

*With a new afterword by the author*

**TOM R. TYLER**

**WHY PEOPLE  
OBEY THE LAW**



# Why People Obey the Law

---

T O M R. T Y L E R

With a new afterword by the author

Princeton University Press  
Princeton and Oxford

Copyright © 2006 by Princeton University Press  
Published by Princeton University Press, 41 William Street, Princeton,  
New Jersey 08540  
In the United Kingdom: Princeton University Press, 3 Market Place,  
Woodstock, Oxfordshire OX20 1SY

Requests for permission to reproduce material from this work should be sent to  
Permissions, Princeton University Press.

All Rights Reserved

Library of Congress Control Number 2005938383  
ISBN-13: 978-0-691-12673-9  
ISBN-10: 0-691-12673-9

British Library Cataloging-in-Publication Data is available

This book has been composed in Bodoni Book

Printed on acid-free paper. ∞

[pup.princeton.edu](http://pup.princeton.edu)

Printed in the United States of America

10 9 8 7 6 5 4 3 2

## Acknowledgments

---

Support for the initial collection and analysis of the data discussed in this book was provided by the Law and Social Science Program of the National Science Foundation (SES-8310199). I would like to thank the director of the program, Felice Levine, for her encouragement and support of this project, as well as of all my work on procedural justice. Additional funding was provided by the American Bar Foundation. John Heinz, its former director, arranged for this support and also helped me place the psychological issues in a legal perspective. William Felstiner, the current director of the American Bar Foundation, has continued to support this project both financially and intellectually. Finally, I would like to thank the Center for Urban Affairs and Policy Research for supporting my research, especially its former director Margaret Gordon, and the Survey Research Center of Northwestern University for collecting the data used in this book. I have received very helpful comments on the manuscript from Susie Allen, Jeanne Ferris, Lee Hamilton, Reid Hastie, Larry Heuer, Herbert Jacob, Fred Kameny, E. Allan Lind, Jane Mansbridge, Robert Nelson, Sharon Peelor, Susan Scott, Neil Vidmar, and Ellen Wright. I would especially like to thank Jane Mansbridge for her encouragement and support at several key points in my writing.

# **Contents**

---

Acknowledgments vii

## **Part One: Introduction**

---

1. Procedural Justice, Legitimacy, and Compliance 3
2. Design of the Chicago Study 8

## **Part Two: Legitimacy and Compliance**

---

3. Legitimacy as a Theoretical Issue 19
4. Measuring Legitimacy and Compliance 40
5. Does Legitimacy Contribute Independently to Compliance? 57

## **Part Three: Citizens' Concerns When Dealing with Legal Authorities**

---

6. What Do People Want from Legal Authorities? 71
7. Measuring the Psychological Variables 85
8. Does Experience Influence Legitimacy? 94

## **Part Four: The Meaning of Procedural Justice**

---

9. The Psychology of Procedural Justice 115
10. The Influence of Control on the Meaning of Procedural Justice 125
11. Beyond Control 135

## **Part Five: Conclusions**

---

12. The Antecedents of Compliant Behavior 161
13. The Psychology of Legitimacy 170

Appendix A: Questionnaire Used in First Wave of Chicago  
Study 179

Appendix B: Coefficient Alphas for Scales Used in the  
Analysis 220

Appendix C: Frequency Data 221

Notes 231

References 253

Afterword 269

Index 295

## PART ONE

---

### **Introduction**





## 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

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 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).

## **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 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.<sup>1</sup> 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.<sup>2</sup>

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.

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 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.

### **Design of the Chicago Study**

---

This book draws on the results of a study of the experiences, attitudes, and behavior of a random sample of citizens in Chicago. In spring 1984 interviews were held by telephone with 1,575 respondents for about twenty-five minutes each. A randomly selected subset of 804 respondents was reinterviewed one year later. The data are analyzed in two ways. Cross-sectional analysis looks at the relationship between attitudes and behavior measured at one point in time. Panel analysis uses the data collected at both points in time to examine the relationship between changes in attitudes and changes in behavior. Cross-sectional analyses were conducted using all 1,575 respondents; longitudinal analyses were conducted using the 804 people interviewed twice.

