

THE REASONS FOR COMPLIANCE WITH THE LAW

Working Paper | August 2009

Margaret Levi

US Studies Centre | University of Washington
margaret.levi@gmail.com

Tom Tyler

New York University

Audrey Sacks

University of Washington

8/14/2008

The Reasons for Compliance with Law

Paper for *Understanding Social Action, Promoting Human Rights*

Harvard Law School

We wish to thank Robert Nelson for useful comments on an earlier draft. We thank the Royalty Research Fund at the University of Washington for helping to support this research.

People's willingness to comply with the law is a litmus test of the effectiveness and viability of the state. Without compliance, there is no rule of law, no matter how well the institutions and regulations are designed. Governments unable to motivate their citizenry to pay taxes, fight on behalf of the state, and generally refrain from law-breaking are unlikely to survive in the long run (Levi, 1988, Levi, 1997, Tyler, 1990). Even in established societies such as the United States, compliance cannot be taken for granted; the government must continually work to secure and sustain deference to its policies. Most governments, especially those in emerging and transitional societies, are struggling to establish a regime of widespread compliance based on legitimacy and not simply coercion.

We are concerned with one aspect of this broad question: the role of value-based legitimacy in generating and sustaining behavioral legitimacy as reflected by compliance with the law. We investigate how positive judgments of government translate into a sense of obligation and the conditions under which obligations translate into compliance with governmental laws and regulations. Our argument has two core propositions. The first is that value-based legitimacy, that is the obligation to defer to government, rests, at least in part, on evaluations that government is objectively meeting the normative criteria a citizen possesses about what government should be doing. One of the most important antecedent conditions of value-based legitimacy is the trustworthiness of government, based on positive assessments of leadership motivations, administrative competence, and, government performance. The other important antecedent is the extent to which government upholds procedural justice.

Our second proposition is that decisions of whether to comply with the law are

influenced by value-based legitimacy. Once citizens come to believe they should obey, do they obey? We argue that behavior is responsive to judgments about the degree to which the state is an appropriate political authority, entitled to be obeyed. This judgment, we suggest, is linked to how the state exercises its authority, i.e. to judgments about the justice of state procedures. While the capacity of the state to monitor and punish noncompliance also influences behavior, our concern is with the extent voluntary decisions to comply are at work.

Our conceptual model is summarized in Figure 1. We build here on arguments made in an earlier paper (Levi et al., Forthcoming). We first present evidence for our propositions and then consider the implications of our findings for the development of a rule of law that encompasses human rights.

We test our propositions using two datasets. These include cross-sectional data from the United States and cross-national survey data from Africa. In the United States, we expect to observe high levels of value-based legitimacy and a robust positive relationship between value-based legitimacy and behavioral legitimacy. However, we also expect that there will be variation based on region, race and class, given different experiences with government. In Africa, there is wide variation in terms of objective measurements of government trustworthiness and procedural justice both across and within countries. We expect to observe a positive relationship between favorable assessments of government and value-based legitimacy and between value-based legitimacy and behavioral legitimacy, but we do not expect these relationships to be as robust.

Theoretical Framework

Responsibility and obligation are the core features of theoretical discussions of legitimacy (Tyler, 2006). When members of a polity view the political authorities and institutions of that polity as legitimate, they defer to the policies they enact out of a normative sense of obligation to do so. Individuals defer to political authorities because they believe it is right and proper for those authorities and institutions to design and implement rules, and they will continue to defer even if they discover instances in which they or their groups benefit or are harmed by the rules.

It is this sense of doing what is normatively appropriate that is the essence of legitimacy. From our perspective, the key issue is whether the members of a polity judge government leaders, personnel, and institutions to be legitimate. While we draw upon the large and robust literature on the objective criterion that should be used to decide whether authorities ought to be obeyed, our analysis is psychological in nature and concerns the judgments made by mass publics within the various societies we consider. It is simultaneously a political analysis. The behavior of political authorities influences the judgments citizens make about their legitimacy, and the subsequent decision by citizens to obey governmental rules is a political choice albeit with psychological determinants.

Proposition 1: Assessments of Government Behavior as the Basis of Legitimacy

Figure 1 illustrates our conceptual model. Judgments concerning the motivations of leaders and the administrative competence and performance of government influence the extent to which citizens perceive government as trustworthy, which then has a direct effect on value-based legitimacy. Judgments about procedural justice have an independent but also a direct effect on value-based legitimacy. Having trust and

confidence in government is distinct from crediting it with procedural justice and fairness--although there may be a reciprocal relationship. We suspect that perceptions of violations of procedural justice may distort or even swamp positive assessments of government trustworthiness. The nature of that interaction is one we shall be exploring empirically.

The belief that government is trustworthy reflects the judgment that authorities are motivated to deliver on their promises and do what is right for the people they serve, seeking policies that truly benefit their societies. In countries with institutions that are perceived as effectively selecting and constraining government personnel, citizen evaluations of personal motivations are less important than their judgment that the institutions work (Hardin, 2002, Levi, 1998). Of course, the popularity of leaders can sometimes affect trust beliefs, particularly if citizens conflate liking someone with the assessment of trustworthiness. In the United States, survey evidence about trust in national government often reflects shifts in presidential popularity (Levi and Stoker, 2000). Charisma has often proved a basis for trustworthiness, helping to enhance the value-based legitimacy of those who are in fact trustworthy but also those who are not.

Given that we are most interested in exploring the development of legitimating beliefs based on reasoned assessments of motivations and given the difficulties of truly knowing what inspires a leader's decisions or when or how her personal motivations have changed, the best objective measure of the trustworthiness of the motivations of personnel is the extent to which the relevant institutional arrangements are elaborated and operative. To the extent possible with the data sets we have, we try to determine the extent to which citizen trust of government derives from citizen assessment of the quality

of the institutions in which political authorities are embedded.

A positive evaluation of government trustworthiness further depends on assessments of how well government is performing and how administratively competent it is (Cook et al., 2005, Levi, 1988, Rothstein, 2005). To the extent citizens perceive government agencies as producing the goods and services expected of government, the likelihood of feeling obliged to obey rules should increase. Citizens, who believe that government is delivering the services they expect in exchange for paying their taxes and obeying other laws, are likely to continue to comply with the law. When governments fail to reciprocate, citizens are likely to respond by noncompliance or possibly rebellion. When other citizens fail to comply in situations in which government has fulfilled its side of the implicit bargain, those citizens who feel obliged to comply may pay the costs of punishing the free riders through personal action or via government coercion subsidized by their tax payments. What we are describing is a variant of strong reciprocity as elaborated by Gintis (this volume) in which individuals are willing to cooperate but also punish the non-compliant even when it is against their narrow self-interest.

