS, Victor. (2011), *Punished: Policing the lives of Black and Latino boys*. New York, NY: NYU Press.
- RIOS, Victor *et al.* (2020), "Mano suave-mano dura: Legitimacy policing and latino stop-and-frisk". *American Sociological Review*, 85 (1): 58-75.
- ROUSSEAU, Denise *et al.* (1998), "Introduction to special topics forum: Not so different after all: A cross-discipline view of trust". *The Academy of Management Review*, 23: 393-404.
- SAMPSON, Robert J. (2012), *Great American city: Chicago and the enduring neighborhood effect*. Chicago, IL, University of Chicago Press.
- SAMPSON, Robert J. & BARTUSCH, Dawn J. (1998), "Legal cynicism and (subcultural) tolerance of deviance: the neighborhood context of racial difference". *Law & Society Review*, 32 (4): 777-804.
- SAMPSON, Robert J. & WILSON, William J. (1995), "Toward a theory of race, crime, and urban inequality". In: HAGAN, John & PETERSON, Ruth D. *Crime and inequality*. Stanford, CA, Stanford University Press.
- SCHEFFLER, Samuel. (2003), "What is egalitarianism?". *Philosophy and Public Affairs*, 31 (1): 5-39.
- SCHUBERT, Carol *et al.* (2016), "Differentiating serious adolescent offenders who exit the justice system from those who do not". *Criminology*, 54 (1): 56-85.
- SKOGAN, Wesley & HARTNETT, Susan. (1999), *Community policing, Chicago style*. Oxford, UK, Oxford University Press.
- SROLE, Leo. (1956), "Social integration and certain corollaries: An exploratory study". *American Sociological Review*, 21 (6): 709-716.
- STOUDT, Brett *et al.* (2011), "Growing up policed in the age of aggressive policing policies". *New York Law School Law Review*, 56: 1331-1371.
- STOUDT, Brett *et al.* (2012), "Contesting privilege with critical participatory action research". *Journal of Social Issues*, 68 (1): 178-193.
- SUN, Ivan *et al.* (2018), "Police legitimacy and citizen cooperation in China: testing an alternative model". *Asian Journal of Criminology*, 13: 275-291.
- SUNSHINE, Jason & TYLER, Tom. (2003), "The role of procedural justice and legitimacy in public support for policing". *Law and Society Review*, 37 (3): 513-548.
- TANKEBE, Justice. (2009), "Public cooperation with the police in Ghana: Does procedural fairness matter?". *Criminology*, 47 (4): 1265-1293.
- TAP, June Louin & LEVINE, Felice J. (1974), "Legal socialization: strategies for an ethical legality". *Stanford Law Review*, 27 (1).

- TAYLOR, Terrance J. *et al.* (2009), "Racial bias in case processing: does victim race affect police clearance of violent crime incidents?". *Justice Quarterly*, 26 (3): 562-59.
- TERRILL, William, & REISIG, Michael. (2003) "Neighborhood context and police use of force". *Journal of Research in Crime and Delinquency*, 40 (3): 291-321.
- TRINKNER, Rick. (2019), "Clarifying the contours of the police legitimacy measurement debate: a response to Cao and Graham". *Asian Journal of Criminology*, 14 (4): 309-335.
- TRINKNER, Rick & COHN, Ellen. (2014) "Putting the "social" back in legal socialization: procedural justice, legitimacy, and cynicism in legal and nonlegal authorities". *Law and Human Behavior*, 38 (6): 602-617.
- TRINKNER, Rick & TYLER, Tom R. (2016), "Legal socialization: coercion versus consent in an era of mistrust". *Annual Review of Law and Social Science*, 12: 417-439.
- TRINKNER, Rick; JACKSON, Jonathan & TYLER, Tom. (2018), "Bounded authority: Expanding 'appropriate' police behavior beyond procedural justice". *Law and Human Behavior*, 42 (3): 280-293.
- TRINKNER, Rick *et al.* (2019), "Legal socialisation in Brazil: examining the generalisability of the procedural justice model". *International Journal of Comparative and Applied Criminal Justice*, 44 (1): 7-27.
- TYLER, Tom R. (2004), "Enhancing police legitimacy". *The Annals of the American Academy of Political and Social Science*, 593 (1): 84-99.
- TYLER, Tom R. (2006a), *Why people obey the law*. Princeton, Princeton University Press.
- TYLER, Tom R. (2006b), "Psychological perspectives on legitimacy and legitimation". *Annual Review of Psychology*, 57: 375-400.
- TYLER, Tom R. & BLADER, Steven. (2000), *Cooperation in groups: Procedural justice, social identity, and behavioral engagement*. Philadelphia, Psychology Press.
- TYLER, Tom R. & BLADER, Steven. (2003), "The group engagement model: procedural justice, social identity, and cooperative behavior". *Personality and Social Psychology Review*, 7 (4): 349-361.
- TYLER, Tom R. & FAGAN, Jeffrey. (2008), "Legitimacy and cooperation: why do people help the police fight crime in their communities?". *Ohio State Journal of Criminal Law*, 6 (1): 231-275.
- TYLER, Tom R. & HUO, Yuen. (2002), *Trust in the law: Encouraging Public cooperation with the police and the courts*. New York, Russell Sage Foundation.
- TYLER, Tom R. & JACKSON, Jonathan. (2013), "Future challenges in the study of legitimacy and criminal justice". In: TANKEBE, Justice & LIEBLING, Alison (orgs.). *Legitimacy and criminal justice: an international exploration*. Oxford, Oxford University Press, pp. 83-104.
- TYLER, Tom R. & JACKSON, Jonathan. (2014), "Popular legitimacy and the exercise of legal authority: motivating compliance, cooperation, and engagement". *Psychology, Public Policy, and Law*, 20 (1): 78-95.

