

Why People Obey the Law

T O M R. T Y L E R

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CHAPTER 1

Procedural Justice, Legitimacy, and Compliance

Americans are typically law-abiding people. Compliance is never complete, however. Everyone breaks the law sometimes, and some people break it often. In recent years, for example, many people have refused to pay their taxes, used illegal drugs, engaged in illegal sexual practices, and driven when drunk. This book explores the everyday behavior of citizens toward the law and examines why people obey or disobey it.

Legal authorities know that the key to their effectiveness is their ability to make laws and decisions that will be followed by the public, so they try to act in ways that will promote public compliance with the law. On the other hand, social critics opposed to existing authority may try to promote noncompliance. An understanding of why people obey or disobey the law is therefore of interest to both legal authorities and their critics.

The first goal of this book is to contrast the instrumental and normative perspectives on why people follow the law. The instrumental perspective on the citizen underlies what is known as the deterrence literature: people are viewed as shaping their behavior to respond to changes in the tangible, immediate incentives and penalties associated with following the law—to judgments about the personal gains and losses resulting from different kinds of behavior. For example, increasing the severity and certainty of punishment for committing a crime has frequently been viewed as an effective way of reducing the rate at which the crime is committed. When policymakers think about how to obtain compliance, they often adopt implicitly an instrumental perspective.

Although the instrumental perspective has dominated recent examinations of citizens' reactions to the law and legal authorities, this study explores compliance from a normative perspective. It is concerned with the influence of what people regard as just and moral as opposed to what is in their self-interest. It also examines the connection between normative commitment to legal authorities and law-abiding behavior.

If people view compliance with the law as appropriate because of their attitudes about how they should behave, they will voluntarily assume the obligation to follow legal rules. They will feel personally committed to obeying the law, irrespective of whether they risk punishment for breaking the law. This normative

I
Instrumental
vs
Normative
Perspective

commitment can involve personal morality or legitimacy. Normative commitment through personal morality means obeying a law because one feels the law is just; normative commitment through legitimacy means obeying a law because one feels that the authority enforcing the law has the right to dictate behavior.

According to a normative perspective, people who respond to the moral appropriateness of different laws may (for example) use drugs or engage in illegal sexual practices, feeling that these crimes are not immoral, but at the same time will refrain from stealing. Similarly, if they regard legal authorities as more legitimate, they are less likely to break any laws, for they will believe that they ought to follow all of them, regardless of the potential for punishment. On the other hand, people who make instrumental decisions about complying with various laws will have their degree of compliance dictated by their estimate of the likelihood that they will be punished if they do not comply. They may exceed the speed limit, thinking that the likelihood of being caught for speeding is low, but not rob a bank, thinking that the likelihood of being caught is higher.

From the perspective of the authorities, voluntary compliance with the law has a number of advantages. If police officers and judges need to compel the public to obey by threatening or using force, they are required to expend enormous amounts of resources. Voluntary compliance costs much less and is, as a result, especially highly valued by legal authorities.

A normative perspective leads to a focus on people's internalized norms of justice and obligation. It suggests the need to explore what citizens think and to understand their values. By contrast, an instrumental perspective regards compliance as a form of behavior occurring in response to external factors. It leads to a focus on the extent and nature of the resources that authorities have for shaping public behavior.

Although both morality and legitimacy are normative, they are not identical. Leaders are especially interested in having legitimacy in the eyes of their followers, because legitimacy most effectively provides them with discretionary authority that they can use in governing. Morality can lead to compliance with laws, but it can also work against it. For example, during the war in Vietnam those who believed in the legitimacy of the government fought in the war regardless of their personal feelings about its wisdom. For others the perceived immorality of the war was a factor leading them to oppose and violate the law. With drunk driving, on the other hand, legitimacy and morality typically work together to prevent illegal behavior.

In this book I examine the extent to which normative factors influence compliance with the law independently of deterrence judgments. Data collected in a longitudinal study of randomly selected citizens in Chicago are used to examine the role of normative factors. In the first wave of the study 1,575 citizens were

interviewed about their norms as well as their behavior toward police (as well as their views about the same topic as in a panel study).



The Evaluation

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I focus in this book on the experience; I identify those who are and I examine the influence of these decisions as a whole. For example, decisions are made) and outcomes between winning and losing these judgments influences the

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interviewed about their normative and instrumental views concerning the law, as well as their behavior toward the law. A subset of 804 respondents were reinterviewed about the same topics one year later (this procedure is the basic characteristic of a panel study).

II The Evaluation of Personal Experience

The second goal of this book is to explore how people react to their personal experiences with legal authorities. Of particular importance is the impact of these experiences on views of the legitimacy of legal authorities, because legitimacy in the eyes of the public is a key precondition to the effectiveness of authorities. Changes in legitimacy will affect the degree to which people comply with laws in their everyday lives.

I focus in this book on the judgments people make about their personal experience; I identify those aspects of experience that people consider important and I examine the influence of these aspects on their reactions to the experience as a whole. For example, do people distinguish between procedures (how decisions are made) and outcomes (what the decisions are)? Do they distinguish between winning and being fairly treated? To the extent that they do, which of these judgments influences their reactions to their experience?