Value-based legitimacy should also be responsive to citizen judgments that government is administratively competent to produce promised policies, solve problems, and control corruption. Also critical is confidence that government will enforce laws by punishing those--be it citizens or government officials--who break them. In terms of legitimacy, coercion is important for reassuring citizens that others will be punished. It signals government competence and protects citizens from being a sucker while others free ride. Then, value-based legitimacy can operate and produce voluntary compliance. Governments that provide services and protections that bolster citizen welfare or are

quickly developing the capacity to do so should be more likely to elicit the willing deference of citizens than ineffective and poorly performing governments, *ceteris paribus*.

Procedural justice, that is the commitment of government to uphold the laws fairly and to apply them equally to all, should also enhance deference and the obligation to obey. A large body of psychological research links legitimacy to the procedural justice of government (Tyler, 2000, Tyler, 2006). A number of studies suggest that people are more likely to judge authorities and institutions to be legitimate if they exercise their authority through fair procedures. This includes neutral, rule based decision-making and respect for people and for their rights. If individuals believe that they or people like them are being treated unfairly because of discrimination or favoritism, they are less likely to develop value-based legitimacy. If they feel government officials routinely violate due process, they will have fewer reasons to respect or desire to uphold the law.

Proposition 2: The Obligation to Obey as the Basis of Compliance

Once individuals have formed judgments about the trustworthiness of government and the extent to which it is procedurally just, they then have to make a decision about whether to comply with its laws. We argue that compliance rates will reflect the strength of the obligation to comply, that behavioral legitimacy follows from value-based legitimacy. Deference, a psychological attribute, is the precursor to the political act of obedience.

Quantitative Analyses

Proposition 1:

United States

We test our two propositions using survey data collected from the United States and Africa. Our first analysis explores the antecedents of deference within the United States. This analysis is based upon a study of 1,653 New Yorkers, interviewed in 2002 concerning their views about the NYPD, as well as their law related behavior (for methodological details see Tyler and Fagan, 2008).

We first attempt to determine the factors shaping value-based legitimacy, i.e. the obligation to obey the law. To assess their sense of obligation, respondents were asked seven obligation items: “The NYPD is a legitimate authority and people should obey the decisions that NYPD officers make”; “You should accept the decisions made by police officers, even if you think they are wrong”; “It would be difficult for you to break the law and keep your self-respect”; “You should do what the police tell you to do even when you do not understand the reasons for their decisions”; “You should do what the police tell you to do even when you do not like the way they treat you”; “There are times when it is ok for you to ignore what the police tell you to do”; and “Sometimes you have to bend the law for things to come out right (reverse scored)” .¹

In addition to legitimacy, several other psychological factors are measured. First, the study assessed the perceived risk of punishment for wrongdoing. One important way that law enforcement can demonstrate competence is by creating the perception that it captures and punishes those who break the law. Another important aspect of police performance involves the ability to manage crime. To assess police performance the

perceived crime rate was measured. Finally, standard demographic factors were measured and included in the equation. Those included ethnicity; gender; age; education and income.

Procedural justice was assessed using a nine item scale. The items assessed whether the police: “Usually accurately understand and apply the law”; “Make their decisions based upon facts, not their personal biases and opinions”; “Try to get the facts in a situation before deciding what to do”; “Give honest explanations for their actions”; “Apply the rules consistently”; “Treat people with dignity and respect”; “Respect people’s rights”; “consider the views of the people involved when making decisions”; and “Take account of the needs and concerns of the people they deal with”.

For trustworthiness of government, we use self-reported trust in government. Although our conceptual model emphasizes objective indicators, these were not available for this particular study. Instead we relied on the measures commonly used to assess trust and confidence in government. We included seven items: “I have confidence that the NYPD can do its job well”; “I trust the leaders of the NYPD to make decisions that are good for everyone in the city”; “The police care about the well-being of everyone they deal with”; “People’s basic rights are well protected by the police”; “The police are often dishonest (reverse scored)”; “Some of the things the police do embarrass the city (reverse scored)”; and “There are things about the NYPD that need to be changed (Reverse scored)”.

Results

Our first concern is whether value based legitimacy derives from positive assessments of government officials acting within the rule of law. In other words, does the sense of

obligation to obey the law develop from judgments about how government authorities exercise their authority (procedural justice) and/or is it linked to the perceived ability of those authorities to effectively manage problems (competence and performance). Our focus is on two elements that are central to the rule of law – perceived procedural justice and the trustworthiness of government. In the case of the police, trustworthiness is assessed by self-report.

We find that both procedural justice and citizen's trust in government influence value based legitimacy. In fact, at least in this analysis, procedural justice and trust in government are very strong influences, while both government performance and administrative competence have no direct influence (see table 1). Among Americans, procedural justice and trust are central to judging the legitimacy of the police.

Our finding that performance and competence do not directly shape legitimacy is not inconsistent with our model, which argues that performance and competence should shape trustworthiness and, through it, should indirectly influence legitimacy. The results of an analysis of the influence of government performance and administrative competence on trustworthiness support this argument (see table 2). Our results suggest that both performance and competence influence citizens' evaluation of government trustworthiness.

The analysis presented supports the general model outlined. However, it is important to note the manner in which trustworthiness is measured and included in the analysis. Here we use self-reported trust of the type that is assessed in studies of trust and confidence in government. In our analysis of African data, we infer the trustworthiness of government from objective evaluations of its performance and competence.

Africa

Our second analysis explores the antecedents of legitimating beliefs within a wide variety of sub-Saharan African states. Africa is an especially good place to examine these issues because of the large amount of variation both within and across African countries in the extent to which governments are perceived as legitimate. Afrobarometer data surveys Africans' views towards democracy, economics, and civil society with random, stratified, nationally representative samples.²

We measure the extent to which government trustworthiness and procedural justice are related to legitimating beliefs using the third round of the Afrobarometer. Round three surveys were conducted in 2005 in eighteen sub-Saharan African countries.³ We model three separate dependent variables that tap the obligation or willingness to obey and, thus, value-based legitimacy. Specifically, respondents were asked if they agree with the statements: "the tax department always has the right to make people pay taxes"; "the courts always have the right to make decisions people abide by"; and, "the police always have the right to make people obey the law". Respondents' answers were originally coded as strongly disagree, disagree, neither disagree nor agree, agree, strongly agree, don't know and refused to answer. We dichotomized this variable from a five-point scale because we do not believe there is a substantive difference between the various categories.