Sociologists have made most of the major recent efforts to understand the attitudinal antecedents of compliance with the law (see for example Eiser 1976; Grasmick and Green 1980; Jacob 1980; Meier and Johnson 1977; Paternoster et al. 1984; Schwartz and Orleans 1967; Silberman 1976). Their research has examined the role of three factors in shaping compliance: the threat of sanctions, the opinions of peers, and personal morality.

In addition to these recent efforts by sociologists, there is a long history of concern among political psychologists about the role of political factors in shaping obedience to the law. Their efforts explore the interactions of citizens' evaluations of the performance of legal authorities, their assessments of the legitimacy of the law and legal authorities, and their compliance with the law. Studies in this area have viewed legitimacy in two different ways: as a perceived obligation to obey the law, and as support or allegiance to political and legal authorities.

In this analysis I use the sociological approach to compliance as a framework for exploring the influence of legitimacy on compliance: the approach of political psychologists is integrated into the sociological framework. Within the context of this combined approach I examine which factors have an independent influence on compliant behavior. In addition, I compare the relative strengths of different influences.

Legal authorities with whom citizens have contact include the police and the courts. Rather than focus on trials, I consider the natural range of citizens' contacts with legal authorities. Although trials are a highly visible legal institution in our society that matter a great deal to those involved in them, few citizens

ever are. Most contacts with legal authorities are more informal. For example, a person may call the police for help with a problem or be stopped by the police for a traffic violation.

Although the study was designed to be inclusive, not all self-reported contacts are used in the analysis. Two criteria were used to define suitable personal experiences: (1) the individual must have had direct, personal contact with the authorities; and (2) the individual must have had a personal stake in the situation. The first criterion excluded citizens who called the police but did not know what happened in response to their call.<sup>1</sup> Based on the second criterion, being a witness or juror was not considered a personal experience. Although such experiences were personal they did not involve a personal stake in the outcome.

## **Analysis**

Two approaches may be used to measure the effects of experience: (1) studying a random sample of the general population, identified through some random selection process; or (2) studying people identified as having had experiences with the police or courts, by using court and police records or interviews in police stations, courtrooms, and prisons. In one study that used the first approach (Tyler, Rasinski, and McGraw 1985), a random sample of citizens was telephoned and interviewed about the fairness of government policies. An example of the latter approach is a study in which litigants were approached as they left misdemeanor court and interviewed in person about their experience (Tyler 1984).

This study used random sampling, for several reasons. Most important, the goal of this research is to investigate the broad range of experiences that people have with legal authorities. The most effective approach is to use a random sample of people, who have presumably had a wide range of experiences, rather than to select subjects from a few segments of the population.<sup>2</sup> Choosing subjects from police and court records also has the problem of ignoring contacts that may be important to citizens but may not appear in formal records. Random sampling increases the possibility of including all contacts among police, courts, and citizens. Finally, random sampling allows a clear separation of the survey from government agencies. Although respondents can always be promised anonymity, this promise is more likely to be believed if there is a clear separation between the authorities and the researcher.

Contact with authorities at two levels might potentially be studied. Earlier research on citizen contact with government authorities has considered agencies

of both the local and national governments. This study is concerned with the police and courts and as a result focuses on local government.

Many legal problems or disputes are resolved through informal mechanisms (Best and Andreasen 1977; Felstiner, Abel, and Sarat 1980–81; Ladinsky and Susmilch 1982) or consultation with lawyers (Curran 1977). Thus the Chicago study does not deal with the full range of social mechanisms through which people solve their problems or disputes: it examines only contact with formal legal authorities, such as the police and courts.