As before, I contrast a normative perspective with an instrumental one. According to a normative perspective, people will be concerned with whether they receive fair outcomes, arrived at through a fair procedure, rather than with the favorability of the outcomes. A normative perspective is supported to the extent that people want justice from police officers and judges, and evaluate those authorities according to whether they get it. If people have such a normative perspective, police officers and judges can maintain their authority by acting in ways that will be viewed as fair.

The recent literature on citizens' dealings with legal authorities has been dominated by the view that citizens are concerned with winning—that is, with receiving favorable outcomes when dealing with police officers and judges. An alternative, normative perspective is represented by psychological theories of justice, which hold that people care about the justice of outcomes (distributive justice) and of the procedures by which they are arrived at (procedural justice). These justice concerns are seen as acting independently of the influence of an outcome's favorability.

Imagine a person going to traffic court after getting a traffic citation. An instrumental perspective suggests that the person's reaction to the experience is based on the favorability of the outcome: if the ticket is dismissed, the person will

feel positive about the experience; if the person receives a fine or is required to attend traffic school, the reaction will be more negative. Theories of distributive justice suggest that people would like things to come out fairly—that they would like to receive the level of punishment they feel they deserve. Finally, theories of procedural justice suggest that people focus on court procedures, not on the outcomes of their experiences. If the judge treats them fairly by listening to their arguments and considering them, by being neutral, and by stating good reasons for his or her decision, people will react positively to their experience, whether or not they receive a favorable outcome.

In both waves of the Chicago study respondents who had had a recent experience with police officers or judges were asked about it, and their responses were used to identify the normative and instrumental aspects of their experience. The first wave of the study identified 652 respondents who had recently had personal experiences with legal authorities, whereas 291 of the panel respondents had experiences with legal authorities during the year between the two interviews.

It may appear to stretch the definition of the term *normative* to have it refer on the one hand to justice-based reactions to experience and on the other to issues of the legitimacy of legal authorities and the immorality of law breaking. What unites the two uses is that in both cases the reactions of people are determined by their attitudes about what is ethically appropriate, rather than by their assessments of costs and benefits.

The two normative questions raised here—whether legitimacy affects compliance, and whether judgments about the justice or injustice of experiences influence their impact—are not independent of each other. The effect of people's ethical attitudes on their behavior would be especially striking if there were a two-stage process, with people's judgments about the justice or injustice of their experience affecting their views about the legitimacy of the authorities, and these views in turn shaping compliance with the law. This two-stage model will also be explored in this book.

The Meaning of Procedural Justice

The final goal of this book is to explore the meaning of procedural justice by contrasting the normative and instrumental approaches. The instrumental view of procedural justice contained in the control theory of Thibaut and Walker (1975, 1978) suggests that people do not focus directly on the favorability of the outcomes they receive from third parties. Instead, they focus on the degree to which they are able to exert influence over third-party decisions. People recognize that to the extent they have it, control over decisions leads to favorable

outcomes. This control therefore of outcomes. Thibaut and Walker terms of the favorability of outcome instrumental model (Tyler 1986)

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gives a fine or is required to live. Theories of distributive justice focus on the degree to which people feel they were treated fairly—that they would deserve. Finally, theories of procedural justice focus on the degree to which people feel they were treated fairly by listening to their views and by stating good reasons for their experience, whether or

who had had a recent experience, and their responses were affected by their experience. The degree to which people had recently had personal experience with the panel respondents had been discussed between the two interviews. The normative perspective to have it refer on the one hand to issues of procedural justice and on the other to issues of distributive justice of law breaking. What aspects of justice are determined by procedural justice rather than by their assess-

ment of procedural legitimacy affects compliance with the law or injustice of experiences affects non-compliance. The effect of people's perceptions of procedural justice is striking if there were a two-stage model of justice or injustice of their perceptions of the authorities, and these two-stage model will also be

Justice

The meaning of procedural justice is examined in the same interviews about recent personal experience that are used to explore the impact of experience on procedural legitimacy. Those interviewed were asked a series of questions about different aspects of their experience. These aspects of experience corresponded to elements of procedural justice related and unrelated to outcome.

outcomes. This control therefore represents indirect control over the favorability of outcomes. Thibaut and Walker suggest that people react to their experiences in terms of the favorability of outcomes, which is the key characteristic of an instrumental model (Tyler 1986b).

The instrumental perspective on procedure suggests that assessments of procedural fairness are based on the favorability of the outcomes received: where people feel that they have control over decisions they believe that the procedure is fair; where they feel they lack control they believe it is unfair.¹ If judgments about procedural fairness do simply reflect the favorability of outcomes, then aspects of procedure not linked to outcomes will contribute little to an understanding of whether people feel fairly treated, beyond what would already be learned by knowing the degree to which they control decisions.²

The normative perspective on procedural justice views people as being concerned with aspects of their experience not linked only to outcomes. Normative aspects of experience include neutrality, lack of bias, honesty, efforts to be fair, politeness, and respect for citizens' rights. All these potential features of a procedure are conceptually distinct from its outcome and therefore represent values that may be used to define procedural fairness in terms not related to outcome. The extent to which people define the fairness of a procedure by using aspects of the procedure that are related and unrelated to its outcome reflects the influence of instrumental and normative aspects of experience on their judgments of whether they have received a fair procedure.

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