We include three indicators of procedural justice that measure different dimensions of the concept. Two indicators capture government discrimination: whether respondents perceive that their government treats all citizens fairly and whether they believe their government treats members of their ethnic group fairly. We also include an

index that taps citizen perceptions of the fairness of governments' exercise of authority. This index is constructed from questions that ask respondents whether they believe the following are worse or better now than they were a few years ago or about the same: freedom to say what you think; freedom to join any political organization you want; freedom to choose who to vote for without feeling pressured; and, the ability of ordinary people to influence what government does.⁴

The combination of government performance and administrative competence equals a trustworthy government. Our measure of government performance is a dummy variable indicating whether a respondent or a household member ever went without sufficient food in the year preceding the survey. This should capture the extent to which citizens believe their government is meeting its end of the fiscal contract. In an earlier paper, Sacks and Levi (2006) find that government effectiveness in terms of the provision of infrastructure, bureaucratic services, and law and order corresponds to a higher level of food security at the individual level.

Our measures of administrative competence capture citizens' assessment of the probity of officials and the likelihood government will enforce the law. Specifically, we include separate indicators of whether respondents believe that a large portion of tax administrators, police, and judges are corrupt. Although an imperfect measure of states' enforcement capacity, Afrobarometer probes respondents on whether they believe that the state will enforce the law if a citizen does not pay taxes or commits a serious crime. Another set of questions asks respondents about the likelihood that government authorities would enforce the law if a top government official committed a serious crime or did not pay taxes.

We control for standard socio-demographic variables that can affect whether citizens defer to government authority. We have reasonably good proxies for income including whether respondents own a television, radio, car and bike, and respondents' health, age, employment, and urban or rural residence. We also control for standard country-level indicators for 2004: logged GDP per capita; logged aid per capita; logged population size; and, Freedom House's measures of civil liberties and political rights.

We estimate the effects of procedural justice and a trustworthy government on value-based legitimacy using multilevel logistic regression with random intercepts for the Primary Sampling Unit (PSU) and country levels. Because of the difficulty of interpreting multilevel logistic parameters, we focus our discussion on the point estimates of the first differences and the confidence intervals surrounding them (see table 3).⁵

First, as we expected, assessments of government trustworthiness correlate with deference to government authority. Our indicator of government performance, whether a respondent and household members went without sufficient food in the year preceding the survey, is significant at the $p < .001$ for our regressions on acceptance of the tax department's and court's authority. Enjoying food security translates into an average 1.75 percentage point increase in the probability that a respondent will accept the authority of the courts, tax department and police.⁶

There are two dimensions of administrative competence, its honesty and the extent to which it can monitor and enforce laws and regulations among citizens and elites. A perception that the government is competent and honest, as opposed to believing that the government is corrupt and unlikely to enforce its regulations and laws, translates into an average 16.33 percentage point increase in the probability that a

respondent will accept the court's, tax department's, and police's authority, respectively.⁷

Second, in support of our hypothesis, we find considerable evidence of a link between procedural justice and deference to government authority.⁸ Each of our indicators of procedural justice are significant at the $p < .01$ level. A belief that the government is procedurally fair corresponds to an average 14.33 percentage point increase in the probability that a citizen will defer to the authority of the tax department, police and courts.⁹

None of our country-level indicators including civil liberties, political rights and GDP per capita are significant at the $p < .05$ level. The most likely explanation for why we are not finding any robust country-level effects is that there is more variation in legitimating beliefs within countries than between countries. The intraclass correlation coefficient for the PSU level is significantly higher than for the country-level. For example, only 3.2 per cent of the unexplained variance in deference to the courts can be attributed to country-level factors. By contrast, 18 per cent of the unexplained variance in deference to the courts can be attributed to PSU-level factors. It is likely that we would find more country-level variation if we had a more heterogeneous sample with war-torn countries like Somalia and Sudan.

To summarize, we find considerable evidence of a link between the extent of procedural justice and government trustworthiness and citizens' perceptions of legitimacy in a wide range of developing societies in Africa. Of our three latent factors, the most important is administrative competence (16.33%), followed by procedural justice (14.33%), and government performance (1.75%). We do not find any evidence that country-level indicators including GDP (per capita), civil liberties and political rights

explain variation in deference to government authority.

Discussion

In spite of the differences in our analyses of data from New York and Africa, the results from both analyses appear to support our basic model of legitimacy. We find that across both analyses, procedural justice strongly influences citizens' judgments about government. This finding is important because it suggests that how governments exercise their authority influences their legitimacy and shapes their ability to secure widespread compliance from their citizens. Our findings also suggest that government trustworthiness and self-reported trust affect deference to authority in both the New York and Africa study, respectively.

The most surprising result is the insignificant effect of civil liberties. This may, as already noted, reflect our inability to capture internal country variations with the data available. A very different data set offers a more intuitive finding. Our analysis of the 2005 Latin American survey data (the Latinobarometer) suggests that a positive assessment of civil liberties helps to shape citizen confidence in government (see table 4). Respondents were probed on their confidence in the police, judiciary, local government or municipalities and government. They were also asked whether they agree with the following: elections are clean and not rigged; citizens are demanding of their rights, people say what they think about politics; the courts deliver justice; and, everyone receives equal treatment under the law. In general, we find a positive and significant relationship between each of these indicators and confidence in government.¹⁰ Our results are similar for the regressions on confidence in the local government, police, and the President.¹¹

Proposition 2:

United States

Previous analyses demonstrate that value-based legitimacy shapes self-reported compliance with the law (Sunshine and Tyler, 2003, Tyler, 2006, Tyler and Fagan, 2008), an indicator of behavioral legitimacy. We replicate these analyses in this paper.

Behavioral legitimacy as reflected in adherence to the law was evaluated in several ways. First, through self-reports of everyday compliance with the law. Respondents are asked to indicate how frequently they follow a set of laws ranging from life style violations to more serious crimes such as stealing and the use of drugs. Second, through self-reports from respondents about their willingness to voluntarily help the police by reporting crime and criminals and to help the police in their communities. Finally, using precinct level police data, the objective rate of felonies within different areas of the city is used as an estimate of people's rate of compliance.