The design of the Chicago study presumes that mundane, everyday experiences with the police and courts influence citizens. There is considerable evidence that they do (Bayley and Mendelsohn 1969; Jacob 1971; Sarat 1977; Tyler 1984; Tyler and Folger 1980; Walker et al. 1972). In addition, a similar effect has been found in ordinary encounters between citizens and federal agencies (Katz et al. 1975). It therefore seems likely that the experiences studied will influence attitudes.

The focus on experiences also presumes that respondents have the ability to recall their past experiences accurately. The studies cited above suggest that respondents do recall at least some of their experiences; others are forgotten. The key issue is whether there are biases associated with recall—that is, whether certain types of experience are more likely than others to be forgotten. This question has been extensively studied by the Department of Justice in connection with the National Crime Surveys. Several studies suggest that within one year after a crime has been committed forgetting is essentially random (it is unrelated to the characteristics of victim or incident; see Gottfredson and Hindelang 1977; Lehnen and Skogan 1981; Schneider 1977).

In addition to the question of whether people recall an incident is that of whether the accuracy of recall changes as time passes. Gutek (1978) examined this issue by using the data of another study (Katz et al. 1975) on encounters with the federal bureaucracy and found that recall did not become substantially less accurate over time, at least not within one year.

These results suggest that respondents' reports of incidents are not systematically biased. All incidents may not be recalled, but reported incidents will reflect the population of total incidents. Further, if an incident is recalled, the memory of the incident will not substantially differ according to the time elapsed since it occurred.

There are two reasons for reinterviewing members of the initial group of respondents. First, doing so strengthens the researcher's inferences about what factors influenced compliance with the law. For example, respondents in the Chicago study were asked how often they broke the law during the year preceding the first interview: the attitudes they expressed during the interview were used in



cross-sectional analyses to deduce their behavior during the one year preceding the interview. In a follow-up interview the attitudes expressed at one point in time (the first interview) were used to predict what behavior had occurred by a second point in time (the second interview).

The second advantage of the panel design is that it enables the researcher to study experiential effects. For example, citizens judge the fairness of the procedures to which they are subject and of the outcome they receive. It must be shown that these judgments reflect the nature of citizens' actual experiences and not their prior views about the agency involved. In other words, it is important to show that all actions taken by the police are not viewed as fair by those who have positive attitudes about the police to begin with. By using panel data it is possible to examine experiences while controlling for prior expectations and evaluations.

Using a panel design raises the potential problem of losing respondents. Ideally every respondent from the first wave of interviews could be reinterviewed one year later. But some respondents cannot be found one year later, or will not agree to be reinterviewed. The key concern is the possibility that those who were not available for second interviews had attitudes or experiences different from those of the people who were available.

Previous research suggests that victims do move more than nonvictims (Reiss 1978), delinquents more than nondelinquents (Polk and Ruby 1978), and young people more than old people (Lansing, Withey, and Wolfe 1971). The Chicago study sought to lessen this problem by tracking respondents who had moved. Fortunately, it is possible to measure any biases due to the inability to reinterview respondents by comparing the panel respondents with the larger group of respondents interviewed during the first wave of interviews.

A list of all operating telephone prefixes in Chicago was used to select respondents. It was based on a list used earlier in the Reactions to Crime Project of the Center for Urban Affairs and Policy Research at Northwestern University (Skogan 1978). A computer program was then used to generate telephone numbers randomly by matching a working telephone prefix with four randomly chosen digits. Once a home was reached, standard procedures were used to select a respondent randomly within the home (according to the modification in Bryant 1975 of the approach used in Toldahl and Carter 1964).<sup>3</sup> The Survey Research Center at Northwestern University conducted interviews lasting twenty to twenty-five minutes (in English or Spanish, depending on the language of the person interviewed). The overall response rate for the first wave of interviews was 63 percent.<sup>4</sup>

The use of telephone interviews raises two potential problems. First, a less random sample of residents may be located by telephone than in person. Second, respondents may be less willing to discuss over the telephone their experiences