- TYLER, Tom R. & LIND, E. Allan. (1992), "A relational model of authority in groups". *Advances in Experimental Social Psychology*, 25: 115-191.
- TYLER, Tom R. & TRINKNER, Rick. (2017), *Why children follow rules: legal socialization and the development of legitimacy*. New York, Oxford University Press.
- TYLER, Tom R.; FAGAN, Jeffrey & GELLER, Amanda. (2014), "Street stops and police legitimacy: teachable moments in young urban men's legal socialization". *Journal of Empirical Legal Studies* 11 (4): 751-785.
- TYLER, Tom R.; JACKSON, Jonathan & MENTOVICH, Avital. (2015), "The consequences of being an object of suspicion: potential pitfalls of proactive police contact". *Journal of Empirical Legal Studies* 12 (4): 602-636.
- VON PLATZ, Jeppe. (2020), *Theories of distributive justice: who gets what and why*. London, UK, Routledge.
- WADDINGTON, P. A. J. (1999), *Policing citizens: authority and rights*. Philadelphia, Psychology Press.
- WALTERS, Glenn & BOLGER, Collin. (2019), "Procedural justice perceptions, legitimacy beliefs, and compliance with the law: a meta-analysis". *Journal of Experimental Criminology*, 15 (3): 341-372.
- WEAVER, Vesla. (2018), "More security may actually make us feel less secure". *Proceedings of the National Academy of Sciences*, 115 (39): 9649-9651.

Abstract

Legitimacy, trust and legal cynicism: a review of concepts

We review the concepts of legitimacy, trust, and legal cynicism in the context the debate about police legitimacy, discuss the extent to which these concepts relate to each other, and offer some early, speculative thoughts on a how relational model of legitimacy can extend beyond procedural justice concerns. Relying upon procedural justice theory, we emphasise the distinction between police legitimacy and legitimation: popular legitimacy is defined as public beliefs that legal authority has the right to rule (people acknowledge the moral appropriateness of legal authority) and the authority to govern (people recognise legal authority as the rightful authority), whereas legitimation is related to the criteria people use to judge the normative appropriateness of legal agents' exercise of power (e.g., the extent to which police officers are trustworthy to behave in accordance with people's normative expectations). Building on studies on legal cynicism and legal socialisation, we consider how other aspects of police conduct can send negative relational messages about people's value within society and undermine their judgements about the legitimacy of legal authority – messages of oppression, marginalisation, and neglect over the life course. We conclude suggesting avenues for future research on public-police relations.

Keywords: Legitimacy of the law; Legitimation; Duty to obey; Trustworthiness; Legal cynicism.

Resumo

Legitimidade, confiança e cinismo jurídico: uma revisão de conceitos

Revisamos os conceitos de legitimidade, confiança e cinismo jurídico no contexto do debate sobre a legitimidade policial, discutimos até que ponto esses conceitos se relacionam e oferecemos algumas reflexões especulativas sobre como o modelo relacional de legitimidade pode ir além de questões de justiça processual. Com base na teoria da justiça processual, enfatizamos a distinção entre legitimidade policial e legitimação: legitimidade popular é definida como crenças públicas de que a autoridade legal tem o direito de governar (as pessoas reconhecem a adequação moral da autoridade legal) e a autoridade de governar (as pessoas reconhecem a autoridade legal como autoridade legítima), enquanto a legitimação está relacionada aos critérios que as pessoas usam para julgar a adequação normativa do exercício do poder dos agentes legais (por exemplo, até que ponto os policiais são confiáveis para se comportar de acordo com as expectativas normativas das pessoas). Baseando-nos em estudos sobre cinismo jurídico e socialização jurídica, consideramos como outros aspectos da conduta policial podem enviar mensagens negativas sobre o valor das pessoas na sociedade e minar seus julgamentos sobre a legitimidade da autoridade legal – mensagens de opressão, marginalização e negligência pela vida. Concluímos sugerindo caminhos para pesquisas futuras sobre relações público-polícia.

Palavras-chave: Legitimidade da lei; Legitimação; Dever de obediência; Confiabilidade; Cinismo jurídico.

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