Consistent with the argument we are making, people who express value-based legitimacy, i.e. who indicate feeling obligated to obey the law, indicate that they are more likely to comply with the law. Of particular interest is the finding that voluntary cooperation with laws increases when the government has value-based legitimacy. This finding accords with other studies that rely upon people's self-reported behavior (Tyler, 2006), as well as studies that assess behavior via official arrest records (Tyler et al., 2007b). Value-based legitimacy is consistently found to enhance behavioral legitimacy, i.e. obligation enhances cooperation.

Our goal is to move beyond the prior analysis of individual-level compliance. We seek to examine whether a climate of legitimacy leads to a climate of law abidingness.

We evaluate our second proposition using respondents' answers to the already outlined measures of obligation. To carry out this analysis, we use the objective crime rates reported for each of the 75 police precincts of the city of New York. We predict that those respondents, who have higher levels of value-based legitimacy, as randomly sampled respondents from their precinct, should reflect the general level of value-based legitimacy among members of that neighborhood. And, those neighborhoods in which the law was viewed as more legitimate should have lower rates of crime. In other words, as before, we argue that value-based legitimacy should shape behavioral legitimacy.

Our results support this hypothesis (see table 5). This finding suggests that value-based legitimacy is linked to the crime rate within the respondent's neighborhood, which reflects objective behavioral legitimacy. This provides evidence that the climate of legitimacy has objective consequences for a polity because it influences the general rate of rule following within it.

In our analysis, we use multilevel modeling (Raudenbush and Bryk, 2002) to control for the population size within each precinct, as well as the socio-economic character of each neighborhood. We include the following three objective measures of neighborhood wealth using census data: the percentage of families living in poverty; the percentage of families without a wage earner; and the median value of homes. These three variables are found to be positively related to precinct crime rate (see table 6). However, introducing these controls does not change our basic finding that legitimacy is negatively associated with a neighborhood's crime rate.

Taken together these findings support the argument that value-based legitimacy promotes compliance. People comply, in other words, because they feel they have an

obligation to comply. Our evidence suggests that a climate of obligation encourages a climate of compliance.

And, of course, people also comply for other reasons. For example, we have already noted that people's assessments of the state are linked to the ability of the state to create credible risks for those who break rules. As expected, we find that people view the law as more legitimate when there is a clear risk that those who break rules are punished. For example, in the analysis of self-reported compliance, the risk of punishment shapes both compliance and voluntary cooperation. Consistent with our argument risk of punishment has an especially strong influence on voluntary cooperation. This effect is also found in the multilevel model shown in table 6. If people believe that the police enforce the laws and thereby create a credible risk of being punished for wrongdoing, they are more likely to comply, as reflected in a lower objective crime rate.

Africa

Crime rates

We ask whether communities with higher average levels of legitimating beliefs have lower average crime rates in our African sample. Our dependent variable is the average of the number of times respondents within the same PSU report experiencing burglaries within the past year. Our main explanatory variable, value-based legitimacy, represents the average level of willingness of accepting the following among respondents within the same PSU: the tax department's right to make people pay taxes; the court's right to impose binding decisions; and, the police's right to make people obey the law.¹²

We model the relationship between the existence of legitimating beliefs and low crime rates at the PSU level using the second and third rounds of Afrobarometer.

Respondents were sampled from a total of 1,978 PSUs in Round 2 and 2,368 PSUs in Round 3. We include controls for the socio-demographic characteristics of communities including the averages of the following: the number of female respondents; the number of children under eighteen living in respondents' households; the frequency respondents report having had access to a sufficient amount of food within the past year; the level of respondents' education; and, the number of rural respondents.¹³ We include a variable indicating whether survey enumerators observed a police station and police within each PSU. We also include a variable indicating the average ease respondents within the same community face in obtaining help from the police. Since we are concerned with crime levels at the community-level, we aggregate the individual-level data up to the PSU level and estimate a two level hierarchical model with random intercepts for countries.

We find that those geographical units with higher average legitimacy have statistically discernable ($p < .05$) lower average crime for both rounds of data (see table 7).¹⁴ Although the findings suggest that there is an impact of the climate of value-based legitimacy upon the crime rate, this relationship is weak.

Only one of our indicators of police presence is significant at the $p < .05$ level in the round two analysis. We find that the relationship between the average ease of obtaining help from the police and the average safety of a community is positive. Our analysis of the round three data does not point to any discernable relationship between the presence of police and a police station within a PSU and the average level of crime. In fact, our analysis of round three data suggests that the relationship between a police station in a PSU and the average level of crime in a PSU is positive; in other words, the presence of a police station corresponds to a higher level of crime. This may suggest that

police across our sample are ineffective or corrupt. An alternative explanation is that in countries where the government cannot afford to provide police stations in each neighborhood, governments may reserve police stations for neighborhoods with higher pre-existing levels of crime.

To summarize, we find that a positive but weak relationship between the presence of legitimacy within a community and the average level of crime in that community while accounting for police presence and the socio-demographic character of a community. These data are cross sectional, reflecting influences measured at one point in time.

It would further advance our case if we could show that changes in legitimacy lead to changes in the rate of crime. We would need longitudinal data over a long period to be able to assess whether the strengthening or weakening of legitimacy in a community corresponds to a reduction or increase in crime. We hope to find such data and to use it to extend our analysis.

Bribes

Next, using the third round of Afrobarometer, we ask whether respondents who hold legitimating beliefs towards their government reflecting an obligation to obey the law are less likely to violate the law by offering a bribe, gift, or favor to government officials in order to access certain services. Our dependent variable is the frequency respondents offered a bribe, gift, or favor within the year preceding the survey to obtain a document or permit, a place in school for one's child a household service, medicine or medical attention from a health worker or to avoid a problem with the police.¹⁵

We include the same socio-demographic control variables and indicators of police presence and effectiveness as described in our model on crime rate. We anticipate that

when citizens face difficulty obtaining bureaucratic services, they are more likely to offer a larger number of bribes than citizens who do not face similar obstacles. Thus, we include two additional variables indicating the ease respondents face in obtaining identity documents and a place in primary school for a child. We estimate a three level model on the use of bribes with random intercepts for the PSU and country levels.

In support of our hypothesis, we find that those respondents who defer to the tax department and to the courts are more likely to have offered fewer bribes ($p < .05$) (see table 8). This finding suggests that there is a relationship between holding legitimating beliefs and following the law by rejecting bribery as a means to obtain certain bureaucratic services. The estimate for deference to the police is not significant at the $p < .05$ level. In fact, we find a positive relationship between the presence of a police station in a PSU and the use of bribes. Our results suggest that respondents who are able to obtain help from the police are less likely to offer bribes.

Given that the ability to offer bribes or gifts to government officials is related to an individual's wealth, not surprisingly, we find that the ownership of a television, bike and radio is positively related to bribes. Respondents living in urban areas are more likely to offer bribes than rural residents.

To summarize, we find a positive relationship between citizens' deference to the tax department and courts and their compliance with the law in terms of not turning to bribes, gifts or favors to obtain services from government officials. We also find a positive relationship between police presence and the use of bribes, which may point to widespread corruption within the police across the seventeen countries that are included in our sample.

Discussion

The approach we use to test our second proposition is a daunting one for any model rooted in the judgments of particular individuals. We use the combined individual responses within particular communities as indicators of the general level of value-based legitimacy within that community. We then link that generalized judgment to the level of crime within that community. Because communities differ in many ways, we adjust for factors such as the economic status of the community and the presence of effective policing (or even any policing). Of course, we recognize that these adjustments can never be complete. As a result, we think it is striking that the evidence from our samples suggests that value-based legitimacy is linked to the rate of crime.

This is perhaps most notable in the case of the New York City sample, where crime rates are drawn from police statistics. Those statistics are not linked in any way to the judgments of the respondents about legitimacy. Still in those communities in which respondents generally report higher value-based legitimacy, the police report lower crime. In the African samples, we use the respondents to tell us about the level of crime. The number of respondents who report having experienced crime or having fear of crime within a given geographical area is used to estimate the rate of crime. Again, we find that higher value-based legitimacy is associated with lower crime rates. In other words, a similar finding consistently emerges across variations in our methodology suggesting that the underlying relationship we predict is robust.

Conclusions

We have presented and tested a framework for thinking about compliance with the law.

We have found support for the proposition that value-based legitimacy is related to

individuals' assessments of their governments as procedurally just and trustworthy. In both the U.S. and in Africa, we find that positive evaluations of government on these dimensions shape judgments that government ought to be obeyed. However, we also find evidence suggesting that while citizen evaluations of government's competence and performance play a significant role in shaping legitimating beliefs, equally and sometimes more important, is the perception that government is procedurally just.

We have also found support for our second proposition: people's compliance with the law is related to their normative judgments about the legitimacy of government. Operationalizing value-based legitimacy as an obligation to defer to authorities, we show that it is linked to the level of compliance, that is, behavioral legitimacy, as reflected in indices of crime. Communities with higher levels of value-based legitimacy have lower rates of crime. This is true both in an American sample and in two multi-country samples within Africa.

The major implication of these findings for the development of human rights is that procedural justice has significant consequences for how citizens evaluate their government and, consequently, for the costs of government. Governments that are reasonably fair in how they devise and implement policies, introduce meritocracy into bureaucracy and education, offer relatively equitable access to services and protection, and provide relatively equal treatment before the law are more likely to ensure a high level of value-based legitimacy in their polities and, consequently a high level of behavioral legitimacy, *ceteris paribus*.

There are several benefits to basing political authority on legitimacy grounded in procedural justice and some respect for human rights. The principle advantage is that the

government is freed from the continual need to provide citizens with rewards or credibly threaten them with punishments to obtain desired behavior. The costs of doing so are high and may too high where there is no motivation to obey and, possibly, reason to resist (Levi, 1988, Levi, 1997). Trying to coerce compliance can even be self-defeating. Loyalty that is purchased is fleeting. As Machiavelli said long ago “friendships that are obtained by payments and not by greatness or nobility of mind, may indeed be earned, but they are not secured and in time cannot be relied upon” (Machiavelli, 1950, chapter 17).

A second advantage is that those citizens whose own values lead them to support the state are more likely to do so proactively, finding ways to do what is needed to solve problems and manage difficulties (Tyler, 2007). For example, the battlefield advantage of democratic armies is linked to the superior ability of soldiers to be innovative in adapting to battlefield conditions, as well as their greater motivation to sacrifice on behalf of their country (Tyler et al., 2007a).

A third advantage has to do with the establishment of a positive reciprocal relationship between government and its citizens. Whether it be for blood donations (Titmuss, 1971) or for other forms of contribution or compliance (Akerlof, 1982, Barzel, 2001), “gifts” are often of higher quality than coerced extractions. This is particularly the case when they derive from norms of reciprocity in which those being asked to give believe they have been treated well and therefore ought to return the favor (Fehr et al., 1998, Gintis, 2002, Homans, 1958). The evidence presented here and in other papers (Levi and Sacks, 2007, Levi and Sacks, forthcoming) suggests that when government is relatively effective and fair, its citizens are likely to come to believe that government

deserves compliance. Where such a relationship exists, there is the potential for the development of a virtuous circle. The more effective and fair the government, the greater the willingness to accept governmental authority and, therefore, the more compliance, which then improves government's capacity to become more effective and to evoke deference, which in turn increases compliance.

A procedurally fair government may also help to encourage universalistic norms, a third advantage of legitimacy. By adhering to procedural justice in its decision making processes and its treatment of citizens, governments set a standard of how citizens should treat one another. Over time, once common attitudes and actions, e.g., slavery or racism, may become unthinkable (Fiske and Tetlock, 1997, Levi, 1997). They may even come to develop a common identity that produces expectations of fair treatment irregardless of ethnic, racial, or religious traits. Parochialism (see Baron this volume) is, therefore, less likely to emerge.

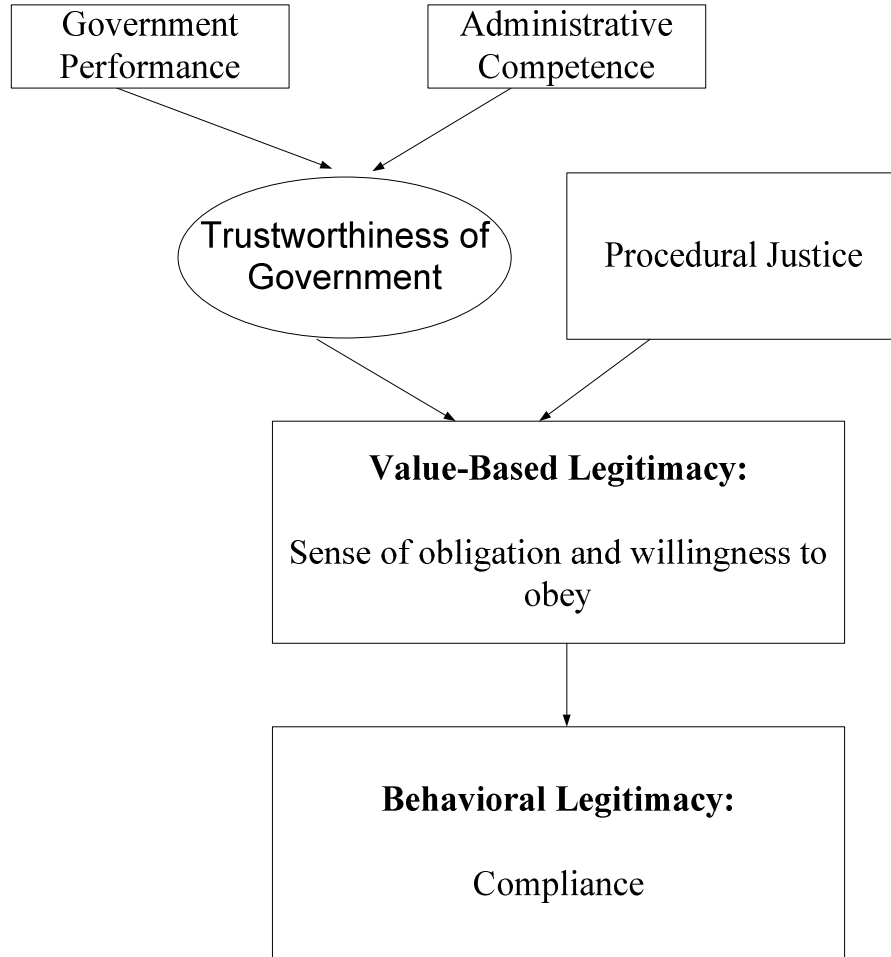
A final advantage of legitimacy is that it gives government some space when wars, natural disasters, economic downturns, or shifts in policy lead to deterioration in the quality and quantity of services or security. The more legitimate a government is perceived to be, the more likely citizens will tolerate its efforts to correct problems society is experiencing. Without legitimacy, government is both less effective and more costly.

We have further argued that governmental fairness and procedural justice, as indicated by its use of fair decision making procedures, as well as its respect of citizen rights and entitlements, is a major factor in producing governmental legitimacy. Governments have the ability to rise above their objective circumstances and create

public support through the manner in which they exercise their authority. There is a lesson here for extra-state actors—be they domestic NGOs, international agencies, or foreign governments. The provision of donations or, more directly, goods and services will have very little influence on the long-run stability of the government or the welfare of citizens unless there is also the insistence that governments treat their citizens with dignity and respect. Procedural justice in the form of human rights and government accountability are the sine qua non of governments that are most likely to be long-lasting, responsive, and effective.

Figures

Figure 1: Conceptual Model



Tables

Table 1. The antecedents of value based legitimacy

	Legitimacy
Procedural justice	.17***
Self-reported trust	.23***
Solving problems	-0.03
Enforcing laws	-0.01
Police professionalism	-0.02
Favor the wealthy?	-0.05
Hispanic vs. White	0.04
African-American vs. White	-0.01
Age	0.02
Gender	-.09**
Education	-.07*
Income	-.16***
Adj. R-sq.	19% ***

Table 2. Influences on self-reported trust.

	Self-reported trust
Solving problems	0.25***
Enforcing laws	0.09***
Professional	0.16***
Favor the wealthy?	-.19***
Hispanic vs. White	-.01
African-American vs. White	0.08***
Age	-.04
Gender	-.02
Education	0.04
Income	0.05
Adjusted R.-sq.	21%***

Table 3: Changes in predicted probability of willingness to accept government authority (Afrobarometer data, N=23,909)

	Min. to Max. (Percent)	95% Confidence Interval	
		Lower Bound	Upper Bound
<i>Tax Department</i>			
Government Performance	2.60%	1.20%	3.90%
Administrative Competence	15.00%	11.00%	18.00%
Procedural Justice	19.00%	16.00%	22.00%
<i>Police</i>			
Government Performance	0.46%	-0.62%	1.50%
Administrative Competence	15.00%	11.00%	19.00%
Procedural Justice	12.00%	10.00%	15.00%
<i>Courts</i>			
Government Performance	2.20%	0.96%	3.40%
Administrative Competence	19.00%	16.00%	23.00%
Procedural Justice	12.00%	9.60%	14.00%
<i>Average for Tax Department, Courts & Police</i>			
Government Performance	1.75%		
Administrative Competence	16.33%		
Procedural Justice	14.33%		

Table 4: Multilevel logistic regression on confidence in the judiciary (Latinobarometer data, N=19,633)		
Intercept	-2.038 ***	0.224
Car	0.076	0.046
health	0.066 **	0.022
TV	-0.003	0.063
Mobile phone	0.040	0.041
Education	0.033 **	0.011
Sewage system	-0.011	0.049
Drinking water	-0.087	0.065
Town Size	-0.044 ***	0.009
Gov't progress in reducing corruption -a lot/some	0.339 ***	0.040
No. of corrupt civil servants - 25 or less (out of 100)	0.044	0.177
No. of corrupt civil servants - 26 to 50 (out of 100)	-0.042	0.172
No. of corrupt civil servants - 51to 75 (out of 100)	-0.178	0.177
No. of corrupt civil servants - 76 to 75 (out of 100)	-0.510 **	0.172
Everyone is treated equally in country	0.069	0.074
Everyone receives equal treatment under law - agree	0.367 ***	0.045
Courts are fair - somewhat disagree	0.263 ***	0.062
Courts are fair - somewhat agree	0.601 ***	0.065
Courts are fair - strongly agree	0.682 ***	0.083
Citizen lawfulness - very/quite	0.251 ***	0.049
Citizen demanding of rights - very/quite	0.160 ***	0.040
Citizens conscious of obligations & duties - very/quite	0.051	0.043
Elections are clean & not rigged	0.314 ***	0.044
Most people say what they think about politics	0.137 ***	0.040
Courts deliver justice - somewhat disagree	0.196 **	0.074
Courts deliver justice - somewhat agree	0.834 ***	0.073
Courts deliver justice - strongly agree	1.062 ***	0.089
Random Intercepts		
T^2 (Districts) (N=526)	0.070	0.265
T^2 (Countries) (N=187)	0.152	0.390

*p<.05, **p<.01, ***p<.001

*We modeled don't know, refused to answer and NA responses. However, we excluded these results from this table to conserve space.

Table 5: Legitimacy and Compliance

	Behavioral legitimacy			
	Compliance with regulations	Compliance with laws	Voluntary cooperation with the police	Precinct level felony arrests*
<i>Beta weights</i>				
Value based legitimacy	0.10***	0.10***	0.18***	0.05*
Crime rate	0.01	0.01	0.04	0.04
Risk of Punishment	0.07**	0.07*	0.16***	0.01
Hispanic	-0.01	-0.01	-0.02	0.23***
African-Amer.	0	0	0.09***	0.26***
Age	0.19***	0.21***	-.15***	0.02
Gender	0.10***	0.12***	0.01	0
Income	0	0.02	-.11***	-.08**
Education	-.11***	-.10***	-.08*	-.12***
Precinct size	-0.03	-0.03	-.05*	-0.02
<i>Adjusted R.-sq.</i>	7%***	7%***	13%***	15%***

Note. Multiple regression analysis. Compliance measured via self-report.

Precinct level felony arrests via police statistics.

* Higher numbers of our dependent variable equals fewer arrests.

Table 6: Neighborhood characteristics and legitimacy

	Precinct level felony arrests	Std. Error
<i>Individual level data</i>		
Legitimacy	126.25 ***	31.91
Perceived crime rate	81.88 **	29.59
Neighborhood conditions	240.44 ***	31.43
Police enforcement of laws	40.52 *	20.32
Size of precinct	4.33 *	1.90
Individual level intercept	1262.76 ***	58.49
<i>FISC level data</i>		
Percentage of households below poverty leel	7202.95 ***	2218.63
Percentage of households with someone working	9542.57	3242.10
Standardized Median price of homes	0.06 *	0.03

Note. HML multilevel modeling. Weighted data. *p<.05; **p < .01; ***p< .001.

Table 7: Hierarchical linear regression on crime (No. districts = 2,638)
 Afrobarometer data (2005)

	Estimate	Std. Error	95% Confidence Interval	
			Lower Bound	Upper Bound
Intercept	12.29 *	0.33	11.64	12.95
Female	0.11	0.37	-0.63	0.86
Rural	0.13	0.07	-0.01	0.27
TV	0.02	0.14	-0.26	0.30
Car	-0.24	0.17	-0.57	0.10
Book	-0.28 *	0.13	-0.54	-0.02
Radio	0.12	0.16	-0.21	0.45
Bike	0.06	0.15	-0.23	0.36
Police present in the PSU	0.06	0.07	-0.08	0.20
Police station present in the PSU	-0.22 *	0.07	-0.37	-0.08
Easy to obtain help from Police	0.34 *	0.06	0.23	0.46
Legitimacy (Tax Dept., Police & Judges)	0.06 *	0.02	0.01	0.10
Random Intercepts				
T^2 (Countries) (N=16)	0.11	0.34		

*p<.05

Table 8: Hierarchical linear regression on frequency of offering bribes (higher #'s equal fewer bribes) (N=21,108)				
	Estimate	Std. Error	95% Confidence Interval	
			Lower Bound	Upper Bound
Socio-Demographic Variables				
(Intercept)	20.294 *	0.328	19.637	20.950
Age	0.005 *	0.002	0.001	0.008
Female	0.399 *	0.052	0.294	0.504
Rural	0.166 *	0.067	0.032	0.301
TV	-0.209 *	0.070	-0.349	-0.069
Car	-0.181	0.100	-0.381	0.019
Book	-0.060	0.059	-0.178	0.059
Radio	-0.176 *	0.067	-0.310	-0.043
Bike	-0.196 *	0.063	-0.323	-0.070
Administrative Competence				
Ease of obtaining help from police - yes	0.557 *	0.063	0.432	0.682
Ease of obtaining help from police - don't know	0.621 *	0.205	0.211	1.032
Ease of obtaining help from police - never tried	0.397 *	0.088	0.221	0.573
Police station present in the PSU	-0.223 *	0.073	-0.370	-0.077
Ease of obtaining an ID document - easy	0.563 *	0.062	0.440	0.686
Ease of obtaining an ID document - don't know	-0.059	0.215	-0.489	0.372
Ease of obtaining an ID document - never tried	0.293 *	0.109	0.074	0.511
Ease of obtaining a place in primary school - easy	0.878 *	0.074	0.730	1.026
Ease of obtaining a place in primary school - don't know	0.482 *	0.183	0.116	0.849
Ease of obtaining a place in primary school - never tried	0.311 *	0.105	0.101	0.520
Legitimacy				
Defer to Authority of Tax Department	0.127 *	0.062	0.004	0.250
Defer to Authority of Courts	0.176 *	0.066	0.044	0.308
Defer to Authority of Police	0.123	0.069	-0.016	0.261
Random Effects				
T^2 (Districts) (N=2,478)	0.895	0.946		
T^2 (Countries) (N=17)	1.409	1.187		

References

- AKERLOF, G. A. (1982), Labor Contracts as Partial Gift Exchange. *The Quarterly Journal of Economics*, 97, 543-569.
- BARZEL, Y. (2001), *A Theory of the State*, Cambridge University Press, New York.
- COOK, K. S., HARDIN, R. & LEVI, M. (2005), *Cooperation Without Trust?*, Russell Sage Foundation, New York.
- EWICK, P. & SILBEY, S. S. (1998), *The Common Place of Law: Stories from Everyday Life*, University of Chicago Press, Chicago.
- FEHR, E., KIRCHLER, E., WEICHBOLD, A. & GACHTER, S. (1998), When Social Norms Overpower Competition: Gift Exchange in Experimental Labor Markets. *Journal of Labor Economics*, 16, 324-351.
- FISKE, A. P. & TETLOCK, P. E. (1997), Taboo trade-offs: Reactions to transactions that transgress spheres of justice. *Political Psychology*, 18, 255 - 297.
- GINTIS, H. (2002), Strong Reciprocity and Human Sociality. *Journal of Theoretical Biology*, 206, 169-179.
- HARDIN, R. (2002), *Trust and Trustworthiness*, Russell Sage Foundation, New York.
- HOMANS, G. C. (1958), Social Behavior as Exchange. *American Journal of Sociology*, 65, 597-606.
- LEVI, M. (1988), *Of Rule and Revenue*, University of California Press, Berkeley: Los Angeles: London.
- LEVI, M. (1997), *Consent, Dissent and Patriotism*, Cambridge University Press, New York.
- LEVI, M. (1998), "A State of Trust". IN BRAITHWAITE, V. & LEVI, M. (Eds.) *Trust and Governance*. New York, Russell Sage Foundation.
- LEVI, M. & SACKS, A. (2007) Legitimizing Beliefs: Concepts and indicators. *Afrobarometer Working Paper* East Lansing, Michigan State University.
- LEVI, M. & SACKS, A. (forthcoming), "Achieving Good Government--and Maybe Legitimacy". IN DANI, A. & VARSHNEY, A. (Eds.) *Citizenship and Social Integration*.
- LEVI, M., SACKS, A. & TYLER, T. R. (Forthcoming), Conceptualizing Legitimacy, Measuring Legitimizing Beliefs. *American Behavioral Scientist*, Special issue on Legitimacy in the Modern World.
- LEVI, M. & STOKER, L. (2000), Political Trust and Trustworthiness. *Annual Review of Political Science*, 3, 475-507.
- MACHIAVELLI, N. (1950), *The Prince and the Discourses*, The Modern Library, New York.
- RAUDENBUSH, S. W. & BRYK, A. S. (2002), *Hierarchical Linear Models: Applications and Data Analysis Methods* Sage Publications Thousand Oaks.
- ROTHSTEIN, B. (2005), *Social Traps and the Problem of Trust*, Cambridge University Press, New York.
- SACKS, A. & LEVI, M. (2006) Effective Government and its Consequences for Social Welfare. Seattle, University of Washington.

- SUNSHINE, J. & TYLER, T. R. (2003), The role of procedural justice and legitimacy in shaping public support for policing. *Law and Society Review*, 37, 513-548
- TITMUSS, R. M. (1971), *The Gift Relationship*, Pantheon Books, New York.
- TYLER, T. R. (1990), *Why People Obey the Law*, Princeton University Press, Princeton and Oxford.
- TYLER, T. R. (2000), Social Justice: Outcome and Procedure *International Journal of Psychology*, 35, 117-125.
- TYLER, T. R. (2006), Psychological Perspectives on Legitimacy and Legitimation. *Annual review of Psychology*, 57, 375-400.
- TYLER, T. R. (Ed.) (2007) *Legitimacy and Criminal Justice*, New York, Russell Sage Foundation.
- TYLER, T. R., CALLAHAN, P. E. & FROST, J. (2007a), Armed, and Dangerous (?): Motivating Rule Adherence Among Agents of Social Control *Law & Society Review* 41, 457-492
- TYLER, T. R. & FAGAN, J. (2008), Legitimacy and Cooperation: Why do People Help the Police Fight Crime in their Communities? . *Columbia Public Law Research Paper*
- TYLER, T. R., SHERMAN, L. W., STRANG, H., BARNES, G. C. & WOODS, D. J. (2007b), Reintegrative Shaming, Procedural Justice and Recidivism: The Engagement of Offenders' Psychological Mechanisms in the Canberra RISE Drinking-and-Driving Experiment. *Law and Society Review*, 41, 553-586.

¹ The legitimacy index used was drawn from Tyler and Fagan (2008). That index assessed legitimacy using a scale that measures obligation and legal cynicism. First, it included the seven obligation items noted. In addition, respondents were asked three questions reflecting their general cynicism regarding the motivations underlying the law (i.e. low trust and confidence), questions drawn from the Ewick and Silbey (1998) legitimacy framework. These items ask people to agree or disagree with these items: “the law represents the interests of the rich, rather than the concerns of people like myself”; “People in power use the law to try to control people like you”; and “The law does not protect your interests”. The analysis reported uses this overall index because this overall scale corrects for agreement bias and is less skewed (see Tyler and Fagan, 2008). However, for the purposes of our argument here it is important to note that a similar analysis focused only on obligation similarly indicates that legitimacy leads to compliance.

² The Afrobarometer is a joint enterprise of Michigan State University (MSU), the Institute for Democracy in South Africa (IDASA), and the Centre for Democracy and Development (CDD, Ghana). For more on the Afrobarometer, see www.afrobarometer.org.

³ We excluded Zimbabwe from all of our analyses because of concerns with data quality. We also excluded Uganda from our analysis of neighborhood thefts (2005 data) since

the dataset did not come with PSU codes. Fieldwork was conducted by national research institutions affiliated with the Afrobarometer project. Samples were designed using a common multi-stage, stratified, area-cluster approach. Random selection methods were used at each stage, with probability proportional to population size where appropriate. Sampling frames were constructed in the first stages from the most up-to-date census figures or projections available, and thereafter from census maps, systematic walk patterns, and project-generated lists of household members.

⁴ A single unrotated procedural justice factor explains 51% of the common variance and Cronbach's Alpha is .83

⁵ In each case, we repeated the first differences algorithm 10,000 times to approximate a 95-per cent confidence interval around the probability of accepting the tax department's, court's and the police's authority.

⁶ Enjoying food security corresponds to a percentage point increase of 2.6, 0.46 and 2.2 in the acceptance of tax department's, police's and courts' authority, respectively.

⁷ A positive assessment of administrative competence corresponds to a percentage point increase of 15, 15, and 19 in the probability of accepting the authority of the tax department, police and courts, respectively.

⁸ The results we present in this paper are slightly different from our analysis in Levi, Sacks, and Tyler (Levi et al., Forthcoming). In this latter paper, we do not include the extent to which citizens believe the government is respecting citizens' rights as an indicator of procedural justice.

⁹ A positive evaluation of procedural justice corresponds to a percentage point increase of 19, 12, and 12 in the probability of accepting the authority of the tax department, police and courts, respectively.

¹⁰ Unfortunately, Latinobarometer does not ask respondents whether they feel obligated to defer to government authority.

¹¹ To conserve space, we left these results out of the paper. These results are available by request.

¹² For the 2002-2003 data, a single unrotated legitimacy factor explains 40% of the common variance in legitimacy and Cronbach's Alpha is .65. For the 2005 data, a single unrotated legitimacy actor explains 42% of the common variance in legitimacy and Cronbach's Alpha is .68.

¹³ We use the same variables in the regression on 2003 and 2005 with a few exceptions for the socio-demographic variables. The 2005 survey asked respondents whether they own a number of household items including a car, television, book, radio, and bike.

¹⁴ The results for the round 2 analysis are available by request.

¹⁵ A single unrotated bribe factor explains 44% of the common variance and Cronbach's Alpha is .79.

United States Studies Centre

John Woolley Building (A20)

The University of Sydney NSW 2006

T: +61 2 9351 7249 | F: +61 2 9351 6877 | E: info@ussc.usyd.edu.au

www.ussc.edu.au